

*State Pensions*

diminution or merging of pensions. But this did not apply to those of commissioned rank in either of the forces who wished to serve in the Public Service of Canada. If the position taken in the public service meant that the pay in the public service was more than the pay applicable to the rank of the employee at the time of retirement, a formula for the diminution of the superannuation allowance was applied.

Strangely enough, although it applied to the Queen's service in the right of Canada, it did not apply to the Queen's service in the right of a province. Therefore a great number of highly trained people, trained at the expense of the Government of Canada, were forcibly diverted into the service of provincial governments. I do not say that the provincial governments lost thereby or that the people of Canada necessarily lost. But I do say that the Government of Canada by so applying the formula prevented many superannuates from the armed services and the RCMP from working for the Government of Canada.

Of course we could not have a member of the Public Service of Canada drawing a pension if he gained employment in the armed services. No, that could not happen. The position was even more anomalous with regard to members of the House of Commons and the Senate who, because they were entitled to pension by virtue of service in this House or the other place, could not take employment in the service of the Crown of Canada without losing their pension entirely. Mr. Speaker, they lost it. I think there was a return of contributions when they died, although at one time the contributions were lost. That is how brutal it was at the beginning.

This provision was modified slightly. Strangely enough, a member of the Public Service of Canada could, on retiring and enjoying either a whole or partial pension, be elected to the House of Commons and maintain his pension, which would be paid over and above his parliamentary or senatorial salary—the latter case applying if he were appointed to the Senate. Is that equality of status? Hardly. There was no equality.

I should mention that many members of this place, being qualified as lawyers, over the years were appointed to the bench and, with great distinction, carried out the duties of the justices of Canada in all courts under the jurisdiction of the Minister of Justice. Strangely, even though they might have served here for 200 years and built a pension entitlement, when they went to the bench the pension entitlement was gone. They could not draw the pension. Actually only in recent years were their contributions allowed as an asset to their estates. I tell hon. members that this, in recent years, has served to the grave disadvantage of many members of this House who accepted court appointments.

On the other hand, lawyers who were practising in the provinces, who were members of the law societies of the provinces and who were appointed directly to the bench had, in many cases while in practice built up a pension entitlement, annuity or additional income which allowed them to enjoy their position on the bench, when pay for the bench was not too generous, with a degree of ease which made them completely independent. They were completely independent and above temptation. But the member of parliament who went to the bench without any

[Mr. Lambert (Edmonton West).]

pension had a hard time. I have heard many members of the bench complain that, frankly, on their salaries they could not afford to live at the level at which judges are expected to live. They had no accumulated pensions. They had accumulated a pension while serving this House, but they had not had the opportunity to practice while serving as a member of parliament, and that was that.

I am looking for equality of status, Mr. Speaker. This bill will allow members of parliament, or of the other place, if they have entitlement to pension to merge it into the superannuation scheme of the public service if they join the public service.

I do not suppose that we shall frequently see a member of parliament joining the armed services on retirement from this House, although of course, there may be wartime situations, in which case this possibility would arise. I think it is highly unlikely, but there is always the possibility.

● (2120)

I am not sure that this act now provides for a member of parliament to go to the bench, take his pension with him and receive it, which he would do if he were to become a provincial judge. Remember, the levels of pay of provincial judges in some provinces are the equivalent of county court judges under the federal act. There would be a terrible anomaly created there. A member of parliament, highly suited to go to a district court, might say that because he is going to be limited to salary he will become a provincial judge rather than a federally appointed district court judge. There again I want to obtain an equality status in so far as those positions and the entitlements under the pension plans are concerned.

I have not been able to examine the detail of the Superannuation Act. However, in so far as it applies to females, when in practice I came across a provision which I called the gold-digger clause and I think it should be severely modified if not totally eliminated.

A member of the Public Service of Canada may in his senior years marry a second, third, fourth time or whatever it may be. He may marry a woman more than 20 years his junior. At the time of his demise, he may be retired, still married and cohabiting with his last wife. At the time of the death, because the wife is more than 20 years his junior, the superannuation she would receive under the present act would stand abated under a formula of so much for each year.

I have seen cases where in middle years a man marries a woman more than 20 years younger than he. They are married for 30 years. The second wife is a mother to the children of the first family. I know of one case where the children and husband say that the second wife was a far better mother and wife than the first. The man died at the age of 85. His widow was age 61. Under the Superannuation Act she was not entitled to the full widows' entitlement.

**An hon. Member: Why?**