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## **Décision concernant la demande de report de la date d'ouverture du 1<sup>er</sup> juin 2020**

**Le 10 juin 2020**

**Demande de report de la date d'ouverture** : Par lettre datée du 1<sup>er</sup> juin 2020 de l'avocat de l'Association canadienne des juges des cours supérieures, écrite avec l'approbation et le soutien du gouvernement du Canada et des protonotaires de la Cour fédérale, la Commission a été invitée, conformément au pouvoir discrétionnaire accordé à la Commission de reporter la date d'ouverture de l'examen quadriennal en vertu du paragraphe 26(3) de la *Loi sur les juges*, à reporter au 1<sup>er</sup> décembre 2020 le début de ses travaux, normalement prévu le 1<sup>er</sup> juin 2020 tel que prescrit au paragraphe 26(2) de la *Loi sur les juges*.

Les motifs de la demande, acceptés par tous les avocats, sont fondés sur l'incertitude créée par la pandémie de COVID-19, ses ramifications à travers la société canadienne et l'économie, et son effet sur certains échéanciers nécessaires entre les parties pour l'échange d'informations pertinentes à leurs positions respectives devant la Commission.

La lettre de demande du 1<sup>er</sup> juin 2020 est jointe à l'**annexe « A »** de la présente décision.

**Consentement** : La magistrature de nomination fédérale (qui inclut les protonotaires de la Cour fédérale en vertu de la *Loi sur les juges*) et le ministre de la Justice au nom du gouvernement du Canada (les « parties »), ont signé un consentement conformément au paragraphe 26(3) de la *Loi sur les juges*. Le consentement est joint à la présente décision en tant qu'**annexe « B »**.

La Commission s'attend à ce que reporter de six mois la date d'ouverture soit suffisant pour permettre aux parties de terminer leur échange d'informations, et poursuivre son examen à compter de la date de report du 1<sup>er</sup> décembre 2020.

**Décision** : La Commission accepte la demande de report de la date d'ouverture de ses travaux comme raisonnable. Les perturbations à l'administration de la justice et à l'accès aux lieux de travail, associées à la nécessité pour les parties de présenter au mieux leurs positions respectives devant la Commission pour l'aider dans ses travaux, soutiennent une telle ordonnance.

Par conséquent, la Commission ordonne ce qui suit :

1. La date d'ouverture du 1<sup>er</sup> juin 2020 telle que prévue en vertu du paragraphe 26(2) de la *Loi sur les juges* est par la présente reportée, conformément au paragraphe 26(3), au 1<sup>er</sup> décembre 2020;
2. Les parties doivent soumettre un rapport conjoint à la Commission, au plus tard le 31 octobre 2020, sur l'état d'avancement de leur échange d'informations et pour confirmer qu'elles sont prêtes pour l'ouverture de l'examen le 1<sup>er</sup> décembre 2020;
3. Les parties établiront entre elles des échéanciers pour l'échange d'informations afin de respecter la date d'ouverture du 1<sup>er</sup> décembre 2020.

June 1, 2020

**By email**

Ms. Martine Turcotte, Chair  
Ms. Margaret Bloodworth, Member  
Mr. Peter Griffin, Member  
Judicial Compensation and Benefits Commission  
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Ottawa, Ontario K1A 1E3

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Madam Chair, Members of the Commission:

**2020 Quadrennial Commission—Date of Commencement**

I am writing to you on behalf of both the judiciary (including the Federal Court Prothonotaries) and the Government of Canada.

At the outset, allow me to express the parties' gratitude to each one of you for agreeing to serve on the federal Judicial Compensation and Benefits Commission. Judicial independence is a pillar of our democracy and regular inquiry into the adequacy of judicial compensation and benefits by an independent commission has been recognized to be an essential component of the constitutional requirements to preserve and promote the independence of Canada's judiciary.

The *Judges Act* provides for June 1, 2020 as the start date of the Commission's next inquiry. However, the COVID-19 crisis has forced the parties to reconsider the statutory schedule. On April 16, 2020, I wrote to Ms. Bloodworth and Mr. Griffin advising them of the possibility that the parties would be requesting a postponement of the start date of the inquiry. On April 23, after the nomination of Ms. Turcotte as Chair of the Commission, Mr. Rupar wrote to confirm that the parties intended to request a postponement of the start date. As you know, s. 26(3) of the *Judges Act* allows for the Commission, with the consent of the Minister of Justice and the judiciary, to "postpone the date of commencement of a quadrennial inquiry".

Having discussed the appropriate time period by which the start date should be postponed, the parties have agreed to request a postponement of 6 months, such that the start date would be changed to December 1, 2020. The other quadrennial-inquiry dates provided for in the Act would be changed in accordance with the new start date, and the parties have agreed that certain deadlines discussed among themselves for the exchange of information prior to the start date would likewise be postponed by 6 months. In light of the uncertainty surrounding the COVID-19 pandemic and its ramifications throughout Canadian society and the economy, the parties have agreed that they would re-visit the question of the start date in early Fall to assess whether the December 1 start date appears to remain adequate.

June 1, 2020



We trust that the present joint request for a postponement of the start date of the inquiry to December 1, 2020 will meet with your approval. The parties remain at your disposal should you have any questions. On a personal level for each of you, the parties trust that you and yours are keeping well in these challenging times.

Sincerely,

A handwritten signature in black ink, appearing to read "Pierre Bienvenu".

Pierre Bienvenu, Ad. E.  
Senior Partner

Copy: Ms. Louise Meagher, Executive Director, *Judicial Compensation and Benefits Commission*  
Messrs. Christopher Rupar and Kirk Shannon, *Department of Justice, Government of Canada*  
Mr. Andrew Lokan, *Paliare Roland Rosenberg Rothstein LLP*  
Mr. Azim Hussain, *Norton Rose Fulbright Canada LLP*

JUDICIAL COMPENSATION AND BENEFITS COMMISSION

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CONSENT OF THE MINISTER OF JUSTICE OF CANADA AND THE JUDICIARY

Section 26(3) of the *Judges Act*

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WHEREAS the *Judges Act*, s. 26(2), provides that the Judicial Compensation and Benefits Commission (the "**Commission**") shall commence its inquiry on June 1, 2020;

WHEREAS the COVID-19 pandemic has compelled the federally appointed judiciary (which the *Judges Act* deems to include the Federal Court Prothonotaries) and the Minister of Justice on behalf of the Government of Canada (the "**Parties**") to reconsider the adequacy of the statutory schedule for the Commission's inquiry;

WHEREAS the *Judges Act*, s. 26(3), provides that the Commission may, with the consent of the Minister of Justice and the judiciary, postpone the date of commencement of a quadrennial inquiry;

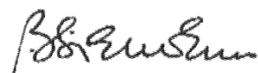
WHEREAS the Parties jointly wrote to the Commission on June 1, 2020 to advise it of their agreement to request the Commission to postpone the commencement date of the inquiry to December 1, 2020, subject to a further adequacy assessment to be made by the Parties in Fall 2020 in light of the social and economic situation prevailing at that time as a consequence of the COVID-19 crisis;

WHEREAS the Commission responded on June 3, 2020, to the Parties' joint correspondence and requested an executed consent instrument upon which the Commission can issue its decision regarding the requested postponement;


NOW THEREFORE the Parties, represented herein by their duly appointed counsel, hereby confirm to the Commission their consent to a postponement of the commencement date of the Commission's quadrennial inquiry from June 1, 2020, to December 1, 2020, that date being subject to a further adequacy assessment by the Parties in Fall 2020.

SIGNED:

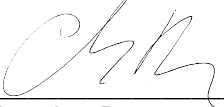
Montreal, June 8, 2020

  
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Pierre Bienvenu, Ad. E.  
*Norton Rose Fulbright Canada LLP*  
Counsel to the Canadian Superior Courts Judges Association and the  
Canadian Judicial Council

Toronto, June 9, 2020

  
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Andrew Lokan  
*Paliare Roland Rosenberg Rothstein LLP*  
Counsel to the Prothonotaries of the Federal Court

Ottawa, June 9, 2020

  
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Christopher Rupar  
Counsel to the Minister of Justice, Department of Justice, Government  
of Canada