

*Criminal Code*

**Mr. Harold E. Winch (Vancouver East):** Mr. Speaker, on Friday last I had the opportunity of speaking for some 11 minutes in introducing and explaining the motion which is again before the house. As I said then, I want it clearly understood that clause 110, which creates new section 37A, does not deal with inmates within the penitentiary system. It has reference only to inmates in provincial reformatories and jails whose sentences are less than two years.

As I said on Friday, on reading the clause I was completely amazed at the restriction found in this clause and completely stumped as to the reason for its inclusion. I took the opportunity over the weekend of re-reading all the preceding clauses dealing with parole in an endeavour to ascertain whether there was anything that would explain the reasoning behind this wording, which I hope will now be amended. Perhaps it is because I am not a member of the legal profession that in all this terminology I could not find any explanation.

I can understand the wording of proposed section 37A in clause 110 when it suggests that the Lieutenant Governor of the province should have the power to appoint an official with the authority to let an inmate out of a reformatory or jail, with or without an escort, for an unlimited period of time for medical reasons. However, I cannot understand why there should be a limit of 15 days on the period for which a provincial inmate may be let out by the same official for humanitarian reasons. I presume that humanitarian reasons would include the serious illness or death of a parent or other member of the family, and that 15 days is considered to be a satisfactory period for release for humanitarian reasons. But I cannot understand the limitation of 15 days on release for rehabilitation purposes.

● (3:00 p.m.)

As I started to say when it was time to stop last Friday, I fully understand the position, power and jurisdiction of the Parole Board. I feel most strongly that if we are truly interested in rehabilitation, and I hope we are, in our provincial reformatories and jails, we must realize that the officer in the institution is the one who knows the inmate best. He is the one in daily touch with the inmate. He is the one in daily or at least weekly touch with the foreman of the workshop in which the inmate may be employed, or with the teacher if the inmate is in a class. He is the one in touch with the priest or padre if

the inmate is attending services, or with the psychiatrist or psychologist if the inmate is receiving such treatment.

The officer in the institution is the one who under this section would have the power vested in him by the Lieutenant Governor to let a person out for medical or humanitarian reasons, but the same responsible official has the power to let the man out for only 15 days if the release is for rehabilitative purposes. I cannot conceive of an official letting a person out for even 15 days unless he is certain the man has made such progress that he should be released. Moreover, if the official made a mistake the same provision would apply under this section with regard to temporary leave as applies to one who breaks parole; in other words, he would be picked up and put back in jail. So there is no danger there.

To my mind this provision is absolutely unreasonable. It is not understandable that an official should have the power to let an inmate out for rehabilitative purposes but that the period should be limited to 15 days. Right then and there the very purpose and goal of rehabilitation is crucified. A person who has won this reprieve and is making a success outside must return to prison within 15 days. Right there you destroy absolutely the attitude, social responsibility and progress of the one who is being let out. I could go on and on in this regard, Mr. Speaker, but I know that if I did I would only be repeating myself, and I do not want to do that.

I sincerely hope that the minister believes in rehabilitation, that he believes that a boy, girl, young woman, young man, or adult man or woman serving a sentence of less than two years should, if they have proved to the satisfaction of the official responsible to the Lieutenant Governor that they can be rehabilitated, be rehabilitated and everything should be done to aid their rehabilitation and not to stultify it. If there is a reasonable explanation of why this wording is in the clause, I sincerely hope the minister will rise and make it clear because it is not clear to a great many of us at the moment.

I assure the minister that I am a reasonable member of this House of Commons. If he has a satisfactory answer than can clarify the situation and make sense of what appears to be a nonsensical provision, I am prepared to listen and accept it. But unless there is a clear explanation and a good reason for it I say that the present wording will stultify the very purpose of rehabilitation; it will kill the motivation of somebody who is trying to