

# 2018-19 Departmental Plan

## Corporate information

### **Raison d'être, mandate and role: who we are and what we do**

#### **Raison d'être**

The department provides services to the Canadian judiciary and promotes judicial independence. The Minister of Justice and Attorney General of Canada is responsible for this organization.

#### **Mandate and role**

The Office of the Commissioner for Federal Judicial Affairs Canada (FJA) was created in 1978 under an Act of Parliament to safeguard the independence of the judiciary and put federally appointed judges at arm's length from the Department of Justice. Our mandate extends to promoting the better administration of justice and providing support for the federal judiciary.

The [Judges Act](#)<sup>1</sup> provides for the designation of an officer named the Commissioner for Federal Judicial Affairs. One of the roles and responsibilities of the Commissioner is to act on behalf of the Minister of Justice in matters related to the administration of Part I of the Judges Act.

FJA administers the judicial appointments process on behalf of the Minister of Justice, overseeing 17 judicial advisory committees which evaluate candidates pursuant to a revised superior courts judicial appointments process that came into effect October 2016. The Minister of Justice has also given FJA the mandate to administer the Supreme Court of Canada Appointments Selection Panel process, established to assess candidates for appointment to the Supreme Court of Canada.

FJA provides all members of the Canadian judiciary with JUDICOM – a secure on-line system for communication and collaboration amongst members of the judiciary.

To advance bilingualism and bijuralism, FJA develops a curriculum, and provides a language training program in both official languages to enable judges to improve their second language proficiency and legal terminology.

Additionally, FJA coordinates initiatives with various government and non-government stakeholders related to the Canadian judiciary's role in international cooperation.

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<sup>1</sup> Judges Act, <http://lois-laws.justice.gc.ca/eng/acts/J-1/index.html>

FJA publishes the Federal Courts Reports. That section of FJA is responsible for selecting and publishing Federal Court of Appeal and Federal Court decisions in both official languages. Selected decisions undergo a thorough editorial process that includes copy editing and citation verification, the preparation of headnotes and captions, and translation accuracy confirmation.

## **Operating context and key risks**

### **Operating context**

FJA operates in a complex environment. Reporting directly to the Minister of Justice but independent from the Department of Justice, its overarching role is to safeguard the independence of the judiciary. It has to administer Part I of the Judges Act, which is the foundation of our statutory mandate, while adhering to the requirements set out by central agencies.

As a micro organization, ensuring the right complement of staff and expertise as well as ensuring employee retention, is a key challenge. Unlike larger organizations where more than one person is tasked with the same activity, for FJA the loss of a resource creates a gap which impacts on FJA achieving its goals in a timely and efficient manner.

Technology and the availability of online services/information will increasingly have an impact on the service expectations of judges and other clients. This will increase pressure on the delivery of services by FJA, with an increased focus on technology and online web self-service capabilities. The Government transition to greater standardization of corporate business processes and shared service delivery models also results in increased pressure on FJA to update its processes and systems to align with government-wide technologies and tools. In doing so, FJA must continue to protect the independence of the federal judiciary which is necessary to maintain the confidence of Canadians in our judicial system.

## Key risks

Risks	Risk response strategy	Link to the department's Core Responsibilities	Link to mandate letter commitments and any government-wide or departmental priorities (as applicable)
<p><b>Government-wide centralization of common services and shared services -</b> Maintaining a high level of support and services to judges in a manner that supports and promotes judicial independence in the context of government-wide centralization of common services and shared services.</p>	<p>Discussions are ongoing with central agencies to explain the mandate of FJA and why this initiative cannot impact judicial independence or service levels to judges.</p>	<ul style="list-style-type: none"> <li>▪ Administrative support to federally appointed judges</li> </ul>	<p>Role of Attorney General to uphold the Constitution, the rule of law and respect for the independence of the courts.</p>
<p><b>Errors (e.g., payments, vacancies lists, procurement) -</b> Challenges of administering the unique regime in the Judges Act include ensuring a correct interpretation of the Act and consistency and accuracy in a high volume of transactions environment.</p>	<p>Current strategies to minimize risk are 100% verification of transactions, use of technology to assist in processing payments, staff training, and regular reviews of internal controls.</p>	<ul style="list-style-type: none"> <li>• Administrative support to federally appointed judges</li> </ul>	<p>To provide services and support to federally appointed judges in Canada.</p>
<p><b>Security and privacy of personal and business information -</b> Maintaining the security and privacy of personal information of judges is a key objective given cyber threats to IT security.</p>	<p>Mitigation measures include continuing to assess security threats and risks, and continued adherence to the Office's Departmental Security Policy and IT Security Framework.</p>	<ul style="list-style-type: none"> <li>• Administrative support to federally appointed judges</li> </ul>	<p>To provide greater security and opportunity for Canadians.</p>

One of FJA's risks is maintaining a high level of support and services to judges in a manner that supports and promotes judicial independence in the context of government-wide centralization of common services and shared services. The Judges Act establishes a regime of salaries, allowances and annuities unique to federally appointed judges which is administered by the Office of the Commissioner for Federal Judicial Affairs. The ongoing government-wide initiative

to centralize common services and shared services cannot interfere with the administration of the Judges Act.

Challenges of administering the unique regime in the Judges Act include ensuring a correct interpretation of the Act and consistency and accuracy in a high volume transaction environment. The error rate level, for example, in payments, vacancies lists, procurement, etc. may therefore be considered a risk.

Finally, security and privacy of personal and business information is a continuous risk. Maintaining the security and privacy of personal information of judges is of utmost importance given cyber threats to IT security.