

**2006 ALBERTA JUSTICES OF THE PEACE
COMPENSATION COMMISSION
FOR THE PERIOD APRIL 1, 2003 TO MARCH 31, 2008**

**SUBMISSION OF JOHNATHAN H. B. MOSS
SITTING JUSTICE OF THE PEACE
IN THE PROVINCE OF ALBERTA**

**C/O 5TH FLOOR PROVINCIAL COURT HOUSE
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CALGARY ALBERTA
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INTRODUCTION

When I refer to the Association, I will be referring to the Alberta Association of Sitting Justices of the Peace. These submissions speak only to matters as they affect the Sitting Justices of the Peace, and should not in any way be construed as being submissions in regard to Presiding Justices of the Peace, nor as a reflection on the actions of any other person or organization.

Although the Association is comprised of nearly all of the Sitting Justices of the Peace in Alberta, its submission does not represent the unanimous view of its members. Only 3 members of the Association are full time judges; the bulk of the matters that come into our Courts are dealt with by part time Judges. Economic factors such as housing, inflation and the cost of goods are different in Edmonton than in Calgary, and are different than in Medicine Hat or Grande Prairie.

In making its recommendations, the Commission may well be obligated to determine that different levels of remuneration may be required by the Sitting Justices of the Peace than are required by the Presiding Justices of the Peace.

THE ROLE OF THE COMMISSION

The Commission is well aware of its obligations and duties and the relevant criteria. The fundamental purpose of this Commission is to ensure that the judiciary is not only independent, but is visibly independent. It is an instrument to protect the public and to satisfy the public that should they be required by the state to appear in a court room that their case will be heard by an independent impartial arbiter. The Commission represents the means by which the government and the judges interact in an open and transparent process on matters of pay to ensure that the public can be confident that the judiciary is not beholden in any way to the government of the day. It is meant to replace the unacceptable system in which Judges and Government would meet behind closed doors and hash out an agreement. The Supreme Court in *Bodner*¹ affirmed the principle of *The P.E.I. reference case*²

“134 Second, under no circumstances is it permissible for the judiciary — not only collectively through representative organizations, but also as individuals — to engage in negotiations over remuneration with the executive or representatives of the legislature. Any such negotiations would be fundamentally at odds with judicial independence. As I

¹ *Provincial Court Judges' Assn. of New Brunswick v. New Brunswick (Minister of Justice)*; *Ontario Judges' Assn. v. Ontario (Management Board)*; *Bodner v. Alberta*; *Conférence des juges du Québec v. Québec (Attorney General)*; *Minc v. Québec (Attorney General)*, 2005 SCC 44, [2005] 2 S.C.R. 286, herein referred to as “*Bodner*”

² *Ref re Remuneration of Judges of the Prov. Court of P.E.I.*; *Ref re Independence and Impartiality of Judges of the Prov. Court of P.E.I.*, [1997] 3 S.C.R. 3

