



[2022] 1 F.C.R. D-19

**PRACTICE**

*Related subject: Judges and Courts*

Motion filed by respondent to strike out application for judicial review of report prepared by Inquiry Committee of Canadian Judicial Council (CJC) (Report) — Inquiry Committee constituted under *Judges Act*, R.S.C., 1985, c. J-1 (Act), s. 63, to conduct inquiry into conduct of Superior Court of Québec Justice Gérard Dugré, applicant — Report stating applicant [TRANSLATION] “committed acts of misconduct and [the committee] recommends that he be removed from office” — Applicant seeking judicial review of Report via application for judicial review dated July 11, 2022 — Respondent arguing application for judicial review premature — In this case, respondent claiming process incomplete, only when CJC decides on recommendation to make to Minister of Justice will decision end process — Applicant criticizing inquiry process, arguing inquiry process breached procedural fairness, requiring immediate intervention — Applicant arguing his rights irretrievably lost if judicial review not conducted immediately — Whether application for judicial review premature — Application for judicial review of Inquiry Report, including decisions on preliminary matters, premature — Barring exceptional circumstances, such application only possible when [TRANSLATION] “administrative” process completed — Act providing that CJC must present report on inquiry conclusions to Minister of Justice — Inquiry Committee body used for inquiry — Inquiry Committee’s report not recommendation: CJC solely responsible for making recommendation — CJC makes recommendation to remove judge from office — Process ends then, not while Inquiry Committee at work — In this case, report in question Inquiry Committee report that must lead to decision by body mandated by Act, i.e. CJC — Doctrine of prematurity must apply with full force in case where not only process not completed, decision also not taken — In this case, even more so since CJC’s decision, only decision to matter, not yet rendered — Applicant’s argument essentially seeming to focus on Inquiry Committee’s report, [TRANSLATION] “final decision concerning him” — Such argument disregarding process set out in Act, conferring on CJC decision on recommendation to make to Minister of Justice — Decision making power lying with CJC — Given doctrine of prematurity, applicant’s application for judicial review bound to fail — Motion allowed.

DUGRÉ V. CANADA (ATTORNEY GENERAL) (T-1423-22, 2022 FC 1506, Roy J., reasons for judgment dated November 4, 2022, 24 pp.)