RG-44 vol.270 #9

9

EXHIBIT VOL. 9 MISCELLANEOUS MATERIALS

TAB

GENERAL INTRODUCTION

1 SUMMARY OF THE RESPONSE OF THE GOVERNMENT OF N.S. TO THE RECOMMENSATIONS OF THE ROYAL COMMISSION (FEB. 7, 1990).

2 TEXT OF ATTORNEY GENERAL'S STATEMENT (FEB. 7, 1990).

3 UNANIMOUS RESOLUTION OF THE N.S. HOUSE OF ASSEMBLY (FEB. 23, 1990)

BUCHAN, DERRICK & RING

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April 30, 1990

The Honourable Gregory T. Evans
Commissioner
Royal Commission of Inquiry into
Compensation for Donald Marshall, Jr.
c/o Mr. W. Wylie Spicer
McInnes, Cooper & Robertson
1601 Lr. Water St.
Cornwallis Place
Halifax, NS
B3J 2V1

Dear Mr. Commissioner:

RE: Miscellaneous Materials - Exhibit Vol. 9

Various responses to the Royal Commission of Inquiry into the Donald Marshall, Jr. Prosecution will be referred to in argument on behalf of Donald Marshall, Jr. These materials include:

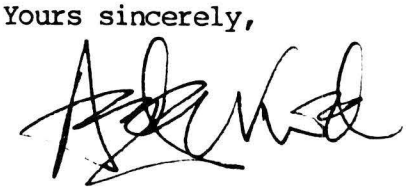
The written response of the Government of Nova Scotia to the Royal Commission Report dated February 7, 1990. (Tab 1)

The text of the public statement of the Attorney General of Nova Scotia delivered at a press conference on February 7, 1990. (Tab 2)

The unanimous resolution of the Nova Scotia House of the Legislature dated Friday, February 23, 1990. (Tab 3).

All of which is respectfully submitted,

Yours sincerely,



Anne S. Derrick

Evans Brief/Misc.
April 30
Marshall Comp. #2

Nova Scotia

February 7, 1990

We are pleased to enclose the response of the Government of Nova Scotia to the Report and Recommendations of the Royal Commission on the Donald Marshall, Jr. Prosecution.

The Government invited this exhaustive review and now accepts the challenge of implementation.

We look forward to continued improvement of the justice system.

Sincerely,

Thomas J. McInnis
Attorney General

Neil J. LeBlanc
Solicitor General

SUMMARY OF THE RESPONSE OF THE GOVERNMENT OF NOVA SCOTIA TO THE RECOMMENDATIONS OF THE ROYAL COMMISSION ON THE DONALD MARSHALL, JR. PROSECUTION

In this document the Government of Nova Scotia responds to the recommendations of the Royal Commission on the Donald Marshall, Jr. Prosecution and announces further initiatives to improve the justice system for all Nova Scotians and for visible minorities in particular.

RECOMMENDATIONS

The Royal Commission made 82 recommendations:

- 1 pertains directly to Donald Marshall, Jr.;
- 7 deal with the wrongfully convicted;
- 11 with visible minorities generally;
- 11 with Micmac and the criminal justice system;
- 4 with Blacks and the justice system;
- 11 with the responsibilities of the Attorney General, Solicitor General and police authorities; and
- 37 with policing in particular.

RESPONSE

All recommendations that are the responsibility of the Government of Nova Scotia are accepted.

Where a recommendation is not within the Government's jurisdiction, it "endorses" the recommendation and, where applicable, promises support.

No recommendations are rejected.

CONTEXT OF RESPONSE

The justice system is fundamental to democratic government.

Since the early 1980's the justice system in Nova Scotia has been under intense public scrutiny.

The Royal Commission examined the justice system of the 1970's and early 1980's in the context of what it refers to as the "unique case" of Donald Marshall, Jr. It found a flawed structure, inadequate training, and confusion over responsibilities at senior levels.

It found that Donald Marshall's innocence might have been revealed by any one of the numerous checks and balances in the system but each failed to protect him.

Much of what plagued Donald Marshall, Jr. through his ordeal can be traced to complacent faith in the justice system. The system worked well enough most of the time and this created the impression that it worked all of the time.

The faith we seek to restore is tempered by the realization that mistakes will be made. It is not enough to say that mistakes are inevitable. They are, but they need not inevitably lead to wrongful convictions. The justice system we are building today must provide every possible opportunity for mistakes to be discovered and addressed.

JUSTICE REFORM TO DATE

Responsibility for the various aspects of the criminal justice system is distributed among the three levels of government.

The Government of Nova Scotia began the massive job of renewing the portions of the justice system within its jurisdiction in 1986 when, on October 28, 1986 -- less than a month after the courts had finally dealt with the Roy Newman Ebsary conviction -- the Government appointed the Marshall Commission.

At the same time the Government began work on other aspects of the justice system including:

1. Creation of the Solicitor General's Department in order to separate the police and prosecution functions and to provide greater impetus to improve policing.

2. Appointment of a Director of Public Prosecutions to ensure that all Nova Scotians, regardless of influence, race, gender or political affiliation, will be dealt with fairly and evenhandedly.

3. Establishment of the Victims' Services Division in the Department of Attorney General -- part of a commitment to make the justice system more humane (further initiatives in the area of domestic violence and child sexual abuse are in the planning stage).

4. Introduction of a Fine Options Program by the Solicitor General's Department and new fine collection procedures to ensure that no one who cannot pay a fine goes to jail and no one who will not pay a fine goes unpunished.

5. Establishment of the Court Structure Task Force to make the court system more accessible, understandable and efficient.

6. Improvements in the prosecution service: additional prosecutors; creation of Regional Crown Prosecutors; and the conversion of full-time prosecution positions to Civil Service status, so hiring is based on merit.

7. Establishment of a working relationship between the Government and Micmac leaders.

8. Establishment of the Solicitor General's Task Force on Municipal Police Training.

9. Establishment of the Police Review Board, an independent quasi-judicial body to hear citizen complaints against the police.

As the next phase of justice reform, the Government now turns to the Commission's recommendations.

Perhaps the best proof of the desire to adapt and improve the system of justice is that 30 of the Commission's recommendations were suggested by counsel for the Attorney General's Department. In other words, the Government has initiated change, not resisted it.

OVERVIEW OF THE GOVERNMENT'S RESPONSE

Righting the Wrong: Dealing with the Wrongfully Convicted

The Commission proposes formal, national structures for the reinvestigation of wrongful convictions and compensation for the wrongfully convicted. It recommends the Nova Scotia Government initiate discussions with the Federal Government. The Attorney General has written to all Federal/Provincial/Territorial Attorneys General and Ministers of Justice expressing the Government's desire to discuss the independent review mechanism recommended by the Commission. In the meantime, the procedures that can be implemented informally by a province will apply in Nova Scotia.

Compensation to Donald Marshall, Jr.

The Government has asked the Honourable Mr. Gregory T. Evans, Q.C., one of the Marshall Commissioners, to re-examine compensation. Counsel for Mr. Marshall and the Attorney General have agreed to cooperate to achieve a just and expeditious result. Both sides hope to avoid adversarial bargaining.

Visible Minorities in the Criminal Justice System

The Government commits to the following fresh initiatives to combat racism.

1. A Cabinet Committee on Race Relations chaired by the Premier and composed of senior Ministers including the Attorney General and Solicitor General to oversee minority initiatives and coordinate them with groups affected.

2. Establishment of a Race Relations Division of the Human Rights Commission and consultations on possible improvements to the Commission and the Act.

3. Development of policies that will improve relations between justice personnel and minorities through education and affirmative action.

4. Implementation of fine option programs in minority communities so that the economically disadvantaged will not suffer undue hardship from the imposition of fines.

5. Increased financial support for Nova Scotia Legal Aid to allow it to engage Native and Black case workers and a social worker.

Micmac and the Justice System

The Commission determined that many of the difficulties Micmac encounter with the justice system are rooted in social, political and economic structures outside the justice system and are not the result of any evil intention to discriminate by justice personnel. The Commission also notes that Nova Scotia does not exhibit the same degree of over-representation of Native offenders in jails which is experienced in western Canada. This suggests that the situation here differs, to a degree at least, from that found in other provinces. Hence the need for pilot projects and close consultation between both levels of government and the Micmac communities to develop those programs which will work most effectively in Nova Scotia. There are no ready made solutions.

What is apparent is that, as the dominant culture has intruded upon Micmac communities, community life has suffered. A community court developed in close cooperation with the Micmac seems an attractive method of restoring social control mechanisms. However, like the Commission, the Government does not favour an autonomous Native legal system for Nova Scotia Micmac. It believes that the system can be adapted to serve Native communities.

Central to the Government's response to the Micmac issues is the Tripartite Forum bringing together Micmac leaders, and the Federal and Provincial Governments. The Government believes that practical solutions to problems experienced by Micmac can be found through discussion. It is anticipated that the first item on the agenda of the Forum will be justice issues, specifically the recommendations of the Marshall Commission. It is also hoped that, through the Forum, justice committees can be established in Native communities throughout the Province. The Government believes that Native justice committees can facilitate communication between the communities and the justice institutions that are intended to serve them, such as parole, fine options and alternative measures.

Blacks in the Criminal Justice System

In addition to the initiatives referred to earlier in respect of visible minorities, the Attorney General will ask the Nova Scotia Legal Aid Commission to re-examine its structure and funding to determine whether minority clients can be better served. Government has recently approved funding for a new Legal Aid office in Westphal which will improve access for clients, particularly residents of the Black communities in the area.

Administration of Criminal Justice

The Commission determined that influential people under investigation did not interfere in the administration of justice and that the differences in treatment they

received "had more to do with form and process than substance but . . . contributed greatly to a widespread public perception that there is a separate system of justice . . ." (p. 228)

The Government recognizes that it is difficult for justice personnel to deal with investigations and prosecutions of those in authority over them. No one should feel they risk their career in order to do their job impartially. For this reason the Government has created the position of Director of Public Prosecutions. The Commission reached the same conclusion.

Likewise, the Commission accepted the position of the Department of Attorney General that responsibility for initiation of investigations and laying charges rests with the police, not the Attorney General. The Government accepts that confusion continues in this regard, even among some members of the legal community, and therefore will issue the policy statements recommended by the Commission.

Nova Scotia continues to lead the other provinces on the matter of disclosure. The Attorney General has required Crown prosecutors to disclose information to the defence since 1980. The current disclosure guidelines were enacted in July 1988 and have been favourably commented upon by Professor Bruce Archibald, a consultant engaged by the Royal Commission. The Department recognized some time ago that timely and complete disclosure might have prevented the conviction of Donald Marshall, Jr. As a result of the Commission's findings the Attorney General's disclosure directives will be updated. The Attorney General will discuss amendments to the Criminal Code proposed by the Commission with his federal/provincial/territorial counterparts.

Police & Policing

The Commission recommended that the Province assert greater leadership in law enforcement. Government is committed to providing the necessary resources to establish an appropriate structure for the delivery of policing services in the Province. The Department of the Solicitor General will appoint an Executive Director of Policing Services to serve as a focal point for all policing matters. Government is currently reviewing the structure of the Nova Scotia Police Commission to determine how it can perform its role more effectively.

As stated by the Commission, training practices have dramatically improved since 1971. With the 1985 amendments to the Police Act, which prescribed more stringent training standards, and the appointment of the Solicitor General's Task Force on Municipal Police Training, the Government has acknowledged its commitment to improving training for municipal police officers in Nova Scotia. A high priority will be placed on the development of sensitivity training programs relating to visible minorities and the provision of these programs to cadets and members on a compulsory basis.

The Commission was critical of flawed procedures which were used by police during the original investigation of the Marshall case and in subsequent re-investigations.

The Department of the Solicitor General is committed to ensuring that an appropriate standard of law enforcement services is provided to all Nova Scotians. In consultation with the Nova Scotia Police Commission, the R.C.M.P., and municipal police forces, uniform policy and procedures governing all aspects of policing will be developed. Implementation of these standards will be monitored through a program of ongoing assessments.

The Commission recommended that Government undertake a number of initiatives to ensure that the justice system is responsive to the unique needs of visible minorities. The Department of the Solicitor General accepts these recommendations. Minority sensitization training programs for police officers will be improved and expanded. The Department will consult with visible minority groups to identify the most effective strategies for recruiting more blacks and natives to serve as police officers. The establishment of local advisory boards will provide a vehicle for improving access of blacks and native communities to the justice system.

DONALD MARSHALL, JR. AND HIS FAMILY HAVE ENDURED GREAT SUFFERING AND HEARTACHE AS THE RESULT OF THE MISCARRIAGE OF JUSTICE OF WHICH HE WAS THE VICTIM.

AS A MEMBER OF A LARGE, CLOSE FAMILY MYSELF, I KNOW VERY WELL THAT WHEN A MEMBER OF THE FAMILY IS WRONGED, EVERYONE CARRIES A PART OF THAT BURDEN.

IT IS WITH THESE SENTIMENTS IN MIND THAT, AS ATTORNEY GENERAL - ON BEHALF OF THE PROVINCE OF NOVA SCOTIA - I OFFER A SINCERE AND HEARTFELT APOLOGY TO DONALD MARSHALL, JR. ... HIS MOTHER, ... HIS FATHER ... AND HIS ENTIRE FAMILY.

THE RECOMMENDATIONS CONTAINED IN THE MARSHALL COMMISSION REPORT ARE EXCELLENT.

THIS EXCELLENCE WAS APPARENT THE VERY FIRST TIME I READ THE REPORT, BACK ON JANUARY 26TH. THE HIGH LEVEL OF THOUGHT AND CRAFTSMANSHIP MAINTAINS ITSELF THROUGH EVERY REVIEW AND RE-READING. AND BELIEVE ME, THIS REPORT HAS UNDERGONE THOROUGH SCRUTINY. ITS STRENGTH OF LOGIC AND PURPOSE IS CLEAR.

THE MARSHALL COMMISSION REPORT PRESENTS NOVA SCOTIA'S JUSTICE SYSTEM WITH AN OPPORTUNITY TO LIFT ITSELF UP -- TO RE-ESTABLISH THE CONFIDENCE OF THE PEOPLE IT SERVES. THIS OPPORTUNITY CANNOT AND MUST NOT AND WILL NOT BE MISSED.

AS YOU CAN SEE IN YOUR RESPONSE DOCUMENTS, THE GOVERNMENT OF NOVA SCOTIA DOES NOT REJECT ANY OF THE 82 RECOMMENDATIONS OF THE ROYAL COMMISSION.

WE ACCEPT, OR ACCEPT THE INTENT OF, ALL THE RECOMMENDATIONS WITHIN OUR MANDATE. WE ENDORSE ALL THOSE DIRECTED AT AGENCIES OUTSIDE OUR MANDATE AND INVITE THOSE AGENCIES TO JOIN WITH US TO IMPLEMENT THESE IMPROVEMENTS.

THE JUSTICE SYSTEM FAILED DONALD MARSHALL, JR. AND I ACCEPT THAT ONE OF THE REASONS HE WAS WRONGFULLY CONVICTED AND IMPRISONED WAS THAT HE IS A NATIVE.

IN DEALING WITH THIS PROBLEM, WE HAVE TWO JOBS.

THE FIRST JOB IS TO CHANGE ATTITUDES. IN PARTICULAR, I AM PLEASED TO ANNOUNCE THE CREATION OF THE CABINET COMMITTEE ON RACE RELATIONS WHICH WILL DEVELOP STRATEGIES TO IMPROVE RACE RELATIONS AND ENSURE THAT MINORITY INITIATIVES, INCLUDING THOSE OUTLINED IN OUR RESPONSE ARE IMPLEMENTED FULLY.

OUR SECOND TASK IS TO CHANGE THE JUSTICE SYSTEM TO DEAL WITH SYSTEMIC DISCRIMINATION WHERE THE PROCESS ITSELF IS NOT SUITED TO THE NEEDS AND CONCERNS OF MINORITIES.

THESE INITIATIVES HAVE INCLUDED AND WILL INCLUDE:-

- ESTABLISHMENT OF NATIVE CRIMINAL COURT ON A PILOT PROJECT BASIS.
- ESTABLISHMENT OF A TRIPARTITE FORUM WITH MICMAC, PROVINCIAL AND FEDERAL GOVERNMENT PARTICIPATION.
- SCHEDULING OF PROVINCIAL COURT SITTINGS ON RESERVES.
- IMPLEMENTATION OF FINE OPTION PROGRAMS MINORITY COMMUNITIES SO THAT THE ECONOMICALLY DISADVANTAGED WILL NOT SUFFER UNDUE HARDSHIP FROM THE IMPOSITION OF FINES.
- INCREASED FINANCIAL SUPPORT FOR NOVA SCOTIA LEGAL AID TO ALLOW IT TO ENGAGE NATIVE AND BLACK CASE WORKERS AND SOCIAL WORKERS. AND
- DEVELOPMENT OF POLICIES THAT WILL IMPROVE RELATIONS BETWEEN JUSTICE PERSONNEL AND MINORITIES THROUGH EDUCATION AND AFFIRMATIVE ACTION.

THE NEED FOR A RE-EVALUATION OF THE AMOUNT OF COMPENSATION PAID TO DONALD MARSHALL, JR. LEAPS OFF LITERALLY EVERY PAGE OF THIS REPORT. AND WE HAVE RESPONDED WITHOUT HESITATION.

AS YOU ARE UNDOUBTEDLY AWARE, THIS RE-EVALUATION PROCESS IS ALREADY UNDERWAY, PRESIDED OVER BY THE HONOURABLE MR. GREGORY T. EVANS, Q.C. IN FACT, PRELIMINARY DISCUSSIONS AMONG COUNSEL FOR THE PARTIES INVOLVED TOOK PLACE YESTERDAY. IT IS HOPED THAT A RECOMMENDATION WILL BE FORTHCOMING IN A MATTER OF WEEKS.

I AM DEEPLY TROUBLED BY THE COMMISSION'S FINDINGS RESPECTING THE CONDUCT AND REFERENCE DECISION OF THE APPEAL DIVISION OF THE SUPREME COURT OF NOVA SCOTIA IN 1983.

AND YOU ONLY HAVE TO READ THE UPPER LEFT-HAND CORNER ON PAGE 116 OF VOLUME ONE TO SEE WHY. THE COMMISSIONERS' FINDINGS INCLUDE:

- THAT THE COURT OF APPEAL MADE A SERIOUS AND FUNDAMENTAL ERROR WHEN IT CONCLUDED THAT DONALD MARSHALL, JR. WAS TO BLAME FOR HIS WRONGFUL CONVICTION.

- THAT THE COURT SELECTIVELY USED THE EVIDENCE BEFORE IT - AS WELL AS INFORMATION THAT HAD NOT BEEN ADMITTED IN EVIDENCE - IN ORDER TO REACH ITS CONCLUSIONS.

- THAT THE COURT TOOK IT UPON ITSELF TO "CONVICT" MARSHALL OF A ROBBERY WITH WHICH HE WAS NEVER CHARGED.

- THAT THE COURT WAS IN ERROR WHEN IT STATED THAT MARSHALL "ADMITTEDLY" COMMITTED PERJURY.

- THAT THE COURT DID NOT DEAL WITH THE SIGNIFICANT FAILURE OF THE CROWN TO DISCLOSE EVIDENCE, INCLUDING THE CONFLICTING STATEMENTS BY WITNESSES, TO DEFENCE COUNSEL.

- THAT THE COURT'S SUGGESTION THAT MARSHALL'S "UNTRUTHFULNESS...CONTRIBUTED IN LARGE MEASURE TO HIS CONVICTION" WAS NOT SUPPORTED BY ANY AVAILABLE EVIDENCE AND WAS CONTRARY TO EVIDENCE BEFORE THE COURT.

- THAT THE COURT DID NOT DEAL WITH THE ERRORS BY THE TRIAL JUDGE IN LIMITING THE CROSS-EXAMINATION OF PRATICO.

- THAT MR. JUSTICE LEONARD PACE SHOULD NOT HAVE SAT AS A MEMBER OF THE PANEL HEARING THE REFERENCE.

- THAT THE COURT'S DECISION AMOUNTED TO A DEFENCE OF THE CRIMINAL JUSTICE SYSTEM AT MARSHALL'S EXPENSE, NOTWITHSTANDING OVERWHELMING EVIDENCE TO THE CONTRARY, AND

- THAT THE COURT'S GRATUITOUS COMMENTS IN THE LAST PAGES OF ITS DECISION CREATED SERIOUS DIFFICULTIES FOR DONALD MARSHALL, JR., BOTH IN TERMS OF HIS ABILITY TO NEGOTIATE COMPENSATION FOR HIS WRONGFUL CONVICTION AND ALSO IN TERMS OF PUBLIC ACCEPTANCE OF HIS ACQUITTAL.

WITH THAT IN MIND, AND AFTER VERY CAREFUL STUDY AND CONSIDERATION OF THE REPERCUSSIONS, I HAVE COME TO A DECISION.

I WILL IMMEDIATELY REQUEST THE RIGHT HONOURABLE R.G.B. DICKSON, P.C., CHIEF JUSTICE OF CANADA, TO ~~DIRECT THE CANADIAN JUDICIAL COUNCIL TO CONSIDER THE CONDUCT OF THE~~ FIVE JUDGES IN THIS CASE. UNDER SECTION 63 (1) OF THE JUDGES ACT, THIS WILL RENDER A JUDICIAL COUNCIL INQUIRY MANDATORY.

I HAVE WRESTLED WITH THIS DECISION SINCE RECEIVING THE REPORT. IT HAS BEEN A VERY DIFFICULT ONE. BUT IT IS ABSOLUTELY ESSENTIAL THAT NOVA SCOTIANS HAVE FAITH AND CONFIDENCE IN THIS, THE HIGHEST COURT IN THE PROVINCE. IF THAT FAITH HAS BEEN SHAKEN, IT MUST BE RESTORED.

THE FOUNDATION UPON WHICH OUR JUSTICE SYSTEM IN NOVA SCOTIA IS BUILT, IS THAT JUSTICE IS FAIR AND TREATS ALL THOSE WHO COME BEFORE IT EQUALLY.

THIS HAS NOT BEEN HAPPENING, ACCORDING TO THE FINDINGS OF THE ROYAL COMMISSION. THEY FOUND A TWO-TIERED JUSTICE SYSTEM. ONE IN WHICH THE INFLUENTIAL WERE TREATED IN A PREFERENTIAL MANNER COMPARED TO THOSE WITHOUT INFLUENCE.

THIS IS COMPLETELY UNACCEPTABLE. AND I AM HERE TODAY TO TELL YOU THAT A TWO-TIERED JUSTICE SYSTEM IN NOVA SCOTIA IS A THING OF THE PAST. IT IS A RELIC OF A BYGONE ERA.

IT WILL NOT BE TOLERATED. THERE IS NO ROOM WITHIN THE SYSTEM FOR ANY INDIVIDUAL WHO DOES NOT DEAL WITH EVERYONE IN THE SAME FAIR, EQUAL AND JUST MANNER.

I WANT TO MAKE IT PUBLICLY KNOWN HERE TODAY THAT I WILL BE WRITING IMMEDIATELY TO THE CHIEF SUPERINTENDENT OF THE R.C.M.P., MR. GERALD LEAHY AND TO ALL THE CHIEFS OF POLICE IN THE PROVINCE.

I WILL BE STRESSING THE CRITICAL PRINCIPLE OF FAIR AND EQUAL TREATMENT BEFORE THE LAW.

AND I INVITE THE CHIEF SUPERINTENDENT OF THE R.C.M.P. AND ALL CHIEF OF POLICE TO CAREFULLY REVIEW THE COMMISSION'S REPORT AND CONDUCT ANY INVESTIGATION THEY DEEM APPROPRIATE.

I ALSO INVITE THEM TO CONSULT FREELY AND WITHOUT HINDRANCE WITH THE DIRECTOR OF PUBLIC PROSECUTIONS, MR. JOHN PEARSON, WHO IS AVAILABLE FOR ANY SUCH CONSULTATION.

IN ADDITION, FOR MY PART, I WILL ASSURE THE CHIEF SUPERINTENDENT AND ALL THE CHIEFS OF POLICE THAT CONSIDERATION OF THE CONDUCT OF INDIVIDUALS NAMED IN THIS REPORT WILL IN NO WAY JEOPARDIZE THE RELATIONSHIP BETWEEN THE POLICE AND THE DEPARTMENT OF ATTORNEY GENERAL. IN FACT, JUST THE OPPOSITE WILL HAPPEN. IT WILL SERVE TO STRENGTHEN THE PROFESSIONAL, RESPECTFUL RELATIONSHIP THAT MUST EXIST IN ORDER FOR THESE TWO AREAS OF THE JUSTICE SYSTEM TO WORK EFFECTIVELY TOGETHER.

WITH THIS IN MIND, IT IS VERY IMPORTANT THAT I EMPHASIZE TO YOU, AS THE COMMISSIONERS DID IN THEIR REPORT, THAT IN ALL SUCH MATTERS, THE POLICE "HAVE THE ULTIMATE RIGHT AND DUTY TO DETERMINE THE FORM AND CONTENT OF ANY CHARGES WHICH MAY BE LAID, ACCORDING TO THEIR BEST JUDGEMENT".

IN CONCLUSION, I WISH TO CATEGORICALLY STATE THAT I AM OF THE OPINION THAT THIS ROYAL COMMISSION WAS A TREMENDOUS EXERCISE.

THIS REPORT IS THE BLUEPRINT FOR THE FUTURE OF JUSTICE IN NOVA SCOTIA. EACH AND EVERY ONE OF THE 82 RECOMMENDATIONS SERVE TO STRENGTHEN OUR SYSTEM. AND STRENGTHEN IT THEY WILL.

I AM EXCITED ABOUT THE FUTURE OF JUSTICE IN NOVA SCOTIA. THE STAFF OF MY DEPARTMENT IS EXCITED ABOUT IT.

THE BAR SOCIETY IS EXCITED ABOUT IT.

WE ALL SEE THIS AS A ONCE-IN-A-LIFETIME OPPORTUNITY THAT MUST NOT AND WILL NOT BE ALLOWED TO SLIP AWAY.

THE CHANGE HAS BEGUN.

THE OLD WAYS HAVE BEEN THROWN OUT.

JUSTICE MUST BE FAIR AND EQUAL FOR ALL, AND I PLEDGE I WILL DO EVERYTHING IN MY POWER TO GUARANTEE IT IS EXACTLY THAT.

- 30 -

FEBRUARY 7, 1990

INTRODUCTION OF BILLS

Bill No. 1 - Entitled an Act to Amend Chapter 214 of the Revised Statutes of 1989. The Human Rights Act. (Mr. Vincent MacLean)

MR. SPEAKER: Ordered that this bill be read a second time on a future day.

NOTICES OF MOTION

MR. SPEAKER: The honourable Leader of the Opposition.

RESOLUTION NO. 5

MR. VINCENT MACLEAN: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas the public institutions Nova Scotians must trust to find truth and dispense justice equally failed Donald Marshall Jr. at every turn; and

Whereas the tragic injustice originally dealt Donald Marshall Jr. in 1971 was compounded and prolonged for almost two decades by a system bent on exonerating itself, rather than righting its wrong; and

Whereas Donald Marshall Jr. and his family were victims of public institutions mindlessly engaged by racism and blinded by self interest;

Therefore be it resolved that this Legislature, representing every Nova Scotian, does, on behalf of every Nova Scotian, offer to Donald Marshall Jr., to his mother, his father and every member of his family, our most sincere apology for the grievous injustice dealt him by every public institution he encountered during that tragic 19 year period.

Mr. Speaker, I would ask for unanimous consent and have this conveyed to Donald Marshall Jr.

MR. SPEAKER: There has been a request for waiver of notice which requires unanimous consent.

Is it agreed?

It is agreed. (Applause)

Is the House ready for the question? Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Halifax Chebucto.