

*Criminal Code*

become socially acceptable and has succeeded to the point that he can get out of prison for 15 days. If there is not a clear explanation and if it is not certain that the present wording constitutes good legislation, I hope the minister will accept my amendment. I sincerely hope that if there is not good reasoning behind these words in new section 37A the minister will be the first, in the interests of rehabilitation and good legislation, to recommend to all hon. members the adoption of the amendment I have put forward.

**Hon. G. J. McIlraith (Solicitor General):** Mr. Speaker, I will be very glad to attempt to clear up the matter because I believe the hon. gentleman is under a complete misapprehension as to the proposed clause, what it means and its interpretation. Clause 110 of the bill now before us seeks to add to the Prisons and Reformatories Act a provision dealing with temporary absences of less than 15 days duration and the granting of such absences by an officer given the power to exercise that authority by the Lieutenant Governor in Council.

As the hon. member knows, there is in section 26 of the Penitentiary Act a provision which is almost identical in wording. With regard to a prisoner in one of the institutions covered by the Prisons and Reformatories Act, by virtue of having received a sentence of less than two years, there is no such provision. In both types of institutions there is authority for the National Parole Board to deal with parole for federal offences. Parole is dealt with in that way. The hon. member's remarks relating to parole were applicable to that legislation and were not applicable to this clause. In the case of inmates in prisons and reformatories who are in the custody of the provincial authorities, no authority has been granted by the federal government, in respect of a breach of the Criminal Code and like statutes, to deal with temporary situations which may arise.

● (3:10 p.m.)

For example, it is not infrequent for an inmate to be released, because of a serious illness in the family or the funeral of someone in the immediate family, for a period of one or two days, or as the case may be. Such cases of penitentiary inmates are dealt with under section 26 of the Penitentiary Act. Cases of inmates who, at the end of a sentence—I will give some examples in a few minutes—have secured a suitable job or employment and whom it is desirable to release say two days ahead of the date fixed

[Mr. Winch.]

in the parole board order, are also dealt with under that section.

Perhaps I could illustrate the situation by describing a case I had to consider just before lunch today. An inmate in a provincial institution who is eligible for release on the 19th or 20th day of this month—I have forgotten the precise date—had made arrangements for his employment starting six days before the date of his release. Without this proposed clause, what was required in that case was an act of clemency, an Order in Council signed in the regular way by the Governor General. It is neither practicable nor possible to get that kind of order quickly enough in most such cases.

**Mr. Woolliams:** Why did you put a limitation on it?

**Mr. McIlraith:** Just a moment. That is the purpose of this clause. It has nothing at all to do with parole. It has to do with the humanitarian cases or humanitarian reasons I spoke about and cases such as the one with which I dealt this morning it has to do with the rehabilitation of the inmate and with enabling him not to lose the good job he secured. This happens periodically. In our experience with inmates in these institutions where such authority now exists there has been no request whatever that I could find where officers have been asked for a longer period than 15 days. The usual type of case covered by this clause is a request for one or two days, and it is not anticipated that there will be any request in provincial institutions for more than 15 days, and if there were it could be processed under the regular machinery having to do with parole.

Let me give another example to illustrate the point more clearly. It will be remembered that last December there was a church service of a special nature held in Ottawa. A large number of inmates were brought from one of the federal institutions, undoubtedly in the belief that it would assist in their rehabilitation. This was for one day. Surely there should be some authority vested in the provincial institutions, who deal only with inmates who have been sentenced to a period of less than two years, similar to that used in the federal institutions where inmates have longer sentences.

That is the only purpose of this clause. What is done is an attempt to assist the re-orientation and rehabilitation of an inmate into the community. In the case of a person with whom the Parole Board has not been