

BACK COVER PAGE OF
HOUSE OF COMMONS DEBATES
OFFICIAL REPORT (HANSARD)
VOL. 144, NUMBER 084
18 SEPTEMBER 2009



PAGE DE DOS
DÉBATS DE LA CHAMBRE DES
COMMUNES
COMPTE RENDU OFFICIEL (HANSARD)
VOL. 144, NUMÉRO 084
18 SEPTEMBRE 2009

If undelivered, return COVER ONLY to:
Publishing and Depository Services
Public Works and Government Services Canada
Ottawa, Ontario K1A 0S5

En cas de non-livraison,
retourner cette COUVERTURE SEULEMENT à :
Les Éditions et Services de dépôt
Travaux publics et Services gouvernementaux Canada
Ottawa (Ontario) K1A 0S5

Published under the authority of the Speaker of
the House of Commons

Publié en conformité de l'autorité
du Président de la Chambre des communes

SPEAKER'S PERMISSION

PERMISSION DU PRÉSIDENT

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Additional copies may be obtained from: Publishing and Depository Services
Public Works and Government Services Canada
Ottawa, Ontario K1A 0S5
Telephone: 613-941-5995 or 1-800-635-7943
Fax: 613-954-5779 or 1-800-565-7757
publications@tpsgc-pwgsc.gc.ca
<http://publications.gc.ca>

On peut obtenir des copies supplémentaires en écrivant à : Les Éditions et Services de dépôt
Travaux publics et Services gouvernementaux Canada
Ottawa (Ontario) K1A 0S5
Téléphone : 613-941-5995 ou 1-800-635-7943
Télécopieur : 613-954-5779 ou 1-800-565-7757
publications@tpsgc-pwgsc.gc.ca
<http://publications.gc.ca>

Also available on the Parliament of Canada Web Site at the following address: <http://www.parl.gc.ca>

Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante : <http://www.parl.gc.ca>

Government Orders

[English]

Mr. Cooper: Mr. Speaker, on a point of clarification, I would like to know the Standing Order on which the ruling is based, that a motion such as that could not be put on a point of order.

[Translation]

Mr. Milliken: To help the parliamentary secretary, I may refer him to the commentary on Standing Order 26 in the *Annotated Standing Orders of the House*, published by this House in 1989. In one of the paragraphs on page 67, we read as follows:

Such motions have been disallowed when moved on a point of order.

There are many precedents in this House for disallowing these motions, as you yourself said, Mr. Speaker, and I hope the parliamentary secretary will read the *Annotated Standing Orders*.

The Acting Speaker (Mr. DeBlois): I am still willing to listen to what others members have to say, but I think the Chair has received ample clarification and that there is no lack of precedents in this respect, as was pointed out by the hon. member for Kingston and the Islands. I may refer the House to page 67 of the *Annotated Standing Orders*, French version, where it is clear the kind of motion presented yesterday was not in order. However, I am prepared to again recognize the parliamentary secretary.

[English]

Mr. Cooper: I do not want to take time from the House so it can get on with its business, but I do want to make this point. If one were to look at Standing Order 26(1), item (a), it would seem to me that it is fairly obvious, and if I just may read the relevant parts:

--the motion must relate to the business then being considered provided that proceedings in any Committee of the Whole may be temporarily interrupted for the purpose of proposing a motion under the provisions of this Standing Order;

In other words as I read that, the only way you could interrupt the proceedings in the Committee of the Whole would be by way of point of order. I would argue that in spite of the fact that you may have precedents not to move such a motion under a point of order, our own Standing Orders provide for that and we need to

re-examine those precedents. I think Standing Order 26(1)(a) states that it would be in order to do that in Committee of the Whole. It should therefore be in order to do it during regular debate.

[Translation]

The Acting Speaker (Mr. DeBlois): The hon. member's comments will be part of the record and, if necessary, the Chair will provide further clarification. We shall now proceed to the orders of the day.

GOVERNMENT ORDERS

[Translation]

CORRECTIONS AND CONDITIONAL RELEASE ACT**MEASURE TO ENACT**

The House resumed from Monday, November 4, consideration of the motion of Mr. Lewis that Bill C-36, an act respecting corrections and the conditional release and detention of offenders and to establish the office of Correctional Investigator, be read the second time and referred to Legislative Committee G.

Mr. Peter Milliken (Kingston and the Islands): Mr. Speaker, I welcome the opportunity to speak to Bill C-36 and express the views of my constituents, because our penitentiary system is a very important issue in the riding of Kingston and the Islands. There are probably more penitentiaries in this riding than in any other riding in the country. There are also quite a few prisons near Kingston, for instance in the riding of Hastings—Frontenac—Lennox and Addington. I believe four are located right near Kingston. This means that many people in my riding are employed by the Solicitor General and Correctional Services Canada.

[English]

This bill represents an important change and a very important updating in the law that the minister introduced with great fanfare yesterday. We were told that this bill was part of a package of law and order legislation that the House would deal with this week.

Government Orders

Certainly the government's interest in this area is new-found. After seven years of inactivity it has decided that something needs to be done that Canadians have been crying out for for a considerable period. I am delighted that the government has finally decided to move after numerous studies, lots of consultation and a lot of foot dragging.

The minister in his speech yesterday spoke eloquently and in glowing terms about our justice system. I want to say that from my own experience as a member, I have visited all of the numerous penitentiaries. I think there are nine including maximum, medium and minimum security penitentiaries. There is a correctional staff college in Kingston. The Solicitor General's Ontario regional headquarters is located in Kingston. I have visited all these places and have had the opportunity to see first-hand the kind of services that are provided. These include those facilities that are operated by the National Parole Board in Kingston and grant parole, including day parole and day passes to inmates in various correctional facilities.

On the whole I have been extremely impressed with the quality of service that is provided by our penitentiary service. It appears from any fair and balanced observation that Canada is a leading country in the corrections field. We provide a very high quality of correctional service. I am not so sure it is the best in the world but it is certainly a very good one and measures well against any other correctional service. I think that the strengths of the service lie in the rehabilitation facilities that are offered, particularly in the minimum security institutions. I hope that in looking at the law and order legislation that the minister is bringing forward the rehabilitation of offenders will not be lost in the shuffle.

• (1030)

There are three basic principles that must guide any corrections service: first, protection of the public; second, the rehabilitation of offenders; and third, deterrence to others. There may be others but those are certainly three of the principal ones.

In the minister's speech yesterday and in the press releases that accompanied this bill on its introduction, he indicated that this bill represented a major change because it put protection of the public at the top of the list.

Frankly it was a bit of a specious argument on the part of the minister. I am surprised that he trumpeted this so

loudly. Of course protection of the public has been the primary concern of all the correctional facilities and institutions of this country since they were established. To suggest somehow that this law represents a major advance in terms of protection of the public is a bit thick.

I am glad that the minister is concerned. We are all concerned and to suggest that any member is not would be unfair. I think that the protection of the public is clearly the primary motive for penitentiaries in the first place and it is certainly one that we would fully support.

There are parts of this bill that my colleagues have indicated we will support. We do support the bill in principle.

The issue of rehabilitation of the offender is really extremely important because protection of the public does not just involve locking up. It involves making it safe for the public when the person is released. Inmates invariably get released and for the government to ignore the issue of rehabilitation is to ignore protection of the public. The two are very closely intertwined. We cannot have one without the other.

My fear is that the continual cutbacks in funding for penitentiaries that we have had under this government in all fields will be felt most keenly in the rehabilitation field.

Rehabilitation is vital for the protection of the public. It is vital for the citizens of our country who are locked up in the prisons. We must not forget that almost all of them are citizens of Canada. They will be out of these prisons eventually and we need to make them working, capable and diligent members of society upon their release.

We want them to take their place again in society and contribute to the benefit of our country. We do not want them to continue in a life of crime. We must create the atmosphere in prison where rehabilitation can work. We must offer the rehabilitative services that are so vital in terms of retraining. If we do not do these things then we are failing in a primary objective of corrections.

If we stress the protection of the public and the importance of incarceration, we will lose track of the importance of rehabilitation. That part of corrections is something that we in this party believe is very important and deserves more consideration than it is getting in the current debate.

Government Orders

I am surprised to hear the minister say that the protection of the public is now paramount as though it had not been in the past. The thrust of his bill is to change the rules in part relating to parole. The bulk of the changes that he says will protect the public allow judges to keep an inmate incarcerated for a longer period by terms of his sentence so that the National Parole Board gets no jurisdiction to consider early release of a person in custody.

If that is the case what is the problem? Has the National Parole Board been too generous in allowing prisoners in our institutions to be released? I do not see much evidence of that. I do not see a lot of facts and figures brought forward by the minister to suggest that the National Parole Board has been playing fast and loose with the safety of Canadians.

The fact that inmates are entitled to be considered for parole does not guarantee that they will be released. If the minister feels that is a problem, I wish he would have brought forward some figures to back up this kind of contention. He did not make the statement directly but the suggestion is that the National Parole Board has somehow allowed too many inmates to be released.

I do not believe that is so. If it is, the changes have clearly taken place in the last seven years. Perhaps it is because the good members who were on the National Parole Board before the government took office were not reappointed. Maybe it is because it put too many of their own supporters on the National Parole Board and perhaps they were less than enthusiastic about keeping people in prison. I do not know. But if that is a problem, perhaps the minister should replace them with the people who were there before. It did not appear to have been a problem until 1984.

Mr. Dick: I thought we were trying to be less partisan.

Mr. Milliken: We are. If that is the kind of comment the minister is making, I would just point out that perhaps that is where the difficulty lies. The Minister of Supply and Services may disagree but he can make a speech in this debate too.

In my experience with the National Parole Board, I think it is extremely careful in its review of cases. It is extremely thorough in its review of cases. Admittedly there are problems. There are always some people who

are released who should not be released. Let us look at the system.

We are dealing with a group of men and women appointed to the National Parole Board who like us are not perfect. They make mistakes. We are also dealing with a group of men and women, mostly men, but some women, in the penitentiary system who apparently are not perfect either. They have been convicted of various crimes. Therefore the National Parole Board, in its interaction with these people, has to deal with a real variety of individuals. Its success rate, particularly on day paroles and arrangements for temporary absence, is extremely high.

Unfortunately the minister did not cite a lot of statistics to support the work of the National Parole Board. I wish he had done so because, in my view, by and large, it has been quite successful in the work it does.

Parole is very important in our system. It is a carrot that is held out to a person who is facing a lengthy period of time in an institution that can help induce a real desire for change. It is vital. If we do not have that kind of carrot, what is the incentive to the inmate to change his views or his ways or to try to improve his situation in life upon release? I suggest that there are not many carrots available and parole is one of the very good ones.

The change that allows victims to attend parole board hearings, where the chairman of the parole board so decides, is a very important, significant and good change. The minister is to be commended for that. Many other jurisdictions allow much more open hearings than Canada does. We should be moving toward more open hearings. This is a first step and I commend the minister for that effort.

If the system is as bad as he says it is, I wish the minister had been more clear. I wish he had stated figures to support his contentions but he did not. I suggest that the minister has fallen into a trap which has consumed many members and it is that we tend to criticize the system because of the mistakes that have been made which are so sensational.

There have been some serious mistakes and there will always be mistakes. That is a problem we cannot solve. To simply lock people up and throw away the key does not solve the problem of crime in Canada. After all,

Government Orders

most of the people who are in the institutions are not committing crimes. There are some committed within the walls of the institution of course but the crimes that are committed on the street are not committed by inmates. In my submission we ought not to be expanding our prisons at an enormous rate to hold more and more people. We need to attack the roots of crime to try to prevent these crimes from happening in the first place. Unfortunately this bill does absolutely nothing in that regard.

There are two things the minister said to which I particularly want to draw attention. I have touched on one already. The first statement that was made is recorded at page 4429 of *Hansard*:

There is a very real and disturbing perception within society that the balance is all wrong.

As Solicitor General, I wish the minister had done his best to convince society and this House that the balance is not all wrong. The person who is incarcerated does not lead the life of Riley. I have been to the institutions. I have toured them. I wish more Canadians could see the living conditions in some of the maximum security institutions, particularly in our country. It is not a piece of cake. Life in prison is not a pleasant experience. I do not think there is anyone in this House or anyone I know who would particularly enjoy being in one of those institutions. It is a far cry from a pleasant life, in spite of statements by people like Harold Ballard who said that he enjoyed his time in prison. I suggest that that was a specious comment. He did not. Had he been in a maximum security institutions he would have enjoyed it even less. That is the first thing and I think that we tend to forget that. We talk about the good food that people get and the fact that life is organized for them. That is true. But many of the strictures on their lives in prison, the long hours spent alone in cells, would not be a pleasant experience for many people.

• (1040)

Second, I think the minister might have pointed to the success rate of the parole system that we now have in Canada and the success rate of our prison system. They could be higher but by and large the system has worked reasonably well. It is unfair for the minister to suggest, without correcting the suggestion, that there is a perception that the system or the balance is all wrong.

In my view the minister should have said the system is not all that bad. We are seeking to improve it. There is room for improvement but we want to stress the strong points of the system too. They are there and the public should know about them.

I think there is a lack of boasting on the minister's part about the accomplishments of his department. I would hope that he would make more statements about the success stories that exist within Corrections Canada.

The second part of his remarks that I wanted to deal with is one that surprised me. The minister is usually very erudite and clear but there was a lot of obfuscation in his speech yesterday, particularly on page 6 of his notes. He talked about the possibility of having people eligible for parole at various times in their sentences.

It is a curious truth that sometimes society is better protected by moving certain offenders through the system and out of prison faster rather than leaving them behind bars where hope, job prospects and family support can fade away all too quickly. The rationale for doing this, while well supported as a rehabilitative measure, will also allow us to free up almost \$1 billion which we spend each year to lock people up. By doing so we can place a greater emphasis on keeping the violent and dangerous offenders behind bars longer.

The plan is to move through the system more quickly those who have been convicted of property offences but not violent offences. Then the plan is to lock up drug offenders and violent offenders for longer periods.

Frankly I do not think there is going to be much of a saving. The minister suggests that somehow part of the \$1 billion is going to be saved by moving these others through the system more quickly, yet in the same breath he says he is going to lock people up with longer minimum sentences and with longer dates before parole eligibility comes up. This really flies in the face of reason.

What he is doing is saying that he is going to save on one hand and spend with the other. What he should be doing is saying that we need to commit more funds to rehabilitation in our system however it is done.

Locking people up for longer periods in and of itself is not going to do that because it will drive up the costs of operating the penitentiary system which admittedly is a significant cost in this country. We need to find ways of doing it more efficiently and in a less expensive way per inmate but at the same time try to maintain a level of care and rehabilitative service that is reasonable in the

Government Orders

circumstances. As always in these matters there has to be a balance struck.

I wish the minister had been a little clearer on this point instead of trying to suggest in one paragraph that he was going to save Canadians money and in the other suggest that early release was just the thing for one group of offenders.

I agree with him. The early release may be appropriate in those circumstances. We will see. Experience will teach us something. But I suggest that he must have some figures and facts to back up his suggestions, and yet there were none presented in the course of his remarks yesterday. Nor were there any that I am aware of in the background papers that were distributed at the time of introduction of the bill.

To conclude, I want to say that I commend the government for its effort on this. I believe this bill can be carefully and usefully studied in committee. I see that the government has incorporated a change which I myself had proposed in a private member's bill to the Penitentiary Act. That is to allow access for members of Parliament, senators and judges to prisons. I see the government has hedged a bit by providing that it may make regulations governing the rights of those persons to visit institutions. I have concerns about that. The reason that I had put it back in the bill is because the government was seeking to regulate it too much and it was not in the bill. That particular provision needs rewording in my view.

The minister has indicated his willingness to consider amendments in committee. I hope that that is a serious commitment on his part. I hope he will consider amendments that are presented by the opposition in a reasonable light because we will have some amendments to move to this bill. By making changes at the committee stage we can improve the bill so that we end up with a correctional service in Canada of which we can all remain very proud.

Mr. Dennis Mills (Broadview--Greenwood): Mr. Speaker, I would like to compliment my colleague from Kingston and the Islands for his remarks. Being a member who has nine federal institutions in his riding, he perhaps does have a better grasp on the complexity of this issue than most of us have.

He mentioned during his remarks that this bill does not do anything to attack the roots of crime. He also talked about the fact that we needed to educate our society as to what happens in these correctional institutions and make people more aware of just how our whole parole system works.

I wonder if he could give me his opinion on an idea that I have been thinking about for a while. It has to do with younger people. I think students in grade eight or high school should be exposed to a federal institution as part of the educational system. I do not mean where they come into contact with hardened criminals or even talk to them. The hon. member says that the condition is not very flattering.

Does the hon. member think that it could be a deterrent to crime if more of our youth in a supervised way were exposed to the conditions of some of these federal institutions? Does he think that is too harsh or too dramatic? I know in my particular riding there is a city jail. It is the old Don Valley jail. I know that when you drive by that institution and see the remnants of the old institution it is a pretty scary thought. I tend to think that if some of our younger people had an early taste of just what that institution is like from the inside and not just the outside that it might go a long way toward crime prevention.

I wonder if the hon. member could comment on that.

Mr. Milliken: Mr. Speaker, the hon. member for Broadview--Greenwood raises an interesting question. I am not an educator, so I feel a little apprehensive in answering his question directly.

I think he has suggested it is a good idea. I would agree it is a good idea but I would leave it to the teachers in class to decide what if anything pupils ought to be exposed to at that age. The place I would have in mind is Kingston penitentiary which I think was built in 1853. It is a very old institution. When you go inside you are well aware of that fact.

The inmates that I have met with have complained in one of the ranges of having a racoon and rats in the range. Birds fly in the windows that are broken and open. I have been in the range. I have seen the windows in this condition. I know that it is like that. I am told it is being repaired.

Government Orders

It is not a pleasant place to be. Obviously with the cells being just bars, these animals are free to get right into the cell where the inmate happens to be. It is not a picnic being in these places.

I think young persons would be shocked to see what they would see if they were there. Whether it is worth exposing them to that kind of environment I am not sure. If more of the public could see what it is like, particularly in some of our older maximum security institutions, I think their view of prison life being some kind of picnic would radically change.

Mr. John Nunziata (York South—Weston): Mr. Speaker, I would like to ask my colleague a question about the role of victims in the criminal justice system. The government is proposing that victims be formally recognized. We have been pressing for some seven years now for victims to have a greater role in the criminal justice system. They seem to be all too often forgotten. The government is proposing that the victims be kept informed of an offender's prison and parole status if they request and information from victims be considered at a parole hearing.

• (1050)

At present, victims can only appear before a parole board hearing if the inmate consents. What the government is proposing is that the discretion should be in the hands of the National Parole Board. It should be up to the parole board to decide whether or not a victim or the families of a victim can attend.

Would he not agree that this should be taken one step further and that victims should have the automatic right to participate at parole board hearings, that all too often the victim's concerns are not addressed?

Yesterday I indicated to the House a case where one of my constituents was brutally raped. One day she went to the corner grocery store, paid her bills, turned around and there was the person who had been convicted of the rape. She was not informed of the person's release. There were no conditions attached to that person's release, for example ordering that person not to go back into the community where he committed the crime.

There have been a number of other very high profile cases where had the victim or the family of the victim

been in attendance certain tragedies might have been avoided. We know of the Melvin Stanton case, the Allan Sweeney case, the Joseph Fredricks case, the Daniel Gingras case, the George Foster case and numerous other cases where the absence of another perspective or another point of view at the parole board hearing could have avoided certain tragedies.

Can my friend comment on the role of victims in the parole system and would he not agree that victims should have the right in law to attend parole board hearings?

Mr. Milliken: I listened yesterday, Mr. Speaker, to my learned and hon. friend's speech.

I think there are two issues here. The first is the right of the victims at the stage of the trial. I think the criminal law was amended not that long ago. I think it was about 15 or so years ago. I was practising law at the time. I recall that victims were allowed to make some kind of a submission to a judge in writing or something at that time. Occasionally a Crown Attorney will have a victim there and will invite comments from the victim at the time of sentence. It is not unheard of for that to happen in our criminal justice system. When was some change made in the law? I am sorry, but I am not familiar with the technical change.

In my view, it is entirely appropriate that at the stage of sentence, the victim have something to say about the disposition to be made in the case. Having done that, the question of parole becomes an issue of rehabilitation of the offender. That is what parole is for. It is not to continue to satisfy the need for revenge or the need for punishment. It is there to try to rehabilitate the offender as a useful member of society again.

The parole hearing, in my view, is a different thing. It is a professional assessment by professional parole officers of the offender's ability to rehabilitate himself in society and take a useful place there and whether or not the offender should be released on a temporary or part-time basis or into various living arrangements in society.

I agree that the victim may have something useful to say at that stage and that is why I think the government's proposal is a sound one, that victims should be able to go. As to whether they should have a right to attend, I am not sure. I can imagine there would be circumstances

Government Orders

where their attendance would be very disruptive to the hearing because of a continuing anger, if you like, on the part of the offender or on the part of the victim toward the other, an animosity that exists. I am not sure that having a right to attend is really going to further the cause of rehabilitation. It may, but it may not. Since the purpose of the parole hearing is rehabilitation, I am not convinced that the right is necessary. Where it is appropriate that the victim attend, the law allows it. The victim still has a right to make submissions under the law under this new bill to the chairman of the parole hearing and I think that is entirely appropriate.

The hon. member may be right in saying that there should be this absolute right. I am not absolutely convinced of it. Maybe I could be in committee, but I think we have a system that is worth trying. We should try this and see how it works. If it is successful, I would be in favour of expanding the rights beyond what are proposed in this legislation. However, I think it is important to remember that parole is not a second trial. It is a hearing for the purpose of seeking the rehabilitation and re-establishment of the offender in society. The offender is going to be released sooner or later. The question is when. The parole hearing is to determine whether or not the release should be done earlier, subject to conditions, so that there is some continued restraint imposed on the offender. That is the purpose of it, and I hope we can bear that in mind in looking at the two types of situations, the trial and the parole hearing.

Mr. Dennis Mills (Broadview--Greenwood): Mr. Speaker, I will not be long. I just want to make a few short remarks on this because, as I mentioned in the House yesterday, this is a very complex issue for us in Toronto because we, of course, right now are facing crime statistics of such proportion and magnitude that people are afraid to walk the streets at night. In my own riding, just in the last week we had over 29 break and enters on one street in my riding on the Danforth which is a street of mainly merchants.

The police feel that they are not getting support from the system. Therefore, it is important that when we have a bill in the House like today on reforming the correctional system that we do not just push it through with a couple of speakers on each side of the House, but that we spend some time talking about it to see if we can put forward some amendments that will address these concerns.

I realize this is a complex issue. As my colleague from Kingston and the Islands said earlier today, life in a federal prison institution is not the life of Riley. It is a very tough existence. Of course, most people in urban centres feel that it should be a tough existence. They do not feel that this should be an easy kind of existence. There is a feeling in most urban centres today that our entire parole system is really not working. They feel that criminals are able to use the system as it exists now to their own advantage. They feel that the justice system has really broken down and they want radical reform.

In my particular riding there are parents of younger people who have in fact been sentenced to federal penitentiaries. They tell me stories about first-time offenders who are put into federal institutions with hardened criminals. We talk today about rehabilitation. It seems to me that it is very difficult to develop a program of rehabilitation when you have first-time offenders in with hardened criminals.

As we look at the reform of this piece of legislation, we should not be governed so much by the \$6 billion cost that goes with running our federal institutions, but we should be paying attention to the fact that the system as it is operating right now is not working. With the over-crowding, first-time offenders with hardened criminals, maybe it is time that we build some new institutions where we take the process of rehabilitation in a much more serious way. We have situations right now in some of these federal institutions, and I hear this from people in my riding, that there are sometimes two to a cell, where the first-time offenders are exposed to all kinds of drug habits, that in fact there is no way that a person has a chance at getting solid rehabilitation.

• (1100)

The other thing, of course, is in the area of crimes of violence. There is a feeling right across the country today that those people who are convicted of crimes of violence and who are being paroled too early, without sufficient notice to police forces, are causing an even further breakdown in the system and the public's confidence in our correctional system.

When we take this bill back for amendments, before we have its final reading, we should come forward with something that is not only reasonable in terms of human rights within those institutions, but we must do something that puts a sense of confidence back into the people, mostly in urban areas, who are afraid right now to walk the streets at night. Merchants who are nervous

Government Orders

in terms of their own security because our basic parole system is not working.

Mr. Speaker: Is the House ready for the question?

Hon. Roger C. Simmons (Burin--St. George's): No, Mr. Speaker, the House is far from ready for the question on this one.

I agree with my friend, the minister, that we are having a hard time to get speakers. I held back for a moment, hoping that the hard time would get less hard and that some of the Conservative members over there would stand up. If they will not stand up, we will get up and speak for some of their constituents who are calling, even as we came through the lobby this morning. We will speak for them if they will not speak for them.

There are some things we cannot do, on behalf of the minister, who has all kinds of things to say on this issue from his bench but little from his feet. Will he tell us, for example, just why it is that at this particular time the government is cutting funds for Crime Prevention Week, cutting \$2 million in funding?

We hear the strategy of the government: Speak to the bill. All right, let us speak to the bill.

What could be more germane, Mr. Speaker, than a missile from the government labelled "The Proposed Corrections and Conditional Release Act Highlights"? These are the government highlights, these are put out by the government.

The government says this is a highlight of this new bill before us. This is highlight number one: "Protection of the public will now be the paramount consideration in all decisions relating to the treatment and release of inmates".

Mr. Nicholson: That's the kind of legislation Canada needs.

Mr. Simmons: There is the gentleman from Niagara Falls struggling to make his maiden speech in this House. He was applauding and I applaud with him this sentence. I mean, can you get any more salutary? Is there anything more commendable than this first objective? "Protection of the public will now be the paramount consideration in all decisions relating to the treatment and release of

inmates." I am sure the member for Niagara Falls, when he gets up to speak in the debate--

Mr. Nunziata: If he does.

Mr. Simmons:—will explain to us the implicit contradiction in terms in that first highlight, that first statement. Listen to it one more time. In part it says: "protection of the public will now be the paramount consideration".

What has been their paramount consideration up till now, I want to know. Are they telling us they have discovered something new? Are they admitting in that first highlight that until now it has not been the paramount objective, that we need some new legislation? Good Lord, I would hope that any government worth its salt, any Parliament worthy of the name, would have long since made that the objective. That is the kind of drive you get from this crowd. They are now going to rediscover motherhood.

The difficulty with this bill is not that there is a need for it. That is not the issue at all. In this House we cannot find anybody in any party in this Chamber or any Independent who sits in this House--and they are getting more by the minute almost around here--who would disagree that there ought to be updated legislation to ensure that the public is adequately protected on this matter. That is not the issue.

On this as on so many other issues that we could mention, whether it is free trade, foreign overfishing, unemployment insurance, the national railway system or any issue that we can connect to this government over the past seven years or this bill, the issue is the same. They are speaking out of both sides of their mouths at the same time. They are saying one thing and doing the exact opposite.

Yesterday in the late show debate on a fisheries question I had to go to early Roman history to make the point that I wanted to make. I found that there is a term in early Roman history, *janus geminus*. *Geminus* means two or twin. I know no Latin but I understand that *janus* means gate. The term *janus geminus* came into usage because it connoted a gate that looked in two directions, that had two faces. Hence the origin of the term two-facedness, looking in two opposite directions at one time. When they wanted to characterize that notion in a coin of the day, they characterized it in terms of head

Government Orders

with two faces looking in two completely opposite directions.

I went to the library yesterday and dug out the origin of this and some of the description. Yesterday in fun, but making a point hopefully at the same time, I was applying it to my good friend from St. John's West, the Minister of Fisheries and Oceans, who had said in response to a question from me in October that anybody who was at all remotely connected with the fisheries would get help under the program, the fish aid program, and then the next week issued a directive cutting off at the knees everybody in the western and southwestern part of my riding making them ineligible just on the basis of where they live.

I used it strictly as an example of where the government does one thing and says another. The description, just in passing before I get back to the point I want to make here, of *janus geminus* was absolutely delightful because it said three things about *janus geminus*. Two of them can be said about this government and the other one can certainly be said about the gentleman from St. John's West. It said that *janus geminus* is characterized as normally having two faces, but sometimes having four faces and is sometimes depicted with a beard and moustache and sometimes without the moustache. The third certainly applies to the gentleman from St. John's West. The first two make this government a *janus geminus* particularly on this parole issue, on this parole legislation, because it says one thing and does another.

• (1110)

Let me give a clear example of what I am talking about. The few Conservatives over there who have been allowed to speak, the three who have been allowed to speak, their basic thesis is the following: first, this bill like everything else the government has done is the best thing since sliced bread. That is their first point. Their second point is: To wit, we are going to see to it that those dangerous criminals serve half their time. That is a nice objective. Nobody can argue with that except the criminals concerned I suppose.

Mr. Nicholson: You are arguing.

Mr. Simmons: The member for Niagara Falls is misleading the House.

An hon. member: Come on.

Mr. Simmons: We are not arguing that at all. If he were fair he would understand.

An hon. member: You are holding it up.

Mr. Simmons: Mr. Speaker, this nonsense from the member for--

An hon. member: We have not had five hours of debate on this bill yet.

Mr. Simmons: I would not want to interfere with what you are saying. My friend from Kingston and the Islands is making the point extremely well. The member for Niagara Falls over there is lamenting. His charge across the floor out of the camera's range, because he will not stand up in front of the camera, I tell his constituents including his several supporters down there--

An hon. member: There are not many left.

Mr. Simmons: He has blood relatives.

An hon. member: They too are deserting.

Mr. Simmons: The member for Niagara Falls is saying we are holding up this debate. I am sure he would want that on the public record, because that is what he said.

This bill has been in second reading for 24 hours already.

Mr. Nunziata: Less than 24 hours.

Mr. Simmons: I say to my friend from York South--Weston, our critic on this issue, that is the most indecent thing I have ever heard. You have actually held up a bill for nearly a full day?

Mr. Nunziata: We have waited seven years.

Mr. Simmons: Mr. Speaker, how dastardly can the member for York South--Weston be? He has actually been here as the critic for this bill and is allowing this thing to be held up for almost 24 hours. How agonizing. It is almost 24 hours.

We have to take out of that 24 hours a few hours for sleep. We stopped yesterday for an hour for Question Period. There were some Routine Proceedings and there was a late show last night which is another half hour or so. So it has not really been 24 hours.

I suppose in terms of debating time it has been more like three or four hours. We have had three or four hours of this genuine Niagara Falls-style filibustering where the gentleman from York South--Weston has been out

Government Orders

there fighting tooth and nail to hang it on. What is he holding down? He is holding down a bill, not exactly a Simpson's or a Canadian Tire leaflet but a bill yea thick. Let me see how many pages are in it.

Mr. Nunziata: There are 125.

Mr. Simmons: There are 125 pages. We have had three hours of debate on this, three agonizing hours of debate. We have heard from all of three Tories over there. The whole clique over there tells us its concern about protecting the public but it is not about to get up and say anything about its concern.

I use this and I take time to make this point to show how hypocritical, how two-faced that crowd can be whether it is talking protection of the public or gouging the public on taxes or anything else. They are two-faced. *Janus geminus* rides again.

The Acting Speaker (Mr. DeBlois): Is the hon. member for Niagara Falls rising on a point of order?

Mr. Nicholson: No, Mr. Speaker. I thought finally the member had exhausted himself and his comments. I thought it was time for questions and comments.

Mr. Simmons: Mr. Speaker, I have to say something. I am going to say something, Sir, which will probably get me run out of this place. I watched this farce yesterday and I am not going to be a party to it today. That clown from Niagara Falls has not got the guts to make a speech, and when we are making a speech he gets up and you allow him to do so. You knew he had no point of order.

Mr. Nicholson: Shame on you.

[*Translation*]

The Acting Speaker (Mr. DeBlois): As an experienced parliamentarian, the hon. member for Burin—St. George's should know he is getting into dangerous territory here. I would appreciate the hon. member's co-operation in maintaining decorum in this debate, and I am sure I can count on his support and co-operation. The hon. member has the floor.

[*English*]

Mr. Simmons: Mr. Speaker, my experience in this Chamber and the other one tells me that when a member rises on a point of order, if he does not state what his point of order is in the first sentence, he is not

permitted to use that point of order to abuse the rules of the House and try and make a cheap shot that he does not have the guts to make in debate.

An hon. member: Sit down.

Mr. Simmons: No, Mr. Speaker. The member for Niagara Falls may have instructions from his clique to sit down, but my people sent me here to stand up.

An hon. member: Rubbish.

Mr. Simmons: If he wants rubbish, I will give him some rubbish. I think we are hitting a few nerves.

An hon. member: A testy bunch across the way.

An hon. member: At 12 per cent in popular support, who would not be?

Mr. Simmons: If they want some rubbish, I will give them some rubbish. I will give them some genuine, unmitigated rubbish.

The Tories say: "We want to keep those dangerous criminals in for at least half their sentence". What dangerous criminals? The ones who are not in for half their sentence. There are none of those, unless they are now saying they have no faith in the parole system and all the cronies they appointed to the parole board. The practice now is that dangerous criminals do not get out until they serve half their sentence. So, it is rubbish, just as he asked me for.

It is rubbish for them to suggest that this bill is going to change anything with respect to how long dangerous criminals are incarcerated. It is not only rubbish, it is a lie. They are deceiving the public. They could not get on bandwagons with free trade and everything else. Now they figure the latest sop to the public is that somehow they are going to protect them more.

God Almighty, the ones they need protection from most is not the guys in the jails but the guys over there. That is who the people of Canada need protection from.

[*Translation*]

The Acting Speaker (Mr. DeBlois): I am sorry to interrupt the hon. member but I would urge him to be more moderate in his comments. I know I can count on his co-operation, but I think we are really borderline here.

Government Orders

[English]

Mr. Simmons: Mr. Speaker, with respect, if you think I have been immoderate, you owe it to me to tell me in what particular. I now repeat what I just said. There are many laws. There is an administration of justice which sees to it that people who ought to be incarcerated are. That is one point I want to make.

Point number two, I said the people this country needs protection from the most are the Tories over there. That clique over there. Now, Sir, you may not believe that, but I want to say that 85 per cent of Canadian people do.

I repeat, Sir, if I have in the last few minutes said something that was immoderate, you owe it to me to tell me in specific terms what I said and then I owe it to you to withdraw what I said if it has been immoderate.

[Translation]

The Acting Speaker (Mr. DeBlois): To be perfectly clear, the hon. member used the term lie, and that is why I asked him to apply some moderation.

[English]

Mr. Simmons: Mr. Speaker, I realize the term lie was unparliamentary. I withdraw that. I did not realize that you were referring to that particular term at the time. The allegation or the suggestion that this bill is going to change anything in terms of how long the dangerous criminal is incarcerated is just not true. It is an untruth. It is just not true. It is, as my friend said, garbage.

• (1120)

Now these people are incarcerated for at least half their time already but let us see what the bill states. The bill provides that the time of incarceration before parole would be altered, would be increased, but it gives discretion to the judge.

It is not automatic. It is a double deception, Mr. Speaker, to be out there saying that this bill is going to increase the time of incarceration. That is based on what the judge will do or, in most cases, what we would hope he would do.

This whole thing is an absolute scam on the public. It is an absolute scam what the government is pretending to be doing here. Do not let that comment be confused

with the reality, with the need to have adequate legislation to protect the public.

In committee we will deal with this. We have already said that because we support the stated objective of the bill, i.e. to see to it that the public is adequately protected and so on, we support the principle of the bill. Of course we do, and of course we will.

But we give notice and my colleague has already done so that there are many changes that we will seek in committee because while the objective is clearly stated, the way they go about it is extremely clumsy and a bit two-faced in a number of places.

I wish I had a little more time. I thank you for your indulgence, sir.

Mr. Nunziata: Point of order, Mr. Speaker. I know that my colleague has not completed his submission and I would seek unanimous consent of the House to allow my colleague to continue speaking.

The Acting Speaker (Mr. DeBlois): Is there unanimous consent?

Some hon. members: No.

Mr. Rob Nicholson (Parliamentary Secretary to Minister of Justice and Attorney General of Canada): Mr. Speaker, I have a couple of questions for the hon. member. Why would he first of all insist on using the sum of \$2 million for the crime prevention week reductions when in fact the Solicitor General informed the House, and I am sure the hon. member's own party knows, that in fact the sum in question is \$340,000. Why would he continue to insist upon using the sum of \$2 million is one of the questions I have.

Why he would object to the fact that the programs started by the Solicitor General within crime prevention week have been so successful that now they are being carried on in the private sector and by non-profit groups? In view of that, why would he insist that the federal government continue to spend money when it is obviously no longer necessary?

I would also like to know this. The hon. member stated earlier that he and his party are not opposing this legislation but later on he said it was garbage. Well the hon. member should make up his mind. If the Liberal Party believes it is garbage, but they are supporting it, maybe he should make that clear. If they are not opposing the bill, then let us get on with it.

Government Orders

The other point the hon. member made on just that point was this: he said it had been debated for 24 hours, with a few hours for sleep.

Let me put it to him that yesterday at six o'clock the parliamentary secretary who sits in front of me put it to the House that we could have extended hours beyond six o'clock. The members of his party said no. I want to know if it is the case that the members of the Liberal Party all fall asleep after six o'clock? That is what he is saying. If he was prepared to debate, they should have debated. We were ready to sit here all night if necessary. You were in the Chair, Mr. Speaker, and you will remember that. It was the hon. member's party members who started bleating and squealing that they could not stay here after six o'clock. Now he says that it is because they want a few hours sleep.

Is it the case that his party goes to sleep after 6 p.m.? I know they were asleep at the switch for 15 years when they ruled this country. I know that one for sure, but I did not know it was just after 6 p.m.

Mr. Simmons: Mr. Speaker, that has to be—

An hon. member: He doesn't have the guts to deliver a speech.

Mr. Simmons: No. That has to be the most delightful intervention that you will ever witness in this Chamber, Mr. Speaker. It demonstrated how wrong I was that the man can stand and put words together. It demonstrates that he is not completely muzzled over there and so I withdraw any inference that I made earlier.

An hon. member: He is smarter than he looks.

Mr. Simmons: It also demonstrates that he was listening to some things I said. Fourth, it demonstrates that he did not understand very much of what I said.

Yes, I used the term garbage. I responded to his invitation to spew some garbage and so I gave a genuine example of garbage. If he misconstrued it, thinking I meant the principle of the bill, he is wrong because I very clearly said two things. I said we support the principle that the public deserves protection and legislation ought to be updated accordingly. I said that very clearly as the last sentence before I sat down. I wanted to be clear that not only I but my colleagues in caucus support the principle of the bill.

What is garbage, and what I said was garbage, I am sure that unless he is being mischievous, he understands. What I said was garbage was the government pretending that this bill would keep the dangerous criminals in any longer than it is keeping them in right now. I demonstrated in the two examples, the one with the present situation where they serve half the time anyway. Just check individual stats and you will find that.

Then I gave a second example, where even under the new bill, it is up to the judiciary to decide whether that inmate will stay any longer. That is what is garbage. But he knows, he knows the distinction I made earlier and he is playing a little mischief. I do not mind that because if you sit here day after day with instructions to sit but not to stand, it must get pretty boring over there. Mr. Speaker, I understand.

He asked me first about the \$2 million versus the \$360,000. He may not trust the senior public service but I happen to trust the senior public service. Let me read a bit of information.

Solicitor General Department spokesman Claude Rochon said the decision to axe the \$2 million in funding was made last February.

The \$2 million in funding, which is the figure I used earlier, the member alleges was only \$300,000. I would like to make two points. First, I submit that my figure was correct because I just quoted the spokesman in the department from whom I got that figure. Second, whether the figure is \$300,000 or \$2 million—and I submit the latter—the member has just made an interesting admission, that there has been a cut. He is the first person over on that side who will even admit that they have cut anything.

Finally, this nonsense about this latest crime of Liberals, that they sometimes actually get a few hours sleep a night. Well, my apologies, Mr. Speaker. We have had three hours of debate on this. We have waited seven years. If it is a serious piece of legislation requiring some thought and contemplation, why do we have to stay up all night and pour coffee into ourselves and pull our hair to keep awake so we can ram this thing through? We have waited seven years. The people whom it will affect and help can wait another 24 hours, another day or two.

That is not the issue. The issue is that the member for Niagara Falls is skating very badly, but he is skating. He is trying to cover up the fact that only three members,

Government Orders

including nobody from Alberta I noticed, on that side have even spoken on this bill. If he wants to know how long it is going to be going on, it is going to be going for awhile yet until we hear what their views are on the issue so I can tell his constituent who is calling me what he thinks because she cannot find out from him.

Mr. John Nunziata (York South—Weston): I would like to thank my colleague for his submission. He makes a very important point. The government has been selling this bill. It has been looking for headlines that read: Government gets tough with violent offenders. That is the message the government is trying to get out to the public. My friend has pointed out that it is nothing but a public relations scam, that in effect this bill will not offer any further protection to the public than they already have.

Today inmates under existing legislation become eligible for day parole after serving one-sixth of their term. They become eligible for full parole after serving one-third, but the reality is and the statistics show, as my friend has pointed out, that most violent offenders serve at least half. In any event judges will be given the discretion.

• (1130)

Would he not agree that if the government is truly serious about getting tough with violent offenders that it would eliminate mandatory supervision, which is not parole but is a process whereby violent offenders are released automatically after serving two-thirds of their sentence? Would he also not agree that it should be automatic that judicial discretion should be removed and that a person, by operation of law, should be required to serve say three-quarters of their sentence before becoming eligible for parole?

Mr. Simmons: Mr. Speaker, I thank my colleague from York South—Weston and, of course, both points that he makes he will be making in committee and that is why he is the critic. He has led the caucus and has advised the caucus on what the pitfalls are in this particular bill. We will be supporting him and others who know this file much better than I do. We will be supporting those amendments in committee. I know we can count on men like the gentleman from Niagara Falls to see that his side also supports those amendments.

In the first part of his question, my colleague alluded to the real agenda here. It is unfortunate but it is true. This has so little to do with the protection of the public and of course it should. At that level it is a very serious debate but at the other level it is the cynicism that runs through this whole process, where the Tories cannot speak, ram it through and pretend that somehow we are now going to protect the public.

This bill, like every other initiative of this government, is the latest cynical attempt to do something on the backs of some people. It so happens now it is going to do it on the backs of the public it wants to protect and the people who, for reasons of sick minds or weak moments or whatever happened, are behind prison bars.

In other times the government was riding fishermen, in other times it was riding poor people, in other times it was riding already over-taxed people and today it is riding the public at large and the inmates and that is what this is all about, sad to say.

Mr. John Manley (Ottawa South): Mr. Speaker, I am pleased to have an occasion to talk on this bill but in more general terms on the issue of crime, the prevention of crime in particular, enforcement of sentencing and issues related to response to victims of crime.

I would like to put these in the context of admitting that this is not an area of expertise for me but that I do want to go on the record as expressing my very great concern about the fact that many Canadians, especially in our large cities, are growing increasingly concerned and anxious as they see rates of crime increase, as they see more frequent incidents of violent crime and as they begin to fear for their personal safety in the streets of our cities in Canada.

It is something Canadians have always taken a bit of a smug pleasure in, that our rates of crime and our incidents of violent crime were significantly less than those of our neighbours to the south. As we watch and see these incidents of violent crime increase and as the reporting of them on our nightly news becomes more and more extreme, the level of concern among our citizens is increasingly greatly.

It is very important that governments at all levels emphasize response to this rising trend of crime and assure our public that they can be safe in the streets of Canada.

Government Orders

The first thing that I would like to comment upon is that we need to focus in Canada, first of all, on crime prevention. The response to dealing with issues of sentencing should follow a focus on the necessity of preventing crime before it occurs, dealing with the causes of crime, dealing with educating people to avoid and to prevent crime. All of us I think share the concern about the government's cutting of the funding to the Prevention of Crime Week program. Whether it is \$2 million as officials say, or \$340,000 that the government has cut from this program, the point remains that prevention of crime is in part based upon education.

To suggest that the program, as the parliamentary secretary just did, is so successful that it has been taken over by other governments and therefore no longer needs to be funded by the federal government in the face of statistics that show the occurrence of crime is increasing in Canada does not make any sense at all. In fact, we need greater education toward the prevention of crime.

We also need to look at some of the other issues related to the occurrence of crime. It strikes me that perhaps the primary issue that we should be dealing with is that of poverty. It is indisputable I believe that the occurrence of poverty on a growing scale in our cities in Canada is directly linked to the occurrence of crime. The more that people despair the easier it is for them to justify taking the law into their own hands.

I think that the government's policies on the economic front that have contributed directly to the increasing disparity between rich and poor in Canada, the increasing frequency of very serious poverty problems in Canada, contributes to the occurrence of crime and needs to be part of the focus of any strategy. We do need a strategy to deal with the rise in crime statistics.

I would also like to say a few words about the bill in respect of how it deals with victims of crime. I think that it is common for many Canadians to express concern about the fact that so much of our system focuses on the perpetrators of crime and so little on the victims of crime.

There is a little element in this bill that attempts to give some additional support to victims of crime by enabling them to attend a parole hearing at the discretion of the parole board. I understand that currently the law permits victims of crime to attend the parole board

hearing only where the consent is obtained of the inmate.

While moving that discretion to the parole board is a move in the right direction, I would suggest that victims of crime, particularly victims of violent crime, ought to enjoy the right with no one's discretion at issue to appear before the parole board to make submissions at any time a perpetrator of a crime, an inmate, is up for parole consideration.

On the issue of delaying eligibility for full parole to a half of sentence, this seems to be again a move in the right direction, but one on which you have got to raise questions about whether it really achieves the result that is sought.

In a recent editorial in *The Kingston Whig Standard* by N. Kershaw, she points out that only one-third of federal prisoners are even released on parole. Those who are have on average served 50 per cent of their sentence. In other words, what the change in the law that is proposed is doing is simply recognizing the *status quo* by increasing to what is already the average sentence for those who are paroled to 50 per cent of the sentence.

This raises other broader questions though. I understand that the Law Reform Commission has done some work on these issues. The average Canadian is concerned that sentencing is relatively meaningless when the fact that one-third or one-half of a sentence is served is becoming so common place. The average Canadian thinks that the determination of sentence ought to be very closely linked to the amount of sentence that is actually served. After seven and a half years in power, surely the government is by now capable of dealing with some of these issues, of grappling with them. What we need to be addressing is the issue of whether our current sentencing procedures and time frames are adequate to the reality of dealing with the criminal justice system as it now stands.

• (1140)

One of the things that has always concerned me is the fact that sentencing, because of the discretionary nature of sentencing, often leads to widely divergent results in cases in which the facts are very similar, depending upon what judge happens to have jurisdiction over sentencing in a particular case. If our system of justice is to retain the respect which it deserves and which it should have, surely some consistency in sentencing between judges at

Government Orders

least, between regions, between sets of circumstances, should be the rule rather than the exception.

Part of the proposal that the government has included in this bill is delaying eligibility for full parole to one half of sentence, subject to judicial discretion, in other words, a further broadening of the discretion the judges may exercise in the question of sentencing.

Discretion number one, what level of sentence to require, and discretion number two, whether to impose the one-half of sentence requirement before parole can be granted.

I suggest that adding to the discretion of judges is a questionable policy where there already exists quite a large divergence in experience between sentencing as it occurs by judges in different courts in different communities.

The other point that I would like to raise is the issue of granting passes from prisons. The proposal is that the National Parole Board must approve passes for inmates serving mandatory life sentences or inmates convicted of violent offences, serious drug offences and sex offences against children. In addition, no unescorted passes will be allowed for those classified as maximum security inmates.

I would like to indicate that these changes meet some of the concerns that exist in incidents that have been generally reported in the media. Serious offenders are able to enjoy golf at federal taxpayer expense, they are able to visit local malls on their birthdays, despite the fact that they are serving sentences for having committed serious crimes. The raising of the discretion from the warden to the National Parole Board should be seen as a move in the right direction to addressing concerns that are raised about day passes.

In conclusion, I would like to refer again to the editorial from *The Kingston Whig Standard* in which the executive director of the John Howard Society of Ontario, Graham Stewart, is quoted as saying: "It is very difficult to see how the changes will actually make any difference to the amount of time served". Mr. Stewart goes on to say: "There is not a shred of initiative in these

proposals that is going to reduce the risk to the community one iota".

I suppose every community in Canada has faced the problem of crimes resulting from people who have been released on parole, people who are on day passes, and so on. Ottawa is no exception. We have had some very well publicized cases, very tragic cases, along those lines.

When I look at this legislation, what worries me is that it is an attempt by a government that has had many years to come to grips with essential problems in our criminal justice system, to do so in a very *ad hoc* way, without the kind of broad based reform that is essential, so that it can put together one page of its campaign for re-election that says: "Look what we have done to address the issue of crime". I said at the beginning that I am no expert in this area of the law, but I am very concerned about issues of crime and justice because those in a way are the essential issues of any liberal democracy.

The fact that people are afraid to walk on the streets of our major cities ought to be something that preoccupies each member of the House of Commons on a daily basis. It is not acceptable and it should not be the case.

To come forward with a package of *ad hoc* reforms so that the Solicitor General can appear on *The Nation's Business* and talk about what he is doing to address the concerns of crime is just not good enough. I applaud our critic, the member for York South--Weston, for the initiatives he has taken on this bill. I think we are right to support it. Any improvement is worth supporting. It just does not go far enough. It just does not come soon enough and it does not address the need for comprehensive reform that so many Canadians have recognized and are calling for.

Mr. John Nunziata (York South--Weston): Mr. Speaker, I would like to thank my colleague for his very timely submissions. I know that his constituents are as concerned as mine are about crime and safety in the streets.

I know that in the Ottawa area the concern was highlighted during the Celia Ruygrok incident several years ago. An individual by the name of Alan Sweeney was paroled to a half-way house here in the Ottawa area. He had been serving time for a 1975 mutilation murder of a woman. It was later shown that he manipulated the system. He was released to a half-way house where he brutally murdered a young woman by the name of Celia

Government Orders

Ruygrok. I know that the Ruygrok family has participated and has been urging the government to bring in amendments.

I recall the Ruygrok family coming before the justice committee a number of years ago pleading with the committee to do something. In fact, the committee did put together a rather extensive report entitled *Taking Responsibility*. I was part of that committee. We travelled the country and came up with 97 recommendations. This particular report has been sitting on the shelf for the last three years and the government has not taken any action whatsoever. Now that they are at 12 per cent in public opinion, now that they are a desperate government, a desperate political party, they have decided to take some action or introduce some legislation. But it is all smoke and mirrors.

We have not only had the Sweeney case but a number of other high profile cases that have caused the public to be that much more concerned about their security and the security of their families.

In my community in the Toronto area, there was a fellow by the name of Melvin Stanton. He was a three time rapist and was convicted of killing a 14-year old girl. That was his crime. He was sent to a federal penitentiary and then in 1988, he was given a 48-hour unescorted pass, unescorted. "You are free my friend. Go take a drive down Yonge Street. Go into whatever bar you want to go into. We know you are serving a life sentence for murdering a 14-year old girl, but here is an unescorted pass from Kingston Penitentiary". He was booked into a Toronto half-way house. I am surprised, given the circumstances, they did not book him in at the Royal York or the Hilton in downtown Toronto. I do not make light of the situation.

He then proceeded to kill a young woman by the name of Tema Conter. It is the Ruygrok, the Conter, the Fredricks cases and the Gingras cases that my friend referred to, where he was given a pass to go to the West Edmonton Mall to celebrate his birthday, and the George Foster case in British Columbia that caused the public to throw their arms up and say: "What is this government doing? Has it not learned its lessons?"

I would like my friend to comment on the impact that the Ruygrok case had on the Ottawa community. I know it was a national story. In particular, a lot of people in the Ottawa area were especially touched by this particular incident. I know he may have had dealings with the family of that particular victim.

• (1150)

Mr. Manley: Mr. Speaker, I am grateful for those comments because I think they bring into relief exactly the concerns that many of our constituents have. There is a suspicion that this system has somehow crumbled around them and that they are living in peril as a result of it.

The Ruygrok case was very well known in the national capital area. My friend is right. I know the victim's father. I have met with him on numerous occasions. He has in many ways committed much of his time to issues of criminal justice reform, both in areas of parole as well as firearms control. His dedication is very apparent to anyone who meets him.

The Celia Ruygrok case was made that much more tragic by virtue of the fact that the victim was a very highly motivated and dedicated young woman who was a student of criminology. She had undertaken work on behalf of the John Howard Society in the context of a half-way house. She was tragically and uselessly murdered while she was the sole person on duty in the house by this character who should never have been released from prison on parole at all. I think in retrospect it is easy to say he should not have been released.

That does a number of things to a community. First of all, it raises these underlying concerns about whether there is integrity in the system or whether the system has somehow run amok, allowing people who are genuinely and clearly dangerous out and about on the streets in vast numbers. I suspect that is not true but I think the perception is that there are a lot of people out there. It does not take a lot of people. It only takes a few like Sweeney to cause people to have continuing fear and lack of trust in the system.

The other thing that it does is to create a great deal of intolerance on the part of the public as to the real motives behind our justice system. These are only partial deterrents but they include the need to rehabilitate those who have committed crimes including violent crimes. The result of a case like the Celia Ruygrok case

Government Orders

is that people become very intolerant of efforts to rehabilitate. What that imposes on the parole and justice system is an obligation to exercise very great care that the rehabilitation objectives are not undermined by incidents such as that one where gross and violent crimes are committed.

I noticed in the proposal that the government now wants to make the protection of the public the paramount consideration of all decisions relating to treatment and release of inmates. I should have thought that in the case of violent criminals the protection of the public should always be and should always have been the paramount concern.

What we do with people who have committed violent crimes has got to be seen by all members of the public as addressing their fundamental right to safety in public places and in their homes in Canada. We engage in talk in this country day in and day out about rights and privileges and whose rights are being transgressed. After everything, the fundamental right should be the safety of the person in the home and in public areas.

I hope that we can move toward reforms that give Canadians much greater assurance that indeed that priority is being enforced.

Mr. Nunziata: Mr. Speaker, I would like to now ask about the role of victims in the criminal justice system.

My colleague from the Hamilton area will be speaking a little later in the debate and she will be talking about one particular case. I would like to just comment briefly on the Pollington case and the John Rallo case.

A couple approached me about the Pollington case a year ago. Their daughter and their two grandchildren were murdered by their son-in-law. This was about 14 years ago. The person to this day does not admit to the murders. He has not assisted the police or the family to locate the body of the second child. Yet this person was granted day passes into the Hamilton area so there is a chance that this family will come face to face with this individual who was given a life sentence.

This family has been told that they cannot participate as a matter of right at any National Parole Board hearing. This individual is John Rallo. He will be eligible

for judicial review next year after serving 15 years of his sentence. This means that even though he was given a life sentence for the murder of his wife and two children he will have the opportunity to have a judge and a jury decide whether his parole eligibility should be reduced to 15 years. The Pollington family has been told that they have no right whatsoever to attend that hearing in order to make submissions.

I would like to ask my friend whether he agrees that families of victims should be given the right to attend National Parole Board hearings—

The Acting Speaker (Mr. DeBlois): The time for questions and comments has now expired.

Mr. Manley: Surely now I can reply.

The Acting Speaker (Mr. DeBlois): Is there unanimous consent to extend the period of questions and comments?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. DeBlois): There is no unanimous consent.

Before resuming debate, I want to inform the House that the first five hours of the debate have now expired and the time for speeches is a maximum of 10 minutes.

Mr. Manley: Mr. Speaker, I think I must have misunderstood because I cannot believe the Parliamentary Secretary to the Solicitor General would inhibit me from making a brief comment in response. I think he was saying that I had consent. I would just like to clarify that indeed the Parliamentary Secretary to the Solicitor General of Canada does not want me to respond to that question.

[*Translation*]

The Acting Speaker (Mr. DeBlois): I am sorry to interrupt the hon. member, but I heard a no. I cannot see the entire House at once. However, when seeking unanimous consent, if the Speaker hears a no, he must conclude there is no unanimous consent. I cannot see the entire House at the same time. I heard a no in the House, and that is why I could not assume there was unanimous consent.

Government Orders

[English]

Mr. Len Hopkins (Renfrew—Nipissing—Pembroke): Mr. Speaker, I want to say first of all that the proposed corrections and conditional releases act has taken seven long years for this government to bring forward. It has talked about it. It wants to be on top of the heap, running down the road, waving the flag and trying to make Canadians believe that they are the greatest law-abiding citizens and putting laws into place that are going to be tough for criminals and so on. It has waited seven years to bring this important piece of legislation before the House.

Then the Parliamentary Secretary to the Minister of Justice has the gall to stand up in this House today and berate Liberals for not wanting to debate this bill last night. Surely the Parliamentary Secretary to the Minister of Justice should not believe at this stage in his political career that the loudness of his voice makes up for the lack of rationale in his argument.

An hon. member: Let's get on with it.

Mr. Hopkins: He wants to get on with it because he does not want to hear about his own comments. He did not want to allow my friend for Ottawa South to comment either because the government does not want to hear those answers.

This bill is such weak medicine that none of the law and order abiding MPs on the government side from western Canada and various parts of this country are speaking on it at all. One can only assume that they are thoroughly disgusted with the content of this bill. They are not trying to sell it so they must be fed up with it.

The government wants headlines to prove that they are trying to be tough when in practice their actions make them look like a bunch of pussycats.

• (1200)

There is one thing that I find to be really revolting about this bill. It does zero in a great deal on the parole board operations. For the first time victims of crime will be formally recognized in the federal corrections and parole processes. For example, victims will be kept informed of an offender's prison and parole status if they request. That is natural. There is nothing tough about

that. It is just plain common sense that they should be kept informed.

Information from victims can be considered at a parole hearing. It should be mandatory that information from victims be heard at a parole hearing. Where are the rights of the victims? I have sat here and heard this government over many years talk about the rights of the victim. Now it comes forward after seven years with a piece of legislation that can only be compared with an elephant giving birth to a mouse because of its intent and its content.

Another part that I find really revolting about this legislation is that the victims can attend a parole hearing at the discretion of the parole board rather than at the discretion of the victim. Again I ask this government, where is their big argument about the rights of the victim? The victim should automatically be allowed to appear before the parole board. Who is calling the shots? Is it the criminal in prison or the person who has been the victim of crime?

Another point says that judges will be able to lengthen the time that violent offenders and serious drug offenders spend in prison by delaying eligibility for full parole to one-half of the sentence. This provision is called "judicial determination". In other words, it is at the discretion of the judge.

Many other people have made the point that while they could be considered for parole after serving one-third of their sentence, they had usually served one-half of their sentence anyway by the time everything was settled. So there is no change here in practice. The government is simply putting into law something that has already existed in practice for a long time. Then it calls that progress.

They should be automatically made to serve one-half of their sentence and it should not be left to the discretion of the judge. If one is going to be tough, then put the law into practice. Sometimes they serve that half of their sentence before the hearing even comes before the parole board.

Under existing law violent offenders who are considered at high risk to commit new violent crimes if released may be kept in prison for their entire sentence. Serious drug offences and sex offences against children will be

Government Orders

added to this category. That is common sense. Why would we not do that? There is no great revolutionary concept in that at all. It is something like Bill C-30 which we debated in this House a while back and will be again. It is still before the House. In that bill people who were declared innocent because of insanity were categorized into those who were safe to be let out on to the streets and those who were not.

This legislation was brought in because the Supreme Court of Canada told the Government of Canada that it only had six months to bring it in because of the charter conditions.

The government did not have it done in six months. It has now asked for an extension of time and has been granted it. This is another case where this government talks a lot about its actions and yet is dragging its feet.

It has taken seven years to bring Bill C-36 forward. It took more than the six months allowed to it by the Supreme Court to bring in Bill C-30.

Correctional resources in this bill will now be focused on violent criminals by streamlining the parole process for first-time offenders convicted of non-violent crimes. If these inmates are considered unlikely to commit a crime they will be eligible for release at one-third of the sentence. That is the existing practice. There is no change there.

What is the big deal? These offenders will remain under supervision in the community until their sentence is complete. This provision is called the accelerated review.

On the business of cutting funding for crime prevention week this is the week for crime prevention. It is an attempt. It is also a privilege or a chance for the law enforcement agencies of the country to relate to the public at large and to carry on a conversation and communication with communities right across the country to talk about crime solving and to make people aware of the types of crimes that are going on.

It is to make them aware of what is being attempted to prevent crime in the streets, to get the public behind the law enforcement agencies of this country, to tackle the problems of the street warfare that is going on and the fact that our streets are becoming unsafe for people to walk around at night.

The government has cut the funding for this crime prevention week program. That is the kind of backing it is giving to the law enforcement agencies of this country. It is saying that this is no longer necessary. Its excuse is that other levels of government have taken a greater interest in it.

We are in the Parliament of Canada here. It is the duty, the responsibility and the necessity for the federal Government of Canada to be the leader in solving crimes in the nation, to make our streets safe in the nation. It is the federal government that must deal with the international relationships around the world that are causing problems with crime in Canada through drug trade and so on.

The Government of Canada is neglecting to give the law enforcement agencies of this country the chance to relate to the general public and get their support behind them to try to enforce the laws that are already on the books to make the streets safe for Canadians.

We do not want to have our streets Americanized. We have seen enough of that. We want this nation to remain safe for people and it is only going to do that if the government shows its muscle. It has to show that it is going to enforce the law and it is going to support its law enforcement agencies across the country, particularly when they are dealing with the international community.

The Acting Speaker (Mr. DeBlois): There is a five-minute question and comment period.

Mr. Ian Waddell (Port Moody—Coquitlam): Mr. Speaker, I would like to ask the member who last spoke a question. He accused the government of being a pussycat in this. He said: "The actions sure make the government look like pussycats".

The Acting Speaker (Mr. DeBlois): There is no question or comment now. That was only for a maximum of ten minutes.

[*Translation*]

Mr. Kaplan: On a point of order, Mr. Speaker, I wish to speak on a point of order. Perhaps we could have unanimous consent for some questions on the interesting point raised earlier by my colleague.

The Acting Speaker (Mr. DeBlois): The hon. member asks if there is unanimous consent for a period of questions and comments.

Government Orders

Some hon. members: No.

[English]

The Acting Speaker (Mr. DeBlois): There is no unanimous consent.

• (1210)

[English]

Mr. Rob Nicholson (Parliamentary Secretary to Minister of Justice and Attorney General of Canada): Mr. Speaker, I am very pleased to make some comments on this bill. This is a very important piece of legislation for Canadians and I think it is one that most Canadians, certainly the people I represent, will be very interested in. It changes the eligibility for day parole. A person was eligible for day parole after one-sixth of the sentence had been served. That has been changed to six months prior to the eligibility for full parole. One of its important provisions for violent offenders is moving the parole date from one-third to one-half.

All these are good measures. The reason that government members have not been on their feet today is that they want this bill to progress and go to committee. Obviously there are those who have some problems with that for their own reasons.

Last night as you know it was impossible to get the members of the Liberal Party for whatever reasons to sit beyond six o'clock. I am now going to give them the opportunity to sit through lunch as well.

I move:

That the House continue to sit through the lunch hour for the purpose of continuing consideration of Bill C-36, an act respecting corrections and the conditional release and detention of offenders and to establish the office of Correctional Investigator.

The Acting Speaker (Mr. DeBlois): Does the hon. member have the unanimous consent of the House to move the motion?

Some hon. members: Agreed.

Some hon. members: No.

[Translation]

The Acting Speaker (Mr. DeBlois): Order, please. I heard clearly there was no unanimous consent.

Mr. Kaplan: Mr. Speaker, I do not know if the parliamentary secretary was intending to continue his speech. We are down to 10-minute turns and I am very glad to have even a brief opportunity to speak on the bill.

I would like to pick up where my colleague left off but I want also to reinforce the general theme from our side. There is enough critical analysis of it to back us up as members of the opposition on this. This is nothing more than a public relations gesture coming seven years after a government promise to get tough on crime with a measure which will give them a point for campaign literature--

The Acting Speaker (Mr. DeBlois): Order, please. I apologize for interrupting the hon. member but I made a mistake just a minute ago. The hon. member does not need unanimous consent to table his motion. I have no choice but to put the question before the House.

The hon. parliamentary secretary moved:

That the House continue to sit through the lunch hour for the purpose of continuing consideration of Bill C-36, an act respecting corrections and the conditional release and detention of offenders and to establish the office of Correctional Investigator.

Fewer than 15 members having risen, pursuant to Standing Order 26(2) the motion is adopted.

Motion agreed to.

Mr. Waddell: Point of order, Mr. Speaker. I rise to get clarification of House business.

We are ready to proceed with gun control. All parties are supporting this bill. I am not quite sure what we are doing in this House. Perhaps the Liberal critic or the Whip could give us some idea as to how--

[Translation]

The Acting Speaker (Mr. DeBlois): It is not up to the Chair to determine the business of the House. Since this morning, we have been considering Bill C-36, and the Chair has no authority to end the debate.

The House has just adopted a motion to continue sitting during lunch time.

Government Orders

[English]

Mr. Nunziata: Point of order, Mr. Speaker. The NDP critic has made a comment and I would appreciate the opportunity to respond.

The NDP and the Conservatives have chosen not to participate in this debate—

Some hon. members: Oh, oh.

[Translation]

The Acting Speaker (Mr. DeBlois): Order, please. I would appreciate the co-operation of both sides of the House. I think the situation is quite clear and that we are still on Bill C-36.

Mrs. Venne: Mr. Speaker, when you asked members opposed to the motion to rise, I asked my colleague here who belongs to the New Democratic Party whether it was about objecting to sitting during lunch time. My colleague said no, so I did not rise. I am sorry but I wanted to vote, and I wanted—

The Acting Speaker (Mr. DeBlois): I am sorry to interrupt the hon. member but I took the trouble to read the motion very slowly, so that all members of this House would understand what the motion was about.

I understand the hon. member's position, but the House has spoken, and I cannot reverse a decision made by the House.

Mr. Kaplan: Mr. Speaker, before I take the floor, I would like to know whether all this arguing will be deducted from my speaking time.

The Acting Speaker (Mr. DeBlois): I can assure the hon. member that he will have his full 10 minutes.

Hon. Bob Kaplan (York Centre): Mr. Speaker, in that case I would like to say that for the opposition it is not a matter of objecting to a bill like this one which provides so little. We want to take this opportunity to make it clear to Canadians that for a government that for seven years has been promising Canadians it would tighten up the judicial system, it has actually done very little.

In fact, many comments from non-partisan sources imply that nothing will change and that no major changes will be made as a result of the bill before the House.

[English]

We cannot support the bill without making it clear to the Government of Canada how much we object to their failure to deal with serious problems within the criminal justice system of our country.

When I was Solicitor General I had the honour to propose and sponsor the first crime prevention week in Canada. I watched the program grow during our administration to make a very worth-while contribution to reducing the amount of crime in Canadian society.

I was also the first Solicitor General to devote funds to support victims. I called for the first victims' conference which took place—I still remember all of it very well—in the Park Plaza Hotel in the city of Toronto in 1980.

From that event a tremendous amount of understanding developed of the plight of the victim in the criminal justice system. This bill makes a very small addition to the measures we previously had to bring victims to a sense of justice in the development of the criminal justice system. I am not going to focus on the shortcomings and the smoke and mirrors that are contained in this bill. I have something much more important to say about what it is that the government is trying to do with this bill.

• (1220)

It is trying to make this small package of very little look like a method of fighting crime and reducing the amount of crime in Canadian society. While this bill may reduce some victimization that would otherwise take place without this bill, of all of those who are accused of crimes in Canada less than 2 per cent end up in federal penitentiaries. When they are released the great majority of that 2 per cent do not reoffend, whether they are on parole or not.

If the government wants Canadians to think that this is a measure that is going to do something about crime, I want people to realize that this bill does very little. This government has done very little in areas where we can

make great strides in reducing the amount of crime in Canadian society. In fact it has moved in a retrograde direction.

I want to talk about crime prevention week not only because I was its sponsor. It focuses on an area and on a series of techniques and programs which really do reduce the amount of victimization in Canadian society in a very measurable and remarkable way that does not always involve police action. In fact I want to talk about crime prevention measures which may not even have occurred to this Solicitor General or to his parliamentary secretary. They are measures that really do address the aberration in society which leads to crime. The government's focus is on that very small percentage of 2 per cent of those who run afoul of the criminal justice system.

Crime prevention week focused on such programs as neighbourhood watch which keeps track of households when families are away from them. It focused on many other programs and drew on volunteer participation. It is now going to be abandoned by this federal government because it says other levels of government can take it over now.

I want to make the point that this is just another example of our national government, the Mulroney government, abandoning an area of authority and responsibility that Canadians want to be very involved in.

When you ask Canadians what is special about Canada, they talk about some of our social programs, our safety net and so on but they also talk about the relatively low level of crime that we have known historically compared to other countries. That is changing and this bill is not going to reverse the trend, I can tell you that.

I think Canadians are proud of the low levels of crime in this country and they want their federal government to be identified with that. It is a national value in this country that we have historically kept crime at low levels. To hear the federal government say: "The provinces are happy to take this program over. We have no business doing it", is just one of the reasons why this country is in jeopardy. It is because we are not reinforcing our national strengths. We are not seeing the national resources used to preserve and strengthen the things that the Canadian people believe in.

Government Orders

The most successful crime prevention program in the history of the world—I would love to be able to say it is one that I introduced but it was not—is day care. I want members of the House to realize what an enormous opportunity was lost when this government broke its promise to deliver a day care program in this country based on need. The reason I can make such a dramatic statement about the impact that day care has on crime is because in the United States of America during President Johnson's administration, which in many ways does not get the recognition that it deserves, one of the so-called great society programs was Head Start. This program was begun in the early 1960s and it lasted for seven or eight years. It was offered in almost every population centre in the United States. Thousands and thousands of young people, many of them living in substandard living conditions, were brought into programs where they were given the opportunity to develop.

What is interesting about this program and why I mention it now is that the oldest of these young people are 35 and 36 years old. Important longitudinal studies have been made of these people who went through the program, tens of thousands of them all around the United States, comparing them to people who lived in similar circumstances but did not have the benefit of the Head Start program. There are enormous differences between Head Start young people and those deprived of that program in the amount of criminal activity in which they engage and the amount of all forms of deviant behaviour they contribute to: alcoholism, chronic joblessness, drug addiction, and more relevant to today, crime. The differences between that group of young Americans and the others is so categorically demonstrated that it is time for the government to recognize that crime prevention and fighting crime through crime prevention is infinitely more significant and also considerably less expensive than the kind of measures that are being proposed today.

This bill is barely worth having. It is being presented to the Canadian people as a way of dealing with crime but experts doubt it will make much of a difference. The program on which the government promised action and on which it broke its promises is a program which would really have worked to reduce the amount of crime in Canadian society.

Mr. Thacker: A point of order, Mr. Speaker.

Government Orders

I think my friend opposite who served the country as the Solicitor General and served well would perhaps want to correct the record. He said that the government backed down on its promise of day care but, as I recall, there was a bill and it was defeated in the Senate by the Liberal majority.

The Acting Speaker (Mr. DeBlois): There is no question or comment now in the debate.

Ms. Beth Phinney (Hamilton Mountain): Mr. Speaker, I feel compelled to speak about this issue today. I am not a lawyer and I am not an expert on the Criminal Code but I spent the summer canvassing in my riding of Hamilton Mountain. In at least every second house that I approached the mothers and fathers were concerned about the safety of their children. The husbands were concerned about the safety of their wives. They are all afraid to go anywhere now. They are afraid to walk out on the street in the daytime, let alone at night.

My concern and that of people right across Canada, particularly in the Hamilton-Burlington area, was highlighted by the murder a few months ago of Nina DeVilliers. Nina's senseless murder shocked the community. Her parents, Priscilla and Rocco DeVilliers, were very surprised by the overwhelming support they received after the death of their daughter. It was from right across the country. It was from every walk of life. It was from people whose own children, husband or wife were murdered in the last few months. Mrs. DeVilliers felt that she wanted to do something that would focus on the feelings of the people who had written to her. She did not want to just leave it at that so she approached me about writing up a petition for her. I worked with the DeVilliers' criminal lawyer and the clerk of petitions to write up a petition which has now gone right across the country.

• (1230)

I would like to read this petition to the House for the members who have not seen it, although it has gone to all the offices of every member twice. Many of you are being asked to have this petition in your constituency offices and to allow people to have copies to take out and get signed. Many of you have co-operated. I can assure you that the people who are getting back to me and Mrs. DeVilliers are very pleased when a member makes this petition available.

I will read the petition now:

We the undersigned residents of Canada in support of the parents of Nina DeVilliers draw the attention of the House to the following:

That the murder of Nina DeVilliers on the 9th August 1991, has exposed serious deficiencies in the criminal justice system. There are many vulnerable persons who have little protection under the current system. Women, children and disabled persons are at particular risk;

That crimes of violence against a person are intolerable and constitute the most abhorrent crimes society faces;

That current criminal law does not require bail hearings in crimes of violence to be presided over by judges;

That current criminal law may require only a simple signature on a document with no money actually posted as surety for the release of accused perpetrators of crimes of violence;

That current criminal law does not hold agents of the Crown directly accountable to the public for their actions or admissions in permitting known offenders and accused with violent backgrounds to be free or in failing to seek orders prohibiting possession of weapons;

That sentencing in crimes of violence does not appropriately reflect society's abhorrence to violence in order to act as a true deterrent and to protect the public by removal of the offender from society;

That the risk to society posed by the early release of a violent offender appears to be of secondary consideration to the rights of the individual criminal;

That the statutes governing the criminal justice system in Canada must be revised to reflect society's attitudes.

Therefore petitioners request that Parliament recognize that crimes of violence against the person are serious and abhorrent to society and they request the government to amend the Criminal Code of Canada, the Bail Reform Act of 1972 and the Parole Act accordingly.

There are thousands of these petitions out across Canada, there are thousands that have come back to my office and there are hundreds of thousands of signatures on these petitions.

They are not from lawyers, they are from people in society. There is a lady from Dundas, Ontario who has collected over 5,000 signatures. They are from universities and church groups. There are people right across Canada who want to sign this petition to show their concern to this government. They are very, very concerned about the weakness of our criminal code.

It is really too bad that this government took seven years to bring in the changes they are presenting to the Parole Act. Of course these changes do not go far

Government Orders

enough. We need comprehensive reform of the Criminal Code including the Bail Act.

Canadians understand that it is their fundamental right to safety of the individual. I hope this government will make as many changes as are necessary to give us back our safety.

Mr. Cooper: Mr. Speaker, on a point of order. I am sorry to interrupt the hon. member. I will not take very long.

I am not sure but I suspect there is the possibility that the debate on this bill will complete before two o'clock. Even though we have an order to extend hours on this bill, I am wondering if members on all sides of the House might not agree after the completion of this debate and the demanding of the vote, that Bill C-17 be called solely for the purpose of hearing the Speaker's ruling on the amendments and the grouping of the amendments to that particular bill.

The Acting Speaker (Mr. DeBlois): The House has heard the suggestion of the parliamentary secretary.

Is it the pleasure of the House to adopt the motion?

Some hon. members: No.

Mr. Dan Heap (Trinity--Spadina): Mr. Speaker, I have a few words to say on Bill C-36. It is on people's minds now because there has been an increase in crime including violent crime in places like Toronto.

This bill is not dealing with the whole question of crime though there is an argument that we should be doing that. However that is not actually the subject of the bill. The bill deals with violent criminal offenders.

This legislation would increase the length of time or the length of a sentence that such an offender would be required to spend in prison. It would increase the length of time from one-third of his sentence to one-half of his sentence. It would also add to the list of violent offenders certain new categories such as those who sexually molest children, arsonists and dangerous drug offenders. That means those who are serious ringleaders or kingpins in the drug industry.

The legislation would also improve the flow of information from the sentencing judge to the parole board so that the parole board would be aware of the facts about

the history of the offender whose sentence they are considering.

As has been pointed out I think that all sides of the House are in favour of this bill.

An hon. member: In principle.

Mr. Heap: The hon. member has said "in principle" and that means of course exactly what we are voting on at second reading, approval in principle. When it goes to committee then of course there will be discussion of details with the possibility of amendments.

This is not the time to talk about possible amendments. However I am concerned with the context of this bill, partly in the sense that has been mentioned by some previous speakers that this bill was a long time coming. But my main concern is that it could be taken, although it is not necessarily so intended, to suggest that more police, more convictions, more jails and more time in jail are the solutions to crime.

The increase in crime is not entirely an accident or a coincidence in our time. The increase in crime happens to come at a time of unemployment in the city of Toronto for example such as we have not had for decades. I am not just talking about high unemployment, but long-term unemployment. I have talked to people who have been hunting for jobs for two years. I do not mean sitting at home waiting for a job to come. I mean out there knocking on doors or telephoning in response to advertisements for two years.

That can do some damage to a person's spirit. I am not suggesting and nobody in this House is suggesting that it justifies the commission of a crime, whether it is a violent one or a non-violent one. What I am saying is that when we are concerned about an increase in crime we should examine the kind of things that contribute to the breakdown of a human spirit to the point where a person may—not everybody does—be more likely to commit a crime including possibly a violent crime.

For that reason I want to remind the government and the listening public including my city of Toronto that there are other things that are needed in order to address the apparent rising rate of crime. One is closely related to this although it is not part of the subject matter of the bill. It is the fact that by passing this law we

Government Orders

can ensure that certain prisoners will stay in prison longer than they did before. But they will come out, they will come out. We might give ourselves a bit of a breathing space before they come out. If we do not do anything useful with that breathing space it is not likely they will be any less dangerous when they do come out. If they are too dangerous to let out now and they stay in prison for months or years longer, we have no guarantee that they will be less dangerous. It is at least equally possible they might be more dangerous when they come out because prison is often called a school of crime, in whatever sense that may be meant.

• (1240)

Unless the time in prison is used for rehabilitation then it is likely that all we are doing is postponing the danger to the public that we would like to prevent or to reduce. That requires staff work.

I have read from time to time in the papers about some repeat violent offender who had received no kind of treatment for the nature of his previous offence while he was in prison. I am speaking mainly of men. He had received no treatment. There was not enough appropriate staff. There were no facilities and so on.

This could be regarded as a stopgap or a band-aid only. It will not serve the intended purpose unless in addition the government through the correction system provides a much more serious and solid rehabilitation program for offenders than we now have. This especially includes violent offenders.

But there are other matters also and this has been warned of long ago. When I was on Toronto city council and metro council during the 1970s people were warning then that the lack of adequate public support for child care would result in violence in a decade or so. The children were being sometimes poorly cared for because of their parents' poverty or because of in one-parent families, one parent, or in two-parent families, both parents, had to work away from the house for long hours. Latchkey children were being neglected. Children had a key to the apartment hung around their necks and were on their own when they went back home for lunch and when they came home after school.

People were warning about this. Metro council social services committee and the appropriate bodies of city

council addressed their warnings to the senior levels of government that neglecting children then would ensure that some of those would grow up to be criminals, even violent criminals, later on. That has to be given attention.

There is furthermore a rehabilitation of people who are addicted to drugs. I have had people come to my office begging for assistance for an adult son, for instance. He was a drug addict and according to medical information needed treatment in a residential treatment centre in Canada. But there were not enough beds in the centre. I have met a few of those but I know there are many more instances where a person wants treatment, needs residential treatment but cannot get it. He thereby continues to be addicted to some of these harmful drugs and becomes a dangerous offender or at least part of the pattern in which the dangerous offenders are created.

This government must give more attention to the cost of child care which is cheaper than the cost of criminal care and to the cost of drug rehabilitation before addicted people enter into the stream of violent crime.

Without attention to those programs, rehabilitation of the criminals, care of the children and rehabilitation of addicted persons, this bill we are approving today will be a deception and a trap. It will not prevent violence. It will only postpone it and quite possibly increase it.

[*Translation*]

Mr. Jean-Robert Gauthier (Ottawa—Vanier): Mr. Speaker, I wish to say a few words on Bill C-36, which is intended, in principle anyway, to restore public confidence in Canada's prison and parole system.

If one reads the bill carefully, the guiding principle of the new provisions is to protect the public first and foremost; that is the most important consideration in all matters relating to the release of offenders on parole. That is the purpose.

As a parliamentarian I must tell you that I am sorry the government waited seven years to present a bill like this one. I receive many calls and letters from my constituents on this subject. Not only have they lost confidence in the system, but they are quite reluctant to support the measures which the government is proposing in this bill.

Protecting the public is so important and the public has so many reasons to be concerned in our big cities and elsewhere that strong measures against criminals are justified. We are not mistaken; the facts are there. An article in Montreal's *La Presse*, I think last May, reported that violent crimes, murders, kidnappings, sexual and other assaults had increased steadily since 1977. They followed the general trend, increasing from 248,580 to 269,118 or 6.8 per cent. They now affect one person in a hundred, the highest rate in our history. It goes on to say that this type of crime now accounts for 40 per cent of all infractions committed throughout the country. The article tells us that the rising level of violence has now reached crisis proportions.

Strict measures must be put in place. I am absolutely convinced that unless we implement known measures which are strictly enforced by the judges and our correctional system, the problem will not be solved.

[English]

I had occasion to speak recently to somebody from the Ottawa police force because I was concerned about the violence in my riding.

Again last night we had a rape at an OC Transpo public place. It was a violent rape. The individual in question apparently was raped and then beaten.

This occurs pretty well every week now. People in my riding are responding. I want to read a few extracts from letters. I do not want to name the person because it is a confidence: "Why should the public have any confidence in a justice system when the rights of the convicted rapist takes precedence over the right of society to feel secure. Victims live in terror because of threats that they receive". Further on it says that while on parole many of these criminals repeat the same acts and again are let go too soon.

In the proposed legislation I must admit there are some good measures. There are also some things which we would like to see tightened up. I want to address the question of the hearing before the parole board for a criminal who wants to apply for his conditional release on parole.

At the present time, if I understand the system, a criminal is allowed after serving one-third of his sen-

Government Orders

tence to apply for a parole hearing. Under the proposed legislation before us a judicial determination can be made to extend that to half of the sentence. It would be up to a judge to say: "Yes, by our system, one is entitled to a parole hearing after one-third but in this case I determine that half the sentence must be served before this can be invoked". It would be up to a judge.

• (1250)

I am one of those who believe it should be automatic. There should be no release before one-half of the sentence. I am of the belief also that the victims of crime have rights and should be represented before that judge or before that parole board at the victim's discretion. It should not be at the discretion of a parole board. I asked the police force in the city of Ottawa today what they thought about that. They even went so far as to say: "If the victim does not want to appear then he or she could have representation on his or her behalf before this hearing as a right so that they would be kept informed of what is happening in this criminal case".

I would hope the government would seek to amend the legislation and put the automatic requirements in the bill. Having said that, I would like to repeat what I said at the beginning. We are indeed very preoccupied with the present system. It is failing many of us. It is failing our daughters and our sons. It is failing our elderly citizens. It is creating fear in the system. I can give untold examples in my own riding of Ottawa—Vanier of people living in fear today because of a violent experience they had and because they do not have the information that they would like to have or they should have in regard to the justice system reserved for those who are found guilty of criminal acts.

I would hope that the government would tighten up this bill and put in it the rights of the victims just as seriously and with just as much care as they have at this time considered the rights of the criminals.

Mr. Sergio Marchi (York West): Mr. Speaker, I take the opportunity to join my colleagues in debating at second reading the parole legislation which is before us. I do this, as other members have done, because not only is the issue of crime a serious one in Canadian society, generally speaking, but it is an issue that unfortunately is on the climb. It is on the climb in terms of the illegal

Government Orders

series of violent crimes in our communities. It is also up in terms of the conscience of a community.

I have public meetings at least once a month in my community. I have participated in the various municipal election campaigns that are currently under way in Ontario. As you speak to people in these public forums and at their homes, the issue of so-called law and order and the issue of coming to grips with the crime element in our communities is very pervasive.

I would categorize the complaints and the frustrations coming from our citizens in the community of York West into three areas: first, the element of criminal activity is up particularly in terms of the illicit drug trade in our community. Second, there is a feeling of frustration that many judicial decisions coming from our benches are too lax. With all due respect to our criminal system, they are too lax in terms of facing the real problem. The third item concerns the illicit drug trade. The profits or proceeds from a number of those drug busts that come from the local police authorities and local organizations that are engaged on the front lines should go back to general revenues at the federal government level which are very distant from the front line battles. This should be used to try to come to grips with fighting the illegal drug trade in our communities.

There is a great deal of frustration with those three points, particularly the last point. In concert with our Solicitor General critic who has started a national petition across the country, I have tried to distribute this petition far and wide to come to grips with the situation of drug profits. When we do make one of those busts those profits should be shared with our local police forces and our local organizations which are responsible for trying to win this battle. If crime is a serious problem then it cries out for serious solutions. We cannot have a serious problem and then simply pick a week where, as a public relations exercise, we try to somehow convince the public that the government is doing something about it when in fact it clearly is not.

We have waited for this particular legislation for seven years. The government has had ample opportunity to come to grips with the particular problems plaguing the parole system of Canada. Yet not only has it taken seven years but this is the third time it has announced that it is going to do something about it.

The last time was on the eve of the 1988 federal election campaign. I would submit with all due respect it is that type of a charade that is bleeding public credibility for this government and for politicians and institutions across this land.

If it is a serious problem then let us come to grips with it in this Chamber, this government and across the country and do something about it. We have waited seven years and the promise has been reworked three times in order to maximize it in terms of political credibility. I believe that Canadians are not that gullible.

This is crime prevention week and for the first time since 1983 the government has walked away from participating financially in sustaining the awareness level of crime in our country during this one week. If there was ever a time for a national government to participate in trying to promote awareness, this was the year. Yet the government walked away from it.

You have to ask if the government is serious about coming to grips with this problem. Is it simply satisfied to fill up a number of hours on a Tuesday, followed up by another number of bills, wash its hands and then move on to the next agenda item?

I would suggest that the government must do what it says it is going to do not only now but in the future and not inflate the rhetoric.

In the few minutes accorded to me I would like to draw on some of the highlights of the actual piece of legislation. The government says that this legislation will actually serve to protect the public in terms of it being paramount.

Right off the bat I would have assumed along with my other colleagues on this side that public safety would be issue number one in the current legislation. We do not have to get new legislation to suggest that public safety all of a sudden is going to be priority number one. That begs the question: Where has public safety been up until now, after seven years of this government's rule? That speaks to the very malaise and the very frustration people in our communities feel. Somehow public safety and the safety of our communities is far down the list.

Therefore off the top of this government's list, the paramountcy of public safety ought to be issue number one in our current operations without even discussing the new Bill C-36.

Government Orders

The second aspect is that it is, for the first time, trying to formally recognize the victims of crime. The government is suggesting that the victims of crime would be allowed to attend a parole hearing at the discretion of the parole board rather than at the discretion of the offender. Obviously at the discretion of the offender is a non-starter. We are saying, why not go all the way? If you are interested in public safety, if you are interested in recognizing that somehow the victims of crime must also be thought about, then why not make that opportunity automatic? Why not leave it to the victims of crime to decide for themselves and for their families whether they wish to choose to exercise the right of appearing at that hearing in order to make a salient point about the offender. Rather than placing the onus of choice on the parole officer, we are suggesting victims of crime be given the automatic right to defend and promote their own concerns first hand at the parole hearings or at least to designate someone to do it on their behalf.

• (1300)

That is another measure that is seen by our side as a half measure. We are going to promote in committee that we go all the way and recognize those victims of crime who unfortunately are all too often the forgotten variable in this ugly equation called crime.

Another aspect of a half measure is that the government purports to introduce judicial determination. This will give judges the opportunity to lengthen the time spent in prison to at least half rather than one-third the term for violent offenders and serious drug offenders. If the Government of Canada really wants a crackdown, then let us make that automatic. Let us not have that as a potential possibility for judges because there will be different judges in different parts of the country taking different views. I believe we ought to have some national standards about the wave of crime across this country.

We are suggesting that those offenders be automatically made to serve at least half of their sentence, otherwise it becomes a mockery.

The last point is the suggestion that first-time offenders, largely white collar criminals, be given a provision called accelerated review. This would accelerate their

parole as compared to the more violent criminals in our society. We will have to think carefully about that. While there may be different variations of crime we also have to be careful about the standards that we are suggesting.

Are we suggesting that we have a double standard? There would be one for blue collar crime, perhaps out in our communities. There would be another for white collar crime that may take place in some office tower. It may in fact be the lynch pins and controlling individuals who support this kind of activity.

I am suggesting that yes, we have a problem with overcrowding in our jails. What price are we going to pay in order to solve that, by suggesting that white collar crime is less important than blue collar crime? I am suggesting that we should standardize that. For those who are supporting white collar crime, they must bear the price of society as well.

I notice that you are indicating that my time is up. I look forward to speaking on this bill once again in committee stage and at third reading.

Mr. Nicholson: Mr. Speaker, I would seek unanimous consent of the House to move the following motion:

That Bill C-36 be referred not to a legislative committee but to the Standing Committee on Justice and Solicitor General.

I would seek unanimous consent at the conclusion of the debate that that be done.

Mr. Nunziata: Mr. Speaker, the Liberal speakers' list is now complete. We have put up 14 speakers and we are satisfied that we have thoroughly debated Bill C-36. We are prepared to give our consent to the matter being referred to the justice committee as opposed to a legislative committee.

Mr. Blackburn (Brant): Mr. Speaker, we agree to it as well. It was the original understanding that it would go to the justice and solicitor general committee. I think it was an error yesterday that it was not at that point mentioned in the debate.

The Acting Speaker (Mr. DeBlois): On the same point of order, the hon. member.

Mr. Cooper: No, Mr. Speaker, it is a further one. Perhaps I should ask that you put that question because I think there is consent, and then I have a point of order.

Government Orders

The Acting Speaker (Mr. DeBlois): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Motion agreed to.

Mr. Cooper: Mr. Speaker, there have been discussions and I think that you will find:

That immediately following the request for the votes on this particular bill the House is be prepared to revert solely for the purpose of hearing the Speaker's ruling as it relates to the amendments at report stage of Bill C-17.

The Acting Speaker (Mr. DeBlois): The members have heard the terms of the motion. Is there unanimous consent?

Some hon. members: Agreed.

Motion agreed to.

[*Translation*]

The Acting Speaker (Mr. DeBlois): The hon. parliamentary secretary asks for consent to hear the Speaker's decision on Bill C-17 after disposing of the question on Bill C-36, if I understood correctly. So there is unanimous consent.

[*English*]

Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. DeBlois): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. DeBlois): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. DeBlois): All those opposed will please say nay.

Some hon. members: On division.

The Acting Speaker (Mr. DeBlois): I declare the motion carried.

Motion agreed to, bill read the second time and referred to the Standing Committee on Justice and the Solicitor General.

[*Translation*]

The Acting Speaker (Mr. DeBlois): I think there is no hesitation. When I asked whether any hon. members were opposed to the motion, I heard no nays. The motion is therefore adopted automatically.

* * *

CRIMINAL CODE**MEASURE TO AMEND**

The House proceeded to the consideration of Bill C-17, an act to amend the Criminal Code and the Customs Tariff in consequence thereof, as reported (with amendments) from Legislative Committee H.

The Acting Speaker (Mr. DeBlois): I simply ask hon. members to be patient for a few minutes. The Speaker is on his way to give his ruling on the procedure and process to follow in the debate on Bill C-17.

[*English*]

SPEAKER'S RULING--MOTIONS IN AMENDMENT

Mr. Speaker: This is a ruling that I am required to give with respect to the amendments that have been filed on Bill C-17, an act to amend the Criminal Code and the customs tariff in consequence thereof.

There are 80 motions set down on the Notice Paper for the report stage of Bill C-17, an act to amend the Criminal Code and customs tariff in consequence thereof.

• (1310)

I should say before I get into the substance of this that great efforts have been made by the table to speak with all the various members who have filed amendments and to try to explain in general terms, and I hope in terms that have been acceptable to the members, why some amendments could be accepted and some could not.

I want it made very clear that the grounds for accepting or refusing an amendment are procedural. They are not substantive and I would hope that no member, no matter what amendment he or she put in, felt that it was rejected for other than the reason that procedurally they did not stand up to our procedural rules.