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des débats  
(Hansard)**

**Tuesday 1 October 2002**

**Mardi 1<sup>er</sup> octobre 2002**

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Tuesday 1 October 2002

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Mardi 1<sup>er</sup> octobre 2002

*The House met at 1845.*

ORDERS OF THE DAY

VICTIM EMPOWERMENT ACT, 2002  
LOI DE 2002 SUR L'HABILITATION  
DES VICTIMES

Resuming the debate adjourned on October 24, 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.

**Ms Marilyn Mushinski (Scarborough Centre):** I'm pleased this evening to join in this discussion and to speak in favour of the passage of Bill 60, the Victim Empowerment Act.

I view this bill as a continuance of our government's ongoing commitment to public safety. Previously the government has passed legislation that supports victims through all stages of the legal process. For instance, we created the Victims' Bill of Rights, we expanded victims' programs, we made it easier to bring civil suits against offenders, and we launched an office for victims of crime, staffed by crime victims and front-line justice professionals.

Let no one question this government's commitment to supporting victims of crime. That is why I am asking all members of the Legislature to support quick passage of the bill that's before us, and I'm sure that the member for Trinity-Spadina will join us in supporting very quick passage of this bill.

All you have to do is speak to constituents, especially like those in my great riding of Scarborough Centre, which I like to consider as the centre of the universe, to know that there's wide support for initiatives to empower and protect victims. For instance, my constituents are all in favour of keeping a closer watch on inmates so that they don't use their telephone privileges to harass people that they have already victimized. I would like to thank

the Minister of Public Safety and Security on behalf of those constituents for bringing this legislation forward.

This bill, if passed, will allow victims to participate in the Ontario Board of Parole hearings. Before parole is granted, the victims of the crime will actually be given their say so that the parole board will be able to hear in detail what effects crime has on its victims. This, I believe, is an extremely important step forward.

The government has instituted a free victims' support line so that victims have access to a wide range of information if they choose to register. In this way, victims can be informed of the date, the time and the location of any parole hearing.

Actually, the Victim Empowerment Act goes further. It would allow for the establishment of grooming and appearance standards for provincially sentenced inmates for safety, security and health reasons.

As well, the bill would introduce a new zero tolerance policy for acts of aggression or violence against all correctional staff.

Altogether, this is a very good bill, and I'm proud to support it and encourage my colleagues on both sides of this House to give this bill the speedy approval it deserves.

**The Acting Speaker (Mr Michael A. Brown):** Questions or comments?

1850

**Mr Rick Bartolucci (Sudbury):** I thought the member might go a little while longer so I was intently listening to what she had to say, because—do you know what?—this is a rather important bill. I think issues of public safety are always very important and we must discuss them fully.

The member asks for speedy passage of this bill. I only wish the government—this bill, I think, has been around since approximately May 2001, if I'm not mistaken. I may be a little off here. It is now the property of the Minister of Public Safety and at one time was the property of the Minister of Correctional Services. It's important that people generally feel confident in the system which is put in place to protect them and to ensure that issues of justice are dealt with in the appropriate manner.

During my speaking time, I will be zeroing in on an issue of, I believe, common concern to all members of this House with regard to the issue of the murder of Constable Joe MacDonald, amongst other things. Certainly I would suggest to the member who just finished speaking on the government side that she be talking

to her caucus and to the cabinet if she wants speedy passage here, because I don't know that they'll see such major opposition on this side. I'll be offering a couple of amendments to the Victim Empowerment Act, only because I think they will strengthen it, and I would hope the government would listen to the recommendations that I'll be making.

I look forward to full debate on the government side this evening.

**Mr Rosario Marchese (Trinity-Spadina):** It was amusing to hear the member for Scarborough Centre talk about her commitment to public safety and the government's commitment to public safety. She asserts, "Let there be no one who would doubt our commitment to safety," something to that effect. She cites the Victims' Bill of Rights as one of those bills that she's proud of as conferring upon victims rights, but that we all know have given so little by way of rights. We all know, and what's laughable is they know too. Yet, even though they know there is nothing in the bill that really gives rights to the victims, they still trumpet that one as one of their highest achievements.

I say to you, the member for Scarborough Centre, you've got to at some point say, "Gee, I know we heard the opposition tell us. We heard Judge Day." The Attorney General is here—he knows too—and he'll probably trumpet it out as well as you, the member for Scarborough Centre. Judge Day said the bill gives no rights. Your lawyers from the Attorney General argued that bill conferred no rights on victims. Yet the member for Scarborough Centre, walking to and fro here in this House—said proudly, "We have a strong commitment to public safety. Witness our Victims' Bill of Rights."

*Interjection.*

**Mr Marchese:** You understand, David. It's funny. If it were not so stupid, I would just roar with laughter. As you get older, it is tougher to laugh at some of the assertions made by this member, but we'll be speaking to that later.

**Hon Robert W. Runciman (Minister of Public Safety and Security):** I didn't contemplate making a response tonight, but I want to compliment the member from Scarborough who spoke—

**Mr Marchese:** She didn't say anything.

**Hon Mr Runciman:** Well, you know, what really encouraged me, I guess, to get to my feet was the NDP member being critical. I have to say that I think the NDP member was a member of the NDP government at the time when there was a victims' bill of rights put before the House as a private member's piece of business by the member for Burlington, and that government voted it down. And he has the gall to stand up here this evening and criticize this government, a government that has done more for victims and victims' rights than any other government in this country, no question about it.

I travelled to New York with the families of Ontario victims of the September 11 attack. I talked to people from Quebec and other provinces and they admired, they complimented, Ontario for what we were doing with

respect to our treatment of victims of crime in this province. The federal government isn't doing it. No other jurisdiction in this country is as responsive to the concerns of victims of crime as the Progressive Conservative government of Ontario.

**The Acting Speaker:** Questions and comments?

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** I also listened with interest when the member from Scarborough Centre made her introductory remarks, and my understanding of the bill and its intent is certainly to improve conditions for victims that will make them a part, for example, of parole hearings of people who have been incarcerated for action against them. I believe on this side of the House we're certainly in favour of advancing those types of laws, supporting that type of law. As my colleague from Sudbury has indicated, there will be amendments offered from this side of the House, we would suggest, to strengthen this legislation.

I also want to speak to the bill in terms of what it will do to support and assist the people who work in our corrections facilities and the role they have. There is a corrections centre in my riding, and of course during the recent labour disruption, the OPSEU strike, I had the opportunity to regularly visit that facility and talk with people on the line about the role they have in detention centres in this province. It's a very important role, and I would suggest that anything we might do in this chamber, any law we might implement that would assist them and not only improve their working conditions but certainly improve the safety of their work, is to be supported as well. So as my colleague from Sudbury would suggest, and the comments from the member who spoke first from the government, I don't think it is the intention of the opposition to in any way stall or hold up this legislation. If the member is intent on having it passed in a speedy fashion, she should speak to the people who determine those things on her side of the House.

**The Acting Speaker:** Response?

**Ms Mushinski:** I'd like to thank the members for Sudbury, Trinity-Spadina, of course the great member from Leeds-Grenville, who I believe happens to be the single best Minister of Public Safety—

*Interjection.*

**Ms Mushinski:** —if you're listening, member for Trinity-Spadina—and Security, and there's a very good reason for his having that title. I would like to thank the member from Hastings-Frontenac-Lennox and Addington for her thoughtful comments as well. We spoke yesterday about the issue of safety and the jurisdictional notes—I can't remember the exact title of the bill at the moment—and we spoke about protection of children especially, and most certainly I would add my comments to suggest that the member for Sudbury has contributed a great deal to ensuring that this government does indeed ensure and maximize our priorities with respect to the support of victims of crime, especially children.

I am somewhat bemused by the member for Trinity-Spadina, who would suggest that this government does not consider victims' rights as a top priority, this coming from the same government that made the deal with the devil. Having said that, I would suggest that we are the only government that really cares about victims' rights.

1900

**The Acting Speaker:** Further debate?

**Mr David Ramsay (Timiskaming-Cochrane):** It's a pleasure to rise in my place tonight to speak to this bill. I'll be sharing my time, to the table officers, with the member for Sudbury. It also gives me an opportunity to congratulate the member for Sudbury for the work he has done with the JOEMAC committee in working with citizens in the Sudbury area and the whole region there about how the murderers of Joe MacDonald have been treated by the federal correctional system. He has played a very strong leadership role there in making sure that justice is done.

I just want to comment that the member for Trinity-Spadina had mentioned the reference to the Victims' Bill of Rights. I think why he was a bit aggrieved is that, of course, as we all know, the province does not have the power to confer any new rights upon any of its citizens; that is the purview only of the federal government. Maybe the point he was trying to make is that we should be cautious with the hyperbole we use in the titling of our legislation in this place. We, as the second tier of government in this country, cannot confer rights upon people, no matter how well-intentioned we are. We all do have to work together, and we can certainly empower victims, as this title talks about, and that is a laudable cause. We certainly support most of what is presented in this bill. Victims have been ignored for far too long. As I go through the bill, I see no reason not to support this. I would support my colleague who previously said that, really, it's up to the government to call this. Nobody is holding this bill up. If we can pass this as soon as possible to help victims out there, we'd be quite happy to do that.

As of late, I find many of my constituents have been victims of another type of crime, and not by perpetrators of the criminal type, but more of the corporate type. One of the biggest issues in my riding, where people feel very victimized, is the application of Union Gas to the Ontario Energy Board for the retroactive increase for transportation and gas costs dating back at least two years. My people feel victimized because they don't really have a say in that. A hearing takes place before a board; it took place in Toronto, where the main consumers of this particular company reside in southwestern and northern Ontario. But those hearings were held in Toronto, and now we find that the consumers of this particular company are being victimized by a bill that will be coming to them soon, now I hear spread over a six-month time period, that is going to really hit people in the height of—

**The Acting Speaker:** Maybe we should be closer to the actual bill we're debating here. I would just bring you back to that.

**Mr Ramsay:** I was just trying to talk about another type of victimization. As I've already said here, I certainly have no objections to this bill. I can lend my support to this. I was just talking about another type of victimization that I feel also is taking place and that, I suppose, at this particular moment is of very high concern, I know, for the people I represent. From what I hear from my colleagues from all around the floor of this Legislature, it is also a big concern. That is multiplied by, I suppose, the cascading increases that are happening in all the bills that are coming upon people today. It's not only Union Gas; it's also electricity. With another bill that's going to be passed, it may happen also with water rates from municipalities.

I suppose I equate this to be a type of victimization, because these are products that people cannot do without. They are basically stuck. They have to have these utilities, because they are public utilities. They are the essentials of how we run our households now. So people feel very powerless in dealing with these things, because not only in this case is a private company able to go back like no other company I can think of in any other sector of the economy—they can go back for two years and basically say, "The product I sold you two years ago, that you consumed and you rightfully paid for at the agreed-upon price, I now state that I want to charge you more for it, and I can do that retroactively."

People feel terribly victimized by that. I can tell they feel victimized because of the anger they are expressing. It is an incredible anger. In fact, I thought there were a lot of issues that maybe they wanted to speak about in the last few weeks and they tell me that's what they want to speak about. Those are the issues I'm addressing when I'm back home every week. They don't like it.

I think we have to revise the way we regulate our public utilities here in the province. We have an Ontario Energy Board that's supposed to do that job. Quite frankly, I think we have to get away from these political patronage jobs and probably put in a retired judge who isn't part of the judicial system and the criminal justice system that I know we're talking about here tonight. Possibly a retired judge might be the appropriate person, like we have for our Integrity Commission; a similar person with similar experience like that.

We also have to make sure that we put the resources in that Ontario Energy Board. That is very important so that we can basically take a look at how we are going to regulate utility bills for the citizens of this province and make sure they're not victimized by a public company or a private company in dispensing the public utilities that are required by all households and businesses in Ontario.

Many members have come forward today and talked about dairy farmers and businesses who basically feel victimized because they are trying to carry on a business. In this case, I think somebody very close to you, Mr Speaker, talked about dairy farmers today and how they

feel victimized and the tremendous increase in the bills they are getting and that they don't see any recourse. They don't see any justice and they don't see any victim empowerment they would be eligible for in this particular case.

I think we have to empower consumer victims as we do victims of criminal acts. We have to make sure that we strengthen those types of consumer protections so that people are not victimized by these types of rate increases. In this case, the government is complicit in this, because it's an agency of government, in this case, the Ontario Energy Board, that has been part of this. That is why people are so angry, because it's not just a private company going to people and saying, "You owe more for something you paid for and consumed two years ago," but the government is a partner in this. The partner has agreed to this and is in fact enforcing it.

I'd ask the government, as I did in a letter over a week ago to the Minister of Energy, that it put an end to this victimization; that he empower consumers of utilities of this province, in this particular case of natural gas, and overrule that hearing so that people will not feel victimized by that and can go on and pay forward for the gas they consume and plan for that and that they no longer have to be victimized by retroactive rates. I think that is something we should do.

The same thing was brought up today as far as hydro rates, another utility bill that is victimizing the people of this province. That's very important, and again the government has the power through the legislation that we passed here for a rebate system. The guarantee was 3.8 cents a kilowatt hour; anything over that would be rebatable by the government for the interim period of the phase-in of these so-called new energy reforms that don't seem to be working. That's something we need to be doing.

I just wanted to bring to the House tonight another form of victimization that people in my riding are talking to me about. This seems to be top of mind, when I return to the riding, that people want to talk about, and we need to do something about it in this House.

**1910**

**Mr Bartolucci:** Thank you very much to my colleague who has outlined another form of victimization, and indeed it is victimization.

I'd like to concentrate a little bit on Bill 60 for the next little while before I talk about JOEMAC, and then I'll go into the document A Voice for Victims, and then I think I'd like to outline what my beliefs are about what the development of provincial victim service standards should be.

Bill 60 is an act to give victims a greater role at public hearings. Certainly I'm in big support of that. I think that victims have been victimized far too long by the system. The system didn't want to victimize them but in fact it did. Bill 60 addresses a recommendation that the Office for Victims of Crime made to the government in this document, A Voice for Victims, back in 2000. I'm glad they're finally listening to the Office for Victims of

Crime, because there are many recommendations this government should be implementing.

I have a problem with governments doing everything behind closed doors and I'd like to go one step further with Bill 60. If we made an amendment to Bill 60, under section 36.1 where it says, "Victims within the meaning of the Victims' Bill of Rights, 1995 and other victims of offences, may participate in proceedings of the board in accordance with the regulation." I think we should go a little further. I think it should be "Victims within the meaning of the Victims' Bill of Rights, 1995 and other victims of offences," and then include "other members of the public."

I think for far too long things have been done behind closed doors, and there's a denial of justice when things are done behind closed doors. If anybody on the other side doesn't think that is true, I want you to go to Sudbury and talk to Constable Joe MacDonald's family. I want you to talk to his sister, Patti Mathés, who found out over the telephone that there was a transfer of Patti's brother's executioners from maximum to medium security; she found that out by watching television; she found that out by reading the paper. She wasn't given the same rights that the executioners were given. So there is a denial of justice here and there is in fact the revictimization of victims.

Bill 60 goes a way to addressing that and I applaud the government for that, but you're not going far enough. Take the secrecy away. Make sure the public is informed, and by their participation and then by the responsible reporting of things like that you will see that in fact victims feel protected in the system, and victims will also feel that they don't have to be concerned about being revictimized.

We all know in this House, because we passed a resolution pertaining to the JOEMAC committee, which is a community-based Sudbury committee seeking justice over everything and hoping that governments make appropriate choices—we've lobbied long and hard as a community group and we've now travelled across this country, trying to get people and associations to support our initiatives, to ensure that there is justice over everything and that victims are not revictimized. Last Thursday morning I got up in the House and spoke about the progress of JOEMAC. At that time I hadn't received the directive that the federal Solicitor General sent to Lucie McClung, who is the Commissioner of Correctional Service of Canada, and although it doesn't relate directly, it does relate.

I want to read a copy of the memo, the directive he sent to Ms Lucie McClung, because in fact, as of last Thursday, September 26, at 9:03 am our justice system changed nationally. He said to her, "The Correctional Service of Canada must uphold the principles of the Corrections and Conditional Release Act, which directs you to ensure all decisions directly contribute to public safety." I think that's an admission that that hadn't happened before. "Of course, this commitment precludes the establishment of any sort of quotas to determine security

levels or to govern conditional release decision-making....

"Public safety is of the utmost importance to this portfolio and we will continue to work together to improve our system through effective change.

"I encourage you to share this letter with your team to assure them I believe in our system, one that is respected around the world. Like you, I do not believe in a correctional system driven by quotas."

Listen, that's a major win in the justice system nationally, because from now on, from coast to coast to coast, those correctional officers will know that when they make institutional remarks about prisoners who are not following the rules of the institution, something will happen. There will be a reaction to their action. I tell you, this is major change in our system nationally.

I know that the Minister of Public Safety has launched a review of correctional services in Ontario. He has retired chief David Boothby as the chair, a person I have come to know quite well and respect very much. He has a member of the JOEMAC committee; the brother-in-law of Joe MacDonald, Franco Fragoneri, is one of those members. So I know there is going to be some meaningful dialogue, and it won't be based on partisan political rhetoric, which serves no one in this House well and certainly doesn't serve the citizens of our great province in any great capacity.

One of the other things the Office for Victims of Crime has recommended is that there is a development of provincial victim services standards. There are nine factors that I believe are critical to the establishment of this type of standard, and I'd like to review them in the last three minutes I have.

I believe there should be a recognition of the need and support for provincial standards by victims and victim services providers.

I think there has to be better coordination of all existing services for victims of crime, cross-sectoral, to provide 24 hours a day, seven days a week victim services to all victims of crime as required.

I think there should be available and accessible victim services that satisfy local needs and recognize regional differences.

I think we should ensure adequate, safe and secure space for victims in all courthouses. It's not uncommon in the courthouses across Ontario for that not to happen. That should be enshrined in a form of standard.

There should be the establishment of an emergency fund for victims of crime to serve the immediate, short-term financial needs of the victims.

There should be consistent protocols with respect to victim contact with police, crown, victim services, probation, parole and correctional and other criminal justice professionals. Unless you're a victim, you have no idea how intimidating the system can be.

There should be a built-in accountability mechanism for all criminal justice personnel serving victims. That, I believe, is extremely important, because that provides confidence to the victims.

There should be the establishment of an independent victims of crime ombudsman or advocate to address victims' complaints.

Finally, I think the provincial government must ensure adequate funding from the victims' justice fund to support new standards for victim services.

Those are nine recommendations that I believe would make for the development, introduction and establishment on an ongoing basis of provincial victim services standards. It is important. Bill 60 is but one small step in empowering victims. If we really want to empower victims in the province of Ontario, we have to take the next step and create a victim service standard.

**1920**

**Mr Peter Kormos (Niagara Centre):** In a few short minutes, David Christopherson of Hamilton West is going to be addressing this bill, as will Rosario Marchese from Trinity-Spadina here in Toronto, and I urge people to listen to what they have to say.

Look, the bill is of little substance. It does oh so very little. Indeed, the New Democrats had a private member's bill before this assembly that would have created transparent parole board hearings, that would have permitted not only the victim but other interested parties and, most importantly, the press to scrutinize every element of the parole process. That would be real reform. That would be real transparency. That would be a real opening up of what has historically been a very much behind closed doors, secretive process. This government does nothing to demystify the parole process, does nothing to make it transparent, does nothing to permit public scrutiny of the parole process. New Democrats believe strongly, as our private member's bill indicated, in the clear need for parole hearings, as but an extension of the sentencing process, to be as accessible to the public as was the initial courtroom sentencing process.

This bill does nothing in terms of opening up the parole process. This bill does nothing. This is the soap-on-a-rope, Hai Karate bill. This is a bill that talks about good grooming for prisoners. This is a bill that talks about how, presumably, if you had given Charles Manson a shave and a haircut, he would have been a model citizen; he could have belonged to the rotary club and been a Boy Scout leader and done oh so many other things. Oh, give me a break.

The author of this bill, Mr Sampson, isn't even in cabinet any more. The author of this bill was ousted from cabinet, no doubt in no small part for his indifference to victims, as demonstrated in this bill. I don't blame the Premier for ousting Mr Sampson if this is the best that Mr Sampson could come up with. Now you've got poor Mr Runciman trying to defend this piece of fluff that does nothing and is yet another sad day in the dismal history of this government's abandonment of victims.

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):** I commend my two colleagues, the member from Timiskaming-Cochrane and the member from Sudbury, for the knowledge they have shown on this issue. As a former critic of Correctional Services, I would say that

this bill should have been debated two years ago. It was tabled in the year 2000 by the former Minister of Correctional Services, the member from Lanark-Carleton, Norm Sterling. But at that time, we were sure that we would have debated it because the pressure was on the government that we had to give the proper tools to our correctional services officers. But since then, a lot of things have gone through and we have forgotten those officers who are working in there at the present time who are not getting support from this government.

We have to establish a zero-tolerance policy for violence against correctional staff. Let me tell you, during the time that I was mayor of the town of Rockland, the courtroom was in the municipal council room, and my office was just behind this office and I could see those things going on, that no protection was given. They didn't have the tools, really, to do an adequate job and perform duties adequately during the time they were bringing those inmates to court.

Today I'm really supporting a good part of this bill, but there are definitely some amendments that have to be brought forward so we can support this bill. Again, there's not enough in there that is giving power and the necessary tools to our correctional people so they can do an adequate job when they are performing their duty.

I could say that I did visit quite a few jails in the past—

*Interjection.*

**Mr Lalonde:** Thank you, Mr Speaker. My time has expired.

**Mr David Christopherson (Hamilton West):** I'm very pleased to follow the comments of the members from Sudbury and Timiskaming-Cochrane. I, too, would like, with your permission, to pick up on the comments that the member from Timiskaming-Cochrane raised in terms of holding this government to account in terms of what they've done in the past with victims. I think it's very germane to the point. They want to stand up and talk about Bill 60 as being this great, wonderful benefit that they're bringing to victims, yet it was this government, after they brought in their other Victims' Bill of Rights, that sent in government lawyers to argue against two Ontario citizens, two women who went into court and asked for the rights that you said they had; you said them in this House. They asked for those rights to be given the force of law, and you rolled in government lawyers and attacked their right to do that, and you made the argument, through your government lawyers, that these citizens did not have the rights that were written down on a piece of paper. It's outrageous.

The Minister of Public Safety, to stand up and talk about victims' rights, has got a lot of gall. There are things that your government has done in the area of justice that, as a former Solicitor General and Minister of Correctional Services, I'll support. The recent action against organized crime: damn right; high priority. But do not roll into this place and say that you are giving victims' rights a higher priority than any other government, because you have not. In fact, you've

disgraced yourselves by bringing in a piece of legislation that says one thing and then you attack citizens who ask for those very rights to be given to them.

**The Acting Speaker:** Response?

*Interjection.*

**The Acting Speaker:** No.

**Mr Bartolucci:** I thought we had one more, but that's all right. The reality is that what was said on this side of the House by all the people who spoke is absolutely correct. There's still so much more to be done. I guess that's our message. If you make the amendment to 36.1 to invite the public in, I think that takes care of the concerns that we have on this side, because the process is now transparent. That will be a recommendation that I make at the appropriate time, an amendment when this goes to committee, if it does go to committee, because it's an important amendment to provide for the credibility of Bill 60. I think that's what you're hearing on this side.

We have to ensure that we take the next step. Let me come back to the provincial victim service standards. For the government to understand how critical that is to a victim is imperative. If you don't understand how critical that is, to ensure that victims feel that they're receiving justice, then Bill 60 or any other bill you bring forward with regard to victims really does not have the necessary components in it. Victims in the province of Ontario must feel, (1) they're listened to, (2) they're being provided for and (3) there is the appropriate justice mechanism in place to ensure that they have closure, that they can move on with their lives and that they can feel that indeed there is a justice system where victims are truly empowered.

**The Acting Speaker:** Further debate?

1930

**Mr Dwight Duncan (Windsor-St Clair):** I'm pleased to have the opportunity to join the debate on Bill 60, the Victim Empowerment Act, 2002, and as my colleagues will do, I will vote in favour of this act. But I wanted to have a chance to go on the record tonight not only about this bill but about the government's whole approach to what I would call the crime-and-punishment issue. First of all, let me begin by saying that I define myself as a civil libertarian and I have a tremendous aversion to the power of the state, and I don't trust politicians of any stripe who routinely play on people's emotions about crime. For nine years, I worked and ran programs that dealt with the federal correctional service of Canada with the provincial corrections ministry. I can tell you that the kind of argument I hear put forward by politicians in this chamber demonstrates a singular lack of understanding, not only of cause and effect with respect to crime, but of how to deal with crime, indeed, how to deal with victims.

Let me give you a "for instance." We're spending a lot of time on this bill. I'll predict to you that this bill will do absolutely very little to help, in a meaningful way, victims of crime.

I ran a program that tried to deal with reconciliation between criminals and victims. But the simple fact of the matter is, most of the people who come through the prov-



vincial corrections system don't have victims in the sense of the types of crime that have them sent into longer-term stays, that is, over two years in a federal penitentiary.

There's a lot of fire breathing on all sides of the House about justice and fairness. The hardened criminals truly do go into the federal system. The federal system is better equipped than the provincial system to deal with these kinds of issues. I guess some prisoners who are in for crimes will have to get their hair cut a little more often as a result of this bill. The one thing that is good is this notion of parole and victims having the opportunity to appear before parole, but the fact is, the types of parole violations that are dealt with for somebody with less than a two-year sentence really don't affect people who have been victimized by serious crime.

So when I hear particularly the Tories over there making a game, I think they exploit people. I think they're exploiting victims. I think they're exploiting people's insecurity in society and trying to paint a picture that doesn't really happen.

In the provincial corrections system, as I recall, most of their inmates' crimes are drug- or alcohol-related. They get them into the system usually for under 12 months. We used to put through about 80 or 90 a month in the facility I ran. I can tell you that this ministry, the provincial ministry in those days—and this was under a Liberal government, it was under an NDP government and it remains the case today—they don't deal with substance abuse issues when they've got somebody. Get them in, keep them for a few weeks—and usually it's a few weeks—and put them out again. What happens? They reoffend. Then we all come in here and we make grandiose statements about protecting victims and protecting society in a field that largely is not provincial jurisdiction.

I regret the tenor of the debate that has evolved. I think politicians of all stripes exploit it. They exploit the lack of understanding. They exploit victims for their own gain. The sooner that stops, in my view, and we take a hard look at these issues, the better off we will all be.

I have heard this government time and time again rant and rave about a system that it has little understanding of. We've rehashed the same arguments in here, and I'll rehash them again: their superjails aren't working and so on and so forth. But I really hope that someday the tenor of the debate around crime and punishment issues will start looking at fact and less at emotion and stop exploiting victims and exploiting public anxiety about crime and start looking at the reality of crime.

Again, a very simple example: somebody gets involved in an impaired charge. They get bail. Is one of their conditions to go to a program? It might be. Is there a program available? No. So if they get lucky, they might go to an AA meeting, but no follow-up.

So I remind this House, and I'd like to especially say to the people listening, the debate and the tenor of the debate that's carried on on the provincial corrections system in this House exploits victims largely and shows a singular lack of understanding of the provincial cor-

rections system and what it can and cannot deal with. There's no doubt that crime is a big concern to people, there's no doubt that there are victims of crime, but there's no doubt also that the hubris we've seen in here on the part of the government over the course of the last seven years is the most despicable form of exploitation of victims one can imagine, with little or no understanding (a) of the provincial role in corrections or (b) the root causes of crime and (c) the difficulty in getting at rehabilitation, whether it be from substance abuse or whatever it may be underpinning the crime.

This bill does have, in my view, one commendable aspect to it that I can support: allowing victims to be heard at a parole hearing. But remember, the people who are being paroled in a correctional facility aren't the ones who have committed the horrible crimes against other people. Not to diminish what has happened, but this debate can only be characterized—not just this debate on this bill, but the whole crime-and-punishment debate in this Legislature over the last seven years that I've been here, in any event, and having spent eight years before that running programs both in federal penitentiaries and correctional institutions, having programs for offenders and bringing them back into the community—I can tell you that this debate and this argument in this House is more disconnected from reality than any other I've seen. It troubles me, and I've not spoken about it because it's a hot-button issue.

Crime rates have not gone down as a result of this government's efforts. Crime rates will not go down as a result of this government's efforts. Victims are no better off because of this government's bellicose grandstanding on an issue it has very little comprehension of. I challenge the government: if you want to do one thing, talk to people who work in the rehabilitation field and the provincial system and talk to your own senior management. Offer a program in substance abuse recovery in provincial corrections facilities.

When I left my previous employment, I believe for 70% of provincial offenders their crime had an alcohol or drug underpinning. Getting them into the prisons or the corrections system did nothing for them. And by the way, that was the Liberals too. I remember coming up here and arguing with my friend Mr Ramsay when he was the minister and saying, "We're taking literally hundreds of people a year off your hands, providing them with substance abuse counselling and support," and we were getting no support to do it, except from churches and other organizations. When you fail to deal with that, you fail to get at the root causes of the problems our institutions are dealing with.

I believe most people are sincere in their intent and desire to empower victims and deal with crime, but let's turn our attention to the real issues, understand the limited role the province plays, quit taking advantage of people's insecurities—and what I believe is a system that is not designed to deal with the more serious crimes against persons and property—recognize our limitations and provide answers and meaningful solutions for, hope-

fully, fewer victims in the future and meaningful corrections activities in this province.

**The Deputy Speaker:** Questions or comments?

**Mr Kormos:** Once again, let's be very careful. This bill does so little. It says, "Victims may participate in parole hearings in accordance with the regulations." That means they may be entitled to attend. It certainly doesn't mean they will have standing such that they can challenge claims being made by a parole applicant. It doesn't mean that this government will ensure that they have counsel to represent them should they have standing at the parole hearing. It doesn't make it mandatory that the parole board advise a victim of a parole application or that the parole board advise a victim of the pending time frame when a parole application could be brought, and it doesn't permit other interested parties. It doesn't indicate clearly that a victim and his or her representative shall have clear standing.

**1940**

The bill does so little. In fact, the bill's clearly been an embarrassment. This bill is musty and mouldy and has been layered with dust. It has been over a year since the government last had it in here during the course of second reading debate. The minister who sponsored the bill has all but disappeared from the face of the earth. You don't see or hear from him.

It is grossly unfair to suggest there's anything in this bill that constitutes any real or firm commitment to the interests of victims.

It's especially important to note that the bill does nothing to demystify the parole process, to make it transparent so the public can see, be it through the eyes of the media or directly, what's going on in that parole board hearing room. That's good for the administration of justice, should that happen. It's good for victims. It's also, quite frankly, good for offenders.

**Mr Steve Gilchrist (Scarborough East):** I just want to go on the record thanking the member for his comments. They certainly added to the debate. I look forward to hearing further comments before proceeding to the vote on the bill.

**Mrs Marie Bountrogianni (Hamilton Mountain):** I'm happy to join this debate. We will, of course, support this bill with some amendments. We acknowledge that it's a start, but a very small start, to what needs to be done to support victims.

Victims will have the right, in some way, as the member from Niagara Centre said, to appear and make a presentation to the parole board while the offender is present. I know from my previous profession that that's very therapeutic and very necessary for victims. In fact, they sometimes feel they owe it not only to themselves but, if they have lost a loved one through the crime, to the loved ones. It's very important for that to be done.

I want to link this to something that happened last week in the House when we had a victim of a different sort: a mother whose daughter had a heart transplant, who has to have the air conditioning on all the time, and therefore her hydro bill had doubled. She knew that when

we brought her name forward and she would be on TV that nothing would really happen right away with this government, but she acknowledged to us later that she felt like she had done something, that it was therapeutic for her to speak up.

So this links to victims of all kinds, and we of course will support that part of the bill.

I do also agree with the zero-tolerance policy for violence against corrections staff. I think it's important that corrections staff need to feel secure in the job they do. I have a lot of friends who are in the profession of corrections, and they are often afraid for their safety. So I agree with that part of the bill too.

I'd like to congratulate my colleagues from the Liberal caucus, but also my colleague from Hamilton West, for bringing up—I know we can't say the H word—the inconsistency between what's in this bill and what was done with those two women who were told they could speak and then told they didn't have the right to speak. I think we have to look at those inconsistencies when we develop laws in this province.

Again, I want to reiterate for the Liberal caucus that we will support this bill with appropriate amendments to make it stronger, not just a small first step.

**Mr Christopherson:** I'm very, very pleased to respond to the comments of the member from Windsor-St Clair. For a House leader, it doesn't happen too often, but I think it was one of those times when it truly was a non-partisan speech. I thought so much of what he said is very reflective of the real reality, rather than the reality that this government has tried to have people think exists around us.

It was interesting. He commented on the crime rates decreasing. I was just mentioning to Peter Kormos that arguably the single biggest cause of the lowering, quite frankly, is the aging of the baby boomers. Criminologists will tell you that there's a peak time when those who are criminally minded just get too old for the antics of that life—

**Mr Kormos:** And then they get elected.

**Mr Christopherson:** I'm not going there—and then things change and that stops.

I thought it was particularly interesting—I wrote it down; I think it was the preamble—that he said there's so much of what you do and say that is disconnected from reality. One of the things we forget when we deal particularly with parole, which is a real hot-button issue, is that virtually every single person in the provincial jails is coming out, they're coming back, because they got sentenced to two years less a day. If it was longer than that, they'd be in the federal penitentiary system. So virtually every one of them is coming out. So if you don't give a tinker's damn about any of them, you ought to be caring about the community they're coming back to. If we don't have some system of helping them reintegrate, then it's back into our communities and more crime in our backyards if you don't deal with it in the way the member for Windsor-St Clair is suggesting.

**The Acting Speaker:** Response?

**Mr Duncan:** I'm pleased to thank the member for Hamilton Mountain. I remind her that those coming out of the provincial corrections system on parole will likely not have committed a crime of violence against an individual. I remind the entire House of that. Thank you also to my colleague from Hamilton West.

To my colleague from Scarborough East, Mr Gilchrist, in light of what the judge said about him, I am pleased that rehabilitation does work and somebody can come and get themselves elected to Parliament. It tells me that there is a place for rehabilitation and that meaningful rehabilitation has to go beyond bellicose political grandstanding on the part of all politicians and deal with the reality of modern crime and what the provincial corrections system is empowered to deal with and not just jump all over issues and exploit victims, exploit communities, exploit insecurity.

Like Mr Gilchrist, I've had a lot of experience in the criminal justice field. I was working in and running a centre that provided rehabilitation. I'm saying to the members of this House, folks, this is an extremely limited piece of legislation. The government's entire crime-and-justice policy is predicated on fear, it's predicated on the exploitation largely of the poor and the dispossessed. It's something that history, I believe, will show to be one of your most unsavoury legacies.

I challenge you to come to terms with the reality of our provincial corrections system and an understanding of the types of people we deal with and try to deal with it in a meaningful way. I don't expect you'll be able to solve the problems any more than any other government has. But the sooner you put aside this blatant exploitation of victims of crime and of the fear of communities, the better off we'll all be.

**The Acting Speaker:** Further debate?

**Mr Marchese:** I want to follow up on a few comments made by my colleague Peter Kormos from Niagara Centre. My colleague David Christopherson from Hamilton West will speak soon on these matters, but to follow up on a few things the member for Niagara Centre said, first of all, this bill was introduced in May 2001. These people are so concerned about the rights of victims that it languishes there on the shelves. It lingers ever so long somewhere on the shelves. They care so much about victims, they just couldn't find it in their legislative framework to bring it forward. May 2001, and this is the party that fights for victims? They are so proud of introducing bills that do so little for victims.

What bothers me is not so much what they say; it's what they don't say. What bothers me is the appearance of being supportive of victims and doing so little. That's what disturbs me.

**Mr Kormos:** The dishonesty.

**Mr Marchese:** There is some of that. There is some misleading of the public with respect to this one. They say, for example, that victims will be able to go to those hearings. We know that the bill does not provide for that. We know that Bill 60 does not say in the law that they

shall have access to those hearings or that they shall be notified.

**Mr James J. Bradley (St Catharines):** That's the impression I had from their speeches.

**Mr Marchese:** But not just the impression you had from their speeches; in fact, that's what they say. What bothers me is that everything in their presentation of this bill is about how much victims are going to get as a result of Bill 60, and the law says victims "may" participate. "May" enables them to do it in some way or other, that they possibly can, but there is nothing in law that says they have a right to participate, that they will be notified.

**1950**

That's what bothers me about this law-and-order agenda. They never fail for one moment to talk about all these other great bills they've passed. What makes me sad is that the media doesn't follow these issues very closely. So listeners, it's between yourselves and us to be able to give you some information you are not likely ever to get from the media, but you get it here on this parliamentary channel. That's why we are so happy to have this opportunity to debate and to reach out to you, to talk to you about the scam perpetrated on the public about how much we're giving poor victims.

They have the audacity to present the Victims' Bill of Rights as one of their star bills that is presumably to have given victims rights. They know—the Attorney General is not here at the moment, but he was here earlier—as my colleague from Hamilton West has already said, that Judge Day ruled that your Victims' Bill of Rights had no rights conferred to victims. The members from Hamilton West and Niagara Centre have argued it many times before. Their own lawyers argued that their bill did not confer rights.

Do you understand the comedy of it all? It's so utterly comical to have the government give one line, where the substance of their bills is another. It's so paradoxical. It's so stupid not to be able to reach out to 10 million people, six million people at one time to tell you that what they are doing is perpetrating a big lie about how tough they are.

They bring forth the bills like the Parental Responsibility Act. You recall that bill, Jim. That's the bill that's supposed to give people rights to sue individuals who have harmed them, harmed their property in some way or other. We know, mostly through our critic from Niagara Centre, who has a good knowledge of the law, that existing law would have given those people more rights in terms of being able to sue, first, and the greater ability to be able to recover more of what has been done against them than the bill called the Parental Responsibility Act.

Has anyone ever heard about this bill since they've introduced it, about anything in court that may have been brought to it as a result of this, someone who might have been aggrieved and took someone to court over this Parental Responsibility Act? Zip. Nada. Nihil. It's just a bill that's out there.

They're just thrown out, one bill after the other, so that this party can appear to be the party that's tough on crime

and gives rights to victims that they don't have. It's such a sham.

The member from Scarborough Centre even has the audacity to talk about a component of that bill that talks about grooming for health reasons. It's a substantial part of this bill that they're going to force people to groom themselves for health reasons, because she cares about them being groomed for their own safety and health-related reasons. You see the kind of stuff they put into these bills?

Do they get away with it? They do get away with it, because nobody reads these bills, nobody follows them. The media sometimes, God bless them, either do not have the time or the resources to do the proper research, or the willingness—I'm not quite sure—to be able to put to the public the real truth about what is contained in these bills. So they are able to get away with it each and every time.

The federal government has a law, I understand—this to the Liberals who may not have realized—that gives victims the powers that they claim, in this bill, to do but are only enabling inasmuch as the language says they might. But we don't know whether they'll be able to have those rights. If they want victims to have those rights, why don't they say, "Victims will have access to those hearings, will be notified, will participate, because we want them to be part of the process"? Why don't they say that? Why the sham about "may" versus "shall"? Why do they do that? They do that because they don't really care too much about this except for the image of being tough, the image of being kind to victims because they care about victims.

We know there was a bill presented by Peter Kormos, the member from Niagara Centre, Bill 89, that would have ensured victims the ability to attend a parole hearing, would have ensured that members of the public could attend, would have ensured that the media would be present to be able to hear what indeed happened, what indeed is happening, and report to the public as a matter of public interest.

Bill 89, introduced by the member from Niagara Centre, would have done that. Were they concerned about giving victims these rights and powers, they could have easily taken that bill. They didn't. They refused to do that, which tells me they're not really interested in giving victims the rights they deserve.

I say to you that a bill that was introduced in May 2001 is still lingering in nowhere land, brought here again a year later, because they care so much they haven't had the opportunity to bring it forward? They don't. That's the problem. They don't. It's a sham. Listeners of this program, they don't really mean what they say. They're playing with you. They're playing with the public. They're playing with your emotions. They're giving you the sense that this is the only party that would ever deal with issues of crime and would ever deal with issues of victims. That's the sham they're playing with you and with us.

The only power we have is our ability in this place to debate, to argue and to speak to you directly. That's all we've got. Those of you who are watching are empowered, in my view, as you watch this program to then question the members about what these bills contain, to question them on the substance and not only the appearance of these bills, each that belie the substance, titles that belie the substance, contents that belie the substance. This bill doesn't go very far in doing what it purports to do.

**The Acting Speaker:** Questions or comments?

**Mr Gilchrist:** I think the member who just spoke went slightly off the topic of the bill and got into an area he really should be loath to venture into. The suggestion that somehow we have not seen an improvement in issues of crime, particularly in our urban centres, particularly here in the city of Toronto, is preposterous.

The member knows how, in his own riding, crime rates have fallen since 1995. In my part of the city, an area that had long had a reputation of being a high-crime district, we've seen crime drop by 35%. The member opposite is probably going to suggest that people aren't reporting crimes now. He's probably going to suggest that when people have their cars stolen or they get assaulted or they get murdered that somehow they're not taking the time, it's become too complex.

The bottom line is that crime has dropped 35% in that part of 42 Division, and your riding isn't all that different. To suggest there have been no changes, to suggest that the same things people should have feared walking the streets in 1995 exist today is preposterous. It's insulting. It's wrong. The member has an obligation to be more accurate, to reflect what's really happening in his riding, not to fearmonger, not to stand in his place and score cheap political points.

The fact of the matter is that south of the 401, I'm proud to say that according to Metro Police statistics, Scarborough East now ranks level with Rosedale in terms of the crime rate. The bottom line is that part of that is because the province invested in 1,000 police officers for local police forces, including 250 in Toronto, a considerable portion of which was assigned to the two police divisions in Scarborough. It's made a difference. A lot of the other issues made a difference, most importantly getting a million people back to work, new jobs in this province. That's made a difference. Crime is down, and the member knows it.

**2000**

**Mr Bradley:** The self-congratulatory messages which come from across the floor are astounding, because when it suits their purposes, they will tell you how high the crime rate is, and now on this evening with this bill before us, they want to tell us how low the crime rate is.

The fact is out there that there is no question that the people whom we all want to assist in some way or another are the people who have been the victims of crime. There are many cases. There are some members here who represent ridings where there are some very high-profile cases. Those people will tell you what it's

like going through the procedure of a court trial, the pretrial and even the post-trial part of their pain, let's put it that way.

As you would know, in the city of St Catharines, the parents and family of Kristen French would be able to tell you about the great difficulties they encountered day after day, their worry about tapes being shown. And at long last, after a major fight by their lawyer and by many of us in this House, those tapes have finally been destroyed. That, certainly for them, was a real relief, because they were very concerned that over and over again those tapes would be played. The Attorney General is, I know, happy, as I am, with that circumstance, where those tapes at long last have been destroyed, because all of the procedures have taken place in court. There are other cases that the member for Niagara Centre and I are familiar with in the Niagara region.

What we would like to see is legislation that has a meaningful impact. This bill in some ways will have a modest impact, will be a modest improvement, but what it is characterized as and what it will actually deliver are two different things. That's most unfortunate, because the potential is there for very strong legislation.

**Mr Kormos:** I'll tell you what. I think this bill is going to be voted upon this evening.

**Interjection:** Hear, hear.

**Mr Kormos:** Fair enough. I think if this government believed everything it's been saying about this bill it would send the bill to committee so that we could, oh, let's say, have the office for victims' rights come to the committee, so we could have—

*Interjection.*

**Mr Kormos:** Well, of course it couldn't be the office for victims' rights, because we have no victims' rights. My apologies to the Attorney General. Because if we had an office for victims' rights, that would imply there were rights in this province for victims, and we know of course—now, it wasn't this Attorney General, because this is the first Attorney General I've liked in a succession of a couple. His predecessors—there was one, the author of the Victims' Bill of Rights, it was Charlie—I can't remember—

**Interjection:** Charlie Harnick.

**Mr Kormos:** Well, whatever. It rings a bell, but it's long gone from my memory.

People in the opposition were warning him that his Victims' Bill of Rights did not contain any rights for victims. And sure enough, the government's own lawyers were arguing that when it came time to be litigated.

So let's send this bill to committee. Let's examine the prospect of toughening up the rights of victims to have standing at parole hearings. Let's examine the prospect of some amendments that would open up parole hearings so that the media could access them so they could report to the public. And let's examine the good grooming sections, the "Oh, we'll rehabilitate by making sure that prisoners have manicures and pedicures," all the things that are entailed in good grooming.

Your people just don't—trust me. You go to any dorm in any detention centre or jail facility in this province, and I promise you, if there's an inmate who ain't bathing, his colleagues, or her colleagues, will—go into a dorm of 20, 30 inmates. Trust me, their colleagues will take care of it. They don't need your legislation.

**Hon Mr Runciman:** I'm jumping up again in response to comments from the NDP member, whom I like personally. But I have to remind the House and any of the viewers of the record of the NDP government. They get up on their feet and talk about concern for victims.

Those of us who were sitting over on that side during the time the NDP government was in power will recall the operations of the Ontario Board of Parole, when they put an individual who was a former executive in the John Howard Society in as head of the Board of Parole. They had people working in the minister's office who were Elizabeth Fry officials, or former Elizabeth Fry officials.

I'm not being critical, but the focus of the NDP government during their years in power was on prisoners' rights, not on victims' rights. And we have case after case that proves that, most significantly the death of Constable Joe MacDonald in Sudbury. We have the JOEMAC foundation dealing with that; one of the members of the Liberal Party is very active in that effort. For them to get up—they should be silent on this issue; they have the nerve, the gall to get up and talk about their concern for victims in this province—is purely ludicrous.

**The Acting Speaker:** Response?

**Mr Marchese:** What a shameless manifestation of emotions there. Shameless. The Minister of Public Safety has been part of a government that speaks so proudly about rights the victims get. And we talked about the Victims' Bill of Rights that gives no power to victims—he's proud of that, I guess; a Parental Responsibility Act that's weaker than the current law; going after squeegee kids because they're cleaning windshields. He's proud of this record. What a shameless manifestation of anger against the New Democrats. To be compared to all of the bills they have presented, which has nothing—it's fluff.

The member from Scarborough East said that I wasn't speaking to the bill. I don't know where he's been since I've been speaking, because what I was speaking to was to the issue of the act giving victims a greater role at parole hearings. That's what I was speaking to. And he says he doesn't know what I was talking about, more or less. And then he wandered off to la-la land with some other issue.

The point of this bill is that if you are to empower the victims, this bill doesn't do it. If you want to give the power to the victims to have a greater role, Minister for Public Safety, then give them that power and change the wording that says "may participate" to "shall." Do that. If you're so tough and you're so good to victims, defend the different kind of language. Don't blah blah blah with those emotions that say so little and say, at the same time, so much about what you are not doing. This is Bob Runciman. Change the language. Take it to committee.

Debate. Let's give the stronger language that Bob, the Minister of Public Safety, wants, and let's debate that, seriously, in this place.

**The Acting Speaker:** Further debate?

**Mr Christopherson:** Finally we're getting a little bit of debate here; we're getting a little bit of action. I want to tell you, for you to stand up and say that you've done more for victims than anybody else is absolutely not the case.

**Mr Bob Wood (London West):** More than the NDP, that's for sure.

**Mr Christopherson:** I heard somebody say, "More than the NDP," and I've got only nine minutes, but I'm going to touch on that.

But one of the first things I want to do—

*Interjections.*

**Mr Christopherson:** Just hang on. We've listened to you; give me a moment.

This was said by the minister of the day on the day the bill was introduced. My friend from Trinity-Spadina has made a very valid point, and that is, if you care that much about victims and this bill is going to work such wonderful miracles, why wouldn't you have wanted to give the victims of crime since the time you introduced the bill until this gets passed benefit of the bill? What, you've just sacrificed them, if it's such a great thing that you would be giving them? You've just said to those victims, "Sorry, you don't fit our legislative timetable." That's justice?

The point this evening that we're on right now, between the two opposition parties and the government of the day, is their claim that they do more and care more about victims than anybody else on this side of the House. That seems to be the point we're at right now, and that's a great debate to have.

On the day this bill was introduced, the Tory minister of corrections said this, and I quote from Hansard, "Throughout all of our reforms in corrections,"—meaning the government—"throughout all the reforms of my colleague the Attorney General and my colleague the Solicitor General, we have tried to modify the justice system to speak more bravely and more boldly to the needs and the wishes of the victims of crime; hence, the Victim Empowerment Act that we're debating today. If you can't speak to the needs and the wishes of the victims in a just society, then how can you call it a truly just society? If the balance is out of whack between those who have had crimes committed against their personal property or themselves individually, and those on the other side who have committed the crimes, if the balance is not there, how can it be called a just society? Then how do people in society have respect for the law?"

**2010**

That was the question the Minister of Correctional Services posed to this House when this bill was introduced. Time doesn't let me go on, but he makes reference to the Victims' Bill of Rights.

You want to talk about respect for law. "He's already gotten up and talked about that earlier tonight." Fine; if it

bores you, click to another channel. I'm going to refer to this issue every chance I get, because if ever there was something a government ought to be ashamed of it was your Victims' Bill of Rights, which you tied to this bill. By the way, the government doesn't seem too interested in speaking to this bill this evening. I don't know why. You know why, Speaker, because they want the bill to go through. They love the name of it and they love to be able to reference it, but they sure don't want to get too far into this subject because it's one they can't win.

We'll talk about victims; we'll talk about the Victims' Bill of Rights. I was so pleased with the comments of my Liberal colleague the member from Windsor-St Clair, because he spoke to these issues very directly. It's not necessarily the most popular thing to do but it reflects the truth. This government has presented itself actually from the beginning of the 1995 campaign to date as the only party in this place that truly cares about victims. It makes reference to our government, and because we had someone from Elizabeth Fry, which was a direct attack on my former chief of staff—by the way, I would just add, for the Hansard, that there was a personal attack by the now Minister of Public Safety, who was then over here in the third party as my critic, who accused my chief of staff of all kinds of things and never apologized publicly for doing so. It was OK to besmirch her and attack her, but it wasn't OK to stand up when the picture was clear and apologize for making the suggestions he did.

However, having said that, what this government has attempted to do is to suggest that we on this side, both the Liberals and the NDP, have no interest in the victims of crime, that we're all about—what's the term they like?—coddling criminals, taking care—

**Interjection:** Soft on crime.

**Mr Christopherson:** Yes, soft on crime. Those are the buzzwords and the key phrases they like to use. But I was there. I'm one of those who was in those shoes for a while, and I don't think I need to articulate that I don't think there's a person in this House who doesn't care about what happens to victims of crime.

When we looked at it, at some of the things that we wanted to do, do you know what we found out? It wasn't that easy. Like many things in life, if it was easy everybody would do it. What happens is that when you start to look at some of the things you would put into law, at regulations and procedures to give effect to wanting to help victims of crime, regardless of your political affiliation, if you want to do some of those things, I'm going to tell you the reality, and that is that it's mind-bogglingly expensive to do it properly because you can't put limits. When you give people rights, everybody gets those rights. They have the right to carry those rights in every aspect of the criminal justice system. Then you have to put in time frames that make sure the information gets to victims of crime in a timely fashion. You have to have people to administer that. It all has to be done competently, and in most cases there needs to be some kind of an appeal process attached to these things.

If the government had said when they introduced their Victims' Bill of Rights, "We can only go this far and no further, but we're glad to take this step," they probably wouldn't be feeling the kind of venom they are now, because what hurts is that this government knew exactly the same thing we did. We chose not to do it if we couldn't back it up and actually give people those rights. You chose, this government chose, to introduce that Victims' Bill of Rights and say that people had all kinds of rights that at the end of the day they did not have. Is that just political rhetoric? Absolutely not.

I say again that when those two citizens went into court and said, "I'm a victim of crime and I heard my Attorney General and my Solicitor General giving assurances"—as best I know the Hansards were read out and introduced into the court proceedings because that's what they were basing it on—the response from the defence, which was the government, was government lawyers standing in front of the judge and saying, "Your Honour, these citizens don't have those rights that our Attorney General and Solicitor General said they have. We were just kidding."

I wish this evening I had the quotes from Judge Day. They are so damning. He makes it very clear, and these are my words, that this was a political ploy, that you said one thing and you did another and you did it deliberately. So what galls people like me and other justice ministers in former governments—I'm sure there are former ministers on the Liberal side who feel the same way—is when you stand up and say, "Because you didn't introduce a Victims' Bill of Rights like we did, you don't care about victims as much as we do. There's the proof." That's not the case.

Do you know what, though? What you did is worse than doing nothing, because you told people they had rights and then you went into court and said, "No you don't." That's wrong.

*Interjection.*

**Mr Christopherson:** Yes, that's exactly what happened, I say to the member from London West or London North. I say very directly to you, read what Judge Day had to say about your own government. I know you won't. After you've drunk the Kool-Aid around here, there's no need to go look at reality or look at facts, I know. But let me tell you, it is frightening to think that a government knowingly stood up in this place, that ministers of the crown stood up in this place and said, "We're here to give you victims rights that you don't have," knowing in your heart and in your mind that you weren't. When push came to shove, you went after the very people you said you were proposing to help.

**The Acting Speaker:** Questions and comments?

**Mr John C. Cleary (Stormont-Dundas-Charlottenburgh):** I'm pleased to make a few comments on this bill. I believe it would have a modest impact and be an improvement on what we have now. I think that if all the members of this House would put their heads together and send it to committee, we could come up with something that would be reasonably workable.

It was mentioned here earlier how crime went down in Toronto as well as in some other locations, but I know that—

*Interjection.*

**Mr Cleary:** I'm not so sure about that. I hear noise from over there, but I'm not sure that has happened. It went down in other parts of Ontario. I know some places where it's not down as much as you would think, because if you saw the law enforcement we have there and everything, trying to control some of the things and some of the people who have been victims—anyway, I think the answer, as I said earlier, would be to get the bill to committee. It would be an improvement. I would hope that's the direction we would go in because I know that a lot of people in this province, all corners, may be watching what's going on tonight and will read about it later on. I thank the government for bringing it forward and I am pleased with the comments from all parties. I know that every member of this House has the same thing in mind: trying to make our province a safer place than it is today. I think we have to work together to accomplish that.

**2020**

**Mr Marchese:** I want to congratulate my friend from Hamilton West for his forceful critique and forceful attack on this government, because that's what you have to do: you have to attack them seriously and hard, because it's a serious, serious game they're playing against victims and on the citizens of this province.

The aim of this bill is not to say this is a modest improvement; no. They do not present this bill as a modest improvement in giving victims rights. They present it as singularly the most important bill they've ever introduced to give victims power. That's singularly not true. It's so singularly dishonest that you have to attack forcefully when they present it in this way. If they had presented this bill as a way of saying, "Look, we're making some inroads, we're going a little ways to giving victims some power," then you say, "OK, it doesn't go far enough, but yeah, you're right." But when they present it as they do, each and every time—although tonight they're very silent—about the empowerment of victims, while in fact it gives them so very little because the language in the bill does not give the power and the rights they are entitled to—it's a foolish game they play. Then you have to attack.

So it's hard for me to say that I don't want to support this bill. It's hard because, yes, there's something there that you want to support, but it's so difficult for me to say that it doesn't have enough. I'm almost tempted to say that it's so bad, it doesn't give the rights they're entitled to, that I'm tempted to want to vote against it. That's the feeling it produces in me.

**Hon Cameron Jackson (Minister of Tourism and Recreation):** I've been a little disappointed by the level of debate this evening. I do want to comment very briefly. I want to concur with the comments made by the member for St Catharines about those of us who have known first hand the families that have experienced

tragedies. I was visited just last week by Ryan Mahaffy and reminded again of the impact that victimization has on people.

It is perhaps unfortunate that this debate has degenerated into what government did what and what government didn't do what. I think it's perhaps more important at this point in time that—because frankly, we put together a bill, one of a dozen bills which the government has brought forward—we want to continuously improve the quality of life for individuals, primarily for victims who have said their most important desire is that no one else experience that victimization.

The government works with the public and the opposition parties in the hope that we will be able to make court reforms, reforms in policing services and social support services—all of these coming together to help victims. And yet tonight, the debate has degenerated to what government did what.

The true irony of this is that this bill will improve the situation for victims in this province, and yet the opposition members will be faced with the prospect of delaying the bill and not allowing it to proceed, and with the prospect of potentially voting against it. The fact of the matter is, if we work together on behalf of victims, try and present some amendments to make this a stronger bill, if that's your point, but if it isn't your point then at least come together and support the Attorney General of the day in order to make this happen.

**Mr Duncan:** I want to congratulate my colleague from Trinity-Spadina on the thoughtfulness of his speech tonight.

**Mr Bradley:** And Hamilton West.

**Mr Duncan:** And Hamilton West; they shared the time. I want to say, as I said earlier tonight, to bring the Mahaffy situation into this debate and to compare it with the victims of crime of those who would be paroled from a provincial correctional facility is the worst form of exploitation one can imagine. The people who are paroled and come out of provincial facilities were convicted for under two years. Generally speaking, their crimes do not involve crimes against the person. Generally speaking, they're paroled because the crimes themselves certainly are not of the magnitude that was just referenced.

I believe in the intention of people, and that's why I'm supporting this bill. I think the NDP have pointed out some real flaws in it. To suggest somehow that anything in this bill involving the correctional system will do anything to aid those victims of horrendous crimes against a person just really betrays a fundamental lack of understanding of our correctional system.

As I said earlier, having worked in it for eight years, having actually been inside correctional facilities, having run programs out of those facilities, as well as federal penitentiaries, to trivialize—and the bellicose language around this debate, in my view, serves no one's interests, least of all the real victims of crime.

**The Acting Speaker:** Response?

**Mr Christopherson:** My thanks to all the members who responded: the members for Stormont-Dundas-Charlottenburgh, Trinity-Spadina, Burlington and Windsor-St Clair.

In responses you only have two minutes. I want to focus on what my neighbour in Burlington had to say. First of all, I want to underscore what he didn't say. He did not stand up and say that I misrepresented what Judge Day said. He did not stand up and say that I misrepresented what their government had done or, in the other acceptable parliamentary term, leave the impression that he disagreed with my recollection of what he did. He did not do that. I think that silence screams volumes.

Second, I say to my friend that you continuously lose so much credibility when you stray from your point. Right now I'm not sure of the point you were making originally, because when you strayed, it really got us upset, because what did you say? You said that we were trying to delay it. Where did that come from? We're the caucus that made the argument, and Liberals may have also, that you haven't touched this bill in a year. If it was that important to victims, didn't you owe it to them to get this law passed, given that we've already told you we support it and you're going to get the bill? To then suggest that somehow we're delaying it merely amplifies the fact that this government forever wants to move off the focus of the real situation and go where it wants. Those points were again eloquently—I'm very, very proud of my colleague from Windsor-St Clair and his tone this evening and what he's brought to this, much opposite to what the minister raised on the government's behalf.

**The Acting Speaker:** Further debate?

Seeing none, I will be placing the question. Mr Sampson has moved 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.

Is it the pleasure of the House that the motion carry? Carried.

Shall the bill be ordered for third reading?

**Hon Mr Runciman:** We will send it to the justice and social policy committee.

**Hon Doug Galt (Minister without Portfolio):** Motion to adjourn.

**The Acting Speaker:** Mr Galt has moved adjournment of the House.

Is it the pleasure of the House that the motion carry? I heard a no.

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

This House is adjourned until 1:30 of the clock tomorrow.

*The House adjourned at 2030.*



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