

Administration of Justice

The Acting Speaker (Mr. Batten): Order; I must point out to the hon. Member that under section 2 of Standing Order 31, the time allotted to him has expired.

Mr. H. A. Olson (Medicine Hat): I only wish to speak very briefly on the resolution standing in the name of the hon. Member for Greenwood (Mr. Brewin) in order to lend my support to it. The motion calls for the Minister of Justice (Mr. Favreau) to convene a conference between himself and the attorneys general of the Provinces to give consideration to a scheme that would provide legal aid in criminal cases in which imprisonment is the possible outcome.

Now, Mr. Speaker, I think that this is essential to the administration of justice, because after all our courts are set up for the purpose of interpreting the law, assessing the evidence that is to be brought before them. This is administering justice. The courts are not set up for the purpose of winning an argument in debate, when there is a charge against someone which, as has been pointed out, may result in imprisonment. The reason I think there is a great deal of merit in the motion put before the House this afternoon is, as has been pointed out by hon. Members previously, the layman just simply does not know how to present evidence to the court. He does not know how to assess what is valid evidence in the interpretation of the law, and so on. I think it is essential, therefore, in the administration of justice that something of this nature be done.

For example, when the hon. Member for Greenwood spoke he quoted from Mr. Justice Sutherland, as follows:

Even the intelligent and educated layman has small and sometimes no skill in the science of law.

When the accused goes into court he may have important evidence but just not know how to present it. Therefore, without going into a lot of details, with which I am not familiar, I should like to say that we in this party support the motion calling for a conference so that justice can be better administered.

Mr. Eric A. Winkler (Grey-Bruce): Mr. Speaker, I too wish to speak briefly to this motion that has been presented by the hon. Member for Greenwood (Mr. Brewin) and to say that I subscribe to the principles that are inherent in the terms of the motion. There are quite a number of legal opinions on the record now and I feel that we laymen in the House should present some of our

[Mr. Macdonald.]

views, although it seems that in terms of assessing the evidence a layman does not really have a great deal of knowledge to effectively bring the burden of the evidence in the right direction for the desired result. Nevertheless, I feel that when the hon. Member for Greenwood specifies cases in which imprisonment is the possible outcome, I would suggest to him that there are quite a number of other areas of the law which might be covered by the terms of this motion. Indeed, if the Government pays attention to the motion and subsequently acts upon it, it could look on a much wider basis into the application of the principles involved.

• (5:40 p.m.)

I appreciate that the hon. Member for Greenwood (Mr. Brewin) sits in a certain quarter of the House where Members are inclined to support great socialistic reform within the country. Consequently I think this is one area where he could apply that thinking to a much greater degree. After all, we are on the threshold of other things to come in this field, such as medicare. We read in the papers today that this is being prepared in the Province of Ontario with the consent of the members of the profession concerned.

Therefore in the first instance I certainly agree with the hon. Member, and in the second instance I say to him he could have broadened the scope of the motion by a tremendous degree to cover other areas where support of this kind is very necessary. For instance, let us take the case of most juveniles, and the case of widows. We consider these categories in other fields such as welfare assistance and so on, and surely this indicates a need in the legal field because, as the hon. Member well knows, there are not many lawyers who go to court without requiring some sort of down payment in advance.

If we are to extend this type of service to the people of Canada, regardless of what way it is applied, then for the sake of justice I think we have to have a more clear-cut means of determining where it is going to apply. I say this with reference not only to the narrow little area mentioned by the hon. Member for Greenwood but with reference to a much wider scope of protection, if we are to be sincere in all of the things that have been said in the House this afternoon.

It is clearly indicated that the jurisdiction in the field covered by the motion is both provincial and federal. Therefore the course being suggested is a correct one. I suggest