

*Judges Act*

I think that the federal Minister of Justice should, during meetings of the attorneys general of the provinces, bring the provinces to understand that Superior Court judges should not accept functions other than those to which they have been appointed by the governor in council or by the minister himself. Indeed, when one, two or three district judges are assigned to pseudo-judicial matters, the whole organization, the operation of justice of the province changes immediately in the areas to which those judges were formerly assigned. The backlog of cases to be heard can be blamed on the fact that, often, with the agreement of the Minister of Justice—not the one we now have but some of the former ministers—judges of the Superior Court were loaned to the provinces for an indefinite length of time to study matters which do not fall within the jurisdiction of the courts or justice, but which are really pseudo-judicial.

The Minister of Justice must, when he meets the provincial attorneys general, tell them very clearly that in the future, when the provinces or even the federal government, need someone to preside over an inquiry, they must appoint an expert in the field concerned, swear him in for the duration of the inquiry and give him the powers enabling him to have the same prestige and the same authority as Superior Court judges. To my mind, this would not affect the administration or organization of our courts of justice.

I insist on repeating what I have already said a few times in the house: it is imperative for the minister, our Minister of Justice, to impress upon the provincial attorneys general and the ministers of justice, that this practice must come to an end. Each time we want to establish a commission of inquiry in a province, a judge of the Superior Court has to be loaned for a period of three to four years.

Of course, Mr. Speaker, we are not opposed to the appointment of judges, as provided in Bill No. C-114. The hon. minister has just said that he had set criteria for choosing judges who would be appointed following his recommendation to the governor in council.

It is obvious that the first criterion which must guide the minister, when he chooses a judge of the Superior Court, is the latter's good knowledge of the law. At this stage, I would like to point out that even if, in the past—it may also happen in the future—the minister has appointed a judge who was once a politician, that was not a reason to come to the conclusion that he did not know the law.

[Mr. Asselin.]

On the contrary, very often he shows himself more human because of that.

I do not mean to say that the minister should eliminate a candidate who was involved in politics and who possesses the qualifications described by the minister a few moments ago. A competent man, an honest man, one who knows the law, has a good reputation as barrister and is capable of dispensing justice in a humanitarian way should be considered as a good candidate.

Before continuing my remarks, I should like to ask the minister a question. In his opinion, is the fact that a lawyer was once actively engaged in politics an obstacle to his appointment as judge? As was said earlier, perhaps that depends on the political affiliation.

**Mr. Turner (Ottawa-Carleton):** Mr. Speaker, a job in the public service is naturally not an obstacle.

**Mr. Asselin:** That is the answer I wanted to hear from the minister. The fact that a man served his country or his province, or that he was a civil servant, is not an obstacle if he possesses as well the basic qualities mentioned by the minister earlier.

One of my colleagues tells me that it depends on the political affiliation. I hope that when the minister makes his recommendations to the cabinet, he will be able to think of candidates other than those who have served in his party. There are people who have left parliament, who were members of political parties other than the Liberal party, and who are competent lawyers; it would be a gracious gesture on the part of the minister if we could see a few of those names on the list of judges that he will appoint under the legislation he has introduced.

There is also another problem, Mr. Speaker. It is very difficult in several cases, for the minister, to convince a judge who is ill to hand in his resignation, because he is unable to render the services expected of him. I am not talking about the judges on the bench at the present time, but in the past we all know that in order to remove from office a judge who did not want to resign, a petition of both houses was required, and it was a rather complicated procedure. Often the Minister of Justice is placed in a rather difficult position. I think that the minister should also consult the provincial attorneys general to devise a formula or to introduce new legislation so that three or four judges of the Appeal Court be empowered or have the necessary prestige to say to a judge: Your health makes it