

deemed to be a reference to a Committee of the Whole, it would receive unanimous approval.

Mr. Kaplan: Mr. Speaker, the statement just made by the Government House Leader is acceptable to Her Majesty's Loyal Opposition.

Mr. Robinson: We, too, concur, Mr. Speaker.

The Acting Speaker (Mr. Charest): Mr. Hnatyshyn (for the Minister of Justice and Attorney General of Canada), seconded by Mr. Côté (Mr. Langelier) moves that Bill C-61, an Act to amend the Judges Act, the Federal Court Act, the Canada Pension Plan, the National Defence Act in relation to judicial matters and to amend an Act to amend the Judges Act and the Federal Court Act in consequence thereof be now read a second time and, by unanimous consent, referred to a Committee of the Whole.

Is it the pleasure of the House to adopt the motion?

Some Hon. Members: Agreed.

The Acting Speaker (Mr. Charest): Is the Hon. Member for Burnaby (Mr. Robinson) rising on debate?

Mr. Hnatyshyn: Mr. Speaker, I rise on a point of order. I think the motion carried. I suggest in the interests of efficiency of time that Hon. Members who wish to participate in this debate do so in Committee of the Whole and we will all listen with rapt attention.

Motion agreed to, Bill read the second time and the House went into committee thereon, Mr. Paproski in the Chair.

On Clause 1—

Mr. Speyer: Mr. Chairman, I will attempt to be as eloquent in Committee of the Whole as we all were with respect to second reading.

Many provinces desperately need judges. In Alberta, for example, there are four positions to be filled. The provincial legislation has been passed, the Judicature Act, but cases have had to be cancelled because we have not had enough judges. In the Province of Manitoba there has been created by provincial statute a senior associate chief justice position but that position cannot be filled until this Bill is passed by Parliament. In Quebec there has been provincial legislation to add six new judges. Unfortunately, that cannot be done until this Bill is passed.

This Bill will add a total of 38 judicial positions to federal and provincial courts, 19 of which have been filled in the past two years by draws from the pool of positions authorized by the provincial, superior, district and county courts by Section 19.1 of the Judges Act. All but three positions will be allocated to courts in eight provinces pursuant to requests for additional judges to handle increasing case loads in these courts. The pool will be restored to its full strength and will be restructured to authorize the appointment of up to 20 trial judges on provincial superior courts.

Judges Act

Over the past two years, provincial requests have been heavy with respect to this category of judges resulting in the rapid depletion of the positions allocated by the pool for trial judges as set forth in Section 19 of the Judges Act. While the total number of positions will remain unchanged, the restructuring should permit the pool to meet the needs of the provinces over the next three to five years.

Other features of the Bill, very quickly, are restoration of the former one-third ratio of judges required to be appointed to the Federal Court of Canada from the bench or bar of the Province of Quebec. This measure is designed to assure to the courts sufficient judges trained in civil law to hear the increasing numbers of such cases being heard by both divisions of the Federal Court. It will require that a least eight of the 25 judges of the court meet this qualification. There will be an addition of two members of the court to the Pension Appeals Board. This will bring membership on the Board to 12 and, again, is in response to increasing workload. Finally, there will be a provision for the disposition of all matters, short of an appeal by a single judge of the Court Marshall Appeal Court of Canada. The National Defence Act presently requires a panel of not less than three judges to determine any matter before the court.

In summary, let me just say that although these amendments are of a technical nature, they are certainly essential. This Bill has nothing to do with compensation for judges. I am happy to hear of the agreement of all Parties that we receive expeditious passage.

Mr. Kaplan: Mr. Chairman, I am pleased to report to the House that the Parliamentary Secretary had consulted with me on behalf of my Party in connection with this Bill. I have no objection to it.

I would like to indicate that I was surprised to notice in the allocation that there was a very small increase proposed for the Province of Ontario. I understand the principle followed for proposing the increases in the legislation was the request for increases by the provincial Government. It is a legal maxim or a popular maxim that justice delayed is justice denied. I know there is a backlog, no less in the Province of Ontario than in the Province of Quebec. However, it appears that the former Government of the Province of Ontario did not request any increase in the number of judges in that province, and that is why this legislation proposes no increase. I regard it as a priority to increase the number of judges in the Province of Ontario, but the expense of supporting the court and building courtrooms is that of the province. Now that we have a sensitive Government in power in the Province of Ontario, I hope there will be a recognition of the fact that more judges are needed in that province. I hope the new Attorney General of Ontario will request an increase soon.

• (2150)

As the Parliamentary Secretary indicated, that request for an increase will not need legislation by existing legislation, which I think was introduced 10 or 12 years ago by the former Government. We will be able to fill Ontario's needs, if the