

*Criminal Code Amendments*

had in fact been out for quite a few days. There had been a series of rapes in different parts of Metropolitan Toronto, followed by these particular incidents, and after the police emergency task force had surrounded him and apprehended this individual in a cemetery, I believe, it was determined that he was, in all likelihood, the one who had committed this series of crimes.

It seems to me that this sort of thing illustrates only too well the concern that the people of my riding have and the concern that Canadians have relating in general to the whole subject of criminal law, sentencing, parole, and mandatory release.

These two Bills, Bill C-67 and Bill C-68, are a small first step toward tightening up our whole legal system to ensure that all of us can feel safe in our homes and safe on our streets. We have a great and wonderful Charter of Rights in this country and it guarantees a good many freedoms: freedom of speech, freedom of assembly, freedom from discrimination and freedom to be treated equally. One thing that is not mentioned in the Charter of Rights is the freedom to walk down the street at night without fear. Hopefully this Bill will be the first step to bringing about that feeling of freedom on the part of all Canadians, that freedom to walk down the street at night without fear. In that respect I hope it will receive the unanimous support of all Members of this House.

**Hon. Bob Kaplan (York Centre):** Mr. Speaker, I am glad to have an opportunity to participate briefly in this debate. As a former Solicitor General I can be forgiven for reminding the House that the legislation before us now, which is legislation to constrain mandatory supervision, was in almost every particular the same as legislation which I had introduced and which I had hoped would go through the House before the last election.

We find ourselves in somewhat the same position today as we were at that time, that is that the Conservative Party and my own Party, the Liberal Party, are in agreement that mandatory supervision ought to be constrained further, while the NDP is raising objections to that.

Before the last election the objections of the NDP were fatal because we needed unanimous consent to get the legislation through before the end of the parliamentary session. This time the objections of the NDP are not going to defeat the Bill because it can still be referred to committee and we have lots of time to look at it. I do not want to indicate today to government Members that we will not have amendments to this legislation. It is not exactly the same as our previously proposed legislation but its objective is the same. I want members of the Government Party to know that we approach this issue with the same concern that they have, namely, to find out how we can constrain mandatory supervision further to make sure that inmates who we know are dangerous can be prevented from being released from prison any sooner than the court sentence imposed upon them specifies.

• (1115)

While I indicate a need to review mandatory supervision and tighten it up, I am also glad that the Government Party has not gone so far as to cancel mandatory supervision completely. I know that there are occasional public outcries for mandatory supervision to be completely cancelled and for inmates to stay in prison as long as the warrants which impose their sentences lasts since the public interest would be served best by keeping them behind bars as long as possible. I wanted to speak in today's debate because I do not agree with that position. I feel that mandatory supervision is useful for most inmates and I thought, in support of this initiative of the Government, that I ought to indicate why I think so.

A great many people believe that when a court imposes a sentence, somehow or other the machinery of parole and mandatory supervision work against the sentence of the court. That of course is not true. When a judge imposes a sentence, he is fully aware that there is a parole period and a period of mandatory supervision provided in the law and that if he wants the inmate to spend a certain amount of time behind bars before he gets out on parole, the court imposes an appropriate sentence. In no sense of the word do parole and mandatory supervision undermine what a court has in mind for the inmate.

That is quite different from the situation in the United States. Many Canadians, when reading of the American situation, assume that it is the same in Canada and that somehow the Parole Board has the function of equalizing sentences or working against the sentence imposed by the court. That is not the case. The Parole Board is very limited in what it can do and the judge knows, when the sentence is imposed, what kind of an impact the Parole Board and the law of mandatory supervision will have on the sentence that he imposes. He takes that into account when the sentence is imposed.

The Parole Board can take a look at the inmate during the middle third of his sentence to decide if the inmate has benefited to the maximum from being behind bars, if his rehabilitation will be benefited by putting him out on the street under supervision and if there is a satisfactory assurance that the public at large will not be at risk if he is put out of parole at that point. However, the Parole Board's jurisdiction under our law has not applied in the final third of an inmate's sentence.

Let us say that the Parole Board does not trust an inmate and feels that he should stay behind bars and not be put on parole. Our law presently provides that at the end of the second third of his sentence, provided he has behaved in prison, he can be released, to spend the last third of his sentence on the street, and the Parole Board has no authority to stop this. During the Trudeau years, the former Government introduced some constraint on the law that had existed before. Before we did that, an inmate who served two-thirds of his time behind bars and behaved well would get out at that time. Although he was still under warrant, there was no supervision or accounting of him at all. It was a system that