

*Judges Act***Hon. Mark MacGuigan (Secretary of State for External Affairs):**

1. (a) There are 90 posts which have staff members from Industry, Trade and Commerce.
- (b) There are four posts which have staff members from Agriculture.
2. In these posts, 235 of the public servants are not covered by the budget of the Department of External Affairs.

NATIONAL HARBOURS BOARD—SAINT JOHN, N.B.

Question No. 1,640—Mr. Knowles:

1. What was the cost of the steel fence built by the National Harbours Board around its property at Saint John, New Brunswick, during the summer of 1980, when Local 1925 of the Canadian Union of Public Employees was engaged in a legal strike?
2. What was the cost of hiring guards, including the cost of overtime, during the time of the legal strike?
3. How many supervisors were brought to Saint John during the time of the legal strike and (a) where did they come from (b) what was the cost, including salaries, overtime, room and board?

Mr. Robert Bockstael (Parliamentary Secretary to Minister of Transport): The National Harbours Board advises as follows: 1. \$2,509.41.

2. \$6,800.

3. Eleven supervisors.

(a) St. John's, Halifax, Quebec, Montreal, Ottawa and Vancouver.

(b) \$65,706.35.

[*Translation*]

Madam Speaker: The questions enumerated by the parliamentary secretary have been answered. Are the remaining questions allowed to stand?

Some hon. Members: Agreed.

GOVERNMENT ORDERS

[*Translation*]

JUDGES ACT

MEASURE TO INCREASE SALARIES OF JUDGES

Hon. Jean Chrétien (Minister of Justice) moved that Bill C-34, to amend the Judges Act and certain other acts in consequence thereof, be read the second time and referred to the Standing Committee on Justice and Legal Affairs.

[*English*]

He said: Madam Speaker, we have had in this country in the last few years a judiciary whose morale has progressively deteriorated with the passage of time, the increase in inflation, and an apparent lack of concern by governments with their economic condition. In August, 1978, a committee of the

Canadian Bar Association recommended substantial modification of the compensation package of the federally appointed judges. In November, 1978, the Advisory Committee on Judicial Compensation and Related Matters—the Dorfman committee—which was appointed by the then minister of justice to advise him on these issues, presented its recommendations. In the summer of 1979, the executive committee of the Conference of Chief Justices of Canada, followed in April of this year by the Canadian Judges Conference, made a number of suggestions on this subject.

All of these views took as their point of departure the fact that since 1975 federally appointed Superior Court judges had received salary increases which totalled 7.5 per cent.

In the same period the industrial composite, which reflects the average wages and salaries in occupational groups across the country, registered an increase of some 60 per cent. A significant erosion of the economic position of these judges is demonstrated by this simple recital of figures; their salary increases have clearly fallen far behind the rate of inflation and the consequences to the judges have been serious.

We can all think of reasons for the delay in coming to grips with the problem of judges' compensation. We know about the competition for parliamentary time, and we know about differences in priority that may be attached to the various legislative proposals presented to the Parliament of Canada for its consideration.

But there comes a time when inaction on the salaries of judges in an inflationary period begins to have profound effects, not only on the morale of those sitting on the bench but also on the attractiveness of judicial appointment to the more highly qualified lawyers whom we would like to see appointed to the bench. At some stage, subtly and slowly, no doubt, a failure to maintain judicial compensation in line to some degree with inflationary tendencies must come to affect the quality of our judiciary. I have no doubt about the correctness of that proposition, and I venture to suggest that there is a real concern about judicial compensation that underlies section 100 of the British North America Act.

That section, which deals with the provision of salaries, allowances and pensions of the federally appointed judiciary, is unique. It is the sole section of the BNA Act which casts an affirmative obligation on Parliament to enact legislation. In recent economic circumstances, this obligation serves to secure not only the independence of the judiciary, but also requires Parliament to take action to mitigate the debilitating effects on the judiciary that flow from undue delay or default in securing legislation on judicial compensation. Bill C-34 seeks to fulfil that constitutional responsibility and to improve the structure of compensation for the federally appointed judiciary. It does so in a way that is responsive to the present concerns for judicial morale and recruitment. It also makes provision for future remuneration which should avoid further difficulties flowing from the dependence of the judges on salary adjustments by statute, in a manner consistent with the principles of ministerial responsibility for financial management under our system of government.