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The petitioners are also asking for a debate on Canada's commitment to an UNCED bio-diversity convention and on Canada's commitment to reducing the international debt of developing countries.

The petition also asks that Canada commit itself to the transfer of technology to developing countries, and to put on the agenda things which were omitted, such as militarism and nuclear energy, which have an impact on the amount of money that can be contributed to the earth agenda.

There is also a request that we debate Canada's long-term commitment to sustainable development.

[*Translation*]

COURT CHALLENGES PROGRAM

Mr. Peter Milliken (Kingston and the Islands): Mr. Speaker, I have the honour to present a petition pursuant to S.O. 36. Your petitioners from Yellowknife in the Northwest Territories, Lorette in Manitoba, and other parts of our great country are dismayed by the fact that the Court Challenges Program, which concerns the Canadian Charter of Rights and Freedoms, has been terminated by the government. They humbly pray and call upon Parliament to consider the possibility of reinstating the Court Challenges Program which gives all Canadians equal access to the Canadian Charter of Rights and Freedoms.

* * *

[*English*]

QUESTIONS ON THE ORDER PAPER

(Questions answered orally are indicated by an asterisk)

Mr. Jim Edwards (Parliamentary Secretary to Minister of State and Leader of the Government in the House of Commons): Mr. Speaker, Question No. 277 will be answered today.

[*Text*]

Question No. 277—**Mr. Milliken:**

What are the Department of Finance's projections with respect to management of the payments for servicing and reducing the national debt that are provided for under Bill C-21, and how many person-years have been assigned to this function?

Hon. Donald Frank Mazankowski (Deputy Prime Minister and Minister of Finance): Managing and implementing the payments for servicing and reducing the debt will not involve any additional expenditures or person-years. The government already requires its accountants to keep track of all its revenues and payments by category. This can be easily handled with normal staff levels over the course of the year.

[*English*]

Mr. Speaker: The question as enumerated by the parliamentary secretary has been answered.

Mr. Edwards: I ask, Mr. Speaker, that the remaining questions be allowed to stand.

Mr. Speaker: Shall the remaining questions stand?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

CORRECTIONS AND CONDITIONAL RELEASE ACT

MEASURE TO ENACT

The House proceeded to the consideration of Bill C-36, an act respecting corrections and the conditional release and detention of offenders and to establish the office of correctional investigator, as reported (with amendments) from the Standing Committee on Justice and Solicitor General.

Mr. Peter Milliken (Kingston and the Islands): I rise on a point of order, Mr. Speaker. I am concerned about the House proceeding with this bill today for two or three reasons.

First, the bill was reported by the committee on justice and legal affairs in this House on Tuesday morning during Routine Proceedings.

The bill was ordered to be reprinted at the request of the committee for the assistance of members of this House in considering the bill at report stage.

The report of the committee was a lengthy one and it recommended numerous changes to this particular bill. As a result of the late night sitting on Tuesday and various other factors, on Wednesday I understand *Votes and Proceedings* was not available in this House until very shortly before Question Period. Certainly, it was not distributed to the offices until during Question Period, so it was not there for me to see until after

three o'clock, although it was available here in the Chamber.

The reprint of the bill was not available until this morning. If a member wished to go through the changes the committee had made to see what amendments the member might wish to give notice of, it had to be done before four o'clock yesterday afternoon with *Votes and Proceedings* that were available in offices at about three o'clock, unless the member was diligent enough to go to the Table and ask for a copy of the extensive report from the committee.

Frankly that is not long enough. It is fine for the members of the committee who are familiar with the amendments that were proposed there and who are familiar with each section of the bill having gone through it clause by clause. For other members of the House who have not been privileged to serve on the committee to have to go through a lengthy report like that without the benefit of a reprint showing the location of the clauses and what changes have been incorporated into the bill, it makes it extremely difficult to try to draft amendments.

I am concerned about this bill. In fact I have a private member's bill to amend the Penitentiaries Act which I would have been pleased to move as an amendment to this bill. As it has been called so quickly after the report to the House from the committee, I find it very difficult to get this in. It is a major piece of legislation and I do not want to make light of it, but it is close to 120 pages of the bill.

I was in committee all yesterday afternoon. I started at 3.30 p.m. and went to almost 6.00 p.m. When am I supposed to be able to do that if I do not have the tools to do it with and do it quickly? I submit they were not here.

I am prepared to suggest that one amendment alone would do but I would ask the indulgence of the House. If Your Honour does not wish to defer consideration of this bill to a more reasonable time, or the government House leader does not wish to do so, that I be permitted by unanimous consent to put my amendment.

I will reluctantly give up my right to move other amendments in the interest of expediting the business of the House, but I have not had a chance to go through the bill. I have not had a chance to go through all the amendments and I find it frustrating that I am in this position today. I do not know how many other hon. members may be placed in this position because of the speed with which the government has moved.

I admit that part of the reason for the speed has been the excellent co-operation of the opposition in allowing so many bills through yesterday. Had we obstructed and held those up, perhaps we would not be discussing this this morning. The Solicitor General himself knows how co-operative we have been in dealing with his bills. I had hoped that the same co-operation and understanding might prevail today.

• (1020)

Mr. Derek Blackburn (Brant): Mr. Speaker, I would like to stand in support of what the hon. member for Kingston and the Islands has just argued. Even though yesterday I did give my consent to the minister to proceed, at least I indicated to him that it was okay with me to proceed this morning at report stage, later in the day it came to my attention that it would not even provide enough time for me to meet with my own legislative committee and my caucus to go over the changes. It was an oversight on my part when I concurred that we could proceed today.

The point is very valid. Report stage is the stage at which all members or any member of this House may enter into debate on technical matters and on very detailed matters of a bill going through passage in this House.

I truly believe all the time that is absolutely necessary should be granted at report stage for preparation. I do not mean an inordinate amount of time but certainly a reasonable amount of time so that other members who are not familiar with the bill in detail have a chance to study the bill so that they too can offer amendments at report stage.

I would agree with the member for Kingston and the Islands. Perhaps we could agree to set aside a greater length of time on Monday or possibly Tuesday of next week to proceed in the interests of those members who are not part of the committee.

Mr. Jim Edwards (Parliamentary Secretary to Minister of State and Leader of the Government in the House of Commons): Mr. Speaker, I have listened with care to the comments of my two friends opposite. I understand the difficulties that they find themselves in. All of us here in this House, with our committee work, are faced with the challenge of managing our time and in organizing our work.

The basic question that has been raised is a question as to whether the proper procedure has been followed by the officers of this House. My inquiries indicate that it has been.

The hon. member for Kingston and the Islands is quite correct that the House has been burdened with extra hours of debate and that the printing facilities have been heavily taxed as a result of that.

Journals and the other publications of the House will indicate that the text of the amendments from the committee were printed in *Votes and Proceedings* of Tuesday, May 5 and that the text of the motions to be proposed at report stage has also been printed.

I believe it is correct that the bill as amended and reported was only distributed this morning. I do not dispute that. You will find, Mr. Speaker, that in all this, proper notice times have been given and that the appropriate 48 hours has elapsed between the reporting back of the committee and the scheduling of report stage debate.

Hon. Doug Lewis (Solicitor General of Canada): Mr. Speaker, I support what my hon. friend the parliamentary secretary said about the House leaders' agreeing that things should proceed in the way that they have and we should proceed today with report stage.

The bill has been subject to excellent committee work as reported to me by my staff and officials. There has been a spirit of co-operation and effort from opposition and government members on the committee to produce a bill and to do the fine tuning that is necessary after listening to witnesses. I am quite pleased with what has come out of committee. We are now prepared to proceed.

My hon. friend from Kingston and the Islands has given us a long tale of woe about how difficult it is for him to organize his life. We have all noticed that. I want to do what I can to assist him so that he can come up to the speed of the other members of the House. We all want to participate in helping him.

He has made a suggestion that he has an amendment he wishes to place before the House at report stage with unanimous consent. I would agree to that on behalf of the government with one proviso.

If we could have it in advance to examine substance and in this case to examine style so we can be sure there is a possibility of accepting this amendment. We do not want to nit-pick words and put an amendment on the floor which could be debated and supported if possible.

We are prepared to go ahead with report stage as the parliamentary secretary suggested to debate in the groupings that the Chair has ruled. If we could stand my hon. friend's amendment down we could consider that at the end of report stage.

Hon. Alan Redway (Don Valley East): Mr. Speaker, I would like to indicate support for what the Solicitor General has said but at the same time support the comments of the hon. member for Brant.

The time of this matter proceeding back to the House has indeed been very short. I am in the position of one who was not a member of the committee. I had to monitor the proceedings of the committee as best I could. I was trying my best to be co-operative with the government and trying to find a way to put forward an amendment which hopefully the government would adopt, but because of the timing of this matter, there was not that opportunity.

The amendment that my staff worked on and put forward I understand is now in some question because the reprint of the bill has shown an entirely different wording of the section that we were looking at. The reprint of the bill just arrived on my desk about two minutes ago.

Although I certainly understand the government is within its rights to do this and I have no objection personally, I would like to say I understand and agree with the Solicitor General when he is critical of me in not consulting with him earlier. It would have been helpful to have had a little more time and there would have been an opportunity for fuller consultations if that had occurred.

Mr. Blackburn (Brant): Mr. Speaker, to expedite matters this morning, might I suggest that we have all party agreement or unanimous consent to waive the notice on Monday and allow members who want to work on amendments to file their amendments late so we can debate them on Monday. Those members who were not on the committee of course.

Mr. Milliken: Mr. Speaker, I just wanted to thank the Solicitor General for the suggestion he has put forward. I hope that the hon. member for Don Valley East could be accommodated in the same way.

I can say to the Solicitor General I know he is a very diligent member of this House. I am sure he has read my private member's bill which was introduced almost a year ago, on May 24, 1991, and is aware of the amendment I want to move. I am sure he finds the style stunning and most agreeable and that he will want to agree to the amendment as soon as it is moved.

• (1030)

Mr. Speaker: I thank hon. members for the co-operative tone of the exchange.

I could not help but note that the hon. Solicitor General and the hon. member for Kingston and the Islands know each other very well, their work habits and their diligence. I think it was probably a great addition to this House to hear these remarks this morning.

Having said all that, I am not completely sure what the hon. members have agreed to do. I felt that the hon. member for Kingston and the Islands had finally persuaded the Solicitor General, that even with the great diligence for which the hon. member for Kingston and the Islands is known, he was just barely unable to get his amendment in on time and would like to file it later.

The Solicitor General, in a moment of enthusiasm, responded by saying it would be on the condition that he has a look at it first. I remind both the hon. member for Kingston and the Islands and the Solicitor General that I will have to have a look at it also, perhaps last.

In any event, the hon. member for Brant has made another suggestion. First of all, let us stop at the one suggestion of the hon. member for Kingston and the Islands. Is there agreement in the House that the approach which the Solicitor General indicated would be acceptable be proceeded with?

Some hon. members: Agreed.

Mr. Speaker: The hon. member for Brant has suggested that other members who are not members of the committee be given the consent of the House to file late. If that proposition goes to the House and the House agrees, of course, we can do that but "late" is very open-ended.

An hon. member: Monday.

Mr. Speaker: Let us deal with that point. I would like to hear the hon. Solicitor General.

Mr. Lewis: Mr. Speaker, harking back to my former career as House leader, I would say this about that proposition.

There is no question that we have moved quickly on this bill, and that is thanks to the co-operation of members. We have moved with the agreement of House leaders who presumably have a relationship with their caucuses to deal with proceedings of the House and amendments. We have members who are not connected to any of the three parties and therefore do not have that relationship with a House leader, which is helpful.

All that being said, I believe when the government business was mentioned last Thursday, our House leader did indicate that we would proceed with report stage of this bill, providing it cleared committee at today's business.

My hon. friend from Kingston and the Islands is here today and has a specific amendment. For any other member in that position, I would entertain that argument. If there are others here who have decided that in their scheme of things what they want to accomplish, that they want to be here for that debate and on these motions, I think they should have made their case.

The difficulty of my hon. friend from Don Valley East is one of change of wording to accommodate debate of the motion. I do not have any difficulty with that. The motion is on the Order Paper, and it just requires a renumbering or whatever when we get into debate. That is debate on a motion put on the Order Paper by a member of this House who is here to debate it. I do not have any trouble with that.

With those two provisos, my hon. friend from Kingston and the Islands has a motion he wants to debate, we stand that down and do it last after reviewing it, naturally, giving yourself an opportunity to review it, too. We agree beforehand on exactly what my hon. friend from Don Valley East needs to do to debate his motion in the context of the bill that is before the House. We proceed now on report stage.

Mr. Redway: Mr. Speaker, I appreciate the comments and the position of the Solicitor General with respect to this matter. I would just like to say there is one other part of this that I would hope he would perhaps be prepared to accommodate, and that really does relate to the point the hon. member for Brant is making about allowing until Monday for the further filing of amendments. If that were the case and if my amendment, which was put together very rapidly, were allowed to stand down until Monday, I could have discussions with the Solicitor General and his staff so that we could accommodate the situation.

I would hope that the Solicitor General might be prepared to do that.

Mr. Tom Wappel (Scarborough West): I rise on the same point, Mr. Speaker. It is important, with respect, for the House to remember that this bill was reported on Tuesday, which gave members only until 6 p.m. on Wednesday to put forward amendments. Beauchesne says on page—

Mr. Speaker: Excuse me just a moment. I will hear the hon. member. We have people in the Chamber watching this and there are people right across the country watching this, and I just want to make this point: The rules have been perhaps strictly applied, but they have been followed absolutely correctly. This is a dilemma that we have been in before, when after the report comes out of committee and report stage is called, even though it is within the rules, sometimes there can be difficulty in going through the mechanical and the political things in preparing for it. In this case, the rules have been followed very carefully.

I also want to point out to the hon. member for Kingston and the Islands and others who have had more difficulty than they would wish in being able to prepare. That of course was because physically it was not possible for our staff to get the revised version of the bill in their hands, partly because this House decided to debate a very important matter on Tuesday night, as has been pointed out.

I just want hon. members to know that I cannot bend the rules. The hon. member for Don Valley East may have been suggesting that somehow or other the Chair could come to his rescue. He shakes his head. I thank him for that, but that is where we are.

The hon. member for Scarborough West was about to quote Beauchesne, and I will hear him. I happen to know that the hon. member for Scarborough West has some concern with the grouping of the amendments. I am going to deal with that in a minute. It may not be necessary for the hon. member to go any further at this time.

Mr. Wappel: Mr. Speaker, I listened carefully to what you said, and as always I respect it. I think it is important that the House be reminded of the purpose of report stage.

While we can technically comply with rules, surely we must remember what is the purpose of report stage. We are, as the hon. member for Kingston and the Islands said, dealing with an extremely important bill with implications for inmates and with implications for society at large.

What I want to point out, through you, Mr. Speaker, is the section of Beauchesne on page 211 which reads in part that the purpose of report stage:

> —is intended to be an opportunity for Members who were not members of the committee to propose specific amendments not dealt with by the committee.

That is the purpose of report stage, not to jam through the bill as quickly as possible and get it to third reading. It is a specific opportunity that the House has decided under the Standing Orders to permit members who were not members of the committee, who are concerned about the subject matter, to rise in their places and offer amendments.

I was on the committee and I am ready, as best as I can be, with my submissions. I also only got the reprinted bill probably five minutes ago. I had considered the amendment of the hon. member for Don Valley East, my neighbour in fact, last night. I had not had an opportunity to look at the reprinted bill. I notice that there are difficulties in that respect.

I am urging the House to consider the suggestion put forward by the hon. member for Brant, because of course the House is the master of its own destiny.

Mr. Speaker: Just so that anyone watching or listening knows what is going on, hon. members really are negotiating on the floor of the House. We do not always do that, but it seems to be what is taking place. I think first of all we have one agreement and that is with respect to the hon. member for Kingston and the Islands. I think the problem of the hon. member for Don Valley East with his specific motion is probably satisfied by the comments of the Solicitor General.

• (1040)

In order to get us back on track, I ask the government parliamentary secretary to perhaps reply.

Mr. Edwards: Mr. Speaker, I think there is some willingness on the part of the government to see how we go with report stage.

I think that as we proceed today we will get some kind of indication as to problem areas. Members who have a concern with a particular clause may be able to signal that. I think there would be a willingness on the part of the government to deal with individual clauses in a more or less flexible way.

That having been said, I think we have a basic difficulty in front of us. It is true that we had been proceeding expeditiously. It is true a lot of that speed has been due to co-operation from members opposite. I welcome that and I am most appreciative of it.

We would I think be foolish to suggest that we would like to move away from anything of that nature. What I believe would be appropriate, would be to begin the report stage proceedings and if it appears appropriate to perhaps stand a particular clause for a particular reason, the Solicitor General may wish to examine that as we get to it.

However, I believe it would be appropriate to get underway.

Mr. Speaker: I thank the hon. parliamentary secretary and other members.

What I am going to do is read the Speaker's ruling on the amendments. I am going to accept the hon. parliamentary secretary's suggestion that we begin debate on the first amendment.

The hon. member for Scarborough West I know has some concerns, and I can tell him right now that we will take a second look at it. I am going to proceed.

SPEAKER'S RULING

Mr. Speaker: This is of course Bill C-36, an act respecting corrections and the conditional release and detention of offenders and to establish the office of correctional investigator.

There are 21 motions and amendments to Bill C-36, an act respecting corrections and the conditional release and detention of offenders and to establish the office of correctional investigator, standing on the Notice Paper for report stage.

[*Translation*]

Motion No. 1, standing in the name of the Solicitor General, will be debated and voted on separately.

[*English*]

Motion No. 2, standing in the name of the Solicitor General, will be debated and voted on separately.

[*Translation*]

Motion No. 3, standing in the name of the hon. member for Don Valley East, will be debated and voted upon separately.

[*English*]

I am coming now to that part of my ruling that the hon. member for Scarborough West has indicated his concern. I am not going to read that at the moment because we are going to have a second look at it. I am continuing on.

[*Translation*]

Motion No. 18, standing in the name of the hon. member for Brant, appears to be introducing into the bill a concept which was not envisaged when the House gave the bill second reading and agreement in principle. Therefore, in accordance with citation 698(1) of Beauchesne's sixth edition I must rule this motion out of order.

[*English*]

Motion No. 19 in the name of the hon. Solicitor General of Canada will be debated and voted upon separately.

[*Translation*]

Motion No. 20, standing in the name of the hon. member for Scarborough West, will be debated and voted on separately.

[*English*]

Motion No. 21, standing in the name of the hon. member for Scarborough West, will be debated and voted on separately.

[*Translation*]

I will now call Motion No. 1

MEASURE TO ENACT

Hon. Doug Lewis (Solicitor General of Canada) moved:

Motion No. 1.

That Bill C-36 be amended in Clause 23 by striking out lines 40 to 44 at page 12 and substituting the following therefor:

"23(3) No provision in the Privacy Act or the Access to Information Act shall operate so as to limit or prevent the Service from obtaining any information referred to in paragraphs 1(*a*) to (*e*)."

[*English*]

Mr. Blaine A. Thacker (Lethbridge): Mr. Speaker, the motion before the House is to amend clause 23(3). For a minute I want to give a brief history while members of the committee are here.

The original bill just had a clause 23. Via a Liberal amendment at committee stage we accepted that it would be broken down and new subsections (2) and (3) would be added. The new subsection (3) which was added stated that no provision in any act of Parliament respecting privacy shall operate. It is clear, now that officials have had a chance to look at it, that it is probably a little too wide. Therefore, the minister is proposing a motion that would restrict it to:

No provision in the Privacy Act or the Access to Information Act shall operate.

It is a reality that there are certain other sections of bills and of statutes passed by Parliament that do impose confidentiality. They are thinking of the Statistics Act, and I suppose they are thinking of certain provisions of the Income Tax Act.

This amendment will in no way stop the service from getting all the important and relevant information *vis-a-vis* an offender. That was why this was added, so that the CSC could get all the information and then submit it through to the National Parole Board so that everybody would have good information when these offenders came up for parole later on in their sentence.

I believe members will agree that this amendment is important in terms of the Statistics Act and certain parts of the Income Tax Act.

Mr. Derek Lee (Scarborough—Rouge River): Mr. Speaker, I concur with the comments of the hon. member who just spoke.

The purpose of the amendment at committee was to remove clogs and barriers that appeared to me and others to exist, and I believe they still exist, in the information flows among public servants responsible for enforcement, the area of corrections, policing, and other areas.

The target of the original amendment was any barrier to any information that was relevant and set out or described in the Corrections Act, the intent being to collect together all the relevant material information needed to manage an offender's file properly within Correctional Service Canada.

It appeared over the last few years—and I make specific reference to the justice committee's investigation of the tragic escape of Daniel Gingras from the institution in the Edmonton area of western Canada—that the committee attempted to obtain information from Correctional Service Canada but it would not release information to the committee citing the Privacy Act.

Ultimately, after approximately one year of parliamentary manoeuvring, a subsequent Solicitor General eventually made the information available. However it took a year of manoeuvring by Parliament to get it. Just as officials in Correctional Service Canada and even the minister were reluctant to release information because of the provisions of the Privacy Act, so too are almost every official in those ministries. They rely on the Privacy Act provisions to contain information within their ministries.

• (1050)

I did not want that circumstance to impair the good functioning and information flows to Correctional Service Canada when it was managing offender inmate files. The target at committee was originally thought to be not just statutes of Parliament but actually provincial statutes as well. For reasons that are constitutional, reference to the provincial statutes was removed and the small privacy target was left.

However I concede that there may not be a real need to address every single act of Parliament including the Income Tax Act and Statistics Canada. We probably do not need information from those statutes to manage offender files properly.

I did want to signal on the parliamentary record that other members of Parliament and I do have concern about the effect of the Privacy Act on good information flows to and from Parliament, to and from Correctional Service Canada, and between ministries so that the safety of the public comes first when dealing with offender files.

I would support this amendment.

Mr. Derek Blackburn (Brant): Mr. Speaker, I will speak very briefly in support of this amendment.

I do not think it was the intention, and it certainly was not my intention, to support the amendment at committee that would have provided that an act of Parliament be included here. I think we should limit it to the two acts mentioned in the government Motion No. 1: the Privacy Act and the Access to Information Act.

In listening to testimony, members of the committee heard time and time again where the Access to Information Act and the Privacy Act had both stood in the way of accessing information. I know that the change in Motion No. 1 does not throw those acts open to public availability or accessibility, but certainly in the internal operations of the Correctional Service Canada and the National Parole Board I do not think there should be any substantial impediment to the flow of information. I think information should be as complete as is possible so that all the authorities at all the stages in an inmate's life during incarceration are available for the appropriate purposes.

We would support this amendment.

Mr. Tom Wappel (Scarborough West): Mr. Speaker, I have a very brief intervention just to advise the House of two things.

First, yes, indeed we on this side support the amendment but I want to illustrate flowing from the discussions that we had previously why this amendment is necessary. Unfortunately the amendment is necessary because of the speed with which the government has attempted to push this bill through. There was not enough opportunity for the Liberal Party to get its amendments in, in time, before the two–week break in April. Therefore there was not sufficient time for the government to consider those amendments and cogitate on them.

When we moved the amendment the discussion in committee did in fact pertain to the Privacy Act and the difficulties that the two members spoke about previously, but because of this speed factor again we passed this amendment. Now it is necessary, on due reflection, for the government to come back and deal with a motion that was already dealt with, already amended at the committee and ask that it be amended again.

Had this bill been given the proper opportunity to work its way through the parliamentary system without this rush and without this after–burner syndrome this amendment, and in fact these comments and this debate, would not have even been necessary.

Having said that, it is quite clear that it is the Privacy Act and the Access to Information Act that is of concern. We certainly appreciate the government bringing this to our attention and accepting the spirit of the Liberal amendment.

The Acting Speaker (Mr. Paproski): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Paproski): The question is on Motion No. 1.

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

Some hon. members: Agreed.

Motion No. 1 agreed to.

Hon. Doug Lewis (Solicitor General of Canada) moved:

Motion No. 2.

That Bill C–36 be amended in French version of Clause 83 by striking out line 35 at page 34 and substituting the following therefor:

"spirituel ou d'un aîné après consultation du Comité consultatif autochtone national et des comités régional et local concernés."

Mr. Blaine A. Thacker (Lethbridge): Mr. Speaker, other members have seen this motion. It is a technical motion that brings the French version into conformity with the English text. It is brought in relation to the services obligation to make available to aboriginal inmates the services of an aboriginal spiritual leader or elder, after consultation with the National Aboriginal Advisory Committee.

The Acting Speaker (Mr. Paproski): Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

Motion No. 2 agreed to.

Hon. Alan Redway (Don Valley East) moved:

Motion No. 3.

That Bill C-36 be amended in Clause 137

(*a*) by adding immediately after line 29 at page 75 the following subsections:

"(2.1) A peace officer may arrest an offender without warrant and remand the offender in custody where the peace officer finds the offender breaching a condition of parole."; and

(*b*) by striking out line 31 at page 75 and substituting the following therefor:

"pursuant to subsection (2) or (2.1), the warrant of"; and

(*c*) by adding immediately after line 35 at page 75 the following subsection:

"(4) Where a person arrested by a peace officer in the circumstances referred to in subsection (2.1) is brought before a designated person referred to in subsection (3), the designated person,

(*a*) if not satisfied that the person arrested has breached a condition of parole, shall release that person, or

(*b*) if satisfied that the person arrested has breached a condition of parole, shall suspend the parole of that person."

He said: Mr. Speaker, this motion is one to amend the bill. It would give a police officer the power to arrest without warrant and remand an offender in custody where the peace officer finds the offender breaching a condition of parole.

This amendment flows out of concerns expressed to me by a long-time friend and neighbour and a very senior member of the Metropolitan Toronto Police Force, Inspector Ian Russell. Inspector Russell has indicated to me a concern of members of police forces and members of the public. I like to place particular emphasis on the fact that this is a concern of members of the public. It is a very practical matter. It deals with a situation or a variety of situations where the terms of a parole order are being breached.

Inspector Russell has given me a number of examples of this. I am certainly familiar, in my role as well as a lawyer, with the practical side and the practical problem envisaged here with which this amendment is trying to deal. Let me give the House two or three of those examples.

One is the person who has been convicted of rape and is released on parole. One of the terms of the parole is that he is not to go within 1,000 feet of the victim of that rape. When on release or on parole the person convicted of this offence goes to the home of that person, stands outside the home, walks up and down, and intimidates that person. The person calls the police. The police react to that by coming over, seeing that the terms of the parole are being breached but do not have a warrant to arrest and therefore must go away again to try to get a warrant.

The problem may be the time of day. If it is during the night that may not be an easy thing to do; in fact it may be an impossible thing to do. It may also be a very difficult thing in a remote or rural area.

In those circumstances, in that kind of a situation, the victim blames the police for going away and not responding to or dealing with a situation where clearly the victim sees a breach of the orders of parole.

• (1100)

A second example is when someone has been convicted of murder, and part of the terms of their parole is that they would have no contact with a witness or witnesses who testified against them. However, in this situation they do go to the home of the witness. It is an intimidating situation, the witness calls the police and asks the police to act. The police come but say: "Sorry we have to go away". The breach then continues much to the concern and fear of the witnesses in those cases.

A third case is when someone has been convicted of assault of a spouse or their children, and part of the terms of their parole is that they must stay away from their spouse or their children. However, in this situation they come and intimidate the spouse or the children. The spouse or children call the police but are unable to have a satisfactory response from the police because the police are not in a position to act without a warrant and may not be able to get a warrant.

It is a situation that causes concern about the appearance of justice being done and the ability of the justice system to deal properly with concerns of the public in such a situation.

As a result I have put forward this amendment in consultation with Inspector Ian Russell of the Metropolitan Toronto Police Force. This amendment would allow a police officer to make an arrest in those circumstances without having to get a warrant. However, it would mean that all of the other normal procedures would be dealt with. There would be an opportunity to review the whole situation to see if the terms of parole had been breached or had not been breached at a later date.

This is an effort to ensure that the public has confidence in our legal system. Right now the public believes that the police are at fault and they have a lack of confidence in the police.

If the House adopts this amendment that will eliminate this concern. However, if the House chooses to reject this amendment then quite clearly the concern of the public is properly focused, not on the police department, which would like to be able to act to protect the public in those circumstances, but on the members of this House who have decided in their wisdom that it is not appropriate.

Mr. Blaine A. Thacker (Lethbridge): Mr. Speaker, I want to put before the House a number of reasons why this motion is unacceptable. I want to assure my friend for Don Valley East that his motion has been considered, not only by the minister but by the officials. There are a number of very good reasons why it should not be accepted.

The board delegates its authority to Correctional Service Canada employees who suspend conditional release. This applies across the whole country and there is a large number of people to whom that authority has been delegated.

In delegating this authority the board must be able to ensure consistency, as well as knowledge of how the warrants are being executed so that there is a common system across this whole country.

Annual reviews are used to ensure the proper use of these delegated authorities. Expanding delegation outside of the CSC would eventually result in an abrogation of the board's mandate and would cause problems and discrepancies across the country.

Correctional Service Canada has a 24-hour response network in place. This is known by the police community and is certainly available to it. This practice ensures that CSC can respond to emergency calls.

Conditions of conditional release can change throughout a person's sentence. Given the number of problems of communicating information to large numbers of individuals, in other words all police forces across the whole country, it is not always possible that they would be aware of these changes. In most cases, the police will have to call the duty officer to confirm the conditions of release.

I am advised that duty officers are able to issue suspension warrants if circumstances require it and police may arrest on the strength of knowledge of that warrant.

It is essential that both CSC and the board maintain appropriate flexibility in determining the level of risk the offender poses to the community and the level of action required. Police still have their normal powers of arrest. For example, if they find a parolee committing a crime the police can arrest that parolee.

Bill C-36 also insures that a police officer who believes on reasonable grounds that a warrant has been issued regarding a specific offender can arrest the offender without the warrant and remand the offender in custody. I would refer my friend to clause 137(2), which sets that out specifically.

The warrant would then be available to the police within 48 hours. If this motion is adopted it would have significant work-load implications for police officers who already have heavy work-loads. It would be difficult for every police officer across the country to keep up with the changes to the several thousands of conditional releases that are or are not in effect any one given day. I would urge members to reject this motion.

Mr. Derek Blackburn (Brant): Mr. Speaker, I listened with some sympathy to the member for Don Valley East, particularly when he was using what I would consider extreme examples which were nonetheless realistic examples.

For instance, he dealt with a person on parole having previously been convicted of murder, having been convicted of a sexual offence or of assault. However, there are on parole at any given time hundreds of parolees who do not fit those three categories, who have been convicted of much lesser offences, have done their time and have received an unconditional release and are in the streets.

My fear is that if we pass this amendment we would be opening the door for two things. We would virtually

be making police officers parole officers. I do not believe that is correct. Parole officers are professional people and have a certain job to do. They have their regulations, their job description, their duties and they know their work.

There are probably not enough parole officers in this country. That is one of the major problems. We need more parole officers, more people to handle the case–load. I would be quite prepared to move in that direction rather than passing some of the obligations and responsibilities of the parole officers to police officers.

The other point I want to make is that I have a fear, a very real fear, that once we open that door and allow police officers to act like parole officers it would allow harassment. Some parolees who are really honestly attempting to change their ways could be subject to harassment by local police officers who knew the parolee, are aware of his criminal past, and for even frivolous violations of parole effect an arrest.

As the hon. member for Don Valley East knows, many parolees, in fact a majority, have their parole cancelled not because they re–offended and committed another crime while they were on parole but because they broke one or several of the regulations.

For example, a parolee could wander into a bar and have a bottle of beer and come back out, perfectly sober. He could then be nabbed because he violated parole, if that was part of his parole.

He might inadvertently walk down the wrong street one day on which a victim of his crime lives. It might not have been in his mind, but if this amendment were passed and a police officer saw him there then his parole would be out the window and he would be back behind bars.

I am very reluctant to support this motion because it opens up too wide a door for possible harassment or abuse.

•(1110)

Mr. Tom Wappel (Scarborough West): Mr. Speaker, this sort of amendment illustrates the difficulty that we in Parliament have in dealing with very difficult situations.

Some of the reasons for rejecting the amendment given by the member for Lethbridge are spurious, plain and simple. However, there is a problem with the amendment.

The amendment provides that a peace officer may arrest an offender without warrant and remand the offender in custody where the peace officer finds the offender breaching a condition of parole.

The intent here is clear. There is no reasonable probable grounds. The peace officer must see the breaching of the condition of parole. He must be right there and observe that the condition of parole has been breached. That is clear.

That is similar to the right of every citizen of this country to affect a citizen's arrest when they actually see a crime being committed. However, this is not a crime it is a breach of a condition of parole. There are many breaches of conditions of parole which are not crimes in this country.

The hon. member for Don Valley East gave us a couple of examples. Let me give another one.

A convicted sex offender who has been convicted of child abuse is told in his conditions of parole not to be in the company of anyone under the age of 16. If a peace officer sees that parolee in the vicinity of anyone under the age of 16 that is a clear breach of parole.

I am sure that society would want us to protect that young person. However what happens with the rest of this amendment? This is the difficulty with it. If a peace officer makes such an arrest that person would go before the appropriate official, as stated in clause 137, and only two things can happen.

If that designated officer is satisfied that the person had not breached the condition of parole he would be released. That is it. There would be no apology, no one would say: "I am very sorry, I made a mistake". Therein comes the problem that the hon. member for Brant brought up, which is the potential for abuse, harassment and the destruction of the individual liberties of people who are attempting to reintegrate into society.

That is the weakness. There are strengths in the amendment, but the weakness is that there is no ability to provide that any hassling, any harassment of a parolee would in any way be discouraged.

On balance and for those reasons, I cannot support this amendment because of that potential for abuse. The spirit of the amendment is there. If it turns out that there are some difficulties we can revisit the act at some point and make some amendments providing for the protection of individual liberties while at the same time ensuring that parole conditions are met and are respected.

That is the difficulty when we have a very difficult situation. I respectfully remind the hon. member for Don Valley East that hard cases make bad law. From my perspective we cannot support this amendment.

Mr. Derek Lee (Scarborough—Rouge River): Mr. Speaker, I really do appreciate the effort the member for Don Valley East has made to put this amendment before the House.

In principle I would like to support it very much. The hon. member for Lethbridge made a reference to the increasing work—load that might be put on police.

We should perhaps distinguish between police in a small town and police in a big city. Police in a big city would love to have this additional work—load. I think I am correct in saying that they would love to have an opportunity to ensure that conditions of parole are enforced a heck of a lot more than they are now. They say that this would assist them in regulating their streets.

I am sure that most police forces in the big cities would really like to have this provision in existence. Then we must deal with the issue of arbitrariness when police put themselves into the shoes of parole officers.

I want to raise a second point. This one hurts a little bit because it is real. It happened in Edmonton where a person on conditional release was seen in a bar. One of the conditions of parole was that the person stay away from alcohol. This was only within the last year. The offender, who was in the bar drinking to excess, was seen by an employee of Correctional Service Canada who was well aware that the parole was being breached. Nobody took any steps to deal with that offender. The sun went down, the sun came up and within about two weeks of that point in time a young police officer on the Edmonton police force was shot and killed by that offender.

That is another unfortunate case, very unfortunate, even tragic. If a provision like this had been in place at that time, just a year ago, that police officer might still be with us today.

I put this to the Solicitor General. There is clearly in the act an element of enforcement of conditions of parole that is not addressed by the amendments to the bill. The amendment put by the member for Don Valley East attempts to address it. It may procedurally not be a perfect fit today.

I hope the minister will look into this further if the amendment is not adopted here and agree that it is a matter that must be addressed in the future.

The Acting Speaker (Mr. Paproski): I will recognize the hon. member for Don Valley East but that will mean we will close off the debate.

Mr. Redway: Mr. Speaker, I just want to respond very briefly to some of the comments made by hon. members with respect to this matter. First, on the whole question of the availability of designated persons or duty officers under this legislation. Inspector Ian Russell happens to be one of the main persons in the Metropolitan Toronto Police Force in charge of this whole process of parole. He knows whether people are available or are not. In fact, he indicates that there is a great difficulty with the availability of these people in cities and there is a great difficulty with the availability of these people in rural areas as well. An example was given to me of rural Saskatchewan where the duty officer may be in Regina, whereas this occurrence is in some remote place in rural Saskatchewan.

Second, the whole matter of the police officer being able to act if there is a crime committed and uses normal powers of arrest, there is no question of that. If this person who is breaching their parole provisions is committing another crime, there is no question the police officer can do it. Usually that is not the case. It is a question of breach of conditions of parole and harassment and therefore the police officer has to say: "Sorry, madam, sorry, sir, I have to go away and leave you to be harassed by this person because there is not anything in the law that allows me to do the job that you are asking me to do".

Third, is the whole point of the work—load. The work—load is greater under the system that is being proposed than is in place now. The police officer is called by a member of the public to come and assist. The police officer comes, sees the breach of parole, and says: "I am sorry, I have to go away and see what else I can do". He has to go away again and come back. If the police officer is able to act immediately, that reduces the work—load.

Fourth, the whole question of more parole officers. There is no question it would be wonderful if we had more parole officers. In a case like this, the public does not call a parole officer to come and help them where somebody is breaching parole. They call a member of the police department and expect the member of police department to act on that.

On this whole question of harassment that was raised. That goes to the root of the speed with which

this matter came before the House and the fact that just this morning I got the reprinted bill and the fact that we were unable to re-tailor our motion in time to address the concerns with respect to the further appeal and the further dealing with the matter in the other normal ways that this would be dealt with.

In closing, I would reiterate my earlier point, that if in fact the House and the government does not adopt this, then the public clearly knows who is not standing behind them in this situation. If, on the other hand, the government would be prepared to have the matter stood down till Monday as indicated and perhaps take another look at this and have it reworded and reworked so it would have all the protections that members of this House would like to see in it, I am sure the public would applaud the government for its efforts on behalf of the criminal justice system and the confidence that the public would have in the criminal justice system.

• (1120)

The Acting Speaker (Mr. Paproski): Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

The Acting Speaker (Mr. Paproski): In my opinion the nays have it. I declare the motion lost.

Motion No. 3 negatived.

The Acting Speaker (Mr. Paproski): We will skip the groupings and go to Motion No. 19, with recommendations.

Hon. Doug Lewis (Solicitor General of Canada) moved:

Motion No. 19.

That Bill C-36 be amended in Clause 222 by adding immediately after line 22 at page 112, the following:

"(4) A person referred to in subsection (3) shall be paid such remuneration as is fixed by the Governor in Council for each day that the person is performing duties referred to in that subsection, and is entitled to be paid reasonable travel and living expenses incurred while performing those duties away from the person's ordinary place of residence."

He said: Mr. Speaker, the purpose of this motion is to amend clause 222 of the bill to add a subsection with regard to salaries for community board members.

The House will know that there are three types of board members: full time, temporary and community. Bill C-36 provides for the continuation of the current community board members, but due to a drafting oversight does not provide for the continuation of their pay. Therefore, we have prepared a royal recommendation which was placed on the Order Paper on May 5, 1992. This amendment is required to ensure that the current community board members who will continue under Bill C-36 will receive remuneration for their services.

Motion No. 19 agreed to.

Mr. Tom Wappel (Scarborough West) moved:

Motion No. 20

That Bill C-36 be amended in Clause 235 by striking out line 44 at page 116 and substituting the following therefor:

"fixed by order of the Governor in Council but not before legislation dealing with sentencing is reported to the House of Commons by the Committee to which it was referred."

He said: Mr. Speaker, what is the purpose of this amendment? It is very clear. Time and time again as we sat in committee we heard witness after witness telling us that to discuss parole and conditional release without discussing sentencing, without talking about all of the issues at one time, was a tragic mistake, was a repudiation of previous studies of the House of Commons, and was in fact not logical.

The purpose of this amendment is to ensure that this act does not come into effect until such time as this government tables legislation with respect to sentencing, and that such legislation is reported to the House of Commons by the committee to which it was referred. Why? So that both sets of legislation could be dealt with by the House of Commons at the same time.

Many witnesses came before the committee, but I think the gist of the point can be set out by the brief of the Canadian Bar Association. I would like to read for the House a very short excerpt from the brief. I am not going to talk about the actual presentation by the Canadian Bar Association which I found in many cases insulting and offensive, but it's brief specifically states the following:

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. The Canadian Bar Association rejects this fragmented approach.

Given the 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 its recommendation. It was echoed time and time again by witnesses who appeared before us.

We know that the concerns of the Canadian Bar Association are accurate because we can see that there are demonstrated in the bill itself attempts to effect sentencing by the back door. This bill is supposed to deal with corrections and parole. There are clauses in it which deal specifically with sentencing.

It was not just the Canadian Bar Association but it was groups from all sides of the issue that urged this House not to consider this bill in isolation but rather to consider it when the House and the committee were considering sentencing. It is obvious that if a certain sentence is imposed and a certain length of sentence is imposed that it may or possibly could affect how we think about parole.

It may very well be that the type of offence and the sentence this House decides to impose on a type of offence may impact on parole, on escorted absences, on unescorted absences, on work releases, on the date of first eligibility for full parole and on a host of other issues, including the classification of the offender as maximum, minimum or medium.

There are many areas of overlap. Admittedly, in a bill of over 200 clauses there are clearly going to be areas that do not overlap. However, the point is that there are many areas of overlap between parole and sentencing. All of the interested parties from academicians to the Canadian Bar Association to ordinary citizens felt that it was inappropriate to proceed with this bill until sentencing legislation came down.

I am glad to see that the Attorney General of Canada is in the House today.

We kept getting promises that we were going to get sentencing legislation. It still has not come. We are still waiting for it. Of course there is going to be a somewhat lengthy process, depending on whether they wish to use the same approach as the government did with Bill C-36 to ram it through as quickly as possible. In any event, we do not even know what is coming down with respect to sentencing, yet we are being asked in this House to pass legislation that clearly will have ramifications on parole and on release, which may or may not be changed after we see the sentencing legislation.

Despite all of the witnesses, despite all the recommendations, despite motions in committee the government has consistently rejected this approach. However, we in the Liberal Party feel it is absolutely crucial that the two parts be considered contemporaneously so that the best, proper decision for the protection of inmates and the protection of society can be made at one time. Some would argue that it is impossible. It is too difficult. Well I say that is nonsense. Our job is to sit down and examine these issues and if they are better examined together then that is

what we should do. Virtually all of the professional advice that we received from the witnesses, the police, academicians, and lawyers was that we do that.

• (1130)

The effect of this amendment if it is carried is to ensure that this bill will not come into force and effect until such time as the House has an opportunity to discuss report stage of the sentencing legislation. That is the intent of the motion. I think it adequately reflects the comments of the majority of witnesses before the committee. It certainly adequately reflects the view that these things should be dealt with together in the best interests of society and in the best interests of offenders.

Mr. Derek Blackburn (Brant): Mr. Speaker, I rise briefly again to support this motion. What the hon. member has just said is absolutely true. Witness after witness after witness came before the committee and when they were asked, or sometimes when they volunteered their own opinion on the subject, stated that Bill C–36 should have been debated, discussed and examined contemporaneously with the sentencing legislation. You really should not, in an intellectual sense, attempt one without the other.

By that, I am not arguing that we should have done both bills exactly at the same time. What I am saying is that we could have done Bill C–36, corrections and conditional release, particularly that section dealing with parole, or conditional release as it is now called, and then follow on with sentencing or preferably do the sentencing bill first and then Bill C–36.

To proceed with this bill alone and then to bring it into law and into force without ever having seen the sentencing legislation is not a miscarriage of justice, but it is a miscarriage of our duties and responsibilities in this Chamber.

I frankly think that we are derelict in our duty by allowing this bill to become a law, to become a statute and to be in force before we have any idea of what lies in the sentencing bill which we have been promised now for several weeks. At least I am under the impression that the bill was supposed to have come to the House for first and second reading stages sometime this spring.

Surely the motion standing in the name of the hon. member for Scarborough West is not an unreasonable motion. It is not an unreasonable amendment. We are not altering the bill in any way. We are not changing the bill. We are simply saying: "Okay, fine. We will proceed now and the bill will get passed, but it will not come into force until we have had a good look at sentencing legislation".

Indeed we may find at that point there is a lot more input both from the Standing Committee on Justice and the Solicitor General and from members at large in this House to the process of conditional release based on what we will see or may see in the sentencing legislation.

I strongly urge my fellow members in this Chamber to put aside partisanship at this point and support this motion. It is not a question, as I say, of altering or changing the bill, or putting forward a Liberal spin or an NDP spin to the bill at all. It is simply saying: "Hey look, let us just wait a reasonable length of time until we have had a chance to examine the sentencing legislation and then this bill can come into force".

Mr. George S. Rideout (Moncton): Mr. Speaker, I too want to rise and add my support to this amendment.

Clearly we have a situation in which we have put the cart before the horse. We are dealing with parole, with conditional releases, and we have no idea as to what sentencing is going to be and what it is even going to look like. We had a number of representations throughout all the hearings we had on this bill as to things that relate to sentencing. In fact, a lot of the thrust of the recommendations to us dealt with sentencing because that is where the big issues are. We have to make sure that the cogs fit. We are not going to be able to if this becomes law. Then we will deal with sentencing and we will probably end up having to try to modify sentencing in order to make it fit parole. It seems to me we should be dealing with the horse first, that is the issue of sentencing, rather than dealing with the cart first.

This is a reasonable amendment. We have had the assurances of the government and we are taking the government at its word that the legislation on sentencing is going to be introduced almost momentarily. What is the rush? If we are going to do the job, let us do it right.

We have made one mistake by proceeding with this bill now. We are going to have to duplicate a whole lot of effort because there will be the same people who made submissions on this bill coming back to make submissions on sentencing. We could have been dealing with both at the same time, thus expediting justice rather than making it worse.

We on this side are asking for the government to realize its error, to stand up in its place and say it was wrong, it made a mistake and it is now going to correct it by agreeing to this amendment. I am sure as government members study the reasonableness of this amendment that is what they are going to do.

Mr. Blaine A. Thacker (Lethbridge): Mr. Speaker, that opposition member put exactly the same argument at committee stage. They argued with great passion and great humour. The fact of the matter is that we looked at it very carefully there. The minister looked at it carefully. We want this bill to go forward.

I can assure them the bills were drafted and are being assembled in terms of putting the principles together in very close harmonization with each other. When the sentencing bill comes down, members will see there are not major areas of conflict.

They know, as well as I do, that the sentencing bill will take a long time. There will have to be many witnesses brought in because a lot of people have strong positions on both sides of that issue. Even this bill started back in November of last year and is just now at report stage. It still has to go through third reading after this phase is finished.

Even as an intellectual experience we have a sentencing regime in place today that dovetails with this act and these changes. If the sentencing were on average 10 per cent more severe or 10 per cent less severe, I would ask: So what? Surely that will not have much impact on violent prisoners staying in prison longer. This bill will ensure that violent offenders will be staying in prison longer.

When I canvassed my constituents they indicated they wanted that to be done right away. Interestingly enough, my constituents also want the non-violent offenders to be out of prison, where they are being kept at a cost of $50,000 a year. They want them out, where they can get a job, work, pay restitution to victims and to rehabilitate themselves through the job process. On that score, my constituents are telling me as well to get this bill through.

Judicial determination is in this bill. It will permit a judge in the proper circumstance to order that a prisoner will not be considered for parole until he has served 50 per cent of the sentence. Right now, it can be one-third for full parole and much less for day parole and escorted or unescorted temporary absences.

My constituents on the farms and in the businesses want the judges to have that power. They do not want this sitting around waiting for another bill to be passed. They want it to be the law today because it is good substantive law.

The same with the changes on escorted temporary absences, unescorted temporary absences, the work release program, better information flows within the system, so that people will not be getting out on parole and causing problems because someone on the Parole Board did not have adequate information.

Canadians want that to be the law today. They do not want that sitting unpassed or sitting on the books until some sentencing legislation comes down that may be five per cent tougher or five per cent lighter. They want it today because whether it is five per cent tougher or lighter in terms of sentencing, that is not relevant to them.

This bill has very good provisions. It provides for a codification of policy directives. It is not that they are vague but they are not in the statute. This bill provides that Parliament is setting by statute what those policy directives will be.

• (1140)

It is open to everybody. Everybody can read the bill. There are many positive changes for aboriginal offenders. There are a large number of changes that are very beneficial for victims. Victims will play a critical part in the system now.

Canadians do not want that to be delayed. They want that to be the law right today. Therefore, I strongly urge members to vote against this motion.

Mr. Derek Lee (Scarborough—Rouge River): Mr. Speaker, what the government is recognizing here is that the public wants its whole dollar. What the government is saying is: "Here, take 50 cents now and 50 cents later". I accept that there are amendments and changes in this bill that improve the area of corrections. It does not do it comprehensively. Out of the whole 50 cents that the government is offering, we got a 38—cent or 39—cent offer here.

I might have been ill—advised or maybe I misunderstood but when these reforms were initially proposed, it was clear in my mind and I did believe that the government wished to propose the amendments in corrections and sentencing in tandem.

It has never really been explained why the Solicitor General managed to free himself up. He got the permission of cabinet to run with this, leaving the sentencing behind. He must be very good at his work, because he obviously convinced them.

The justice minister had made reference to this committee many months ago, and I really did hope that the sentencing reforms would come along in tandem. They have not and as a result, there are areas of this bill that do not just touch on sentencing, but actually deal with it.

As an example of this, there is section 139 of the bill that deals with multiple sentences. This is a section that perpetuates what has been called a freebie sentence, the freebie. This is really something that should have been taken up in the same reform process. It was not.

We had an assurance at committee the other day that the government would put the matter to a commission to make recommendations. That basically is an admission that the area is still flawed and not properly rectified.

Just for the record and so the public is aware of the flaw, the section provides that where an individual—and I am going to give an example here very quickly—is sentenced to six years for a robbery, under the current law and the proposed law, that individual could be paroled and likely properly so at the two or three year mark of the six year sentence.

Let us say that individual is paroled at the two and a half year mark and he or she goes out, does not quite make it the way he or she planned and commits another offence. Let us say that the person snatches a purse from an old lady. That kind of offence would merit a sentence of two years.

Let us say that would be the sentence that a judge would ordinarily hand down. In that case, in the context of the original six year sentence and the provisions of section 139, that offender at the two and a half or three year mark is going to be sentenced to two years.

What this section says is that the starting point for the calculation of the two year sentence begins back at the beginning of the six year sentence. In other words, that offender has already served his time for the purse snatching by the time he goes back into jail.

In other words, it is a freebie. The offender has been able to get his parole, or make parole as they say, go out, commit another offence, and there is no impact whatsoever on the time to be served, on the penal impact of that person's sentence.

That is not logical to anyone in this House or in the country. There is no logic in it. There were amendments moved at committee, but that provision persists in this bill. It is there for all those who want to take advantage of the freebies. If any of them are watching today, there it is folks. It will be around for a while longer. I regret that it is there. Had the government been able to address sentencing at this time along with this bill, I believe that silly section would not be there. The freebie would not still be there and we would have a much better bill, a much better criminal justice package in front of this House.

I leave it there. I would support the position taken by the member for Scarborough West.

The Acting Speaker (Mr. Paproski): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Paproski): The question is on Motion No. 20. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

The Acting Speaker (Mr. Paproski): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Paproski): Pursuant to Standing Order 76(8), a recorded division on the proposed motion stands deferred.

SPEAKER'S RULING

The Acting Speaker (Mr. Paproski): I have a further ruling on Bill C-36, an act respecting corrections and the conditional release and detention of offenders and to establish the office of correctional investigator.

Motions Nos. 4, 5 and 13, standing in the name of the hon. member for Brant, and Motions Nos. 9, 10 and 12, standing in the name of the hon. member for Scarborough West, will be grouped for debate.

The vote on Motion No. 4 will apply to Motions Nos. 5, 9, 10, 12, and 13.

Motions Nos. 6, 7, 8, 15 and 17, standing in the name of the hon. member for Brant, and Motions Nos. 11, 14 and 16, standing in the name of the hon. member for Scarborough West, will be grouped for debate.

An affirmative vote on Motion No. 6 will apply to Motions Nos. 7, 8, 11, 14 and 16 and will obviate the necessity for a vote on Motions No. 15 and 17.

A negative vote on Motion No. 6 will apply to Motions Nos. 7, 8, 11, 14, 15, 16 and 17.

I will complete Motion No. 21 and then come back to the new ruling.

MEASURE TO ENACT

Mr. Tom Wappel (Scarborough West) moved:

Motion No. 21.

That Bill C-36 be amended in Schedule I by adding the following offences thereto and renumbering the Schedule accordingly:

(*a*) section 160 (bestiality, compelling, in presence of or by child)

(*b*) section 170 (parent or guardian procuring sexual activity by child)

(*c*) section 171 (householder permitting sexual activity by or in presence of child)

(*d*) section 172 (corrupting children)

(*e*) paragraph 212(2) (living off the avails of prostitution by a child)

(*f*) paragraph 212(4) (obtaining sexual services of a child).

He said: Mr. Speaker, very briefly I would like to mention, for those watching and those reading, that schedule I contains a list of offences which in common parlance we would call serious offences. They deal among other things with pointing a firearm, sexual interference, manslaughter, attempt to commit murder; various offences of that nature, very serious personal offences to the person.

The nature of my amendment, Motion No. 21, would be to add six specific offences to schedule I contained in the Criminal Code, all of them dealing specifically with various types of sexual offences against children.

The purpose of this is obvious I think. In this House this week we have heard about the grave difficulties that children are having in Canada. We are astounded and shocked each night to hear about the almost unbelievable types of sexual offences that are being perpetrated on the children of this country. Society is absolutely revulsed by some of the things we are hearing, literally from coast to coast, and by the attacks on the innocence of children in our society.

Those attacks do more than destroy the self-esteem and sometimes the entire lives of those young children because what they do—and we know this from studies—is that the same kind of offence is perpetuated by those children when they attain adulthood. We have seen many times that this is the case with offenders who commit offences against children. Their backgrounds are such that they have had offences committed against them.

• (1150)

To express society's revulsion of the sexual offences against children, some of them are listed in schedule 1. The purpose of my amendment would be to ensure that the others are listed, specifically sexual offences respecting children, involving bestiality; parents or guardians procuring sexual activity of a child; householder permitting sexual activity by or in the presence of a child; corrupting children; living off the avails of prostitution by a child, which of course is a major problem in the centre I come from, metropolitan Toronto; and obtaining the sexual services of a child. All these would be listed in schedule 1 as offences for which offenders would be dealt with in a specific way.

The purpose is to ensure that those offenders are identified, get the treatment they need as sexual offenders, attempt to be rehabilitated, and yet are treated in the same way as the other offenders listed in schedule 1. That is the purpose of my amendment. I sincerely hope that members of the House will find it acceptable.

Mr. Derek Blackburn (Brant): Mr. Speaker, the NDP accepts this amendment and we support it. I am quite surprised the sections that have been added with this amendment were not already in schedule 1 or that the government itself had not brought them forward.

If there is one thing that is totally repugnant to law abiding citizens and normal average Canadians today, it is exploitation or any kind of offensive sexual behaviour directed at children. This House has to send a very clear signal to the community, to Canadian citizens, that this kind of activity is completely repugnant, totally unacceptable, and that the criminal justice system must come to bear heavily upon offenders, as sick as some of them may be. Indeed all people convicted of crimes such as bestiality, compelling the presence of a child, the parent or guardian procuring sexual activity by a child and so on, must be ill any way.

Nonetheless the criminal justice system must send a very clear signal to the community at large that these offenders will be severely dealt with. Therefore I am very happy to support this Liberal amendment to include these offences relating to sexual child abuse and violent child abuse in schedule 1.

Mr. Blaine A. Thacker (Lethbridge): Mr. Speaker, I wanted to speak on this motion because the minister has reviewed it very carefully and is prepared to accept the amendment.

Mr. Lewis: As is my custom.

Mr. Thacker: I must say it is the minister's custom. I know the hon. member for Brant has been here many years in the House. He remembers all those years when the Liberals were in power. We could not get an amendment on any bill at any time. It did not matter how good it was. Even the Liberal backbenchers on the government's side at that time could not get it.

I can remember one night at about ten o'clock getting an amendment through which one Liberal member supported. The very next morning he was whipped off the committee. Lord knows what happened to him, but he certainly disappeared from the justice committee.

Members on all sides of the House have done some very good business. The minister accepted over 22 amendments by the hon. member for Brant, the hon. member for Scarborough West and the hon. member for Scarborough—Rouge River, as well as government's motions from the members for Mercier, Laval—Centre and Edmonton—Strathcona.

The process worked very well at committee and it continues to work. I want to thank the minister and praise him for accepting this motion because it is good.

The Acting Speaker (Mr. Paproski): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Paproski): The question is on Motion No. 21. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Motion No. 21 agreed to.

Mr. Derek Blackburn (Brant) moved:

Motion No. 4.

That Bill C-36 be amended in Clause 159

(*a*) by striking out line 13 at page 90 and substituting the following therefor:

"159. (1) The Governor in Council shall"; and

(*b*) by adding immediately after line 15 at page 90 the following:

"(2) Notwithstanding any provision in this or any other Act of Parliament, the Correctional Investigator shall be deemed to be an officer of the House of Commons for the purpose of this Act."

Motion No. 5.

That Bill C-36 be amended in Clause 168 by adding immediately after line 33 at page 93 the following:

"(4) Notwithstanding any other provision in this Act, the Correctional Investigator shall, so far as it is within the jurisdiction of the Correctional Investigator to do so, investigate such matters as may, at any time, be referred to the Correctional Investigator for investigation by the Senate or the House of Commons or by any Committee of the Senate or the House of Commons or of both Houses of Parliament and the Correctional Investigator shall make such report back as the Correctional Investigator considers appropriate."

Motion No. 13.

That Bill C-36 be amended in Clause 189

(*a*) by striking out line 21 at page 101 and substituting the following:

"tion of the Correctional Investigator is only a";

(*b*) by striking out line 28 at page 101 and substituting the following:

"investigator, in the";

(*c*) by striking out line 32 at page 101 and substituting the following therefor:

" respect of a statement made under this Part, or in any proceeding before the House of Commons."

Mr. Tom Wappel (Scarborough West) moved:

Motion No. 9.

That Bill C-36 be amended in Clause 182

(*a*) by striking out line 16 at page 98 and substituting the following therefor:

"182. (1) Subject to this Part, the Correctional"; and

(*b*) by adding immediately after line 23, at page 98, the following:

"(2) Notwithstanding any other Act of Parliament, the House of Commons or the Senate or a duly constituted Committee of either may request the Correctional Investigator and every person acting on behalf of or under the direction of the Correctional Investigator to disclose to the House of Commons or the Senate, as the case may be, any information described in subsection (1) and where such a request is made, the Correctional Investigator or person shall disclose the information."

Motion No. 10.

That Bill C-36 be amended in Clause 183

(*a*) by striking out line 34 at page 98 and substituting the following therefor:

"Part;"; and

(*b*) by striking out line 39 at page 98 and substituting the following therefor:

"ment made under this Part; or

(*c*) to such committee of the House of Commons as may be designated by the House of Commons to hear the information."

Motion No. 12.

That Bill C-36 be amended in Clause 189 by striking out line 19 at page 101 and substituting the following therefor:

"189. Subject to the rights and privileges of Parliament, the Correctional Investigator or any".

Mr. Blackburn (Brant): Mr. Speaker, in keeping up with the pace of acceptability on the other side of the House, I know that the minister will accept Motions Nos. 4, 5 and 13. I probably do not even have to present an argument at this point.

In any event, these motions standing in my name relate to the clause of Bill C-36 dealing with the office of the correctional investigator. Before I get into the specific points that I want to make, I want to argue first of all that it is my feeling and has been my feeling for a long time that there has been too much secrecy in government. There have been too many closed doors in the bureaucracy. Parliament, that is this body, the House of Commons which is elected and represents directly the voters in Canada, has been removed from or is kept removed from a lot of activity that goes on in government to which it rightfully has access or should rightfully have access.

We are constantly being prevented from gaining information. We are constantly prohibited from access to documents and reports. Or, when we in fact get those reports of senior public servants or we get statements or recommendations from senior public servants and staff, they come to this Chamber, the House of Commons, either through in this case the Solicitor General's office, the head of the correctional service, or the chairman of the National Parole Board. In other words, a lot of the information we eventually get has been vetted at the executive level of government.

What I am arguing in these three motions and in other motions today is that the process has to be opened up. Parliament wants in. The people's elected representatives want in. We want information. We want to be able to access information that is relevant to committee work and relevant to our jobs as members of Parliament. We also want to effect activity at the executive level.

In other words, the NDP and I feel that we should be able to activate senior bureaucrats. We should be able to call upon them independently of the government for certain reviews or certain investigations to be carried out on our behalf. That is the major thrust of my argument by way of introduction. The present law states that the Governor in Council or the Government of Canada, in other words, may appoint a correctional investigator.

• (1200)

In Motion No. 4, clause 159, subparagraph (a), I would change that from "may" to "shall". In other words, the government would have no discretion. The government would have to appoint a correctional investigator. It could not delay or wait if one resigned or one's term was completed and the existing or present correctional investigator retired from that position, the government could not delay inordinately or unreasonably in appointing his or her successor.

In subparagraph (b), I have included something else.

> Notwithstanding any provision in this or any other Act of Parliament, the Correctional Investigator shall be deemed to be an officer of the House of Commons for the purpose of this Act.

This would place the correctional investigator in the same kind of relationship to this Chamber as, for example, the Auditor General. The Auditor General is appointed by this Chamber and is responsible to this Chamber. He does not report to the Minister of Finance. He does not report to the Treasury Board. He reports annually to this Chamber.

What I am saying here is that the correctional investigator should be empowered to report directly to this Chamber and be responsible to it. We do not want his reports being vetted by a solicitor general. We do not want them being vetted by the director of the Correctional Service Canada. We do not want his report vetted by the National Parole Board and its chairman. We want that report to come unsullied, unchanged, unexpurgated, directly to this Chamber. That is accountability. That is elevating the responsibility of this Chamber as a legislative body and it is taking away from what I consider to be the excessive power and responsibility vested now in the executive branch.

This is all part of the new politics. Canadians are demanding this. This Chamber must become more responsible. We must have more duties, not fewer. Consequently we must have more power to act directly on behalf of those who elect us and put us here.

This is just another suggested way of elevating the importance of this Chamber and, more particularly, its responsibilities. It opens up the process. I suggest this would be a welcome move on the part of all hon. members. We do not want inordinate or unacceptable interference in our duty, in our responsibilities and in carrying out our responsibilities from the executive branch, which of course is the Solicitor General, his staff, as well as his political staff and, of course, the senior civil servants.

Motion No. 5 does something else. It adds to the enhanced responsibility of this Chamber. It would grant to both Houses of Parliament the right to call upon the correctional investigator to launch an investigation or an enquiry into some incident, event, or whatever we deem is important in our work to know something about. That is why I have said:

> Notwithstanding any other provision in this Act, the Correctional Investigator shall, so far as it is within the jurisdiction of the Correctional Investigator to do so, investigate such matters as may at any time be referred to the Correctional Investigator for investigation by the Senate or the House of Commons or any Committee of the Senate or the House of Commons or of both Houses of Parliament and the Correctional Investigator shall make such report back as the Correctional Investigator considers appropriate.

In common, ordinary English it means the House of Commons can ask the correctional investigator to launch an enquiry which we have specifically called for and he or she would then report directly back to this Chamber. This again opens up Parliament. It opens up the process. It gives this Chamber more responsibility and it takes more power away from the executive branch. This is one of the problems that we face not only in respect of this bill or to the office of the Solicitor General, but it could be any government ministry.

I am convinced the public feels there is too much inaccessibility, there is too much power on the executive side, that is cabinet and the senior bureaucracy, and there is not enough responsibility on the side of the people's duly elected representatives here assembled in the House of Commons.

We are asking, in this Motion No. 5 for more responsibility for example for the Standing Committee of Justice and the Solicitor General, more responsibility for individual members of this House and less power in the hands of the executive branch.

Finally, while I am on my feet, Motion No. 13, asks:

> That clause 189 be amended
>
> (a) by striking out line 21 at page 101 and substituting the following:
>
> "tion of the Correctional Investigator is only a";

The point that I am making is that at the present time the correctional investigator is not a compellable or competent witness, in legal jargon. I want to change that. I want to make that officer, and if these amendments are accepted he would be an officer of the House, to be both a competent and compellable witness not only for this Chamber but for any committee of this Chamber.

In other words, the Solicitor General, and I am not referring to the present Solicitor General, but a Solicitor General, could not interfere or an officer in the Solicitor General's office could not phone the correctional investigator and say: "Listen, the minister, or the government, does not want you to appear before that committee on that specific matter". Therefore there is interference.

I am not charging specific examples of interference, but I am simply saying the perception is there that a government can interfere at the present time. The government can let it be known secretly by telephone call or by conversation that it does not want the correctional investigator to appear before a committee on a certain matter.

What this motion would do is compel the correctional investigator to appear before a committee when summoned.

All in all, these three motions standing in my name, Motions Nos. 4, 5 and 13 are for the purpose of opening up the system, making it more democratic, making the system more accountable to the House of Commons and thereby more accountable to the people of Canada, giving the House of Commons, that is the legislative branch, greater power and greater responsibility and diminishing, to some very limited extent, the overwhelming power now exercised by the executive branch through the cabinet and the senior bureaucracy.

Mr. Tom Wappel (Scarborough West): Mr. Speaker, Motions Nos. 9, 10 and 12 standing in my name, have very similar if not identical intent to the intentions that were expressed by the hon. member for Brant.

May I just say in beginning my remarks that I want to adopt all of the remarks that the hon. member for Brant made with respect to the erosion of the power of the House of Commons, the accurate perception that the people of Canada want the House of Commons to regain the power that it has lost, want the members of the House of Commons to be able to account to their constituents about what goes on.

We all recognize that the executive branch has to make day-to-day decisions. Of course we cannot vote on every single thing in this country and neither can the citizens, but generally speaking there has been over the course of the last number of years an erosion of Parliament and an increase in the power of the executive branch which we, and I think, Canadians deplore.

The purpose of the motions that we are moving in the Liberal Party are to give Parliament, and that includes the House of Commons and the Senate, the other place, the opportunity to call on the correctional investigator to conduct certain investigations. To ensure that if this House of Commons which is the highest court in the land—and we have heard many members say this over the years—wishes to obtain certain information from the correctional investigator then it is this House of Commons that has the ultimate authority to do so.

• (1210)

Right now that is not the case. The correctional investigator will report to the minister and the minister only. The minister can do a number of things; certain things are confidential, certain reports can be written in certain ways, people can be sure to be busy at certain times. Should the House wish an investigation, there is no mechanism of which I am now aware that would permit such a thing.

I would like to take a look specifically at Motion No. 9 standing in my name. It proposes an amendment to clause 182. Clause 182 deals with confidentiality, and very simply it says that "the correctional investigator and every person acting on behalf of or under the direction of that person shall not"—now that is mandatory—"disclose any information that comes to their knowledge in the exercise of their powers or the performance of their functions and duties under this part".

We think that is a little too broad. We think that ties the hands of the House of Commons and ultimately the people of Canada. We have moved in Motion No. 9 an amendment to that part. I want to read it for the record, although it is in the Notice Paper:

That notwithstanding any other Act of Parliament, the House of Commons or the Senate or a duly constituted Committee of either—

The hon. member for Brant referred to one of the committees that might have an interest.

—may request the Correctional Investigator and every person acting on behalf of or under the direction of the Correctional Investigator to disclose to the House of Commons or the Senate, as the case may be, any information described in subsection (1) and where such a request is made, the Correctional Investigator or person shall disclose the information.

If the House of Commons, the Senate, or a duly constituted committee thereof wants the information, the correctional investigator shall give it to them. After all, we are the highest court in the land.

Did we suddenly make this up, we in the Liberal Party? Of course not. We heard witnesses in committee. One of the witnesses was Professor Stuart Farson of Simon Fraser University and this is a suggestion that he made after a study of the justice committee, a study of the correction system and after examining how this Parliament has dealt with certain very, shall I say, touchy issues relating to the release of certain inmates and tragedies that have occurred thereafter.

In his study and when he appeared before the committee, he recommended that this and other clauses be amended to permit the House of Commons to reassert its authority as the highest authority in the land, and to permit the House of Commons to be able to ask the correctional investigator this: "Look, you have certain information; what is it? We want to know, please tell us".

The purpose of Motion Nos. 9, 10 and 12, which my colleagues will expand upon, have in effect the same intent, and that is to return to the House of Commons, to the Parliament of Canada, that which has been gradually taken away; the ultimate authority to decide for the people of Canada. We cannot make decisions if we do not have information. If we spend years requesting information and battling it out in the courts or battling it out in the committees and battling it out in the House of Commons, then we cannot make the decisions that the people of Canada expect us to make.

It is for these reasons and it is with that intention that these motions have been moved. We sincerely hope that the hon. minister and his officials have considered this reasonable request—and it is a reasonable request—to allow the House of Commons to be able to obtain the information that it otherwise might not be able to obtain.

We do not want to suggest for a moment that anything is going to be hidden, but there is that potential, there is that possibility, not perhaps with this government, but maybe with a future government. Why should we take that risk? Why do we need to take that risk, when we are the ultimate authority, we being the House of Commons representing the people of Canada?

Therefore I very seriously urge the minister not to reject these motions out of hand, not to reject them at all in fact, but rather to embrace the spirit of increasing the powers of the House of Commons and allow these motions to carry and better the bill.

Mr. George S. Rideout (Moncton): Mr. Speaker, I want to join with all those who have spoken thus far on these particular amendments, and say that it is absolutely critical that Parliament reassert itself in this area and carry out that part of its function.

The member for Scarborough—Rouge River and I were involved in a very serious situation as far as disclosure of information was concerned. We realize now how difficult it is to get the necessary information to allow parliamentarians to do their job.

We are talking in part about ensuring that Parliament is able to do its job and ensuring that all those who are working in government are doing their job properly. It is also to ensure that we have all the facts, all the information, available to make the proper decision and that Parliament functions properly.

My colleague referred to the paper submitted by Professor Stuart Farson to our committee. I would like to read a portion of it because it summarizes exactly where we are and what we are trying to do:

In my view, on each and every occasion when Parliament hands over or delegates a responsibility to another body, such an action has the potential both for detracting from Parliament's sovereignty, and for limiting democracy by increasing the power of the executive and the bureaucracy. Care must, therefore, be taken to ensure that there are off-setting factors in play. If Parliament is to fulfil its public-interest role, it must be able to assure itself—as a minimum—that those to whom it has delegated the investigatory or review functions on its behalf actually do ask the questions that Parliament would want to ask; and do obtain full answers to them in a timely fashion. Particular attention, therefore, has to be paid to what investigatory bodies may see, and how they can, and do, communicate with Parliament. This will mean that investigatory or review bodies should be an open book to Parliament, albeit, if necessary, through an all-party committee meeting *in camera*.

That summarizes what the issues before us are, why these amendments are proper amendments and why it is absolutely essential that Parliament has a role to play. It ensures that the information comes back to Parliament in some way, shape or form.

That is the reason for Motion No. 10, as well as the other amendments to which others will speak.

Mr. Derek Lee (Scarborough—Rouge River): Mr. Speaker, I want to speak to this body of proposed amendments, and in particular to Motion No. 12.

In terms of theme, it is similar if not identical to that raised by the hon. member for Moncton. Motion No. 12 relates to clause 189 which says that the correctional investigator is not a competent or compellable witness in respect of any matter coming to his knowledge in the course of his work in any proceeding, except for a couple of exceptions.

As a result of experience had on the justice committee it is apparent to me that a large number of public servants are not aware of or do not pay any attention to what we call the rights and privileges of Parliament.

• (1220)

On the face of it this particular section says that when the correctional investigator comes into knowledge in connection with his work that we must give some concession to the privacy and needs of the inmates who reveal a great deal, or would hopefully reveal all that is relevant and material, to the correctional investigator in the course of his or her work.

The problem is that the statement that the correctional investigator is not competent or compellable as a witness in any proceedings gives absolutely no recognition to the rights and privileges of Parliament.

The amendment that has been put simply inserts the words right at the beginning: "Subject to the rights and privileges of Parliament". I would wager if that simple question were put to this House with every member sitting in this House the vote would be to adopt it.

I want to point out a couple of things for the record just in case this comes up later and just in case the amendment is not adopted. The general rights and privileges of Parliament subsist in any event, and they continue unless they are specifically taken away by Parliament. This particular section does not specifically take away any of the rights and privileges of Parliament as I read it and as I hope others read it, including public servants.

The words: "in any proceeding" may well be interpreted to include only legal proceedings and would exclude the type of procedures used in Parliament, such as committee hearings with witnesses et cetera. I would hope that neither Correctional Service Canada nor the correctional investigator would ever argue that the rights and privileges of Parliament had been constrained or that an investigator would ever refuse to answer a question properly put to him by the House, by a committee of this House, or by any member of Parliament in pursuit of his or her work as a member of Parliament.

This amendment has been put forward in that context to clarify those rights and privileges of Parliament, given that members of Parliament, and that includes members of the Senate, have historically worked to communicate with and attempt to address concerns of inmates of institutions. This emanates from a time when these inmates and offenders had virtually no one else to act on their behalf. Now there is a correctional investigator.

In any event its purpose is to clarify those rights and privileges, just in case anyone was not aware of them, for the benefit of all those who would read the statute and for the description of the work of the correctional investigator.

In that context I hope that Motions Nos. 10 and 12, as well as the others we are debating, can be adopted by the House.

Mr. Blaine A. Thacker (Lethbridge): Mr. Speaker, members opposite, as well as government members, did very well at the committee stage and had 22 amendments accepted, and one major amendment was accepted today at report stage. This is another victory for the way the system should work.

There are some very good reasons why this particular series of motions should be defeated, and I think that members will defeat it when given the opportunity.

The role of correctional investigator comprises Part III of this statute, which is a code within itself. It is a very important role within Correctional Service Canada. My recollection is that a person was appointed in 1971 after the riots in either Kingston or Montreal. I am not sure which city.

In any event it was set up by way of a policy announcement. For 21 years the correctional investigator, and we know who the government was for the vast majority of those years, operated under a peer policy process and Parliament had absolutely no access whatsoever, except at the whim of the minister. It was very doubtful that a member could get access in those early years.

I want to remind my friends opposite who were not in this Parliament during those many years when their party was in power that the government did not give any information to Parliament at all. It is a Progressive Conservative government, even though it might stick in their throats, that has come forth with this statutory code that lets it be known by all members and the public.

I would ask members to read through the index, if they do not have time to read the whole bill. Just by reading the index members can see how important this is and everything is covered in terms of the release of information. I would specifically refer people to clause 168. The correctional investigator is an officer who operates within the corrections system. Prisoners have riots, prisoners have differences, prisoners have fights, they have differences with the administration and so on. The correctional investigator has the power, and it is massive power, to step in, investigate, and make a report.

Then that report comes to the minister. It can be available to members of the House, subject to the rights of the Privacy Act and access to information, through the minister when the minister comes to the House on his estimates or comes before the appropriate committee with his annual report. Quite contrary to what the member for Scarborough West said, Parliament has more power today. As a result of the Progressive Conservative government changing the Standing Orders, standing committees and legislative committees have massive power compared to what committees had before.

The argument just does not wash. With great respect, my friend is wrong. Parliament is not regaining anything. Parliament never had it. Parliament is now gaining for the first time some real major powers. We can tie it to some statutory heads in specific investigations. It is a massive power and it is a very good thing.

There are many reasons that their amendments cannot be accepted, especially because it is important that the correctional investigator have absolute confidentiality. No one will be prepared in the context of a prison to give information to a correctional investigator that might get out, however inadvertently. It is a question of life and death in some prisons. It is a very violent society inside them.

It is critical as a matter of principle that these motions not be adopted. I urge members to vote against them when they come up for the final vote on Monday.

The Acting Speaker (Mr. Paproski): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Paproski): The question is on the grouping of Motions Nos. 4, 5, 9, 10, 12, and 13. A vote on Motion No. 4 will apply to Motions Nos. 5, 9, 10, 12 and 13. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

The Acting Speaker (Mr. Paproski): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Paproski): Pursuant to Standing Order 76(8), a recorded division on the proposed motion stands deferred.

Mr. Derek Blackburn (Brant) moved:

Motion No. 6.

That Bill C-36 be amended in Clause 177

(*a*) by striking out line 5 at page 96 and substituting the following therefor:

"177. (1) Where, after conducting an investi-"; and

(*b*) by adding immediately after line 19 at page 96 the following:

"(2) Where the Correctional Investigator informs the Commissioner or the Chairperson of the National Parole Board of a problem under subsection (1), the Correctional Investigator shall submit a report to the House of Commons containing the same information that the Correctional Investigator gave to the Commissioner or the Chairperson of the National Parole Board."

Motion No. 7.

That Bill C-36 be amended in Clause 178

(*a*) by striking out line 40 at page 96 and substituting the following therefor:

"the problem, and in the report to the House of Commons."; and

(*b*) by striking out line 11 at page 97 and substituting the following therefor:

"the problem, and in the report to the House of Commons."

Motion No. 8.

That Bill C-36 be amended in Clause 179

(*a*) by striking out line 18 at page 97 and substituting the following therefor:

"appropriate and the Correctional Investigator shall include any recommendations made in the report to the House of Commons."; and

(*b*) by striking out line 40 at page 97 and substituting the following therefor:

"tion made under this section but if the Commissioner or the Chairperson of the National Parole Board does not act on any finding or recommendation, the Commissioner or the Chairperson shall explain their actions in a report to the House of Commons."

Motion No. 15.

That Bill C-36 be amended in Clause 192 by striking out lines 22 to 31 at page 102 and substituting the following therefor:

"192. The Correctional Investigator shall within three months after the end of the fiscal year appear at the bar of the House of Commons and cause a report of the activities of the Office of the Correctional Investigator during that year to be laid before that House, or where that House is not sitting during that three month period, on the first day on which that House sits following that period."

Motion No. 17.

That Bill C-36 be amended in Clause 193 by striking out lines 32 to 45 at page 102 and lines 1 and 2 at page 103 and substituting the following therefor:

"193. The Correctional Investigator may, at any time, appear before the bar of the House of Commons and cause a special report referring to and commenting on any matter within the scope of the function, powers and duties of the Correctional Investigator to be laid before that House where, in the opinion of the Correctional Investigator, the matter is of such urgency or importance that a report thereupon should not be deferred until the time provided for the next annual report under section 192."

• (1230)

Mr. Tom Wappel (Scarborough West) moved:

Motion No. 11.

That Bill C-36 be amended in Clause 185 by striking out line 16 at page 100 and substituting the following therefor:

"the House of Commons under section 192 or 193."

Motion No. 14.

That Bill C-36 be amended in Clause 192 by striking out lines 22 to 31 at page 102 and substituting the following therefor:

"192. (1) Correctional Investigator shall, within three months after the end of each fiscal year, report to the House of Commons on the activities of the office of the Correctional Investigator for that year and shall at the same time, provide a copy of that report to the Minister.

(2) Each annual report by the Correctional Investigator to the House of Commons shall be submitted to the Speaker of the House of Commons on or before December 31 in the year to which the report relates and the Speaker of the House of Commons shall lay each such report before the House of Commons forthwith after receipt thereof by the Speaker or, if that House is not then sitting, on the first day next thereafter that the House of Commons is sitting."

Motion No. 16.

That Bill C-36 be amended in Clause 193

(*a*) by striking out lines 32 to 34 at page 102 and substituting the following therefor:

"193. (1) The Correctional Investigator may, at any time, make a special report to the House of Commons referring to and commenting on any"; and

(*b*) by striking out lines 42 to 45 at page 102 and lines 1 and 2 at page 103 and substituting the following therefor:

"report to the House of Commons under section 192.

(2) Each special report of the Correctional Investigator to the House of Commons made under subsection (1) shall be submitted to the Speaker of the House of Commons and shall be laid before the House of Commons by the Speaker of the House of Commons forthwith after receipt thereof by the Speaker, or if the House is not then sitting, on the first day next thereafter that the House of Commons is sitting."

Mr. Blackburn (Brant): Mr. Speaker, these amendments in my name, Motions Nos. 6, 7, 8, 15 and 17, again relate to the office of the correctional investigator, specifically in respect of his reporting to the House and other matters.

I have been concerned for quite some time. Maybe I have a suspicious nature. Maybe I have been on the opposition benches too long, but I have the impression from time to time that reports that come to us have been vetted, altered, rewritten, or words added and other words taken out. I suppose this is not a profound revelation. I think there are possibly one or two other members in the Chamber from time to time who have the same suspicions.

Motion No. 6, that clause 177 of Bill C–36 be amended, and the amendments are on the Order Paper, would provide for a mechanism by which the Solicitor General or his officials could not vet or alter or change reports coming from the correctional investigator. His reports would come directly unaltered to the House of Commons or straight to Parliament.

Motion No. 7 is a technical one. It simply tidies up or alters the language so that clause 177 could be proceeded with.

Motion No. 8 with respect to clause 179 of Bill C–36 is also, I believe, an important amendment. It gives the correctional investigator the right to make recommendations to the House as well as to officials. Here on his own volition, the correctional investigator, he or she, could make specific recommendations.

In other words, he or she as an investigator simply does not investigate a matter only or an incident or an event and report as he does now to the Solicitor General or to the head of the Correctional Service Canada, but the correctional investigator could also follow–up or conclude that report with specific recommendations. No doubt he or she—the present correctional investigator is a male, therefore, I will say he—does make recommendations but the recommendations go to the Solicitor General or to the head of the Correctional Service Canada, Mr. Ingstrup or, perhaps, even the chair of the National Parole Board.

This amendment would allow the correctional investigator to send his recommendations to those officials but also directly to the House of Commons without any interference, without any change or alteration by senior bureaucrats who are not responsible to this Chamber. They are responsible only to a minister, in this case the Solicitor General.

What I am saying here is that everything that comes out of the office and under the signature of the correctional investigator comes to this House unaltered, unvetted, directly, so that we are all apprised of all the information and all the facts and, indeed, the recommendations at the same time. This could be in the form of an annual report or a specific report on a specific incident, including recommendations and, indeed, criticisms, what is wrong.

If the correctional investigator finds that somebody senior in the bureaucracy, in Correctional Service Canada, has made a mistake, has goofed, what is wrong with us knowing about it? As members of Parliament should we not have that responsibility and should we not have access to that information? As I said earlier, there is still far too much secrecy surrounding this government. I am not just labelling this government or directing my criticism at this specific government. It has developed over many years, too much executive secrecy, and too much executive secrecy adds to too much executive power. The two go hand in hand. It may not be intentional. It may not be by design, but that is what happens and that is very serious and very dangerous. It is not in the best interests of democracy for that to take place.

Motion No. 15 also stands in my name. I am going to read these as they are not lengthy:

> 192. The Correctional Investigator shall within three months after the end of the fiscal year appear at the bar of the House of Commons and cause a report of the activities of the Office of the Correctional Investigator during that year to be laid before that House, or where that House is not sitting during that three month period, on the first day on which that House sits following that period.

The reason I put this in is that we have to wait an inordinately long period of time for the correctional investigator's reports that come almost I believe a year late. The last report I think I saw was 1991, or 1990. I am not talking in terms of years, I am talking in terms of months. In my view they are far too lengthy, or too much time elapses before they get to the House of Commons. Even then, as I said earlier, I suspect they come somewhat vetted or altered. I am not blaming the correctional investigator here. I am simply saying that is part of the process.

Finally, Motion No. 17 relates to clause 193 and I am going to quote again:

193. The Correctional Investigator may, at any time, appear before the bar of the House of Commons and cause a special report referring to and commenting on any matter within the scope of the function, powers and duties of the Correctional Investigator to be laid before that House where, in the opinion of the Correctional Investigator, the matter is of such urgency or importance that a report thereupon should not be deferred until the time provided for the next annual report under section 192.

It is self-explanatory. What it means is that if a serious incident has occurred in the correctional service and the correctional investigator has investigated it and he finds some very disturbing information or evidence which he feels should be brought before Parliament, he may do so immediately that he makes that decision. He does not have to wait for an annual report. He does not have to put it off for three months, six months, or even a year before it is made public by being tabled in the House.

I have put forward these motions. There are many of them here with respect to the office of the correctional investigator. We have forced a vote on the first cluster of motions. I presume we are going to do the same at this stage. I await with anticipation remarks from my friend from Scarborough West with his amendments. I hope the House will seriously consider these amendments as being reasonable and acceptable.

Before I sit down, I want to make a comment as well in reference to a remark made a few moments ago by my friend from Lethbridge—Foothills. It is true that since 1984 the committees of the Canadian Parliament, certainly the House of Commons, have been given a great deal more authority and a great deal more responsibility. We all welcome that. I think members on the government side welcome it as much as members in the opposition.

I just hope that this process will continue. We on this side certainly do not want to usurp executive power in this Chamber. That would not be correct either, but I would sincerely hope that in the spirit of reform that committees be allowed to gain even further power particularly over the purse strings, over taxation.

I know this goes to the very heart of executive government, or the executive level of government. With respect to this Bill C-36, for example, if we can hold up funding, the estimates, for six months—I am not saying for five years, but for six months—just think of the impact that would have on the amount of input that this Chamber would have into Correctional Service Canada, the National Parole Board, and the office of the correctional investigator.

• (1240)

I had hoped to be able to set up a new office through this bill. It was ruled out of order. I am not quarrelling with the Speaker's decision. He did rule it out of order. I would have added one more office under the criminal justice system, the Office of the Victims of Crimes Advocate. It is time that the victims of crime in this country got a break.

It is about time Parliament and the criminal justice system put some stress on their feelings, their predicaments and their loss, whether it is material or human at the hand of offenders day in and day out in this county. That is for another day. That is another battle. I will be satisfied if these amendments here are accepted by the government.

Mr. Tom Wappel (Scarborough West): Mr. Speaker, these three amendments, Motions Nos. 11, 14 and 16, standing in my name, have a similar intent to the motions that are standing in the name of the hon. member for Brant. Again, we are talking about empowerment. We are talking about how things look. We are talking about what sort of power is in whose hands.

Of the three motions that are in my name, Motions Nos. 14 and 16 deal specifically with clauses 192 and 193 of Bill C-36. Motion No. 11 is a very technical consequential amendment which would be required in the event that Motions Nos. 14 and 16 were to pass.

The crucial difference that I want to emphasize between what is presently in clauses 192 and 193 and what the Liberal amendment would do are as follows:

The Correctional Investigator shall, within three months after the end of each fiscal year, submit to the Minister a report of the activities of the office of the Correctional Investigator during that year, and the Minister shall cause every such report to be laid before each House of Parliament

One wonders why. It is mandatory to submit such a report to the House of Parliament because clause 192 says very clearly:

> and the Minister shall cause every such report to be laid before each House of Parliament

The minister according to this clause gets the correctional investigator's report and then he must submit that report to the House of Commons within a period of time. Why? If the House of Commons is going to get the report anyway, if it is going to get exactly the same report that the minister got, then what is wrong with the House of Commons getting it at the same time as the minister?

That is the point of Liberal Motion No. 14 for example which would provide very clearly:

> The Correctional Investigator shall, within three months after the end of each fiscal year, report to the House of Commons on the activities of the office of the Correctional Investigator for that year and shall and at the same, provide a copy of that report to the Minister.

The reality is that clause 192 says that the House of Commons is going to get the report. Why do we have to wait for it? What is the compelling reason for waiting? The minister gets it and within a time frame, the House of Commons will get it. Well, let us both get it at the same time because we are both going to be getting exactly the same report.

The same thing pertains to clause 193. In clause 193, we have a permissive section. Clause 192 is mandatory, "the correctional investigator shall do the following". In clause 193 we have a permissive section "where the correctional investigator may" and here we are talking about special reports. These special reports may be made to the minister. If they are made to the minister, then according to clause 193, "the minister shall", which is mandatory, "cause every such special report to be laid before each House of Parliament".

If the correctional investigator chooses to make a report, he makes it to the minister. Then it comes within a period of time to the House of Commons. Why the delay? What is the problem? We are going to get the report in this House. Presumably it is going to be the same report, yet we have some sort of a buffer zone here or some sort of a delay, which will mean that if we are adjourned, if there is some difficulty, or if there is some reason to delay the report because of embarrassment or anything of that nature, there might be this potential for manipulation in some future government.

We do not need that. The section says the House of Commons is going to get the report. It is mandatory in both cases that the minister give the report, at least as I read it. If I read it incorrectly, I wait for the minister or someone on that side to tell me that that is not true, but the House of Commons is going to get the exact report the minister got.

If that is the case, let us at least get it at the same time. How? By giving the report to the House of Commons and the minister at the same time. I do not see any reason for a delay. It is not as if the minister is going to look at the report and say: "Oh, oh. We can't do anything, we had better not release this to the public. There is a problem".

On the contrary, the section is mandatory. The minister must file that report with the House of Commons. What is the purpose of the delay? I cannot see one. If someone over there can give us a reason, well fine, but we have not heard one.

Again, at committee, Professor Farson was one who recommended that these sorts of communications between the correctional investigator and the House of Commons be increased. Here, under the two sections as they now stand, the correctional investigator is reporting to the minister and then the House of Commons gets the report.

Under the Liberal amendments, the correctional investigator would be reporting to the House of Commons and giving a copy to the minister.

It seems like common sense to me. If we are going to get the report anyway, then let us get it at the same time. It is not as if the minister is going to be able to edit the report under these sections because it is mandatory that he give that report to the House in any event.

I do not know what the problem is. Perhaps we will hear from the hon. member for Lethbridge, but it seems a reasonable enough motion to require that the report be given to the House of Commons and the minister at the same time, under both section 192 and section 193.

As I said before, the consequential amendment to section 185 dealing with the correctional investigator not being permitted to delegate his responsibility to report would then flow to the report under sections 192 and 193 to the House of Commons and not the minister.

Anyway, that is the purpose. There is no nefarious reason, nothing unusual. It is very open. The purpose behind the Liberal amendments is for the House of Commons to see at the earliest possible opportunity what it is going to get to see anyway. That is pretty clear, pretty simple. With respect, it has a touch of common sense to it. I ask that the government and all hon. members support this group of amendments.

With respect to the amendments by the hon. member for Brant, this is an interesting situation because they are all grouped in one grouping. A vote on one will either carry or defeat all of them. This is a perplexing difficulty.

I notice that the motions in the name of the hon. member for Brant again all have that underlying intent, to have the correctional investigator be given the opportunity to directly report to the House of Commons. That was something in his reasons that he explained was compelling.

He has been here a long time and has seen the development of the House of Commons. Certainly he has much more length of service in the House of Commons than I do and yet I gather he sees things the same way that I do. We want to make sure that Parliament has power, that we are not just a rubber-stamp in here, to stand up like a bunch of trained seals when we are told to do so and vote the way we are told to vote, without in any way having the ability to make any difference in any of the acts that we supervise or that we look over. Here is a perfect example of that ability.

We heard the hon. member for Lethbridge say that oh, no, we could not possibly have this because, my goodness, no one would talk to the correctional investigator if his or her name is going to be bandied about the House of Commons. Again with the greatest of respect, this is a spurious argument. Clearly there are provisions in the act which protect the privacy of individuals, which protect the privacy of informants, which protect the privacy of people who obviously, if their names got out, would be in serious danger. There is no one in this House of Commons who would want to do that and there are already protections in the bill.

• (1250)

If we are going to argue them, let us argue amendments on the merits, not on some straw man put up to make it seem as if somebody is trying to endanger the lives of people. Of course, we are not and would not in any way be party to such a thing. At least that is how I understood the argument of the hon. member for Lethbridge. If I understood it incorrectly, then I was not paying as much attention as I should have been, but I think that was the point he was trying to make.

All we are saying is let the correctional investigator report to the House of Commons. What is wrong with that?

Mr. Blaine A. Thacker (Lethbridge): Mr. Speaker, I will not take very long because we would very much like to have the motion by the hon. member for Kingston and the Islands dealt with by the House.

The same general arguments apply in terms of just an administrative structure that I gave on the earlier grouping of motions. In terms of section 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. Just as in other cases, that report will be expurgated in certain sections in terms of names in the Privacy Act. I am quite sure of that. That is the answer to that point.

The other one is that to the extent that I understood the motion says that all reports should be tabled in the House, I am informed that last year there were some 4,000 complaints to the correctional investigator.

If every one of those reports had to come to the House presumably they would be referred to the justice committee. Imagine the chaos we would have in the justice committee trying to cope with those. It is just not intended to do that. It is an in-house way. He is an ombudsman type of person to resolve those conflicts within the correctional service.

There is a reporting chain ultimately through the minister, which is where it should lie, to this House. We then question the minister and his or her officials, including the correctional investigator, in all of the ways that they can come before the standing committees.

In terms of the comments made by my friend from Brant *vis-à-vis* the budget and having the power to hold up estimates, it is a process. I agree that it is getting tougher and tougher.

Since 1984 we have gained some real power, but I would remind him that the opposition party, at least Her Majesty's Official Opposition, has the power to select one department that can have an extended examination. That is new within the last two or three years and so if anything was being done improperly within Correctional Service Canada, that department could be selected and it could be subjected to a fine-tooth review by the standing committee.

I urge members again to reject this grouping of motions.

The Acting Speaker (Mr. Paproski): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Paproski): I would just like to bring to the attention of members that an affirmative vote on Motion No. 6 will apply to Motions Nos. 7, 8, 11, 14 and 16 and will obviate the necessity for a vote on Nos. 15 and 17. A negative vote on Motion No. 6 will apply to Motions Nos. 7, 8, 11, 14, 15, 16 and 17.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

The Acting Speaker (Mr. Paproski): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Paproski): Pursuant to Standing Order 76(8), a recorded division on Motion No. 6 stands deferred.

Mr. Peter Milliken (Kingston and the Islands) moved:

Government Orders

That Bill C-36 be amended by deleting clause 72 and substituting the following therefor:

72. Members of the Senate or House of Commons shall, at all times, have free access to any penitentiary for the purpose of visiting any person therein.

Mr. Lewis: Mr. Speaker, I rise on a point of order. We agreed earlier that the hon. member for Kingston and the Islands would be able to put his amendment and it would be debated.

I sense, knowing how deeply he feels about this and the difficulty he sometimes has in putting his arguments together, that he may go beyond one o'clock.

I wanted to suggest that the House might not see the clock in order for debate to finish on this particular motion. Then we would wrap up report stage.

The Acting Speaker (Mr. Paproski): Is it agreed?

Some hon. members: Agreed.

The Acting Speaker (Mr. Paproski): Agreed and so ordered.

Mr. Milliken: Mr. Speaker, of course we agreed to that not because of any difficulty I have in putting my arguments, but to accommodate the minister and show our goodwill in dealing with the government's wretched legislation.

I want to speak about this particular amendment because it is an extremely important one. I hope the minister will pay close attention to my comments.

Members of Parliament in 1834 were granted the right to visit inmates confined in Kingston Penitentiary. I would like to read from section 33 of the act of the Parliament of the colony of Upper Canada concerning the Kingston Penitentiary adopted in 1834 which said: "And be it further enacted by the authority aforesaid that the following persons shall be authorized to visit the prison at pleasure"—note the words "at pleasure"—"namely" and then there is a list.

Included in the list are members of the legislature. This provision allowing the members of legislatures to visit prisons was part of the law of this country until 1961. It was unchanged. It allowed visits by members of the legislature. It was restricted in 1935 to business hours, but it was clearly at pleasure during business hours. You could go in any time during business hours and the right was unfettered and unrestricted.

In 1961, the government headed by Mr. Diefenbaker brought in an amendment to the Penitentiaries Act. It dropped the absolute right of members of Parliament to visit a penitentiary. In the course of the debate in this House, there was a clear indication and a commitment given that the right would be maintained in regulation.

A regulation was made. It was commissioner's directive No. 113 dated January 19, 1967 and is appropriate. It says: "Members of Parliament, judges, magistrates and Crown attorneys are to be encouraged to visit federal penitentiaries. There are no limitations on the scope, number or extent of the visits of these personages. Wardens will continue the policy of admitting members of Parliament into institutions unless circumstances are such that the wardens believe that the visit at that time is not appropriate. In such cases, the warden will refer the matter to the commissioner's office for a decision".

In other words, the commissioner of penitentiaries obtained by these regulations some minor discretion which had never existed before. The regulation was dropped apparently in 1987. I have relied on the information provided by the hon. Senator Hastings who has done considerable research and has introduced a bill similar to that which I had introduced and now forms the subject matter of this amendment today.

This right of members of Parliament, in my submission, was an extremely important right. It put the managers of the penitentiaries on notice that somebody could drop in at any time and check on the administration of the penitentiary and make sure things were being properly run there.

It also ensured considerable protection for the inmates confined in a penitentiary because it meant that if something went wrong, someone was likely to come in on a rumour, on a whim, just to check and to visit the inmate in question.

What we have in the legislation that is before this House in Bill C–36 are a series of restrictions on the right of members to visit the prisons in this country.

Let me read the section just so it is perfectly clear: "Every member of the House of Commons, every senator and every judge of a court in Canada has the right to enter any penitentiary, visit any part of a penitentiary and visit any inmate with the consent of the inmate subject to such reasonable limits as are prescribed for protecting the security of the penitentiary or the safety of persons".

Who does the prescribing? Cabinet does the prescribing. We are told now that we are to agree to a limit in the statute that allows the cabinet to make further limits on the rights of members to visit penitentiaries. Is that reasonable?

Why should that right be restricted when, for well over 100 years it was unrestricted? Why are we restricting it now? I asked this question. The answer I have been given is: "What head of a penitentiary in his right mind would deny you entry?"

• (1300)

We are not always talking about the one in his right mind. We are not always talking about the head of the penitentiary who is enthusiastic about having members of Parliament visit. We are not always talking about the head of a penitentiary where there have been beatings or problems that he does not want exposed.

We are not talking about the head of a penitentiary who is concerned to ensure that the reputation of the institution is not damaged by the leakage of certain information about what has gone on in the institution which members of Parliament can find out in an impromptu visit. In my bill members of Parliament and senators are the only people who are permitted to make these kinds of visits. All others must be arranged.

This goes to the very core of the rights of members of this House. It was a right granted in 1834 and taken away by a Conservative government in 1961. It is a right that should exist for members of the House and members of the Senate.

We are told that a warden could not live with such a rule. They lived with such a rule for over 100 years, and in a way the wardens had more authority then than they do today. Why can they not live with such a rule now?

What is the reason for this change in the law? There has been no rationale given to explain why this right of members of Parliament and senators which existed for so long is today being denied.

I ask the minister in his response to my pleas to tell us why this right needs to be taken away from members of Parliament and senators. Why is it not being given back? Why will he not agree to this very sensible amendment? Why will he not say that in the interest of parliamentarians this right should be granted, that in the interest of good administration of the penitentiaries this right should be granted and that in the interest of the protection of guards and inmates, the prisoners in the penitentiaries, this right should be granted?

In my view visits by members of Parliament can do more to assist in the administration of a prison—perhaps not always from the point of view of the warden but from the point of view of the general public and the good administration of our institutions—than they can do harm.

Not every member visits prisons. I am sure there are members of this House who have never been in one of Canada's federal institutions. However, I live in a community that has five in my constituency and four within a few miles of the boundaries of my constituency. As a result, I have had plenty of opportunity to visit institutions.

I think that the wardens at each of those institutions, and I have had virtually no difficulty in getting access to this point, all agree that the visits are worth while from the point of view of the institution. I do not think that I have disrupted their routine. I may have inconvenienced them slightly on occasion but generally the visits have been appreciated. I believe they lead to at least some limit on the degree of unrest in the institutions. It is like letting a steam valve on a kettle. I believe it is worth while.

I believe it gives a certain sense of security to inmates to know that they can write to me and ask me to visit. Other members are free to respond to invitations from inmates, guards, or the warden to visit an institution for various purposes.

I know the Solicitor General occasionally visits and that he is very warmly received when he visits penitentiaries, at least by the inmates.

This amendment is very important. It is something that has been in our law before. It should be in our law again. To deny it is to engage in what could be a cover-up because there are two discretions under this rule. The first is on the part of the cabinet to change the rule to restrict access and the second on the part of the warden to restrict access under the rules promulgated by the cabinet.

In my view members of this House, as elected representatives of the people of Canada, and senators should have access to these federally funded and operated institutions at will. If that is denied to us under the terms of this bill and if the denial can be extended by regulation, as this bill permits, then we are in effect giving up rights that are important and vital to the fair administration of those institutions and to the rights of the members of this House.

I ask the Solicitor General, I plead with the Solicitor General, to look at this amendment and tell us why it is not acceptable, if it is not. If it is acceptable let us vote it through and get on with the bill.

Mr. Derek Lee (Scarborough—Rouge River): Mr. Speaker, I would like to speak in favour of the amendment put by the member for Kingston and the Islands. I had originally seen clause 72 in this bill, as I think most members on the committee did, and regarded it as a proposal in good faith to reinstate the right of members of Parliament with reference to penitentiaries, which had existed for over 100 years. My colleague from Kingston and the Islands put that history very well.

I am advised that the reason the Diefenbaker government of 1961 took away that right was not that included in the provision were the words "at pleasure" and "during working hours". I am advised that had nothing to do with it. Given that it was taken away, there is an absence of this right which had served the penitentiaries and inmates reasonably well over those many years.

The proposed clause 72, as the bill now reads, gives with one hand and takes away with another by regulation. The taking away by regulation actually reads very prominently in the clause. I had thought it was reasonable. I have had good experience to date with the penitentiaries and Correctional Service Canada, but who knows what would evolve in the future. I think that it would be better to return to the original concept as articulated in the amendment put forward by the member for Kingston and the Islands.

Mr. Derek Blackburn (Brant): Mr. Speaker, I would like to add a comment here. I support the motion of the member for Kingston and the Islands. I truly believe that MPs and senators should have unfettered access without any regulatory restraint or the threat of regulatory restraint.

I do not know why we are not trusted. I do not know why this bill implies that there should be restraint or we should be restricted or there may be restraint placed upon our access to penitentiaries.

From time to time, in fact almost daily in my office, I receive letters from inmates. Some of them have what I think are legitimate complaints, some of them do not. I see no reason why I cannot go to investigate on my own and visit a prisoner if he or she is prepared to meet with me.

There is nothing wrong with prison officials, with a warden or any employee of a correctional institutional knowing that at any time, day or night, a member of Parliament or senator might arrive at the gate and have access. I see nothing wrong with that at all. That is part of our duty. It is part of our responsibility as members of Parliament to respond to a complaint if we believe it to be legitimate.

As the member who spoke a few moments ago said, this is the way it was in the 19th century and well into the 20th century. The big question mark in my mind is why it was changed. I would like the member for Lethbridge to explain why he feels, or why the government feels, there should be some regulatory control that could be used to prevent or delay a member's access to a federal correctional institution. That is the nub of the argument.

If there is regulatory control there that may be exercised I want to know as a member of Parliament why that regulatory control is there and can be exercised against me. I will be satisfied with a legitimate argument. I cannot think of a legitimate argument at this point, but if there is one I want to hear it.

Mr. Blaine A. Thacker (Lethbridge): Mr. Speaker, I hope I can carry the member's judgment on this because I think there are a couple of points that can be made to justify the limitation.

Let us start with the bill. The bill clearly sets forth that the general rule, the operating principle, is that:

• (1310)

72. Every member of the House of Commons, every Senator and every judge of a court in Canada has the right to

(a) enter any penitentiary,

(b) visit any part of a penitentiary, and

(c) visit any inmate, with the consent of that inmate—

It then goes on to say:

subject to such reasonable limits as are prescribed for protecting the security of the penitentiary or the safety of persons.

The general rule operates. I do not think that there have been any complaints. People are satisfied with it.

Then you decide how you want to limit it. I will give two examples. One, there is a riot going on. People are being killed and the place is burning down and a member of Parliament comes and stamps his foot and says he wants to go in. I think that would probably be a reasonable circumstance to say no. Two, what if there is a hostage taking? We know how hostage takers work. A very complex psychological process is undertaken.

If I show up as a member of Parliament and I demand to see the person, and it is in the statute that they cannot block me, then that whole process can be disrupted.

I submit that those are a couple of instances. How do we resolve them? The way it is done under our system is to set out regulations.

The Prime Minister has changed the Standing Orders in many ways to enhance our power. We also have a better regulatory process. They must be published, there is a period for coming back, and a joint committee can examine these regulations.

I submit that within the regulation process we should surely be able to set out those guidelines that we, as members of Parliament, would want to impose upon ourselves. If my friends opposite want that undertaking, I can certainly give one on behalf of the minister that those reasonable limits can be set by all three parties and the independent members to protect those historic rights and privileges of members of Parliament, for ourselves and our successors.

However, at this moment we would urge the defeat of this motion. I was just examining the actual wording of the amendment by the member for Kingston and the Islands and it says:

Members of the Senate or House of Commons shall, at all times, have free access to any penitentiary for the purpose of visiting any person therein.

That is cast very widely. If we would have had a chance to examine it we may have been able, within the statute, to come up with some wording that would have made this motion unnecessary. However, given the time factors and the pressures on all of us, it was not done.

However let us make sure that in the regulations we set out the proper limits that all of us would agree to. During a hostage taking I do not think that a member should be able to go in there at any time and see any prisoner, because it is a very delicate psychological process. Some members are just insensitive enough that they would probably try.

The Acting Speaker (Mr. Monteith): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Monteith): The next question is on the motion of the hon. member for Kingston and the Islands. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

The Acting Speaker (Mr. Monteith): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Monteith): Pursuant to Standing Order 76(8), a recorded division on the motion stands deferred.

The House will now proceed to the taking of the deferred divisions at report stage of Bill C-36, an act respecting corrections and the conditional release and detention of offenders and to establish the office of correctional investigator.

Mr. Hawkes: Mr. Speaker, I rise on a point of order. It is the government's intention to defer this vote until tomorrow, which I think because of our rules would defer it till Monday at six o'clock p.m. automatically.

The Acting Speaker (Mr. Monteith): It being 1.15 p.m. I do now leave the chair until two o'clock p.m., pursuant to Standing Order 24(2).

The House took recess at 1.15 p.m.

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AFTER RECESS

The House resumed at 2 p.m.

STATEMENTS PURSUANT TO S. O. 31

[*English*]

CANADIAN UNITY

Mr. Bill Casey (Cumberland—Colchester): Mr. Speaker, constituents in my riding have come together in an attempt to make a contribution to Canadian unity.

Truro, Nova Scotia's Barry Stagg, a playwright, songwriter and composer has written a song entitled *One Flame*. His idea of recording this song gained immediate support in the community.

Two weeks ago in Truro, he brought together a multicultural choir from the area to record the song at Doiron's Recording studio. One thousand CDs are now being pressed and sent to media and radio stations all across the country.

It is our hope that radio stations across the country will play it often.

I am very proud of these residents who played a part in this. It involved over 100 people who themselves are proud to be a part of the Canadian mosaic and wanted to show it.

Chatelaine magazine recently chose Truro as one of the 10 best communities in Canada in which to live and this contribution to national unity certain supports its decision.

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LAKE GIBSON SMALL GENERATING STATION

Mr. Gilbert Parent (Welland—St. Catharines—Thorold): Mr. Speaker, my area of the Niagara Peninsula is deeply affected by huge layoffs at General Motors, by cross-border shopping and by shutdowns of various plants in the area.