

Criminal Code

putting this bill into law, steps must be taken immediately—perhaps the provinces could do so in conjunction with the federal government—to ensure that the undue or lengthy detention period before trial does not occur. If these steps are not taken, then indeed, the bill will defeat the very purpose for which it was introduced.

I was intrigued to hear the comment made by lawyers who have spoken in the debate regarding the complexity of this legislation. We know that we live in an increasingly complex society, but many of the problems we face are not simple in terms of solution. I think we must avoid, if at all possible, introducing solutions that are more complex than need be. I think that one of the services the Committee on Justice and Legal Affairs could provide would be to ensure that in the final analysis the legislation directed toward these reforms is as simple and clearcut as possible.

I think this legislation introduces a number of important questions with regard to administration, not the least of which is the effectiveness of those in positions of authority in the police forces. This interesting question was raised at length during our debate last fall on the War Measures Act and the temporary public order bill. Increasingly, questions are being raised as to how effective police action can be in a modern society.

I think members on all sides of the House have been disturbed by the increasing loss of respect for authority and the frequent inability of authority to question itself effectively and objectively. In the first instance, I think public confidence in the police must be restored where it has been lost. Second, I think we must begin an effective upgrading program so that modern-day police officers will be competent and able to handle the kind of legislation that is placed in their hands. The wide powers of judgment being asked for in this bill will require a much more comprehensive training—perhaps in-service training—for police authorities provincial and federal.

Mr. Deputy Speaker: Order, please. It being four o'clock p.m.—

Mr. Knowles (Winnipeg North Centre): Mr. Speaker, it has been stated several times that there is a general disposition in the House to conclude second reading of this bill today. Toward that end, the hon. member for Winnipeg North (Mr. Orlikow), whose bill would be coming up in this hour, has agreed that it would be all right for me to say that we would give unanimous consent to Your Honour not seeing the clock.

Mr. Turner (Ottawa-Carleton): I thank the hon. member.

Mr. Woolliams: We give that agreement as well.

Mr. MacDonald (Egmont): I will conclude very quickly so that other hon. members may be able to speak on second reading. I conclude by saying that because of the substantial change with regard to bail and detention, we require much greater public education.

● (4:00 p.m.)

As we know, in the main public education is a provincial responsibility. It seems to me the government will

[Mr. MacDonald (Egmont).]

have to be prepared to assist the provinces, where requested, in this respect in order that a much greater understanding of the operations of the law will ensue. It has been suggested that the police officer will have a responsibility to inform the individual of his rights. Traditionally, that has been expected; but in addition I would hope that in concert with this legislation there would be a program to educate citizens so that generally they would know the application of the law with respect to their individual situations.

Finally, with reference to the meetings of the committee which will study the bill in detail, I hope the committee will have available the testimony of those who can offer professional advice and those concerned with the area of provincial administration, so that when the bill goes into our statute books it will be in the best interests of Canadians.

Mr. Andrew Brewin (Greenwood): Mr. Speaker, I commend the minister, without reservation, on the introduction of this bill. I speak only for myself: I know this is perhaps an unusual occurrence, but whenever it is deserved I prefer to take this attitude. Contrary to the fears expressed by some people, I am satisfied that the legislation will aid law enforcement. It will do so by promoting greater public respect for the law and for its enforcers, the police and the courts.

Everybody in this House would agree that law and order are essential to the security of all of us. There are some people outside the House who perhaps do not accept that, but I think it is a basic truth. At times, the slogans of law and order are used to deny the liberties and rights of the individual, and I think the Minister of Justice (Mr. Turner) was absolutely right when he said that the real task of legislators, as well as of courts, is to balance individual liberties against the needs and the necessities of the community.

I am happy that the atmosphere that surrounded the invocation of the War Measures Act and the enactment of the public order act has not prevented the minister from bringing forward this bill which expands the rights of the individual. I am glad that the program of reform, to which I know he is devoted, has not been ended by the degree of public fear and hysteria which accompanied the events of last October and November. I think this legislation is needed, and has been badly needed, for a long time.

The minister referred to Professor M. L. Friedland and his book on this subject. I have in my hand an address delivered by Professor Friedland to the John Howard Society in February, 1966, which I think summarizes extremely well the case for this bill. I am not going to read all of it, but the first thing emphasized by Professor Friedland in his address is the very infrequent use of the summons to initiate criminal proceedings in this country, as compared with the situation in England. He said:

The relatively infrequent use of the summons is clearly undesirable in light of the many sound arguments in favour of limiting the process of arrest to those cases in which it is a reasonable necessity.

When an accused is summoned, rather than arrested, all the harmful consequences of custody pending trial are automatically