

Supply—Privy Council

We are ready to fight poverty because the objective of all those pilot programs is to try to fight poverty but, while doing that, we must not rob our neighbour. We admit that this fight against poverty is justified, but we also admit that the rights of the provinces must be protected. If those pilot programs limit in any way the rights of a province, I say that we do not have the right to enter those fields which do not concern the federal government at all. To say the truth, we spend half the time of the house working in provincial fields and do not have enough time to solve the federal problems.

I think that the federal government would do a lot better if it worked seriously in fields which come under its own jurisdiction and left the provinces free to do their work. Besides, the repercussions of the pilot programs advocated by the federal government can be felt practically everywhere. I know some federal pilot programs which are only political programs created to find a place for some politicians who worked well for the party. Why not think instead of pilot programs with truly social objectives and free from politics?

If we really want to fight poverty, let us start first by respecting the rights of the individual and then help those in need without any political motive.

[*English*]

Mr. Baldwin: Mr. Chairman, I want to say a very few words with respect to a matter adverted to by the hon. member for Roberval and also by the Leader of the Opposition. I had intended to make more extensive remarks but much of what I had to say has already been put to the committee by these hon. members. I wish to speak about royal commissions, the extent to which judges should be used as chairmen of such bodies, and the use to which royal commissions should be put.

I believe that the judiciary, like Caesar's wife, must be completely beyond reproach. Anybody who has had any connection with the administration of law and has felt the awesome solemnity of the courts will understand that not only is a judge an individual, but he represents the majesty of the people in administering the law which has been enacted both by this parliament and provincial legislatures. In his capacity as judge he is not merely a former member of the bar or an individual, he is the agent of the people who have entrusted to him the administration

of the law according to rules which have been laid down over the centuries. Far back in the dim and misty past these laws were handed down. They have been improved upon and entrusted to the judiciary.

I think that we should give the utmost care to the use which is made of judges on royal commissions. There are occasions when it might be useful. One looks back to some of the great royal commissions of the past such as the Rowell-Sirois commission and the Macmillan commission on banking. In our time too there have been some notable royal commissions.

It is also interesting to note that some very useful royal commissions have been headed by those who are not members of the judiciary. I think of the Glassco commission, the Gill commission of inquiry into unemployment insurance, and the MacPherson commission on the railways. Although that commission was originally headed by a former judge, during the greater part of its very useful and active life it was headed by the late M. A. MacPherson, a very great and eminent Canadian recently deceased.

• (12:50 p.m.)

In his knowledge of railway law and economics and of freight rates and transportation he was unequalled by any person in Canada.

It is desirable and possible in many instances to have royal commissions composed of people who are not members of the bench. If you have a royal commission composed of several members it may be that a judge or former judge, with his experience and knowledge of the law, with his training in distinguishing and discerning the quality of evidence, with his ability to decide what is and what is not correct and to apply the rules of evidence, would perform a very useful and essential function as chairman of that commission. One cannot disregard the possibility that there may be occasions when a judge might be utilized in connection with a royal commission.

Royal commissions, it seems to me, both federally and provincially are a coinage which has been debased in recent years. The purpose of a royal commission is usually to inquire into matters affecting economics which, because of their complexity and because of the length of time it would require to deal with them, could probably not be disposed of as well within the parliamentary system.