

Federal-Provincial Fiscal Arrangements Act

according to law of the sentence the inmate is then serving, an offence causing the death of or serious harm to another person; and

(d) the availability of supervision programs that would offer adequate protection to the public from the risk the inmate might otherwise present until the expiration according to law of the sentence the inmate is then serving."

Mr. Gordon Towers (Parliamentary Secretary to Solicitor General of Canada): Mr. Speaker, in answer to the question posed by the Hon. Member for Burnaby (Mr. Robinson) this morning, I would like to bring to the attention of the House that this part of Clause 5 deals with the procedure to be followed by the board in reviewing the cases of inmates referred to it for potential detention until warrant expiry date. In deciding the order to be made as a result of the review, whether it be a detention order or release subject to a residency condition, or subject to the usual condition, the board would be required to follow certain guidelines.

When Bill C-67 was first introduced these guidelines were included as part of draft regulations. In response to suggestions made during the discussions which have taken place since that time we are moving that the guidelines be enacted as part of the statutory provisions rather than as part of the regulations. These guidelines delineate factors which the board shall take into consideration, and include such things as persistent violent behaviour by the inmate, psychiatric evidence of dangerousness, and the availability of supervision programs which would provide adequate protection to the public from the risk the inmate might otherwise present.

Mr. Svend J. Robinson (Burnaby): Mr. Speaker, I wonder if the Parliamentary Secretary might indicate whether there is any basis whatsoever for the suggestion that "psychiatric or psychological evidence that the physical or mental illness or disorder of the inmate is of such a nature that the inmate is likely to commit, prior to the expiration according to law of the sentence the inmate is then serving, an offence causing the death of or serious harm to another person"? That is one criterion. No witnesses who appeared before the legislative committee which studied this Bill indicated that it was possible, or that there is any scientific evidence to support the suggestion that such evidence has any predictability whatsoever. In fact, the Solicitor General's (Mr. Beatty) own study on conditional release and on mandatory supervision clearly stated that it was not possible to predict in the manner in which this criterion suggests it is possible to predict. With leave of the House I wish to ask the Parliamentary Secretary whether he might indicate whether there has been some new evidence that has come to the fore since the committee heard witnesses on this question.

The Acting Speaker (Mr. Paproski): Is there unanimous consent to permit the Parliamentary Secretary to answer the question?

Some Hon. Members: Agreed.

Mr. Towers: Mr. Speaker, it has not been that long since this Bill was passed. This question was brought up and

discussed quite thoroughly at the committee hearings. There has been no new evidence brought to the attention of the Government. It is just a matter of using common sense, that is all.

• (1750)

The Acting Speaker (Mr. Paproski): Is the House ready for the question?

Some Hon. Members: Question.

The Acting Speaker (Mr. Paproski): The question is on Motion No. 13 in the name of Mr. Robinson. Is it the pleasure of the House to adopt the motion?

Some Hon. Members: Agreed.

Some Hon. Members: No.

The Acting Speaker (Mr. Paproski): All those in favour please say yea.

Some Hon. Members: Yea.

The Acting Speaker (Mr. Paproski): All those opposed please say nay.

Some Hon. Members: Nay.

The Acting Speaker (Mr. Paproski): In my opinion, the yeas have it. I declare the motion carried.

Motion No. 13 agreed to.

Mr. Svend J. Robinson (Burnaby) moved:

Motion No. 14

That Bill C-67, be amended in Clause 5 by striking out lines 42 to 44 at page 8.

He said: Mr. Speaker, the effect of Motion No. 14 would be to amend Clause 5, the clause that establishes the new gating procedure, by eliminating Subclause 7 of Clause 15.4. That clause indicates that an inmate who is in custody pursuant to an order made under paragraph 4(a) is not eligible for parole. It is a clause which is clearly totally without foundation and, ironically, ties the hands of the National Parole Board after having just given it sweeping discretion to designate certain individuals as posing a potential threat to the community.

Mr. Benjamin: We can designate the Minister of Agriculture (Mr. Wise).

Mr. Robinson: My colleague suggested that we designate a variety of other people. When he participates in the debate, he can certainly elaborate on that point.

We heard representations on this particular point from a number of witnesses. I would like to draw to the attention of the House concerns that were raised by a number of professors from the Department of Criminology at the University of Ottawa, these being Professors Acosta, Ciale, dos Santos, Gaucher, Laplante, Pires and Melchers. These are very