

**HONOURABLE WALLIS KEMPO**

1202-2165 West 40th Ave.  
Vancouver, B.C. V6M 1W4

Telephone: (604) 266-8074  
Fax number: (604) 266-8074  
October 21, 1997

The Hon. Lloyd McKenzie,  
Chair, Retired Judges Committee,  
C.J.C.

via fax: (604) 660-8348

Re: Constitutional Law; Charter of Rights S.11(d);  
Changes/freezes to judicial remuneration: Unilateral;  
Manitoba Prov. Judges Ass'n v. Manitoba (Min. Justice)  
et al. SCC files 24846, 24831, 24508 and 24778  
Judgment rendered 18 September 97

-----

To confirm our recent telephone conversation, I am a retired member of the Tax Court of Canada and am in receipt of an annuity pursuant to S.42(1) of the Judges Act. My tenure with this court was for the period 3 Jan. 84 to 30 Nov. 95; the retirement being triggered by medical infirmity.

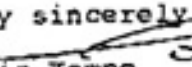
Thank you for providing me with a copy of the 196 page judgment of the above noted Supreme Court of Canada case. While its issues concerned the impact of unilaterally imposed salary changes/freezes on the judicial independence of provincially appointed judges, much of the jurisprudential analysis and principles are clearly transposable to federally appointed judges. Notably, Manitoba actually had an independent salary commission in place which was ignored when the provincial government reduced the judges' salaries. At paragraph 287 of the reasons, Lamer, C.J., speaking for the majority, summarized the constitutional principles applicable. It is attached.

I understand the chairman of the compensation committee of the Canadian Judges Conference has been invited to make representations concerning the salary freeze unilaterally implemented in 1992 on the federally appointed judges. My concern is to ensure that any resolution includes all of the now retired judges who were actively engaged in their judicial duties from 1992 and onward.

Of further note, of course, is that retired judges' annuity amounts are impacted because it is to be two-thirds of the salary annexed to the office at the time of retirement.

I am copying this letter to those judges mentioned below to whom I have spoken of my concerns.

cc- Hon. Mr. Justice Leggatt,  
Hon. H.S. Rowbotham,  
Hon. William Sinclair

Yours very sincerely,  
  
Hon. Wallis Kempo