

I will deal with the longshoremen. I do not know all the facts and I am not going to get into that, but parliament passed a law and apparently the men did not go back to work. Once they saw that a judge had passed an injunction against their conduct and the fact of their breaking the law, they went back to work. I hope that is always true in this nation when we are dealing with so important a subject. I hope that will happen again in the province of Quebec. I hope it will happen all over Canada whenever we find that there is violation of the law. In my opinion, nothing justifies violation of the law. But that does not mean we cannot protest. It does not mean we cannot take action to change unjust laws. Some of my good friends might say that sometimes extreme methods have to be used to change unjust laws, but to break the law itself would lead to anarchy.

Impartiality must mark judgment to the extent possible to men and women. Our court system is the result of thousands of years' experience, and so far as it may be imperfect the answer is that man is imperfect. But it bears favourable comparison with any other system of mankind, and the preservation of the essential quality of freedom in its ministers from influences foreign to its processes, conscious or unconscious, is a supreme necessity. The governing fact in that condition is the acceptability of the mind so influenced, the confirmation of which exhibits a moral sense incompatible with the judicial essence. Nothing short of that would suffice.

I might repeat that we have that kind of judiciary in Canada and that the main reason judges must be paid sufficient money is not only to attract the best men and women from the legal profession to the Bench, but to assure them the kind of security necessary to perform to the highest degree their job of human excellence. When choosing a judge you must consider, above all, his character and his personality. In my opinion, judges should display patience, compassion, integrity, sincerity and, above all, gentleness. We need gentle lady judges and gentlemen judges, and I use "lady" and "gentleman" in the traditional sense. Of course, it helps if the appointee knows a little law and a little psychology.

● (1600)

When I began practising law, I knew a Liberal member lawyer who used to represent a Saskatchewan riding. I am referring to Mr. Justice McNiven who was a supporter of the Mackenzie King Liberal government before being appointed to the Bench. Others may have possessed more brilliant academic minds; that is not for me to say. I can say this about him, however: he was a gentleman, helpful to young lawyers and good to litigants. He left the impression with all who saw him preside over a court that litigants were given their full day in court. I suggest that his experience in parliament gave him greater insight into human nature than he would have gained merely from practising law. After all, if a judge understands human beings, understands human nature, one can be certain he will be fair. One can be certain that such a judge, when he charges a jury, will charge it fairly. As we know, judges sometimes tell the jury what they feel about a case. They are supposed to tell the jury the law. If the judge who charges the jury shows understanding, sympathy and tolerance, one may be sure the jury will do the right thing.

Judges Act

Let me now examine some of the recommendations in the bill. I have listened carefully to this debate, and I will be interested to hear what my friends of the NDP will say. Although in this second reading debate we are approving the increases in principle, that does not mean, necessarily, we approve all salaries set out in the schedule or that those salaries should not be examined in committee. On the other hand, we do not reject the idea of increases. I must sound almost like Mackenzie King.

Mr. Nowlan: Increases if necessary, but not necessarily increases.

Mr. Woolliams: We, in my party, do not engage in political hanky-panky. Some suggest that we cannot change the schedule; that if we do we shall kill the bill. I do not want to do that. On the other hand, I think we should examine it carefully. I disagree with some members of my party. Some people are shocked at this. They say, "But the people in your party do not agree." It has always been that way. It would be a dull party, a dull caucus if every member of it were to agree on everything all the time. What's more, I think the whip would faint.

Mr. Nowlan: So would the leader.

Mr. Woolliams: We must always be critical; that is what democracy is all about. In Germany, you either agreed with Hitler or you did not live. We are different. Naturally, lawyers see things in a different light. Those who are not lawyers may not share their viewpoint. That is why this bill must be referred to committee for further examination. We must consider this bill in light of the government's call for restraint: it is asking business and labour leaders to restrain their demands. Our economy is in a most sensitive period, and I hope the members of this House will not take advantage of the sensitivity of the times to turn this into a partisan, political debate.

I want to examine the schedules. The salary of the Chief Justice of Canada, that most important head of our judicial process, is to increase from \$50,000 to \$68,000. That represents an increase of 36 per cent. Remember, the Chief Justice carries out some of the functions of the Governor General. I think something should be said about the general rise in the cost of living. Remember, Mr. Speaker, that judges are not like union members who renegotiate contracts every two years or so. Their increases come less frequently. Since October, 1971, when the judges last were granted an increase, the cost of living has increased by 32.8 per cent. To be more accurate, the cost of living rose by that amount between September 1, 1971, and March 1, 1975.

I have dealt with the Chief Justice. Let me now deal with the other judges of the Supreme Court of Canada. Now they are paid \$45,000. Their salary is to rise to \$63,000, or by approximately 40 per cent. The Chief Justice and Associate Chief Justice of the Federal Court are paid \$44,000. Their salary is to increase to \$58,000, or by 32 per cent. Their salary is somewhat lower than that of supreme court judges, but this is a new court. I will say no more about it. The chief justices and associate chief justices of provincial and superior courts, and in this category one must include the chief justice of the appeal court and chief justice of the trial division, are presently paid \$42,000. Their salary is to increase to \$58,000, or by 38 per cent. I