

Judges Act and Financial Act

to be progressive. We cannot tell by the company he keeps, either, but he has no choice about that; it is the Prime Minister (Mr. Trudeau) who chooses who he has to work and live with. I should like the progressive attitude the minister exhibits to be reflected in some concrete approach so that the force and direction of the courts would be toward keeping people out of gaol and trying, as far as possible, to involve communities, private families, organizations such as the Excel Foundation, which operates out of Vancouver and, more recently, out of Winnipeg, in an arrangement whereby the authority of the court would not always fall upon an individual by way of sending him to gaol. The conscience of the government should be directed to involving the community so that individual families would be prepared to accept for a probationary period individuals who had broken the law, in order that—

The Acting Speaker (Mr. Laniel): Order. I regret to interrupt the hon. member but his time has expired. Unless he obtains unanimous consent he will not be able to complete his remarks.

Mr. Turner (Ottawa-Carleton): Finish.

The Acting Speaker (Mr. Laniel): The Chair apologizes. I have just realized that the hon. member still has five minutes left to him and, of course, he may continue his remarks if he wishes.

Mr. Howard (Skeena): I had almost concluded, anyway. These thoughts have been expressed to the minister before. I believe they are valid both from a practical and humanitarian point of view. I hope we can develop a situation in this land where we shall not be spending \$30,000 or \$40,000 a year on keeping one individual in gaol, counting the police costs, the staffing of penitentiaries, the cost of the supplies and materials required, the cost of operation of the social welfare agencies with respect to families whose father or husband is in gaol, and the like. We have heard it estimated that it costs between \$30,000 and \$40,000 a year to keep one person in gaol. And we fail, too, in 80 per cent of the cases because there is a recidivism rate of about 80 per cent. In other words, out of every five who are currently in our penitentiaries, four have been in gaol before. This is a sad commentary, remembering that we are paying, say, \$35,000 a year with respect to each of the 6,000 or 7,000 inmates of penitentiaries at the present time.

So, there is a strong case for reform on practical grounds. In addition, of course, there is the humanitarian aspect. We tend to lose an individual once he is sentenced to gaol. It is an apprenticeship course he is on, no doubt about that, and little attempt is made to save the individual concerned. I would prefer to see the courts operating in the area of probation. If we look for them, we shall find families who will say: Yes, we will take a chance with this young person, with this young man, with this young girl, we will take them into the home and try to work out within a family structure, through affection, love and understanding, a means of saving this individual from the agony of prison life, from a system under which he will end up serving a life sentence by bits and pieces. If we had that sort of orientation and attitude we would, I think,

[Mr. Howard (Skeena).]

have less trouble in the nation and would certainly save ourselves a great deal of money that is otherwise wasted.

• (2:30 p.m.)

There are other jurisdictions in the world where this concept applies. I am not one of those who says that because a certain thing works in one country it will necessarily work here. But we should look at the experiences of other countries and see what is being attempted, and we should be able to adapt certain aspects to our way of life.

However, it takes a conscious, deliberate approach on the part of government to set the tone for this sort of activity, to establish an idea and push it toward fulfilment. I think part of this calls for the involvement of judges, courts and the criminal law. I exclude the penitentiaries services because it is the objective of that service to keep people in gaol once they get there. We reserve our gaols and penitentiaries for cases where there is failure at the start. But let us not give up on any individual at his first, second or even third offence. Let us continue to try, in what I hope is a socially acceptable sense, to involve the community, individuals and families in corrective work, in probationary work and in humanitarian work. Let us put offenders on the road where their ideas are compatible with those of society so they will not cause themselves and other people grief and trouble. But first, the government must consciously adopt an attitude. I hope the minister will be able to respond favourably to these thoughts.

Hon. Marcel Lambert (Edmonton West): Mr. Speaker, we have heard some rather interesting comments from the hon. member for Skeena (Mr. Howard) concerning his theory of criminal punishment. I would have hoped to have that sort of debate in its proper setting. At the moment, we have before us an amendment to appoint extra judges at a certain pay level. It is somewhat inhibiting to get into a discussion with the hon. member; all I shall say is that he advanced one theory that society is not at the present time prepared to accept. It is a theory that seemed to dwell upon one side of crime only. Society also looks to the victim of crime. I think you will find at the present time that there is a very strong reluctance on the part of society to step into this other world of handling criminals without also concentrating upon the victims of criminal acts. All too often this point is lost by those people who seem to have a predilection to concentrate upon the individual who has committed a transgression against the rules of society. Society will not put up with it.

So far as judges are concerned, they are bound by the law that is before them. They are also bound by the views of society regarding these matters. Undoubtedly, there may be judges who share some of the views of the hon. member for Skeena, but they are powerless to act in any way in that direction because society is not prepared or equipped to accept his particular theory of criminal punishment.

The matters I want to talk about are two in number. First of all, it seems to me that I heard it noised about this summer that this bill had been deferred as a result of the opposition. Let me put the record straight once and for all: this bill comes before us now because the government had certain priorities in June and this bill lost out to Bill C-176. That is all too clear. I think everyone