

*Judges Act*

Party in Saskatchewan, and Lou Hyndman, who was formerly the Minister of Finance in Alberta. The topic of our panel was "Who rules Canada, judges or politicians?" Naturally, the debate took us very much into the area of the Charter and the incredibly important role which has been assigned to judges. They must reflect the *morès* and evolution of our society in the interpretation of that Charter which protects the rights of individual Canadians in every corner of this land.

Similarly, we raised the question of Meech Lake. If the Meech Lake Accord proceeds, and even if the proposed amendments are adopted, it is clear that judges will have a more and more important role in determining issues of fundamental law that touch the lives of every Canadian.

[*Translation*]

Mr. Speaker, I cannot emphasize too strongly the importance of getting the best lawyers in Canada to serve as judges.

[*English*]

We support this Bill. We would like to see its rapid passage. I would say that on this issue of selection, I very much share the views expressed by my colleague, the Hon. Member for Vancouver—Kingsway. I should also tell my colleagues in the House that at this panel, and during the subsequent participation by members of the audience, it was made clear that everyone recognizes the importance of the judicial selection process. It is undeniable that judges will play a more and more important role in the interpretation of the laws of this country, and I mentioned the Charter and the Constitution. Everyone agreed with that. There was no dissent.

However, there was concern that the judiciary may not always be capable of reflecting that cross-section of view so necessary in interpreting our fundamental law as our society evolves. Thus it is absolutely critical that the selection process be improved.

I can tell you, Mr. Speaker, that as Minister of Justice for a rather brief period of time, I had the pleasure of meeting on numerous occasions with representatives of the Canadian Bar Association and the committee which had been struck by that association on judicial appointments. The Canadian Bar Association takes this issue very seriously. The Canadian Bar Association, and all its subsections, recognizes that the appointment of judges is fundamental to preserving the integrity of our judicial system.

It is important, as this Bill recognizes, that if we are to attract those men and women to the Bench who are capable of providing that integrity and of serving with honour and distinction in dealing with these litigious and difficult questions which touch the lives of all Canadians, they must be remunerated at a level that will convince them that they should give a good part of their lives to public service. These salary levels may seem high, but the best people in the law profession in many parts of this country are well paid and one can expect they will have to make sacrifices, and they will be making sacrifices even at this level of remuneration. However,

this level of remuneration with the desire to provide public service by serving on the Bench, which is the touchstone in my judgment of success in the legal profession, is a necessary and fundamental step in attracting those people to our judiciary.

With respect to this issue of political patronage and appointments, I must say it is an important issue, but the political activity, whether it be serving as members of legislatures, provincial or federal, or whether it be simply political activity at the riding level or at some other level, should not preclude someone from serving on the Bench. In fact, Members of this House and those of other legislatures are brought into contact in many ways with problems that affect the lives of Canadians and they can be an important reservoir of talent for appointment to the Bench providing they have the professional qualification and the demonstrated objectivity that is required.

I can think of the eulogies paid in this House even by the Hon. Member for Vancouver—Kingsway upon the death of the Hon. Douglas Abbott, who served with distinction in this place for so many years as a senior Minister of the Crown, and then moved on to the Supreme Court of Canada where once again he served with distinction, objectivity and great honour. He was regarded, if I may say so, as one of the finest members of that court.

Political activity should not in any way preclude people from service. I would like to remind Members of this House that it was the Leader of the Opposition, (Mr. Turner) when he was Minister of Justice, who reached out and brought in men and women of different political persuasions on the basis of merit. I think Members can appreciate that many served in that capacity. Being a lawyer himself, the Right Hon. Leader of the Opposition recognized the importance of the kind of legislation we have in front of us today and went very far in improving the method of judicial selection. When one looks across the country at the judges who were appointed in the period when the Official Leader of the Opposition was Minister of Justice, one can say with all objectivity from all parts of this House that, indeed, he was successful in attracting some of the best men and women to the Bench.

That tradition must be continued. I fear it has not always been continued. The issue of judicial selection, while not directly dealt with in this Bill, is very much implicit in it because of the additional remuneration and pension provisions that are provided. They, of course, are terribly important in terms of attracting people to that selection process.

I also want to add a word of support for those recommendations with regard to pension improvement, the continuation of the survivor's pension to a widow or widower of a judge after the widow remarries. Obviously, this is an important and significant provision which we support. As you know, Mr. Speaker, the House Special Committee on Equality Rights recommended that a similar bar to pensioners who remarried be repealed throughout the federal jurisdiction. I hope that the