

*Criminal Code*

from the fact that our legal system and our lawyers are primarily geared, in my opinion—and I am a lawyer—to serve the rich and not the poor. Although we have made improvements in certain areas and other improvements are under way, we still have a long, long way to go.

Few provinces in Canada have legal aid systems which can be considered adequate. Ontario, perhaps, has the best system. In my own province, Quebec, the situation is deplorable. Legal aid in Montreal is carried out by the Bar Association. Less than 20 lawyers work on a full-time basis on matters involving legal aid in Montreal. They are paid through the Bar Association and also receive some money from the Quebec Department of Justice. I submit that that number is completely inadequate. In addition, each lawyer in the Montreal area is supposed to take on one legal aid case a year. In most instances lawyers take on cases but give them very little attention. Some lawyers, of course, give these cases their full attention, but, in the majority of cases it is fair to say that the system is poor. The government of Quebec has promised the people a legal aid system. I believe that one is to be put into effect. From my distant place in the federal Parliament I urge the Quebec government to do this soon.

There have been other signs of improvement. The federal government has introduced a legal aid system for the Northwest Territories. It appears to be a comprehensive system of legal aid. I refer to the announcement made by the Minister of Justice (Mr. Turner) when he introduced that legal aid system on August 17 last. Page 3 of the release reads:

Legal aid in criminal cases is to be available in any of the following matters:

(1) An offence under a statute of Parliament (which includes the Criminal Code) and is to be proceeded with by indictment;

(2) An offence under a federal statute or regulation, or under a Territorial ordinance or regulation, where the Crown proceeds by summary conviction and the accused is subject to a sentence of imprisonment or to a penalty that, in the committee's opinion, will interfere substantially with his livelihood;

(3) Proceedings under the Juvenile Delinquents Act;

(4) In any other case where, in the opinion of the court or the committee, the accused is not capable of making an informed decision as to his proper course of action or where he may be subject to a jail term or a sentence which would affect his

livelihood—

• (4:10 p.m.)

With regard to the provision of legal aid services, the system is in some ways similar to the Ontario system. In addition to the system which the federal government has started in the Northwest Territories, the Minister of Justice announced this fall at the Canadian Bar Convention in Banff, Alberta, that he was considering establishing a nationwide legal aid system. I read from a report of September 2, 1971:

Justice Minister John Turner said here that he hopes a federally-financed coast to coast legal aid system will be operating in Canada within a year.

In an interview, he said he has put forward a proposal for such a system to the attorneys general of the ten provinces and has received a generally favorable response.

Turner said he put the proposals to the provinces "two or three months" ago and has received replies from most of them. Those answering had "some reservations," he said, but were nevertheless uniformly favourable."

This is to be a complete legal aid system covering both civil and criminal cases. If such a system could be put into operation it would be a great step forward. If the provinces do not agree to such a system with the federal government, legal aid services should at least be provided in both territories in the meantime. I understand that they have now been established in the Northwest Territories. They should be established in both territories. This should cover all federal courts, including the new Federal Court, federal boards of commission and cases under the Criminal Code and other statutes which can be considered criminal statutes. It is true we have allowed the administration of criminal justice to be carried on by the provincial authorities, but the constitutional basis of that is not soundly established. If it wishes, the federal government could provide a legal aid system for all cases coming under the Criminal Code and criminal statutes.

I would like to make reference to some very encouraging developments which have taken place in the last year, particularly with regard to the opening of store-front law offices and legal aid clinics associated with anti-poverty committees. These store-front law offices and legal aid clinics have to a great extent been initiated by students of different law schools across the country. This was done by students of Dalhousie University in Halifax, McGill, the University of Montreal, and Toronto. There may be other cases but I am not familiar with them.

I visited some of the store-front law offices during the past summer. Some were assisted by the Opportunities for Youth program. They have done a very good job. Montreal has the two with which I am most familiar. One is an office of the juvenile legal services operating in the northeast end of Montreal near the family welfare court. It is in the area of St. Denis Street and Bellechasse. This legal aid clinic provided services to young people who were being brought before the juvenile court in Montreal. It had one full-time lawyer who was being paid out of money that was raised by the office. It also had a number of student lawyers who worked during the summer under the Opportunities for Youth program. In addition, there were two students who were being trained in social work and other types of services for young people.

The other clinic in Montreal, which was very impressive, was known as Community Legal Services, Point St. Charles. It operated in conjunction with the Point St. Charles poverty committee. This group had the services of one fully qualified lawyer. It was also assisted by law students working under the provisions of the Opportunities for Youth program. Very valuable work was done in both cases. A service was provided to the community that would not have been available under ordinary circumstances.

In conclusion, I make a plea for federally-financed legal aid services. I hope the Minister of Justice is successful in carrying through the program which he presented to the Canadian Bar Association at Banff. If not, I hope he will introduce a legal aid service pertaining to federal courts and federal laws. The bill which I have before the House is minimal, but if it is put into operation great pressure will be applied to the provinces and the federal government to do something about the legal aid system and to ensure that no person in Canada is denied justice because he cannot afford legal services.