

*Amendments Respecting Death Sentence*

begun. There were at least six, and I wish to bring that to the attention of the house.

**Some hon. Members:** Oh, oh.

**The Deputy Chairman:** I thank the hon. member for his clairvoyance.

**Some hon. Members:** Oh, oh.

**The Deputy Chairman:** I have bifocal glasses and I saw no member coming in. Sometimes shadows may interfere with my vision. Perhaps it is time to bring to the attention of hon. members of the committee standing order 12(2) which reads:

When Mr. Speaker—

And this applies equally to any chairman of the committee:

—is putting a question, no member shall enter, walk out of or across the house, or make any noise or disturbance.

**Some hon. Members:** Hear, hear.

Amendment (Mr. Woolliams) negatived: yeas, 39; nays, 78.

**The Deputy Chairman:** I declare the amendment lost.

Clause 1 agreed to.

On clause 2—*Approval by governor in council of release after commutation of sentence.*

**Mr. Brewin:** I do not intend to delay the committee but I wish to ask the Solicitor General something. Clause 2 provides for the prior approval of the governor in council with respect to release or parole in all cases where the sentence of life imprisonment has been imposed as a minimum punishment. The law previously, as I understand, said that the cabinet or governor in council were to be asked to deal with only those cases where capital murder was involved. I think, from my reading of this clause, that the governor in council will be required to review the release or parole of all convicted murderers. That I think is a substantial extension of the responsibilities of the cabinet or governor in council.

• (9:30 p.m.)

I say to the Minister of Justice that, not having been a member of the cabinet, I am not fully aware of all cabinet responsibilities. Nevertheless I ask the Solicitor General whether, in his view, the cabinet is able to undertake, in addition to its multifarious other duties, the added burden that is implicit in this clause. We have been assured that

[Mr. Webb.]

the cabinet does not deal with these matters without giving them serious attention, and I am wondering whether the cabinet which, after all, is not a judicial body but the main executive of this country dealing with a large variety of subjects, is really in a position to undertake the review which is mentioned in this clause. Is this not another sop in an attempt to satisfy people that the cabinet will be doing something which, in my view, ought to be done by a judicial or at least by an administrative body?

**Mr. Rynard:** I am concerned about the same point as is the hon. member for Greenwood. What precautions are taken by the governor in council in these cases? I am further concerned about what happens after prisoners have served ten years and they come up for parole. How many psychiatric examinations will these people have received? I believe that in Kingston penitentiary there is one psychiatrist to serve around 900 prisoners—the Solicitor General can correct me if I am wrong. This is far too heavy a workload for one psychiatrist.

How will it be possible to base conclusions upon facts when there are not enough psychiatrists to go round? What provision is to be made for this situation in this bill? I could very well vote for this provision if I were sure that by the time a prisoner came up for parole sufficient psychiatric examination had been carried out to show, as far as humanly possible, that the man concerned would not go out again and commit murder.

Many in this chamber will remember the case of Red Ryan who was released after by I believe, one psychiatric examination. He went out and committed murder—it was felt that he committed at least three or four crimes—and was finally shot down in the city of Sarnia. It was only after this that the psychiatrist disclosed that the man had paranoid tendencies. This was clearly a case in which insufficient psychiatric examination was carried out. I suggest that prisoners coming up for parole should be removed to a mental institution for a period of three months where they would be subject to staff supervision and staff consultation, so that when the question of parole arose both they themselves and the public in general would be protected.

I had some conversations with the Solicitor General and I know he shares my views on many of these points. But I wonder how the bill will make provision in this direction. At present I must say that our penal institutions