

minister's attitude with regard to it is clearly inconsistent with the attitude he displayed last fall. I listened carefully when the minister was speaking before lunch. He enumerated effectively and clearly the reasons for bringing in this kind of legislation, reasons in which I wholeheartedly concur. I am sure that anyone who has followed the minister's speeches during the past six months is more than somewhat amazed to hear him today talking about the desirability of restoring order and that there must not be overkill in the methods used. His remarks concern people who might be detained unnecessarily, as well as the economic, social and financial difficulties resulting from detention. But it seems that only yesterday, or perhaps it was the day before, this minister seemed to be totally unaware that those factors would also apply to those detained under another piece of legislation which even he could not adequately define.

We have learned recently that 90 per cent of those arrested under that law may have suffered, as innocent individuals, the loss of economic and social opportunities, the loss of jobs and all the deprivations following upon that. In addition, they have acquired a criminal record which is available to municipal or provincial authorities. Clearly, under the law as it now stands, this should not be tolerated for one moment. Yesterday afternoon the minister indicated a willingness to tell provincial officials how bad it would be if they were to maintain the records of the 435 people who never have been charged with a criminal offence, because these people to the end of their days would know that their criminal dossier was in the hands of the authorities. This is something the citizens of the country would not wish to tolerate for one moment.

Mr. Speaker, the introduction of this reform bill having to do with bail, detention, and so on, demonstrates that every possible step ought to be taken to ensure that nothing detrimental happens to an accused provided, of course, that he is still presumed to be innocent before being found guilty. This point was argued strenuously last fall when we argued the implications of the regulations under the War Measures Act and, subsequently, those falling under the public order bill.

The minister and the government apparently refused to accept our minimal request for the setting up of a review procedure. The minister argued that you could not introduce such a review procedure when this matter fell under provincial responsibility. It could be argued, if one were looking for inconsistencies in the law we are debating, that it too will be administered on a provincial basis. Nevertheless, that in no way prevented the minister to ensure that people will be properly dealt with by the law. If we have to choose between the Minister of Justice (Mr. Turner) whom we see in February, and the Minister of Justice whom we saw in November, I will take the one this month, as I am sure most enlightened Canadians will.

● (3:50 p.m.)

As the right hon. member for Prince Albert (Mr. Diefenbaker) said, we must look more earnestly at many aspects of legal reform. One that I hope we will discuss before long is the question of contempt. I think it is interesting that members of this House can pass com-

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ments, as they often do, on the effective use of procedures in courts, but citizens generally, were they to comment publicly on the regular day-to-day business of the courts, would leave themselves open to being cited for contempt by the judiciary. We have seen this with respect to court proceedings in Montreal recently.

The whole question of contempt must be seriously considered if the citizenry of the country is to be able to properly appraise the effectiveness and fairness of the courts. It has been well said by the minister and a number of hon. members that this legislation is attempting to redress the imbalance of the rich with respect to the poor. There is in my mind no doubt that it has been true for many years that those who are well-off have always been more fairly treated—not only in courts but in society—because they have been able to take advantage of the kind of sway and stature that money and influence bring, which naturally give them a better opportunity, even before the courts, when perhaps their objective, legal situation is exactly the same as that of those who have not the money or influence with which to defend themselves.

I trust that in bringing forth this legislation the government is moving to remove these inequalities from the law. What the minister said is very true, that those who have found themselves unnecessarily detained, who have experienced a period of pre-trial detention, have often prejudiced their own case with regard to the eventual outcome of the trial. In fact, if I were to speak as a layman I would say that I have been even more concerned about the personal effect of long periods of pre-trial detention. Having spent some time working in prisons and penitentiaries, particularly in prisons where men are usually detained before trial, I know the kind of debilitating effect which may occur, particularly to individuals who for the first time find themselves in the worst kind of social conditions in our provincial and municipal institutions of incarceration.

I think it is a sad comment on our system of penology that those who first run afoul of the law, or who at least are charged with running afoul of the law are immediately thrown into conditions that cannot help but influence them to become increasingly anti-social and at odds with society in general. It would perhaps be useful if more of our public leaders and members of this House would visit people being held before trial or would talk to those who have had that experience. There is no doubt in my mind that if that incarceration does not immediately affect the progress of the trial, it certainly has a disastrous, long-term effect on the accused. For that reason, if for no other, I welcome the legislation put forward by the minister. There are, however, two or three dangers in this legislation of which we should be aware.

In his opening remarks the minister said that one of the main objectives of this bill is to ensure an early trial. I hope this is the case, but in view of the tremendous number of trials pending in many provinces because of an insufficient judiciary, it is not at all obvious that by passing this legislation we will alleviate the problem. By