

February 22, 2000

Mr. Richard Drouin, O.C., Q.C.
Chair
Judicial Compensation and Benefits Commission
8th Floor, 99 Metcalfe Street
Ottawa Ontario K1A 1E3

Dear Mr. Drouin,

Re: Follow-up to Oral Submission of Canadian Bar Association

The CBA was pleased to have the opportunity to present oral submissions to the Commission on February 14, 2000. In response to the Commission's requests, the purpose of this letter is to clarify some issues raised in the oral presentation.

Common-Law and Same-Sex Survivors

The CBA supports the proposed changes in Bill C-23 to extend benefits to common-law and same-sex survivors. In our view, Bill C-23 is adequate to accomplish these objectives. We would not wish to see those portions of the Bill dealing with the *Judges Act* delayed. Therefore, we encourage the Commission to make an early report to the Minister on this issue.

Joint and Survivor Election

It appears from closer reading of proposed section 44.2 of the *Judges Act* (section 163 of Bill C-23) that the joint and survivor election is only available for survivors who are otherwise ineligible for an annuity. This would principally apply to those who become spouses or "common-law partners" of the judge (as the term is defined) after the judge ceases to hold office. The CBA reiterates the recommendation in its brief to extend the joint and survivor election to all situations. However, we would not object to this issue being considered outside of the ambit of Bill C-23 given its wider purpose.

We thank you for the opportunity to clarify our views. If you have further comments or concerns, please do not hesitate to contact Tamra Thomson, Director of Legislation and Law Reform, at (613) 237-2925; fax (613) 237-0185.

Yours truly,

Judith F. MacPherson, Q.C.
Chair, Standing Committee on Pensions
For Judges' Spouses and Judges Salaries