

Parole and Penitentiary Acts

is wearing, or he does not want him to take a particular route to visit him or her, then if the inmate failed to comply with the wishes of a particular parole supervisor it is a breach of the parole order, or a breach of mandatory supervision and the individual can be brought back in?

I do not think that is fair according to anyone's sense of justice. I think that inmates who are released into the community on parole should be given a certain degree of latitude. They should only be subject to the conditions of parole, rather than being subjected also to the whims of any particular parole supervisor who might decide, for whatever reason, to issue whatever instruction to that particular inmate.

As well, I would like to point out that this particular Subsection (1.3) of Clause 4 does not distinguish between an inmate who is released on parole and an inmate who is released on mandatory supervision.

I am sure you are familiar with the distinction. I think it is important that one recognize the distinction. An individual released on parole is entitled to consideration for parole after serving a particular period of time of his or her sentence. For example, an inmate becomes eligible for day parole pursuant to the regulations after serving one-sixth of that particular sentence. Of course, day parole means exactly what it says, an inmate can be released into the community for the day, either to work or to perform other duties or functions rather than spending the full day in a prison cell or within an institution. An individual becomes eligible for full parole after serving one-third of his or her sentence. The discretion is totally with the Parole Board. It takes into account a number of considerations before deciding whether or not to release a particular inmate on parole. The most important consideration is whether that particular inmate will present any harm to society if released into that society. If the Parole Board deems, in its wisdom, that the person is not a threat to society and believes that it would be in the best interests of society generally and the inmate in particular, then the inmate is allowed to serve his or her sentence in the community on parole.

● (1320)

On the other hand, an individual released on mandatory supervision is an individual who was not granted parole by the Parole Board. These are what I have referred to in the past as the worst of the inmates who are serving time in institutions. These are inmates who have been refused parole by the Parole Board because, for example, it might deem that particular inmate to be a threat to society.

Bill C-67 will give discretion to the Parole Board as to whether or not to issue a detention order. Until now, the authorities simply had no discretion whatsoever. After an inmate had served two-thirds of his or her sentence, the prison officials were required by law to release an inmate regardless of how dangerous that particular inmate might be. Until this Bill is passed, the present law would require the release of even dangerous offenders.

It was felt necessary to exercise some type of discretion with respect to this particular group of offenders who have been refused parole and who have served two thirds of their sentence but have become eligible for release under mandatory supervision. In my opinion, mandatory supervision, which was introduced in 1970, has not worked as well as it should have worked. It needs some reconsideration and this legislation today ensures that society is protected.

Let me return to Motion No. 3. On behalf of the Liberal Party, I intend to support the motion because of the vague nature of the clause to which it relates. The clause does not define what "any instructions" means. It does not distinguish between parolees and those who are released on mandatory supervision. I believe very strongly that there should be a distinction.

I would agree to a higher degree of supervision of those who are released on mandatory supervision and a lesser degree of supervision for those who are released on parole, given the fact that there is a distinction between the type of inmate who is released on parole and the inmate who is released on mandatory supervision.

Subsection 1.3 of Clause 4 does not distinguish between parolees and those released on mandatory supervision, nor does it define or specify what the words "any instructions" means. For those reasons and others, I do not intend to support the Government on the introduction of Subsection (1.3) and, in effect, we will support Motion No. 3 which would delete the whole of Subsection (1.3) of Clause 4.

The Acting Speaker (Mr. Charest): Is the House ready for the question?

Some Hon. Members: Question.

The Acting Speaker (Mr. Charest): The question is on Motion No. 3 standing in the name of the Hon. Member for Burnaby (Mr. Robinson). Is it the pleasure of the House to adopt the motion?

Some Hon. Members: Agreed.

Some Hon. Members: No.

The Acting Speaker (Mr. Charest): All those in favour of the motion please say yea.

Some Hon. Members: Yea.

The Acting Speaker (Mr. Charest): All those opposed please say nay.

Some Hon. Members: Nay.

The Acting Speaker (Mr. Charest): In my opinion, the nays have it.

Motion No. 3 negatived.