

Judges Act

Mr. Baker (Nepean-Carleton): Go ahead.

Mr. Robinson (Burnaby): I know that all members of this House hope that this will be a thing of the past.

The hon. member for Nepean-Carleton has suggested that I go ahead. I will not, for example, give the example of the Supreme Court of Canada justice who was appointed by the Conservative party and who just happened to be a Conservative candidate in the province of Quebec. I will not give the example of a former Liberal member of Parliament who was appointed to the federal court bench in 1978 to make way for the present hon. member for Lincoln (Mr. Mackasey), who, unfortunately, ran third that year. I do not have to give the example of the hon. member from Nova Scotia who was appointed to the provincial court bench because a deal was made. He said quite openly that a deal was made between himself and the Liberal government of the day because he was not appointed Speaker of this House. I do not have to give specific examples.

An hon. Member: Are they good judges?

Mr. Robinson (Burnaby): The minister responsible for amateur sport will know of the example about which I am talking. Political patronage should play no part in the appointment of judges in this country. Hopefully those days have come and gone.

I would like to turn to the question of salaries.

Mr. Chrétien: Mr. Speaker, I rise on a point of order. This matter involves an official of this House who served it very well. He was appointed to the bench, not by the federal government, but by the provincial government of Nova Scotia. For the hon. member to impute motives of wheeling and dealing is inappropriate. I think the hon. member should refrain from casting doubt on people who have served this House and have served as judges honourably in the last few years.

Mr. Robinson (Burnaby): Mr. Speaker, I must quote from the letter sent by a former member from the province of Nova Scotia. He said, referring to the Liberal government:

The government, however, felt an obligation to me, and I understand tried to carry it out then with a judicial appointment. Mr. Stanfield felt, and I agreed, that I should serve at least a part of my term. Time, one might say, marched on. I am now advised that the provincial government—

I believe that was the provincial government headed by the Minister of Labour (Mr. Regan). The letter continues:

—will authorize my appointment as a provincial judge, which carries out the understanding reached in 1974. I have decided to accept the same since, essentially, that has been my position since 1974.

Mr. Lynch, wrote the column in which the letter appeared. He asked:

If we were permitted to question the learned judge, we would ask: What 'understanding'? What 'position'? What 'principle'?

There is no question but that it was a deal. As I have said, hopefully those days are past.

Mr. Regan: Mr. Speaker, I rise on a point of order. I was premier of the province of Nova Scotia as the time the Conservative member Robert McCleave, a very able and respected member, was appointed a provincial judge in Nova Scotia. I do not know how the NDP runs a government, but the cabinet of the government of Nova Scotia at that time decided on the appointment of Mr. McCleave based upon his abilities and the respect which the people of Nova Scotia had for him. His appointment was not based on any federal government considerations.

Mr. Deputy Speaker: Order, please. It appears that we are entering into a debate, and I invite hon. members to respond in the normal way.

Mr. Baker (Nepean-Carleton): Mr. Speaker, I listened quietly to what the hon. member for Burnaby (Mr. Robinson) said. What he said is most unfair and wrong. He was wrong, as has been pointed out by the Minister of Labour (Mr. Regan), at least with respect to His Honour Judge McCleave. When Judge McCleave was a member here he was appointed Deputy Speaker of this House of Commons by a party which does not bear the label that Judge McCleave wore when he was fortunate enough to be among those who could defend themselves in this House.

Second, I think this is a place of free debate, but it is a free debate with some discretion.

Mr. Deputy Speaker: Order, please. With all due respect to the hon. members who have spoken, this may be difficult to accept as ordered. It appears there is a very substantial difference of opinion. I would hope hon. members in the course of debate would respond, but the hon. member for Burnaby (Mr. Robinson) does have the floor. He will, of course, take responsibility for his own remarks.

Mr. Robinson (Burnaby): Mr. Speaker, I see that my time is drawing to a close. I want to refer to two other aspects of this bill which give us serious concern. I will deal with the first briefly. It concerns the question of proposed salaries for judges.

Naturally we recognize that Parliament has the responsibility to set salaries which are fair and just. They must reflect the seriousness with which we take the federal judiciary and we must recognize also that often there is a considerable financial sacrifice involved in accepting an appointment to the federal bench. However, our party will be elaborating on this point in committee. But the proposed salary increases go far beyond those recommended even by the independent Dorfman commission and the Canadian Bar Association itself. We should be looking at narrowing the income gap not widening it. While recognizing the importance of a fairly and adequately paid judiciary, we will be expressing concern in committee about the levels of the proposed increases.

Next is the question of the proposed pension provisions under this bill. They are nothing short of scandalous. The Minister of Justice came before us in the fall of 1975 and said