summary conviction offence. Under the new version of the bill, a first such offence will remain a summary conviction offence only, but in the case of a second or subsequent offence, the Crown will have the option of proceeding by way of indictment. Obviously, if the charge is indictable, failure to appear the second or the third time should be given the same measure of penalty. Otherwise, the deterrent is no longer there.

Generally speaking, the courts in deciding what sentence to impose on a person convicted of an offence take into account the time he has spent in custody awaiting trial. However, under the present Criminal Code, a sentence commences only when it is imposed, and the court's hands are tied in those cases where a minimum term of imprisonment must be imposed. In such cases, therefore, the court is bound to impose not less than the minimum sentence even though the convicted person may have been in custody awaiting trial for a period in excess of the minimum sentence. The new version of the bill would permit the court, in a proper case, to take this time into account in imposing sentence.

I want to draw to the attention of hon. members that cash bail in this bill is only a last resort. The provision under the present Criminal Code whereby an accused person can be required to deposit cash or valuable security as a condition of his release on bail can in many cases operate harshly against poor people. One of the objects of these new amendments to the Criminal Code is to restrict the circumstances under which a person could be required to deposit cash or valuable security as a condition of his release pending trial by providing that cash bail could be required only where the alleged offender was not ordinarily resident in the community where he was in custody.

I am suggesting to the House and the country that there are cases where a person does not live in the community where he is arrested and has no means of identification, community identity or ability to prove to the court that he will appear for his trial. In such a case the only security or evidence of good faith he could adduce would be cash bail. Even in those cases it is not encumbent upon the justices to insist on cash bail, but the justices are required to go through the same process of reasoning under the general terms of the bill. There is sometimes less guarantee that an accused will appear for his trial when he lives a good distance from the court. He may live out of the community, province or country. He should be given the opportunity to provide cash bail as an added guarantee of his faith.

I wish to stress that because the bill will bring about major changes in the law of arrest and bail, extensive education will be necessary to train the police of this country in the new procedures. It will be necessary to provide guidance for judges, magistrates, Crown prosecutors and defence counsel in the practical implementation of these new procedures.

At the annual meeting of the Canadian Association of Chiefs of Police in London, Ontario, last September, I urged them to begin initial planning for the training that will be required. While this bill is simple in intent, it will be somewhat more complex in implementation. Education of the police and thorough briefing of magistrates, judges, Crown prosecutors and defence council will be necessary for the effective implementation of the new proposals.

I have asked the provincial Attorneys General to be prepared to update the manuals now used by magistrates, justices of the peace and police officers. I did so because I believe that it is imperative that the proposals become part of the routine procedure of the criminal judicial process as soon as possible.

I look forward to defending this bill in the Standing Committee on Justice and Legal Affairs. I will welcome constructive suggestions from that committee and from the House at the report stage. I have enjoyed my association with the Standing Committee on Justice and Legal Affairs. I believe that for the past two and a half years, on behalf of Parliament and the people of Canada, this committee has dealt competently with a good deal of legislation. I think the record compares favourably with that of any other committee of this House, past or present. I want to thank the hon. member for Welland (Mr. Tolmie), the chairman, and the members of that committee. I just have three more minutes, Mr. Speaker.

Mr. Brewin: Talk it out.

Mr. Turner (Ottawa-Carleton): The Bail Reform Act recasts some of the law dealing with arrest and most of the law dealing with bail for the first time since Confederation. The real defect of the present provisions of the Criminal Code is that they are too short on precision and too long on discretion. Power to arrest and authority to release are conferred in such broad terms under the present law that the means by which they are exercised in practice overshadow the purposes for which they are granted. The consequence is a widespread, and I do not say deliberate, but unheeding misuse of power and authority. In the nature of things, the impact of this misuse is felt mainly by those, guilty or innocent, who are least equipped to alleviate for themselves the consequences of the unreasonable use of authority. Because of poverty, a lack of education or a lack of influence, they are unable to bring the necessary counter pressure to bear on their own behalf. For them, this bill will be a statutory voice equalizing their opportunities before the courts.

It is an attempt to emphasize that, as the power to fetter the individual is given for use only in the interests of the country, the sole test by which the limits and the fair use of that authority are to be measured is the extent to which its exercise is needed in the public interest. Arrest and detention are not designed to be an informal means of rough justice or anticipatory punishment for the untried. Their purpose is not to usurp the function of the trial or to block or modify the right of every accused to have his case determined under the rule of law. That there should be a need to restate the limits of the power of arrest, and the need to restate the justification of the authority to detain, is in a large