

No. 217

JOURNALS
OF THE
HOUSE OF COMMONS
OF CANADA

OTTAWA, TUESDAY, FEBRUARY 28, 1967.

2.30 o'clock p.m.

PRAYERS.

Mr. Cameron (High Park), from the Standing Committee on Justice and Legal Affairs, presented the Seventh Report of the said Committee, which is as follows:

Complying with an order of the House of Commons of May 30, 1966, your Committee has considered the subject-matter of Bill C-176, An Act to amend the Criminal Code (Insanity at time of trial).

The purport of the Bill is to allow the issue of whether an accused is, or is not, on account of insanity capable of conducting his defence to be postponed by the Court, Judge or Magistrate until any time up to the opening of the defence. It further provides that if before the question of the accused's fitness to stand trial fails to be determined the Jury, Judge or Magistrate returns a verdict of acquittal on the count or counts on which the accused is being tried the issue shall not be determined.

The Bill follows the lines of Section 4 of the Criminal Procedure (Insanity) Act, 1964 of the United Kingdom allowing such issue to be postponed until any time up to the opening of the case for the defence. The proposed Bill goes somewhat further in that it provides that the Court, Judge or Magistrate may at the request of counsel for the accused, and at the discretion of the Court, Judge or Magistrate, if he deems it to be in the interest of the accused, call any witness on the issue of the identification of the accused as the party responsible for the crime and on the issue of whether the accused could have been present at the scene of the crime at the time of the commission thereof without the defence being deemed to have been opened within the meaning of the amendment.

Your Committee has had the advantage of hearing from distinguished witnesses, namely:

The Honourable J. C. McRuer, retired Chief Justice of the High Court Division of the Supreme Court of Ontario;