

SERVING CANADIANS



DEPARTMENT OF  
JUSTICE CANADA

Report on  
Plans and Priorities

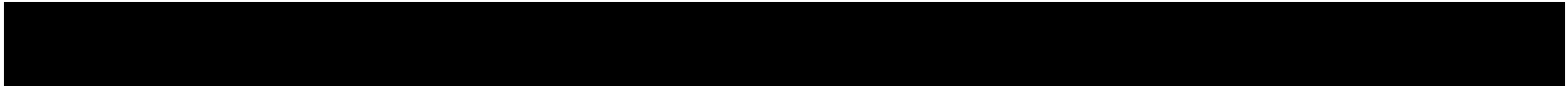
2006-2007



Department of Justice  
Canada

Ministère de la Justice  
Canada

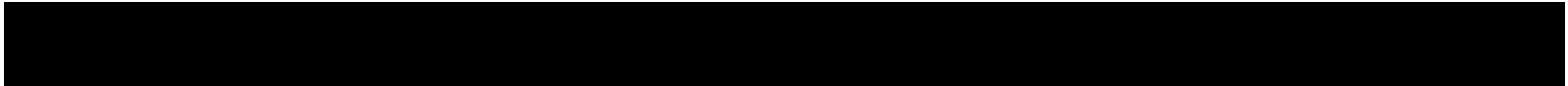
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# SECTION I—OVERVIEW

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## Message from the Minister of Justice

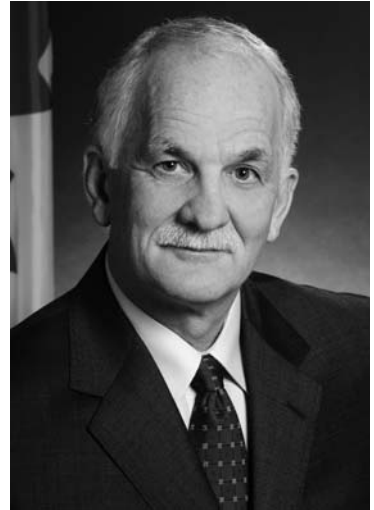
Canada's laws affect virtually every aspect of our political, social, and economic life. They are the bedrock of our proud tradition of safety and security, ensuring that all Canadians - particularly the most vulnerable members of society - can live in safe, healthy communities.

As Minister of Justice and Attorney General, I am responsible for ensuring that an accessible, efficient, and fair system of justice results in the safe streets and communities that have been defining characteristics of Canada. I consider it an honour and a privilege to have been entrusted with this duty, and I will act decisively to ensure that our justice system promotes safety and responds to the needs of Canadians. In this regard, I am deeply appreciative of the professionalism of the public servants of the Department of Justice, who work hard to help me fulfil these duties.

Strengthening the justice system to protect Canadian families and communities is one of the Government of Canada's five key priorities. For this fiscal year, the Department of Justice is focusing on an ambitious agenda that includes such issues as sentencing reform, victims of crime, youth criminal justice, street racing, the DNA Data Bank, raising the age of protection, and efforts to combat illegal guns, gangs and drugs—both in urban and rural areas.

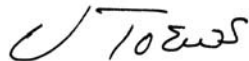
The Department will also play a significant role in improving government accountability, including reforms of our access to information laws. I am pleased to say that progress has already been made, as we have seen unprecedented openness and transparency in the process used to select the newest Supreme Court Justice.

In each of these areas, we will work closely with all levels of government, as well as with our justice stakeholders, community and business leaders, academics and other experts, and directly with the Canadian public. We will also look beyond our borders at best practices that have produced positive results in other countries.



Within the Department of Justice, we will continue to work on such pressing issues as a sustainable funding strategy for legal services, managing the volume of litigation, legal risk management, performance measurement, and developing the skills and knowledge of our workforce. In all of our work, we will emphasize fiscal responsibility and transparency.

I believe that focusing on these areas will help modernize and strengthen our justice system. I look forward to making significant progress on these justice issues as an important step toward fulfilling our government's priority of protecting Canada's families and communities.



Vic Toews  
Minister of Justice and Attorney General of Canada

## Message from the Deputy Minister

The Department of Justice works to ensure that Canada's justice system is as fair, accessible and efficient as possible so that, ultimately, Canada's families and communities are safer and better protected. The Department helps the federal government to develop policy and to draft and reform laws as needed so that priorities and key commitments are realized to the benefit of all Canadians. The priorities and agendas captured in this report reflect the Department of Justice's plans to support progress on the Government's agenda while providing legal services to all Government departments.

Beyond delivering on these extensive priorities, as Deputy Minister of Justice and Deputy Attorney General, I am committed to bringing increased discipline and rigour to our management policies and processes that support the Minister of Justice and Attorney General of Canada and more broadly that enable the Government of Canada to pursue its policy and program agenda. To this end, we have embarked on an ambitious change agenda to ensure that the Department focuses on improving its ability to manage for results and thereby support the Government of Canada's key commitment to make government more accountable.

To make concrete progress, we have been focused over the past two reporting periods on developing and implementing some of the base infrastructure necessary to pursue a performance management approach to our core business. While we still have work to do to further build this capacity, I am confident that, over the coming year, some of the fruits of these endeavours will begin to take shape. For example, we will be collecting and reporting on stakeholder feedback on the utility, timeliness and responsiveness of the full range of legal services that we provide to the Government of Canada. This key initiative will enable us to establish baselines against which we can monitor and assess our performance.

I expect that, as we pursue our efforts to roll out and refine such standardized tools as time-keeping and client feedback mechanisms, our capacity to report on results will continue to improve, and consequently there will be continual enhancements to the robustness of the performance information presented in our annual performance reports.

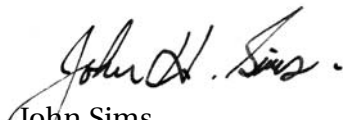
This report lays out the Department's priorities and commitments and I am committed to continuing our efforts to make more systemic the collection of information about our performance. For further detail on our corporate plans to improve our capacity to manage effectively, please see Section IV of this report.

## Management Representation Statement

I submit for tabling in Parliament, the 2006-2009 Report on Plans and Priorities (RPP) for the Department of Justice Canada.

This document has been prepared in accordance with the reporting principles contained in the *Guide to the preparation of Part III of the Estimates: Reports on Plans and Priorities*.

1. It adheres to the specific reporting requirements outlined in TBS guidelines in that:
  - it is based on the Department's approved accountability structure as reflected in its Management, Resources and Results Structure (MRRS); and
  - it presents consistent, comprehensive, balanced and accurate information;
2. It provides a basis of accountability for the results achieved with the resources and authorities entrusted to the Department; and
3. It reports finances based on planned expenditures approved by the Treasury Board Secretariat in the RPP.



John Sims  
Deputy Minister and Deputy Attorney General



## Summary Information

### Raison d'être

The justice system defines and prescribes the balance between collective and individual rights and responsibilities that ensure a well-ordered society. As such it affects almost every facet of Canadians' daily lives from guiding everyday activities that ensure our safety to supporting social policies and social benefits, regulating our economy, and offering ways to resolve disputes peacefully where there are disagreements or conflicts between people, organizations, and/or governments.

Maintaining a system that serves all Canadians is a central focus for the Department of Justice (DOJ), which strives to ensure that the system remains fair, accessible and efficient as it evolves in response to social change.

### Role of the Department

The Department of Justice is headed by the Minister of Justice and the Attorney General of Canada. The responsibilities of the Minister and the Attorney General are set out in the *Department of Justice Act* and 47 other Acts of Parliament. The Department of Justice fulfills three distinctive roles within the Government of Canada, acting as a:

- policy department with broad responsibilities for overseeing all matters relating to the administration of justice that fall within the federal domain;
- provider of a range of legal advisory, litigation and legislative services to government departments and agencies; and,
- central agency responsible for supporting the Minister in advising Cabinet on all legal matters including the constitutionality of government activities.

### Mission

The Department's mission is to:

- Support the Minister of Justice in working to ensure that Canada is a just and law-abiding society with an accessible, efficient and fair system of justice;
- Provide high-quality legal services and counsel to the government and to client departments and agencies; and
- Promote respect for rights and freedoms, the law and the Constitution.

## Benefits to Canadians

The Department of Justice plays an important role in supporting the Government's priority of protecting Canadian families and communities. Furthermore, the Department is a Federal Organization that supports all of the Government of Canada's priorities through its services to other departments and agencies.

### Departmental Planned Spending: Summary of Resources

#### Financial Resources (in millions of dollars)

2006-2007	2007-2008 <sup>1</sup>	2008-2009 <sup>1</sup>
1,005.7	728.3	711.6

#### Human Resources (in Full-time Equivalents or FTEs)

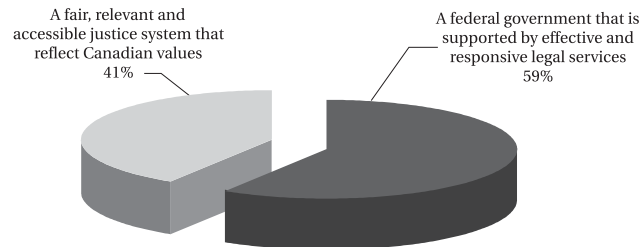
2006-2007	2007-2008	2008-2009
4,783	4,783	4,850

2006-2007 Planned Spending by Strategic Outcome and Supporting Program Activity (\$ million)	
<b>A fair, relevant and accessible justice system that reflects Canadian values</b>	
Developing Policies and Laws	31.1
Developing and Implementing Programs	382.2
Total—Strategic Outcome 1	413.3
<b>A federal government that is supported by effective and responsive legal services</b>	
Providing legal advisory, litigation and legislative services to government	508.6
Providing prosecution services	83.8
Total—Strategic Outcome 2	592.4
<b>Total</b>	<b>1,005.7</b>

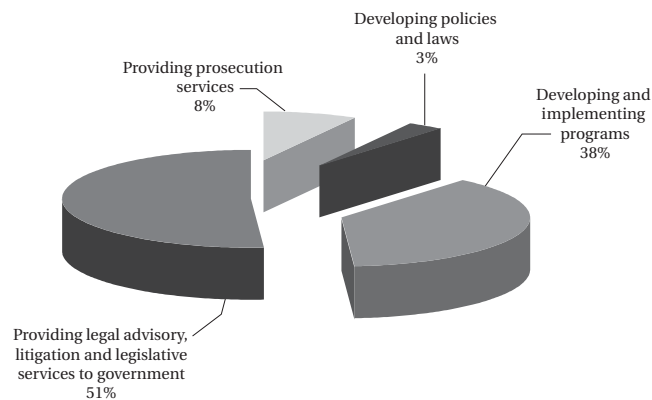
1. Please refer to note 4 in Table 1 for an explanation of the difference



## 2006-2007 Planned Spending by Strategic Outcome



## 2006-2007 Planned Spending by Program Activity



## Departmental Priorities

Program Activity – Expected Result		Planned Spending		
		2006-2007	2007-2008	2008-2009
<b>Priority A</b> Protecting Canadian communities	<b>S.O. I Program activity A.1: Developing policies and laws</b> <i>Expected results:</i> Policies and laws are developed in response to identified needs and gaps and are integrated with Government priorities and commitments			
	<b>S.O. II Program activity B.1: Providing legal advisory and litigation services to government</b> <i>Expected results:</i> High quality legal services and respect for the rule of law	\$ 42,299,582	\$ 41,329,785	\$ 41,329,785
	<b>S.O. II Program activity B.2: Providing prosecution services</b> <i>Expected results:</i> Effective pre-charge interventions/advice			
<b>Priority B</b> Improving government accountability	<b>S.O. I Program activity A.1: Developing policies and laws</b> <i>Expected results:</i> Policies and laws are developed in response to identified needs and gaps and are integrated with Government priorities and commitments	\$ 500,000	\$ 500,000	\$ 100,000
	<b>S. O. II Program activity B.1: Providing legal advisory, legislative and litigation services to government</b> <i>Expected results:</i> High quality legal services and respect for the rule of law			

Departmental Priorities (Continued)

Program Activity – Expected Result		Planned Spending		
		2006-2007	2007-2008	2008-2009
<b>Priority C</b> Strengthening youth criminal justice	<b>S.O.I Program activity A.1: Developing policies and laws</b>  <i>Expected results:</i> Policies and laws are developed in response to identified needs and gaps and are integrated with Government priorities and commitments			
	<b>S.O. I Program activity A.2: Developing and implementing programs</b>  <i>Expected results:</i> Programs are developed and implemented in response to identified needs and gaps and are integrated with Government priorities and commitments	\$ 192,252,835	\$ 192,803,335	\$ 192,803,335
<b>Priority D</b> Improving the experience of victims of crime	<b>S.O. I Program activity A.1: Developing policies and laws</b>  <i>Expected results:</i> Policies and laws are developed in response to identified needs and gaps and are integrated with Government priorities and commitments			
	<b>S.O. I Program activity A.2: Developing and implementing programs</b>  <i>Expected results:</i> Programs are developed and implemented in response to identified needs and gaps and are integrated with Government priorities and commitments	\$ 4,839,031	\$ 4,839,056	\$ 4,838,974
<b>Priority E</b> Improving efficiencies in the justice system and the efficient delivery of legal services to government	<b>S. O. I Program activity A.1: Developing policies and laws</b>  <i>Expected results:</i> Policies and laws are developed in response to identified needs and gaps and are integrated with Government priorities and commitments			
	<b>S.O. II Program activity B.1: Providing legal advisory and litigation services to government</b>  <i>Expected results:</i> High quality legal services and respect for the rule of law	\$ 562,766,939	\$ 337,746,212	\$ 342,545,728
	<b>S. O. II Program activity B.2: Providing prosecution services</b>  <i>Expected results:</i> Effective pre-charge interventions/advice			
<b>Priority F</b> Improving access to justice	<b>S.O. I Program activity A.1: Developing policies and laws</b>  <i>Expected results:</i> Policies and laws are developed in response to identified needs and gaps and are integrated with Government priorities and commitments			
	<b>S.O. I Program activity A.2: Developing and implementing programs</b>  <i>Expected results:</i> Programs are developed and implemented in response to identified needs and gaps and are integrated with Government priorities and commitments	\$ 164,356,845	\$ 108,760,764 <sup>1</sup>	\$ 86,749,363 <sup>2</sup>

1. Resources for Aboriginal Justice Strategy are not included in totals as the strategy is due to sunset on March 31, 2007  
 2. Resources for Family Justice and Aboriginal Justice Strategy are not included in totals as both strategies are due to sunset on March 31, 2007  
 3. Totals do not add up to 100% of Departmental spending as there are other activities managed by the Department such as the Family Violence Initiative as well as other management activities such as Business Planning, etc.. Details are found in Tables in Section III.

## Program Activity Architecture (PAA) Crosswalk from old PAA to new PAA for 2005-2006 Main Estimates\*

(\$ million)	Developing policies and laws (New)	Developing and implementing programs (New)	Providing legal advisory, litigation and legislative services to government (New)	Providing prosecution services (New)	Total
A.1 Developing policies and laws (Old)	19.6				19.6
A.2 Delivering Programs (Old)		338.7			338.7
A.3 Managing and coordinating the strategic policies/priorities function (Old)	10.2	3.4			13.6
B.1 Providing legal advisory and litigation services to government (Old)			452.8		452.8
B.2 Providing legislative services to government (Old)			20.6		20.6
B.3 Providing prosecution services (Old)				79.7	79.7
	<b>29.8</b>	<b>342.1</b>	<b>473.4</b>	<b>79.7</b>	<b>925</b>

\* Crosswalk represents changes made in 2005-2006 PAA therefore 2005-2006 forecasted spending is represented. Refer to Table 1 in Section III for further detail.

### Operating environment

The Department of Justice is a medium-sized department with about 5,000 employees. While roughly one half of departmental staff are lawyers, there are a number of other professionals in the Department including paralegals, social scientists, program managers, communications specialists, administrative services personnel, computer services professionals and financial officers. In addition to a national headquarters and a network of legal services units located in departments and agencies throughout the National Capital Region, the Department provides services across the country through a network of regional offices and sub-offices. About one half of all departmental staff are located in the regional offices and sub-offices.

The Department has two types of expenditures: operating expenditures and transfer payments. Approximately 65 percent of the Department's spending is for operating expenditures. The operating expenditures are predominantly devoted to staff and related costs (salary, training, office equipment, etc.). About 51 percent of operating expenditures is devoted to the delivery of integrated legal advisory, litigation and legislative services to client departments and agencies. A significant portion of the operating expenditures incurred in delivering legal services (about 44 percent) is recovered from client departments and agencies. This represents approximately 22 percent of the Department's total expenditures.

For the most part, the Department does not deliver programs and services directly to the Canadian public. Instead, it provides funding to assist the provinces and territories in delivering justice-related programs that fall within their areas of constitutional jurisdiction. In this context, transfer payments to provinces, territories and community-based organizations represent approximately 35 percent of the Department's total spending. Most of this funding (about 87 percent) is for two large contribution programs to support citizen access to provincial and territorial legal aid programs and to support youth justice services administered by the provinces and territories. Additionally, the Department provides a range of smaller grants and contributions to provinces, territories and community organizations to support the delivery or testing of new approaches to justice-related programs and services.

Services that are delivered directly to the Canadian public are as follows: processing of access requests filed under the *Access to Information Act*, the Family Orders and Agreements Enforcement Assistance services, Central Registry of Divorce Proceedings services, and the Garnishment, Attachment and Pension Diversion Registry service.

## Factors affecting operating context

*Globalization:* Terrorism, organized crime, cyber-crime, human trafficking and human rights violations are global issues. Similarly, international trade now has a much more complex legal dimension, while integration of the North American economy has many implications for both trade and national security, and all of them potentially involve the need for legal intervention. Justice Canada will continue to work with the international community and domestic partners to achieve common goals in this context.

*Federal-provincial-territorial (FPT) relations:* The effectiveness of the administration of justice depends on close cooperation with provinces and territories, both in policy development and in allocating the cost of providing services to Canadians – youth justice services, legal aid, public legal education and information, family justice, and other programs to improve or maintain access to the justice system.

*Increasing complexity of litigation:* An increased focus on crime, and the major increases in federal, provincial, and territorial policing resources, particularly those for the fight against organized crime, have combined to change the nature and increase the complexity of cases for prosecution. Rapid advances in science and technology demand parallel evolution in policy, law making, and litigation.

As well, civil litigation involving the federal government has increased markedly in scale and cost, in part because of Canadians' growing tendency to turn to the courts to claim individual and collective rights in the *Charter* era and development of class actions.

## Participatory justice: working with partners

We work with others in the justice system, including nongovernmental and community-based organizations to generate innovative, cost-effective ways of delivering services that improve access to the justice system and keep it relevant and responsive in a diverse society. Similarly, we work with federal departments and agencies in areas such as safety and security and Aboriginal justice to help achieve overarching Government of Canada strategic outcomes. At the same time, we are managing a fine balance between priorities and diverse responsibilities. Some of our key partners include:

- Canadian public, including non-governmental and community-based organizations;
- Parliamentarians;
- The judiciary, the bar and the research community;
- Approximately 50 federal departments and agencies (while the Department refers to federal departments and agencies as “clients” for ease of understanding, it is important to note that all work is done on behalf of the Crown, not a specific branch of the Government of Canada);
- Provinces and Territories with which the Department has shared jurisdiction over the legal system and to which funds are transferred for youth justice, legal aid and other programs; and
- Foreign governments and international organizations, directly and in conjunction with Foreign Affairs Canada.

## Department of Justice efforts aimed at improved reporting to Parliament

Recent reviews by the Office of the Auditor General and the Treasury Board Secretariat raised concerns about the Government of Canada’s performance management practices and capacity particularly in the areas of planning, measurement, and reporting. Many government agencies, including the Department of Justice, are working to improve their capacity to monitor and track performance and to report on outcomes and results.

In the 2004-2005 Departmental Performance Report (DPR), the Department initiated the practice of presenting a management assessment of our performance vis a vis our plans and priorities identified in the corresponding Report on Plans and Priorities (RPP). In addition, the rating was complemented by an assessment of the quality of the data used to support the management assessments of performance (i.e. “good”, “reasonable”, “needs improvement” or “unable to assess”).

This data quality assessment was provided by both internal and external technical experts. The Department is continuing with these practices in the next planning and reporting cycle. Thus, the results commitments listed in this report are made with the approval of the appropriate managers to ensure that the identified performance indicators are relevant, credible and valid, and that the internal capacity exists to collect the required data.

The Department approaches performance measurement from two interrelated perspectives<sup>4</sup>. First, there are those measures that are aimed at tracking performance of **activities and outputs** over which the Department has direct control and is directly accountable. Workload indicators such as files opened and closed, hours logged, etc., are examples of these types of measures.

The second level of measures relate to the **results** of our activities over which we exercise **influence**. That is to say that while we cannot control the results of the activities, we do have some level of influence over the extent to which the results can be achieved. However, there are other identifiable groups who also either have influence or control over those results. As a result, accountability for those results is shared. By way of illustration, two examples of this type of measure are the number of people receiving assistance from Provincial legal aid programs, and client feedback on the timeliness, utility and responsiveness of legal services provided by the Department of Justice.

In a similar vein, the Department monitors trends in measures relating to **broader societal trends** over which the Department may exert some level of **influence**. Examples of these types of performance measures could include the trends in crimes and the application of custodial versus non-custodial sentences, or outcomes of litigation including trends in the value of settlements and awards.

The Department is interested in measures related to both control and influence. Our interest in the first type of performance measures is aligned with our direct accountabilities, i.e. effective stewardship of Government resources. Our interest in the second type (i.e., results over which we have at best some level of shared accountability with others), revolves around our desire to identify areas where we may want to try to enhance the level of influence we can bring to bear through a variety of management actions, or alternatively, to identify areas where we are apparently unable to exercise influence and thus possibly rethink our continued involvement.

<sup>4</sup> Concepts of control and influence as reflected in this section were adapted from material developed by Principals at the Performance Management Network [http://soc.kuleuven.be/pol/io/egpa/qual/ljubljana/Valovirta%20Uusikila\\_paper.pdf](http://soc.kuleuven.be/pol/io/egpa/qual/ljubljana/Valovirta%20Uusikila_paper.pdf). For further reading on this subject, the reader is directed to the following sites: DISCUSSION PAPER: Addressing Attribution Through Contribution Analysis: Using Performance Measures Sensibly, John Mayne, Office of the Auditor General of Canada, 1999, <http://www.oag-bvg.gc.ca/domino/other.nsf/html/99menu5e.html#discussion>.



# SECTION II – ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

## Strategic Outcome I: A fair, relevant and accessible justice system that reflects Canadian Values

### Program Activities in support of the Strategic Outcome: A1 - Developing policies and laws

Financial Resources: (\$millions)<sup>4</sup>

2006-2007	2007-2008	2008-2009
\$31.1	\$31.4	\$25.1

### A2 - Developing and implementing programs

Financial Resources: (\$millions)

2006-2007	2007-2008	2008-2009
\$382.2	\$330.5	\$315.3

### Part A: Strategic overview:

The Government has stated its plan to support families, provide for safer communities and build a stronger country

As a first step the Government committed to introduce a new *Federal Accountability Act* (FAA) that would change the current oversight and management systems by strengthening the rules and institutions that ensure transparency and accountability to Canadians.

<sup>4</sup> The main reason for the reduction in planned spending in 2008-09 is the sunseting of the Child Centred Family Law Strategy.

Safe communities allow families and businesses to prosper, but Canada's safe streets and healthy communities are under threat of gun, gang and drug violence. In response, the Government will undertake changes to the *Criminal Code* to provide tougher sentences for violent and repeat offenders, particularly those involved in weapons-related crimes, and to crack down on crime by putting more police on the street, hiring additional federal prosecutors, and improving border security.

In relation to crime, the Government also emphasized the importance of preventing criminal behaviour before it has a chance to take root. To this end, the Government will work with the provinces and territories to help communities provide hope and opportunity for our youth, in an effort to end the cycle of violence that can lead to broken communities and broken lives.

Canadians rely on the justice system to provide an independent and impartial forum for resolving disputes. To serve Canadians in all our diversity, the system must be fair, relevant and accessible. The administration of justice is an area of shared jurisdiction with the provinces and territories. Within this structure, the federal government is responsible for developing policies and legislation to ensure a national legal framework. The provinces in turn are responsible for the day-to-day administration of justice. The Department works with others in the justice system to make sure it reflects our shared values by treating everyone equitably and respecting their rights.

In support of Strategic Outcome I, the department will focus on the following six priorities over the reporting period:

- A. Protecting Canadian communities;**
- B. Improving government accountability;**
- C. Strengthening youth criminal justice;**
- D. Improving the experience of victims of crime;**
- E. Improving efficiencies in the justice system and the efficient delivery of legal services to Government;**
- F. Improving access to justice**

These priorities will contribute to the achievement of the “fair, relevant and accessible justice system that reflects Canadian values” strategic outcome and support the Government in implementing its priorities related to improving government transparency and accountability and strengthening the justice system to protect Canadian families and communities.

The following section provides a more in depth view of the key law reform initiatives, programs and other activities for Canadians that support these priorities.

## **Part B: Analysis of key program/service activities in support of Priorities**

### **Priority A: Protecting Canadian communities**

The government has vowed to ensure that effective and appropriate justice is administered to criminals and to pursue necessary reforms to protect children from sexual exploitation. Tougher and more effective sentences for serious and repeat crime are a cornerstone of the government's justice priorities. Given its responsibilities with regard to the *Criminal Code*, the Department of Justice will be working to develop and propose legislation for mandatory minimum prison sentences for serious and repeat offences and for further restricting conditional sentences ("house arrest") for serious crimes.

In a bid to stop adults from sexually exploiting vulnerable young people, the Department of Justice will be working to establish a new "Age of Protection" that raises the age at which a young person may consent to engage in sexual activity from 14 to 16 years.

During 2006-2007, Canada's anti-terrorism legislation will be the subject of two important Parliamentary reviews – one by the House of Commons and one by the Senate. Upon completion of these reports, the Department of Justice will be working on follow-up to the House and Senate findings and recommendations, and a response will be tabled.

The department will also work with other federal departments to develop a national drug strategy. This work will include the preparation of proposals for more effective sentences for drug offences. In addition, we will pursue new legislation to permit the effective implementation of improved investigative techniques, such as the use of DNA.

### **Priority B: Improving government accountability**

The need for improved transparency and accountability in government and the commitment to introduce a new FAA have been central to the Government's priorities since it took office. Accordingly, the department will be working in support of this government initiative. Specifically, the department will develop amendments to the *Access to Information Act* – a key feature of which will be to seek an expansion of the coverage of the Act to a number of Officers or Agents of Parliament, Crown corporations, and foundations created under federal law.

The Department will also support the government's activities related to the creation of the Office of the Director of Public Prosecutions, which will be charged with conducting prosecutions under federal jurisdiction.

An element of accountability is the requirement that departments and government agencies deliver their services and programs in accordance with their obligations at law, including the obligation to respect human rights. The Public Law Policy Section will provide legal policy advice in the development of a policy to counter racial profiling, providing important guidance in this area of accountability.

### **Priority C: Strengthening youth criminal justice**

Departmental youth justice activities involve both policy and program work. The major focus of policy activities during the 2006-2007 reporting period will be the review of pre-trial detention law, policies and operations, and analyzing and developing options for legislative reform to strengthen the *Youth Criminal Justice Act*.

The Youth Justice Initiative (YJI) provides funding through two programs to help achieve its long-term goals of a fairer, more effective youth justice system.

Under the Youth Justice Services Program the federal government enters into financial agreements with the provinces and territories for the delivery of youth justice services. Since 1984, federal funding has been made available through specific contribution agreements with the jurisdictions. The main agreements with the provinces and territories under this program expired on March 31, 2006, and negotiations will be undertaken for new agreements. Separate agreements to provide for implementation of the new Intensive Rehabilitative Custody and Supervision sentencing option will be in effect until March 31, 2007, at which point they will have to be renegotiated. The emphasis for the coming year will be on the negotiation of new agreements with provinces and territories to sustain and/or improve the youth justice system.

Additional funding is provided through the Youth Justice Renewal Fund in the form of grants and contributions to provinces, territories, nongovernmental organizations (NGOs), Aboriginal organizations and youth justice stakeholders to respond to emerging issues, to achieve a fairer, more effective youth justice system and to enable greater citizen/community participation in the youth justice system. Activities for the 2006/07 reporting period are geared primarily towards programming options related to pre-trial detention, chronic offenders or youth “spinning out of control”, gang-involved youth and the overrepresentation of certain groups in the youth justice system.

### **Priority D: Improving the experience of victims of crime**

The Government’s priorities for 2006-2007 also include plans to give victims of crime an advocate within government. The Department will support the government in establishing a Victims’ Ombudsman and will develop new policies and programs to give victims a stronger voice in, and increased access to, the justice system. These new measures will complement existing activities within the Department, notably the Victims of Crime Initiative (VCI) (<http://www.justice.gc.ca/en/ps/voc/index.html>).

### **Priority E: Improving efficiencies in the justice system and the efficient delivery of legal services to Government**

To respond to provincial concerns about the growing remand population, the cumulative impact of the proposed criminal law reforms, and more generally, to concerns about the burden on the criminal justice system, the Department will develop initiatives to streamline and improve the administration of Justice. As well, the Steering Committee on Justice Efficiency – comprised of representatives from governments, judges and the private bar - will be looking at options for operational changes to the justice system in support of improving efficiency and effectiveness without compromising its fundamental values. Finally, the Federal/Provincial/Territorial Working Group on Criminal Procedure will look at options for improving bail provisions.

### **Priority F: Improving access to justice**

The Department undertakes a number of key activities in support of improving access to justice. The three key areas under this priority are legal aid, Aboriginal justice and family justice.

#### **Legal Aid:**

The provision of criminal legal aid is integral to the effective and appropriate functioning of Canada's criminal justice system. For more than 30 years, the Department of Justice has provided funding in support of criminal legal aid service delivery by the provinces and criminal and civil legal aid by the territories through contribution agreements. Funding for criminal and civil legal aid in the territories is provided through Access to Justice Services Agreements that integrate funding for legal aid, Aboriginal Courtwork, and public legal education and information services. In 2006-2007, the Department of Justice will pursue negotiations with the provinces and territories regarding future legal aid agreements in order to develop a long-term strategy.

Along with legal aid, there are a number of other programs within the Department that support this priority. Two of the key programs, Aboriginal Justice and Family Justice are described below.

**Aboriginal Justice:**

Aboriginal people continue to be overrepresented in the criminal justice system, both as victims and as accused. When Aboriginal people come into contact with the justice system as victims or accused, their needs – related to culture, economic positions and social circumstances – must be taken into account to make the system fairer, relevant and more effective for them.

One of the federal government's key responses to addressing these issues has been the Aboriginal Justice Strategy (AJS), which co-funds diversion, sentencing, and family and civil mediation projects in Aboriginal communities with provinces and territories. The AJS supports activities on- and off- reserve and in urban settings. The current mandate of the AJS will expire on March 31<sup>st</sup>, 2007. As a result, activities during the reporting period will focus on planning for a renewal of the Strategy.

The Department also has an Aboriginal Courtwork Program to facilitate and enhance access to justice by assisting Aboriginal people involved in the criminal justice system to obtain fair, just, equitable and culturally sensitive treatment. The Department contributes funding to support Aboriginal courtwork services in the provinces and territories through contribution agreements. They, in turn, contract with service delivery agencies to provide these services. The Aboriginal Courtwork Program is the only ongoing national justice contribution program available to all Aboriginal people, regardless of status and residency. In 2006-2007, the program will undergo a formative evaluation.

The Department also uses other grants and contributions to support other projects and activities that address needs and concerns specific to Aboriginal people, including their representation in the justice process. Areas of the Policy Sector that focus on these needs include Legal Aid, the Policy Centre for Victim Issues (PCVI), the Justice Family Violence Initiative and the Youth Justice Policy Unit.

**Family Justice:**

The main work in this area is achieved through the five-year Child-centred Family Justice Strategy which ends on March 31<sup>st</sup>, 2008. The main purpose of the Strategy is to help parents focus on the needs of their children following separation and divorce. At present, there are two main activities under the Strategy, which is managed by the Family, Children and Youth Section. The policy development activity is exploring different policy instruments for achieving the Strategy's objectives. The program development activity is achieved through development and implementation of the Child-centred Family Justice Fund, which is administered through a Transfer Payment Program. The primary recipients of funding are provinces, territories and nongovernmental organizations. The Judicial Affairs, Courts and Tribunal Policy section is responsible for the expansion of the Unified Family Courts component of the Strategy.

Amendments to the *Federal Child Support Guidelines*, including updated child support tables, will come into force on May 1, 2006. In keeping with objectives of the *Federal Child Support Guidelines*, Justice Canada will be negotiating agreements with the provinces of Manitoba, PEI, Newfoundland and Labrador and Quebec under section 25.1 of the *Divorce Act*. Once in place, the agreements will provide a mechanism by which a provincial child support service will recalculate child support amounts regularly on the basis of updated and current financial income information from the parents. This mechanism will be faster and less costly and will alleviate the need for parents to apply to court for a variation of child support amounts.

**How we will assess our performance for this Strategic Outcome I:**

The Department will be monitoring the state of the justice system by means of various sources such as studies carried out by Statistics Canada. For example, we will look at data on the levels of crime as well as incarceration rates. In terms of public confidence in the justice system, we will rely on proxy measures such as self-reported rates of victimization, and perceptions of the justice system as studied by Statistics Canada in the General Social Survey and other vehicles<sup>5</sup>. These measures and indicators, while not those over which the Department has direct influence, are still relevant in helping us assess the trends of the justice system. In terms of our performance in areas where we have more direct control, the measures listed below will be used to assess our performance.

<sup>5</sup> For further information and details about the Statistics Canada reports please refer to their website: <http://cansim2.statcan.ca/cgiwin/cnsmcgi.exe?Lang=E&ResultTemplate=Srch2&CORCmd=GetTList&CORId=2693>



**Program Activity A.1:** Developing policies and laws

**Expected Results:** Policies and laws are developed in response to identified needs and gaps and integrated with Government priorities and commitments

Priority	Measures of Success
A. Protecting Canadian Communities	<ul style="list-style-type: none"> <li>- Drafted and tabled legislation regarding mandatory minimum prison sentences for serious and repeat offences</li> <li>- Legislation tabled restricting conditional sentences (house arrest) for serious crimes.</li> <li>- Establishment of new “Age of Protection” to raise age of consent for engagement in sexual activity</li> <li>- Responses to House and Senate findings and recommendations in relation to the review of the <i>Anti-terrorism Act</i> developed.</li> <li>- Drafted and tabled new legislation regarding improved investigative techniques such as the use of DNA.</li> </ul>
B. Improving Government accountability	<ul style="list-style-type: none"> <li>- Drafted and tabled proposed reforms to the <i>Access to Information Act</i></li> <li>- Implemented structural and operational changes in support of creation of the Office of the Director Of Public Prosecutions</li> </ul>
C. Strengthening youth criminal justice	<ul style="list-style-type: none"> <li>- Options assessed for legislative reform of the <i>Youth Criminal Justice Act</i>.</li> </ul>
D. Improving the experience of victims of crime	<ul style="list-style-type: none"> <li>- Establishment of new Victims’ Ombudsman or Commissioner</li> <li>- Establishment of new policies to improve the experience of victims of crime</li> </ul>
E. Improving efficiencies in the justice system and the efficient delivery of legal services to Government	<ul style="list-style-type: none"> <li>- Options assessed to streamline and improve the administration of justice</li> </ul>
F. Improving access to justice	<ul style="list-style-type: none"> <li>- Coming into force of amended Child Support Guidelines</li> </ul>

**Program Activity A.2:** Developing and implementing programs

**Expected Results:** Programs are developed and implemented in response to identified needs and gaps and are integrated with Government priorities and commitments

Priority	Measures of Success
C. Strengthening youth criminal justice	- Negotiated agreements with Provinces and Territories for Youth Justice Services Program
D. Improving the experience of victims of crime	- Increased access to victim services for victims - Establishment of new programs to improve the experience of victims of crime
E. Improving access to justice	- New Legal Aid agreements negotiated with Provinces and Territories - Negotiated agreements with Provinces on mechanism for recalculation of child support amounts.

## Strategic Outcome II: A federal government that is supported by effective and responsive legal services

### Program Activities in support of the Strategic Outcome:

#### B 1. Providing legal advisory, litigation and legislative services to government

##### Financial Resources:

2006-2007	2007-2008 <sup>6</sup>	2008-2009 <sup>6</sup>
\$508.6	\$276.7	\$275.9

#### B 2. Providing prosecution services

##### Financial Resources:

2006-2007	2007-2008	2008-2009
\$83.8	\$89.7	\$95.3

### Part A : Strategic Overview:

Under the *Department of Justice Act*, the Minister of Justice and Attorney General provides legal services to the federal government and its departments and agencies, including the provision of legal advice, the conduct of litigation and prosecutions, the drafting of legislation and the preparation of legal documents.

The Department of Justice is a facilitator. Its legal services help the Government achieve its priorities and deliver results for Canadians. Serving departments and agencies creates a distinct context for planning, setting priorities and measuring performance.

<sup>6</sup> Please refer to footnote #3 in Table 1, Section III for an explanation of the difference.

We work with our clients to develop and advance their priorities, providing legal services that are responsive, timely and effective. Excellence in service delivery is critical, as there has been consistent growth in both the complexity and the demand for legal services. This factor, viewed as a challenge across government, is felt acutely both by the Department of Justice and by the departments and agencies it serves. Some of the drivers for this demand include the growth of class action proceedings against the Crown, the growth in organized crime, and the ongoing rapid development of aboriginal law.

In response, the Department's activities under this strategic outcome are focused on the following priorities:

- **Priority A: Protecting Canadian communities**
- **Priority B: Improving government accountability**
- **Priority E: Improving efficiencies in the justice system and the efficient delivery of legal services to Government**

In support of these priorities, the activities listed in Part B provide concrete examples of how we carry out our on-going work while ensuring that we have the capacity and flexibility to react to a changing environment and government agenda. For example, a large part of our advisory and legislative drafting work over the coming year will centre on supporting the government's key legislative initiatives such as reform of the access to information legislation, bail and sentencing reform, and youth justice reform.

### **How we are organized to support the work under this strategic outcome**

The Department's general policy is that legal work within our statutory mandate should be handled by departmental counsel. At times however, operational demands necessitate using private sector counsel, who are appointed as legal agents of the Attorney General of Canada, to carry out this mandate.<sup>7</sup>

A significant proportion of the Department's counsel are assigned to departmental legal services units (DLSUs), which are co-located with client departments and agencies and in six regions.

<sup>7</sup> To ensure clarity, consistency and control in the use of legal agents, the Department has a framework for determining what work can or should be outsourced and a protocol and supporting practices for selecting and appointing agents. Competence and integrity remain the primary considerations in the selection process, and selection is based on the premise that the Government of Canada is entitled to receive the highest quality of legal service and advice consistent with the reasonable demands of economy, efficiency and effectiveness. Decisions to outsource legal work are made in consultation with clients, who are responsible for costs incurred. Justice counsel are responsible for supervising and monitoring legal agent activities, reviewing the reasonableness of costs claimed for services rendered, and where appropriate recommending that payment be made.

The DLSUs are grouped under five portfolios, according to the type of legal practice involved: Aboriginal Affairs; Tax Law; Citizenship, Immigration and Public Safety (which serves the RCMP, CSIS, Correctional Services, National Parole Board and Canada Border Services Agency); Central Agencies (serving the Department of Finance, the Treasury Board and the Public Service Commission, among others); and Business and Regulatory Law (serving 23 government clients, ranging from Health Canada to the Competition Bureau), and the Justice Portfolio. Six regional offices—serving the North, British Columbia, the Prairies, Ontario, Quebec, and the Atlantic provinces—support the portfolio structure by serving clients and handling litigation locally. About half the Department's staff work in regional offices.

The portfolio and regional office structure enables the Department to concentrate its legal practice in strategic service delivery areas, forge effective relationships with clients, and gain a better understanding of clients' needs and priorities. At the same time, our pan-Canadian presence provides a national perspective and ensures consistency and responsiveness. By organizing this way, we gain a broad perspective on issues arising from litigation across the country and the implications of judicial decisions for the federal government.

Staff at regional offices, along with those at headquarters in Ottawa, are key components of the national network of Justice counsel who serve as the Government's law firm. This group of highly skilled professionals is responsible for effectively managing a large volume of litigation and advisory services on behalf of client departments. In addition, regional staff often work closely with their portfolio and policy colleagues to handle complex, high-profile cases.

Given the service-oriented and knowledge-intensive context of our work, the quality of our work force is crucial to achieving this strategic outcome. Our success in attracting and retaining a high-quality work force is evident in the professionalism, talent and diversity of our staff, who reflect Canada's dual legal and linguistic traditions.

Regional employees are rooted in their communities; their understanding of local issues and their specialized expertise informs their work and improves the responsiveness and effectiveness of the Department's legal services. All regional offices have a steady and significant caseload of federal prosecutions, although certain centres (e.g. Pearson Airport in Toronto for cocaine importation; Vancouver for marijuana grow operations) face particular challenges. In response to local issues, regional offices often partner with local organizations to deliver unique services, such as drug treatment courts across the country.

Several specialized branches complement the provision of legal services to clients:

a) **The Legislative Services Branch** drafts and provides related advisory services for Government legislation to establish the legislative framework for government policies and programs. Bills introduced in Parliament – and regulations made by the Governor in Council and delegates – must address the subject matter in both English and French and respect the *Canadian Charter of Rights and Freedoms* and the *Canadian Bill of Rights* along with other laws. As well, bills and regulations must reflect Canada's common law and civil law traditions where appropriate. The Branch is also responsible for the publication of federal laws, notably an electronic consolidation of Acts and regulations that is available on the internet.

b) **The Public Law Sector** is made up of a number of specialized legal advisory and policy sections. It comprises experts on human rights law, constitutional and administrative law, information law and privacy, aviation law, trade law, public international law, private international law, judicial affairs, and public law policy. The various sections combined are a core resource for the Department, offering highly specialized legal policy expertise and assisting the Department in fulfilling its central agency role as coordinator of legal advice across government.

The Public Law Sector also provides extensive support to the Government in the development of national and international policies, laws, and other instruments. This support includes policy development and legal advisory services on issues specific to the Justice portfolio as well as legal advisory services to client departments engaged in the development of legislation and policies across government.

In fulfilling these roles, the work of the Public Law Sector supports both of the Department's strategic outcomes.

c) **The Assistant Deputy Attorney General (ADAG) Civil Litigation**, has functional responsibility over civil litigation involving the Government of Canada in the common law provinces and territories. The ADAG heads the Civil Litigation Branch at Headquarters and chairs the National Litigation Committee. The National Litigation Committee monitors significant litigation which could have an important impact on the law or the Government's interests. Regional litigation committees feed into the National Committee and function as an integrated component.

The Office of Legal Risk Management (LRM) is part of the Civil Litigation Branch. This office provides the key point of contact on legal risk management (LRM), and the Special Counsel fulfils a challenge function in its dealings with Portfolios and Regions, ensuring that LRM is being effectively carried out with respect to contingency planning, legal risk response, etc.. LRM is one of the principal processes used by the Department to provide the highest-quality legal service to the Government of Canada and its institutions.

d) **The Official Languages Law Group** provides specialized legal advice on language rights to departments, agencies and other federal institutions.

e) **Dispute Resolution Services** supports departmental counsel and their government clients by providing services such as training, systems design advice, evaluation, policy development, and intervention in difficult disputes.

## **Part B – Analysis of key program/service activities in support of Priorities**

### **Priority A: Protecting Canadian Communities:**

Work in support of this priority is mainly carried out by the Federal Prosecution Service (FPS). A description of FPS's planned activities for the reporting period is found at the end of this section (p.31)

### **Priority B: Improving Government Accountability**

Throughout the planning period, the Legislative Services Branch will be very actively involved in supporting the Government as it proceeds with the legislative agenda to implement its key priorities. This work will include the drafting of new bills and regulations, amendments to existing Acts and regulations, the drafting of motions to amend government bills and private members' bills and the provision of ongoing advice on legislative and regulatory matters, including legal risk management.

The Public Law Sector will also be providing support to the Government's plan to reform access to information in the context of its larger *Federal Accountability Act* initiative and therefore will make an important contribution toward achieving Priority B.

### **Priority E: Improving Efficiencies in the Justice System and the Efficient Delivery of Legal Services to Government**

Legal advisory services help protect the integrity of the legal framework by upholding the laws that define our rights, keep us safe and regulate our economy. Providing legal advisory services to departments and agencies helps clients achieve *their* results for Canadians. Justice counsel in the DLSUs often participate in clients' most senior decision-making bodies, where they contribute to policy development and help anticipate and mitigate issues.

Ensuring the provision of high-quality legal services presents numerous challenges. We are, by definition, service providers and face continuous challenges in meeting the demand for our legal services. We must, however, manage this demand, in part by realigning and strengthening our internal operations to meet government's requirements, even as they evolve in response to public needs, domestic developments and world events.

Effective management requires us to re-evaluate the quality and efficiency of our services constantly and to apply legal risk management principles to protect the Crown's interests to the greatest degree possible. Together with our clients, we need to manage both the law and our legal practice proactively, thereby ensuring that the Government's interests are properly advanced and the rule of law is maintained.

The Government of Canada is involved in litigation on a broad range of issues that may have a profound impact on policies, programs and finances. The Government requires the best available legal advice to argue a case, anticipate possible outcomes, assess the potential impact of an adverse outcome, and develop options to reduce the chances of an adverse outcome or to mitigate its effects.

The goal of LRM is to develop a sustainable approach to managing legal risks and thereby protect the interests of the Crown and minimize overall costs. Legal risk management is making and carrying out decisions that reduce the frequency and severity of legal problems undermining the Government's ability to meet its objectives.

LRM applies to all government activities where legal risks may arise, from policy development to program implementation and service delivery, and, of course, to litigation. LRM includes:

- scanning for legal risks to identify, avoid, mitigate or manage them early on;
- exploring ways to reduce legal risks through effective instrument choice (i.e. choosing from among different tools for achieving particular ends such as using a policy, an incentive program, a regulation or legislation, etc.);
- exploring alternatives to litigation where disputes arise and managing litigation strategically and efficiently when it does occur;
- where legal risks arise in litigation, emphasizing strategic litigation decisions for managing the direct litigation risk and any related risks across government;
- contingency planning for high impact cases so that regardless of the outcome, the Government is prepared to take the next steps;
- outlining appropriate roles and responsibilities for those involved in litigation to ensure informed decision-making; and
- identifying, monitoring and being responsive to legal trends that may affect the Government.



### **How we will measure our performance in support of Strategic Outcome II: A federal government that is supported by effective and responsive legal services**

In terms of indicators and measures of success in these activities, there are a number of means to capture a snapshot of Department's effectiveness in providing legal services to the departments and agencies it serves. For many years, the Department of Justice has sought feedback from its client departments in order to ensure that their needs were being met with the provision of the highest quality services. However, only recently have we begun to establish a more coordinated and standardized process for soliciting this feedback. A key component of this is the *development of data collection tools* to gather the information needed to monitor and report on performance. As a first step in this process we have recently developed a standardized client feedback survey. Over the next fiscal year and on a cyclical basis thereafter, the Department intends to survey representatives from other federal departments and agencies as part of its overall planning and performance management agenda. By completing this survey, clients will provide the Department with valuable performance information to help ensure that we are delivering high quality legal services that meet departments' and agencies' needs and expectations and identify areas where we might need to make improvements or address gaps in services.

As well, the Department is working to ensure that it has the tools and the capacity to collect relevant and credible information in regards to how we are managing our resources, both human and financial in the support of the delivery of legal services. This means that we will be reporting with more data on elements such as: the use of alternative dispute resolution (ADR) mechanisms and the impacts of levels of risk on the resources used to address client requirements for legal services. Over time, we will be able to plot the trends in this data, but in the more immediate environment, we will be able to begin to establish baselines that will better enable us to determine when (or what) adjustments we may need to make in order to ensure that we are providing the best results for Canadians.

There are basically two elements of measures and indicators that support this strategic outcome. These are aimed at addressing the effective management of resources; and the degree to which we are effectively enabling government to attain its key priorities.

The figure on the next page shows the measures and indicators that will be used to assess performance in the delivery of integrated legal services over the reporting period.

**Program Activity B.1: Providing legal advisory, litigation and legislative services to government**

**Expected Results:** High quality legal services and respect for the rule of law

Key Results	Indicators	Measures	Data Collection
Effective management of resources	Workload	- Levels of effort devoted to: - Litigation Services - Legal Advisory services - Legislative services	Timekeeping/Case management systems
	Litigation Inventory	- Number of open/active files at fiscal year-end (Active Inventory) - Number of files closed during the year (Closed Inventory) - Age of inventory (at closing) - Trends in “backlog”	Timekeeping/Case management systems
	Legislative Services Inventory	- Number of Orders in Council Prepared - Number of Bills drafted - Number of Regulations published in Part I Canada Gazette - Number of Regulations published in Part II Canada Gazette	Timekeeping/Case management systems
	Managing Legal Risk	- Trends in risk profile for litigation inventory - Level of effort by risk level (shown as proportion of total effort devoted to litigation files for hi, med and low risk files)	Timekeeping/Case management systems
Representing the Crown’s interests to enable government to attain its key priorities	Awards and settlements	- Total value of awards and settlements for the closing inventory at the end of the fiscal year	Timekeeping/Case management systems
	Litigation Outcomes	- Adjudicated - Resolved - Closed Administratively	Case management systems
	Crown Results	- Successful - Partially Successful - Unsuccessful	Case management systems
	Supreme Court of Canada Outcomes	- List of cases of importance to Canadians and the influence/explanation of the impact of the case on Canadians’ life	Case management systems and Top 100
	Client feedback on legal advisory, litigation and legislative services	- Client feedback about quality of services re: - Utility - Timeliness - Relevance	Standardized Client Feedback Survey

## Federal Prosecution Services

### Description of Program Activity or Service

The Federal Prosecution Service (FPS) supports the Minister of Justice and Attorney General of Canada in the discharge of his criminal law mandate – in particular this work supports the Department’s priority of Protecting Canadian Communities. Over 50 federal statutes confer prosecution and prosecution-related responsibilities on the Attorney General of Canada; these duties are carried out by the FPS.

In all provinces except Quebec and New Brunswick, the FPS has responsibility for the prosecution of all drug offences under the *Controlled Drugs and Substances Act*, regardless of which federal, provincial, or municipal police agency laid the charges. In Quebec and New Brunswick, the FPS is responsible for all drug charges laid by the RCMP. In addition, in all provinces, the FPS prosecutes violations of federal statutes such as the *Fisheries Act*, the *Income Tax Act*, the *Excise Act*, the *Customs Act*, the *Environmental Protection Act* and the *Canada Shipping Act* as well as conspiracies and attempts to violate these statutes. Pursuant to understandings with the provinces, the FPS also prosecutes *Criminal Code* offences (including gun-related offences) where drug charges are involved and are the focus of the case. In the three Territories, the FPS is additionally responsible for prosecuting all *Criminal Code* offences.

Hence, the FPS performs a number of key national roles. The FPS fulfils the criminal litigation responsibilities of the Attorney General of Canada and the Minister of Justice, that is, the prosecution function and prosecution-related functions. These include:

- legal advice to investigative agencies and government departments on the criminal law implications of investigations and prosecutions
- litigation support during the investigative stage, including wiretap applications and orders to produce evidence;
- charge review and exercise of the Attorney General’s discretion to prosecute;
- legal risk assessment and management, with the development of prosecution plans for the management of prosecutions of mega-cases;
- role as prosecutor in all matters prosecuted by the Attorney General of Canada on behalf of the Crown;
- fulfilment of the Minister of Justice’s responsibilities in providing counsel to assist in the execution of extradition and mutual legal assistance requests before Canadian courts; and
- role as a centre of expertise for criminal law, national security and federal prosecution matters, and provision of policy advice in the development of amendments to federal statutes relevant to the criminal justice system.

In terms of the reach of its work, the FPS is engaged in prosecution and advisory work that touches on international, national, regional, and community level interests across Canada, and from trans-national to local gang crime. In 2005-06, the FPS had a caseload of 59,012 litigation files and 2,847 advisory files, excluding fine recovery files.

## Plans/Commitments

In support of Strategic Outcome II, the Federal Prosecution Service will focus its efforts in the following areas in 2006-2007:

- Prosecution of drug, organized crime and *Criminal Code* offences
- Addressing criminal issues related to contributing to a safer world for Canada
- Prosecution to protect environment, natural resources, and economic health
- Achieving excellence in managing for results, including legal risk management
- Addressing the sustainability of the Federal Prosecution Service

### 1. Prosecution of drug, organized crime and Criminal Code offences

This will continue to be an important activity for the Federal Prosecution Service in 2006-07. In 2005-06, 86.1% of the 59,012 litigation files and 20% of the 2,847 advisory files on which the FPS worked involved drugs, organized crime and money laundering, and *Criminal Code* offences. In response to strengthened federal, provincial and municipal efforts to crack down on drug and organized crime, and new policing resources, the volume of the FPS caseload for these offences is expected to increase in 2006-07, and in turn, the resource requirements needed to meet this demand.

Within this, organized crime will continue to be the substantive priority for the FPS in 2006-2007, reflecting the priority given to this issue by the federal government, federal police and other law enforcement authorities, and the FPS. During 2006-07, the FPS will continue to implement the Intensive Prosecution Strategy for Organized Crime; continue its focus on inter-jurisdictional cooperation within the prosecutorial community, and with investigative agencies both federally, nationally and internationally; provide advice and litigation support during the investigative stage on highly complex cases; serve as prosecutor on organized crime cases prosecuted by the Attorney General of Canada on behalf of the Crown; and pursue proceeds of crime. While all FPS regional offices are prosecuting organized crime cases, a number of FPS regional offices are involved in highly complex and resource intensive cases that will continue through 2006-2007 and 2007-08, and require dedicated teams of experienced counsel.

## 2. Addressing criminal issues related to contributing to a safer world for Canada

In 2005-06, 59% of the 2,847 advisory files on which the FPS worked involved extradition and mutual legal assistance, public safety and anti-terrorism, and immigration law. National security issues continue to dominate the domestic and international agenda. The international focus on the threat of terrorism and the legal ramifications of counter-terrorism measures are matters requiring judicious consideration and a balancing of the competing interests of security, liberty and privacy. In the post 9/11 environment the Department faces significant and changing legal and policy challenges.

In 2006-07, the National Security Group of the Federal Prosecution Service will play an important role by providing legal advice on matters relating to national security and intelligence including terrorism offences under the *Criminal Code*; provide legal advice on matters related to Part II.1 of the *Criminal Code*, the *Canadian Security Intelligence Act*, the *Security of Information Act*, the *Security Offences Act*, the *Canada Evidence Act*; serve as a resource to FPS prosecutors by providing advice on national security matters and to Justice counsel on matters relating to the *Canada Evidence Act*; and act as independent counsel to review applications for s.21 *CSIS Act Warrants*. Since, under the new *Anti-Terrorism Act*, the federal and provincial governments have concurrent jurisdiction to prosecute terrorism offences, the National Security Group will also coordinate federal and provincial activities to advance the effective enforcement of the provisions of the *Act*, including developing a Canada-wide memorandum of understanding.

On extradition and mutual legal assistance matters, during 2006-07, the International Assistance Group, together with FPS regional offices, and two liaison Counsel on-site in Europe, will support the Minister as Attorney General of Canada in relation to his extradition and mutual legal assistance mandate from the *Extradition Act* and the *Mutual Legal Assistance in Criminal Matters Act*, and 130 agreements with other countries. This involves working closely with the governments and law enforcement authorities of other countries as well as Canada; reviewing and providing legal advice and recommendations to the Attorney General of Canada on requests expected to be received from over 40 nations; representing the Attorney General of Canada in Court; and defending appeals to a provincial Court of Appeal and the Supreme Court of Canada.

### **3. Prosecution to protect environment, natural resources, and economic health**

In 2006-07, the FPS will provide expert advice to government departments and agencies having law enforcement responsibilities, and prosecute offences on behalf of client departments under 50 federal statutes and regulations e.g. *Fisheries Act*, *Environmental Protection Act*. In 2005-06, the FPS caseload in relation to these regulatory prosecutions accounted for 9.3% of its total litigation caseload, and 12.1% of its total advisory caseload.

### **4. Achieving excellence in managing for results, including LRM**

As part of the Department's performance management approach to our core business and to strengthen performance reporting, in 2006-07, the FPS Management Board will build on the strategic and operational business planning, and the legal risk management initiated in 2005-06, improve the reports available to FPS managers for performance management from the iCase file management system, and continue its work to strengthen FPS performance measures and related data quality.

### **5. Addressing the Sustainability of the Federal Prosecution Service**

Under 50 federal statutes, the FPS performs the criminal litigation responsibilities of the Attorney General of Canada and Minister of Justice, that is the prosecution and prosecution-related functions, in relation to cases referred by federal police, RCMP contract police, provincial, and municipal police forces. Over time, the workload of the FPS has risen in response to changes in: the level of police resources; priorities (e.g. to address grow-ops and meth labs); and operational strategies. The growth in the caseload handled by in-house counsel, particularly of organized crime cases which have more than doubled in the last five years, together with continued growth of major cases and mega-cases, and the rising costs of cases has strained the FPS capacity to deliver on its mandate, and achieve the outcomes.

FPS faces significant costs such as for new mega-cases, which cannot be met within the existing budget. It faces funding shortfalls in particular areas of activity such as its core drug work, extradition and mutual legal assistance work, and the North. And, these resource constraints have affected the degree of pre-charge support that FPS can provide to investigative agencies on highly complex cases. In 2006-07, the FPS will be reviewing its capacity to meet the demands for its services in relation to available resources, and developing options for consideration for addressing its current shortfall in resources.

## Expected Results for Policy/Program/Service

- Effective prosecution of drug, organized crime and *Criminal Code* offences
- Criminal issues related to contributing to a safer world for Canada, are addressed
- Effective prosecutions to protect environment, natural resources, and economic health
- Excellence is achieved in managing for results, including legal risk management
- Strategies are developed and implemented to address the sustainability of the Federal Prosecution Service

## How we will assess our performance in support of this Strategic Outcome:

The Figure below shows the indicators that will be used to assess performance in the delivery of prosecution services over the reporting period.

### Program Activity B.2: Providing prosecution services

#### Expected Results: Effective pre-charge interventions/advice

Elements	Indicators	Measures	Data collection
Effective management of FPS caseload	Caseload	Number of new litigation and advisory files that were opened in the fiscal year, plus carry-over files i.e. files opened in previous fiscal years against which time was recorded in the new fiscal year, for: <ul style="list-style-type: none"> <li>• Drug</li> <li>• Organized crime and money laundering</li> <li>• <i>Criminal Code</i> offences</li> <li>• Extradition and mutual legal assistance</li> <li>• Immigration law</li> <li>• Public safety and anti-terrorism</li> <li>• Regulatory prosecutions</li> </ul>	iCase file management system
	Complexity of caseload	Breakdown of the volume of work by complexity i.e. low, moderate, high, and mega-case complexity	iCase file management system
Effective pre-charge interventions/advice	New files where pre-charge advice provided	Percentage of new files where pre-charge advice provided by level of complexity, for: <ul style="list-style-type: none"> <li>• Organized crime</li> <li>• Public safety and anti-terrorism</li> <li>• Regulatory prosecutions</li> </ul>	iCase file management system
	New files with pre-charge intervention approved for prosecution	Percentage of new files where pre-charge advice provided, by level of complexity, approved for prosecution:	iCase file management system

(continued)

Elements	Indicators	Measures	Data collection
Effective Prosecutions	Outcomes of pre-charge and post-charge review	<ul style="list-style-type: none"> <li>• Outcomes of pre-charge and post-charge review</li> <li>• Number of cases stayed by the Crown</li> <li>• Number of cases withdrawn</li> <li>• Number of cases where charges declined</li> </ul>	iCase file management system
	Outcome of cases decided on merit	<ul style="list-style-type: none"> <li>• Percentage of cases decided on merit:</li> <li>• Guilty pleas</li> <li>• Guilty plea to lesser offence</li> <li>• Conviction</li> <li>• Conviction of a lesser offence</li> </ul>	
Maintaining public confidence in the administration of criminal justice	Trends in public confidence in the criminal justice system	<ul style="list-style-type: none"> <li>• Joint measure of police and prosecution services</li> </ul>	GSS
Achieving excellence in managing for results, including legal risk management	Legal and non-legal trends are monitored	<ul style="list-style-type: none"> <li>• Semi-annual FPS legal trends reports produced</li> </ul>	FPS
	Legal risks are identified and managed	<ul style="list-style-type: none"> <li>• Target of 97% of in-house counsel litigation cases are assessed and coded for legal risk</li> </ul>	iCase file management system
	Improved FPS data quality	<ul style="list-style-type: none"> <li>• 95% completion of key data for new litigation files opened and files closed during the fiscal year, for in-house counsel files</li> </ul>	iCase file management system
	Improved ability to report to Parliament	<ul style="list-style-type: none"> <li>• Statistics on FPS MRRS indicators for 2006-07</li> </ul>	FPS



# SECTION III – SUPPLEMENTARY INFORMATION

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Table 2: Resources by Program Activity

Table 3: Voted and Statutory Items in Main Estimates

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Table 5: Sources of Respendable and Non-Respendable Revenue

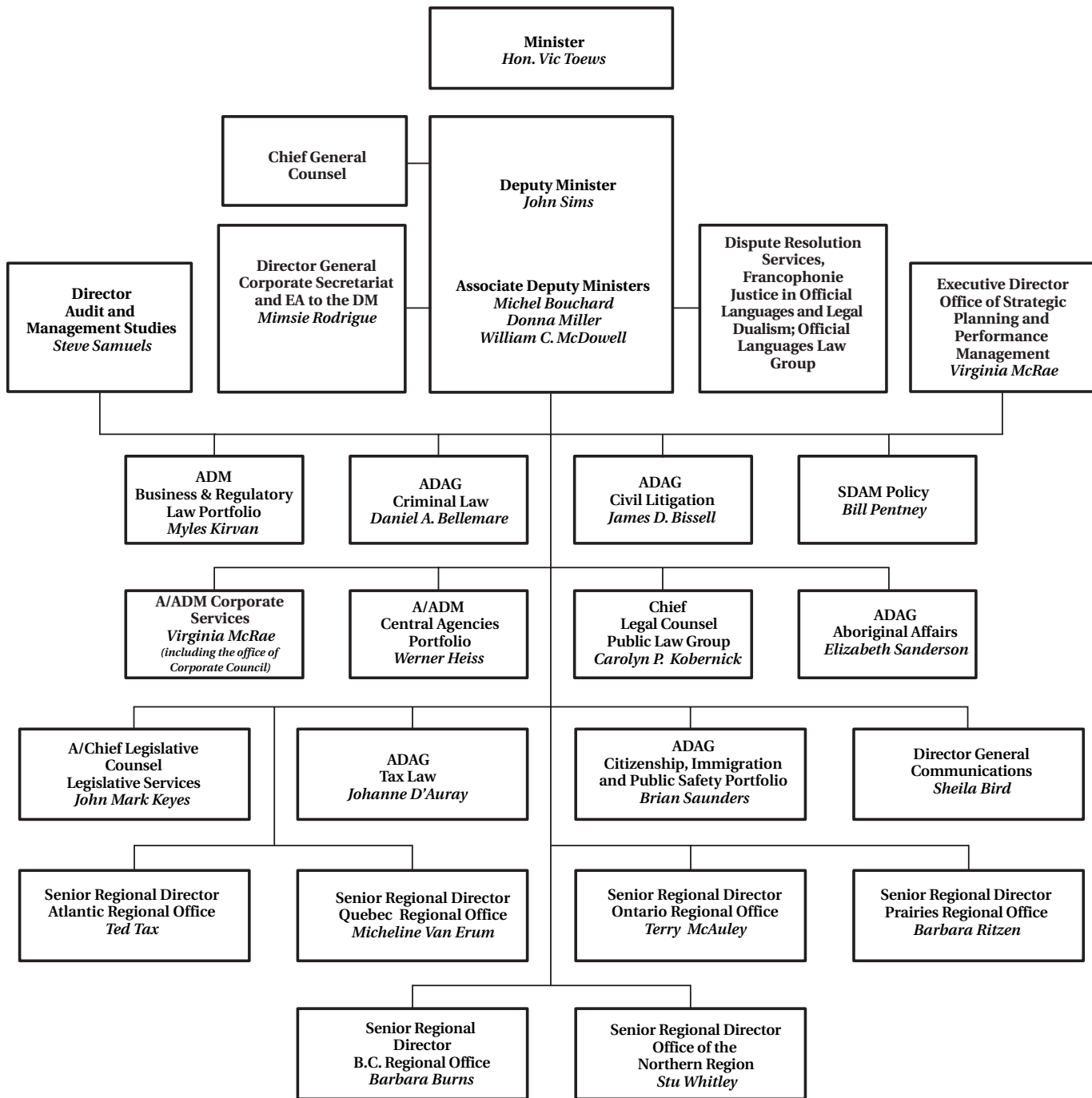
Table 6: Resource Requirement by Branch or Sector

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DM - Deputy Minister  
 SADM - Senior Assistant Deputy Minister  
 ADM - Assistant Deputy Minister  
 ADAG - Assistant Deputy Attorney General  
 EA - Executive Assistant  
 A/ - Acting

Table 1. Departmental Planned Spending and Full Time Equivalents

(\$ millions)	Forecast Spending 2005-2006	Planned Spending 2006-2007 (Note 1)	Planned Spending 2007-2008	Planned Spending 2008-2009
Developing Policies and Laws	29.8	30.7	30.8	24.4
Developing and Implementing Programs	342.1	296.6	272.6	257.7
Providing Legal Advisory, Litigation and Legislative Services to Government	473.4	507.7	273.7	272.2
Providing Prosecution Services	79.7	80.7	80.7	75.9
<b>Total Main Estimates</b>	<b>925.0</b>	<b>915.7</b>	<b>657.1</b>	<b>630.2</b>
Adjustments (Note 2):				
IPOC	5.6	-	-	-
War Crimes	5.3	-	-	-
Arar -	4.5	-	-	-
Sponsorship	2.0	-	-	-
PCO cuts in Vote 1	-12.2	-	-	-
Correction to YJRI	0.0	-	-	-
Carry Forward	15.5	-	-	-
Victims of Crimes	4.5	-	-	-
Métis & Non-Status Litigation	3.9	-	-	-
Lawful Access	2.8	-	-	-
Reducing Citizenship Inventory - Applications	1.6	-	-	-
Parents and Grand Parents, Foreign Students	0.9	-	-	-
Public Service Modernization Act	1.5	-	-	-
Action Plan Against Racism	1.3	-	-	-
Refugee Reform	1.1	-	-	-
Strengthen Community Safety	0.8	-	-	-
CRA - Omnibus 2004	0.2	-	-	-
CRA - Omnibus 2005	0.7	-	-	-
CRA - Omnibus 2005	0.0	-	-	-
Smart Regulation	0.2	-	-	-
Collective Bargaining Agreements	20.6	-	-	-
Collective Bargaining Agreements - LA 01, 02	3.9	-	-	-
Collective Agreements	0.2	-	-	-
Strategy for the Renewal of Youth Justice	32.6	36.7	53.8	53.8
Implementation of the Youth Justice Renewal Initiative	8.0	-	-	-
Child-Centred Family Law Strategy	4.0	4.0	4.0	-
Portion of Legal Services to other Government Departments	-45.0	-	-	-
Procurement Savings (Note 5)	-0.7	-1.7	-1.7	-1.7
A New Canadian Citizenship Strategy	-	1.0	1.0	1.0
Strengthening Enforcement Budget 2003 (Note 3)	-	-	-	4.7
Strengthening Enforcement Budget 2003	-	-	-	3.8
UN Convention Against Corruption (Note 3)	-	0.6	0.6	0.6
Reduced Cost of the New Ministry - Regional Responsibilities	-	0.3	0.3	0.3
Legal Aid	-	45.0	-	-
Federal Accountability Action Plan (Note 3)	-	0.5	0.5	0.1
National Initiative to Combat Money Laundering (Note 3)	-	1.2	1.2	1.2
Additional Police Officers – RCMP (Note 3)	-	2.4	9.8	15.9
<b>Total Adjustments</b>	<b>63.8</b>	<b>90.0</b>	<b>71.2</b>	<b>81.4</b>
<b>Total Planned Spending</b>	<b>988.8</b>	<b>1,005.7</b>	<b>728.3</b>	<b>711.6</b>
Total Planned Spending	988.8	1,005.7	728.3	711.6
Less: Cost Recovery (Note 4)	-180.8	-225.8	-225.8	-225.8
Less: Non-Respendable Revenue	-10.6	-11.7	-13.0	-14.4
Plus: Cost of Services Received Without Charge	72.3	75.3	76.1	76.8
<b>Net Cost of Program</b>	<b>869.7</b>	<b>843.5</b>	<b>565.6</b>	<b>548.2</b>
<b>Full Time Equivalents</b>	<b>4,708</b>	<b>4,783</b>	<b>4,783</b>	<b>4,799</b>

Note 1: Planned spending only includes items which have already received Treasury Board approval.

Note 2: Adjustments for 2005-2006 consist of Governor General Special Warrant requests and Procurement Savings (EBP included). Adjustments for 2006-2007 and future years consists of amounts identified in the Expenditure Status Report dated July 12th, 2006.

Note 3: The amounts listed include funding associated with accommodation for PWGSC.

Note 4: The Department recovers from client departments and agencies some of the costs incurred to deliver legal services. Through the Main Estimates process, Justice was granted authority to spend and recover \$225.8 million (including EBP) in 2005-2006, \$45.0 of which will not be used. In the 2006-2007 Main Estimates, the corresponding figure is \$225.8M. Estimated recoveries for 2006-2007 and 2007-2008, are also shown as Adjustments in this table since the Department has not yet received approval for these amounts.

Note 5: further reductions still to come for 2007-2008 and future years associated with Procurements Savings

**Table 2. Resources by Program Activity**

(\$ millions)	2006-2007 Budgetary				
	Operating	Grants & Contribution	Total Main Estimates	Adjustments	Total Planned Spending
<b>Outcome 1 - A fair, relevant and accessible justice system that reflects Canadian values</b>					
Developing policies and laws	30.7	-	30.7	0.4	31.1
Developing and Implementing Programs	9.7	286.9	296.6	85.6	382.2
<b>Outcome 2 - A federal government that is supported by effective and responsive legal services</b>					
Providing legal advisory, litigation and legislative services to government	507.7	-	507.7	0.9	508.6
Providing prosecution services	80.7	-	80.7	3.1	83.8
<b>Total</b>	<b>628.8</b>	<b>286.9</b>	<b>915.7</b>	<b>90.0</b>	<b>1,005.7</b>

**Table 3. Voted and Statutory Items in Main Estimates**

		2006-2007	
Vote or Statutory Items:	Truncated Vote or Statutory Working:	Current Main Estimates (Note 1)	Previous Main Estimates (Note 2)
1	Operating expenditures	549.0	517.6
5	Grants and contributions	286.9	329.2
(S)	Minister of Justice salary and motor car allowance	0.1	0.1
(S)	Contributions to employee benefit plans	79.8	78.0
<b>Total Department of Justice</b>		<b>915.8</b>	<b>924.9</b>

Note 1: Variance of 100K between the “crosswalk” table and the above table is due to rounding

Note 2: Variance of 100K between Table 1 and the above table is due to rounding

Table 4. Services Received Without Charge

\$ millions	2006-2007
Accommodation provided by Public Works and Government Services Canada (PWGSC)	41.6
Contributions covering employees' share of employees' insurance premiums and expenditures paid by TBS (excluding revolving funds)	33.6
Workers' compensation coverage provided by Human Resources and Skills Development Canada	0.1
<b>Total 2006-2007 Services received without Charge</b>	<b>75.3</b>

Table 5. Sources of Respendable and Non-Respendable Revenue

Non-Respendable Revenue (\$ millions)	Forecast Revenue 2005-2006	Planned Revenue 2006-2007	Planned Revenue 2007-2008	Planned Revenue 2008-2009
<b>Developing policies and laws</b>				
Family Order and Agreements Enforcement Assistance Program	7.1	7.9	8.8	9.7
Central Registry of Divorce Proceedings	0.8	0.9	1.0	1.1
Miscellaneous Revenues	0.0	0.0	0.0	0.0
	7.9	8.8	9.8	10.8
<b>Deleoping and implementing programs</b>				
Miscellaneous Revenues	0.0	0.0	0.0	0.0
	0.0	0.0	0.0	0.0
<b>Providing legal advisory, litigation and legislative services to government</b>				
Legal Services - Crown Corp. EBP	0.4	0.4	0.5	0.5
Court costs	0.7	0.7	0.8	0.9
Royalties and Patents	0.1	0.1	0.1	0.1
Miscellaneous Revenues	0.4	0.4	0.4	0.5
	1.6	1.6	1.8	2.0
<b>Providing prosecution services</b>				
Fines and Forfeitures	1.1	1.2	1.3	1.5
Miscellaneous Revenues	0.0	0.1	0.1	0.1
	1.1	1.3	1.4	1.6
<b>Total Non-Respendable Revenue</b>	<b>10.6</b>	<b>11.7</b>	<b>13.0</b>	<b>14.4</b>

**Table 6. Resource Requirements by Branch or Sector**

(\$ thousands)	Developing policies and laws	Developing and implementing programs	Providing legal advisory, litigation and legislative services to government	Providing prosecution services	Total Planned Spending
<b>Policy and Law Section</b>	24,971	382,267	3,102	-	410,340
<b>Federal Prosecution Service</b>	-	-	5,130	83,799	88,929
<b>Legislative Services</b>	-	-	35,262	-	35,262
<b>Civil Litigation and Public Law</b>	3,161	-	12,594	-	15,755
<b>Tax Law Portfolio</b>	-	-	73,435	-	73,435
<b>Citizenship Immigration and Public Safety Portfolio</b>	-	-	67,305	-	67,305
<b>Aboriginal Affairs Portfolio</b>	2,961	-	127,237	-	130,198
<b>Business and Regulatory Law Portfolio</b>	-	-	166,840	-	166,840
<b>Central Agencies Portfolio</b>	-	-	17,660	-	17,660
<b>Total</b>	<b>31,093</b>	<b>382,267</b>	<b>508,565</b>	<b>83,799</b>	<b>1,005,724</b>

**Note:** Identified resource requirements include approved A-base allocations, authorized cost recovery, corporate costs and EBP



Table 7: Details on Transfer Payments Programs

(\$ millions)	Forecast Spending 2005-2006	Planned Spending 2006-2007	Planned Spending 2007-2008	Planned Spending 2008-2009
<b>GRANTS</b>				
<b>Developing and Implementing Programs</b>				
Uniform Law Conference of Canada - Administration Grant	18,170	18,170	18,170	18,170
Institut international de droit d'expression française	1,140	1,140	1,140	1,140
Canadian Association of Chiefs of Police for the Law Amendments Committee	12,274	12,274	12,274	12,274
British Institute of International and Comparative Law	7,220	7,220	7,220	7,220
Hague Academy of International Law	8,620	8,620	8,620	8,620
Canadian Human Rights Foundation	26,600	26,600	26,600	26,600
National Judicial Institute	268,345	268,345	268,345	268,345
Canadian Society for Forensic Science	38,600	38,600	38,600	38,600
Canadian Association of Provincial Court Judges	100,000	100,000	100,000	100,000
Grants in support of the Justice Partnership and Innovation Fund	465,031	565,031	565,031	565,031
Grants in support of the Aboriginal Justice Strategy	75,000	50,000	0	0
Grants in support of the Child-Centred Family Justice Fund	50,000	50,000	50,000	0
Grants in support of the Youth Justice Renewal Fund	1,130,000	565,000	565,000	565,000
Grants for the Victims of Crime Initiative		500,000	500,000	500,000
Grants under the Access to Justice in both Official Languages Support Fund	200,000	50,000	50,000	50,000
<b>Total Grants</b>	<b>2,401,000</b>	<b>2,261,000</b>	<b>2,211,000</b>	<b>2,161,000</b>
<b>CONTRIBUTIONS</b>				
<b>Developing and Implementing Programs</b>				
Contributions to the provinces to assist in the operation of Legal Aid Systems	119,827,507	79,827,507	79,827,507	79,827,507
Contributions in support of Public Security and Anti-terrorism - Legal Aid	500,000	2,000,000	2,000,000	2,000,000
Contributions to the provinces and territories in support of Youth Justice Services	144,750,000	144,750,000	144,750,000	144,750,000
Contributions to the provinces and territories in support of Youth Justice Services - Intensive Rehabilitative Custody and Supervision Program	11,325,250	6,903,500	-10,230,000	-10,230,000
Contributions to the provinces under the Aboriginal Courtwork Program	4,836,363	4,836,363	4,836,363	4,836,363
Contributions under the Justice Partnership and Innovation Fund	1,803,279	2,054,415	2,553,251	2,553,108
Contributions under the Aboriginal Justice Strategy Fund	7,325,000	7,250,000	2,900,000	2,900,000
Contributions in support of the Child-Centred Family Justice Fund	12,144,855	11,950,027	11,950,027	-50,000
Contributions for Access to Justice Services to the Territories (being Legal Aid, Aboriginal Courtwork and Public Legal Education and Information Services)	4,856,593	3,356,593	3,356,593	3,356,593
Contributions in support of the Youth Justice Renewal Fund	3,455,000	2,715,000	265,000	265,000
Contributions for the Victims of Crime Initiative	0	2,100,000	2,250,000	2,400,000
Contributions under the Access to Justice in both Official Languages Support Fund	2,698,146	2,837,546	2,842,846	2,842,845
Contributions to support the implementation of official languages requirements under the Contraventions Act	6,963,855	7,916,155	8,916,829	9,673,000
Contributions in support of Legal Aid Pilot Projects	955,000	0	0	0
Contributions in support of Federal Court-Ordered Counsel	753,000	0	0	0
Contributions in support of Federal Court-Ordered Counsel - Unique Legal Aid Cases	250,000	0	0	0
Drug Treatment Court Funding Program	2,333,152	2,341,894	1,703,584	1,703,584
Contributions to the provinces under the Integrated Market Enforcement Teams (IMETs) Reserve Fund	2,050,000	3,750,000	3,750,000	0
<b>Total Contributions</b>	<b>326,827,000</b>	<b>284,589,000</b>	<b>261,672,000</b>	<b>246,828,000</b>
<b>Total Grants and Contributions as per Main Estimates</b>	<b>329,228,000</b>	<b>286,850,000</b>	<b>263,883,000</b>	<b>248,989,000</b>

**Table 7: Details on Transfer Payments Programs (Continued)**

(\$ millions)	Forecast Spending 2005-2006	Planned Spending 2006-2007	Planned Spending 2007-2008	Planned Spending 2008-2009
<i>Adjustments (note 1)</i>				
Victims of Crimes	1,650,000			
Strategy for the Renewal of Youth Justice	32,552,415	36,666,000	53,800,000	53,800,000
Implementation of the Youth Justice Renewal Initiative	8,000,000			
Action Plan Against Racism	50,000			
Child-Centred Family Law Strategy	4,000,000	4,000,000	4,000,000	
Strengthen Community Safety	492,000			
PCO cuts in Vote 5 - reduction associated with IRCS	-10,230,000			
Strengthening Enforcement Budget 2003				3,750,000
Legal Aid		45,000,000		
<i>Total Adjustments</i>	36,514,415	85,666,000	57,800,000	57,550,000
<b>Total Grants and Contributions, including Warrants &amp; Procurements Savings</b>	<b>365,742,415</b>	<b>365,742,415</b>	<b>365,742,415</b>	<b>365,742,415</b>

**Note 1:** Adjustments for 2005-2006 consist of Governor General Special Warrant requests and Procurement Savings (EBP included).  
Adjustments for 2006-2007 and future years consists of amounts identified in the Expenditure Status Report dated July 12th, 2006.

For further information on the above-mentioned transfer payment programs see <http://www.tbs-sct.gc.ca/est-pre/estime.asp>

**Table 8: Horizontal Initiatives**

Over the next three years, the Department of Justice will be involved in the following horizontal initiatives as either the lead or as a partner:

**2006-07**

**1. Horizontal Initiative: Canadian Drug Strategy.**

The Drug Treatment Court Funding Program, managed by the Department of Justice, is a component of the Canadian Drug Strategy.

**2. Action Plan Against Racism (as a partner)**

**3. Security and Prosperity Partnership (as a partner)**

**4. Public Security and Anti-terrorism Initiative (as a partner)**

**5. Federal Accountability Act (as a partner)**

**6. Youth Justice Renewal Initiative (as lead)**

**7. Family Violence Initiative (partner)**

Further information on the above-mentioned horizontal initiatives see <http://www.tbs-sct.gc.ca/est-pre/estime.asp>



Table 9: Sustainable Development Strategy

Department Justice Canada

Points to Address	Departmental Input
1. How does your department plan to incorporate SD principles and values into your mission, vision, policy and day-to-day operations?	<p><i>1. Our awareness campaign on sustainable development and its key objectives will contribute to greater advocacy and implementation of sustainability with a view to enhancing the fairness, relevance and accessibility of the justice system. This can be done through sharing of best practices such as, dispute resolution, more effective use of technology, the environmental assessment of programs and policies.</i></p> <p><i>2. By providing in-house opportunities or in conjunction with other GOC client departments to host training venues for policy and legal advisors on SD values and commitments, both domestic and international, as well as training managers responsible for procurement, IT services and material management.</i></p> <p><i>3. By identifying activities which will provide for tangible reductions in energy consumption, waste disposal and/or complimentary increases in recycling and redistribution of materials by the coming into force of the proposed GOC green procurement policy.</i></p>
2. What Goals, Objectives and Targets from your most recent SDS will you be focusing on this coming year? How will you measure your success?	<p><i>1. Gauge the awareness and knowledge of sustainable development among employees by conducting a departmental baseline survey and establish a target level of increased awareness to be achieved.</i></p> <p><i>2. Identify and promote best practices already supporting sustainable development, and identify other activities that could benefit from greater research into their potential connection to sustainable development.</i></p> <p><i>3. Encourage greater networking by hosting training venues or learning events to enhance the effectiveness of our policy and legal advisors in implementing SD principles in their everyday practice. Evaluations to be conducted of training to gauge participant response.</i></p> <p><i>4. Increase efforts to reduce the department's impact on our physical environment through better communications and coordination with our regional offices with the sharing of best practices.</i></p>
3. Identify any sustainable Development tools, such as Strategic Environmental Assessments or Environmental Management Systems that will be applied over the next year.	<p><i>1. Best practices have been identified, documented and posted on our sustainable development Web site as part of on-going educational efforts. The aim of the Web site is to serve as a clearinghouse of tools, resources and a source of e-learning on sustainable development for Justice employees.</i></p> <p><i>2. Promote and monitor the practice of conducting SEA as a matter of course when implementing policies, programs or in the consideration of legal instruments. To this end, offer online or classroom training to practitioners on how to effectively apply this assessment to their work.</i></p> <p><i>3. To continue to build on the department's sustainable development conference to identify or support the creation of practice groups, tools and resources to promote the integration of sustainable development objectives into their legal and policy work.</i></p> <p><i>4. The adoption of the GOC's proposed green procurement policy for Justice's operations will allow for better use of material resources, improved management of waste and more effective use of technology.</i></p>

Table 10: Internal Audits and Evaluations

**Internal Audits**

- Citizenship & Immigration LSU
- Royal Canadian Mounted Police LSU
- Contracting Process
- Materiel Management
- PAYE Process
- Security at HQ
- Fire and Emergency
- iCase – Phase II
- CCFJF (RBAF) - Canada Child-Centered Family Justice Fund
- Management of Information Technology Security

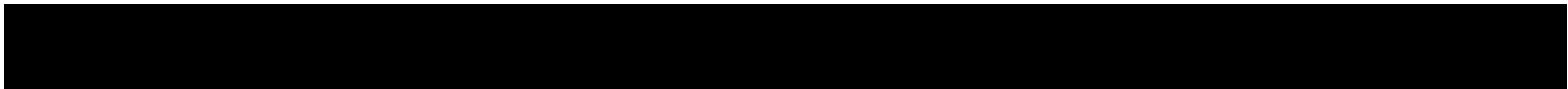
**Internal Evaluations**

Evaluations	Start Date	Completion Date
Summative Evaluation of Aboriginal Justice Strategy/ Évaluation sommative de la Stratégie de la justice applicable aux Autochtones	2005-2006	2006-2007 (due Fall 2006)
Formative Evaluation of Victims of Crime Renewal Initiative/Évaluation formative du renouvellement de l'Initiative sur les victimes d'actes criminels	2007-2008	2007-2008
PSAT Summative Evaluation/Évaluation sommative SPAT	2006-2007	2007-2008
Measures to Combat Organized Crime Summative Evaluation - DOJ Component/Volet MJ de l'Évaluation sommative des Mesures de lutte contre le crime organisé	2005-2006	2006-2007
Unified Family Court (UFC) Summative Evaluation/Évaluation sommative des Tribunaux unifiés de la famille (TUF)	2006-2007	2007-2008
Summative Evaluation of the Family Law Assistance Services Section/Évaluation sommative de la Section des Services d'aide au droit de la famille	2003-2004	2006-2007
Summative Evaluation of the Child Centred Family Law Strategy (CCFLS) /Évaluation sommative de la Stratégie du droit de la famille axée sur l'enfant (SDFAE)	2006-2007	2007-2008
Formative Evaluation of <i>Contraventions Act</i> Fund/Évaluation formative du Fonds de mise en application de la <i>Loi sur les contraventions</i>	2005-2006	2006-2007
Summative Evaluation of <i>Contraventions Act</i> Fund/Évaluation sommative du Fonds de mise en application de la <i>Loi sur les contraventions</i>	2006-2007	2007-2008 (due June 2007)
Summative Evaluation-Access to Justice in Both Official Languages Support Fund ( <i>Official Languages Act</i> )/Évaluation sommative du Fonds d'appui à l'accès à la justice dans les deux langues officielles ( <i>Loi sur les langues officielles</i> )	2006-2007	2007-2008 (due Sept. 2007)

**Internal Evaluations** (continued)

<b>Evaluations</b>	<b>Start Date</b>	<b>Completion Date</b>
Formative Evaluation of the Legal Aid Program – Évaluation formative du Programme d'aide juridique	2005-2006	2006-2007
Formative Evaluation of Aboriginal Court Worker Program / Évaluation formative du Programme d'assistance parajudiciaire aux Autochtones	2005-2006	2006-2007
Summative Evaluation of Aboriginal Court Worker Program / Évaluation sommative du Programme d'assistance parajudiciaire aux Autochtones	2007-2008	2007-2008
Formative Evaluation of Nunavut Unified Court/Évaluation formative du Tribunal Unifié du Nunavut	2005-2006	2006-2007
Youth Justice Renewal Initiative (YJRI) Summative Evaluation / Initiative de renou- vellement du système de justice pour les jeunes – Évaluation sommative	2004-2005	2006-2007
Summative Evaluation of the <i>Youth Criminal Justice Act</i> /Évaluation sommative de la <i>Loi sur le système de justice pénale pour les adolescents</i>	2006-2007	2007-2008
Summative Evaluation of JPIP/ Évaluation som- mative du FJPI	2005-2006	2006-2007
Formative Evaluation-Legal Risk Management/ Évaluation formative de la Gestion des risques juridiques	2005-2006	2006-2007
Summative Evaluation – Crimes Against Humanity and War Crimes Program/Évaluation sommative du Programme canadien sur les crimes contre l'humanité et les crimes de guerre	2007-2008	2008-2009
Interdepartmental Formative Evaluation – Canada's Drug Strategy/Évaluation formative de la Stratégie antidrogue du Canada	2005-2006	2006-2007
Interdepartmental Summative Evaluation – Canada's Drug Strategy/Évaluation sommative de la Stratégie antidrogue du Canada	2007-2008	2008-2009
Drug Treatment Court Formative Evaluation/ Évaluation formative des Tribunaux de traitement de la toxicomanie	2007-2008	2008-2009

<http://www.justice.gc.ca/en/ps/eval/plan/plan.html>



## SECTION IV – OTHER ITEMS OF INTEREST

### Corporate Management Plans:

The Department also establishes corporate priorities and plans to improve the management of the Department and facilitate the successful delivery of the outcomes we want to achieve for Canadians. Our activities in this vein must take into account the priorities of the federal government, the Minister, our clients and our Department.

Recent changes to our governance structure ensures appropriate stewardship of departmental human, financial and administrative resources. We developed and implemented tools and processes for integrating Human Resources, financial and IMIT planning with the Departmental business planning cycle. The departmental Business Planning process provided an opportunity for Finance, Human Resources Professional Development Directorate and Information Management Branch to engage in valuable dialogue with clients regarding future requirements for the delivery of corporate objectives. A financial management framework has been implemented integrating a more rigorous approach to allocating, monitoring and assessing the Department's financial resources, including our capacity to reallocate internally to meet key priorities. Key elements of this overall framework include:

- creation of a new finance committee (Fin.Com) which makes recommendations to senior management (SMB);
- improvements made to the 2005-2006 budget allocation process (e.g. timeliness, transparency, dialogue);
- establishment of a contracts review mechanism across the Department.

During 2004-2005, we established four corporate priorities to improve the management of the Department and facilitate the successful delivery of the outcomes we want to achieve for Canadians. The importance of these activities and the ongoing progress made on them encouraged the Governing Council to continue to support efforts in these areas. They are as follows:

## Our People

We have many ongoing initiatives supporting the Our People corporate priority. One highlight is the release of the results of the Workplace Health Needs and Risks Survey which discusses the many programs and resources available for employees and managers to improve their workplace well-being. We will also release the Employment Equity Plan 2006-2009 that will guide our efforts over the next few years. We are proud that the Department is considered a model for public service employment equity policies and practices and with the release of the Public Service Employee Survey 2005 results due in June of 2006, we will continue to work to improve. In this vein, the Department is developing a new pilot program which will help to identify and prepare those who have the desire and potential to become future leaders in the Department of Justice.

As well, a Departmental Human Resources Environmental Scan identified a number of key human resources management challenges/priorities for the Department. Over the reporting period, the Department will focus its attention on the issues listed below:

- Certification of the LA group
- Compliance with the *Public Service Employment Act*
- Classification Modification
- Achieving Employment Equity Benchmarks
- Fostering a culture of learning.

The unionization of lawyers and the introduction of collective bargaining will bring about unprecedented cultural change for the Department over the next year. In addition, the unionization of lawyers provides an opportunity to review and strengthen the current management structure in the Department. DOJ will work together with the Treasury Board Secretariat over the next year to develop a proposal and implementation plan that will support the creation of a strong management cadre and will improve the management of Justice's business and the attainment of its business objectives.

## **Performing and Reporting**

A number of improvements have been made over the past year to our management capacity and practices on several fronts, including the completion of our first round of business plans. The feedback from Treasury Board Secretariat (TBS) on our 2004-05 Departmental Performance Report (DPR), submitted in October 2005, was quite positive, as was its assessment through the Management Accountability Framework (MAF), of the department's performance management capacity. Our MAF assessment moved from the fourth quartile in 2004-2005 to the second quartile in 2005-2006; representing significant year-over-year improvement.

Our goal is to further streamline and fine-tune our activities on performing and reporting to make these practices second nature.

## **Managing Litigation and Sustainable Funding**

This year's focus of the Advisory Committee on Managing Litigation's work will be on sustaining initiatives to improve the quality of information needed to manage litigation workload and resources more effectively. To that end, litigation performance indicators and litigation management core data are being developed in conjunction with the Review of Legal Services team, Strategic Planning and Performance Management (SPPM), and IM/IT.

The Review of Legal Services team is pursuing its work to: identify improvements to the delivery of legal services; recommend a sustainable funding regime; and, propose concrete approaches to improve the management of litigation in government. The team is working closely with Treasury Board Secretariat and Justice stakeholders, such as Finance, IM/IT, SPPM, and Dispute Resolution Services.

## Legislation Administered by the Department

The Department of Justice exists by virtue of the Department of Justice Act, first passed in 1868. The Act establishes the Department's role and sets out the powers, duties and functions of the Minister of Justice and the Attorney General of Canada.

In addition to this general enabling statute, the Minister and the Department have responsibilities under a number of other laws. These range from fairly routine matters, such as tabling the annual report of an agency in Parliament, to broader responsibilities, such as the obligation to review all government bills and regulations for compliance with the Canadian Charter of Rights and Freedoms, the Canadian Bill of Rights and the Statutory Instruments Act. The laws for which the Minister has sole or shared responsibility to Parliament are listed below.<sup>5</sup>

Access to Information Act, R.S. 1985, c. A-1

(responsibility shared with the President of the Treasury Board).<sup>6</sup>

Annulment of Marriages Act (Ontario), R.S.C. 1970, c. A-14.

Anti-Terrorism Act, S.C. 2001, c. 41.

Bills of Lading Act, R.S. 1985, c. B-5 (responsibility shared with the Minister of Transport).

Canada Evidence Act, R.S. 1985, c. C-5.

Canada-United Kingdom Civil and Commercial Judgments Convention Act, R.S. 1985, c. C-30.

Canada Prize Act, R.S.C. 1970, c. P-24.

Canadian Bill of Rights, S.C. 1960, c. 44; reprinted in R.S.C. 1985, Appendix III.

Canadian Human Rights Act, R.S. 1985, c. H-6.

Commercial Arbitration Act, R.S. 1985, c. 17 (2nd Supp.).

Courts Administration Service Act, S.C. 2002, c. 8.

Contraventions Act, S.C. 1992, c. 47.

Criminal Code, R.S. 1985, c. C-46 (responsibility shared with the Solicitor General of Canada,<sup>7</sup> and the Minister of Agriculture and Agri-Food (s. 204)).

Crown Liability and Proceedings Act, R.S. 1985, c. C-50.

Department of Justice Act, R.S. 1985, c. J-2.

Divorce Act, R.S. 1985, c. 3 (2nd Supp.).

5. This list, prepared in February 2004, is an unofficial version for information only.

6. Responsibility shared with the President of the Treasury Board in the following manner: Minister of Justice (for purposes of paragraph (b) of the definition of "head" in section 3, subsection 4(2), paragraphs 77(1) (f) and (g) and subsection 77(2)); and the President of the Treasury Board (for all other purposes of the Act) (SI/83-108).

7. The portfolio of the Solicitor General of Canada was replaced by the portfolio of Public Safety and Emergency Preparedness on December 12, 2003. The legislation has not yet been amended to reflect this.



Escheats Act, R.S. 1985, c. E-13.

Extradition Act, S.C. 1999, c. 18.<sup>8</sup>

Family Orders and Agreements Enforcement Assistance Act,  
R.S. 1985, c. 4 (2nd Supp.).

Federal Courts Act, R.S. 1985, c. F-7.<sup>9</sup>

Federal Law-Civil Harmonization Act, No.1, S.C. 2001, c. 4.

Firearms Act, S.C. 1995, c. 39.<sup>10</sup>

Foreign Enlistment Act, R.S. 1985, c. F-28.

Foreign Extraterritorial Measures Act, R.S. 1985, c. F-29.

Garnishment, Attachment and Pension Diversion Act, R.S. 1985, c. G-2  
(responsibility shared with the Minister of National Defence, Minister of  
Public Works and Government Services, and Minister of Finance<sup>11</sup>).

Identification of Criminals Act, R.S. 1985, c. I-1.

International Sale of Goods Contracts Convention Act, S.C. 1991, c. 13.

Interpretation Act, R.S. 1985, c. I-21.

Judges Act, R.S. 1985, c. J-1.

Law Commission of Canada Act, S.C. 1996, c. 9.

Legislative Instruments Re-enactment Act, S.C. 2002, c. 20.

8. Section 84 of the new Extradition Act, 1999, c. 18, provides that the repealed Act (R.S. 1985, c. E-23) applies to a matter respecting the extradition of a person as though it had not been repealed, if the hearing in respect of the extradition had already begun on June 17, 1999.
9. Formerly the Federal Court Act. The title was amended to the Federal Courts Act in the Courts Administration Service Act, S.C. 2002, c. 8, s. 14.
10. The Firearms Program was transferred to the Solicitor General (Public Safety and Emergency Preparedness as of December 12, 2003, although the legislation has not yet been amended to reflect this change) as of April 14, 2003. See SOR/2003-145.
11. Responsibility shared in the following manner: (a) Minister of Justice and Attorney General of Canada, General (Part I) (SI/84-5), and for the purposes of sections 46 and 47 of the Act, items 12 and 16 of the schedule to the Act and the other provisions of Part II of the Act as those provisions relate to the Judges Act (SI/84-6); (b) the Minister of National Defence, for the purposes of the provisions, except sections 46 and 47, of Part II of the Act as those provisions relate to the Canadian Forces Superannuation Act and the Defence Services Pension Continuation Act (SI/84-6); (c) the Minister of Finance, for the purposes of the provisions, except sections 46 and 47, of Part II of the Act as those provisions relate to the Members of Parliament Retiring Allowances Act (SI/84-6); and (d) the Minister of Public Works and Government Services, for the purposes of the provisions, except sections 46 and 47, of Part II of the Act as those provisions relate to
  - (i) the Governor General's Act,
  - (ii) the Lieutenant Governor's Superannuation Act,
  - (iii) the Diplomatic Service (Special) Superannuation Act,
  - (iv) the Public Service Superannuation Act,
  - (v) the Civil Service Superannuation Act,
  - (vi) the Royal Canadian Mounted Police Superannuation Act, Part I,
  - (vii) the Royal Canadian Mounted Police Pension Continuation Act, Parts II and III,
  - (viii) the Currency, Mint and Exchange Fund Act, subsection 15(2) (R.S. 1952, c. 315)
  - (ix) the War Veterans Allowance Act, subsection 28(10),
  - (x) regulations made under Vote 181 of Appropriation Act No. 5, 1961, and
  - (xi) the Tax Court of Canada Act (SI/84-6).

Law Commission of Canada Act, S.C. 1996, c. 9.  
 Legislative Instruments Re-enactment Act, S.C. 2002, c. 20.

Marriage (Prohibited Degrees) Act, S.C. 1990, c. 46.  
 Modernization of Benefits and Obligations Act, S.C. 2000, c. 12.  
 Mutual Legal Assistance in Criminal Matters Act, R.S. 1985, c. 30 (4th Supp.).

Official Languages Act, R.S. 1985, c. 31 (4th Supp.).

Postal Services Interruption Relief Act, R.S. 1985, c. P-16.  
 Privacy Act, R.S. 1985, c. P-21  
 (responsibility shared with the President of the Treasury Board<sup>12</sup>).

Revised Statutes of Canada, 1985 Act, R.S. 1985, c. 40 (3rd Supp.).

Security Offences Act, R.S. 1985, c. S-7.  
 Security of Information Act, R.S. 1985, c. O-5.  
 State Immunity Act, R.S. 1985, c. S-18.  
 Statute Revision Act, R.S. 1985, c. S-20.  
 Statutory Instruments Act, R.S. 1985, c. S-22.  
 Supreme Court Act, R.S. 1985, c. S-26.

Tax Court of Canada Act, R.S. 1985, c. T-2.

United Nations Foreign Arbitral Awards Convention Act, R.S. 1985, c. 16 (2nd Supp.).

Youth Criminal Justice Act, S.C. 2002, c. 1 (replaces Young Offenders Act, R.S. 1985, c. Y-1).

12. Responsibility is shared in the following manner: Minister of Justice, for purposes of paragraph (b) of the definition of “head” in section 3, subsection 12(3), paragraphs 77(1) (a), (d), (g) and (l) and subsection 77(2); President of the Treasury Board, for all other purposes of the Act (SI/83109).

## **B. Contact information**

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## C. Information Online

For more information about the management terms used in this document, please consult the Treasury Board Secretariat's Lexicon for RPP:  
[http://www.tbs-sct.gc.ca/est-pre/20052006/lex\\_e.asp](http://www.tbs-sct.gc.ca/est-pre/20052006/lex_e.asp)

For more information about the Department of Justice, please consult the following electronic publications:

**About the Department of Justice**

<http://www.justice.gc.ca/en/dept/pub/about/index.html>

**Access to Justice in Both Official Languages Support Fund**

[http://canada.justice.gc.ca/en/ps/ol/official\\_languages.html](http://canada.justice.gc.ca/en/ps/ol/official_languages.html)

**Department of Justice Evaluation Reports**

<http://www.justice.gc.ca/en/ps/eval/list.html>

**Department of Justice Internal Audit Reports**

[http://www.justice.gc.ca/en/dept/pub/audit\\_reports/index.html](http://www.justice.gc.ca/en/dept/pub/audit_reports/index.html)

**Departmental Performance Report**

<http://www.justice.gc.ca/en/dept/pub/dpr/home.html>

**Public Legal Education and Information**

[http://canada.justice.gc.ca/en/ps/pb/legal\\_ed.html](http://canada.justice.gc.ca/en/ps/pb/legal_ed.html)

**Report on Plans and Priorities, 2005-2006**

[http://www.justice.gc.ca/en/dept/pub/rpp/2005\\_2006/toc.html](http://www.justice.gc.ca/en/dept/pub/rpp/2005_2006/toc.html)

**Research and Statistics**

<http://www.justice.gc.ca/en/ps/rs/index.html>

**Sustainable Development Strategy, 2004-2006**

[http://www.justice.gc.ca/en/dept/pub/sds/04\\_06/index.html](http://www.justice.gc.ca/en/dept/pub/sds/04_06/index.html)

The Department of Justice produces many other publications and reports on a variety of subjects. For a complete listing, please visit the Publications page on our Internet site:

[http://www.justice.gc.ca/en/dept/pub/subject\\_index.html](http://www.justice.gc.ca/en/dept/pub/subject_index.html)