

Parole and Penitentiary Acts

We honestly did our best to try to make the administrative solution work, even going up to the level of the Supreme Court of Canada. Within weeks of the time that the Supreme Court found that the Solicitor General had no authority to cancel earned remission, we introduced legislation. I had a Bill which was going through the Senate at that time. I introduced an amendment to the Bill in late 1983. It was an addition to the Bill which was going through the Senate. The Senate had the same objections to my Bill as it has to the Bill now being brought forward by the Government. I went before the Senate, which took a couple of months. I argued with it against the amendments which it has now put to this Bill. It refused to change its mind.

Mr. Prud'homme: Both Parties.

Mr. Kaplan: Exactly, both Parties refused. I then agreed with the Senate's amendments because I could see that it was going to be the last session of Parliament and there was an election coming. So for the Hon. Member to suggest that I sat around for four years doing nothing with the problem I had identified is totally inconsistent with the facts. I did everything. I went to court. I tried a creative new solution for cancelling mandatory supervision. I hope the Hon. Member will withdraw any suggestion that I waited until the election to try to solve the problem.

Mr. Keeper: Mr. Speaker, if this matter of the release of dangerous prisoners was a matter of such urgency, would my colleague tell me why he chose to follow doubtful legal advice and experiment with an administrative solution? Why did he not take expeditious and immediate legislative action?

Mr. Kaplan: Mr. Speaker, legislation was not exactly immediate in the last Parliament. We did not have 211 Members on the government side.

Mr. Keeper: You were the Government.

Mr. Kaplan: Yes, we were the Government but we had a Senate composed of Liberals who disagreed with my Bill. We had two opposition Parties which were being quite difficult until the end. I hope Hon. Members who were in that last Parliament will be honest enough, as I am sure they will, to agree with that. I had legal advice that we had an administrative solution. I put to the Hon. Member that we do not bring forward legislation, especially the Solicitor General, when we are receiving legal advice. We take the legal advice we are given. We are not in a position to be able to go against legal advice. I knew that these inmates who were about to be released should not be released. We just could not come up with overnight legislation in a controversial and difficult area such as this. The New Democratic Party may think we could, but members of the NDP do not have the kind of experience which should tell them that we cannot get legislation through that easily.

The Acting Speaker (Mr. Paproski): One further question.

Mr. Keeper: Mr. Speaker, granted that the former Minister had legal advice. However, he has just told the House that the matter was urgent. Surely, legal advice is not always on one side of the question. I am sure he would have wanted to act in a way that he would be sure would bring about the results he wanted. How can the Hon. Member now accuse the Conservatives of being tardy in legislative action when he himself took fully four years before he proposed to bring legislation before the House?

Mr. Kaplan: Mr. Speaker, I do not have anything to add to the explanation I just gave. I hope that people who are interested in the issue will read what I just said.

Mr. Prud'homme: Mr. Speaker, I wish to pose a question to my hon. colleague. When the Hon. Member's amendments were introduced in the Senate, similar amendments which the majority of the Senate introduced to this Bill, did the two Parties represented in the Senate agree, voting together, to such amendments? Would my colleague confirm that Conservative Senator Nathan Nurgitz stated in the Senate that he was: "... more than satisfied with the amendment put forward by Robert Kaplan and this counts in the Senate's committee suggestion". Is that factual?

Mr. Kaplan: Mr. Speaker, I can confirm that that is factual.

The Acting Speaker (Mr. Paproski): Are there any further questions or comments? Debate.

Hon. Warren Allmand (Notre-Dame-de-Grâce—Lachine East): Mr. Speaker, the real reason we are back in Parliament in the middle of July is not that the Government is concerned with the safety of the Canadian people but that the Government has mismanaged the business of the House. This issue has been around since 1983 when the Supreme Court of Canada ruled the administrative measures introduced by the last Government unconstitutional. As the previous speaker pointed out, as soon as the Supreme Court ruled those measures unconstitutional, he, as Solicitor General at the time, introduced a Bill to deal with the problem. That Bill was in process when Parliament was dissolved for the election of 1984.

This Tory Government was elected in September, 1984. Parliament was called in November of 1984. But Bill C-67 which is before us now was not introduced until June of 1985. What kind of concern is that? The Government is calling Parliament back in the middle of the summer because it says it is very concerned about the early release of dangerous offenders from prison, but the Conservatives themselves, after the election, knowing the problem existed, did nothing about it from November of 1984, the first time Parliament met after the election, until June of 1985. That is quite a considerable period of time. It shows what a low priority members of the Government gave to this issue at that time.