

Judges Act

Mr. Lambert: Well, Mr. Speaker, to justify the hon. member, who is a great nit-picker, and also the hon. member for Vancouver-Kingsway (Mr. Waddell)—those swashbuckling legal twins from Vancouver—I will say that that letter was written *per incuriam* by the members of this caucus. I will say it quite flatly: I have opposed this matter from the beginning, and I am opposing it now—

Some hon. Members: Hear, hear!

Mr. Lambert:—because I want to ask hon. members too, in case they have not done their homework, how much does anyone consider should be paid to an honourable judge in the Queen's Bench Commission who concludes his career on a salary of \$194,844, plus or minus several hundreds of dollars, to yield to him a pension of \$129,000 per annum after 15 years' purchase with a 50 per cent survival benefit of \$65,000 for his widow or, in the event that the judge is a woman, for her male survivor? I have made statements in the House and I do not think I am far wrong, that in order to achieve that same pension level, a judge would have to be paid \$194,000 in his final year and he would be paid 100 per cent more on his scale of salary to yield to him tax-paid dollars which would buy that 15-year purchase annuities contract. Remember this: income tax is at 47 per cent. If anyone should think that it will be easy to buy a contract yielding \$129,000 per annum to be indexed on the basis of the scales provided in this act with that escalating formula, he has another think coming. I have asked actuaries about the situation and they have thrown up their hands and said the conditions are too variable. True enough, a man may serve 30 years and therefore the benefits for pension purposes are much less per annum because he can purchase a longer contract.

This bill provides a mare's nest of problems. It points up the illogicality of the ad hoc system we have of setting salaries of senior public servants in this country. I am not denying that a competent judge is not worth \$70,000 a year or, in the case of the Chief Justice of Canada or the puisne judges of the Supreme Court, that they are worth their salary, but I will deny most vehemently, that members of Parliament, many of whom are the intellectual and other equals of these judges, members who work a lot longer hours and have no security of tenure, are overpaid. I say they are paid a relative pittance. I am one of them, but I have had almost 25 years here. There are few of us here who can speak out like this. It is a crying shame and there is a scrambling of values that is quite wrong. I can go into various areas and pick up some more inconsistencies.

This brings me to my last point because, having diagnosed an ill, I want to prescribe a remedy. I have brought this forward before, in an adjournment debate in July, and I have set down a private member's motion to this effect; I hope it will get a chance to be debated.

As sure as God made little apples, I will go after this in committee and I will ensure that the Minister of Justice explains this non-contributory pension scheme and the figures I have given as a result of the escalation clause. One has to

say, "Just a minute, how silly can we be!" I want to propose to hon. members that we consider the practice followed by our Australian friends. Remember, we do not have a blueprint here on the best possible procedures in Parliament. We think we have some pretty good things around here, but on this one we have to take a seat way back, not the rumble seat but a seat somewhere in the fifth vehicle in tow behind our Australian friends. They have a remuneration review tribunal provided for in an act which came into effect in either 1972 or 1973. I commend it to members of the House for its fairness. A commission of three people is set up, independent of government, before whom the government is only an interested party. The rules say the chairman shall be a legal person but not a judge appointed by the federal government. He or she shall be a state-appointed judicial officer, and the other two persons shall be also divorced from government service. No former member of Parliament or senator can be a member of the commission, except after seven years of continuous absence from elected office. Once a year the commission announces publicly that it will hear representations with regard to the salaries from the prime minister down through all the ministry, members of the house of representatives in Australia, the senate, senior public servants, heads of governments board and agencies, and the judiciary. If the government wants to put brakes on salary increases, it appears before the board or the tribunal. In any event, within a fixed time the tribunal must make its report—I think it is within 15 days, but perhaps it is within 30 days of the report having been tabled in Parliament. Unless 50 per cent of the members of the house shall have signed a motion rejecting the report, the report becomes effective.

● (2130)

That is the type of fairness which must be present in every city in every province. Many members of the House have sat on municipal bodies and have had their skins flayed by editorial comments concerning the pay scales of city aldermen and mayors; they have withstood a lot of abuse. The same applies at the provincial level to a lesser degree, but the favourite kicking boys in newspaper columns and other areas are federal members of Parliament. These self-same commentators do not look at their empire-building reports which are filed and before which they all kneel down and prostrate themselves in worship. All these reports do is pile on the agony with more controllers at higher levels of pay. It just packs together the bureaucracy. That is why we have expensive inefficient government in Canada, and that is why we have government controlled by bureaucrats rather than being controlled by Parliament. I say with great regret but with great advisement that is the situation we face in Canada.

I do not like this bill. It is not because of the increases in the salaries of judges or their general salary level, but I do not want to see a formula which will take off like a rocket within the next 15 years, nor a pension scheme such as the one proposed. If members opposite think that they can sell it to the public, let them try. I think judges should be paid well and