

● (1550)

If the Government was so concerned with public safety then why, after the hearings in committee on Bill C-67 were completed and after the Bill was returned to the House in January of 1986, did the Government let the Bill hang around on the Order Paper? It was not called for debate. It was left to sit on the Order Paper from January of 1986 until June of 1986. That is another considerable length of time. During those four or five months where was this great concern for the public safety? There was none at all. It is a phoney issue.

The Bill was left on the Order Paper for that length of time without debate. It was called before the summer adjournment at the end of June for report stage and third reading. On the last Friday of June it was sent to the Senate with the expectation that it would deal with the Bill at all stages on the same day and send it on for Royal Assent. To accuse the Senate of delaying the Bill because it amended it on that last day is also a phoney issue. If the Senate had dealt with the Bill at all stages in one day, on that last Friday in June, and if it had passed it without amendment, then the House would still have had to be recalled since a Bill does not become law without Royal Assent. In order to have Royal Assent Members of the House of Commons must be present in the Senate Chamber. So if the Government had wanted this Bill passed in the summer, without amendment, it would still have had to recall Parliament. Thus it is a phoney issue to accuse the Senate of being responsible for the recall of Parliament to deal with this Bill today. Parliament would have had to have been recalled in any event in order for Members of the House to be present for Royal Assent.

In the week following the passage of this Bill in the House the new Solicitor General (Mr. Kelleher) appeared before a Senate committee. Members of that committee asked him if he was planning to recall Parliament in the middle of the summer for Royal Assent in order to make the Bill law. He would not give them that commitment. That is on the record. They also asked the Leader of the Government in the Senate if he would give a commitment that Parliament would be recalled for Royal Assent. He would not give that commitment. So there was no commitment at that time that the Government would recall Parliament to have this Bill become law.

It is necessary for the three levels to be present in order to pass a Bill into law. The monarchy must be represented, which is usually done by the Governor General. Members of the Senate and Members of the House of Commons must also be present. No piece of legislation can be made into law without these three parties being present. The House of Commons would have had to have been recalled whether or not there was an amendment made in the Senate. Clearly, the real reason we are sitting here today in the middle of summer is not that the Government has great concern for public safety. That is a phoney issue. It is also a phoney issue that we were obliged to be here because at the end of June the Senate proposed an amendment to the Bill we are debating today.

Parole and Penitentiary Acts

For a few moments I would like to discuss the substance of the Bill. What are we talking about here today? We are talking about the early release from prison of inmates as a result of earned remission under Section 23 of the Penitentiaries Act. Section 23 does not provide for automatic release from prison. It provides that an inmate can earn remission which will reduce his sentence. It provides that he can lose good time which will add on to his sentence. However, it is earned remission.

Before 1970, when an inmate earned remission he was automatically released from prison at the end of his sentence without any supervision whatsoever. This measure is unlike parole. Parole is granted by the Parole Board, and always has been, after one-third of a sentence has been served. Parole is granted because it is felt that an inmate can better serve his time outside prison. It is granted when the board feels that the inmate is no longer a danger to the public and that his rehabilitation process will be better carried out outside the prison. As a result of a decision of the Parole Board the inmate is released after having served one-third of his sentence. However, he is released under the supervision of a parole officer. He must report to a parole officer and there are conditions of parole. If the conditions are broken, the former inmate is returned to prison. If he commits another offence, even one of a minor nature, he is returned to prison. While these types of conditions applied to parole before 1970, they did not apply to release on earned remission. At that time we introduced mandatory supervision for inmates released on earned remission just as was the case with parole.

The question in this regard is the following one. Some of those who earned remission and were to be released because they had earned that remission, even under mandatory supervision, were still dangerous. That problem was recognized around 1981-82. The previous Liberal Government tried to do something about it through an administrative measure. This was done because administrative measures can be introduced quickly and without long debate in the House of Commons. The measure did not work. The Supreme Court of Canada ruled it unconstitutional. The Government then had to try to achieve the same results through legislation. It tried it near the end of the last Parliament. It did not work.

It is wrong for the Government to give the impression that this Bill will stop all sorts of dangerous people from being released into society. In the first place, the great majority of prisoners are in prison on limited sentences, not life sentences. They are serving sentences of three years, five years, seven years, *et cetera*. Even if there was not parole or earned remission, these prisoners would have to be released at the end of their sentences even if they were the worst actors in prison. If a man has received a five-year sentence and is a terrible actor he will not receive parole. His earned remission will be cancelled at the end of five years. At that time he must be released, dangerous as he may be. The police must look to him to commit another offence before they can arrest him and put him back in prison.