

Members are aware, under the Constitution, the Parliament of Canada appoints the judges of superior courts and district and county courts in the provinces and provides for their salaries. In order to meet the demand in many provinces which have recently created additional positions for judges in superior and county courts or which have informed us of their intention to do so in the near future, the Government is proposing amendments to the judges Bill, authorizing salaries for the additional judges.

[English]

In other words, Mr. Speaker, we try to make some provision in advance for the Provinces by bringing the law up to date and by including the immediately pending modifications of which we have been notified by various Provinces. For example, a major reorganization is to take place this fall in the Province of Manitoba, where a new division of the Supreme Court will be created to deal with Family Court matters and where, I also understand, the County Courts and Supreme Courts will be merged. We have received advance notice of that change on the part of the Province, and so the legislation allows for that. It also allows, through the pool arrangement, for some small increase in the number of judges throughout the country at the Superior, County and District Court levels over the next few years. For these reasons, the actual net increase in the number of judges that the Bill would give us authority to appoint immediately is very much smaller than would be immediately apparent from the Bill itself.

● (1800)

I have already mentioned that with the reorganization four judges would be appointed to the Federal Court of Appeal and two to the Trial Division. There would also be two Supreme Court judges appointed in British Columbia and the Chief Judge of the County Courts in Manitoba. There would be five additional Queen's Bench judges and an associate Chief Justice and also an additional County Court position. There would be four Queen's Bench positions in New Brunswick, that is, for the Family Court in that Province. In Nova Scotia, there would be an additional Appeal Court Judge, two Trial Court judges and a Chief Judge of the County Courts. In Ontario, there would be two additions to the High Court and three to the County Courts as well as an acting Chief Judge. The largest number of new judgeships would be created in the Province of Quebec which has requested us to enable the appointment of nine new judges of the Superior Court level.

I might just add in conclusion that the Bill also makes technical changes and removes language in some parts of the Judges Act that may be considered sexist. These comments summarize the essential elements of the Bill and, if my colleague opposite is ready to proceed, I can sit down at this point and allow him to have the floor.

**Hon. Ray Hnatyshyn (Saskatoon West):** Mr. Speaker, I appreciate the benefit of hearing the remarks of the Minister with respect to the split portion of the Bill. I am pleased to be able to join in the debate today dealing with changes to the Judges Act and, subsequently, to deal with a Bill which will, in effect, create a new court in Canada, referred to as a tax court.

*Judges Act*

As the House will have noticed, the Bill was split into two portions at the insistence of my Party. There was an agreement that was finally reached prior to the introduction of the two Bills, by unanimous consent. This was because of fundamental concern expressed by Members of my Party with respect to the precedent which has been growing in the past on the part of the Government in terms of bringing in so-called omnibus legislation which purports bring in all types of amendments to a particular piece of legislation. This particular instance concerns the expansion of provincial courts at the request of the Provinces, expansion of the Federal Court at the request of the Federal Court and the creation of a new court.

We will support both of these Bills. We are not speaking against them. However, in terms of the precedent that would be established of bringing in one piece of legislation containing all of these portions, we think it is significant to stand up on each occasion and ask—indeed, insist—that the Government bring in separate pieces of legislation with separate topics. The reason is very simple. It involves the apples and oranges concept in terms of legislation before the House.

When we are dealing with diverse, totally unrelated matters in one piece of legislation, it might well be the case, and often is the case, that Hon. Members in the House may support one portion of the Bill and oppose other provisions. As a result, we are not able to deal intelligently or responsibly with the legislation brought forward by the Government because we are dealing with a diverse number of problems. In order to make our point with respect to parts of the Bill to which we may take exception, we must vote against all the provisions of the Bill. That is simply an unacceptable way of proceeding legislatively. That is why we have insisted on the splitting of the Bill.

I think the Government is to be commended to accept what I would term as being our constructive suggestion in terms of this legislation. It has facilitated the passage of these pieces of legislation. It has allowed us to deal with them seriatim and to deal with the principles involved. We do support the provisions and changes to the Judges Act.

The Minister just referred to the amendments to the Judges Act. I should say at the outset that we are a little upset about the length of time it has taken for the Minister to come up with these particular amendments. Many of the Provinces involved in the Federal Court have been experiencing substantial backlogs in connection with cases coming before them and in provision of judicial services. It is clearly undesirable. The House should note the willingness of our Party to rectify the situation as quickly as possible.

There has been representation received from representatives of the Canadian Bar Association and, indeed, from representatives of provincial bars across the country, concerning the difficulties being experienced in bringing cases before various judicial bodies in each of the Provinces. The old legal axiom, which the professor who now occupies the position of Minister of Justice (Mr. MacGuigan) will understand, is that "Justice delayed is justice denied". However, I wanted to take this