

Supply—Justice

jurisdiction in these matters, I hope the minister will make his views known and will convey them to the judges, magistrates and those in the legal profession in the provinces in the hope that we may to a considerable extent get away from one law for the rich and another for the poor.

It is most disturbing when we find that individuals, juveniles or adults with no previous criminal record or even with a record, charged with a criminal offence for which they could be sentenced to several years' imprisonment if found guilty have not had, from the time of the charge being laid to conviction and perhaps appeal, one minute of legal aid. I have in the files in my office on the sixth floor of this building details of case after case of this sort. I have letters from people serving long terms of imprisonment in our penitentiaries who never had a lawyer from the time they were arrested until the time they were convicted.

We know that in the provinces there is free legal aid, but time after time we receive evidence that although application is made for legal aid these people do not necessarily get it. If their application for legal aid is refused they have to face the judge and the possible loss of years of freedom without having a lawyer to advise and assist them. It is wrong, despicably wrong, that a person faced with a charge, particularly a serious one, should have no legal assistance because he has no money. I believe that federally and provincially, individually and collectively, something has to be worked out in this regard in the name of justice whereby legal aid is supplied when the individual charged is not in a position to afford a lawyer.

• (5:50 p.m.)

Another most important question is the difference in sentences. This matter has been spoken of in the house time after time by members of all parties, but for one reason or another nothing has been done to correct the situation. We find that even for the identical offence there is a terrific disparity in the sentences passed by magistrates and judges. This is definitely not fair. We find a law for the rich and a law for the poor within the same jurisdiction. This is an absolute disgrace which brings the name of justice into ill repute.

Not too long ago in the city of Vancouver a pawn-broker and his companies endeavoured to avoid the payment of \$160,000 in income tax. He was charged and found guilty of trying to defraud the federal government of

this amount. He was fined \$48,000 but there was no jail sentence. The kindly judge told this wealthy man who tried to defraud Canada that he would give him the time he needed to pay the fine.

During that same week in the city of Vancouver a hungry drifter tried to steal two cans of sardines valued at 35 or 40 cents. He was hauled into court, was found guilty and was sentenced to six months in jail. This hungry man who tried to steal two cans of sardines was sentenced to six months in jail but a fine, with no jail term, was imposed on a man who tried to defraud the government of \$160,000.

This example can be repeated time and time again in Canada and I have many of them documented in my office. There is no question that there is a law for the rich and a law for the poor, and this is not only related to the fact that some can hire lawyers while others cannot. One's status in our society makes a difference. If you are wealthy and are found guilty of a crime you receive a fine without a jail term. If you are poor like the man who was charged with stealing two cans of sardines you are likely to receive six months in jail.

This situation should not be allowed to exist. I sincerely hope that the minister, newly in this portfolio, will recognize this fact and do everything he possibly can within his power and within his influence to correct this most miserable and despicable situation which now exists in Canada under the name of justice.

[Translation]

Mr. Mongrain: Mr. Chairman, I would need three minutes only and I must admit that I will not always be in order but as members of the loyal opposition have, in the last two days, spoken freely on the subject that I want to raise and the Chair has been indulgent by allowing them to continue their remarks, I suppose that I will be treated with the same leniency.

First of all, I would like to make a short remark to commend the member for Vancouver East (Mr. Winch) for what he just pointed out. He did not develop his thoughts because, I suppose, he did not want to take too much of the time of the house. He is so right that I feel bound to support his remarks and say: The minister is not at fault, evidently, but it is high time that legislation should be reviewed, so that there might not be laws for the poor and different laws for