

Parole Act

very often it seems the parole board is now, according to the law, in the position of a sentencing judge. In effect, it is in a position to rewrite the sentence the judge has imposed on the convicted criminal on the basis of the trial and on the basis of the evidence he has heard. I think there is something to be said, therefore, for the recommendation by the Canadian Bar Association that the provincial attorneys general should have the right to appeal decisions of the parole board. This would mean that the head of the law enforcement agencies and the law enforcement system in the province would have some say if it were thought that a sentence had not been carried out adequately or that the risk of further parole violation was too great. I would add that the Canadian Bar Association also recognizes the rights of the inmate in recommending that an inmate should equally have the right of appeal.

● (1600)

Just dealing for the moment with the way in which very often the parole board, it seems to me, has offered itself as a substitute for the sentencing judge, and dealing with the proposal of the Canadian Bar Association, I would suggest that if we had that kind of a system or something comparable we might have avoided the tragic mistake made when the five kidnappers of Mary Nelles were released on parole. Shortly after they began their prison sentences for this serious crime, two were released after serving only 20 months of 10-year terms, and three were released after serving 24 and 26 months of 12-year terms for the serious and major crime of kidnapping, a crime that might well have resulted in a much greater tragedy than it did.

This was a scandal and a shock to every citizen who takes law and law enforcement seriously. When representatives of the parole board tried to justify that decision by rationalizing that these criminals really had not intended to commit a crime but to carry out some kind of a practical joke, the real joke seemed to be the law, and every serious law-abiding citizen of this country wondered if the law in Canada, where it has so long been respected, was now a laughing stock.

Another suggestion for dealing with this problem is to give the sentencing judge the authority to impose a minimum term before which parole could not be granted. An editorial in the *Criminal Law Quarterly*, February 1973, supports this recommendation. It reads:

The post sentence process appears to take on all the aspects of a device to defeat the original judicial determination.

One solution according to this *Law Quarterly* is to give the sentencing judge "the power to impose a minimum term before the expiration of which an inmate shall not be released on parole". That is the practice already in two states in Australia, New South Wales and Victoria. The experience there should be adequate for the minister to indicate to us why he has not undertaken some reform along such lines, and why the government is not taking the action it should. If the experience of other jurisdictions indicates the proposal to which I have referred would not be effective, I think the minister should suggest something better, and certainly something better than we have had in Canada for the past several years.

The parole board very often justifies its program on the basis of the saving of taxpayers' money. Apparently the

[Mr. Stackhouse.]

cost of keeping an inmate in a penal institution is so high, and the cost of parole is so low it makes sense to parole very large numbers of inmates. I hope this kind of rationalization can quickly be dispensed with, because surely we are not going to offer this reasoning as some kind of justification for granting paroles to the kinds of prisoners to whom I have referred in citing these case studies. I refer to the kind of parolee who can go out and burgle, swindle, steal, attack and even murder.

What value do we put on that kind of crime when we say we are saving the taxpayers' money by granting parole? What value do we put on the suffering and loss endured by the citizens who are the victims of these men, and what value do we put on the life of a person like the late George Edward Oliver whose throat was slit by a parolee who had a record of crime and past paroles, who was nonetheless given a further parole during which he committed this vile, brutal murder in the city of Vancouver? He was sentenced first in 1969, and paroled the next year. His parole was revoked in 1971 and a second parole was issued the same year. Before the year was out he had committed murder.

We have to see that there is a very great cost to the Canadian people when parole is given to those who cannot use it properly. We have a very grave responsibility as a parliament, along with the grave responsibility borne by the minister, and we are using this debate to draw these responsibilities to the attention of parliament and the public. We hope that further discussion in the committee and further debate in this House will explore this dimension of the problem much more searchingly. We are prepared to pass this bill on second reading, but we are not prepared to be the kind of uncritical audience the minister might have welcomed. We are simply not giving him the speedy and unquestioned passage he has suggested, and we do not do so because too often in the past those who have acted in his name have not acted in the best interest of the people of this country. So we are asking for a much more searching examination of the effectiveness of the National Parole Board and the need for its effective reorganization in the best interests of society.

I should like to say something as well about the need for forming a national parole institute as recommended by the Hugesson Report, to do effective research into how the parole system is working, and to provide informed answers to difficult questions. This bill makes no provision for expanding the research facilities of the National Parole Board. It should be clear to everyone who is engaged in parole work that this is one of the fundamental needs of a reorganized and reformed board. For example, I put a written question to the minister in which I asked how many of those who had applied for parole and received it had received parole before; once, twice, three times or four times. That is the way of finding out the extent to which parole is being made a kind of career by the career criminal. I was told it would take too long to search the records of the parole board to find an answer to that question.

In discussing that kind of thing with those active in the field of parole, I have found that they know the answer but there is just no one on the staff of the National Parole Board doing that kind of elementary, necessary and essen-