

Criminal Code

Mr. McIlraith: I am sorry I did not make my earlier statement clearer on this point. I would be glad to answer the question asked by the hon. member. There is no difficulty about the granting of parole in respect of periods longer than 15 days. The Parole Board can make an order for any length of time it wishes. There are, however, situations in which requests suddenly arise, and no process I know of is capable of dealing with these requests quickly enough. This proposal is intended to deal with such situations. For instance, it must be clear that the need for speedy parole for humanitarian reasons often arises quickly, and at present there is simply no way of getting the necessary order made in time for those who are inmates of provincial institutions. Authority is now being provided to enable someone on the ground to take action.

As to the granting of parole for periods longer than 15 days, this is a responsibility which Parole Boards can handle quite easily. It is not the intention to set up an authority with jurisdiction concurrent to that of the Parole Boards. The intention is only to deal with cases of temporary emergency. Let me give an example which arose the other day in connection with a group of inmates being given a special course in data processing—computer training, as it is often called. At a certain point in their training it was thought desirable to take them to Montreal to show them some pretty sophisticated pieces of equipment in actual use. Their absence was a matter of hours. Surely, Mr. Speaker, this is not the kind of a case which should go before the Parole Board authorities for the issuance of an order, and that sort of thing, bearing in mind that the person having custody of this special class knows exactly what the situation is and has all the arrangements in hand. Surely, if an arrangement of this kind has been so helpful and so successful in the case of inmates who are incarcerated in the penitentiaries, its benefits should also be granted to those who are confined in provincial institutions. What is suggested here is a stop-gap procedure giving local officers who have primarily custodial responsibility an emergency type of authority in order to avoid the necessity of formal application being made to a Parole Board, whether for the granting of parole or for the exercise of clemency.

As to the time element, there is no experience which would indicate that 15 days is not sufficient. As a matter of fact, it could be argued that a much shorter time would be sufficient—six days, for example.

[Mr. Speaker.]

Mr. T. C. Douglas (Nanaimo-Cowichan-The Islands): Might I ask a question with the permission of the hon. member for Calgary North? I assure the minister we are not trying to be obstructive; we are trying, rather, to be helpful and to understand his point of view. I take it the minister is telling us that the reason for this provision is to enable the authorities to deal with cases of emergency where it would take too long to place these circumstances before a Parole Board—cases where action must be taken quickly as when, for example, an inmate has an opportunity to get remunerative employment provided he can be released soon. Someone has to be given authority to act quickly. I think we are all sympathetic in cases of this kind. My question is: has the minister any assurance that 15 days will be sufficient in all these cases of emergency? Suppose an inmate had to get out 21 days earlier instead of a few days earlier in order to take advantage of a job offered to him. According to the minister's argument, a case of this kind could not be dealt with under the legislation now before us; an application would have to be made to the Parole Board, and the job might be lost in consequence.

What the hon. member for Calgary North is saying is that surely the decision could be left to the person who is appointed by the Lieutenant Governor in Council of the province. Surely he could be allowed to use his own good judgment whether the period should be 15 days, 18 days, or whatever he thought fit.

Mr. McIlraith: To answer that question specifically, let me say this: if a remission of sentence of 21 days is involved, surely that is a matter for the Parole Board and not for the local officer administering the jail. That is the effective answer to the hon. member's question. I assure the house there is no suggestion on the part of any of the authorities dealing with this question that there is need for any longer term than the one which is proposed. On the contrary, all the experience is the other way. The Parole Boards are still able to deal with applications for parole in the ordinary manner. I repeat, it is not the intention here to set up a duplicate parole authority, nor is there any need for a duplicate authority. If this were contemplated, authority would not be assigned to an individual custodial official; it would be given to some kind of board which would examine these cases thoroughly from the point of view of rehabilitation and so on. The provision we are discussing is intended to cover only stop-gap,