

Parole Act

could tell him that some hon. members sitting behind me would be saying a few words to him for not making any mention of female representation on the board. If one can make a case for former inmates and native people, then one could make a very strong case for adequate representation of women on that board. In actual fact, there are a number of women who are inmates, and who are subject to parole at various times.

I would like to assure the hon. member for Skeena, and the hon. member for Winnipeg North Centre, that the list of names currently being considered by the Solicitor General for appointment as ad hoc members of the Parole Board reflects the necessity of bringing broader participation of all parts of the community to the board's deliberations. The concerns expressed in the hon. member's amendments are very much in the mind of the Solicitor General, and he would like to take them into account when considering appointments to this board. But once more, Mr. Speaker, in terms of a general principle governing the constitution of government boards, it would not be quite appropriate, and not really in the best interests of the operations of those boards to start specifying all kinds of requirements with regard to representation and composition. We believe there is more to be said for allowing greater flexibility, leaving it to the various groups in the community to make sure that the government of the day takes into account the various clientele which a board like this is called upon to serve, and letting the minister be answerable in the House as to the quality of the candidates he would choose for recommendation to the Governor in Council for appointment to a board.

Once more I say that the government is sympathetic to the principle of representation put forward in the amendments. It is, indeed, the intention of the Solicitor General to take those concerns into account when appointing ad hoc members; but we suggest it would be preferable to leave it to the Solicitor General to make sure there would be adequate representation of the various sectors of the community. I repeat that if we continue along this line, we could end up requiring regional representation, linguistic representation and sex representation. There is no end to the definitions of this type that one could put into such a bill. Therefore, while expressing sympathy for the amendments proposed by the hon. member for Skeena, I would urge the House to reject them as not being appropriate for this particular bill.

Mr. Erik Nielsen (Yukon): Mr. Speaker, it is my view that increasing the size of the Parole Board, which the act now says shall consist of not less than three and no more than nine, by adding another ten ad hoc members to it falls far short of solving the problems that the Solicitor General (Mr. Allmand) is burdened with in the responsibilities placed upon his shoulders under the Act establishing his department.

The policies being followed by the government which are making parole problems proliferate are not going to be solved by the simple addition of numbers. When you have government policy being followed by the board to the extent that, in effect, the board is overruling the findings of judges and juries, and imposing an entirely different sentence from that imposed by a judge at a trial or on appeal, even though this falls within the board's powers, it

[Mr. Lalonde.]

can be seen we are close to the root of the problem. I wish to cite a number of cases in support of what I have just said, one being the case of William Kraft.

● (1510)

Before getting into that, let me say that the root of the present attitude, which I think results in a policy that this government is following; was established by the previous solicitor general in 1971 who then had responsibility for penitentiaries. He established the precept that from now on the policy is going to be to stress rehabilitation over and above all else. That is one of the factors that is set forth in the provisions of the Parole Act now which has to be considered by the Parole Board when considering parole. But when putting that policy into effect, it seems that the emphasis has been placed, decidedly and emphatically, on rehabilitation rather than on the protection of the public.

How far the pendulum has swung, according to Judge Bewley, is evident in the case of Robert Leroy Barber who was convicted of 19 criminal offences between 1950 and 1964 including theft, breaking and entering, assaults on police, and possession of unregistered firearms. In 1964, he was convicted in Toronto of robbery and sentenced to 15 years imprisonment. He was paroled on May 28, 1969. While on parole Barber and an accomplice, Clarence William Kraft who had 22 previous convictions, robbed a bank in Deep Cove, North Vancouver of \$34,602 on June 18, 1971. That was just a little over two years after his first parole. Police dogs tracked them down in bushland and there was a gun battle in which 500 rounds of ammunition were exchanged. An RCMP constable and a police dog were wounded and a second dog was killed. Barber was captured and Kraft killed himself.

When the RCMP asked for cancellation of Barber's parole, a national Parole Board representative in Vancouver refused and the reason given was "because Barber was not guilty until proven guilty". Fortunately, the judge before whom he was arraigned denied him bail. When Barber was being sentenced for this latest crime,—he received 17 years for attempted murder and robbery—the same parole representative spoke on his behalf and stated that he felt the man could still be rehabilitated. That is only one of several illustrations of the deeper concerns that beset the Solicitor General than simply increasing the number of members on the Parole Board.

There was a comparatively recent case in the city of Ottawa where an individual was out, I think, on temporary leave of absence or day parole. He had been serving a sentence for a violent crime. While he was out he applied for and was granted a LIP grant, the purpose being to help rehabilitate convicts who were coming out of prison. While he was undertaking this work in the city of Ottawa he was arrested for attempted murder. That is the kind of concern that most Canadians have with respect to the function of parole in this country. They feel that the government is placing undue emphasis on the rehabilitation factor set out in the Parole Act. There are three such factors and I cannot put my finger on them at the moment, but rehabilitation comes last on the list.

I am not speaking against the fact that rehabilitation is one of the criteria that should be considered when parole