

**Hon. Mr. Haig:** Certainly it is 90 per cent. May I read to the house an extract from the proceedings of the Canadian Bar Association convention dealing with this question? It is as follows:

Whereas the Government of Canada has announced its intention to introduce legislation at the next session of the Parliament of Canada, providing for the abolition of appeals to the Privy Council and making the Supreme Court of Canada our final Court of Appeal in all matters,

Be it resolved that the Canadian Bar Association, without expressing any view as to the wisdom or otherwise of the proposed abolition, is of the opinion:

(i) That any bill for the abolition of the Privy Council appeal should contain the necessary provisions as to the organization and jurisdiction of the Supreme Court of the system by which its judges will be appointed.

That should be clearly set out.

That sufficient time be given before the statute is enacted to permit the public to give consideration, both as to the question whether the abolition of the appeal to the Privy Council should take place and to the constitution and powers of the court that may replace it and also—

I emphasize this.

—to the effect which the abolition may have upon provincial and minority rights.

The association goes on to suggest what should be done if the appeal is abolished. Probably I should read the remainder of the resolution.

(ii) If, as and when the appeal should be abolished, it is the opinion of this association as at present advised:

(a) that the Supreme Court should consist of nine judges.

I believe that the present bill so provides.

(b) That a quorum of the court should be five judges;

(c) that it should sit always with an odd number of judges present;

(d) that there should be no change in the present practice of the court, under which each member is free to give reasons for his judgment;

(e) that the court should continue to sit at Ottawa only;

(f) that the salaries of the judges of the court should be substantially increased so as to make such salaries commensurate with the responsibilities of the office, with an appropriate additional amount to the Chief Justice;

(g) that the rule of *stare decisis* ought to continue to be applied with respect to past decisions of the court, as well as with respect to past decisions of the Judicial Committee.

It is with the first clause that I want to deal.

Discussion of this question of appeals to the Privy Council has been going on in Canada for nearly eighty years. There was agitation to end them even before there was any disposition to change our colonial status. I do not believe that it would be in the interests of Canada to put through this legislation too hurriedly: there should be a lapse of time long enough to enable a parliamentary

committee, either of the House of Commons or of this chamber, to obtain the opinions of leading lawyers, prominent business men, representatives of labour and other organizations. We should also know at least in outline how matters of provincial and minority rights generally are to be dealt with. This subject hooks in with the legislation to amend the British North America Act. We should be in a position to discuss the two measures together, because they hang together. Some people contend that the Parliament of Canada has full power to do anything they deem advisable. Others take the stand that the provinces should be consulted. Admittedly there are differences of opinion, and I am certain that Canada cannot be kept united unless on all these great questions the provinces are consulted. I do not contend that it is necessary to get their unanimous consent. But let me remind you that the constitution of the United States cannot be amended except after a two-thirds vote of the Senate and of the House of Representatives, as well as an affirmative vote of two-thirds of the States.

**Hon. Mr. Farris:** You would not like that system to apply, would you?

**Hon. Mr. Haig:** I am not saying what I would like; I am saying that some provision should be made to consult the provinces. I am not now suggesting what that provision should be. I do not believe I am competent to do so; in any case I have not thought the question through. But I do know that in all human relations—and after all the provinces are bodies of human beings in association—people get along better if they have an opportunity to discuss issues among themselves. It is my experience as a practising lawyer that, although a situation may seem impossible, when you and the opposition lawyer get together it is wonderful how many differences you can iron out in conference which could be composed in no other way. In my opinion the provinces need for their appellate purposes some tribunal other than the Supreme Court. I say this with no disrespect to that court. In any event I am sure that the provinces would be better satisfied and there would be more prospect of unanimity if, concurrently with the consideration of this matter of appeals, they were consulted as to the amendment of the constitution.

**Hon. Mr. Euler:** All the provinces have their representatives in this house.

**Hon. Mr. Haig:** I know that.

**Hon. Mr. Euler:** And in the other place.

**Hon. Mr. Haig:** I know that too. But the fact may as well be faced that in certain