

Judges Act

am referring to a table of figures which was kindly supplied to me by the department.

The other judges of provincial superior courts are presently paid \$38,000. Their pay is to rise to \$53,000, or by 38 per cent. The chief judges of county and district courts are paid \$30,000. They will receive, once the bill is passed, \$44,000, or an increase of 46 per cent. The salaries of other judges of county and district courts will rise from \$28,000 to \$40,000, or by 43 per cent. In the third phase, the salaries of chief judges of county and district courts will rise to \$51,000, or by 70 per cent over-all; and the salaries of county and district court judges will rise to \$46,000, or by 64 per cent over-all. I think the committee should look at these figures.

The Minister of Justice suggested today that in accordance with suggestions of bar associations—this has already happened in some provinces—the former differences in jurisdiction between county and superior courts are being phased out. As the responsibilities of the judges will be similar, I think it is fair to give them the same salaries. Unfortunately, such arguments are as full of holes as the watering can you use for sprinkling flowers. Again, this is an area the committee should examine. We must also remember that district court judges are now handling divorces which at one time were the sole prerogative of the supreme court division. They are hearing jury cases and all sorts of criminal cases. They are hearing cases involving larger sums of money than ever and we must consider whether they should be paid less than other judges.

There is to be another change in connection with surrogate court work and other cases coming before county courts. Certain provisions of the act are to be phased out. The federal government is to be responsible for certain financial aspects connected with surrogate courts. As we are dealing with salary increases, I think I ought to read one paragraph from "Proposals for the first year of consensus." It reads:

The fourth element in the wages and salaries guidelines tries to introduce an element of equity. At the upper end of the scale, it is proposed that no group, no matter what the change in income over the last two years, should be allowed to get more than \$2,400 increase in the first year. This represents 8 per cent, the target rate of price change in the first year, of a salary of \$30,000. At the lower end, it is proposed that increases of \$600 should be allowed in the first year regardless of the size of the increases received in the past two years. The \$600 figure represents a 12 per cent increase for those earning \$5,000 a year, about the minimum wage.

The committee must consider some of these things. Remember, the principle being applied to judges is the principle which was applied to members of parliament. The last salary increase took place in 1971, and it would not be fair to apply guidelines to judges which apply to some others. On the other hand, the public is entitled to an explanation from the government concerning these increases. After all, they are being asked to restrain their demands. This is a time of great sensitivity and, as I say, I hope debate on this bill will not degenerate to an exchange of partisan opinions. It is necessary to put some of these things on record so that judges, if they read the record of this debate, will understand the pressures at work behind the scenes.

[Mr. Woolliams.]

While we are on the subject of lawyers, may I read into the record some proposals concerning professional fees:

● (1610)

It is proposed that increases in fees for professional services, such as the services of doctors, lawyers, accountants and consultants, should be governed by the same general principles as apply to other prices and incomes. Specifically, it is proposed that professional fees should only be increased by the amounts required to cover the increased costs of providing the services and to improve the net income of the self-employed professional person the same amount as would be available to the salaried professional person. Thus the \$2,400 maximum increase would apply in the determination of professional fees. The technical questions which might arise in the application of these principles have not yet been fully explored. Provincial representatives have been requested to consider their application to professional fees falling within their areas of jurisdiction, and it is expected that this question will be considered further at the next meeting with provincial officials.

I do not know when that will be because, after today, I do not know whether they will meet or not. How do you control professional fees? A lawyer practising law may get up at six o'clock in the morning and work until midnight preparing his case. He may have another group working on mortgages and leases. This lawyer may earn \$10,000 or \$15,000 more, but he is not like those who have secure positions in the government. They check in at nine and when the bell goes at 4.30 there is a cloud of dust. That situation is entirely different from free enterprise.

I say to the government that there is no chance of their controlling professional fees. When I was practising law I sometimes worked all night. As I said to somebody, I work hard here, but when you are in a profession such as the law and you make your living from practising law—and I do not mean with the government or an oil company—and you have to pay your rent, the salaries of secretaries, and take some food home for the baby, you really have to hustle. I do not know whether the minister practised law. He is a Rhodes scholar and because of his great academic ability became a professor and dean of a university. I have one of his students in my office. I did have two. If this one is of the same high calibre as the other, he should be proud. I hope he reads this: I did not intend to say it.

I want to deal now with a very interesting viewpoint. There is one thing I like on television, the program "Viewpoint". I listened to a fellow talk about members' salaries. If all the facts presented to a court were like the facts presented on that show, it would be awful: there would have to be a new trial on the evidence. I listened to a fellow named Ben Marcus. He was a good performer. He looked right into the CBC camera. Whether he was reading from a prop or not, I do not know.

Mr. Baker (Grenville-Carleton): He is an Ottawa lawyer.

Mr. Woolliams: I want to thank the CBC for giving me a copy of the script. This show was televised from Toronto. He said:

Tonight I am going to urge you to consider the absurd proposition that 400 salaried public servants are highly deserving of substantial pay increases. One group earns \$33,000 per year and ought to earn \$46,000. The other earns \$41,000 and ought to earn \$55,000.

Only a small percentage of Canadians will have personal experience with our court system, and too few Canadians appreciate the protection they receive from the law and those who administer it on a day to day basis. The common concept of our courts comes from sensational