

*Law Reform Commission*

prosecution for deviations, some will feel the pinch of society more than others. But it should not be forgotten that they may feel the pinch because they prefer less rather than more liberty, and more rather than less order. A civil association allows for a great variety of pursuits and enterprises, but the variety cannot be infinite. No community can renounce all limits without renouncing civilization.

Mr. Justice Hartt, in his interview on the philosophy of the Law Reform Commission, seemed to indicate an understanding of these words and also the wider dilemma that society faces. Surely, one of the tasks facing the commission is to remind us that any attempt to escape from uncertainty by what I might call decontaminating the law from morality will certainly destroy the law itself. I hope this bill will go forward quickly, and I hope that the minister, when he is making the appointments, will remember his western heritage.

**Mr. Andrew Brewin (Greenwood):** Mr. Speaker, I do not see much reason to detain the House for many minutes on Bill C-43. To put it mildly, the bill is not earth-shaking. As I understand it, it proposes to substitute for two full-time and two part-time commissioners, three full-time members of the commission. I think this is obviously an improvement. I am not talking about the personalities of those who occupied the position of commissioner in the past, but it seems to me to make sense that one full-time commissioner could contribute more than two part-time commissioners. So that so far as this bill is concerned, I have no quarrel with it and I do not think we need to spend too much time on it.

However, I do want to make some general observations about the subject of law reform and particularly the Law Reform Commission. I remember well when the predecessor of the present minister, now the Minister of Finance (Mr. Turner), introduced this bill with a good deal of enthusiasm and zeal and that feeling was reciprocated in all quarters of the House. The mood then was for reform, and we believed that the Law Reform Commission would be an instrument for substantial, real and meaningful changes in the laws for which parliament is responsible. That mood was accentuated when Mr. Justice Patrick Hartt became chairman of the commission.

As I say, the then minister of justice exuded enthusiastic zeal. But I ask, four years later, what has transpired as a result of this commission? Certainly, reports have been made, many of them excellent. I must say I have not read all of them, but the ones I have read are first-rate. There are at least four detailed reports containing recommendations for action. I ask the minister—perhaps he can answer me at this stage—to tell the House what legislation has resulted from this, what single recommendation has been made part of the law of this country by reason of the Law Reform Commission? I suggest that there is something very wrong when four years after the commission was created the net results, in terms of actual legislation, are completely absent so far as I can see. The report, the terms of reference, the act referred to modernization, improvement and reform. The reference was to new approaches and new concepts.

I am not complaining about the commission itself, but where in the House have we seen any evidence of improvement, modernization and reform of the law? Where are the new approaches and the new concepts? I ask, who is responsible for this? I suggest to the House

[Mr. Fairweather.]

that it is perfectly obvious who is responsible. It is the minister responsible for the administration of this policy, and the department. They show no enthusiasm for the whole process of law reform.

We have had reports on criminal law and evidence—that was one of the major products—and we have a working paper on that subject. One working paper deals with giving a person the right to what is called “discovery” in legal terms; that is, to know in some detail what case is being made against him. But where is the legislation? When will we have the legislation that will give this protection to people who are caught up in the toils of the law?

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The commission is looking into the field of family law. Despite the changes that were made in 1968 which advanced the law of this country from the 1870s up to the equivalent of the law in Great Britain in the twenties—I may have my dates wrong—we did not accept the opportunity at that time for civilized divorce laws based upon up to date concepts of marriage breakdown, throwing away all the old stuff about marital offences as the basis of our divorce laws. We still have not done anything about it because there is no real concern. It cannot be said that we need time to do these things, because the Ontario Law Reform Commission has made many excellent reports on a large number of them. I do not often praise the Ontario government, but many of their recommendations have been enacted into law, and I hate to see this parliament lagging behind.

Mr. Speaker, there is nothing wrong with this bill, but I should like to put a fire under the minister and get some action on law reform in the very near future.

**The Acting Speaker (Mr. Penner):** Order, please. Before recognizing the Minister of Justice (Mr. Lang) it is my duty to inform the House that if the minister speaks at this time, that will conclude debate on this stage of the bill. Is that agreed?

**Some hon. Members:** Agreed.

**Mr. Lang:** Mr. Speaker, I will be very brief. I simply want to respond to a number of points that have been raised. I can assure the hon. member for Fundy-Royal (Mr. Fairweather) that, in accordance with his suggestion, we will take regional considerations into account when appointing the next member of the commission and will remember the need for somebody from western Canada on the commission—always wanting, of course, to find the best possible commissioner for any vacancy that might exist.

The hon. member for Greenwood (Mr. Brewin) expressed a desire that we should move rapidly as a result of the work of the Law Reform Commission. I think he is being a little unfair, because at this point we have no final reports from the commission but only working papers which are meant to be discussion documents. If we were to work at full speed on these and moved to implement changes, we would be in advance of what the public and the interested parties want.