

Judges Act

an amendment which I hope Your Honour will see fit to accept. It proposes that we do as I said a while ago, that instead of voting for this bill as a bill, and thus entrenching it in the process, we send the subject matter to committee for study and for particular study of the pension provisions. Therefore, I move, seconded by the hon. member for New Westminster-Coquitlam:

That the motion—

The motion, of course, is that the bill be read the second time and referred to the committee.

—be amended by deleting all the words after the word “that”, and by substituting therefor the following words:

“Bill C-34, an act to amend the Judges Act and certain acts in consequence thereof, be not now read a second time, but that the subject matter thereof, particularly the subject matter of the clauses relating to non-contributory pensions, be referred to the Standing Committee on Justice and Legal Affairs.”

Mr. Deputy Speaker: The House has heard the motion. It appears to be in order.

Mr. Maurice A. Dionne (Northumberland-Miramichi): Mr. Speaker, I want to speak but I will be very brief, as is my usual fashion in this chamber.

There are good reasons, of course, for this bill being before the House. It is obvious that if we are to have the best people from the legal profession willing to accept positions on the various courts of the country, we will have to give them remuneration which though it may not be comparable to what they could earn in private practice, would give them a standard of living at least roughly equivalent to what they have become accustomed to. It would be a mistake, it seems to me, to fill the courts with the least successful lawyers in the country, and therefore I support—

Mr. Kilgour: Mr. Speaker, I wish to rise on a point of order. Would the hon. member permit a question, a very short point, now, or does he wish to wait until the end?

Mr. Dionne (Northumberland-Miramichi): I would prefer to wait until the end. At that time the question might not be necessary. As I was saying, I think it would be wrong and harmful to the judicial system if we were not able to attract the best legal minds to sit on the various courts of the country. Having said that, however, I want to go on to say that I, too, believe it is wrong for us as the Parliament to provide for the judges of this country a pension plan to which they do not have to contribute. I think it is important to remember that when anyone contributes to a recognized pension plan, those contributions are non-taxable and therefore the burden on anyone contributing to a recognized pension fund is eased by the fact that those payments are exempt from income tax.

So I want to make it clear that I support an increase in salaries for members of the judiciary in this country, but I do not support that portion of the bill which would make it possible for them to have their pension plan without making contributions to it. That is all I want to say, Mr. Speaker.

Mr. Kilgour: May I pose a question to the hon. member, Mr. Speaker?

Mr. Dionne (Northumberland-Miramichi): Please do.

[*Translation*]

Mr. Kilgour: At the beginning of his remarks, the hon. member stated that increasing judges' salaries would attract the best lawyers in Canada to the bench. Is he casting aspersions upon the judges who are now sitting on the bench? Does he mean to say that the judges we have now are incompetent?

● (1540)

[*English*]

Mr. Dionne (Northumberland-Miramichi): Mr. Speaker, I am glad the hon. member asked that question. I think it would be an interesting exercise if I were to put it back to him. However, I had no intention of implying any such inference in my remarks. I think one's imagination would have to be very active to come to that conclusion.

Of course, many judges are highly competent, have made great sacrifices upon accepting appointments to the bench and have made great contributions to jurisprudence.

Mr. Roberts: Hear, hear!

Mr. Dionne (Northumberland-Miramichi): On the other hand, I actually wonder about some judges.

Hon. Walter Baker (Nepean-Carleton): Mr. Speaker, I will not occupy the time of the House for long, but I listened to the comments of members on all sides of the House with respect to the question of the pensions of judges, particularly the contributory aspects of them.

Mr. Knowles: Non-contributory.

Mr. Baker (Nepean-Carleton): Well, the contributory or non-contributory aspects of them. Particular concern has been expressed that there is an implication in the bill that they will become completely non-contributory pensions, which the distinguished hon. member for Winnipeg North Centre (Mr. Knowles) indicated was not within the purview of what he would like to see; he made that very clear. Also the hon. member for Northumberland-Miramichi (Mr. Dionne) indicated that it was not satisfactory from his point of view. I know he speaks as a member of the Liberal party. He would not want me to say he was speaking in any other capacity, although I might question him on it. From the point of view of the official opposition, it also concerns us very much.

The reason I raise this at the outset is that in my respectful submission it renders somewhat questionable the necessity of supporting the amendment put forward by the hon. member for Winnipeg North Centre. I think his amendment was put forward on the basis that once the position had been completely adopted by the government, if the bill passed second reading stage, there was no hope that it could be changed in committee. As a matter of fact, there is a good likelihood that it could