

Public Order Act, 1970

circumstances, without spreading discord in one area or the other of the country. As representatives of the people of Canada, it is our duty, when the circumstances so require, to pass laws that apply to all parts of Canada.

Remember the second volume of the Prévost report, issued in April 1969, which called for the establishment of a public system of judicial security designed to ensure to all citizens an easy access to the administration of justice.

Whether we agree in part or in whole with the procedures suggested by the Commission, we must recognize on the other hand that it is as much an urgent necessity as education, welfare and health.

The fact that in our country there are more and more citizens who, for financial reasons, cannot afford to have their day in court is evidence that the financial system we are denouncing needs to be reformed in our affluent society.

At least one-fifth of the Canadian people are denied at one time or another, the right to be heard in court; the situation is such that people have come to the conclusion that it is more advantageous to accept an out-of-court settlement than to resort to justice, because the parties often incur disproportionate expenses.

My colleague, the hon. member for Portneuf (Mr. Godin), summarized here in the House on Tuesday, November 24th, 1970, the difficulties he had had because of a deficient judicial system, and I know he is right.

Our lawyers should know that they helped to create the present atmosphere.

I have here at hand an article published in the Montreal *La Presse* on September 1st, 1970, the title of which is clear enough: Canadian Bar Association accused of abetting injustice, from which I shall quote a few excerpts.

The delegates to the Canadian Bar Association convention were on the hot seat yesterday; they were accused of encouraging injustice and having failed to reform our laws.

The case of the people versus the Canadian Bar Association was put to a large audience of some 650 delegates accompanied by their wives, by the discontented students of the Law School of the Dalhousie University in Halifax.

The claims of the students were received with rousing cheers.

The delegates had heard the same theme, the need for reform in the laws and the administration of justice, earlier in the day, from the retiring chairman, Arthur S. Pattillo from Toronto. His speech was less spectacular, but his message was no less urgent.

Calling our times the age of dissent, Mr. Pattillo said at the opening session of the convention that it is extremely important to act quickly and simultaneously in the fields of the reform of laws, justice administration, education of the profession regarding the public.

He said that court procedures are outmoded. Justice is often delayed by technicalities and inefficiency. Laws vary from one province to another and there is no government support for reform.

I have noted myself that our legal system often enables ambitious lawyers to use various means to win a case. Fortunately, a judge aware of his duties and responsibilities was on the bench that day. He delivered a not guilty verdict, although I had realized that a very experienced

lawyer especially chosen for that case had used all the tricks of the trade, to such an extent that I attended a hearing where questionable testimonies were given many times in order to deviate the course of justice.

I am pointing out by way of digression that kind of injustice generated by the legal mechanism. Briefly, this is what happens. Charges are unfairly laid against a citizen. He decides to defend himself and proves that he is not guilty following lengthy and onerous procedures. As a result, he has nevertheless to pay the lawyer's fees and the witnesses' travelling expenses.

This kind of administration of justice is defective, even revolting for a citizen who is acquitted.

Nothing in Bill C-181 provides for compensation to people charged without evidence and yet this is a matter that has caused much comment, particularly since the events of October last.

I was reading in the July 11, 1969 issue of the newspaper *Le Soleil* an article by Mr. Paul Lachance entitled: Justice for the poor if not poor justice. After having outlined the situation, Mr. Lachance wrote as follows:

Money, the root of evil.

In a masterly study on legal aid entrusted to the Prévost Commission, Mr. Jean T. Loranger, assistant secretary of the legal aid office of the Montreal Bar, discloses certain figures that give cause for reflection on the degree of poverty among the Quebec population.

He shows that as early as 1964, a yearly income of \$4,000, both in Quebec and in the United States, meant poverty for a normal family of four people, and of \$2,000 for an unmarried person.

According to Mr. Loranger, that family and that unmarried person are every day deprived of the bare requisites in Quebec. They represent about 23 per cent of the Quebec population.

Statistics also show that 19 out of 1,000 people need legal aid, that is one poor out of 12.

The article contains undeniable truths and practical suggestions.

He adds in conclusion, and I quote:

There remains to wonder whether our government will soon have the nerve to proclaim, through concrete examples, that a state does not have to be rich to show respect towards its own justice.

For as long as it has not become as much the justice of the poor as that of the rich, it will be but a poor justice.

Real justice cannot be administered with a vengeful and penalizing instinct. A serious effort should be made in order to change this turn of mind often inherent in the judiciary administration.

The various correctional services should bring their effort to bear on prevention of crime rather than on excessive and brutal punishment.

I realize that in some individuals, there seem to be a total loss of the sense of responsibilities and that one has to resort to appropriate means in such cases. However, if we take the trouble of examining some particular cases, we have to conclude that some people are not born criminals.

Very often, through a combination of circumstances, they have been badly oriented and society did not favour