



Office of the Commissioner for Federal Judicial Affairs

Performance Report

For the period ending
March 31, 2000

Canada

Improved Reporting to Parliament Pilot Document

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*.

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Foreword

On April 24, 1997, the House of Commons passed a motion dividing on a pilot basis the *Part III of the Estimates* document for each department or agency into two separate documents: a *Report on Plans and Priorities* tabled in the spring and a *Departmental Performance Report* tabled in the fall.

This initiative is intended to fulfil the government's commitments to improve the expenditure management information provided to Parliament. This involves sharpening the focus on results, increasing the transparency of information and modernizing its preparation.

The Fall Performance Package is comprised of 83 Departmental Performance Reports and the President's annual report, *Managing for Results 2000*.

This *Departmental Performance Report*, covering the period ending March 31, 2000 provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the department's *Report on Plans and Priorities* for 1999-00 tabled in Parliament in the spring of 1999.

Results-based management emphasizes specifying expected program results, developing meaningful indicators to demonstrate performance, perfecting the capacity to generate information and reporting on achievements in a balanced manner. Accounting and managing for results involve sustained work across government.

The government continues to refine its management systems and performance framework. The refinement comes from acquired experience as users make their information needs more precisely known. The performance reports and their use will continue to be monitored to make sure that they respond to Parliament's ongoing and evolving needs.

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

Comments or questions can be directed to the TBS Internet site or to:

Planning, Performance and Reporting Sector
Treasury Board Secretariat
L'Esplanade Laurier
Ottawa, Ontario, Canada
K1A 0R5
Tel: (613) 957-7167
Fax (613) 957-7044

Office of the Commissioner for Federal Judicial Affairs

Performance Report

**For the
period ending
March 31, 2000**

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 to safeguard the independence of the judiciary and to put federally appointed judges at arms 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.

It administers three distinct and separate components that are funded from three sources. Statutory funding is allocated for judges' salaries, allowances and annuities to judges and their survivors. Voted appropriations are provided in two separate votes to support the administrative activities of the Office of the Commissioner and the administrative activities of the Canadian Judicial Council.

In accordance with the *Judges Act*, the Federal Court of Canada and the Tax Court of Canada each administer a separate budget voted by parliament.

The administration of the Office of the Commissioner is structured to reflect the distinctiveness of its role in supporting federal judicial activities. It has Federal Judicial Affairs as its only business line and three service lines—Administration; the Canadian Judicial Council; and payments pursuant to the *Judges Act*.

As Commissioner, I am pleased to report that we continue to strive toward optimal support for federal judicial activities through the following 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 objectives, key results and measurement strategies of the Office.

Guy Y. Goulard

Section II: Departmental Performance

A. Chart of Key Results Commitments

Office of the Commissioner for Federal Judicial Affairs	
<p>to provide Canadians with:</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 <i>Judges Act</i>, 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 fulfill their mandate 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. Performance Expectations

Office of the Commissioner for Federal Judicial Affairs:

Planned Spending	\$257,396,000
<i>Total Authorities</i>	\$256,083,033
1999-00 Actuals	\$255,715,461

Summary of Performance Expectations

The following key plans and strategies were identified in the 1999-00 Report on Plans and Priorities:

To continually review current procedures for processing payments to judges with the objective of reducing error rates and the processing time while handling an increased volume of claims.

Promote the training and 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 and to reduce costs.

Explore alternative methods of course delivery for judges' language training.

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.

C. Departmental Performance

The streamlining of administrative processes has resulted in the ability of the existing departmental staff to accommodate a 10% increase in the volume of financial

transactions caused by an increase in the number of judges as well as an increase in the number of transactions provided to the other departments with whom there are Corporate Service Arrangements.

During the course of the fiscal year, a pilot project was conducted to train judges in the use of the Judicial Affairs Information Network (JAIN). In total 18 training sessions, were offered in most major centres across Canada and 258 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 with various training institutions to assist with the delivery of the program and meet with the steering committee of federally appointed judges which was established to assist with the development of the program.

Enrollment in the JAIN was 811 at the end of March 2000, an increase from 1999. The system is being used by judges to keep in contact with other judges and to assist them in the fulfilment of their judicial duties.

In September 1999, JAIN was presented at the National Centre for State Courts' 6th Court Technology Conference held in Los Angeles, California. The presentation team was made up of members of our departmental staff, a representative from the Supreme Court of Canada as well as a Federal Judge. The response to the presentation was extremely positive with many international agencies requesting assistance in establishing a similar program in their jurisdictions. The evaluation completed by conference participants indicated their high level of satisfaction, an overall rating of 4.08 out of a possible 5.0. Comments from participants included; "Very good use of humour in presentation. The PowerPoint slides were the best I have seen at CTC6", "Excellent, we are working on a system, but not as sophisticated, we got some good ideas". In addition to making a presentation to the conference, an article on JAIN was featured in the July/August 1999 Court Technology Bulletin published by the National Centre for State Courts.

The arrangements for the provision of Corporate Services to the Office of the Umpire for Employment Insurance, the Canadian Human Rights Tribunal and to the Competition Tribunal, on a cost recovery basis continues. This arrangement has proven to be beneficial to all parties involved as well as to the Canadian Public through the cost savings related to the economies of scale which have been recognized. These organizations have expressed their satisfaction with the services.

Changes in the delivery of the judges' language training program were initiated which included the provision of training on weekends. As a result of this change judges were required to be absent from their judicial duties for fewer days.

The benefits and expertise of the Canadian Judicial system continues to be recognized worldwide. Two major new projects were commenced through cooperative ventures between the Canadian judiciary and the judiciaries of other countries. A project for cooperation with India was initiated with meetings and presentations being held in both countries by members of both judiciaries. A multi-year project for judicial cooperation with various levels of courts in Russia commenced and is proceeding in accordance with the approved project plan. The project for the Ukrainian Judicial Reform which was scheduled for completion in June 2000 has been extended for an additional two years. The negotiations for the five year court reform project in Ethiopia with an estimated \$5M budget are ongoing. Many international delegations were hosted during the course of the year including groups from the Commonwealth Institute, Tchad, Russia, Latvia, France, Ethiopia, Taiwan, Sri Lanka and Malawi.

A video conferencing pilot project in Newfoundland was organized as a three party agreement between Industry Canada, the Province of Newfoundland and our Office. The funding was supplied by Industry Canada, the Province of Newfoundland provided space to house the equipment purchased and our Office acted as the facilitator in putting the two parties together. Preliminary indications are that the pilot is proving to be very successful.

As a result of Bill C-37, which was proclaimed in November 1998, the Judicial Compensation and Benefits Commission (Quadrennial Commission) was established in September of 1999. The Commission was made up of three Commissioners as well as an Executive Director. We provided office space and administrative support to the Commission. The Commission conducted hearings in Ottawa, received presentations from interested parties from across Canada and, in May 2000, issued its Final Report to the Minister of Justice.

Section III: Consolidating Reporting

Special Travel Authorities

Judges are entitled to be reimbursed their travel expenses incurred 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 and, in fact, most do fly economy. 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 approval 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.

Section IV: Financial Performance

Financial Performance Overview

During the course of Fiscal Year 1999-2000 Supplementary Estimates for additional operating funding was obtained to fund the costs associated with JAIN, the Quadrennial Commission as well as additional funds for workload issues.

The funding of the JAIN initiative has been approved on a short term basis for the past five years and this has lead to difficulties in maintaining the impetus of the project. Without the ongoing financial commitment there has been an inability to staff the project team with permanent employees which has resulted in various problems. We will be preparing a Treasury Board Submission requesting permanent resources for the JAIN initiative.

The funding of the Quadrennial Commission may run into similar difficulties as the funding has been approved for a two year period while the Commissioners have been appointed for a four year term. We will be preparing a Treasury Board Submission requesting permanent resources for the Quadrennial Commission.

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: Respendable Revenues

Table 5: Non-respendable Revenues

Table 6: Statutory Payments

Table 7: Transfer Payments

Table 1: Summary of Voted Appropriations

Authorities for 1999-00

Financial Requirements by Authority (\$ millions)

Commissioner for Federal Judicial Affairs	1999-00		
	Planned Spending	Total Authorities	Actual
Vote 20-Operating Expenditures	4.9	6.1	5.7
Vote 25-Canadian Judicial Council-Operating Expenditures	0.7	0.9	0.9
Statutory-Payments pursuant to the <i>Judges Act</i>	251.3	248.6	248.6
Statutory-Contributions to employee benefit plans	0.5	0.5	0.5
Total Department	257.4	256.1	255.7

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, 1999-00 by Business Line

(\$ millions)

	1999-00		
	Planned Spending	Total Authorities	Actual
Commissioner for Federal Judicial Affairs			
FTE's	45	46	46
Operating	6.4	7.7	7.3
Capital	-	-	-
Grants and Contributions	251.3	248.6	248.6
Total Gross Expenditures	257.7	256.3	255.9
Less:			
Respendable Revenues *	.3	.2	.2
Total Net Expenditures	257.4	256.1	255.7
Other Revenues and Expenditures			
Non-respendable Revenues**			
Cost of Services Provided by other departments	0.5	0.5	0.5
Net Cost of the Program	257.9	256.6	256.2

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 1997-98	Actual 1998-99	1999-00		
			Planned Spending	Total Authorities	Actual
Federal Judicial Affairs	220	249.7	257.4	256.1	255.7
Total	220	249.7	257.4	256.1	255.7

Table 4: Respendable Revenues

(\$ millions)

Business Lines	Actual 1997-98	Actual 1998-99	1999-00		
			Planned Revenues	Total Authorities	Actual
Federal Judicial Affairs					
Office of the Umpire Service Fees	0.096	0.05	0.05	0.05	0.05
Human Rights Tribunal Panel Service Fees	0.05	0.05	0.05	0.08	0.08
Administrative Arrangement with Canadian International Development Agency	0.046	0.046	0.125	0.047	0.047
Competition Tribunal Service Fees	0	0	0.05	0.05	0.05
Total Respendable Revenues	0.192	0.196	0.275	0.227	0.227

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

Table 5: Non-respondable Revenues

(\$ millions)

Business Lines	Actual 1997-98	Actual 1998-99	1999-00		
			Planned Revenues	Total Authorities	Actual
Federal Judicial Affairs					
Judges Contributions to Pension Fund	8.8	10.3	10.6	10.3	10.3
Total Non-respondable Revenues	8.8	10.3	10.6	10.3	10.3

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

Table 6: Statutory Payments

(\$ millions)

Business Lines	Actual 1997-98	Actual 1998-99	1999-00		
			Planned Spending	Total Authorities	Actual
Federal Judicial Affairs					
Payments Pursuant to the <i>Judges Act</i>	214.4	243.4	251.3	248.6	248.6
Contributions to employee benefit plans	0.4	0.5	0.5	0.5	0.5
Total Statutory Payments	214.8	243.9	251.8	249.1	249.1

Table 7: Transfer Payments

(\$ millions)

Business Lines	Actual 1997-98	Actual 1998-99	1999-00		
			Planned Spending	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	0.2	0.1	0.1	0.1	0.1
Annuities under the <i>Judges Act</i>	42.2	45.1	51.2	49.6	49.6
Total Grants	42.4	45.2	51.3	49.7	49.7
CONTRIBUTIONS					
Total Contributions	-	-	-	-	-
Total Transfer Payments	42.4	45.2	51.3	49.7	49.7

Section V: 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, 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. The legislation for the consolidation of the Federal Court of Canada and the Tax Court of Canada was tabled in June 2000. Once this legislation is proclaimed, the involvement of this Office with the Courts will be reduced dramatically.

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 a Judicial Communication Network for the use of the members of the federal judiciary was developed. The Canadian Judicial Council approved by resolution that we, along with the National Judicial Institute train all federally appointed judges on JAIN as well as any other computer training necessary for the judges.

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. Each of these must be reviewed and many require extensive analysis by specialists to determine if the complaint has merit. The resources required to support such a comprehensive process has been increasing in recent years.

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. At the insistence of the Provincial Police, 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. A number of recommendations were put forth, and in accordance with the *Judges Act*, the Minister of Justice is required to respond to matters raised. This Office is responsible for implementing those recommendations which are accepted by the Minister.

4. Strategic Priorities

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

- innovation and technology;
- independence and efficiency;
- training and education.

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

5.1 Business Line/Activity Structure

The Objective 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, namely 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 with an up to date list of approved candidates for appointment to the judiciary as well as 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 VI: Other Information

A. Contacts for Further Information

Office of the Commissioner for Federal Judicial Affairs
99 Metcalfe Street, 8th Floor
Ottawa, Ontario K1A 1E3
Telephone: (613) 992-9175 Facsimile: (613) 995-5615

World Wide Web: <http://www.fja.gc.ca>

Guy Y. Goulard - Commissioner for Federal Judicial Affairs
Phone: (613) 992-9175 Email: ggoulard@fja.gc.ca

Denis Guay - Deputy Commissioner
Phone: (613) 995-7438 Email: dguay@fja.gc.ca

André Gareau - Director General, Policy and Corporate Services
Phone: (613) 992-2930 Email: agareau@fja.gc.ca

B. 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

C. 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.) November 1998

Judges Act (Removal allowance) February 1991
Order(C.R.C., c.984)