

There are flaws in that system, and I need only point to the example of a recent case involving a distinguished member of the judiciary of the province of British Columbia. Certain allegations were made against that member of the judiciary and, frankly, an investigation should have been carried out. It is not enough to say that because the member of the judiciary resigned from the bench, there was no mechanism whatsoever at that point for reviewing his conduct. Surely, if in the eyes of the public there is to be confidence in our federal judiciary, there must be some way of reviewing the conduct of members of the judiciary in those very rare instances in which there are suggestions of impropriety. It should not be good enough for members of the judiciary simply to resign, thereby effectively cutting off all scrutiny.

It was noted with some interest—and I must say this because I believe it is relevant—that the judge in question had sat and, indeed, delivered judgment in a case in which the whole area of prostitution was front and centre. The issue in the case in which this particular individual rendered judgment was whether or not a customer of a prostitute could be charged under the Criminal Code. Surely, in view of the allegations against that particular member of the judiciary, there should have been a full and complete investigation.

Of course, we have a fine judiciary in this country. We have come a long way from the days when, as was suggested in one Ontario appeal court, all that was necessary was for counsel to appear before the court of appeal and to indicate that he was appealing from the judgment of Mr. Justice “X” for the court of appeal to say, “Thank you very much, Mr. Solicitor; do you have any other grounds for your appeal?” And he would get no further. Fortunately, these days are in the past.

With that brief introduction, I would like to turn now to some of the specific clauses of Bill C-34. One of the three major areas covered is provision for some 20 additional judges throughout the country. The other two provide for substantial salary increases for the federal judiciary and changes to the pension provisions. I will not comment on the provisions for an increased number of judges throughout this country, except to say that I believe it was Tommy Douglas who welcomed similar provisions in 1975 by saying that “at least with the appointment of these additional judges, there will not be as many lawyers in Canada!” I say that as a lawyer and intending no disrespect to my fellow lawyers.

**Mr. Baker (Nepean-Carleton):** You intended no humour, either!

**Mr. Robinson (Burnaby):** Certainly, we have no objection to this reasonable response to the concerns of provincial attorneys general that there should be additional judges in their jurisdictions. However, in the area of appointments there are a number of aspects which could be raised. We have serious concern about the rather incestuous nature of the present consultation process with the Canadian Bar Association through a special committee which consults with the minister of justice. A member of that committee, of all men, may pick up the phone and, often on the basis of hearsay evidence, make

### *Judges Act*

a recommendation to the minister of justice. Surely, that should not be the only vetting process for the federal judiciary, that this kind of hear-say evidence can be accepted.

We suggest that the process be broadened—that some type of independent commission be statutorily entrenched to ensure that the sweeping powers of the minister of justice in appointing judges are exercised carefully. For example, such a statute could specify that an adequate number of women be appointed to the federal judiciary. If there is one area which stands out above all others in the area of appointments, it is the abject failure of governments, both Conservative and Liberal, to appoint women as members of the federal judiciary. Not one woman has been appointed a judge by the Conservative party since confederation, although the Conservative party had an opportunity to do so in the last Parliament. No women judges have been appointed by that party in its entire history. At the moment there are 20 women who sit as federal judges. In Canada's history, 21 women have been appointed to the federal bench and 20 of the 21 women still sit on the federal bench.

● (2040)

**Mr. Baker (Nepean-Carleton):** How many did the NDP appoint?

**Mr. Robinson (Burnaby):** We know that the NDP appointments are coming soon.

**Some hon. Members:** Oh, oh!

**Mr. Robinson (Burnaby):** The excuse has been there were not enough women in the legal profession, but that is no longer the case. The number of women practising law and distinguishing themselves in that practice is now much greater. I challenge the Minister of Justice to give this House a commitment that the next Supreme Court of Canada justice he appoints will be a woman. Surely that is not an unreasonable request to make. I note that the newly elected President of the United States has made a similar promise. However, I must say there are some of us on this side of the House who are sending vitamin pills to members of the United States Supreme Court, urging them to maintain their health, at least for the next four years. Surely it is incumbent and long overdue for this Minister of Justice to make a clear commitment that the next Supreme Court of Canada justice to be appointed by him will be a woman, and that he will appoint more women to the federal judiciary.

In the past we have seen too many examples of political patronage as the basis for appointments. There have been some recent examples, but I will not dwell on those.