

The 2022 *Judicial Compensation and Benefits Commission Report and Recommendations* – Observations of the Commissioner for Federal Judicial Affairs at the request of the Senate Standing Committee on Legal and Constitutional Affairs (May 30, 2022)

Context

- In accordance with section 74 of the *Judges Act*, the Commissioner for Federal Judicial Affairs acts as the Deputy of the Minister of Justice in administering (Part I) the *Judges Act*
- Part I relates generally to the appointment of judges, their salaries, benefits, allowances, leave and annuities
- The Commissioner and his office are, by law, independent from the Department of Justice; his mission is to safeguard judicial independence and to provide services to more than 1200 federally appointed judges
- The Commissioner is also responsible under the *Act* to provide support to the Canadian Judicial Council, including staff and various services, and making budgetary submissions on its behalf
- Under section 74 of the *Judges Act*, the Minister may ask the Commissioner to do other things for the proper functioning of the judicial system in Canada. Amongst other things, this includes: administering the process for judicial appointment to the Supreme Court of Canada; administering the process for the appointment of judges to the superior courts across the country, and of prothonotaries to the national courts; providing a Judges Language Training Program; publishing the Federal Courts Reports; providing support to the judiciary in international judicial reform projects; and administering a judicial intranet.
- The Commissioner also provides support to the *Judicial Compensation and Benefits Commission* (the “Quadrennial” Commission)

The *Judicial Compensation and Benefits Commission*

- This independent Commission is established every four years, in accordance with section 26 of the *Judges Act*
- It examines the salaries and benefits of judges, and receives submissions from the government and the judiciary, and other interested parties.
- In conducting its inquiry, the Commission examines the various submissions it receives keeping in mind the following factors: the prevailing economic conditions in Canada, including the cost of living, and the overall economic and current financial position of the federal government; the role of financial security of the judiciary in ensuring judicial independence; the need to attract outstanding candidates to the judiciary; and any other objective criteria that the Commission considers relevant
- The Commission consists of three members appointed by the Governor in Council. One is nominated by the judiciary, another by the Minister of Justice and Attorney General of Canada; these two members then nominate the chair of the Commission.
- For the past Commission, those members were, respectively, Mr. Peter Griffin, Ms. Margaret Bloodworth, and Ms. Martine Turcotte, the Chair of the Commission.
- The Commission relied in its work on the support of its Executive Director, Ms. Louise Meagher
- Pursuant to the *Judges Act*, the Commission submits a report containing its recommendations to the Minister of Justice of Canada, who responds to the report within four months after receiving it. The government may then amend the *Judges Act* accordingly, and this is what is now being done under Bill C-19.

Amendments to the *Judges Act* under Bill C-19

- The main highlights of the amendments, further to the recommendations of the *Judicial Compensation and Benefits Commission*, are the following: the increase of the incidental allowance for judges, from \$5,000 to \$7,500; the increase of the representational allowance for chief justices by approximately

\$5,000; the provision of an allowance for urgent medical or dental treatment for judges in the North.

- Bill C-19 also amends the *Judges Act* in increasing the number of judges for certain superior courts, and with making changes related to prothonotaries in the national courts.
- The Commissioner for Federal Judicial Affairs plays a neutral role and does not get involved in the work of the Commission, other than responding to any inquiries it may have.
- Once amendments to the *Judges Act* come into effect, the Office of the Commissioner applies them accordingly.