

I would like to see the Minister of Justice and his provincial confreres give some consideration to merging the county and supreme courts in the provinces. I understand this has been done in the province of Alberta.

In some provinces, in particular the province of Ontario, I understand there is a law society rule which inhibits judges from returning to private practice at the Bar, as opposed to being a solicitor, if a judge resigns from the bench. Some judges who were appointed when quite young and who have served on the bench with distinction might have the inclination to return to private practice and, indeed, enrich private practice by their presence. I would like to see that done, without any reservations.

I suggest to the Minister of Justice that he consider the concept of rotating judges between appellate and trial levels. This would give judges broader experience and it would serve to break down the hierarchy found within the system where one judge feels he is more superior than another. In other words, a judge should be a judge, should be a judge, when a person reaches that level.

Finally, there might be more written advocacy in leave applications to the Supreme Court of Canada and other appellate courts with a view to assisting in their case loads. This would save costs for litigants who have to pay extra for the attendance of counsel to present oral submissions, in addition to their briefs. Some of these oral submissions are not always necessary, but litigants have to pay for the attendance of counsel under the present practice. Perhaps at the high appellate court level we could look at the type of system used in the United States where *certiorari* is used for leave to appeal and only written material is considered. Perhaps the Minister of Justice on some occasion can comment on my observations.

I trust this bill will go to committee now, will be handled expeditiously, and that the amendments will come back and be passed into law. When they are, I hope they will be looked upon as being fair, not only by Canada's judges who, we should make sure, retain their independence and their financial security, but also fair vis-à-vis the status and the situation relating to all other Canadians.

[Translation]

**Mr. J.-Roland Comtois (Terrebonne):** Mr. Speaker, my comments on Bill C-34 to amend the Judges Act will be brief. First, I want to congratulate the Minister of Justice (Mr. Chrétien) who, like his predecessors, supports the independence of our judiciary. I think that what is proposed in this bill will indeed help achieve this independence.

I have always supported the independence of Parliament and since my coming to the House I have championed the cause of the independence of members as well as of senators. The only thing in this bill that I do not favour is the non-contributory pension. I would like to draw a parallel with what was proposed in the Standing Committee on Management and Members' Services to the effect that not only the salaries but

### *Judges Act*

also the pensions of members should be increased, with a 10 per cent contribution.

I do not think that the hon. member for Winnipeg North Centre (Mr. Knowles) will say that we have been exceedingly modest with this proposed contribution. I do hope that when the government decides to implement the recommendations contained in the McIsaac-Balcer report, it will do so with the same considerations it now has in mind to ensure and guarantee the independence of the judiciary. It should, in my opinion, act along the same lines to guarantee also the independence of members of Parliament.

Mr. Speaker, I think that by referring the matter to committee we could solve the problem. I know the bill also deals with widows' pensions and corrects anomalies in this regard. The main question at issue here is that we will have in Canada a special category of pensioners because judges will not be contributing, except to a very small extent to cover indexing of their pensions. I do not intend to vote against the bill at this stage because I think the government will respect the opinion of the majority of members that this clause should be amended, but I shall reserve judgment for third reading in case the issue has not been settled to the satisfaction of all members.

**Hon. Jean Chrétien (Minister of Justice and Minister of State for Social Development):** Mr. Speaker, I would like to speak briefly on this issue before we vote on the two motions now before the House. The government motion is to refer the bill to committee, and I want to assure the House that when we reach committee stage I will be prepared to discuss all aspects of this bill. If there are appropriate changes to be made, we will do so.

● (1630)

[English]

I would like to explain some aspects to the House. I am sure everyone agrees there is no controversy regarding the fact that we must increase the compensation to judges. Since 1975 they have had only one increase of 7.5 per cent. There is a section in the constitution which forces the House of Commons to deal with only that class of salaries in Canada. Therefore, we should not deprive that sector of society which some claim is well compensated.

Some members tell me that I should seek the best minds available to become judges. I agree. However, the best people will not always accept these assignments because it involves many sacrifices.

One incentive to help persuade people to become a judge is the generous pension plan. No one denies that. It is the main incentive for many of them to accept this important appointment. Until recently the judges did not make a contribution to their pension. We now have two classes of judges, and this puts me in a very difficult position. I introduced these pension contributions when I was president of the Treasury Board and