

Judges Act

person to be a good judge he should have been an active participant in cases before the courts. This would give him some understanding of how the court system works, how the judges operate and so on. This should be a requirement before a person is appointed a judge.

Perhaps it might be helpful in this regard to have a system of apprentice judges. These persons would not be appointed as full judges who would immediately start to make decisions on cases but would spend their time as assistants to full-fledged judges. They would spend their time in research and study of the various types of jurisprudence with which a particular court is involved. In addition to adversary training in court such persons would also get some training in the theoretical approach by studying case histories, the way courts operate, the way judges operate and this sort of thing. In this way such a person would work his way into the court system and would then be more competent and a better judge than might otherwise be the case.

I should like to mention a point which is perhaps a bit afield from the bill before us. It concerns a part of our judicial system and I think it could perhaps be dealt with at this time. I shall be brief so I hope Your Honour will not stop me. The provinces of British Columbia and Ontario, and I do not know how many others, have a legal aid system in effect. The system provides legal aid to people who cannot afford to employ a lawyer.

Some time ago the hon. member for Calgary North made quite a telling statement on this subject, the validity of which I accept because of his experience in the field of law. He referred to the fact there are two types of justice meted out in our courts, namely, that which is received by the rich and something else which is received by the poor. I gather that if you are involved in a court case and have lots of money you have the ability to hire top-flight lawyers and expert witnesses who may be required. Ultimately, I understand, you get fair consideration for the money you pay. However, if you are some poor slob who does not have any dough and you have to appear before the courts, the chances are you will not have the financial ability to employ the necessary legal talent to ensure that your case is properly presented to the court. As a consequence the legal aid system came into being under which an individual can obtain the benefit of a lawyer. I gather there is a roster or a rotating process. I hope

it works differently from the roster the Prime Minister announced for the attendance of ministers during the question period. Incidentally, I want to say jokingly that the attendance system instituted by the Prime Minister is not too bad because it allows some incompetent ministers to be out of the house some of the time, so they do not embarrass the government. I do not include the Minister of Justice in that category.

Mr. Knowles (Winnipeg North Centre): The three who are here now are not bad.

Mr. Howard (Skeena): In any event, the legal aid system means that a person charged with an offence—I assume this is just in criminal cases and I do not suppose it applies in civil actions—even though he cannot afford a lawyer, is provided with a lawyer. This lawyer receives from some source certain fees. Perhaps I am wrong there, but I have been given to understand that certain fees are paid. I do not know the source of this money. It may come from the provincial government or partly from the bar society. I believe that if money is available from the provincial government for this legal aid system and from the bar association, the federal government, having concern for the quality of justice, should be able to participate with the provinces in financing the legal aid system. Perhaps the system could be expanded into areas where it does not now operate. I do not know whether it is now in effect in all the provinces and the Northwest Territories. I believe the federal government certainly has a moral obligation in this field, particularly because we enact the criminal law. We say what will be a criminal offence. We set up the system for the appointment of judges.

The federal government should be concerned also about ready access to the courts, and particularly that an individual may have qualified legal advice available to him when he appears in a court. I believe the federal government could help this system and expand it by putting up a little bit of the money and working out some co-operative venture with the provinces. I believe this is the sum and substance of what we wish to say. I cannot wind up my speech with a quotation from Mr. Jefferson, as did the Minister of Justice. I can only wind up by hoping that what the minister says he is going to do he will, in fact, do.

[*Translation*]

Mr. Gilbert Rondeau (Shefford): Mr. Speaker, our contribution to the study of Bill No. C-114 perhaps will not be negative since this