

*Judges Act*

I now want to withdraw them. One reason is that this creates two types of judges.

Second, when I became Minister of Justice I soon realized we were faced with an urgent matter. I looked at the file of the previous administration which had written to the Chief Justice of Canada and all other judges telling them the problem was to be cured, that cabinet had decided on a certain course of action.

I had to swallow my own policy and accept the policy proposed by the former minister of justice, Mr. Flynn, in his letter to Chief Justice Laskin in December, 1979. There had been long negotiations. In August, 1978, the CBA made a report on that. In November there was the committee on judicial compensation which made a report. There was also the Dorman report. There were a lot of studies.

Following that, my predecessor proposed a package which was substantially accepted and put to this House. I will be appearing before the committee which will be reviewing all aspects of this. That is a better place to look at this problem. I know hon. members are preoccupied more with the pension plan than any other aspect of the bill. I will be delighted to discuss that in committee. We will see if we can find a solution. If not, we will come back here and make a decision.

I ask hon. members not to make this a controversial aspect. If anyone is in a difficult position it is I because I am being forced to contradict myself on the pension contribution aspect. It does not make my life very easy. I hope the bill can be referred to committee and we can find an appropriate solution to this problem.

A lot of other aspects have been raised in this House. I will not take the time to deal with them. I might comment on them in committee, if asked.

The system of appointments is complex. Since 1967 not one appointment has been made which has not been approved by the Canadian Bar. The legal profession claims the Canadian Bar is not the best mechanism. I can sympathize with that. I come from a rural area. I know of members of the Quebec Bar who worked very hard in the Gaspé Peninsula, St. Maurice valley, and the Lac St. Jean area, who were not well known by members of the Canadian Bar because they did not attend the same meetings and so on. That is a problem, and there should be some improvement.

I am seeking to make the best appointments possible. Some are suggesting the appointment of more women as judges. There has been an improvement, but we still have to name judges according to their ability. If women can be found, that is an extra asset, no doubt about it. In the last three series of appointments I made in the last two months, I was pleased to name three women. The problem is that there are not all that many who have been admitted to the Bar lately. In connection with an appointment I am trying to make now in one of the provinces, I contacted a woman. She thanked me, but stated that she felt she was not yet ready. This person is a top notch lawyer. I do not know her politics. I did not ask.

**Some hon. Members:** Oh, oh!

**Mr. Chrétien:** The first appointment I made to the Superior Court of Quebec was the human rights commissioner in Quebec City. I had never met him in any political arena. However, it does not hurt if someone serves one party or the other. Members of different parties have been appointed, including members from the other side. One hon. member stated that we should not appoint members of Parliament directly to the bench. I am not sure I agree.

In the past, a member of the Canadian Bar who had been in this House serving the Canadian people and making laws for 15 years, was disqualified. I do not think that is fair.

**Mr. Baker (Nepean-Carleton):** I agree.

**Mr. Chrétien:** Not too long ago Mr. Justice Gilbert, a former NDP member, was appointed to the bench. He is a good judge and is serving very well. We named Thomas Berger, who is not a Liberal, directly from the B.C. legislature to the Superior Court of British Columbia. The fact that he had been a politician was not a negative factor.

I am not looking for a job for myself. I enjoy politics too much to become a judge. However, I do not think a person should be disqualified because he has served his country as a member of Parliament. The former deputy speaker from Nova Scotia was appointed by the Nova Scotia government to the provincial court directly from this House. Our former speaker, Mr. Jerome, was named to the Federal Court where he is doing an excellent job. I am told that when one leaves this House, he becomes much less partisan compared to when he came here.

In any event, there are these problems and I am willing to discuss them in committee. We will look into the pension question. It is a difficult problem and there is no easy solution. The commitment made to the judges in December, 1979, is what caused me to keep the same system. As I said, I had to swallow my own words. When I was president of the Treasury Board, I made a lot of enemies among the judges because I forced some to make contributions and not others. Although it was difficult for me, I put my pride aside for the good of the judiciary in Canada.

● (1640)

[*Translation*]

Anyway, Mr. Speaker, the bill will be referred to committee. I hope we can dispose of it quickly, that it will come back to the House and be passed because, traditionally in Canada—and a very worth-while tradition it is, to my mind—the matter of the remuneration of judges has never been the subject of a political debate. The constitution stipulates that we must set the remuneration of the judiciary; they are the only group of citizens whose salaries are discussed specifically in the House, which makes it a very delicate situation, I feel.

I am sure everyone in Canada agrees that we have a judiciary that works very well. It poses very few problems. All those who have accepted the appointment, whatever their