

BILL

No. 65

An Act to amend *The Provincial Court Act, 1998*

(Assented to _____)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Provincial Court Amendment Act, 2021*.

SS 1998, c P-30.11 amended

2 *The Provincial Court Act, 1998* is amended in the manner set forth in this Act.

Section 35 amended

3 **Section 35 is amended:**

(a) **by repealing clause (b); and**

(b) **in clause (c) by striking out “clause 36(1)(b) or (c)” and substituting “clause 36(1)(b), (c), (d) or (e)”.**

Section 36 amended

4(1) **Subsection 36(1) is amended:**

(a) **by striking out “and” after clause (b); and**

(b) **by repealing clause (c) and substituting the following:**

“(c) on or before July 1 of the years 2005, 2008, 2011, 2014, 2017 and 2020;

“(d) on or before July 1, 2023; and

“(e) on or before July 1 of every fourth year after 2023”.

(2) **Subsection 36(6) is amended:**

(a) **by striking out “and” after clause (a); and**

(b) **by repealing clause (b) and substituting the following:**

“(b) a member of a subsequent commission established on or before July 1, 2002, July 1, 2005, July 1, 2008, July 1, 2011, July 1, 2014, July 1, 2017 or July 1, 2020 holds office for a term that expires on June 30 of the third year after the year of the member’s appointment; and

“(c) a member of a subsequent commission established on or after July 1, 2023 holds office for a term that expires on June 30 of the fourth year after the year of the member’s appointment”.

Section 38 amended

5 Subclause 38(1)(a)(iii) is amended by striking out “judges other than” and substituting “subject to section 38.1, judges other than”.

New section 38.1

6 The following section is added after section 38:

“Salaries

38.1(1) In this section and section 45, ‘**annual period**’ means the period commencing on April 1 in one year and ending on March 31 of the following year.

(2) Subject to subsections (3) and (4), for each annual period commencing on or after April 1, 2024, there is a presumption that the salary to be paid to the judges mentioned in subclause 38(1)(a)(iii) is the product of the following rounded up to the nearest dollar:

(a) the salary paid to the justices of the Court of Queen’s Bench as at March 31 of the previous annual period;

(b) 0.95.

(3) If the calculation set out in subsection (2) results in a reduction in the salary of a judge, the salary to be paid to the judge is the annual salary that was paid in the previous annual period.

(4) The presumption set out in subsection (2) does not apply in any of the following extraordinary circumstances:

(a) a year-over-year increase, for any annual period during the period since the most recent regulations mentioned in clause 41(1)(b) came into force, of 20% or more in the average of the ‘all-items’ Consumer Price Index for Saskatchewan, as reported by Statistics Canada in accordance with the *Statistics Act* (Canada), that is not reflected in the salary paid to the justices of the Court of Queen’s Bench;

(b) a decrease over the period commencing on the day on which the most recent regulations mentioned in clause 41(1)(b) came into force, of more than 10% in the nominal gross domestic product for Saskatchewan, as reported by Statistics Canada in accordance with the *Statistics Act* (Canada);

(c) a failure to update the salary paid to the justices of the Court of Queen’s Bench as required pursuant to the *Judges Act* (Canada);

(d) an agreement between the association and the minister that there is an extraordinary situation that warrants commission review”.

Section 41 amended

7 Clause 41(1)(a) is repealed and the following substituted:

“(a) in the case of a subsequent commission established during the period beginning on July 1, 2002 and ending on July 1, 2020, its recommendations with respect to the matters mentioned in subsection 38(1) for the three-year period commencing on April 1 of the year following the year in which the commission is established;

“(a.1) in the case of a subsequent commission established on or after July 1, 2023, its recommendations with respect to the matters mentioned in subsection 38(1) and the presumption set out in section 38.1 for the four-year period commencing on April 1 of the year following the year in which the commission is established”.

Section 45 amended

8 Clause 45(1)(b) is repealed and the following substituted:

- “(b) move a resolution that the Legislative Assembly:
- (i) reject one or more of the recommendations in the report;
 - (ii) if the report recommends a salary other than the presumptive salary calculated in accordance with subsection 38.1(2), and no extraordinary circumstances set out in subsection 38.1(4) exist, fix a salary that is not lower than the presumptive salary and that is to be substituted for the salary recommended in the report;
 - (iii) if one or more of the extraordinary circumstances set out in subsection 38.1(4) exist, fix a salary, calculated in a manner that meets constitutional tests of judicial independence and that is not lower than the annual salary that was paid to judges in the previous annual period, that is to be substituted for the salary recommended in the report; and
 - (iv) determine any benefit mentioned in clauses 38(1)(b) to (f) in a manner that meets constitutional tests of judicial independence that is to be substituted for a benefit of the same type as proposed by a rejected recommendation”.

Section 48 amended

9 Subsection 48(1) is amended:

- (a) by striking out “and” after clause (b); and**
- (b) by repealing clause (c) and substituting the following:**

“(c) in the case of a subsequent commission established during the period commencing on July 1, 2002 and ending on July 1, 2020, the three-year period commencing on April 1 of the year following the year in which the commission was established; and

“(d) in the case of a subsequent commission established on or after July 1, 2023, the four-year period commencing on April 1 of the year following the year in which the commission was established”.

Coming into force

- 10** This Act comes into force on assent.

SECOND SESSION

Twenty-ninth Legislature

SASKATCHEWAN

B I L L

No. 65

An Act to amend *The Provincial Court Act, 1998*

Received and read the

First time

Second time

Third time

And passed

Honourable Gordon Wyant
