

Criminal Code Amendments

Let us take two prisoners who are under mandatory supervision and who have three or four years of potential time still outstanding if they are sent back. One prisoner commits a technical offence, just as in the example cited by my friend, the Hon. Member for Cowichan-Malahat-The Islands (Mr. Manly), and settles in London rather than in Brampton, or vice versa. He did that without any desire to absent himself but it was just a place where he was more comfortable. The system would not respond to that. The prisoner with the violent record commits a technical offence. The prisoner with the non-violent record commits a violent offence. He takes a gun and holds up a service station. As I understand it, they both lose mandatory supervision. They both go back. The prisoner who commits the technical offence, who has a violent record, loses any chance of coming out of prison again until his time has been served. The prisoner who committed the violent offence, who, I would have thought, was more of a danger to society, can automatically be given a chance to earn remission all over again.

I wonder if my hon. friend can tell me under what circumstances that disparity is justifiable? I suppose neither he nor I know why the Government has left that provision in. But how on earth, if at all, can that kind of thing be justifiable, and if it is not, why don't we get rid of it?

Mr. Manly: Mr. Speaker, not only is that kind of anomaly not justifiable, but it is going to add to the sense of bitterness and frustration on the part of those people who might have their right to mandatory supervision release revoked for some minor technicality. If that sort of thing happened to me, I feel I would become a very bitter kind of human being. I do not believe that thinking Canadians really want our penitentiaries to create more bitterness in these prisoners than they already have, but that is going to be the effect of this kind of regulation.

It means that when the prisoner's release does come, when he has served his full time, he is going to be released as someone who has just one more chip on his shoulder and who has less of a possibility of effective integration into wider society.

Mr. Deputy Speaker: Resuming debate.

Mr. Stan J. Hovdebo (Prince Albert): Mr. Speaker, I appreciate the opportunity to speak on Bill C-67 and Bill C-68, which are Acts to amend the Parole Act, the Penitentiary Act and other Acts consequential to those amendments.

This seems to be an occasion, Mr. Speaker, when we collectively, as the representatives of the people, react to something from the community which needs some discussion and insight. What is happening is that the Government is making amendments which are not necessarily well thought out and are not necessarily to the benefit of the correctional system in Canada and, I suppose, in the long term, are not necessarily to the benefit of the Canadian people.

It seems to me, as well as to many of my constituents, that these amendments are reactions to publicity and to the media

coverage of situations which have happened across Canada. Bad as those situations are, they may not be the effective result of the legislation presently in place or even the result of legislation which was in place before 1970. In fact, many of my constituents look back at 1970 and suggest that perhaps we should have looked at some of the good things in that legislation and kept them rather than abandoned them.

As you know, Mr. Speaker, I come from the community of Prince Albert. We have a maximum security penitentiary as well as a minimum penitentiary. Therefore, many of my constituents are very closely involved with the penitentiary system. They are involved not only because of their proximity but because many members of their family are closely involved with the penitentiary service. Consequently, over the years, communities like Prince Albert have developed an attitude towards the penitentiary service and towards the inmates of those penitentiaries which gives them, I feel, a better insight into the needs of the service than those of us have who live a little further away. I think it is worth-while, therefore, to take a look at the effects of this Bill and what might be possible under legislation which was more comprehensive and dealt more closely with the problems of the correctional services. When I say the "problems of the correctional services", I do not mean only the problems of the inmates, I refer to the problems of the penitentiary itself, the guards and so on.

There are also the problems of the Parole Board and of the parole services, those thousands of people who work daily with the prisoners after they are released from the institution. I am also talking about the problems of the community. So that when we examine a Bill such as the one which is before us today, we should not look at just one part of it, saying, "We will solve the problem of mandatory supervision and once that is solved, everything will be okay". It just does not work that way.

With respect to Bill S-32, a Senate Bill, Cole and Manson pointed out the danger of tinkering with one element of an integrated system of corrections. In their view, this simply creates new tensions and unforeseen problems elsewhere in the system. Cole and Manson suggest that any response to violent offenders and repeat offenders must be comprehensive and not piecemeal. A full and open inquiry into the various aspects of corrections law is the approach they favour.

The arguments presented by Cole and Manson on Bill S-32 can be used on Bill C-67 because these amendments do not deal comprehensively with all the problems. Basically what these Bills do is amend the Penitentiary Act to close the revolving doors. I believe every one here recognizes that there are some inmates who should not be let out. The penitentiary service itself recognizes that fact. They should not be let out if they are not well behaved within. The problem seems to have been that if they are well behaved and there is no reason to keep them in, it is required that they be let out after two-thirds of their sentence has been completed. Our position is not that we should stop this procedure entirely, but that we alter the process somewhat and make sure it works better than it has in the past. Instead of stopping a fellow at the gate and sending