

and dramatic movies, television programs and novels whose relationship to reality is, to say the least, remote.

I give him 100 per cent marks for that. When I see programs where a fellow runs up and whispers to the judge, I become nauseated. If I tried that in a courtroom, I would be worse than nauseated. He went on to say:

Our county and superior court judges who are federally appointed are dedicated people who devote their lives to the adjudication of disputes arising between individuals, corporations and government.

He then said what the Minister of Justice (Mr. Lang) and I say:

They judge with impartiality, without passion or prejudice on all of the possible matters of dispute both civil and criminal that arise in our complex society. They apply the law as passed by our legislators.

They do more than that. A great volume of law has never been passed by our legislatures or parliament. There is the common law which is really traditions which have been crystallized. There are many volumes of common law in our law libraries.

Mr. Mazankowski: The law of the jungle.

Mr. Woolliams: It may be the law of the jungle. I am not sure of that. Sometimes it is very difficult to know what is law. Mr. Marcus went on to say:

Well, then, what sort of treatment do these judges receive at the hands of the lawmakers and the Canadian public? What sort of justice is meted out to them? They have not had a pay increase in over four years.

That was true of members of parliament, but there was a different fellow on "Viewpoint".

We treat our street cleaners and garbage collectors better than that.

This is the line that got me:

Unlike members of parliament or senators, judges are prohibited from earning any extra income over and above their salaries.

That is correct. They are not to earn any extra income. In most cases, they do not.

They cannot retain active business interests; they cannot sit on the boards of directors of companies—

There may be some senators who do, but I do not know that many members of parliament sit on boards of directors.

—and they are prohibited from practising law if they should resign—

I might point out that that is not quite accurate. I know a lot of men who have quit the Bench. One who quit the Supreme Court of Canada is practising law. I do not think it is looked upon with great favour when they appear in court, but they may give advice to their firms.

—and unlike our parliamentarians, all of their salary is subject to tax—

I would say that all of our salary is subject to tax. There is an expense allowance, as in any other business. The problem is, it is not always equal because of the different regions from which we come. I will read one other section of this interview:

But what will happen if we do not pay judges more is this: fewer and fewer qualified people from the legal profession will be willing to take appointments to the Bench.

That is the point the Minister of Justice made.

The difference between what they could make in private practice and the salary of a judge is just too great.

Judges Act

I agree with that. However, I will also say this: I know the ability, before the bar, of the right hon. member for Prince Albert (Mr. Diefenbaker). I forget his salary when he became prime minister. It could have been \$25,000—no more. He could have been making \$100,000 a year as a lawyer. In fact, he was offered a partnership in Toronto. I also know that junior partners in law firms in my city would not work for the salary we receive in this place. I know of high calibre men in top positions who have turned down judgeships. I will name two: there is Mr. Chambers, a very distinguished counsel. My leader would know Mr. Chambers because he comes from Nova Scotia.

Mr. Stanfield: He came from New Brunswick.

Mr. Woolliams: I knew he was from the maritimes. He was in the former R. B. Bennett's firm. He was offered the chief justiceship of our province by the Diefenbaker government, and he turned it down. He did not feel he could do it, with the family responsibilities he had at that time. I know another very distinguished man, Mr. J. J. Robinette, Q.C., of Toronto, who turned down an appointment to the Supreme Court of Canada. He has one of the best legal minds in Canada.

● (1620)

So we must analyse what the Minister of Justice says very carefully. The appropriate place to do this is in the committee, because we do want the best people on the Bench. There are some failures among those who practice law, as there are some failures in the medical profession and in business. But surely we do not want to pick up the failures at \$25,000 a year and put them on the Bench interpreting the laws of Canada. That is the question we should ask ourselves when we are dealing with the judiciary. Let us make sure we get men of the best possible calibre. I emphasize this. It is something we must do at the committee level.

Mr. Marcus said what we should be doing right now is urging members of parliament, no matter what their political persuasion, to give immediate passage to this bill. I don't need to be sold on that; I agreed with it when I started. There was a call last year for an independent commission with authority to carry out a regular review of the judges. I will not quote any more from that interview except to review just one thing that I believe under the constitution: we pass an act and we assign that responsibility to the executive by order in council in the same way as many other things are done. We may want to add some checks and balances by referring the question for a one-day debate in the House to test public opinion.

Having made our position very clear, there are very few things left to say. I have a couple of things that might add something to the committee. One judge said—I hope nobody will ask me who it is—what he thought about these things:

It is certainly desirable that the differential between the county and district courts and the supreme court should be reduced. Hence, an increase in the district court salaries of a higher percentage is justified at this time. Another thing this concept will bring into being is elimination of what I think to be a bad practice, that of federally-appointed judges receiving additional salary from provincial or other sources.

As you know, there are no county court or district court judges in the