

Judges Act

Mr. Pepin: They are officers of Parliament.

Mr. Jarvis: The minister says they are officers of Parliament. That begs the question: why are we not debating the salary of the Clerk of the House or the Sergeant-at-Arms and heaven only knows who? I do not accept that as a rationale. I do not understand it.

My chief concern is the pension aspect. The Liberal government got us into this situation in 1975. The government created two classes of judges by its 1975 legislation and now it stands the victim of its own making. You created two classes of judges and now you are coming back to try to restore what was an obvious mistake in 1975.

The Deputy Speaker: I would invite the hon. member to address his remarks to the Chair.

Mr. Jarvis: Mr. Speaker, I am sorry. I was taking liberties on a Friday afternoon which I should not have expected, and I thank you for helping me. More speakers should point out that omission to us because I notice members are slipping into a bad habit by not addressing the Chair. I stand corrected, and I deem it is a pleasure to address you, sir, rather than my colleagues across the way. I deem it a much greater pleasure, I might say.

Having put us into that situation the government is now trying to correct it in 1980. Looking at it in the abstract, I find that non-contributory principle likely unacceptable. Why do we create a distinct class of judges, vis-à-vis the contribution aspect when we compare them, as was done by my colleague, the hon. member for Saskatoon West (Mr. Hnatyshyn) on December 1 at which time he pointed out the same aspects with respect to the armed forces, the RCMP, public servants, members of Parliament and senators? It is very hard to understand and accept the rationale for that. I would think that deserves our serious attention. Do we regard it as a precedent, which we do not want to be adopted in terms of these other classes? We might regard the rationale as unacceptable because of the shifting back and forth from the pre-1975 situation to the 1975 situation to the 1980 situation. Surely in monetary terms the rationale cannot be supported because, as the parliamentary secretary and my colleagues opposite know, that can be compensated for in terms of salary. The pension and the salary are not apples and oranges. They are a package. There is absolutely no difficulty in rationalizing it in a monetary sense. It may mean an increase of a minor nature in the salary effect to compensate for the contributory portion of the pension.

Mr. Speaker, I had only intended to speak for seven or eight minutes and I have already spoken for longer than that. However, I appreciate the opportunity to put some of my thoughts on the record.

Mrs. Ursula Appolloni (Parliamentary Secretary to Minister of National Defence): Mr. Speaker, I rise on a point of order. I appreciate your courtesy in allowing me to explain my intervention, which was referred to by the hon. member for Perth (Mr. Jarvis). The hon. member felt that in my interven-

tion I was referring to a chauvinistic attitude. I hasten to say that I was not. With your permission, Mr. Speaker, I would like to explain why I intervened in the first place.

I referred to the speech made a few moments ago by the hon. member for Edmonton-Strathcona (Mr. Kilgour). I believe the hon. member in his opening remarks—I do not have them before me, obviously, because *Hansard* has not yet been delivered—he implied that because he was speaking against this particular bill there was the possibility that judges or any judge could retaliate in kind or in any other way against him or his wife, who I gather is a practising lawyer. That statement shocked and appalled me, particularly now when cynicism toward public figures is rampant in this country. I believe that such an impression as left by the hon. member, who is himself a member of the legal profession, is totally unworthy of him. That is why I said it was shocking. I repeat, I still think his statement was shocking.

Hon. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, when I have occasion to speak in this House I usually try to develop what I have to say in some orderly sequence. Sometimes I even have a plan, but I am altering that pattern somewhat today. I want to say that I am persuaded to start first in a field to which a fair amount of reference was made by the hon. member for Perth (Mr. Jarvis), namely, the position of widows. I am glad he raised the point that there does not seem to be any place in the 1980s for a provision that a judge's widow who remarries must lose her pension. I support both the hon. member for Perth and the Minister of Transport (Mr. Pepin) in their objection to that.

One of the reasons I want to say this right at the beginning is because in my view that kind of provision ought to be removed from all of our pension laws. For instance, the Public Service Superannuation Act, the Canadian Forces Superannuation Act, and the Members of Parliament Retiring Allowances Act all have the same provision. All through our legislation we find this eighteenth or seventeenth century idea that a woman is taken care of by a man. If he dies, she gets a pension, but if she finds another man to take care of her, out goes her pension.

It really is for the birds and I hope my hon. friend from Perth, and my hon. friend, the Minister of Transport, will agree that it ought to be taken out of all other pieces of pension legislation as well. By the same token I dislike very much another provision in those pension plans. Since the hon. member for Perth spoke, I have been unable to check back to the original act to see whether it applies in the Judges Act, but it probably does—if it does not, we are giving judges' widows preferential treatment. In most pension plans a widow does not qualify for a widow's pension if she married the person of whom she has become the widow after he left the job. That is certainly true in the Public Service Superannuation Act, the Canadian Forces Superannuation Act, the Royal Canadian Mounted Police Superannuation Act and the Members of Parliament Retiring Allowances Act.