

trate or the provincial judge in court. I should like to think the minister has taken a bold step forward with regard to protecting people from unlawful arrest and long detention while awaiting trial. I will probably have to wait at least a year to see whether I should throw accolades to the minister or continue the constructive criticism which from time to time I impose on him.

At this stage I am prepared to give the minister credit for this bill. I would say again that it is a mini-step forward with regard to our criminal law processes. I thought the minister took a big step forward in respect of the omnibus bill amendments to the Criminal Code. Now he has taken a mini-step. I should like to see him take another giant step by bringing forward another omnibus bill to take into consideration vagrancy, uniformity of sentencing and many other features with which I am sure he is anxious to proceed.

Mr. Turner (Ottawa-Carleton): Mr. Speaker, may I be allowed to put a short question to the hon. member for Broadview (Mr. Gilbert)?

Mr. Gilbert: Certainly.

Mr. Turner (Ottawa-Carleton): When the hon. member has an opportunity to cast his persuasive mind into the law, would he be good enough to look into the burden of proof that is cast upon someone who is arrested, in establishing a case of false arrest? He will find that the burden of proof has not shifted. Under this bill, the burden of proof remains with the police officer, if the arrest is not justified, to show reasonable and probable cause at the time. I believe the hon. member will find the burden of proof has not shifted.

Mr. Speaker: I wonder whether that is a question. *Hansard*, I trust, will not forget to put a question mark at the end of that statement.

Mr. Gilbert: Mr. Speaker, I am always delighted to have a lecture from the Minister of Justice because, as you know, I have not practised law for four or five years and have become a little rusty. I may have misread that clause, but I await the first successful action in respect of unlawful arrest. When Mr. Brown tells me there has not been such a case in 25 years, I cannot hold my breath while waiting for a successful action.

Mr. F. J. Bigg (Pembina): Mr. Speaker, I am very pleased to see the bill reach this stage. Reform of bail procedures is long overdue. Many anxious parents have wondered where a wandering boy has been, only to find some 24 hours later that he had become involved with the law. In many cases this has not been without cause, because sometimes young people have done something which, if not warranting arrest, warrants their being brought before a justice in order to give an account of themselves.

However, particularly in respect of a young person who has not done anything very serious, who has no record of previous brushes with the law and is a resident of the town concerned, it is particularly distressing for someone to have to go down to the jail and dig him out.

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It is always distressing. Also, when a young person is a long way from home and is trying to be independent, he does not like to have to phone home to mother the first time he has an extra bottle of beer or breaks an obscure section of the traffic act and finds himself arrested by an overzealous policeman.

I believe I know whereof I speak in this regard because at one time I was a green young policeman anxious for promotion. Sometimes the young green policeman who does not know his job is a little overzealous. He thinks it is easy for the young person to shrug off the fact that he has been arrested or detained. Such a situation is distressing to any well-meaning young person and certainly to all those who are near and dear to him and who have his best interests at heart. So I am glad to see this long overdue improvement made in respect of bail and the laws of arrest. I think, however, that an ounce of prevention—to be trite—is worth a pound of cure. I do not think that even with the law as it was there would have been very many arrests if all our police officers had been well trained in their duties.

● (9:00 p.m.)

Therefore I would appeal to the Minister of Justice (Mr. Turner), because I know this subject is dear to his heart, to see that our police forces are adequately staffed. At present all municipalities are seeking money for low-cost housing, for anti-pollution, and for all sorts of improvements, and I think that the adequate staffing of police forces often takes low priority. I know the minister will use his best offices to encourage our municipalities, provinces and jurisdictions in which the federal government holds sway to ensure that police forces have the proper personnel. It is also very important to give our police forces proper training. I would like to see more facilities provided for our police colleges, not only to train young fellows on the beat but also to train higher ranks and to retrain some of the senior officers who set the tone of the whole police force.

On some occasions—rare, I hope—our police forces have been used as revenue men. Promotions are sometimes based on the number of prosecutions made. If this practice is allowed to go unchecked, a great barrier will be built up between the public and the police. Under no circumstances should we foster the belief that the police are anything but the servants of the public, in the highest sense. They are there for the protection of the public. The police, above all others, should be working to keep our young people out of trouble, rather than to lay traps for them or involve them in unnecessary brushes with the law.

Until I read the bill carefully I thought there was a shift of onus which would put policemen on the spot and perhaps involve them in unnecessary law suits. But as I read the legislation it seems that very little change is anticipated in this regard, and where a policeman has reasonable grounds for believing that an indictable offence has been committed, his powers will be very much as they were before, except for certain specific instances. He is given the same discretion if he acts in good faith,