

Judges Act

Tremblay, Lloyd Axworthy, Paul Martin, and Mr. Robichaud. The list is interminable.

Mr. Knowles (Winnipeg North Centre): Do not forget Jack Pickersgill.

Mr. Howard (Skeena): Yes, but at least Mr. Pickersgill had the honesty to come to parliament and say, "I want to set up a commission so I can be appointed as its head".

An hon. Member: Does the hon. member know of a better man for the job?

Mr. Howard (Skeena): We say, go ahead Jack, that is the way to do it.

An hon. Member: Is he incompetent?

Mr. Howard (Skeena): Quite frankly, I wish that every member of this government had the competence of Mr. Pickersgill. We would be a lot better off in this nation because I have great admiration for Mr. Pickersgill's ability. It is too bad he is gone and there is no substitute for him in the present government.

We know the Prime Minister does not want to follow the old practice. However, more is required than just saying that political adherence is a less valuable asset than some of the other assets considered in appointments. Action of the proper kind is required not only in regard to the appointment of 14 additional judges now but with respect to future appointments not only to the bench but to boards and commissions. We hope this will take place. We hope the Prime Minister will resist the opportunity of appointing his friends to boards and commissions, which of course he has not resisted with too much vigour up to now. But we live in hope and we trust Pierre. We believe that the words of the Prime Minister, "come, work with me", will not only apply to his political friends but will also apply to other people, and we will wait to see whether or not this will be so.

One important point with respect to the bill concerns the matter of justice before the courts. I spoke to a couple of my colleagues in the New Democratic party who are lawyers and they told me that, generally speaking, they try to refrain from using the word "justice" in regard to appearances before the courts because in fact it does not always prevail. There is a legal saw to the effect that for justice to prevail it should not be delayed. In other words, there should be ready access to the courts, whatever the point of litigation or case may be. There should be no impediment in the way of an individual or individuals

[Mr. Howard (Skeena).]

coming to court and receiving a speedy hearing and a speedy decision, regardless of what it may be.

Although I have no personal experience in this matter I have spoken with lawyers who have told me—perhaps the Minister of Justice has also had this experience, as well as the hon. member for Calgary North (Mr. Woolliams) who spoke at the resolution stage and the hon. member for Charlevoix (Mr. Asselin) who is a lawyer—that it is not difficult to find cases being delayed for months before they receive a hearing before the courts. In many cases people who are charged with a criminal offence linger in jail waiting for their case to come to trial. In the case of people involved in civil cases there is often an interminably long delay in having their cases brought before the courts, partly because of the calendar of the court, partly because of the fact that judges are overworked and overloaded with cases and also partly because of requests for delays on the part of counsel for either of the parties.

The last factor is one with which I do not think we can deal here because a lawyer has to operate in the best interests of his client and if it is necessary to ask for a postponement he should be able to do so within certain limits. We know there are abuses in this area also and that lawyers with what they consider to be poor cases will ask for remands, delays or postponements hoping that someone will get weary, that they will be able to make an out of court settlement, or will amass some new information to strengthen their case. This is not something with which we can concern ourselves except perhaps in an academic way. We can concern ourselves with court calendars, the work load of judges and so on which result in people being unable to get a proper or speedy hearing of their cases. How this can be done the Minister of Justice will be better able to decide than I because of his familiarity with the structure of the courts and his position now as Minister of Justice. It may require some consultation with the provinces because the administration of justice is in their hands. It may require some amendments to federal statutes or some action on the part of the minister under the authority he has now. I put this forward only as a general proposition about which some action should be taken.

• (4:10 p.m.)

It seems to me too that the proposition should be self-evident that in order for a