

Criminal Code

involved, who is coming to the end of his sentence and for whom there is a demand from people wishing to hire him and interview him, surely it is desirable that he be released for a day for this purpose, and surely that decision should be made by the custodial authority at the time without having to apply to the Parole Board.

Mr. Winch: Why limit it to 15 days?

Mr. McIlraith: Because there is no demand for more than 15 days. The demand is usually for one day, for part of a day, or for two days. There is no need for the period to be more than 15 days. If it were for more than 15 days we would then be setting up another authority to deal with what is more comprehensively dealt with by the parole board authority. Admittedly, 15 days is arbitrary. It might just as well have been 10 days, according to what I found out by checking. There is no reason to suggest there would be any need for more than 15 days. There is nothing in our experience that would indicate a need for more than 15 days. If one were going on experience only, it could be argued that a period shorter than 15 days would be sufficient.

I trust that explains the purpose of the clause. I can assure the hon. member that I am very concerned and just as anxious as he is to ensure that the work of training and rehabilitation of these inmates is speeded up so they can be released at the earliest possible date to take part fully in society. I can assure hon. members that they should have no fear on that score whatever. I have firm views on the subject and I believe those firm views can be substantiated by the action taken in the last few months.

Mr. Eldon M. Woolliams (Calgary North): Mr. Speaker, I was very interested to hear the minister's explanation and I hope I am right in my interpretation that what he is trying to say is that except for the situation dealt with here the Parole Board will deal with such cases for humanitarian reasons and for the purpose of rehabilitation, whether the request for release is for two months or six months. New section 37A reads:

Where, in the opinion of an official designated by the Lieutenant Governor of the province in which a prisoner is confined in a place other than a penitentiary, it is necessary or desirable that the prisoner should be absent—

I suppose that means absent from where he is incarcerated.

—with or without escort, for medical or humanitarian reasons or to assist in the rehabilitation of

the prisoner at any time during his period of imprisonment, the absence of the prisoner may be authorized from time to time—

But he cannot be away for more than 15 days. I am at a loss to understand the section. If it is what the minister says it is, I do not know why he put a limitation on it because if the Parole Board has any control surely it can say he can be away 16 days, 6 days or 6 hours. So I think there is something to be said for the amendment moved by the hon. member for Vancouver East (Mr. Winch).

Let us take a look at the humanitarian reasons. According to the dictionary the definition of "humanitarian" is an adherent of humanism or the religion of humanity, a visionary philanthropist. I think we all know what humanitarian reasons are and what it means to rehabilitate a prisoner. What the minister said is not clear, and this provision seems to be completely superfluous. Someone may interpret it as meaning that the Parole Board can only release an inmate for 15 days if it receives a request for the release of a prisoner for rehabilitation purposes.

Perhaps the minister would wish to answer me and I hope the house will consent inasmuch as we are not in committee of the whole. This section is not at all clear to me. I should like to ask the minister the following question. Surely this section might be interpreted to mean that a prisoner could only be released for 15 days under any conditions. It could be interpreted as limiting the Parole Board in making a decision. If it does, it is bad law. If it does not, then why put the 15 days in here? I cannot see why the minister cannot accept the amendment. If a person is going to be away for only four or five days, then why make the period 15 days? Why not make it 20 days or shorten it to five days? If the minister would like to answer me before I become critical—

● (3:20 p.m.)

Some hon. Members: Oh, oh.

Mr. Woolliams: —I would be glad to give him the opportunity to do so. I should like him to make his position clearer than he has done up to now.

Mr. Speaker: Order. This could, of course, be done by leave of the house. As the hon. member for Calgary North has pointed out, we are not in committee. At the same time, if the house consents to the minister answering the question—

Some hon. Members: Agreed.