

Federal Court Bill

official reports of the decisions of the court. At the present time the law is wholly silent with regard to the publication of the official reports of the Exchequer Court of Canada, and I have concluded that steps should be taken to provide new procedures for the publication of these reports. To this end, the bill will permit a person holding the office of Attorney General of Canada to appoint an editor and a committee of not more than five persons to advise the editor on the publication of the official reports of the court. The bill expressly provides that each decision reported in the official reports shall be published in both official languages.

• (4:00 p.m.)

In conclusion, Mr. Speaker, may I refer to one other provision of the bill which provides that judges appointed after the coming into force of the act will cease to hold office upon attaining the age of 70 years. Consequential changes are to be made in the Judges Act, including those provisions that provide for judicial annuities or pensions.

Although it is recognized, particularly in the atmosphere of today's House of Commons, that views differ in relation to the proper compulsory retirement age of judges, and while it is recognized that exceptional men perform important and useful judicial services after the age of 70 years, it is, I believe, generally felt that we should not in this matter legislate for the exceptional, of whom there are no doubt many, but that we should seek to find the rule that will in its application substantially favour and improve the administration of justice in this country.

This change in the law can be made without any constitutional amendment since we are not dealing here with judges who were appointed pursuant to section 96 of the British North America Act. Hon. members will doubtless remember that in 1960 an amendment was made to the British North America Act to provide for the retirement of provincial superior court judges at age 75. Before that amendment the only retirement was the grave. Although a few questioned the wisdom of that change in the constitution, and although some may question the change in judicial retirement now proposed, I am of the view that this change represents an important step in the right direction.

If this House moves the bill forward, I am sure that the Standing Committee on Justice and Legal Affairs will want to study its provisions very carefully. It is a complicated

[Mr. Turner (Ottawa Carleton).]

piece of legislation that involves fundamental changes in structure, fundamental extensions in jurisdiction, and makes what I believe is a very important advance in the public administrative law of this country.

I have had the benefit of consulting a number of leading practitioners and academics in law schools who are familiar with the practise of law before our administrative tribunals and the general principles that I hope to introduce in this bill. In addition, I have through the courtesy of the Canadian Bar Association, who allowed me to use their Addressograph facilities, sent out a mimeographed letter to all 13,000 members of the Canadian Bar Association asking them for their comments.

Mr. Douglas (Nanaimo-Cowichan-The Islands): Not advice?

Mr. Turner (Ottawa-Carleton): For their comments.

Mr. Douglas (Nanaimo-Cowichan-The Islands): You would be charged if you asked for their advice.

Mr. Turner (Ottawa-Carleton): I am using the absolute privilege of saying that there is no charge attached to any of my words. As the hon. member for Greenwood knows, I did a similar exercise in regard to the expropriation bill. Some 1,200 lawyers asked for a copy of the bill; 400 replied, some in quite significant detail on technical aspects of the bill that perhaps we had not anticipated. There were significant improvements made in the expropriation bill as a result of lawyers across the country writing to me or to some of the members of the standing committee. I hope the same benefit of the advice of the profession can be given in a technical way to this bill.

Again, I believe that this is a further step toward balancing the rights between the citizen and the state, providing some sort of recourse against bigness, remoteness, alienation, distance from the decision-making power. I believe it will give the average citizen the power to enforce his rights against the government and against the structures that government sets up.

This is not the final step by any means. I hope that when this House has the opportunity to consider the report of the hon. member for Windsor-Walkerville (Mr. MacGuigan) on statutory instruments, Parliament will have a permanent basis for reviewing regulations made pursuant to statutes.