

*Parole and Penitentiary Acts*

It is always either or, and I always liked logic. Some people say that we Francophones are not economic wizards, as a certain Minister said not long ago, but we, at least the people of my generation who did their "*cours classique*", have a reputation for logical reasoning. It is either or: either the Senate exists or it does not. Either we want to get rid of the Senate and we say so or the Senate exists and we let it do its work. My conclusion is that the Senate exists, because since the 21st of the twelfth month of 1984, in other words since December 21, one, two, three, four, five, six, seven, eight... Eight Conservative senators have been appointed by the Right Hon. Prime Minister (Mr. Mulroney), and that is his prerogative, I do not dispute that.

So if we go on appointing senators, we also have to let them do their work.

My leader was eloquent on the subject this morning. What we would like the Senate to be is on the record. In any case, Mr. Speaker, it does not make sense for the Government to have this Bill before Parliament for a year and then wait until the very last minute, on June 27, 1986, to throw it at the Senate, as much as to say: Gentlemen, hurry up, we are leaving! Hurry this through tonight, because this is urgent, and in any case you don't count, even if we go on appointing senators, but we want this Bill just the same.

I say, and my leader says and he is right, that in cases where there is a difference of opinion between the Senate and the House, the views of elected representatives must prevail. That is obvious. We were elected. If we really want this Bill to be the way the Government wants it to be, and the way the Government wants to amend it, I think we are going to vote against the Bill, but if that is the position that is to prevail, the will of the elected majority... Nevertheless, Mr. Speaker, I fail to see why we should prevent these people who have a lot more time than the Members of this House to think about all these matters... Some senators, and it is not my duty to defend them, but I think that to be perfectly fair, we have the right to say what goes on in both Chambers.

Some senators who have been dealing with the parole issue for years stated that this is not the way to proceed. They already did that in 1983. I will refrain from relating the background facts. It has been done eloquently by my other colleagues, two former Solicitors General, certainly one Solicitor-General-to-be in a future Liberal Government. I am telling you, Mr. Speaker, that we must pay close attention to what those people in the Senate, those men and women in the Senate have asked us to do. What did they ask us? They did not ask us to let all prisoners go free, as some Members have so clearly suggested. Hardened criminals roaming the streets—I will get back to this issue in a few minutes if someone will remind me to talk about the former Solicitor General. But, Mr. Speaker, they introduced as most reasonable amendment. They said: We cannot expect Parole Board members who have already dealt with those inmates to deal again with them only to reject their parole application after they have served two

thirds of their sentence, to decide whether they should be set free or not.

With respect to the mood of inmates it will be a tragedy. So the senators said: Of course it is a good Bill. Of course we must be strict. Of course we must protect the people, Of course, but we think it would be better if the Parole Board decision were subject to appeal to a judge. There is nothing complicated about appealing to a judge, Mr. Speaker.

Your Honour, your predecessors in the chair had us pass a Bill on parliamentary reform, on redistribution. What is included in redistribution? Provisions which state that the chief justice of each province may appoint a judge. He is the one who decides which judge will sit on each electoral commission. When somebody wants a search warrant—there are lots of them these days with respect to spying and security matters—a panel of judges may decide whether warrants should or should not be issued.

My hon. friend from Mégantic—Compton—Stanstead (Mr. Gérin), who is an excellent defence lawyer, is well acquainted with these matters and knows a lot more than I do since he practised law. So I don't see why it would be so terrible and difficult to ask judges in each province who are well-known in their field, whether or not release would be possible on final appeal. So we can either agree or disagree with the Senate.

[English]

You can agree or not with the Senate. That is totally irrelevant. What is relevant is whether it is intellectually acceptable. We say yes. Senators of the Conservative Party in 1983 said yes. Senator Nurgitz said yes to the same kind of argument. Why is it so wrong today, Mr. Speaker?

The Senate decided to make an amendment even though we sent the Bill there on the last day after having had the Bill before our eyes for one year. Why on earth call the House back in the summer, call the staff and call my hon. friend from Beauce who has a wife and children—that is the implication I overheard? Is this so urgent? Well—

[Translation]

This reminds me of the fable of the ant and the cricket. Where were you all this time? What were you doing all year long, if it was so urgent? Why didn't you call us back before? Why didn't you adopt this Bill? So I have to conclude, Mr. Speaker, that there must be—

[English]

There must be other motives, Mr. Speaker. I am allowed to believe that there may be other motives for being called back. I will come to that if someone reminds me. There are two things that I have to deal with: the ex-Solicitor General and the motives.

To be logical, the Senate has put forward an amendment. If it is the wish of this House not to accept amendments from the Senate, we will return the Bill, as you will do, Mr. Speaker, since the Bill is so urgent. Since the Senators are not elected, they should give in to the elected people. This is a very logical