

he would be the last person to have someone detained for 90 days, and then brought before a judge to whom he gives the discretionary power with regard to fixing the date for trial.

It may be that the minister feels that 30 days is a little bit too short for the preparation of the case. If the minister feels that 45 days would be more appropriate for preparation before a person is brought to trial, I would be quite prepared to accept his amendment. The way the clause now stands certainly imposes a hardship on the accused. I think the government should appreciate that difficulty and be prepared to agree to the amendment.

Mr. Turner (Ottawa-Carleton): Mr. Chairman, there are no existing provisions of the Criminal Code which would aid any accused who has been refused bail in accelerating his trial. The hon. member for Broadview alluded to that. The present provisions of the Criminal Code provide no means for an application for accelerating the trial of any accused held without bail. For that reason, in the bail reform bill to which we have alluded earlier, I incorporated a provision that if bail were refused then the accused would be entitled to apply at the end of 90 days to set a date for trial.

The bail reform bill would achieve this improvement in the law. I discussed with my officials whether 90 days was an appropriate period and, taking into consideration the difficulties that might arise for both the prosecution and the defence, I was assured that 90 days was fair and to reduce it might prejudice the administration of justice.

Subclause 2 of clause 7 is designed to assist the accused because, in our opinion, if he is held without bail he is entitled to an accelerated trial. The reason subclause 2 is there is that under subclause 1 of clause 7 he could be held at the order of the Attorney General without bail. I should point out as well that if clause 7 subclause 1 had disappeared as a result of the earlier amendment by the hon. member for Broadview, then the rationale of subclause 2 with which we are now dealing also would have disappeared.

I would point out to the hon. member for Broadview that if both his proposed amendments, namely the amendment to subclause 1 of clause 7 which was just defeated by the committee and the amendment to subclause 2 of clause 7 now before the committee, were passed it would place members of the FLQ in a better position than that which currently obtains with respect to other citizens subject to criminal proceedings.

With respect I submit the committee should reject the amendment.

• (3:50 p.m.)

Mr. Woolliams: I will say at the outset that I support the amendment. With the greatest respect, I cannot accept the minister's argument in connection with the Criminal Code. It is true that sometimes people are kept 90 days awaiting trial, or 100 days, but the fact remains that as the code is currently set up an accused person can get his

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case before the courts without any undue delay. He can go before a magistrate, skip the preliminary hearing on an indictable offence and then ask for a speedy trial before a county court judge or, in certain provinces such as Alberta, before a supreme court judge, waiving the right to a jury even at the high court level. I have known cases where, after the charge has been laid, there has been refusal or reluctance on the part of the Crown to get on with the job. Defence counsel then picks up the telephone or goes into the office of the chief justice and says: Look, I want to make a move. The judges are always anxious to get on with the job, and I am sure I speak for all provinces. So, the machinery under the code is such that in a few days an accused person can get to trial if he so wishes.

In some instances, of course, when people who are in jail have no counsel, there are abuses, but the law is there to expedite justice. I believe 90 days is far too long. In fact, I have some doubt about 30 days, but I am prepared to accept the amendment; I shall not delay the committee. We on this side have said very little about these amendments but as far as we are concerned we do not accept the argument of the minister that this provision really puts a man in a better position than one who is charged under the Criminal Code. In my opinion, in plain ordinary language, that is hogwash. There are procedures under the code by which a speedy trial can be obtained. Even if a case is to go to a jury, an accused can get it heard before 90 days have gone by if defence counsel is on his toes. In my opinion, 90 days is too long. Even then, as the hon. member for Broadview pointed out, the accused has to make application to a judge who may set a time for trial. So the case may not get to trial for 120 days.

I am surprised at the attitude the minister is taking. This is what is delaying the passage of this bill. Surely, we thought, the Minister of Justice would accept reasonable amendments. But it seems he has closed his mind. Somebody in the bureaucracy has handed him a bill and he intends to stick with it at all cost. If he had accepted some of the reasonable amendments which all parties in opposition have put forward, the bill would be through by now. All of us are concerned about the length of the period which accused persons spend in detention. This is the time to ask questions because immediately the bill becomes law I can hear the minister saying: Oh, this is a provincial matter within the jurisdiction of the provincial attorney general. I asked him today whether the police of Quebec were incompetent or infiltrated. I want to know. If anyone can hide in a cupboard like old Mother Hubbard, it is time we got some answers from this government. The minister and his hon. friends brought in the War Measures Act and now they are bringing in legislation to replace it. As soon as there is any problem, we are told this is a matter for the province of Quebec.

Mr. Peters: I was very interested in the remarks the minister made in relation to the Criminal Code and the delays that have taken place. As lay people, most of us are not aware of those delays unless we are charged with an offence, but when we do learn about these cases we do