

Electoral Boundaries Commission

to the extent there is any possibility of removing any doubt as to the permanent objectivity of certain decisions, we should act in a way to remove such doubt.

Mr. Churchill: Who is in doubt?

Mr. Favreau: I agree with the words uttered by the hon. member for Winnipeg North Centre to the effect that not only must justice be done, which we know would be done if the Prime Minister and the Leader of the Opposition appointed those people, but throughout the country it must be apparent and obvious that justice is being done, and this is precisely what this type of amendment will do. Because I am a new politician and still quite earnest in this field, I take this opportunity to note how useful are these discussions in committee. I think it is all to the credit of parliament and our parliamentary institutions that we should be able, in the way that we do, to exchange ideas and suggestions and to agree to accept suggestions emanating from any party on the occasions of these discussions in committee. These discussions go a long way toward asserting what we are trying to assert continuously, the triumph of democracy and the reflection of the deep thinking of all the people of the country in our legislation.

If an amendment such as the one which has been suggested is accepted I think we will have gone a long way in that direction. It does not mean that the government was wrong. The government suggested a formula which it thought was right. One which in my view is better and more flexible is now suggested, and there is no reason why we should refuse it. I know the vote will be completely free. I am speaking for myself at present but these are my views. If the amendment should be accepted I would suggest to the hon. member for Winnipeg North Centre that he might want to introduce certain amendments in it. For instance, instead of limiting the power to appoint or to choose to the chief justice of the province I think it might be appropriate if there were a reference also either to the associate chief justice, a position which exists in certain provinces, or to the acting chief justice so as not to limit the appointment power at any given time. When appointments are to be made the chief justice might be absent or sick or incapacitated for some reason.

Second, may I suggest that if the amendment should be accepted it should also be modified so as to provide for the choice to be made not only from the court over which

[Mr. Favreau.]

the chief justice of the province presides, which is usually the court of appeal, but also from any court of superior jurisdiction with authority within the province. For instance, in the province of Quebec, as is the case in Ontario and most other provinces, the chief justice of the province is the chief justice of the court of appeal. The number of judges of these courts is limited to six or seven or eight. If the power to choose were widened to allow the chief justice to choose from among the justices of any court of superior jurisdiction within the province you would have a much broader field from which to choose. There might be a provision in the latter case, of course, for the chief justice of the province to consult with the chief justice of any such court of superior jurisdiction from whom a judge would be chosen. These are my views and they are very respectfully submitted to the committee.

Mr. Lambert: Mr. Chairman, we have heard a delightful exercise in tightrope walking by the Minister of Justice in trying to establish some kind of logic in respect of the government's, *volte-face* in this regard. I say this because we know what their position was, and their stand was such that the Minister of Transport even went to the extent of having the bill printed a second time with these provisions. Now we have certain amendments put forward by the hon. member for Winnipeg North Centre and I want to consider them in some detail. I do so because I think there is some defect, particularly in subparagraph (a), in that those named are all provincial officials. How on earth we can direct the chief justice of a province to pick one of a number of judges of his court I do not know.

An hon. Member: Require.

Mr. Lambert: Definitely. It is a named class. Later on we see that there can be no more than one from the class enumerated in paragraph (b), so in the case where a provincial government prohibits any of its officials from assuming the duties under paragraph (a) we then have a direction that the chief justice may pick anyone that he sees fit. Why not say so simply in the first place? To me subparagraph (a), with the restrictions imposed upon it by the proviso in subparagraph (b), is nonsense, and really what you have is a direction that the chief justice may pick anyone.

After all, in some of the provinces the chief electoral officer is the clerk of the legislative assembly and it is quite apparent to me that many provincial governments will not have the clerk of their legislative assembly involved