

In the many interventions today, Hon. Members have tried to strengthen these misconceptions and problems the Bill purports to address. Finally, the Society makes quite an interesting policy statement which I am sure the new Solicitor General will want to consider. It proposes that instead of the superficial measures contained in the proposed legislation, qualitative change in programs and services within prison and in the community be introduced to address the fundamental problems which lead to violence and thereby generally provide greater safety for the public. These changes should be introduced as part of a full system-wide reform which would incorporate the recent, and as yet unfinished, work of the Canadian Sentencing Commission and the Correctional Law Project.

● (1700)

What I like about this newsletter is that it establishes a very lucid and important link between the question of rehabilitation and the protection of society at large. The society understands that rehabilitation depends very much on the way an individual is treated in prison. This is why the amendment proposed by the Senate is so important. It recognizes the civil rights of the individual in prison and gives to the courts, as opposed to a regulatory body, the onus of determining whether or not a certain release is to be permitted in relation to the freedom of that individual. It seems to me that because of the Charter of Rights and Freedoms this particular amendment is one which the Government should heed if it wants this piece of legislation not to be challenged once it is given Royal Assent, if it is given Royal Assent.

Finally, with respect to the question as to why we are here, it is quite clear. That has already been well established by the Leader of the Official Opposition (Mr. Turner), by the Hon. Member for Notre-Dame-de-Grâce—Lachine East (Mr. Allmand) and by the Hon. Member for York Centre (Mr. Kaplan) in the course of this debate. I will deal only with the last few months preceding today's sitting. This Bill was introduced in June of 1985, and report stage was dealt with in January of this year. After being given third reading it could have been sent to the Senate, as is the custom with other Bills. However, it was not sent to the Senate. It did not go to the Senate until the last day of our sitting here. It reached the Senate with a number of other Bills. An assumption was made that this Bill would be accepted passively in the Senate and that it would be given the rubber stamp. In the knowledge of the fact that the Senate has been involved in matters of this type in preceding months and in preceding years, that was evidently the wrong assumption to make. The Government did not realize it was dealing with a number of Senators who feel very strongly and who profoundly understand this issue. They want to make a contribution to the quality of legislation which will eventually see the light of day in our country. It was this waiting for the last minute and this misreading of the attitude of the Senators that created the problem.

The House would have been called back to meet again as a result of the fact that the Senate wanted to debate this

### *Parole and Penitentiary Acts*

measure, even if it had not made an amendment to it, since at the end of the debate a week had elapsed and the House had adjourned for the summer. Therefore, the action of the Senate in terms of debating this Bill, which was fully within its constitutional prerogative, would have required our coming back in any event. We are here not because of the behaviour of Senators, which was quite proper, but because of the incompetence of the Government. It did not realize that a Bill given third reading should have been sent to the Senate at that time and not left until the last day before the House adjourned in June when there were a great many other Bills with which to deal. Therefore, this is not an issue of the powers of the Senate. It is an issue of the incompetence of the Government in dealing with its legislative timetable. It did not ensure that the Senate had enough time to deal with a measure of importance that was sent there for deliberation.

The principle of rehabilitation is one that attracts me to this Bill and which has prompted my intervention. It is fundamental for the individual who is serving a sentence in jail and for the safety of the community into which the individual will eventually re-enter. Of course, social programs that will improve the quality of community life from childhood to adulthood have an important and major role to play in this respect. However, that will obviously be the subject of another debate.

**The Acting Speaker (Mr. Paproski):** Are there questions or comments? The Hon. Member for Winnipeg North Centre (Mr. Keeper).

**Mr. Keeper:** Mr. Speaker, I have a question for my colleague. He described the action of the Senate as appropriate. I am not quite sure of his exact words. However, I know that he used the word "legitimate" in describing its actions. While I support the amendment which is now before the House, I am wondering if the Hon. Member would like to balance his comments in recognition of the fact that the Senate is a non-elected body. Does his attitude that what the Senate has done is a perfectly legitimate action reflect the attitude of the Liberal Party? If by some accident the Liberals were to gain office again, would they take the attitude that the Senate is a legitimate body and that it is quite okay to fill it up with political appointees? Does the Hon. Member not have some concern about the legitimacy of the Senate in that it is a non-elected body?

**Mr. Caccia:** Mr. Speaker, I thought that my remarks were balanced. I do not know how I could improve on the sense of balance that I attempted to give to them. I remind the Hon. Member that so long as Canadians support our Constitution, which includes the existence of the Senate, the Senate has a role to play, whether or not the Hon. Member approves of it. It is a Chamber of sober second thought.

**Mr. Keeper:** Liberal hacks!