



October 27, 2005

The Honourable Irwin Cotler, P.C., M.P.  
Minister of Justice and Attorney General  
House of Commons  
Ottawa, ON K1A 0A6

Mr. Joe Comartin, M.P.  
New Democratic Party Justice Critic  
House of Commons  
Ottawa, ON K1A 0A6

Mr. Richard Marceau, M.P.  
Bloc Quebecois Justice Critic  
House of Commons  
Ottawa, ON K1A 0A6

Mr. Vic Toews, M.P.  
Justice Critic of the Official Opposition  
House of Commons  
Ottawa, ON K1A 0A6

Dear Minister, Mr. Comartin, Mr. Marceau, and Mr. Toews:

**Re: Passage of Bill C-51  
Judicial Compensation and Unified Family Courts**

I am writing to you on behalf of the Canadian Bar Association (CBA) to once again express our concern over delays in implementing the recommendations of the 2003 Judicial Compensation and Benefits Commission.

The CBA was pleased that Bill C-51, which incorporated the major recommendations of the Commission in setting the salaries for federal judges, was introduced in May 2005. As the Supreme Court recently stated, it is critical for judicial independence that the work of an independent, objective commission have a meaningful effect on the process of determining judicial compensation and benefits.

However, Bill C-51 has languished on the Order Paper since first reading. The CBA is concerned that implementation of the Commission's recommendations has been delayed to respond to the political exigencies of the day. Too much is at stake to permit concerns about the next poll or the next election to erode the effectiveness of the Commission. The impact upon judicial independence has serious ramifications for our constitutional division of powers – and Canadian democracy as a whole. In light of this, the CBA passed a resolution at our annual meeting in August 2005, calling on Parliament to adopt Bill C-51 without delay.

The delay of the Bill C-51 also means that the proposed expansion of the Unified Family Courts, which would increase access to justice for Canadian families going through family breakdown, cannot be implemented. The consequences for these men, women and children are very real.

The CBA asks that all parties support the prompt passage of Bill C-51.

Yours truly,

*(Original signed by Brian Tabor)*

Brian A. Tabor, Q.C.

Cc: John Maloney, M.P., Chair, Justice and Human Rights Committee