anticipated that amendments will be made at the report stage of the bill that will provide salaries for further increases in the number of judicial positions being created. However, these amendments will be contingent upon the passage of the necessary complementary provincial legislation.

Also, the bill contemplates the establishment of the offices of supernumerary judges in the provincial superior courts. The clause in the bill is an enabling power only and requires the enactment of provincial legislation before a judge may elect to become a supernumerary judge.

• (12:30 p.m.)

When the provinces proceed with the necessary amendment of their own legislation, provincial superior court judges who have reached the age of 70 years, and who have had ten years judicial experience, may elect to become supernumerary judges. In so doing, a regular judicial office will become vacant, with the result that an experienced group of judges will be available to assist in special cases of long duration and to meet the peak workloads of the court.

A supernumerary judge will be available to carry out, at the direction of the Chief Justice of his court, any and all of the judicial functions on the same basis as an ordinary member of the court. As I have said, the supernumerary judges of a court will form a pool of judicial talent that can be used as required to decrease the backload of cases, to bring valuable experience to a particularly complex case, and generally to provide the courts with the flexibility that is required to meet variable case loads. Unlike American judges who can serve in a similar capacity for life, provincial superior court judges will remain subject to compulsory retirement at age 75.

However, the bill provides for compulsory retirement at age 70 for county and district court judges. This clause will be applicable only to those judges appointed after the coming into force of the amendment. Those presently serving could remain in office until age 75. There is also a general provision that any judge who has attained the age of 65 years and who has held judicial office for 15 years may voluntarily retire from office.

It is important to the system of government and justice that we enjoy in Canada that our judges remain independent, and that principle admits of no limitations. Upon the integrity and impartiality of the judiciary rests the principle of freedom under law that is the keystone of democracy.

This bill provides for the establishment of a new council to be called the Canadian Judicial Council. The council will be composed of the Chief Justices of the various superior courts in Canada. The council will provide a national forum for the judiciary in Canada, and its dominant purpose will be to strive to bring about greater efficiency and uniformity in judicial services and to improve their quality.

While I have stressed the importance of increasing the number of judges that are available to hear the growing number of cases, that is only a partial solution to the problem. Our courts must be prepared to consider modern management techniques and be aware of the new methods of systems analysis and the modern equipment that is now commonplace in many government agencies and in successful business operations. To this end, the Canadian Judicial Council will be empowered to take a position of leadership and, through conferences and seminars, provide for the continuing education of judges.

[*Translation*]

While the administration of justice in the provinces is a provincial responsibility, the Canadian Judicial Council will be able to consider many of the problems involved in it on a national rather than on a provincial basis. Certainly, the courts of one province will benefit from investigations and studies done in other provinces.

In this regard, I commend the initiative of the former Minister of Justice of Ontario and the Ontario Law Reform Commission in instituting a study and review of the administration of the Ontario courts. The findings of this study should provide valuable guidance to the authorities in other provinces as well as to the federal government.

Consistent with its underlying concept, the Canadian Judicial Council will have power to carry out investigations of any complaint made regarding the conduct of members of the bench.

In addition to the right to initiate an investigation on its own, the Council may also be directed by the Minister of Justice to commence an inquiry as to whether a federally appointed judge should be removed from office. The governor in council now has this power under the Inquiries Act, but the enabling powers conferred by the bill are restricted and made appropriate to inquiries respecting the judiciary.

Because the independence of the judiciary is an integral part of the Canadian democratic process, it is important that the judiciary become, to some extent, a self-disciplining body. The executive or legislative branches of government should not ordinarily intervene in the management or control of the judiciary. To do so might result in an abuse of the executive power of government and would diminish the respect and independence now held by the bench, and destroy the delicate balance of powers that Canadian democracy has enjoyed since Confederation.

The bill of course contemplates that the Council will report the findings of any inquiry to the Minister of Justice. There would continue to be the requirement for an Address by both Chambers to the Governor General requesting the removal of a superior court judge from office as required by section 99(1) of the BNA Act. At present, the governor in council may remove a county or district court judge from office after an inquiry has been made. This power is being retained in the proposed new version of the Judges Act. An inquiry would be carried out by the Canadian Judicial Council and its report would be forwarded to the Minister of Justice. Should the situation so warrant, the Minister of Justice can recommend to the governor in council that the judge be removed from office.