

Honourable Roger G. Conant Q.C.

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Judicial Compensation and Benefits Commission
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Gentlemen,

I write this with my thanks to your Commission and the 3 previous Quadrennial Commissions, who have been given their authorities and responsibilities and set in motion very positive recommendations. It is an opportunity for Canadians, individually or in groups; to inform the government of the day; of needs and wishes which are recommended for consideration in improving compensation and benefits in the Judicial area.

We (including my spouse Linda) have an interest "to strike" Chapter 44.(4) of the Judge's Act as it is unfair to both former employees who are citizens and tax payers and their spouses. I came to that conclusion personally - and upon my advancing years (soon to be 90), when arranging my estate to assist my spouse - Linda.

The section of the Act is:

44.(4) - No annuity shall be granted under this section to the survivor of a judge if the survivor became the spouse or began to cohabit with the judge in a conjugal relationship after the judge ceased to hold office.

Our personal history is as follows:

Roger Gordon Conant, Q.C. Education:	born May 26, 1922 U of T Military Service in Normandy Osgoode Law School Call to the Bar - Ontario Return to Army during Cuban crisis General law practice Corporate Counsel and officer of major corporations
1977	Appointed to County Courts (now Superior Court) of Ontario Retired 1995 from Superior Court
1998-2012	Appointed to Pensions Appeal Board of Canada
1998	Wife of 52 years, Frances - died 1998 (2 sons)
Since 2000	Common-Law relationship with Linda E.Sully, B.A. - Toronto and Huntsville

In the process of planning my estate I was informed by the office of The Commissioner for Federal Judicial Affairs Canada that, although I have been receiving a pension since retirement, no “subsisting annuities” would be available to my spouse, Linda E. Sully. The reason for this was because of Sec.44.(4) of the Judge’s Act.

Plainly the Office of the Commissioner has considered that if a wife or spouse had entered into a relationship after the Judge had retired they would not be eligible for “subsisting annuities.”

This, in our view, is not fair and against the Charter and request that this section be struck from the Act.

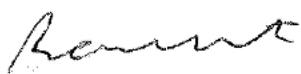
The presence of 44.(4) means that in my (19) years of contributions to the pension plan in the estimated amount of \$100,000; representing 6% of my pay; which it was anticipated would provide my wife with an annuity following my demise, then annuity contributions are lost to me. This money is retained by the government of the day. I had no choice but to pay this amount however it did not occur to me that on my death these deductions would be lost to me/my estate.

In discussions with the Commissioner's Office I was informed I could start paying an amount which would in effect be more funding of a future annuity with no future funding supported by my previous deductions. I deem this unfair as I contributed continually for a subsisting annuity to my wife. If this is not acceptable then a return of my previous contributions would be acceptable. In any event I have paid, over many years, for an annuity funding for my survivor and it will not, under present rulings, be available to her. If any less is forthcoming it would be contrary to the Canadian Constitution containing "Equal Rights for all citizens".

We expect to be present at the February hearing and will notify the superintendent in a timely fashion.

Please, Mr. Commissioner, recommend to the Government of Canada the repeal of Section 44.(4) of the Judge's Act.

Sincerely yours,



Roger G. Conant, Q.C.