

*Judges Act*

• (4:30 p.m.)

**Mr. Deputy Speaker:** When shall the said bill be read the second time? By leave, now?

**Some hon. Members:** Agreed.

**Mr. Cardin** moved the second reading of the bill.

**Mr. Reid Scott (Danforth):** Mr. Speaker, I wonder whether the Minister of Justice (Mr. Cardin) is prepared to respond to the representations we have been making this afternoon regarding the setting up of some consultative machinery for the appointment of people to the bench. I would have risen earlier but I had assumed that the minister would respond.

**Mr. Deputy Speaker:** I should point out to the house that if the minister speaks now he will close the debate.

[*Translation*]

**Hon. Lucien Cardin (Minister of Justice):** Mr. Speaker, first, I should like to thank hon. members who took part in this debate which I found most interesting because suggestions were made that will prove quite useful to me, in my capacity as Minister of Justice, and could make my task easier.

I do not think that there is much difference of opinion about increasing the number of judges in this country. The increase in our population naturally requires that we have a greater number of judges than we have now and that they be in a position to administer justice efficiently throughout the different provinces.

[*English*]

I do not think there has been too much difference of opinion, Mr. Speaker, on the basic point in the bill before the house, which is to increase the number of judges in the different provinces concerned. As hon. members realize, there have been delays in the hearing of cases and delays in bringing down judgments for no other reason than that there has been an insufficient number of judges able to perform this important work in the provinces concerned.

However, I think it should be noted, though most hon. members do realize this, that the number of judges in any province is determined by the provincial authorities, not by the federal authorities. So far as the government and the Department of Justice are concerned, we are always willing to increase the number of judges requested by the various provinces.

[Mr. Cardin.]

One problem which has arisen and is causing some difficulty to the Chief Justices and the Attorneys General of the different provinces is the increasing number of inquiries and commissions which require the presence of sitting judges. This disorganizes the arrangement of the work by the Chief Justices for the different court terms. I and my predecessors have in the past been trying to work with the Chief Justices and Attorneys General in order to work out a plan whereby these inquiries can be carried out without disrupting too much the work organized and planned by the Chief Justices, and these arrangements are working out fairly well.

I was rather surprised that more stress was not placed by hon. members on the salaries of judges. Every one who has spoken has mentioned the need for the best possible calibre of judge available and I think that the salaries of judges are one important aspect which members of the house should consider.

It is true, as has been mentioned, that there have been representations made by the Chief Justices of the different provinces to the Minister of Justice regarding an increase in the salaries of judges so that they may be able to have that standard of living and prestige which we as Canadian citizens would wish them to have. I may say that very serious study has been given and is being given to adopting a system whereby an increase in the salaries of these judges will be favourably considered.

One of the burning questions which has been brought up concerns the appointment of judges. As hon. members can easily see for themselves, there are two different schools of thought on this matter. I do not agree that in the past the judiciary has been affected by the method of appointment which has been followed. I do not agree that the judges are not independent. Some hon. members said that you only have to ask a judge to find out whether or not he would rather be named independently but those to whom I have spoken, and I have spoken to a good many, are completely independent of any political party and their judgments on the bench have likewise been independent.

Nor do I think that we have to be ashamed of our judiciary or of our method of appointing judges. Our record in this country has been as good as, if not better than, any other country in the world so far as the judiciary is concerned. I am not saying it is perfect. What I am saying is that it has been good and that we can be well proud of it.