

Judges Act

want to read from the Parliamentary Newsletter of the Commonwealth Parliamentary Association of October 23, 1980. Hon. members will see how this is handled in the United States. I quote:

U.S. Senators voted by 78 to 13 to reject the planned 9.1 per cent pay increase to top civil servants on grounds of economy. It was reported, however, that the real reason for the decision was that Congressmen were determined that senior officials and judges should not earn more than they earn. The Senate majority leader, Mr. Robert Byrd, gave this reason frankly. The basic salaries of Congressmen are currently frozen at \$68,662 a year.

That is where they are. Hon. members in this House are paid in the \$30,000 range, with an expense allowance. When I came to this House in 1957, my salary was at the level of a district court judge. Today that individual is paid \$50,000. It is proposed to pay him an additional \$15,000 effective April 1, 1980. In other words, from the \$30,000 that a member of Parliament earns, the spread to a county court judge is \$65,000. It beggars description and cries out for some investigation as to how this spread has arisen. One of the important elements highlighted by this particular bill is the haphazard way in which senior salaries are fixed. There is a statute, the Senate and House of Commons Act, which sets the salary levels for members of Parliament, ministers of the Crown and members of the other House. There are the order in council people appointed at the behest of the Prime Minister (Mr. Trudeau). They are guided by certain recommendations presumably from an independent advisory body, but that does not necessarily apply. There have been some glaring examples of omissions and capricious changes as a result of Privy Council appointments and payments. Then there are, from the same advisory body, salaries at the senior executive level in the public service. We know, for instance, that under the top Privy Council appointment the limit for a DM-3 or possibly a DM-4 is in the \$88,000 a year range. There may be one, two or three such individuals in the Public Service of Canada. That is considerably more than the Prime Minister of the country is paid. That in itself is an unacceptable anomaly. Regardless of the personality of the Prime Minister, the position is such that it is the prime position and that is where the prime salary should be. Then we have a series of fixed salaries in Crown corporations which compete partially with industry—and I must say they are poor competitors. For instance, there are the banks, insurance companies and trust companies. See what we pay to the governor of the Bank of Canada who is supposed to be the first, above all bankers.

● (2100)

An hon. Member: Does he get to take home samples?

Mr. Lambert: He is paid only maybe a third or a quarter of what some other heads of banks are paid. The Federal Business Development Bank president is way underpaid which affects the salary scale all the way down into mid-management. That corporation spends its time training credit officers who are then siphoned off into various parts of industry which pay better. Frankly, it is not fair. Then we have the judges, whose salaries are fixed by statute. This statute is a limper as to time. The situation is most unfair to the judges who depend

upon the hazards of the parliamentary calendar to have their salaries adjusted. In this particular bill two annual increases are included, but they are all going to fall in with the other increases in one year. As a matter of fact, at the present rate of progress it could be that both of them will fall into the year 1981 with the other increases. So, the judges will be hit just that much harder, possibly on income tax, although at their level most judges at their marginal rate would be at the top 47 per cent on a good portion of their salaries.

Dealing with, shall we say, the middle court, I will read salaries now provided. The current salaries in effect since April 1, 1978, are as follows: in the Supreme Court of Canada, the Chief Justice, \$72,000; puisne judges, \$67,000 each; in the Federal Court of Canada, the chief justice and the associate chief justice, \$62,000 each. These are basic salaries. There are some adjustments and representational increments of up to about \$3,000 for various positions. Other judges in the federal court, \$57,000. In the superior courts of a province, the chief justice and associate chief justice, \$62,000; other judges, \$57,000. The judges of the Supreme Court of the Yukon Territories and the Supreme Court of the Northwest Territories, \$57,000 each. The last level of federally appointed judges, the chief judge and the associate chief judge of the county and district courts, \$55,000, and other judges, \$50,000.

This bill proposes to increase the salaries for the years 1979 and 1980. The Chief Justice of Canada will receive an increase of \$8,000 a year for a total of \$16,000 bringing him to a level of \$88,000 on the passage of this bill. The puisne judges will get a total of \$81,000 because their present levels are \$67,000 and they will get total increases of \$14,000. The salary of the chief justice of the federal court will go to \$76,000 and those of the other judges will rise from \$57,000 to \$70,000, such as the superior court judges in all of the provinces. The salaries of district court judges will rise to \$50,000 plus \$15,000. In other words, they will go to \$65,000. I have made a tabular list but unfortunately, as I immediately noticed, I made one mechanical error in the Supreme Court calculation: I am short by about \$13,000, but I might point out that an appointment of 15 years is the minimum required for a vesting of pension.

In this act the wording is "shall", the governor in council shall grant a pension to a member of the judiciary after 15 years of service. If hon. members turn to clause 16 of the bill, they will read the conditions under which a judge, having reached age 65 with 15 years of service, may retire. There are other provisions and then a condition whereby a judge, having reached retirement age after ten years of service, may get a full pension. Then there are proportional pensions.

● (2110)

I will not say that I am a mathematical genius, but on the basis of my calculations—and it may be that I am slightly out—some of my friends appointed to the Court of Queen's Bench division in the province of Alberta will receive salaries as of this year of \$70,000. There is a formula in the bill which says that salaries of judges shall be increased annually by the lesser of 7 per cent or the average of industrial wage increases