

Fourth Session – Forty-Second Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Legislative Affairs

Chairperson
Mr. James Teitsma
Constituency of Radisson

Vol. LXXVI No. 3 - 2 p.m., Tuesday, August 9, 2022

ISSN 1708-668X

MANITOBA LEGISLATIVE ASSEMBLY
Forty-Second Legislature

Member	Constituency	Political Affiliation
ALTomARE, Nello	Transcona	NDP
ASAGWARA, Uzoma	Union Station	NDP
BRAR, Diljeet	Burrows	NDP
BUSHIE, Ian	Keewatinook	NDP
CLARKE, Eileen, Hon.	Agassiz	PC
COX, Cathy	Kildonan-River East	PC
CULLEN, Cliff, Hon.	Spruce Woods	PC
DRIEDGER, Myrna, Hon.	Roblin	PC
EICHLER, Ralph	Lakeside	PC
EWASKO, Wayne, Hon.	Lac du Bonnet	PC
FONTAINE, Nahanni	St. Johns	NDP
FRIESEN, Cameron, Hon.	Morden-Winkler	PC
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin, Hon.	Steinbach	PC
GORDON, Audrey, Hon.	Southdale	PC
GUENTER, Josh	Borderland	PC
GUILLEMARD, Sarah, Hon.	Fort Richmond	PC
HELWER, Reg, Hon.	Brandon West	PC
ISLEIFSON, Len	Brandon East	PC
JOHNSON, Derek, Hon.	Interlake-Gimli	PC
JOHNSTON, Scott, Hon.	Assiniboia	PC
KHAN, Obby	Fort Whyte	PC
KINEW, Wab	Fort Rouge	NDP
LAGASSÉ, Bob	Dawson Trail	PC
LAGIMODIERE, Alan, Hon.	Selkirk	PC
LAMONT, Dougald	St. Boniface	Lib.
LAMOUREUX, Cindy	Tyndall Park	Lib.
LATHLIN, Amanda	The Pas-Kameesak	NDP
LINDSEY, Tom	Flin Flon	NDP
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Malaya	Notre Dame	NDP
MARTIN, Shannon	McPhillips	PC
MICHALESKI, Brad	Dauphin	PC
MICKLEFIELD, Andrew	Rossmere	PC
MORLEY-LECOMTE, Janice	Seine River	PC
MOSES, Jamie	St. Vital	NDP
NAYLOR, Lisa	Wolseley	NDP
NESBITT, Greg, Hon.	Riding Mountain	PC
PEDERSEN, Blaine	Midland	PC
PIWNIUK, Doyle, Hon.	Turtle Mountain	PC
REDHEAD, Eric	Thompson	NDP
REYES, Jon, Hon.	Waverley	PC
SALA, Adrien	St. James	NDP
SANDHU, Mintu	The Maples	NDP
SCHULER, Ron	Springfield-Ritchot	PC
SMITH, Andrew, Hon.	Lagimodière	PC
SMITH, Bernadette	Point Douglas	NDP
SMOOK, Dennis	La Vérendrye	PC
SQUIRES, Rochelle, Hon.	Riel	PC
STEFANSON, Heather, Hon.	Tuxedo	PC
TEITSMA, James	Radisson	PC
WASYLIW, Mark	Fort Garry	NDP
WHARTON, Jeff, Hon.	Red River North	PC
WIEBE, Matt	Concordia	NDP
WISHART, Ian	Portage la Prairie	PC
WOWCHUK, Rick	Swan River	PC
<i>Vacant</i>	Kirkfield Park	

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS

Tuesday, August 9, 2022

TIME – 2 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. James Teitsma (Radisson)

VICE-CHAIRPERSON – Mr. Andrew Micklefield (Rossmere)

ATTENDANCE – 6 **QUORUM** – 4

Members of the committee present:

Hon. Mr. Helwer

Ms. Fontaine, Messrs. Guenter, Micklefield, Sala, Teitsma

PUBLIC PRESENTERS:

Ms. Susan Dawes, Provincial Judges Association of Manitoba (by leave)

MATTERS UNDER CONSIDERATION:

Report and Recommendations of the Judicial Compensation Committee, dated April 19, 2022

* * *

Clerk Assistant (Mr. Tim Abbott): Good afternoon, everyone. Need my gavel. Will the Standing Committee on Legislative Affairs please come to order.

Our first item of business is the election of a Chairperson.

Are there any nominations?

Hon. Reg Helwer (Minister of Labour, Consumer Protection and Government Services): Yes, I nominate MLA Teitsma for Chair.

Clerk Assistant: Mr. Teitsma has been nominated.

Any other nominations?

Mr. Teitsma, please take the Chair.

Mr. Chairperson: Thanks, everyone.

Our next item of business is the election of a Vice-Chairperson.

Are there any nominations?

Mr. Helwer: I nominate Mr. Teitsma—or, sorry, Mr. Micklefield as Vice-Chair.

Mr. Chairperson: Are there any other nominations?

Hearing no other nominations, Mr. Andrew Micklefield is elected Vice-Chairperson.

This meeting has been called to consider the Report and Recommendations of the Judicial Compensation Committee, dated April 19th, 2022.

Before we get started, I'd like to provide the committee with some background information on the process followed in the past when dealing with Judicial Compensation Committee reports.

At previous meetings, representatives from the judges association and other groups have appeared, by leave, before the committee, and the minister responsible has made an opening statement, followed—followed by a statement from the official opposition.

I would also like to remind members that prior to concluding consideration of this report, pursuant to the provisions of section 11.1(27) of The Provincial Court Act, a motion will be required in order to adopt or reject some or all of the recommendations in the JCC report.

Ms. Susan Dawes of the Provincial Judges Association of Manitoba has asked permission to speak to the committee today.

Is there agreement from the committee to hear Ms. Dawes? *[Agreed]*

Are there any suggestions for how long we should sit this afternoon?

Mr. Helwer: I suggest we sit for an hour and rise earlier if that is the case.

Mr. Chairperson: Okay, a proposal has been made to sit for one hour and rise earlier if—by will of the committee. Is that agreed? *[Agreed]*

I will now call on Ms. Dawes to make her presentation.

Ms. Dawes, welcome to the committee. Do you have any written materials to be distributed?

Susan Dawes (Provincial Judges Association of Manitoba): Thank you, and yes, I do.

Mr. Chairperson: All right, and just a reminder that you're limited to 10 minutes for your presentation.

You can start whenever you're ready.

S. Dawes: All right, good afternoon, Mr. Chairperson and members of the committee. So, I'm Susan Dawes, counsel for the Provincial Judges Association of Manitoba, and you have before you for consideration the report and recommendations of the 2020 Judicial Compensation Committee—the 2020 JCC, as I will refer to it.

The 2020 JCC made recommendations about appropriate compensation for judges for the period April 1st, 2020 to March 31st, 2023. The JCC process is required by our constitution. It's been recognized that whenever the expenditure of public funds is involved, the decision is inherently political and the Supreme Court of Canada has determined that in order to protect the independence of the judiciary, the setting of compensation for judges must be depoliticized.

And in order to remove politics to the greatest extent possible, each province must put in place an institutional sieve, as the court called it, a filter, to depoliticize the setting of compensation for judges. The government must make its proposals to this independent, objective and effective tribunal, which then makes recommendations about what constitutes appropriate compensation.

In Manitoba, the standing committee and ultimately the Legislature then considers the report and recommendations and may choose to implement or vary them. If the decision is to vary, the Legislature must justify its decision by providing legitimate reasons for doing so, which are based on a reasonable, factual foundation.

The Provincial Court Act sets out the process for Manitoba. It requires a three-person panel: nominee of the association, of the Province and a chairperson. The 2020 JCC was chaired by Mr. Michael Werier. This is the sixth JCC chaired by Mr. Werier, who has chaired every one since 2002, with the exception of 2008. He has a proven track record of making fair and reasonable recommendations, and undoubtedly that's why he was chosen.

The 2020 JCC held hearings in summer of 2021. They were originally scheduled for the fall of 2020, but with the uncertainty of the pandemic, there was an unprecedented agreement to delay the hearings. The association and the Province both provided detailed

written submissions to the commission—or the committee, rather—and the committee then heard oral argument from the Province and the association. The association provided expert economic evidence from Dr. Eugene Beaulieu, who is a professor in the department of economics at University of Calgary, and the Province also provided significant economic data as part of its own submission, but didn't require Mr.—or Dr. Beaulieu to be produced for cross-examination.

The Province's representatives, both its counsel and the civil servants who were involved in preparing the submissions, worked hard to advance the Province's position about what compensation was appropriate for judges for the years in question, and, following the deliberations, the committee provided a unanimous report between the chairperson, the Province's nominee and the association's, and the report makes it clear that all of the submissions received were carefully considered by the committee in light of the factors that are set out in The Provincial Court Act.

I'll focus on the most significant recommendation, and that is the judicial salaries for the three fiscal years beginning April 1st of 2020. The JCC recommended a salary of \$280,500 effective April 1st, 2020. In making its recommendation for that year, the JCC considered the extensive evidence and arguments provided by both the Province and the association regarding appropriate salaries for Provincial Court judges. In its analysis, it properly focused on the six factors that are identified in The Provincial Court Act.

From an economic perspective, the JCC accepted the government's position that Manitoba continues to sit in the mid-range economically among the provinces across Canada, and the JCC's economic analysis included consideration of the impact of COVID and the party's basic agreement that, notwithstanding the pandemic, Manitoba economy continues to be in the mid-range of Canadian economies.

Like past JCCs, it found that other provincial judges in Canada are the most important comparators, and that Manitoba's salary should be in the mid-range of that paid to other judges, similar to how the—Manitoba's economy falls vis-à-vis the others.

One significant consideration, which is identified in the act, is—and has been a focus for JCCs in the past, as well—is the three-province or designated average. And the act provides that if the salary figure that is recommended is less than or equal to the designated

average, which is certified by the chairperson of the JCC, then it is binding.

The designated average is the average of judicial salaries in Nova Scotia, New Brunswick and Saskatchewan, and so based on the salaries actually paid at the time of the JCC's report being issued, the certified designated average was \$272,766. That's April 1st, 2020.

* (14:10)

However, only Saskatchewan had finalized its salary for that year at that time. And so the 2020 salaries for Nova Scotia and New Brunswick were yet to be determined. Accordingly, based on the salaries that were available to be certified by the chairperson, the 2020 salary is not binding.

However, I've provided you today with an updated chart, which shows the most current information about judicial salaries across the country, and I have prepared and provided updated calculations of the three-province average based on the salaries that are now known.

And you will see that Nova Scotia has now established a salary for 2020 of \$269,198 following the conclusion of lengthy litigation in that province that went up to the Supreme Court of Canada. That figure is consistent with what this association had estimated for Nova Scotia before the JCC.

New Brunswick's salary has still not been determined. The JCC there has conducted its hearings, but a report has not yet been released, so we don't have a final average. But simply based on the final Nova Scotia salary being included, the 2020 Manitoba salaries are below the three-province average for each of puisne judges, associate chiefs and the chief judge.

So, in other words, but for the delay in establishing Nova Scotia's salary, due to the Nova Scotia government's actions and the ensuing litigation, Manitoba's 2020 recommendation would have been binding under section 11.1(23) of the act. And for the later years, the recommendations will be close to or below the average once New Brunswick sets a salary.

So you can see from national chart that the 2020 salary puts Manitoba judges' salaries within a group of jurisdictions at the low end of judicial salaries, well below Alberta, Saskatchewan, Ontario and the federal jurisdiction, and the same will be true for the 2021 and 2022 years.

So that salary—the JCC went on to make a number of other recommendations. I won't address those unless you have questions about them.

And, in closing, I'd like to make some general comments about the importance of the judicial compensation process.

As I said at the outset, both parties put forward extensive written and oral submissions to the JCC. It is critical that these recommendations are respected or all of that work is for nothing. And I'll reiterate something that I say each time I come down here and speak to these reports.

We're talking about 42 judges. If you implement something other than what was recommended, it's not going to impact the Province's bottom line in any meaningful way. And as such, whatever you decide is symbolic more than anything else.

And there's two types of symbolism to choose from. The first is respect for the independence of the judiciary and the significance of this constitutionally mandated process. The second is the desire of a government to send a message to groups with whom the Province is engaged in collective bargaining.

The very purpose of the JCC process is to depoliticize the setting of judicial compensation. Now is not the time to look at this politically. The Province's position was carefully considered by the JCC. All of its arguments were taken into account. The report is unanimous. It's well reasoned. It takes into account the reasoning of past JCCs in Manitoba and the position advanced by the Province.

So we urge you to respect the process, the need to protect judicial independence and to depoliticize the setting of judicial remuneration. You can do that by accepting in full the recommendations of this very experienced, independent and objective panel.

So if you have questions, I would be pleased to do my best to answer them, but otherwise, on behalf of the association, thank you for granting us leave to speak to this matter.

Mr. Chairperson: And thank you, Ms. Dawes, for your presentation. Just slightly over time, but I'll—I can allow that as the Chair.

So, are there any questions for Ms. Dawes?

Ms. Nahanni Fontaine (St. Johns): Miigwech for your presentation. I do always enjoy the opportunity to hear you speak at committee, and so I really appreciate that.

You did mention a couple of times about depoliticizing the process, and I know in your final comments you noted that it is to accept the report. I mean, perhaps you can't answer this and maybe I'm probably putting you on the spot, do—but do—have you found that the process has become more politicized in the last many years?

And again, we recognize that there is, you know, we've had—we've been dealing with COVID and so there's been some gaps and hiccups in respect of dealing with this, but is it a concern that this process has become more politicized in the last many years?

Mr. Chairperson: Ms. Dawes—and before I acknowledge you, I just want to make sure everybody's aware we have about five minutes for questions.

So, go ahead, you can respond.

S. Dawes: Believe me, I could go on about this for much longer than five minutes, so I appreciate the reminder.

Since the process was created—or sort of proclaimed by the Supreme Court of Canada in 1997, it has been an ongoing concern, politicization of the process across the country. There's been litigation across the country from coast to coast. It arises periodically in all of the jurisdictions, I would say—or most of the jurisdictions that have chosen to have a process such as this one, where government can reject the recommendations, and we take the view, of course, that a binding process makes eminent sense, removes that element and that opportunity for politics to creep back in.

But in terms of this process, you know, the submissions went in before the committee. It did its work. Now's the time when we can keep the process on track, so to speak, by respecting the recommendations and honouring the work of the committee.

Ms. Fontaine: I appreciate that response. And on behalf of—I'm—certainly, our colleagues on this side, I would imagine colleagues on the opposite side, just to convey our sincere miigwech for the important work that goes into these recommendations. So, on behalf of that, miigwech for that work.

Mr. Helwer: Thank you for your presentation and for the recommendations of the committee. I—we'll see what the committee judges here.

I do want to remind the committee that then-Attorney General Andrew Swan, the NDP minister, declined the recommendations of the committee and went to court, and in the light of how we're moving to

work closer and easier with people that have collective agreements, that's certainly not the recommendation that I would have.

Mr. Chairperson: Ms. Dawes, would you like to respond to that at all?

S. Dawes: I would not.

Mr. Chairperson: Any further questions from members of the committee?

Okay, then. Question period is over. We'll now consider the report and—or the recommendations.

Thank you, Ms. Dawes.

Does the honourable minister wish to make any opening remarks today?

Mr. Helwer: No.

Mr. Chairperson: None.

Does the official opposition critic wish to make any remarks?

Ms. Fontaine: So, once again, I want to say miigwech to Ms. Dawes for taking the time to present this important report to the committee and to help us better understand the process that was undertaken and has been undertaken and the importance of that work.

I would like to say miigwech to commissioner Werier and the panel members and to all those who were involved in preparing these—this report. Certainly, it represents hours of research and hard work, and our Province is no doubt better off, thanks to all of this important effort.

There is no question that the issue of judicial compensation is very important. We want to attract the best and brightest and retain the best and brightest judges in Manitoba to ensure that we have a more wholesome, comprehensive, representative judicial.

I appreciate the J-J-C is independent from the Province of Manitoba and the Provincial Judges Association of Manitoba, and strives to provide an objective analysis of judicial compensation and make recommendations accordingly. The J-J-C helps find an appropriate middle ground between the Province and the association's recommendations, which we clearly saw outlined in this report.

So, again, miigwech to everyone for being here today, for presenting and certainly in the preparation of this report. Miigwech.

* (14:20)

Mr. Chairperson: Thank you, Ms. Fontaine.

Are there any questions from any members of the committee on the report?

Seeing no questions, does the honourable minister have a motion?

Mr. Helwer: I do, Mr. Chair.

Mr. Chairperson: You may move it.

Mr. Helwer: I move

THAT the Standing Committee on Legislative Affairs: accept the recommendations in schedule A; and recommend the same to the Legislative Assembly.

Mr. Chairperson: It has been moved—[interjection]—oh. He needs to finish. Does he have to read the entire schedule A? [interjection]

All right, minister, you must read the schedule A, apparently, so.

Mr. Helwer:

SCHEDULE A

Recommendations of the Judicial Compensation Committee accepted by the Standing Committee on Legislative Affairs

That the annual salaries for the puisne judges are:

- (i) April 1st, 2020 to March 31st, 2021 is \$280,500;
- (ii) April 1st, 2021 to March 31st, 2022—a cumulative adjustment equal to the annual percentage change in the average weekly earnings for Manitoba on April 1st, 2021;
- (iii) April 1st, 2022 to March 31st, 2022—cumulative adjustment equal to the annual percentage change in the average weekly earnings for Manitoba on April 1st, 2022.

The percentage change in the average weekly earnings shall be calculated based on the percentage change over the preceding calendar year.

This recommendation should apply to all who were judges as of April 1st, 2020, including those who retired or otherwise leave the bench prior to implementation.

2. That the salary differentials for the chief judge and the associate chief judges remain in place as of April 1st, 2020. This will mean a salary of

\$320,940 for the chief judge, and \$294,525 for the associate chief judges.

This recommendation shall apply to all judges who were either a chief judge or an associate chief judge as of April 1st, 2020, including those who retire or otherwise leave the bench prior to implementation; simple interest—

3. Simple interest shall be paid, from April 1st, 2020 to the date of retroactive payment of salary increase or increases including the differentials for the administrative judges and related per diems for senior judges, in accordance with the relevant prejudgment and post-judgment interest rates as set out in the The Court of Queen's Bench Act.
4. Prejudgment interest shall be payable from April 1st, 2020 to the date the salary and per diem recommendations are implemented, whether by vote of the Legislature or by virtue of s.11.1(29) of the act, and post-judgment interest should be payable from that date to the date that judges are paid the retroactive adjustments.
5. No interest shall be payable in respect of the period from October 22nd, 2020 to July 20th, 2021.
6. That effective April 1st, 2020, each full-time and senior judge's annual education allowance should be increased from \$3,000 to \$3,500. This shall apply to all who were judges as at April 1st, 2020, including those who retire or otherwise leave the bench prior to implementation. The combined amount of the education allowances of full-time judges and senior judges shall be provided to the court in an amalgamated fund to be administered by the chief judge in accordance with the principles set out below:

Individual full-time judges and senior judges shall continue to have access to their educational allowance in order to fund their attendance at conferences and seminars, and/or for other educational purposes, as approved by the chief judge in accordance with court policy. With the consent of each individual full-time judge and senior judge, unused portions of each full-time judge and senior judge's education allowance may be used to the benefit of the court as a whole in relation to judicial education. All uses of the allowances are subject to approval by the chief judge in accordance with court policy.

7. That mandatory retirement be set at age 75, in accordance with The Courts Modernization Act. Consistent with the transitional provision in The Courts Modernization Act, judges who are over the age of 75 will continue to hold office until six months after the recommendation is implemented.
8. That changes to the CSSA via the superannuation amendment act will apply to the portion of judges' pensions that are held in the Civil Service Superannuation Fund. For the purposes of the supplementary judicial pension, the commuted value shall continue to be calculated in accordance with the standard set out in The Pension Benefits Act and regulation as if it were a registered plan, as amended from time to time. For greater certainty, notwithstanding the amendments to the civil service superannuation plan as set out in bill 43, the calculation of the commuted value of judges shall not be affected, and the supplementary plan shall fund any difference resulting from the change to The Civil Service Superannuation Act.
9. That the parties engage in a process to create an administrative document that provides guidance on the judges' supplemental pension plan and retirement insurance and that the Province contribute to the association's reasonable legal and actuarial costs to a maximum of \$7,500 for reviewing the Province's draft document.
10. Effective April 1st, 2020, a senior master who resigns as senior master after serving at least seven years, and thereafter carries out the functions of a master shall be entitled to receive the greater of the current annual salary of a master and the annual salary they received immediately before the resignation.
- This should apply to all who were senior masters as at April 1st, 2020, including those who retire or otherwise leave their position as masters of the Court of Queen's Bench prior to implementation.
11. The Province shall pay 75 per cent of the association's reasonable legal costs to a maximum aggregate of \$55,000.
12. The Province shall pay 100 per cent of the association's disbursements including the costs of experts to a maximum of \$30,000.
13. That, unless otherwise stated, all changes shall be effective on the date of approval by the Legislative Assembly of Manitoba.
14. In these recommendations, date of approval means
- the date that the vote of concurrence referred to in some section 11.1(28) of The Provincial Court Act takes place with respect to these recommendations; or
 - if the recommendations must be implemented because of subsection 11.1(29) of The Provincial Court Act, the first day after the end of the 21-day period referred to in that subsection.
- Mr. Chairperson:** I thank the minister for his extensive motion.
- I'm just going to ask if it's the will of the committee to accept this motion or to use this motion as it was written in front of you? I think there was a couple of very minor faux pas, but if it's acceptable to the committee, we will use the written copy. Agreed? *[Agreed]*
- THAT the Standing Committee on Legislative Affairs: accept the recommendations in schedule A; and recommend the same to the Legislative Assembly.*
- SCHEDULE A**
- Recommendations of the Judicial Compensation Committee accepted by the Standing Committee on Legislative Affairs***
- That the annual salaries for puisne Judges are:*
 - April 1, 2020 to March 31, 2021 is \$280,500;*
 - April 1, 2021 to March 31, 2022 - a cumulative adjustment equal to the annual percentage change in the average weekly earnings for Manitoba on April 1, 2021;*
 - April 1, 2022 to March 31, 2023 - cumulative adjustment equal to the annual percentage change in the average weekly earnings for Manitoba on April 1, 2022.*

The percentage change in the average weekly earnings shall be calculated based on the percentage change over the preceding calendar year.

This recommendation should apply to all who were Judges as of April 1, 2020, including those who retired or otherwise leave the Bench prior to implementation.

2. *That the salary differentials for the Chief Judge and the Associate Chief Judges remain in place as of April 1, 2020. This will mean a salary of \$302,940 for the Chief Judge, and \$294,525 for the Associate Chief Judges.*

This recommendation shall apply to all Judges who were either a Chief Judge or an Associate Chief Judge as of April 1, 2020, including those who retire or otherwise leave the Bench prior to implementation.

3. *Simple interest shall be paid, from April 1, 2020 to the date of retroactive payment of salary increase(s) including the differentials for the administrative Judges and related per diems for Senior Judges, in accordance with the relevant prejudgment and post-judgment interest rates as set out in the The Court of Queen's Bench Act.*
4. *Prejudgment interest shall be payable from April 1, 2020 to the date the salary and per diem recommendations are implemented (whether by vote of the Legislature or by virtue of s.11.1(29) of the Act), and post-judgment interest should be payable from that date to the date that Judges are paid the retroactive adjustments.*
5. *No interest shall be payable in respect of the period from October 22, 2020 to July 20, 2021.*
6. *That effective April 1, 2020 each full-time and Senior Judge's annual education allowance should be increased from \$3,000.00 to \$3,500.00. This shall apply to all who were Judges as at April 1, 2020, including those who retire or otherwise leave the Bench prior to implementation. The combined amount of the education allowances of full-time Judges and Senior Judges shall be provided to the Court in an amalgamated fund to be administered by the Chief Judge in accordance with the principles set out below:*

Individual full-time Judges and senior Judges shall continue to have access to their educational allowance in order to fund their attendance at conferences and seminars, and/or for other educational purposes, as approved by the Chief Judge in accordance with Court policy. With the consent of each individual fulltime Judge and Senior Judge, unused portions of each full-time Judge and Senior Judge's education allowance may be used to the benefit of the Court as a whole in relation to judicial education. All uses of the allowances are subject to approval by the Chief Judge in accordance with Court policy

7. *That mandatory retirement be set at age 75 in accordance with The Courts Modernization Act. Consistent with the transitional provision in The Courts Modernization Act, Judges who are over the age of 75 will continue to hold office until six months after the recommendation is implemented.*
8. *That changes to the CSSA via The Superannuation Amendment Act will apply to the portion of Judges' pensions that are held in the Civil Service Superannuation Fund. For the purposes of the supplementary judicial pension, the commuted value shall continue to be calculated in accordance with the standard set out in The Pension Benefits Act and Regulation as if it were a registered plan, as amended from time to time. For greater certainty, notwithstanding the amendments to The Civil Service Superannuation Plan as set out in Bill 43, the calculation of the commuted value of judges shall not be affected, and the supplementary plan shall fund any difference resulting from the change to The Civil Service Superannuation Act.*
9. *That the parties engage in a process to create an administrative document that provides guidance on the Judges' supplemental pension plan and retirement insurance and that the Province contribute to the Association's reasonable legal and actuarial costs to a maximum of \$7,500.00 for reviewing the Province's draft document.*
10. *Effective April 1, 2020, a Senior Master who resigns as Senior Master after serving at least seven years, and thereafter carries out the functions of a Master shall be entitled to receive the greater of the current annual salary of a Master and the annual salary they received immediately before the resignation.*
This should apply to all who were Senior Masters as at April 1, 2020, including those who retire or otherwise leave their position as Masters of the Court of Queen's Bench prior to implementation.
11. *The Province shall pay 75% of the Association's reasonable legal costs to a maximum aggregate of \$55,000.*
12. *The Province shall pay 100% of the Association's disbursements including the costs of experts to a maximum of \$30,000.*
13. *That, unless otherwise stated, all changes shall be effective on the date of approval by the Legislative Assembly of Manitoba.*

14. *In these recommendations, "date of approval" means*
- a. *the date that the vote of concurrence referred to in subsection 11.1(28) of The Provincial Court Act takes place with respect to these recommendations; or*
 - b. *if the recommendations must be implemented because of subsection 11.1(29) of The Provincial Court Act, the first day after the end of the 21-day period referred to in that subsection.*

Mr. Chairperson: The motion is in order, but now I have to say this. Sorry.

It has been moved by Minister Helwer

THAT the Standing Committee on Legislative Affairs: accept the recommendations in schedule A; and recommend the same to the Legislative Assembly.

SCHEDULE A

Recommendations of the Judicial Compensation Committee—

Some Honourable Members: Dispense.

Mr. Chairperson: Thank you—dispense.

The long look was sufficient to catch the attention of my fellow committee members.

The motion is in order and the floor is open for questions.

Any questions from members of the committee?

Seeing no questions, is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Shall the motion pass? *[Agreed]*

If there are no further questions or comments, is it the will of the committee to report to the House that we have completed our consideration of the Report and Recommendations of the Judicial Compensation Committee, dated April 19th, 2022? *[Agreed]*

The hour being 2:30 p.m., what is the will of the committee?

Some Honourable Members: Rise.

Mr. Chairperson: Committee rise.

COMMITTEE ROSE AT: 2:30 p.m.

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