

The Acting Speaker (Mr. Charest): We will now deal with Motion Nos. 8, 9, 10, 11 and 27, all of which deal with the Commissioner's role and therefore will be combined for debate. May I just remind Hon. Members that since Motion No. 9 is consequential on Motion No. 8, a vote on Motion No. 8 will dispose of Motion No. 9. Motion Nos. 10, 11 and 27 will be voted on separately.

Mr. Svend J. Robinson (Burnaby) moved:

Motion No. 8

That Bill C-67, be amended in Clause 5 by striking out lines 25 to 49 at page 5 and lines 1 to 5 at page 6.

Motion No. 9

That Bill C-67, be amended in Clause 5 by striking out line 11 at page 6 and substituting the following therefor:

"tion (2)."

Motion No. 10

That Bill C-67, be amended in Clause 5 by striking out lines 12 to 48 at page 6 and lines 1 to 10 at page 7.

Motion No. 11

That Bill C-67, be amended in Clause 5 by striking out lines 15 to 17 at page 7 and substituting the following therefor:

"subsection 15.3(2)."

Motion No. 27

That Bill C-67, be amended in Clause 10 by striking out lines 20 to 27 at page 16.

He said: Mr. Speaker, I am pleased to rise in support of these motions, which have been quite appropriately grouped for debate. All of the motions, taken together, would have the effect of deleting references to a new and unprecedented power by the Commissioner of Corrections to designate any prisoner within the federal penitentiary system, no matter what offence that prisoner may have committed which resulted in a sentence to a term of imprisonment. Following that designation, the prisoner would be held until warrant expiry and then released directly into the community.

The predecessor Bill, Bill S-32 that was introduced by the previous Government, included provisions to legalize the practice of what has been called gating. Even that legislation did not go this far. That legislation set out that if individuals who had been convicted of an offence which was set out in the schedule were deemed to be a threat to the community, after a hearing or some form of judicial review they could be held until warrant expiry.

Subsection 15.3(3) goes far beyond that and gives a very sweeping discretion to the Commissioner of Corrections to refer, in turn, to the National Parole Board the case of literally any inmate who happens to be serving time in a federal penitentiary.

I will read that clause because it is the basis for the amendments. If we will be removing it, certainly the House should know what it is that we are removing. The offensive clause to which I am referring reads as follows:

The Commissioner shall, where the Commissioner believes on reasonable grounds that an inmate who is serving a sentence imposed in respect of any

offence, whether or not that offence is mentioned in the schedule or caused the death of or serious harm to another person, is likely, prior to the expiration according to law of the sentence the inmate is then serving, to commit an offence causing the death of or serious harm to another person, refer the case to the Chairman of the Board—

• (1330)

At that point, the board will have to make a decision. What this is saying is that the Commissioner of Corrections will have to predict, from the entire federal penitentiary population, who may or may not be violent. In this particular case, we are dealing with individuals who may have no record whatsoever; indeed, individuals who do have no record whatsoever of violent offences.

I want to draw to the attention of the House the submissions that were made to the committee by a Canadian association, The Elizabeth Fry Society, a very respected national organization that works in particular with female offenders. The society said this on the question of the prediction of violence:

At this time, no one can predict with any degree of certainty who is dangerous, or who will commit a violent crime. A small number of persons will recidivate by committing violent crimes. They will do so whether released on their mandatory release date, on mandatory supervision, or after serving their full sentence in prison. Many more, thousands more, will return to the community and commit no violent crimes.

Then the society gives some interesting figures as follows:

Three hundred and ninety-four (394) persons on mandatory supervision released from penitentiary between January 1975 and December 1979 committed robberies and crimes against the person, only 3 per cent of the almost 13,000 persons released under mandatory supervision during the same period.

This comes from the study of the Solicitor General (Mr. Beatty) with regard to conditional release. The society further states:

Many, if not most, of these (exact statistics are unavailable) were not previously serving time for a violent offence, and had been model prisoners inside the institution. Most of the crimes committed by these 394 people did not result in serious injury or death. In 1981 alone there were 136,719 violent crimes reported in Canada and 26,292 robberies.

I would just like to stop here to note that the Bill, as it was originally submitted to the House, in the schedule of offences which were covered, did not make any reference to one of the most common forms of violent crime of all, that is, the offence of armed robbery. When we asked officials why it was that armed robbery was not included, they said, "Oh, well, maybe that was an oversight. So we will go back to the drawing-board and amend our schedule". Well, we must ask, what kind of sloppy drafting was it that led to that kind of glaring oversight? For those who support the principle of the legislation, as presumably did the Minister and the draftspeople, how could they make such a major, major error? I say that it is that kind of error that calls into question the drafting of the entire Bill.

This particular provision, as I say, would give to the Commissioner the discretion to refer cases to the board; but at that point, the board itself is being given the sole discretion to make the decision, to try to predict who will be violent and who will not be violent. We know that such a record of prediction, as based on the level of violent crimes committed