

*Judges Act*

year or are articling, and more likely than not the man or woman will say to me, "No, I am a Queen's Bench judge." I want to point out that they are getting somewhat younger, or perhaps I am getting older. It must be a sign of aging in me as well. I hear the chief government whip asking me if I am looking for a job. I say to him, yes, I am looking for his job.

**Some hon. Members:** Oh, oh!

**Mr. Hnatyshyn:** I want to get back to the government side and fill that most important position, of course, only after the hon. member for Burlington (Mr. Kempling).

**Mr. Kempling:** You can have it!

**Mr. Hnatyshyn:** The fact is that I understand those arguments, but it seems to me that in terms of considering this bill and its operation, we should give serious consideration to the implications of the proposals it brings forward. A serious concern has to be expressed for the non-contributory pension scheme. Whether or not the scheme will be actuarially sound is another matter we can address. It seems that in the course of deliberations in committee we should take a look at this, and already we have received an indication from the minister, on occasions when he has appeared before the Standing Committee on Justice and Legal Affairs, that he is prepared to discuss this aspect of the matter. I say to him that this is a matter which will be brought up by us at committee stage, and one to which we want to pay serious attention. We want to consider the implications of the proposals brought forward by the government.

Also dealing with the pension matter, I hope that the minister will be able to answer questions at some point in this debate or in committee on a rather curious operation of the pension provisions in this bill. I refer to the fact, under the provisions of this bill, if a judge dies, the widow's annuity is suspended upon remarriage. By definition that includes a widower. I simply raise this as a matter of interest. I have never understood why this provision exists in our pension legislation. It seems to me that if people are entitled to benefits under the provisions of any pension legislation, then their pension benefits should not be suspended on remarriage. There may be quite legitimate reasons for a widow or a widower remarrying, and this whole provision of availability of a pension seems to be a curious anomaly in the law.

What I want to say about this bill in general terms is that we have a certain difficulty with respect to matters of legislation. I know that under section 100 of the BNA Act, Parliament, to distinguish it from the cabinet and the executive, has the responsibility of dealing with the salaries, benefits, annuities or pensions of the judiciary. I understand that responsibility, and I am not suggesting for a moment that we should do anything which would tend to diminish that very important role which Parliament must play. However, it seems to me—and I want to extend a compliment to the minister in this respect—that perhaps we should look at a better system with respect to executive compensation for public service. The hon. member for Edmonton West (Mr. Lambert) has commented

on this in the course of the years. We should not have to operate on an ad hoc basis in dealing with salary increases, as we do it seems. I was very pleased to see that there is at least a start in the bill before us in the provisions which allow for a compensation review committee to be established after 1983, and every three years thereafter, to make recommendations to Parliament on compensation to be paid to our judges. I think that is a good start on action which has been long overdue.

It seems that we have been dealing in a rather casual way with compensation for a segment of our society which has rendered a public service of some importance. I think my colleague, the hon. member for Edmonton West, will address himself, as he has in the past, to this important topic. This is possibly an opportunity for us to canvass the potential of having some mechanism by which this committee would make its recommendations directly to Parliament. There is a certain amount of support for the idea of allowing Parliament to control this entire process. The recommendations would be brought forward and enacted, unless we had something in the nature of a negative resolution brought forward in a petition by a certain nominal number of members of the House of Commons.

● (1650)

We want to ensure that when people are appointed to the bench they will understand and expect, without concerning themselves with the vagaries of elections and parliamentary agenda, that a reasonable and rational salary range will be considered on their behalf before Parliament. In that event they would have financial security in the performance of their very important functions. I hope we will have the opportunity to deal with that particular aspect with the minister. I hope he will be prepared to discuss some of the advice he will receive from his departmental officials, and I am sure we will have recommendations and suggestions of our own.

In conjunction with that, I want to raise another matter. Under the provisions of the Judges Act—and it is affected by this legislation—certain public servants are tied cheek by jowl to the increases proposed and the salary ranges suggested for judges. Of course I am referring to the Auditor General, the Commissioner of Official Languages, the Chief Electoral Officer, and members of the tax review board by way of example. Their salaries are related to the amount awarded or passed by Parliament with respect to judges. If we will be pursuing the entire question of executive compensation, I wonder aloud whether or not that whole range of public servants should necessarily be tied to the compensations paid to judges.

When we consider the salary of a particular vocation, profession or pursuit, it is rather too simplistic to suggest that it should apply to a whole range of other positions. If there is to be a review by way of a commission, it should concentrate on what in fact judges require, or what would be fair and appropriate for the judiciary. If we look at the salary of the Chief Electoral Officer, he may require more money than the judiciary, because of the stress of that position. It may be appropriate to decide whether he requires more or less,