

Parole and Penitentiary Acts

he was let out. In January of this year, at the inquest into the death of Mr. Savoury, the parole officer said that Mr. Savoury and he met once in January—remember he was released in October—and spoke twice on the telephone. The parole officer told Mr. Savoury that he wanted him to stay in regular contact.

● (1620)

During that period of time, from the beginning of November, 1984 to the end of January, 1985, three months, the coroner's jury found that Mr. Savoury had committed eight other armed robberies and had murdered a gas bar attendant in early or mid-January, 1985. He even admitted to one of his accomplices that he had murdered this other man.

The coroner's jury in considering all of these facts indicated that it felt Mr. Savoury's so-called mandatory supervision was grossly inadequate, and it did not believe this was an isolated case. You and I know, Mr. Speaker, that it is not an isolated case. We hear of people being released on mandatory supervision all the time.

The coroner's jury also urged quick passage of Bill C-67 now before Parliament, which will give the National Parole Board the power to deny automatic release to dangerous offenders. That was a recommendation of a coroner's jury in the City of Toronto in March of this year as a result of the Leander Savoury case. By no means is that an isolated incident, Mr. Speaker.

The Senate has amended this Bill. The Senate said that having just the National Parole Board make the decision it is a bureaucratic act and that there is something wrong with it. It is contrary to civil rights and contrary to the protection of individual civil liberties. The Senate said that there should be an appeal to a superior court, but it did not set out anything relating to the appeal. The Senate said that there should be some sort of a right of appeal from the decision of the National Parole Board as to whether or not a person should have to serve his or her whole term as meted out previously by a judge in court.

Right away in saying that, we are saying that the judge of first instance and all of the courts that dealt with the sentence handed out by the trial judge made some sort of error that should have been corrected in the beginning. The judge handed out a sentence, a firm, definite term sentence. What the Parliament of Canada did in the legislation in 1970, which we are now trying to amend, was to say that regardless of the sentence handed out by a judge in court—even if the judge said a person should be put away for six years—we say that a person has to be released after serving only two thirds of a sentence. In other words, the sentence will be "four" years or a lesser amount than that stated. Unfortunately, the judge, in his or her wisdom, set a firm term as to how much time should be served. The Bill we are trying to amend today prevents the penal system from carrying out the original sentence meted out by a judge. Surely if we make sure by changing this legislation that the sentence handed out by the judge in the first place, which was subject to appeal to the Supreme Court of Canada, is served, then the course of justice is being served.

I could comment as well on some of the other aspects of the Senate amendment. I could suggest that it is vague and it implies that we may very well have to release a person on mandatory supervision pending a court decision on whether that person should be released on mandatory supervision, because a person would have the right of appeal if we agreed with the Senate amendment.

There are a number of problems with the amendment the Senate has put forward. What I am saying this afternoon, as I have said all along in committee, at report stage debate and on a number of occasions during Question Period this year, is that we should be getting on with the legislation before us. It is not perfect. The former Solicitor General said it was not perfect. He was right. We need to take a look at the whole system of mandatory supervision. We need to take a complete look at the whole system of parole and sentencing. We have a sentencing commission which is now looking at the sentencing aspect. I believe that when a judge hands down a sentence, the public has the right to feel that that is the sentence a person is going to serve. Right now we have a very confused system. We should be putting in place a system that when a judge says that a person will serve so many years in prison, that is what it is. We may want to put in place after that some parole system, and we may want to put in place after that some mandatory supervision system. If we do, I hope we put in place a system that is much better than the one we have now because the one we have now does not work. If we are going to deal with these problems effectively, we have to change the system so that it does work. We should be changing the whole system, but that will take some time. We have to hear from the sentencing commission as well as have a lot of other studies. In the meantime, surely we can act on this Bill to make sure that the National Parole Board can insist on a person serving out the full sentence imposed by a court, which originally was subject to appeal all the way to the Supreme Court of Canada.

In my view, this is part of a move by our Government to change the swing in the pendulum, which has for many years been swinging exclusively in the direction of the civil rights and liberties of individuals. There is nothing wrong with that. They must be protected, but at the same time the public has to be protected too. A balance has to be struck. We have moved so far away from the balance of protecting the public that it is time we moved back. This Bill addressed that issue. This Bill brings us back to protecting the public and balancing that off with the rights of individuals. That is why we have to pass this Bill today in the form that it was passed by this House on June 27.

I urge all Members of this House to vote in favour of passing this Bill and to do so quickly.

[*Translation*]

Mr. Deputy Speaker: For questions or comments, the Hon. Member for Montreal—Saint-Denis (Mr. Prud'homme).