

Criminal Code

● (2120)

An hon. Member: Salt or Saltsman?

Mr. Leggatt: I ask you, Mr. Speaker, and I ask the House to think of what you are doing in terms of this wiretap legislation. Why not leave it up to the judges to exercise their discretion to determine the notification period? Then the judges can protect the liberty of the subject. I do not have any confidence in the Minister of Justice protecting the liberty of the subject, none at all, so I support the amendment, and so does my party.

The Acting Speaker (Mr. Ethier): The question is on motions Nos. 33 and 34. Is it the pleasure of the House to adopt the said motions?

Some hon. Members: Agreed.

Some hon. Members: No.

The Acting Speaker (Mr. Ethier): All those in favour of the motions will please say yea.

Some hon. Members: Yea.

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

Some hon. Members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Ethier): Pursuant to section 11 of Standing Order 75, the recorded division for the proposed motions stands deferred.

Motions Nos. 35, 36, 37 and 38 will be grouped together for debate. The vote on motion No. 35 will dispose of motions Nos. 36 and 37. The question on motion No. 38 will be put separately.

Mr. Stuart Leggatt (New Westminster) moved:

Motion No. 35.

That Bill C-51, An Act to amend the Criminal Code, the Customs Tariff, the Parole Act, the Penitentiary Act and the Prisons and Reformatories Act, be amended in Clause 24 by striking out lines 37 to 45 at page 68 and lines 1 to 12 at page 69.

Motion No. 36.

That Bill C-51, An Act to amend the Criminal Code, the Customs Tariff, the Parole Act, the Penitentiary Act and the Prisons and Reformatories Act, be amended in Clause 26 by striking out lines 32 to 37 at page 70 and substituting the following therefor:

“11. Notwithstanding anything in this or any other Act, the Board shall be required, in considering whether or not parole should be granted or revoked, to conduct a hearing in accordance with the principles of natural justice.”

Motion No. 37.

That Bill C-51, An Act to amend the Criminal Code, the Customs Tariff, the Parole Act, the Penitentiary Act and the Prisons and Reformatories Act, be amended in Clause 29 by adding immediately after line 14 at page 73 the following:

“(4) Where a case is referred to the Board pursuant to subsection (3), the Board shall within 30 days from the date of the reference either cancel suspension or hold a hearing pursuant to section 11.”

The Acting Speaker (Mr. Ethier): Is it the pleasure of the House to adopt the said motions?

Mr. Leggatt: We have now considered the wiretap provision and are on questions of parole, which form a very significant part of this legislation.

I am surprised there was not more interest on the part of parliamentarians about the subject of the penitentiary system. I might say that I appreciate the fact that an all-party committee has reported on the question of penitentiaries in this country. It is an important report. I am glad to see the Solicitor General (Mr. Fox) here tonight listening to the debate with some interest.

With regard to the amendments before us under Bill C-51, only one of them relates in any way to the recommendations made by the all-party committee on changes in the penitentiary system, and I am disappointed that at this point we have not yet seen more action.

Perhaps, first of all, I could deal with motions Nos. 35 and 36. Motion No. 35 simply asks that the Parole Board act in accordance with the principles of natural justice in making its determination. I have left the motion general because the principles of natural justice are easily defined by the courts. It is again an attempt to allow the courts an opportunity to exercise their discretion. It is an opportunity to allow the judges to take a look at the parole provisions and ensure that the Parole Board is acting in a fair way. I am not suggesting that we superimpose a whole new set of jurisprudence on the Parole Board. I am only suggesting, in view of the disruption that we have seen in our prison systems, that the Parole Board act in accordance with the principles of natural justice so that there can be more peace and calm within the prison system.

I am not suggesting that the Parole Board should be any more lenient than it is. My argument is that it should have been stronger in some cases. The board leans in the other direction. That does not mean it should not also act in accordance with the rules of natural justice. So, quite simply, motions Nos. 35 and 36 ask that the general principle of the rules of natural justice apply to the operations of the Parole Board.

Mr. Eldon M. Woolliams (Calgary North): It gives me a great deal of pleasure to support the motion of the hon. member for New Westminster (Mr. Leggatt). Let me tell you, Mr. Speaker, what has always been my concern with regard to the Parole Board. It is that many times the Parole Board is blamed for weekend leaves which are granted by the wardens of penitentiaries. If these amendments are accepted, hearings will be held, as they should be, in every penitentiary in Canada. There are one million unemployed in Canada. We do not have enough people to process the applications. Perhaps this is where we should employ some personnel and train them to listen to reason when hearing the evidence of the incarcerated. I say this is a good amendment and I support it 100 per cent. My party will vote for it.