



ALBERTA  
MINISTER OF JUSTICE

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December 15, 2003

Mr, Roderick A. McLennan Chairperson  
Judicial Compensation and Benefits Commission  
8<sup>th</sup> Floor, 99 Metcalfe Street  
Ottawa, ON  
K1A 1E3

Dear Mr. McLennan:

**RE: Judicial Compensation and Benefits Commission - request for submissions**

Thank you for allowing us to provide our views on the compensation and benefits provided to the Judicial branch of Government. As you have already indicated in your request for submissions, the compensation provided to federal judges is a significant factor that is always raised before commissions relating to provincially appointed judges.

Looking at the history of how compensation has been determined for both federally and provincially appointed judges, significant increases in compensation and benefits have been made since introducing the Commission process. Alberta is embarking on its third Commission, and most other Provinces are embarking on either their second or third Commissions. We are certain, and I am sure my Provincial counterparts would agree, that the current salaries and benefits of all Judiciary are more than adequate so as to neither jeopardize the public confidence in the independence of the Judiciary nor prevent highly qualified candidates from seeking appointments to the Bench. The Commission process, which is used throughout Canada, has produced more than adequate compensation levels for all Judiciary in terms of salary, pension and other benefits.

As mentioned above, Alberta is holding its third Compensation Commission for provincially appointed judges, and hearings are currently taking place. We are concerned that the salary and benefit requests by the Judiciary are inordinately high.

The Commission must take into account a responsibility for the effective and appropriate use of taxpayer dollars. Of course, Government has the ultimate ability to accept or reject recommendations – however that process in itself can undermine the confidence of citizens – and has been difficult in nature – therefore it is absolutely imperative that the public interest be integrated to recommendations made.

Past commissions have made a connection between the amount paid to the top senior Deputy Ministers in the Federal Government and a section 96 justice. With respect, this comparison is inappropriate and ought not to be followed. While the role of a section 96 justice is important and can affect greatly the liberty of specific individuals, the Deputies are responsible for management of large departments with thousands of staff as well as having direct input into policy and law that effects all Canadians.

Arguments are made about the need for "cost of living" increases. It is clear, however, that an increase in cost of living is actually felt more by the vast majority of Canadians who make less than \$100,000.00 than it is by those already making substantial salaries. Any increase in the cost of living is certainly bearable by those already making in excess of \$200,000.00.

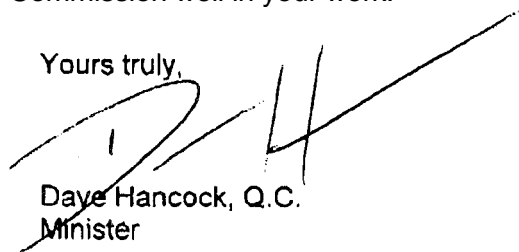
In Alberta, there is no shortage of highly competent people applying for positions both on the Provincial Court and the Court of Queen's Bench. I am sure this is true for all jurisdictions. No imperative, therefore, exists to raise current salary levels to attract quality candidates.

Canadians respect the Court and understand that people serving in that capacity must be appropriately compensated. Canadians would not be receptive to over compensating those sitting on the Bench. People make a choice in choosing to go to the Bench (it is a very desirable position) and while that does not mean the position should not be appropriately compensated, clearly compensation should be fair but not exorbitant. Current salary levels are more than appropriate as less than 3% of Canadians, in the year 2000, earned \$100,000.00 or more,

In conclusion, we believe that the Court of Queen's Bench Justices are more than adequately compensated for their duties and functions and would recommend that the Commission consider a "hold the line" position on future increases. We are by no means intending to be critical of the Judiciary as they play a significant role in our democratic society and are all highly competent and dedicated persons. However, there needs to be a time when we say enough is enough. Public leadership on this issue is important.

Thank you for allowing us to present our views on this matter and we wish you and the Commission well in your work.

Yours truly,

A handwritten signature in black ink, appearing to read 'D Hancock', is written over the typed name and title.

Dave Hancock, Q.C.  
Minister

cc: Terrence J. Matchett, Q.C.  
Deputy Minister of Justice  
and Deputy Attorney General