

Public Order Act, 1970

not like them. The minister is wrong in saying that it does not matter whether similar delays take place under the legislation he is putting forward.

In my opinion all of us should be trying to limit the delays which can take place under the Criminal Code. As the old saying has it, justice delayed is the same as justice denied. In this particular instance, the minister has especially good reason to make sure there is no unreasonable delay, because we are dealing here with a political bill. If people are charged with treason, for example, under the Criminal Code, they will be dealt with according to the provisions of that code. But we are passing a political bill. We are creating a political party where no party existed before and, at the same time, we are outlawing that party.

It seems to me that justice will not be served unless we act speedily. I have always been confused by charges which are laid and which are never withdrawn but which are never proceeded with, either. I am thinking of a case which concerned me. I was charged under the terms of some remote section of the code having to do with an injunction. This took place 15 years ago and I have heard nothing about it since. However, I imagine I am not supposed to go back to that particular property. The case is still pending, it seems, and I suggest this is not very fair. I urge the minister to reconsider his attitude. I am aware it is said that the accused person is often better served by delay. Sometimes Counsel will try to wait until the judge dies. Sometimes the delay arises because of difficulty in getting witnesses; sometimes it is the fault of the Crown. In many cases it arises through the inefficiency of the courts. In any case, I believe the minister is wrong in implying that a long delay is warranted.

This is a political bill and the charge will be a political charge. This being so, it seems to me these matters should be settled in the courts as soon as possible. I certainly hope that the courts will be ready to deal with these political crimes expeditiously. I believe it is improper to relate the circumstances here to circumstances under the Criminal Code. Some of the delays which take place in proceedings under the code may be justifiable, but here, when we are dealing with a political crime, action should be taken as speedily as possible. I hope the minister will reconsider his position.

Mr. Fairweather: I am disappointed at the attitude which the minister has taken towards this amendment. As to the response of the opposition, I believe he would get the same answer with respect to almost any bill which he brought before the House dealing with timetables for trials.

There is absolutely no reason, in my view, why, after 30 days, the Crown should not be prepared to proceed. We should bear in mind the very wise observation made by the hon. member for Timiskaming. This bill creates a new crime. I am not greatly interested in what the code may or may not say about any particular crime because it has been put in statute form over many years and there are precedents and so on. That is why I deplore the

[Mr. Peters.]

fact that people are anxious to get on with this. Some are so irresponsible as to say the bill should be passed in one or two days.

• (4:00 p.m.)

This new crime is retroactive in its scope. I think the minister will want to ensure that the techniques for trial are the most sensitive and sophisticated that can be evolved by the law officers of the Crown. I will be resisting any attempt or excuse by law officers to include a convenient 90-day period. I suggest the minister should be much more flexible in his attitude towards this clause.

I will be supporting this amendment and many others. All this amendment does is limit the period of detention before trial. If the procedures cannot be completed within 30 days then, as my friend from Calgary North says, there should be an investigation into what is the matter with the administration of justice in the province of Quebec. If anyone has read the speech made by the Quebec Minister of Justice in the national assembly a couple of days ago, he will be even more suspicious about this type of legislation coming before this Parliament.

Mr. Turner (Ottawa-Carleton): I wish to say a few words relating to what the hon. member for Fundy-Royal and the hon. member for Calgary North said. This is not a minimum period, it is a maximum period. The words read:

—and the trial was not commenced within ninety days from the time when he was first detained, the person having the custody of the person charged shall, forthwith upon the expiry of those ninety days,—

Of course, it would be open to counsel within the 90 days to proceed with an application to set a date for trial. We hope that will happen. This is the outside period within which a date for trial must be set.

Mr. Woolliams: On a question of privilege.

The Chairman: The hon. member on a point of privilege.

Mr. Woolliams: On a question of privilege; the minister has always been very fair in trying to quote people properly. In this case I said 90 days and then an application is made for trial. A trial date might be set 30 days after the 90 days or, in other words, 120 days after the arrest. If an application is made within the 90 days, the judge may set a time for the hearing. Am I not right in that regard?

Mr. Turner (Ottawa-Carleton): Certainly the hon. member is right, but it is open to counsel any time before the expiry of the 90 days to make an application for trial. This application can be made the day following the arrest. That is why the section is phrased, "and the trial has not commenced within 90 days from the time when he was first detained". The 90 days is the maximum period. We all hope, as is the case in criminal matters, that the trial commences as quickly as possible. If there