

## JUDGES ACT AND FINANCIAL ADMINISTRATION ACT

### BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-243, to amend the Judges Act and the Financial Administration Act.

Bill read first time.

### SECOND READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Eric Cook: Honourable senators, I move, notwithstanding Rule 44(1)(f), that this bill be read a second time now.

Hon. Mr. Flynn: Leave is granted.

Hon. Mr. Molson: Honourable senators, might I ask the honourable Senator Cook what the reason is for the haste?

Hon. Mr. Choquette: Hear, hear.

Hon. Mr. Cook: That question is now in the hands of the Senate. I move the second reading.

Hon. Mr. Flynn: I may say that the reason we on this side have no objection to giving leave is that before we adjourned last June we had already agreed to dispose of this bill and that an order of the house had been adopted providing that we would waive the rule so far as this particular part of the bill was concerned. Therefore, I do not think it would be logical at this time to oppose second reading by requiring the usual notice, since we had agreed then that we would proceed on June 30 or before. We just have to be logical and accept the fact that we must proceed now. That is the position we take. That position does not impose any obligation on anyone else, of course.

Hon. Mr. Molson: Honourable senators, I have no objection whatsoever, but it was also agreed in this chamber that when someone asked for leave to waive a rule he would state the reason.

Hon. Mr. Walker: Hear, hear.

Hon. Mr. Cook: I must apologize, then.

The Hon. the Speaker: Honourable Senator Cook has moved second reading. Would he like to speak on second reading now?

Hon. Mr. Cook: Honourable senators, Bill C-243 is an important piece of legislation which has four main objectives.

First, subject where required to the passage of the necessary provincial legislation, it provides for additional judges and also for increased salaries for federally appointed and paid judges, as I shall outline in more detail in a few moments.

Second, the bill provides for the creation of a new category of judges to be known henceforth as supernumerary judges, and it outlines the privileges and duties of supernumerary judges.

Third, the bill alters the age of compulsory retirement in the case of county court judges and the age of voluntary retirement in the case of superior court judges.

Fourth, the bill will create the Canadian Judicial Council. I should point out that this is a wholly new concept. I shall, of course, deal with this part of the bill in more detail.

It might not be out of place to take a moment to offer a word of congratulation to the Minister of Justice, who, it seems to me, has made a number of reforms to our legal system. It is, I believe, second nature for lawyers to rely on precedent and to look mainly to the past for inspiration. The present Minister of Justice, however, has a fresh and forward-looking approach, and I believe our legal system will benefit as a result.

Now we have before us Bill C-243 which does much more than provide for new judges and for increased salaries for judges. This bill also introduces very important reforms in our judicial system.

In due course, assuming the bill is given second reading by the Senate, it will be considered in detail by the Legal and Constitutional Affairs Committee, so I will not endeavour to explain each section except in general terms.

Section 1 amends and expands the definition of "Judge" to include a "supernumerary Judge".

Sections 2 to 6 inclusive amend the present law to make financial provisions for the following additional judges.

- 5 additional judges for the High Court of Justice of Ontario,
- 3 additional judges for the Court of Queen's Bench for the Province of Quebec,
- 3 additional judges for the Supreme Court of British Columbia,
- 1 additional judge for the County Court of Nova Scotia,
- 2 additional judges for the Supreme Court of Alberta,
- 4 judges for the County Court of Ontario,
- 5 puisne judges for the Superior Court of Quebec,
- 1 judge for the Queen's Bench Division of New Brunswick, and
- 1 chief judge for the County Court of New Brunswick.

The financial provisions to which I will now refer follow, but the salaries set out are not quite so high as those recommended by a committee of the Canadian Bar Association in a report made to the Annual Meeting of the Canadian Bar Association held in Halifax in 1970.

The proposed revision is also, it might be noted, the first such revision since March 1, 1967, over four and a half years ago.