



CANADIAN SUPERIOR COURTS JUDGES ASSOCIATION

Public and Media Statement

December 3, 2025

OTTAWA - The Canadian Superior Courts Judges Association (CSCJA) has today reluctantly taken the necessary step of filing an application for judicial review of the Government of Canada's decision to reject the unanimous recommendations of the 2024 Judicial Compensation and Benefits Commission. The application can be found here in [English](#) and in [French](#).

The following statement is provided on behalf of the CSCJA, and may be attributed to the Association's counsel, Jean-Michel Boudreau of IMK LLP:

"This marks the first time in the Association's history that it has sought court intervention to uphold the constitutional framework that protects judicial independence.

The Supreme Court of Canada made clear that while the Government is not required to accept Commission recommendations, if it chooses to depart from them, it has a duty to provide legitimate reasons, based on facts and sound reasoning, and the Commission's recommendations should have a meaningful effect. Meaningful engagement with the Commission's work is not optional, it is a constitutional obligation.

That process only serves its constitutional purpose when governments engage seriously and transparently with the Commission's reasoning and assessment of the evidence. The Government's Response does not meet that standard. It does not address the Commission's analysis, it is silent on the comprehensive new evidence showing the widening gap between judicial salaries and private-sector earnings, and it relies on facts and economic arguments the Government did not put before the Commission. It asserts that judicial salaries are "adequate" without engaging with the Commission's findings to the contrary.

Allowing such a response to stand would render the Commission process meaningless and erode public confidence in the independence of Canada's courts. A strong, expert, and independent judiciary is essential to the fair and timely delivery of justice.

The Canadian Superior Courts Judges Association is uniquely positioned and has the mandate to protect and promote the principle of judicial independence. Therefore, the CSCJA must act when this constitutional guarantee is undermined.”

END

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Public and Media Backgrounder

December 2025

What is the Quadrennial Commission?

The Judicial Compensation and Benefits Commission (“Quadrennial Commission”) is an independent body created by Parliament in 1999. Its purpose is to inquire into and make recommendations regarding the adequacy of the salaries and benefits of federally appointed judges. Parliament created the independent Commission to ensure judges are not financially beholden to the government, to ensure Canada’s ability to attract outstanding candidates to the judiciary, to protect the separation of powers, and to maintain public trust in the impartiality of the courts.

How does the Quadrennial Commission work?

The Quadrennial Commission consists of three members appointed by the Governor in Council, with one member being nominated by the judiciary and one member nominated by the Government. Pursuant to the *Judges Act*, the Commission must submit a report containing its recommendations to the Minister of Justice of Canada. For more information, visit:

<https://quadcom.gc.ca/en/>

What is judicial independence?

Judicial independence is the principle that judges must be able to make decisions based solely on the law and the facts, without improper influence, pressure, or fear of reprisal from governments, private parties, or any other external actors. It is a cornerstone of democracy and the rule of law. A key element of this independence is financial security: judges’ salaries and benefits must be fair and insulated from arbitrary changes by the government, and judges may not negotiate their salaries with government, to prevent compensation from being used as a tool of influence.

The Quadrennial Judicial Compensation and Benefits Commission plays a vital and legislated role in protecting this independence by providing an independent, evidence-based review of judicial pay and benefits, ensuring remuneration is free from political control.

What did the 2024 Commission recommend?

The 2024 Judicial Compensation and Benefits Commission conducted a comprehensive, evidence-based review of judicial compensation. It examined more than 300 pages of submissions and over 7,300 pages of exhibits, including newly available national data on private-sector lawyer incomes that previous commissions had sought for more than 20 years.

This new evidence revealed a substantial and widening gap between the earnings of potential candidates to the judiciary from the private sector and the salaries paid to federally appointed judges. The Commission found that this growing disparity risks undermining the judiciary’s ability

to attract the highly experienced and specialized lawyers needed to handle increasingly complex cases in Canadian courts.

Accordingly, the Commission issued a unanimous report on July 11, 2025, recommending a corrective salary adjustment to preserve the adequacy of judicial compensation, in addition to keeping the existing statutory annual indexation mechanism under the *Judges Act*. **The recommendation was rooted in consideration of the constitutional and statutory criteria: judicial independence, attracting outstanding candidates to the judiciary, and the overall economic context.**

About the CSCJA

The Canadian Superior Courts Judges Association (CSCJA) represents approximately 1,400 judges, sitting and retired, who serve on the superior courts and courts of appeal of each province and territory, as well as on the Federal Court of Canada, the Federal Court of Appeal and the Tax Court of Canada. The CSCJA is the successor to the Canadian Judges Conference, which was founded in 1979 with a mandate to protect and enhance judicial independence, improve the administration of justice, support education and other services for judges, and promote public understanding of the role judges play in the justice system. The association's membership includes approximately 95 per cent of all federally appointed judges.

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