

They might well act through the committee or subcommittee in making suggestions to the minister and to the House about changes in the law.

I realize that the minister's department has a very heavy responsibility. There are problems with regard to drafting legislation, and the complexities of the legislative system under which we now live place a heavy onus on the government. It is not easy any more to find people of the professional status which is desirable. Without in any sense qualifying the value to the country and to the government of the officials in the minister's department, there is a substantial role to be played by the Standing Committee on Justice and Legal Affairs in being engaged in a continuous examination of the effects of the necessary changes in, and the proposals in respect of, the criminal law and its administration in Canada. It would not constitute an alternative but a supplement to the functions which are exercised by the other groups which I have mentioned.

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I also want to make a comment on the statement made by the right hon. Prime Minister (Mr. Trudeau) at the time when the minister's predecessor called a national conference on law, in January. In reading that I was particularly struck by what the Prime Minister said about the adversary system. I believe in the adversary system. I say this because it struck me that the Prime Minister at that time was rather inclined to take the position that there is some merit, if not immediately in dispensing with that system then at least in moderating it.

Through the ages, both in the House and in the courts of this country, in fact in the courts of all civilized countries, it has been through the medium of the adversary system that we have come closer to an approximation of the truth. There is nothing more calculated to bring out the true facts than a witness being called to give testimony in public, standing up before a man accused of a criminal offence and in front of the public being cross-examined under the keen eye and scrutiny of an experienced judge, knowing he is going to be cross-examined by counsel for the other side.

There is nothing more calculated to permit a court to arrive at the truth which is so essential to try to bring about, not judicial perfection—we do not get that—but the closest thing to it which is possible under our system. I will be fair and admit that the Prime Minister's statements were somewhat ambiguous, but I felt at the time that it was essential that someone should take the position that it is not proper, that it will not be adequate and will do a great deal of harm for us to suggest that the adversary system should be abolished either in this House or in the courts of the land. There may be some changes made, yes—but abolition, no. We change, of course. When I was younger in the practice of law I liked nothing better than a good fight. I have now moderated. I approach my duties at the bar as I do in this House, with the moderation and ease which I think are essential.

If I may, I will illustrate that by a story. Many years ago when I was a great deal younger than I am now, the first case I ever had in the appellate division in Alberta involved a young woman who had come up into the Peace

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River country, taken up with a homesteader and was living with him. She persuaded him, by measures which I leave to the knowledge of hon. members who are knowing in the ways of human nature, to give her a half section of land. Ultimately their liaison terminated; she left, and he came to me to bring an action to get the land back. I was successful in the court in the first instance and he got the land back, but she appealed. As this was my first appeal, I had memorized my peroration to the court of appeal: "My Lords, it is a terrible thing that this young and attractive woman should be able to seduce this poor old man of 60 and take his land away from him."

Just as I said this, I knew I had said the wrong thing because the chief justice was 88 and in fact all the judges were over 75. There was a pause in the court. These five white heads drew together and then the chief justice said to me, "Mr. Baldwin, how old are you?" I admitted to the tender age of 26. He then said, "It isn't relevant to this case, but it is our opinion that at 61 you are not senile and it is just as pleasant to be seduced at 61 as it is at 26." Having now come close to 60, Mr. Speaker, I know what he meant. We do change; our approach is a little different. I may not be as eager for the adversary system as I once was, but I say that there is a limit to which the system can be changed.

I want to close on this note, Mr. Speaker. I have spent all my professional life defending people in the criminal courts. Now I have changed and I am defending taxpayers from the government. But it is very much the same thing. The fact is that I believe in reform; I believe in moderation; I believe in the sanctity of the individual first. However, I want to issue a warning that we are now moving in our society on this continent and in many other parts of the civilized world into a situation where because of conditions that exist in large metropolitan areas there is a strong movement, in some cases represented by undesirable elements—a genuine movement, and it is not an organized movement—toward a greater degree and need for stability in our society, stability in our life, for the retention of the family as the pivot of our society.

That feeling will have a very considerable impact on the extent to which law reform is going to be brought about. I do not mean by that to suggest to the minister that he must from time to time take this into account. He need not ignore it. I point out that it is there and I say it is very important, because the extent to which we can move forward and make changes must be modified by the mores of our society. This is a fact of life that cannot be ignored. It is for this reason I have urged that the involvement of the standing committee, being composed of members of this House who have to seek election from time to time, would provide a very stabilizing and moderating influence on the type of law reform which we need from time to time in the Criminal Code.

**Mr. Warren Allmand (Notre-Dame-de-Grâce):** Mr. Speaker, in the few minutes left tonight I would like to make some comments on this bill. The bill contains many amendments that private members have requested for several years through private members' bills. Although we do not get many of our private members' bills passed, this government bill incorporates several of them and in a way constitutes a victory for all private members who