

Supply—Justice

What about suicide? A person can be charged with attempted suicide. But surely anyone who attempts to take his own life is mentally ill, suffering from some kind of depression. It is true that the courts are generally kind when dealing with these cases, but the law exists and we know what the sentence could be. What usually happens is that the person concerned is charged and taken to gaol. Remember, the person concerned is already ill and depressed. I see that my hon. friend from Athabasca agrees with me. He was a member of the R.C.M.P.; he knows that what I am about to say is correct. He has seen such people incarcerated, and if they are depressed when arrested how are they likely to feel when they are put in a cell? In practice the case is generally reviewed by a judge, the accused goes to a mental hospital and sentence is suspended. Nevertheless, in many cases the person concerned will have been found guilty of an indictable offence and there will be a record against him, preventing him from leaving the country.

What about bail? Again, there is one law for the rich and another for the poor. What usually happens is that a magistrate sizes up the circumstances and sets bail accordingly. If the accused does not have the wherewithal to pay it, he stays in gaol. In many cases the accused should never have been arrested in the first place. I am sure these people would appear at their trial. They may have gone off the rails; may be they have drunk too much. But if they are summoned they will appear. However, unless they get a counsel who can arranged for them to have a speedy trial it is possible for them to be kept in gaol from July to September throughout the legal holiday before a judge is ready to hear the case. Recently this was the subject of comment in the *Albertan* after the accused in a case in which I was concerned did receive a speedy trial while others waited in gaol. I know that perfection cannot be expected, but one look at the bail system should be enough to convince us that it is a case of one law for the rich and another for the poor.

I intend now to mention a few other things which it seems to me are in need of remedy as I see the code through working with it. On summary conviction, in cases where a magistrate has absolute jurisdiction, it is possible to appeal to the district court and obtain what is called a trial de novo, that is, a brand new trial. But there are circumstances involved here which have always bothered me. Why should an appeal from a summary conviction be the most difficult appeal one to

perfect? Many possibilities of error or omission are attached to it. Notice of appeal must be filed and served within a time limit, a certain sum must be set aside for costs and so on, the crown must be served with notice within so many days. Failure in any one of these respects means that the case is "out", that it fails for lack of jurisdiction. Surely this section should be reviewed.

The Assistant Deputy Chairman: Order. I regret to interrupt the hon. member but the time allotted to him has expired.

Some hon. Members: Go on.

The Assistant Deputy Chairman: Does the committee give unanimous consent?

Some hon. Members: Agreed.

Mr. Woolliams: The Minister of Justice is no doubt in possession of these facts. The department is probably well aware of what I am saying. I make this case for an early review of the code. Let people with experience, knowledge and intelligence produce a new code to streamline our legal procedure and do away with discrimination—one law for the rich and another for the poor.

I was talking about the steps necessary to secure a trial de novo. Let me point this out. Suppose a man is charged with murder and found guilty. If he did not have a lawyer—in practice the court would appoint one—he could appeal to the court of appeal in any of the provinces simply by writing a letter and asking for the appeal. But the lower the court the tougher the procedure required. This is ridiculous. Hon. members may say a lawyer ought to know how to carry out this procedure. But what about a man who has been convicted and who cannot afford a lawyer? He cannot possibly be expected to be familiar with this process. Indeed, many young lawyers are worried about the procedure. They keep checking what they have done with their senior partners and asking: Am I right? They are concerned because they know that if they do not do everything perfectly, the case is out of court.

Again, expenses in connection with the appeal book are too high. In my own province the attorney general is co-operative. But this is not good enough. We must streamline the code to make it work for our citizens. Expenses generally are too high and the cost of court reporting is too high. Maybe it is time court reporters were paid entirely on a salary basis.