

Judges Act

of a serious offence and only upon an address of the Parliament with respect to the removal of those judges.

There is no question that we are very much involved in an era of increased litigation, increased access to the courts with respect to matters of serious concern in our country. I need only point to the fact that we in Canada are involved in a very serious constitutional debate. One of the proposals involves the entrenchment of a charter of rights by which there will be a departure from what the situation has been up to now with respect to a matter of basic and fundamental human rights. It is going to mean that the courts will be taking on an even more important role in terms of the interpretation of the fundamental rights of Canadians.

Not only the highest court of the land, the Supreme Court of Canada, but indeed every level of court federally appointed will be involved if the government's intention to proceed with this entrenched bill of rights takes place and will be involved with serious considerations of a constitutional nature. So it becomes absolutely essential that we attract to the bench members of the Bar of the highest competence and the highest capacity. As a result I think there will be sympathy with the desire on the part of the government, as stated by the Minister of Justice, to make sure that there is adequate and reasonable compensation so that there will not be a significant deterrent to people of competence coming forward and offering themselves—after the appropriate solicitation, of course, by the Minister of Justice or his amanuensis—and serving on the bench.

● (1630)

It seems to me that we will be entering into a very different kind of judicial activity with respect to an entrenched charter of rights. I do not want to be drawn into that debate. I was previously denied the opportunity to participate in the debate on the constitution on the floor of the House, but let me just smuggle in an observation. There will be a greater responsibility placed upon the judiciary with respect to these questions, and the final charter of rights we bring about and entrench in our constitution will call for a significantly more important role for the judiciary generally.

As an aside, I read with interest recently a book published in the United States, written by Messrs. Woodward and Armstrong, entitled "The Brethren", which is an interesting treatise on the activities of the Supreme Court of the United States. We in politics are sometimes known by the press to have a tendency to exaggerate or occasionally to make a mistake of fact, but if one-fifteenth of what is written in that book is accurate, we can see that the whole question of the interpretation of constitutional matters by the judiciary is not clearcut or a matter of precise and distinct judicial interpretation. There are other considerations which enter into these deliberations.

If I may be permitted to say so, there is a certain amount of politicking in the courts. There is a very important consideration as to the backgrounds of judges with respect to appointments. It becomes important, when we deal with constitutional

matters, to know what is the philosophic outlook of judges. That in itself is a very important aspect with regard to the appointment of judges.

However, that is not the purpose of my intervention today. My purpose is not to discuss an entrenched bill of rights or the way we appoint judges, but I think it is relevant for us to consider that we are not going into a period when the judiciary will be any less important in terms of our country and the interpretation and supremacy of law. Indeed, from what we can see of the government's package, we might well expect a greater role to be played by the judiciary.

Amongst other things, this bill deals with an increase in the number of judges who are to be appointed to the courts of Canada and who are to be available. If I may be permitted to make a statement to the minister by way of representation, it has been my observation in the course of my conduct in private life as a lawyer and teaching at a law school that we are now faced with a higher and higher proportion of women at the Bar who are available for judicial appointments. There have been statements from the government side on a number of occasions. The actions of the government in a sense do not live up to the statement of intention made by the minister and other spokesmen on behalf of the government.

Women comprise 51 per cent of the population. We are also approaching that ratio with respect to women attending law schools and becoming members of the bar. These are women of some considerable competence. I think it is appropriate for me to say that it is time for the government to settle, in very precise manner and without the application of any quota system—which I think would be inappropriate—and to demonstrate and indicate very clearly its intention to proceed with the appointment of more women to the bench. It is my experience that the bench is woefully lacking in this regard.

Mr. Robinson (Burnaby): Mr. Speaker, I wonder if the hon. member would entertain a very brief question on the subject he has just raised.

Mr. Hnatyshyn: At the end of my remarks, if that is all right. I have to admit a bit of conflict. I have to leave the chamber, and I want to make sure I get my remarks on the record. After I have, if time permits, I will be glad to receive a question from the hon. member.

I want to get down to the details of the bill and to canvass some of its aspects which I think require consideration by this House, and certainly by the committee.

There are some 650-plus judges in the federal judiciary. The cost of their salaries at the present time totals some \$35 million. Because of the increases proposed in this bill we can anticipate an increase in the expenditure for judges' salaries of some \$4.5 million, which would bring the total expenditure up to some \$39.5 million on an annual basis.

The cost of implementing the proposals brought forward by the Minister of Justice will mean that, in addition to that expenditure of an additional \$4.5 million, there will be a one-shot payment with respect to annuities, to which I want to come back