

Penitentiaries

before they go to a lawyer, and maybe the mediation service should be recommending a lawyer, instead of the other way around. I think we are putting the cart before the horse, and I will have more to say about that later.

● (1700)

[*Translation*]

The Acting Speaker (Mr. Guilbault): Order, please! It being five o'clock, the House will now proceed to the consideration of Private Members' Business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS— MOTIONS

[*English*]

The Acting Speaker (Mr. Guilbault): Shall all orders and items preceding item 9 stand by unanimous consent?

Some Hon. Members: Agreed.

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PENITENTIARIES

SUGGESTED ESTABLISHMENT OF BOARD

Mr. Bruce Halliday (Oxford) moved:

That the Standing Committee on Justice and Legal Affairs be empowered (1) to study means of providing greater public involvement in policy-making for the Canadian Penitentiary Service (2) to determine the feasibility of amending the *Penitentiaries Act* so as to provide that the Commissioner of Penitentiaries be appointed by the Governor in Council on the recommendation of a board, to consist of five members serving for five-year terms which would each terminate in a different calendar year, appointed by the Solicitor General of Canada, the said board to be responsible for, subject to the direction and control of the Solicitor General of Canada (a) the development of policy (b) presenting an annual report to Parliament through the Solicitor General of Canada.

He said: Mr. Speaker, I am very pleased to have the opportunity today to present this motion which in effect is to refer the subject matter to the Standing Committee on Justice and Legal Affairs. This House is not being called upon to make a final decision on the wisdom, the validity or the usefulness of this motion, but I hope the House will see the wisdom of having it referred to committee for study. I say that for two reasons. First, we are in the process in the House now of trying to institute some reforms whereby our committees have more and greater opportunity to deliberate on issues which may not necessarily be referred to them solely from the Government. This is one attempt to do that. Second, my whole motion today arises out of the unanimous report of an all-Party subcommittee of the Standing Committee on Justice and Legal Affairs which, in 1976 and 1977, studied the subject of penitentiaries in Canada. Under the chairmanship of the present Minister of Justice (Mr. MacGuigan), it came up with a report that was unanimous. Among the various recommen-

dations in that report, of which there were 65, recommendation No. 24 dealt specifically with the topic of the motion before us today. I want to emphasize that this motion and subject of it was a recommendation made unanimously by the subcommittee. It is not one of a partisan nature for two reasons, first that this issue is basically non-partisan politically and, second, that we are attempting to encourage the House to have its committees become more involved in studying matters that they feel are more important. I hope the House today will agree that the motion be referred to the standing committee for consideration.

It would be germane to make some comments regarding the background which led up to the subcommittee's report in 1977 and see how similar the situation was then to the situation we see in Canada today *vis-à-vis* our penitentiaries.

In the early 1970s, we in Canada were deluged with a number of violent incidents in our penitentiaries across the country. These included riots, strikes, murders, hostage takings, suicides, and so on. This culminated in the rather nasty hostage-taking in the B.C. penitentiary where Mary Steinhauer was killed in the course of a riot and in an attempt to rescue her. Following that, various attempts were made, one of them by the Official Opposition to have a public investigation. By agreement it was worked out that an all-Party subcommittee of this House be struck to study the matter. We spent a number of months studying Canada's various penitentiaries. We heard many, many witnesses. We came up with a report which was hailed far and wide as being an excellent report.

Mr. MacGuigan: Hear, hear!

Mr. Halliday: I hear the Minister of Justice say hear, hear. He should indeed be proud of that report, as I know he is. I suspect that the Minister of Justice is equally disappointed now as he was then that recommendation No. 24, which is really the embodiment of this motion today, was not put into practice nor taken serious account of by officials in the Solicitor General's Department. I think the essence of the subcommittee's report can be summed up in its recommendation No. 1. Its report to Parliament in 1977 at page 2 reads:

Recommendation 1 A crisis exists in the Canadian penitentiary system. It can be met only by the immediate implementation of large-scale reforms. It is imperative that the Solicitor General act immediately on this Report as a matter of the utmost urgency.

This indicates that we need large-scale reforms. The issue which this motion today addresses is one of those large-scale reforms. It is disappointing to think that it was not, in my view, properly addressed and actually instituted by the appropriate officials.

One might ask what reception this report received. I intimated a few moments ago that it received rather good reception both across the country and in other countries of the world. I think it is best voiced by the chairman of that subcommittee in a paper that he wrote in 1980, several years after the report, entitled *The Role of the Standing Committees on Justice and Legal Affairs of the Canadian House of*