

Judges Act

land which was created by the death of a distinguished member of that court in October of last year. My question to the minister was when would that vacancy be filled, and of course the minister replied soon. He went on to explain the reason for the delay, and I quote from *Hansard*:

Mr. Speaker, part of the delay relates to the reorganization of the courts and the impact this might have upon appointments. However, as usual the search for well qualified persons to receive these appointments is a significant matter and not one taken lightly and adds to the over-all delay.

I understand, although I am not a member of the bar, that the judicial year begins in October and ends in June. Certainly that applies in my province. Consequently, this means that the vacancy in the Supreme Court of Newfoundland has now existed for a full year, certainly for a full judicial year, and probably for a full calendar year when we consider that whenever the minister does get around to making this appointment, it will take the newly appointed judge at least a month or two months to readjust his life in order to be able to accept the position on the Bench. That may not seem like a very serious matter on the surface, but it is a very serious matter, and that is why I feel constrained to intervene in this debate.

Indeed I feel it my solemn duty to intervene in this debate because the seriousness of this matter results from this vacancy. The Newfoundland supreme court, by virtue of the fact that there is no court of appeal, cannot hear appeals. There are only three members left of the four member court, and consequently they cannot hear appeals against the judgment of one of its members, and also, because of the vacancy the court is overworked, and judgments are delayed significantly. We consider that to be a very serious matter.

I understand, and this is a matter of public record, that the law society of Newfoundland has communicated its feelings on this matter to the minister, but now we are being asked to vote for a bill to create a new appellate court for the province of Newfoundland before an appointment is made to fill a vacancy which has existed in the presently constituted court for almost eight months. In this bill we are being asked to provide for salaries for the three new judges who comprise the appellate court while the vacancy in the trial court, which also serves now as the appellate court, still exists.

As one of the representatives of the province of Newfoundland in this House I deem it to be an insult to the prestige of the Law Society of Newfoundland for the Minister of Justice to suggest in this House that he is having difficulty finding a suitable person to fill that vacancy.

Mr. Stanfield: Shame, shame!

Mr. McGrath: I would like to hear the minister's definition of suitable.

Mr. Lang: The best.

Mr. McGrath: I listened very carefully when in his opening statement the minister said that he considers the appointment of judges to be his most important responsibility, and I agree that it is a tremendous responsibility. That is why I find it regrettable that the minister, by his

[Mr. McGrath.]

failure to act in filling this vacancy, leaves himself open to the charge that the delay in filling this vacancy is because the minister has confined his choice to members of the bar who are well known supporters of the Liberal Party in Newfoundland.

Mr. Stanfield: Oh, shame!

Mr. McGrath: That, I submit, makes a total farce of this whole so-called consultative process, which the minister went to great pains to tell us about this afternoon.

I would ask the minister, and I will be repeating these questions when the bill gets to committee, has he within the interim of the past seven months or so sought the advice of the attorney general of the province of Newfoundland, the minister of justice of Newfoundland? Has the minister sought the advice of the Law Society of Newfoundland? Did he ask the benchers of the Law Society of Newfoundland to submit names? Did the minister seek the advice of the three remaining judges of the Supreme Court of Newfoundland? Did he ask them to submit names? Did the minister bother to consult with senior members of the bar of Newfoundland on an individual basis to get their advice and recommendations? Or did he, as I suspect and have already submitted, confine his consultations to the Liberal Party of Newfoundland? This is not the first time that has happened in the province.

● (2030)

This is not the first time the government has dragged its heels in filling a vacancy in Newfoundland. The last vacancy lasted for almost seven months. There was a seventh-month delay in filling the last vacancy which occurred when a judge retired. The delay was that long, even though the judge who retired gave the minister three month's notice of his intention to retire so that the minister would have ample time to find a replacement. That judge knew how difficult is the work of the judges, how overworked judges are, and how great is the case load of the court. Having consulted with distinguished members of the Newfoundland bar, I know that judges are overworked. They are so overworked that they hardly have time to research the law to write their judgments. This, of course, is intolerable. It is a situation which no member of the House representing a Newfoundland constituency should tolerate.

Where are the Newfoundland members who support the Minister of Justice (Mr. Lang)? Where is the Minister of Regional Economic Expansion (Mr. Jamieson)? Surely he has a responsibility here. Where is the Parliamentary Secretary to the Minister of Manpower and Immigration (Mr. Rompkey)? What does he have to say about this? What do the other government supporters from Newfoundland have to say? How can they tolerate this situation? It is not as if they did not know about it. It has been referred to in editorials in St. John's daily papers. It has been referred to in news stories. It has been referred to in correspondence between the minister and the Law Society of Newfoundland. This is a most serious situation, yet we are called on to support a bill which will create additional judgeships by virtue of creating extra salaries while this vacancy in Newfoundland is allowed to exist. I submit