

Judges Act

the party which now forms the government or my own party, have been very conscious of the importance of attracting the best men and women to the bench—the best that were available. I think the court has excelled itself with the federally-appointed judges, which is what we are talking about now. They have excelled themselves and excelled even the expectation of some of their staunchest supporters in their sense of fairness, justice, impartiality and in the unbiased attitude which they have brought to their work. I do not think there is anything terribly wrong with our process. I do not think there is anything wrong with the minister of justice consulting with the Canadian Bar Association. And I say “consulting” the Canadian Bar Association. I do not think there is anything particularly wrong with the minister of justice consulting the community in which the judge has practised before being considered for an appointment. I think that is appropriate. It is like everything else, it is a judgment call which the minister of justice makes when the invitation is put forward or an application to serve is accepted. I think that kind of discussion must go on.

The fact of the matter is our system has thrown up some fine judges. Our system has also thrown up judges who were not so fine. There used to be a story that every time I lost a case I always thought there was something wrong with the judge and when I won a case I thought the judge was a fine man, that he had a wonderful legal mind. In any event, our system has thrown up some pretty good judges. It is a fine judicial system which ranks with the best in the world. We want to make sure it continues to rank with the best in the world.

Mr. Peterson: Liberal appointments.

Mr. Baker (Nepean-Carleton): The hon. member missed the implication of what I said just a few minutes ago or he would not have interjected in the way in which he did.

It is exceedingly important that we have the best of the Bar come to the bench. It is in that respect that I commend the Minister of Justice. I commend his predecessors on both sides for the appointments they have made. Unfortunately, we did not have an opportunity to make as many but that was because of the time constraint. I hope that will be remedied as time goes on.

There is one other aspect of the bill which concerns me. I believe the judicial function is so unique that it ought not to be linked with respect to salary or with any other function. I notice the bill includes the Chief Electoral Officer, the Official Languages Commissioner, the Auditor General and other officials who do a great job, but their jobs are different from those of the judges. I think we must deal with them in a separate way. The member for Edmonton West (Mr. Lambert) commented with respect to an independent commission based on the Australian model with respect to the matter of salaries for judges, members of Parliament, senators, senior public servants and others. I think that is something the government should consider. I want to tell the ministers who

are here that it is what we were considering when we were in government. I think it is worth while doing it.

Mr. Speaker, I do not intend to take up too much time but I felt, as a member of the Bar, and as a member who feels very strongly about the important responsibility which falls upon a government with respect to the appointment of judges, that I ought to speak in the course of this debate. I want to thank hon. members for the attention they have paid to what I have said.

Miss Pauline Jewett (New Westminster-Coquitlam): Mr. Speaker, the part of the bill I would like to begin addressing this afternoon, and which I will address at some other time since there are only five minutes left, is the part relating to the provision for 20 additional judges. It occurs to me how desirable and necessary it is that those 20 should be women. This bill gives us a good opportunity to start this process.

Mr. Knowles: It will still be a small minority.

Miss Jewett: Indeed, it would still be a small minority. There are now 657 federally-appointed judges in this country.

Mr. Pinard: Mr. Speaker, I rise on a point of order. It is not often that we ask that the rule of relevancy be applied. But there is an amendment on the floor which is asking to send a subject matter to committee. The hon. member wants to speak about the number of women judges to be appointed, which is fine with me. Maybe we could agree to dispose of the amendment now and then speak on the second reading, when it would be more relevant for the hon. member to speak about the number of women among judges. Everyone knows, Mr. Speaker, that the kind of amendment which is proposed is a pure dilatory measure. It has nothing to do with the seriousness of the subject matter to be studied in committee. In committee we can look at the bill clause by clause and discuss every aspect of it, including pensions. I would like the record to be clear, that this kind of motion is a dilatory measure. If not then—

Miss Jewett: They do not want women in the courts, that is all.

Mr. Pinard: —then the hon. member would not object to proceeding in the way I suggest, namely, that we dispose of the amendment and then come back on second reading when she will have the opportunity to make her point. That is the point of order I wished to raise, Mr. Speaker.

Mr. Knowles: I am sure that my good friend, the President of the Privy Council (Mr. Pinard), would not expect me to remain silent in the face of his point of order. A week or so from now he would not be talking that way, he would be wishing us all a merry Christmas.

Whatever he may think is the purpose of the amendment, I say to him that we feel very strongly about the things which are in the bill. We think they should be discussed in the terms of their subject matter rather than in terms of being passed at second reading.