

Government Orders

It is just another chance for political activists to be rewarded by government appointments and get on the government payroll. It is another haven for Liberal political appointees. The justice minister insults the intelligence of Canadians to claim that this is anywhere close to being an independent commission. The justice minister's fingerprints are all over the whole thing. He picks the appointees. His top assistant and his appointees appoint the group that advises the appointees.

Ms. Clancy: Oh, oh.

Mrs. Ablonczy: It may be funny to the hon. member for Halifax but it is not funny to Canadians. They are paying for this nonsense.

The justice minister has a say in setting the agenda of his appointees. He will have in subclause 5(2) flexibility in how he deals with the commission's recommendations. In other words he has the flexibility to totally ignore them, which is exactly what happened in the past.

The legislation does not say how he has to respond. They are just gathering dust, more reports to gather dust while the money rolls in for the people who have been appointed to do a bit of work.

I close my presentation by making the minister an offer that I feel he should not refuse. The Reform caucus will willingly take on the onerous task of providing the minister with advice on needed improvements and reforms to the laws of Canada. I speak in favour of this generous offer.

First, it is the perfect solution for the justice minister. It will save hard pressed and tax weary Canadians the \$3 million a year the justice minister would have to pay his hand picked advisers. We will do it at no extra charge. We cannot get more generous than that.

Second, it would allow the justice minister to help the Liberals keep another red book promise, which so far has been sadly broken, to base appointments on merit rather than on patronage. Who would have more merit in advising the justice minister than Reformers?

Third, the justice minister can be sure that Canadians are really setting the agenda, not his appointed dependants.

Fourth, the proposals will be brought forward in the House of the people for open scrutiny and debate from day one, not hatched behind closed doors and pushed through by forced votes from Liberal backbenchers. It will be truly independent of government and fully accountable to the people of Canada, which is exactly what it should be.

Last but not least, the minister can be absolutely certain that he is receiving truly independent advice.

Voters elect at great consideration and cost their own representatives to legislate to ensure peace, order and good government in our country. If we could be allowed to do our job responsibly and take into account the concerns and advice we

receive from Canadians every day, the justice system would make a lot more sense and do a lot better job for Canadians.

As members might have guessed, we strongly oppose the Liberals' appointing people from their approved list of friends to do our job as members of Parliament and we oppose Bill C-106.

The Acting Speaker (Mr. Kilger): The first three interventions had 40-minute maximums without questions or comments.

We will now go to the next stage of debate at second reading of Bill C-106, an act respecting the Law Commission of Canada, where members for the next five hours will have 20-minute maximums for their speeches and be subject to 10-minute question and comment periods.

• (1055)

Mr. Ted McWhinney (Vancouver Quadra, Lib.): Mr. Speaker, it is passing strange to hear some of the comments I have heard this morning. It is nearly 90 years since Benjamin Cardozo wrote his famous essay "Ministries of Justice".

For those who do not know better, it was said that Mr. Justice Cardozo was the greatest jurist never appointed to the Supreme Court of the United States. Then Herbert Hoover, in what some have said was his greatest act as president, appointed Mr. Justice Cardozo in his twilight years to the Supreme Court of the United States.

When he wrote 90 years ago he was making the case for an independent law commission. Its members would neither be civil servants because they were too close to the minister, too much under ministerial supervision, nor legislators because they were too much concerned with the exigent here and now of reading the flow of papers and attending to the details of legislation. He wanted people with a long vision and a detachment from politics. This is why he made the case.

His ministry of justice was not a ministry in our sense. It was an independent body of law commissioners to take a long view to try and establish the necessary relationship between positive law as written and the society it was supposed to serve.

When he wrote he was undoubtedly reminded of the words of his great friend, we understand from different legal tradition because Cardozo was the son of immigrants who had come from different legal tradition, Mr. Oliver Wendell Holmes who said: "The life of the law has not been logic; it has been experience".

At the time Cardozo wrote the legal system in the United States, Great Britain and parts of the then British Empire, now the Commonwealth that received the common law tradition, the law was essentially known as black letter law. From the vibrancy and creativeness of the early days of the common law it had degenerated into Lord Eldon's, it was said, juridical conservatism: the pursuit of precedents divorced from social reality, the