

*Criminal Code*

Trade and Commerce for quick passage, will find itself confronted with amendments in an effort to bring about these changes which are surely justly due to northern residents if we are, indeed, to have a just society.

**The Acting Speaker (Mr. Laniel):** Order, please. It being four o'clock, the House will now proceed to the consideration of private members' business as listed on today's order paper, namely, public bills, notices of motions and private bills.

• (4:00 p.m.)

**PRIVATE MEMBERS' PUBLIC BILLS****CRIMINAL CODE****PROVISION FOR ADJOURNMENT FOR ACCUSED TO OBTAIN LEGAL REPRESENTATION**

**Mr. Warren Allmand (Notre-Dame-de-Grâce)** moved that Bill C-50, to amend the Criminal Code (adjournment for accused to obtain legal representation), be read the second time and referred to the Standing Committee on Justice and Legal Affairs.

He said: Mr. Speaker, the purpose of this bill is to force the federal and provincial governments to adopt an effective legal aid system. As hon. members know, a private member is limited with respect to the introduction of private bills. We cannot introduce bills which will entail the spending of money, and we must operate within the sphere of federal jurisdiction. As a result, even though this bill deals with legal aid I have been limited in respect of the provisions I could have brought forward.

This bill is an attempt to deal with the problem of legal aid in the best way that I feel is possible. At present, many people throughout Canada are charged, tried and convicted without benefit of legal counsel, either because they cannot afford a lawyer, are not familiar with the system of legal aid or do not know where lawyers are available. My proposed amendment to the Criminal Code would make it obligatory for a judge to ask an accused if he has legal counsel. If he has not, the judge would adjourn the case for one day to allow the accused to find counsel. It would also obligate the judge to advise the accused as to how he might avail himself of the legal aid available in the district. I realize that this type of bill is not the answer to the problem. As I said, considering the restrictions placed upon private members this is the best type of bill that I feel can be introduced in order to force upon the provincial and federal governments a better legal aid system.

As a lawyer who practised in Montreal before being elected to Parliament, I had occasion to observe many instances where individuals were hauled before the criminal courts, charged with offences they could not understand and then urged by policemen present to plead guilty. Many of them did plead guilty. In many cases they were sent to prison for several years. In some cases they did not deserve to be so sentenced. This was a shocking experience to witness. One wonders how even the wisest and best educated of men could, on coming into a court-

[Mr. Nielsen.]

room atmosphere with which they are not familiar, properly understand the charge and make the right plea. I suggest that this type of situation, which is probably repeated today in many courts across Canada, constitutes a complete travesty of justice and should not exist in this country.

The same could be said of many civil cases, of cases involving family matters, of landlord and tenant litigation, of consumer cases, of small debt cases, of disputes between employer and employee, and so on. It is not always the big case that makes people think justice is not being done; it could be a small case such as one I experienced. I remember the case of a housewife, who was not too experienced in these things, who took a dress to a cleaning establishment and the cleaning establishment ruined it. The woman thought she could not claim compensation for the damage and could not go to court because the cleaning establishment had presented her with a ticket saying that it was not liable for any damage. This woman felt that a serious injustice had taken place.

I met her after the matter was over and told her that this type of statement on such tickets was not legally binding, and that she probably had a good case. The fact is that she did not have enough money to retain a lawyer. Legal aid was not available. She accepted what happened, but developed a very bad conception of our system of justice. It is because of such experiences that many Canadians are suspicious of our system and are cynical about our lawyers, our courts, the law and our entire democratic process.

The Quebec Commission on the Administration of Justice, the Prevost commission, conducted a survey four years ago among Quebec citizens regarding attitudes towards lawyers, judges and the legal system. I should like to tell the House what many people of Quebec thought about the legal system in that province. I have before me an article which appeared in the *Montreal Gazette* of March 10, 1970, which quotes some of the findings of the Prevost commission. It reads in part:

Most Quebecers have a low opinion of the province's system of criminal justice. They think the lawyers are hypocritical and that in court the odds are stacked against the poor.

These facts came out in a survey released yesterday by the Quebec Royal Commission of Inquiry into the Administration of Justice—the Prevost commission.

The survey reveals that 62.4 per cent of the population considers the province's criminal lawyers hypocritical and 43.1 per cent think they are dishonest. Another 34.4 per cent think lawyers are outright thieves and a little over 20 per cent think they are totally useless to society.

The newspaper report goes on to say that the people of Quebec do not have a much higher opinion of judges in the province. Apparently, 1,098 people were polled in that province. Some other remarkable statements about the system of justice are made. The newspaper article continues:

The courts were condemned by 78.1 per cent as discriminatory against the poor and 72.4 per cent said criminal proceedings were too slow. Slightly more than 40 per cent felt that chances of a fair trial in Quebec were less than 50-50.

I could go on reading the findings of that survey. The few results I have put on record will show the House, I think, the sort of impression a great many of our people harbour with respect to our system of justice. This arises