

GOVERNMENT ORDERS

SUPREME COURT ACT

AMENDMENTS RESPECTING APPEALS

Hon. John N. Turner (Minister of Justice) moved that Bill C-182, to amend the Supreme Court Act, as reported (without amendment) from the Standing Committee on Justice and Legal Affairs, be concurred in.

Motion agreed to.

Mr. Turner moved that the bill be read the third time and do pass.

Mr. John Gilbert (Broadview): Mr. Speaker, this bill can be classified as a housekeeping bill because the amendments, although they are important, are not extensive. I am sure that when the amendments have been passed they will greatly expedite the business of the Supreme Court. I read that last May and June there were between 48 and 50 cases listed to be heard in those two months. This indicates the weight of the work these judges must do.

I hope when the minister brings forth his next amendments to the Act he will adopt some of the suggestions that have been made to the effect that there should be an increase in the number of judges in the Supreme Court.

Mr. Knowles (Winnipeg North Centre): Are you available?

Mr. Gilbert: I might say that I am not available, nor am I volunteering. There has also been some criticism with regard to the distribution of the judges on the Supreme Court. I understand that three are appointed from Quebec, three from Ontario, one from the east coast, the Maritimes, and two from the west coast, making a composite of nine.

Mr. Turner (Ottawa-Carleton): That is from the whole west.

Mr. Gilbert: I have heard the recommendation that the number should be increased to at least 11 judges so that there could be a wider representation from the Maritimes and from western Canada. I hope the minister will take that into consideration when he next presents an amendment.

There has been some discussion as to whether certain types of cases should be referred to the Supreme Court, cases such as negligence cases, taxation cases and expropriation cases. These constitute a fair number of the cases before these judges. I hope when

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the minister is considering any amendments in the future he will take this into consideration.

With regard to negligence cases, I hope that the provinces will see the wisdom of compulsory automobile insurance and take those cases out of the provincial courts. I notice some of my legal friends winced when I said that. It is very important, Mr. Speaker, that justice be done. Justice will be more than done when these cases come under compulsory automobile insurance, and are taken out of the courts. They take up a great deal of time and sometimes the results are not too favourable to the people who have been injured.

My last point is probably the most important. I mentioned it briefly to the minister when the bill was before the committee. I refer to the necessity of a possible direction to the Supreme Court, by way of an amendment, permitting the court to take the sociological view with regard to constitutional questions. Studies in the past have shown that the judges closely follow the words contained in the constitution, and this has resulted in our laws being ineffective from a sociological point of view at times.

There is a great deal of legislation which is coming forth that impinges on the constitution. I think that the members of the Supreme Court should have some direction from the minister or they themselves should make a statement that they intend to follow the sociological view which incorporates the economic, cultural and sociological aspects of Canadian life. They have been tied too closely to the literal interpretation and to following precedents. If the minister does not deem it wise to make this type of amendment to the Supreme Court Act, I urge the Supreme Court judges to make a statement with regard to it.

I noticed that when welcoming the new judges to the Supreme Court the other day the president of the Canadian Bar Association gave a direction to the court, *ex cathedra*. He said he hoped they would not become involved in a sociological view. I want to say, as a member of the bar for Ontario and as the representative of the constituents of Broadview, that this is very important and should be done. It is done in the United States and I understand it is also done in England.

● (12:20 p.m.)

The Minister of Justice is very progressive. He has put some forward looking legislation on the Statute books of Canada. I look forward to the minister taking the initiative