

*Judges and Financial Administration Acts*

A section of this bill provides for the establishment of the Canadian Judicial Council. This may go a long way toward providing uniform sentences, something which has not been possible up to now. Mr. Speaker, most of us have had the experience of appearing before a crochety judge who lets it be known that things are going to be done his way. I can remember appearing before a judge a few years ago when I was acquitted of the charge. However, the judge made a highly inflammatory statement to the effect that the work I had been engaged in was nefarious and a disgrace to the nation, and that if he had his own way he would sentence me to many years in penitentiary. The activity I had been engaged in, Mr. Speaker, was running in the election campaign for the CCF. Two days before the trial I had been defeated by about 500 votes. Because of his Conservative politics, the judge felt so strongly that he would quite willingly have sent me to jail because of mine. Mind you, I think this may be an exception. However, it is interesting that there was also a labour dispute in progress at the same time and this particular magistrate who, by a change in the law later became a judge, had been a senior official of the gold mine involved. He had been treasurer of that mine for some time, so he was neither politically nor economically impartial.

Just recently an article dealing with this bill appeared in the *Globe and Mail*. It pointed out the advantages of this council and mentioned a couple of points that I think the government should consider. There was a reference to the fact that Ivan Rand, who conducted the Royal Commission inquiry into the Landreville case, drew up a list of qualifications for a competent and impartial judge acceptable to the public, and these are available. I am sure that some of our outstanding Supreme Court judges would be able to draw up a code and make it available to judges and to the community. The little guy who continually appears before the judge on a drunk charge or an offence of a minor nature is not in a good position to say whether that judge is impartial and follows a code of ethics. He is either going to say, "Judge Joe is a good fellow and I like appearing before him because he only sends me to dry out for a few days for my own good," or, "Judge Joe is a no good so and so because he is always picking on me".

The people who should make the decision about this judicial council are the people and the organizations in the community. I know of some cases where organizations in a community have been violently opposed to a particular judge—some have been called hanging judges. I know of a judge who comes close to being an alcoholic, but if any young fellow appears before him on a drunk charge he gets the book thrown at him. I cannot see the reasoning here. I know of another judge whose ulcer governed his attitude. If it didn't bother him, he was pretty easy on the accused, but if it was acting up it was likely that the accused would spend the next three or four years in penitentiary.

It seems to me that a lot of lay people should be appointed to this committee, as well as the Chief Justice of the Supreme Court and the chief judge of the

provincial courts. I would like to see people like Arthur Martin, Arthur Maloney and Ian Cartwright, some of the most eminent lawyers in the country, on the council. I think at least two well known criminal lawyers should be appointed. Perhaps some people from our educational institutions who are in contact with new thoughts and new opinions would be an asset as well. I do not expect the government to accept these recommendations, because it will take some time to think about them and decide whether it would be politically wise to accept them. In any event, they will probably want to hear representations from outside, interested organizations which are concerned about the operation of our judicial system before making these changes.

● (4:30 p.m.)

I suggest that we should strive as a nation to appoint judges who are as impartial as it is possible to obtain them. The Judicial Council to be set up should develop a code of ethics for judges to follow so that sentences handed down in one area of the country bear some relationship to sentences handed down in another. Sentencing procedures across the nation should be made more uniform so that people convicted of similar offences under similar circumstances in various regions of the country may be sentenced in a similar way. There is a wide divergence in this country in sentences. In one part of the country a man may be convicted of a certain sentence and be put on probation. In other areas of the country, a man sentenced for a similar offence under similar circumstances may be sent to a penitentiary for a long time. These differences in sentences are unsatisfactory. People are not satisfied with our judicial process. People are confused and made angry by the differences of sentences for crimes committed under similar circumstances.

The Judicial Council should consider precedents and set up a code of ethics that will enable communities and other interested parties to help in keeping judges of this country honest. Our judges are mostly honest, although there are some who are not quite as honest as others. I think it would be worth while to have certain judges referred to a committee so that certain allegations may be investigated. Mr. Speaker, I strongly urge that those hearings into the conduct of such judges be held in the main in camera. I should like to see many, many judges brought before the Judicial Council, not for disciplinary purpose, but for the purpose of convincing those judges that they must modify the way they operate in court and the sort of sentences they hand out for specific offences.

If a judge were brought before his peers, and in this case they would be at a higher level than he, he could adapt his judicial decisions to accord with the suggestions of this council. If the hearings were to be held in public, the council would not want to hear those cases for the simple reason that they would be afraid that what happened in the Landreville case might repeat itself. It did not matter whether Mr. Justice Landreville, as he was then, was guilty as alleged or not. The mere fact that he was suspected made him guilty in the eyes of the com-

[Mr. Peters.]