

*Parole and Penitentiary Acts*

when to watch television. To go from that environment into the real world where no one tells you what to do is a big change. All you have are vague laws that you are supposed to know and obey.

When you have such a cut and dried situation with no supervision, no parole and no assistance, people tend to run afoul of the law again or, in some cases, seek to go back inside because of the security it provides. We have seen that situation in northwestern Ontario where we have our "winterers" who come back each and every winter because of their economic situation.

The questions raised in this Bill are very important. Should a decision be up to the Parole Board. Should there be some other level of appeal? When someone is hoping to be released early under mandatory supervision they should have the right to be represented by counsel. This should not be a token representation with counsel sitting at the back of the room, making a statement at the end of the hearing. Counsel should participate fully. Whatever evidence is placed by officials from the penitentiary to justify why this individual should not be released should be verified. We should have a decision based on the feeling of the prison officials, because of attitude or what have you. We must ensure that the individual's rights are protected. Every person has the right to be made aware of the full case against him or her. Clearly nothing is more fundamental in our society than the right to defend yourself against allegations. One must have the right to cross examine those who accuse. Ask any Canadian whether he or she thinks that these rights are rights all Canadians should have. The answer would be yes.

If we as a society are going to change the rules and increase the amount of time an individual will spend incarcerated, and we do it at a point through the process other than at the time when the judge hands down the decision, based on the findings of a jury or his or her own findings, finding an individual guilty of the crimes charged, perhaps somewhere later in the process, two thirds into the sentence, we must still provide those protections, Mr. Speaker. If we are to judge ourselves a just society, we must treat those who we incarcerate in the same way we treat all citizens.

What about the question of who has the ability to judge what might happen? It is like the argument put to someone in a traffic accident, that if they had gone a little slower they would not have been at the intersection at the time, being told they were at fault even though the facts show that the other person was clearly at fault. The law rejects the what-if argument. Why should we play the what-if game with those who have been found guilty and sentenced both to a prison term and to a period of mandatory supervision?

As my colleague, the Hon. Member for Broadview—Greenwood (Ms. McDonald) pointed out this morning, when judges pass sentence they take into consideration the amount of time they feel is appropriate for the incarceration and also the amount of time that is appropriate for the mandatory supervision for easing back into society. That easing back is

very important. We have heard time and time again over the years about how most of the people get their training in the joint. They have committed a crime, perhaps a consequential crime or one that is not so consequential, they are sent away and they get a graduate degree in our institutions, only to go back on the street and apply their trade.

If we are to provide for meaningful rehabilitation of those individuals, and I believe that the facts will bear out my suggestion that the majority are rehabilitated, that we do not see the kind of repeat offenders at the federal penal institutions we see at some of some of the small provincial ones, and if we are to ease them back into society, we must have that period of mandatory supervision where they have someone to report to, somebody who keeps an eye on them and where there are some rules over and above those that are assigned to the rest of us in society whereby infractions can put them back very quickly behind bars. We have to look at this very seriously, Mr. Speaker. We are supporting this amendment because of the possibilities of error. It is possible that the Parole Board may not make the best decision either for the benefit of the individual concerned or for society. We have to allow recourse to the courts.

When people ask me how I feel about coming back today I say it is like a truck from GM that has been recalled. You are not happy about it but it is something that has to be done. It takes time but it is our responsibility as the Parliament of Canada to make these kinds of decisions. It is not for the other House.

Let us look at the timetable. The Bill was tabled a year ago. It went to committee. The committee reported in January. When did we see the Bill? Did we see it in February, March, April or May? No. We saw it in the dying moments of this House when it was sent back to us. We have seen changes in the Cabinet. With the appointment of a new House Leader we have seen an indication that the Prime Minister (Mr. Mulroney) was not satisfied with the manner in which business proceeded, and he has placed his trust in the new House Leader. I offer him my best wishes because I know he will put the same vigour to this task as he did to the Ministry of Transport.

There is no reason we should be back here. If these 54, 51 or 36 time bombs are a danger now, why were they not a danger in February or last fall? This is clearly an indication that the Government did not have its act together and at the last minute tried to put together a Bill in the way the Government would like it.

In the final moment or two of my allotted time I would like to reiterate the need to accept this amendment to ensure that all Canadians have the right of appeal, that those who have been incarcerated for a proven violation of a law have the right to appeal the decision not to let them out early. They should have the right to be represented by counsel, the right to be made aware of the case against them so they can rebut and challenge.