



Jean-Pierre Rivest, Montreal Gazette

The Chief of Defence Staff, General J.A. Dextraze (right), watches the second group of Canadian military ceasefire observers leave for Vietnam on February 10. After a delay while the plane was searched because of a telephone report that a bomb was

on board (which proved to be false), eight members of the Department of External Affairs and 113 members of the Armed Forces joined the first contingent that arrived on January 29 in Vietnam, where there are now a total of 281 Canadian observers.

Federal Government signs legal aid pacts with provinces

Mr. Otto Lang, Minister of Justice and Attorney General of Canada, and Mr. Leonard Pace, Attorney General of Nova Scotia, recently concluded a federal-provincial agreement respecting legal aid in matters related to the criminal law.

Under the agreement, which is the same as those that have also been signed with Quebec, British Columbia and New Brunswick, the Federal Government will pay to Nova Scotia annually up to 50 cents *per capita* to assist the province in providing legal aid to eligible persons in need of a lawyer's services where they are charged with an offence, or subject to certain proceedings, under federal laws. Based on the population figures of June 1, 1972, this will constitute a maximum payment to Nova Scotia of about \$400,000 during the first year of the agreement.

The federal-provincial agreement ensures that legal aid will be made

available to any eligible person charged with a serious offence (punishable by way of indictment) against an Act of Parliament, or subject to proceedings under the Extradition Act or the Fugitive Offenders Act. In the case of lesser offences against a federal Act or Regulation (punishable by summary conviction) and proceedings under the Juvenile Delinquents Act, the agreement requires that legal aid be made available to any eligible person where the agency administering the provincial legal aid program believes that the accused person may suffer serious hardship if convicted. It also provides for legal aid to be made available where appeals are taken to higher courts in the above cases, and the provincial agency is required to take reasonable measures to enable an accused to obtain a lawyer without delay as soon as he has been arrested or detained.

Eligibility subject to "needs" test

The financial eligibility of a person to qualify as a recipient of legal aid is to be determined by the provincial agency, applying a flexible "needs" test, which takes into account the ability of the applicant to retain his own lawyer without going into substantial debt or being forced to sell modest necessary assets. The agency may thus authorize the payment on behalf of the applicant of all the costs of the legal services provided, or it may pay a portion of the costs, requiring the applicant to pay the balance, where he is able. The agency may not refuse a person legal aid only because he is not ordinarily resident in that province.

Choice of counsel

In cases of the most serious offences where the possible penalty for the accused is life imprisonment or capital punishment, an applicant for legal aid must be permitted to choose his own lawyer if he so desires. In all other cases, the agreement enables the province to determine the method by which legal aid is to be provided for persons charged under federal laws. "This is a very important provision in the agreement," said Mr. Lang, "for it recognizes the right of the province to choose the system of delivering legal services it deems most appropriate, while at the same time recognizing that in the most serious criminal cases, the accused should have the opportunity to retain the counsel of his choice."

The agreement, which provides that the federal Attorney General may name a member of the provincial agency to keep him informed of current developments in the provincial legal aid program, is to be reviewed as to its financial provisions at the end of three years and either party may terminate it after one year's notice in writing.

Cost of living highest ever

The consumer price index for Canada (1961=100) advanced 0.8 per cent, to 144.5 in January from 143.3 in December — the largest increase during these two months since before 1961 — contrasting with an average increase