

Parole Act

Mr. Woolliams: Just so that there is no misunderstanding, am I to understand that parliament has not repealed that section yet?

Mr. Allmand: It is my understanding that we did not need to repeal it, as it expired automatically at the end of 1972. It expired with the death of the law relating to the temporary ban on capital punishment, which was in effect for five years. When the effect of that law ended at the end of 1972, so did the effect of that section requiring cabinet approval for the absence from prison of those persons serving life imprisonment. Now, cabinet approval is not necessary for these people seeking parole or temporary absence.

Mr. Woolliams: Mr. Speaker, may I ask another question. Recently, a prisoner was released from a Prince Albert penitentiary. He was given a temporary release. This happened during the summer recess. That person was an inmate of the penitentiary and had been found guilty of murdering a young boy. He went out to dinner either with the warden or somebody else and disappeared into thin air. He is believed to be somewhere in Alberta. Has that person now been rearrested, or is he still at large? The minister knows about whom I am talking.

Mr. Allmand: Mr. Speaker, I recall the case referred to by the hon. member. The person in question was released for a temporary absence with escort. He was out with a guard, and escaped from the custody of the guard. To the best of my knowledge he has not yet been recaptured. I might also say that, as that event took place during the summer, cabinet approval was not necessary for the man to go out on temporary absence, because that particular law was no longer in force. However, when the bill before the House passes, cabinet approval will once more be necessary.

Mr. Howard: Mr. Speaker, I wonder if I might pose a question to the minister before the official opposition commences its remarks in this debate. The minister mentioned, when talking about temporary absences on a back-to-back basis, that there were some legal difficulties connected with that matter. I wonder if he can tell us what those legal difficulties were?

Mr. Allmand: Mr. Speaker, section 26 of the Penitentiary Act, which establishes the temporary absences program, says that temporary absences can be granted for three days for medical purposes, rehabilitation purposes or humanitarian purposes. In certain cases, 15-day passes are granted with the approval of the Commissioner of Penitentiaries. Three-day passes are granted by the directors of the institutions.

This law, after it was passed several years ago, was not used to a great extent at the beginning. Its provisions were used mainly for three-day passes. In recent years, as the increased use of temporary passes came about, these passes were granted on a back-to-back basis. A man would leave the institution for three days and come back; the director would immediately give him a new three day pass; the man would go out and come back again in three days. This became almost the equivalent of parole, and so more and more people began to question the legality of this practice.

[Mr. Allmand.]

We studied this question and found that there were grave legal doubts about the propriety of temporary leave passes being granted in this way. So, we ordered this practice to be stopped. Temporary absence passes are still granted for three days for humanitarian, medical and rehabilitation purposes, but we have stopped the back-to-back passes.

As I said, there were about 100 people on those passes throughout Canada and we kept them on passes until they had a chance to be heard by the Parole Board, because most of them were doing very well on those passes. I have given the statistics. I said that of the 100, 43 were put on day parole. We are trying to use day parole, which is the best way of dealing with these back-to-back situations. For instance, a man who is on day parole may leave the institution in the morning, go to school or to work, and come back to the institution at night. All but 15 of those 100 cases have been dealt with. All new cases are now going for hearing before the Parole Board, if there is to be day parole.

The problem is, and this is one reason we wish to appoint ten additional people, that there will be numerous applications for day parole, as such parole is going to replace back-to-back temporary absence. We are suggesting that ten new members of the board be placed throughout Canada in the five different regions, with two in each region. They will be used to renew panel hearings in the institutions, which were regrettably stopped, and to deal with all applications to do with day parole. They will also make recommendations to the board here, in Ottawa, on major parole decisions.

Mr. Howard: Mr. Speaker, may I ask one further question. In his opening statement the minister spoke about legal difficulties. He said it was not so much that there were legal difficulties but that there were doubts in the minds of some as to the legality of this matter. Is it not a fact that the practice of issuing temporary absences on a back-to-back basis was discontinued, not because of any legal doubts, but because of errors which had been made in the granting of these absences?

Mr. Speaker: Order, please. The Chair will allow the minister to reply to the hon. member's question, but I remind hon. members that we are not in committee at this stage. Perhaps we might continue with the debate and allow the hon. member for Calgary North to make his contribution. As I said, the minister may reply to the question asked by the hon. member for Skeena.

Mr. Allmand: No, Mr. Speaker, that was not the reason they were discontinued. Actually, the success rate for the temporary absences program was over 98 per cent; the rate of failure was extremely low. I said that there was doubt about the legality of this because we had received conflicting legal opinions; at one stage some felt that these absences were legal. However, it is like everything else that goes to court. I decided, after looking at the legal opinions that, for my own part, the practice was illegal, so I decided to terminate them. But this was not because there had been too many failures.

Mr. Reg Stackhouse (Scarborough East): Mr. Speaker, as the minister has indicated, Bill C-191 provides for a