

Judges Act

The Judges Act provides for a specific number of judicial positions for each Section 96 Court. At the present time, there is a provision for a pool of 49 unassigned judicial positions so that additional judges may be appointed as the provinces and the territories increase the size of their courts between periodic amendments without the need to amend the Act for each individual judge.

• (1740)

Bill C-30 will add 35 judges to the specified authorized levels in six provinces and the Northwest Territories, in response to increases in the size of their courts which have occurred since 1985. The courts affected include provincial courts of appeal, and trial courts at both the superior court and county court levels.

Of the 35 positions which the six provinces and the Northwest Territories have created, the Governor General has drawn on the "pool" provision in the Judges Act to make appointments to 21 of those positions since 1985. An additional 14 positions, therefore, would remain to be filled as a result of the amendments contained in Bill C-30.

Bill C-30, consequently, will also "replenish" the Judges Act "pool" by re-enacting the relevant Section to make contingent provision for future increases in the number of judicial positions.

Another important aspect of Bill C-30 is that it will implement three more of the recommendations of the 1986 commission on judges' salaries and benefits, which was established pursuant to the Judges Act and is commonly referred to as the Guthrie Commission after its Chairman, Mr. H. Donald Guthrie, Q.C. The report and recommendations of the Guthrie Commission were tabled in this House by my predecessor, the Hon. Ray Hnatyshyn, on March 11, 1987.

In 1981 the Judges Act was amended to provide, with effect from 1979, an accountable annual allowance for judges in the amount of \$1,000, separate from salary, "for reasonable incidental expenditures that the fit and proper execution of the office of judge may require". This incidental allowance applies against the cost of repair and replacement of court attire, the purchase of law books and periodicals, membership in legal and

judicial organizations and other similar expenses not recoverable under any other provision of the Judges Act.

This \$1,000 allowance is obviously inadequate. It has not been changed in 10 years. The effects of inflation will be well known to the House. Therefore, we are increasing that to \$2,500. It is a modest increase and we think that it will do the job.

Bill C-30 will also extend to retiring judges of the Supreme, Federal, and Tax Courts of Canada, and to the surviving family members of judges of those courts who die in office, the benefit of a removal allowance to cover moving expenses to facilitate their relocation outside of the National Capital Region, which is where judges of those courts are required to live. In order to qualify for the allowance, the judge must have been resident outside of the National Capital Region before his or her appointment to the court in question. This removal allowance must be utilized within two years of the judge's retirement or death. This removal allowance was recommended by the Guthrie Commission, and we are also pleased to put it into effect.

The third big change is when a judge dies in office, a lump sum "gratuity" equal to one-sixth of the judge's annual salary at the time of death is currently payable to the surviving spouse pursuant to a series of Treasury Board minutes that date back to 1965. Bill C-30 will convert that lump sum payment which was on an *ex gratia* basis to a statutory entitlement, which was another recommendation of the Guthrie Commission.

Bill C-30 will increase from \$4,000 to \$6,000 the northern allowance provided to judges of the Yukon and Northwest Territories Supreme Courts, to compensate for the higher cost of living in the territories.

This is what might be called a housekeeping Bill. I appreciate the opportunity to consult with my colleagues opposite and the co-operation which they have given to us in allowing us to pursue second reading, Committee of the Whole House, and hopefully third reading stage today.

Hon. Bob Kaplan (York Centre): Mr. Speaker, I see that there are 15 minutes left and we hope to get the Bill through all three stages by 6 p.m. The Minister summed it up well when he called it a housekeeping Bill. It is that.