

*Criminal Code*

emergency situations. As I say, this arrangement has worked so satisfactorily when applied to inmates of our penitentiaries that it was thought desirable to make it applicable to those serving sentences of less than two years duration, namely, those affected by prisons and reformatories legislation.

**Mr. Woolliams:** I agree with the leader of the New Democratic party and with the hon. member for Vancouver East. I understand what the minister is trying to say. He is telling us that someone should be designated by the provincial cabinet as having power to make an order allowing temporary probation, as it were, for some humanitarian reason. But it seems to me that if the law is to authorize such authority, the person designated should be allowed to exercise the proper kind of discretion in determining the period. In my opinion this limitation should be removed. The clause would still satisfy the purpose the minister has in mind.

I hope the minister will not take the position that it cannot be altered under any circumstances. I have found, over a number of years, that once a bill becomes hard and fast, drafted by persons behind the minister, it is very hard to get any of these things changed. I submit this is a case in which the minister should consent to the amendment. If the person designated by the provincial cabinet had the confidence of the cabinet to make such a decision, he would also have the confidence of the cabinet to determine what is a reasonable length of time in cases of this kind. I can find no objection to the insertion of the words "a reasonable time" or some such words, or the deletion of the words suggested by the amendment.

● (3:30 p.m.)

I am not going to delay the matter further. I am going to support the amendment, and I know others will too. I think the minister has taken too hard a look at it. For instance, one does come across humanitarian cases to which this provision would apply. I myself had a case where an accused awaiting trial did not have enough money for bail, and while waiting for trial one of his children was burnt and as a result passed away. I obtained an order from a Supreme Court judge for the release of this accused without bail in order that he could attend the funeral of the child and be with the family for a few days. This is why we should give somebody other than the Parole Board the power to make such decisions, in accordance with the conditions mentioned by the minister.

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Surely a body designated with this sort of power would act responsibly throughout. The leader of the New Democratic party has suggested a period of 16 or 18 days would be appropriate, but as far as I am concerned you could pick a figure out of the air—10 days, 12 days or even 20 days. The draftsman of the bill provided for a period of 15 days, and the minister is sticking to that. I would ask him to reconsider it.

**Mr. McIlraith:** May I ask the hon. gentleman a question?

**Mr. Woolliams:** Certainly.

**Mr. McIlraith:** Did the hon. member hear me say that I had checked all the authorities having to do with this subject which were available in order to see what was the actual experience in regard to this type of request, and that I had found the period was generally very much shorter than 15 days, that 15 days was not really required in order to achieve the purpose of the legislation?

**Mr. Woolliams:** Mr. Speaker, I am happy to answer that question. Yes, I did hear the minister say that. I have heard ministers say before that they have checked every source and come to an opinion. That is how one bolsters one's argument. I am not implying that this is wrong. Ministers do bolster their arguments by saying they have searched the records, that they have talked to the Attorney General, that they have talked to legal officers, and so on. That is how they get legislation through and there is nothing bad about that. However, it is an argument that does not really impress me.

Perhaps experience does lead him to think that 15 days will be sufficient, but surely if some body is given the power to exercise this sort of discretion it should be exercised responsibly and within a reasonable period. That is all I am going to say; I support the amendment.

**Mr. Deputy Speaker:** Is the house ready for the question?

**Some hon. Members:** Question.

**Mr. Deputy Speaker:** The question is on motion No. 44 (Mr. Winch):

That Bill C-150, an act to amend the Criminal Code, the Parole Act, the Penitentiary Act, the Prisons and Reformatories Act and to make certain consequential amendments to the Combines Investigation Act, the Customs Tariff and the National Defence Act, be amended by deleting in clause 110 the words "and for a limited period not exceeding fifteen days" in lines 10 and 11 on page 120.

[Mr. Deputy Speaker]