

Parole and Penitentiary Acts

I use the word "gating" in the knowledge that that may be a foreign concept for some, but that, effectively, is what this legislation is addressing. Before a prisoner who has earned remission can be denied that remission and be ordered to serve time until warrant expiry, this amendment would require that not just the National Parole Board but also the Attorney General give consent to the order. At the time we were previously debating the Bill, it was suggested by my colleague, the Hon. Member for York South—Weston (Mr. Nunziata), that in a number of instances individuals who have been released on mandatory supervision have committed serious crimes of violence and other crimes in our communities. No one will quarrel with that suggestion. Of course, that is a very serious matter. Many of us would suggest that there should be far more effective resources available to prisoners who are leaving institutions in order to assist them to reintegrate into the communities. However, I would note that the effect of the Bill is really just to delay, by an average of some two years, the release of those very same individuals.

Let us look at that in practical terms. Let us consider the individual to whom my colleague from York South—Weston was referring or those to whom colleagues from other parts of the country have referred. I believe one of my colleagues from the Metropolitan Toronto area mentioned an individual from Brandon who was accused and convicted of having murdered while he was out on mandatory supervision. The argument is that had he not been out on mandatory supervision, he would not have been in a position to commit that terrible act. The reality is that that same individual, had this Bill been in effect, would have been released some two years later. Let us look at the circumstances of the release. That individual would have earned remission within the prison and then would have been told, some few months before his release date, after having been in prison for a number of years and expecting to be released, "Even though you have earned remission, you will not be released until the warrant expiry date, the end of your sentence". Well, that individual will not exactly be less hostile, less belligerent, less violent at the end of that two year period; in fact, it would be quite the contrary. What we are doing in these circumstances then, is not releasing an individual, at two-thirds of the sentence date, under mandatory supervision, and in some cases it could be and should be under very strict conditions of supervision, but at least releasing that individual and giving him chance to phase back into the community. If such proposal is adopted, that person would be released directly from a maximum security institution, right on to the street, without any supervision whatsoever. How could anyone suggest that that is a safeguard to the community?

Mr. Fulton: Only a Tory would.

Mr. Robinson: My colleague, the Hon. Member for Skeena (Mr. Fulton) says, "Only a Tory would". Unfortunately, the Liberals supported the same principle. Indeed, my colleague from York South—Weston said, "Yes, yes, this gating power is all right, but it should be done by a judge instead of the National Parole Board". If the Bill is adopted, instead of the

level of violence in our communities decreasing, what we will see is a group of very dangerous, bitter and hostile prisoners who are forced to remain behind bars right until the end of their sentence, and then they will be released on to the streets from a maximum security institution with no surveillance whatsoever. If that is not a greater threat to our communities than the current situation, I do not know what is. Therefore, I say that the Bill, which deals with prisoners, is a colossal con job on Canadians. The victims of this con job will be the people in the constituencies that all of us in this House represent.

As well, there is no doubt but that there will be a higher rate of recidivism. As well, there will be even more people incarcerated as a result of these provisions. The prisons which are already overcrowded, already involved in double-bunking, will be even more crowded. That is why prison guards and prison wardens are totally opposed to these provisions as well. In fact, there are not many people in the country who support them.

● (1740)

The committee on which I had the honour to sit representing the New Democratic Party heard from many witnesses. We heard from the John Howard Society, from the Elizabeth Fry Society, from the Canadian Council of Churches and from the Canadian Association of Criminal Justice. Witness after witness said: "Stop! This approach is fundamentally wrong. It is misguided. It will not decrease the level of violence in our communities". Yet the Government is determined to plow ahead.

The purpose of this amendment is to insert, at the very least, an additional level of safeguard into the Bill. The National Parole Board now has a sweeping and almost unfettered discretion. As I pointed out earlier today, its record is not a particularly good one. In this regard we can look to the statistics with respect to release on parole as opposed to release on mandatory supervision, which is now automatic release. One would have thought that if the Parole Board were effective then people who were released on parole would have a significantly lower rate of commission of violent crime than those who are released on mandatory supervision automatically, those who have been deemed by the Parole Board to be too dangerous to get out on parole. It ain't so. In fact, the level of violent crime is almost the same. So that great mass of discretion—in fact, it has been referred to as tyrannical discretion by former Chief Justice Laskin of the Supreme Court of Canada—is being used in a way which really does not make an awful lot of difference in the end. It contributes to significant overcrowding and to warehousing in our penal institutions.

I say that this amendment, which includes the Attorney General as an additional level of safeguard, is one which should be supported. I hope that Members of the House will vote in favour of Motion No. 13.