

Return tabled.

● (1510)

**Mr. Cossitt:** Mr. Speaker, I rise on a point of order to draw attention to five questions on the order paper, which have been outstanding for some time, concerning construction of a swimming pool at 24 Sussex Drive. I refer in particular to question 1,233 which has been almost four months on the order paper and which in its various parts asks for details of construction, details of costs, names of donors and whether investigations, and so on, were conducted into the identity of the donors, and the purposes or motives for giving the donations. No answers have been forthcoming. I have raised this matter before, I think quite legitimately, and I have received no guarantee that this question will be answered. If anything, I have received exactly the opposite—flippancy and arrogance.

Although I realize that a minister is not obliged to answer a question, I think he has a moral duty to answer a legitimate question in this House that seeks legitimate information. I think the Prime Minister (Mr. Trudeau) is negligent in his duty to the Canadian people and to the Canadian parliament when he does not follow the example of President Ford of the United States who has announced that in building his swimming pool there will be—

**Mr. Speaker:** Order, please. If the hon. member has a grievance about the answering of a question, he may raise it now; but surely comparison with examples in other governments is not apt at this time.

## GOVERNMENT ORDERS

[English]

### JUDGES ACT AND CERTAIN ACTS RELATED TO THE SUPREME COURTS OF NEWFOUNDLAND AND PRINCE EDWARD ISLAND

#### AMENDMENTS TO PROVIDE FOR INCREASED SALARIES AND ADDITIONAL JUDGES

**Hon. Otto E. Lang (Minister of Justice)** moved that Bill C-47, to amend the Judges Act and certain other acts for related purposes and in respect of the reconstitution of the Supreme Courts of Newfoundland and Prince Edward Island, be read the second time and referred to the Standing Committee on Justice and Legal Affairs.

He said: Mr. Speaker, before discussing the content of Bill C-47, an act to amend the Judges Act, I think it is appropriate to review the broader context within which its provisions must be considered. It is important that we keep constantly in view the role of our judiciary in our constitutional system and the duties, responsibilities and limitations upon individual judges. As a starting point, I would like to recall the words of Winston Churchill when he said:

The essential aspects of democracy are the freedom of the individual within the framework of laws to order his life as he pleases, and the uniform enforcement of tribunals independent of the executive.

### Judges Act

The significance of our judiciary in Canada was acknowledged from the start. A number of sections in the British North America Act provide specifically for the method of appointment of certain judges. Section 99 specifically recognizes the importance of the principle of the independence of the judiciary by providing for a retirement age of 75 and for tenure during good behaviour and removal only on address of both Houses.

[Translation]

Maybe it would be appropriate, to say a few words about this especially for the laymen, who are not very familiar with our judiciary. At the provincial level, the judges appointed and paid by the federal government are the county and district court judges as well as the judges for the superior courts, which include, in most provinces, a first instance division and an appellate division. The names of these courts vary for each province, but, in general, these are the three main categories.

Since Section 92.14 of the British North America Act has made the provinces responsible for "the Constitution, Maintenance, and Organization" of these courts, they are sometimes called provincial courts. Nevertheless, their judges are appointed by the Governor in Council and they are paid and reimbursed for their expenses according to the Judges Act to which they are also subjected. The judges of the territorial superior courts also come under this act, even if these courts are established by order.

Judges appointed by the federal government must therefore be distinguished from provincial magistrates or, as they are called in certain provinces, "provincial court judges". The latter judges are not only members of courts established by the provinces, but their appointment and status come under provincial laws and regulations. Therefore, they are not concerned by the federal Judges Act; the same is true of the territorial court judges, who are appointed by order.

However, in addition to the county or district court judges and judges of provincial and territorial superior courts, two other categories are also covered by the Judges Act. These are judges of the Federal Court and the Supreme Court of Canada. There are also "superior courts", created by the federal government, under Section 101 of the British North America Act.

[English]

When we talk about the judges who are appointed by us and who are subject to the provisions of the Judges Act, we are speaking only of approximately 500 judges throughout Canada. The magnitude of the trust and responsibility borne by these men and women is out of all proportion to their number.

In general terms, the judiciary maintains the rule of law by providing redress between citizens, but even more where authorities would seek arbitrarily to interfere with the lives of citizens. No matter what office an official of the state may hold, he or she is only entitled to act where, and only to the extent that, authority is specifically granted in or by virtue of laws which are directly passed by the duly elected representatives of our people, in parliament or in the legislatures or, in a few situations, which are recognized as well established custom. In other words, the judiciary is essential to the maintenance of the relatively certain, predictable and public rule of law, in contrast to