



No. 56B

N° 56B

ISSN 1180-2987

**Legislative Assembly  
of Ontario**

Second Session, 37<sup>th</sup> Parliament

**Assemblée législative  
de l'Ontario**

Deuxième session, 37<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Wednesday 24 October 2001**

**Mercredi 24 octobre 2001**

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers

### **Hansard on the Internet**

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

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

### **Index inquiries**

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

### **Copies of Hansard**

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

### **Le Journal des débats sur Internet**

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

### **Renseignements sur l'index**

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

### **Exemplaires du Journal**

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



LEGISLATIVE ASSEMBLY  
OF ONTARIO

Wednesday 24 October 2001

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Mercredi 24 octobre 2001

*The House met at 1845.*

ORDERS OF THE DAY

VICTIM EMPOWERMENT ACT, 2001  
LOI DE 2001 SUR L'HABILITATION  
DES VICTIMES

Resuming the debate adjourned on October 9, 2001, on the motion for second reading of Bill 60, An Act to give victims a greater role at parole hearings, to hold offenders accountable for their actions, to provide for inmate grooming standards, and to make other amendments to the Ministry of Correctional Services Act / Projet de loi 60, Loi visant à accroître le rôle des victimes aux audiences de libération conditionnelle et à responsabiliser les délinquants à l'égard de leurs actes, prévoyant des normes relatives à la toilette des détenus et apportant d'autres modifications à la Loi sur le ministère des Services correctionnels.

**The Acting Speaker (Mr Bert Johnson):** There is time left for the member for Thunder Bay-Atikokan. Do we have either questions or comments? No. Then it's further debate.

**Ms Shelley Martel (Nickel Belt):** It's a pleasure to participate in the debate tonight on Bill 60, which is a government bill, a bill that was introduced in the last session but was not dealt with and has been reintroduced by this government as of May 28, the last session being a year ago and then it was lost. The former bill was lost when the government prorogued.

I want to say that I think what we should be doing here tonight in fact is not dealing with Bill 60, the government bill, but with a bill that was put forward by my colleague Peter Kormos in June 2000—first reading introduction was June 13, 2000—and that bill is called An Act to amend the Ministry of Correctional Services Act with respect to parole hearings and the disclosure of information by the Board of Parole to ensure greater fairness and broader access for victims, inmates and others.

I say we should be dealing with Mr Kormos's bill, who is the NDP justice critic, because it is my view in reading the two bills, his Bill 89 and the government's Bill 60, that Mr Kormos's bill goes much further in ensuring that victims can attend a parole hearing, goes much further in ensuring that members of the public can

attend at the same, that members of the media can attend at the same and that there is disclosure to the victim, in particular, of information with respect to the individual who is applying for parole and information related to the case as well.

What is clear to me in reading through the two pieces of legislation is that while the government bill provides for a lot of discretion for victims to appear at parole hearings, it does nothing in law to guarantee that the same may occur. In fact, the government bill doesn't go as far as the federal legislation in this same regard. I understand that at the federal level—I won't be referring to the law tonight, but that particular law already allows victims and members of the public access to federal parole hearings and copies of written decisions, and these are issued upon request. So we have a bill which the government, with its usual bit of rhetoric, has described as a bill to provide more justice to victims, I guess is the best way to describe it, when in fact the government bill is clearly lacking and falls far short of a federal bill of a similar nature and much shorter with respect to a bill that my own justice critic placed.

Let me deal first with the government bill with respect to victims because I gather that the minister responsible, when he introduced this act, made much to-do about the fact that at this point victims would be able to participate in parole hearings. What is interesting is that if you look at the government bill—and it's only two pages long—at page 1 under section 36.1, it actually says the following: "Victims within the meaning the Victims' Bill of Rights, 1995 and other victims of offences may participate in proceedings of the board," that being the parole board, "in accordance with the regulations."

**1850**

Two key words there. The first one is "may," which does nothing to guarantee that in fact a victim will have access to a parole hearing, which is what the government claimed the bill would do when the minister debated this particular bill. The operative word is "may." There is no guarantee, there is no obligation, there is no responsibility of the parole board to ensure that a victim may be at a parole board proceeding and hear what is said, both by the criminal and by the parole board, with respect to early release. That clearly contradicts what the minister and what government members have said about this bill, that somehow it provides some guarantee. The operative word is "may" participate in proceedings.

The second problem we have is that whether or not a victim participates in those proceedings is entirely

dependent upon whatever is developed in the regulations, according to how participation might occur, for how long, who might be the victim in this case and what access to information they might be afforded. All of those issues, which clearly impact upon whether or not a victim can participate, are to be developed in the regulations. We all know that when important issues like that are developed in regs, none of the members of this assembly have any opportunity to participate in the development of the same, either to be in support, to disagree or to amend. The government, at a cabinet meeting, will bring forward these regulations, they'll be passed at a cabinet meeting, they will be gazetted, and that will be the beginning and the end of the debate. But there will be no opportunity for those important issues with respect to victim access to be actually dealt with here, and for the opposition members to put forward their point of view or potential amendments.

What is clear to me is that despite whatever the government has said, particularly the minister, about guaranteeing access to victims, giving them a right to appear at a parole hearing, nothing could be further from the truth. The government's bill clearly is discretionary. It says clearly that a victim or victims "may," not "shall," participate and then leaves it wide open in regulations as to what format will be developed, what standards, what procedures, for those victims to participate, if indeed they might be able to participate.

That's why I say I think we should work with the bill that was put forward by my colleague Mr Kormos, because the fact of the matter is that his bill actually does provide a guarantee that a victim or victims will be able to participate at parole hearings. In fact, it goes quite a bit further than that and says that members of the public generally and members of the media will also be able to participate at that same parole hearing. I think that's a really important point, because we can all point to any number of parole board decisions, some of them which, in hindsight, turned out to be not very good decisions. The problem the public has had is they have no idea what information was presented, no idea of the questions that were raised by board members, no idea of what the criminal said, and they can make no significant judgments about how decisions were arrived at with respect to that particular individual. I think there should be an opportunity for broad public scrutiny of these decisions, broad public scrutiny of what goes on now behind closed doors, essentially in secret, without any public input.

It's already clear that sentencing itself, as a process, is a very public process. It occurs in our judicial system. People are free to come and present themselves at court to hear what is said, to hear what the judgment is, to hear what the exchanges are between lawyers etc. Sentencing itself, as a part of the judicial process, is very, very public, and there seems to be, in my mind, no reason why a parole hearing shouldn't be a very public forum as well. I'm not saying it should be in court, but I'm certainly saying there should be broad public access by the media

and by interested members of the public in a community, for example, who might be afraid of someone who is going to be released or by the victims themselves, to what goes on at a parole board hearing.

Mr Kormos's bill in fact provided those kinds of guarantees for victims, for members of the media and for members of the public generally, that under this bill they would have access to that process in a very open way.

If I just refer to section 36.1 of his bill, he doesn't even strictly define "victim," which the government bill does. He leaves it open and says, "A person may apply in writing to the board for permission to attend a hearing relating to an inmate." That covers the waterfront in terms of who might apply and who can be permitted to attend. The restrictions with respect to attendance are only the following, and this is subsection (2):

"... the board shall permit the person to attend the hearing unless it," the board, "is satisfied that the person's presence,

"(a) individually or in combination with other persons who have applied for permission to attend the hearing, is likely to disrupt the hearing or adversely affect the board's ability to consider the matters before it;

"(b) is likely to adversely affect a person who has provided information to the board, including a victim, a member of a victim's family or a member of the inmate's family"—but again the operative words are "adversely affect";

"(c) is likely to adversely affect an appropriate balance between the person's or the public's interest in knowing about the hearing and the public's interest in the inmate's effective reintegration into society; or

"(d) is likely to adversely affect the security and good order of the place where the hearing is to be held."

So under any of those circumstances, the presence of the public is open. It is quite broad. It is not restrictive, as the government's bill is, because the government says specifically "victims of offences"—not the media, not the general public, not community members but victims themselves—as defined in a previous bill, the Victims' Bill of Rights, 1995.

So I am much more comfortable with the proposal that has been put forward by my colleague Mr Kormos, which does open up these proceedings to the public. I think that is in the public interest. I think there have been enough decisions made by parole boards that people have concerns with, that it would be, frankly, in all of our interests to deal with a piece of legislation that actually has those opportunities for the presence of that many people to participate. As I say, the government bill doesn't do that, which is why I think we really should be dealing with Bill 89.

Second, the government bill is absolutely silent with respect to any information that victims might be able to obtain or access; not only victims but members of the public as well. The government bill is completely silent on this issue. There is no reference whatsoever to any kind of information respecting the inmate that either the victim or victims may have, or members of the general

public or members of the media. Again, the dilemma we have is that there is a perception that there have been very bad decisions made, very horrendous decisions that have been made which have led to inmates being released and then having those same inmates commit other crimes. If we're going to give the public a sense of the judicial system, how it works and how these kinds of decisions are made, not only do members of the public need to have a right to appear at parole hearings, they also need to have a right to access some specific important information about some of these matters.

If I go back to Mr Kormos's bill, in section 36.3 he clearly outlined some of the information that could be released, specifically:

"(1) At the request of a victim of an offence committed by an inmate, the board shall disclose to the victim,

"(a) the inmate's name;

"(b) information to identify the offence of which the inmate was convicted and the court that convicted the inmate;

"(c) the length of the inmate's sentence and the date of its commencement; and

"(d) eligibility dates and review dates applicable to the inmate in respect of parole and temporary absences."

I suspect most victims would have a particular interest in that final provision: "eligibility dates and review dates applicable to the inmate in respect of parole and temporary absences."

As well, those things have to be provided; they shall be disclosed to the victim upon request. There is other information as well that the board has the discretion to provide. So under subsection 36.3(2), "At the request of a victim of an offence, the board may disclose to the victim, if in its opinion the victim's interest clearly ... outweighs any invasion of the inmate's privacy," and then it goes on to list probably seven other items that a victim could apply for and that the board could agree to disclose: the offender's age, the location of the correctional institution where the sentence is being served, the date of any board hearing related to the inmate, the date on which the inmate is to be released on parole or temporary absence, the inmate's route and destination when released on parole or on temporary absence, whether the inmate is in custody, and if not, why not, and finally, whether the inmate has appealed a decision of the board and the outcome of that appeal. So you have a situation where a great deal of information could, at the discretion of the board, be disclosed. Another whole set of information must be disclosed. But the government bill with respect to disclosure of any of this is completely silent, which leads me to assume that none of this information can be requested by a victim from the parole board.

#### 1900

There's another section that refers to the board's written decision and that a copy of that must be made available if publicly asked for etc. We have a situation where the government has come forward and said they

want to do something for victims with respect to parole board hearings. They want to make these kinds of hearings accessible or open to victims of crime. I agree that's something we should do. I regret, however, that the government bill clearly doesn't do that, and it leaves people with a false impression that the government is giving victims in particular some rights which they do not have now. That is not the case. The government bill speaks only to victims appearing at parole board hearings where they "may" participate in proceedings, not "shall." The nature under which they participate or attend is left entirely to be developed in the regulations. We will not be able to have that debate here about those circumstances and how they unfold.

Second, the government, I suspect, very generally talked about the ability of the community and the public to have more access with respect to these important matters as well. Again I point out that the government bill speaks only to victims, that they may participate at board hearings under certain circumstances. It says nothing about the ability of other community members or the media to be involved, and it's certainly completely silent on the issue of other information with respect to the inmates that shall be disclosed and that the board also has the discretion to disclose.

I think the problem the government is going to have is that instead of actually opening up what has been a very closed process, a behind-closed-doors process, some would say a secretive process, certainly a process that doesn't bode for a positive opinion in the public mind, what the government offers doesn't buy us that at all, doesn't guarantee us that at all. I think that once people go down the road of actually trying to participate at a parole board hearing and find out that they cannot, they will quickly realize that the government has not given them any rights at all.

I say we would be much better served if we were here this evening debating Bill 89, which is a bill put forward by Mr Kormos, because many of those guarantees are actually set in his legislation. It's worth pointing out that the provincial bill doesn't even go as far as the federal law, a law which does ensure that members of the public and victims have access to parole hearings and copies of written decisions.

What worries me at the end of the day is that the government, as it has done two or three times already this session, purports to be doing something for victims when in fact they are not. It reminds me of probably the most glaring example of the government doing that when this government brought in its Victims' Bill of Rights on December 13, 1995. Speaker, you would recall that there was second reading debate on the bill, that was entitled Bill 23 at that time. I just want to go back and quote some of the things that the former Attorney General, Charles Harnick, said about that bill. This was the original Victims' Bill of Rights, which the government introduced with much fanfare and said very clearly would give victims any number of new sets of rights so they wouldn't be victimized twice.

The former Attorney General, Mr Harnick, said, "We introduced this bill for first reading but a couple of weeks ago and the basis upon which this was introduced was the fact that this government will not accept a system that allows victims of crime to suffer twice, first at the hands of the criminal and second under a justice system that does not respond to and respect victims' needs." Further, "This bill meets our commitments to Ontarians to bring forward a victims' bill of rights, something we promised during the last election campaign, and it'll bring, we believe, meaningful change to the way victims are treated in the criminal justice system."

Speaker, you and I both know that the first time this law was challenged, by two women from St Catharines, the ruling was very harsh against the government. In fact, Justice Gerald Day said in May 1999, in his ruling on the government's Victims' Bill of Rights, the following: "I conclude that the Legislature did not intend for ... the Victims' Bill of Rights to provide rights to the victims of crimes. The act is a statement of principle and social policy, beguilingly clothed in the language of legislation. It does not establish any statutory rights for the victims of crime."

We know that after that most embarrassing disclosure for the government, the government has yet to bring forward a Victims' Bill of Rights, despite the promise that the Premier made in 1999 as a result of this most embarrassing situation, when clearly a judge in the province of Ontario condemned outright the meaningless act the government had brought forward, allegedly on behalf of victims.

So I say we could find ourselves with another situation where this bill does the same. It holds out a promise of something for victims; it holds out a promise that they will be able to participate in parole hearings, when in fact the first time the legislation is actually tested, they may well find they have no rights in this regard, because the language that appears in this short government bill is completely discretionary and provides no guarantee whatsoever that victims can participate in parole board hearings.

**The Acting Speaker:** Comments and questions?

**Mr Ted Chudleigh (Halton):** I was interested to listen to the speaker's comments as she talked about this act. She did a lot of comparisons between the member for Welland-Thorold's proposed legislation and this particular act. As we enter the hour when our competition is Vanna White, I thought it was interesting that the comparison was of some age. If my memory serves me, it was two years ago that Mr Kormos introduced his bill.

**Ms Martel:** June 13, 2000.

**Mr Chudleigh:** A year and a half ago. It was at about that time when we started talking about how best to serve the people in our correctional institutes. I think it's important that we remember that recidivism in Ontario is extremely high, and unless we start doing something to encourage these people to change their living habits—I don't think we are going to change their habits when they come out of jail, and 60% to 70% to 80% of them go

back into jail. That is a totally unacceptable number. We've got to provide them with some opportunity to change their lives, change their habits, change the way they live and the way they look at life in order to have any success in rehabilitating these people and making them a useful part of society again, which I think should be the goal of any correctional institute.

**Mr Steve Peters (Elgin-Middlesex-London):** I want to compliment the member from Nickel Belt for her presentation this evening. In her usual very thoughtful and well-researched way, I think she demonstrated a number of the positives that are in this bill, but also a number of the flaws that are in this legislation in front of us this evening.

I think it's important to recognize the report that was released in the year 2000, *A Voice for Victims*, by the Office for Victims of Crime. She made reference to that. Some of the issues we are dealing with in this legislation in front of us this evening have come out of that report.

But I think too we need to recognize that there are failings in this legislation. This is a government that prides itself and loves to prance around and say it's a law-and-order government. There are many other things and many other initiatives that need to be taken: in one case, this government has failed in responding to *A Voice for Victims*, in the fact that there hasn't been the establishment of a standard that would mean that all Ontarians would have access to an adequate level of victims' services.

One positive that I will say in this is the recognition of the work that our corrections staff does in these institutions. It's important that we do everything we can to support the corrections staff. That is a positive in the establishment of the zero tolerance policy toward any violence against our corrections staff, because we know that this corrections staff has been very much abandoned by this government. I compliment the member from Nickel Belt.

**1910**

**Mr Tony Martin (Sault Ste Marie):** I want to commend the member for Elgin-Middlesex-London for recognizing the fact that the member for Nickel Belt actually does present here on every occasion some very thoughtful and well-researched commentary on pieces of legislation before us. Again tonight she has taken at least three documents and compared them, and showed that in fact what we have here is a piece of legislation that is really duplicating other efforts and work done by people in this place.

Some of you will remember that we were here last week discussing another bill, about the proceeds of crime, which was a duplication of a bill that one of their own members put forward. So one has to ask the question, why are we doing this? Why is it every week now, it seems, we stand in our places here and debate bills, usually on crime and punishment, hot-button issues for this government, that in fact are simply a replication of work that somebody else has done? What is it that this government has against recognizing that other people,

even some of their own members, have done some excellent research work, putting together pieces of legislation that will in fact do the thing they are saying in the preambles and forewords of their bills, and just moving with them? I don't know that it takes away from the effort that they're trying to perform here or the support they're trying to give to victims of crime.

The only other conclusion I can come to is that the government has nothing else to do. I mean, the Premier has stepped down; he said he has done everything he came here to do and it's all over. So is this what we're to expect for the next however many months?

**Mr Doug Galt (Northumberland):** I was interested in the comments made by the member from Nickel Belt. I'm actually very surprised that she, along with other members of her caucus, wouldn't be enthusiastically supporting such a bill as this. This is about looking after victims. It's empowerment. As a socialist, I would think that would be a top priority, looking after victims. I'd hate to see them fall into the same category as the Liberals, of being soft on crime and hard on victims, but that's the impression I'm getting.

One of the number one priorities of our government has been public safety. For example, just a year or two ago we hired an extra thousand police officers to serve across this great province of Ontario. We've made significant moves in the Harris government to create safer communities. Our government is really about the support of victims.

For example, we've created a Victims' Bill of Rights; we've expanded some of the victims' programs; we're launching an Office for Victims of Crime. These are some of the things we've been doing, but it's interesting that this bill is also giving powers to those in corrections to monitor telephone calls. Sometimes the harassment doesn't stop just because they go to court and end up convicted and serving a term in jail. They still have a telephone that's there for the purpose of rehabilitation, but sometimes it's misused, and presently the corrections officers have no power to do anything about this. I think that's very unfortunate. This bill would indeed give them powers to monitor and even ban those kinds of conversations.

Just in closing, I'd like to quote from an MP from New Zealand saying, "Nobody can justify giving criminals the power to continue to harass people from within jail cells." I agree with that.

**The Acting Speaker:** The member for Nickel Belt has two minutes to respond.

**Ms Martel:** I appreciate the comments that were made by all members. Let me begin by saying the following: The reference to victims in this two-page bill is pretty scarce. The reference that I focused on, because it's really the only one, is a reference that says victims "may" attend at parole hearings, not "shall." To try and tell the public tonight that the government is guaranteeing that victims will have some kind of right to participate at parole hearings is absolutely false. There is not one

single new right being granted to victims under this two-page bill.

Secondly, I agree with the member from Haldimand-Norfolk-Brant: everyone wants to be sure that we can deal successfully with the rehabilitation of inmates and that we reduce the likelihood of inmates, when they come into the community, reoffending. The problem is the bill doesn't say anything about dealing with rehabilitation. The bill talks about ensuring that prisoners look proper—you know, have a proper haircut. It says absolutely nothing about concrete rehabilitation, whether that's anger management programs, drug and alcohol treatment programs—absolutely zero about what the government's going to do in concrete terms to make sure that when inmates go back into the community they are not a safety or security risk. This government has not brought forward any initiatives with respect to increasing funding for any of those programs since they've been the government, either. So let's not pretend or fool anyone tonight by saying this bill has something to do with rehabilitation. It just does not.

With respect to this government's dealings with victims, there will be a legacy. That legacy has to do with the Victims' Bill of Rights, which a justice in this province has already condemned. The government's Victims' Bill of Rights provided no rights to victims at all. It was completely meaningless. I think this government will wear that reality for a long time to come.

**The Acting Speaker:** Further debate.

**Mr Chudleigh:** An Act to give victims a greater role at parole hearings, to hold offenders accountable for their actions, to provide for inmate grooming standards, and to make other amendments to the Ministry of Correctional Services Act. Yes, it's two pages, but it's a mighty two pages, because I believe that it's going to accomplish a lot of what is said in the title of Bill 60. It's to give victims a greater role in parole hearings. This is something that has long been promised, talked about or thought about in Ontario.

Yes, it says that the victim "may" appear at the hearing. Certainly, some victims may choose not to. They may choose to put that phase of their life behind them and walk away from the terrible experiences, perhaps painful experiences, that they had at the scene of the crime when that actually happened. But if they wish to, they can appear at that hearing, and they will be given standing at that hearing and transportation to the hearing site. They will be provided for when they get there. Those are all things that are provided for within this bill.

The other part of the bill that I'd like to spend some time on tonight is the holding of offenders accountable for their actions, another very important part of talking about the correctional institutes of Ontario and how they respond to the needs of the people who are incarcerated in those places. I'd like to talk about that a little bit tonight as well. After all, making people responsible for their actions has been part and parcel of growing up in a society. It's only when people take on that responsibility for their actions that they truly achieve adulthood, self-

sufficiency and a standard that is acceptable to the majority of society.

A third part of this act is the further protection of staff in the correctional institutes. I might say that I have a correctional institute in the riding of Halton. We refer to it locally as the Milton Hilton. I believe it is the largest facility for prisoners in Canada at the current time. I saw the member from Kingston lift up his ears, but I believe this facility is larger than any single facility that you may have; although in your community, if you put them all together—

**Mr John Gerretsen (Kingston and the Islands):** We have seven.

**1920**

**Mr Chudleigh:** Seven—if you put the seven together, you might have a higher population than I would have. Of course yours are federally based; in Halton, they are all provincially based.

Let's talk about the Victim Empowerment Act for a minute, the overview of the legislation. The Ontario government is strengthening victims' rights and creating safer communities by implementing tighter regulations on inmates through the Victim Empowerment Act. The act is designed to empower and protect victims and to keep a closer watch on inmates and their activities.

Public safety is the top priority which brought this bill to its current place. The government of Ontario has taken steps to ensure that inmates don't compromise public safety in any way. This legislation, if passed, will be an important tool to help create safer communities, and that's a big issue in the riding of Halton. There's always concern that we are housing a large number of inmates in our community.

Over the course of a year, I get precious few telephone calls expressing concerns about some issue with inmates. We have very few escapes. We have extremely small interaction between the inmates in the correction institute and the public at large. By and large, most of that takes place in the interaction between the staff of the jails and the inmates. Most of the staff live within an easy commuting distance of the facility, so most of the contact with the community is through the staff.

The government has supported victims through all stages of the legal process. We created a Victims' Bill of Rights so they are present and have standing at a trial. We've expanded victims' programs to ensure that they get consultation when and where needed. We've made it easier to bring civil suits against offenders in order to recapture lost property or lost value for the victims. We are launching an Office for Victims of Crime staffed by crime victims and front-line justice professionals so that consultation process can continue throughout the period of incarceration or the trial or whichever phase it happens to be at. The proposed legislation, if passed, would also allow victims to participate in Ontario Board of Parole hearings.

It would also permit the government to implement technology to monitor and block, if necessary, inmate calls to third parties. It was a shock to me to find out that

inmates occasionally pick up the phone and call their victims and there was nothing being done in our jails to prevent this rather disgusting process from taking place. This bill will provide an avenue to stop that from taking place, because public safety is our top priority.

In speaking to victims and their families, we have learned that the effects of a crime do not necessarily end when the trial has ended. We know, for instance, where some offenders have harassed their victims through telephone calls, letters and mailings from jail as they await trial or as they are serving their sentences. Just because a person is behind bars doesn't mean they are beyond the arm of the law, certainly not. It's just plain wrong that they be allowed to harass victims or plot illegal activities while staying in the custody of the province of Ontario.

Currently, the Ministry of Correctional Services Act is silent on the issue of monitoring inmates' telephone access in provincial institutions. While phone call access is provided as a privilege to assist in offenders' rehabilitation and reintegration into the community, there is certainly no consistent way to regulate phone use or, more importantly, to regulate to whom inmates make phone calls. Under the proposed legislation, the ministry would implement regulations and policies that would allow correctional institutions to block and monitor, where necessary, offending telephone calls to third parties.

Calls to victims and persons suspected of planning criminal activities would be specifically targeted by this new technology. Third parties such as victims may request that telephone calls from inmates be blocked. The blocking of offender calls to victims would eliminate victims' potential exposure to further threats and abuse during custodial hearings. Blocking and monitoring of inmate telephone calls where necessary may also improve employee and inmate safety within the institution by reducing the incidence of contraband and other criminal activity that may be planned during telephone conversations.

This has taken place in other jurisdictions, such as New Zealand, which introduced new laws that would allow for this monitoring of offending telephone calls. The change came after it was discovered that some inmates were abusing their telephone privileges. A local MP in New Zealand has stated, "Nobody can justify giving criminals the power to continue to harass people from within jails."

There has been some concern expressed about the constitutionality of the monitoring of phone calls. The fact is that it is being done in other jurisdictions, both in Canada and the United States, which monitor telephone calls. Correctional Service of Canada does it. Saskatchewan, Manitoba and British Columbia all use telephone monitoring in the delivery of correctional services. I believe this will be a great boon to the ability of this government to maintain people in jail and to keep them out of harm's way, particularly those people who have been their victims in the past.



I'd like to mention just a few words about the grooming standards that we have introduced in this bill. There has been some comment made that these grooming standards aren't going to do a lot to improve an inmate's activities in jail. However, many of these people in our correctional institutions haven't had the opportunity to live a structured life, have never been exposed to the concept that for every action there is a reaction. So to take someone in a situation like this and introduce to them a structured way of life perhaps forms new habits, and as those habits form and become enconced in that person's way of living, those kinds of things can carry over as they leave the facility and rejoin society. That carrying over may give them some structure, as they have learned in the correctional facility that there is a reaction for every action they take. If they fail to present themselves in an acceptable way—which may be important or may not be important—if that's the rule and they have to live by that rule, they get used to living by rules. As they re-enter society, society has all kinds of rules, and they may find it easier to follow the rules of society as opposed to their own whims, which may lead them into that cycle of recidivism that brings them back to the facility, which no one wants to see: it costs the taxpayers money to keep them there and they themselves are certainly not very happy there.

All of those things—learning a trade, learning a skill—will lead to a changed life and a changed way of conducting themselves as they move down life's road, and hopefully they can become a more productive part of society. I'm not saying that grooming standards by themselves are going to create all of that wonderful thing, but they are an intricate part of the kinds of things that people will have to get used to in a correctional institute and start changing their habits from within. Without that kind of activity, I don't think we're ever going to get to lowering our recidivism rates, which are unacceptably high in Ontario.

The other part of the bill which I think is very important is the one that protects staff. Guards in our correctional institutes are certainly some of the people in our society to whom we should be very grateful. They keep these people who are a danger to society incarcerated. Without their devoted help, without their skill, without their understanding of how these facilities work, society would be a much more difficult place to live in. Because this act is taking steps to give more protection to staff, allowing them to take more action against threats, against physical abuse that has no place in our society, people will learn that if they take these actions, they're going to lose the rights they have. They're going to lose the opportunity for parole. In the future, they're going to lose some of the things they have come to expect in these facilities.

Again, that will go a long way to changing some of the life habits these people have, as they haven't had the opportunity to live those structured lives up until the point they find themselves in jail. Moving down that road is an important part of trying to change those habits and

trying to get these people to understand that being a productive part of society is a far happier lifestyle than the one they've been leading. I'm very pleased to see this act coming in and I'll be very pleased to support it.

1930

**The Acting Speaker:** Comments and questions?

**Mr Mario Sergio (York West):** I'll just comment very briefly on the presentation by the member from Halton with respect to the content of the bill as it in front of us.

I think both sides of the House are looking at the interests of a victim of crime. One of the major things that's missing in the bill as we have it now is a province-wide standard to safeguard the rights of victims, and I think this would be important. This would be one area where we should be appeasing the people of Ontario when it comes to saying, "I am a victim of crime and what are my rights?" I think those rights, those entitlements, those standards, should be for all of the people of Ontario and not strictly for one particular area. If we were to make those necessary changes in the bill, it would be going a long way to assure the people of Ontario that indeed the government wants to make a bill that is much tougher and tighter and would bring the awareness of its content to all of the people of Ontario.

The bill deals with a number of minor things and most of those are already included in federal laws, especially when it comes to security of people in jail. What we're missing as well, and which the bill does not touch on, is the security that we offer to the general public, because we don't have enough trained officers where they are needed. This is a concern which has been expressed as well by our auditor, and so far we haven't seen the government take any action with respect to that particular recommendation.

These are just a very few areas where we have concern with the bill. Other areas are already included within federal law. I would say to the government, let's have a good look at it.

**Ms Martel:** I listened with interest to the comments that were made, specifically the comments with respect to what guarantees were provided to victims in this bill. The members certainly said that victims will be given standing, will be given rights and that the bill does all of these things. The problem is that the bill does not, and that's the point I've been trying to make. The bill very clearly says "may" participate in proceedings—that is, victims—but the circumstances under which victims participate, if they do, are all subject to regulation. We have absolutely no idea what the form and set-up is going to be to allow this to occur. Is it a single victim, a number of victims? Can they go for the whole duration? Are they allowed to ask questions? Will there be a guarantee that the government will provide them access to get there if they cannot do that on their own, especially if the parole board hearing is somewhere far from a community that they live in?

All of those issues are going to be developed in the regulations, where MPPs will have absolutely no ability

to participate, give input, give comment or make recommendations, oppose or agree with. It seems to me that if the government wants to very clearly say to victims, "You shall have an opportunity to participate," the government would be well advised to outline all that in the government's own bill and not leave that to the whims of whomever to be passed whenever by regulation.

I encourage the government again to go back and take a look at the bill that was put forward by my colleague Mr Kormos, because it actually does set out those kinds of circumstances. I think the government would be in a much better position to give concrete examples of who can participate, under what circumstance, when and why, to give assurance to the public, and to victims in particular, that they will really have an opportunity to participate.

**Mr Ernie Hardeman (Oxford):** It's a privilege and a pleasure to get up and commend the member from Halton for a very well-researched speech and presentation on Bill 60. Having reviewed the bill somewhat myself, I was pleasantly surprised as to some of the good things that are in it that I hadn't fully thought out. The members opposite were talking about how it's only a two-page bill, but the fact is that it does so much for victims, who will have the ability to be part of parole hearings and to make sure that their concerns are heard and their feelings are taken into consideration. It deals with the offenders who are in the institutions, to make sure we give them all the assistance we can in rehabilitating them and bringing them to a lifestyle where they can come back out into society and become productive members of society. It does a number of other things, such as providing more protection for our workers within the institutions, as they deal with offenders.

All those things are very important, and I just wanted to commend the member for the research he's done and the fact that he explained the bill so well for those who had not yet read the bill and will now understand the benefit it will bring to our society when, I'm sure, all the members of this Legislature support the bill and bring it to the law of this province.

**Mr Peters:** There is something this government could do to help out some victims and corrections officers in this province, and that would be to call a public inquiry into the events that took place at the Elgin-Middlesex Detention Centre in my riding in February 1996. This is a very serious issue. These are victims. You talk about victims here—we've got corrections officers who were true victims of this government and the Minister of Correctional Services.

I'd like to know who knew what when. There were individuals who were wrongfully fired, there were unfounded allegations, documents were shredded and telephone messages were erased. The minister has never accepted responsibility for that.

If you really, truly want to do something for victims of crime, why don't you expand this piece of legislation here and include in it the need for a public inquiry into what took place at the Elgin-Middlesex Detention

Centre? I think, as much as we've called for a public inquiry into what has taken place at Ipperwash and Walkerton, which you bent over and agreed to, this is a truly serious situation. The minister at the time, Minister Runciman, and his staff have abdicated any responsibility for what took place at the Elgin-Middlesex Detention Centre.

There are individuals who had to go through court, who lost their jobs and who have lost their seniority. These are true victims. If the government is so bent and determined to help victims and corrections officers—they are taking steps forward in this legislation, there are some positive steps being put forward—call a public inquiry. The citizens of Elgin, Middlesex and London and those corrections officers would love to see a public inquiry called, because we know that this government abdicated its responsibility in looking after those individuals.

**The Acting Speaker:** The member for Halton has two minutes to respond.

**Mr Chudleigh:** I'd like to thank the members for York West, Nickel Belt, Oxford, and Elgin-Middlesex-London for their comments. I'd particularly like to thank the member for Oxford, since his comments were by far the kindest.

However, as to the comments concerning the way in which the bill is structured and the regulations that are to come, I believe this has been the way in which we have introduced the vast majority of bills that have come before this House. When you go two, three or four years down the road and you're working with a piece of legislation, all of a sudden there's something in the legislation that needs a little twiggling, a little change, and something isn't working quite right. Maybe technology has moved ahead of where we are now or perhaps something like that has to be done.

If you have to bring the legislation back to the House to implement that change, it's a very time-consuming and difficult process that may take many months, and perhaps years, to accomplish. That's why most of the ways in which this bill actually operates are in regulations in the act. That is why we're being very clear about victims' rights, and talked about victims' rights and what they'll be able to do. They'll have standing at a hearing and they will have transportation to that hearing. Everything will be done to ensure that their emotional plea will be there at that parole board, along with the emotional pleas of the other people who are involved in that process. It's also, as the member for Elgin-Middlesex-London said, the protection of staff in this bill that is extremely important.

**1940**

**The Acting Speaker:** Further debate?

**Mr Gerretsen:** Let me just make reference to a couple of comments that have been made. I'll start with the comments made by the member from Halton. He and I agree on the fundamental concept that the only way you'll ever see a change by many of the offenders in our society is by having good, sound rehabilitation programs. I'm not sure whether we're talking about the same kind of programming, perhaps, but let me just say this: in

coming from a community that has seven large federal penitentiaries in its riding, I can say without any hesitation that both the federal government and the provincial government, in their dealings with offenders, have sadly lacked adequate, efficient, useful rehabilitation programs. We all mouth the right words. All governments in the past 30 or 40 years talk about rehabilitation to get the criminal element and the nature of the criminal mind changed somehow so that they do not reoffend, but from a practical viewpoint, and having been in some of the institutions and worked with some of the inmates from time to time, the amount of actual effective rehabilitation that's going on in this country at both the provincial and the federal level is sadly lacking.

We say they're being rehabilitated, but what actually happens is not that at all. I blame all governments in the past, both federally and provincially, for that. If we're really serious about wanting to change the criminality of the people involved in that, we'd better start putting a lot more of our resources into it.

There are at least some programs that are starting, and some of them have been around for a long period of time. You would be amazed, for example, in federal institutions at how many of the inmates are involved in some sort of upgrading of their educational skills. The member from Essex and I had an opportunity to go through Kingston Penitentiary this summer, and there were some programs going on there that I suppose the average person on the outside isn't really familiar with. I'm sure the same thing is happening in other institutions as well.

That is a step in the right direction. But much more has to happen if we really want to reduce the recidivism rate, because the theory on it is very simple: if somebody broke the rules of society by committing a criminal act before they went into prison—and that's what gets them there in the first place—how can we possibly expect these people, after having spent two to five to 10 years there without any sort of effective rehab programs in the penitentiaries or the provincial system they're involved in, to come out after that period of time and somehow be good-behaving citizens? They failed the first time and they don't get any effective rehabilitation, so they're doomed to fail the second time.

This isn't a problem that this bill is going to solve. It's going to take an effort by an awful lot of people, a lot of goodwill by a lot of people and a lot of resources. But that's the only effective way if we're ever going to deal with that situation, and we certainly have to deal with that if we really want to do something about that situation.

Let me also say that the general public who may be watching this must be awfully confused. They know the criminal laws in Canada are basically set by the federal government. They also know that, at the provincial level, we have some jurisdiction in that regard, and our penal institutions, or our—what do we call them at the provincial level? Not penitentiaries, but—help me out. What do we call penitentiaries at the provincial level? We don't call them penitentiaries. The institutions we have at the

provincial level basically only affect individuals who have been sentenced for two years less a day.

The hardened criminals, the people who commit the crimes we all read about in the paper, are usually in the federal system. They're not in the provincial system. Yet from looking in on the provincial parliamentary channel from time to time, the average person in the general public must think it must be totally and completely a provincial responsibility, because we seem to be dealing with a lot of these tough-on-crime bills that this government has become well-known for. Yet most of the changes in the laws that we really want to take place have to take place at the federal level.

If we really want to do something for victims of crime, then we had better start dealing with some of the issues that have been raised in this House. Ipperwash is a perfect example. It's a situation that occurred six years ago in September of this year. There are victims involved, people who have lost a loved one. The family of Dudley George, who died in that, are the victims. Why has there never been a public inquiry into that? We don't seem to be concerned about the victims of that particular crime—or at least the government by not calling an inquiry.

I have a situation in Kingston where a young girl, a seven-year-old girl, was killed or was murdered or died—I don't want to make any prejudgement whatsoever. For a long period of time the mother was charged with that offence, and at the last moment the charges were withdrawn because she could have been killed by a pit bull, which very few people had heard about before. It's the case of Sharon Reynolds. I've presented petitions in the House with respect to that particular case.

There's a victim. The family is a victim of what happened in those circumstances. Why aren't we holding an inquiry? I've requested that an inquiry be held by the Attorney General into why the trial of that matter was all of a sudden cancelled or not proceeded with. The mother who was charged with those crimes lived under the burden of that charge for two years, and all of a sudden the charges were withdrawn.

What I'm saying is that there are many victims of crimes in many situations where we feel something ought to be done by way of a public inquiry—it applies to Ipperwash; it applies to the Sharon Reynolds case—where this government, which wants to do something for the victims of crime according to this legislation, really has not acted in any way, shape or form.

So I say to this government, yes, this bill is a step in the right direction. I think it's a good idea that individuals who have been victims of offences have a role and participation in parole board hearings. But, as has already been pointed out tonight, there is absolutely no guarantee in this bill that that will happen, because the bill specifically says they "may" participate. I know the government members will say you cannot force a victim of crime to participate in a parole hearing, and I agree with that. If somebody does not want to participate, you cannot force that on them. We all agree with that.

But the “may” in this clause can also be interpreted as meaning that the Attorney General or the Crown prosecutor or whoever is involved in the parole hearing may not necessarily include the victim of that crime in those hearings. If they want to do it in such a way that the victim cannot be forced to participate, they could have said, for example, that a victim of an offence “may at his or her discretion” participate in the proceedings. That way, it’s not mandatory but only if the person really wants to. But the way it’s written in this bill, there is absolutely no requirement on the crown to include the victim of the crime in a particular board hearing.

#### 1950

In the research I did when I knew I was going to speak on this bill, I came across the Canadian Statement of Basic Principles of Justice for Victims of Crime. These basic principles were adopted by the federal and provincial ministers responsible for criminal justice issues. In the few minutes I have, let me just read you some of the basic principles that all the provincial ministers and the federal minister have agreed on.

The first principle is that “Victims should be treated with courtesy, compassion and with respect for their dignity and privacy and should suffer the minimum of necessary inconvenience from their involvement with the criminal justice system.” Quite often in the past, victims of crime weren’t necessarily notified by crown attorneys as to when the individual who committed the crime against them would be brought before the courts, or certainly what kind of communication it should be wasn’t standardized across the province. This is a good principle.

The second principle in these Basic Principles of Justice for Victims of Crime states that “Victims should receive, through formal and informal procedures, prompt and fair redress for the harm which they have suffered”—a laudable goal.

The third principle is that “Information regarding remedies and the mechanisms to obtain them should be made available to victims.” In other words, victims should know about what the remedies are for them. It is great to pass a law, but if the people out there who may be affected by it do not know they have certain rights, then really the law is totally meaningless to them. They have to know what the remedies are and what redress they can seek.

Fourth, it states that “Information should be made available to victims about their participation in criminal proceedings and the scheduling, progress and ultimate disposition of the proceedings.” They have a right to know what happens to the person who perpetrated the crime against them.

Fifth, “Where appropriate, the view and concerns of victims should be ascertained and assistance provided throughout the criminal process.” I think it’s very useful for crown attorneys to know exactly what the attitudes of the victims are in the manner in which they proceed with the criminal charge.

Sixth, “Where the personal interests of the victim are affected, the views or concerns of the victim should be brought to the attention of the court, where appropriate and consistent with criminal law and procedure,” which is much like number 5.

Seventh, “Measures should be taken when necessary to ensure the safety of victims and their families and to protect them from intimidation and retaliation.” The member from Halton has already spoken about that, and the bill speaks to that as well. There should be some monitoring of phone calls, for example, to make sure that phone calls aren’t being used to further criminalize the victims. Certainly the seventh principle of justice for victims of crime addresses that.

Eighth, “Enhanced training should be made available to sensitize criminal justice personnel to the needs and concerns of victims and guidelines developed, where appropriate, for this purpose.” I think all of us are sometimes guilty of sort of having a basic—how shall I put it? We know what our job is, and therefore we do it very quickly. The same thing applies to the professionals in the criminal justice system. But quite often the person who may only be involved with the system every now and then may not have the same knowledge and may be left on the outside looking in, not really knowing what’s going on. What this talks about is an obligation on the individuals who are involved in the criminal justice system to make the victims aware as to exactly what is happening and how the criminal proceeding is proceeding through the judicial process.

Ninth, “Victims should be informed of the availability of help and social services and other relevant assistance so that they might continue to receive the necessary medical, psychological and social assistance through existing programs and services.”

We’ve talked about this in the past, that it’s extremely important that victims of crime be given the resources to deal with however they are affected by the particular situation. Certainly this ninth principle speaks about that.

Tenth, which is the last principle, is, “Victims should report the crime and co-operate with the law enforcement authorities.”

That is almost a given, but I think it also speaks to the fact that people are sometimes reluctant, particularly if they don’t have the same knowledge base of how the process proceeds within the criminal justice system as those people who are daily involved in it.

These are very good principles. I would hope that the government, in bringing forward legislation in this area, will keep these principles of justice for victims of crime as a prerequisite guideline, to make sure that any new legislation adheres to these principles.

While I was surfing the Web, I also came across an item—I see that I’ve got less than five minutes left so I will just glance through this very quickly. These are frequently asked questions by people who are involved with the system, who are victims of crime. Again, we cannot assume they have the same knowledge as people who are involved in the system on an ongoing basis.

For example, here's a question: "I was mugged and viciously assaulted, and my wallet and jewellery were stolen. The police have laid charges against the person who did this, and the case is going to court soon. Do I need a lawyer to make sure this person doesn't hurt me again?" A very legitimate question. People have these concerns. The answer of course is no, you don't necessarily need a lawyer: "You should not need your own lawyer. The police will charge the accused person with offences based on the information they gather in their investigation. In court, the crown prosecutor, sometimes referred to as the crown attorney ... will handle the case." But that's a question that people have had. I've had those kinds of questions when people have been assaulted and victimized in crime: do they need a lawyer, necessarily?

It gets even more basic: "Who is the crown prosecutor and is he or she my lawyer?" the victim's lawyer. The answer is, "The crown prosecutor is not your lawyer in the same way as an accused has their own lawyer.... He or she may also be called a crown attorney in different parts of Canada," but they are responsible for prosecuting criminal cases on behalf of the state not on behalf of the victim necessarily.

"If I need information about my case, where do I go?" as a victim. "When charges are first laid against an accused, the matter will be in the hands of the police. You should make sure that you know the name of the officer dealing with the case and the file number," so you can contact them. Then after a while, the case gets referred to the crown prosecutor, and you should know who that is as well, or you have a right to know who that is.

"Will I have to testify?" and, if so, how often? "As the victim of the crime you will be one of the main witnesses or the only witness," and yes, you will have to testify if a not guilty plea is entered.

"What is a victim impact statement?" We hear more and more about that these days. "It is a written statement made by the victim of a crime that describes the harm done to the victim and more generally the effect that the crime has had on his or her life. The statement is given to the judge who is sentencing the offender to take into account when considering the sentence the offender will receive."

"How do I make a victim impact statement?" Usually the crown prosecutor or someone from the office will help in that regard.

"As a victim of domestic violence can I prepare a victim impact statement?" The answer is, "Yes. The law states that any victim of any crime can prepare a victim impact statement."

It goes on to a number of other questions. I certainly won't go through this. It also talks about restitution orders, when a judge makes a restitution order. It basically means that if there is any money recovered it will go to the victim, but not necessarily if there is a fine imposed. That money goes to the state. I would suggest that anybody who may be interested in this go to the Canada justice site, under [www.canada.justice.gc.ca](http://www.canada.justice.gc.ca). That deals with this whole issue of victims of crimes and

the frequently asked questions that people who, hopefully, may only be involved as a victim of crime once in their lifetime quite often have, because they are simply not familiar with the system on an ongoing basis.

**2000**

So I say to the government that this a step in the right direction. This bill certainly doesn't give anybody the right to appear at a parole hearing, because the word "may" is used rather than "shall," but at least it will give the victims of crime, hopefully in most cases, a greater input and a greater say.

It is absolutely imperative that if we want to live in a society where we respect the rights of the individuals that we respect the rights and our obligations to the victims of crime. This is a step in the right direction, but I would again say to the government to take that further step and make their involvement in the laws, in the whole area of victims of crime, as meaningful as possible.

**The Acting Speaker:** Comments and questions?

**Ms Martel:** I have appreciated the comments that have been made by the member for Kingston and the Islands, specifically the comments that focus again on the fact that the government has the discretion with respect to whether or not victims actually are able to participate at parole hearings. There is nothing guaranteed. I think it's very much in the government's interest to do whatever it can to amend this legislation to make sure there is a guarantee.

I don't buy the government argument that the process around which someone can participate is a process that can only be done by regulation. The explanation that was offered up by a government member earlier was that things change, we may want to come back and make some changes to that, and it may take months, even years, to make amendments to something that's already in the law.

Look, we all know if something's a priority the government gets it on the legislative agenda and away we go. The question is, is it a government priority? I really disagree that the government has not made any effort whatsoever in this legislation to outline to us even what they're contemplating with respect to this particular section. I think we'd be much better served and, frankly, so would the public and so would victims, if much of that appeared in the law.

I say again, amendments to any law are a question of the government's priority: if it's a priority, it comes to the top of the legislative agenda and it gets dealt with; if it's not a priority, then it doesn't get dealt with. Frankly, that already happened to the previous bill. It was such a priority for the government that it was lost when the Legislature prorogued, so the government had to bring in a new bill. It really is a question of what they want to do and what assurance they want to provide to victims that there will be some guarantees about their participation.

In the same vein, I think we should take a look at the federal law or Mr Kormos's bill and put in the law some of those areas around disclosure of information that are already contained in the federal statute and Mr Kormos's

private member's bill. That would give the public a much greater sense that they are going to be able to obtain information that they believe they have a right to, not only with respect to the inmate but with respect to release date, etc.

**Mr Chudleigh:** You know, occasionally some really scary things happen in this House. In fact, it was so scary that I had to check the table to make sure the date was October 24 and not October 31 when the witches and goblins and ghosts of Queen's Park walk these halls. But, I find myself today—this is the scary part—agreeing with the member for Kingston. I had to pick up the bill. I reread it—skimmed it quickly. Yes, it's the bill I thought it was, and the member and I agree on this bill. The member pointed out that rehab of—

*Interjection.*

**Mr Chudleigh:** Mark it down on the calendar, John. It's a point when we've agreed on something.

Rehabilitation of the inmates or the prisoners in our facilities is a very important part and until we get that right, we're never going to get the recidivism rate down. I think we could find an easier word to say than "recidivism." To serve the people who are there, to ensure that they have an opportunity to get on to a better life, to change their ways, rehabilitation is a very important part. Although this is a small step, it's a step in that right direction beginning that process.

The other comments the member made concerning victims and the misunderstandings they have, the fear they have that justice may not be done in this case, or "How do I ensure that justice is done?"—I've had people in my constituency office who have had difficulties when cases have been put off or delayed, and it's gone back two and sometimes three times, and they say, "What's going to happen? This person is going to be dismissed without serving any time. I'm at risk here." They're scared because they don't understand that process. That's why victims' help lines are in place with this bill and with our victims' rights bills.

**Mr Peters:** I want to commend my colleague from Kingston and the Islands for his great job at giving us some overview of the legislation we have in front of us tonight. I want to take this opportunity to speak about a true victim of crime. He fits into a number of categories within this legislation. He's a victim of crime, but he's also a corrections officer, two issues that this legislation deals with. This gentleman's name is Roland Carey. This relates back to an incident that took place on February 29, 1996, at the Elgin-Middlesex Detention Centre. This was a terrible time. I made reference earlier to document shredding and people being forced out of their jobs, but I just want to go on the record with some issues of why I think a public inquiry needs to be called as to what took place at the Elgin-Middlesex Detention Centre on February 29, 1996.

In my office I have a signed sworn statement by a gentleman by the name of Neil McKerril, assistant deputy minister of corrections. It talks about this famous Sunday meeting. This famous Sunday meeting came

about because documents were being shredded at the Elgin-Middlesex Detention Centre. Catherine Hunt, the assistant to the minister at the time, Bob Runciman, was there, and she was fully aware of what was going on. Do you know what they did? You talk about victims of crime and true victims; Roland Carey is a victim. Do you know what these individuals did on that famous Sunday morning? They put a number of names into a hat, pulled the names out of the hat and decided which managers were going to be charged. Carey, Johnson and Ogilvie: these were officers who were charged with offences against unnamed offenders, and no evidence was given in that regard.

Roland Carey is a true victim of this crime and a true victim of this government because Roland Carey chose not to roll over, play along and follow the rules. He fought, he was acquitted, but Roland Carey was a scapegoat. After five and a half years, this government owes the people of Ontario, in particular the people of Elgin-Middlesex-London, a public inquiry.

**Mr Martin:** I don't think there's anybody in this place who doesn't think we should be doing as much as we can to make sure victims of crime are dealt with in a way that speaks to the need for restitution, their involvement in whatever sentencing goes on re the perpetrator of the crime and that we make every effort collectively, together as a Legislature, to ensure that that in fact happens. However, the track record of this government where that kind of thing is concerned pales in comparison to the rhetoric we hear from them through the communications strategy that comes out with each one of these initiatives, and to the meetings and level of public discourse they have around the issue of victims of crime and being tough on crime. I suggest that most of this, including this bill, is more of an effort by this government to play on the emotions of people where crime is concerned to gain political advantage but really not ever to do anything of any substance.

We've had bill after bill brought forward by this House to be put out there into the public, and somebody comes forward to use it and take advantage of it and it's discredited, either in front of the courts or even before it gets to the courts, as people explore just exactly what is there to assist them in their attempts. In this instance we have a bill that's two pages long that portends to give victims a right, but in there it says "may." If this government were interested at all, it would take the bill by my colleague from Niagara Centre and move it forward.

**The Acting Speaker:** The member for Kingston and the Islands has two minutes to respond.

**2010**

**Mr Gerretsen:** I'd like to thank the members from Nickel Belt, Sault Ste Marie and Halton and my colleague from Elgin-Middlesex-London for their comments. By the way, I'm glad to see the member from Halton agrees with me on the rehabilitation side, but—

**Mr Alvin Curling (Scarborough-Rouge River):** He has to.

**Mr Gerretsen:** He may not have to, but I'll tell you, in the long run, from a purely economic viewpoint, it is to the advantage of all of us that the recidivism rate gets as low as possible and that fewer and fewer people return to jails, prisons and penitentiaries of this country. Federally, I know it costs a minimum of \$80,000 to \$90,000 per year to keep an inmate there. It would be to our advantage that there be as few inmates as possible. That's just from a monetary viewpoint. I know you people on the other side are always so very much interested in that. It's not even taking into account the social factors.

What I think is very important for the government to implement in this bill and in its other victims of crime legislation is to deal with the recommendation as put forward by the voice of victims: that there be province-wide victims' service standards. That is absolutely essential. You cannot have the system operating extremely well in one part of the province and be neglected in another part of the province. I think it's very ironic that in this legislation you didn't deal with this whole notion of having the same service standards for victims of crimes across the province. Perhaps you can still do it by way of regulation. I would certainly implore the minister and the parliamentary secretary to do that, because the people of Ontario have to understand that they will be dealt with equally when they are victims of crime, in the same way across the province.

**The Acting Speaker:** Further debate?

**Mr Martin:** I appreciate the opportunity to speak yet again tonight. It seems it was only last Wednesday that I was up with my colleague from Nickel Belt addressing and participating in debate and discussion on another bill where victims of crime were concerned, yet another bill that really wasn't intended to do anything of any real significance that would commit this government to putting resources into actually taking action on behalf of people. We see this over and over again in this place as this government continues to hit those hot buttons that it has identified as so absolutely necessary to maintain itself in office and to attract the attention of a group of people out there who continue to see them as the best thing to happen to Ontario since sliced bread.

I want to say to you tonight and to the folks out there that there is a lot more that is disturbing about these bills coming forward these days than just the fact that they either do nothing or duplicate work that has already been done by other good members of this place. Last week we had a bill that duplicated the work of Cam Jackson; this week we have a bill that duplicates the work of my colleague Peter Kormos from Niagara Centre. The cynicism that ultimately comes about by people who actually try to take advantage of some of these pieces of legislation is probably the most troubling part of all of this. We have people out there who have been genuinely hurt in some very tragic instances of perpetrated crime who want to move forward in a process of, yes, making sure that the perpetrator is put away so he doesn't hurt anybody else, and also that this person who has hurt them gets the kind of rehabilitative, restorative support and

help they need. They want to make sure that happens, even to the point of wanting to be at some of the meetings that take place during this person's incarceration, which revolve around things like day parole or passes or probation. I think we all understand that and support that need of all the people who are involved when crime happens. We should be doing everything here to make sure that happens, that opportunity continues to be there for that to happen.

We on this side will certainly support legislation that will effectively answer some of those real needs. I think that's no more obvious than my colleague Mr Kormos, who put forward a bill in June 2000 that spoke to the very issue we're dealing with here today. It's some five or six pages, compared to the bill we had tabled here just recently, which is no more than two pages.

I guess what I want to put on the record here tonight, and I think I probably speak on behalf of my colleagues and my caucus in this, is that when you do this, when you put forward a bill, a piece of legislation, and with it send messages out to the larger public that you're attempting to do something to support and help and encourage victims of crime to participate in the restorative nature of the justice system, and then at the end of the day they find out, as was the case where the Victims' Bill of Rights was concerned, and Justice Gerald Day, in ruling on a case that was brought forward, had this to say: "I conclude that the Legislature did not intend for the Victims' Bill of Rights to provide rights to the victims of crime. The act is statement of principle and social policy beguilingly clothed in the language of legislation. It does not establish any"—any—"statutory rights for the victims of crime," I think what you sow are the seeds of cynicism.

When you sow the seeds of cynicism, you whittle away, you hammer away, at the foundation upon which our whole justice system is built. We should not be surprised, then, if people out there have no faith, do not believe, do not support, have nothing but critical and negative things to say, are angry or afraid where the issue of perpetrated crime and justice and their ability to participate in some restorative practice or process is concerned. They simply walk away and do not work with us to make this system better, to lend their experience, their very strong emotion, commitment and understanding to this whole process to make it better.

I think that's really unfortunate. I know in my own community there are a number of very good and committed people who want to be involved in the process of doing justice, of making sure that through the whole process of charging somebody, bringing them through the court procedure, the sentencing and ultimately the playing out of that sentence and all the meetings that take place to decide where that person is or isn't going to go and eventually re-enter society. They want to be involved, but they want to be involved in a way that is meaningful, that isn't a waste of their time and energy, that doesn't belittle in some way their own experience.

At the end of the day—and I think this is the most important part of all this—is a process of restorative justice where they feel that what was taken away from them in this perpetrated act has been somewhat replaced, and in some instances that they've grown from this event to a point where they can not only get on with their lives, but get on with their lives with the feeling that they've done something, they've made something good out of something so obviously bad and in some instances very tragic. Those people want to believe that government is interested in what they have to say. Those people want to believe that government is keenly concerned about their experience. When they see and read and hear of the lack of purpose and opportunity that exists in some of these pieces of legislation, they walk away shaking their heads, no longer willing to participate.

**2020**

We can, though, always do the right thing. I'm never without hope. I'm not the kind of person who gives up easily. So tonight I stand here with my colleague who has spoken already, to say to this government that if you really want to do something in this instance, if you want to make this bill reflect what's in the preamble, if you want to make this bill actually amount to something and provide victims of crime with some real opportunity to participate, then you might want to go back and take a look at Bill 89 and build on that. Perhaps invite the member from Niagara Centre to come in to your office and have a discussion about how his bill might be further developed to deal with some of the issues you think need to be dealt with, or to work with your bill so that, at the end of the day, he is satisfied that the work he has done has contributed to some movement forward, some progress in the area of victims of crime actually having some part to play in the restorative justice process that needs to happen in instances where people get hurt.

I say to the members, as I said last week, that it's never wrong to say, "I don't have all the answers." It's never wrong to admit that maybe in partnership with other people we might be able to do something that's better. It's never wrong to admit that perhaps somebody else has already done something that fits the bill, and maybe we should be adopting that and pushing that forward as theirs and our own.

As a matter of fact, I would suggest that some of the best things that have happened over the years to make this province the place it is—so supportive of families and communities, such a wonderful opportunity for those who choose to come and live here to better themselves and their lives—some of the institutions that we've developed to support the quality of life we all enjoy, have been done co-operatively, have been done when government sees itself as an arm of the larger community out there. When the government sees the role of opposition less as an irritant or something it has to get beyond or ignore or simply deal with in some often dismissive way and sees the potential and the possibility that's there if we all work together to do something that, when it's processed, when it's taken out to the public, when people

have a chance to look at it and respond to it and be critical of it and bring forward their own suggestions for improvements, we do our best work. I suggest, as I said a second ago, that a lot of those things that we now hold out as sacred, as representing the best of democracy, that which we hold so dear, that which others out there in other jurisdictions aspire to, have been done in that atmosphere of co-operation and working together. That's not what we're getting here.

I hate to be doing this and to be the one always, I guess from a cynical perspective, suggesting that maybe what this government is about isn't necessarily improving the processes and the situation in this province where supporting and helping people is concerned, whether it's people in need of our help in the social assistance field, whether it's people in need of our help where education is concerned or where health care is concerned, whether it's people out there trying to make a living who belong to labour organizations, or whether it's people caught up in the justice system—that in fact we're not really trying to help them, that we see them more as an opportunity to make political points, so if it's politically expedient and helpful and furthers our agenda to see them more as hot buttons, as somebody we can attack, pick on and take advantage of for our own political gain, then we do that. You do that. You do that consistently. It happens here time and time again.

People who watch this place and hear me speak know that almost every time a bill comes forward here, there is something in it that is of that nature. The member for St Catharines, when he's here, talks about it as a hostage. I've often talked about some of the legislation that this government has brought forward as a Trojan Horse. It looks great on the outside, very exciting and attractive. It grabs all of our attention. We're mesmerized by it. The communication package that goes out, the public relations package that goes out, is of the best quality, because they have at their disposal, both as a political party and as government, unlimited resources to do that. So they send it out and everybody out there thinks it's the greatest thing since sliced bread because it usually appeals to something in them that's of a nature that speaks to anger or fear, the lowest common denominator—resentment against some person or some group.

We could all do that. We could build a society built on that, and we know of societies out there around the world today that have built their communities and their institutions on just that kind of thinking. We don't like it, and the people who have to live within those jurisdictions don't like it either.

So I say to the government and to all of us here that it doesn't serve us well to be continually and constantly looking for scapegoats, looking for hot buttons, bringing forward legislation simply because perhaps we have nothing else to do; we have nothing else to bring forward. So we look around at the usual suspects, we pick one or two, and we develop a two-page bill that really does nothing and we table it so that we can have that debate in here where you can get up and talk about how terrible the



people who are targeted in this legislation are and how we need to be tougher on them and how we need to challenge them to do the right thing and be responsible for themselves and how they are the bane of our existence. If we could only get them to do the right thing, if we could only get them out of the way, if we could only get them to change their attitude, how much better off we could all be and how much better off the systems that serve people could be.

**2030**

But alas, as I said, that doesn't serve us well, and I think the government should be honest about what they are trying to do here and proposing to do. If it's that they just have nothing else to do, they should say so and perhaps call an election. The Premier announced last week that he was stepping down, and in his announcement one of the things that surprised me was his statement that he had done everything he had come here to do. I don't know what that says to you, but it certainly says a lot to me. He says that he's the leader, he's the guy setting the agenda, he's the one pushing the program here for this government, and if he's announcing that he has done everything he has come here to do, then I would guess that means there is nothing left to do. So the government is going through, you would think perhaps, all of the bills that sort of got stacked over the last six or seven years that were in some instances just way too outrageous to have made the priority list. We're beginning to see some of them come forward here these days. With some of them it's not necessarily how outrageous they are; it's just that they don't do anything.

There are a lot of backbenchers over there who don't have a whole lot to do, which I know from some of the initiatives and announcements and communications that have come out of some of the groups they've formed to keep themselves busy, like the gas busters and the crime commission. The list goes on and on of groups they've pulled together to look at varied and sundry things and come forward with some wacko, crazy ideas and useless initiatives to, in their understanding, make things better but that at the end of the day really don't do anything. I would ask the government again to take a look at that. Please don't waste our time here.

You have a bill here. We know what you want to do; at least at face value we know what you want to do. If you really want to do what you say you want to do with this, you would take this bill, the bill that was put forward on June 13 last year on by the member for Niagara Centre, and make it the centre of this very important work. As I started out in my few comments here tonight, I don't think there is anybody in this place—on any side of the House in any of the parties—who doesn't want to better the lot of the victim of crime in this province, who doesn't want to do whatever it takes to involve them in the restorative justice process for the perpetrator and to be involved in those decisions. That's all I have to say. Thank you very much. I'll be looking forward to further debate.

**The Acting Speaker:** Thank you. Comments and questions?

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):** First of all, I want to commend the member for Kingston and the Islands. A little while ago he spoke about the penitentiary services. This gentleman knows what they are because he had seven federal penitentiaries in his riding.

Ce projet de loi est identique au projet de loi 171, projet de loi présenté à l'automne 2000 par le ministre du temps, le député de Lanark-Carleton. Je me demande s'il est vraiment nécessaire de présenter ce projet de loi aujourd'hui.

Le fédéral a déjà un système en place. Les normes ont toutes été établies en travaillant ensemble avec tous les ministres de services correctionnels du Canada dans chacune des provinces, dont celui de la province de l'Ontario. Un rapport intitulé *La Voix des victimes* a été remis au gouvernement en l'an 2000. Ce rapport faisait la recommandation que les victimes doivent avoir droit de parole lors d'audiences concernant les actions disciplinaires qui doivent être prises.

Nous avons plutôt décidé de concentrer, de travailler afin de privatiser nos prisons dans la province. Je crois que la privatisation actuellement occupe beaucoup ce gouvernement, et tout démontre que ce n'est pas toujours la meilleure façon. Aux États-Unis, avec la privatisation, nous avons connu des personnes qui se sont sauvées, comme on dit, qui ont pris la fuite des pénitenciers, avec des augmentations de 32 % depuis la privatisation.

Nous connaissons aussi que notre service de privatisation manque souvent de formation. Je crois que si nous ne regardons pas à la formation, nous allons avoir un jour de la difficulté.

**Ms Martel:** I appreciated that the member for Sault Ste Marie reminded me and the rest of us that it was not too long ago that we were here debating a bill that allegedly gave some rights to victims, and that in fact what the government proclaimed the bill was supposed to do to give some rights and benefits to victims was not etched in stone. If you look at the government bill we were dealing with that night—it was Bill 69—there was nothing in that law that guaranteed that people who were victims would receive proceeds from any kind of video, movie, book, release or public appearance undertaken by a criminal, that guaranteed a criminal could go out and do that and portray his or her story, make a whole whack of cash off that exercise and under the government's bill that money would automatically go to the victims.

We pointed out time and time again during the course of the debate that evening that there was nothing in government Bill 69 that guaranteed that for victims. In the section that talked about payments out of the account the government was going to set up to hold these proceeds, the government "may make payments out of the account," not "shall," not "is obliged to," not "has a responsibility to," but "may"—the Minister of Finance might, if it moved him that day to do so. What was also important was that any extra proceeds could be used by

the government for any kind of purpose outlined in the regulations.

That night I heard members from the government side talk about all this money that was going to go to victims, guaranteed, and when you looked at the legislation you found that was completely untrue, completely false. It was dishonest to tell people that.

The point we're making here tonight is don't tell people, victims in particular, that they're going to have some access to a hearing, because the law we're debating tonight, the current bill before us, doesn't provide that guarantee at all. If you want to do that, look at Mr Kormos's bill and amend it accordingly.

**Mr Bob Wood (London West):** As the House is aware, the reason for the provisions in this bill is to try to reduce the instances of repeat offences, and I think all the provisions of this bill are going to be helpful in that regard.

One thing I hope the member may do when he responds to the comments that are made is to answer a few questions: does he favour the provision in the bill to make regulations providing for standards of professional ethics for persons employed in the administration of the act? Does he favour being able to prescribe grooming and appearance standards for inmates? Does he favour the provision that provides for the monitoring, intercepting or blocking of communications between inmates and other inmates or inmates and other persons?

I also would be interested to know whether he favours the provision of the bill that makes it clear that the fact an inmate or young offender is alleged to have committed an offence under an act of Canada or of Ontario does not prevent internal disciplinary procedures from being taken against him or her in accordance with the regulations under the act.

All the key provisions in this bill are oriented toward reducing repeat offences, and I hope that when the member comes to reply to the questions and comments he will answer the questions I just put on the record. We have some good, specific ideas in this bill that I think are going to help in reducing repeat offences. I'd like him to tell us point by point whether or not he favours the provisions in the bill. If he doesn't favour them, I'd like him to tell us why he doesn't think these are going to be helpful in reducing repeat offences, because surely that is the bottom line.

That's what we're trying to achieve in corrections. I'd be interested in the input of the member for Sault Ste Marie on those points.

**Mr Sergio:** I have just a couple of comments to add to the presentation of the member for Sault Ste Marie. As well, I take in good stride the comments from the member from London as to the content of the bill. Yes, indeed, there are some specific areas the bill is presenting that are very acceptable, but we would like to see it expanded so that security is really visible and enforceable.

One area that I think is good is that a positive recommendation is about to come—I hope it will come—

to allow the victims of crime to attend in person as well when the inmate is present at the parole board. At the present time this is not possible; it's not admissible. We should allow the victim of a crime to attend hearings at the parole board.

**2040**

What's missing? One that I think is very important is the safety and security of our own correctional staff. At the present time they may be confronted and assaulted by inmates and the penalties are so laughable that I think it's just a question of doing it again and they're going to get another day of reprimand. One area that is not visible so much in the bill is that there are 50% more assaults occurring in private jails than in public institutions. This is an area the bill doesn't look at and where it doesn't go far enough. I think we should. After all, who are we trying to protect, the ones inside or the ones outside, the people who are supposed to be looking after the general public or the inmates who are supposed to be inside?

**The Acting Speaker:** The member for Sault Ste Marie has two minutes to respond.

**Mr Martin:** I appreciate the chance to respond and I thank those who participated: the members for Glengarry-Prescott-Russell, Nickel Belt, London West and York West. To the member for London West, who asked a couple of very specific questions, and I appreciate that, we intend to support this bill, however incomplete and useless a piece of work it is. We wish you would adopt the bill put forward by our colleague from Niagara Centre because it's much more comprehensive and useful.

If you think for a second that this little piece of stuff is going to do anything to reduce the level of recidivism where crime is concerned in this province, I think you're sadly mistaken. If you think simply giving a person a haircut and asking them to take a shower every other day is going to stop them from going out and becoming repeat offenders, I don't know what you're smoking over there, but it isn't going to do it.

What we need to ensure in this province is that there are programs of rehabilitation, that there's counselling, that there are all kinds of opportunity for people who commit crime to get training, to get into programs of restorative justice, to meet with the victims and have real interaction between people where crime is concerned.

Mr Speaker, I say to you and to the government, please don't add to the cynicism that's out there by people where the justice system is concerned.

**The Acting Speaker:** I think it will improve the overall ability of the House to do what it's intended to do if we don't get personal and if we keep the debate on a very professional level. With that, I recognize the member for London West for further debate.

**Mr Wood:** When we look at any corrections bill, we first have to ask ourselves, what is it the public is asking us to do in the corrections system? I think most, if not all, members of the House are aware that the Ontario Crime Control Commission has held perhaps 100 public meetings across this province, from Leamington in the south to Manitowadge in the north, from Ottawa in the east to

Kenora in the west, and we've heard a pretty consistent message as to what's desired from corrections.

What's desired are three things. One is restitution to the victim. The second, in the case of serious offences like murder, is punishment. They think the sentences in serious cases of misconduct have to reflect society's denunciation of the act. But the third thing they want in every case is that the offender not offend again. One of the most important reasons for this bill is to achieve that.

To take up the commission I gave to the previous speaker, I endorse all of these provisions because I think they will strengthen, in the way in which they are going to operate, the possibility that the offender will not re-offend. That's their purpose. Now it is true, of course, that any one of these in isolation is a small part of the solution, but it's also true that the overall package, effectively done, can make a big difference.

The House is well aware that my view is that in order to have effective corrections, we have to take a look at the research. There's a fair amount of research that has been done—members of the House will be aware of a fair amount of it—and much of that is credible research. I think we have to redouble our efforts to find all the credible research from anywhere in the world and make sure that that research is incorporated in the submissions made by crown attorneys when it comes time for sentence, because if the sentence is wrong, nothing else is going to work. Once those submissions are made and, hopefully, accepted by the court, we can then look to the corrections system to carry out the sentence. If the sentences are made in accordance with what the research tells us will reduce recidivism, and if the corrections people carry out the sentence pursuant to the same research, I think we're going to see a significant reduction in the number of repeat offenders.

I heard some comment earlier tonight about some other methods: restorative justice and that sort of thing. I do want to comment very briefly on that, because that is one form of corrections as well. I think it's in fact quite an effective form of corrections, and I think it will support some of the things we're doing in the institutions in this bill.

When one looks at the problem of community safety, reducing repeat offenders and making sure that the safety of each and every Ontarian is increased, you have to look at the whole system. If we look at any of these in isolation, we don't see solutions and we don't see how the system is going to arrive at solutions. So I'd like to comment briefly, as I had invited the member for the Soo to do, on the specific provisions. My test is, are those specific provisions going to be helpful in reducing recidivism? I think the answer to that is yes.

The amendment of the Ministry of Correctional Services Act to permit victims to participate in the proceedings in the Board of Parole, I think, is positive. In order to understand the offence, the victim is one of the best sources of information. I think giving all aspects of the process, from the police to the people on the Board of

Parole to the corrections people, more information, is all to the good.

I am well aware that some are unenthusiastic about this because they fear it will put attention on the offence. Well, you know, that's why the person is in the institution and that's why the person was sentenced. One of the most important principles of corrections is the offender has to take responsibility for what he or she has done. I think that that's another way of assisting the offender in taking responsibility for what's been done. I might also say I am very confident that the Board of Parole is going to be quite judicious and quite fair, both to the victim and to the offender.

We also note that regulations are permitted prescribing standards of professional ethics for persons employed in the administration of the act. In other words, we're going to take steps to make sure that people who are working in this area have an understanding of the latest research, the latest ideas on what's effective. Surely that is a step forward. That is a way to make it less likely the offenders will reoffend.

We also note and have heard some comment on the part of the act that permits prescribing grooming and appearance standards for inmates serving sentences in correctional institutions. Some have said, "That in and of itself isn't going to avoid repeat offending." I think that comment is quite true. That's only one part of the whole program that is being offered to the offenders which will assist them in not reoffending. I would invite members not to dismiss too lightly provisions of this nature. They can be helpful, they can be supportive to the offender, and they can reduce the likelihood of reoffence.

I also note that the provision is there for the monitoring, intercepting or blocking of communications between inmates and other inmates or other persons. We do know that some in institutions wish to conspire with others to engage in inappropriate or unlawful conduct. That's a fact of life, it's a fact of human nature and it's there. The question is, are there some effective things we can do to prevent it?

#### 2050

I think this act is a first step forward in order to prevent that kind of conduct. The blocking of communications, of course, also applies to communications between inmates and other persons, in other words, persons who are not inmates. This of course is aimed in part at avoiding the victim's being victimized again. In other words, for the offender from an institution to be phoning the victim, having communication when they're not supposed to, really, in a very real sense, can victimize the victim again. This provision is going to make it less easy and less likely that the offender is going to be in a position to victimize the victim again.

It also brings in an administrative provision. Of course, the public doesn't tend to be as interested in administrative provisions as they are in more substantive provisions, but it's an important one. "The bill makes clear that the fact that an inmate or young person is alleged to have committed an offence under an act of

Canada or Ontario does not prevent internal disciplinary procedures from being taken against him or her in accordance with the regulations under the act.”

This, of course, is important, because if there indeed has been a disciplinary offence and it is possible for the offender to delay any internal discipline for months and months and months—it can even be years; there are some criminal cases that drag on quite literally for years—it makes the discipline ineffective. After all, our provincial institutions have no one there who’s been sentenced to a sentence of more than two years less a day. So if we don’t have that provision in there, and it can be successfully argued that criminal proceedings mean that internal disciplinary proceedings can’t be pursued, it can, in some cases, make it effectively impossible to pursue internal disciplinary procedures against an inmate. I think all of this package taken together represents a number of significant steps forward in avoiding repeat offending.

I commend this bill to all members of the House. I have the sense that many members of the House are supportive of it. Some of course see it as looming larger than others, but even to those who think it not to be a major step forward, if you have enough small steps, they add up to large steps. I do hope that all members may see fit to support this bill, because I think it’s going to further what are clear goals of the public.

**The Acting Speaker:** Comments and questions?

**Mr Martin:** I want to take this opportunity to commend the member for London West for the stand that he took earlier today in defence of his colleague who wanted to bring forward a piece of business that he felt was of some import to his constituents and to use this place in that way. We’ve all done that from time to time. Something happens at home or in the community out there that we feel needs to be addressed. Sometimes, in our inability to find some other way or in our not understanding exactly how it might play out, we simply initiate the possibility of a discussion on something that we feel needs to be discussed.

To simply cut that off at the pass, as was initiated by the Attorney General this afternoon by way of a motion to the Speaker, in my view was not respectful of the process that happens here. I say to the member for London West, you need to be commended and you’ve certainly gone up a notch in my estimation, although I think we already had a fairly good relationship in this place as we’ve participated on committee back and forth, not agreeing always on things but being respectful of each other’s position.

Tonight, he suggests there are some things in this bill that will reduce recidivism. I surely hope so, because that’s what we all want to happen. Certainly victims of crime want anything we do here to be helpful to them, and ultimately that the offender doesn’t go out and commit crime again. I’m anxious to hear more and appreciate his position on this.

**Mr Galt:** I was most intrigued with the presentation that was put forward by my good friend from London West. He started out his presentation with some very

thoughtful questions. I have to agree with the member from Sault Ste Marie in his comments as they related to the debate earlier today in connection with a ruling by the Speaker. I too was very impressed with the thoughtful argument the member from London West put forward at that time, but also the thoughtful questions he not only put forward in his own speech but that he put in response to the member from Sault Ste Marie earlier. I thought that was a good way of packaging some of his thoughts.

He went on to talk about communications. I was rather taken aback to find out the kinds of privileges a lot of people—I guess anyone—behind bars really have. I thought something like a telephone call out would be very special and probably would be monitored anyway. But, lo and behold, I find that’s not the case. Even though you’re behind bars, you can pick up a phone any time, I gather, and harass the victim you victimized and the reason you’re in jail. It strikes me as very strange that that is even out there.

The member also goes on to talk about the reduction of repeat offenders. I think it’s certainly the belief of anyone here that the fewer people who return to jail, the better. It’s not our intent, by any means, to have our jails full. Our intent is to make sure that preventive procedures do occur. Many of the activities that we have carried out in our provincial correctional facilities are to try to ensure just that.

**Ms Martel:** My colleague from Sault Ste Marie said he sincerely hoped there were some things in here that are going to deal with recidivism and rehabilitation. There just aren’t, and I think it has to be said one more time. There are two sentences here that say the following: “36.1(1.1)(s) prescribing grooming and appearance standards for inmates serving sentences in correctional institutions that are relevant to the security of those institutions or to the health or safety of persons...” Prescribing how many haircuts an inmate is going to have or when they’re going to have their fingernails cleaned does not do anything to make sure they don’t go back into the community and reoffend. Nothing.

It’s silly for any member of this assembly to suggest that that particular phrase is going to do something about recidivism. People out there want to know that when an inmate is released, he or she is going to come back into the community and not reoffend. That means those inmates need access to education, if they haven’t had that, they need access to anger management programs, if they haven’t had those, they need access to drug and alcohol counselling, because some or all of those together are going to push them to reoffend. I think it makes no sense for us here this evening to say that section of the bill should somehow give comfort to people out there that offenders are not going to go out and reoffend without all those other things in place that I already talked about. They will reoffend. Talking about grooming or having their fingernails cleaned is not going to stop them from reoffending we if don’t have other programs in place.

2100

**Mr Gilles Bisson (Timmins-James Bay):** I've got to say I find it passing strange that by someone getting a haircut and a shave and getting their fingernails cleaned, somehow or other that is going to make people in my community or in Nickel Belt or anywhere else feel safe when we release somebody from an institution. It's not issues of grooming that are going to get to the—

*Interjection.*

**Mr Bisson:** I won't repeat that, but that was pretty good.

What I want to say is, you're not going to do anything when it comes to preventing people from repeating the offence for which they were charged by giving them a haircut. It is a stupid idea. I can't understand how anybody who is clear-thinking would actually think, for example, that somebody who stole a car or got charged under the Provincial Offences Act for a bunch of B&Es and got put inside a provincial institution for two years less a day and the individual went in with hair, let's say, down to below his ears—all of a sudden, they're going to say, "All right, clean up your act. That's it. You're going to get a haircut, you're going to have a shower and you're going to have a shave. And, by the way, we're releasing you from jail." Somehow or other, I'm supposed to feel better as a citizen because this person comes out of jail clean-shaven and with a haircut. He's still going to steal my car. I might feel better. It won't be as dirty when I get it back. It won't have lice on the seat and whatever else. I'm telling you, it's passing strange.

The point I want to make is, if the government is serious about trying to stop repeat offences by people who have been incarcerated, then you really need to get into programs that deal with the core issues. Why is it that people offend? Often we find that with repeat offenders, there are core issues we have to deal with, and I'm going to take time later on in my comments to get into that. If you really want to stop repeat offenders, you've got to get at those core issues. It's not by giving somebody a haircut that you're going to make them feel better. They may look better, they may smell better, but they're certainly not going to stop doing crime.

**The Acting Speaker:** The member for London West has two minutes to respond.

**Mr Wood:** I'd like to thank all members who participated in the questions and comments. I'd like to deal first with the comments by the member from Sault Ste Marie with respect to my submissions to the Speaker earlier today.

The fact of the matter is—and I say this to all members of the House—the Speaker's ruling has revealed a serious deficiency in the standing orders of this House. What he has ruled is that the rules do not permit the House to order an inquiry into something they think an inquiry should be ordered into. I suggest to all members of the House that reveals a serious deficiency in the rules. I think it is up to all of us to look at what can be done to correct that. I appreciate his reference to that, because it gave me an opportunity to offer the comment I

just did. As the member for the Soo at least knows, once I think an idea is right, I pursue it fairly relentlessly. I hope that anybody else who might be interested in the idea will assist.

To comment on a couple of the other comments made: A couple of the members who spoke pointed out that, in and of itself, better grooming is not going to result in reduced repeat offending. Of course, that's quite true. But I would invite those members who are skeptical to do two things—we may exempt beards; I mean, let's be honest. But consider two facts. One, the devil is in the details. It's part of a whole picture. To take one small part and say that will be ineffective is a mistake. You've got to look at the whole picture. It is also true that you should take a few minutes and talk to people who work in institutions and in corrections and see if they think these provisions might be helpful. If the members do that, they may gain some insight that would be helpful to them.

**The Acting Speaker:** Further debate?

**Mr Bisson:** I just want to come back to the last two points the member across the way made in saying, "I just want you to think about two things about why this bill is going to work." He says the devil is in the details. The reality is, there are no details in this bill. That's the whole point we're trying to make. If you read the bill, it says that if you have a shave and a haircut, somehow you're not going to reoffend, and it says that you as an individual really have no power as a victim of crime when it comes to being able to actually get to the parole hearing—and I'll get into the details later.

For you to say to us, "Take care. There are two points you really need to think about. The devil is in the details"—my good friend Tony Martin said the problem is there are no details. There's more devil than detail in this bill if you really stop and think about it. The other thing is that he says, "I want you to go and talk to people that work in institutions," that if we talk to people who work in institutions, we're going to get a better sense that there's a great groundswell of support for this bill. I have talked to people who work in institutions, in Monteith correctional centre that used to be in my old riding of Cochrane South. I've talked to people who worked in the Liskeard jail. I've actually visited a few of the federal penitentiaries. I've been in Hobbema with the Minister of Corrections where we actually saw a very interesting program that deals with First Nation offenders in the federal system, and what they tell us is simply this: you're not going to stop somebody from reoffending by giving the inmate a haircut.

I think it's really passing strange. This government seems to think that the answer, the key to stopping somebody from reoffending on the crime that they've been convicted of, is to say, "OK, this is how it's going to work. We're going to stop somebody from redoing an offence by sitting them in the barber chair." I suppose the idea is that as the barber is giving the individual a haircut, the barber is going to be giving counsel. He's going to be cutting the hair and saying, "Now, I don't want you to reoffend. My specialty this year is I've been giving

inmates haircuts for 25 years and somehow or other I'm able to make you not reoffend by cutting your hair. Do you feel the power? Do you feel the power going into you?" Then he says, "If you don't feel it, lay back in my chair"—I have to laugh because it's so laughable. He'll say, "Lay back in my chair. I'm going to give you a haircut. Now I'm giving you a shave. Let me sharpen up the blade. Are you afraid of me yet, Mr Offender? Are you afraid? Because if not, you better shake; I'm about to give you a shave." I guess the idea is that the inmate will be sitting back in a chair thinking, "Boy, if I reoffend, I guess Mike Harris is saying the barber's going to slit my throat, so I don't want to come back again." I've got to think that's what it is. There's got to be something here I'm missing when it comes to the details of what's in the bill.

So far, the barber's giving the inmate a haircut, probably a crewcut, because I think they like crewcuts over there. Then after that they're going to take the old blade and they're going to give the inmate a shave; they're going to make sure the inmate is clean-shaven.

Then they're going to say, "Move into the next chair. We've got M<sup>me</sup> Smith coming over. She's going to give you a manicure. She's going to cut your nails. She's going to make sure you've got no dirt underneath them." I guess Mrs Smith has a separate kind of degree that's she's going to sit there and say, "Oh, let me look in your hands. Oh, very long lines. Yes, I can see that in the past you had a troubled time as a youth." You have to laugh because it's so silly what this bill is doing.

They're saying you're going to stop recidivism when it comes to crime by giving somebody a haircut, giving somebody a shave and doing their nails. That's exactly what the bill says. I'm not laughing; I'm not making this up. It says inside this bill, clause (s) under section (2)—I want to read it to the public, because they're not going to believe it. They're going to think I'm making this up. It says that, "Prescribed grooming and appearance standards for inmates serving sentences in correctional institutions that are relevant to the security of those institutions, to the health and safety of those persons" basically is going to stop people from reoffending when they're released outside of the jail.

I guess Mrs Smith, who's doing the manicure, is going to sit there and read those long lines on the hand and make the person understand that in their youth they went wrong because it curves to the left and not to the right, according to Mike Harris. Then they're going to look and say, "There's the problem. See where those two lines intersect in your hand? You've got to put more Palmolive over there. By putting Palmolive, it's going to clean the soul." Then the person's going to feel really good, man. That inmate's going to have clean nails, is going to have clean hands, will have used Palmolive on that little spot on his hands. He's going to have a haircut and then he's going to have a shave, and then the person is going to walk right out.

The interesting part is that this person—they're clean-shaven, they've got their haircut, they've got their nails

done, they've had the manicure, the whole bit—is now released from jail. Now, let's just take a situation. Let's say that this person is an offender of any type, because obviously they've offended; they've been in jail. I don't want to speculate on what the person has done because I think that would make this issue a little bit more graphic, but somehow or other the individual now walks out of the Monteith correctional centre in the Iroquois Falls-Monteith area and says, "I've been saved. I feel good. I'm real clean. I got this haircut; I got a shave." Let's say this person got locked up for stealing a car, and all of sudden he starts walking down the road and he sees a car and he jumps inside and steals the car and goes again. It's ridiculous. As if giving somebody a haircut has anything to do with stopping somebody from repeating the offence they were charged for. It's actually ludicrous.

#### 2110

I would argue that if the government wants to be serious about trying to stop people from repeating the offence they were locked up for, they've got to look at what some of the root causes are. Often there is something that's happened to these individuals at some time. There are issues of poverty, traumatic issues that may have happened in their life when they were growing up as kids. There might have been no education as another issue. There's a whole host of issues that basically converge in order to put a person in the situation they're in.

I would argue that if we have somebody who's locked up in jail for two years less a day, we'd be well done trying to put in place programs to build on the weaknesses the person has as far as the lack of education, the counselling they may need when it comes to dealing with a traumatic event that may have happened in their life when they were younger, or whatever it might be. Yes, it's going to cost some money, but I would argue it's a lot less money if you do that than to allow the person to go out without any treatment and just giving them a haircut.

I want to give you an example that I had, I guess it was last winter sometime. I had an opportunity with Minister Sampson of visiting the Hobbema federal institution in Alberta. That particular institution is a First Nation institution that deals with people who have been charged with a criminal offence and are basically locked up for some pretty serious offences. When you're in the criminal system it's because you've murdered somebody, you've attempted murder—there are a whole bunch of serious offences that will put you in the system.

One of the things the federal government tried to look at was, how do you reduce the recidivism rate for those from First Nations communities who go inside these institutions? What they did was create what is basically a First Nations institution. Here's a jail that has no walls. It has no fences around it to talk about. The fence that goes around this jail is about the size you'd see at a soccer field. It doesn't have cells; it has houses where individuals live. Eight people to the house, I think, is the way that particular one is set up. But it's run by elders of the community of Hobbema. What they do is try and deal

with the root issues that have affected the individual and made them go into the life of crime that they did.

Here's the interesting part: nobody's run away from that institution, because they're given only one chance to get into the institution. If you fall off the wagon, you go back into the federal system. But the biggest issue is that the elders who are working there—Joe and George were two of the guys that I met—are trying to work with the individuals when it comes to the issue of healing the individual. So they go through traditional healing processes, everything from fasting to sweat lodges to the healing circles that are traditional to the Cree of that particular area, in order to try and deal with some of the issues.

What they found was that once a person goes through that system, the recidivism rate for those particular individuals is a lot less than it is in any other institution. Presently, the recidivism rate for the First Nations community is about 90%. In this particular situation, where we are spending a bit more money to do it this way, the recidivism rate in that institution is down around 10% or 15%. So there are things a government can do to diminish the number of people who go back out and reoffend once they are charged with a particular offence.

I argue, let's look at those types of models that we saw, for example, at the Hobbema facility out in Alberta. Let's look at what's done there and let's build on those successes.

For example, in the correctional institution in Monteith just outside the town of Iroquois Falls, about 50% to 60%, if I remember the numbers right, of the inmates who go to that facility are First Nations individuals, the Mushkegowuk Cree, by and large, who come from the James Bay coast. We know the recidivism rate is high. I can tell you that giving a First Nations individual from Attawapiskat or Moosonee a haircut when they go into an institution is going to do nothing to deal with that individual's issue of reoffending once they get out. If anything, it will probably add to it, because there is a cultural aspect to the way that they maintain their hair and the way that they want to appear. There are cultural issues that we need to be sensitive to. Why don't we look at something such as what's been done in Hobbema as a way of being able to really deal with the issue?

I want to deal with the title of this bill, because I think it's kind of interesting. It basically says it all. It says, "Bill 60, An Act to give victims a greater role at parole hearings, to hold offenders accountable for their actions, to provide for inmate grooming standards, and to make other amendments to the Ministry of Correctional Services Act." If you look at the title, it's another one of those bills such as we've had with this government over the past while where they introduce a bill and they say, "Don't worry, be happy. Everything's going to be great, because we've got a wonderful bill with a wonderful title." Then, when you look at the bill, you find out there really is nothing in there to give the victims any kind of rights whatsoever.

This particular bill purports to say that we're going to basically reduce the amount of recidivism by giving inmates haircuts and cutting their nails and grooming them and giving them shaves. I would argue that's a kind of stupid way to deal with the issue and it's going to do nothing to stop offenders from repeating their offences.

The other part of the act says, "An act to give victims a greater role at parole hearings." Let's read what the bill says. If that were the case, we'd support the idea. As New Democrats, we think it's a good idea that we give victims and other people in the public who are interested for various reasons, and the media, an opportunity to go to the parole hearing so they can hear what's going on and they are basically informed of what's happening at the parole hearing. So we support the idea and essence of the title of the bill.

But if you read the bill, under section 36.1 it says, "Victims within the meaning of the Victims' Bill of Rights, 1995"—and we'll get to that a little bit later—"and other victims of offences may participate in proceedings of the board in accordance with the regulations." There are two big words in that part of the bill. It says "may," and anybody who studies law understands "shall" and "may" have two different meanings. If the government had said, "shall have the ability to attend," it means to say that if you're a victim and you want to go to the parole hearing, you have a chance to go and nobody can stop you unless it's proscribed in law. But what you've done here is say "may," and then you said, "and we'll define when they may go by putting it in the regulations."

It's again one of those bills where the government says, "We're going to put everything in the regulations, and we want you to trust us, Mr and Mrs Opposition, because we're the government and we know best." I say to the government, I don't like the idea of passing bills that don't have the details of what they're going to do inside the legislation. Far too often you come into this House and you bring the legislation in, and all the details are in the regulations. I would argue that is not a good idea. It's basically like giving the Minister of Correctional Services a blank cheque to do whatever.

I would argue, if I read this legislation correctly and I'm a victim and the person who caused the crime against me goes to jail and I'm interested in attending the parole hearing, that the judge is going to sit there—I just came out of court today over an issue at Osgoode Hall having to do with the Collège des Grands Lacs—and the judge in that case would say, "What's the operative word in this legislation? 'May.' So it means I as a judge can decide what I want, because it says 'may.' I don't have to apply anything if I don't want to, if I as a judge believe there's a reason why the person shouldn't go before the parole hearing."

Then it says, "as per the regulations." So not only does it say, "may," but it's very limited by whatever the government is going to put in the regulations. I would argue, why don't we do what Peter Kormos tried to do in his bill. If I get Peter's bill out here, the member from

Welland-Thorold—I guess it is Niagara Centre now; it's a new riding—introduced a bill in this House that was passed. It basically said, at second reading, that anyone who has an interest in attending a parole hearing has the ability to go, point blank. So if I'm the victim and I want to go to the parole hearing at the provincial court, I have the ability to go to the parole hearing.

A member of the public who decides to go—for example, let's say it was a pedophile, and the pedophile is now coming up for parole and that person lives in my neighbourhood, and I feel nervous, as a parent, having that person released back into the community. I may have an interest in being at the parole hearing to hear what goes on, in order to be informed about who this person is and what the issues are and when the person is going to be released back into the community. There might be a case for individuals of the public who want to be able to attend the parole hearing.

The same with the media. Under Mr Kormos's bill, it speaks specifically to saying a person of the public, meaning to say either the victim, a person of the public or the media, as spelled out in his bill, would have the ability to go before the parole hearing and there would be only certain circumstances where the persons would not be allowed. You would go before the court to make application, and the only way they could exclude you is by what is set out in the legislation, not in the regulations.

What the legislation calls for is, if somebody wants to come to court to disrupt, if somebody is coming in just for the sensationalism of whatever is going on, that person would not be allowed into the court by order of the judge, but the person at least can get to the hearing and have the ability to go if they are trying to get into the court for reasons that are valid under the law.

**2120**

Mr Kormos's bill is quite clear. It says that you, as a member of the public, have the right to go. Mr Sampson's bill says that no, you're a member of the public and you definitely can't go. It also says that if you're the media, you can't get in at all. So there's a huge difference between the two bills, and I would argue to the government that we should support Mr Kormos's bill because it goes a lot further in dealing with the issue the government purports to deal with in its bill. The government's bill says it's An Act to give victims a greater role in parole hearings, but when we read the government bill it says the regulations will define when you get in, and you "may" get in, not "shall." So the weight of the bill is much different.

If you take a look at the bill in detail, we've got a full page for the title, inside are the explanatory notes, and there are the details of the bill, one column and a half. That's the government bill. Mr Kormos's bill, once you get past the title and the explanatory notes, has some five or six pages that deal with specific instances of how you should allow people to get in.

What's going on here? Simply put, this is a question of the government doing what they always do. They give a bill a good title and somehow we're going to feel

better. It's the same thing they've done under the Victims' Bill of Rights. The government came into this House and said, "We want to get on to law and order. We, the Conservative Party, are the law and order party. We're going to create a Victims' Bill of Rights." Great title, wow. Boy, if I'm a victim, I think I've got some rights—until you go to court, and that's exactly what happened in 1999, I think it was. An individual went to court to get those rights under the Victims' Bill of Rights, and Justice Day said, "There is nothing in this bill to give you any rights. You have no more rights than you had before the bill was passed, so what are you doing before my court?" That is basically what Justice Day said. Justice Day spelled out the Victims' Bill of Rights for what it was: a piece of propaganda on the part of the government to tell people they had rights, but in fact conferred no rights when it came to the courts.

Then the government came back and said, "OK, we're going to create a literary proceeds of crime act." That was the most interesting one because they said, "We don't want a Paul Bernardo to benefit from writing a book about the heinous crimes he committed and for which he has been incarcerated." The problem is, we had already passed a bill in this House under Cam Jackson, one of your own members, when the NDP was in power. Our government supported Cam Jackson's bill because it went far in making sure that if people like Mr Bernardo tried to write a book, the proceeds of the book would actually go to the victims' families and not go to general revenue.

So the government comes in here, introduces a bill that says literary proceeds of crime, brand new bill, Mr Harris, we're doing it again, law and order. What did the bill do? It weakened the provisions under Mr Cam Jackson's bill and said that if Paul Bernardo were to write a book, Mr Flaherty would get the money.

I say to the government, what are you trying to do here? If you're really talking about giving individuals rights as victims of crime, you certainly picked a weird way to do it. We'll support your bill because it's not going to do anything one way or another, but we would argue that when we get to committee, you should at least look at the provisions of Mr Kormos's bill—he's the New Democratic Party justice critic—and try to incorporate some of the issues in Mr Kormos's bill in this, because his bill, unlike yours, is not an exercise in public relations; it's a work to deal with actually giving victims the rights they justly deserve.

**The Acting Speaker:** Comments and questions?

**Mr Bruce Crozier (Essex):** This summer I had the opportunity to visit Kingston Penitentiary. I met with the officials there, I met some of the prisoners, and I essentially had a tour of the facility. A couple of years ago I did the same at a maximum security youth detention centre. I have to say that I don't think the length of the inmate's hair or whether there was dirt under his nails made a darned bit of difference as to whether that offender might reoffend. It had an awful lot to do, when I talked with them, about their social and



economic status. It had a lot to do with their families, how they were brought up. It had a lot to do with peer pressure, particularly with the younger offenders.

As to the legislation and the way our time should be spent around here, discussing solutions to problems, I think the legislation should deal with training and counselling, particularly for some of these young people, to make them a better person than when they went in. I agree with my colleagues from the third party. It's almost laughable that a significant part of this bill should involve inmate grooming. There's a lot more we could do to solve some of the problems we have.

**Mr Howard Hampton (Kenora-Rainy River):** I want to congratulate the member for Timmins-James Bay on pointing out just how shallow this legislation is, on pointing out that it is really a piece of empty rhetoric. Instead of offering alcohol treatment or drug treatment or literacy training or a program in anger management, or any of the things that we know may in fact be the root problem or one of the root problems of someone who finds themselves on the wrong side of the law and finds themselves incarcerated, this government, instead of addressing those issues, wants to say to the public, "If you force them to get a haircut, if you force them to have their nails cleaned, somehow they will not reoffend."

I have to say that this would have some dramatic effect on Charles Manson, wouldn't it? This is how ludicrous the government's position is. There is evidence all around us of what the real problems are. We had not two years ago a report from the youth advocate of the province who pointed out that the vast majority of youth and of young adults who were incarcerated have emotional difficulties and mental health problems. That is the root problem for them. Does this legislation offer anything in the way of emotional counselling or mental health services for inmates, to ensure that the problem that is at the base of their difficulties, that got them into trouble with the law, will receive some treatment? No. The government says, "We're going to order a haircut and a manicure and that way they won't reoffend." What hogwash.

**Mr Wood:** The most recent speaker offered many of the same comments that have been offered earlier by other speakers from his party. I don't want to repeat to too great an extent what I said in response to those remarks, but I would invite all the members who have expressed skepticism as to the effectiveness of these provisions to talk to some of the people who work in the institutions, to talk to some of the people who work in corrections, and see whether or not they think good grooming makes a difference. I think you might be interested in what their responses are.

I'd also invite members who are skeptical about this to take a look at the research and show me and other members of this House research that says good grooming is not going to help you get a job, is not going to help you work with other people. I'd like them to take a look at that research and tell me what research tells us that. I'll

be quite interested to see it. I think it may take them a while to find research that says that.

I would like to seriously suggest to these members that they may find some of these provisions to be trivial because they don't truly understand some of the problems that these people face, and some of the problems that the people who are responsible for administering the institutions face. Perhaps, once they have a chance to talk to some of the people who are directly involved in this, take a look at some of the research, they may well see that this is part of an effective overall plan to reduce repeat offending. I do invite them to take a look at the facts; it might alter their opinions somewhat.

**2130**

**Ms Martel:** I appreciated the comments made by my colleague from Timmins-James Bay, especially when he pointed out how ridiculous it is for the members of the government to suggest for a single moment that getting a haircut or your fingernails clipped or cleaned is going to somehow save you from reoffending. Come on, when someone goes for a job interview it's whether or not they are literate, whether or not they have a drug and alcohol problem, whether or not they are carrying all kinds of social problems—maybe they were abused as a child—it's those kinds of things that are going to determine how well they do in the work world, not whether they have short or long hair. For goodness' sake, what is the government trying to say to people out there tonight?

People in the community are not worried about whether an inmate, when he is released, has short or long hair; they are worried about whether that inmate has received anger management, drug and alcohol counselling, literacy, whether or not they have those skills, because it's those things—those really important things—that are going to determine whether or not that inmate offends again.

Let's get serious: for the government to come here tonight and try and tell the people who are watching out there that somehow this two-page bill is going to stop people from reoffending, that's offensive. It's offensive to me as someone who has actually taken a look at it, who has talked to people who worked in the correctional system. It's offensive because it is so ridiculous to assume that what is written here in Bill 60, which we are dealing with tonight, is going to somehow protect people in our communities. It is not.

Do you want to do something? Put in the law a mandated list of services that every correctional facility has to provide to inmates: drug counselling, rehab counselling. Put that in the law and then you'll be doing something about repeat offenders.

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

**Mr Bisson:** I especially want to thank my colleagues who made comments, because it is really ridiculous. The government is trying to say to us that, all of a sudden, we're going to get somebody in a prison, who is an offender of whatever crime, and we're going to give the individual a haircut, a shave and a manicure, and some-

how or other that individual is going to be fine. We're going to deal with all of the issues of the past, and this person all of a sudden is going to turn their life around and say, "Ah, man. If only I could have had a haircut when I was 16, I wouldn't have turned out this way."

Come on, give it a break. It doesn't work that way. The issues are people cause crime because of things that are going on in their lives; normally because they don't have money in their pocket because they're unemployed, or they're emotionally disturbed, they don't have the education in order to get them to a real job, or unfortunately, as my leader Howard Hampton pointed out, a lot of people who fall through the cracks of our mental health system end up in the jail system, where there's no programs.

I want to tell you a story of a person in my riding: I have a young fellow who is now 16 or 17 years old, and he has really gotten out of hand. He's been in front of the police a number of times, he's been in court a number of times, and the issue is the child—well, he's not a child;

he's a teenager now—has some mental health problems. The mother is beside herself trying to figure out "where are the programs that could have helped my child when he was young?"

I know where this kid is going to end up, and it's not a haircut that's going to fix it. What's going to fix it is, when the people are young, to deal with the issues of anger management, why this child is acting out, and deal with the emotional problems this child has. She says to me, "Gilles, my kid's going to go out, he's going to do something and he's going to end up in jail. I know it." But I guess she should feel better now because the government was saying all this time that this poor woman could have fixed the problem if only she had given that kid a haircut when he was seven years old. Somehow or other, that would have fixed the problem.

**The Acting Speaker:** It being past 9:30, this House stands adjourned until 10 am tomorrow.

*The House adjourned at 2135.*

**STANDING AND SELECT COMMITTEES OF THE LEGISLATIVE ASSEMBLY  
COMITÉS PERMANENTS ET SPÉCIAUX DE L'ASSEMBLÉE LÉGISLATIVE**

**Estimates / Budgets des dépenses**

Chair / Président: Gerard Kennedy  
Vice-Chair / Vice-Président: Alvin Curling  
Gilles Bisson, Alvin Curling, Gerard Kennedy,  
Frank Mazzilli, Norm Miller, John R. O'Toole,  
Steve Peters, Wayne Wettlaufer  
Clerk / Greffière: Susan Sourial

**Finance and economic affairs /  
Finances et affaires économiques**

Chair / Président: Marcel Beaubien  
Vice-Chair / Vice-Président: Doug Galt  
Marcel Beaubien, David Christopherson,  
Doug Galt, Ernie Hardeman, Monte Kwinter,  
John O'Toole, Gerry Phillips, Joseph Spina  
Clerk / Greffière: Susan Sourial

**General government / Affaires gouvernementales**

Chair / Président: Steve Gilchrist  
Vice-Chair / Vice-Président: Norm Miller  
Ted Chudleigh, Mike Colle, Garfield Dunlop,  
Steve Gilchrist, Dave Levac, Norm Miller,  
Michael Prue, Marilyn Mushinski  
Clerk / Greffière: Anne Stokes

**Government agencies / Organismes gouvernementaux**

Chair / Président: James J. Bradley  
Vice-Chair / Vice-Président: Michael Gravelle  
James J. Bradley, Leona Dombrowsky, Michael Gravelle,  
Bert Johnson, Tony Martin, Frank Mazzilli,  
Jerry J. Ouellette, Bob Wood  
Clerk / Greffière: Donna Bryce

**Justice and Social Policy / Justice et affaires sociales**

Chair / Présidente: Toby Barrett  
Vice-Chair / Vice-Président: Carl DeFaria  
Toby Barrett, Marcel Beaubien, Michael Bryant,  
Carl DeFaria, Garry J. Guzzo, Peter Kormos,  
Lyn McLeod, Tina R. Molinari  
Clerk / Greffier: Tom Prins

**Legislative Assembly / Assemblée législative**

Chair / Présidente: Margaret Marland  
Vice-Chair / Vice-Président: Julia Munro  
Ted Arnott, Marilyn Churley, Caroline Di Cocco,  
Jean-Marc Lalonde, Margaret Marland, Julia Munro,  
Jerry J. Ouellette, Joseph N. Tascona  
Clerk / Greffière: Donna Bryce

**Public accounts / Comptes publics**

Chair / Président: John Gerretsen  
Vice-Chair / Vice-Président: Vacant  
Bruce Crozier John Gerretsen, Raminder Gill,  
John Hastings, Shelley Martel, Bart Maves,  
Julia Munro, Richard Patten  
Clerk / Greffière: Tonia Grannum

**Regulations and private bills /  
Règlements et projets de loi d'intérêt privé**

Chair / Président: Rosario Marchese  
Vice-Chair / Vice-Président: Garfield Dunlop  
Gilles Bisson, Claudette Boyer, Garfield Dunlop,  
Raminder Gill, Pat Hoy, Morley Kells,  
Rosario Marchese, Ted McMeekin, Bill Murdoch,  
Wayne Wettlaufer  
Clerk / Greffier: Douglas Arnott

**Alternative fuel sources /  
Sources de carburants de remplacement**

Chair / Président: Doug Galt  
Vice-Chair / Vice-Présidente: Marie Bountrogianni  
Marie Bountrogianni, James J. Bradley, Marilyn Churley, Doug  
Galt, Steve Gilchrist, John Hastings,  
John R. O'Toole, Jerry J. Ouellette, Ernie Parsons  
Clerk / Greffière: Tonia Grannum

## CONTENTS

**Wednesday 24 October 2001**

### SECOND READINGS

#### **Victim Empowerment Act, 2001,**

Bill 60, <i>Mr Sampson</i>	
Ms Martel ...	3027, 3031, 3033, 3037, 3041, 3044, 3049
Mr Chudleigh	3030, 3031, 3034, 3038
Mr Peters.....	3030, 3034, 3038
Mr Martin ...	3030, 3038, 3039, 3042, 3044
Mr Galt .....	3031, 3044
Mr Sergio.....	3033, 3042
Mr Hardeman.....	3034
Mr Gerretsen.....	3034, 3038
Mr Lalonde .....	3041
Mr Wood.....	3042, 3045, 3049
Mr Bisson .....	3045, 3049
Mr Crozier .....	3048
Mr Hampton .....	3049
Debate deemed adjourned.....	3050

## TABLE DES MATIÈRES

**Mercredi 24 octobre 2001**

### DEUXIÈME LECTURE

#### **Loi de 2001 sur l'habilitation**

<b>des victimes,</b> projet de loi 60, <i>M. Sampson</i>	
Débat présumé ajourné .....	3050