

**NOVA SCOTIA PROVINCIAL COURT JUDGES'  
SALARIES & BENEFITS TRIBUNAL**

**2026-2029**

**RECOMMENDATIONS OF THE TRIBUNAL**

**RE: PENSION**

**Tribunal Members:**

Scott Sterns, Chair  
David J. Roberts  
John C. MacPherson, KC

Andrew Taillon on behalf of the Honourable Scott Armstrong  
Minister of Justice and Attorney General  
Nova Scotia Department of Justice  
1690 Hollis Street  
Halifax, NS B3J 2L6

Justin Adams on behalf of the Nova Scotia Provincial Judges Association  
Burchell Wickwire Bryson  
1900-1801 Hollis Street  
Halifax, NS B3J 3N4

## **BACKGROUND**

1. Pursuant to Section 21A of the *Provincial Court Act* (“*the Act*”):
  - (1) There shall be a tribunal to recommend the salaries and benefits for judges of the Provincial Court, including the Chief Judge and the Associate Chief Judge of each Court.
2. By Recommendations dated September 29, 2025, October 1, 2025 and January 6, 2026, the Tribunal has recommended salaries and benefits pursuant to Section 21A of the *Provincial Court Act* (“*Act*”).
3. By correspondence dated December 31, 2025, counsel for the Nova Scotia Provincial Judges Association (“*Association*”) requested that the Tribunal review “proposed changes” that the Nova Scotia Pension Services Corporation (“*NSPSC*”) “intends” to make that may impact Nova Scotia Provincial Judges pension entitlements.
4. The Association states:
 

...the Association does not yet have a position with respect to the merits of the...change.
5. For clarity, the Association has identified proposed changes but does not yet have a position on the merits of any proposed changes.
6. Despite the Association not having a position on the matter, the Association requests that the Tribunal “take carriage and direction of the matter”. The Association requests that the Tribunal review the proposed changes to ensure they are consistent with the *Act*.

## **THE ROLE OF THE TRIBUNAL**


7. The Tribunal fully accepts its role under the *Act*. The Tribunal accepts that pension benefits fall squarely within its role under the *Act*. However, the Tribunal does not believe it can act in a vacuum.
8. The very limited information before the Tribunal indicates there may be changes. It is unknown if the changes may be positive or negative for the Association. In plain language, there is literally almost no information before the Tribunal. At this stage, the only information before the Tribunal is the Association’s correspondence providing notice that there may be changes but, the Association takes no position. There is no dispute.
9. For its part, the Minister notes that the Association has no position, so there is “nothing to analyze”. The Minister also questions the Tribunal’s jurisdiction in this regard.

### **VIEW OF THE TRIBUNAL**

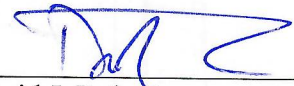
10. It is the view of the Tribunal that without a position from the Association, without some articulation of an issue, without a dispute, any involvement of the Tribunal is premature. With almost no information before the Tribunal, it is effectively impossible for the Tribunal to “take carriage and direction of the matter”. There is not yet a matter.
11. For clarity, the Tribunal is not saying it may never deal with this matter. Instead, it is the view of the Tribunal that it requires some articulation of an issue, or details of the dispute, some level of information to engage the Tribunal, before the Tribunal’s role can be triggered.
12. It is the view of the Tribunal that, at a minimum, there must be information that the “salary and benefits” for judges is actually being impacted and the Association has a position on those changes.

### **ADDITIONAL MATTERS**

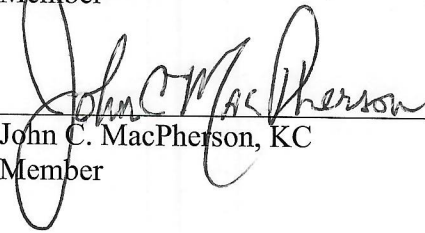
13. In the correspondence of December 31, 2025, the Association also requested document production from the Minister. The Tribunal is of the view that as the Tribunal’s involvement is premature, it declines to require document production at this stage. With no issue, no dispute, or articulation of the matter as a whole, it is difficult for the Tribunal to assess whether the request for document production is appropriate or not. With almost no information, the Tribunal is unable to assess the reasonableness of the Association’s request.
14. The Tribunal notes that there are other mechanisms available to the Association to obtain documents, including an offer that has been made by counsel for the Minister; a direct approach to NSPSC as plan members; or even FOIPOP.
15. The Tribunal also notes that the Minister has questioned the jurisdiction of the Tribunal. The Tribunal is of the view that without an articulation of an issue or the identification of a dispute, any determination of jurisdiction is equally premature.

  
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Scott Sterns, Chair

Date: JAN 20/2026

  
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David J. Roberts  
Member

Date: January 28/26

  
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John C. MacPherson, KC  
Member

Date: January 29/26