

**NOVA SCOTIA PRESIDING JUSTICES OF THE
PEACE COMPENSATION COMMISSION
(2026-2032)**

**REPORT AND RECOMMENDATIONS FOR THE
PERIOD APRIL 1, 2026 TO MARCH 31, 2032**

Commissioner:

Scott Sterns
2490 MacDonald Street
Halifax, NS B3L 3G5

DATED: August 7, 2026

INTRODUCTION

1. This is the third report of the Nova Scotia Presiding Justices of the Peace Compensation Commission. The Commission was established pursuant to Section 11A of the *Justices of the Peace Act*, R.S.N.S. 1989, c238 (the *Act*) as amended.
2. I am the Chair of the Nova Scotia Provincial Judges' Salary and Benefits Tribunal established under the *Provincial Court Act*. Section 11A(2) of the *Justices of the Peace Act* provides that the Chair of that Tribunal shall be the Commission. Professor Bruce Archibald, the first Commission, determined to call the Commission, the Presiding Justices of the Peace Compensation Commission and take on the role as "Commissioner".
3. My role is expressly set out in the *Justices of the Peace Act*, Section 11B, which states:

11B(1) The Commission shall inquire into and prepare a report containing recommendations with respect to:

(a) The hourly rate to be paid the Presiding Justices of the Peace; and

(b) The annual adjustments to the hourly rate in respect of cost of living increases.

(2) The hourly rate referred to in Subsection 1 must be a percentage of the per diem payment made to judges not receiving salaries as recommended by the Tribunal pursuant to Clause 21E(1)(b) of the *Provincial Court Act*.

(3) A Presiding Justice of the Peace is not entitled to any benefits.
4. While my role as Commissioner will be subject to much discussion later in this report, I note from the outset that the legislation is clear and express. My role is to provide a report regarding the hourly rate to be paid to Presiding Justices of the Peace, which must be a percentage of the per diem rate paid to certain Provincial Court judges, and, the annual adjustments for the cost of living. Equally clear and express is subsection 11B(3) which states that a Presiding Justice of the Peace is not entitled to any benefits.
5. I am a creature of the *Justices of the Peace Act*. I only have a role because of that *Act*. The role is clear and express in the *Act*.
6. Section 11E(1) provides that the Commission may determine its own procedure. I regularly met with counsel for the Minister, and representatives/counsel for the Presiding Justices of the Peace Association ("Association") to determine the procedure appropriate for this process. Ultimately, it was agreed, particularly at the request of the Association, that I would hear *viva voce* evidence. Over the course of three days, I heard from four witnesses which

included three sitting Presiding Justices of the Peace. I also received written submissions, oral argument, and supporting documents from the parties. By virtue of the governing legislation, I also have access to all of the material that were presented to the Nova Scotia Provincial Judges Salary and Benefits Tribunal. The material is significant and voluminous. The parties can rest assured that I have reviewed it all. However, I will not reference it all in this report.

BACKGROUND

7. I believe some background may be of assistance.
8. Prior to 2013, Nova Scotia Presiding Justices of the Peace were remunerated pursuant to regulation. The Remuneration was 50 percent of per diem Provincial Court judges.
9. The Association challenged the constitutionality of that process. In *Nova Scotia Presiding Justices of the Peace Association v. Attorney General of Nova Scotia*, 2013 NSCC 40, the Honourable Supreme Court of Nova Scotia found that the former process, and regulations which set the remuneration for Presiding Justices of the Peace, were unconstitutional. The remuneration process was not sufficiently independent of the executive branch of government.
10. Subsequently, the *Provincial Justices of the Peace Act* was amended to create this Commission, and my role as Commissioner.
11. The first Commissioner was Professor Bruce Archibald who, by decision dated December 16, 2014, made two recommendations. Recommendation #1 was that Presiding Justices of the Peace should be paid 55 percent of the per diem rate for Nova Scotia Provincial Court Judges. Recommendation #2 was that each year, the hourly rate shall increase by the percentage increase of the cost of living (COLA).
12. It is worthy of note that Commissioner Archibald dealt with the two express and clear provisions in the governing legislation. He made no further recommendations. He noted the express prohibition against the provision of benefits and made no recommendation regarding benefits.
13. It is also worthy to highlight that prior to Commissioner Archibald's report in 2014, Presiding Justices of the Peace were remunerated based on 50 percent of the per diem Provincial Court judges. Effectively, Commissioner Archibald gave Presiding Justices of the Peace a raise from 50 percent to 55 percent. He declined to raise the rate of pay for Presiding Justices of the Peace any further noting that the "quantum leap" requested by Presiding Justices of the Peace was not appropriate at that time.
14. The second report was prepared by Commissioner William Caplan dated March 14, 2023. Commissioner Caplan had the benefit of joint submissions by the parties. He was satisfied

that the joint submissions efficiently addressed the required criteria under the governing legislation.

15. Commissioner Caplan adopted the joint proposal of the parties. Commissioner Caplan's report for the period 2020-2026 stated:
 - (a) That the hourly rate for compensation for PJPs, as of April 1, 2020, be calculated at 55 percent of the hourly per diem rate for a Provincial Court judge for April 1, 2020; and
 - (b) That the hourly rate shall increase by the percentage increase in the cost of living, if any, as calculated by use of the consumer price index for the Province for the previous fiscal year.
16. It is worthy to highlight that the two parties, the Association and the Minister, jointly recommended in 2023, that the compensation for PJPs be calculated at a 55 percent of the per diem rate with COLA applicable.
17. There are two procedural points of note that arise from both Commissioner Archibald and Commissioner Caplan's reports and recommendations.
18. First, I was involved as counsel, appearing before Commissioner Archibald in 2014. Immediately upon assuming my role as Commissioner under the governing legislation, I informed the parties of my previous role. Both parties expressly waived any real or perceived conflict of interest.
19. Secondly, Commissioner Caplan's 2023 report was prepared three years "late". Commissioner Caplan obtained the express agreement of both parties to waive, insofar as possible, any time limits in the governing legislation. Similarly, I recognize that this report recommendations are submitted "late". Similar to Commissioner Caplan, I have received the express consent of both parties that they waive any concern or challenge regarding time limits contained in the governing legislation.

SUMMARY OF EVIDENCE

20. Based on the submissions of the parties, it was agreed that *viva voce* evidence may be presented. The Association called three sitting Presiding Justices of the Peace. The Minister called the Executive Assistant to the Chief Judge of the Provincial Court who is, generally, responsible for scheduling and administrative matters for Presiding Justices of the Peace.
21. Overwhelmingly, the evidence of the three sitting Presiding Justices of the Peace focused on a significant increase in the amount of work, the complexity of work, and in some notable instances, working without compensation.

22. Presiding Justices of the Peace (“PJPs”) provide services 24 hours a day, 7 days a week, 365 days a year. There is literally a PJP on duty every hour of every day. The vast majority of their services are provided at a Justice of the Peace Centre located in HRM. There are also night courts in HRM and Sydney, and summary offence proceedings throughout the Province. PJPs review search warrants, arrest warrants, non-contested bail and night court proceedings including *Motor Vehicle Act* offences, peace bonds, *Liquor Control Act*, and related matters. I believe it is fair to say that PJPs are responsible for wide and varied fundamentally important components of our justice system.
23. In total, there are presently 13 PJPs in Nova Scotia.
24. Some of the evidence before me focused on the increased complexity of work. By way of example, requests for search warrants have increased exponentially. In addition to the increased amount of search warrant requests, 70 percent of search warrant requests are now for electronic devices and are far more complex. The evidence before me is that the PJP Centre now receives more search warrant requests than they can reasonably process some days.
25. Theoretically, PJPs are paid an hourly rate for their work. However, I do highlight that the “hourly rate” that is a bit theoretical. PJPs work in shifts, whether a 9:00 a.m. to 5:00 p.m., 5:00 p.m. to 9:00 p.m., or on call through the night. PJPs are paid a set hourly rate for the number of hours in a shift. Some shifts are jammed with more work than can be done. Some shifts may have a collapsed docket and do not have the same amount of work.
26. For clarity, I say that PJPs’ hourly rate is theoretical because they get paid the hourly rate for their schedule shift, whether the shift is jammed with more work they can do during the shift and work extra time without compensation, or, the shift may not be full of work but they get paid the full hourly rate regardless.
27. Notably, there is often more work to be done, than can be reasonably done in a shift. If there is more work than can be done in a shift, PJPs, as professional significant justice system participants, do the work without compensation. Examples would be preparation time required for complex matters, decisions that are reserved after significant hearings or applications, or administrative work that is regularly done outside of a scheduled shift.
28. All three Presiding Justices of the Peace who testified before me, testified about doing work for free. They testified about doing work that they felt compelled to do in order to reasonably perform the duties of their position, but for which they are unpaid. It is troubling to receive clear and credible evidence that people are required to work without compensation. As will become clear later in this report, it is my recommendation that working for free has to change.
29. All three PJPs also testified about concerns regarding their schedule and the manner in which they are scheduled. Previously, PJPs were scheduled for an entire year. With that much

significant notice, PJPs could arrange other personal and professional matters. However, scheduling has changed. The evidence from the Province's witness is that because the Province is considering hiring additional PJPs, they do not want to schedule too far in advance. The result is that existing PJPs are now scheduled a few months in advance, while the Province searches for additional PJPs. The difficulty is, for the convenience of the Province in their hiring process, existing PJPs now have a much more difficult schedule to juggle because of much less notice.

30. Another significant item regarding scheduling was made clear throughout the evidence. PJPs do not participate in the scheduling. They are advised what their schedule will be and they are expected to work their shifts or find someone to cover the shifts. It was made clear to me that there is no option available to the present 13 PJPs once they receive a shift. They must work it or find their own replacement.
31. It should not go without mention that despite the "obligation" to either work or find a replacement, an informal system of "swapping" shifts exists. The evidence before me is that some PJPs work all of their shifts, some work very few and swap many of their shifts, and conversely some work a significant number of additional shifts accepting shifts from other PJPs.
32. Most PJPs have some level of expertise in criminal law. Much of their work is focused on criminal law. There is also a family law component to their workload. However, there is an unwritten rule that PJPs, who are all lawyers, cannot practice criminal or family law while serving as a PJP. For clarity, it is the position of the Minister that the role of PJP is part-time. Because it is "part-time" PJPs may be reasonably expected to do other work. But these criminal and family law focused lawyers are prohibited from practicing criminal and family law while they sit as a PJP.
33. In addition to the complex schedule involving 24 hours a day, 365 days a year, I did hear clear and direct evidence that there is no "shift differential" for PJPs. If you work Monday morning at 10:00 a.m. or Sunday night at 2:00 a.m., the calculation of hourly rate is the same.
34. There was noteworthy evidence before me regarding the full-time or part-time nature of the role of a PJP. Theoretically, a PJP is a part-time position. However, the three PJPs before me all testified that they believed their commitment was full-time. With some irony, the Province is presently attempting to hire more PJPs to ensure that the role is truly part-time. However, there is a real concern among the PJPs who testified before me that more PJPs will dilute their shifts and workload. The evidence was a bit contradictory. PJPs complained that the full-time nature of their role meant that they could not supplement their income or compensation with other work. However, if their role became more part-time, they worried about income erosion or knowledge erosion because of lack of shifts.

35. There was also significant evidence before me regarding the issue of benefits. It is a noteworthy concern of the Association that PJPs do not receive benefits or pensions. The evidence of the PJPs before me regarding the lack of benefits and pension was compelling. However, no matter how compelling the evidence, the governing legislation is absolutely express, PJPs shall not receive benefits.
36. For clarity, I heard significant evidence regarding the negative impact of no benefits or pension. I heard significant evidence about benefit comparisons with other jurisdictions. In argument, the Association invited me to make a recommendation to deal with the lack of pension and benefits.
37. The evidence of all three PJPs was somewhat negative. It was summed up in one testimony as:

We are not in a good place.

When you show up for your shift it is buckle up.

38. PJPs receive two full days each year for professional development. They seriously questioned whether that is enough given the complexity of the matters they hear. There is also a \$7,000 stipend for all 13 PJPs to share to attend professional development.
39. In 2025, the hourly rate of pay for PJPs was \$101.87 per hour. I have evidence that rate is amongst the lowest of similar comparators in the Nova Scotia justice system.
40. I heard significant evidence of working without compensation. All three PJPs testified candidly and credibly about working for free. There was no contradictory evidence. I find as fact, that the clearest evidence before me was that there are significant hours, each and every month, where a PJP works outside their scheduled shift and are not paid. They are working for free because they are committed professionals and the work must be done.
41. Examples of unpaid work include reserved decisions from night court, priority warrants where the true belief of the PJP is that the warrant needs to be reviewed immediately, administrative work, committee work, research, or learning new laws such as the new *Traffic Safety Act*.
42. I want to highlight, I received uncontradicted credible evidence, given under oath, from significant justice system participants, that to complete their duties and responsibilities, they must work beyond their shifts. That means they work for free.
43. As would be expected, all of the witnesses who appeared before me were very credible. This matter is very close to the heart of the three PJPs and that was evident in their testimony. I have no doubt that they are working very very hard, and it seems evident that they feel underappreciated.

ANALYSIS

44. Any analysis of this matter must start with the governing legislation. Section 11B of the *Justices of the Peace Act* states:

11B(1) The Commission shall inquire into and prepare a report containing recommendations with respect to:

- (a) The hourly rate to be paid to Presiding Justices of the Peace; and
- (b) The annual adjustments to the hourly rate in respect of cost of living increases.

(2) The hourly rate referred to in Subsection 1 must be a percentage of the per diem payment made to judges not receiving salaries as recommended by the Tribunal pursuant to Clause 21E(1)(b) of the *Provincial Court Act*.

(3) A presiding justice of the peace is not entitled to benefits.

45. The law requires that I read the words in their entire context, in their grammatical and ordinary meaning. I must read the words harmoniously with the scheme of the *Act*, the object of the *Act* and the intention of the Legislature. [*Rizzo & Rizzo Shoes Ltd. (Re)*, [1981] 1 SCR 27.

46. It is a basic premise of the statutory interpretation law that I must give full meaning to the legislation. In this case, the legislation is overwhelmingly clear. My role as Commissioner is to:

- Recommend the hourly rate;
- Recommend COLA;
- The recommended hourly rate must be a percentage of a per diem Provincial Court judge;
- A presiding justice of the peace is not entitled to any benefits.

47. It is not for me to opine on the merits of the *Justices of the Peace Act*. It is the law. I am a creature of that law. I am only appointed Commissioner by virtue of the *Justices of the Peace Act*.

48. Lawmakers may change the law. Interested parties may challenge the constitutionality of the law. However, neither of those matters are before me. At the very opening of this matter the Association noted expressly:

We are not here to debate the constitutionality of the legislation.

49. If we are not debating the constitutionality of the legislation, I am bound by the law. My report and recommendations will follow the parameters of Section 11B of the *Act*.

50. Pursuant to Section 11B(4) of the *Act*, I must take into consideration:

- (a) The constitutional law of Canada;
- (b) Judicial independence;
- (c) The need to attract excellent candidates;
- (d) The unique role of PJPs’
- (e) Comparators with other provinces;
- (f) Fair and reasonable pay in light of the overall state of the provincial economy;
- (g) Cost of living;
- (h) Submissions before me;
- (i) The jurisdiction and responsibility of PJPs;
- (j) Public sector compensation;
- (k) Financial policies and priorities of the Province;
- (l) The part-time nature of the employment;
- (m) Any other factors.

51. In the argument of the Province, this matter turns on the need to maintain the independence of Presiding Justices of the Peace. The argument of the Association focused on the need to attract excellent candidates, comparators to other jurisdictions, a fair and reasonable hourly rate, and, in the Association’s view, the actual non-part-time nature of the position.

52. It seems clear to me that I must consider all of the legislative requirements. I take great guidance from Professor Archibald’s 2014 report and his review of the legislative requirements. It is a given that judicial independence applies to justices of the peace, and must be maintained. Similarly, any report or recommendation I make, must “pass constitutional muster”. I specifically note that, as in 2014 and 2020 (2023), the Association did not challenge the constitutionality of the governing legislation. I am left with the full force of the governing legislation and can do nothing but apply that.

53. When examining the important factor of judicial independence, I am bound by *Valente v. The Queen* [1985] 2 SCR 673. The core characteristics of judicial independence are security of tenure, financial security, and administrative independence. It is important to note that after three days of evidence, neither side argued that Presiding Justices of the Peace judicial independence is undermined by concerns related to administrative independence or security of tenure. While there was some clear complaints regarding the scheduling of PJPs and its

impact on their administrative independence, and concerns regarding their security of tenure if other PJPs were appointed, that was not the core of the Association's argument. The core of the Association's argument, when it comes to judicial independence, related to financial security.

54. When reviewing the financial security of PJPs, I note two specific references in Professor Archibald's 2014 report:

Para 21...The rate of remuneration for presiding justices of the peace in the Province has not historically been, nor is expected to be in the near future, sufficient to constitute the sole basis for their personal financial security. For the purposes of this report and its recommendations, the Commission accepts this state of affairs as a given, and assumes that it is constitutionally viable.

At para 22...Moir, J., in striking down the prior system based his decision on the inadequate institutional protections for judicial independence, but at no time suggested that the level of remuneration of the presiding justices of the peace was inadequate in absolute or relative terms. On this point, I have concluded that the Government's position is correct, despite the perhaps heartfelt perceptions of members of the Association to the contrary.

55. While a lot can change in 12 years, it is clear that Professor Archibald believed that the rate of remuneration to PJPs in 2014, below \$70 per hour, did not undermine their financial security or judicial independence. It is noted that today, 12 years later, the hourly rate is above \$101. The percentage of 55 percent did not change in the 12 years. COLA increases resulted in the higher pay of above \$101.
56. Similarly, in the 2020 report written in 2023, both parties agreed that the rate of pay should remain at 55 percent of a per diem Provincial Court judge. There were no arguments raised regarding financial security or judicial independence. Fifty five percent was agreed.
57. When reviewing the constitutional law of Canada and the need for judicial independence, I cannot disregard the findings of the two Commission that came before me. They are relevant and persuasive.
58. When examining the need to attract excellent candidates, I believe there is an overwhelming piece of evidence before me. There are presently 13 Presiding Justices of the Peace in Nova Scotia. That is a full complement. While there have been instances where there has been a shortage of PJPs in the past, that is not presently the case. The Province is presently looking for more PJPs. There were assertions that there was difficulties in that application process, but the evidence before me is inconclusive.

59. Three PJPs testified before me. I believe wholeheartedly that they are excellent candidates. They are hardworking, intelligent and sincere. I believe they do their job well. Ironically, I believe that they are evidence that to date, excellent candidates have been attracted to the position.
60. The legislation requires that I examine the unique nature of the role of PJPs, their jurisdiction and responsibility, and, certainly in the Province's view, the part-time nature of their employment.
61. I am overwhelmingly convinced, based on the evidence before me, that PJPs occupy a unique place in our criminal justice system. Their role is significant and fundamentally important. The jurisdiction and responsibility they undertake is noteworthy. There is a PJP on duty 24/7 – 365. They are dealing with complex matters touching thousands of Nova Scotians. I believe their complex jurisdiction and responsibility should inform my report and recommendations.
62. There was significant evidence before me regarding the “part-time” nature of the position. The PJPs who testified before me complained that the role was more akin to full-time than part-time. Unfortunately, I cannot agree. The evidence before me indicates that in one particular month a PJP may be scheduled to work just over 100 hours per month. In another month a PJP may be scheduled to work 70 hours per month. 170 or 180 hours in a two month period is not a full-time position. I accept that the unique nature of the role and the jurisdictional responsibility may at times feel like the weight of the position is full-time. However, I believe the position is part-time.
63. The Association introduced significant comparison evidence with other jurisdictions across Canada. This is a difficult hill to climb for the Association. Each jurisdiction has unique characteristics, and no jurisdiction is exactly like Nova Scotia. There was significant testimony comparing Nova Scotia PJPs with British Columbia or Alberta. I am not sure that those provinces are reasonable comparators to Nova Scotia.
64. In a number of jurisdictions across Canada, benefits are provided to a position which may be similar to a Nova Scotia PJP. However, that is also a difficult hill to climb for the Association. The legislation in Nova Scotia expressly prohibits PJPs from receiving benefits. If the legislation is not challenged constitutionally, I do not see how I can get around an express legislative provision. I do not accept that I can somehow increase the remuneration of PJPs to cover benefits they do not receive when the legislation expressly prohibits it. That would not be a plain and ordinary interpretation of the legislation.
65. The Association spent significant time during the course of the proceeding before me discussing the issue of benefits. In plain and simple terms, the Association argues that I should increase the percentage paid to PJPs as a reflection of the fact that they are not entitled to benefits. With the greatest respect to the Association, they are asking that I circumvent

Section 11B(3) of the *Justices of the Peace Act* by increasing the hourly rate paid to PJPs. I am not comfortable with that suggestion.

66. Section 11B(3) states:

A presiding justice of the peace is not entitled to any benefits.

67. That provision is clear and express. It is the law. I am bound by the law. I am a creature of the *Justices of the Peace Act*. I cannot use alternative methods to try to undermine a clear and express provision in the governing legislation. That is contrary to every rule of statutory interpretation.
68. In the final analysis, the legislation states that Justices of the Peace are not entitled to benefits. I am bound by that provision. If the Association believes that provision is unconstitutional, they must seek a remedy different than circumventing the legislation by otherwise increasing their hourly rate.
69. I find it more relevant to examine whether the remuneration to PJPs is fair and reasonable, adequate having regard to the cost of living, consistent with the public sector compensation trends, and in consideration of the financial policies and priorities of the Province.
70. I am directly aware of the financial situation in the Province. The size of the deficit is public knowledge. The fiscal information is before me by virtue of my role as Chair of the Provincial Judges Salary and Benefits Tribunal. I accept funds are limited. The financial state of the Province is less than ideal.
71. However, I have a real concern that the compensation paid to PJPs is not fair and reasonable. If I may be express and direct, I do not believe it is fair and reasonable to expect PJPs to work without compensation. The evidence before me is clear and credible. At a minimum, the evidence is that PJPs work approximately eight hours per month without compensation or remuneration. At a maximum, the evidence before me is that PJPs work significantly more than eight hours per month without compensation or remuneration. That is not fair or reasonable. That is at least one day of work per month in which a PJP is expected to donate their time to the Province of Nova Scotia. That seems unreasonable. I do not know other instances in which employees or contractors who are paid for their skills or labour, are asked to donate time to their employer.
72. When considering all of the statutory factors, I am also aware that there is significant evidence before me, which is credible and persuasive, that the role of PJPs has changed. It has increased and grown more complex. I do not believe PJPs are sitting around the Justice Centre, or at night court, twiddling their thumbs. The evidence before me is overwhelmingly convincing that they are working hard on complex matters. They are controlling a courtroom, or determining somebody's liberty, or determining how invasive a policing agency may be. Those responsibilities require fair and reasonable compensation.

73. I do wish to specifically note that despite my concern regarding fair and reasonable compensation, the request by the Association to increase their remuneration from 55 percent of the rate of pay to a per diem Provincial Court judge to 85 percent of the rate of pay to a per diem Provincial Court judge seems extraordinary. I am unaware of any example in Nova Scotia in the last 12 years, since the creation of this Commission, or beyond, where public sector employees or contractors receive such an increase. It is an extraordinary request. As Professor Archibald described in 2014, it is a quantum leap request.
74. I do believe there is merit to an increase, but not in the amount requested by the Association. I am legally required to consider Sections 11B(4)(f) and (i). Working for free is not fair and reasonable and the evidence an increase in responsibilities is clear.
75. I do believe that the other legislative requirements are being achieved. I believe PJPs are able to maintain independence. Excellent candidates are being attracted. The role is still predominantly part-time. The comparator evidence does not indicate a significant underpayment.
76. That leaves me with significant evidence that 11B(4)(f) and (i) must be addressed. The unique nature of the role of the PJP means they are dealing with significant and complex responsibilities. The evidence before me is that complexity has increased significantly. Responsibility has increased significantly. That merits an increase.
77. At the risk of repetition, the most compelling factor that merits an increase is “fair and reasonable”. It is neither fair nor reasonable that PJPs are assigned work that must be done outside of their paid shift. I do not have the power to change their shifts or alter their schedule. I do have the jurisdiction to recommend an increase in their hourly rate to reflect that frequently, PJPs will have to work outside their paid shift.
78. Based on all of the evidence before me I recommend as follows:

1. **Hourly Rate of Pay**

The Commission recommends that the Nova Scotia Presiding Justices of the Peace hourly rate for the period April 1, 2026 to March 31, 2032 be established in the following manner:

- From April 1, 2026 to March 31, 2027, the hourly rate of a Nova Scotia Presiding Justice of the Peace shall be an amount equal to not less than 60 percent of the per diem rate paid to the Nova Scotia Provincial Court judges.
- From April 1, 2027 to March 31, 2028, the hourly rate of a Nova Scotia Presiding Justice of the Peace shall be an amount equal to not less than 60 percent of the per diem rate paid to the Nova Scotia Provincial Court judges plus the increase of the cost of living

adjustment as calculated by the use of the Consumer Price Index for the Province (CPI) for the previous year.

- From April 1, 2028 to March 31, 2029, the hourly rate of a Nova Scotia Presiding Justice of the Peace shall be an amount equal to not less than 60 percent of the per diem rate paid to the Nova Scotia Provincial Court judges plus the increase of the cost of living adjustment as calculated by the use of the Consumer Price Index for the Province (CPI) for the previous year.
- From April 1, 2029 to March 31, 2030, the hourly rate of a Nova Scotia Presiding Justice of the Peace shall be an amount equal to not less than 60 percent of the per diem rate paid to the Nova Scotia Provincial Court judges plus the increase of the cost of living adjustment as calculated by the use of the Consumer Price Index for the Province (CPI) for the previous year.
- From April 1, 2030 to March 31, 2031, the hourly rate of a Nova Scotia Presiding Justice of the Peace shall be an amount equal to not less than 60 percent of the per diem rate paid to the Nova Scotia Provincial Court judges plus the increase of the cost of living adjustment as calculated by the use of the Consumer Price Index for the Province (CPI) for the previous year.
- From April 1, 2031 to March 31, 2032, the hourly rate of a Nova Scotia Presiding Justice of the Peace shall be an amount equal to not less than 60 percent of the per diem rate paid to the Nova Scotia Provincial Court judges plus the increase of the cost of living adjustment as calculated by the use of the Consumer Price Index for the Province (CPI) for the previous year.

2. **Retroactive Adjustment**

I am aware that there is litigation which may ultimately affect the per diem rate paid to Nova Scotia Provincial Court judges. The Commission recommends that if the per diem rate is retroactively adjusted, Nova Scotia Presiding Justices of the Peace shall be correspondingly be adjusted and paid as a lump sum within 90 days of any adjustment.

3. **Annual Cost of Living**

As noted in Recommendation #1, for clarity, for each year from April 1, 2026 to March 31, 2032, the hourly rate for Presiding Justices of the Peace shall increase by the percentage increase in the cost of living, if any, as calculated by use of the Consumer Price Index for the Province for the previous year.

79. I do wish to note that, the recommendation to increase the hourly rate to reflect the fact that work occurs outside the paid shift, should not result in a directive, or administrative change, to prohibit work outside the scheduled shift. If work outside the scheduled shift is

prohibited, one could argue, do not increase the remuneration. I do not agree. Inherent in the professional complex role of a PJP is the requirement to do more to ensure justice is served. Whether or not someone is released from jail, or convicted of an offence based on sound legal reasoning, or an intrusive warrant is issued, is not governed by the clock. Important matters take time. The increase in the hourly rate reflects that some time, those important matters will require attention after the 9 p.m. shift ends, or long after everyone else has left night court.

80. For clarity, I urge restraint in attempting administrative change to diminish the impact of the recommended increase.
81. I believe the requirement to include COLA is self-evident. If the cost of living increases without a COLA increase, compensation decreases. That does not reflect the requirements of Section 11B(4). I also note COLA has been included in both previous recommendations in 2014 and 2020 (2023).
82. I recognize a 5 percent increase is not a perfect number. Arguments could be made for 4 percent or 6 percent. Two factors direct me to 5 percent as the correct increase to reflect increased responsibility, complexity, and the inherent requirement to do work outside of the shift. First, a Provincial Court judge earns 80 percent of a federally appointed judge. The pattern of 60 percent of a per diem Provincial Court judge paid to a PJP has merit. Second, based on the evidence, I believe 5 percent represents a fair and reasonable rounded value for the inherent requirement to do work outside of a shift.



Scott Sterns, Commissioner