

Northwest Territories is ex officio judge in the Yukon Territory and vice versa. The court of appeal consists of the chief justices of British Columbia, the justices of appeal of British Columbia and the judge of the Supreme Court of the Northwest Territories.

The court system in the Northwest Territories consists of a superior court called the Supreme Court of the Northwest Territories, presided over by one judge located in Yellowknife. The Court of Appeal of the Territories consists of the justices of appeal of Alberta and the judges of the Yukon Territory and Northwest Territories supreme courts. There are also two full-time magistrates appointed by the commissioner who have jurisdiction similar to provincial judges; a number of justices of the peace, also appointed by the commissioner, serve in widely scattered settlements.

2.4.4 Salaries, allowances and pensions of judges

Section 100 of the British North America Act provides that the salaries, allowances, and pensions of the judges of the superior, district, and county courts (except the courts of probate in Nova Scotia and New Brunswick) and of the admiralty courts in cases where the judges thereof are for the time being paid by salary, shall be fixed and provided by the Parliament of Canada. These are provided under the Judges Act (RSC 1970, c.J-1 as amended by SC 1970-71, c.55, SC 1973-74, c.17, SC 1974-75, c.48).

The salary of the chief justice of Canada is \$65,000 a year and those of the puisne judges of the Supreme Court of Canada \$60,000. The salaries of the chief justice and the associate chief justice of the Federal Court of Canada are \$55,000 a year and of the other judges of the court \$50,000.

All chief justices of provincial superior courts, the senior associate chief justice and the associate chief justice of the Superior Court of Quebec receive annual salaries of \$55,000; the puisne judges of these courts and the judges of the two territorial courts receive \$50,000. Where judicial offices are created for supernumerary judges, the incumbents receive the salary of a puisne judge. Supernumerary judges are those judges of a superior court of a province who have given up their regular judicial duties to make themselves available to perform such special judicial duties as may be assigned to them from time to time by the chief justice or associate chief justice of the court of which they are a member. The chief judges of county and district courts receive salaries of \$48,000 a year and the remaining judges and junior judges of all county and district courts \$43,000.

Every judge who receives a salary under the Judges Act is paid an additional salary of \$3,000 a year as compensation for any extra-judicial services that he may be called upon to perform by the federal government or the government of a province, and for incidental expenditures that proper execution of his office may require. In the case of each judge of the Federal Court of Canada and of the territorial courts of the Yukon Territory and the Northwest Territories an additional allowance of \$3,000 a year is paid as compensation for special incidental expenditures.

The Judges Act provides that a judge of a superior or county court, required to perform duties outside the immediate vicinity where he is by law obliged to reside, is entitled to be paid moving or transportation expenses and reasonable travelling and other expenses. There is also provision for the payment of reasonable expenses incurred in the discharge of special extra-judicial obligations and responsibilities that devolve on a chief justice, puisne judge of the Supreme Court of Canada or chief judge.

One of the cornerstones of Canadian parliamentary democracy lies in the independence of the judiciary. Because the person responsible for litigating matters on behalf of the Canadian government (the attorney general of Canada) is the same as the one responsible for administering the provisions of the Judges Act (the minister of justice), there has been some concern expressed that the judges before whom the attorney general appears may not seem to be as independent as they ought to be. Therefore, in 1977 the Judges Act was amended to provide for an independent commissioner for federal judicial affairs who is to act independently of the justice department in carrying out ministerial responsibilities with respect to matters in the Judges Act, and personnel, financial and accommodation arrangements on behalf of the Federal Court and the Canadian Judicial Council. The registrar of the Supreme Court of Canada is entrusted with the same responsibilities on behalf of that court.