

National Parole Board

on the advice of the appropriate minister, sees fit to apply to the licensee.

If the licensee is convicted of any indictable offence, the licence is forthwith forfeited by operation of law and the licensee must return to the institution to serve the balance of his sentence that remained unexpired when the licence was granted. If the licensee is convicted of a summary conviction offence or in any way fails to abide by the conditions under which the licence was issued, it may be revoked by the governor general, again on the advice of the appropriate minister, and thereupon by virtue of subsection (3) of section 8 of the act the licensee is to be returned to the institution to serve the balance of the term that remained unexpired when the licence was granted.

The licensee is required to notify the local police authorities of his place of residence and of any intention he may have of changing his place of residence. Male licence holders are required to report to the police authorities once each month. Female licensees are not required to report. A licensee is required to carry his licence with him and to produce it when required to do so by a judicial officer or a peace officer. Any peace officer is entitled to arrest, without a warrant, any licensee whom he reasonably suspects of having committed any offence or who, it appears, is getting his livelihood by dishonest means.

The Fauteux committee suggested a number of fundamental principles that should be kept in mind in determining what method of parole administration would be best for Canada. The committee said that the system should take into account, among other things, the large size of Canada, in a geographical sense, and its relatively small size, in terms of population. The committee said that the system should also take into account the division of legislative power between one federal and ten provincial governments.

With these matters in mind, the committee suggested that Canada's parole system should be developed in accordance with the following principles:

- (a) it should provide for continued uniformity of parole administration, but at the same time avoid undue rigidity of practice and procedure;
- (b) it should take into account local conditions which may vary in different parts of the country;
- (c) it should be designed to assist in the development, as far as possible, of probation services, specialized penal institutions and after-care agencies;
- (d) it should, as far as possible, be a simple but efficient system; and
- (e) it should be built up from the present system during an appropriate transitional period and not instituted by any sudden, wholesale abandonment of the present system.

[Mr. Fulton.]

The Fauteux report continued:

We are firmly of the opinion that the parole authority for Canada should be a quasi judicial body rather than as is presently the case, a minister of the crown acting in an exclusively administrative capacity. The parole authority, we believe, should not be one that is liable to be subjected to the external and internal pressures which are, inevitably, brought to bear on ministers of the crown. We have no reason to believe that such pressures exert any influence in connection with the granting of tickets of leave at the present time. However, we do believe that it is in the best interests of Canada that the parole authority should, at all times, be in a position to say that its judgments can only be based on the merits of the particular case and that it is not open, in any way, to influence by extraneous considerations.

The bill to which this resolution relates is designed to give effect to the principle to which I have just referred.

(Translation):

Mr. Roberge: Mr. Chairman, I sincerely regret that the hon. member for Hochelaga (Mr. Eudes) who was to express the views of the official opposition on this proposed resolution, is ill at this time. I feel sure that the Minister of Justice (Mr. Fulton), will join me in extending to the hon. member our best wishes for a prompt recovery.

The Minister of Justice referred to the Ticket of Leave Act. I think I should remind the house that this act was incorporated into our statutes in 1899, under Sir Wilfrid Laurier.

(Text):

In 1938 the Right Hon. Mackenzie King appointed the Archambault commission and this matter was also taken into consideration by the committee presided over by Mr. Justice Fauteux. At this time I want to say that we on this side of the house are in agreement generally with the principles of the resolution to institute a national parole board and also to provide for the framework of that new act which will be passed by this house, I suppose.

I want to commend Mr. Justice Fauteux who was chairman of that committee and also those able men who worked with him for a number of years and who brought down the report we now know as the Fauteux report from which the Minister of Justice quoted during the few minutes that we have listened to him. In general, implementing the recommendations of the Fauteux report will certainly be an improvement in the parole system or in the way to give leave from penitentiaries. I know that the minister advised the house the other day that there will be a conference of the attorneys general of the provinces during September or October. I hope that all these gentlemen will be able