

AFTER RECESS

The house resumed at 2 p.m.

Mr. Nielsen: When we adjourned for lunch, Mr. Speaker, I was talking about the just society as opposed to the permissive society and pointing out how much more usefully the government could be using its time if it would devote itself to meaningful and constructive legislation for the creation of a just society rather than to what confronts us in the bill now before the house. Under this government the just society takes on an increasingly curious image.

In July of 1967 a commission of inquiry presided over by Mr. Justice Morrow was set up to inquire into a situation in the Hay River area. We often hear hon. members of this party, as well as of the N.D.P., speak about the sorry plight in which the Indian people find themselves in matters affecting the administration of justice. The recommendations made by Mr. Justice Morrow as a result of that inquiry have yet to be implemented.

I think it is worth while to bring to the attention of the house the fact that when the docket is dealt with in our northern courts each morning Indians comprise a sad and sorry parade before the justice of the peace or the magistrate. They are fined almost automatically and because they lack the money to pay they are automatically jailed for a myriad of offences. One wonders why the government is not acting on the recommendations which Mr. Justice Morrow of the Territorial Court of the Northwest Territories made almost a year ago.

The first recommendation was that the courts of the justices of the peace should be held either in proper courtrooms or in rented premises separate from police facilities. Imagine the mental impression which the Indian, in most cases uneducated and illiterate, receives when he appears before authority to be dealt with. How much more in the interests of justice it would be if these Indians could be dealt with in premises which do not smack of the authority of the police office.

The second recommendation was that new public buildings in northern communities should include some kind of courtroom with adequate seating for the public, and a minimum law library.

The third recommendation urged:

That justices of the peace be appointed only after a broad process of consultation among knowledgeable persons, that appointments be for a fixed

Criminal Code

term, that they receive more assistance and information from the Department of Justice and the territorial government, and that they be paid by fees or honoraria, and not out of court costs assessed against the accused.

The commission next recommended that immediate consideration be given to the appointment of a second legally trained magistrate for the Northwest Territories. I would add that such a recommendation should apply to the Yukon also. The first recommendation was:

That the government of Canada give formal recognition to the principle of legal aid for indigents—

This is a subject about which we have been speaking in the present debate.

—in the Northwest Territories, not by the appointment of a public defender but by a system of legal aid by members of the bar for reasonable remuneration, and not dependent on court appointment.

Note that this is not just in connection with capital and semi-serious offences; it applies to all offences. How often a native Indian with limited intellect appears before the courts without even understanding the charge being read to him.

The sixth recommendation by Mr. Justice Morrow was that consideration be given to changing the whole attitude toward drunkenness so that it would cease to be treated as a crime. That falls within the purview of the minister. And so the recommendations go; I do not have time to read them all, but they have been public for a year and nothing has been done.

Mr. Turner (Ottawa-Carleton): May I ask the hon. member whether he is aware that the great majority of those recommendations have already been implemented.

Mr. Nielsen: Mr. Speaker, I am basing my statement on, if not the last, the last but one issue of a newspaper which was instrumental in the commissioning of Mr. Justice Warren in July, 1967, in the first place. According to the lead editorial on the front page, we in the north are still waiting for the implementation of these recommendations. I do not get over to the Mackenzie very often because it is about 1,000 miles from my home town.

Mr. Turner (Ottawa-Carleton): You are on the wrong side of the river.

● (2:10 p.m.)

Mr. Nielsen: I think I am on the right river though. In any event, the news media in the