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of Ontario**

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**Monday 27 November 2000**

**Lundi 27 novembre 2000**

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Monday 27 November 2000

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Lundi 27 novembre 2000

*The House met at 1845.*

ORDERS OF THE DAY

CORRECTIONS  
ACCOUNTABILITY ACT, 2000

LOI DE 2000 SUR  
LA RESPONSABILISATION  
EN MATIÈRE DE SERVICES  
CORRECTIONNELS

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

**Hon Rob Sampson (Minister of Correctional Services):** I'd like to mention that some of my colleagues will be speaking on this bill on behalf of the government, including Mr Clark from Stoney Creek and Mr Mazzilli from London-Fanshawe. Is that correct, guys?

Before I proceed, I want to welcome some distinguished guests in the members' gallery, outfitted in their regalia, members of a scout group from Mississauga. If somebody were to slip me a note, I'll get your group recognized on the record of Hansard. Fill out a note and have it sent to me, and I'd be happy to put that on the record of Hansard.

There goes Mr Kormos, who quite regularly helps out the government, I should have you know.

Speaker, I know I should be speaking to you on this bill, and I will certainly—

**Mr Peter Kormos (Niagara Centre):** Troop number 44, Mississauga.

**Hon Mr Sampson:** Troop 44 from Mississauga is here. I certainly want to recognize this tremendous troop.

You are seeing government in action here. Actually, I'm quite pleased to be speaking in front of this scout group on this bill, because it will impact the lives of many Ontarians, including the members of this scout group, who I hope will never be in one of our institutions but who will certainly recognize the need to make sure we have effective and efficient correctional facilities in Ontario to deal with those who, as deemed by the courts, need to spend some time in jail because of crimes they have committed.

I want to start by saying right off the bat that the legislation before this assembly today is a key component in our efforts to reform the correctional system in Ontario into a system that is efficient, because we are spending your tax dollars in running these facilities, and effective, because of course we need to make sure we have safe and secure facilities that deal with the challenges of the individuals who are sent there for correcting.

We need to make sure they are publicly accountable. I've heard very clearly from the people of Ontario that they want a correctional system, not only run by the province, but also run by the federal government, which is accountable to the public that is asking them to do a particular job. Certainly, for those who live in and around a particular facility, for those who work in the facility, for those who have loved ones who work in the facilities and indeed for those who are there themselves, we need to make sure they are the safest they could possibly be. The bill before the House will be a key component in helping this government deliver on those objectives for correctional services in Ontario.

I should also remind the people watching today and my friends from Mississauga that there is quite a difference between the correctional system run by this province and the one that's federally run. Because this is election night, I don't want to get into the potential for politics in describing the difference between the two, but I think it's important for people watching and listening to this debate today, whether in person or on TV, or reading it in subsequent documents like Hansard, that we in the correctional system in Ontario are charged with dealing with inmates who have sentences that are less than two years, individuals who are awaiting the conclusion of a particular court case, individuals who are sentenced to institutions for immigration-related charges or individuals who are between the ages of 16 and 18 but have been sentenced to spend some time in jail. We are also charged with the responsibility of dealing with those outside the institutions who have been sentenced to spend

some time in community sentences. Those numbers are rather large. On any one day, 60,000 or more of those individuals are out serving community sentences, and those individuals are the responsibility—

1850

**Mr Dave Levac (Brant):** On a point of order, Mr Speaker: I request a quorum count.

**The Acting Speaker (Mr Bert Johnson):** Would you check if a quorum is present?

**Clerk Assistant (Ms Deborah Deller):** A quorum is not present, Speaker.

**The Acting Speaker:** Call in the members. It will be up to a five-minute bell.

*The Acting Speaker ordered the bells rung.*

**Clerk Assistant:** A quorum is now present.

**The Acting Speaker:** The Chair recognizes the minister from Mississauga.

**Hon Mr Sampson:** I thank the member from Brant for that interjection, and I assure him we'll do our best to make sure there are no similar objections while he is speaking. We'll give him that courtesy. He's apparently not prepared to—

**Mr Wayne Wettlaufer (Kitchener Centre):** On a point of order, Mr Speaker: Would it be in order to note there are no NDP members and only one Liberal member in the House at this time?

**The Acting Speaker:** That is not a point of order. The Chair recognizes the minister from Mississauga.

**Hon Mr Sampson:** I gather that is apparently a point of fact but not a point of order.

I say to the people watching and listening today that we have individuals who are sentenced to under two years, young offenders and those who are awaiting trial—and those numbers would be about 7,000 to 8,000 and sometimes 9,000 in our system at any one time—and about 60,000 to 70,000 under community supervision. We do not deal with those who have been sentenced to over two years. Those would go to a federal institution. I think it's very clear to understand at the outset, for the people listening and watching TV, that the bill before us deals with those who are serving two years or less. Again, the fundamental principle we have before us tries to bring some accountability into the system.

I know my colleague will do his delivery shortly, and will rant and no doubt try to lead this House to believe this bill somehow lies on the backs of individuals who work in the institutions to deliver services on behalf of the ministry, and I want to say at the outset that nothing could be further from the truth. I think we have many fine young men and women in the correctional system in Ontario, who are quite dedicated to the service, many for a number of years, and who have seen the principle of corrections swing back and forth between the concept of rehabilitation and, frankly, the concept that says, "Lock them up and throw away the key." They've seen that policy pendulum swing back and forth through the many years of service they have provided to the ministry, and I think they have worked very hard to deliver on that.

What we're trying to fix here is a system of corrections that in many cases has kept these individuals from doing the best job they could possibly do on behalf of the citizens of this province, who are paying their salaries and asking that various service levels be provided. What we're trying to fix here is a system that says we shouldn't be testing for drugs in an institution; that people should be allowed to be released from jail early, based on some calculation of the number of days they've spent there; and that the rights and privileges of the inmates are above and beyond the rights and privileges of those who are outside the walls and are law-abiding citizens and those who are inside the walls and trying to deliver the service.

What this bill is trying to do is establish an accountability procedure, not only for those who are running the system, not only for those who are paying for the system, but for those who are in the system, indeed the inmates themselves.

One of the key components of this bill, and one of the key components of the accountability system we're putting in place, is one that will try to deal with—I've said "rampant"; I believe it is—the rampant presence of drugs, whether they be illegal drugs or alcohol—alcohol in a jail is illegal—in jails. This is contraband. It has entered the system and has become, on its own, a currency within the jail that allows inmates to take advantage of others who are unable to deal with that and frankly is terribly disruptive, not only to the stability of the security of the jails, but also I believe, and I think a lot of people believe, is disruptive to the concept of rehabilitation. How can you possibly expect success in drug rehabilitation programs when around the individuals who are taking those programs are drugs that will draw them back into their cycle of dependency?

Of course this bill is saying we should randomly test individuals, inmates in our correctional facilities and those on community sentences as well, especially parole, for drug use and the presence of drugs in general. I believe that's the right thing to do. In fact, a coroner's inquest into an unfortunate death in one of our facilities of late has come forward with a number of recommendations that relate to the presence and use of drugs in Ontario correctional facilities. One of them says that the ministry should undertake a study of the presence and procurement of illegal and contraband drugs in institutions, with a view to reducing or eradicating the problem. This bill before us today, which will be debated today and the next day, I understand, is indeed empowering the ministry with the appropriate tools to deliver on the recommendation of that particular inquest.

I say to the member opposite, who no doubt will want to talk about testing technologies and the latest and greatest of machines that can detect the presence of drugs in those going into and outside the institutions, it may well be we'll have to go there. It may well be that we should start to use that latest and greatest technology. It may well be that yes, I should say to the member opposite, the use of drug-sniffing dogs is something we

should look at. But the extent to which you employ those technologies has to be somehow related to the severity of the presence of drugs in the institutions. Those who have serious drug presence problems might require a different type or a different combination of technologies to help stop the flow of drugs into the institutions.

In those institutions where testing has indicated the presence of drugs is low to nominal to non-existent, the application of technologies would be better spent in other places. Before you start throwing solutions at the problem, you need to identify the problem and provide some incentive to those in the institutions to properly behave. I say the incentive is, frankly, a very simple one: those in the institutions, who know the testing program is coming, and it's a random program, are less likely to want to continue the frequent use of the drugs. It's very simple. If you don't test them and they don't know they're going to be tested, I argue they'll be more likely to continue the use of drugs. If you are testing and they know the testing will be random, they don't know whether it's today, tomorrow or the next day, then that will serve as a deterrent—not a complete and perfect deterrent; there isn't any. But that will serve as one of the components of a deterrent to the use of drugs in the institutions.

**1900**

I very much appreciated the support of the member from York North, who presented a resolution to this House just last week asking that serious consideration be given by this House to the application of random tests in institutions. It was a private member's bill that was supported by the members on this side and was not supported in unison by members opposite. I say to the members opposite, if you're not prepared to try to identify how rampant the use of drugs is in your institutions, then you become, I think, completely restricted in how you will apply drug-sensing technologies to make sure they don't come in.

There are two other components of this bill I want to talk to briefly and I know my colleagues will quite eloquently fill in in areas where I haven't had time to. But another component this bill will deal with is the concept of earned remission or remission in general. What is it that we mean by "remission"?

Again, just for a little bit of background for the people listening and watching today, our authority to run correctional facilities in this province is actually allocated to us by the federal government under two pieces of legislation that they have. One is called the Prison and Reformatory Act and the other is called the Corrections and Conditional Release Act. Some of these bills have been reviewed by senior governments, federal governments, year over year, but the fundamental principle of how we operate our correctional system is governed by those two pieces of legislation. One of the components of those bills talks about what is called in that bill "earned remission." It says every prisoner serving a sentence in our institutions shall be credited with 15 days of remission of the sentence in respect of each month that they've

spent in the institution. If you do the calculation and the math, it effectively turns out to be that if you are sentenced to a year, the moment you come in the door, you know by definition a third is lopped off at the end. You'll only really spend, under this particular federal act, two thirds of your time in jail. The other third will be earned through remission.

What does that mean? It means unfortunately that after the two thirds are up, we are obligated to open the door and out they go, totally unsupervised. The interesting twist to this is that the federal prison system operates under the same earned remission—we call it the "discount law concept"—but for them, for prisoners leaving a federal institution, the federal correctional system can supervise these individuals when they leave jail. Here's the way it works. If you're sentenced to over two years, you are still eligible for the remission at the end, the third off, but you will be subject to supervision, potentially, during that last third. Under the provincial system, if you are sentenced to two years less a day—so I'm only talking a difference of two days in the total sentence—a third off your sentence is granted to you. You'll leave the doors after two thirds and no supervision.

**Mr Frank Mazzilli (London-Fanshawe):** That's time served.

**Hon Mr Sampson:** "Time served," says my colleague, who knows this quite well. That's the discount.

*Interjection.*

**Hon Mr Sampson:** I say to the member, that's in fact what the federal legislation is saying to us. I say to the people watching today, you might ask yourselves, why is it that somebody serving two years plus a day has to be supervised during the last third, and what about the person serving two years less a day in our jurisdiction? It's a difference of two days in total in sentencing, yet one has to be supervised in the last third and the other doesn't. We think that's wrong. We've asked the federal government to change that. They have not chosen to do so. There was a proposal before one of the standing committees in Ottawa to change that, but that proposal was nixed by one of the parties that's standing for re-election now and may succeed in doing so.

But I say to the House, that's the environment under which we have to operate the correctional system. So what this provincial bill before us is saying is that given that federal legislation, we believe this business of the last third of your sentence off shouldn't be given to you like some sort of "get out of jail" card in—what's the game?

**Interjection:** Monopoly.

**Hon Mr Sampson:** The Monopoly game. Thank you. It shouldn't be a Monopoly game concept of "get out of jail" we're applying here. It should be something, if indeed it's appropriate, that is earned by the individual inmate during the time in which they are serving that sentence.

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** Good behaviour.

**Hon Mr Sampson:** And more than just good behaviour, I say to the member from Bramalea-Gore-Malton-Springdale. I say, and this bill says, it should be active and positive participation in the appropriate programming in the institution in which you are placed and the programming that has been determined by professionals who assess, day one, your needs for rehabilitation. And yes, it should be active participation in work programs in all institutions. So if you are assigned a particular work program, a particular work category in the institution, and you choose not to do so, then you do so accepting the appropriate consequences, and those consequences are a serious impact on your ability to earn remission. The concept of remission is very similar to what we've already established for parole, and that is that any release that's governed by parole should be earned as well.

Before I yield the floor to my colleagues, I want to speak—because I know my colleague from across the floor in his delivery will do so—to those points about the concept of partnering with the private sector and the provisions that are in this bill that allow us to govern the way in which we could choose to do so. I say to the members opposite—

*Interjection.*

**Hon Mr Sampson:** Thank you very much. The minister is actually quite helpful. Thank you very much.

I say to the member opposite, what we're trying to do here is ensure that—

**Mr Ernie Parsons (Prince Edward-Hastings):** The key word is "trying."

**Hon Mr Sampson:** The member opposite says the key word is "trying," and I say to the members opposite, the principle we're trying to deliver here is one that is very simple.

**Mr Parsons:** It would have to be.

**Hon Mr Sampson:** Well, I'm making it simple because I know I'm speaking to you across the floor today, but we're making it simple because it is very simple. We believe that the focus in corrections, and in fact in many of the government services that are being provided, is that you need to take a look at results and focus on how to get those results and not spend a lot of time fussing about who's doing it. What people are looking for is the results. The people of Ontario are expecting a safe and secure correctional facility, one that's effective and efficient and publicly accountable.

Now, members opposite will say that can only happen if government's running it; that's the only way it will happen. They'll start to raise all sorts of statistics from the old "government should be the monopoly of everything" book. Our point of view is, and the fundamental principle here is, that we don't believe government has a monopoly on delivering all that's good in business and all that's good in the province. We believe the private sector doesn't have a monopoly on that either. In fact, both should compete actively and aggressively to deliver the results that people are expecting from correctional services in the province of Ontario.

They'll stand up and say, "Well, there have been all sorts of failures in the running of private jails and prisons across the country, across the globe," and I've said publicly, "Yes, there have been failures. You're right. Yes, there has been some partnering with the private sector that has not worked." I'm saying that now and I've said that for some time. I'm prepared to concede that, but the members opposite, by definition, are trying to lead this House to believe that therefore the public sector can only deliver good services. Then I say to you, your argument is flawed.

1910

*Interjection.*

**Hon Mr Sampson:** Oh, so everybody is bad at delivering it, is that your point? I say to the members that they can take their view and they can take the information that's been supplied by those who feel their ox is being gored by having a private operator involved with delivery of services, but what you need to do is take a look at some of the independent research that's being done on the operation of private jails across the globe. In all my reading and all my discussions and debates with others on privatization, however, I can say with confidence that in no area have I found any potential problems with private prisons that is not at least matched by an identical or closely related problem from among prisons that are run by government. "Privatization raises no unique or truly new issues for prisons. It offers some new solutions." That's Charles H. Logan, University of Connecticut, from an article he wrote just recently. He goes on and on, saying the—

**Mr Parsons:** Who's he?

**Hon Mr Sampson:** I say to the member opposite, you have your experts that you stand up. Why won't you listen to some of the other evidence that's being proposed? Your criticism to me is that we stand on ideology. I say to you that your ideology is: only government can deliver good services; the private sector cannot do that. That's your point. I say to the members opposite who have raised, many times, some evidences of problems in private jails—that's right, some evidences.

**Mr Rick Bartolucci (Sudbury):** Overwhelming evidence. Check California.

**Hon Mr Sampson:** "Overwhelming," he says. I want to talk to you. In June 1990 a particular facility was opened. In March 1994 an inmate was awarded \$997,000 in settlement after suffering third-degree burns in 1992 when forced into a scalding bath by guards.

**Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs):** Was that a private jail?

**Hon Mr Sampson:** That was a public jail. Why do they not raise that? Let me talk about another one. In September 1999 three prisoners and a guard were injured in a prison riot. The prison is locked down.

**Hon Mr Baird:** Was that a private jail?

**Hon Mr Sampson:** That wasn't a private jail; it was a public jail. Have you raised those points? On February 23, 2000, one prisoner was fatally shot and 15 wounded

when guards broke up a riot involving 200 inmates; 89 weapons were found on inmates after the riot.

**Mr Brad Clark (Stoney Creek):** Was that a private jail?

**Hon Mr Sampson:** That was a public jail. I say to the member opposite that he will stand up and he will want to talk about escape statistics. I listened to his press reports and his media reports on escape statistics, and so I'm going to use his, because he must have done the research. But I will tell him, in the analysis of California public versus private escapes, the source would be the Corrections Yearbook of 1998, a completely independent yearbook. California had at that point in time 155,276 sentenced into incarceration; that would be in 1997. While I think it's sad when anybody goes to jail, to have 156,000 is sad too. Of the 156,000, there were 534 escapes. Now, California has one private jail—one. In 1997 how many escapes were from the private jail in California? One. There were 500 out of a 155,000 total population in the prison system, but one out of the one privately run jail.

The member opposite says he condemns those escape statistics, and he doesn't want to see them here in the province of Ontario. Well, I say to the member opposite, in 1997 we had 15 escapes from jails in the province of Ontario, out of 7,000 individuals. That's 300 times the rate of escape in the public system in California and even more so times the rate of escapes in the private system in California. So I say to the member opposite, I wish we had their escape statistics, because we would be 100 times better than we are now in the public system in this province.

I say to the member opposite, be careful when you use your statistics because they're actually saying to you that we could do a better job. To the members opposite, the people listening, the individuals in our scout group from Mississauga, I'm not saying that the private system is the be-all and end-all to the operation of jails in any part of this province or any country in this world. What I am saying is, to stand in this House and say that the only operator of a safe and secure facility and a safe and secure system in the globe is public is, plain and simple, wrong. The evidence is that both can help you get your results. Together, both can help you get your results.

If you want the best example of that, I can only tell you—

*Interjection.*

**Hon Mr Sampson:** And I will pass the debate on to my colleagues, yes, thank you.

If you want to have a good example of how the private sector can help, I want to read to you a report that has been prepared by the board of visitors for a private jail in the UK. A board of visitors is a group of individuals who are from the community, and we actually have that component in our legislation. They're brought in by the community to help run and monitor the operation of all jails in the UK. Our proposal in this bill is that we will do that here as well. I met this individual when I toured this particular facility this summer in the UK. She said to me,

"You know, I wasn't a believer in this privatization when I first started." This is the chair of the board of monitors for this particular facility. She said, "I now am. I'm going to send you my report." They have to do a report of all these facilities each year. It's a public report that's shared with the people of the UK and it's delivered directly to the minister. She said, "The results were quite remarkably positive, and confirmed what we, as a board, have reported over ... two years," that this particular facility "was 'by some way, the best local prison that we have inspected,' and referred to it as a 'jewel in the crown' of the prison service."

Somebody who didn't believe in the operation of private jails has now come to the point where she believes that this particular jail is a jewel in the crown of the prison system in that particular facility.

**Mr Kormos:** It's a long road to Damascus.

**Hon Mr Sampson:** You're right, it is a long road, but at least we're prepared to try to engage those who we believe could be helpful for us in delivering better results in the correctional system, because that's what it's about. I know your rant will be that this is some obscure plan to do this or to do that; I know you're going to come with a sky-is-falling view. So will my colleague from across the floor. Do you know what? It's the rant you always get from over there.

To the members opposite, on this side of the House our objective and our obligation to the people of the province of Ontario is to make sure we have a prison system that is safe and effective and efficient and publicly accountable. That's what this bill is allowing us to do, and I'm proud to say that's what this government's initiatives in correctional services are going to be doing.

I yield the floor now to—

**Mr Clark:** Me.

It never fails to amaze me in the House how we can have such diametrically opposed viewpoints. During the differences of opinion we get such far-reaching statements, statements that clearly aren't based on any fact, and they're almost driven by emotion at times. I understand that it's a place that's fed by partisan politics. I have no doubt about that. But I think it's important that when we have fact and fiction and reality and rhetoric we try to raise the issues with the constituents at home, exactly what the reality is and why the government is moving in the direction it is and try to eliminate the myths and misconceptions that exist.

**1920**

For example, over the last few months there has been lots of debate raging not only in the papers but every so often in the House in terms of questions within the House. There have been comments in the House that municipalities across Ontario are against privatized jails. There have been statements to that effect. What's startling is that there are 600 municipalities in Ontario, but we've only received 20 resolutions against privatization: 3% of the municipalities. So when people say that municipalities are opposed, I don't know where they get that fact.

They make the statement that private sector service providers will be accountable to no one. I don't understand that either. When the government sets the regulations in place and when the government sets the laws in place and clearly holds them accountable, I don't know how anyone can stand and say that they are not accountable to anyone.

They state, and I've heard this, that a privatized jail will use untrained staff. A startling statement, based on what fact? I don't know where they get that information, but quite clearly any of the private jails that are operating in the world today have the same trained staff, if not better trained, as public facilities.

They state—I love this one; this takes the high road—“Incarceration for profit is unethical and morally wrong.” Now, come on. Give me a break. Contracting a private firm to run a prison will not relieve the government of any ethical or legal responsibilities. It doesn't. There are numerous private facilities being run in numerous ministries across this province, but they're still accountable.

I love this one. This was an interesting one. I can't remember which paper I saw this in. The statement was, “The North America free trade agreement will make it impossible for Ontario to make certain demands on a private sector supplier.” Now, that's—

**Hon Mr Baird:** That's Jean Chrétien's deal.

**Mr Clark:** Well, yes. But anyone who is making that statement doesn't understand NAFTA. Nowhere in NAFTA is Ontario's decisions regarding setting standards for their prisons a concern.

This one was priceless; I love this one. “The operator of the new jail will be an American company.” So it's predetermined. The RFPs have not even gone out yet.

**Hon Mr Baird:** It'll be an evil American company.

**Mr Clark:** I hear the rhetoric. Sometimes I don't believe the rhetoric.

I'm going to ask the constituents at home who are listening to me to think why people would make these statements that are not based on any facts. “In the United States, putting people in private sector jails has resulted in assaults and murders.” So there have been no assaults or murders in a public institution? I don't get it.

The statement was made—and I've seen people stand in the House and ask the question and thump their hands on their desks—“Privatization has failed everywhere it has been tried.” Over the top, definitely over the top, and I don't know of anyone here who would argue that, but in the heat of debate things are said that make absolutely no sense. I'll touch on a number of facilities internationally that have been privatized.

Then a concern was raised that privately run jails will pay no property taxes and will be a drain on the community. This is implying what, that publicly run jails pay taxes? Publicly run jails do not pay taxes. So how can anyone state that it's going to be a drain on the community? It's not a drain now.

“Staff wages will be reduced to half in a privatized jail, barely above the minimum wage.” This is the rhetoric that is going up there. “Salaries will be cut.”

**Mr Gill:** They're just trying to scare people, that's all.

**Mr Clark:** The member says they're just trying to scare people. Exactly.

**Interjection:** You guys are scary people.

**Mr Clark:** The member across the way says we're scary. I've got to tell the member that when you throw out rhetoric with no facts backing it, that's scary. We're legislating in the land of Ontario and it has to be based on fact, not rhetoric, not myth.

In Pennsylvania a report comparing the Delaware County Prison with the Pennsylvania state law realized that the private operator offered jobs to all but two of the approximately 250 public employees and all employees received a 3% to 5% increase in their base salaries. So where do they get the rhetoric that the salaries are going to get cut?

Earlier I made the statement that some people had stated, “Privatization has failed everywhere.” Well, not everywhere; and this is what the public at home needs to hear, because it's not just an American phenomenon, it's an international phenomenon.

In Scotland, the Sunday Herald, April 30, 2000—page 6, if you want to look it up—said, “Sources inside the SPS (Scottish Prison Service) believe a dramatic shakeup of the penal system is imminent, caused partly by the success of Scotland's first privately run jail, HMP Bowhouse, near Kilmarnock, which will be given a clean bill of health in its first official report from the chief inspector of prisons.... Kilmarnock ‘has the potential to set performance levels for the remainder of the SPS’ and said it ‘set a benchmark against which others can be measured.’” It states very clearly that it was a very positive situation in Scotland.

In England, “The prison service could learn from prisons such as Wolds, and apply any lessons learned right across the service.... The current way of measuring performance is through a prison service contract compliance monitor, known as the controller. The controller awards performance points ... for non-compliance with a number of laid-down criteria.... In sum therefore, while praising the director and her staff for all that they are doing, and most particularly for the way in which they are doing it—which is an outstanding example of good practice”—

In Florida, talking about recidivism—that's when people end up reoffending and going back to jail—“Seventeen per cent of the private facility releasees had an indication of recidivism as compared with 24% of the public prison releasees.” It also stated, “A large majority of private prison releasees (87%) participated in one or more programs during their confinement in the private prisons.”

In New Mexico—I love this one—“Much of the inmates' displeasure with the private prison, as expressed in written comments on their surveys as well as in field interviews, was related to the more prison-like atmosphere and tighter administrative regimen that they encountered there, in comparison to their former conditions at the state prison.” So they had very clear account-



ability. It had become a punishment and that's why the inmates were complaining.

In England, "Innovation, enthusiasm and positive methods of prison management have merited privately managed HMP Doncaster's description in a report published today as 'one of the most progressive prison establishments in the country.'" For those of you who aren't familiar with this, this is Tony Blair, the Labour Party in Britain, where private prisons are operating.

I like this. This was in the New York Times, page 7, August 19, 1995. South Central Correctional Center is run by Corrections Corp of America and is located in Tennessee. A study by the Tennessee Legislature has concluded that it is operating at lower cost and providing better and safer services than comparable prisons administered by the State Department of Corrections.

"I remain against private prisons for philosophical reasons," Professor John J. Dilulio Jr said. "But I have to concede that the evidence so far is favourable."

It will be interesting to see if we actually do get an RFP from the private sector, and that's important to note. We're talking about the potential. There are no RFPs yet. We're talking about the potential of a private sector company coming through and saying, "We'd like to do this based on the standards that you're putting in place." It will be interesting to see whether or not any of the members across the way, after it's done, will ever stand up and say, "I concede that the evidence is favourable." It may not happen, based on what I've been seeing.

This is a quote from Charles H. Logan, University of Connecticut: "In all my reading, and in all my discussions and debates with others on privatization, however, I can say with confidence that in no area have I found any potential problem with private prisons that is not at least matched by an identical or closely related problem among prisons that are run by the government."

That's important for everyone to hear, because what we're getting with the rhetoric from my opposition friends is that the sky is falling, there's going to be mass riots in the prisons, there's going to be assaults and there's going to be murders, and all the fear-mongering that is going on. But it is stated very clearly here by this professor at the University of Connecticut that there is no correlation between the public or private. As a matter of fact, when you go further, "Privatization raises no unique or truly new issues for prisons, but it does offer some new solutions." The professor says it offers new solutions.

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"An opponent of privatization has said: 'I think, however, the case against privatization would be that much stronger if there were not substantial evidence that the public system is either squalid or ludicrously wasteful of resources.'" Richard Harding, *Private Prisons and Police*, chapter 3.

There is nothing cut and dried, and that's why I raise these points for the members across the way. I have no doubt that my colleagues will be rising shortly and saying many other Chicken Little things, that the world is

coming to an end if we proceed with Bill 144. But I'm asking the constituents at home to think very realistically about what is being proposed and what is being said, because what is being said is not always a fact. Once it's stated and once it's in Hansard, it's considered, "Oh, it's a fact because it's in Hansard." But that's not the reality, Mr Speaker. You know that and I know that. The people at home know that. Simply because a member stands in the House and says something doesn't mean it's a fact. The information that I've read into the record, these are facts. You can look these up.

*Interjection.*

**Mr Clark:** Look them up. I've stated for a long time—

**Ms Caroline Di Cocco (Sarnia-Lambton):** It's not a fact, it's an opinion.

**Mr Clark:** The member says it's my opinion. The reality here is you have two sides of an equation and you've chosen to take the position that you're opposed. That's your opinion. They're entitled to have their opinions, but you cannot turn around and offer rhetorical, bombastic, chest-thumping facts out there that are not facts. You cannot say, "The sky is falling if this bill comes through," and, "Woe is us, the world is coming to an end," when in reality, in places like New Mexico, in places like California, in places like Florida, Arizona, Scotland, England and around the world, private jails have worked.

In the bill itself, there are a number of other things I think people should be aware of. One of them which I think is a great opportunity is monitoring boards of the facility in the community. These are individuals within the community who live around the jail who have been appointed to a board to monitor what's going on. I've been involved with environmental law for a number of years now and I have to tell you that community liaison committees, as they call them under the Environmental Protection Act, are very valid committees of very clear-minded people who want to protect their environment.

The member for Ancaster-Dundas-Flamborough-Waterdown—got it right—knows of one in Steetley. There is a tremendous community committee by the Steetley landfill that has done wonderful things in terms of making sure that landfill is closed down appropriately. As a matter of fact, they even worked to prevent another landfill; a tremendous thing. So I think the member from Ancaster-Dundas-Flamborough-Waterdown understands that a monitoring board is a positive thing.

*Interjection.*

**Mr Clark:** Obstruction: now, we've heard that there's no accountability. The member just said it's about accountability, and the interjection is welcome. They've stated that there's no accountability within a private facility, yet if you read the bill, it states very clearly where the accountability is. It makes it very clear that anyone who hinders, obstructs or interferes with a person conducting an inspection under this section, refuses to answer questions on matters relevant to the inspection or provide the inspector with information on matters relevant to the

inspection that the person knows to be false and misleading—it makes it an offence to hide information. It holds people accountable.

The members opposite have said it doesn't fall under the Ombudsman and it doesn't fall under freedom of information. Again, powers of the Ombudsman, section 57.7: it's deemed to be a governmental organization for the purposes of the Ombudsman Act. It's in the act. It's there. It's there for all to see.

Substance testing: there's been a great deal said about substance testing just in the last couple of weeks. I can't understand why anyone would be opposed to this. I can't understand why anyone would be opposed when we know surveys show 80% and more of inmates have alcohol or drug problems. The question becomes, shouldn't we be doing something to help them get treatment for their addiction? Shouldn't we be making sure that they're held accountable? If you ask the constituents in your community whether or not they think that inmates should be tested—

**Hon Mr Baird:** I agree with John Gerretsen on this one.

**Mr Clark:** The member says he agrees with John Gerretsen on this one. I'm assuming he agrees with us on this one.

The reality is they should be tested. They should be tested. Again, I don't understand why anyone would turn around and say we shouldn't be testing prisoners for drugs, that we shouldn't be doing everything we can to help rehabilitate them. Being drug-free is a part of the rehabilitation. So again, I don't understand that.

With what little time is left, I will defer to my colleague from London, but I think it's important that people remember that I understand there are two sides to the debate. What's interesting is when you bring out facts from other jurisdictions that support the conclusion the government has made, when they state that we haven't reviewed other jurisdictions and yet clearly we can point to facts and figures from other jurisdictions that support the conclusion the government has made, I can't understand how people can try to co-opt facts or chest-thump with information that's not realistic. I can't understand it at all.

*Interjection.*

**Mr Clark:** I was just handed the documentation. The other day there was a resolution before the House and we had a number of Liberal members who stood in this House—

**Hon Mr Baird:** Current.

**Mr Clark:** —current members who stood in this House and supported the testing of prisoners in correctional facilities for drugs: Jim Bradley—good member, Sean Conway, John Gerretsen, Monte Kwinter, Jean-Marc Lalonde, Lyn McLeod, Tony Ruprecht—

**Hon Mr Baird:** James Bradley.

**Mr Clark:** I said Jim Bradley. Did he vote twice?

These members understand that it's important to do drug testing. It's a comprehensive bill that should be supported. But I'm asking the people at home who are

watching, I'm asking the members at home who are watching, don't get caught up in all of the fear-mongering that the sky will fall if this bill is passed, because it's nonsensical. It's not based in fact.

**The Acting Speaker:** The Chair recognizes the member for London-Fanshawe.

**Mr Mazzilli:** Thank you, Mr Speaker. While I was doing my research today, looking through many sources, I want to congratulate you in finding out that you were the first Speaker in 30 years to name a cabinet minister. That certainly is something that I think one should be proud of, to be in the history books of this fine establishment. I'm sure it will go beyond 30 years now and it may go longer.

I want to take some time to welcome our scouts. Someone had called quorum before and I just want to explain to them what that means, if the people at home can just bear with me for a moment. At any given time, you need 12 people in this House to carry on debate. If someone calls quorum, the bells ring and people are brought in. Some people are doing important constituency work and calling back their constituents on different matters outside on the phones. That's why quorums are called. But as you can see, we have no difficulty in maintaining that on a normal basis.

This bill in relation to corrections—

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**Mr Kormos:** On a point of order, Speaker: Please, do something with Mr Mazzilli. These are Boy Scouts.

**The Acting Speaker:** That is not a point of order. The Chair recognizes the member for London-Fanshawe.

**Mr Mazzilli:** I took some very important time. But I certainly want to debate Bill 144, and so very little time to debate it. I find myself much like the NDP: so much to say and so little time to say it in.

This bill has different components, as you can see. There's obviously a privatization component, there's a drug and alcohol testing component, and then there's the component of earning time off what you've been sentenced to.

Let me just deal with privatization, because this is an issue that we talked about when it came to young offender detention centres. There are 104 young offender detention centres in this province; 99 were privatized or run by community agencies before Mike Harris and the Progressive Conservatives were elected. That was under the NDP and under the Liberals. They are run by very competent organizations, the Salvation Army and others, and many of them are unionized. So certainly Mr Kormos agrees with those institutions carrying on with their work. But I just want to deal with privatization, because I know the NDP under Howard Hampton has principles and will oppose this. I understand that. But what I don't understand is where the Liberals are going to be on this one.

While doing research, I couldn't help but find an article. It's in the National Post today: "Canada's Man at the WTO Sees Plenty of Public Services Ripe for Privatization." Guess who's Canada's man at the World

Trade Organization? Sergio Marchi. You know what he says? Let me read it to you. This is where Dalton McGuinty and the Liberals should find out where other Liberals sit on this.

"Marchi brought wonderful tidings to the US business coalition about the progress being made to expand the GATS. He identified new areas ripe for liberalization"—I guess that could be privatization—"including energy (meaning electricity) and environmental services (including water supplies), and tourism.

"In a subsequent interview, Marchi claimed that Canada would not jeopardize public health and education in the negotiations. Yet according to Washington Trade Daily, in his speech Marchi specifically named 'teaching and education' as areas for expanded coverage. He reassured me that governments will still have the right to regulate, but told the business coalition meeting that domestic regulation is a target for WTO disciplines to ensure that such measures 'do not constitute unnecessary barriers to trade.'"

Mr Kormos, you see the dilemma here, do you not? You see the dilemma when you have Liberals claiming, with no principles, that this is wrong, and their man at the World Trade Organization wants to privatize education, health care, the environment. These same people are contesting the fact that we have opened a process to a private jail in the young offenders' establishments, 99 of which were already privatized.

Enough for that issue. I want to move on to drug and alcohol testing. This is a commitment that we made in the Blueprint. As you know, as we were going door to door about a year and a half ago, we made that commitment. To increase safety and security in our communities, we wanted to drug-test people who have been sentenced. Why do we want to do that? We know that substance abuse is a known factor contributing to criminal behaviour. In Ontario, approximately 80% of adult inmates sentenced to incarceration in provincial correctional institutions and 60% of adult offenders serving sentences in the community have overused alcohol and drugs in some sort of way. How do we know that? People plead guilty. They tell the judge, "I did this, Your Honour, because I used too many drugs; I drank too much."

*Interjection.*

**Mr Mazzilli:** They tell you. Those are part of the statistics. Of course the member from Brant—"How do you know?" People tell the judge that when they're sentenced: "I committed this crime because I'm a drug addict." "I stole this because I'm a drug addict."

Of course, Dalton McGuinty and the Liberals oppose this. Our intention with this is certainly to give people the help they need. What you see most of the time with people who have an enormous drug problem is that when they're arrested, the police actually save their lives. They're at the end of their rope. They're on the street, in some cases selling their bodies, in some cases committing crimes. They've deteriorated to the point where there's nothing left. By being incarcerated, they actually get better. But why not use that time productively and

ensure that they break the habit of drugs once and for all and that they become contributing members to our society?

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

**Mr Bartolucci:** I listened carefully to what the minister and the other two members had to say and I appreciate their comments. I don't agree with most of what they said, but I do appreciate their comments.

The guy I really do place a lot of faith in is the Provincial Auditor. I read this very carefully, and he says that Mike Harris has allowed the cost of our jails to skyrocket, that the ministry is failing to base its decisions on proper business plans. The minister alluded to that, but he didn't spend a whole lot of time talking about the importance of good business plans. The Provincial Auditor is saying that you've got a lot of work to do. I don't know that he thinks or I think or our caucus thinks that privatization is the best way to go.

I think we must ensure that the people of Ontario understand that this bill is not about privatization. It should be about public safety. On this side of the House, both parties believe that public safety should be the factor that determines anything.

The Provincial Auditor had this to say: that the public's and correctional officers' safety is put at risk because of failure to comply with prison safety and security guidelines. I think this minister and the government should listen carefully to what the Provincial Auditor is saying and try to improve the system we have. I don't believe this mad rush to privatize improves the system. The Provincial Auditor has given all kinds of recommendations to the government and to the minister, and I believe they should be acting on these things as expeditiously as possible and should slow down the road to privatization of our prison system.

**Mr Kormos:** It's 10 to 8. I want folks to know that I won't be able to speak to this bill for around an hour in a couple of more minutes. But I do want folks to know, especially folks in Niagara Centre, that the polls are open till 9:30. I've received some phone calls from down in Niagara Centre from people who are doing the inside scrutineering for Mike Grimaldi, the NDP candidate. I tell you, folks down there are impressed with the kind of turnout there's been. I encourage people who haven't voted down in Niagara Centre to get out there. You've got till 9:30. Head out now and make sure your vote is cast. Mike Grimaldi and the New Democratic Party have clearly captured the attention and the enthusiasm of people down in Niagara Centre. We're talking about a candidate who as a member of the federal Parliament can be outspoken, will stand up for his constituents, will speak up and speak out, won't become yet another silent backbencher. That's Mike Grimaldi and the NDP in Niagara Centre.

I'm going to be down there in Welland at around 11 o'clock tonight, as they start bringing in the poll results not only from Niagara Centre but from across the country. I'm looking forward to joining folks in Welland and across Niagara Centre in a victory celebration as

those voters can celebrate sending Mike Grimaldi to Ottawa, a strong voice, an articulate voice, a voice that's independent of external pressures, one that people can count on; Mike Grimaldi, somebody to be other than a mere silent backbencher. The last thing Jean Chrétien needs is another silent voting machine who'll do as they're bid while Mr Chrétien and his House leaders pull the strings. We don't need that in Niagara Centre. Most ridings have no use for it. We need Grimaldi and the NDP so Niagara Centre for the first time in a long time is really represented in Ottawa.

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**The Acting Speaker:** It has been a tradition of the House that the two minutes of questions and comments has something to do with what the speaker has been speaking about for the previous hour.

**Mr Kormos:** My apologies, Speaker.

**Hon Mr Baird:** On a point of order.

**The Acting Speaker:** There's nothing out of order.

Comments and questions? The Chair recognizes the member for Ancaster-Dundas-Flamborough-Aldershot.

**Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** Not Waterdown, Aldershot. Mr Clark almost had it right. It's Ancaster-Dundas-Flamborough-Aldershot. Got that?

**Mr Clark:** Eventually.

**Mr McMeekin:** Thank you.

I want to respond briefly to some of what's been said here and say that, personally, I happen to think there are portions of this bill that make a great deal of sense. Obviously, a lot of work has gone into this bill.

**Mr Clark:** I think there's a "however" coming.

**Mr McMeekin:** No, no, not yet. It's half and half, Brad.

I want to say, particularly on the drug side, whoever it was who said, "Isn't it unreasonable not to have some kind of program around drug testing?"—I think it is in fact very reasonable to have something like that in place. I would just lament, for what it's worth, that I get very concerned, as a member of this House and hearing from people in my constituency, with the amount of drug use we see in prisons. People can't understand how it is—and maybe that's part of the standards, Rick, that you were referring to—that we could be into a situation where people are lamenting the extensive use of needles and the drug culture within the prisons.

When a government talks about accountability, there are a number of ways you could come at it. One of the measures of accountability, I think, is the extent to which drugs within prisons can be eradicated and the extent to which those who have an addiction within the prison system can in fact be rehabilitated.

Those portions of the bill I think make some sense. There's some portions of the bill that I think don't make sense, and I'll speak to those somewhat later when I have a chance.

**Mr Wettlaufer:** I listened very carefully to the members who spoke. I want to say that I live in Kitchener, and this is a blue-collar town. It's a town

where people believe very strongly in law-and-order issues. They also work very hard for their money, and they don't like to see their money thrown away just because some government or some politician thinks the money should go to unionized help in some prison. They have no objection, in my riding, to seeing privatization of the prison system. They have no objection to the key law-and-order issue of drug testing.

They take great objection to someone standing up like the member for Sudbury, who trots out the old Liberal mantra: more and more of the same; defender of the status quo. He talked about the fact that the ministry did not have "a proper business plan." However, we know that the auditor never said that about the Liberals when they were in government, because they didn't have a business plan at all.

Then, of course, the member for Niagara Centre stands up and demonstrates his party's interest in this issue. He demonstrates it by not even talking to it. He talked about federal politics, a federal election.

We've got a responsibility here to run a province. We've got a responsibility here to look after the affairs of the people of Ontario, and that's why we're sitting here until 9:30 at night. One NDP in the House, and until half an hour ago, there was one Liberal in the House. You guys really demonstrated your interest in it too, didn't you?

**The Acting Speaker:** The minister from Mississauga Centre has two minutes to respond.

**Hon Mr Sampson:** I want to thank the members from Kitchener Centre, Ancaster-Dundas-Flamborough-Aldershot, Sudbury and Niagara Centre, although I say to the member from Niagara Centre that in the bottom of the screen as you were speaking was probably a little banner that said, "Paid for by the CFO of the Niagara Centre Campaign." I think people should vote as well, but I'm not going to be so bold as to suggest who they should vote for.

I say to the members opposite, and I think it was actually the member from Niagara Centre who spoke about the auditor's report, that I'm prepared to accept what the auditor has said about the operation of this ministry, which is fundamentally that there are challenges within the ministry, the system needs a change and we can do a much better job with the money that we're spending in corrections. I agree with all of those; in fact, I've been saying that for some time.

But I think the people watching today should realize that the auditor said, when he talked about the business plan, that there wasn't a business plan to justify the building of the larger facilities. It was that we, in his view, didn't have a business plan regarding the choice of financing and ownership. The criticism of the auditor—and I saw an interview he did on CBC Newsworld just recently—of this ministry as it relates to the business plan and the two large facilities we're building is that we didn't privatize them and that the initial decision was to keep them within government hands. The initial decision

was not to get a private operator, and as people now know—

**Interjection:** Good Lord.

**Hon Mr Sampson:** Well, that's what he said. You say, "Good lord." Read it, page 79. If you can't read what's on page 79, then I can't really help you. But he says the criticism was that there wasn't a business plan about our choice of financing and ownership. It's not that there wasn't a business plan about building it. Read the document, my friend.

**The Acting Speaker:** Further debate?

**Mr Levac:** There were comments earlier in the House regarding the concern about not having members here. I see that there are not many member here. I move to adjourn.

**The Acting Speaker:** Could I ask for clarification. Is that adjourn the House or—

**Mr Levac:** Adjournment of the House.

**The Acting Speaker:** Mr Levac has moved adjournment of the House. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the nays have it.

Call in the members; this will be a 30-minute bell.

*The division bells rang from 1958 to 2028.*

**The Deputy Speaker (Mr Michael A. Brown):** Order. Members please take their seats. Mr Levac has moved adjournment of the House.

Those in favour will please rise. Thank you.

All those opposed will please stand. You may be seated.

**Clerk Assistant:** The ayes are 8; the nays are 17.

**The Deputy Speaker:** I declare the motion lost. The member for Brant.

**Mr Levac:** Mr Speaker, I'll be sharing my time with the members from Chatham-Kent-Essex, Sudbury, Sarnia-Lambton, and Ancaster-Dundas-Flamborough-Aldershot.

*Interjections.*

**The Deputy Speaker:** Order. I'm having difficulty hearing the speaker.

*Interjection.*

**Mr Levac:** Just a subtle reminder to the members opposite: democracy is priceless.

I'd like to start by reading into the record the—

**Hon Mr Baird:** On a point of order, Mr Speaker: I'd like to withdraw the comment. I regret having pointed out to people that the Liberals just wasted \$5,000 of taxpayers' money on that trick.

**The Deputy Speaker:** This is not a point of order. The member for Brant.

**Mr Levac:** I think the member opposite should be reminded that the minister has had pointed out to him quite a few times that \$400,000 extra has been poured into Camp Turnaround, and that was above and beyond what the auditor thought they should have done, even under contract. It's rather interesting that the minister tries to put a price on democracy and indicates to the

public that \$5,000 is not worth democracy. If he does anything, I think he should apologize to the public in general for saying democracy should be stopped and democracy only goes the way in which this minister believes it should go. Isn't it interesting?

Let's talk about whether or not this bill is appropriate. I'd rather focus on the bill, Mr Speaker—

*Interjections.*

**The Deputy Speaker:** This has just got to stop. The member for Brant.

**Mr Levac:** I'd like to focus on the bill, Bill 144, An Act to establish accountability in correctional services, to make offenders demonstrate that they are drug-free, to set rules for offenders to earn their release, to give the Board of Parole a say in earned release decisions, and to change the name of the Board of Parole.

According to the name, you would probably not guess at all that privatization is the main focus of this bill. The very idea that the privatization was challenged by the members opposite is a scary thought, first of all, because of the standard line that most of those members on the other side are using, that the sky is falling. Under the circumstances, I'd like to be able to provide the members of the public with an idea of how they feel. What do they think? What do they want?

As a matter of fact, I'd like to point out, as I've done time and time again, that the member from Simcoe North and the Minister of Correctional Services have forgotten that 70% of the people in Penetanguishene, by their own poll, indicated to them very clearly—70% of them have said no to privatization time and time again. That's democracy in action. Seventy per cent of the people said no, and this government continues to say yes, whether they like it or not. If you don't like it, you are going to take it down your throat because the people of Penetanguishene are saying you are going to be in trouble for not listening to them.

Are we talking about people who have a vested interest? We're only talking about the citizens. We're talking about Sharon Dion from Citizens Against Private Prisons who simply sells flowers in her community, but she thought, "I've done my homework. I've done my research. I didn't need anyone to tell me anything other than the fact that we're saying no to privatization." But this government is saying to the people of Penetanguishene, "You're taking this whether you like it or not." That's appalling, to think that the people of Penetanguishene, 70% of them, are not even getting their say.

I dare say that of the 70%, a few of them even voted for the Conservatives, and a few of them even voted for the NDP and for the Liberals. We're looking at a mix of the public, a public mixture that basically said to this government and to this minister "no to privatization," regardless of the fact that the minister spent an inordinate amount of money to try to convince them they were wrong, that they didn't know what they were talking about and that the government knows what's good for the public. In fact, what we heard from them is the same answer that has been given by 135 communities, contrary

to the member from Stoney Creek, who says there's only been a few resolutions in this area. Some 135 communities have written to the minister by resolution of the democratically elected people of their areas—135.

**Mr Mazzilli:** On a point of order, Mr Speaker: Jean Chrétien's Liberals support privatization through Sergio Marchi. I'm wondering if the Ontario Liberals support privatization.

**The Deputy Speaker:** You might know that I'm not amused when we're using points of order that are not points of order.

*Interjection.*

**The Deputy Speaker:** No, it wasn't close. Let's settle down and get back to the debate.

**Mr Levac:** I will say again, in case the member from London-Fanshawe forgot—he likes to refer to the fact that the federal Liberals are making one statement or another. Quite frankly, we're in the Ontario Legislature and we're doing things here now that we're going to be paying a big price for later on.

Let me explain to you. Consistently, the minister has said, "Ontario needs to spend its correctional dollars smartly and more efficiently." There are two problems with his argument, one being the recent auditor's report showing that in five years of this government's reign, the Tories are spending more money and getting worse results. Second, the policy direction that they are headed for will clearly not deliver a smarter spending scheme, and here's why.

The member from Stoney Creek wanted to tell us that Scotland was a great example. Here's my example: Scotland on Sunday reported that a recent private prison project would cost over £160 million more than was previously claimed. A leaked document regarding the Kilmarnock jail was hailed as a cheap way of running corrections in Scotland—and that's the one that the member is referring to—but will be running at £290 million over 25 years instead of the £130 million agreed upon in the contract. Politicians are accusing the Scottish Prison Service of cooking the books.

Now we have an auditor general in our own province saying to the minister, "You got caught spending \$400,000 extra to lift up a private institution and we're showing you that Scotland did the same thing."

Let's talk about having some more problems here. Scotland is also having other problems, including the cover-up of actual staffing levels on the argument by the privateer that the released information would destroy "commercial confidentiality."

The New Mexican reports that Cornell Corrections so regularly inflates the numbers for the administration of the Santa Fe jail that the city has been forced to hire a person whose full-time job is to review and oversee the billing because, according to the Santa Fe Police, Cornell Corrections has billed the city for \$526,680 and the city has only paid \$128,944. Wow—privatization, great financial gain.

Also in New Mexico, Governor Gary Johnson's privatization bid has failed to deliver on its promised cost

savings. The failure is apparent because he has recently asked for additional funds to finish the current fiscal year and an additional 7% to 8% for next year. Back to the cookie jar—no control, no accountability.

In response to an increase, Senator Michael Sanchez, chairman of the Senate judiciary board, stated that the private prison provider had "cheated the people of New Mexico and I don't think we should give them a raise for not doing their job."

The Oklahoma Department of Corrections has levied a large fine, \$168,750, against Great Plains Correctional Facility for failing to meet contractual obligations regarding medical care for state prisoners.

Time and time again, the minister stands in the House, he stands in public, he shouts from the mountain tops that Ontario will have better contracts than the rest of the world. They have contracts, they have proposals, they have requests for proposals, they have standards, and they're all being defeated.

In Utah, Cornell Corrections and the state Department of Corrections are prepared to complete a contract for the state's first privatized medium-security prison, which will house inmates for \$62.84 a day—I am impressed—the problem being that the state already houses the inmates for \$43.07 a day. This mad rush to privatization has forced the Utah Sheriffs' Association to announce its opposition to the plan, arguing that the plan is purely ideologically driven.

Guess what? The Police Association of Ontario, the PAO, has come out and said no to privatization, and this wonderful family, friends of the Conservative government, are sitting back and saying into their boots, "I don't know how we're going to get out of this when we've got to satisfy the PAO," but they're saying no to privatization.

What else are they looking for? I'll tell you what else the PAO is looking for. The PAO is looking for legislation from the Solicitor General that I asked for in this House: "Would you pass legislation to ban privatization of police or firefighters?" Guess what the minister's answer was? The minister's answer was, "We have no intention of doing anything like that." He didn't say, "I'm going to pass legislation." He didn't say, "I'm not going to pass legislation." He said, "We don't like that either." He wouldn't commit to an answer. As a matter of fact, during the lobby day there were very few, if any, commitments made by this government to the PAO. Isn't that interesting?

We've made a commitment and our commitment is very straight, very clear. We will pass legislation not allowing privatization of the police force, the fire department and corrections. Let's make it clear. It's on the record.

In 1996, the US General Accounting Office reported that an analysis of privatization in the United States covering Texas, California, Tennessee, New Mexico, Louisiana and Washington state concluded that "the studies do not offer substantial evidence that savings have occurred or will occur."

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The Miami Herald reported recently that in Texas, Governor Jeb Bush—we know that name from somewhere, don't we? We don't know who is going to be the brother of what president. Or was it Gore? I'm not sure—is considering shutting down Wackenhut's privately run prison in Glades county to save money. Isn't that amazing? The state's going to take it over and run it. To save money, they're going to get rid of this one.

The Mirror newspaper reports that figures from the Home Office indicate that all three youth facilities in the United Kingdom have been handed massive fines for not meeting their contractual obligations.

Something the minister keeps trying to say to everybody out there is that all of these prisons and youth offender facilities all over the world don't do it as well as we do. We're going to put it in place so that nothing goes wrong. Absolutely everything will be flawless with our RFPs and our RFQs. It's rather interesting that this minister refuses to accept the reality of the day, just like the member from Stoney Creek, who tried to make us all believe that only his words, his reporting and his research were the truth, and everybody else's was wrong.

The London Times reported that record fines of almost £1 million have been imposed on Britain's first high-tech private prison for repeatedly failing to meet its contractual obligations. Securicor Parc jail in South Wales incurred these fines as a result of 211 incidents of prisoner self-harm, discipline, assaults on staff, incomplete drug tests and other drug-related offences.

The Salt Lake Tribune reported that Utah Senate President Lane Beattie stated the following regarding the contract proposal with Cornell Corrections: "This was presented to us as a cost-savings measure, but the figures we are now seeing are far different from what we were originally told. I don't know, but I think somebody is lying to somebody."

In Ontario, the pattern is already emerging—

**The Deputy Speaker:** Order. I would ask the member to withdraw those words.

**Mr Levac:** Mr Speaker, could I get a clarification as to what I'm removing? In terms of the drug?

**The Deputy Speaker:** Regardless of whether it's in the printed document.

**Mr Levac:** I withdraw.

**Interjection:** So those weren't your words, David?

**Mr Levac:** They weren't my words. I'd like to point out that this was a Salt Lake Tribune report by Utah Senate President Lane Beattie. I would make no reference to a member saying anything like that in this House. This was a news article that was read from.

In Ontario, the pattern is already emerging regarding dubious financial practices. Although under the jurisdiction of the Ministry of Community and Social Services, the Toronto Star reported that Arrell Youth Centre was handed over \$300,000 extra for the operation of its facility, a facility that under then-Minister Janet Ecker was supposed to save \$3 million annually. They were bumped up \$300,000 extra above their operating

costs, which were supposed to save \$3 million annually. So the fiscal argument is out the door.

Let's talk a little bit about accountability. Minister Sampson has introduced the Corrections Accountability Act to ensure that the private prison company that will be contracted to run the Penetang facility is accountable to the government. He is not the first one to try this, contrary to what everyone tries to say. Below are examples of other jurisdictions that had numerous problems with accountability. This is not a new experiment, and the minister should realize that his own legislation does not guarantee access or accountability.

Val Whitley, president of the First Judicial District Criminal Defence Lawyers Association, in response to problems with Cornell Corrections' running of the Santa Fe jail, stated, "The county negotiated a contract that didn't give them anything. They ended up with a contract that basically gives them no controls over the jail."

An executive summary of an independent report on New Mexico's private prison system places the blame for the death of a correctional officer, Ralph Garcia, and ensuing riots in Santa Fe partly on Governor Gary Johnson's rush to private enterprise, as well as a micromanaged-by-legislators placement of dangerous inmates in medium-security cells, with inexperienced guards and supervisors.

The US Bureau of Prisons spokesman Scott Wolfson said that no one convicted of a serious crime in that state would be sent to a private facility in Santa Fe, New Mexico, because "the bureau does not have confidence to place a medium- or maximum-security inmate in a private prison." That speaks to an issue we have to consider very carefully. If we're going to start getting people who say, "We're not going to send them there," that means they're going to overrun our public institutions. Therefore, the state will become responsible for those inmates and the privateers will get to look like they're doing a good job because nobody is coming in.

The state Department of Corrections of North Carolina announced recently that it wants to terminate its contract with Corrections Corp of America, which operates two medium-security prisons in the state. The state has been unhappy with the staffing levels and the number of ex-convicts employed by them. It has withheld \$1 million in payments from the company since the prison opened in 1998. Corrections Secretary Theodis Beck stated, "We believe it is in the best interest of the state for the Department of Corrections to assume operation of the two facilities."

Earlier in the debate, one member on the opposite side wanted to tell us that Britain was doing a fantastic job and that it was the one and only example of something that was really good. I'd like to share with you that another institution was held up as an example of privatization earlier in the debate. There was a press conference in the main foyer of the Legislature, and there were some guards and some prison officials and people from the ministry office handing out a brochure saying, "This institution that we want to hold up as a prime

example in Britain is fantastic.” Three months after it was held up as a perfect private prison, it was taken over by the state.

In Texas, the state has re-taken the operation of the Travis County Jail. The state has recently taken over the jail after a grand jury investigation into possible crimes, fraud and official oppression.

This isn’t just the United States. Let’s talk about Ontario. In its first example of privatizing a canteen operation, employees of that particular operator were found bringing drugs into the system. Isn’t that interesting?

Legislation to slow the growth of private prisons has been introduced in the US Congress. Wisconsin Representative Tommy Baldwin is supporting it out of concern for community safety and public oversight. Baldwin stated, “Having a private prison run by a board of directors and a CEO provides a different level of accountability than that provided by civil servants where access is guaranteed.”

Representative Ron Kind stated, “I am troubled by questions regarding the quality of security and staffing levels at private facilities. Finally, there remains some question whether private prisons actually add rather than reduce costs to taxpayers.”

Wisconsin Attorney General James Doyle said recently, “The thought of private prisons in this state is so antithetical to what you need for a good corrections policy.” In other words, it’s the exact opposite of what you would want for good corrections in your area.

In Australia, the Victoria government has seized control of the state’s three private prisons. The facilities, operated by Corrections Corp of Australia, were found to be lacking in security, which was endangering the community they were located in as well as the safety of the staff. The report was conducted by the Correctional Services Commissioner, Penny Armytage. “The report revealed fundamental security failures which present a clear risk to the safety of the community, to the safety of prisoners in the prison and to the safety of the” correctional officers “in the prison,” Minister of Corrections Andre Haermeyer told reporters. Of particular concern was inadequate supervision of at-risk offenders and failure to manage problem inmates, resulting in 24 assaults on staff, inadequate staffing levels and double the level of positive drug tests.

Let’s talk about escapes. One group tried to throw us off base with the escapes; they said they were the same. Between 1995 and 2000, a comparison between private and public sector prisons was done. In the private facilities, with an inmate population of 122,871, there were 173 escapes. Listen to this, it’s important: this compared to the public sector, with an inmate population of 160,606—way more—having 10 escapes. The quote we get from the minister is, “The public has escapes.” He hands up one or two escapes, one or two incidents, but fails to tell everybody that we’re now dealing with away more inmates in the public system. Compare those. It’s a good interpretation; it’s rather interesting.

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**Mr Mazzilli:** On a point of order, Mr Speaker: We on this side of the House want to reduce escapes or people unlawfully at large. I would ask for unanimous consent to ask the federal Liberals to ban intermittent sentences in order to reduce escapes in this province and in Canada.

**The Deputy Speaker:** I don’t believe that’s a point of order, and it doesn’t relate to this chamber. The member for Brant.

**Mr Levac:** The member for London-Fanshawe thinks he’s going to throw me off my point. Clearly, I continue to make the point that the government is going down a road we really shouldn’t be going down, and they don’t like the idea that they are being bombarded with facts. The creative interpretation going on on the other side is rather interesting.

For the public to understand, these facts are all available, just as the member for Stoney Creek said his facts were available. I challenge everybody to take a look at this and get hold of Sharon Dion in Penetanguishene, in CAPP, Citizens Against Private Prisons. She’s unbiased. She has told me several times that she doesn’t even carry a party card; she’s more interested in the safety of her community.

Let’s talk about the type of research that has been done. I hold up the title page of a work that was 450 pages of in-depth research: Preventing Crime: What Works, What Doesn’t, What’s Promising. It was a report to the United States Congress prepared by the National Institute of Justice in collaboration with members of a graduate program in criminology and criminal justice in Maryland. Their basic premise was, let’s take a look at all the programs that are being offered. The two most glaring programs that came out that said what isn’t working were privatization and boot camps. Surprise, surprise.

I want to continue with the other pieces of information. Regarding assaults, in her paper Prison Privatization: Recent Developments in the United States, Judith Greene, senior justice fellow for the Center on Crime, Communities and Culture, reports that private prisons have an assault rate on staff that is 50% higher than their public counterparts. Additionally, inmate assault is 66% higher than in the public sector.

Staff turnover: the Criminal Justice Institute reported in their annual corrections report that staff turnover at private facilities is 40.9%, compared to 15% in the public sector.

A different ministry, but Genest youth facility in London—the one where I was told I couldn’t go in and see what was going on. He’s going to try to make these panels that allow you to go in 24-7. Isn’t it interesting that this panel can go in 24-7 and a duly elected member could not get in? The staff turnover in the past few months has become an increasingly large problem.

Camp Turnaround, a success story, or “Camp Run Amok,” as some people like to call it: a first-day escape, public correctional officers being called in to help secure the facility, cherry-picked inmates, overbilling and a



budget that's now \$400,000 above and beyond the agreed contract. This pattern is emerging strikingly similar to the United States track record of privatization.

I could probably go on forever, but I'm going to leave a couple of paragraphs from letters I have secured. One hundred and thirty-five communities in our province have said, "We don't like the idea of privatizing prisons in Ontario." In some letters they made that as a statement: "We just don't like it." Here is the overriding paragraph the Minister of Correctional Services sent to every single one of those duly elected officials, the 135 communities across our province—and growing, by the way: "I can only conclude that your council, having carefully considered this matter on behalf of your community, has determined that it does not wish to have any correctional facilities located within the boundaries of your municipality. Our government can certainly respect that local wish. I will take steps to make your determination of this issue a matter of record and ensure that no planning for the future correctional institution investments, either for new or expanded facilities, will occur in your county." What a spank that was. I'm sure that rankled. I would love to have seen some of the responses that the minister got back from some of those duly elected officials.

I've said before that I want to go on and on. I have other speakers. I'm going to yield the chair to them. I respectfully suggest—

*Interjection.*

**Mr Levac:** I've got another 10 minutes? I'll take it up. Thank you very much.

I have a letter from Senator Hagan from Ohio. He took the time to write a letter to Mr Harris. Being a duly elected official in the United States, he had some experience with private jails and simply wanted to share his expertise and experience with the Premier.

"It is my understanding that the province of Ontario is in the process of accepting bids to contract out for the management and operation of a private prison to house up to 1,200 medium to maximum security prisoners."

He goes on to state what his background is, what's happened. "From the outset, the NEOCC was mired in administrative and management ineffectiveness, which resulted in serious violent inmate attacks on guards and other inmates. All totalled in its first two years of operation the NEOCC experienced 16 violent attacks within the facility and most notably the daylight escape of six prisoners, including five convicted murderers, into my home community and within one mile of my home and family. The 16 violent attacks also included two inmate murders one of which may result in legal action against CCA"—Corrections Corp of America—"and the Washington, DC correctional system."

And it goes on to say more things about the privatization that we don't want to hear too much about because the minister says we are fearmongering. We just want to tell you what's happened in other jurisdictions and to let you know that you're going down a road that is a failed experiment.

"Ohio's experience with private prisons has been to date an eventful yet wholly regrettable experience... Private prison problems have not been confined to merely the state of Ohio though. Nationwide, private prisons have encountered numerous outbreaks of violence and escapes, which has led to legislation being introduced into the US Congress by Representative Ted Strickland that would prohibit the future construction and operation of private prisons within the United States."

The actual cost of stock of one of the corporations that offer private security has gone down and plummeted. "I would respectfully urge you to reconsider your position on the construction of a private prison in the province of Ontario. I would be delighted to discuss this issue with you or any member of your staff and urge you to contact my office if you have any questions or comments on this issue."

When asked for his comment, Premier Harris simply said, "There is not going to be a state senator or the President of the United States going to tell me how to run Ontario." Instead of asking, "What was your experience? Let's get together over coffee and share what your concerns are so I can learn more about this," the Premier simply said—with his hands rolled up, I can imagine, in glee—"You're not going to tell me how to run my show, mister, even though you know what you're talking about. Even though you've had a very bad experience with prisons, we are going to experience that all by ourselves. Thank you very much."

To the minister, who thinks that there have been no offers to him about how to improve the system we presently have, he has been sent three or four different copies of this particular document I'm holding up, and that is to the Ministry of Correctional Services of Ontario. I think the minister, to his credit, did acknowledge receipt of this particular package—as of yet I don't know that it has been dealt with in a deeper sense—the pilot project proposal for Burtch Correctional Centre in Brant and the Brantford Jail.

This proposal was dealing with an awful lot of the issues the minister is putting before us in what should be two separate bills. But he's conveniently wrapped something that most of us could probably agree with to a certain extent, maybe not all of it, with another very suspect issue. What does this government tend to do? If you look back at all of their legislation, you'll see a piece of legislation they had to wrap around with candy. It's that old thing where if you want to take cod liver oil, you stir it in with some sugar or something and say that you've got to take the bad with the good. This particular program, which is approximately 27 pages long, shows how Brant could maintain Burtch Correctional Centre and have its citizens taken care of in terms of the economy.

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By the way, I wanted to point out that somebody, the member from Simcoe North, said to us one time, "You realize that Simcoe North is going to get an economic boom, about \$16 million, into their economy." But he

forgot to finish the sentence, that the government shut down five different institutions across the province to the tune of about \$120 million, including the riding of Brant. The minister likes to use the words I've used several times in terms of "the infrastructure." The infrastructure has nothing to do with the management of the system, but I'll make it very clear and I would like him to take Hansard and write it down again and see if it comes out the way I said it the first time: the infrastructure, the actual buildings themselves, need some work. Some of them have been in existence since before Confederation, and the working conditions of the correctional officers who are in there working day in and day out are horrible. I would support the working conditions of those correctional officers being improved.

Burtch Correctional Centre has been offered to be the pilot to this wonderful program called "the alternate solution." It deals with the drug addiction, the abuse, the spousal abuse, the root causes of incarceration to a high degree.

I'm going to forfeit my time now, but I do want to make a few more points before I give up. I understand there are some concerns being raised on private prisons, but I want to leave you with some more quotes: "A convicted killer who broke out of Ohio's only private prison was captured about five miles away ... leaving just one of the six inmates who escaped Saturday still on the loose"; and "A history of violence, coupled with last week's escape of six inmates, prompted Governor George Voinovich on Monday to search for ways to close down Ohio's only private prison."

I want to say very clearly that the government has its own critics. The then corrections minister, Bob Runciman, said there were "too many unanswered questions about safety" to proceed with private prisons prior to the 1999 election.

The way this bill is written, the way this bill is constructed conveniently to try to make people say that "We're against drugs in prisons," and the way that private prisons want to be introduced—make no mistake, private prisons are what this bill is all about.

The member from Stoney Creek tried to tell us that this wasn't a moral issue; that it's not a moral dilemma. I say convincingly, if that's the attitude of the member on that side and all of the members on that side, I fear for our province when this member can stand up and say that we can make profit on our bodies—we don't sell our blood; we don't sell our body parts and our organs. We should never go down the road of selling our prisoners, because we remove a sacred right that we all have, and by removing that, morally the government must be accountable and in control of that situation, and we won't be with private prisons. The horror stories are there. This bill should die.

**Mr Pat Hoy (Chatham-Kent Essex):** I want to commend the member from Brant for an excellent presentation on Bill 144. He talked about the threat to public safety, and since we're talking about public safety on this bill, I'd like to make my comments about this

government's attitude toward that very same thing, public safety.

This afternoon I asked the Minister of Transportation to implement photo radar at least as a pilot project. I asked him to listen to the key recommendations of two coroners' juries into terrible fatalities on the stretch of Highway 401 between London and Windsor. The minister said that 90% of all dangerous driving practices are not caught by photo radar. That's arguably true, though an article on a report released by the minister showed the speeding-related accidents figure to be very high, not at 10% but almost 20%.

But the minister is still missing the point. What we are suggesting is that monies from photo radar be used to hire additional police officers so that they can go after the 90% he is talking about. Free up the police so they can go after these more flagrant and serious infractions. Let's give photo radar cash to the police so they have the resources to target that other 90% of dangerous drivers.

Mr Turnbull knew that once. I wonder why he has forgotten. I'd like to read you what Mr Turnbull said in 1993. "There are lots of studies in the United States and Europe and in Canada, in Alberta, that photo radar has merit." Mr Turnbull said, "It positively identifies speeding vehicles, there can be no doubt about it." He told the Legislature that if money generated by photo radar was given to the police forces, on top of the money they already receive from the government, "I think we could solve some of the very serious policing problems in this province."

When I questioned Minister Turnbull today, he ignored my concerns for public safety. Mr Turnbull said today that Dalton McGuinty has more positions than the Kama Sutra—a joke I find to be in very poor taste, especially when kids in the gallery were here.

**Mr Kormos:** I don't get it.

**Mr Hoy:** I didn't understand it either, but I'm told that it was a very despicable type of comment in the House with those children here; as well, it was an affront to our leader.

Let me say that Dalton McGuinty is totally committed to public safety on our highways. Dalton McGuinty wants money from photo radar to be used to hire more police to go after that other 90% of dangerous drivers Mr Turnbull talks about. Mr Turnbull once believed that photo radar money could solve some of the very serious policing problems in this province and now I wonder what has changed.

We're talking about a bill, Bill 144, that speaks to safety. We're also speaking about photo radar that speaks to safety. We also talk about my school bus bill that talks to safety. It seems that the minister has a few positions of his own to defend. What comes to mind is that people who live in glass houses should not throw stones. Also, I think it was the former Tory paragon, Brian Mulroney, who said, "Only a donkey won't change its mind." But when you look at Minister Turnbull's attitude toward public safety and photo radar, he does seem to fall into that category.

If the Harris government were truly concerned with public safety they would not even be considering the privatization of our correctional services as they propose in Bill 144, nor would they be considering the privatization of driver licensing and highway inspections, as they proposed with Bill 137. Both of these bills are bad for the public; they are bad for safety. They play to another agenda of the Harris government and that is not public safety.

It's a fundamental principle of the Harrisites that they are not the government, they came to fix the government, but we on this side of the House believe that it's the government's job to protect the public and Mike Harris is failing miserably. Look at Walkerton. Look at the bills before this House, most recently Bill 134 and now Bill 144. They are about privatization, not about safety. We oppose them. We oppose them in total.

**Mr Bartolucci:** First of all I'd like to thank our critic for correctional services, the member for Brant, Dave Levac, for a very excellent 40-minute presentation in which he clearly outlines the Liberal position.

Let everyone who is in this House and in the province of Ontario know that the primary purpose behind Bill 144 is to set the legislation framework in place for private prisons. Ontario Liberals believe that private prisons do not enhance safety. So, as our critic has clearly outlined, we are opposed to this legislation. We are opposed to it because we want to enhance the safety of all Ontarians, not detract from that safety. That's why we're going to be voting against this bill.

I think the Harris government knows the pitfalls of private prisons as well. It's interesting that prior to the 1999 election the Tories said that the jail in Penetanguishene would be publicly run. Now they're saying it's going to be privately run. What a difference a little bit of time makes.

Also prior to the election, the then Solicitor General and corrections minister, Bob Runciman, said, "There are too many unanswered questions about safety to proceed with private prisons." That was what they were saying before the 1999 election, but now they're saying something completely different. One would ask the question, rhetorically, I'm sure, what has caused them to change their minds?

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**Interjection:** Money.

**Mr Bartolucci:** Some people say money. I hope that's not the truth, but if past performance is any indicator, then I'm afraid we have to worry about that.

We not only have to worry about that; we have to worry about the public safety of Ontarians. This is what this bill is all about. It's about trying to minimize that public safety. We on this side of the House want to maximize the safety of all Ontarians.

Now it's coming to fruition, it's being proven categorically—the member for Brant did an excellent job—that internationally, private prisons have been an unbelievable failure. Many US jurisdictions, including New Mexico, Maryland, Oklahoma and Ohio, are

backing away from private prisons. Again a rhetorical question: why, when history has proven that private prisons don't work, is Ontario moving toward a private prison system?

You have to worry so much about how the government is going to control these private prison operators. Historically, those operators in Louisiana and New Mexico have failed to notify state and local authorities when murderers and rapists have escaped from their institutions. That's a matter of public record, that's a matter of fact, and that's a matter that we on this side of the House want to try to make sure doesn't happen in this province. The best way to do that is to rethink your plan for privatization.

I have a jail in Sudbury; I have to be perfectly honest with you. Larry MacGregor and the guards in Sudbury do an excellent job. They're committed, they're dedicated, they're certainly faithful to the task, they're very understanding, yet they certainly ensure that those people who are incarcerated follow the rules of the game. I don't think it gets any better than what's in place in Sudbury. I would think this government should use Sudbury as a model and ensure that all of the prisons in Ontario are run as effectively as this public institution. I commend Larry MacGregor and his members because they work hard, they're dedicated, even in spite nowadays of this government's assault on them in the form of privatization.

I'd like to quote just a few statistics that have come to my attention with regard to private prisons. They're not disputable. The fact is, the corrections minister quotes some statistics. Here's one: escape rates in private prisons are 32% higher than in public facilities, according to a 1999 Florida case study. That's 32% higher in private prisons. I've got to tell you, Larry MacGregor and those people who are members of his union in Sudbury are doing a pretty effective job as jail guards and we don't want to see a 32% higher rate of escape. Assaults on correctional officers are 50% more common in private prisons than in public facilities. That's a statistic given to us by the National Council on Crime and Delinquency in the United States; again, one that you can't dispute because they've done the study in their private prison system.

The Minister of Correctional Services quoted California in 1997. I wish he had quoted California in 1998. There were 116,932 prisoners housed in private prisons, and there were 27 escapes. That's 116,000, almost 117,000. In the same year in California there were 160,332 prisoners housed in publicly run prisons, and there was one escape. Fewer prisoners, more escapes. In a public facility, more prisoners, fewer escapes.

I would suggest to the minister that he try to convince Mike Harris to reconsider their plans for privatization. As long as he is intent on privatizing this system, Dalton McGuinty and the Ontario Liberals, led by our critic, the member for Brant, will be voting against this type of legislation.

**Ms Di Cocco:** I'm pleased to join in this debate. Bill 144 states that it's An Act to establish accountability in

correctional services. I want to speak to this whole issue of fiscal accountability. I'm going to speak to it in terms of the auditor's report. The auditor's report is a report that is independent of any partisan politics and deals with and criticizes the Ministry of Correctional Services. As a matter of fact, the premise of the issue of accountability of the auditor's report is based on the fact that the Harris Tories are terrible managers. That's basically what the premise of it is.

I'll quote from the auditor's report. "About half of the province's annual expenditures, approximately \$30 billion, are spent by the government as transfer payments to government service delivery agents." That means that they're farmed out somewhere. "The Audit Act currently does not permit my office"—that's the auditor's office—"to access on a discretionary basis all the information necessary to report to the Legislature the extent to which these agents achieve intended results and whether or not taxpayers are receiving value for money spent. Accordingly, we have sought over the last decade to have the Audit Act amended to enable my office to assist the Legislature in strengthening public accountability."

He goes on to say, "Over four years ago, the standing committee on public accounts unanimously endorsed our proposed amendments to the Audit Act, but there has been no action in this area on the part of the government."

We want to talk about rhetoric versus action. This government doesn't seem to understand that these are actions they can take to actually gain accountability in how government does its job.

The government has made changes, and this is another one of its changes, to privatize or at least to set the tone for privatization. Just as they did in the water testing, they make the changes but they forget to put any protocols in place. They don't put anything in place to protect public safety. We see what happens. This has nothing to do with dramatizing the situation. This has to do with what we have faced in Walkerton because of the fact that changes are made but nothing is put into place.

Again, the Minister of Correctional Services talked about the fact that they did have—I believe he stated that there was a comprehensive business plan. It states here in the auditor's report:

"The ministry's decision to finance and build two 1,200-bed correctional institutions at a cost of \$180 million was not supported by a comprehensive business case assessing the risks, costs and benefits of all relevant alternatives."

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There are many instances in this report, that goes on not just in the correctional services, but it's indicative of a government that doesn't know how to manage. When you don't know how to manage and provide services well, you privatize, because by mismanagement you render services dysfunctional; you render them incapable of doing the job. Therefore the easy answer, the simplistic answer, is to privatize.

I'd like to remind the Harris Tories that government is not a business. It must be run in a businesslike manner but it is not a business. It is here to protect public safety. This government has said, and I heard Mike Harris say it and I heard many ministers say it, that they are not government. In other words, they don't want the responsibility of being government, because being government means that you must manage the services you must provide to the citizens of this province, manage them well so they can do their job in a businesslike manner.

As the auditor has stated over and over again, there are too many places in all the various sectors whereby there is no accountability and there is no value for money because half the services, \$30 billion, are out of reach of accountability. If that doesn't indicate to the public the erroneous road this government is on with privatization, I don't know what will. There is a fundamental difference between government and the private sector. There are things, there are services the private sector provides much better than government, but government has the role when we're talking about public safety. As the member from Brant has stated and has given factual evidence about the safety aspects, or the lack of safety aspects, in privatization, I hope the Harris Tories will listen to rational, thoughtful evidence and reconsider this track they're on to privatize.

**Mr McMeekin:** All around us the currents of yesteryear are turning into rapids. We know that change is inevitable and that the art of living simply demands that we co-operate with the inevitable, yet strangely many of us approach any change like the caterpillar that looks up at the butterfly and says, "You'll never find me flying around on one of those crazy things."

I listened carefully to the debate and I've asked for only five minutes tonight, Mr Speaker, because I don't pretend, like some members of this House, to have any monopoly on truth. In fact I would observe, having listened to the debate, what one of my old professors used to say: "Meaningless statistics seem to be up 8.6% this month." Everyone talks about supposed facts and figures, and one is left with all of one's values and one's sense of what's right and wrong and one thinks of one's experience in the House and of course the research bullet points provided by our appropriate staff people to wade into it and see what's happening.

I'm reminded of Bobby Kennedy, who once said, "Good judgment is based on experience, and experience invariably on bad judgment." When I heard him speak many years ago and we pondered that as part of a group, he was making the point that it's OK to make mistakes, but if you're going to make mistakes you should at least make new ones. I always thought there was some wisdom there.

I'm not sure whether this government seems intent on making new mistakes. They seem intent on repeating some of the foibles they've been in: lots of talk about donkeys and the road to Damascus and all that kind of rhetorical stuff. I've been on the road to Damascus and I can tell you it's a pretty straight road, and it's about

conversion, by the way, about choices, new choices, exciting new choices. Choices are about values. I would have preferred to see a discussion deal much more with values than with statistics and all the political rhetoric we on both sides of the House seem to want to do from time to time.

That having been said, there seem to be two or three major arguments against the bill. Before I do that preamble, I do think there are some good components to the bill, particularly if drug testing can be done safely. I haven't heard a lot of evidence that it can, and I'm very concerned about the amount of drugs that get into our prison system at present. But I want to commend the minister—who obviously is very intent on listening to the debate when he's not reading his newspaper—for some of the thinking that went into the bill.

There seem to be three basic arguments that get put against it. There's the suggestion articulately put by my colleague the critic and others that it could be a threat to public safety. There's another comment—and I think the good folks in Penetanguishene would hook on to this one very quickly—that what the government appears to be doing is abandoning the very principles they articulated in a previous incarnation, when they were looking at going to the people for support in the election. Again, we have our staff people presenting bullet points about

escape rates and assaults etc, and I don't know what the truth is there. I leave that to you gurus who deal with this stuff all the time.

I want to come to, in my last minute, the whole issue of values. I believe that while we should have only the government we need, we must insist on all the government we require. I see the prison system and prisons in general and the Solicitor General's function as an investment; not just as a cost but as an investment. I would have preferred to see us spend a lot more time on best practices when we talked about accountability. If we had focused on monitoring, if we had focused on public safety, if we had focused on prison safety and security, if we had talked about work programs that actually equip those who are doing time with the skills to cope in society, if we had talked about drug programs that worked, if we had talked about rehabilitation that's real and about restorative justice that has meaning for both victim and offender, and if we could quit talking about assumptions about everybody else's attitudes, whether they're hard or soft on crime, that's the kind of discussion we should have had.

**The Deputy Speaker:** Thank you. It being past 9:30 of the clock, this House stands adjourned until 1:30 tomorrow afternoon, November 28.

*The House adjourned at 2130.*

**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

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

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

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Burlington	<b>Jackson, Hon / L'hon Cameron</b> (PC) Minister of Tourism / ministre du Tourisme	Kitchener-Waterloo	<b>Witmer, Hon / L'hon Elizabeth</b> (PC) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
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Durham	O'Toole, John R. (PC)	London-Fanshawe	Mazzilli, Frank (PC)
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Erie-Lincoln	<b>Hudak, Hon / L'hon Tim</b> (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines	Mississauga East / -Est	DeFaria, Carl (PC)
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Etobicoke-Lakeshore	Kells, Morley (PC)		
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)		
Guelph-Wellington	Elliott, Brenda (PC)		
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Ottawa-Vanier	Boyer, Claudette (L)	Thunder Bay- Superior North / -Nord	Gravelle, Michael (L)
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Sarnia-Lambton	Di Cocco, Caroline (L)	Willowdale	Young, David (PC)
Sault Ste Marie	Martin, Tony (ND)	Windsor West / -Ouest	Pupatello, Sandra (L)
		Windsor-St Clair	Duncan, Dwight (L)
		York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

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

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