

**CANADIAN SUPERIOR COURT JUDGES ASSOCIATION
INDEPENDENCE OF THE JUDICIARY COMMITTEE
TERMS OF REFERENCE**

1. PREAMBLE

In these Terms of Reference:

“Association” or “CSCJA” means the Canadian Superior Court Judges’ Association

“Board” means the Board of Directors of the CSCJA

“Chair” means the person or persons appointed to chair or co-chair the Committee

“Committee” means the Independence of the Judiciary Committee

“Council” means the Council of the CSCJA

“Executive” means the Executive of the Board

2. PURPOSE

The Committee shall advise and assist the Board and the Association in respect of issues which may impact judicial independence as such issues may be identified by the Board or the Committee.

Related object(s) of association: *An independent judiciary assures citizens accused of crimes and those who turn to the courts to resolve legal disputes that their cases will be handled fairly, objectively and free of outside influences. We work with the [Canadian Judicial Council](#) and other judicial organizations to strengthen judicial independence, and improve understanding of its importance in our submissions to the [Judicial Compensation and Benefits Commission](#).*

3. COMPOSITION

The Committee is composed of a minimum of 5 and a maximum of 9 members of the Association, all of whom shall be selected and appointed by the Board. The Board shall appoint the Chair of the Committee from the members appointed to the Committee.

The President, the Past President and the Executive Director of the Association are members of the Committee as a function of their office.

All members of the Committee are voting members except the Executive Director.

4. TERM

Members of the Committee shall be appointed for a term of up to three (3) years. Terms are renewable but no member shall serve more than three consecutive (3) terms.

5. QUORUM

A majority of the members of the Committee (50%+1) constitutes a quorum.

6. CHAIR OF THE COMMITTEE

The Chair is responsible for the following:

- a. convening Committee meetings and designating the times and places of such meetings;
- b. developing agendas and related materials for the Committee meetings, with the assistance of CSCJA staff;
- c. ensuring Committee meetings are conducted in an efficient, effective and focused manner;
- d. ensuring the Committee has sufficient information allowing it to make proper decisions when decisions are required;
- e. providing leadership to the Committee and assisting it in the oversight of its responsibilities and compliance with its terms of reference; and
- f. Reporting to the Executive and the Board on the deliberations and recommendations of the Committee.

7. DUTIES AND RESPONSIBILITIES OF THE COMMITTEE

The Committee shall:

- a. Consider and reflect upon any issues identified by the Board or the Committee that may impact upon judicial independence in Canada and assess the degree of impact.
- b. Make recommendations to the Board addressing such issues, including actions, responses, and mitigation strategies that the Association should consider.
- c. Assume any other related responsibilities assigned to the Committee by the Board or the Executive.

8. MEETINGS

The Committee shall convene at such times and places designated by its Chair or whenever a meeting is requested by a member of the Committee.

Members of the Committee may participate in a meeting of the Committee by means of teleconference or other means of electronic communication permitting all persons participating in the meeting to communicate adequately with each other. A member participating in any meeting by any such means is deemed to be present at the meeting.

In the absence of the Chair, or at the request of the Chair, a meeting shall be chaired by a member designated by the Chair in advance of such meeting or, absent such delegation, by such person as may be agreed at the meeting.

9. DECISION-MAKING

The Committee shall make all reasonable efforts to render decisions on a consensus basis. Where a consensus cannot be reached, decisions shall be taken by majority vote. If there is a tie vote at the Committee, the matter shall be forwarded to the Board for debate and resolution.

10. MINUTES

Considering the nature of the Committee's mandate and work, minutes of the Committee's meetings are not required but may be taken at the direction of the Chair. Any minutes taken will be made available to the Board once approved by the Committee.

11. ACCOUNTABILITY

The Committee will be accountable to the Board through the Chair of the Committee.

12. RESOURCES

The Committee shall receive financial and administrative resources to fulfill its mandate as approved by the Board.

If and when considered necessary by the Chair for achieving the Committee's mandate, the Committee may establish one or more subcommittees or task groups with specific mandates and timelines and appoint thereto members of the Association.

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