

MINISTER OF JUSTICE RESPONDS TO THIRD QUADRENNIAL COMMISSION REPORT ON JUDICIAL COMPENSATION

OTTAWA, February 11, 2009 – The Honourable Rob Nicholson, P.C., Q.C., M.P. for Niagara Falls, Minister of Justice and Attorney General of Canada, today released the Government's Response to the third Judicial Compensation and Benefits Commission Report.

A Judicial Compensation and Benefits Commission is established every four years under the *Judges Act* to inquire into the adequacy of the salaries and benefits of federally-appointed judges. The Commission makes recommendations with respect to compensation and benefits of the judges of the superior courts in the Canadian justice system. "Independent, objective and effective" commissions are required, as a result of the *PEI Judges Reference* case – a key Supreme Court of Canada decision concerning the constitutional requirements for the financial security of judges. The third Commission submitted its report to the Minister of Justice in May 2008.

"Canada's superior court judges play a unique and fundamentally important role in our democracy, we recognize the importance of their work and their vital contribution to our democratic way of life," said Minister Nicholson. "But during this period of global economic uncertainty, it is vital the Government keeps its sight fixed on sound fiscal management."

As explained today in the Government's Response, due to the significant changes in economic circumstances that have occurred since the Commission submitted its report, the Government has concluded that it would be unreasonable to implement the increases to the base salary recommended by the Commission.

The Budget implementation legislation, which includes public sector-wide wage restraints, represents a key element of the Government's economic plan. Superior Court judges will receive similar treatment within the parameters of the constitutionally protected judicial compensation process; a process designed to safeguard judicial independence.

"In the Government's view, the public reasonably expects judges to be subject to similar restraint as that implemented for the federal public administration broadly", said Minister Nicholson. "In fact the *PEI Judges Reference* established that, precisely to ensure public confidence in the judiciary, it is not only appropriate but necessary for judges to be subject to similar restraint measures affecting all others paid from the public purse."

An online version of the Government Response is available at:
www.canada.justice.gc.ca/eng/dept-min/pub/res-rep/comm2007.html.

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