

CONFIDENTIAL

October 29th, 1975.

MEMORANDUM FOR MR. ROBERTSON



Re: Six-Month Time Limit in Supreme Court
Article 30(2) of the Victoria Charter

The verbatim transcript discloses (pp. 433-34) that the procedure outlined in 30(2) was devised at Victoria to deal with the unlikely situation where a province might attempt to undermine the viability of the Supreme Court by refusing to name a chairman. In the draft first proposed there was no time limit but at Mr. Bennett's request the time limit of six months was added. Mr. Regan commented that this was too short a period of time. He stated, in part:

"Suppose the Minister of Justice is a busy man and the Attorney General of the Province is a busy man, they might take two or three months before they could find time to get together."

The Prime Minister then suggested that the time limit be six months beyond the time when the Attorney General of Canada first wrote to the Attorney General of the Province stating that he proposed to convene a nominating council.

Generally, it would appear that the six-month time limit was agreed to because the Conference thought it unlikely that the situation which the section was designed to meet would ever arise.

Barbara

Barbara Reed

cc: Mr. Hurley
Mr. Carter
Mr. Jodouin