

DISCUSSION DRAFT

Possible Principles Relating to the Judiciary

1. Provision in the Constitution for the principle of judicial independence of both federally and provincially appointed judges.
2. Avoidance, as far as practicable, of the development of a dual judicial system. (We do not want to adopt the U.S. system of federal state courts)
3. Provision in the Constitution for the continued existence of a superior court of general jurisdiction in each province, which will continue to exercise its general powers of judicial review.
4. Provision in the Constitution for the continued authority of Parliament to confer upon any provincially constituted court the administration of federal laws.
5. Provisions in the Constitution enabling the provinces to confer upon any provincially appointed court or tribunal the administration of provincial laws.

6. Provision in the Constitution for limiting the power of Parliament under Section 101 to create courts possessing general criminal jurisdiction.
7. Provision in the Constitution for consultation with the appropriate Attorney General on the appointment of superior, county and district court judges, the appointment of whom shall continue to be the prerogative of the Governor General.