

Parole and Penitentiary Acts

Mr. Prud'homme: Thank you, Mr. Speaker. I must say that at last the cat is out of the bag. I was listening, and I think I did so with great respect, to the Hon. Member for York East (Mr. Redway) whose final comments made clear what this Government really had in mind, and I want to thank him for that. I will comment further on this in my speech, but I want to thank the Hon. Member for shedding some light on the Government's true intentions. I think he is the only one who actually said what the real reason was for recalling Parliament today.

• (1630)

[English]

I have two questions. In 1982-83 there was a similar discussion in the Senate. As the Hon. Member knows, it was the unanimous conclusion of the Standing Committee on Legal and Constitutional Affairs, when it was considering Bill S-32—for those who may be listening, the S stands for Senate—that this view was incorporated in the Bill when it was passed by the Senate. It was passed by the Senate without a dissenting voice on June 9, 1983. This was the key recommendation contained in the unanimous Senate committee report on Bill C-67—C stands for Commons—dated May 14, 1986.

I ask the members of the Conservative Party, when were the Members of the other place wrong, then or now? On May 14, 1986, they agreed. Will my hon. colleague comment on the John Howard Society, which works very closely with released inmates? That society has expressed immense concern on what is going to take place in the jails if we go ahead today with the proposal that our colleague is asking us to vote for. The majority of witnesses who addressed this question while appearing before the Senate and the House of Commons agreed that jurisdiction should rest with the court.

Finally, does he not believe that the Parole Board would be placed in an untenable position if it were now expected to authorize the release on mandatory supervision when it found on earlier Parole Board hearings that there would be an "undue risk" to society? As my colleague knows, people who have been refused parole after one term may have to go through two terms of their sentences and will then have to be reviewed by the same parole officers. Does that not put them in an untenable situation? Why is it that my colleague is so opposed?

That is why we are here today. We are not here today because we think society is going to explode, as the former Solicitor General commented. Canada is not living with a time bomb. It is an extraordinary analogy, but it is not according to fact. Why is my colleague afraid of letting the judiciary decide on a decision taken by the Parole Board which may have already decided earlier to refuse release after one term?

Mr. Redway: Mr. Speaker, the Hon. Member has, I believe, put three questions to me. I hope I have them right. I will try to deal with each one of them.

The first one he dealt with was the question of the Senate and the Senate's position with respect to this matter. The Hon. Member is well aware, first of all, that between whatever happened in 1982 and 1983, there was a federal general election. There was a new Parliament elected, a new Government elected. In my view, at least in part one of the reasons for that was that the public felt it was time that there was more emphasis placed on the protection of the public than there had been in the past and that the criminal law, the judicial system and the legal system should be tightened up.

Regardless of what went on in the Senate and regardless of what went on in 1982 and 1983, in my view, what is going on today is a reflection of the views of the Canadian public that it is time that the judicial system, the legal system, was tightened up. That is what is taking place.

With regard to the fact that other bodies, other social service agencies, may feel that there should be an appeal to the courts from a decision of the National Parole Board, I indicated in my speech that in my view, the court has already had the opportunity to examine the issue and has made a decision. Every time a person is sentenced to prison, it is a judge in a court who does that. When the judge hands out a sentence, there can be an appeal of that sentence, usually to a provincial court of appeal and then there can be an appeal to the Supreme Court of Canada.

There are at least three opportunities to pass judgment on the length of term that a person should serve in prison. Once that has been done, then there has been a decision. There has been a judicial review. The courts have made their determination of how long a person should stay in prison. What Parliament has been doing is artificially interfering with the term that has been imposed by the courts previously.

As far as the question of what we are here for today is concerned, in my view what we are here for today, and the whole purpose of bringing Parliament back, is to ensure that if we can stop just one more violent crime, this will be worthwhile. It will be a very, very beneficial effort that we have made. In my view, that is what it is all about. That is why I am here today. I hope that is why the Hon. Member is here today, to protect the Canadian people, the Canadian public and, if possible, to prevent just one violent crime.

Mr. Keeper: Mr. Speaker, my hon. colleague made his case for the legislation, in part at least, based upon the inadequacy of the present supervision system. If the Member is that much concerned about protecting the public, why is the Government not acting today in order to improve the quality of the supervision system that affects the vast majority of people who are coming out of prison and who will still continue to come out of prison even after this legislation is passed today?

Mr. Redway: Mr. Speaker, the Hon. Member directed some questions previously to a former Solicitor General, the Hon. Member for York Centre (Mr. Kaplan). The questions that he directed were to the effect that why did the former Solicitor General not act more quickly in dealing with this problem. He