believe that that will make them better risks, and indeed that is the whole purpose behind mandatory supervision.

Let us look at the facts of the matter. In Canada, prisoners serve very long sentences and the sentences are getting even longer. Mandatory supervision is not something that has just occurred. This provision has existed for more than 100 years. There has always been time off for good behaviour. It offers an incentive for inmates to behave well in prison. It gives prisons something to hold out to inmates for co-operating. Judges know this and this is precisely why sentences have been getting longer.

Judges know that most inmates will get time off for good behaviour and they have been taking this into account. A four-year sentence is not simply a four-year sentence. A judge knows that four years means four years minus one-third and if the judge wants the prisoner to serve four years, he or she will impose a six-year sentence. That is how the system works and judges know that. They have been acting on that basis for a very long time.

There is no question that mandatory supervision shortens sentences, but sentences have been made longer with the knowledge that this happens. As it is, prisoners in Canada serve extremely long sentences. We have a European-style crime problem with American-style sentences. There is not much violent crime in Canada but people are put into prison for very long periods of time because we think we have a much more violent society than we do.

I shall now return to the question of the safeguards that are required and the faults of Bill C-67 along with the Senate's amendment. Of course, more amendments to Bill C-67 are needed in addition to the one proposed by the Senate. That amendment is directed toward addressing the fault in the legislation. It is a question of fundamental justice. A person who will not be released in effect will be getting an extra sentence. Who will be making that decision? In our view that question should be decided by the courts.

• (1210)

I should like to refer to the thrust of the Senate amendment. Of course it cannot alter the entire Bill. The initial decision could not be made by the courts, but an appeal could be made to the courts on fact and on law. This would bring the legislation somewhat more in line with the principles of fundamental justice which we adopted in the Charter of Rights and Freedoms.

Let us look at the traditional safeguards provided to offenders by a court of law which the National Parole Board does not provide. Traditionally there would be the right to be represented by counsel. Also there would be the right of the person to be made aware of the case against him or her. There would be the right to a fair answer and defence, including the right to cross-examine the accusers. Of course this is absent from the provisions of the National Parole Board. The Board decides not only what information the inmate will be permitted to see regarding his or her case, but whether or not the person can have counsel or an advocate present at the hearing. If counsel is permitted to be present, they will be unable to cross-examine witnesses or to have access to relevant documents. Instead, they will only be permitted to make brief statements at the end of the hearings.

Under the new scheme proposed by the Government, there is no requirement for proof beyond a reasonable doubt of the allegations being used to justify the continued detention of the individual. We are going back to procedures in our criminal justice system which were removed a long time ago. People other than the courts will be making the decisions. The decisions will be made in respect of charges about which the accused person does not know very much, and no opportunity to cross-examine will be provided. In short, these provisions are not remotely the standard required in a court of law. However, the effect is the same as that decided by a court of law. It is a new sentence, and it could be a very substantial one. It could be a sentence of several years in addition if the Bill is passed and people are indeed prevented from receiving time off on mandatory supervision for good behaviour on the basis of future behaviour.

Since my time is nearly up, let me return to the fundamental issue here, that is, why people should be before the courts or before the National Parole Board at all. The issue here is a prediction of future behaviour. The idea of the Government is that people should spend time in prison, not for what they have already done, but for what they might do in the future, of course knowing that we cannot predict this very well. Even if we could predict it very well, is it correct to sentence a person to a period of incarceration on the basis of what the person might do in the future? Surely our system of criminal justice is based upon punishment for offences clearly committed, for which there is clear evidence and for which the person has had ample opportunity to reply to the charges.

The faults in Bill C-67 are fundamental. People will be denied the rights of fundamental justice, contrary to the Charter of Rights and Freedoms. We certainly oppose Bill C-67 and Bill C-68.

Concerning the question before us today, we concur in the motion of the Senate. It would make the Bill a less evil piece of legislation. It would not make it a good piece of legislation, but it would provide some protection to accused persons in accordance with the principles of the Charter of Rights and Freedoms. We urge that the Government accept the amendment of the Senate as a very minimum commitment to observing the requirements of the Charter of Rights and Freedoms and ensuring that fundamental justice is the right of all Canadians.

Some Hon. Members: Hear, hear!