

judges of the superior, district and county courts in each province, except those of the courts of probate in Nova Scotia and New Brunswick.

### 2.4.3 The territorial judiciary

In 1971 amendments [now cited as RSC 1970, c.48 (1st Supplement)] to the Yukon Act and the Northwest Territories Act were proclaimed in force, simultaneously with certain ordinances of the Yukon Territory and the Northwest Territories, allowing the territorial governments to assume responsibility for the administration of justice other than the conduct of criminal prosecutions.

In the Yukon Territory, provision was made for a territorial (now supreme) court, a magistrate's court, justices of the peace and a court of appeal. The supreme court consists of a single judge of superior court rank; the magistrate's court consists of one full-time judge and several deputy magistrates. Both are located in Whitehorse, although from time to time magistrate's court sittings are held in other communities. There are 32 justices of the peace, appointed by the commissioner, located at 15 points in Yukon. The judge of the Supreme Court of the Northwest Territories is ex officio judge in Yukon 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 chief justice of Alberta, justices of appeal of Alberta and the judges of Yukon and Northwest Territories supreme courts. There are also three 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, SC 1978-79, c.11).

The salary of the chief justice of Canada is \$69,000 a year and that of a puisne judge of the Supreme Court of Canada \$64,000. The salary of the chief justice and of the associate chief justice of the Federal Court of Canada is \$59,000 a year and of the other judges of the court \$54,000.

All chief justices and associate chief justices of provincial superior courts receive annual salaries of \$59,000; the puisne judges of these courts and the judges of the two territorial courts receive \$54,000. The chief and associate chief judges of county and district courts receive salaries of \$52,000 a year and the remaining judges and junior judges of all county and district courts \$47,000.

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 Yukon and Northwest Territories an additional allowance of \$3,000 a year is paid as compensation for special incidental expenditures.

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