

**Report and Recommendations of the
2023 Interim Saskatchewan Justice of
the Peace Compensation Commission**

**Presented to the Minister of Justice and
Attorney General and the Saskatchewan
Justice of the Peace Association
June, 2023**

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I. INTRODUCTION

1. In 2022, the Government passed *The Justices of the Peace Amendment Act, 2022*. That Act amended the JP Act to create a system for relief Justices of the Peace, allowing retired Justices of the Peace to be on call if the Supervising Justice of the Peace needs additional resources. It also authorized the Lieutenant Governor in Council to appoint Justices of the Peace as Administrative Justices of the Peace, with the consent of the Supervising Justice of the Peace, after which the Supervising Justice of the Peace will be able to assign them administrative work. The *JP Amendment Act* was brought into force effective May 5, 2023, by an order of the Lieutenant Governor in Council.

2. The *JP Amendment Act* provides that the relief Justices of the Peace will be paid an hourly wage and will be members of the Public Employees' Pension Plan ("PEPP"). It also provides that Justices of the Peace who carry out administrative duties at the direction of the Supervising Justice of the Peace are to be paid an additional amount for those duties.

3. The Commission is not normally scheduled to sit again until 2024. However, to allow for the implementation of these two new proposals at an earlier date, the *JP Amendment Act, 2022*, authorizes the Commission to sit immediately upon the coming into force of the amendments, and to consider the issues of compensation for the relief Justices of the Peace and the Administrative Justices of the Peace.

4. The *JP Amendment Act* does not authorize the Commission to consider any other issues relating to the compensation for Justices of the Peace generally. It only authorizes the Commission to consider the transitional issues in relation to the relief Justices of the Peace and the Administrative Justices of the Peace.

5. Pursuant to section 10.81 of *The Justices of the Peace Act, 1988*, the Commission is to inquire into and make recommendations with respect to:

- (a) the method of calculating the pro rata portions of the annual salary for relief Justices of the Peace mentioned in clause 10.2(5)(b);
- (b) the method of calculating the additional amount mentioned in subsection 10.2(5.1) for Administrative Justices of the Peace; and
- (c) the contributions to be made to the pension plan mentioned in subsection 10.2(6) for relief Justices of the Peace.

II. MEMBERSHIP OF THE COMMISSION

6. The Commission is defined under section 10.1 of the Act as follows:

“commission” means the chairperson of a commission established pursuant to section 36 of *The Provincial Court Act, 1998*, (“commission”).

7. Accordingly, this Justice of the Peace Compensation Commission is made up of one member, Paul S. Jaspar SVM FCPA FCA, who is the current Chairperson of the Provincial Court Commission (“2020 Provincial Court Commission”).

III. COMMISSION PROCESS AND PROCEEDINGS

8. Advertisements calling for submissions to this Commission were placed in the Regina Leader Post and the Saskatoon Star Phoenix on May 31, 2023. The advertisements indicated that the Commission would be receiving written submissions from interested parties concerning remuneration for relief Justices of the Peace and additional amounts for administrative duties of Justices of the Peace. In addition, an advertisement was placed on the Law Society’s classified page.

9. This Commission received written submissions from:

- (a) Deputy Minister of Justice and Deputy Attorney General, on behalf of the Government of Saskatchewan (the “Government”); and

(b) Chairperson of the Compensation Subcommittee of the Saskatchewan Justice of the Peace Association (the "Association").

Replies to the submissions were received from:

- (a) the Government; and
- (b) the Association.

10. The Commission was permitted to submit written questions to the Government and the Association after review of the submissions referenced above, as provided for in section 10.5(b) of the Act. No questions were submitted by the Commission to the Government or the Association.

11. All submissions, replies and other documents can be reviewed at:

<http://www.saskatchewan.ca/government/government-structure/boards-commissions-and-agencies/justices-of-the-peace-compensation-commission>.

IV. SALARY FOR RELIEF JUSTICES OF THE PEACE

12. The purpose of the relief Justice of the Peace provision is twofold. First, it will give the Supervising Justice of the Peace greater flexibility in ensuring that there are Justices of the Peace available, especially if a Justice of the Peace who is regularly scheduled is suddenly not available (e.g., due to illness, family matters, or inclement weather). The Supervising Justice of the Peace will be able to call on experienced relief Justices of the Peace to fill in.

13. A second function of the new position is that it helps to keep the experience of retired Justices of the Peace available to assist the Supervising Justice of the Peace in assigning workload. The retired Justices of the Peace have considerable experience which they built up over the years. That will be a valuable resource that the Supervising Justice of the Peace will be able to draw upon.

14. The Government and Association agree that the calculation of the hourly salary for relief Justice of the Peace up to age 71 should be 1/1760 of the annual salary for Justices of the Peace.

15. The Association submitted that the per diem amount for relief Justices of the Peace following age 71 should be adjusted to include an additional pension factor in lieu of pension contributions.

16. The Commission respectfully disagrees with the Association as section 10 of *The Justice of the Peace Act 1988* refers to “salary” and not compensation.

V. ADMINISTRATIVE JUSTICES OF THE PEACE

17. *The Justices of the Peace Amendment Act* creates the new “Administrative Justice of the Peace” position. An Administrative Justice of the Peace will be a person who is already a Justice of the Peace and is assigned administrative duties to support the Supervising Justice of the Peace. This is similar to an administrative judge in Provincial Court, who assists the Chief Judge to manage court operations in the province.

18. The Government and the Association disagree on the additional amount for Administrative Justices of the Peace. The Government’s position is that the additional compensation should be 1.5% of the salary as opposed to the Association’s proposal of 2.5% of salary.

19. As a compromise the Commission is recommending 2.0% of salary be the compensation for Administrative Justices of the Peace.

VI. PENSION CONTRIBUTION FOR RELIEF JUSTICES OF THE PEACE

20. Both the Government and the Association in their submissions recommend that a relief Justice of the Peace continue to be enrolled in Public Employees' Pension Plan (PEPP) until they reach the end of the calendar year in which the Justice of the Peace turns 71. This would include a 7.6 percent contribution by the employer to this pension fund.

VII. SUMMARY OF RECOMMENDATIONS

21. Recommendations:

- (a) the hourly rate for relief Justices of the Peace be the same as the hourly rate for non-senior Justices of the Peace, namely 1/1760 of the annual salary of a senior Justice of the Peace;
- (b) the additional amount for Administrative Justice of the Peace be 2.0% of their salary; and
- (c) the pension contribution rates for relief Justice of the Peace be the same as for senior and non-senior Justices of the Peace, up to age 71.

VIII. CLOSING REMARKS

22. The Commission wishes to express its sincere appreciation and thank you to all parties who have made submissions to this Commission.

DATED at Saskatoon, Saskatchewan effective this 27th day of June 2023.



Paul S. Jaspars SVM FCPA FCA
Chairman



Province of Saskatchewan

Commission Order

The Commission, pursuant to section 10.7 of *The Justices of the Peace Act, 1988*, makes *The Justices of the Peace (Commission) Amendment Regulations, 2023* in accordance with the attached Schedule.

Dated at the City of Saskatoon, the _____ day of _____,
2023.

Chairperson
Provincial Court Commission

(For administrative purposes only)

Authority: *The Justices of the Peace Act, 1988, section 10.7*

DRAFT

SCHEDULE

Title

1 These regulations may be cited as *The Justices of the Peace (Commission) Amendment Regulations, 2023*.

RRS c J-5.1 Reg 2 amended

2 *The Justices of the Peace (Commission) Regulations* are amended in the manner set forth in these regulations.

Section 4 amended

3(1) **Subsection 4(2) is amended by striking out “subsection 10.2(5)” and substituting “clause 10.2(5)(a)”.** [Housekeeping change so as to distinguish between subsection (2) - JP other than a senior JP - and new subsection (3) - relief JP.]

(2) **The following section is added after subsection 4(2):**

“(3) Commencing on November 5, 2023, for the purposes of clause 10.2(5)(b) of the Act, a relief justice of the peace shall be paid for each hour that he or she is engaged in his or her duties an amount equal to 1/1760 of the annual salary prescribed in subsection 3(3)”.

Section 4.1 amended.

4 **Section 4.1 is amended:**

(a) **by renumbering it as subsection 4.1(1); and**

(b) **by adding the following subsections after subsection (1):**

“(2) Commencing on the day on which this subsection comes into force, for the purposes of subsection 10.2(5.1) of the Act, an administrative justice of the peace appointed pursuant to subsection 3(8) of the Act is to be paid an additional amount equal to 2% of the annual salary determined in accordance with section 3 or 4 of these regulations, as the case may be”.

Section 8 amended

5 **Section 8 is amended:**

(a) **by striking out “and” after clause (a); and**

(b) **by adding the following clauses after clause (b):**

“(c) commencing on November 5, 2023, a relief justice of the peace shall contribute an amount equal to 5% of the *pro rata* salary received by the relief justice of the peace, up to December 31 of the year in which the relief justice of the peace reaches age 71;

“(d) commencing on November 5, 2023, the Government of Saskatchewan shall contribute with respect to each relief justice of the peace an amount equal to 7.6% of the *pro rata* salary received by the relief justice of the peace, up to December 31 of the year in which the relief justice of the peace reaches age 71”.

Coming into force

6 These regulations come into force on the day determined in accordance with section 10.7 of the Act.