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NOTICE

Recommendation 14 of the 2008 Judicial Compensation and Benefits Commission's Report stated, in effect, that the parties should not view the establishment of a new commission as an opportunity to reopen settled issues, absent a change in facts or circumstances which would justify reconsideration of the matter. This Commission has determined to adopt that principle and apply it rigorously, with the following implications:

- (a) With regard to the selection of the appropriate comparator, paragraphs 47 to 120 of the report of the previous Commission provide an exhaustive review of the relevant factors. That Commission concluded in paragraph 118 that "...the mid-point of the DM-3 salary range, plus one half of maximum performance pay..." is a comparator that meets the section 26(1.1) criteria of the *Judges Act* to which the Commission is directed by the statute to turn its mind. This Commission intends to regard that determination of the previous Commission as a settled matter of principle in the absence of submissions which convince this Commission that, since the previous Commission reported, there has been a change in facts or circumstance which justify a rehearing of the question.
- (b) This Commission has made the same determination with respect to Recommendations 2, 3, 5, 6, 7, 8, 10 and 11 of the report of the previous Commission as well as with respect to the portion of Recommendation 4 which relates to salary differentials.
- (c) With respect to Recommendations 1 and 9, and with respect to the portion of Recommendation 4 which fixes actual amounts, the Commission requests that submissions be made as to what those amounts should be currently based on the reasoning enunciated in those Recommendations.

The Commission has noted the time elapsed between the submission of the previous Commission's report and the Government's response thereto as well as the substance of that response. The Commission invites submissions providing guidance as to whether the relevant body of judge made law suggests that it is necessary or advisable for this Commission to turn its mind to the timeliness and substance of that response.

<i>Chairperson</i>	<i>Commissioners</i>	<i>Executive Director</i>
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