

SOLVING NEW BRUNSWICK'S LEGAL AID DILEMMA

By SEAN P. RILEY

In April of 1988, Frank McKenna's Liberal Government axed New Brunswick's legal aid program, thus giving New Brunswick the distinction of being *the only province in Canada without a proper legal aid program* to service the needs of the poor; those who are not able to afford the high costs of legal fees and are thereby denied equal access to justice.

In response to the provincial government's decision to discontinue financing legal aid, the New Brunswick Law Foundation - representing all the province's lawyers - decided as an interim measure to offer \$250,000 so that some basic semblance of civil legal aid could be reinstated. Essentially, what this N.B. Law Foundation-administered program does, is provide help only to those with the most critical need; hardship cases such as those involving battered women and children. However, should more than two hundred cases arise - *there were 1644 legal aid cases in 1987* - all such persons will be out of luck unless they can find lawyers willing to take their cases pro bono. Understandably, \$250,000 does not go far when what is really needed would be in excess of \$1.5 million, were a proper legal aid system reinstated.

Obviously, as admirable as the New Brunswick Law Foundation's replacement program may be, it is only a stop-gap measure. It temporarily fills a void wherein equal access to justice for a province's poor was almost completely cut-off. As is, even with the new ad-hoc system, justice is still being denied to hundreds of New Brunswickers in serious need of help from a caring society.

As for the solution to New Brunswick's legal aid dilemma, there are a number of very reasonable and viable options. All that is needed is the will to rectify an obvious injustice.

Clearly - *assuming that the people of New Brunswick are indeed really concerned about fostering a more fair, equitable, and just society* - someone must come up with enough money to properly sustain a full-scale legal aid program; something citizens in all other provinces take for granted. As the provincial government wants to shove responsibility wholly onto the shoulders of the lawyers, and lawyers are arguing that legal aid funding is a government responsibility, perhaps - *in the interest of justice* - an equitable compromise is in order.

As for the status quo - *only the poor are suffering*. No doubt, whatever peanuts the provincial Justice Department has saved by axing legal aid, the departments of Income Assistance and Health will have to shell it out later in welfare payments and mental health services for those who will suffer the consequences of having been denied access to what they might have thought was their "*right to equal protection and equal benefit of the law*," as the Charter of Rights and Freedoms declares.

In a nutshell, the provincial government and the province's lawyers should meet halfway and accept shared responsibility for providing legal aid to the people of New Brunswick. This is only fair. Such compromise touches upon the very essence of what true justice is all about - *the ability of all components of a particular society to come to a point of consensus at which society as a whole may function most smoothly* - where all may benefit equally from membership in that society.

Accordingly, for all intents and purposes, the degree to which New Brunswick can be considered a fair and progressive society can be directly measured simply by observing the speed with which our government moves to rectify the legal aid dilemma. At the same time, the degree to which the general public can be seen to serve its proper function as responsible citizenry, is the degree to which we all pressure the politicians and lawyers into action.

(Next week: A Legal Clinic at the UNB Law School.)

By ALLAN CARTER

The Saint John River is a major asset to our province. It has provided us with fishing and other recreational activities.

Not only does the river contain beautiful aquatic life, such as the Atlantic Salmon, it is also used by industries for transportation of wood and to absorb industrial waste. Like most large rivers that run through several settlements, it contains a certain degree of pollution.

According to Jerry Chohte, Chief of Environmental Quality, New Brunswick Department of Municipal Affairs and Environment, the Saint John River does not contain a dangerous level of pollution, but it does contain enough to cause some concern.

The major problem in Fredericton is old sewage out falls, the sources of which, because of their age cannot be found in any of the city's

records. Therefore it makes the job of getting rid of them only more difficult. The danger in this situation is in places in which the sewage spills out into swim areas.

Other water purity concerns are discharges from several factories and mills, and the remains of pesticides and farm fertilizers which have run into the river during rain falls.

In addition, Chohte figures that the river is probably too

high in phosphate. Several mills and factories use the chemical in their treatment systems resulting in large amounts of algae, which is found in several different locations on the river. Chohte feels, however, there has been a great improvement in cutting back on pollution since the mid 1970's.

According to Chohte the future looks bright for the river and things cannot get anything but better.



Some of the scum found on the Saint John River. Do you really want to drink this?

Sexual harassment effects 10 - 20% of students

Source: THE BROCK PRESS

By CHANDRA HARDEEN

Sexual harassment is here at school. Joan McCurdy-Myer, a member of the Sexual Harassment Committee at Brock University in St. Catharines believes that we can expect that ten to twenty percent of students will be victims of sexual or gender harassment.

Gender harassment is judging or stereotyping people on the basis of gender. Sexist jokes and remarks are the primary types of gender harassment.

Sexual harassment encompasses a wide range of matters from verbal abuse to sexual assault. Sexual harassment is a type of discrimination that is based on power, not sex. "It's when someone who has more power, uses that power in the sexual arena" says McCurdy-Myer. "They either offer some kind of reward or pay off to someone for sexual favours or they threaten... with a

negative consequence if they don't give some kind of sexual favours."

Sexual harassment is present when sexual attention is unwanted and unwelcomed by the receiver. It creates an environment in which learning becomes difficult and even impossible. Because the victim often feels powerless, he or she if often unable to take steps to

rectify the situation. "They feel that if they do there will be some kind of repercussion" states McCurdy-Myer.

Although sexual harassment is a problem for both men and women, research has shown that due to the fact that men are more often in positions of power, it is more likely for women to fall prey to this type of abuse.

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