

Judges Act

of a judge remarried after the judge had died, he or she would lose part of the pension. In fairness we must remember that that spouse has worked over the years beside his or her partner, beside that judge, and has earned that income together with the spouse. We would like to see that taken one step further.

● (1040)

I have seen cases where members of the Armed Forces have passed on, and the surviving spouse loses the benefits of the pension or annuity if they remarry. That means by remarrying they are giving up that very important income that they have spent their life working towards with their previous partner. Indeed, perhaps it may prevent people from remarrying for economic reasons. That is unfair.

I support the cases of public servants who have paid into these pensions over the years, members of the Armed Forces, the Royal Canadian Mounted Police, Crown corporations where it applies and indeed all those throughout the federal jurisdiction, that when a surviving spouse remarries their part of that original pension from their first spouse will be retained and carried on. That is an essence of fairness. It has to be looked upon as part of their income, an income that they have worked towards with their partner during the first part of their lives. Why should they have to pay a penalty because they want to remarry and live a continuation of a happy life? Surely we do not have to pay for happiness. It has always been my understanding that happiness comes from true love and understanding, and one should not have to give up their monthly income in order to remarry.

Together with my colleague, the Hon. Member for Ottawa—Vanier I wish to conclude by stating that, in the future, we want to see public servants, members of the Armed Forces, RCMP, Crown corporations, and others under federal jurisdiction included in this principle. If a spouse dies and sometime afterwards the surviving spouse wants to remarry, that spouse should not have to give up his or her share of the original pension from the original marriage.

It is a fair element in this Bill today that the surviving spouse of a judge would continue to retain that part of the pension earned during the marriage to the judge. We want to see that continued on a scale across the board in all fairness to those who have worked toward that pension, and that it really is part of their income for life.

Mr. Gauthier: The Hon. Member for Renfrew—Nipissing—Pembroke (Mr. Hopkins) has made some interesting comments in regard to the rights of deceased judges' pensions and the rights of the surviving spouse to that pension. I would like to inform the Hon. Member that I have just received some facts from the report of the administration of the Public Service Superannuation Act for the last fiscal year, 1986. The figures indicate that in the fiscal year from April 1, 1985 to March 31, 1986 there were 97 widows and 12 widowers who

were deleted from the list of pensioners because they remarried. Last year, that is, 109 people were deleted.

The point to be made in passing Bill C-88, is that if we want to be humane towards pensions of judges' spouses, we should try to be as humane to those 109 people who in one year lost their income because they remarried.

I do not know if the Hon. Member has the figures from the Armed Forces, although I know the Petawawa base is in his riding and he has a preoccupation for Armed Forces personnel, but I do think we should look into of the Armed Forces and RCMP spouses who lose their entitlement to pensions because they remarry. Does the Hon. Member have any comments in respect to that?

Mr. Hopkins: Mr. Speaker, an Hon. Member has just said, "Who makes the laws?" In fairness to him, I would say who develops the law? The law is ongoing all the days of our life and during our time here. From time to time we revise those laws. When issues come before Parliament, we have to take a good look at those laws, and we are doing so in a fair light today.

The Hon. Member for Ottawa—Vanier mentioned that in one year 97 widows and 12 widowers from the public service had given up their share of a pension because they remarried. The Hon. Member has simply verified the fact that this is no great expenditure for the Government of Canada. The pension fund is there, they have paid into it, and other people are continuing to contribute.

I am sure that all other members of the Public Service, members of the Armed Forces, RCMP, and others in Crown corporations do not mind continuing to pay into a fund because they too some day may need that benefit. It is like an insurance policy, it is there when you need it. We are not talking about a great big drain on the treasury as some might interpret it. If the 50 per cent share of the pension of the 97 widows' and 12 widowers had been continued, it would be peanuts in the over-all context. But it will create an element of fairness in their minds that they have been fairly treated. It will also provide a better economy for that new marriage. We well know, Mr. Speaker, that sometimes a lack of income becomes a big problem in a marriage.

The Hon. Member for Ottawa—Vanier has hit a key point, because of the small numbers involved I think it is something that Parliament should address seriously and not only talk about today. I hope we will see this coming forward in future legislation.

Today in the Armed Forces of Canada there are approximately 84,600 members. We are not talking about large numbers here either. They have their own pension fund, and it would be no drain on that fund to continue this process. Indeed, the marriage may take place between two people where the new partner is also in the Public Service or in the Armed Forces which means that they are still continuing to