

HOUSE OF COMMONS

Monday, September 23, 1985

The House met at 11 a.m.

● (1105)

GOVERNMENT ORDERS

[English]

PAROLE ACT, PENITENTIARY ACT, PRISONS AND REFORMATORIES ACT, AND CRIMINAL CODE

MEASURES TO AMEND

The House resumed from Friday, September 13, consideration of the motions of Mr. Beatty that Bill C-67, an Act to amend the Parole Act and the Penitentiary Act, and Bill C-68, an Act to amend the Parole Act, the Prisons and Reformatories Act, and the Criminal Code, be read the second time and referred to a legislative committee.

Mr. Alan Redway (York East): Mr. Speaker, I am pleased to have this opportunity this morning to say a few words in connection with Bill C-67 and Bill C-68. Bill C-67 is an Act to amend the Parole Act and the Penitentiary Act, and Bill C-68 is an Act to amend the Parole Act, the Penitentiary Act, the Prisons and Reformatories Act and the Criminal Code. These Bills contain a number of technical amendments, but their main thrust as far as Canadians are concerned has to do with what could be called the legalization of a procedure which has come to be known as gating. When inmates receive mandatory release after serving only two-thirds of their sentence, in the past there has been a requirement that they be automatically released. Because of difficulties with people who have been automatically released, there has been an attempt in recent years to try to prevent this release by the system of gating or rearresting them as soon as they walk out of prison. Of course the courts have found that this is not a legal practice. Bill C-67 has been introduced to ensure that we do not have to release prisoners automatically when it is inappropriate.

Of course, the explanation for that can be found in Bill C-67. These amendments would clarify the nature of the remission of a sentence and its impact on the sentence. It would allow the National Parole Board to order continued detention in a community based residential facility of certain inmates following a review by the board of those identified under stated criteria and referred to the National Parole Board by the Canadian penitentiaries service. The long and the short of it is that there would no longer be mandatory release in such a situation. The National Parole Board would have the discretion not to release people automatically.

The same applies in Bill C-68. Its amendments would provide for the termination of full parole and release on mandatory supervision. Both these Bills are extremely important in the area of sentencing and parole, two matters which Canadians view as very serious.

During the past election campaign we found that the whole issue of law and order was a major one on the minds of Canadians right across the country. To a large extent it was manifest in the call by many people for the return of the death penalty. What really became the characteristic of the issue was the whole question of whether we should have a return of the death penalty, whether we should have a free vote, whether we should have some form of referendum or what we should have concerning the death penalty. However, I believe that there is a wider issue than just the death penalty. It is the whole question of law and order itself or the whole question of tightening up the legal system—sentencing, parole and mandatory release provisions—in order to ensure that we protect ordinary Canadian citizens to the fullest extent. The Opposition and many organizations in Canada have pointed out that they feel this will have a negative effect on what Canadians should expect from their criminal system or from their prison system. Previous speakers have indicated that they feel there will be a rise in crime if these Bills go through, but that is definitely at odds with what we have seen happening in the last few years.

The concern demonstrated during the election campaign was just an example of the concern of all Canadians resulting from a series of situations which seem to have occurred, if not daily, almost weekly and have been reported in the press with a great deal of publicity. Of course it raises concern in the hearts and minds of all of us. I should like to refer to a recent concern which may not relate specifically to this issue but relates to the whole area of parole and releasing people from prison before the sentence which has been handed out by the judge has been completed. This case resulted from an occurrence in Metropolitan Toronto last month which was reported widely. That was the case of a man who picked up three teenage girls, forced them at gunpoint to strip, tied them up with their own clothing, raped them repeatedly, forced them into other sexual acts and then left them tied up in a field. This man had met them at a hamburger shop and had asked them for a ride to the railway station. Naively, they agreed to his request and took him there. The result of that were the acts that I have just read from one of the local Toronto newspapers of last month.

● (1110)

The case did not stop there, however. It was discovered that this individual had been released on a day pass from prison but