

eligible for release on mandatory supervision. This is primarily what we are here to discuss today. We are asking who should be making these decisions, the courts or the Parole Board.

The Senate committee members said that they had heard the comments of the Solicitor General (Mr. Kelleher) with respect to the appropriateness of the board taking on this responsibility and that they must disagree. The Solicitor General, however, has continued to take the same position. While recognizing that the legislation attempts to ensure that inmates are afforded the best procedural safeguards available to administrative tribunals, the Senate committee members are still of the view that such decisions, affecting as they do the liberty of individuals, are more appropriately addressed in a judicial rather than an administrative forum, where affected inmates would have recourse to all the procedural rights and protections available in the criminal courts as well as a distinct right of appeal. This is a very fundamental point, indeed a point treated in the Charter of Rights. Of course, one of our concerns is that the legislation, unamended, would be contrary to the Charter of Rights and would be subject to appeal on those grounds in due course.

The motion put before us today by the Solicitor General is a very boldly stated and confident motion. The Solicitor General seems to think that he knows what he is talking about, but I would like to contest the motion's substance very strenuously. The motion indicates that the House would disagree with the amendment made by the Senate to Bill C-67 because the House believes that the National Parole Board is better structured and experienced to deal with all matters of fact relating to the prediction of violent behaviour and that public safety is properly preserved by having decision-making kept with the board.

Let us look at the first point, that the National Parole Board is better structured and experienced. Better than whom? What is the body of comparison? The motion reads that the National Parole Board is better structured to deal with all matters of fact relating to the prediction of violent behaviour. No one is good at predicting violent behaviour. National parole boards, provincial parole boards and the parole boards of other countries have been trying to do this for decades. There is a substantial body of academic literature which goes back a very long time indicating that parole boards are not good at predicting violent behaviour.

It is not that anyone else is any better at making that prediction. Psychiatrists have tried to do it. Objective tests developed by various kinds of social scientists have been developed to try to predict who will be a violent offender. We also know that we cannot predict violent behaviour based upon the conduct of the offender in prison. People who are not well behaved in prison may adjust quite adequately on the outside. Infractions in prison are not necessarily an indication that a person will be a violent offender outside prison.

We as human beings simply have to admit that we are not very good at predicting anything. We are not very good at predicting the weather, although improvements have been

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made. Human behaviour is considerably more difficult to predict than the weather. After decades and decades of attempts to predict violent behaviour, it becomes apparent that the statement made by the Solicitor General is simply not believable. He gives no basis for it, nor does his Department. The shelves of his Department are lined with studies showing that what he has said is untrue and that no one can predict violent behaviour.

The second part of the contention of the Solicitor General is that public safety is properly preserved by having decision-making kept with the board. What kind of public safety is he trying to provide us? Certainly the public would like to be safer and certainly we in this Party would support any reasonable measures designed to make the public safer. Unfortunately, all this motion will mean is that the public will have to pay higher costs to keep people in prison longer.

Public safety is not preserved by keeping people in prison longer. There is no evidence to suggest a violent person will become less violent after being kept in prison for an extra year. Indeed, this has been tried. The experience has proven faulty. Keeping people in prison does not improve their behaviour and, indeed, there is some reason to believe that mandatory supervision is a good thing.

It would seem to be more desirable for offenders who are going to be released in any event to be released with some form of supervision. After all, all of these 54 so-called time bomb offenders will be released. They are all serving fixed terms. They are not sentenced to life for which there is a minimum time to be served in prison of 25 years. These particular people are not murderers. Their sentences may be long, but at some point they will be released. We have no reason to believe that they will be released in better condition if they are kept in prison for an extra six months, one year, 18 months, two years or whatever the case may be.

The motion gives false hope to the Canadian public that safety will be preserved. I believe the statements made by cabinet Ministers and, indeed, the Prime Minister (Mr. Mulroney) are shameful. They have said that the safety of the public is at risk thanks to the actions of the Opposition and the Senate. That is scare-mongering, and I find it extremely sad to see that that is happening. People are quite rightly concerned about safety. Fortunately there is not a high rate of violent crime in Canada. Naturally we would like to see less of it and reasonable measures to ensure better safety would of course be very welcome.

In his remarks, the Solicitor General said that a four-year sentence ought to be a four-year sentence, that a six-year sentence ought to be a six-year sentence and that an eight-year sentence ought to be an eight-year sentence. That is a very simplistic approach, but it does have a ring of truth to it. Who can disagree that a four-year sentence ought to be a four-year sentence and that a person should not get out of prison early? However, there are reasons for letting people out of prison early. People are let out of prison if there is some reason to