

*Supply—Justice*

any detail, but I do feel that proper consideration should be given to it. After all, our judicial officers must be people who are well qualified and well considered, and they must be chosen from the top bracket of the legal profession in Canada.

I want to ask the minister two questions, and perhaps he could answer them together. First, has any consideration been given to a revision of the salaries and retiring allowances paid to judges? Second, what is the last date on which a revision was made? This inquiry is a general one, in that I refer to the judicial system from the supreme court down to the county court, and I should be very pleased if the minister could give the committee some information along the lines I have suggested.

**Mr. Fulton:** The last date upon which there was a revision of judicial salaries and retiring allowances was 1955, in chapter 48 of the statutes of that year. This raised the level of the salaries of judges of all the courts in Canada. At that time, however, there was a provision written into the statute that the retiring allowances, which were set at two thirds of the salaries, would be paid in relation to the salaries in effect prior to the amendment, so that although the judges of all the courts in Canada received an increase in their salaries there was no increase in retirement allowances as a result of that bill.

This situation has given rise to a good deal of comment. I do not like to use extreme words in connection with the judiciary, but I think it is fair to say that the situation has been the subject of representations by members of the judiciary. That, I think, is quite proper. Members of the judiciary feel, they tell me, that if as the statutes have provided for many years they are entitled to retiring allowances at the rate of two-thirds of their salaries, they can see no reason why, when the salary had been raised, presumably in response to the general increase in the cost of living which affects judges as it affects everybody else, the retirement allowances should not be raised proportionately. They are unable to understand why, on the contrary, it should have been pegged at two-thirds of the salaries formerly in effect.

This question of salary and retirement allowance is one to which my department and I, personally, as minister, have been giving intensive consideration. We find that there are a number of anomalies, too far-reaching to be discussed in detail here, when we are after all dealing with salaries which are fixed by statute. But there are anomalies, and perhaps I could refer to some of them.

There is the question of whether or not judges should be allowed to accept remuneration for their services on various boards

and commissions, because it is an undoubted fact that in some cases certain judges receive substantial emoluments by way of remuneration for serving on such boards and commissions, thus adding substantially to their salaries, whereas in other areas judges who are consistently busy with their judicial duties are not able to accept such appointments or do not have occasion to accept such appointments to boards or commissions, and who therefore have no such increments to their salaries.

This situation is one which gives me great concern, and I have instituted in the department and in co-operation with the attorneys general of a number of provinces a study designed to enable us to arrive at a definite conclusion as to what are the facts and figures, and I hope that in the light of this study I will in due course be able to recommend to my colleague a sensible and perhaps substantial revision of the whole basis of judicial salaries and retirement allowances.

However, until I have received reports on this study I am afraid I am not able to indicate to my hon. friend or, indeed, to the bench, which I know is concerned about this matter, whether we are going to do anything about judicial salaries and retirement allowances at this session. This is a subject which I think should be studied by the bar association as a whole and, indeed, by the bench of Canada. There are some quite startling figures which emerge from a comparison of the situation of the bench in this country and in other countries with respect to this subject.

**Mr. Martin (Essex East):** The minister, in replying to that question, has anticipated some observations I was about to make. The hon. gentlemen will recall that earlier in the session I asked him whether he had been accurately reported as to the use of judges on boards—I think it was both boards and commissions including, of course, conciliation boards in the province of Ontario. Chief Justice McRuer had at one time taken a strong position that there should be a limitation placed upon their participation in the work of these boards.

I forget the precise words the minister used which formed the basis of my interrogation at that time, but generally—and it was not, I think, an improper observation—the hon. gentleman said he felt there should be some limitation, at any rate, upon their functioning on such boards and commissions. I am sure he did not have in mind the use of county court judges on police commissions, though it is a fact that county court judges do derive income—or at least they do in communities with which I am familiar—for