



**ESTIMATES**

# **Office of the Commissioner for Federal Judicial Affairs**

**2001-2002  
Estimates**

Part III – Report on Plans and Priorities

**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, which are tabled in the House of Commons by the President of the Treasury Board, consist of three parts:

**Part I – The Government Expenditure Plan** provides an overview of federal spending and summarizes both the relationship of the key elements of the Main Estimates to the Expenditure Plan (as set out in the Budget).

**Part II – The Main Estimates** directly support the *Appropriation Act*. The Main Estimates identify the spending authorities (votes) and amounts to be included in subsequent appropriation bills. Parliament will be asked to approve these votes to enable the government to proceed with its spending plans. Parts I and II of the Estimates are tabled concurrently on or before 1 March.

**Part III – Departmental Expenditure Plans** which is divided into two components:

- (1) **Reports on Plans and Priorities (RPPs)** are individual expenditure plans for each department and agency (excluding Crown corporations). These reports provide increased levels of detail on a business line basis and contain information on objectives, initiatives and planned results, including links to related resource requirements over a three-year period. The RPPs also provide details on human resource requirements, major capital projects, grants and contributions, and net program costs. They are tabled in Parliament by the President of the Treasury Board on behalf of the ministers who preside over the departments and agencies identified in Schedules I, I.1 and II of the *Financial Administration Act*. These documents are to be tabled on or before 31 March and referred to committees, which then report back to the House of Commons pursuant to Standing Order 81(4).
- (2) **Departmental Performance Reports (DPRs)** are individual department and agency accounts of accomplishments achieved against planned performance expectations as set out in respective RPPs. These Performance Reports, which cover the most recently completed fiscal year, are tabled in Parliament in the fall by the President of the Treasury Board on behalf of the ministers who preside over the departments and agencies identified in Schedules I, I.1 and II of the *Financial Administration Act*.

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 public funds.

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# Office of the Commissioner for Federal Judicial Affairs

2001-2002  
Estimates

Part III - Report on Plans and Priorities

Approved

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Minister of Justice and  
Attorney General of Canada

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## **Section I: Messages**

### **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.

Denis Guay

## Management Representation Statement

### *MANAGEMENT REPRESENTATION Report on Plans and Priorities 2001-2002*

I submit, for tabling in Parliament, the 2001-2002 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 planned 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 Accountability Structure (PRAS) 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

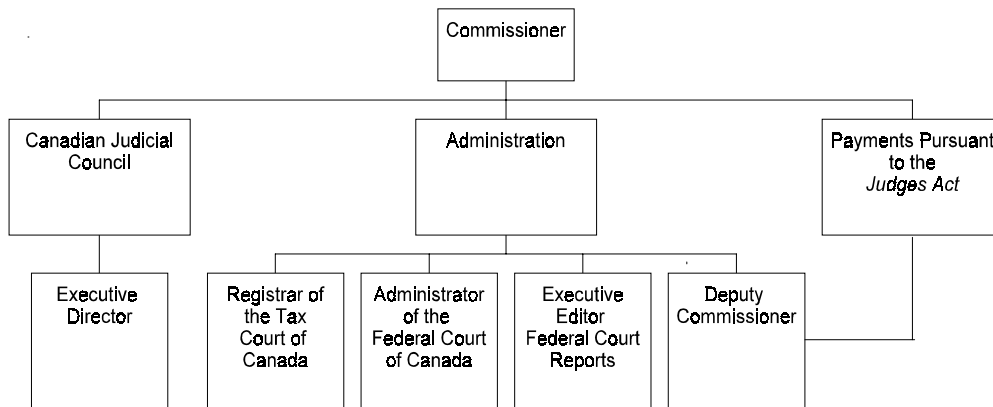
## Section II: Departmental Overview

### 2.1 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, 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.

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 sixteen 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.

#### Organization Chart



## **2.2 Departmental/Program 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.

## **2.3 Planning Context**

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 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 Federal Court. We have developed a Judicial Communication Network (JAIN) for the use of the members of the federal judiciary and have developed a training program for the judges on the use of this Network.

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 a complaint has merit. 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 continue to receive requests from judges for special security measures. At the insistence of the Provincial Police, some judges and their families are required to make a number of changes to their personal lifestyle as well as to take 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.

In accordance with Bill C-37, which was proclaimed into law in November 1998, in September of 1999 the Judicial Compensation and Benefits Commission was appointed by the Minister of Justice. This Commission issued its report during the 2000-2001 fiscal year. One of the major changes is the requirement for the Minister of Justice to respond to the matters raised in the Commission's report. The Minister has tabled a response and will be drafting the required legislative changes necessary to implement this response. This Office will be responsible for implementing the changes necessary as a result of the legislated changes when they are proclaimed.

A four year agreement with the Canadian International Development Agency (CIDA) was recently signed for our Office to work with the Federal Supreme Court, the Federal First



Instance Court, the Federal High Court and the Regional Courts of Ethiopia. The project goal is to contribute to the stability, security and sustained development of Ethiopia by promoting practices that will help achieve and sustain the rule of law. The project also aims to reduce the administrative inefficiencies and delays of Ethiopian courts by strengthening the management and administrative capacity of the courts through the introduction of new practices, procedures and technologies.

In accordance with federal government initiatives, the implementation of the Financial Implementation Strategy (FIS) will have an impact on the operation of the department. There is a need to upgrade the existing departmental systems to ensure compliance to the FIS initiatives as well as to take advantage of the benefits which will be available. The amount and source of the resources required to make the necessary changes will have to be confirmed.

## 2.4 Departmental Planned Spending

| (\$ millions)                                  | Forecast Spending<br>2000-2001* | <b>Planned Spending<br/>2001-2002</b> | Planned Spending<br>2002-2003 | Planned Spending<br>2003-2004 |
|--|---------------------------------|---------------------------------------|-------------------------------|-------------------------------|
| Budgetary Main Estimates                       | 264.8                           | <b>273.5</b>                          | 281.6                         | 290.0                         |
| Non-Budgetary Main Estimates                   | -                               | -                                     | -                             | -                             |
| Less: Respendable revenue                      | .3                              | <b>.3</b>                             | .3                            | .3                            |
| <b>Total Main Estimates</b>                    | 264.5                           | <b>273.2</b>                          | 281.3                         | 289.7                         |
| Adjustments **                                 | 1.7                             | <b>36.9</b>                           | 44.3                          | 55.8                          |
| Net Planned Spending                           | 266.2                           | <b>310.1</b>                          | 325.6                         | 345.5                         |
| Less: Non-respendable revenue                  | 10.9                            | <b>11.4</b>                           | 11.7                          | 12.1                          |
| Plus: Cost of services received without charge | 1.0                             | <b>.9</b>                             | .9                            | .9                            |
| <b>Net Cost of Program</b>                     | 256.3                           | <b>299.6</b>                          | 314.8                         | 334.3                         |
| <b>Full Time Equivalents</b>                   | 45                              | <b>45</b>                             | 45                            | 45                            |

\* Reflects the best forecast of total planned spending to the end of the fiscal year.

\*\*Adjustments are to accommodate approvals obtained since the Main Estimates and are to include Budget initiatives, Supplementary Estimates etc.

## **Section III: Plans, Results, Activities and Resources**

### **3.1 Business Line 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.

#### **Business Line Description**

The Office of the Commissioner for Federal Judicial Affairs provides a range of services to the judiciary through the following service lines: Administration; the Canadian Judicial Council; and payments pursuant to the *Judges Act*.

- 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 providing support to the judiciary in the areas of finance, personnel, administration, training, editing and information management.
- Canadian Judicial Council - This service line provides for the administration of the Canadian Judicial Council as authorized by the *Judges Act*.
- Payments pursuant to the *Judges Act* - This service line provides for payment of salaries, allowances and annuities to judges and their survivors as authorized by the *Judges Act*.

## 3.2 Key Results Commitments, Planned Results , Related Activities and Resources

### Key Results Commitment

To provide Canadians with an administration that will assure that the federal judiciary has access to a full line of administrative support services as provided under the *Judges Act*.

### Planned 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 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;
- 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.
- The Judicial Counselling Program will provide assistance to those federally and provincially appointed judges who require help in dealing with personal problems. This will serve to minimize the amount of time lost by judges who would be absent from their judicial duties; and

- The Judicial Compensation and Benefits Commission issued its report and recommendations in fiscal year 2000-2001. This Office will be responsible for the implementation of the changes necessary as a result of the legislative changes enacted by Parliament in response to this report and recommendations.

### **Related Activities**

- to continually review procedures for processing payments to judges with the objective of reducing error rates and the processing time while handling an increased volume of claims. With the implementation of the Financial Information Strategy (FIS), the current procedures will be changed completely with a resulting reduction in the amount of time required to issue reimbursement payments to the judges;
- to 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. Central to this strategy is the development and delivery of the Judicial Affairs Information Network (JAIN) training sessions;
- to assess and implement centralized common services, where appropriate, to increase administrative excellence and efficiency and to reduce costs;
- to 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;
- to endeavour to become the central focus for coordinating and promoting cooperative ventures between the Canadian judiciary and the judiciaries of other countries, based on those initiatives identified by the Canadian International Development Agency (CIDA) and the Department of Foreign Affairs and International Trade (DFAIT); and
- to 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.

- The Judicial Counselling Program will provide federally and provincially appointed judges with readily accessible, confidential, short-term counselling and assistance in dealing with personal problems. This program is provided to all federally appointed judges and to provincially appointed judges on a cost recovery basis through a contract with Corporate Health Consultants.
- The Judicial Compensation and Benefits Commission will be available to look into matters referred to it from the Minister of Justice.

## Section IV: Financial Information

**Table 4.1: Summary of Transfer Payments**

| (\$ millions)  | Forecast<br>Spending<br>2000-2001 | <b>Planned<br/>Spending<br/>2001-2002</b> | Planned<br>Spending<br>2002-2003 | Planned<br>Spending<br>2003-2004 |
|--|-----------------------------------|---|----------------------------------|----------------------------------|
| <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 | 0.1                               | <b>0.1</b>                                | 0.1                              | 0.1                              |
| Annuities under the <i>Judges Act</i>  | 52.3                              | <b>55.5</b>                               | 57.7                             | 59.9                             |
| <b>Total Grants</b>  | 52.4                              | <b>55.6</b>                               | 57.8                             | 60                               |

### Objective

To administer statutory expenditures under Part I of the *Judges Act* with probity and prudence. The statutory expenditures include the Grants authorized pursuant to section 46.1 of the *Judges Act* and the annuities authorized pursuant to sections 42, 43, 44 and 47 of the *Judges Act*.

### Planned Results

The surviving spouse of a judge who dies while holding office receives the lump sum payment equal to one-sixth of the yearly salary of the judge at the time of death. All retired judges and their survivors who qualify for an annuity pursuant to the *Judges Act* receive the proper amounts as specified in the Act.

### Milestones

Lump sum payments are issued within a reasonable time frame, usually within one week, after receiving notification of the death of the judge. An actuarial study of the judges pension liability is conducted by the Office of the Superintendent of Financial Institutions

every four years in conjunction with the Judicial Compensation and Benefits Commission and, during this study a verification of the recipients and of the amounts of the pensions is completed. Any errors found as a result of this study are corrected.

**Table 4.2: Source of Respendable and Non-Respendable Revenue**

**Respendable Revenue**

| (\$ millions)   | Forecast<br>Revenue<br>2000-2001 | <b>Planned<br/>Revenue<br/>2001-2002</b> | Planned<br>Revenue<br>2002-2003 | Planned<br>Revenue<br>2003-2004 |
|---|----------------------------------|--|---------------------------------|---------------------------------|
| <b>Federal Judicial Affairs</b>   |                                  |  |                                 |                                 |
| Office of the Umpire and Competition<br>Tribunal Service Fees                   | 0.1                              | <b>0.1</b>                               | 0.1                             | 0.1                             |
| Canadian Human Rights Tribunal<br>Service Fees                                  | 0.1                              | <b>0.1</b>                               | 0.1                             | 0.1                             |
| Administrative Arrangement with<br>Canadian International Development<br>Agency | 0.1                              | <b>0.1</b>                               | 0.1                             | 0.1                             |
| <b>Total Respendable</b>  | <b>0.3</b>                       | <b>0.3</b>                               | <b>0.3</b>                      | <b>0.3</b>                      |

**Non-respendable Revenue**

| (\$ millions)   | Forecast<br>Revenue<br>2000-2001 | <b>Planned<br/>Revenue<br/>2001-2002</b> | Planned<br>Revenue<br>2002-2003 | Planned<br>Revenue<br>2003-2004 |
|---|----------------------------------|--|---------------------------------|---------------------------------|
| <b>Federal Judicial Affairs</b>                           |                                  |  |                                 |                                 |
| Judges' Contributions to Pension Fund                     | 10.9                             | <b>11.4</b>                              | 11.7                            | 12.1                            |
| <b>Total Non-Respendable Revenue</b>                      | <b>10.9</b>                      | <b>11.4</b>                              | <b>11.7</b>                     | <b>12.1</b>                     |
| <b>Total Respendable and Non-<br/>respendable Revenue</b> | <b>11.1</b>                      | <b>11.7</b>                              | <b>12.0</b>                     | <b>12.4</b>                     |



**Table 4.3: Net Cost of Program for 2001-2002**

| (\$ millions)  |       |
|--|-------|
| Net Planned Spending   | 310.1 |
| 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 expenditures paid by TBS | .5    |
| Worker's compensation coverage provided by Human Resources Canada                          | 0     |
| Salary and associated expenditures of legal services provided by Justice Canada            | 0     |
|  | <hr/> |
|  | .9    |
| Total Cost of Program  | 311.0 |
| Less:  |       |
| Non-Respendable Revenue  | 11.4  |
| 2001-2002 Net Cost of Program  | 299.6 |



## **Section V: Other Information**

### **Listing of Statutes and Regulations**

#### **Statutes and Regulations Currently in Force:**

*Judges Act*(R.S.,c.J-1,s.1.)

November 1998

*Judges Act (Removal Allowance) Order*(C.R.C., c.984)

February 1991

### **References**

#### **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 1999 Judicial Compensation and Benefits

Commission

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