

Electoral Boundaries Commission

study objectively all the problems that will have to be faced by the commission, who would, I am sure, give of their utmost, and who would try to adopt a judicial attitude. However, for the same reasons I have referred to in regard to the inability of the chief justice to rid himself of any possible bias or prejudice it would be that much more difficult for the man appointed. Certainly if he has never had any experience on the bench in trying to acquire a judicial mind and an objective outlook he is likely to be still highly partisan in his method of approach, no matter how hard he tries to be otherwise. I suggest that any honest man who is appointed is going to be aware that he will be incapable of becoming completely objective and non-partisan.

Mr. Winch: Could the Leader of the Opposition be non-political?

Mr. Nugent: I am afraid the hon. member for Vancouver East is a little slow this afternoon. By that I do not mean to imply that this is unusual but I have noted it particularly today from his questions to me. I have not suggested that an appointment either by the Prime Minister or the Leader of the Opposition would be non-partisan. I am quite sure and have every confidence that these gentlemen would have the good sense to pick people who are party supporters. From their experience over the years I am sure they both believe that in each province they can get the very best people for this kind of job from within their own parties, and do not have to look elsewhere.

I was talking about the viewpoint of the person who is appointed. I have said that the people appointed, no matter how hard they try to be objective, do not have judicial experience and will not be able to rid themselves of some partisan feeling. I suggest it is rather a weight on the conscience of a person who is trying very hard to do a good job to feel that he may not be entirely rid of bias. I suggest he would feel a lot more comfortable if he were appointed by one person and his opposite number had been appointed by the other. He can say to himself: I am trying my best to get rid of prejudice and I have not quite succeeded, but my friend over there who is trying just as hard has not quite succeeded either. So we would hope that the amount of prejudice left would balance out.

I suggest this is a very healthy attitude to take. It is a healthy and honest state of mind. I suggest that we defeat the proposed

[Mr. Nugent.]

amendment so that we will have greater scope to place emphasis on appointing those most qualified without restricting ourselves unnecessarily to a small number of people. I suggest we do not put the chief justice in the position of having to make such appointments, which would make him feel uncomfortable and which he would not want to make. I suggest that if we get rid of this amendment the people who are appointed are going to be happier with their appointments. In the eyes of the people of the country the approach will be a more honest one and it will be a more honest approach so far as the appointees are concerned. They will have a healthier attitude toward their job, a healthier atmosphere in which to work and I think we will get the kind of people we want on these commissions. Therefore I hope we will defeat the amendment.

Mr. Favreau: Mr. Chairman, when I spoke previously I referred to the fact that in my view the scope of the amendment should be broadened, if it is to be accepted, so as to allow the chief justice of the province to choose the members of the commission not only from among the members of his own court but also from among the members of any court of superior jurisdiction appointed for the province concerned. I also referred to the fact that it might be advisable, in the event of the disability, incapacity, absence, sickness or otherwise of the chief justice, to provide for the acting chief justice to act in his stead. In order to cope with this situation and to make the necessary provisions I move the following subamendment:

That the following words be substituted for subsection 2 of section 6 in clause 1 of the amendment as moved by the hon. member for Winnipeg North Centre.

"2. In the event that there is no judge of the court over which the chief justice of the province presides able or free to act as chairman of the commission the chief justice of the province shall, after consultation with the chief justice of any other superior court in the province, appoint a chairman from among the judges of that other court, but where for any reason no appointment of a chairman or of either or both of the two other members other than the representation commissioner is made within the time provided therefor by this act the Chief Justice of Canada or in the event of his absence or incapacity the senior puisne judge of the Supreme Court of Canada shall make the appointment or appointments from among such persons resident in the province as he deems suitable.

3. A reference in subsections (1) or (2) to the chief justice of a province, includes a reference to the acting chief justice of the province or any