

Judges Act

judiciary is a very important aspect of any democracy, certainly a very important aspect of Canadian democracy.

I want also to join with both of those who have spoken thus far in this debate in saying that we are well served by our judiciary. There have been some decisions made at various court levels with which I have disagreed. There are one or two that are current with which I may disagree. Likewise, there are times when I may disagree with the decisions of the Chair, but I still respect the Chair and all the occupants of it for their fairness and impartiality. The fact is, however, that an independent judiciary is something without which our democracy would not be secure. It is the place where the rights of individuals are protected. It is the place where decisions on the matters that affect individuals, or the principles that determine the whole nature of our society, are made. It is terribly important that we hold the highest respect for the judiciary and that we do everything we can to strengthen it.

I suppose there are members who are already saying to themselves, "How long is the member for Winnipeg North Centre going to talk that way before he tells us where he and his colleagues stand on this bill?" I just want to make it clear that what I have said by way of preamble is not just said for the purpose of being on the side of the angels so far as the judiciary is concerned, but because it is something about which we in this party and in our movement feel very strongly.

Even so, Madam Speaker, we think that some of the issues to which the hon. member for Calgary North addressed himself are serious and important issues, and we in this party have a view respecting those issues that differs radically from the views expressed by the Minister of Justice and by the hon. member for Calgary North.

We agree that one of the ways in which to provide for the independence of the judiciary is to make sure that individual judges are free from economic concern and anxiety. In other words, we agree that the salaries paid by Canada to her judges should be generous. I believe the hon. member for Calgary North would have a difficult time trying to get any court to reinterpret section 100 of the British North America Act to permit the salaries of judges to be established by the federal government through an order in council rather than by parliament itself. I think it is good that our constitution requires us to deal with the question of the salaries of judges here on the floor of the House of Commons rather than leaving it to the cabinet to be dealt with by order in council.

Even after saying quite clearly that we feel parliament must grapple with this responsibility, and that parliament must be generous so there will be dignity attached to being a judge and there will be freedom from anxiety and concern for our judges, we think there is such a thing as overdoing it. We look at the salary schedules provided in Bill C-47 and say quite frankly that we think the government is going too far. We say that, Madam Speaker, with particular conviction at this time in our economic history. The issue in this bill is awfully close to the issue that was before us in Bill C-44.

Mr. Gillies: No, it is different.

Mr. Knowles (Winnipeg North Centre): My hon. friend from Don Valley (Mr. Gillies) says it is different. There is

the difference in that I was opposed to any increases being provided under Bill C-44. I am prepared to support reasonable increases for judges, but I still think that we have to consider what the salary increases that this House is prepared to give to judges will do to the efforts being made to get our economy on the track.

In Bill C-44 we were dealing with the salaries or incomes of 264 members of this House and 102 members of the other place, a total of 366 individuals when the seats are all filled. I think that the action of parliament in providing for the boost that was contained in Bill C-44, even though it applied to only 366 persons, had a serious effect on the economy of this country. The proposal for that increase has been around since December, and I think some of the spiralling inflation that we are now experiencing has been triggered by what was done with respect to these 366 persons.

The Minister of Justice says that the number of judges in Canada is just over 500. That is even more than the total number of members of the House of Commons and the Senate. I submit that if we propose, in percentage terms or in absolute terms, massive increases in the incomes of another 500 persons because we owe them a particular respect, because we put them at the top of the ladder in terms of what is important in this country, this cannot but add to the inflationary effects that we have already fed to the economy by passing Bill C-44, even though some of us opposed that bill all the way.

I listened with particular interest to what was said by the hon. member for Calgary North. As I said earlier, I disagree with his conclusion, but I commend him on picking up and reading from the working paper distributed by the Minister of Finance (Mr. Turner) the exact restraint limits that are suggested in that working paper.

Everyone knows that a major issue now before the country is: what do we do about inflation? The government takes the view that somehow there must be restraint. The government view is that restraint should express itself in the precise terms quoted by the hon. member for Calgary North, namely, that no increase should be more than 12 per cent per year, or particularly in the case of higher salaried professionals and executives, more than \$2,400 per year, whichever is the lesser. I suggest that for the government to be talking restraint proposals of that kind—a limit of 12 per cent or \$2,400 per year—and then to break those proposals, pierce them if you will, for members of parliament and now for judges, and who knows next, just knocks the stuffing out of any possibility the government might have to sell its restraint program.

• (1640)

Mr. Woolliams: Madam Speaker, I have already pointed this out, but I would like the hon. member to be fair, and I think he will be when I make the point again. In this context we are dealing with a situation in respect of salary increases which are reviewable every two years. These judges, like members of parliament—and I do not want to mix the two together—have not had an increase for four years. So the situation is somewhat different. I am not saying the formula should be entirely different, but we are mixing apples and oranges.