

Bankruptcy Act

to deal with the measure without its being submitted to a committee would be most difficult, if not impossible.

I think mention should also be made of the fact that while on occasions we hear criticism of the other place and its failure to act to the legislative extent of which it is capable, having regard to the ability and experience of its membership, this bill indicates the debt that our country as a whole might owe to the other place if it were given a larger measure of responsibility as a factory for legislation. The bill was considered in the other place by a committee for a period of some three weeks, and the improvements that have resulted in consequence of the work of an able committee of the other place are obvious on even a casual examination of the amendments and suggestions embodied in the bill as it has come to this house. I repeat that I believe what the other place did concerning this complicated legislative subject might well lead the government to place various other statutes, to which I could make reference, before the other place with a view to having them revised, their anomalies removed and the draftsmanship improved.

What has been done in this case underlines the need for an early revision of the statutes as a whole. I realize that work is now being done on that revision, and it cannot be hastened too much. With no revision for a period of twenty years, my hon. friend will agree that the statute law of Canada today is in a position of uncertainty, and often of actual disorder. I think that no greater work could be done, during the period that the hon. gentleman occupies the high position of Minister of Justice, than early completion of the revision of all statutes, and also an early report to parliament by the commission on the revision of the Criminal Code.

Mr. Carroll: Hear, hear.

Mr. Diefenbaker: I appreciate the support indicated by the hon. member for Inverness-Richmond (Mr. Carroll), who has a long and distinguished record of service on the bench of this country. If there ever was a time when assistance could be given by the other place, it is now in connection with the work being done by the commission set up for the purpose of revising the Criminal Code. Indeed I suggested on two or three occasions that, having regard to the ability of all members of the legal profession in the House of Commons, they would have been only too happy to have an opportunity to serve on a select committee of the house to deal with recommendations for revision of the Criminal Code. Such a committee would not interfere in any way with the work being done now by the commission, but there could be placed

before it such provisions as the legal members of the house from their experience might believe it to be desirable to embody in the Criminal Code.

Before I sit down I want to say one further word. The step that has been taken of submitting the Bankruptcy Act to a committee of the other place will, I hope, be a precedent, so as to enable outstanding members there to make the contribution to the jurisprudence of Canada they are qualified to make and would be only too glad to make if they were given an opportunity to do so as they were in connection with the measure now before us.

Mr. Donald M. Fleming (Eglinton): There are two points I should like to raise. Happily this is one occasion on which the length of the debate on second reading can usefully be directly in inverse ratio to the length of the bill.

First of all I should like to deal with the principle of the bill. My understanding of the principle, which presumably will be affirmed when the bill is given second reading, is that the Bankruptcy Act should be revised. The principle is just as broad as that. It is not that the act should be revised with a view to facilitating the five immediate purposes that the Minister of Justice (Mr. Garson) cited. In other words, when the bill goes before the banking and commerce committee, as one member of that committee I should like to feel that there is no limitation on the opportunity of members of that committee to put forward any suggestions they may consider profitable for the revision of the Bankruptcy Act in any particular.

I think this is a matter of importance at this stage, because it would be unfortunate if any ruling should be made in the committee dealing with the Bankruptcy Act as to the nature or extent of the principle of the bill agreed to on second reading. Therefore I ask the Minister of Justice if he will give the assurance that the principle of this bill is that the Bankruptcy Act should be revised, and that it is just as broad as that.

The second point I should like to make is this. It has to do with the task that will confront the standing committee on banking and commerce. I join with my colleague the hon. member for Lake Centre (Mr. Diefenbaker) in the tribute he has paid to the work that has been done on this measure in the other place. Nevertheless I think the banking and commerce committee of this house will have to undertake an independent review of the measure.

It is unfortunate that the measure comes before us at such a late stage in the session. The members of the house are carrying an exceedingly heavy load at the present time;