

Judges and Financial Administration Acts

courts with specialized judges hearing the cases because any lawyer who has been appointed to the bench has a difficult time at first familiarizing himself with all branches of the law. If he specialized in civil litigation and then is faced with criminal cases, he finds himself in a difficult position, not being familiar with criminal procedure. So, I welcome the seminars that will be set up for judges so that they can become more familiar with the special branches of the law.

It has been said that the Canadian Judicial Council, more especially with regard to the investigating of complaints about judges, should be composed not only of judges but also laymen. It may be that we can discuss at the committee state the propriety and wisdom of having laymen sitting on the council to deal with complaints against judges because our experience in the professions may not have been a good one. I am thinking of the medical profession and other professions where the discipline comes from the profession itself. The results are sometimes not as good as they should be. When a member of the profession is brought before a commission meeting to determine his conduct, perhaps all segments or parts of the community should be making the judgment. This is what we do in criminal cases with the jury system. We bring forth different members of the community to judge the case. With regard to the professions, I do not think that members of that profession should be the only ones to make these decisions. I am looking forward to hearing the parliamentary secretary or the Minister of Justice (Mr. Turner) set forth the reason for not having laymen on the Canadian Judicial Council.

The broad framework of the legislation has been ably presented by the parliamentary secretary and the hon. member for Calgary North (Mr. Woolliams), so there is no need for me to continue other than to say that I hope that when the judges have their seminars for continuing education they will incorporate in them visits to the jails and penitentiaries. It is a very sobering experience for any lawyer to visit a jail to interview his client. It is far more sobering when he goes to a penitentiary and speaks to an inmate there. It seems to me that judges should have the same experience. If they are to render judgments on criminal cases, they should be familiar with the place to which they are sending the person whom they sentence. I hope that judges at all levels will attend the local jails and reformatories or penitentiaries. This will broaden their experience and probably increase their compassion when sentencing because, Lord knows, when it comes to sentencing in criminal cases there has been a great difference in the sentences imposed. Perhaps we could develop some uniformity in the sentencing procedure.

In summing up, may I say that we in this party support the principle of the bill with regard to the increase in salaries. There is some doubt, however, with regard to the quantum that has been proposed. We certainly support the establishment of the Canadian Judicial Council and we hope that it will be widened to ensure more continuing education. On that basis, we support the bill.

[Mr. Gilbert.]

● (2:50 p.m.)

Hon. Marcel Lamberi (Edmonton West): I wish to comment on a number of aspects of this bill. A number of facets of this bill are very commendable. I believe that some provisions have come about as a result of pressure from members of the bar as well as recommendations from judges, and perhaps from the public, over the past few years with regard to some of those who are named from time to time to the various levels of the judiciary in the country, at least to the Supreme Court and the Federal Court, which was formerly the exchequer court, the supreme courts of the provinces and, where applicable, the district or county courts. I am not referring at all to the appointment of provincial judges, but this is something the provinces will have to examine and something over which the provinces should exercise far greater control on a co-operative basis. After all, one must remember that the administration of criminal law, law which the Parliament of Canada creates, is in the hands of the provinces. Sentences are usually imposed by provincial judges following trials without a jury, since juries do not form a part of those courts. I am not one to point a finger in this matter. In any event, my practice of law was not directed toward criminal law, but I think a cursory examination of sentences imposed from one end of the country to another will show great disparities. We also know something about the quality of the judges on those benches, but that is just one comment aside.

I would hope that the creation of the Canadian Judicial Council, although it is to be composed entirely of judges of the Superior Court level, and not of provincial nomination, will exercise a benevolent influence, particularly on the educative side, with their seminars open to attendance by provincial judges as observers. They cannot be present as members, but certainly it should be possible for some of them to attend as observers because, after all, the appellate divisions of the Superior Courts, the Supreme Courts of the provinces, sit in appeal from the provincial judges in criminal matters. There is no doubt in my mind that a good deal of improvement in the administration of justice would come about through the example first set by the Canadian Judicial Council and the proper conduct of its seminars.

I admit that at present there are already some conferences of Chief Justices held at intervals, and naturally judges and the council in effect will have to feel their own way in determining the efficacy of the seminars. I make the earnest plea that provincial administrations should move on a parallel course with regard to provincial judges, and should establish close liaison with the Canadian Judicial Council. In fact I would go so far as to say that at the earliest possible date, with the co-operation of the attorneys general of the provinces, provincial judges should be invited to attend some of these first seminars at least as observers, since they cannot be asked to join as full-time members. I just throw this out as a suggestion which I think offers an avenue of improvement.