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The Hon. Judith Collins, Justice Minister
The Vogel Centre
19 Aiken Street
Wellington, New Zealand
SX 10088

Via Post & Email

December 14, 2012

Re: Retired Justice Binnie

Dear Madame Minister:

I have recently been apprised of a legal conundrum involving Mr. Justice Ian Binnie. I understand that Justice Binnie was paid a reported \$400k by the New Zealand government to investigate a matter related to a claim for compensation for an alleged wrongful conviction and incarceration of a man named David Cullen Bain.

You should be advised that retired Justice Binnie is also at the centre of a somewhat parallel legal scandal here in Canada, for reasons similar to the concern you expressed your [news release](#) about Mr. Justice Binnie's recommendations. Specifically:

"My concerns are broadly that the report appeared to contain assumptions based on incorrect facts, and showed a misunderstanding of New Zealand law. It lacked a robustness of reasoning used to justify its conclusions."

In a precedent-setting defamation case here in Canada ([WIC Radio Ltd. v. Simpson, 2008 SCC 40](#)), while on the bench of the Supreme Court of Canada, Mr. Justice Binnie wrote a decision that is fraught with unsupported findings of fact, lies treated as "facts", manufactured evidence and engaged in contextual chicanery.

Justice Binnie didn't stop there; he also exceeded his lawful jurisdiction, attempting to justify irrational reasoning by adopting a new "modified" test for defamation, previously unknown to the litigants, and based on a "Binnie

enhanced" minority dissent in another, and dissimilar, case. In Canada, as I am sure is also true in New Zealand, litigants have the right to know the legal test they must meet. Therefore, by changing the test for defamation without informing the parties involved, Mr. Justice Binnie acted without legal authority—*i.e.*, unlawfully.

The matter to which I refer is now the subject of a growing controversy, as Justice Binnie and other judges find themselves at the centre of a scandal that has put a spotlight on how the "justice" system in Canada monitors or polices our judges—or fails to.

The current justice system in Canada is broken. Judicial Independence—that is, the theory that judges can monitor themselves—has clearly failed. Political and civilian oversight is an essential remedy to the problems within the Canadian judicial arena.

I have also been informed about Justice Binnie's public retort to your response to his report. I am certain that his reference to your "[political document](#)" has no more merit as his findings. It is well-known here that the hierarchy of Canada's judiciary clearly fears political (*i.e.*, public) scrutiny, and attempts to thwart accountability by incorporating the word "political" when attempting to deflect well-warranted criticism. The "P-word", in certain Canadian legal cabals, is used as a slur; but for civil citizens, it brings hope that elected officials—like you—will exercise the authority and mandate with which we have entrusted them.

For your information, I am including a [letter](#) I wrote to Canada's Prime Minister, The Rt. Hon. Stephen Harper, summarizing the facts of the case to which I refer—a case in which I am a party; and a [Summary Brief](#) follows my letter to the PM. The problems related therein will give you some insight into the corruption that exists within our Canadian courts, and the scandalous games that are being played there. Games in which Justice Ian Binnie likes to engage, as you now know full well.

If you are in need of more information please feel free to contact me.



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