

# Office of the Commissioner for Federal Judicial Affairs

1999-00  
Estimates

A Report on Plans and Priorities

Approved

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Minister of Justice and  
Attorney General of Canada

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## **Section I:**

### **A. The Message**

The Office of the Commissioner for Federal Judicial Affairs was created in 1978 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 a sound support role to the federal judiciary.

It administers three distinct and separate components that are funded from three very distinct sources. Statutory funding is allocated for the judges' salaries, allowances and annuities and surviving beneficiaries' benefits. 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 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*.

These service lines strive to meet our priorities of: the protection of the administrative independence of the judiciary; the achievement of greater efficiencies in the conduct of judicial business through the maximum exploitation of technology; the Commissioner's statutory obligation to properly support judicial activities; and the provision of central administrative services to the judges.

Success in fulfilling these priorities is determined through measurement strategies which assess the level of achievement of key results.

Guy Y. Goulard

**B. Management Representation Statement**

***MANAGEMENT REPRESENTATION  
Report on Plans and Priorities 1999-2000***

I submit, for tabling in Parliament, the 1999-2000 Report on Plans and Priorities (RPP) for the Office of the Commissioner for Federal Judicial Affairs

To the best of my knowledge the information:

- Accurately portrays the department's mandate, plans, priorities, strategies and expected key results of the organization.
- Is consistent with the disclosure principles contained in the *Guidelines for Preparing a Report on Plans and Priorities*.
- Is comprehensive and accurate.
- Is based on sound underlying departmental information and management systems.

I am satisfied as to the quality assurance processes and procedures used for the RPP's production.

The planning and reporting structure on which this document is based has been approved by Treasury Board Ministers and is the basis for accountability for the results achieved with the resources and authorities provided.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

## **Section II: Departmental Overview**

The Program is headed by the Commissioner for Federal Judicial Affairs who is assisted by a Deputy Commissioner, responsible for financial, personnel, administrative matters, language training, and the Judicial Appointments Secretariat which administers the fifteen Advisory Committees on Judicial Appointments; by an Executive Editor responsible for editing *Federal Court Reports*, and by the Executive Director of the Canadian Judicial Council.

### **A. Mandate, Roles, and Responsibilities**

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 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.

### **B. Objective**

- 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.

### **C. Operating Environment**

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 Auditor General's "Report on the Federal Court of Canada and the Tax Court of Canada" was tabled in 1997. The Minister of Justice has recently announced proposed structural reforms for the Federal Court of Canada and the Tax Court of Canada. The proposals include the consolidation of the current administrative services of the two courts into a single Courts Administration Service; the creation of a separate Federal Court of Appeal; and an increase in the status of the Tax Court of Canada to that of a superior court. The extent of these proposed changes on this Office have still to be determined.

There is an increase in the demand for research and development in the use of emerging

technologies in the courtroom and in the administration of Justice. We have developed a Web Site which features, amongst other things, the Federal Court Reports and the raw decisions of the of the Federal Court. Over the past few years we have developed a Judicial Communication Network (JAIN) for the use of the members of the federal judiciary.

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 the complaints being lodged against members of the judiciary have increased. Each of these complaints must be reviewed and many require extensive analysis by specialists to determine if there is any merit to the complaint. The resources required to support such a comprehensive process have been increasing in recent years.

Federally appointed judges are becoming ever more concerned for their personal security. We have recently received a number of requests from judges for special security measures. At the insistence of the Provincial Police, judges and their families are required to make a number of changes in their personal lifestyle as well as to take other physical measures to protect themselves. The issue of security for judges, although it has not been a major issue in the past, is becoming more prevalent.

Bill C-37 which was proclaimed into law in November 1998 has resulted in a number of major changes in the administration of the *Judges Act*. One major change is the process of the Quadrennial Review of judges salaries and benefits and the need for the Minister of Justice to respond to the matters raised. This Office is responsible for implementing those recommendations accepted by the Minister.

## D. Financial Spending Plan

(\$ millions)	Forecast Spending 1998-99*	<b>Planned Spending 1999-00</b>	Planned Spending 2000-01	Planned Spending 2001-02
<b>Gross Program Spending:</b>				
Federal Judicial Affairs	248.5	<b>262.1</b>	263.5	265.9
<i>Less:</i> Revenue Credited to the Vote	.2	<b>.3</b>	.3	.3
<b>Net Program Spending</b>	<b>248.3</b>	<b>261.8</b>	263.2	265.6
<i>Less:</i> Revenue Credited to the Consolidated Revenue Fund				
<i>Plus:</i> Non Budgetary				
<i>Plus:</i> Cost of Services Provided by other Departments	.5	<b>.5</b>	.5	.5
<b>Net Cost of the Department</b>	<b>248.8</b>	<b>262.3</b>	263.7	266.1

\* Reflects changes included in the In-Year Update

### Section III: Plans, Priorities, Strategies and Expected Results

#### A. Summary of Priorities and Expected Results

<b>Office of the Commissioner for Federal Judicial Affairs</b>	
<b>(PLAN) to provide Canadians with:</b>	<b>(STRATEGIES) to be demonstrated by:</b>
<p>An administration that will assure 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>	<ul style="list-style-type: none"> <li>• continually reviewing current procedures</li> <li>• promoting the training and education of judges</li> <li>• the assessment and implementation of centralized common services</li> <li>• exploring alternative methods of course delivery for judges' language training</li> <li>• endeavouring to become the central focus for coordinating and promoting cooperative ventures</li> <li>• maximizing the exploitation of technology</li> </ul>



## B. Program and Business Line Plans

### 1. Business Line/Activity Structure

The Office of the Commissioner for Federal Judicial Affairs has one Business Line, Federal Judicial Affairs.

#### Planned Spending

	Forecast Spending 1998-99	Planned Spending 1999-00	Planned Spending 2000-01	Planned Spending 2001-02
(\$ thousands)				
Gross Expenditures	248,541	262,071	263,501	265,846
Less: Revenue Credited to the Vote	190	275	275	275
	248,351	261,796	263,226	265,571
Less: Revenue Credited to the Consolidated Revenue Fund				
Total Revenue	190	275	275	275
<b>Total Net Expenditures</b>	248,351	261,796	263,226	265,571

#### Objective

The Objective of the Federal Judicial Affairs business line 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.

#### External Factors Influencing the Business Line

The principal factors which influence the nature and scope of the Administration of the Federal Judicial Affairs Program are the number and nature of cases heard by the Federal Court of Canada, the demand for judicial services in both official languages and the number of candidates applying for judicial appointment. In addition, changes to the *Judges Act* as well as the number of active judges and pensioners will tend to affect the administrative workload associated with the provision of services. Progress in technology such as video conferencing, automation of the judges' workbench and of the legal community places a great deal of pressure on the judges to keep up. This program is very much involved in the steps pertaining to the designing and the management of such initiatives for judges.

## Key Plans and Strategies

- 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. Also, the provision of administrative services on a cost recovery basis will be offered to other departments and agencies;
- explore alternative methods of course delivery for judges' language training such as conducting sessions that include training on weekends which will shorten course duration and reduce costs. Follow-up testing may also be developed and implemented to assess language performance levels and requirements for additional language training. Distance and multi-media training possibilities will also be considered;
- endeavour to become the central focus for coordinating and promoting cooperative ventures between the Canadian judiciary and the judiciaries of other countries. We currently have projects with Caribbean countries as well as with the Government of Ukraine to provide training and institution building services to their organization; and
- maximize the exploitation of technology so as to provide the judiciary with the best available tools to fulfill their judicial functions. Central to this strategy is the commitment of the Office of the Commissioner for Federal Judicial Affairs to continue to enhance and expand the Judicial Affairs Information Network (JAIN) that links federally appointed judges through a dedicated network, in order to facilitate and encourage the exchange and dissemination of judicial information. This strategy will take full advantage of existing information networks and help meet the Office's commitment and duty to inform in innovative, less costly ways. Our Office will be presenting JAIN to the National Centre for State Courts' 6<sup>th</sup> Court Technology Conference which will be held in September 1999 in Los Angeles, California. This presentation will provide an opportunity to present JAIN outside Canada. Also of major importance is playing a supportive role by encouraging the development of video conferencing technologies for judges. Savings in travel and other costs could be substantial once this technology is developed and implemented. Video conferencing initiatives will proceed subject to the successful identification of funding sources.

## Expected Results

- the promotion of training and education of judges will result in judges being more aware of current issues as well as being able to take advantage of the tools that are, and will be, at their disposal to assist them in fulfilling their judicial obligations;
- the strategy of having arrangements with other small agencies to provide them with corporate services allows us to make better use of the resources and expertise we have within our organization and results in lower costs to the government since these Agencies are not required to maintain their own staff to provide these services. We are able to enhance our organization through these additional duties and responsibilities and at the same time fill a void that exists within the government. We will be approaching other similar small agencies to determine if they could make use of these services;
- we will be assessing the various new techniques for learning such as distance learning and making use of multi-media packages which may result in lower overall costs for the training of judges;
- by becoming the central focus for coordinating and promoting cooperative ventures between the Canadian judiciary and judiciaries from other countries, we will ensure that the expertise of the Canadian judiciary is best utilized in assisting these countries. All programs which will be undertaken will be in conjunction with CIDA, and funding will be provided by other departments or agencies; and
- by maximizing the exploitation of technology, we will be ensuring, through such initiatives as the Judicial Affairs Information Network, that lines of communication between members of the federal judiciary are available. The net result of this initiative, although difficult to quantify, should be a lower cost to the public for the provision of judicial services. Our participation in the National Centre for State Courts' 6<sup>th</sup> Court Technology Conference should generate increased demand for participation in the Judicial Affairs Information Network from not only federally appointed judges but, on a cost recovery basis, from provincial judges, court administrators as well as at an international level. The revenue generated from the diversification of these services will lead JAIN to continue to grow at no additional cost to the federal treasury. Of major importance is the development of video conferencing technologies in the courtroom. Savings in travel and other costs could be substantial once this technology is developed.

## **Section IV: Supplementary Information**

Table 1: Spending Authorities (*Extract from the Ministry Summary Table in Part II of the Estimates and Reconciliation to Program Expenditure Detail document*)

### **Personnel Information**

Table 2: Organization Structure and Display of Planned Spending by Program and Business Line

Table 2.1: Planned Full Time Equivalents (FTEs) by Program and Business Line

### **Additional Financial Information**

Table 3: Summary of Standard Objects of Expenditure

Table 4: Program Resources by Program and Business Line for Estimates Year

Table 5: Transfer Payments by Program and Business Line

Table 6: Revenue by Program

Table 7: Net Cost of Program for 1999-00

### **Other Information**

Table 8: Listing of Statutes and Regulations

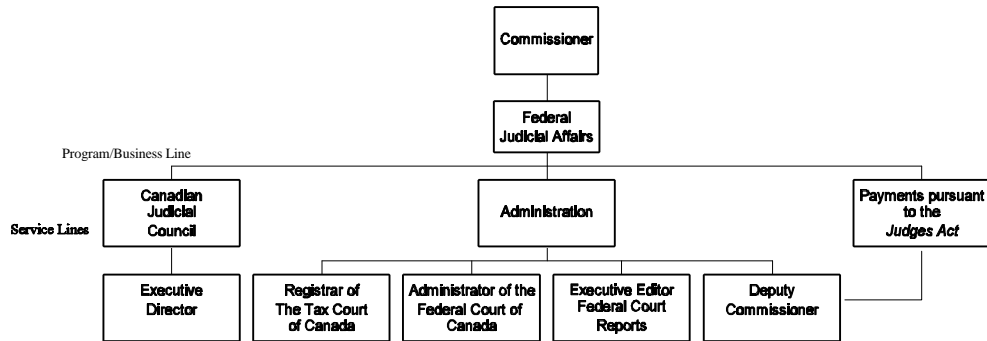
Table 9: References

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**Table 1: Spending Authorities - Ministry Summary Part II of the Estimates**

Vote	(thousands of dollars)	1999-00 Main Estimates	1998-99 Main Estimates
<b>Commissioner for Federal Judicial Affairs</b>			
20	Operating expenditures	4,934	3,855
25	Canadian Judicial Council - Operating Expenditures	649	499
(S)	Payments pursuant to the <i>Judges Act</i>	251,338	226,592
(S)	Contributions to employee benefit plans	475	479
<b>Total Department</b>		<b>257,396</b>	<b>231,425</b>

**Table 2: Organization Structure**



**Responsibility for Planned Spending by Program and Business Line for 1999-00**

(\$ millions)	<b>Accountability</b>			<b>Total</b>
	Deputy Commissioner	Executive Editor Federal Court Reports	Executive Director Canadian Judicial Council	
<b>Business Line</b>				
Federal Judicial Affairs	260.3	.8	.7	<b>261.8</b>
<b>Total Planned Spending</b>	<b>260.3</b>	<b>.8</b>	<b>.7</b>	<b>261.8</b>

**Table 2.1: Planned Full Time Equivalents (FTEs) by Program and Business Line**

	Forecast 1998-99	<b>Planned 1999-00</b>	Planned 2000-01	Planned 2001-02
Federal Judicial Affairs	45	<b>45</b>	45	45

**Table 3: Departmental Summary of Standard Objects of Expenditure**

(\$ millions)	<b>Forecast Spending 1998-99</b>	<b>Planned Spending 1999-00</b>	Planned Spending 2000-01	Planned Spending 2001-02
<b>Personnel</b>				
Salaries and wages	183.8	<b>191.4</b>	192.6	194.4
Contributions to employee benefit plans	.5	<b>.5</b>	.5	.5
	<u>184.3</u>	<u><b>191.9</b></u>	193.1	194.9
<b>Goods and services</b>				
Transportation and communications	13.6	<b>13.8</b>	13.8	13.8
Information	.1	<b>.1</b>	.1	.1
Professional and special services	1.8	<b>2.2</b>	1.3	1.3
Rentals	.1	<b>.1</b>	.1	.1
Purchased repair and maintenance	.1	<b>.1</b>		
Utilities, materials and supplies	.2	<b>.1</b>	.1	.1
Other subsidies and payments	2.5	<b>2.5</b>	2.5	2.5
Postal subsidy				
Minor capital	.1			
	<u>18.5</u>	<u><b>18.9</b></u>	17.9	17.9
Total operating	202.8	<b>210.8</b>	211.0	212.8
<b>Transfer payments (Statutory)</b>	45.7	<b>51.3</b>	52.5	53.1
<b>Gross budgetary expenditures</b>	248.5	<b>262.1</b>	263.5	265.9
<b>Less: Revenue Credited to the Vote</b>	.2	<b>.3</b>	.3	.3
<b>Net budgetary expenditures</b>	<u>248.3</u>	<u><b>261.8</b></u>	263.2	265.6
<b>Non-budgetary (LIAs)</b>				
<b>Total</b>	<u>248.3</u>	<u><b>261.8</b></u>	263.2	265.6

**Table 4: Program Resources by Program and Business Line for the Estimates Year**

	Budgetary					Non-budgetary Loans Investments and Advances	Gross Planned Spending	Less: Revenue Credited to the Vote	Net Planned Spending
	FTE	Operating	Capital	Grants and Contributions	Gross Voted				
Federal Judicial Affairs	45	6.4			6.4	255.7	262.1	.3	261.8

\*Does not include non-budgetary items or contributions to employee benefit plans and Minister's allowances that are allocated to operating expenditures.

**Table 5: Details of Transfer Payments by Program and Business Line**

	Forecast Spending 1998-99	Planned Spending 1999-00	Planned Spending 2000-01	Planned Spending 2001-02
<b>Federal Judicial Affairs</b>				
<b>GRANTS</b>				
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	110,000	<b>146,000</b>	146,000	146,000
Annuities under the <i>Judges Act</i>	45,586,000	<b>51,154,000</b>	52,094,000	52,954,000
<b>Total Grants</b>	45,696,000	<b>51,300,000</b>	52,240,000	53,100,000
<b>CONTRIBUTIONS</b>				
<b>Total Contributions</b>	0	<b>0</b>	0	0
<b>Total</b>	45,696,000	<b>51,300,000</b>	52,240,000	53,100,000



**Table 6: Details of Revenue by Program**

<b>Revenue Credited to the Vote</b>	<b>Forecast</b>	<b>Planned</b>	Planned	Planned
(\$ millions)	Revenue	Revenue	Revenue	Revenue
	1998-99	1999-00	2000-01	2001-02
<b>Federal Judicial Affairs</b>				
Office of the Umpire and Competition Tribunal Service Fees	0.1	<b>0.1</b>	0.1	0.1
Canadian Human Rights Tribunal Service Fees	0.1	<b>0.1</b>	0.1	0.1
Administrative Arrangement with Canadian International Development Agency	0	<b>0.1</b>	0.1	0.1
<b>Total Credited to the Vote</b>	0.2	<b>0.3</b>	0.3	0.3
<b>Revenue Credited to the Consolidated Revenue Fund (CRF)</b>				
(\$ millions)	Forecast	<b>Planned</b>	Planned	Planned
	Revenue	Revenue	Revenue	Revenue
	1998-99	<b>1999-00</b>	2000-01	2001-02
<b>Federal Judicial Affairs</b>				
Judges' Contributions to Pension Fund	10.2	<b>10.6</b>	10.7	10.8
<b>Total Revenues</b>	10.2	<b>10.6</b>	10.7	10.8

**Table 7: Net Cost of Program for 1999-00**

(\$ millions)	Federal Judicial Affairs
Gross Planned Spending	262.1
Plus:	
<i>Services Received without Charge</i>	
Accommodation provided by Public Works and Government Services Canada (PWGSC)	.4
Contributions covering employees' share of insurance premiums and costs paid by TBS	.1
Employee compensation payments provided by Human Resources Canada	0
Salary and associated costs of legal services provided by Justice Canada	0
	.5
Total Cost of Program	262.6
Less:	
Revenue Credited to the Vote	.3
Revenue Credited to the CRF	.3
	.3
Net Cost of Program	262.3
1998-99 Estimated Net Program Cost	248.8

**Table 8: Listing of Statutes and Regulations****Statutes and Regulations Currently in Force**

<i>Judges Act(R.S.,c.J-1,s.1.)</i>	November 1998
<i>Judges Act (Removal Allowance) Order(C.R.C., c.984)</i>	February 1991

**Table 9: References**

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**Listing of Statutory and Departmental Reports**

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Canadian Judicial Council Annual Report  
Computer News for Judges  
Federal Court Reports  
Federal Judicial Appointments Process-November 1996  
Report and Recommendations of the 1995 Commission of Judges' Salaries and Benefits

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