number of courts and in part attributable to the election of a number of judges for supernumerary status. I am delighted by the calibre of the lawyers who have accepted our call to the Bench during this period, sometimes at considerable personal sacrifice.

In the course of these three years I have also had the privilege of working with the judiciary committee of the Canadian Bar Association, whose present chairman is Mr. Marcel Cinq-Mars, Q.C., of Montreal. Following a practice established by our Prime Minister (Mr. Trudeau) when he was justice minister, the names of persons under active consideration for judicial appointment are submitted to this committee for assessment as to qualifications for judicial appointment.

I should emphasize that the committee does not submit names, but comments on names which I submit to them. The committee is composed of lawyers from across Canada who, conscientiously and with little in the way of recognition or expressed gratitude, devote a considerable amount of time and effort to their task. In the end, of course, the responsibility for the quality of appointments must rest with the government, but the committee performs a valuable service and in my view has been of great assistance in maintaining in Canada a strong judiciary.

The Judges Act provides that a barrister or advocate must have at least ten years standing at the bar in order to be eligible for appointment. Judges are seldom appointed who have less then 15 years at the bar, and very often lawyers with 20, 25 or 30 years in practice are appointed. As a result, a lawyer is most often at the peak, or very much on the way to the peak of his or her career both in terms of effectiveness and earning capacity, at the time the judicial appointment is offered.

It is common for lawyers to take very substantial reductions in income by accepting appointments to the Bench. It is true that there are other attractions to the Bench. There is the aspect of security, which is a necessary incident to judicial independence, and a more regular, although in most cases not less arduous or demanding, work schedule. There must also be a certain attraction to finding that ones' colleagues, including both friends and foes, suddenly begin to treat him or her with respect and deference, at least in the courtroom.

However, there is also a tradition in the legal profession that when called upon to serve as a judge, a lawyer should not decline except for very good reasons. It has disappointed me on occasion since I have been Minister of Justice to encounter examples of lawyers with excellent qualifications for judicial appointment who were not prepared to let their names stand. While I would not like to see financial reward as the incentive to judicial appointment, lawyers should not be put in the position of having to sacrifice too much for themselves and their families in the way of a standard of living in order to give of their talents in a more public way as a member of the judiciary.

There are a number of specific factors related to income which should also be kept in mind. The Judges Act requires that judges devote themselves exclusively to their judicial duties, unlike other citizens who are permitted to supplement their incomes. Once appointed, a judge cannot easily return to the courtroom as a barrister, and in some provinces this is expressly prohibited. The recent final report of the CBA special committee on legal ethics also contains such a prohibition which is applicable to chambers' work and appearances before administrative boards and tribunals as well as court litigation. Since most judges are recruited from the ranks of barristers, a return to practice is usually effectively foreclosed.

I have considered it desirable, very often, to see younger judges appointed. The addition of vigorous, young lawyers to a court can often infuse newer ideas and approaches. However, this means that many of them will not have had the number of good earning years of a lawyer who is appointed much later in life. Finally, we must compete with the provinces for lawyers for appointment to the Bench.

It is a fact that in some provinces, persons appointed as magistrates or provincial court judges now receive salaries which are greater than those of country court judges by 25 per cent and more. In the past three years, the salaries of federally-appointed judges have fallen substantially behind those of persons in other comparable categories. This problem is compounded by the rapid increase in the cost of living experienced in recent times, and in the earnings of members of the legal profession from whose ranks new appointments of judges must be made.

Furthermore, the rate of annuities payable to widowed spouses of judges has remained fixed, since 1944, at two-ninths of salary, which by today's standards is below the norm of many, if not most, other such pensions. It is essential that both salaries and pensions be raised to levels which will attract to the Bench the best qualified members of the legal profession. While this does not mean that judicial salaries as well as retirement and death benefits should be fully competitive with the incomes that can be earned by the more successful members of the bar, it is important that they be substantial enough to attract adequate numbers of the very best class of practitioners. They must also be commensurate with the position of the judge in society, recognizing his or her importance as a member of one of the principal and key elements in our governmental system. Finally, they must be sufficient to ensure the judge's independence, providing him or her with a measure of real economic security.

● (1530)

The provisions with respect to annuities for the widowed spouses of judges and retired judges is of even greater importance to many judges than the salary provisions. At the present time, the Judges Act provides for a non-contributory annuity payable to a spouse upon the death of a judge of two-ninths of the salary of the judge at the time of death. If the judge was retired and in receipt of a pension at the time of death, the annuity is set at one-third of the judge's pension. This rate of annuity for a judge's spouse has remained unchanged for 30 years, with the result that it is now generally below the norm of the rate for most other pensions for surviving spouses, which is close to 50 per cent of the basic pension payable.

There are a number of sad examples of widows of judges who suffer considerable hardship because of the inadequacy of annuities which they receive. The provision to adjust the rate for spouses' annuities from two-ninths to one-third of salary, or from one-third to one-half of pension,