

# canada in brief

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## *New National Park*

With the opening of Canada's latest national park, Gros Morne, in the province of Newfoundland, there is now a necklace of parks with over 150 miles of shorelines round the Gulf of St. Lawrence.

Plans for the new park, in one of the wildest and most beautiful parts of Canada, aim at preserving its natural beauty while making it more accessible — both to visitors and to the sparse local population. They include improvement of roads, development of camping grounds, nature trails and ski touring trails, and a large reception and interpretation centre for visitors. A longer term goal is the development of a lift system to the plateau of the Long Range Mountains. An area will be opened up for Alpine skiing. Between 10 and 12 million dollars will be spent over the next five years.

At the same time, the people already living along the coastline — some 120 families, many of them third and fourth generation, who earn their living from the sea and soil — have been given assurances that their interests will be safeguarded and they will be left in peaceful occupation of their homes for as long as they wish. Tourism will also give them a chance of new occupations. The fish landing sites are expected to become centres for boating as well as lobster and fish sales.

The new park covers an area of 750 square miles. With it, Canada can now boast the largest system of national parks of any country in the world. ♦

## *Should doctors have licences reviewed?*

Regular efficiency testing of doctors in medical practice is proposed in a report recently released in draft form by the Science Council of Canada.

The report, certain to arouse some deep controversy within the medical profession, is the outcome of a background study by a surgeon and former principal of McGill University in Montreal, Dr. Rocke Robertson.

Why, Dr. Robertson asks, should not a

doctor's capacity to perform be tested regularly, just as an airline pilot's capacity is tested? He argues that the two professions have a similar responsibility for protecting lives and that "unless he is constantly refreshed, a practitioner loses, over a period of time, his capacity to function well."

He suggests, therefore, that every doctor's performance should be reassessed at five-year intervals. For this purpose, he proposes the setting up of regional review boards, including lay members as well as doctors, which should check up on doctors through hospitals, local medical colleges and the doctor's own "provincial computerized medicare profile." If these preliminary checks should give rise to any doubts, then a full examination should be made of the doctor's work both in his own office and in hospital — despite the resulting invasion of privacy for doctor and patient.

What should happen to doctors who fall below the minimum standards? The report is not specific, but implies that the best course might be some sort of limitation of practice, coupled with remedial education.

In support of his arguments, Dr. Robertson quotes another Canadian report which found that "the quality of practice of older doctors tended to be poorer than that of their younger colleagues."

Dr. Robertson's report has no official backing, but will no doubt be widely noted and discussed. ♦

## *More protection for prisoners*

A prisoner's right in the face of police questioning needs to be more rigorously protected, according to a working paper of the Law Reform Commission of Canada.

The Commission finds the working of the present system unfair and discriminatory, in that only the sophisticated minority of prisoners maintain their right to be silent, while others can be trapped into making statements which help the police to incriminate them.

They propose to remedy this by setting up a new system by which police questioning would be conducted in the presence of a "protective arbiter" whose main function would be to assure that the accused knew his rights and to be "society's witness to the fairness of questioning."

According to the working paper, the right to remain silent and to have a lawyer, a right asserted with tedious regularity by crooks on television detective shows, is not often maintained in real life. Many prisoners brought in for questioning do not in fact know their rights or haven't the nerve to stand by them in the "inherently coercive atmosphere of police interrogation."

Few prisoners had confidence and self-assertion enough to withstand the pressures put on them by the police, so the law in fact discriminated in favour of the sophisticated criminal who was "less likely to be intimidated and more able to weigh rationally the advantages of silence or co-operation in the particular situation" Although statements given involuntarily or taken illegally during interrogation could not be used in the prisoner's trial, evidence gathered as a result of those statements could be. An involuntary statement confirmed by subsequent facts could also be used.

## *Commission protests unfair situation*

The commission protests over the unfairness of a situation in which statements made by prisoners can thus be used against them while, on the other hand, the fact that an accused person chooses to remain silent cannot be used as circumstantial evidence of guilt. "Not only is the distinction irrational, but by permitting the accused to reserve his explanation or defence until the last moment, it may have the effect of depriving the court of important evidence that could otherwise be gathered and introduced by the prosecution to verify or rebut the accused's defence".

Under the proposed new system, there would be nothing to prevent police asking questions without an arbiter present, but no statements made by the prisoner in these circumstances would be admissible in court. He could at this point refuse to answer, or he could request, or be obliged by the police, to appear before an independent official for police questioning.

The official would ensure that the accused knew of his right to counsel and silence and would explain to him the exact crime with which he was charged. The accused could then make a statement, in which case he would be subject to the law of perjury; or he could refuse to make a statement or answer questions, in which case "the accused's refusal to answer proper and relevant questions would be noted and may also be used as evidence at trial". Such a refusal would not only weaken the defence, but could be interpreted to infer guilt.

The commission has invited comment and discussion on the working paper, which may in due course form the basis of a recommendation to Parliament for amendment of the law. ♦