

Government Orders

study and review Canada's acts and legal rules, while the proposed commission will study and review Canada's law.

The former commission was set up to eliminate anachronisms and flaws in the law, while the proposed commission will provide advice to eliminate the rules of law which have become obsolete, as well as the flaws in the law.

The former commission was to develop new methods and concepts related to the law, while the proposed commission will provide advice to develop new legal perspectives and concepts.

It is six of one and half a dozen of the other. We were told that justice department officials worked on this legislation for two years. It is unthinkable that they would have spent so much time to come up with this result. The only new element proposed by the minister is the commission's advisory body, which will include 24 members. The minister wants to bring back to life an organization which should not be revived.

The reasons the previous government disbanded the former commission are essentially the ones for which the Bloc Quebecois cannot now support such a waste of public money. The previous government had come to the conclusion that the services provided by the former commission could be adequately obtained by transferring to the justice department the responsibility of commissioning research work from non governmental organizations, under specific mandates. The Minister of Justice and his department were to seek the opinion of researchers and professionals on a factual basis. Consequently, the Law Reform Commission was disbanded and the resources to be kept were transferred to the justice department.

Interestingly, that department currently has a division called the Law Reform Division. This division was formed after the old commission disappeared. The financial resources of the former commission were therefore added to the budget of Justice. The division had an budget of \$1.5 million the first year and \$2 million the next. At the present time it has three full time employees and one part time.

The minister wishes to create a new commission when there are already competent staff in place capable of meeting the government's requirements. The law reform division does a good job of carrying out the task for which it is intended. The minister can very readily mandate this law reform division to carry out all projects focussing on orienting or reforming Canadian law or to seek innovative solutions to endemic problems. Ironically, in May 1994 it was this division which assumed responsibility for distribution of a questionnaire to 884 individuals or organizations concerning the creation of a new law reform commission.

The department got back 126 responses to its mailing of 884 questionnaires. So much for the extensive consultations referred to in the preamble to the bill.

The minister would have us believe that his commission will be independent in nature. This is clearly indicated in clause 3, which states as follows:

The purpose of the Commission is to study—the concepts—of the common law and civil law systems—with a view to providing independent advice on improvements, modernization and reform—

This is total nonsense. The partisan character of the process to appoint the five commissioners is obvious. These positions are clearly rewards for good and faithful service. The five commissioners will in fact be appointed by the Prime Minister on the recommendation of the Minister of Justice. It goes without saying that these commissioners will be paid royally. Certainly, the annual commission budget is evaluated at \$3 million. As well, the commissioners' appointments will be during pleasure, in other words they can be dismissed if they are found unsuitable and do not toe the party line.

• (1025)

After appointment, the commissioners will in turn appoint the members of the advisory council. There will be 24 of them, and they also will hold office during pleasure.

These 29 persons will therefore make up the Law Commission of Canada. With 29 partisan appointments, the Minister of Justice is setting up his own fan club. To be a member, all you have to do is be in the good graces of the Minister of Justice and be willing to go through three million dollars a year. This will be a fan club of intellectuals philosophizing on legal niceties. They will be so disconnected from reality that the Minister of Justice will not take long to realize his error and will put an end to this nonsense.

In looking at the reasons the old commission was dissolved we can understand why there ought not to be another. The old one was strongly criticized by the office of the Auditor General of Canada in the House. In 1985, it carried out an in depth analysis of the operations and administration of the defunct commission. In his report, the auditor general was critical of the commission's project management.

The following is very illuminating: "Since 1972, the commission has not revised its original research program or submitted a supplementary or a second program, despite extensive changes in its work. Also significant delays have occurred in carrying out its research program and significantly more resources have been committed to it than were envisaged in 1972. For example, none of the estimated completion dates was met, and many of the original projects are still in progress 10 years after their originally stated completion dates".