

years of his sentence or such greater number of years, not being more than twenty-five years, as has been substituted therefor pursuant to section 671; and

(c) who is to be sentenced to imprisonment for life for any other offence, shall be that he be sentenced to imprisonment for life with normal eligibility for parole.”;

(b) striking out lines 35 to 44 at page 9 and substituting the following therefor:

“672.(1) Where a person has served at least fifteen years of his sentence, where he has been sentenced to imprisonment for life without eligibility for parole until he has served more than fifteen years of his sentence.”

Mr. Stevens: Mr. Speaker, with regard to motion No. 36 perhaps I might first of all deal with the proposed change in the wording now on the Order Paper. Hopefully I shall get the unanimous consent of the House. This motion was prepared in some haste. Our object was to ensure that the granting of temporary absences to convicts sentenced to life imprisonment should be accorded stricter scrutiny. My first thought was that this might be secured by way of a judicial review—a judge would review the proposal to allow a temporary absence. However, upon reflection it is generally felt that it would be preferable to have the National Parole Board review these cases.

● (2110)

If it is in order I should like to suggest that the amendment now before us be changed to read, “by striking out the words after the word “offences” and substituting the following therefor:”. It would then read:

“be amended in Clause 21 by striking out line 20 at page 12 and substituting the following therefor:

‘under the Penitentiary Act, and no absence with escort for humanitarian and rehabilitative reasons may be authorized under the Penitentiary Act without the approval of the National Parole Board and no day’”

Perhaps I may explain the procedure as I understand it. It is possible for me, with the unanimous consent of hon. members, to change the wording of the motion I now have before the House to the new wording, and that is what I hope to do. The thought is not changed, this is simply to make the clause more readable, making it clear that it is the National Parole Board that must give approval. I understand the Solicitor General (Mr. Allmand) would like to speak on the matter.

Mr. Allmand: Mr. Speaker, I have had discussions with the hon. member for York-Simcoe (Mr. Stevens) and, because he merely wants to change the wording of his amendment, I am agreeable to asking for unanimous consent, or agreeing to unanimous consent for him to do that. We all know he had to prepare these amendments rather quickly for the report stage, and I think it is only right that we give him the opportunity to have his amendment debated in a proper fashion. I would ask the House to give him unanimous consent to change the wording of his amendment as proposed.

Mr. Deputy Speaker: Of course the House is the master of its own rules, but I would want at least to have a copy of the proposed changes to the motion that has been moved and of which notice has been given by the hon. member.

I feel the best way to accomplish what the hon. member seeks to do is not by way of an amendment but, as the hon.

Capital Punishment

member requested, with the unanimous consent of the House allowing the hon. member to modify wording of the motion. Otherwise I do not see how this can be attached to the motion as an amendment. Is there unanimous consent to allow the hon. member for York-Simcoe (Mr. Stevens) to make the modification or changes he has just suggested to the House, taking into account the fact that this would attempt to reach the same objective?

Some hon. Members: Agreed.

Mr. Deputy Speaker: I will read the new motion. It is moved by the hon. member for York-Simcoe, seconded by the hon. member for Hamilton-Wentworth (Mr. O’Sullivan):

That Motion No. 36 be amended by striking out the words after the word “offences” and substituting the following therefor:

“be amended in Clause 21 by striking out line 20 at page 12 and substituting the following therefor:

‘under the Penitentiary Act, and no absence with escort for humanitarian and rehabilitative reasons may be authorized under the Penitentiary Act without the approval of the National Parole Board and no day’”

Mr. Stevens: I thank you, Mr. Speaker, and I thank hon. members for unanimous consent in accepting the new wording. Perhaps I might explain the motion we now have before us.

I would refer hon. members to Clause 21 of Bill C-84 at page 12. At the present time Bill C-84 proposes that:

Notwithstanding the Penitentiary Act and the Parole Act, in the case of any person sentenced to imprisonment for life without eligibility for parole for a specified number of years pursuant to this act, no absence without escort may be authorized under the Penitentiary Act—

It goes on to say certain other things. I feel first of all that the clause as it is now worded is not clear that it is only an absence with an escort that may be permitted under any circumstances in the event somebody has been jailed for life. Secondly, I feel it was too easy, if you like, to permit even an absence with an escort on the say so, as it now is, of the commissioner of the penitentiary, or on the say so of the director of the jail where the man has been imprisoned, or in the case of a person who has been referred to a provincial mental hospital, on the say so of the director of that provincial mental hospital.

If accepted, the proposed amendment would simply make it clear that, first of all, in the case of those who have been convicted for murder and sentenced to life imprisonment they may not obtain an absence without an escort under any circumstances. The amendment would also make it clear that in the case of an absence having been granted with an escort, if it is for medical reasons that is one thing and the local jailer or Commissioner of Penitentiaries can permit that absence with an escort, but in the case of an absence for humanitarian reasons or on the grounds of rehabilitation, under the proposed wording such absence would not be permitted without the approval of the National Parole Board.

In short, it is time to ensure that if the death penalty does not apply to convicted murderers and they are sentenced to life imprisonment, that life imprisonment will in fact mean there will be a minimum incidence of convicts being released even with an escort.