

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>

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

Some hon. members: Nay.

The Acting Speaker (Mr. DeBlois): In my opinion the yeas have it.

And more than five members having risen:

The Acting Speaker (Mr. DeBlois): Call in the members.

The House divided on the motion, which was agreed to on the following division:

(Division No. 143)

YEAS

Members

Anderson	Andre
Atkinson	Beatty
Beisher	Bernier
Blais	Bourgault
Boyer	Brightwell
Browes	Campbell (Vancouver Centre)
Cardiff	Casey
Chadwick	Charest
Chartrand	Clark (Brandon—Souris)
Clifford	Cole
Collins	Cook
Corbeil	Corbett
Côté	Couture
Crosbie (St. John's West)	Danis
Darling	de Cotret
Desjardins	Dick
Dobbie	Domn
Dorin	Edwards
Epp	Fee
Feltham	Ferland
Fontaine	Gibeau
Greene	Guilbault
Gustafson	Harvey (Chicoutimi)
Hawkes	Hogue
Holtmann	Hughes
Jacques	James
Jelinek	Johnson
Joncas	Jourdenais
Kempling	Koury
Langlois	Larivière
Lewis	Loiselle
Lopez	MacDougall (Timiskaming)
Marin	Masse
Mazankowski	McCresth
McDermid	McDougall (St. Paul's)
McKnight	McLean
Moore	Mulroney
Nicholson	Oberle
O'Kurley	Paproski
Plourde	Porter
Redway	Reid
Reimer	Ricard
Richardson	Robitaille
Roy-Arcelin	Schneider
Scott (Victoria—Haliburton)	Shields
Sobeski	Soetens
Sparrow	Stevenson
Tardif	Thompson
Thorkelson	Tremblay (Québec-Est)
Turner (Halton—Peel)	Valcourt
Van De Walle	Vankoughnet
Vien	Vincent
Weiner	White
Wilbee	
Wilson (Swift Current—Maple Creek—Assiniboia)	
Wilson (Etobicoke Centre)	Winegard
Worthy—111	

Government Orders

NAYS

Members

Allmand	Angus
Arseneault	Assad
Bélair	Bellemare
Bevilacqua	Black
Blackburn (Brant)	Blakie
Butland	Catterall
Clancy	Comuzzi
Crawford	Dionne
Edmonston	Ferguson
Fisher	Flis
Fontana	Foster
Fulton	Gagliano
Gauthier	Grey (Beaver River)
Harvard	Heap
Howdebo	Hunter
Jordan	Kaplan
Karpoff	Keyes
Kilger (Stormont—Dundas)	Kilgour (Edmonton Southeast)
Kristiansen	Langan (Mission—Coquitlam)
Lapierre	Laporte
LeBlanc (Cape Breton Highlands—Canso)	Lee
MacAulay	MacDonald (Dartmouth)
McLaughlin	Milliken
Mills	Mitchell
Murphy	Nault
Nystrom	Parent
Peterson	Pouud
Robinson	Rompkey
Skelly (Comox—Alberni)	Stewart
Taylor	Vandief
Venne	Wappel
Whittaker	Wood
Young (Acadie—Bathurst)—65	

PAIRED—MEMBERS

Members

nil/aucun

• (1050)

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

Motion agreed to.

* * *

CORRECTIONS AND CONDITIONAL RELEASE ACT



MEASURE TO ENACT

Hon. Doug Lewis (Solicitor General of Canada) moved 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 third time and passed.

He said: Mr. Speaker, I am honoured to begin today third reading of Bill C-36, an act respecting corrections and the conditional release and detention of offenders and to establish the office of the correctional investigator. This is a major piece of legislation and one which is of immense importance to all Canadians.

Government Orders

This single modern piece of legislation will entirely replace the Penitentiary Act which was first enacted in 1868 and never comprehensively revised since that time. It will also entirely replace the Parole Act which was first passed in 1958 and seldom amended since.

In addition, Bill C-36 will end the 19-year use of the Inquiries Act to authorize the office of the correctional investigator. That important office and its independence will now be placed clearly and unequivocally in statute.

[*Translation*]

I am particularly pleased to be responsible for this legislation, Mr. Speaker, because it represents the government's delivery on a promise made to Canadians in 1986.

[*English*]

In that year Bill C-67 and Bill C-68 were passed. The latter bill was generally regarded as a non-controversial housekeeping bill. Nonetheless it carried into law a number of amendments to the Penitentiary Act and that Parole Act that had been awaiting passage for some time; as long as eight years in some cases.

It is fairly obvious that Bill C-67 on the other hand was a controversial piece of legislation. It allowed the Parole Board to improve public protection by delaying the release of apparently violent offenders beyond their usual mandatory release dates.

The government felt that Bill C-67 was a very important piece of legislation and that is why it was proceeded with. In fact many members will recall that Parliament was recalled that summer so the bill could receive Royal Assent during a special summer sitting and be enacted without delay.

In the five years that have elapsed since then the reforms introduced by Bill C-67 have proven to be successful. This was confirmed during the last year when the Standing Committee on Justice and Solicitor General reviewed the detention provisions of Bill C-67. I think it is fair to say it found that the legislation is being implemented as foreseen and that any problems are either being remedied or have been remedied.

However, Bill C-67 was only the first in a series of comprehensive reforms which the government has

promised over the course of time and since that particular bill was passed.

Since 1986 work on these complex new reforms has been ongoing, culminating in the bill before the House today. Among these reforms Bill C-36 proposes significant changes to the structure and framework of conditional release, including temporary absences.

The last issue was of particular interest to many concerned Canadians, especially victims groups. To answer their concerns the government recently commissioned a study of temporary absences. The temporary absence review panel consisted of Jane Pepino, a prominent Toronto lawyer. Included as members were Bob Stewart, former chief of police for the city of Vancouver and Lucie Pépin, a respected member of this House, the member of Parliament for Outremont.

• (1100)

We believe the panel did an excellent job in the short time it had available to it. I am sure its report was as instructive for the standing committee as it has been for me. Consequently I am pleased to report to the House that virtually all the recommendations in its report with respect to Bill C-68 have been adopted by the government. These were supported by the standing committee with minor modification and are reflected in the bill. Other of the recommendations will be reflected in either policy or regulations.

One aspect of this bill with which I am quite pleased and in which I take a great deal of pride is the degree to which it reflects a broad spectrum of concerned Canadians. Over 1,200 Canadians were heard from in the consultation process. It was very extensive, that is the consultation on the discussion package released in 1990 and entitled "Directions for Reform". Before that there were also consultations of a broad nature on nine discussion papers published by the correctional law review project within my ministry.

The report of the sentencing commission in 1987 and that of the parliamentary standing committee in 1988 entitled "Taking Responsibility" also gave valuable advice on the direction which the reforms should take. More recently of course the bill had the benefit of very careful and detailed scrutiny by the Standing Committee on Justice and Solicitor General.

Government Orders

During that process a number of opposition motions to amend the bill were adopted. Also there were government motions of both a technical and substantive nature. I would particularly compliment the Liberal members of the committee who were very helpful in proposing a compromise solution that built on the work of the temporary absence review panel. In adopting this particular amendment the committee agreed that this improved the definition of the purposes of temporary absences.

My colleague, the New Democratic member for Brant, was also very helpful in proposing several amendments. One in particular will ensure that victims will upon request automatically receive certain information. This is in contrast to other information which victims can request but will be released only at the discretion of correctional officials.

As well, I want to compliment my hon. friend from Lethbridge who was kind enough to pilot the bill through committee and at report stage in this House. He made a very valuable contribution at all levels of debate on this particular bill.

I am aware that the members of the committee took their work on this bill very seriously. They travelled to Edmonton and Vancouver. They heard many witnesses. They sat long hours to complete their work. I want to thank them very sincerely for their diligence which has brought, in addition to those I have mentioned, a number of improvements to the bill as first drafted.

The result of this lengthy and worth-while process is a bill upon which extensive advice has been received and which to a great extent has been heeded by the government. I would also like to mention the officials from the corrections branch in my ministry who worked so long and so hard to bring this bill to fruition and bring us to third reading.

We heard from many people, and not the least of those are victims. For far too long victims have felt that they are unrecognized and that their views have been disregarded. Bill C-36 is evidence that this era is over. Victims are specifically recognized in this bill. It contains a clear message that their interest must be respected by the system. Many victims have told us that one of their greatest needs is access to better information about those who have victimized them.

This bill provides an entitlement to specified information at their request. Moreover it ensures, should they wish, their views will be given consideration when conditional release decisions are taken.

Of particular note is the fact that victims, among others, will also be able to receive information by attending parole hearings as observers. No longer will their attendance be vetoed by inmates.

Finally, information will be available to *de facto* victims, even if the offender was never convicted of that particular offence against that particular victim for various technical reasons.

I am personally pleased with this particular feature because it responds directly to personal submissions made to me by those who were victims of a crime in cases in which the actual prosecution of the crime against that particular victim was never proceeded with because a conviction had been obtained against the offender with respect to other victims.

The bill would not have provided for it to go that extra step. I heard the views of victims, and we were able to work out an amendment which recognizes their particular problem. The fact that the bill reflects a wide range of views does not guarantee consensus on all of its provisions.

The field of criminal law is one in which there are very often very widely held and conflicting views. Of course, differences will continue. Nevertheless I believe that we have struck a balance in this particular bill which reflects and respects the rights of all Canadians, whether they be offenders, victims, correctional staff members and/or the general public.

Our paramount objective, and the guiding principle with which we worked on this bill and which structures our approach to law and order, is that protection of the Canadian public should remain first and foremost.

[*Translation*]

Mr. Speaker, the years of debate and consideration are over. In 1986, this government promised reforms that would significantly improve public protection. Those reforms are contained in the bill that is now before you. It modernizes the system and balances the interests of the many parties who are affected by it. I am proud of the result.

Government Orders

[English]

Bill C-36 was for me a partnership effort that began when I became Solicitor General and has now come to this particular point in legislation, and I would like to thank all who helped us bring the bill to third reading. I would like to close my remarks by suggesting that we hear members who have something to contribute at third reading and that we send the bill to the other place for speedy passage.

Mr. Tom Wappel (Scarborough West): Mr. Speaker, I am very pleased to have an opportunity to begin the debate for the Liberal side on third reading of Bill C-36.

I would like to break down my remarks as follows: I would like to give a short history of the bill; I would then like to move right into the bill and examine the underlying philosophy of the bill as stated earlier by the Solicitor General; I would then like to examine the different parts of the bill to see if it has met the test of the underlying philosophy of the bill; and finally I will make my concluding remarks.

I would like to begin my brief historical examination of the bill by going back to November 4, 1991. That was the day that the government brought forth the bill on second reading.

The hon. member for York South—Weston, who at that time was the Official Opposition critic for the Solicitor General, spoke on behalf of our party. I want to quote three specific portions of his speech because they set the tone for what we on this side of the House were looking for in Bill C-36. Then I will discuss whether in my view we found it.

• (1110)

He said:

I suppose an editorial headline in a newspaper in Ontario, the *Whig Standard*, sums it up: "The parole system overhaul a big scam on public". That is the headline of an article written on October 12, 1991.

He went on to explain why that particular editorial argued that this bill was a big scam on the public.

Later in his speech he talked about what the minister had mentioned, *Directions for Reform*. It was a joint project between the minister and the Minister of Justice. The idea was for a complete overhaul of corrections,

parole and sentencing. There is the key. Sentencing was the beginning; sentencing, corrections and parole. It was an overhaul of everything.

At that time the hon. member said:

The minister says his counterpart, the Minister of Justice, will be introducing legislation dealing with sentencing reform. With all due respect to the Solicitor General, how can the legislative committee or the justice committee that will be dealing with Bill C-36, and the witnesses that appear before the committee, adequately and intelligently deal with reform of the parole system without looking at sentencing reform at the same time?

Therefore, what we have here—

—which is Bill C-36—

—is only half the package. Correctional law reform is only half of the package because it only deals with people once a judge sentences an offender to a period of incarceration.

It is interesting to note that the hon. member made those comments on November 4. It is now May 12 and the Attorney General of Canada has still not brought forward any legislation with respect to sentencing reform. As we will see we are being asked in this House of Commons to pass Bill C-36, but it is only a part of the puzzle. We are being asked to pass it in a complete vacuum in terms of the government's intentions on sentencing.

The Solicitor General has indicated that the government would be bringing in sentencing legislation. It has not. Will it? How can we logically deal with Bill C-36 without dealing with the other half of the package?

We did support on second reading the bill going to committee. The reason we supported the bill going to committee was so that we could examine the bill, examine the philosophy, listen to the witnesses, listen to the expert body of evidence that had been built up over the years and then decide whether the matter should proceed. That is where we stood on November 4, 1991.

In due course the committee met and decided which witnesses it was going to hear and where it was going to travel. We heard many witnesses. We heard academics, professors, lawyers, people who work with inmates on a day to day basis, and what I would call ordinary Canadians. The vast majority of those witnesses continued to echo what the hon. member for York South—Weston had asked in November 1991, which was: "Where is the sentencing legislation?" I will expand on that point in a little while.

Government Orders

The vast majority of witnesses had the same concerns that we had at second reading. Where was the sentencing legislation? How can we deal with this without dealing with sentencing legislation? We went through the bill. As the minister says we did visit Edmonton and Vancouver. We heard from aboriginal groups and from a number of sources. We visited the maximum security institution in Edmonton. We heard from a committee of lifers. We heard from a committee of aboriginal offenders. We took a tour of the prison. We spoke with prisoners and indeed we were permitted to speak with any prisoners that we wished. We were able to take a tour of the segregation unit and we received excellent treatment from the warden of that facility.

Even the inmates had concerns about Bill C-36. Their concerns focused on sentencing and the relevance, among other things, of dealing with Bill C-36 without sentencing legislation.

Having heard all of the witnesses we then began a clause by clause debate. We went through each and every clause in this bill. There are over 200 of them. I want to say that a number of amendments were put forward on behalf of the Liberal Party and a number of amendments were put forward on behalf of the New Democratic Party.

I want to give some credit to the government because it did consider the amendments we put forward. I believe the government and specifically the minister considered them in good faith. Some, although not as many as we would have liked, were accepted. Indeed some were accepted as late as report stage.

Therefore the process was as thorough as it could be considering that we are not dealing with sentencing but only with parole and corrections.

Today we are on third reading and we still do not know anything about sentencing. As we will see later this bill attempts to deal with sentencing through the back door at the same time as it is dealing with corrections and parole. What a way to deal with this situation. What a way to deal with the protection of Canadians. What a way to deal with the rehabilitation of offenders. This government is attempting in one bill through the back door to do what should be done in an open fashion through sentencing legislation brought forward by the Minister of Justice.

The Liberal Party is opposed to this bill and I am going to explain why in a moment. However the bill is not all bad. In fact, there are many positive features. I want to mention a few of them because I think it is important for Canadians to know that we do not oppose for the sake of opposing. We recognize that there are some strong features. I want Canadians who are listening and reading this debate to consider whether, once we have gone through the entire bill, in the opinion of Canadians it has met the fundamental test of what the government said it was going to do.

There are definitely some positive features. For example, in clause 4 the paramount principle of the bill is stated. I would like to read it because it is important:

4. The principles that shall guide the Service in achieving the purpose referred to in section 3 are

(a) that the protection of society be the paramount consideration in the corrections process;

That is an interesting phrase because it leaves a lot of room for interpretation as far as what the protection of society means.

We heard from a number of witnesses. Almost every witness, regardless of where they were in terms of parole and corrections, agreed that the protection of society was a laudable, fundamental principle. However, some witnesses felt that the protection of society meant that we should incarcerate a prisoner and throw away the key. Others felt, quite literally, that the best protection for society would be the elimination of prisons, that there would be absolutely no prisons whatsoever. Between those two extremes we heard from an array of people on what is their definition of the protection of society.

I suppose that if we examined it all and came up with a definition we could say that the protection of society was a combination of deterrence and rehabilitation. Then we would have a debate as to how much deterrence and how much rehabilitation, a debate on where the weight should be, whether there should be some weight to one side or it should be 50/50.

In any event, the bill recognizes that the protection of society be the paramount consideration in the corrections process. It also recognizes that inmates have rights too, and this is important. We do not simply throw people in jail and forget about them. We do not simply throw people in jail and declare them to be non-humans, non-Canadians. They have rights as well.

Government Orders

Admittedly, they have breached the rules of society and they must pay for what they have done. However while incarcerated they have rights. The bill indicates that one of the principles that will guide the service is that, and I quote:

(e) that offenders retain the rights and privileges of all members of society, except those rights and privileges that are necessarily removed or restricted as a consequence of the sentence;

• (1120)

As the Solicitor General mentioned, there will be increased involvement in the parole process for victims who wish to be involved. This is something I want to stress. It is going to be up to the victims to decide whether they wish to be involved and, if they do, there will be many mechanisms for them to be involved. Some witnesses would have preferred more victim involvement. Other witnesses would have preferred absolutely no victim involvement. However, there is some.

Inmates will be classified as maximum, medium or minimum. You would have thought that was fairly logical, except heretofore it was the institutions themselves that were classified as maximum, medium or minimum. We are now not looking at the institution but rather the offender. I believe that this will permit for more individualized treatment for rehabilitation. In fact the particular section, section 30, calls on each offender to be advised in writing why that offender has been classified or reclassified. Hopefully that will help the offender understand where that person is in the prison system.

There is a special recognition of the needs of women offenders and there is a recognition of the needs of aboriginal offenders. That is important. We all know that in the correction system in Canada women offenders and aboriginal offenders were having great difficulty coping. We have an antiquated system to deal with women offenders and aboriginal offenders make up a disproportionate amount of the offenders in our prisons.

There are new programs that are being developed. We heard about them and saw them with our own eyes in the Edmonton institution in so far as they related to aboriginal offenders. These are going to be encouraged and there is a specific recognition that these particular groups require special needs.

There also will be increased access to information by victims and researchers. This is important because it will be very important for us to determine, among other things, the rationale behind Parole Board decisions releasing inmates from institutions, particularly in the sad cases when those decisions go wrong and the inmate reoffends, sometimes with tragic consequences. It will be very important to examine why an inmate was released, obviously in an effort to prevent history from repeating itself.

There are some positive features, there is no doubt about it, but let us look at that underlying philosophy. Let us see if the bill passes its own test of the protection of society as the paramount consideration in the corrections process.

I think that the theme that we heard back in November 1991 of the relationship between sentencing and parole is absolutely fundamental to this debate because in fact it is a combination of sentencing and parole that is ultimately going to protect society to the fullest.

We heard from such witnesses as the Canadian Bar Association. Listen to the diversity. There were lawyers on one side, the Canadian Association of Elizabeth Fry Societies, various John Howard Societies, British Columbia Criminal Justice Association and others who said that sentencing was absolutely key to the discussion and consideration of corrections and parole and that both should be considered at the same time.

I think that the Canadian Bar Association's presentation said it best. It said: "The introduction of Bill C-36 followed the lengthy process of study described in the introduction. The contents of the bill unaccountably repudiate the serious and time-consuming work which preceded it. The bill ignores the recommendations of the Sentencing Commission, the Daubney report, the Correctional Law Review and the extensive consultations on the green paper. In doing so it mocks the extensive time, energy, creativity and resources which have been devoted to this development process. It is a major step back from the government's own green paper, since it ignores the need for integrated reform of sentencing, corrections and conditional release recognized in Directions for Reform and proceeds with reform of corrections and conditional release before dealing with sentencing".

Government Orders

The Canadian Bar Association rejects this fragmented approach. Given this serious objection to Bill C-36, the primary recommendation of the Canadian Bar Association is to defer study of the bill at least until consultations on the sentencing package have been completed and legislation is tabled so that the reforms can be considered in a rational manner.

That was not just the Canadian Bar Association. That was witness after witness, time after time, asking that both sentencing and parole and corrections be considered at the same time. I remind you of what the hon. member for York South—Weston said in November 1991, which was exactly the same point before we even began committee consideration of this bill. That theme which we recognized as early as second reading of this bill continued throughout the entire hearing.

As we go through the bill, we will see the relationship of sentencing to corrections and parole. That is the fundamental flaw. That is the fundamental error of the government, proceeding with this bill in the absence of any indication of sentencing reform. I predict that if this bill passes and if this government has the courage to bring in some sentencing reforms, we are going to have to revisit Bill C-36, of course at that time it will be a law, and we are going to have to amend it. We are going to have to do a lot of work that we would otherwise not have had to do if we had been able to consider both bills at the same time and pass both at the same time.

Someone may say: Oh, no, we cannot wait for sentencing reform—after all we have only been waiting for it for eight months—we have to proceed because this bill will not wait. As I hope I will be able to demonstrate to you, that is simply a faulty argument.

What I would like to do is look at the bill in some detail, again with the underlying object of seeing if the philosophy of the government that the protection of society be the paramount consideration is in fact met.

The bill is conveniently divided for all intents and purposes into three parts. The first part deals with institutional and community corrections. What this really means is that it deals with the corrections system. Is there any real hurry to deal with the corrections system? Perhaps, if this bill was meaningful change in the corrections system, there might be a hurry.

We heard from a number of witnesses and it was never really contradicted, in fact I think it is fair to say it was agreed, that in reality part I is really codifying in legislation what is already in existence and has been for some time, for the most part. I am sure there is a little bit of tinkering here and there in various sections, but for the most part all of part I is already operating. The system is already working in accordance with part I, even though Part I is not in legislation. Part I is now what we call the policy of the corrections service written out in the manuals and in some fashion governed by regulations under the Penitentiary Act.

Really there is no hurry, no dire necessity to proceed with at least part I of the bill because it is already there. If we waited until sentencing legislation came down and we dealt with both at the same time, there would be no diminution of service, no problem that does not already exist since part I is merely the codification of what already exists.

The government's stated reasons for this legislation were threefold, I maintain. The first stated reason for Bill C-36 was to reform the correctional legislation so that it better reflects the values and concerns of Canadians. Above all, these measures assert the primary duty of the correctional system is the protection of the public.

This was presumably in response to the fact that the Conservative government felt that the public did not think the system was working. If that premise is true, if the public did not think the system was working, then what is the logic in part I which merely legislates the system that the public did not think was working. That does not make much sense to me. As I said, the vast majority of part I either codifies existing procedures or restates what is already in the Penitentiary Act or the Parole Act. Yet under the guise of reforming the corrections system, under the guise of reforming parole and under the guise of bringing in this yet to be brought in sentencing legislation, we are to believe that this is a meaningful change in the system. It really is not. It is not truly reform of the corrections system, it is merely tinkering with the existing corrections system, and that is a misleading by the government of the Canadian population.

Government Orders

• (1130)

We then turn to clause 72 of part I, which is an interesting clause. This is a sort of highlight that I want to mention of part I, and that is this: This is a provision in the act, which has been around for a long time, that permits members of Parliament specifically to visit a penitentiary.

During report stage my colleague, the hon. member for Kingston and the Islands, put forward an amendment to this particular clause. I do not intend to go into great detail, but suffice it to say that in our history MPs have had unfettered discretion to enter penitentiaries to talk to prisoners. This had gone back to pre-Confederation days. In 1961 that was changed by the Diefenbaker government and the rights of MPs were somewhat restricted. Clause 72 continued, and continues, that restriction.

The hon. member for Kingston and the Islands put forward a reasoned amendment permitting MPs to be able to visit prisoners. The government defeated that. Surely, one of the protections that society can ask for is that prisoners are treated humanely, so that when they come out they do not bear a grudge against the system, or at least if they do, they do not bear a grudge to the system because they were treated like animals in a cage. What better way to guarantee proper treatment than, if I can put it this way, spot checks on the institution, by permitting members of Parliament the right to visit those inmates at will. That is not permitted under clause 72 and the hon. member for Kingston and the Islands had brought in an amendment which was defeated.

One could argue that clause 72 is reasonable. That is fine. My point is that it is an important right that was taken away after 110 years of our existence and it is being continued, even though there have been calls for members of Parliament to be able to visit the inmates who require protection. Society requires protection from inmates, that is why they are incarcerated, but sometimes inmates require protection from their jailers. It does happen. That was one of the purposes for permitting members of Parliament unfettered access to penitentiaries.

In any event, part I primarily is a codification of what already exists. Let us turn to part II, maybe we will find something that is new, maybe we will see something that meets this test of the protection of society as being paramount.

The government's second stated reason for Bill C-36 was to establish a statement of purpose and principles of parole and establish public safety as the paramount consideration in decisions relating to conditional release of inmates.

Part II is the guts of the bill and it deals with conditional release. There are many clauses codifying existing procedures. I just want to touch on a few that Canadians might be a little bit surprised at.

Specifically, I want to touch on eligibility for parole. I am not talking here about anything else but when you become eligible for full parole. For all intents and purposes, the bill makes absolutely no distinction whatsoever between first offenders and repeat offenders. There is one area where that statement is not accurate and I will get to it in a moment. It seems to me that it is important that we recognize that people are entitled to make a mistake, and when people make a mistake they are entitled to be brought back into society and continue their lives, on the understanding that we are not perfect.

On the other hand, people who continue to breach the law and have no respect for the rights of others should be looked at in a different way than those who have made one mistake.

Remember, we have the protection of society as the paramount goal and yet, for all intents and purposes, there is really no differentiation between first offenders and subsequent offenders. That to me is a weakness, and I am assuming that Canadians will believe it is a weakness as well because they want to be protected.

Let me give you a perfect example of what I mean. In what is called accelerated parole review, which is specifically clauses 125 and 126 of the bill, we have an interesting provision. I will say that accelerated parole review deals with first time offenders. Here is an opportunity for the bill to make a differentiation between a first time offender and a subsequent offender.

Sure enough in clause 125, we have a differentiation. There is a further differentiation because not only must you be a first time offender, but you must be an offender who is what I will characterize as a not serious offender. What I mean by that is someone whose crimes are not enumerated on schedule I or schedule II of the bill. Those schedules contain sexual offences, violent offences such as murder, manslaughter and drug offences.

In other words, let us say you are a break and enter artist. If you are a first offender, certain things will happen. What does first offender mean? First of all, it means first offender under federal law, so we may have someone who has been committing break and enter offences before, perhaps since he was a young offender.

That person is not a first offender for the purposes of this bill until he gets into the federal system and has been sentenced to two years or more. To get into the federal system of penitentiaries you must be sentenced to two years or more as opposed to under two years.

That is why the public reads about someone being sentenced to two years less a day. We read about that every day. The reason someone is sentenced to two years less a day is because that keeps him out of the federal penitentiary system and keeps him in the provincial system.

Let us take this fictional break and enter artist who presumably to support a drug habit breaks into people's homes and has been caught a couple of times. Perhaps the first time he was given a conditional discharge, the second time, a couple of months in a provincial institution and the third time three or four months in a provincial institution.

Unfortunately he makes it to the federal system. What is accelerated parole review? I ask members to consider whether this is for the protection of society as the paramount goal. It says that in those cases, those people will be entitled to accelerated parole review. They will have their cases considered faster than normal parole.

Not only will they have their cases considered, but here is the shocking part, it is mandatory, they must be released, no questions asked, even if the Parole Board has a reasonable belief that they will go out and recommit an offence. In this case, let us say that the Parole Board looks at this first offender—I say first offender but I mean first offender in the federal system—and says that they believe there is a reasonable likelihood that this person, based on previous track record, is going to go out and break into someone else's house.

They have absolutely no mechanism to keep that person back. They must release that person even though that person will, in fact, commit another crime. How can I make a statement like that, and how do I know that it is accurate?

Government Orders

During the course of committee hearings, I was asking questions of the chairman of the Parole Board, Mr. Gibson. I said when I was giving him an example: "That means that you could have a first offender who is a B and E artist, and the board could be quite convinced that when released he is going to commit another B and E, which is not a violent offence as I understand the philosophy of the bill, but the board will have to release him. To me this is virtually rubber stamping early release of so called non-violent first offenders. Am I reading it wrong?" The Parole Board chairman replies to me: "Mr. Chairman, in essence no". I am not reading it wrong. In fact I am reading it correctly. It is a rubber stamp of first offenders. Why? To manage the numbers of people in prisons. There is no other reason for it.

• (1140)

How does that protect society when the National Parole Board must release a first offender such as the one I described regardless of whether or not they believe that person will re-offend.

We moved an amendment in committee that would have changed the word "shall" to "may" to permit the case I just described to be dealt with properly so that in effect we would say all right there may be cases where we have accelerated parole, the person has proved to be a model prisoner, it was out of character, let him go.

Then there may be cases like the one I described. Let us make the section "may" instead of "shall" so it is not mandatory and the government rejected that amendment. In the face of the chairman of the National Parole Board saying he agreed with me that it was a rubber stamp. It is unbelievable. How does that gibe with the stated protection of society? Well it does not. I say the bill fails on that test.

Second, statutory release is found in clause 127. What is statutory release? Under this bill you are entitled to be considered for full parole after serving one-third of your sentence or seven years whichever is the less. Once you are in, if you have served one-third of your sentence, you are entitled to be considered for parole. That is fine if you accept that period of time. There are some who think that is too long and there are some in Canada who think it is far too short. At least the Parole Board has an opportunity to look at you and to determine whether or not you should be released.

Government Orders

When we come to the two-thirds point of a sentence, statutory release kicks in, clause 127. Again I am not talking specifically about murderers or violent offenders in schedule I or schedule II. I am however talking about people who perhaps have repeated many offences and who are almost incorrigible.

What happens? The clause says that once you have reached the two-thirds point of your sentence you must be released from prison. What does that mean? These people have been eligible for parole since one-third of their sentence and the Parole Board obviously has felt there is a problem because they have not allowed them to be out or if they did allow them to be out they have come back for breaches of parole or whatever. What we have in effect is the worst cases who have not been able to make parole because they are still in the system at the two-thirds point.

This is what happens. They have not been able to make parole or they have had their parole revoked. It does not matter how they behaved, it does not matter if they made any progress, it does not matter if they are in any way penitent about what they did. When you reach two-thirds of your sentence you are out, you are gone, you must be released.

Is that consistent with protection of society being the paramount consideration in the corrections process? I think everybody can answer for themselves but for my part I cannot see it. We are forcing the Parole Board to release those people who they have refused to release simply because they have attained two-thirds of their sentence. Someone sentenced to nine years, once they have done six, even if they failed every Parole Board test up until that time, must be released. Is that protection of society? I say no, I say the bill fails on that basis as well. It will be up to Canadians to decide whether or not this is a reasonable piece of legislation and does what it says that it does.

I should mention in passing that there are a number of provisions concerning sentencing. We will take one of them specifically, clause 139. It deals with multiple sentences. It is almost incomprehensible. I am a lawyer. I read it many times. It is almost impossible to understand. The minister has acknowledged that there are problems.

Many witnesses came and pointed out the difficulties with clause 139. We have heard that judges do not understand it. We have heard that lawyers do not understand it. We have heard that Crown attorneys do not understand it in many cases. We have heard that many of them do not even consider it when they are requesting sentences for repeat offenders or offenders who are on parole, shall we say, and have committed another offence.

We know by admission that this section is deficient. The minister has said: "Yes, we recognize that there are some problems, theoretical and otherwise, so we'll appoint a group of people to look it over and report back to us in about a year and make some recommendations".

What is the House being asked to do? It is being asked to pass a clause dealing with multiple sentences. These are people who are repeat offenders, people who have not agreed to abide by the rules of society. We are being asked to pass this clause when it is almost incomprehensible, when it is acknowledged to be almost incomprehensible, when it is acknowledged that there are problems with it which obviously could impact on Canadian society. Notwithstanding that, we are asked to pass something we do not even understand. Is that a protection of society? I say no.

Part III deals with the correctional investigator who is mandated by the statute to investigate problems in the system. He reports directly to the minister. He does not report to this House.

We attempted to move amendments to provide that the correctional investigator would be able to report to this House. One of the reasons for that would be to permit this House to find out what is going on in the system.

Right now clauses 192 and 193 of the bill provide that the correctional investigator must submit an annual report to the minister. In clause 192 it specifically states that that report also will go to the House of Commons because it says: "Every such report to be laid before each House of Parliament". If we look at those clauses it says that every report the minister receives must be laid before the House of Commons.

Government Orders

In report stage debate we heard from the hon. member for Lethbridge who quite candidly admitted on page 10306 of *Hansard* that no, that is not going to be the case. The minister is going to review and in effect censor those reports for whatever reasons he considers such as Privacy Act considerations. That is not what the House of Commons wants. It wants to see the reports of the correctional investigator.

Mr. Speaker, you have given me as much opportunity as I have been able to have under the rules. I believe that the bill does not pass the test for which it was brought forward and it fails because of that. It fails because it was brought forward in the absence of sentencing legislation. For those two very fundamental reasons, we in the Liberal Party oppose Bill C-36.

Mr. Derek Blackburn (Brant): Mr. Speaker, I must say that I approach the third reading stage of Bill C-36 with profound disappointment. The bill has changed very little from its make-up when it was first introduced at second reading several months ago.

Many of the worth-while amendments that were offered by both the Liberal Party and the New Democratic Party were ignored by the government in its determination to respond to the emotional outcry in society with respect to criminal elements and criminal activity in our country.

I say a response to the emotional outcry in society. This bill addresses the fears, and very legitimate fears, in society in a very devious way. It purports to protect or extend the protection of society against violent criminals, when in fact this bill does not. Second, it purports to intensify the rehabilitative process of offenders while they are incarcerated so that they will be safe and law-abiding citizens on release. Again, I suggest that this bill does not do that.

• (1150)

In fact, to almost all the informed witnesses I questioned at committee stage on this very subject, I put the question: "Will this bill make society safer?" Virtually all of them said no. In fact, some of them even went so far as to state categorically that in their opinion this bill was nothing less and nothing more than a cruel hoax.

I am in complete agreement that our correctional system and our criminal justice system should have as its paramount goal the protection of law-abiding citizens in this country, the protection of society and along with that, the treatment and rehabilitation of the offenders who are incarcerated under the federal system of corrections. The two go together.

We do not solve the problems of crime in society by coming forward with a bill that tinkers with existing regulations, procedures and statutes, instead of getting to the root causes of crime in society on the one hand and a genuine rehabilitative process on the other. That is why I am profoundly disappointed that Bill C-36 is in fact, in my view, a hoax. It does not really solve the problem of growing crime, particularly crimes of violence in our society.

Instead, I fear that it adopts the American approach. You get tough by executing murderers; you get tough by extending sentences; you get tough by building more and bigger prisons. We know the story. We know where that leads.

Has it reduced crime in the United States of America? Has that approach succeeded? Of course it has not. The tougher the American criminal justice system gets with violent offenders in that country, the higher the crime rates go. Some parts of that country are virtually out of control. You cannot walk the streets in the daytime in parts of Washington, Los Angeles, New York, Detroit or Philadelphia. Surely that approach is not working.

I was reading *The Guardian* weekly supplement just the other day, the May 3 edition, a series of articles dealing with the Los Angeles riots. It was an opinion piece. The writer of the opinion piece said, and I quote from page 10, May 3 edition of *The Guardian* supplement: "A society without answers to its wider ills will take comfort in harsher measures". That is what this bill is doing. That is the way this Conservative government is going. Lock them up for longer periods of time and you may convince some of the people that you are really getting tough on criminals and that you are going to reduce criminal activity on our streets.

Really, what does this bill do? I only have a few minutes at third reading, but I will try to highlight some of the reasons why I am disappointed.

Government Orders

It says that from now on judges at sentencing, that is judicial review, will be able to extend the period of ineligibility for parole from one-third of sentence to one-half of sentence. It does not say anything about improving the treatment programs.

It does not say anything about more treatment programs, more rehabilitative processes within the system. We just keep them in there longer. Somehow, by keeping them in there longer, they are going to rehabilitate themselves. They are going to come out better citizens. They are going to come out as a result of longer sentences more eager to obey the law.

Every informed witness who came before the Bill C-36 committee thoroughly discredited that supposition. There is no correlation between the length of a sentence and the behaviour of the inmate after he is released, no correlation whatsoever. Put them behind bars, keep them in there longer and society will be safer. That is a cruel hoax because we are already incarcerating violent offenders for an average of 47 per cent to 52 per cent of their time. The worst of the violent offenders do not even get any consideration for parole until about three-quarters of their sentence is served. Some of them are never paroled until their entire sentence is served.

This bill says yes, we are going to get tough on violent criminals and yet it does not change the present system at all as it presently works. That is why some of our witnesses said this bill is a cruel hoax.

If we look at the details of the bill, we find that at most violent offenders will spend on average four or five months longer behind bars than they are spending now without Bill C-36. This bill does not improve society's chances of living in a safer environment by purporting to be tougher on violent offenders. It will not increase the rehabilitative process. It will not make our streets safer and it does not address the victims' needs. In other words this bill is a quick fix. It is tinkering with the present system, with the status quo.

Most of the witnesses we listened to argued one way or the other that incarceration is one way of dealing with an event after it has happened; that is a criminal act. We all know that criminal offenders, violent and non-violent, have to be removed from society for some period of time. There has to be some punishment, some deterrent value attached to the sentencing.

Surely by now we realize, not being perfect beings, beings only capable of reason, beings who have emotions and who have many frailties and shortcomings, that there is a major reason why our streets are not safe today in some sections of our country. I do not want to

overstate that lack of safety, but there is genuine concern about very real problems of a criminal nature in some of our cities, in some of our sections of cities. Surely we have come to accept the fact, and again I refer to the United States, not with malice but with regret and concern, that the major fundamental causes of crimes have to be addressed; not in the court rooms of the nation, not with juries, not in our correctional institutions, not after the fact, after the crime has been committed, but before. We have to look at the causes of crime that are endemic in our society. One is poverty. Poverty breeds crime. It breeds a lot of other things too but it breeds crime. Go into any city and you can walk the streets of the high income, residential areas with relative safety and, in this country, with quite a bit of safety, but there are some sections of those towns and those cities that perhaps you would not walk in, certainly not after dark. Why? Because they are primarily ghettos of poverty.

• (1200)

Poverty has to be attacked. Poverty has to be addressed. We have to commit ourselves to banishing poverty, and along with it many of these other social ills, not the least of which is criminal activity.

Violence in the home, sexual violence in the home, sexual violence perpetrated on children. How many serious criminal offenders have experienced a violent childhood, no home, no father, perhaps no mother, wandering in the streets at the ages of 5, 6 and 7, having their first brush with the law at the age of 10 or 11, on drugs before they get anywhere near high school? That is where crime begins and that is where we have got to do something to solve this horrible social ill that we have.

Lack of education, lack of skills and training, that breeds unemployment in a society that is pushing re-training and skills training and education for the great and wondrous high-tech age in which we live. It is tough enough for the law-abiding members of our society to get proper training, but can you imagine what it is like for people born in poverty, degradation, in violent homes who have been sexually molested or brutally molested by their father, by the neighbour or by somebody down the street? Can you imagine what it is like for them to try to enter the work force today and live a law-abiding life? It is easy after he has committed a murder. You lock him up for 25 years. Or after he has robbed a bank you put him away for five, seven or eight years. That is easy. That is a quick fix. But that is not going to solve your problem on the streets. That is not going to solve your problem in your neighbourhood with respect to crime and violence, break and enter.

Government Orders

What are we seriously doing about drugs and drug abuse? President Bush launched his war on drugs a number of years ago. Do you know all it did? It increased the federal prison population by 35 per cent. Eighty per cent of those were blacks living in ghettos. So much for the war on drugs. There is more cocaine, more heroin, more destructive killing—drugs entering the United States today, four years after the declaration of the war on drugs, than there was before. Is that not a hell of a stupid way of going about solving a major social ill; throw them in jail and throw the key away?

What are we doing about things like day care? That is where we could begin. That is where there could be a new beginning to solving the problem of crime in this country, with a meaningful day care program that all kids could be part of, the kids from those parts of town that we are afraid to walk in. It would give them at least some chance at a young age to learn how to live peacefully among their peers. They would learn hopefully how to resolve conflicts, how to control tempers, how to pick up skills and how to live a half decent life whether you are rich or poor. I am not talking about materialism here. I am talking about learning at a young age how to live and get along on the street and in the neighbourhood. That is where it comes from. You cannot impose that after the kid has done two or three years for break and enter and armed robbery and a Saturday night heist. It is usually too late by that time.

Finally, I wanted to include in this bill at committee stage and again at report stage a section for the victims of crime. Quite frankly, I believe victims of violent crimes in this country have been woefully neglected. They have been overlooked. They have been forgotten by the criminal justice system.

I do not know how many witnesses came before us, women in particular. In Edmonton they had formed a group called the Victims of Larry Takahashi, the serial rapist who probably committed over 100 rapes and was charged with something like 10 or 12. He was convicted on seven and he is behind bars now.

They felt that the moment they had talked to the investigating police officer and given him all the information they could, they were just cast aside from that moment on. There was nobody in the police station they

could get in touch with. There was nobody in the Crown's office they could get in touch with. They had no access to information. They had no access to know what was happening to the person who had been convicted, whether he was back out on bail pending trial. They were lost. They were forgotten. They were victims; tough luck.

That seems to be the approach that the criminal justice system takes.

I introduced a motion standing in my name, motion No. 18, that would have set up a new office. That is where I was ruled out of order and I accept that ruling. I am going to bring it back as a private member's bill.

I would have set up in this amendment a separate office called the office of the victim's advocate. We can spend money on the Crown attorneys and on the courts and on the prisons. We can spend a little money trying to help the victims. This office would have had agents or officers throughout the country, probably attached to or close to the Crown prosecutor's office. At least the victims could have received assistance, information, some compensation where it was obviously called for, and some kind of knowledge of what was happening to the offender as the offender went through the criminal justice system.

I see that my time is up. I want to end on this note. I am disappointed, as I said at the outset, that this bill only tinkers with existing legislation. It will not make our society safer. It will not add anything to the rehabilitative process, sadly lacking as it presently is, for offenders within prison, particularly those who suffer from a deviance in terms of their sexual life and their sexual activity.

It is a cruel hoax. While Stewart Ryan, who is now a retired member of the law faculty at Queen's University, did not call it a cruel hoax, he did say this before our committee at the beginning of our hearings: "Many people share a desire to secure that offenders suffer enough to satisfy the anger and resentment experienced by their victims as well as those who sympathize with their victims, and those aroused to anger by contemplation of the offence and its threat to the legal and social orders. This bill tilts the balance toward the satisfaction of the desire to prolong the suffering of the offender".

Government Orders

Surely it is about time that we directed our energy and our thinking and every resource at our command to getting at the real causes of crime in our society so that our streets will be safer for future generations.

Mr. Wappel: Mr. Speaker, I had the opportunity to work with the hon. member for Brant for quite some time on the committee and I know that he put a lot of work and effort into this bill, particularly some of the motions that were moved at report stage.

In that short time he did not have the opportunity to address the situations of the correctional investigator and to whom the correctional investigator should report in his annual reports and any special reports that he may have.

I know the hon. member was concerned about this, as I and the other Liberal members of the committee were. We felt it was very important that the correctional investigator be given the power to report directly to the House of Commons so that the correctional investigator could give the people of Canada, through their elected representatives, if I could put it this way, the straight goods on what is going on in the prison system, in the penitentiary system of our country.

For reasons best known to the government, the government decided it would not do this. It decided that, notwithstanding the clear wording of the act, the report of the correctional investigator would be given to the minister and then the report would be given to the House of Commons. The government's position is that the reports will be expurgated or censored depending on, at least as it says, the Privacy Act.

• (1210)

The problem is that we in the justice committee have seen the problems in getting information when a minister or the bureaucrats can censor a report.

It was with that thinking that both of the opposition parties put forward amendments that would empower the correctional investigator to report directly to the House of Commons.

I want to give the hon. member for Brant the opportunity to expound on that by asking him if he thinks it is

important for the correctional investigator to have the responsibility to report to the House of Commons.

Mr. Blackburn: Mr. Speaker, I certainly want to thank my colleague from Scarborough West for his very kind remarks. We all worked very hard on that committee dealing with Bill C-36. I also wish to commend him for a very fine speech that he gave a few moments ago. I wish I had had more time, I could have added more. I appreciate his putting that question to me concerning the correctional investigator because it now does provide me with a chance to extend my speech by a few moments.

One of my amendments at the committee stage would have made the office of correctional investigator responsible to the House of Commons, and it would have made the correctional investigator an officer of the House of Commons, similar to the Auditor General, in other matters. This way, the House would have had a direct line of communication with a senior bureaucrat, a senior officer, in the Solicitor General's office. We have a Solicitor General who is a cabinet minister and who is responsible to cabinet. We have the Commissioner of the Royal Canadian Mounted Police, who is responsible to the Solicitor General. We have the Director of the Correctional Service of Canada, who is directly responsible to the Solicitor General. We have the Chairman of the National Parole Board, who is responsible to the Solicitor General. We have the correctional investigator, who is also responsible to the Solicitor General.

All of these senior officers, to say nothing of all the deputy ministers in the ministry of the Solicitor General, are all in a nice, tight, closed little shop. They all report, first of all and directly, to the Solicitor General. There is nobody over there reporting directly to the House of Commons.

I felt, and I am sure my colleague from Scarborough West shares this view, that we could have at least had one of those officers directly responsible to the House of Commons so that, as he suggested in his question, we would be getting his reports unexpurgated, not tampered with and not vetted by, first of all, deputy ministers and then the minister himself.

Government Orders

The government in its wisdom, I suspect under the heavy influence of senior bureaucrats, said: "Nix, you do not get it; we cannot allow the House of Commons to have direct access to an office such as the correctional investigator". After all, all he does is investigate incidents in the federal correctional system that require, in his opinion, an investigation. As my friend from Hamilton says, it is the thin edge of the wedge. That is obviously one of the reasons, one of the considerations. Senior bureaucrats say, "my God, if we give in to those democratically elected individuals over there in the House of Commons on this one, God knows what they will want next; they might even want democracy in this country".

Mr. Derek Lee (Scarborough—Rouge River): Mr. Speaker, I am very pleased to rise to debate at third reading this important bill dealing with corrections, the correctional investigator and the office of the National Parole Board.

This bill covers a great deal of territory that has concerned the Canadian public more and more over the last few years. I know there was a real sense in the jurisdiction that I represent in Ontario that there was a great deal of reform necessary.

There was some hope, as the government undertook Bill C-36, the amending bill to the Corrections Act, that those reforms would be embarked upon, that it would deliver more in terms of reform to the taxpayer who is demanding that the reforms take place.

A few of the complaints that are out there in relation to corrections and parole relate to matters that, strictly speaking, are outside the area of actual corrections and parole. For example, on the issue of bail, bail is a function of the Criminal Code, of judicial interim release prior to a conviction. The Corrections Act and this bill governing the National Parole Board deal with what happens to offenders after they are convicted and incarcerated.

The public was looking for a great deal and was hoping for a great deal. Even I was hoping for a great deal. What ultimately transpired was a bill that has been described by colleagues in my caucus as smoke and mirrors. It

might be more than smoke. There was some hard copy there to be sure. There were numerous amending sections, but the bill, with one or two exceptions, simply tinkers with the existing structure of corrections and parole.

In doing that, it is going to fail to meet the expectations of Canadians, or at least those Canadians who cared very much about reform in this area. One major area that the public had a concern about was the appearance on the streets of individuals who were sentenced, who were inmates. They were offenders, they were inmates, but were released on parole in instances in which those inmates committed crimes.

Those crimes range all the way from purse snatching to car theft or serious assaults and murder. Most of those offences, the commission of those, happened with a minority of inmates on conditional release and parole. The public takes the view and I take the view that when an offender is released on parole or conditional release, there should be negligible risk of a reoffence taking place.

There is a sense out there now that when offenders are released, the corrections administrators are not adequately measuring the risk and are taking risks for the public. They are foisting the risk on to the backs of the innocent public. There have been instances in which I think some of the National Parole Board or Corrections Services Canada authorities did not properly measure risk and took risks, in some cases, resulting in tragedy.

In measuring the risk, the corrections officials have assured this committee that they have upgraded the administrative provisions for measuring risk, for ascertaining whether an inmate is properly released with minimal risk to the public, keeping in mind that the purpose of the release is to assist in the reintegration of that offender into society without reoffending.

I am certain that there are many people in the public who will now feel that the process of reform in terms of corrections has not been adequately carried out. I feel that a more structural reform, rather than the tinkering that has gone on, would have served the Canadian public better. I want to cite some of those now.

Government Orders

I acknowledge that the bill has made some fine tuning corrections but it has also failed to address some other important areas, as other colleagues in the House have spoken to today.

The first part is the issue of the escorted temporary absence. That is when an inmate is released with an escort for a purpose. There is always a purpose, which is now described in the act. There is a long definition of it, but the bottom line is that there will be, there has been and there will always be escorted temporary absences for reasons such as medical treatment, participation in important courses outside the institution, or consultations outside the institution when it cannot take place within the institution.

• (1220)

When those escorted temporary absences, referred to in the field as ETAs, are considered it is critical that corrections authorities and the Parole Board have all of the information in front of them. While the statute does not directly address that concern I think that the committee has done its best to assure itself that Corrections Canada and the National Parole Board have upgraded and modified their administrative procedures.

I have seen the hard copy on this. There has been an improvement to ensure that proper, adequate risk-oriented information is before correctional authorities before ETAs are authorized.

The ETA has evolved historically. We can simply accept that 50 or 100 years ago the warden was king. He would decide when anybody entered or exited the institution. That has evolved to the present situation in which the warden, who is now called the institutional head, has that same kind of authority. I feel that the assessment of the risk of an absence of an inmate has become so complex, involving so much important information, that the warden should not be dealing with issues of release. The Parole Board ought to be dealing with issues of release. That is a body that was structured to deal with the issue of conditional release of inmates.

Now there are two groups deciding on release. There is the warden and the Parole Board. The government has decided to stay with that. Suffice it to say that in my work with the committee, with my colleagues on the committee, I have received some assurance that the wardens are sensitive to this concern. As a result they have built around them the necessary information systems and committee structures to ensure that no ETAs take place without the essential critical examination of the issue of risk.

Another area that the bill tried to address and did address in part was the issue of victims who up to now had been statutorily completely excluded from any consideration within the system. Victims now can at least take comfort in the fact that there is now a definition in the act of what a victim is. The position of victims can now be taken into account at the time of consideration of parole, or in fact at any point. There is nothing to stop the victim from communicating with CSC officials or the Parole Board at any time in relation to an offender, and administrative mechanisms to accommodate that have been created and hopefully will function well. I am sure that all members of the committee will keep an eye on the system in the future and continue to monitor it to see how it is working.

One thing that was not done is that there is no mechanism within government, within the institution to deal with the concept of victims to assure the public that the interests of victims are being adequately taken into account within Corrections Canada and the Parole Board. That, in the face of several other things, is unfortunate.

This act actually sets up the office of the correctional investigator to look into the concerns of inmates within the institution and it gives the correctional investigator a lot of power to do just that, to look after the concerns of inmates.

There is nothing in this bill, nothing at all, to deal with the concerns or interests of victims of inmates. Some say that it is not necessary but I think it would be a very useful addition. I am hopeful, given the extent of the committee hearings, that the government will make some attempt to institute some office within CSC or the Parole Board to monitor and advocate the issues of victims as they arise within the system. Some office is clearly needed within CSC to deal with the increased correspondence that may come from victims who may feel they have a continuing interest in the file of an inmate.

Another area that was left untouched was that of multiple sentences. I refer to the concept of the freebie where an inmate who gets a ten-year sentence is released at the one-third or one-half mark and then goes out on the street and commits an offence that might be worth a two-year sentence. He or she can commit the offence, go to court, plead guilty and get a two or three-year sentence. What the law now provides, what this amending bill provides, is that the start date of the two-year sentence is the same as the start date for the ten-year sentence. The net effect is that it is a freebie. No additional sentence is served. In fact, in most cases that two-year sentence would be over before the inmate

Government Orders

got to the institution. That is an absurdity and it was not corrected in this bill, notwithstanding amendments put forward by the opposition.

Maybe the reason was that the government is committed to introducing sentencing reform legislation. In our view that should have been presented before corrections. In terms of time sequence sentencing clearly comes before corrections and parole.

In fact, the cart is before the horse. Sentencing reforms are going to come after corrections reforms. I regret that. The reason for that has never been adequately explained. It might be political, it might be administrative. We do not know. I hope these reforms in sentencing come soon. There are many other areas in terms of sentencing that have to be addressed which the public is concerned about that have not yet been dealt with. I would not want anybody to see the end of this debate and the subsequent vote and think that we had dealt with all the issues of criminal law reform that must be dealt with.

Another item is mandatory supervision, or statutory release as it is now called in the new bill. That is the concept of releasing every single inmate at the two-thirds point of the sentence subject to detention provisions that say that if a person is at a real risk of being a violent re-offender that person can be detained, but the burden is on corrections officials to make a case for detention. If they fail to do so, if they mess up—it is not as though they have never made an administrative error in this field before—or if they fail to adequately make the case, that inmate is out at two-thirds.

That concept of mandatory supervision has validity. As a society we do not want to be in a position in which we have to release an offender cold turkey at the very end of a sentence. It just does not make sense to release somebody into the general population. If we did that, that offender, regardless of the offender's intention, on the first day out would be on the Yonge Street subway sitting next to my kids or my family, my mother or my father. We do not want that. We need a time for integration. However, I question whether the two-thirds point is the appropriate point for that release in every

sentence. This issue may come up in the sentencing reforms. I do not know.

I wonder whether the two-thirds point of a 20-year sentence is the same conceptually as the two-thirds point of a three-year sentence. I simply leave that as a matter that from my point of view has been inadequately responded to in the provisions of this bill.

• (1230)

Another area I wanted to mention, it really was not dealt with in the bill but it is appropriate to mention it, concerns appointments to the National Parole Board.

In Toronto yesterday morning my leader and I met with municipal officials and others in the community, including a representational group from the black community. We had a conversation concerning representation of visible minorities in various institutions. This government is in the process of failing to achieve its commitments made to Canadians to hire and ensure reasonable representation of visible minorities.

It is failing in the area of the National Parole Board. Roughly 20 per cent of the population of offenders are visible minorities. That includes visible minorities of all groups. The percentage of Parole Board members who are visible minorities is 1.6 per cent. That 1.6 per cent figure flies in the face of a 5 to 6 per cent of our general population who are visible minorities, and it is terribly inadequate.

The government and the Parole Board have been failing in an area that is extremely important. I want to bring the government's attention to that issue and will continue to bring the government's attention to it until it gets it right.

The bill does not address the area of young offenders, and I guess the government feels it does not have to address it at this point. This is an area which is partially covered by the Young Offenders Act in terms of how young offenders are dealt with in the corrections system. Young offenders here would have to be in the adult system. They would start at about age 17 or 18 because some young offenders are tried in adult courts.

Government Orders

I recently met offenders of that age group in federal institutions and they are looking at life sentences. I feel the corrections administration dealing with young offenders has been inadequate and this bill simply does not deal with that.

I am pleased we were able to get a bill that went this far through. It does make some changes to address perceived needs and real needs. However, most of it involves band-aids and does not go as far as I believe, and many colleagues in the House believe, it should have gone in structurally reforming and addressing changes in the field of corrections and the National Parole Board.

Mr. Rob Nicholson (Parliamentary Secretary to Minister of Justice and Attorney General of Canada): Mr. Speaker, I am pleased to say a few words on this particular bill because I believe it is an important one and it is a good one.

As was pointed out quite correctly by the speaker for the New Democratic Party, it increases the time that offenders will be spending in jail. It increases the discretion by the judge to increase from the present one-sixth and one-third provisions for day and full parole to half the individual's sentence.

Speakers from the New Democratic Party have made these comments before and they have made them again. They described the Tories as being harsh, being tough, in our efforts to crack down on crime and individuals who commit crime in this country.

The term harsh, describing us, who would bring in provisions that would keep people in prison longer than they presently are, we heard over and over again. I guess I am not too surprised. I heard the same thing when we brought changes to the Young Offenders Act. We increased the penalty for premeditated murder. We increased that within the Young Offenders Act and straightened out, in my opinion, the test for transferring individuals to adult court. Again we were called harsh and without feeling.

One member described how the Tories were not taking into consideration these troubled young people who have committed premeditated murder and we tough, bad Tories are increasing the penalty. We heard it then.

The hon. member for Scarborough—Rouge River talks about the gating provisions and the changes that were made in the Dangerous Offenders Act in the

summer of 1986, I believe, in which we made it possible to keep dangerous offenders in prison for the duration of their sentences. We made those changes. Again we heard that summer the same arguments, primarily from the NDP, about how terrible what we Tories are doing. Again we were talking about the most dangerous elements of society presently detained and this government's concern about some of these individuals not being prepared and being released to the streets.

I heard all this again this morning. I am disappointed. I disagree with it but it does not surprise me.

There are a number of good points in this bill, one of which addresses the question of victims. We have had legislation before increasing the rights and taking into account the concerns and the rights of victims. I was pleased that the Solicitor General in his comments at third reading made reference to that fact. He said: "Many victims have told us that one of their greatest needs is for better access to information about those who have victimized them. This bill provides an entitlement to specified information at their request. Moreover, it ensures that should they wish, their views will be given consideration when conditional release decisions are taken." This is a good idea. This is the direction we should be moving in.

I was talking with one of my constituents not an hour ago who was worried about the position of victims and I told him the truth. I said that we are moving in that direction. The very bill that is being discussed in Parliament this morning takes the victims into account when a decision is being made to release an individual and that is as it should be. That is one of those things the big bad Tories are doing in the criminal justice system.

These are changes that I can live with.

One of the arguments made by some hon. members as to why it is terrible that the Tories are increasing penalties and detaining people longer is: "What is the deterrent value of this? Just look at Washington, D.C. It has lots of crime down there and it has tough penalties". I suppose if we take that to its logical conclusion, why would we ever be detaining people who have committed premeditated murder? Why do we not take these troubled individuals and send them on their way or do something else for them? Why would we ever bother detaining anybody?

Government Orders

I disagree with that whole idea. I believe that part of the role of the Criminal Code and all the legislation in this particular area is to provide a deterrent value. I say that partly from experience and partly from what I think is common sense. I practised law for a number of years. I practised occasionally as a defence lawyer. I talked with individuals, some of them my own clients. I remember one individual who was sentenced. He broke into, I believe, 36 different homes in the city of Thorold, Ontario; breaking and entering. He was 16 or 17 years old, and in those days he did not come within the provisions of the Young Offenders Act, but within the Criminal Code. The Crown attorney proceeded, I believe, on seven or eight. The individual received six months in jail. Before I had my bill into legal aid, I was getting a call from the individual. I said: "Just a minute, I thought you just went to jail". He said, "I am out now".

• (1240)

He is out in four or five weeks and back on the street. I ask you, what kind of a message does that send?

We have penalties. We make provisions within the Criminal Code. We set maximum sentences as guidelines to judges because we are trying to send a signal. We send a signal to society as to what we believe is appropriate conduct and what is inappropriate conduct. There is a deterrent value. The members of the NDP and others will say it does not work for everybody. For some individuals a deterrent does not work.

There are other good reasons to keep those individuals for whom a deterrent does not work in jail. Some of the reasons are for the protection of the public. It was estimated that some of these dangerous and difficult offenders serving long sentences may spend four to five months on average. That was the estimate of the hon. member for the NDP. If a deterrent is not going to work before they commit another crime, it will be a little longer before they get the opportunity again. That is only part of what we are doing in the criminal justice system. We are sending out a signal, not only to people within the criminal justice system, but to law-abiding Canadians who must have confidence in the justice system, just as

they must have confidence in the Parliamentary system that we inherited and adapted.

I will tell you what happens when people lose confidence. I read an article about a Latin American country. It said that in the parliament of that particular country, lots of wonderful beautiful speeches were made. It made a very interesting point. The people of that country have no confidence that their parliament can change things. Where were the changes being made? There were all being made out on the streets by means of riots and violence.

-If people lose confidence in the British parliamentary system to be able to change their lives, that is where the decisions will be made. It is no different from the criminal justice system. If people lose confidence that the individuals who have violated them and who have violated the norms of society are not punished, if they believe that justice is not done, they will take justice into their own hands.

One of the things that always makes me nervous is when I read in North America and elsewhere of people who style themselves vigilantes, individuals who say they are going to protect their property. The courts will not do it, so they are going to shoot the next person who tries to rob their store. That should send a signal of fear to every law-abiding Canadian because that is symptomatic of individuals who are starting to lose confidence that the criminal justice system can protect them.

I would say to hon. members that it is a terrible thing keeping these poor misunderstood individuals locked up a little bit longer. All I have to tell you is that you are right. There are many groups that will disagree very forcefully with what I say. Ask your constituents. Ask your next door neighbours how they feel about it. Can you live with the idea that if somebody victimizes you, your family, your home, your property, your city, these people will be detained within the criminal justice system? Can you live with that? Or will you tell me that I must be to blame if a crime is being committed? The blame should be on me so therefore you would not want to keep some of these individuals more than a few weeks or a few months.

Government Orders

I know what the answer is. When I talk with my constituents in Niagara Falls, when I send them surveys and I ask their opinion, they can live with it. They can live with having some relationship between the level of sentence given by the judge and the time spent within the correctional service. I believe they can live with that. There are law-biding Canadians from coast to coast who can live with that. It is important for members to support legislation like this.

I know there are hon. members saying this is not perfect. It is the usual thing, you did not quite get that and you should have done this. I know it is the same thing. I have been involved in over twenty pieces of justice legislation in the last eight years. You always hear that you did not get the timing right, you did not go far enough, you could have done something else.

We are moving in the right direction and that direction is to maintain that confidence within the criminal justice system that is absolutely vital, just as it is for parliamentarians to maintain confidence from the people of Canada that this place too can work, that this place can change people's lives. Once you have lost that, it is all that separates peace from chaos.

If you do not believe me, check into countries in which people do not have any respect for the criminal justice system. Check into countries that have no respect for their parliamentary systems of government or whatever governments they have, and you find there is chaos and that law-biding people say: "Hey, if the system does not work then I am going to protect myself. I had better protect my family. I had better protect my community".

That is why I believe there is something in it for all members of Parliament to support legislation like this. For those hon. members who say: "You did not come in with this next bill and maybe this would have had my support if I could see what you are going to do down the road", we will have lots of legislation in the justice area. All of it will be helping law-biding Canadians. All of it will deal with individuals in a sensitive and constructive manner who get involved with the criminal justice system.

You are seeing it in other pieces of legislation before this House and you will get more. The sooner we move

this one out of this House and over to the Senate, the more opportunity there will be to debate other good pieces of legislation that will be supported by the citizens who live in the ridings of all hon. members.

Mr. Tom Wappel (Scarborough West): Mr. Speaker, it is rhetoric at its best. Let us talk some facts. Let us talk facts and not rhetoric.

The hon. member talked about the law-biding members of his community and he talked about the community of Thorold. Let us talk about the community of Thorold and the client that he had who committed some 36 break and enters and how surprised he was when that individual called him again because he was out.

He said: "We bad Tories are being accused of being rough on people because we keep these people in prison and we make them serve their sentence". Let us talk about this client of the hon. member.

He had a provincial sentence of six months and he broke into 36 different homes. Sooner or later, if he continues to offend, he is going to get into what they call the big house, the penitentiary system.

What does this bill from the so-called big, bad Tories do? It says that individual, because he is a first-time offender in the penitentiary system, even though he has broken into 36 or 46 or 56 homes in Thorold, when he gets to one-third of his sentence, he must be released. If he is sentenced to two years in jail, he serves one-third of his sentence and then he must be released, even if the Parole Board believes on the best possible evidence that he is going to go out and steal a few cars in Thorold or that he is going to break into a few more homes and trash a few more homes and scare a few more elderly people.

This is the protection of the public. This is the protection of the law-biding citizen he is talking about. These people must be released.

We are not talking about the National Parole Board looking at the situation and deciding under certain circumstances that this particular person is deserving of being released. These people must be released. The very person he was talking about must be released after serving one-third.

That is in this bill.

Government Orders

What about the more dangerous offender that he is talking about? What about those people who commit a series of offences, repeat offenders? They must be released after two-thirds of their sentence.

There is no discretion in the Parole Board. I am not talking here now about the violent offender schedule one, schedule two. I am talking about break and enter artists. I am talking about cat burglars, car thieves, fraud people who defraud elderly citizens of their hard-earned savings. They must be released after two-thirds of their sentence.

How is that the protection of the law-biding citizen, I ask the hon. member?

Mr. Nicholson: Mr. Speaker, Thorold is not in my riding, as wonderful a community as it is. I said the individual was accused of that. He was convicted of, I believe, seven at the time.

That being said, I am glad the hon. member brought up the subject of the National Parole Board.

• (1250)

If there is an institution which I have confidence in within our system it is the National Parole Board. As his colleague, the hon. member for Scarborough—Rouge River pointed out, the decisions overwhelmingly are the right decisions within the confines of the bill.

With respect to dangerous offenders, I do not agree that the individual who continues to commit crimes has to be let out after one-third. That is not what the bill says.

If the hon. member is pointing out inadequacies in other particular points of the bill I would be glad to examine them. He brought up a good point. He said: "I am not talking about dangerous offenders or offences listed within the schedule". Is the hon. member suggesting that he would like to add more? If that is the position of his party let him say so.

The hon. member will remember the trouble that we had during the summer in getting the changes that we did. His party, when it was in power, brought in the bill that offenders must be let out after two-thirds of their sentences. It did not make any difference whether they had stabbed 100 people or if they were in for as many violent crimes as they can count.

We made a change. Maybe I would have liked to have gone farther at the time, but I can tell the member that

we are moving in the right direction in all these areas. Just as on that summer day when we reconvened Parliament to get that particular bill, it is a step in the right direction.

However, it is always the same charge: "It is not perfect", or: "You did not go far enough. This is great but you did not attack the causes of crime".

Mr. Milliken: You didn't have to recall Parliament.

Mr. Nicholson: I can tell you that we have introduced close to 30 pieces of legislation since 1984 in the justice area. This particular bill is in the purview of the Solicitor General for Canada but it deals with the same particular area, the same problems within Canadian society. I believe that every one of them improves the confidence that individuals can have in the Canadian criminal justice system.

I believe that all of them are a step in the right direction. All of them have met with more or less resistance. Some of them went through very quickly with minor changes or minor suggestions, but generally the other parties—his party included—did not like what we were doing in all these areas.

I can tell the hon. member that if this bill gets talked, talked and talked or if the hon. member wants changes at this particular point that cannot be done or should not be done if this bill is to be in place before the summer then he is not being helpful in this whole area that he purports to have concerns about.

If the hon. member wants to give more discretion, put more discretion in the hands of those who are administering or setting penalties and terms for individuals, then support this bill. Put more discretion in the hands of the judges who will be looking at and sentencing these individuals. They are in a pretty good position to be able to evaluate.

Mr. Derek Blackburn (Brañt): Mr. Speaker, the member for Niagara Falls said that there was a crisis in the public perception out there today with respect to confidence in the criminal justice system.

He said that he feels that by getting tougher in the sentencing and the parole system and by keeping them behind bars longer somehow confidence will be restored. I want to remind my hon. colleague from Niagara Falls that after the race riots in Los Angeles just a week or so ago over 7,000 people had to be processed within 48 hours in the court system.

S. O. 31

I want to ask the member if he thinks that if those 7,000 people were each given a lengthy prison term for what they did—which was illegal, which I do not condone and for which they should pay—there would be no more race riots in the United States, there would be no more riots in the Los Angeles ghettos or in the ghettos of Washington or Chicago? Is that what he is saying? Is that how to restore confidence in the criminal justice system, by throwing them in jail and keeping them there and then ignoring the real causes of crime in society?

Mr. Nicholson: Mr. Speaker, the member makes an interesting argument. Somehow I am supposed to sort out what they are doing in Los Angeles.

I believe very strongly in the criminal justice system as it works in Canada. I have spent the better part of my adult life involved with it. I have confidence in it. I think it works. I think every individual should have a fair trial and all the protections of the British parliamentary system. I have no idea what protections are in place in Los Angeles. I will respond directly to the hon. member's point. He asks: "Do you restore confidence in the justice system by giving lengthy sentences to people who commit crimes?"

I do not know, but I can make a pretty good guess. I can tell the member that if you take 7,000 people who commit crimes during a riot and turn them loose I know for sure that—

Mr. Blackburn (Brant): I did not say that.

Mr. Nicholson: All right, slap them on the wrist, keep them in for ten days or two weeks. All I can say is that unless you give a sentence that is commensurate in people's minds with the seriousness of the crime, people will lose that confidence.

For the members of the NDP every sentence is a sentence that is too long. It is never quite possible to pin down what the appropriate sentence is.

Mr. Blackburn: I never said that either.

Mr. Nicholson: I was not saying that applied only to the member, I am saying it in general about his colleagues.

In terms of what is appropriate for 7,000 individuals who commit crimes in the middle of a riot I am not prepared to say what—

Mr. Blackburn (Brant): Point of order, Mr. Speaker. The member has just said that the NDP has said that every sentence is too long. Nobody in this party has ever

said that, and I never said that this morning. That is absolutely incorrect.

Mr. Nicholson: I was referring to the hon. member specifically. However, if there is an example of one sentence that the NDP has thought appropriate in terms of individuals who have committed violent acts, let me know what it was. Generally, in my eight years in this place I have found that whenever the subject of increased penalties was discussed members of the NDP would say: "We are against that", or: "You are not dealing with the right question, you are not asking the right question".

Tell me when and where it is appropriate and I will be glad to listen to it, and probably would support it.

Mr. Milliken: Mr. Speaker, in view of the fact that it is 12.58 p.m., and rather than have the hon. member start his speech and be interrupted by the lunch hour I wonder if there would be a disposition to call it one o'clock.

The Acting Speaker (Mr. DeBlois): Is there unanimous consent to call it one o'clock p.m.?

Some hon. members: Agreed.

The Acting Speaker (Mr. DeBlois): Therefore, it being one o'clock p.m., I do now leave the chair until 2 p.m. pursuant to Standing Order 24(2).

The House took recess at 1 p.m.

AFTER RECESS

The House resumed at 2 p.m.

STATEMENTS PURSUANT TO S. O. 31

[Translation]

SCHOOL DROPOUTS

Mr. Marcel R. Tremblay (Québec-Est): Mr. Speaker, I welcome this opportunity to announce the results of a report by the Conference Board of Canada on the high price of dropping out of school in Canada.

The federal "School First" project stresses the importance of a high school diploma if young people are to be successful on the labour market. The same study estimated that 137,000 students who dropped out of high school in 1989 will cost Canada more than \$4 billion over their working lifetime in terms of loss of income and productivity and in terms of increased social spending. This is a serious dent in the Canadian economy.

POINT OF ORDER

WESTRAY MINE DISASTER

Mr. David Dingwall (Cape Breton—East Richmond): Mr. Speaker, yesterday and today was certainly not the time in which to ask questions concerning the Westray coal mine, but I would like to advise the Minister of Labour, the Minister of Energy, Mines and Resources and all other ministers and agencies of the Government of Canada that we on this side of the House expect the government to be open and co-operative in providing members of this House with all documents, including studies, reports, letters, correspondence, consultants' reports and all other information with regard—

Mr. Speaker: I am not at all sure that that is an appropriate point of order. We have finished Question Period. If the hon. member wants to raise that matter on the floor of the House I think it would have to be done at the appropriate point.

Serious as the matter may be, I do not think it is appropriate to raise it at this point.

Mr. Dingwall: Mr. Speaker, the Chair should be advised that this subject matter will be reviewed at Question Period at subsequent times. We wish to extend a courtesy to the government in order that the appropriate documentation can be made available.

Some hon. members: Oh, oh.

Mr. Speaker: No matter how important this matter may be, the hon. member for Cape Breton—East Richmond is, I think, out of order in raising it in the way he is doing.

The hon. government House leader.

Hon. Harvie Andre (Minister of State and Leader of the Government in the House of Commons): Mr. Speaker, I just want to make a point. We had today 50 minutes of Question Period in which he had an opportunity to get on his party's list to ask any questions. He chose not to and used the bogus point of order to grandstand. I do not think it is an appropriate use of the House time and I agree with your ruling.

Mr. Dingwall: Mr. Speaker, this member will accept the decision of the Chair with regard to my point of order, but I wish to inform the Chair that this subject matter will be raised at a subsequent time.

Government Orders

Mr. Speaker: It may be. I am not taking anything away from the subject matter and I hope that hon. members and those who are watching understand that. I am just bound by the procedural rules which I must apply. The hon. member for Kamloops.

Mr. Nelson A. Riis (Kamloops): Mr. Speaker, perhaps I could offer a solution. We all appreciate the very sensitive issue that my hon. colleague raises. It is a serious request.

May I suggest that since the House leaders will be meeting in a matter of moments it is something that we can pursue there as a way of obtaining the information.

Mr. Speaker: I thank the hon. member for Kamloops. It is, of course, not for me to suggest that but I think the suggestion bears some merit, if I can go that far.

GOVERNMENT ORDERS

[English]

CORRECTIONS AND CONDITIONAL RELEASE
ACT

MEASURE TO ENACT

The House resumed 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 third time and passed.

Mr. George S. Rideout (Moncton): Mr. Speaker, we have had a very learned dissertation and discussion by our critic and associate critic that crystallized many of the concerns we have with respect to this legislation. It is interesting that the government is concerned about the options in talking about law and order but not really delivering on substance when it comes to this particular bill.

What we see in the legislation is nothing more than tinkering, a little of the smoke and mirrors. The fundamental flaw, which is something that we have talked about before but it bears repeating, is that the government has the cart before the horse again.

Government Orders

It is dealing with parole, it is dealing with conditional releases, it is dealing with temporary absences, escorted and non-escorted, but it does not deal with sentencing.

Obviously if you are dealing with the back end of the system without dealing with the front end of the system, we do not know whether it is going to work and to mesh. What is absolutely essential is that this legislation wait until the sentencing legislation has been dealt with. But the government, using its majority, in forcing this issue has gone forward with this legislation without the sentencing legislation, although the Minister of Justice has promised that sentencing legislation will be coming down almost any day now. In light of that I wonder why the haste.

We had numerous witnesses come before the Standing Committee on Justice and the Solicitor General and ask us to wait for sentencing legislation. I would like to quote two paragraphs from the submission of the Canadian Bar Association:

Bill C-36 purports to be aimed at "public protection and restoring public confidence in the corrections system." However, nothing in the package can have a lasting effect on public protection or confidence, because it does not address the deficiencies in the current system. Rather than advancing the objectives of reform, Bill C-36 maintains many of the current inadequacies.

It went on to talk about the fact that sentencing has not yet been dealt with. I quote again from the CBA report:

The major point that we would make is that all of these commissions recommended an integrated approach to this corrections and condition of release area. What you are doing is starting with corrections and conditional releases and deferring sentencing until next year. When we go to court, the first thing that happens is that we stand up in front of a judge and we make submissions on sentence. We don't make submissions to the parole board first or to the prison authorities second and then to the judge; we do it the other way around.

I think that crystallizes the basic flaw in the government proceeding in the fashion that it has. We on this side, as the House is well aware, moved an amendment and asked that this bill not go forward.

• (1510)

We were even prepared to complete clause by clause study, then hold it so that it could come back for amendment if necessary, pending the government coming forward with sentencing legislation. Now we will

have to wait for the sentencing legislation and then try to make it work with what we will make law today. That is absolutely backwards.

Some things in the legislation have merit. We heard testimony from a number of witnesses, especially the victims of Larry Takahashi. Mrs. de Villiers talked about having victims included in the process. The bill does that. It would be of benefit if the House heard what some of those witnesses had to say as to what happened to them and why we, on this side, feel that it is important that victims are part of this process, that they have a say in what happens to them.

Some will argue that once the crime has been committed it is the end of it as far as the victim is concerned. The state steps in and the victim is just a side bar issue. We on this side feel that the victim should be involved in the process all the way through. The obvious reasons are things like the fact there may be a release and a victim may bump into the person who committed the crime on the street. That is a straightforward reason which is dealt with. There are other reasons why the victims should be involved. We should talk about the victims for a while.

I quote from some of the Takahashi victims.

This is another issue that should be dealt with fairly. It is grossly unjust to the victim to have his or her charges dropped because the courts cannot afford to prosecute. So we want his entire record to be considered here, not just his sentence and his conviction. Takahashi was charged with seven counts but the counts he committed were much higher.

What the victim is talking about is the allegation that this gentlemen may have committed over 100 rapes in the Edmonton area. All he was charged with and convicted of were seven. We are concerned as to the ramifications of that both as to sentence and as to eligibility for parole and eligibility for temporary absences. He is the same gentleman, who was out playing golf. There are concerns about that. If victims are out on the same golf course it may be a shocking experience for them if they are not aware of what is going on.

Again I quote:

When we started the process we didn't see one, but as we've gone along we have learned to live with rehabilitation, yes. The truth of the matter is that he will be out of prison, it's a fact. We all know that. If he's in any way rehabilitated and is not the same person he was when he went in, that fact gives us all peace of mind.

Government Orders

If the victims are involved in the process, and they know what types of programs this particular person has been in in prison and outside of prison on community based services and they know he has been making progress in dealing with the particular problem, in this case, a problem with sexual assault, then the victims have some comfort that when this person comes out he is least likely to commit the crime again. The victim wants to be involved in that and to have that assurance.

The other side of the victim issue is one that was near and dear to my heart back when I was in my other life as a municipal politician. We put a victim's assistance program into our police department. When the police went to the scene of a crime involving sexual assault or even a break and enter, they also had someone with them from the police department to help the victims get over that sense of violation when it is a break and enter, and the emotional strain and the problems of a sexual assault.

I again quote from the Takahashi victims.

The police treated me really roughly. They gave me heck for fighting back and standing up for myself after the assault. One of the girls who isn't here had her bed sheets delivered to her two years later with holes cut out of them. They said, "Here you are: here's your evidence".

It shows that the justice system is an unfeeling system and has no concern for the victims if these types of things are allowed to happen.

If we do not put into the system something that carries the victim from the commission of the offence all the way through the process until they are rehabilitated—and hopefully the perpetrators are rehabilitated—we are going to be facing problems. We have an obligation to victims to give them the benefit of the doubt in these circumstances.

The legislation does do things for victims. We are going to have to wait and see how far it gets, what it accomplishes and whether victims' assistance works.

As well, we must expect the other levels of government, down to the municipal police force, to have that commitment to victims' services. That commitment should be made all the way through the system and we should not just say that it is a federal responsibility, a provincial responsibility or a municipal responsibility. It is everyone's responsibility.

We also heard testimony from other groups who are working with offenders—the Elizabeth Fry Society, the John Howard Society and a number of aboriginal offender group—and who are trying to establish community based services both within and without the institutions. They told us that the major problem in our institutions is drugs. It is a serious problem. It is a continual problem. No matter what they have tried to do they have not been able to deal with that particular situation. It is not just alcohol abuse but it is all forms of substance abuse.

We have to wonder whether our corrections system is working if that type of problem still exists within our institutions. We have built walls to keep people in prison, but yet they have ready access to drugs. One must wonder.

A second concern which has not really been fully dealt with in this legislation is the problem of illiteracy. The statistics that we were given showed that about 40 per cent of all the prisoners in the institutions are functionally illiterate. How can we do anything with any other program that is available if we are dealing with somebody who is functionally illiterate? This legislation does nothing to improve that particular area and provide the types of programs that are necessary in that area.

A large portion of our prison population is made up of sex offenders. The testimony that we heard said that there are very few programs to deal with rehabilitation for them. Again, our system is sorely lacking in that area and there is a lot more that needs to be done. This legislation before us, Bill C-36, really does not help.

We heard time and time again about the special needs of aboriginal people, aboriginal women and other women in the institutions. I think society and the government feel that everything will work fine. All we have to do is just throw them in jail, leave them there for the prescribed time and when they come out everything will be fine.

However, experience tells us that is not the case, the reverse will happen. If we do not have the necessary programs and the necessary rehabilitation to deal with the whole gambit of problems involving inmates then we are going to face a far greater problem five or ten years down the road.

Government Orders

We have to rethink what we are doing with the whole system, rather than tinkering with minor little things here and there and trying to throw a sop to those people who think every criminal should be put in jail while at the same time throwing another sop to the others who think nobody should be put in jail. We must come to grips with the fundamental problems and this piece of legislation does not do it.

There are some things that we do like in the legislation. We tried to be constructive as this bill went through the committee and we are trying to be constructive again today. We believe that the fundamental principle that is now clearly in the bill because of the amendments we made is that the protection of society is the paramount *raison d'être* for the correctional services. We think that is good. We also believe that victims should have rights and that they should be involved in the process. As well, we believe that inmates have rights and there are sections in the legislation which guarantee the rights of inmates.

In that broad context, we are supportive of those efforts in the legislation. However, when they are translated into what has been done all this bill does is firm up and crystallize existing practice without making any changes, and all acknowledge that the system does not work.

• (1520)

I will refer the House to what the Canadian Bar Association had to say so that members can realize that is the case.

We were pleased that the government moved on the issue of temporary absences. I know from my own personal experience of the problems we had with the escape of Allan Légère, which occurred on an escorted temporary absence.

We know of the problems with Daniel Gingras. Time and time again we have heard of the problems with temporary absences and how they are dealt with. There is no question that temporary absences have a lot of success in reintegrating people into society. They are necessary.

At the same time the government had to go forward with the Pepino report to try to remedy some of the problems that exist around temporary absences.

We think that we might have solved some of the problems in this legislation and we are supportive of the government in that area, but there is still much to be done.

We also agree with the idea of classification of offenders. I have some difficulty with the colour coding because the worst criminals are coded red and I had suggested that it might be blue but the committee members did not see their way clear on that issue. The idea of classification, so that there is a higher classification for those who are higher risks and then on down the scale, is something that we on this side put forward to the government about a year and a half ago. Needless to say we are pleased that it is in the legislation and that the government has seen the wisdom of the opposition's point of view.

We have also been calling for and agree with some of the measures involving aboriginal and women prisoners or offenders. This is a very trying area. It will be interesting once we see what happens with the new prison system that is contemplated for women so that all women are not separated from their families and children. As new institutions come on the scene they can be closer to their families.

It is clear that some of the initiatives concerning native people in the institutions are having some success. They are having success because we are involving native people in the process.

The message that came out is that we need more of that, and we on this side are supportive of those types of endeavours. However, this legislation does not move much toward that type of change but really reinforces the *status quo*.

As was commented earlier, there is a lot of tinkering and a lot of technicalities, but nothing which gets to the root problems.

The big question that a lot of people are asking is whether this bill will really do anything to make the public feel secure.

That is where we have to draw the line and say: No, it really is not going to make that much difference. It is not really going to accomplish that much. It is the classic example of a Canadian compromise: just a little bit here, a little bit there and hopefully it will all go away. That is what this bill does.

Government Orders

It does not really do anything to get to the root problems. We need sentencing reform. We need community based services both working inside the system and outside the system. We must have a war on drugs, both inside the institution and outside the institution. We need to do something on programs dealing with education and rehabilitation. We must rethink the whole process from a sentencing point of view, which is going to come in the future, as well as parole, conditional releases and the like.

It is really a sad day because the government had an opportunity to come up with some constructive, positive legislation which would give people back the confidence that they had a system that worked and would keep those violent offenders off the streets and keep our streets safe, while at the same time rescuing some of those disadvantaged people who find themselves on the opposite side of the law but can be salvaged.

This legislation does not do the trick, so we face that reality. We try to make improvements and there is still much to be done. Hopefully this is one step in a process that will see, ultimately, good and proper legislation in the area of parole, corrections and most of all, sentencing.

Mr. Tom Wappel (Scarborough West): Mr. Speaker, if I may make a brief comment and then just ask my colleague a question.

I want to let the House know that during the committee stage of Bill C-36, in addition to myself and my colleague, the hon. member for Scarborough—Rouge River, the hon. member for Moncton took a very active part in all of the hearings, including travelling to Edmonton and Vancouver, listening to the witnesses, questioning, commenting, suggesting amendments and improvements to the bill.

He worked very hard and demonstrated obvious commitment and concern with respect to this area. It is important for the people of Canada to know that he was instrumental in putting whatever amendments the Liberal Party had forward to make this bill as good as it can be under the circumstances.

He was talking in his very excellent speech about support services. He was talking about the number of sex offenders we have in the system today and the fact that there are not those support services out there to help them be rehabilitated into society.

I want to ask him to turn his mind for a few minutes, if he would not mind, to the support services for parolees

in general. I am thinking, in particular, of what used to be mandatory supervision but will now be statutory release. I wonder if he might comment about what he heard and what his feeling is in connection with whether there is going to be the kind of supervision and the kind of help after parole that there might be in the prison system.

It is my understanding that the department is understaffed and will be releasing a lot of offenders on parole. There will not be that ability of the department to help them reintegrate into society. When we were in the Edmonton institution, as my hon. friend will recall, we were told about the revolving door syndrome of inmates who come in, get paroled and they are right back in again. It was the prisoners who were talking about it in that way.

I wonder if my hon. friend might spend just a few moments talking about the after-parole care, if there is any.

Mr. Rideout: I thank my colleague for his question.

My colleague is actually quite correct when he talks about the revolving door syndrome and the testimony that we had at committee. That points to the real problem.

On the one hand, we see prison populations going up. The cost is astronomical when you analyse it and I am sure my colleague will recall that we have about 13,000 people in institutions in this country. Corrections Canada employs about 11,000, so we almost have one person for every prisoner or inmate in the system and still it does not work. Our whole thrust is aimed, as I gather, at keeping them in the institutions and letting them do their time and then letting them go.

The programs are overtaxed. A lot of the inmates and a lot of the witnesses told us about the problems of getting on to programs. Sex offenders, in particular, sometimes have to wait months and some get in the institution and back out even before they have had a chance to get on any program at all.

What we are facing is a situation in which our emphasis is in the area of control without the other attachment to that which is in the area of rehabilitation. We are going to face greater problems as time goes by because we are going to keep people in longer. There are going to be more people in the institutions and there are going to be fewer dollars available for programs.

Government Orders

There will be less done to try to prepare people to re-enter society, less done to try to help them with their mental problems in dealing with many aspects of life and, as a consequence, they are going to re-offend.

• (1530)

Some of the prisoners and some of the guards told us that they almost run a lottery to try to pick the time when the inmate will be back after he has been released. We know the end result and they know the end result. They are asking: "Will he last a week, a month or maybe two months"? That is symptomatic of the problem.

Ms. Lynn Hunter (Saanich—Gulf Islands): Mr. Speaker, I am pleased to add my voice on debate this afternoon on this important bill.

My colleague from Brant, who is our critic in this area, and I are the only ones so far in this debate who can claim to be non-lawyers. That gives a different perspective on the confidence one has in the criminal justice system. Those of us who have not been trained as lawyers have an additional degree of scepticism about the criminal justice system.

Most Canadians do not have the confidence in the criminal justice system is going to protect us. It takes much more than a criminal justice system to do that. This bill is quite a callous attempt at fostering that confidence in the criminal justice system that is not merited.

It is the whole view, the myth, that if a crime is punished, the crime has been addressed. It has not been. There are the victims, the community concern and the fear. It is not only the victim of the crime who is affected, it is the whole community that is affected.

I also want to address the view that New Democrats are soft on crime and that we are bleeding hearts. That is a common perception. I would like to dismiss that as a myth as well. We are not soft on crime. We certainly may have a different approach to addressing it. This bill is another example of what I call the curse of linear thinking. If there is a crime committed, you catch the criminal, you punish him and therefore it is done. It is not done.

If we are going to make our communities safer and have the criminal justice system protect us, we have to

put resources into crime prevention. We have to put resources into poverty alleviation and reduction. We have to put resources into day care. There has been research in the past, both here and in the United States, that has amply demonstrated that those who are in prison have been subjected to child neglect and often abuse. This government does not seem to see the connection between providing for the children of Canada and the reduction in crime.

There also has to be a reduction in drug use. I am not only talking about drugs we see on crime shows. I am not talking about cocaine, heroin and marijuana. I am talking about drugs generally, including alcohol. As someone pointed out, there is a perception that alcohol is outside the realm of drugs. It is not. There is a selective moralizing about what actually leads to criminal acts. When judgment falls by the wayside, people are more likely to commit crimes.

This bill does nothing to make us safer in our communities. It certainly does not give us any further confidence that we are going to be safer. Women are more likely to be victims of violent crimes than men. It makes sense. They would rather pick on someone who is not as physically intimidating.

As my colleague for Brant was pointing out, this bill is actually a hoax. The timing of the introduction of this bill is interesting. Obviously, the government is wishing to be re-elected. If it takes a firm law and order stand, it thinks its chances of being re-elected might be heightened somewhat, but it is the linear thinking.

Why can we not just look at our community and see what addresses it? As a parent I know that if my children committed a wrong, they were punished, but it was not just punishment. There was some other work alongside of that. Why can we not run our communities like that? Why can we not inject a little common sense into how we conduct our society? It seems beyond the ken of this government that that would be an approach.

As I said, there is the myth that we in the New Democrats are soft on crime. I know the member for Niagara Falls on the government side made a contribution to this debate. He said: "The New Democrats always want shorter sentences".

Government Orders

I want to give a few examples that will dispute that. A couple of weeks ago in Nova Scotia a woman died at the hands of her former partner. Her name was Lorraine Mills. Another fact is that often times it is the victim's names that get lost in this and it is criminal names that are given some profile.

Lorraine Mills died. She was knifed by her former partner. The first time he had beaten her senseless, he was put on probation. She used the criminal justice system, she charged him, he was put on probation. The second time it happened, he was put in jail for 30 days. The third time he killed her.

We in this party have consistently called for just sentences for criminals. That man was a danger to that woman. She used the criminal justice system and she is dead. Let us not make any bones about it, this bill would not have prevented the death of Lorraine Mills nor many of the other deaths of women.

It is one of the curiosities in this country that it seems to be that crimes against property have a greater priority than crimes against women. As part of that group that seems to be so dispensable, I felt a sense of outrage at that.

This is not what this House should be doing. This is not what this government should be doing, introducing a bill that is really a sop to those. It gives us a false sense of comfort, a false sense of security. I am no safer if this bill passes than if it does not. Nor is any other woman in Canada.

As the previous speaker indicated, one of the greater proportions of our prison population are sexual offenders. There is a prison in my province called Matsqui. This is where most of the sexual offenders are housed. There is no rehabilitation scheme of any purport in that system. Once again there is a false sense of security.

If a sexual offender is sentenced to Matsqui, most of us believe, and I believed until I looked into it, that somehow these dangerous men who had attacked women in a violent way were going to be somehow rehabilitated. They are going to be seen, their behaviour looked at and changed. There were to be some alternatives to incarceration because we as women know they will once again be on the streets at some time and that is scary.

I know it is a small proportion of men in society that actually commit these kinds of crimes, but the ones that do are very frightening. Corrections Canada does not

have statistics on the recidivism rate for sexual offenders, for those who have received treatment or those who have not. Why is that? It is because it is not a priority. This government does not make it a priority to do that kind of research. I am really offended by that. What is the role of government if not to make its citizens more secure, if not to do that kind of research?

• (1540)

We just warehouse these dangerous men and at the end of their sentences we let them out on the street again so they can probably do it again because they certainly have not been treated and rehabilitated.

This is a political bill. The timing of it is to give us confidence that this government is in control, that we are a law-abiding society and that this government is going to be tough. It is going to be tough, but it is not going to make us safer.

I am certainly not soft on crime. My cousin for a good while was an officer in the Vancouver city police force. It was the violence of that city that finally got him to seek another career. There was no structure. He was just going and putting band aids on the problems. The most dangerous situations, he told me, were those domestic disputes where he would have to go in and try to intervene. There is no mechanism from this government to try to assist those police officers. They go into these dangerous situations and risk their lives, but there are no structures to support them.

I know that police officers have given testimony before the committee on this bill. They seemed to have a greater understanding than the officials who drafted this bill, this government.

I want to quote from the testimony of one of the police officers. This is from the Canadian Police Association brief. He said: "We must educate our youth about all drugs and the dangerous results for them personally. If they abuse these substances in order to accomplish this goal someone is going to have to jar the federal, provincial and municipal governments into providing funds to deal with this danger. Responsibility is passed from federal to provincial to municipal authorities with no additional funds being granted". It is another way of off-loading, which is a term I know that we are becoming all too familiar with in this government. It is that belief that the municipalities, by increased police expenditures, will be able to do the job.

Government Orders

They are not going to be able to do the job if this government does not take action in poverty alleviation, creating jobs, getting people employed and with day care so that we can reduce the incidents of child neglect and abuse, with funds for education and retraining, to give those people some hope. Crime is a result of despair, when they have had no other choice but to commit a crime in order to earn a livelihood one way or another, by fair means or foul.

This bill is sadly lacking in vision and absolutely shot through with the curse of linear thinking. We cannot support the bill in its present form. I just hope that those watching from the government side will consider some of the suggestions that we have made because I think that as opposition parties we have a responsibility not just to criticize bad legislation, and this is certainly in that category, but also to put forth alternatives. It is not going to be one bill on the Correction and Conditional Release Act that is going to do it. I encourage the government members to look at the big picture, to see the kind of social policies that it could enact to be able to make our community a safer place for all of us.

Mr. Derek Blackburn (Brant): Mr. Speaker, I want to thank my friend and colleague from Saanich for her intervention this afternoon and very fine speech. I was particularly interested in hearing comments from a female member of Parliament, but also one who is not a lawyer and one who I presume has not worked in the criminal justice system as a professional.

I have a question I want to ask her. It has to do with treatment within the prison system in Canada. As she knows, at the present time there is little or no meaningful treatment going on within our prison system to address the specific needs of the criminal sexual offender, or the sexual psychopath as we used to refer to them.

These are in most instances, if not all, very ill people. We know that they almost always come from a violent background, that they have had sexual violence done to them, usually in their youth or childhood and consequently sexual violence has become almost a way of life with them. They cannot express their feelings or their love in any way other than in a violent way.

Would the member be prepared to see in legislation like this even longer sentences, sentences where eligibility for parole would not come until almost the very end of a sentence or indeed no eligibility for parole if there

was an ironclad guarantee on the part of the government that while that inmate was in the present system, that inmate was able to obtain good treatment programs of a variety of natures, programs that we know exist in the United States, that exist in Europe but do not exist here. Would the hon. member be prepared to accept that proposition?

Ms. Hunter: I thank the member for Brant for his question. I think that is a very good suggestion. What we want is a safer society.

I have seen television programs on this kind of suggestion from the United States. When these people who have committed the crime, most of whom who have been terribly brutalized in their own lives, actually confront themselves with what they have done to normally women, but it is oftentimes young boys, and victimizing them, that is the breakthrough. Then they realize that they are human beings. They have been so dehumanized by what has occurred to them in their own lives that when their humanity is shown to them by confronting them with the nature of their crimes and the kind of wreckage that they have left behind them, that is a way of having them rehabilitated.

This takes a long time. We are not putting band aids on these people who have been so badly brutalized in their own lives. It may take years. I would rather that happen than have them just warehoused as they are now and then let out on the street to commit another crime.

Mr. Tom Wappel (Scarborough West): Mr. Speaker, I listened with great care to the hon. member, particularly to her comments with respect to sexual offences and offences against women.

I would seek her comments as a non-lawyer specifically with respect to what this bill talks about in terms of what happens for example to a sexual offender. As I am sure she is aware, if a sexual offender has reached two-thirds of the sentence, this bill requires that that sexual offender be released, regardless of whether or not there has been any rehabilitative therapy, regardless of whether or not that person has benefited from that therapy, unless—and here is where we have in clause 129 detention during period of statutory release—the board shows that the offence that was committed by the sexual offender caused the death of or serious harm to another person and, second, that there are reasonable grounds to assume that it will happen again.

Government Orders

One of the problems that we saw was the definition of serious harm. That could be psychological, but is it likely to be treated as psychological? There is no definition.

The concern that I have, and I am wondering if my hon. friend could comment, is that the Parole Board must show first that there was death or serious harm, whatever that phrase means, caused by the sexual offender and that he is reasonably likely to reoffend. Unless they can show both of those, the offender must be released at two-thirds, regardless of whether treatment has been given and whether that treatment has been effective. Does she agree with that portion of the bill?

• (1550)

Ms. Hunter: I do not agree with that. I would rather have the criminal warehoused than out on the street. It means that he will have to serve the full term of his sentence in order to keep the community safe, and we are talking months in most instances. I would rather have him there for months rather than out on the street for months.

On the term harm, anyone who has been the victim of a sexual attack can judge whether there is harm. Most women statistically have had some incident of sexual attack. I know I have and if you get a group of women in a room, each will give her experiences one way or another. Who decides what is harm? Is it the Parole Board made up of mostly men? That is another consideration that should be incorporated in this type of bill.

Hon. Warren Allmand (Notre-Dame-de-Grâce): Mr. Speaker, the bill before us, as referred to by other hon. members, is one that deals with changes to the parole and correctional systems and also legislates the position of the correctional investigator; that is, entrenches in legislation the status and role of a correctional investigator who is an ombudsman for prison inmates and for issues that arise in prison.

We in the Liberal Party oppose this bill and we oppose it basically for three reasons. We do not believe that it improves protection of the public as alleged in clause 4 of the bill.

Clause 4 states that the purpose of the bill is to improve the protection of society. We believe that the further provisions in the bill do not move in that direction sufficiently to support the principle.

Second, we do not support the bill because the bill does not at the same time deal with sentencing and I will discuss this at greater length in a few minutes.

If you are going to deal with some radical changes or important changes in the parole system such as changing the conditions for varying sentence or varying the administration of a sentence, then you should also deal with the policy on sentencing at the same time. Originally, this package of legislation was supposed to deal with both sentencing and parole and it does not. It deals only with parole. The other half of the equation is not there. Consequently, we feel that the legislation is lacking.

Third, we oppose the legislation because the position of the correctional investigator is not established as an officer of Parliament, as the Auditor General and the Commissioner for Official Languages are. As set out in this bill, the correctional investigator reports to the Solicitor General, who in turn with his officials can bury such a report before it is made public in Parliament.

Those are the principle reasons for opposing this bill. I would like to discuss those at greater length.

I said that one of the reasons we oppose the bill is that it does not deal with the new policy on sentencing which was supposed to accompany this bill. There is a very close relationship between sentencing and parole.

As all hon. members know, when an individual is charged with a crime and found guilty by the court, the court applies or gives out one of the sentences that is set out in the Criminal Code for that offence. In most cases, those sentences are definite sentences. They are for two years, five years, seven years or 10 years.

Government Orders

I would say that well over 90 per cent of those people who are sentenced by the court are sentenced for definite sentences. It is only by exception for certain very serious crimes such as murder, for which you are given a life sentence or when you are found to be a dangerous offender, that you are given an indeterminate sentence.

Since the sentencing policy and the sentencing provisions are set out in the Criminal Code, they are modified to some extent by the parole legislation. The parole legislation determines when you would be released from incarceration as part of your sentence and serve the rest of your sentence outside prison, either in a halfway house or working under control with a parole supervisor.

As I say and as the critic of our party has said, to deal with simply the parole part of that situation and not the sentencing part is not to present us with a very complete package.

By the way, parole is only one type of conditional release. Another type of conditional release are temporary absences, either escorted or unescorted. The escorted kind is usually for medical reasons or for humanitarian reasons. Such humanitarian reasons may be, let us say, the father or mother of an inmate dying. They will then give the inmate an escorted temporary absence to attend the funeral or something of that nature.

There is also what is called earned and statutory remission, by which you earn early release by good behaviour in prison or by simply serving the time.

In the statement of the Department of the Solicitor General, it says with respect to parole: "The National Parole Board, by facilitating the timely reintegration of offenders as law-abiding citizens, contributes to the protection of society".

The purpose of parole is to put back into society people who have committed crimes in a controlled, supervised way, rather than releasing them at the end of their sentences in a cold, unsupervised and unprepared fashion. It is believed by people who have studied these matters for years and years that it is much safer for the public to gradually release an offender back into society with conditions, with supervision and with control, rather than have that person serve in prison until the very end of his sentence.

Let us say that individual had a three-year sentence in prison, rather than have that person serve the full three years in prison, totally out of touch with society, and then at the end of the third year release him into society without any control or supervision whatsoever, it is safer to release an individual under control and supervision.

Let us make it clear that parole is not the cancellation or the reduction of a sentence. Many people believe it is and they criticize it as such, but parole is not the cancellation or reduction of a sentence. It is simply a different way of administering a sentence.

A sentence can be served in a maximum security prison with walls and with fences within the prison, with locked cells and so on. That is a maximum security prison. If it is in protective custody, there are very few programs. The individual is in his or her cell all the time without much communication with other people.

The inmate may be in a medium security prison in which there is security on the perimeter of the prison but very little security in the prison itself. The prisoners can leave their cells during the day and go to classrooms, to workshops, they can visit with their counsellors and so on.

There are minimum security prisons in which there are no walls or fences but these so-called prisons are more like halfway houses. While there are programs, supervision, education and so on, there is very little perimeter security or internal security.

Then there is parole. When you are on parole, you are released into society but you are still under sentence and you will always be under sentence. For example, if a person has a six-year sentence for committing a certain crime and is released on parole after three years, the sentence continues to apply for the remaining three years. It applies while the person is on parole, which means that they are subject to certain conditions, subject to control and supervision by a parole office and must report to the police periodically. The sentence is not terminated.

• (1600)

I already referred to the fact that the overwhelming majority of sentences handed down by the courts under the criminal justice system are for definite, limited periods of time. That means that when the sentence is up the prison system must release that individual whether it likes it or not, whether it feels that the individual is rehabilitated or not.

For example, if the person has a six-year sentence and there has been no parole, for certain reasons there has been no mandatory supervision because it was cancelled, and the end of the term comes for the sentence that individual must be released. If the great majority of sentences, the overwhelming majority, are definite sentences in which the offender must be released, how should we approach that eventual release date? Should we have a system in which we simply throw people into prison for six years, for example, and then forget about them and at the end of six years release them cold into society? Would that serve society? Would that serve the protection of the public? No, it would not.

We have had parole of one type or another in Canada since 1899. Therefore, for a long time in this country the principle of gradual supervised release has been considered to be the best and safest way to put a person back into society.

There are conditions for parole and those conditions are usually that the individual must reside in a certain place and stay in that place unless permission is given to move from that place. The individual must take a certain job that has been arranged or go to a certain school that has been arranged. If the individual has had a problem with drinking or with bad companions they must avoid those places where the bad companions are found. They must report to the police periodically and report changes in their family life, job situation or education situation et cetera.

If an individual has had a problem with narcotics or alcohol the Parole Board may say that they must attend meetings of Alcoholics Anonymous or Narcotics Anonymous.

While on parole the parolee is still under sentence and he or she can be returned to prison if he or she either breaks the conditions of parole or commits even the most minor of offences. Therefore, if the individual is on parole and breaks the conditions of the parole and it is discovered by the parole officer or the police he or she is put back in prison.

To return to my example, if the person on a six-year sentence is put on parole after three years and at the end of the fourth year it is discovered that he or she had left the country for one reason or another, they decided to

visit the United States without consulting with the parole officer, that can lead to the cancellation of parole. Then they are put back in prison and they would have to apply for parole again.

I want to make it clear to the House and to the Canadian public that in principle parole is a method of better protection for the public because it is a method by which we gradually release people into society under custody and under supervision.

I was very surprised and very disappointed by the speech of the hon. member for Niagara Falls this morning. He stated in his speech that without the changes put forward in this bill there was a risk of chaos in the country. He painted a picture in which Canadian citizens would be taking justice into their own hands, a vigilante justice, to retaliate against offenders if we did not adopt the changes in this bill.

That is a great exaggeration. We have had the rule that people are eligible for parole after one-third of their sentence for most offences. That rule has been in effect in Canada for a long time, and for the most part parole has been a very successful operation.

Yes, there have been failures. There have been failures, but how many more failures would there have been if we did not have parole and people were kept in prison to the last day of their sentence and released without control or supervision?

We have had many fewer failures. The inmate returning to society is better prepared and has more support under a system of parole than otherwise.

We should also make it clear that the parole eligibility date of one-third of sentence does not mean that the Parole Board grants parole automatically. Not at all. The Parole Board has to be convinced that the inmate applying for parole has been rehabilitated and is no longer a danger to society. If he does not demonstrate that to the Parole Board he is not given parole.

In many cases, inmates continue to apply for parole and are not released. Of course, very often they are released on mandatory supervision. This is based on the principle that it is better to be released under supervision and control than released cold without any such control or supervision.

Government Orders

Government Orders

I also mentioned that even before release on parole within the prison system itself inmates are continually reclassified, depending on their good or bad behaviour, between the maximum security institution, the medium security institution and the minimum security institution. People earn that right by their good behaviour and their commitment to their rehabilitation program. They are gradually given more and more freedom, because when they get into society they will have to know how to live in freedom. All of us have to live in freedom and control our own behaviour. We must have some way to impart that discipline to inmates in prisons. That is the purpose of a good rehabilitation program in prison.

There are other good reasons for parole. I mentioned that one of the major reasons is that it better prepares the inmate to return to society in a more responsible way and it provides protection and control. However, the fact that parole is possible and prisoners can work for it is an incentive for good behaviour in the prison. It reduces tension and misconduct in prison. It makes it safer and more manageable in the prison for prison staff, guards and teachers and so on. The fact that the inmates know there is a parole system, that at one-third they can get parole if they behave well, is an incentive for good behaviour. It makes it easier, less tense and more manageable in the prison system.

Finally, parole reduces the cost to the prison system. It means that we place in less expensive parole conditions inmates who are able to go into such a situation. Instead of keeping people in very highly secured prisons, which are extremely expensive, we release them into either a minimum security prison or put them on full parole, which only involves the cost of a supervising parole officer. The expense is much lower, therefore it is much more cost effective. It has been proven to be successful in the great percentage of cases. It is a much better way of handling people who have committed offences of all kinds than keeping them in very high cost, highly secured penitentiaries.

I want to say a bit about the correctional investigator. When I was Solicitor General I introduced the position of correctional investigator for the first time. It was as a result of a very serious riot that took place in one of our penitentiaries. I set the position up under the Inquiries Act because I wanted to put the position into place immediately and could not wait for legislation. Therefore, it was created through an Order in Council under

the Inquiries Act. I announced in the House at that time, in the mid-seventies, that it was my intention to legislate the position as soon as possible.

• (1610)

It was also my intention to make the correctional investigator totally responsible to the House of Commons as the Auditor General is, as the Commissioner of Official Languages is. He would be an ombudsman in every sense of the word to investigate abuses against inmates or between inmates or other issues that have to be investigated in the prison system by a person who is independent of the prison system.

Unfortunately I was transferred out of the position of Solicitor General. I never had an opportunity to put in the legislation. All these years have gone by and now we are finally getting the legislation, but unfortunately the government has not listened to the views of those who are experts in this field. It has not listened to the views of many members of the House of Commons that the position of correctional investigator should be one in which he reports completely and entirely in the first place to the House of Commons and not to the Solicitor General, who can, under the way it is being done, expurgate, correct or take out parts of the report.

I simply want to conclude by repeating that in principle, parole is a means of protecting the public. It has been a part of our Canadian criminal justice system for a long time. We oppose this bill and the changes in this bill for three reasons: one, it does not really improve the protection of the public; two, it does not deal with the whole question of sentencing which has to be considered in conjunction with changes to the parole system; and three, the bill does not make the correctional investigator an officer of the House of Commons.

Mr. Tom Wappel (Scarborough West): Mr. Speaker, I listened extremely attentively to my hon. colleague, particularly because, as he told us in the latter portions of his speech, he is a former Solicitor General.

Then he told us something else which was very interesting. Not only is he a former Solicitor General but he was the Solicitor General who established the office of the correctional investigator. The interesting thing that I found is that he advised us that it was in the 1970s. He advised us that at that time he could not wait for legislation but that his intent was to make sure that the

correctional investigator reported to this House of Commons. That was in the mid-seventies, he told us.

What happened? Right up until last Thursday when we had report stage of this bill, the Liberal Party had put forward amendments calling for the correctional investigator to be able to report directly to the House of Commons. I only mention this in passing because sometimes the government tends to accuse the Liberal Party of shifting its position, shifting with the wind and shifting with public opinion. However, here is a perfect example of the very minister who brought the correctional investigator in, advising that his intent at that time was to have the correctional investigator report to the House. Here we are, many years later, with the Liberal Party bringing forth the same amendments requesting that the government permit the correctional investigator to report to the House of Commons and the government rejecting them.

I want to ask my hon. colleague a specific question so that I give him an opportunity to continue with his remarks with respect to the correctional investigator. In clauses 192 and 193 of Bill C-36, the correctional investigator is required to report to the minister. The wording is: "and the minister shall cause every such report to be laid before each House of Parliament". The minister will get a report and then he will cause each such report to be laid before the House.

We were concerned on this side of the House that it might not be the same report, even though the wording of the section is clear. That was confirmed by the hon. member for Lethbridge who said: "In terms of clauses 192 and 193, the report that the CI gives to the minister will have information that will not ultimately come to the House of Commons because the minister has to respect the Privacy Act". What other acts or other concerns he has, we do not know.

I would appreciate if the member could comment to us about his reasons for wanting the correctional investigator at the time that he brought in the correctional investigator to report to the House and how important it is that the people of Canada can hear the reports of the correctional investigator through their elected representatives.

Government Orders

Mr. Allmand: As I said when we brought in the position of correctional investigator, it was as a result of an inquiry that was made into a very serious prison riot. I believe it was at Millhaven penitentiary.

In the report on that incident, the inquiry recommended we set up such a position because it appears that when the riot took place, there were a lot of complaints that had been developing, tensions had been building up in the prison. While the inmates tried to get their views through to certain prison authorities, the views were not going anywhere. They were not ascending up the order to the political level. They recommended there be some kind of ombudsman or correctional investigator.

I consulted with my officials and it was felt that we should try and put something in place as quickly as possible. The legislative timetable was very full so we did it. We set up the position under the Inquiries Act.

When I did that I announced in the House that this was a temporary measure and, although the position was not legislated, it was my intention that the reports of the correctional investigator would be presented in the House. They would come to me as the Solicitor General but they would also be given completely in the House.

I must say the types of people we appointed would not have tolerated any sort of change in their reports. The person I have in mind is Inger Hansen, the correction investigator for years and who is now a judge in one of our courts in Canada. She was an outstanding correctional investigator. She published several key reports on situations and conditions in prison and they were tabled in the House completely as she had put them forward.

I cannot recall when I was a Solicitor General any tampering with those reports but there was no legislation that said we had to do that.

As I said, I was in-time switched to the ministry of Indian and northern affairs and other individuals came into the position of Solicitor General. Then there was the change of government, Mr. Clark's government took over, and then back to Mr. Trudeau and then to Mr. Mulroney. This has not been legislated until now.

It was always our intention to make the position of correctional investigator independent and really meaningful. It had to be something like the Auditor General and the Commissioner of Official Languages.

Government Orders

In those cases in which the Auditor General investigates a situation, you can imagine what would happen if the Auditor General's report had to go to the President of the Treasury Board in the first place. We would get a very expurgated version of the report.

If the Commissioner of Official Languages, investigating certain departments or Crown corporations of the government, found there was abuse of our Official Languages Act, that could not be reported directly to the House of Commons and to the public so the public could find out really what was going on.

In prison it is so difficult to get the facts. There are so many layers of security between an individual who may be abused by other inmates, who may be abused by certain guards. There is tension building up that could lead to a riot or lead to hostage taking. In the past people have been killed in hostage taking incidents in our prisons. That position must be one which is independent and therefore responsible to the House of Commons.

[*Translation*]

The Acting Speaker (Mr. DeBlois): Before resuming debate, it is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised this evening at the time of adjournment are as follows: the hon. member for Ottawa West—Human Rights; the hon. member for Cape Breton—East Richmond—Fisheries; the hon. member for Mississauga East—Taxation; the hon. member for Willowdale—Automotive Industry; the hon. member for Haldimand—Norfolk—General Agreement on Tariffs and Trade.

[*English*]

Mr. Dennis Mills (Broadview—Greenwood): Mr. Speaker, to begin with, this is a very complex issue for me to be speaking on, not only because I am not a lawyer, but also because I am torn in terms of the process we use of rehabilitation in this country. In the south corner of my riding there is one of the oldest jails in Canada, the Don jail. It is a provincial institution. I have been in this institution to examine the conditions in which the prisoners live at this institution. One must wonder whether there would ever be any hope that the people experiencing life in the Don jail could ever be rehabilitated. It is a jail that one would imagine in some

Third World country in which there are absolutely no human rights at all.

• (1620)

As I walked or ran by the Don Jail—which is near the Don Valley, on the western side of my riding—I often thought about the fact that our rehabilitation system in this country is not really working. I wondered why we could not develop systems in which these people could get out and work in the community, work in the valley, plant trees, or clean up the garbage so that something productive was being done with their lives.

I have a natural leaning toward taking the approach that my colleague from Montreal, our former Solicitor General, talked about earlier today. I listened attentively to our critic from Scarborough West who with a very strong sense of logic was fair to certain aspects of the bill, while measuring whether the protection of society was really being covered in this bill. He deduced after reading every line in this bill that it did not meet that test.

I want to relate to the House a personal experience that I had. A letter was written to me by one of my constituents back in January. It concerns Christopher Stephenson and came from the lawyer. It states:

Dear Mr. Mills:

Further to our recent discussion you are aware that we represent Jim and Anna Stephenson, parents of Christopher Stephenson who is the eleven year old child who was raped and murdered by Joseph Roger Fredericks, a certified psychopath and paedophile. As you know from recent press reports Mr. Fredericks was murdered by a fellow inmate at the Kingston Penitentiary on January 3, 1992.

During our discussion about this terrible tragedy and the upcoming inquest into Christopher's death, I expressed to you my concern that the Stephensons were going to have to re-mortgage their home and even sell some of their assets in order to pay for the costs associated with retaining legal counsel and actively participating in the inquest. I urged the Stephensons to seriously reconsider whether it was truly in their best interest to proceed with the inquest. The inquest could only force them to re-live a horror which commands all of their strength and discipline to overcome—

Moreover, the evidence will disclose that this senseless and brutal murder was avoidable had government officials used a scintilla of common sense. Knowing how avoidable this crime was can only result in further frustration and despair—

Nevertheless, the Stephensons responded by telling me that the horrifying reality of their son's death will be with them forever. A day does not go by where they do not think of Christopher. However, a terrible tragedy would be made worse if they did not

demand that the inquest proceed with their full and active participation.

This situation has been written about in *Saturday Night* magazine. There was an article by Patricia Pearson entitled "Frankenstein's Orphan". In this article she writes: "It is simply beyond comprehension how government officials allowed Joseph Fredericks back on to the street". The purpose of this upcoming inquest is to provide the answers.

She writes:

Joseph Fredericks spent his childhood in foster homes, his adolescence in an institution for the severely retarded (when in fact he was not retarded), 24 years of his adulthood (1959 to 1983) in a hospital for the criminally insane and in his middle age in Ontario prisons. Mr. Fredericks suffered from paedophilia and psychopathy. Mr. Fredericks had committed numerous rapes on little children.

In 1954 when he was 11, Children's Aid concluded that he was simply unmanageable. As a teenager he learned how to molest children smaller than he was. He spent time in a maximum security hospital for the criminally insane where he was kept, certified annually as a danger to others until he was 40 years of age.

In 1963 he raped 3 children before the authorities caught up with him, while only minimum security privileges were in force. It was well documented by federal authorities that Mr. Fredericks could: "con the gold out of an old lady's teeth". In 1983 he attempted to rape another little girl but fortunately her father came to the rescue, however on the same day, another young child had been sodomized.

Government records confirm that Joseph Fredericks was a walking time bomb, explosive, extremely dangerous and incapable of rehabilitation!

By 1988 there was a political problem with respect to dangerous offenders being in halfway houses and Solicitor General James Kelleher ordered that all sex offenders be removed from halfway houses without taking into account where these people would go. Joseph Fredericks was one of those people. Through a paper shuffle, federal officials lost track of where Mr. Fredericks was with one thinking that the other was responsible. It was during this period of time that Christopher Stephenson was abducted at knife point from a Brampton mall, terrorized, repeatedly raped and murdered.

The night before Christopher was abducted, his father Jim went to his son's bedroom to wish him goodnight. Christopher said to his father: "Goodnight, Dad, I love you". The next day Christopher was abducted and later his father had to identify his only son in the morgue.

The system failed. The system failed badly. The public is outraged and horrified by what happened to Christopher Stephenson.

This upcoming inquest will be one of the most important inquests that has ever taken place in this country.

Government Orders

It is an example like this that brings the complexity of this bill to life for me. I am sure there are times when people in Canada, as they are listening to these debates, wonder just what the day to day meaning of the various clauses that we are debating is in a bill as complex as Bill C-36.

It is only when we hear about a case like Christopher Stephenson that we must realize that if this bill is flawed, if it does not meet the protection of society test that my colleague from Scarborough West talked about so logically, precisely and thoroughly, if it does not meet this test then it is incumbent upon all of us in this House to withdraw it, fix it, repair it and not bring it back until it is correct.

I support everything that my colleague from Scarborough West put forward in his presentation. This is a very sensitive issue because when an inquest like this one comes to the public forum often some of the people directly involved, in this case the parents, do not have the resources to retain counsel to help them through the inquest. In this particular case the Stephensons are in that position. They do not have resources.

• (1630)

This is the case of a public inquest. Everything that will go on in that inquest will have a direct bearing on things we do in finishing this piece of legislation. It has to be because it was real life. It was not theory. It was not probability.

This was a situation where someone slipped through the system, someone who should not have slipped through the system. The system was negligent. He got out and he murdered and raped a young 11-year old boy.

It is this kind of action and this kind of breakdown in the system which leave most people in the country today wondering whether or not our judicial system is really working.

Earlier this week my leader, my colleague from Scarborough—Rouge River and I were in Toronto to meet with some Toronto metro councillors. All the metro councillors were saying there is a feeling that the judicial system in this country is not working right now.

Government Orders

Imagine the situation that happened on Yonge Street last week. Close to 1,000 people participated in kicking in windows, breaking windows, or whatever. As of two days ago there was only one charge that led to a jail sentence. It makes it pretty tough for a police force to operate with some of the rules, regulations and influences we are putting on them.

We are reviewing this legislation, but we will have to review more legislation in this House as it pertains to law and order. We have to ensure that we give our police forces the necessary tools to protect the society they are mandated to protect.

I want to return for a minute to the Stephenson case, which is directly related to this bill. The Stephenson family should not have to lose its home or mortgage its home in order to be fully represented by counsel at the inquest. Many other organizations that are part of this inquest are receiving help with their lawyer's fees from government institutions.

The parents of this 11-year old victim deserve support as much as any of the organizations represented there, whether they be the John Howard Society or federal institutions responsible for putting forward their side of the case.

Could we imagine the institution responsible, which is a government institution, coming to an inquest without legal counsel? Why cannot we make sure that legal counsel for the Stephensons is covered by the taxpayer of Canada? I do think there would be a single person in this country who would not support the Solicitor General assisting the mother and the father of this young 11-year old boy who was tortured, raped and murdered by a man who slipped through the system because our system broke down. I do not think there would be anyone in this country who would not want that family to have proper counsel and proper support during such an important inquest.

I appeal to the Solicitor General. I appeal to the Government of Canada. We have spent taxpayers' money in this Chamber on many other things, some of them much more questionable in terms of their worthiness than this.

Because it is something that will not only benefit this family but hopefully their input in this inquest will allow us to make a better piece of legislation, I think it is

incumbent upon the government to react to that request which has been put to it.

I started off by saying I find this to be a very complex issue. I tend by nature to feel that if we are to rehabilitate people, we are not going to rehabilitate them by having them locked in cages like the Don jail where people do not have a chance to rebuild themselves. They do not have a chance to go out and breathe fresh air. They do not have a chance to put their hands to work or put their minds to work. Right now in the Don jail people cannot even paint or clean floors. It used to be that prisoners in our institutions did things that gave them a sense of productivity at the end of the day. A few years ago even that exercise in the province of Ontario was done away with.

We have much to do in this community in terms of planting trees and cleaning up valleys. With proper supervision that could be the beginning of rehabilitation. At the same time I will always remember the letter that I received from a constituent on behalf of the Stephenson family because someone slipped through the system, someone who had a known track record as a serious sex offender, got into the community and tortured, raped and murdered an 11-year old little boy.

It was a flaw in the system. It never should have happened. It is important that we craft this legislation in a way that that kind of thing will never happen again.

Mr. Joe Comuzzi (Thunder Bay—Nipigon): Mr. Speaker, first let me compliment my colleague for the way he expressed a very sad case. That incident like so many incidents unfortunately happen throughout our country because someone happens to fall through the system. Lives are ruined and/or lost because we are not just quite as good as we should be in implementing the safeguards we have built in.

I am wondering if my colleague from Toronto who represents the riding of Broadview—Greenwood would comment on what he was talking about with respect to the rehabilitative process. How does he envisage legislation like this? Such legislation should not be triggered by time but should really start to be put in place when the person who is serving time has shown, in the assessment of the people who administer the system, that he or she wants to be rehabilitated. Once this is shown there is a possibility of rehabilitation. Then the system of parole should enter into it but not until that time. I would like my colleague to comment on that issue, please.

• (1640)

Mr. Mills: Mr. Speaker, I thank my colleague from Thunder Bay—Nipigon for the question.

First, the Don Jail is in my community. This institution was originally designed and constructed for 400 inmates. Last weekend I had a chat with someone who works there and currently it is holding more than 750 people. For starters our institutional set-up is all wrong.

We do not have enough funding for therapy in this country to provide the programs for proper rehabilitation. The programs have been designed but we do not have enough resources to make sure that those people who require those programs have a place to go. Therefore we are stockpiling all of these people, especially the sex offenders. I think one of my colleagues talked about this earlier. We do not have enough resources to look after these people.

As I said in my remarks, unless we go back to basics and put it all on the table and realize that unless we provide the proper therapy and the right amount of resources to meet all of the conditions we face in our rehabilitation system, then we will continue to exacerbate the problem. It is almost inevitable, by avoiding facing the problem head on, we could have further breakdowns in the system that could create another Fredericks.

Mr. Jack Whittaker (Okanagan—Similkameen—Meritt): Mr. Speaker, it is a pleasure to be able to make a few remarks on Bill C-36, the Corrections and Conditional Release Act.

As I was preparing for this bill and listening to the various comments of the speakers, it occurred to me that the bill itself appears to be, once again, emotional response legislation, the emotional response I have seen in other pieces of legislation which I feel does not solve any problems.

I thought back to early morning hours some 10 or 11 years ago when I got a phone call from the local police in my small community advising me that a person who had been released from prison some 36 hours earlier, in this case on a writ of habeas corpus, was suspected of having murdered and sexually assaulted one young woman and having sexually assaulted and attempted to murder a second woman travelling with her.

I remember the feeling I had in those early morning hours as the police told me what had happened and my

Government Orders

own knowledge of the earlier release of this person who was being held on a second sexual assault charge.

It was in the summer, it was warm, the windows were open, the sliding doors were open in my home. I had two young children, both daughters at home at the time. My response was to close everything up to ensure the protection of those around me, even though I knew the person well enough to know exactly what he would have done and as an *ad hoc* prosecutor, gave the police instructions as to what I felt they should be doing.

But my response was the usual response of people who have been hurt, people who cannot quite believe what is happening to those around them, even though I did not know the two young women. As the person who carried through and prosecuted that case I eventually did get to know the young woman who survived. I remember reliving through my interview with her, through the preliminary hearing and through the jury trial her feelings as she was stabbed 17 times, her feelings as she was sexually assaulted, her expression of her feelings as she watched and heard her friend being bound, sexually assaulted and stabbed, and yes, her feelings as she heard the last gasp of her friend as she died out in the barren sagebrush in British Columbia.

The wish for reparation, the wish for punishment is strong when we are touched personally by any such event. I have heard other stories over the course of my legal career of similar situations. I have defended and prosecuted on both sides of the fence, and the most wrenching ones are those in the area of sexual assault, particularly sexual assault of young boys and young girls. The feeling is always there regardless of what side of the fence you are on, whether prosecuting or defending, the feeling of throwing away the key and never letting those people back into society.

As we hear about the more celebrated cases, if you will, throughout Canada and the United States and the publicity surrounding these, we have a tendency to lose sight of the fact that we in Canada in particular are a very humane, a very caring society. We have a tendency to lose sight of the fact that even though the things that some of these people have done would state otherwise, they are human beings that we ourselves have to deal with and care for, whether they be next door neighbours, whether they be acquaintances or whether they be people who we have only read or heard about, we have a duty to these people as well as to the victims.

Government Orders

The victims are not just the victims of the crime itself, but victims in a broader perspective of the families, the friends and the acquaintances, and in fact the people in the communities of those people who have been the subject of the violence of the person accused.

I tell these stories to emphasize the point that in spite of the fact that we may think these people are inhuman because the very acts they have committed are inhuman, we still have a duty to look at what the causes were. We still have a duty to look at how we can prevent the same sort of thing happening again. We have a duty to the victims of the crimes to help them overcome the horror they have experienced.

• (1650)

We are not going to do it with this bill. This bill does not do what it purports to do. It is a response to that inner feeling of hate, of revenge that we see in a minority of people in our country, crying out for something to be done. They need direction. I suppose the initial response is one of revenge when you have been hurt. You want to strike back.

We are legislators. We have to go beyond the initial animal instincts to strike back at someone who strikes at us. We have a duty to the people of Canada to think through what we as legislators are going to do in the legislation that is going to affect Canada for some good number of years to come.

Have we done it in the Corrections and Conditional Release Act or have we simply thrown out something to those who are crying for blood? I believe we have only thrown something out. We have not got to the root cause.

If we look at what is in this bill, it is no wonder that people are cynical of some of the moves that this government has made. Clause 203 essentially gives the sentencing judge the power to postpone the eligibility date for full parole of an offender from one-third to one-half of the sentence. The statistics speak fairly clearly on that, in fact that is what is happening now. Forty-seven to 52 per cent of those presently incarcerated are spending that amount of their term before even having their case looked at for eligibility for parole.

What have we done by putting it into a statute? Have we done anything at all? We have allowed the judge to have a look at it.

I have appeared in front of a good number of judges, some good and some not so good. I have a great deal of respect for the judiciary. They have worked hard to get where they are. They have studied hard to get where they are. In most cases, I respect the decisions they make. They are human, in spite of what people think, and they do make mistakes.

However, the National Parole Board has been set in place and it is made up of men and women who also can make mistakes. Over-all, with proper training and with what they have already been given within the National Parole Board, it seems to me that they may be better positioned in a full hearing to listen to all sides of the story about whether a person should be released or not. It should not be thrown in at the time of sentencing when the judge is considering how the victims have been affected at that time, the evidence that was before him or her at that time and what sentence should be meted out to the offender that would adequately punish and/or rehabilitate the person.

It seems to me that clause 203 of this bill is misdirected, that we are better off going back to the National Parole Board under the present system that could be properly shored up.

It is interesting also to see that the government has allowed a major loophole to remain in the bill. It has forced the National Parole Board to release proven non-violent offenders in order to make room for those violent offenders coming into the system.

It seems to me, and I know some of the other speakers here today have spoken about this, that it increases this revolving door syndrome. What have we solved? We should be looking at where we want to go once again in the future. We should not just be looking at the bottom line, the bottom dollar line. Let us look at where we want to go and where we have been. Let us learn from our past mistakes. Let us look at rehabilitation and education.

We are throwing good money after bad in doing what we are doing because if our recidivism rate does not drop, if our offenders are those who have come back time and time again, we as society have lost out.

For each time we have to go through a trial, each time we have to reimprison someone who has already been in the system, it is a cost to society as a whole. Let us look at the root causes of what we are doing.

There are some good things the government has done, not necessarily in this area, but in the area of corrections. I refer specifically to a plan which the city of Merritt in my riding is looking at in trying to get a correction facility for offenders within the native community in which it offers as the final step, before going into the parole system, a chance for retraining within the system.

It has a small facility in a smaller community that offers much to the native community with its technical school run by natives and with a strong and progressive native community with five different bands in the area that are very supportive of the concept. If this area is chosen, and I hope that decision will be made soon and Merritt will be the site of this facility, it is a positive step.

The member for Notre-Dame-de-Grâce was totally correct when he talked about the system of parole as it was set up being re-entry back into society as a whole. If we drop the parole system, if we drop the system of retraining within the system itself, then we lose that buffer zone between being in prison and being out in society as a whole.

As such, once again we are going to run into problems. The recidivism rate goes up and we end up with that person back in prison once again.

What we look at in sentencing in criminal law is protection of the public, rehabilitation, reparation to the victim and the punishment aspect. I suggest that those four things also have to be looked at in the overall picture when we are releasing people back into society.

We have to also in each case look at crimes of violence, sexual assault crimes and crimes against property somewhat differently. We have to look at the education and training of these people and try to make sure that those who commit crimes of violence, if they need psychologi-

Private Members' Business

cal help, medical help or retraining type help, receive that sort of help.

Finally, I want to speak briefly about one of the things that the government has not addressed in this bill and that is the basic education of people as a whole. It looks at how society sees criminals and how society can get around it. I would like to leave on that note.

* * *

MESSAGE FROM THE SENATE

The Acting Speaker (Mr. DeBlois): It being 5 p.m., I have the honour to inform the House that a message has been received from the Senate informing this House that the Senate has passed Bill S-7, an act to amend an act to incorporate the Royal Society of Canada, to which the concurrence of this House is desired.

[*Translation*]

Pursuant to Standing Order 135(2), the bill shall be deemed to have been read a first time and ordered for second reading at the next sitting of the House.

Pursuant to Standing Order 30(6), the House will now proceed to consideration of Private Members' Business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS

[*English*]

CROSS-BORDER SHOPPING

EXPORT AND IMPORT PERMITS

The House resumed consideration of the motion of Mr. Brightwell:

That, in the opinion of this House, the Governor in Council should amend the regulations made pursuant to the Export and Import Permits Act to provide that importations under authority of General Import Permits No. 1 (dairy products), No. 2 (chicken), No. 7 (turkey) and No. 8 (eggs) shall be subject to a mandatory 48-hour stay of the importer in the country from which the goods are imported.

Mr. Maurice Foster (Algoma): Mr. Speaker, I am delighted to say a few words on the the motion put forward by the member for Perth—Wellington—Waterloo which was moved in the House on April 8, 1992 and on which we are taking up the debate.