

Criminal Code

Perhaps this really goes to the heart of the bill. We have to make sure that our police officers, given this brand new approach and somewhat greater responsibility in the matter of decision making than they had hitherto, will apply this measure uniformly from one end of Canada to the other. There is nothing that holds the law up to contempt so much as a feeling on the part of the public that it is unevenly administered; that the burden of the law does not rest equally on the shoulders of everyone but that some people are able to escape its provisions. It is therefore important that the police officer, whether in Sainte-Anne de la Pocatière or in Kamloops, enforces and administers the act on a roughly comparable basis.

The extent of the powers given to police officers and others in charge of detained persons by the provisions of this bill is not, I submit, objectionable in ideal circumstances; but in view of the discretionary powers given the police, and, in the case of bail applications, the judicial powers given the police, I think we should reflect upon the amount of professional training that is given our police officers. In this regard the Ouimet report recommended:

—it would be highly desirable to conduct continuing education programs for justices of the peace who frequently have to make decisions of great consequence to the individuals directly affected by them and to the community at large, sometimes with very little preparation for the heavy responsibilities involved.

If that is true of justices of the peace, it is equally true of the guardians of the peace, our police officers. While we do not yet have a national police academy for municipal police forces as we have for members of the Royal Canadian Mounted Police, I think in view of the extra responsibilities that are to be thrown on the shoulders of the police considerable thought must be given to some kind of continuing education for members of police forces. Perhaps the sending out of booklets to crown prosecutors, to provincial magistrates or to justices of the peace would not suffice. Perhaps the whole success of this measure will depend on a consideration to which we have not given enough attention, namely the expenditure of some hard cash on the education of those who are responsible for the operation, and therefore the success, of this measure.

● (2:20 p.m.)

Subject to those qualifications, and the fact that we will be examining many important aspects of the bill in committee, I can say on behalf of my associates that we support second reading and referral to the committee.

Mr. John Gilbert (Broadview): Mr. Speaker, the members of the New Democratic Party fully support the provisions contained in the new bill. I, for one, welcome the bail reform bill with a little less enthusiasm, perhaps with the same enthusiasm with which I receive my income tax form. The reason is that when I came here in 1965 and met the present Minister of Justice (Mr. Turner), then watched him in operation, he sort of

[Mr. McCleave.]

impressed me as the new Messiah in respect of reform of the criminal law. When I read some of his speeches to university groups, law students, lawyers and various other groups across the country, I realize that he is now becoming a reformer by way of rhetoric rather than by way of action. From the time he became the Minister of Justice to the present he has not fulfilled the requirements of the new Messiah, as I was hoping he would when he took this position.

An hon. Member: He walks on water very effectively.

Mr. Gilbert: This bill is a step forward in comparison with the long step backward he was partially responsible for taking in respect of the War Measures Act and the Public Order (Temporary) Measures Act. When I think of these two acts and the way his image has been tarnished, not only in the minds of the people generally across the country but more especially in the minds of university law professors, I understand why it was incumbent upon him to make the type of speech he made this afternoon, one of persuasion, clarity and coherence. I really thought he was addressing a jury on many occasions when he spoke today.

Mr. Turner (Ottawa-Carleton): This is a jury.

Mr. Gilbert: He certainly made a deep impression on all of us. Not only is the Minister of Justice a reformer by way of rhetoric, I think he has taken what is known as the cold-feet approach. I say that because since taking office he has done nothing with regard to the abolition of corporal punishment, nothing with regard to amending the Criminal Code to abolish vagrancy charges; he has done nothing with regard to bringing forth legislation concerning the uniformity of sentencing procedures, and he has done nothing with regard to the dangerous offenders amendment. Those are just four areas in which he has done nothing.

This bail reform bill is a more blatant example of that cold-feet approach. When he first presented the bail reform bill in June of this year, he issued a press release and I should like to quote a few of his statements. From page one of the press release, let me quote the following:

Mr. Turner said that, "at present many people are unnecessarily subjected to arrest, though other means such as a summons might be perfectly adequate to secure the ends of justice—

This is a laudible statement. He then said:

—criteria for bail, reference is made to the special emphasis that is placed upon the consideration of the likelihood that the accused will turn up for his trial.

Then, he refers to the Ouimet report also referred to by the previous speaker. He said:

The Ouimet report recommended that there be an additional pre-requisite for the justification of the exercise of the power to arrest, namely, that the arresting officer has reasonable grounds to believe that arrest is necessary in the public interest. Under this bill arrest will not be justified if the arresting officer has reasonable and probable grounds to believe that a method other than arrest is adequate.