

Criminal Code

that we will, by this bill, be giving them greater responsibility in their already crowded schedule of responsibility. Modern society has, unfortunately, complicated the task of the legislator and of the policeman. The two gentlemen referred to previously, Messrs. Linden and Goldenberg, have challenged Parliament to provide the legislative and philosophical framework. This bill has done that. If it is not applied with humanity, understanding and common sense by the police, our work will have been in vain. Attitudes of the public are based on the first contact of the citizen with the police, so that they are in effect the vanguard or our front line troops.

The minister and others have outlined the objects of this bill and I do not believe it is necessary for me to reiterate them. We are not studying the bill clause by clause. I support the philosophy and framework of the bill but I thought it incumbent upon me to pay tribute to the men who must make it work—the policemen of Canada. Unhappily for the policemen in all too many communities, the only time people hear about the kind of job they are required to do, the kind they will be required to do under this bill, the type of risks they are required to take, the kind of intelligence they have to exhibit and the decisions they have to make, is at salary bargaining time. A somewhat shallow and cynical public has said: They are saying all these things and exaggerating them because they want an increase in pay.

• (3:40 p.m.)

Happily, in many communities there is a good public relations effort and there are splendid programs of school visits, films and safety lectures. The school systems of the country have an obligation to do that which is possible to accord policemen the kind of respect they have earned and deserve. I believe that the police forces of Canada are intelligent enough to deal with this legislation, because they know it is good law and they will have all the more reason for making it work. Very early in the game, the Minister of Justice met the Attorneys General of the provinces, and this bill has won wide acceptance. As I indicated earlier, the minister spoke to the police chiefs in Canada to impress upon them the need for training and educating so that policemen will understand their responsibilities under this bill.

I do not think this is unpopular legislation. I think it is the kind of law that once again points up a new attitude toward an accused. It is a law which, if properly enforced will bring new respect for justice and the administration of justice. Press comment is favourable: it has indicated that the bill will make major reforms of the Canadian law relating to arrest, detention before trial, and bail. I think the general public will also accept the philosophy of this bill when it understands that it seeks to prevent the unnecessary arrest and detention of persons suspected of having committed a crime, but that it provides proper guidelines for the exercise of police and judicial authorities.

I have referred to the philosophy behind the bill. The philosophy of the bill, in essence, is this: A police officer should not arrest a suspect if the public interest can be secured by proceeding in another fashion. The fashions

[Mr. Cullen.]

are outlined in the bill. If a suspect is arrested and detained, his financial means should not be the determining factor in deciding whether he is to be released on bail pending trial. In this bill we have said a man is innocent until proven guilty and the onus is on the authorities to establish why bail should not be granted. Money is not the measure: the basic question should be whether an accused person is likely to appear for his trial.

One of the other areas which the government and the Minister of Justice have considered is that it is necessary to bring down a piece of legislation and not to be hide-bound to follow it in minute detail. This legislation was introduced early, with the full knowledge that time would pass before Parliament would have an opportunity to deal with it prior to the summer recess. This was done, as the minister has indicated, to make it public and so provincial authorities charged with the responsibility of enforcing it would have full opportunity to study the proposals before the bill was passed by Parliament. I am informed that since June, 1970, the Minister of Justice has discussed the bill at meetings in Halifax of provincial Attorneys General and with various police organizations. It was also discussed, as I have said, with the Canadian Association of Chiefs of Police which met at London, Ontario. The bill has received detailed study by many sections of the public. It was then reintroduced by the Minister of Justice, as he has indicated. He said:

—I am satisfied assisted in achieving a clear and a workable law but to maintain intact the basic principles of the legislation—

From the standpoint of the people who will be operating under the aegis of this bill, everything possible has been done to bring it to their attention, to give them an opportunity of studying it and to present their observations. In the final analysis decisions have to be made. The bill, as I indicated previously, was redrawn and reintroduced. This is a good bill. It is a bill which I think all members of the House can support in principle. If there are specific changes to clauses that the Standing Committee on Justice and Legal Affairs might see fit to make, changes which will improve the performance of the bill, its image or the standard, I know they will be welcomed by the Minister of Justice. On second reading of the bill we are dealing with its general principle, and I have no hesitation in declaring my complete support for this good piece of legislation.

Mr. David MacDonald (Egmont): Mr. Speaker, I shall speak briefly on this bill, partly because there is general disposition on the part of hon. members to send it to committee and partly because I think it would be unwise for some of us to reveal the depths of our ignorance on this subject. Speaking as a layman in the field of law, I feel it incumbent on me to speak on this bill which is the first major proposal to be presented to the House by the minister since the activities with which he was involved last fall.

Mr. Turner (Ottawa-Carleton): The statutory instruments bill was a most important measure.

Mr. MacDonald (Egmont): The statutory instruments bill has been dealt with. This bill is important, yet the