

Time requirements are now set by parole Regulations which can be modified by Order in Council. The advantage of this procedure is that there is no need to enact legislation to change the Regulations. The matter can be dealt with quickly without public discussion. In our view, however, it is the responsibility of Parliament to decide what behaviour should be defined as criminal and, by the maximum penalty it sets, to determine the gravity of the behaviour. Time regulations which set the minimum time to be served before parole eligibility are the lower limits of the seriousness of this behaviour. It is our view, therefore, that Parliament should set out in the law both the maximum and minimum limits of the gravity which it attaches to criminal behaviour. This would lead to less flexibility but it would prevent frequent and hasty changing of Regulations to meet events which have no relation to the seriousness of the behaviour. More stable time regulations will be fairer in the long run.

The Committee has concluded that the time requirements should be simplified. Special categories with different time rules should not be created needlessly. The recent change which made a special category of those who have forfeited parole does not seem justified. We do not accept the reasoning that, because a parolee commits one offence which results in forfeiting his parole, he should be treated differently under parole legislation from the offender who has committed many offences.

We believe that the following time requirements should be incorporated in parole legislation:

- An inmate should be required to serve one-third of his sentence before parole may be granted. This should apply to all sentences whether they are being served in federal or provincial institutions. The longest minimum provided should be seven years for definite sentences.
- For life sentences and indeterminate sentences of preventive detention, the minimum time required to be served before parole may be granted should be ten years. (See Chapter XI.)

It must be clearly understood that the setting of time requirements does not mean that an inmate will be automatically released after one-third of his sentence. All that is meant is that he becomes eligible for parole after one-third but eligibility does not mean automatic parole.

Similarly, murderers serving life imprisonment will not be granted parole automatically after ten years. If and when parole is granted, whether after ten or twenty years or more, will only be determined on the facts of each case.

Recommendations

32. The minimum time to be served before eligibility for release on parole should be prescribed by statute rather than by regulation.
33. The minimum time to be served prior to becoming eligible for release on discretionary parole should be one-third of the term of imprisonment or seven years whichever is the lesser and ten years for persons serving sentences of life imprisonment as a minimum punishment.