

Judges Act and Financial Act

These judges are overworked. When they are overworked the people of Canada are not served. The only way one can get into the great red chamber is by leave. I think there are certain cases where one should always be able to go to the Supreme Court of Canada. We know that decisions of certain provincial courts are reversed continually. I hear one of my friends nearby laughing. These courts should not always be reversed in this way. We should have the strongest possible courts of appeal in every province. Then I would be prepared to buy this suggestion. But the answer is to get rid of the problem now. We should establish two or three supernumerary judges to relieve the pressure.

On behalf of my clients I always want to be able to go to the Supreme Court of Canada. However, it is necessary to ask for leave. This is always another step to climb. I have been there. I know the rule of law which governs leave. You do not argue the whole case but just the very cream of it on a question of law. I hope we do not get into the bind where the minister will say a matter goes to that court by leave.

We object to the amendment on the ground that we do not want the judiciary to be subjected to political influence. This is what the amendment would do. I will not vote against this council. I have spoken to certain judges who think it might be an asset. I will look at it over a period of time. I may have to question the minister if it does not work out or if it in any way seems to be interfering with the judiciary, because that body must be independent.

I hope we can complete this legislation because last June it was introduced by the minister. It went before the committee, where there were two or three amendments, and then there was a very short debate. It is the government's business to set up priorities for legislation, and I shall not get into the question of whether it was the fault of the NDP or of the government that the bill did not come up again until now. But this party said to the minister by letter that we wanted the bill brought in because this institution should do something about the problem and only if the judiciary are paid a fair amount of money can we get the degree of independence and the kind of judgments that will assist the citizens of this country.

Mr. Deputy Speaker: Order, please. I will recognize the minister, but I notice the hon. member for Moose Jaw (Mr. Skoberg) is also on his feet. It might be preferable if I were to recognize the hon. member for Moose Jaw first.

Mr. John L. Skoberg (Moose Jaw): Mr. Speaker, I happen to be one of those laymen to whom the hon. member for Calgary North (Mr. Woolliams) referred when he wondered who qualified as a layman. I do not plan to wander all around the subject in respect of the amendment introduced by my colleague. I cannot understand how the hon. member for Calgary North can even consider the amendment introduced at this time having anything to do with the control of the judiciary.

The objects of the council are well spelled out in the bill. There is no question, in my humble opinion, that if we were to add five people to this Canadian judicial council we would get a cross-section of opinion that could be of great benefit to the council. I have seen too many cases where young people have been sentenced to indefinite

[Mr. Woolliams.]

terms. These young people have been in contact with social workers. This is the type of person, I am sure, to whom my colleague is referring when he talks about lay people being put on this council.

It amazes me to think that anyone would be concerned about having an outside opinion in respect of certain action taken by the council. There should be established from time to time a conference of chief justices and seminars for the continuing education of judges. Surely in today's structured society education should be a continuing process. If an individual or group of individuals within a structured society cannot continue their education in their field, the whole of society will suffer.

● (4:20 p.m.)

I see nothing wrong with the appointment of five laymen by the Minister of Justice. It seems to me that under this permissive type of legislation he would be able to pick out the very people who would know what structured society is all about, who would know the concerns of people of this nation and particularly our younger people to whom consideration must be given. To allow the Canadian judicial council to hold seminars in order to examine themselves, without any outside consultation, I do not believe is the way to fulfil the needs which the minister has in mind.

It seemed very strange to me to hear the hon. member for Calgary North express some doubt with regard to these appointments. He suggested that they may be political appointments. I know of very few law firms which do not have both Liberals and Conservatives on their staffs. This is done for obvious reasons. Situations exist throughout this country where appointments are made in various departments of government which require lawyers, as the hon. member well knows.

I think of the farm improvement loans administration and similar situations. Surely no one in this House would suggest that once a person is appointed to the bench he loses all interest in the politics of this country. If he did this he would cease to be a true Canadian. I think everyone, no matter what his walk of life is, must be concerned with politics. People need not wear it on their shoulders or wear a badge saying what their affiliation is, but deep down they are concerned about the political structure of our nation, otherwise we would not have a democracy as we know it.

It seems to me that even to suggest that a man should set himself apart from the democratic process because he has been appointed a judge is mere speculation. If we were to accept the amendment for the appointment of five laymen to the council we would have a situation where judges could sit down and examine the many areas of our social life. But I suggest that it is not the judges who should be led by exaggerated public opinion but, rather, public opinion should be led by the judges. I have seen too many editorials appearing in newspapers before a case is dealt with by a court and where it is evident that the editorial has influenced the decision of the court.

I would suggest that if five laymen were to be appointed to the Canadian judicial council, the council would have some meaning. This would be preferable to the judges examining themselves, which would be the case under this bill. We all know that if people who have trust in each