

## GOVERNMENT ORDERS

[English]

### PAROLE ACT AND PENITENTIARY ACT

#### MEASURE TO AMEND—SENATE AMENDMENT

The House proceeded to the consideration of an amendment made by the Senate to Bill C-67, an Act to amend the Parole Act and the Penitentiary Act.

**Hon. James Kelleher (Solicitor General of Canada):** Mr. Speaker, I would like first of all to express my appreciation for the co-operation of my fellow Members of Parliament in returning to Ottawa for the special sitting of the House of Commons. I know that many Members have had to rearrange holiday and work schedules, and I want everyone to know that I appreciate the opportunity to proceed with the discussion of Bill C-67 today.

**Mr. Benjamin:** My wife is mad at you.

**Mr. Kelleher:** I am not going to get into domestic problems this morning, Mr. Speaker, I intend to stick to the Bill!

**Some Hon. Members:** Oh, oh!

**Mr. Kelleher:** Let me also say that I very much regret the necessity to recall the House. We are here today because Canada's appointed Senate acted at the last moment—indeed, after this House had risen for the summer—to impede a vital piece of legislation, Bill C-67, an Act to amend the Parole Act and the Penitentiary Act.

Bill C-67 had received a full and careful examination by the Members of this House and, of course, was accorded their final approval. A lot of time and effort went into the scrutiny of the Bill over the past year, and comments, suggestions and amendments by members of both Houses of Parliament were reflected in it by the time it received third and final reading.

The urgency of this Bill has been emphasized time and time again. No one pretends that its passage will end all senseless violence by released offenders. No one can guarantee that. There is only one guarantee I can offer, and that is that every further day of delay jeopardizes safety of law-abiding Canadians.

Critics have charged that the measures in this Bill will not increase the public safety, that extended detention will simply postpone the problem. If that argument is carried to its logical extension, Mr. Speaker, then offenders should never be incarcerated since continued incarceration of any length only postpones the problem.

For many offenders, their return to society is best achieved by serving the latter part of their sentence in the community under supervision. However, for a small number of offenders a six year sentence of imprisonment must mean six years of imprisonment and not four years; an eight year sentence in custody must mean eight years, not five and a half. The Correctional Service and the Parole Board must have at their

### *Parole and Penitentiary Acts*

disposal the extra measure of time to intervene with the few dangerous offenders and attempt to reduce the risk that they pose to society.

A lot of attention has been focused on how many inmates will be affected by these measures, Mr. Speaker. The number according to the best estimates of the correctional authorities, is between 100 and 150 inmates a year, and 40 within the next three months. But this is not a numbers game. Each of these inmates would pose a very real and very immediate threat to society if prematurely released. How real and how immediate? On the basis of past experience, more than half of them would be behind bars again within three months for committing new crimes of violence.

● (1120)

The House of Commons has accepted the measures that were put forward in Bill C-67 to address this problem. The Bill was before the parliamentary legislative committee for four months, between September 26 of last year and January 23 of this year. The former Solicitor General appeared before the committee five times and the Government received and considered dozens of amendments and suggestions, some of which were incorporated into the Bill and some of which were not.

In addition, we delayed action on the Bill to allow the Senate to conduct and complete a pre-study of the Bill so that their suggestions could also be considered prior to third reading. The chronology runs like this. The Senate authorized the pre-study December 17 of last year. The Senate Committee charged with the task, however, did not get started on it until February 23 of this year. It did not submit its first interim report until May 14, and it filed its second interim report on June 12. The Senate never did get around to submitting a final report on the Bill, despite the personal pleas of my predecessor, the present Minister of National Defence (Mr. Beatty), who appeared before them on two occasions to plead with them to get on with the Bill and their completion of the study. Because we wished to pass this Bill in this past session, it was necessary for us to go to third reading, which was accomplished on June 17, June 18 and June 26.

Let us look for a moment at the action the Senate finally took. Their amendment was not contained in either of their interim reports and no reference was made to it when I appeared as the newly appointed Solicitor General to give testimony before them.

The general question of using the courts rather than the National Parole Board to conduct the detention review process was raised in the interim Senate report and has been raised before in the House of Commons. It has been carefully studied by my Department and it has been firmly rejected by the Government and by this House.

All the Senate amendment did was to revive the issue from a different angle. Not a new angle, I should add, but an angle that had already been considered and rejected by this House.