

Parole and Penitentiary Acts

As a former Solicitor General I know that all those who work in the prison system know that people come to the end of their sentences and are not ready to go back into society. However, we have to return them to society because they were given a sentence of only a certain length of time. When that term is up, they must be released. Furthermore, even when an inmate has been released into society under mandatory supervision or parole to complete his sentence and he breaks the conditions of his parole or commits another type of offence, be it minor or major, his parole or mandatory supervision is cancelled. He is then put back into prison. This Bill does not change that procedure. It will remain in operation.

What we are discussing today, and what we as Liberals support, is legislation by which the administration of the prison system, the Parole Board, could cancel the earned remission of an inmate on the day he is to be released into society if it is felt that he is still dangerous. We support that measure. We differ from the Government in that we believe there should be an appeal from that decision to the courts and not simply to the Parole Board. Why do we suggest an appeal to the courts and not to the Parole Board? Because we are dealing with the question of civil liberties. We are dealing with the question of civil rights and responsibilities. The final decision in these matters should be taken by the courts where there is the right to cross-examine and where there are protections, not the more informal procedures which occur before the Parole Board.

This morning I listened to the Solicitor General. He said that the Parole Board is more properly equipped to deal with the factual matters of sentencing. He said that it is more equipped to do that than are the courts. It is the courts that must decide on sentences in the first place.

● (1600)

As we all know, the Criminal Code provides for a wide range of sentences for all offences. Judges hear representations from attorneys following convictions of offenders in order to decide whether they should impose full sentences, minimum sentences or suspended sentences. Judges now and for a long time have been deciding on sentences and have done a lot of work with respect to sentencing. It is not correct to say that the Parole Board is any better equipped to deal with sentencing and the shortening or lengthening of sentences than the courts. Protections exist in the courts. We support the Senate amendment which would provide for appeals from Parole Board decisions regarding the cancelling of earned remissions in the courts.

I would like to repeat what my hon. colleague has just said. When the Liberal Government introduced a similar Bill in the last Parliament, it contained no provision for appeal to the courts. When the Bill got to the Senate, it was amended to provide for an appeal to the courts. Finally, the Liberal Government used good sense and agreed to the amendment passed by the Senate. The Bill returned to the House and would have been passed if the election had not been called.

At that time, both Liberal and Conservative Senators unanimously agreed to the amendment. In 1983-84, Conservative Senators, who are still in the Senate now, agreed to the amendment that provided for final appeal in the courts, but today they are not agreeing to it. Of course this is for political reasons. They are following the instructions of the Conservative Government of the day and not what they believe to be right. If they did follow what they believed to be right, they would do the same thing they did when the Liberal Bill was before them. They would vote unanimously for appeal to the courts.

I would like to make it absolutely clear that we in the Liberal Party are opposed to the loose release of dangerous offenders, and there is a long line of legislation backing up that contention. We are in favour of parole and mandatory supervision. We believe that the best way for an inmate to be released into society is gradually and under supervision. It is a bad thing to keep a person in prison until the final day of his sentence and then release him into society without supervision.

With parole and mandatory supervision provisions, inmates can be released into society gradually and under the control and supervision of a parole officer. In the transition period, inmates have the support of the parole services while readapting to society. We are against the loose release of dangerous offenders, but we do support the gradual release of offenders into society through mandatory supervision and parole.

To conclude, I would like to repeat that the reason we are back here today in the House of Commons in the middle of July is not that the Government is concerned with the public safety of Canadians. If the Government had been concerned with the public safety of Canadians, it would have introduced this Bill in November, 1984. It did not do so until June, 1985. If it had been concerned with the public safety of Canadians, it would have moved report stage and third reading of the Bill in early February, 1986, but it did not do so until June, 1986. That shows that the Government was not really concerned with the public safety of Canadians as it maintains today that it is. In fact, that is the reason given for the recall of Parliament in the middle of summer.

The Government's accusation that the Senate is responsible for this recall is also phoney. The House would have had to be recalled if the Senate had made no amendments because we need the House of Commons in session for Royal Assent.

This is a phoney issue. We will vote against the measure put forward today because we believe that the provision of appeal to the courts is the correct provision. Tory Senators believed the same thing in 1983 and 1984.

Today's procedure indicates that the Government did not know how to manage the House in the last session. We hope for better things with a new House Leader. The Government badly managed the legislation it now claims is essential legislation.

Mr. Thacker: Mr. Speaker, I have one short question to ask my friend opposite. I was quite sure that his seatmate, the