

Judges Act

being full responsibility of Parliament at least at the final stages. We have no objections to an independent advisory board considering the concerns expressed by the judiciary on compensation and pensions, but ultimately Parliament must take its responsibilities. We will strenuously oppose any suggestion that the cabinet or the governor in council should have sole responsibility for implementing changes to the compensation of the federal judiciary.

We have been fortunate in Canada in having outstanding judiciary. I have only had the privilege of practising for a short time in British Columbia as a member of the Bar, but I stand here and say with pride that we in British Columbia—and I am sure this would be the case in the rest of Canada—have an outstanding judiciary, one of which all members of the bar are very proud. The chief justices of the Supreme Court and the chief justices of British Columbia are men who have very fine records as practitioners. As I say, certainly we are proud of the judiciary in the province of British Columbia, and indeed I know that other members speak with equal pride about the record of the judiciary throughout the country.

The judiciary plays a very important role in Canadian society, a role which is sometimes not given the recognition it should receive. As we know the federal judiciary—and I am speaking now only of the federal judiciary—handles a wide range of issues which concern Canadians including both criminal and civil matters. The federal courts handle matters such as the Income Tax Act, immigration questions and the supervision of various federal tribunals; that particular level of the judiciary is perhaps one of the least understood, yet one of the most important in Canadian society. As we know, Parliament has responsibility for supervising to some extent the compensation levels of judge and appointments to the Federal Court of Canada and ultimately to the pinnacle of our judicial system, the Supreme Court of Canada.

Many Canadian citizens do not appreciate the difficulties involved in being a member of the judiciary. It is important that Canadians respect and understand the vital role which members of the judiciary play in Canadian society. For example, one need only imagine the difficulty involved in properly charging the jury in a complex criminal case, covering every aspect of the charge carefully knowing that every word will be scrutinized by a court of appeal if the decision is appealed. Also one can imagine the great burden which is placed on a judge in considering the difficult and often vexing question of sentencing.

I should like to say a word or two about the whole area of sentencing because it is one of the most important obligations and responsibilities of our federal judiciary. When we talk about sentencing in the criminal justice system, it is fair to say it is absolutely essential that our federal judiciary should have a clear understanding and knowledge of exactly what is involved in the sentences they are imposing. Too many members of the federal judiciary, and indeed of the provincial judiciary, have an inadequate concept of the prison system of the country. I suggest it is incumbent upon any judges in the country whose task includes sentencing convicted criminals, to

have the obligation and responsibility to observe at first hand conditions in the Canadian penal system so as to be more aware of the kind of justice they are dispensing, in order to be more aware of the failure, in many respects, of the Canadian prison system, in order that hopefully, in considering appropriate sentences, they might look very carefully at alternatives to imprisonment wherever such alternatives are feasible. Certainly we will welcome the proposals which the Minister of Justice and Minister of State for Social Development (Mr. Chrétien) has promised for some time designed to make the opportunities for alternatives within the criminal sentencing system more appropriate. Those opportunities are presently lacking, but within the present sentencing system I think it is fair to say that our judiciary has not shown the kind of flexibility it should have shown. They must turn so readily to imprisonment but, in appropriate cases, they must consider alternatives such as restitution, the concept of community service, and the concept of fines geared to ability to pay.

Also, our judiciary must look at the concept of fairness in sentencing. I should like to give one example which was raised recently of inequity in sentencing. I know that our judiciary has by and large attempted to apply an even hand in the very difficult process of sentencing, but unfortunately when there are instances such as the one I am about to relate, it tends to bring the entire federal judiciary and its sentencing process into question. I should like to compare the sentencing process in the case of the late Clarence Campbell, on the one hand, and on the other hand, in the case of Jean-Claude Parrot. I quote from a column by Allan Fotheringham who dealt with this question. In the introduction to the comparison of these two cases, he said:

White-collar crime still pays. If you're going to break the law, for heaven's sake wear your best suit (not to mention your best lawyer) to court. The jails are full of grubby little men who do stupid things. They seldom are overflowing with those who do extremely clever, illegal things. Fiddling with large amounts of money is one thing, but if you really want to stay out of trouble, don't get caught stealing hubcaps.

The column in question went on to point out that Clarence Campbell was found guilty in February of a very serious offence involving an attempt to bribe a member of the other place, a member of the Senate, in return for assistance on a government contract. The trial judge at that time said that this was an affront to the fundamental values of Canadian society which must be denounced in strong terms. Well, what were those strong terms? Mr. Campbell received a token one day in jail and a \$25,000 fine. In fact, he served some five hours in jail and the NHL had already raised over \$50,000 to assist him with his legal fees.

● (2020)

In contrast, we have the case of Jean-Claude Parrot, leader of the CUPW who led a legal strike of postal workers which started on October 16, 1978. Three days later Parliament passed back-to-work legislation and Parrot, on October 25, sent his people back to work. He and four of his fellow officers were charged under section 115 of the Criminal Code for defying an act of Parliament. The maximum penalty is two years.