

Canada Evidence Act

I wish to tell the hon. member for Broadview (Mr. Gilbert) that I am on record as being in favour of a national law reform commission. We are actively moving toward it; I mentioned it in a speech I made during the convocation at Osgoode Hall in Toronto last fall. I agree with the hon. member. I believe we need an objective, independent body constantly reviewing federal law, particularly the Criminal Code. The law of evidence would be a very useful reference to it, although we are proceeding internally as well and have set up a new research division within the Department of Justice so that the justice side of the department can be just as active as the Attorney General's side, in other words, so that the doves can be just as active as the hawks. We are moving along in that way.

I think the whole issue of the administrative law and the judicial review of administrative tribunals mentioned by the hon. member for Lotbinière (Mr. Fortin) could well become a reference to the law reform commission. When we are thinking of the Ontario law reform commission, it seems to me it is properly independent, but it may be that the Attorney General of the province does not have sufficient powers when it comes to putting references or subject matter before the commission. I will be reviewing the New York State law reform commission, the American Law Institute and, of course, the law reform commission which was set up by the United Kingdom two or three years ago.

I believe there is a further use for a law reform commission for Canada. It is to ensure that the civil law—

[*Translation*]

The Civil Code is integrated in our federal statutes, as well as the common law, and the law reform commission can compare those two legal systems perhaps more efficiently for the future than for the past.

[*English*]

When we are reviewing the general law, there is a great deal to be said for securing the close co-operation of the provincial Attorneys General. This measure affecting the Canada Evidence Act applies primarily to the criminal law. Both evidentiary rules and procedural rules affecting civil cases are a matter for provincial jurisdiction. There ought to be some harmony in the development of our evidentiary rules, and we have

discussed this with the department of the Attorney General of Ontario. So perhaps we could embark on some sort of joint study.

The hon. member for Peace River (Mr. Baldwin) suggested that the Standing Committee on Justice and Legal Affairs might be given some initiating power in this regard. When the expropriation bill reaches the house, soon, I hope, I intend that it should be referred at an early date to the Standing Committee on Justice and Legal Affairs. The committee may call witnesses from across the country, members of the legal profession, representatives of municipalities and planning boards—

Mr. Gilbert: And the victims, too.

Mr. Turner (Ottawa-Carleton): Well, I think there are enough defence counsel to take care of them—but the victims, the average citizen, yes, as well.

At the moment I envisage a strenuous time for the Standing Committee on Justice and Legal Affairs. All being well, the bill before us will be submitted to it at five o'clock, as will the omnibus amendments to the Criminal Code which I shall be introducing here on Thursday. Then there are the estimates of the Department of Justice and the Supreme Court amendment bill.

Mr. Knowles (Winnipeg North Centre): It will not have any time for illegal affairs, will it?

Mr. Turner (Ottawa-Carleton): I should also mention the expropriation bill. The general question of wiretapping has already been referred to the committee. All in all I imagine the members of the committee will be doing a lot of good, constructive work between now and the end of the session. I look forward to my own appearance before the committee as soon as the chairman in his good judgment assembles it. I wish to thank the house for its courtesy this afternoon.

Motion agreed to, bill read the second time and referred to the Standing Committee on Justice and Legal Affairs.

The Acting Speaker (Mr. Béchard): Order. It being five o'clock the house will now proceed to the consideration of private members' business as listed on today's order paper, namely, notices of motions, public bills.