bench of Canada have been under a cloud in very recent years. If someone says that these are exceptions, I would say there should be no exceptions. There are in all the provinces of Canada sufficient lawyers, outstanding in their profession and recognized so by their colleagues, respected by the public, to fill these vacancies. These people could be appointed and there would never be any question about our judiciary.

This sort of criticism has been valid too frequently in the past. The Solicitor General said on January 13, as reported at page 11798 of *Hansard*, that in this connection there are unofficial consultations with the law societies of each province. This may well be so; I do not know. But I would suggest they are of a negative character and that the federal officials may go to the law societies and say: Have you any complaints about this man? I say this because it seems that after these consultations the result is nearly always the same: When a Liberal government is in power, Liberals become judges; when a Conservative government is in power, Conservatives become judges, regardless of any consultation with the law societies. This does not need to be the case.

I said that on almost every occasion when we had this type of debate a member of the New Democratic Party makes a complaint; but I am pleased to say that other hon. members have similar doubts. There is on the order paper a bill presented by the hon. member for York-Scarborough, Bill No. C-236, which calls for consultation with the Canadian Bar Association when judges are to be appointed. In this regard I have been procrastinating for a year; I intended to introduce such a bill. However, I am very glad the hon. member for York-Scarborough has done so. I should like to refer to his bill for a moment and point out the kind of reform it proposes. The bill says:

> Before proceeding to the appointment of any judge, the Governor General shall consult the judiciary committee of the Canadian Bar Association.

In the explanatory notes we see the following:

> At its 1966 annual meeting the Canadian Bar Association passed a resolution calling for the appointment of a committee of the association to assist the Minister of Justice in the exercise of his authority and responsibility to make appointments to the judiciary.
>
> Accordingly it appears desirable before any appointment is made to the bench that the federal authorities consult a committee of the Canadian Bar Association so that they may have the benefit of the opinion of the legal profession on the suitability and qualifications of persons being considered for judicial appointment.
>
> This proposition does not take away the prerogative of appointment which, under our constitution, is vested in the Governor General.

• (9:40 p.m.)

> The purpose of this bill is to give effect to the proposal of the Canadian Bar Association.

This bill is a step in the right direction. I would go even further and say that the appointment of judges is too important to be left entirely to lawyers. I like the suggestion made by Professor William Angus of the law faculty of the University of Alberta, that lay persons be involved in these selections.

To conclude my remarks in respect of this clause of the bill I should like to read a few words from the paper which Professor William Angus delivered to the Association of Canadian Law Teachers at Sherbrooke, Quebec, on June 10 last year. In this paper, which is lengthy, he dealt with the methods of appointment in the United Kingdom and Canada and gave a history of appointments. I will read his last few words about how we might change our system, where he said:

> A practical solution might well take the form of an independent committee in each province, similar to the electoral boundaries commissions recently established for redistribution of parliamentary seats. Broad representation from various segments of the legal community and the inclusion of a few lay persons on the committee would ensure public confidence in the fairness of the selection procedure. When a vacancy on the Bench occurs, the committee could consider potential appointees and present a list of qualified persons to the Minister of Justice. The minister could then either recommend one of the qualified nominees from the list to the cabinet, or if he wishes to consider other prospects, submit their names to the committee for an appraisal of their qualifications. When the committee's view has been returned, the minister would then be in a position to make his recommendation and the cabinet to exercise its choice. If questioned in parliament, the minister could be required to disclose the committee's evaluation of the appointee and to defend the appointment. A plan of this nature clearly falls within the boundaries of our present constitutional framework and has much to recommend it.
>
> Some encouraging signs have appeared recently. A little over a year ago, the then minister of justice stated "that it would be a valuable step if various provincial bar associations would voluntarily send in regular panels of names of lawyers who would make good judges, regardless of political affiliation." Earlier this year, the Ontario section of the Canadian Bar Association at its annual mid-winter meeting held an enlightening panel discussion on judicial selection during which the need for some check on the qualifications of prospective appointees was generally acknowledged. Only a couple of months ago, the issue was debated once again in the House of Commons where both