

Parole and Penitentiary Acts

by people on parole, is not one of which the board should be particularly proud.

In fact, if we compare the level of violent crimes committed by those who are released on parole following a discretionary decision by the National Parole Board with the level of violent crime that is committed by those who are automatically released on mandatory supervision, we find that there is virtually no statistical difference at all; yet we are entrusting to this same body which has been demonstrably shown not to have been able to predict violence with any great degree of accuracy, this sweeping new power to "gate" individuals, to deny them the right to mandatory supervision, to release, which, after all, they have earned. This is a case of earned remission for good behaviour within the institution.

Recently, the Senate Standing Committee on Legal and Constitutional Affairs submitted a report to the full Senate. Certainly, I think my views with respect to the Senate, and those of my colleagues, are quite well known. We would just as soon that the place was abolished. Certainly, we carry on in the tradition of Stanley Knowles in suggesting that that bastion of reaction and patronage, that dumping ground for political hacks and flacks and Tories and Liberals, has no place in a democratic society.

Some Hon. Members: Hear, hear!

Mr. Nunziata: Thank goodness they are there for this.

Mr. Robinson: I see that my colleague, the Hon. Member for York South—Weston (Mr. Nunziata) has said that they actually managed to persuade me that I was in error—

Mr. Nunziata: No, no.

Mr. Robinson: —when I originally supported this Bill so vigorously, and I say, "Hear, hear", Mr. Speaker. I say, let us commend Senator Hastings for having finally convinced the Hon. Member for York South—Weston. Let us commend and salute him. That is no mean feat to have turned around the Hon. Member on this legislation, and I very candidly say that I am pleased the Hon. Member has seen the light on this legislation.

Your Honour is making signs that my time on the motion has come to an end, but certainly I will come to make these points on subsequent motions.

Mr. Deputy Speaker: Question? The Hon. Member for York South—Weston (Mr. Nunziata).

Mr. Nystrom: Senator, Senator!

Mr. Nunziata: I am not old enough to be a Senator yet, Mr. Speaker.

Mr. Nystrom: Aspiring Senator. You're working on it, John.

Mr. John Nunziata (York South—Weston): Well, Mr. Speaker, my friend from Burnaby, as usual, is not accurate.

When the Bill was introduced in the House, I, on behalf of my Party, indicated support for the legislation. Its general thrust appeared to be in the right direction and, on behalf of my Party, I expressed support because it was my view, and it is my view today, that the paramount concern, when we are dealing with this particular subject matter, is the protection of society.

When we are considering the release of inmates from penitentiaries, we must balance the interests of the particular inmate and the interests of society in general, but one should, in my view, always err on the side of the protection of society.

At the time of second reading, on September 13, 1985, I indicated the concerns I had with respect to mandatory supervision, the process by which an inmate, after having served two-thirds of his or her sentence, is automatically released into the community. I pointed out at the time that there were those who were released on mandatory supervision who had not earned the right to be released, who, in my view, should have served their complete sentences. We found, for example, that in July, 1984, an individual who was released on mandatory supervision after serving 14 years for rape went out into the community and killed four people, in Brandon, Manitoba. This particular individual, who had already committed a violent offence, the offence of rape, was released prior to serving his complete sentence and went into the community and murdered.

What would have happened if this legislation had been in place? What could the Commissioner have done if this particular legislation, Bill C-67, had been in place? The authorities could have refused to release this particular inmate at that moment in time. If this legislation had been in place they could have issued a detention order because the individual had committed a crime listed in a schedule to Bill C-67 which lists all, or most, violent offences. Because he had committed that crime, the authorities could have deemed him to be a danger to society. They could have issued a detention order thereby not allowing this individual to be released on mandatory supervision.

● (1340)

On behalf of my Party I support the concept of giving the Parole Board added jurisdiction or discretion. However, I have been convinced that the final decision should not rest with the Parole Board. As a result of submissions made by groups which appeared before the legislative committee dealing with Bill C-67, as well as by Senator Hastings, a Liberal colleague who has worked extremely hard in this particular area, I have been persuaded that the ultimate decision should rest with a court of law. The ultimate decision as to whether or not an inmate should be detained should be up to a court of law. In my view, a preliminary decision can and should be made by the Parole Board. Where there is a case in which the Parole Board decides to release a particular inmate, then that inmate would be released for all intents and purposes on mandatory supervision because the Parole Board decided not to issue a detention order. However, in a case in which the Parole Board