

Electoral Boundaries Commission

the boundary commissions, except that in 1958 the government of that day saw fit to remove the registrar general and the director general of ordinance survey from membership on the commissions and make them officers of the commissions, in other words the technical experts. Also in 1958 they named a judge as deputy chairman of each commission.

That is the practice in a country which is politically mature, and both the Labour party and the Conservative party have agreed with that method. They have been content to have members of the boundary commissions appointed by the government of the day. Why do we have to withdraw from a system like that which has proved itself successful in England? Why do we have to get this watered down version that is proposed in the amendment put forward by the hon. member for Winnipeg North Centre?

Mr. Pickersgill: So that it will be on record at this point, will the hon. gentleman permit me to ask him if he would feel it satisfactory if, by the terms of this bill, the other two members were appointed by the government of the day?

Mr. Churchill: It is not suggested in this bill and I am not suggesting it now. Frankly I do not think it would make a great deal of difference, because most people appointed to responsible positions in this country conduct themselves in a responsible fashion. I know the Minister of Transport just threw that in as a little diversion.

Mr. Pickersgill: No. The hon. gentleman had commended the British practice where two of the commissioners are appointed by ministers of the crown.

Mr. Churchill: My point was not so much that they are appointed by the government as that they are appointed by political parties, which is the objection raised by the hon. member for Winnipeg North Centre, but I like the present provision in the bill whereby the prime minister and the leader of the opposition have the power of appointment.

The Deputy Chairman: Order. It being one o'clock I do now leave the chair.

At one o'clock the committee took recess.

AFTER RECESS

The committee resumed at 2.30 p.m.

Mr. Woolliams: In reference to the debate this morning I wish to make it very clear

that I am against the amendment. I am sure the minister expected that I would be against it. I want to tell the committee why I am against it. In the second place I wish to refer to the question I posed to the minister before the recess. He circumvented it so well and expressed himself in so many words that unless I read, tomorrow, what he said I am sure I shall not be able to comprehend him, and neither would anyone else. And even then I doubt whether we shall be able to understand him.

As to the amendment, I should like to congratulate the two supporters of the government, in particular the hon. member for Vancouver-Burrard and I should like to incorporate the argument they put forward. First of all, let us remember we are asking the chief justice, under this amendment, to make certain appointments to the commission from among certain classes of people. Now the chief justice of a province is the highest judge in that province. Not only is he head of the courts but he is head of the judiciary in the province. He is appointed to that position not only because he is learned in the law but because he is a man of many parts, able to get along with his brother judges and with people generally; a man with experience of public relations, able to understand humanity and its workings. One of the fundamental things about the judiciary is that it must at all times maintain its independence. It must be completely independent of politics. It must be above prejudice. To ask a chief justice to make certain appointments which are bound to be somewhat political in their nature, whether we like it or not, is to put him in the position of making political appointments. We are shirking our responsibility, if we do so—either our responsibility for setting out clearly in the statute who we want to appoint, or the responsibility for making the appointments ourselves. In Canada the judiciary has been above reproach. The traditions of our bench have no doubt come down the ages from Britain and the common law of the Anglo-Saxons. It is on this basis that I say we should not place the chief justice of any province in the position contemplated by the amendment.

In the second place, we are lucky to have in Canada at this time—and I see him seated in the gallery, now—one of the most able chief electoral officers it would be possible to find.

Some hon. Members: Hear, hear.