

*Criminal Code*

resist saying that the consumer has a fundamental right to correct information and that truth in advertising is essential to any charter for the consumer. I hope these amendments will more effectively protect the consumer's right to correct information in future. The Minister of Consumer and Corporate Affairs (Mr. Basford) and I intend that there shall be vigorous enforcement of these provisions on a national basis.

In response to many pleas from societies and others concerned about cruelty to animals there are some important amendments in the Code relating to cruelty to animals. There are also some important provisions relating to fitness to stand trial and insanity, basically to the effect that the guilt of the accused should be first tested before the issue of insanity is tested so that insanity does not prevent the nature of innocence or guilt from remaining forever in abeyance. Hon. members will want to review these very carefully.

There is one matter I should like to mention which involves the detention of witnesses. I mentioned it when I introduced the bill before Christmas. Under the law as it now stands a material witness in a criminal case can be detained with no time limit prescribed if there are grounds to believe he will not appear to testify when required to do so. Under the amendment it is proposed that no witness shall be detained for a period exceeding 30 days unless prior to the expiration of that time he is brought before a judge. It is proposed that a person detained as a witness may on his own motion, within that 30-day period, make application to be brought before a judge. Unless the judge before whom the witness is brought is satisfied that his continued detention is justified, either because of evidence adduced at the time of that application and because it is clear that his evidence at the trial itself will be material to the case, the judge will have to order him to be discharged or released on recognizance. On the other hand, if the judge is satisfied that his continued detention is justified, he may order that he remain in custody but the total period of detention shall not under any circumstances exceed 90 days.

The case which gave rise to the proposed amendments was brought to light by the right hon. member for Prince Albert (Mr. Diefenbaker). I am sorry he is not here now to hear me say this. It involved the detention for several months of a young fellow, 20-year old Henri Berubé, at Montreal because it was alleged that he had been an eyewitness to the murder of James D. Ross. I hope it will give

[Mr. Turner (Ottawa-Carleton).]

the right hon. gentleman some personal satisfaction to know that his crusade in this particular case has brought a remedy into the criminal law.

**Some hon. Members:** Hear, hear.

[*Translation*]

**Mr. Turner (Ottawa-Carleton):** I now ask the house to proceed with the second reading of the bill. As I understand the precedents and the Standing orders of the house, Mr. Speaker, consent at the second reading of the bill represents agreement on the main principles of law reform, within the limits of the bill, as well as on referring the bill to the committee.

• (3:50 p.m.)

[*English*]

May I say to members of the standing committee that I appreciate the considerable amount of work that will now be before them if the house grants second reading to this bill. I am confident that members of the committee will give this measure a thorough study and their best judgment. This bill will provide a major test for the new rules and the broadening of our committee system. I have always believed that the power of the legislature should be strengthened as against that of the executive. The committee system should provide members of parliament with a forum in which to exercise their individual judgment and in which to obtain the necessary information upon which to base that judgment. The proper functioning of our committee system is not to my mind an Americanization of our parliamentary traditions but rather a means whereby the individual member of parliament can better fulfil his role as an intelligent servant of the people in the way they intended when they put all of us here.

I do not intend to tamper with the freedom of the committee. I respect its membership and its collective judgment. Under the new rules the committee will technically be able to call witnesses as it deems fit. I do not intend to transgress upon the committee's prerogative in this regard, and I hope I am not doing so now if I remind the house that certain aspects of this bill have already received deep study by members of the House of Commons, particularly those relating to abortion and the breathalyzer test. When the committee in its good judgment sees fit, my parliamentary secretary, the hon. member for Louis-Hébert (Mr. Cantin), whom I wish to thank publicly for all his help and support