

Judges Act

Some Hon. Members: Oh, oh!

Some Hon. Members: Hear, hear!

Mr. Kaplan: I would like to say a few words, however. I have read the Guthrie report and I approve of the idea of having this independent commission review judicial salaries. There is no doubt that the salaries being settled by this legislation are high salaries in proportion and in comparison to those earned elsewhere in the Public Service and in society. But they are not high salaries when one compares them to the incomes of the profession at the level from which we draw our judiciary and from which we hope to continue to draw our judiciary. I approve of the idea of indexing because I think it is difficult in this institution to deal regularly with these salaries when we see so much injustice in the salary mechanisms established elsewhere by this Parliament.

I want to refer to a couple of examples. The judiciary is a special case. We sometimes run into people in our constituencies and elsewhere who say Members of Parliament are underpaid. It is nice to hear that if you are a Member of Parliament. Certainly there are Members of Parliament, depending on their profession, who might have been making a lot more money if they had been doing their other job and not serving their country. In this Parliament that is not true in every case, nor should it be in every case. This Parliament is better because it drew people from all kinds of different jobs, people who were teachers, small businessmen, people in some cases who were out of the labour force and living at home, religious leaders and others for whom salary was not the issue. When you look at the salaries of Members of Parliament I do not think one should draw conclusions from what you find when you are looking at the problem of the bench.

● (1550)

Our purpose is to draw from the level in a profession at which salaries are very much higher than the \$127,700 which is to be the salary level after the phase-in period for which the Minister has provided. That looks like an awful lot of money but I believe one would find that it is less than virtually all of the individuals who would receive that salary would make if they continued with their successful careers as lawyers working at the level from which we are drawing judges and from which we hope to continue to draw them. Therefore, we support this legislation.

I want to refer to one particular feature of the legislation, the removal of the provision that a pension to the spouse of a judge ceases on remarriage. I approve of that change. I think it is a humane way to treat the judiciary and I think also it will mean something to successful lawyers, some of whom are young and have spouses who will be very much affected by the abandonment of promising and lucrative careers as lawyers to become judges. It is a meaningful and humane thing for the Government to do and we support it.

That particular provision, the continuation of spousal pensions on remarriage, is one which the Government ought

also to offer in other areas of Public Service. One of my colleagues, the Hon. Member for Glengarry—Prescott—Russell (Mr. Boudria) will, I hope, speak on this matter. This humane provision ought to be followed elsewhere. The Government ought to change other legislation so that that same humanity will be applied by the Government as an employer of those other than the Section 96 judiciary to which the amendments that are before the House primarily apply.

I offer my support and I would like to ask if there might be unanimous consent to go through all three stages of the Bill today so that we could settle it and move on to other matters which I think ought to be given more time.

Some Hon. Members: No.

Mr. Deputy Speaker: There is no unanimous consent. Resuming debate with the Hon. Member for Burnaby (Mr. Robinson).

Mr. Svend J. Robinson (Burnaby): Mr. Speaker, I am pleased to rise to make a few comments with respect to Bill C-88, legislation which would implement in a phased-in way the recommendations of the Guthrie commission which submitted a report and recommendations to the Government of Canada on judges' salaries and benefits on February 27 of this year.

We in the New Democratic Party support the second clause of this Bill which would delete the offensive provisions of the existing Judges Act which effectively bar widows or widowers of judges from remarrying if they wish to continue to receive their pensions. Those provisions are archaic and discriminatory and I welcome the initiative of the Government in repealing those provisions from the Judges Act.

Indeed, the Special Committee on Equality Rights recommended that a similar bar to pensioners be repealed throughout federal jurisdiction. I would certainly hope that the Government would apply this important principle not just in the case of judges but indeed in the case of all others who are in receipt of federal pensions.

At the same time, I might say that we are still waiting for the Government to make good on the commitments and promises it made to bring forward other legislative changes in response to the unanimous report of the Special Committee on Equality Rights.

[*Translation*]

It was on March 4, 1986, that the Government promised to amend the laws of Canada to implement the changes recommended by the Equal Rights Commission. Mr. Speaker, eighteen months later, the Government has still done nothing to keep this important promise. I ask the Government to keep its promise to ensure equal rights in Canada. I am well aware that you might one day hold another position than the distinguished one you now hold. I do not know whether it will be that of Prime Minister, but you will certainly assume the duties of that position with the same distinction as those of Deputy Speaker.