munity; and even if he had not been guilty, and he was guilty, his usefulness as a judge was over. No matter whether the allegations against the judge are correct or not, the mere fact that they have been brought forward would make that judge suspect in the eyes of the public. Unless these hearings were in camera old grievances involving, perhaps lawyers and clients contending they had been unsatisfactorily treated could be brought up, thus impairing the usefulness of that judge. Such a judge would be tried by the newspapers in advance of the hearing, and because of our shortcomings as human beings we would tend to prejudge the man, so, his value as an impartial judge would be over. I say that because we know that some men are more impartial than others.

Mr. McCleave: You cannot have degrees of impartiality. Nothing is more impartial than impartial.

Mr. Peters: I am not sure whether anything can be more impartial than impartial. I suspect that there are differences in so-called impartiality. I think that there are degrees of beauty, although at school we were told that a person is either beautiful or not beautiful. You cannot be more beautiful or most beautiful. It is true that if you are impartial you are impartial, but I suggest that our judges are not to be painted all black or all white.

Mr. Deputy Speaker: Order, please. I regret to interrupt the hon. member. I do so to advise him that his time has expired.

Mr. Robert McCleave (Halifax-East Hants): Mr. Speaker, there are three or four things I would like to say about these changes to the Judges Act. First of all, since the appointment of an extra county judge in Nova Scotia will affect most of my constituency, may I say that this is a welcome move. The county judge has been the hardest working judge at the higher levels in the province of Nova Scotia. I am talking about the county judge who sits in the metropolitan district court for Halifax County. That burden should be shared. I do not think members of the bar of Nova Scotia will argue that this is not a forward step.

In looking at the salaries of the large number of judges appointed from one end of Canada to the other—I say large numbers in the layman's sense—one is entitled to ask whether it is not possible to introduce substantial reforms that could save the taxpayers money. I should like to suggest two simple steps which, if taken, would reduce by more than 50 per cent the necessity for judges, thus cutting down on the cost of the administration of justice in this country.

The first step is one that the Parliament of Canada could take. I suggest that divorce procedure ought to be simplified. I am talking of the conduct of divorce cases. Since most such actions are uncontested and do not involve such important questions as the award of custody and the like, the procedure could be simplified and important savings could be made in that area if people in this House could find it in their hearts and minds to make certain changes. I realize that it has taken us more than ten years to bring about even a modicum of divorce reform. Nevertheless, I suggest that this is an area in which we could cut down the cost of the judiciary.

The other step which involves the provinces and which I will mention quickly in passing, is this: We should do away with the necessity for judges deciding which automobile broke more laws in an automobile accident. Instead, the whole question should be taken before a Workman's Compensation Board type of hearing which would grant compensation for the injury, depending on the extent of injury or damage suffered, without going into the niceties of who was to blame. After all, we as a society generally operate at more than 60 miles an hour. I do not think the niceties of allocating fault and blame within that context should be determined by our judicial system.

• (4:40 p.m.)

The Landreville case, which occupied a period of four and a half years at various levels, finally reached Parliament. It could have continued for a few more days at that time if that former judge of the Supreme Court of Ontario had not finally sensed that the members here were going to follow the advice of Mr. Justice Rand of the Supreme Court of Canada and get rid of him. He got out just before the axe fell on his head.

The minister suggests a Canadian Judicial Council to remove that particular problem. It will go even further, in that the Canadian Judicial Council will have responsibilities to establish seminars for the continuing education of judges, holding a conference of chief justices, and from time to time making inquiries and investigating complaints or allegations. It is also provided that the council shall, at the request of the Minister of Justice of Canada or any provincial attorney general, commence an inquiry. It might investigate any complaint coming from other sources.

These are pretty forward looking steps. They should not be treated lightly because in the past we have always been very staunch in upholding the independence of the judiciary. When upholding 100 per cent of anything, such as the independence as a group of people, you have to allow that judges may in fact commit wrongs. In the past, except where the behaviour was of the flagrant Landreville variety, because of the over-all principle, one would pass it by rather than do anything that would upset the feeling of a judge that once on the bench, he was secure.

We are now to have this council. Some pretty wide powers are set forth in clause 33. Many questions will have to be asked about them in the Standing Committee on Justice and Legal Affairs. The wording in part of the clause is very strange. It reads:

> Where, in the opinion of the Council, the judge in respect of whom an inquiry or investigation has been made, has become incapacitated or disabled from the due execution of his office by reason of
>
> (a) age or infirmity,

I think that should be age and infirmity. Surely, the fact he has reached the ripe old age of 48, to use my own age, should not be the reason he is being impeached by this process. He is being impeached because he has