



Office of the Commissioner for Federal Judicial Affairs

Performance Report

For the period ending
March 31, 2002

Canada

The Estimates Documents

Each year, the government prepares Estimates in support of its request to Parliament for authority to spend public monies. This request is formalized through the tabling of appropriation bills in Parliament.

The Estimates of the Government of Canada are structured in several parts. Beginning with an overview of total government spending in Part I, the documents become increasingly more specific. Part II outlines spending according to departments, agencies and programs and contains the proposed wording of the conditions governing spending which Parliament will be asked to approve.

The *Report on Plans and Priorities* provides additional detail on each department and its programs primarily in terms of more strategically oriented planning and results information with a focus on outcomes.

The *Departmental Performance Report* provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the spring *Report on Plans and Priorities*.

The Estimates, along with the Minister of Finance's Budget, reflect the government's annual budget planning and resource allocation priorities. In combination with the subsequent reporting of financial results in the Public Accounts and of accomplishments achieved in Departmental Performance Reports, this material helps Parliament hold the government to account for the allocation and management of funds.

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Foreword

In the spring of 2000, the President of the Treasury Board tabled in Parliament the document “Results for Canadians: A Management Framework for the Government of Canada”. This document sets a clear agenda for improving and modernising management practices in federal departments and agencies.

Four key management commitments form the basis for this vision of how the Government will deliver their services and benefits to Canadians in the new millennium. In this vision, departments and agencies recognise that they exist to serve Canadians and that a “citizen focus” shapes all activities, programs and services. This vision commits the Government of Canada to manage its business by the highest public service values. Responsible spending means spending wisely on the things that matter to Canadians. And finally, this vision sets a clear focus on results – the impact and effects of programs.

Departmental performance reports play a key role in the cycle of planning, monitoring, evaluating, and reporting of results through ministers to Parliament and citizens. Departments and agencies are encouraged to prepare their reports following certain principles. Based on these principles, an effective report provides a coherent and balanced picture of performance that is brief and to the point. It focuses on outcomes - benefits to Canadians and Canadian society - and describes the contribution the organisation has made toward those outcomes. It sets the department’s performance in context and discusses risks and challenges faced by the organisation in delivering its commitments. The report also associates performance with earlier commitments as well as achievements realised in partnership with other governmental and non-governmental organisations. Supporting the need for responsible spending, it links resources to results. Finally, the report is credible because it substantiates the performance information with appropriate methodologies and relevant data.

In performance reports, departments and agencies strive to respond to the ongoing and evolving information needs of parliamentarians and Canadians. The input of parliamentarians and other readers can do much to improve these reports over time. The reader is encouraged to assess the performance of the organisation according to the principles outlined above, and provide comments to the department or agency that will help it in the next cycle of planning and reporting.

This report is accessible electronically from the Treasury Board of Canada Secretariat Internet site:
<http://www.tbs-sct.gc.ca/rma/dpr/dpre.asp>

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Office of the Commissioner for Federal Judicial Affairs

Performance Report

**For the
period ending
March 31, 2002**

Minister of Justice and
Attorney General of Canada

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Section I: The Message

The [Office of the Commissioner for Federal Judicial Affairs](#) (OCFJA) was created in 1978, through an amendment to the *Judges Act*, to safeguard the independence of the judiciary and to put federally appointed judges at arm's length from the administration of the Department of Justice. It exists to promote the better administration of justice and focuses its efforts on providing sound administrative support to the federal judiciary.

The administration of the Office of the Commissioner is structured to reflect the distinctiveness of its role in supporting the federal judiciary. The OCFJA has one business line - Federal Judicial Affairs - and three service lines, each with its own source of funding - Administration, voted appropriations, Vote 20; the [Canadian Judicial Council](#), voted appropriations, Vote 25; and payments pursuant to the *Judges Act*, statutory appropriations.

In accordance with the *Judges Act*, the [Federal Court of Canada](#) and the [Tax Court of Canada](#) each administers a separate budget voted by Parliament.

We are pleased to report that we continue to strive toward optimal support for federal judicial activities through four priorities: the protection of the administrative independence of the judiciary; the achievement of greater efficiencies in the conduct of judicial business through maximum exploitation of technology; the fulfilment of the Commissioner's statutory obligation to properly support judicial activities; and the provision of central administrative services to the judges. These priorities are entrenched in our mission statement and represented in the strategic outcomes performance measurement strategies of the Office.

David Gourdeau

Section II: Departmental Context

A. Chart of Strategic Outcomes

Office of the Commissioner for Federal Judicial Affairs	
<p>Strategic Outcomes:</p> <p>An administration that will ensure that the federal judiciary has access to a full line of administrative support services as provided under the Judges Act, so as to protect and promote its independence and efficiency.</p>	<p>to be demonstrated by:</p> <ul style="list-style-type: none">• all judges and their survivors receiving timely and accurate entitlements pursuant to Part I of the <i>Judges Act</i>• a complete range of sound administrative services to federal judges and affiliated organizations• assuring that the Federal Court of Canada, the Tax Court of Canada and the Canadian Judicial Council have all resources required to fulfil their mandates in an effective manner• the level of satisfaction of the Minister in fulfilling the other mandates assigned (publication of the Federal Court Reports, Judges Language Training program, administration of the judicial appointments committees, coordination of the international judicial cooperation programs, promoting the use of modern information and management technology)

B: Departmental Overview

The Program is headed by the Commissioner for Federal Judicial Affairs who is assisted by a Deputy Commissioner, responsible for finance, personnel, administration, language training, international cooperation and the Judicial Appointments Secretariat (which administers the sixteen Advisory Committees on judicial appointments). The Commissioner is also assisted by an Executive Editor responsible for editing the *Federal Court Reports*, and by the Executive Director of the [Canadian Judicial Council](#).

1. Mandate, Roles, and Responsibilities

1.1 Mandate

[Section 73 of the Judges Act](#) provides for the establishment of an officer called the Commissioner for Federal Judicial Affairs who shall have the rank and status of a deputy head of a department. Section 74 sets out the duties and functions of the Commissioner.

The Office of the Commissioner administers [Part I of the Judges Act](#) by providing judges of the [Federal Court of Canada](#), the [Tax Court of Canada](#) and federally appointed judges of Superior courts with salaries, allowances and annuities in accordance with the [Judges Act](#); prepares budgetary submissions for the requirements of the Federal Court of Canada and the Tax Court of Canada and the Canadian Judicial Council; provides administrative services to the Canadian Judicial Council and undertakes such other missions as the Minister may require in connection with any matters falling, by law, within the Minister's responsibilities for the proper functioning of the judicial system in Canada.

1.2 Mission Statement

The Office of the Commissioner for Federal Judicial Affairs is committed to providing services in support of the optimal functioning of the Canadian judicial system.

2. Objectives

To provide an administration that will ensure that the federal judiciary has access to a full line of administrative support services as provided under the *Judges Act*, so as to protect and promote its independence and efficiency.

3. Environmental Factors

There are a number of external factors that continue to have a significant impact on the operations of the [Office of the Commissioner for Federal Judicial Affairs](#).

There is increasing demand for research and development in the use of emerging technologies in the courtroom and the administration of justice.

Over the past few years our office has developed a judicial communications network called the Judicial Affairs Information Network (JAIN). Access to this network is restricted to the members of the federal judiciary. The [Canadian Judicial Council](#) approved by resolution dated April 4, 2000 that OCFJA, in partnership with the [National Judicial Institute](#), the non-government organization set up to train judges in Canada, train all federally appointed judges on the use of JAIN as well as other computer training for federal judges. With the input of the steering committee of federally appointed judges, this training program has been well accepted by the judiciary and there is an increasing number of requests from the judges for more advanced computer based training.

With the increasing visibility of the Canadian judiciary, given the nature of some of the proceedings being undertaken across the country, the number and complexity of complaints being lodged against members of the judiciary has increased. This has substantially increased the number of cases that must be reviewed by the Canadian Judicial Council Secretariat.

Federally appointed judges are becoming ever more concerned for their personal security. The number of requests received from judges for special security measures is increasing. For their own personal safety and at the insistence of the federal and provincial police forces, judges and their families are sometimes required to make a number of changes to their personal lifestyle as well as to take other precautions to protect themselves. The issue of security for judges has become more prevalent.

The [Judicial Compensation and Benefits Commission](#) issued its report at the end of May 2000. As a result of this report Bill C-12 was tabled and received Royal Assent in June 2001. There were a number of major amendments to the *Judges Act* as a result of Bill C-12 and all of the changes necessary for the implementation of the amendments were completed during the fiscal year. Included in these changes were retroactive increases back to April 1, 2000 for salaries, incidental allowances and representational allowances as well as the implementation of enhanced and optional retirement benefits.

4. Strategic Priorities

The activities of the Office of the Commissioner for Federal Judicial Affairs are guided by the strategic priorities of:

- protection of the administrative independence of the judiciary;

- increased efficiencies through the maximum exploitation of technology;
- proper support of judicial activities; and
- provision of central administrative services to judges.

5. Business and Service Line, Organization Composition, and Resource Plans

5.1 Business Line/Activity Structure

The Strategic Outcome is to provide the administrative support needed to guide an independent judiciary into the age of automation and to administer statutory expenditures under [Part I of the *Judges Act*](#) with probity and prudence.

The [Office of the Commissioner for Federal Judicial Affairs](#) has one business line- Federal Judicial Affairs - and three service lines:

-
- Administration;
 - Canadian Judicial Council, and
 - Payments pursuant to the *Judges Act*.
-

5.2 Administration

This service line provides the federal judiciary with guidance and advice on the interpretation of [Part I of the *Judges Act*](#); provides the Minister of Justice with an up-to-date list of approved candidates for appointment to the judiciary and provides support to the judiciary in the areas of finance, personnel, administration, training, editing and information technology.

5.3 [Canadian Judicial Council](#)

This service line provides for the administration of the Canadian Judicial Council as authorized by the *Judges Act*.

5.4 Payments pursuant to the *Judges Act*.

This service line provides for the payment of salaries, allowances and annuities to judges and their survivors as authorized by the *Judges Act*.

Section III: Performance Accomplishments

Office of the Commissioner for Federal Judicial Affairs:

Planned Spending	\$273,219,000
<i>Total Authorities</i>	<i>\$319,296,518</i>
2001-2002 Actual	\$319,182,736

1. Summary of Performance Expectations

The following key plans and strategies were identified in the [2001-02 Report on Plans and Priorities](#):

- Promote the training and computer education of judges and work forcefully towards a rationalization of these services. This initiative will be undertaken to ensure uniformity, consistency and excellence in judicial education.
- The assessment and implementation of centralized common services, where appropriate, to increase administrative excellence and efficiency.
- Explore the various techniques for learning which may result in lower overall costs for the training of judges.
- Endeavour to become the central focus for coordinating and promoting cooperative ventures between the Canadian judiciary and the judiciaries of other countries.
- Maximize the exploitation of technology so as to provide the judiciary with the best available tools to fulfill their judicial functions.
- Maintenance of the Judicial Counselling Program which will serve to minimize the amount of time lost by judges who would be absent from their judicial duties.
- Implement the changes necessary to respond to the amendments in the Judges Act as a result of Bill C-12.

2. Departmental Performance

During the course of the fiscal year, the judges computer training program, which was initiated in April 2000 as a result of a resolution from the [Canadian Judicial Council](#), was developed and a number of sessions were conducted. In excess of 900 training sessions were offered in most major centres across Canada and more than 300 federally appointed judges were trained. As a result of the success of this pilot, we have been asked by resolution of the [Canadian Judicial Council](#) and in partnership with the National Judicial Institute, to train all federally appointed judges on the use of JAIN as well as to provide all computer training for judges. In order to fulfill these new responsibilities it has been necessary to develop a training program, negotiate service agreements with various public and private training institutions to assist with the delivery of the program and meet with the steering committee composed of federally appointed judges which was established to assist with the development of the program.

Enrollment of federally appointed judges in JAIN was 872 at the end of March 2002. Based on this latest data, 84% of all federally appointed judges are now members of JAIN. The system is being used by judges to communicate with other judges and to assist them in the fulfilment of their judicial duties.

The arrangement for the provision of Corporate Services to the Office of the Umpire for Employment Insurance, on a cost-recovery basis, continues. This arrangement has proven to be beneficial to both parties involved as well as to the Canadian public through the cost savings related to the economies of scale which have been recognized.

During the course of the fiscal year, Judges' Language Training in partnership with JUDICOM launched a new initiative using computers to assist with training. This approach combined introductory level computer training with intensive language training. Thus providing greater efficiency through the exploitation of technology. The introduction of the computer at five Language Training Immersion Sessions provided an opportunity for approximately 90 judges to become more adept in the use of their intranet. They were also introduced to the varied pedagogical tools (dictionaries, grammar lessons, interactive workshops, etc.) available to them through their intranet and thus provided a good introduction to the benefits of quality distance learning. This method was used at both French and English second language courses as well as one session reserved for perfecting the use of legal terminology in French as a first language.

The benefits and expertise of the Canadian judicial system continues to be recognized worldwide. In accordance with the mandate provided to our Office by the Minister of Justice, our participation in international projects must be funded by other sources and, accordingly, the funding for our international projects is received from the Canadian International Development Agency (CIDA) and from the Department of Foreign Affairs (DFAIT). The multi-year projects for judicial cooperation with various levels of courts in

Russia, Ukraine and Ethiopia are progressing in accordance with the approved project plans. Many other international delegations were hosted during the course of the year.

The Judicial Counselling Program, a joint federal/provincial program made available to all judges and their families across Canada, with the provinces paying an annual fee for each of their judges to obtain the benefits available, continued to deliver this important service to all participants. Many judges and their family members made use of this service.

The [Judicial Compensation and Benefits Commission](#) issued its Final Report to the Minister of Justice. Bill C-12 was tabled in the House of Commons and received Royal Assent in June 2001. All retroactive payments for salaries and allowances were issued within sixty days from the date of Royal Assent. Administrative changes necessary as a result of the substantial changes to the *Judges Act* have been implemented. Procedures have been developed and agreements for actuarial services put in place to assist with the calculation of retirement benefits available to judges and their survivors under the various new options available to them. The new insurance program for the judges has been implemented.

Annexes

1. Financial Performance Overview

During the course of Fiscal Year 2001-2002 Supplementary Estimates for additional operating funding was obtained to fund workload issues.

The following financial tables apply to the [Office of the Commissioner for Federal Judicial Affairs](#):

Table 1: Summary of Voted Appropriations

Table 2: Planned versus Actual Spending

Table 3: Historical Comparison of Planned versus Actual Spending

Table 4: Revenues

Table 5: Statutory Payments

Table 6: Transfer Payments

Table 1: Summary of Voted Appropriations
 Authorities for 2001-02
 Financial Requirements by Authority (\$ millions)

Commissioner for Federal Judicial Affairs	Planned Spending	2001-02	
		Total Authorities	Actual
Vote 20-Operating Expenditures	4.3	6.6	6.5
Vote 25-Canadian Judicial Council-Operating Expenditures	0.5	0.6	0.6
Statutory-Payments pursuant to the <i>Judges Act</i>	267.9	311.6	311.6
Statutory-Contributions to employee benefit plans	0.5	0.5	0.5
Total Department	273.2	319.3	319.2

Total Authorities are Main Estimates plus Supplementary Estimates plus Other Authorities.

Table 2: Planned versus Actual Spending

Comparison of Total Planned Spending to Actual Expenditures, 2001-02 by Business Line

(\$ millions)

	Planned Spending	2001-02	
		Total Authorities	Actual
Commissioner for Federal Judicial Affairs			
FTE s	45	49	49
Operating	5.6	8.0	7.9
Capital	-	-	-
Grants and Contributions	267.9	311.6	311.6
Total Gross Expenditures	273.5	319.6	319.5
Less:			
Respendable Revenues *	0.3	0.3	0.3
Total Net Expenditures	273.2	319.3	319.2
Other Revenues and Expenditures			
Non-respendable Revenues**			
Cost of Services Provided by other departments	1	1	1
Net Cost of the Program	274.2	320.3	320.2

1. Operating includes contributions to employee benefit plans and ministers allowances.

* Formerly called Revenues Credited to the Vote .

** Formerly called Revenues Credited to the General Government Revenues (GGR) .

Table 3: Historical Comparison of Departmental Planned versus Actual Spending

(\$ millions)

Business Lines	Actual 1999-00	Actual 2000-01	Planned Spending	2001-02	
				Total Authorities	Actual
Federal Judicial Affairs	255.7	263.6	273.2	319.3	319.2
Total	255.7	263.6	273.2	319.3	319.2

Table 4: Revenues
(\$ millions)

Business Lines	Actual 1999-00	Actual 2000-01	Planned Revenues	2001-02 Total Authorities	Actual
Respendable Revenues					
Federal Judicial Affairs					
Office of the Umpire Service Fees	0.05	0.05	0.05	0.05	0.05
Human Rights Tribunal Panel Service Fees	0.08	0.08	0.05	0.05	0.05
Administrative Arrangement with Canadian International Development Agency	0.047	0.093	0.125	0.105	0.105
JUDICOM Training Program	0	0	0	0.101	0.101
Competition Tribunal Service Fees	0	0.05	0.05	0	0
Total Respendable Revenues	0.227	0.243	0.275	0.306	0.306
Non-Respendable Revenues					
Federal Judicial Affairs					
Judges Contributions to Pension Fund	10.3	10.5	10.5	8.64	8.64
Total Non-respendable Revenues	10.3	10.5	10.5	8.64	8.64
Total Revenues	10.527	10.743	10.775	8.946	8.946

Note: Respendable Revenues were formerly called Revenues Credited to the Vote .

Note: Non-respendable Revenues were formerly called Revenues credited to the (CRF) .

Table 5: Statutory Payments
(\$ millions)

Business Lines	Actual 1999-00	Actual 2000-01	Planned Spending	2001-02 Total Authorities	Actual
Federal Judicial Affairs					
Payments Pursuant to the <i>Judges Act</i>	248.6	255.3	267.9	311.6	311.6
Contributions to employee benefit plans	0.5	0.5	0.5	0.5	0.5
Total Statutory Payments	249.1	255.8	268.4	312.1	312.1

Table 6: Transfer Payments
(\$ millions)

Business Lines	Actual 1999-00	Actual 2000-01	Planned Spending	2001-02 Total Authorities	Actual
Federal Judicial Affairs					
GRANTS					
Lump sum payments to a surviving spouse of a judge who dies while in office in an amount equal to one-sixth of the annual salary payable to the judge at the time of his death	0.1	0.1	0	0	0
Annuities under the <i>Judges Act</i>	49.6	53.0	0	0	0
Total Grants	49.7	53.1	0	0	0
CONTRIBUTIONS					
Total Contributions	-	-	-	-	-
Total Transfer Payments	49.7	53.1	0	0	0

Lump sum payments and annuities are now being paid under Statutory Personnel costs.

2. Special Travel Authorities

Judges are entitled to be reimbursed their travel expenses in accordance with [Section 34 of the *Judges Act*](#) which states:

34.(1) Subject to this section and sections 36 to 39, a judge of a superior court or of the [Tax Court of Canada](#) who for the purposes of performing any function or duty in that capacity attends at any place other than that at which or in the immediate vicinity of which the judge is by law obliged to reside is entitled to be paid, as a travel allowance, moving or transportation expenses and the reasonable travel and other expenses incurred by the judge in so attending.

From an administrative standpoint, the intent of the Special Travel Authorities directive is followed. Judges are entitled to travel business class but they are encouraged to fly economy class and, in fact, most do. A guideline for the reimbursement of hotel accommodations and meals has been established. The maximum amount reimbursable for hotel accommodations is \$150.00 per night and the maximum amount reimbursable for meals and incidentals is \$85.00 per day. In the event of special circumstances judges will be reimbursed for expenses incurred in excess of these guidelines but this requires either prior notification or a letter explaining the special circumstances. The overall costs of travel provided to judges is comparable to those costs incurred under the authority of the Special Travel Authorities.

3. Contacts for Further Information

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4. Listing of Statutory and Departmental Reports

[Canadian Judicial Council](#) Annual Report

Computer News for Judges

Federal Court Reports

Federal Judicial Appointments Process - June 1999

Report and Recommendations of the 2000 Judicial Compensation and Benefits
Commission

5. Legislation Administered by the [Office of the Commissioner for Federal Judicial Affairs](#)

The Minister has sole responsibility to Parliament for the following Acts:

[Judges Act](#) (R.S., c.J-1, s.1.)

June 2001

[Judges Act \(Removal allowance\) Order](#)
(R.S. C., c.1984)

February 1991