

*Parole Act*

that our basic approach to parole and rehabilitation needs updating. While I have been an outspoken critic of the sleazy and haphazard administration of the Canadian penitentiary system and of our parole system, this is not to say that I have no feeling for the plight of the offenders and prisoners in our society. I recently spent some time in the B.C. Penitentiary as a visitor, and I am just as aware as anyone else that these are people that we are dealing with, and that they must be treated humanely and with a view to returning them to society when their debt has been paid. However, I feel perfectly justified in criticizing this government when I look at the record. There is no doubt whatever that in many cases the sympathy of this government is misplaced when you examine its policies and some of the bills that have been tabled to deal with the problem of violence in our society.

I have some sympathy for the unfortunate people who decide to follow a life of crime and who resort to violence to achieve their ends. However, the weight of my sympathy and concern is for the unfortunate victims of criminal acts. It is very difficult for me to muster up any sympathy for a prisoner in one of our prisons who, having been given a leave of absence on humanitarian grounds, commits murder upon an innocent Canadian citizen. This is happening over and over again today under the present prison administration and the present Parole Board administration. I maintain that it is extremely difficult for even a member of parliament to remain purely objective and to think about these acts humanely.

An amendment to the government's capital punishment bill, passed in the last few weeks, allows a judge to specify that a convicted murderer must serve from 10 to 20 years of a life sentence before becoming eligible for parole. This is an improvement over the old policy whereby the same murderer could qualify after serving only seven years. Unfortunately, this provision applies only to a person convicted of murder. This provision should have been extended to include other types of crime, where the perpetrator could reasonably be considered unworthy of sympathy or consideration. I refer my colleagues to the case of a young man who was recently sentenced to five years in prison for rape. While on parole from his sentence he raped two 16 year old girls, and was sentenced to life imprisonment, plus 15 years. This man will be eligible to apply for parole in seven years.

I said earlier that I would like to see the Parole Board function under rules and regulations that are flexible enough to allow them to assess each application for parole on its own merits, and the case of the rapist I just mentioned is certainly a case in point. If it were possible to keep this man from committing further crimes, then I am sure that anyone would be in favour of putting him back on the street. But the only guarantee that we have right now is that he remain in custody. If, on the other hand, I thought that a future Parole Board would turn this man out on society after he had served the seven-year minimum, then I would do everything possible to see that the Parole Board was denied this authority.

In another case that I am about to cite, Mr. Speaker, I wonder whether or not the Parole Board has in fact exceeded its authority. If not, and if the board can overrule a sentence imposed by a judge, then this is certainly

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the time and place to re-examine the terms of reference of the board and the regulations under which the board functions. I refer to the case of a Hamilton judge who recently sentenced a youth to a prison term, plus ten strokes of the lash, for committing a brutal and vicious assault on a 95 year old man. After the sentencing the youth directed a torrent of verbal abuse at the judge, mouthing obscenities as to what the judge could do with the sentence. The Parole Board afterwards wiped out the part of the sentence, imposing lashes and in my view also wiped out the deterrent value of the sentence.

What is the point of giving a judge the authority to pass sentence on a convicted offender if a Parole Board is granted even higher authority? I would be interested in knowing just what procedure the Parole Board was required to follow in wiping out that sentence. If this is a blanket authority, then I will call for a review of that and other levels of Parole Board authority. We have a provision for appeal in our judicial system, and it sets our system apart from most others in the world. If there had been any feeling on the part of the convicted youth that his sentence was too harsh, then he could have appealed the sentence, using counsel provided by the courts. This is the proper way to contest or protest a decision of a judge; the authority to overrule a judicial decision should not be vested in a quasi-judicial officer.

We are being asked to consider an amendment proposed by the hon. member for Skeena (Mr. Howard), a member who enjoys my esteem and my high regard. That hon. member proposes that the enlarged Parole Board be composed of at least two persons of native Indian origin as ad hoc members. He further proposes that two of the ad hoc members should be persons who have served a term in a prison administered by the federal government. I am aware of the purpose of the hon. member's proposed amendments, and I would like to say that I am sympathetic to both amendments. However, I would be apprehensive about making appointments to the board on those recommendations. In the first place, there is the danger that such appointments would destroy or inhibit the objectivity of the board's assessments and decisions, and we should make every effort to ensure that its objectivity is not inhibited or even put in question. My own view is that the board should be constituted in such a way that it will be required to seek the advice and counsel of people of the same native group wherever practicable, but only in cases where Indians or Eskimos are involved. We would tend to isolate people by race or for a multitude of other reasons if we carried this idea to its extremes; what we are really after is a fair and objective assessment of an individual's ability to live in our society and accept its responsibilities.

As I have stated before, I want to see every effort made to prevent anyone from using the Parole Board for partisan political purposes. I noted in a speech on this subject on May 15 of this year that the present Solicitor General (Mr. Allmand) inherited an awful mess from his predecessor, and a large part of it stemmed from the fact that political appointments to important positions in the penitentiary system destroyed its efficiency and undermined the morale of career employees in the system. We have seen enough of this type of appointment in the federal public service, and I do not want to see any more of it in the vitally important parole system. I would not like the