

### *Penitentiaries*

I could refer to many examples to suggest that something must be done. For instance, a very good article appeared in *Le Soleil* on April 28, 1984. I will not take the time of the House to read it now, but it pointed out that in the first few months of this year there were five homicides in the Province of Ontario. That was more than ever before. As reported in *The Whig-Standard* of Kingston on January 34, 1984, a Crown prosecutor from that area indicated that from his perspective penitentiaries appeared to be totally out of control. Another example would be Dr. Robert MacMillan, regional coroner for eastern Ontario, who released a study. He was asked to study the situation respecting the various riots, killings, deaths and homicides which had taken place in the Kingston area. In his recommendation No. 11, in a document of some 18 pages, he wrote:

That the federal team appointed to study violence and homicides in the prison system have a member or members not directly linked or employed by the federal Government included in the review team.

There is a review team studying this matter now. I believe it is either the Vantour or the Stewart Commission. In both cases they are conducting in-house studies. We require that problem to be evaluated or assessed by at least some people, as Dr. MacMillan suggested, who are outside the federal system.

I could also refer to the Archambault riots on July 25, 1982. It is obvious that we are in need of some very major reforms in our penitentiaries and in our criminal justice system. Hence the need for this particular motion to be before the House today.

During the past few years I have been a member of the Standing Committee on Justice and Legal Affairs. I have raised this matter with four successive Solicitors General following the report in 1977. Each and every one of them, representing two political Parties in the House, adopted the same arguments and reasons for recommendation No. 24 not being implemented. They were virtually ludicrous arguments. There were no substantial bases for them. I was dismayed that senior officials in the correctional services of Canada obviously had such control over their Ministers that each and every one of them, when it reported on the implementation of our report, suggested in the very same words the very same reasons for not implementing that recommendation.

This disturbs me because it indicates that the Minister was not really making a decision. He was ratifying or rubber-stamping a decision which was made by his senior staff in the correctional services of Canada. That is the essence of the problem in the entire system. We do not have independent people such as those proposed in the motion before the House today who are nominated and appointed by the Solicitor General to determine the policy of the correctional services.

● (1720)

I want to conclude with a brief reference to a Sessional paper published in 1880 by the Parliament of Canada. It dealt with the report of two gentlemen commissioned by Parliament to look into the riot at St. Vincent de Paul Penitentiary in the

1870s. It is amazing that in 1875 the Penitentiary Act, which made some major changes, put the responsibility for the management of prisons into departmental hands. According to the two Commissioners, Mr. Miall and Mr. Tache, that was the major error. We are still living with that error. I just want to read the concluding sentence of their 19-page report. It reads:

It is, therefore, with full confidence in the rectitude of our view, that we recommend to your consideration the advisability, we may say the necessity of abrogating the Act of 1875 and its amendments, and the restoration of a Board of Directors of Penitentiaries, constituted after the manner, and possessing the powers of that which existed prior to the recent unfortunate innovation.

That was referring to the Penitentiary Act of 1875.

[*Translation*]

**Mr. Gilles Marceau (Jonquière):** Mr. Speaker, I have had the privilege of sitting on the Standing Committee on Justice and Legal Affairs for fifteen years, and for many of those years I have had the pleasure of sitting on the Committee with the Hon. Member for Oxford (Mr. Halliday). I have witnessed his diligence and his interest in legal questions, despite the fact that he is not a lawyer himself, which proves that one can be interested in these issues without necessarily belonging to the legal profession.

I listened with a great deal of interest to the arguments put forward by my honourable friend, and I appreciate the fact that he said the point raised was not a political one. I appreciate this because if our views differ, it will not mean I have political reasons for disagreeing with the interesting views he has expressed and maintained with considerable determination for many years.

Mr. Speaker, the penitentiary system is a subject of considerable interest which too many people approach in a very simplistic fashion, which consists in saying that when a criminal has broken the law, all we have to do is put him in a penitentiary for as long as possible, and the problem is solved. I think my hon. friend has raised a number of questions that would bear discussion here in the House, about riots and suicide in our penitentiaries. These are very serious problems which we want to solve, but the solution is certainly not incarceration.

The point raised by my hon. colleague is an interesting one, and perhaps I may be allowed to repeat it, even if you yourself, Mr. Speaker, read the motion at the beginning of this period, and even if my hon. friend repeated it as well. I think it would be interesting to repeat the motion because it contains some very important points. The motion moved by the Hon. Member for Oxford states that the Government should consider the feasibility of providing for greater public involvement in policy-making for correctional services by amending the Penitentiaries Act to include, and this is interesting, a board of five members appointed for five years, who would be responsible for appointing the Commissioner of the Correctional Service. Developing policies and presenting an annual report would be a major undertaking. That would be the normal