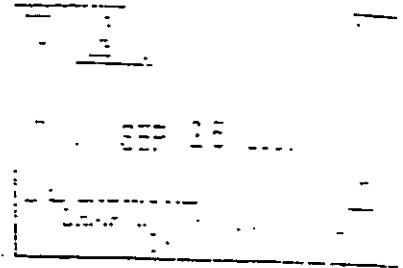


Justices of the Peace Remuneration Commission

September 22, 2000

The Honourable Chris Hodgson
Chair, Management Board of Cabinet
Province of Ontario
77 Wellesley Street West
Ferguson Block, 12th Floor
Toronto, Ontario
M7A 1N3



Dear Sir:

Pursuant to the Regulation (R.O.C.172/2000) passed under the *Justices of the Peace Act*, R.S.O. 1990, c. J.4, as amended, the Commission has the honour of presenting its report on the remuneration of Justices of the Peace. Our appointment as commissioners expires September 30, 2001. We are required by the Regulation to make recommendations for remuneration of Justices of the Peace for the six-year period beginning April 1, 1996, and ending March 31, 2002, and to make our report on or before October 12, 2000.

As you will see, one of the Commissioners, Elizabeth J. McIntyre, has filed a minority report with respect to salaries.

Under the Regulation, you may at any time refer any matter respecting the remuneration of Justices of the Peace to the Commission, and the Commission is required to conduct an enquiry into such matter and to submit a report and recommendations to you.

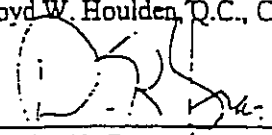
In making our recommendations, we have considered the criteria set out in s.7 of the Regulations.

We would like to thank counsel for the Association of Justices of the Peace of Ontario and counsel for the Ministry of the Attorney General for their helpful briefs and the lucid presentation of their submissions.

Respectfully yours,



Lloyd W. Houlden, Q.C., Chair



Douglas K. Gray



Elizabeth J. McIntyre

REPORT
OF THE SECOND
ONTARIO
JUSTICES OF THE PEACE
REMUNERATION
COMMISSION

2000

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1. PROCEEDINGS OF THE COMMISSION

On May 19, 2000, the Commission met with counsel and discussed the procedure to be followed at the hearing. It was agreed that no *viva voce* evidence would be called but that counsel would file written briefs and documentary evidence.

An advertisement was placed in The Globe and Mail and the Ontario Reports inviting interested parties to make written submissions. A copy of the advertisement is attached as Appendix 1. Some submissions were received and copies were provided to the parties.

The arguments of counsel took place on June 21 and 22, 2000. Paul Schabas and Catherine Beagan Flood appeared for the Association for the Justices of the Peace of Ontario (the "AJPO"), and David Strang and Malliha Wilson for the Attorney General of Ontario.

2. INTRODUCTION

The *Justices of the Peace Act* R.S.O. 1990, c. J.4, was amended in December 1999, to include s. 21.1 which provides for the establishment of a Justices of the Peace Remuneration Commission (S.O. 1999, c.12, s.12). By Regulation R.O.C. 172/2000, the Commission is to make recommendations

concerning the remuneration of Justices of the Peace for the 6-year period commencing April 1, 1996 and ending March 31, 2002.

At the present time, Justices of the Peace receive a fixed salary established by Regulation and the same insurance and pension benefits as management and excluded employees in the Ontario Public Service.

Under the *Justices of the Peace Act*, there are two categories of Justices of the Peace, namely: presiding and non-presiding. The non-presiding Justices of the Peace are currently paid \$40,512.00 per annum and the presiding Justices of the Peace are paid \$62,439.00 per annum.

Although Mr. Strang submitted that Justices of the Peace are not judges, we do not agree with that submission. In our opinion, both presiding and non-presiding Justices of the Peace perform judicial functions and have judicial responsibilities and duties and are judges.

While some Justices of the Peace are lawyers, the great majority are not. We were informed by Mr. Strang that the government is committed to a lay bench of Justices of the Peace. The Justices of the Peace live in the communities in which they serve. They are closely in touch with the needs of the community and are familiar with community issues.

There are no formal qualifications for Justices of the Peace. There is no specified level of education. There is no requirement for legal training or experience in the court process. However, the Commission appreciates that the salary of the Justices of the Peace should be sufficient to attract strong and able candidates for the important functions performed by them.

By statute, a Justice of the Peace is prohibited from engaging in other remunerative work without the approval of the Review Council. The Review Council has adopted a policy on Extra-Remunerative Work. We are informed that no full-time Justice of the Peace has been granted permission to engage in outside remunerative work and that some applications by part-time Justices of the Peace have been denied. In our opinion, the restriction on extra remunerative work is an appropriate matter to be taken into account in setting the remuneration of Justices of the Peace.

Because of a shifting of workload from the Superior Court to the Ontario Court of Justice, more duties have been assigned to Justices of the Peace. For example, Provincial Court judges (now Ontario Court judges), formerly presided at trials of serious Provincial Offences; now, most Provincial Offences trials, regardless of their nature, are held before Justices of the Peace. Again, setting trial dates and putting accused persons to their election was formerly performed by judges but these functions are now performed by Justices of the Peace.

Prior to 1995, Justices of the Peace were paid either on a fee-for-service basis, or under progressive wage schedules related to years of service. In 1995, the fee-for-service method of remuneration was terminated. The system of wage progressions was replaced with a single level of pay for non-presiding Justices of the Peace and a single higher level of pay for presiding Justices of the Peace. Some additional remuneration is paid where a Justice of the Peace performs extra duties, such as presiding in night courts or dealing with bail applications on weekends.

In September 1995, the first Commission on Remuneration of Justices of the Peace made its report. The government rejected the report. The associations representing the Justices of the Peace applied to the Divisional Court for judicial review of the government's decision. The Divisional Court found (see *Re Ontario Federation of Justices of the Peace Associations v. Ontario (Attorney General)* (1999), 43 O. R. (3d) 541 that Justices of the Peace are entitled to the same constitutional guarantee of judicial independence as Provincial Court Judges, that the Commission process was flawed, that the government had not given satisfactory reasons for rejection of the Commission's recommendations and that the resulting freeze of the salaries of Justices of the Peace was unconstitutional.

The Divisional Court ordered the government to set up a Commission meeting the criteria set out by the Supreme Court of Canada in *Remuneration of*

5

the Judges of the Provincial Court of Prince Edward Island, [1997], 3 S.C.R. 3.

In the interim, the government was ordered to index the salary of Justices of the Peace, starting April 1, 1996, by the percentage increase in the Average [sic: Aggregate] Industrial Wage ("AIW"). Justices of the Peace have been receiving the AIW increase since April 1, 1996.

Although the Divisional Court directed that the Commission be established within six months of the date of its judgment, the government sought and obtained an extension of a further six months.

The criteria that the Commission must consider in setting the remuneration of Justices in the Peace are set out in s.7 of Regulation R.O.C. 172/2000. They are as follows:

1. The laws of Ontario.
2. The need to provide fair and reasonable remuneration to Justices of the Peace.
3. The economic conditions in the province, as demonstrated by indicators such as the provincial inflation rate.
4. Recent Ontario public sector compensation trends.
5. The growth or decline in per capita income.
6. The financial policies and priorities of the Government of Ontario.
7. The principles of compensation theory and practice in Canada.

We do not propose to make a separate review of each of the criteria. We agree with counsel for the APO that the most important one is the need to provide fair and reasonable remuneration to Justices of the Peace.

The Ontario economy is strong. According to the Ontario Economic Update issued by the Ministry of Finance in April, 2000, in the third quarter of 1999, real output in the Ontario economy was up 7.1% compared to the same period a year earlier. The forecast for the year 2000 was an optimistic one. According to the Update, forecasts for 2000 growth range from 3.7% to 5%. In 1999, the budget for Ontario was balanced and there was a \$654 million surplus.

Public sector compensation trends have shown that the 1990-96 restraints are being lifted and substantial increases in remuneration are now being awarded.

In making our recommendations we have, to the best of our ability, applied the criteria set out in s. 7.

3. RECOMMENDED SALARIES FOR THE PERIOD FROM APRIL 1, 1996, TO MARCH 31, 2002.

Before turning to our recommendations for salaries, we should say something about the different categories of Justices of the Peace. Under the present Act, there are two general categories: presiding and non-presiding. Sections 15 and 16 of the *Justices of the Peace Act* were intended to define the duties of presiding and non-presiding

Justices of the Peace but the sections were never proclaimed. Generally speaking, a non-presiding Justice of the Peace cannot preside at the trial of Provincial Offences, Criminal Code Offences and Offences under Acts of the Parliament of Canada. These functions are performed by presiding Justices of the Peace. Although s. 16 contemplated that non-presiding Justices of the Peace would not preside at judicial interim release proceedings, in fact, non-presiding Justices of the Peace perform most of this work at the present time.

Presiding and non-presiding Justices of the Peace may be full-time or part-time appointments. The part-time appointments make sense for areas of the province that do not require the services of a full-time Justice of the Peace.

A full-time Justice of the Peace works on a base of 36.25 hours per week. A part-time Justice of the Peace works fewer hours on a scheduled basis.

We heard considerable argument about blended designations of Justices of the Peace. There is no statutory authority for such appointments. There is a provision in s.5(3) of O. Reg. 247/94, as amended, that interim duties that can be assigned to a non-presiding Justice of the Peace are to be remunerated on a *pro rata* rate based on the salary of a full-time non-presiding Justice of the Peace. Where a part-time presiding Justice of the Peace accepts non-presiding duties, they are paid at the prescribed rate for that work.

Turning then to the salaries of Justices of the Peace, counsel for the AJPO submitted that the salaries of Justices of the Peace should be 70% of that received by

Justices of the Ontario Court of Justice. We can find no justification for such an award. A judge of the Ontario Court of Justice is a lawyer who has practised law for at least ten years and has shown that he or she has attained a pre-eminent position in the legal profession. As counsel for the Attorney General pointed out, the salary of a judge of the Ontario Court of Justice is heavily impacted by the need to attract senior counsel without requiring undue financial sacrifice. This has no application to Justices of the Peace.

The government recognises that the increased demands placed upon Justices of the Peace are not fully recognised in their existing level of remuneration and has submitted tables showing recommended salary increases dating back to April 1, 1996. In Appendix 2 we have set out the suggested recommendations by the government for salary increases for presiding and non-presiding Justices of the Peace.

The salaries suggested by the AJPO are set out in Appendix 3.

A number of comparators were suggested by each of the parties. We did not find them to be particularly helpful. Justices of the Peace are not civil servants, and we do not believe that it is of assistance to compare salaries of Justices of the Peace to what is being paid to civil servants. Likewise, we do not believe it assists to compare salaries of Justices of the Peace of Ontario with salaries paid to the Justices of the Peace in other provinces, since the qualifications, responsibilities and duties are different.

After giving the matter careful consideration, we would recommend the following salaries for presiding Justices of the Peace beginning April 1, 1996 and ending March 31, 2000:

1996/97	\$62,000
1997/98	\$65,000
1998/99	\$68,000
1999/2000	\$71,000
2000/01	\$74,000
2001/02	\$77,000

For the years 2001 and 2002, the salaries will be further adjusted for increases in the Aggregate Industrial Wage. In calculating the amount owing for retroactive pay, the amount already received by a presiding Justice of the Peace will, of course, be deducted.

We would recommend the following salaries for non-presiding Justices of the Peace:

1996/97	\$42,000
1997/98	\$45,000
1998/99	\$48,000
1999/2000	\$51,000
2000/01	\$54,000
2001/02	\$56,000

Again, for the years 2001 and 2002, the salaries will be further adjusted for increases in the Aggregate Industrial Wage, and the amount already received by a non-presiding Justice of the Peace will be deducted from the recommended salary in calculating retroactive pay.

4. REGIONAL SENIOR JUSTICES OF THE PEACE AND OTHER SENIOR JUSTICES OF THE PEACE

There are eight judicial districts in Ontario. For each district, there is a Regional Senior Justice of the Peace who supervises the Justices of the Peace in his or her district. In addition, there is a Senior Advisory Justice of the Peace and a Senior Justice of the Peace/Administrator of the Native Justice of the Peace Programme. The Regional Senior Justices of the Peace submitted a brief to the Commission. Since the brief sets out in detail the functions performed by the senior Justices of the Peace, we have annexed it to this report as Appendix 4.

Prior to March 1997, the Senior Regional Justices of the Peace received an additional \$5,000 per annum. This was reduced to approximately \$2500 per annum. We believe that the \$5,000 figure is a proper one and we would recommend that the Regional Senior Justices of the Peace, the Senior Advisory Justice of the Peace and the Senior Justice of the Peace/Administrator of the Native Justice of the Peace Programme receive an additional \$5,000 per annum effective April 1, 2000. This will be in addition to the

salaries recommended by us for presiding Justices of the Peace for the period from April 1, 2000 onwards.

5. PENSIONS

Justices of the Peace do not have their own pension plan, but are part of the Public Service Pension Plan ("PSPP"). Justices of the Peace are entitled to the same pension benefits as management and excluded employees. The pension plan is a defined benefit plan that provides for a pension benefit calculation based on 2% of the individual's best sixty consecutive months average annual salary multiplied by the number of years of pensionable service. The amount is integrated with Canada Pension Plan benefits when the Justice of the Peace becomes entitled to receive them at the normal retirement age of 65 years. Early retirement pensions are available at age 60, with 20 years pension credit or when the Justice of the Peace's age and years of pension credit total 90 years. Pensions are also available from age 55 with a reduction of 5% per year for each year the age of the employee at pension commencement is less than age 65.

Counsel for the AJPO submitted that there was a constitutional problem in connection with the payment of pensions. In *Valente v. The Queen*, [1985] 2 S.C.R. 673, LeDain J., who delivered the unanimous judgment of the Court, stated at pp 707-08 that treating provincial court judges in the same way as civil servants with pension and other benefits did not offend s.11(d) of the *Charter of Rights and Freedoms*. On the other hand, in the *Remuneration of the Judges of the Provincial Court of Prince Edward Island*, *supra*, Lamar C.J.C. stated that any change in judicial remuneration should be

subject to the Commission process. The benefits under the Public Service Pension Plan can be changed without resort to an independent judicial commission. Counsel for the AJPO submitted that this violates the guidelines set out by Chief Justice Lamer. We were not, however, asked to express an opinion on the constitutional issue and we therefore simply note it but express no opinion on it.

Pensions are currently indexed to the Consumer Price Index for a maximum of 8% in any single year. Survivor benefits may be provided to eligible spouses and, in some cases, to eligible children. In many cases, where certain eligibility requirements of *The Income Tax Act* are met, a member of the plan can purchase pension credits with respect to prior pensionable employment with another employer.

We were not provided with any estimate of what the cost would be of establishing a separate pension plan for Justices of the Peace. We would recommend that the government obtain an estimate of the cost of establishing a separate pension plan for Justices of the Peace. The matter can then be placed before the next Commission for its consideration.

After the conclusion of the oral hearing in June, 2000, we received letters from both counsel with respect to a change that had been made in the PSPP. As a result of the elimination of the initial unfunded liability in the Plan, the government decided that it was fair and reasonable to share the substantial surplus in the Plan with the members and accordingly approved the following amendments to the Plan:

- i) To extend the voluntary Factor 30 program for PSPP members for the period from April 1, 2000 to March 31, 2002;
- ii) To reduce contributions of PSPP members and the Government by four percent of annual salary for the period from August 1, 2000 to November 30, 2002; and
- iii) To permanently eliminate the offset for PSPP members receiving CPP disability.

Justices of the Peace are excluded from these benefits.

In his letter of August 10, 2000, Mr. Strang, counsel for the Attorney General, advised the Commission that the Government proposed to provide the above benefits to Justices of the Peace and requested a recommendation to that effect from the Commission. He further requested that the Commission should recommend that similar future adjustments to the PSPP should be extended to Justices of the Peace without the need to return to the Commission. In our opinion, these are proper recommendations and we have therefore included them in our suggested recommendations.

6. BENEFITS

Under Reg. 247/94 benefits for Justices of the Peace are designated to be the same as for senior management under Reg. 977/90 passed pursuant to *The Public Service Act*, R.S.O. 1990, P.47. Ontario Reg. 247/94 provides in s. 2(4) and also in s. 3(4) that s.10 and Part VI of Reg. 977/90 apply to Justices of the Peace with necessary modifications

and, for the purpose of modifications, a reference therein to the Deputy Minister, shall be deemed to be a reference to the Co-ordinator of Justices of the Peace.

Counsel for the AJPO submitted that a separate Regulation should be passed dealing specifically with benefits for Justices of the Peace for the following reasons:

- (a) Many of the provisions of Reg. 977/90, such as obtaining time off for jury duty and termination of employment, have no application to Justices of the Peace.
- (b) Some of the benefits are inappropriately dependent on seniority and years of service.
- (c) Some benefits, such as judicial attire and parking, are not dealt with in Reg. 977/90; and
- (d) Many issues relating to benefits are determined on an informal or *ad hoc* basis and vary from region to region.

We will deal with many of the benefits individually, but we would recommend for benefits generally, that it would be more satisfactory if a separate Regulation were passed dealing with benefits that are available to Justices of the Peace.

7. HOSPITAL CARE

Justices of the Peace are entitled to the cost of hospital care up to a maximum of \$75.00 per day. This allowance is approximately one-half the cost of obtaining a semi-private room in a hospital. We believe that Justices of the Peace should receive an allowance equal to the cost of semi-private hospital care, and we so recommend.

8. VACATION ENTITLEMENTS

Vacation for Justices of the Peace is dependent on years of service. For the first eight years, a Justice of the Peace is entitled to fifteen days per year for vacation. The vacation then increases to twenty days until fifteen years continuous service, at which time, vacation increases to twenty-five days. After twenty-six years of continuous service, a Justice of the Peace is entitled to thirty days vacation per year. Vacations cannot be taken until there are six months continuous service and no more than one year's credit may be carried forward from one calendar year to the next. Unpaid vacation credit may be received as salary on retirement or withdrawal from service.

The Justices of the Peace would like to receive a vacation entitlement similar to that received by Ontario Court judges. Effective April 1, 1999, Ontario Court judges accumulate vacation credits in each year at the rate of three and one-third days per month. This amounts to forty days per year.

We would not recommend any change at this time in vacation entitlements.

9. PREGNANCY AND MATERNITY LEAVE AND PARENTAL LEAVE

For pregnancy leave, Justices of the Peace receive, through a combination of employment insurance and an additional allowance, up to 93% of weekly income, subject to a claw-back for those who earn over \$55,000. per annum. There is no paid parental leave for Justices of the Peace, although they are entitled to an unpaid leave of up to eighteen weeks, during which they may be entitled to employment insurance for ten weeks if the other parent is not collecting such benefits.

Ontario Court Judges are entitled to pregnancy leave of seventeen weeks at 100% of salary, together with two weeks' parental leave with pay and 24 weeks of unpaid parental leave.

We would recommend that the pregnancy and maternity leave should be the same for Justices of the Peace as that received by judges of the Ontario Court of Justice. The amount to which the Justices of the Peace would be entitled would be offset by employment insurance, if any, that is received by the Justices of the Peace.

10. APPLICATION OF BENEFITS TO JUSTICES OF THE PEACE AGED 65-70.

The Short-term Sickness Plan, the Long-term Income Protection Plan and the Life Insurance Plan are similar to those granted to judges of the Ontario Court of Justice. However, we were informed that it is unclear whether Justices of the Peace between age

65 and 75 are adequately covered. We would recommend that the situation should be clarified and Justices of the Peace who continue to work as full-time Justices of the Peace after age 65 should receive the same benefits as they received up to age 65.

11. PARKING

Parking is often not provided to Justices of the Peace at courthouses. We were informed that, in some locations, the cost of parking can be significant. In addition, the failure to provide parking could provide a security risk for a Justice of the Peace. We would recommend that free parking should be provided in parking lots adjacent to the courthouse to Justices of the Peace when they are performing judicial duties in the courthouse. The parking facility should provide for the secure movement of the Justice of the Peace to his or her chambers in the courthouse.

12. JUDICIAL ATTIRE

At the present time, there does not appear to be any uniform policy concerning the provision of judicial attire to Justices of the Peace. We are informed that Ontario Court judges receive replacement gowns every seven years.

We would recommend that a Regulation be passed setting out the occasions on which gowns are to be worn by Justices of the Peace. In addition, we would recommend that a Justice of the Peace be issued on his or her appointment and every seven years

thereafter, with a gown, a sash, two waistcoats, two pairs of striped trousers or skirts, six court long-sleeved blouses, shirts and six tabs.

13. TRAVEL ALLOWANCE

Ontario Court judges receive an unlimited flat rate travel reimbursement of 30c. per kilometre. Justices of the Peace receive a gradually declining rate. We would recommend that Justices of the Peace receive the same travel allowance as judges of the Ontario Court of Justice.

14. TAX FREE ALLOWANCE

Ontario Court judges receive a tax-free allowance of \$2,000. for the purchase of such items as books, periodicals, and club dues (e.g., the Canadian Bar Association).

In our opinion, such an allowance is not required for Justices of the Peace. If a tax-free allowance is to be granted, we believe that \$500. per annum would be adequate.

15. COSTS

The AJPO submits that it should be entitled to its legal costs for retaining counsel to make submissions on its behalf to the Commission. This is a constitutionally mandated process in which an independent Commission hears representations from the interested parties. We agree with the submissions of the AJPO on this matter. Without properly prepared submissions by the AJPO, the proceedings would be seriously flawed.

We do not, however, expect that the amount should include full indemnity for costs representation but should only be a fair and reasonable allowance.

If counsel are able to agree on a figure, we are prepared to hear the parties and to fix a fair and reasonable allowance.

We recommend that the government pay a fair and reasonable allowance for the costs of legal counsel for the AJPO in connection with the proceedings of the Commission.

16. . RECOMMENDATIONS

(1) We recommend the following salaries for presiding Justices of the Peace beginning April 1, 1996, and ending March 31, 2002.

1996/97	\$62,000
1997/98	\$65,000
1998/99	\$68,000
1999/2000	\$71,000
2000/01	\$74,000
2001/02	\$77,000

From this time forward, the salaries will be adjusted for increases in the Aggregate Industrial Wage. In calculating the amount owing for retroactive pay, the amount already received by a presiding Justice of the Peace will, of course, be deducted.

(2) We recommend the following salaries for full-time non-presiding Justices of the Peace beginning April 1, 1996, and ending March 31, 2002:

1996/97	\$42,000
1997/98	\$45,000
1998/99	\$48,000
1999/2000	\$51,000
2000/01	\$54,000
2001/02	\$56,000

Again, from this time forward, the salaries will be adjusted for increases in the Aggregate Industrial Wage, and the amount already received by a non-presiding Justice of the Peace will be deducted from the recommended salary in calculating retroactive pay.

(3) We recommend that the Regional Senior Justices of the Peace, the Senior Advisory Justice of the Peace and the Senior Justice of the Peace Administrator of the Native Justice of the Peace Programme receive an additional \$5,000. per annum in addition to the salaries recommended for the full-time presiding Justices of the Peace. The additional amount will be effective as of April 1, 2000.

- (4) We recommend that an estimate should be obtained for the cost of establishing a separate pension plan for Justices of the Peace.
- (5) We recommend that the amendments to the Public Service Pension Plan made in July, 2000, should be provided to Justices of the Peace and that similar future adjustments to the PSPP should be extended to Justices of the Peace without the need to return to the Commission.
- (6) We recommend that a separate Regulation be passed dealing with benefits that are available to Justices of the Peace.
- (7) We recommend that Justices of the Peace receive a hospital allowance equal to the cost of semi-private hospital care.
- (8) We recommend that pregnancy, maternity and parental leave should be the same as that provided for judges of the Ontario Court of Justice.
- (9) We recommend that Justices of the Peace who continue to work full-time after age 65 should receive the same benefits as they received up to age 65.
- (10) We recommend that free parking be provided in parking lots adjacent to the courthouse to Justices of the Peace when they are performing judicial duties in the

courthouse and that the parking facility should provide for the secure movement of the Justice of the Peace to his or her chambers in the courthouse.

(11) We recommend that a Regulation be passed setting out the occasions on which gowns are to be worn by a Justice of the Peace.

(12) We recommend that a Justice of the Peace be issued on his or her appointment and every seven years thereafter with a gown, a sash, two waistcoats, two pairs of striped trousers or skirts, six court long-sleeved blouses/shirts and six tabs.

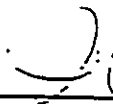
(13) We recommend that Justices of the Peace receive the same travel allowance as judges of the Ontario Court of Justice.

(14) If it is decided to grant a tax-free allowance to Justices of the Peace, we would recommend that the allowance be \$500.00 per annum payable on presentation of receipts.

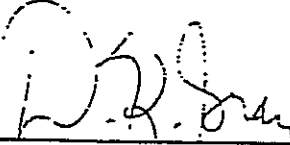
(15) We recommend that a fair and reasonable allowance for legal costs should be paid to counsel for the AJPO in connection with the proceedings of the Commission.

All of which is respectfully submitted.

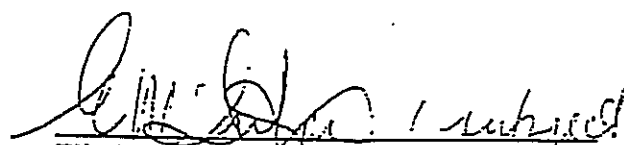
Dated this 22nd day of August 2000.



The Honourable Lloyd W. Houlden
Chair



Douglas K. Gray



Elizabeth J. McIntyre
To minority report

CALL FOR SUBMISSIONS

Justices of the Peace
Remuneration Commission

The Justices of the Peace Remuneration Commission has begun its inquiry into the salary levels, allowances and benefits of the Justices of the Peace in Ontario for the period April 1, 1996 to March 31, 2002. All interested parties are invited to file written submissions.

The first stage of the process is that of written submissions. Follow-up hearings and consultations will take place in late spring and early summer.

The submissions should address any and all matters that relate to, or impact on, the total compensation of Justices of the Peace in Ontario.

Please forward your submissions to the following address:

JUSTICES OF THE PEACE REMUNERATION COMMISSION
ADR CHAMBERS: An Alternative Dispute Resolution Group
1100-48 YONGE STREET
TORONTO, ONTARIO
M5E 1G6

ATTENTION: HON. LLOYD W. HOULDEN Q.C., CHAIR

Submissions must be received by June 30, 2000.

The Commission looks forward to receiving your submission.

APPENDIX 2

Calculations Showing Recommended Salary Increases

1) Presiding Justices of the Peace - Total Percentage Increase 22.6%

YEAR	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	TOTAL, % INCREASE
AIW (paid)	0.7%	2.8%	1.7%	0.9%	N/A	N/A	
Economic Increase	1.2%	0.0%	0.2%	1.0%	1.9%	1.9%	
TOTAL ECONOMIC INCREASE:	1.9%	2.8%*	1.9%	1.9%	1.9%	1.9%	
Increase to recognize changed composition of workload	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	
TOTAL ANNUAL INCREASE	3.3%	4.2%	3.3%	3.3%	3.3%	3.3%	
SALARY (compounded increases)	\$60,717	\$63,267	\$65,355	\$67,512	\$69,740	\$72,041	22.6%

* In March 1999, the Ontario Divisional Court ordered the government pay justices of the peace an annual increase based on changes in the Aggregate Industrial Wage (AIW). The term of the order was from April 1, 1996 until the next Justices of the Peace Remuneration Commission had issued its report and the government had responded to the recommendations. In 1997, the government paid the court-ordered AIW which was 2.8%.

APPENDIX 3

The AJPO submits that this Commission should recommend increases in Justices of the Peace salary, so that both presiding and non-presiding Justices of the Peace earn the following amounts:

- commencing April 1, 1996 - \$87,500
- commencing April 1, 1997 \$90,000
- commencing April 1, 1998 \$107,000
- commencing April 1, 1999 \$113,000
- commencing April 1, 2000 \$119,000 (subject to AIW increases)
- commencing April 1, 2001 \$125,000

JUSTICES OF THE PEACE
REMUNERATION COMMISSION

SUBMISSIONS OF THE
REGIONAL SENIOR JUSTICES OF THE PEACE OF ONTARIO
June 21, 2000

The principle of increased remuneration for those bearing increased responsibility within any private organization or public institution, at all levels, federal, provincial or municipal, has long been an accepted tenet in determining appropriate compensation levels.

This principle is manifest within the Government of Ontario at all levels. The Premier, and members of the Cabinet enjoy an enhanced level of remuneration from other members of the Legislative Assembly in recognition of their respective increased responsibilities of policy formulation and administration.

The principle is likewise recognized within the Ontario Public Service, as evidenced by the large number of civil service categories and classifications attributable to any position, from Deputy Ministers to the newest of clerks. Classifications are compensated differently in recognition that the higher classified positions carry additional administrative and supervisory duties and responsibilities.

The principle is similarly extended to the provincial judiciary, as evidenced by the remuneration differentials between the Chief Justice, the Associate Chief Justices, the Regional Senior Justices and the puisne judges of the Ontario Court of Justice. The application of the principle to the court structure once again recognizes the additional administrative and supervisory responsibilities exercised by each judicial officer.

The differential that presently exists for the Regional Senior Justice of the Peace does not adequately reflect the numerous administrative and supervisory duties and responsibilities each such judicial officer exercises in addition to the normal duties and responsibilities of a presiding Justice of the Peace. An indication of the inadequacy may be found in the fact that two Regional Senior Justices of the Peace recently resigned the assignment as a result of the heavy workload comparative to the level of compensation afforded the position.

Prior to court restructuring in 1990, there was recognition, in part, of the principle of remuneration differentiation in the Judicial District of York. By Regulation a "supervising Justice of the Peace" was established in recognition of the need to have a designated Justice of the Peace to administer a larger number of Justices of the Peace. The

regulation stipulated for the payment of additional compensation to the person so designated. This did not apply to the remainder of the Province where local Justices of the Peace were assigned, supervised and directed in the law by local judges at each court location.

With court restructuring on September 1, 1990, the legislation relating thereto provided for, inter alia, the division of the province into eight regions. It also established the Office of the Regional Senior Justice to administer each region and additional remuneration to each Regional Senior Justice in the amount of \$10,000 to recognize the additional duties and responsibilities being assumed by these judges. No such similar provision was made for the appointment of Regional Senior Justices of the Peace, due in part to the vast restructuring process then underway to convert the Justice of the Peace bench from a (largely) fee-for-service bench to a salaried bench, a process which was completed in 1995.

During the period 1990 to 1995, it was necessary to establish a similar framework for Justice of the Peace administration on a regional basis and the Office of Regional Senior Justice of the Peace was created, albeit informally, for each region. Those persons assigned to perform the duties of the Regional Senior Justice of the Peace were afforded an additional remuneration over salary of approximately \$2,400 annually. This was increased to \$5000 during the Justice of the Peace conversion process until March 1997. The current differential between a Regional Senior Justice of the Peace and a Justice of the Peace at maximum salary is \$2,550 annually.

The role and responsibilities afforded the Regional Senior Justices of the Peace in the last decade have increased significantly from the "assignment and mark attendance" duties of the 1970's and 1980's.

For the Commission's reference, a copy of the Roles and Responsibilities presently exercised by the Regional Senior Justice of the Peace, Senior Advisory Justice of the Peace and the Senior Justice of the Peace Administrator of the Native Justice of the Peace Program. These are annexed as Appendix A, B, and C respectively.

Today, the Regional Senior Justices of the Peace have the responsibility to manage the bench within their respective region. This includes a twenty-four hour a day, seven days per week leadership, assignment and administrative commitment to the bench, the administration of justice and to the public.

The Regional Senior Justices of the Peace are members of the Justices of the Peace Advisory Council. The Council meets regularly with the Associate Chief Justice/Coordinator of Justices of the Peace to discuss issues and policy pertinent to the administration of the bench. The Council's membership includes the Senior Advisory Justice of the Peace and the Senior Justice of the Peace/Administrator of the Native Justice of the Peace Program.

An additional burden encountered by Senior Justices of the Peace and by every Justice of the Peace, is the personal financial sacrifice directly attributable to low and unacceptable expense limits and conditions of employment imposed upon the bench. This is in part due to necessary travel by the Regional Senior Justice of the Peace to various provincial, regional and (with POA devolution) municipally-administrated courts.

With respect, the present lack of recognition of the increased responsibilities assigned to the Senior Justice of the Peace, in the face of such recognition in every other sector of the Ontario Government, is patently unfair and unreasonable.

The Association of Justices of the Peace of Ontario has made a compensation recommendation for Senior Justices of the Peace based on what was afforded for specific responsibilities in 1995. However, the Senior Justices of the Peace respectively submit that the overall and continuing increase in responsibility since 1990 for those entrusted with these senior management assignments merit an increase commensurate with those additional responsibilities.

We further submit, in accordance with the practice for Regional Senior Justices of the Ontario Court of Justice that any remunerative differential deemed appropriate by the Commission should be afforded following the tenure of assignment until base salaries of full time presiding Justices of the Peace equal the differential.

All of which is respectfully submitted for your consideration,

Regional Senior Justice of the Peace D. Bartraw
Regional Senior Justice of the Peace R. Faulkner
Regional Senior Justice of the Peace C. Jadis
Regional Senior Justice of the Peace B. Leaman
Regional Senior Justice of the Peace S. Nettleton
Regional Senior Justice of the Peace R. Ponton
Regional Senior Justice of the Peace N. Ross
Senior Advisory Justice of the Peace O. Rosamond
Senior Justice of the Peace R. Le Sarge
(Administrator of the Native Justices of the Peace Program)

Justices of the Peace Remuneration Commission

Submissions of the Regional Senior Justices of the Peace of Ontario

APPENDIX A

Role and Responsibility of the Regional Senior Justice of the Peace:

1. The Regional Senior Justice of the Peace is responsible to the Regional Senior Justice in all regional/operational matters. The Regional Senior Justice of the Peace responsibilities encompass the following:
 - a) Ensuring that the needs of the community are met with available judicial resources
 - b) Dealing with concerns from justices, crowns, defence counsel, the public, courts administration, police and correctional personnel. This may involve preparing correspondence and/or attending meetings.
 - c) Providing judicial advice to Justices of the Peace as requested.
 - d) Ensuring that new appointments are properly trained before commencing judicial duties, assessing and recommending further educational training for any Justice that may require same.
 - e) Assessing the educational needs of the Justice of the Peace Bench and assisting at educational seminars as moderators and resource people.
 - f) Ensuring the expeditious distribution to Justices of the Peace of relevant court decisions, legislative amendments, news releases, etc.
 - g) Reviewing and approving Justice of the Peace travel expense claims.
 - h) Recommending salary adjustments to the Associate Chief Justice - Co-ordinator of Justices of the Peace for part-time Justices of the Peace.
 - i) Verifying and approving monthly attendance reports.
 - j) Scheduling and approving requests for vacation.
 - k) Liaising with Courts Administration attempting to have the needs of the Justices of the Peace met, such as chamber space and furnishings, judicial attire, current resource materials, etc.
 - l) Co-ordinating swearing-in ceremonies for new Justices of the Peace.
 - m) Participating in the Local Court Management Advisory Committee in many areas within the region as required.
 - n) Assigning local administrative Justices of the Peace where necessary.
 - o) In all of the above matters, consulting and communicating with the Regional Senior Justice.
 - p) Attending all Justices of the Peace Advisory Council meetings and sub-committees as assigned by the Associate Chief Justice - Co-ordinator of Justices of the Peace.
 - q) Liaising with Senior Justice/Administrator responsible for the Ontario Native Justice of the Peace Program concerning swearing-in ceremonies, apprenticeship programs, planning and scheduling of community justice development activities and consultation on issues with respect to Native Justices of the Peace

2. The Regional Senior Justice of the Peace is responsible to the Regional Senior Justice for assignment of Justices of the Peace within the region.
3. The Regional Senior Justice of the Peace is responsible for providing recommendations to the Regional Senior Justice regarding the overseeing of the duty rosters within the region.
4. The Regional Senior Justice of the Peace is responsible for providing recommendations to the Regional Senior Justice regarding the transfer of a Justice of the Peace to or from the region or within the region.
5. The Regional Senior Justice of the Peace is responsible for providing recommendations to the Regional Senior Justice regarding increased levels of responsibilities and judicial progression for individual Justices of the Peace.
6. The Regional Senior Justice of the Peace is responsible for providing support and assistance to individual Justices of the Peace with respect to judicial and government polices and benefits.

Justice of the Peace Remuneration Commission

Submissions of the Regional Senior Justice of the Peace of Ontario

APPENDIX B

Role and Responsibility of the Senior Advisory Justice of the Peace

The Senior Advisory Justice of the Peace is based at the Office of the Chief Justice, Ontario Court of Justice and reports to the Associate Chief Justice, Co-ordinator of Justices of the Peace and directly assists that Office as directed.

The duties and responsibilities are varied to meet the changing needs of this very evolving bench. On a day-to-day basis, the Senior Advisory Justice of the Peace deals with many inquiries from the public, members of the bar and other judicial officials.

Some of the completed projects that the Senior Advisory Justice of the Peace has been involved with include:

The Report on Justices of the Peace, this was a government initiative and the SAJP was one of the resource people

The Report of the Criminal Justice Review Committee

The transfer of the administration for the Provincial Offences Act to the Municipalities.

The implementation of the Telewarrant Centre

Ongoing committees include:

The Judicial Advisory Committee and the Executive Steering Committee for Integrated Justice (also-part of the judicial test team)

The Justice of the Peace Advisory Committee

Chairs the Provincial Offences Act Rules Sub-Committee

Chairs the Advisory Committee on Education

The Justices of the Peace education program provides that the Senior Advisory Justice of the Peace is responsible for assisting the Legal & Education Officer in the planning, development and implementation of education and training programs for Justices of the Peace; and acting as liaison person with Justices of the Peace in all matters pertaining to the Justice of the Peace bench. These responsibilities include:

1. Assist the Legal & Education Officer in program development, planning and delivery

2. Liaise with the Justice of the Peace Association with regard to education programs
3. Act as Chairperson of the Advisory Committee on Education for Justices of the Peace
4. Review feedback on education programs
5. Discuss education needs and goals with individual Justices of the Peace
6. Maintain ongoing liaison with the Regional Senior Justices of the Peace with respect to training and education needs of Justice of the Peace in the respective regions
7. Maintain ongoing liaison with the Senior Justice of the Peace responsible for the Native Justices of the Peace Program with respect to the training and educational needs of native Justices of the Peace
8. Assist in the development of goals and objectives for training
9. Act as moderator at intensive training programs for new Justices of the Peace
10. Act as resource person at intensive training programs for new Justices of the Peace and continuing education programs
11. Suggest topics, resource people and formats for training and education programs

Justices of the Peace Remuneration Commission

Submissions of the Regional Senior Justices of the Peace of Ontario

APPENDIX C

Role and Responsibility of the Senior Justice of the Peace - Administrator of the Native Justice of the Peace Program:

The Senior Justice of the Peace Responsible for the Native Justice of the Peace Program is responsible for co-ordinating the development of pre-appointment and post-appointment training programs for Justices of the Peace appointed through the Native Justice of the Peace Program, and continuing education programs for aboriginal Justices of the Peace, and a variety of other responsibilities, including:

1. Developing and implementing pre-appointment training qualifying training programs for candidates for a position as a native Justice of the Peace;
2. Developing post-appointment training plans for Native Justices of the Peace, in consultation with the Regional Senior Justice of the Peace;
3. Advising the Co-ordinator on the effectiveness of training programs as they relate to Native Justices of the Peace;
4. Evaluating pre-appointment and post-appointment training programs offered by the Native Justice of the Peace Program;
5. Consulting with the Legal and Education Officer to ensure consistency in the materials and resources which are being offered through the Native Justice of the Peace Program and the programs offered to the Justices of the Peace;
6. Advising on, and participating in the planning and development of, continuing education programs for aboriginal Justices of the Peace, including those appointed through the Native Justices of the Peace Program;
7. Participating on an ongoing basis in the Justices of the Peace Advisory Committee;
8. Participating on an ongoing basis in the Advisory Committee on Education for Justices of the Peace;
9. Consulting with the Associate Chief Justice - Co-ordinator of Justices of the Peace on policy initiatives and operational activities with respect to Native Justices of the Peace;
10. Being available to Native Justices of the Peace for consultation on any problem which they encounter and liaise with the Regional Senior Justice of the Peace and others to resolve such problems when requested;
11. Liaising with the Regional Senior Justice of the Peace concerning the planning

and scheduling of community justice activities by Native Justices of the Peace:

12. Developing and co-ordinating special training and apprenticeship programs for Native Justices of the Peace;
13. Organizing community swearing-in ceremonies for newly-appointed Native Justices of the Peace;
14. Receiving and reviewing appropriate statistics on judicial and community activities of all Native Justices of the Peace;
15. Proposing salary adjustments with respect to part-time Native Justices of the Peace to the Regional Senior Justice of the Peace and to the Associate Chief Justice - Co-ordinator of Justices of the Peace;
16. Referring any conflicts between the assignment of judicial duties and responsibilities associated with the Ontario Native Justice of the Peace Program to the Regional Senior Justice in the area where the conflict exists;
17. Liaising with some First Nations Governments in conjunction with various levels of Federal, Provincial and Local Governments on implementing satellite courts on some First Nations Territories; and
18. Liaising with various First Nations Governments in conjunction with Federal and Provincial Governments to secure an Indian Act Native Justice of the Peace appointment for those locations.

CALL FOR SUBMISSIONS

Justices of the Peace
Remuneration Commission

The Justices of the Peace Remuneration Commission has begun its inquiry into the salary levels, allowances and benefits of the Justices of the Peace in Ontario for the period April 1, 1996 to March 31, 2002. All interested parties are invited to file written submissions.

The first stage of the process is that of written submissions. Follow-up hearings and consultations will take place in late spring and early summer.

The submissions should address any and all matters that relate to, or impact on, the total compensation of Justices of the Peace in Ontario.

Please forward your submissions to the following address:

JUSTICES OF THE PEACE REMUNERATION COMMISSION
ADR CHAMBERS: An Alternative Dispute Resolution Group
1100-48 YONGE STREET
TORONTO, ONTARIO
M5E 1G6

ATTENTION: HON. LLOYD W. HOULDEN Q.C., CHAIR

Submissions must be received by June 30, 2000.

The Commission looks forward to receiving your submission.

APPENDIX 2

Calculations Showing Recommended Salary Increases

D) Presiding Justices of the Peace - Total Percentage Increase 22.6%

Year	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	Total % Increase
AIW (paid)	0.7%	2.8%	1.7%	0.9%	N/A	N/A	
Economic Increase	1.2%	0.0%	0.2%	1.0%	1.9%	1.9%	
Total Economic Increase	1.9%	2.8%*	1.9%	1.9%	1.9%	1.9%	
Increase to recognize changed composition of workload	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	
Total Annual Increase	3.3%	4.2%	3.3%	3.3%	3.3%	3.3%	
Salary (compounded increases)	\$60,717	\$63,267	\$65,355	\$67,512	\$69,740	\$72,041	22.6%

* In March 1999, the Ontario Divisional Court ordered the government pay justices of the peace an annual increase based on changes in the Aggregate Industrial Wage (AIW). The term of the order was from April 1, 1996 until the next Justices of the Peace Remuneration Commission had issued its report and the government had responded to the recommendations. In 1997, the government paid the court-ordered AIW which was 2.8%.

1) Non-Presiding Justices of the Peace - TOTAL PERCENTAGE INCREASE 20.4%

YEAR	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	TOTAL, % INCREASE
AIW (paid)	0.7%	2.8%	1.7%	0.9%	N/A	N/A	
Economic Incentive	1.2%	0.0%	0.2%	1.0%	1.9%	1.9%	
TOTAL ECONOMIC INCENTIVE	1.9%	2.8%*	1.9%	1.9%	1.9%	1.9%	
Increase to recognize changed composition of workload	1.1%	1.1%	1.1%	1.1%	1.1%	1.1%	
TOTAL ANNUAL INCREASE	3.0%	3.9%	3.0%	3.0%	3.0%	3.0%	
SALARY (compounded increases)	\$39,282	\$40,814	\$42,038	\$43,299	\$44,598	\$45,936	20.4%

* In March 1999, the Ontario Divisional Court ordered the government pay justices of the peace an annual increase based on changes in the Aggregate Industrial Wage (AIW). The term of the order was from April 1, 1996 until the next Justices of the Peace Remuneration Commission had issued its report and the government had responded to the recommendations. In 1997, the government paid the court-ordered AIW which was 2.8%.

APPENDIX 3

The AJPO submits that this Commission should recommend increases in Justices of the Peace salary, so that both presiding and non-presiding Justices of the Peace earn

the following amounts:

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JUSTICES OF THE PEACE
REMUNERATION COMMISSION

SUBMISSIONS OF THE
REGIONAL SENIOR JUSTICES OF THE PEACE OF ONTARIO
June 21, 2000

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The Regional Senior Justices of the Peace are members of the Justices of the Peace Advisory Council. The Council meets regularly with the Associate Chief Justice/Coordinator of Justices of the Peace to discuss issues and policy pertinent to the administration of the bench. The Council's membership includes the Senior Advisory Justice of the Peace and the Senior Justice of the Peace/Administrator of the Native Justice of the Peace Program

An additional burden encountered by Senior Justices of the Peace and by every Justice of the Peace, is the personal financial sacrifice directly attributable to low and unacceptable expense limits and conditions of employment imposed upon the bench. This is in part due to necessary travel by the Regional Senior Justice of the Peace to various provincial, regional and (with POA devolution) municipally-administrated courts.

With respect, the present lack of recognition of the increased responsibilities assigned to the Senior Justice of the Peace, in the face of such recognition in every other sector of the Ontario Government, is patently unfair and unreasonable.

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We further submit, in accordance with the practice for Regional Senior Justices of the Ontario Court of Justice that any remunerative differential deemed appropriate by the Commission should be afforded following the tenure of assignment until base salaries of full time presiding Justices of the Peace equal the differential.

All of which is respectfully submitted for your consideration,

Regional Senior Justice of the Peace D. Bartraw
Regional Senior Justice of the Peace R. Faulkner
Regional Senior Justice of the Peace C. Jadis
Regional Senior Justice of the Peace B. Leaman
Regional Senior Justice of the Peace S. Nettleton
Regional Senior Justice of the Peace R. Ponton
Regional Senior Justice of the Peace N. Ross
Senior Advisory Justice of the Peace O. Rosamond
Senior Justice of the Peace R. Le Sarge
(Administrator of the Native Justices of the Peace Program)

Justices of the Peace Remuneration Commission

Submissions of the Regional Senior Justices of the Peace of Ontario

APPENDIX A

Role and Responsibility of the Regional Senior Justice of the Peace:

1. The Regional Senior Justice of the Peace is responsible to the Regional Senior Justice in all regional/operational matters. The Regional Senior Justice of the Peace responsibilities encompass the following:
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 - d) Ensuring that new appointments are properly trained before commencing judicial duties, assessing and recommending further educational training for any Justice that may require same.
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 - h) Recommending salary adjustments to the Associate Chief Justice - Co-ordinator of Justices of the Peace for part-time Justices of the Peace.
 - i) Verifying and approving monthly attendance reports.
 - j) Scheduling and approving requests for vacation.
 - k) Liaising with Courts Administration attempting to have the needs of the Justices of the Peace met, such as chamber space and furnishings, judicial attire, current resource materials, etc.
 - l) Co-ordinating swearing-in ceremonies for new Justices of the Peace.
 - m) Participating in the Local Court Management Advisory Committee in many areas within the region as required.
 - n) Assigning local administrative Justices of the Peace where necessary.
 - o) In all of the above matters, consulting and communicating with the Regional Senior Justice.
 - p) Attending all Justices of the Peace Advisory Council meetings and sub-committees as assigned by the Associate Chief Justice - Co-ordinator of Justices of the Peace.
 - q) Liaising with Senior Justice/Administrator responsible for the Ontario Native Justice of the Peace Program concerning swearing-in ceremonies, apprenticeship programs, planning and scheduling of community justice development activities and consultation on issues with respect to Native Justices of the Peace.

2. The Regional Senior Justice of the Peace is responsible to the Regional Senior Justice for assignment of Justices of the Peace within the region.
 3. The Regional Senior Justice of the Peace is responsible for providing recommendations to the Regional Senior Justice regarding the overseeing of the duty rosters within the region.
 4. The Regional Senior Justice of the Peace is responsible for providing recommendations to the Regional Senior Justice regarding the transfer of a Justice of the Peace to or from the region or within the region.
 5. The Regional Senior Justice of the Peace is responsible for providing recommendations to the Regional Senior Justice regarding increased levels of responsibilities and judicial progression for individual Justices of the Peace.
 6. The Regional Senior Justice of the Peace is responsible for providing support and assistance to individual Justices of the Peace with respect to judicial and government polices and benefits.
-

Justice of the Peace Remuneration Commission

Submissions of the Regional Senior Justice of the Peace of Ontario

APPENDIX B

Role and Responsibility of the Senior Advisory Justice of the Peace

The Senior Advisory Justice of the Peace is based at the Office of the Chief Justice, Ontario Court of Justice and reports to the Associate Chief Justice, Co-ordinator of Justices of the Peace and directly assists that Office as directed.

The duties and responsibilities are varied to meet the changing needs of this very evolving bench. On a day-to-day basis, the Senior Advisory Justice of the Peace deals with many inquiries from the public, members of the bar and other judicial officials.

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The Judicial Advisory Committee and the Executive Steering Committee for Integrated Justice (also part of the judicial test team)

The Justice of the Peace Advisory Committee

Chairs the Provincial Offences Act Rules Sub-Committee

Chairs the Advisory Committee on Education

The Justices of the Peace education program provides that the Senior Advisory Justice of the Peace is responsible for assisting the Legal & Education Officer in the planning, development and implementation of education and training programs for Justices of the Peace; and acting as liaison person with Justices of the Peace in all matters pertaining to the Justice of the Peace bench. These responsibilities include:

1. Assist the Legal & Education Officer in program development, planning and delivery

2. Liaise with the Justice of the Peace Association with regard to education programs
3. Act as Chairperson of the Advisory Committee on Education for Justices of the Peace
4. Review feedback on education programs
5. Discuss education needs and goals with individual Justices of the Peace
6. Maintain ongoing liaison with the Regional Senior Justices of the Peace with respect to training and education needs of Justice of the Peace in the respective regions
7. Maintain ongoing liaison with the Senior Justice of the Peace responsible for the Native Justices of the Peace Program with respect to the training and educational needs of native Justices of the Peace
8. Assist in the development of goals and objectives for training
9. Act as moderator at intensive training programs for new Justices of the Peace
10. Act as resource person at intensive training programs for new Justices of the Peace and continuing education programs
11. Suggest topics, resource people and formats for training and education programs

Justices of the Peace Remuneration Commission

Submissions of the Regional Senior Justices of the Peace of Ontario

APPENDIX C

Role and Responsibility of the Senior Justice of the Peace - Administrator of the Native Justice of the Peace Program:

The Senior Justice of the Peace Responsible for the Native Justice of the Peace Program is responsible for co-ordinating the development of pre-appointment and post-appointment training programs for Justices of the Peace appointed through the Native Justice of the Peace Program, and continuing education programs for aboriginal Justices of the Peace, and a variety of other responsibilities, including:

1. Developing and implementing pre-appointment training qualifying training programs for candidates for a position as a native Justice of the Peace;
2. Developing post-appointment training plans for Native Justices of the Peace, in consultation with the Regional Senior Justice of the Peace;
3. Advising the Co-ordinator on the effectiveness of training programs as they relate to Native Justices of the Peace;
4. Evaluating pre-appointment and post-appointment training programs offered by the Native Justice of the Peace Program;
5. Consulting with the Legal and Education Officer to ensure consistency in the materials and resources which are being offered through the Native Justice of the Peace Program and the programs offered to the Justices of the Peace;
6. Advising on, and participating in the planning and development of, continuing education programs for aboriginal Justices of the Peace, including those appointed through the Native Justices of the Peace Program;
7. Participating on an ongoing basis in the Justices of the Peace Advisory Committee;
8. Participating on an ongoing basis in the Advisory Committee on Education for Justices of the Peace;
9. Consulting with the Associate Chief Justice - Co-ordinator of Justices of the Peace on policy initiatives and operational activities with respect to Native Justices of the Peace;
10. Being available to Native Justices of the Peace for consultation on any problem which they encounter and liaise with the Regional Senior Justice of the Peace and others to resolve such problems when requested;
11. Liaising with the Regional Senior Justice of the Peace concerning the planning

- and scheduling of community justice activities by Native Justices of the Peace;
12. Developing and co-ordinating special training and apprenticeship programs for Native Justices of the Peace;
 13. Organizing community swearing-in ceremonies for newly-appointed Native Justices of the Peace;
 14. Receiving and reviewing appropriate statistics on judicial and community activities of all Native Justices of the Peace;
 15. Proposing salary adjustments with respect to part-time Native Justices of the Peace to the Regional Senior Justice of the Peace and to the Associate Chief Justice - Co-ordinator of Justices of the Peace;
 16. Referring any conflicts between the assignment of judicial duties and responsibilities associated with the Ontario Native Justice of the Peace Program to the Regional Senior Justice in the area where the conflict exists;
 17. Liaising with some First Nations Governments in conjunction with various levels of Federal, Provincial and Local Governments on implementing satellite courts on some First Nations Territories; and
 18. Liaising with various First Nations Governments in conjunction with Federal and Provincial Governments to secure an Indian Act Native Justice of the Peace appointment for those locations.

JUSTICES OF THE PEACE REMUNERATION COMMISSION

2000

MINORITY REPORT

This report deals only with the issue of the recommended salaries for presiding and non-presiding Justices of the Peace. Based on a review of the statutory criteria set out in s.7 of Regulation R.O.C. 172/2000, together with all of the evidence before the Commission, I would recommend salaries which are higher than those set out in the majority report. On the remainder of the issues, I concur with the recommendations made.

The Commission received extensive evidence detailing the evolution of the office of Justice of the Peace. This evidence establishes that there has been a substantial realignment of duties and responsibilities within the justice system which has resulted in a much expanded role for Justices of the Peace. The increase in both the workload required of the Justices and in the complexity of their judicial duties requires a significant adjustment in remuneration. The Government's own proposal recognizes the need for such an adjustment. However, neither that proposal nor the salaries recommended in the majority report go far enough to provide the salaries which are indicated by the available evidence.

It is exceedingly difficult to determine appropriate levels of remuneration in the abstract. Accordingly, principles of compensation dictate, together with other factors, a review of compensation paid to comparable groups based on terms and conditions of employment, nature of the work performed and skills and qualifications. Furthermore, while appointees to the position of Justice of the Peace need not meet specific qualifications, it is of utmost importance that salary levels for these positions be sufficient to attract and retain well qualified individuals. Given the level of responsibility and the importance of the decisions being made by Justices of the Peace, it is critical that their remuneration be set at

a level that attracts candidates with the knowledge, skill and ability to meet the challenges of this position. As set out in the report of the majority, the Ontario economy is strong and does not create any impediment to the payment of salaries which are otherwise indicated.

The majority, in their report, have rejected the submission made on behalf of the Justices of the Peace that their salaries be tied to the salaries paid to Justices of the Ontario Court as is done in Quebec and Saskatchewan. While there is a distinction between the positions with respect to the skills, qualifications and experience, the nature of the work and the responsibility is comparable. Accordingly, while it may not be appropriate to specifically tie the compensation of Justices of the Peace to Provincial Court Judges, the historical relationship between the salaries, together with the significant increases recently granted to the latter are of considerable relevance.

As a result of the Fourth Triennial Report of the Provincial Judges' Remuneration Commission, the salaries of Provincial Court Judges increased the 2000 base salary to a level that is thirty six percent higher than it was in 1995. That increase resulted, in part, from the impact on Provincial Court Judges of the realignment of duties within the justice system. This same realignment, which resulted in markedly increased responsibilities for Justices of the Peace, should be reflected in a similar percentage salary adjustment over the same period. This would maintain the historical relationships between the positions as well as recognizing the increase in responsibility for the Justices of the Peace.

The Commission was provided with information regarding a number of other potential comparators. Perhaps the most helpful amongst these was information regarding the remuneration paid to Chairs, Vice-Chairs, and Members of Provincial Boards and Tribunals. As with Justices of the Peace, no specific qualifications are required for these positions and their occupants include both lawyers and non-lawyers. Like Justices of the Peace, they conduct hearings and make decisions under various pieces of legislation. While it is futile to attempt a comparison of the complexity or importance of the decision making as between the tribunals, it can be concluded that Justices of the Peace, who

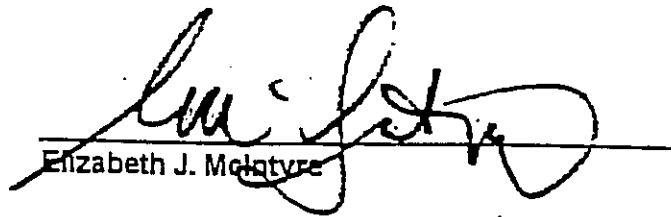
decide matters going to the liberty and privacy interests of many individuals, are deserving of salaries comparable to those paid to tribunal vice-chairs. Based on the information received by the Commission, the salary levels of many of the Boards and tribunals have recently been adjusted with what would appear to be a move towards standardization. Given the complexity and importance of the decisions made by Justices of the Peace, their salaries should be comparable to those set for the decision makers in these tribunals. Application of the percentage increase applied to the Provincial Court Judges for the first five years of the Commission's mandate, together with a further adjustment for the year 2001 achieves this objective.

Of further assistance in the determination of appropriate salaries for Ontario's Justices is the information received by the Commission regarding salaries paid to Justices of the Peace in other Provinces; particularly Alberta. Although Justices in Alberta are required to have legal training, their judicial duties are more limited than the justices in Ontario. Accordingly, the salary levels in Ontario should be no less than those resulting from the recent adjustments made to the salaries of the Justices of the Peace in that Province. Those adjustments will result in base salaries of \$85,000 for Justices of the Peace by 2002.

Based on these considerations together with the totality of the evidence presented to the Commission reviewed in the context of the criteria set out in Regulation R.O.C. 172/2000 I would recommend the following salaries which would be subject to further adjustment for increases in the Aggregate Industrial Wage for the years 2001 and 2002.

	PRESIDING	NON-PRESIDING
April 1, 1996	62,000	42,000
April 1, 1997	65,000	45,000

April 1, 1998	68,000	68,000
April 1, 1999	73,000	53,000
April 1, 2000	79,000	59,000
April 1, 2001	86,000	66,000



Elizabeth J. McIntyre

Date: September 22, 2000

