

has been no application to set a date for trial within the 90 days, it then becomes mandatory. In the Criminal Code it is not mandatory, and this provision is to overcome that lack. The bail reform bill also includes the provision of 90 days.

Mr. McCleave: I wish to direct a question to the Minister of Justice. Before doing so, may I preface it with an observation. If a person is in jail and his case has not been set for trial within 90 days, public suspicion would inevitably develop that no case existed against the person or that the authorities were trying their darndest to round up some evidence to use against him. That would be a natural inference from such a circumstance.

It has been stated many times that the provincial attorneys general are administering this particular measure, although for practical purposes this means one man, the Attorney General of the province of Quebec. We are dealing with the administration of justice, bringing an accused into court. We have to consider the workload of the courts in the province of Quebec. Have the officials of the Department of Justice been in consultation with the Quebec Department of Justice to determine this 90-day period?

Mr. Turner (Ottawa-Carleton): Mr. Chairman, when I met the provincial attorneys general in Halifax in July, we discussed the bail reform bill. At that time all the provisions of that bill were thoroughly canvassed, as they were by the commissioners on uniformity of law in Prince Edward Island in the first week of September. The maximum period was discussed. It was the opinion of the attorneys general and their advisers that this maximum period was in keeping with the case load of criminal matters in Canada. For that reason I accepted 90 days as the maximum period for the purposes of the bail reform bill. I drew on that experience for the purposes of this legislation. The 90 days applies in those cases under the bail reform bill where bail has been refused.

Mr. Lambert (Edmonton West): Mr. Chairman, this is my first intervention in the debate on this particular bill. I make no apology for intervening at this time, particularly in view of the remarks made by the Minister of Justice. This is exceptional legislation, therefore we must take exceptional care that everything shall be done properly.

This is one of the clauses in this bill that has disturbed me. One can readily conceive of a person being held without bail for a period of almost 90 days and then having a trial judge set a date for trial three months hence. What if that person is then found to be innocent? The net result would be that the apprehended person would be held without bail for five or six months. What are the consequences? He has lost his job and his reputation has gone out the window. There must be no suggestion of guilt by association. Unfortunately, in this particular case 450 people have been found guilty by association. Let's not have any illusions.

Public Order Act, 1970

[Translation]

They were all lumped together and accused of the same offence. Each individual's reputation has been affected without distinction, innocent and guilty alike.

[English]

We Canadians, with our love for civil rights, must not do anything under any circumstances to interfere with those rights. My practice is not criminal law. Hon. members know that I am in favour of law and order, but I am absolutely revolted by some of the provisions in this particular bill, not with regard to apprehending but after apprehension. That is my point. It is almost as though we were devising a modern day *lettre cachée*. I suppose that 90 days, in this day and age, could be compared to five years in the *bastille*.

I fully support the amendment. Once a person has been charged, appeared before a magistrate, pleaded, and bail has been refused he has a right to counsel. There is no denying that counsel should then apply to set a date for trial. Remembering that this is a special remedy we are seeking I think the courts and the representatives of the Crown would be very loth to abuse their position by asking for a deferment knowing that the individual concerned could be found innocent and indeed is innocent until proved otherwise. I do not find this period of 90 days in any way acceptable.

• (4:10 p.m.)

May I come back to the argument made by my colleague from Calgary North and others. It is absolutely incomprehensible to me that in passing this legislation or accepting the regulations made pursuant to the War Measures Act the Parliament of Canada should take a Pilate-like attitude and say that all abuses are the responsibility of this or that attorney general. This is not good enough. The responsibility is ours. It is this government that invoked the War Measures Act; it is this government that is passing this legislation in substitution therefor; and it is this government, the government of Canada, that will pass legislation of a more permanent nature.

For this reason we have to be more than careful to protect the rights of people. It is on this basis that I plead with the minister to accept what I think is a very reasonable amendment.

[Translation]

Mr. Goyer: Mr. Chairman, I share the opinion of the members of the opposition who find a little shocking that a person should have to wait quite a long time before going on trial and that this prolonged delay may indirectly prejudice his future and his status as a citizen and a worker. However some persons detained under other sections of the Criminal Code are also waiting to go on trial and if we should change the rolls to give priority to trials under the bill before us we would do a prejudice to those presently detained for an offence under the Criminal Code. We would grant a privileged status to those arrested under the Public Order Act 1970. I do not think that doing wrong to others will rectify the injustice done to those who were arrested under Bill C-181.