• (4:20 p.m.)

[*Translation*]

Mr. Pierre de Bané (Matane): Mr. Speaker, I should like to say at first that the bill introduced by my colleague and friend the hon. member for Notre-Dame-de-Grâce (Mr. Allmand) is a fine bill. I feel that it is essentially based on the concept of the availability of justice. Indeed, in spite of the legal system now in force in Canada, especially the legal services mentioned in the Canadian Bill of Rights, we can state that a large part of the people with small means are far from being assured of obtaining legal services.

I would like at first to make some technical comments. In my opinion, the inclusion of that section after section 20 would not be as satisfactory as if it appeared at the beginning of Part XIV of the Criminal Code which deals with appearances, that is section 434 and the following ones.

Then, at line 8, in the French version, instead of the words

—afin d'être accusé—

I would rather put

—pour répondre—

since at his first appearance, he should be called upon to make a choice rather than face a charge.

At line 9, instead of the word

—infraction—

I would use

—offense—

—which includes "infractions" and criminal acts. Finally, at line 10, instead of

—le juge—

I would prefer

—le président du tribunal—

since it may well be a magistrate rather than a judge.

Finally, at line 17, the term

—le procès—

should read instead

—les procédures—

since the "procès" has not started yet. To avoid any doubt, any uncertainty, I would add at line 23, the following:

—and he may rule on the temporary release of the accused.

Mr. Speaker, I believe, as I said in my opining remarks, that the bill introduced by my colleague is essential because, as he himself pointed out, legal aid services are not yet widespread throughout the land.

In Ontario, the Legal Aid Act is intended strictly for the poor.

It is true that the duty counsellor is always in attendance at the court when there are appearances. Evidently, he does not have time to inquire about the financial means of the people brought before the court, but he can then at least help them.

In Quebec, for many years, only the bar was concerned with judicial assistance. It was paid out of the lawyers' contributions without any help from the provincial government. Today, it is fortunate that the government and particularly the present Minister of Justice in Quebec are greatly interested in that matter. I notice that seven lawyers work full time on legal aid in Quebec City, and about twenty in Montreal.

This has been made possible in Quebec through an agreement between the government of Quebec and the bar association of that province. This year, for instance, the Quebec government will grant $1.8 million for the Quebec City and Montreal offices and the opening of others in every part of the province.

I point out that the purpose of those offices will not be only to assist the persons accused of criminal offences, but also to help those who have legal family problems, such as divorce, separation, social welfare, etc.

Of course, the amount may seem enormous, but according to the information I have gathered, it will hardly be enough to meet 20 per cent of present needs.

Thus the area I represent—the Lower St. Lawrence and Gaspé—does not have any legal aid service. When people from this area or from peripheral areas have to cope with a legal problem, they cannot appeal to any legal aid service.

This bill is essential if we really want to acknowledge that we are part of a just society. Let us imagine a needy person or anybody appearing before a tribunal. The man has spent the night in prison, and was unable to shave or wash; he already has one strike against him. It is the first time he sees the austere and strange decor of a court and he is already flabbergasted by his arrest. After the clerk has read the indictment, the judge asks whether he wants to appear before a magistrate without a jury, a judge without a jury or a judge with a jury—with a preliminary enquiry in the two latter cases. He is asked whether he has well understood, but he will certainly not say no because he does not want to look like a dope. He has to say yes even if he has not understood a single word. Everything is proceeding in an atmosphere reminiscent of Kafka's books. If one considers the problems of law students themselves in understanding these distinctions, one can readily imagine how lost a layman must be when he hears these uncanny and esoteric words.

This reminds me of a story, obviously fictitious, which appeared in an issue of the *Criminal Law Quarterly*.

A person charged with drunken driving appears before a judge who asks the defendant if he has a lawyer. The latter says that he does not and the judge tells him that drunken driving carries a minimum penalty of fourteen days in jail. But if the defendant pleads not guilty and is convicted of impaired driving, he can get off with a lighter sentence. Such is British fair-play. Consequently, the defendant agrees to a trial before a judge and without a jury and the case proceeds at once before the judge. Policemen submit evidence and the judge then says to the defendant that as such he does not have to testify but he can do so if he wishes. The trial ends with a conviction for a lesser offense, impaired, not drunken driving. The judge then says that the many people who drive while impaired constitute a public danger.

So, I shall sentence you to 30 days in jail.

Obviously, this is a fictitious story related in the *Criminal Law Quarterly*, but it illustrates pretty well how dif-