



ESTIMATES

Office of the Commissioner for Federal Judicial Affairs

**2000-2001
Estimates**

Part III – Report on Plans and Priorities

Canada

The Estimates Documents

Each year, the government prepares Estimates in support of its request to Parliament for authority to spend public monies. This request is formalized through the tabling of appropriation bills in Parliament. The Estimates, which are tabled in the House of Commons by the President of the Treasury Board, consist of three parts:

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

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

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

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

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

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Office of the Commissioner for Federal Judicial Affairs

2000-2001
Estimates

Part III - Report on Plans and Priorities

Approved

Minister of Justice and
Attorney General of Canada

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Section I: Messages

A. The Message

The Office of the Commissioner for Federal Judicial Affairs was created in 1978 to safeguard the independence of the judiciary and to put federally appointed judges at arm's length from the administration of the Department of Justice. It exists to promote the better administration of Justice and focuses its efforts on providing a sound support role to the federal judiciary.

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

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

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

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

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

Guy Y. Goulard

B. Management Representation Statement

MANAGEMENT REPRESENTATION Report on Plans and Priorities 2000-2001

I submit, for tabling in Parliament, the 2000-2001 Report on Plans and Priorities (RPP) for the Office of the Commissioner for Federal Judicial Affairs

To the best of my knowledge the information:

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

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

The Planning and Reporting Accountability Structure on which this document is based has been approved by Treasury Board Ministers and is the basis for accountability for the results achieved with the resources and authorities provided.

Name

Date

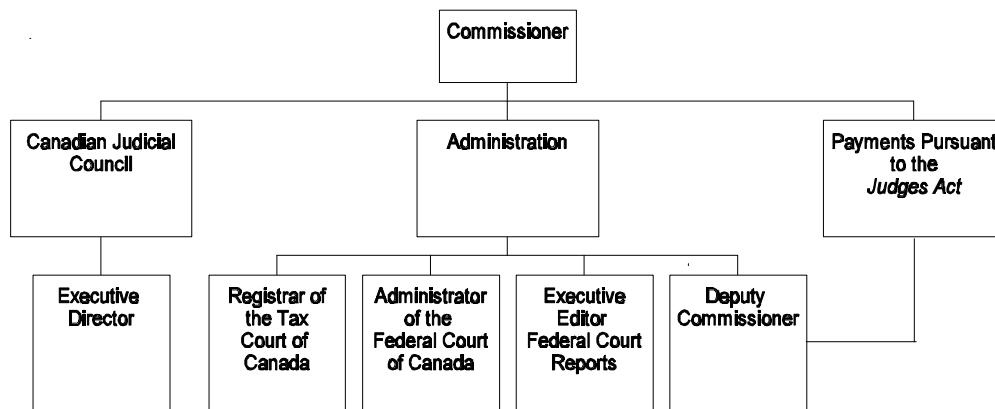
Section II: Departmental Overview

A. Mandate, Roles, and Responsibilities

Section 73 of the *Judges Act* provides for the establishment of an officer called the Commissioner for Federal Judicial Affairs who shall have the rank and status of a deputy head of a department. Section 74 sets out the duties and functions of the Commissioner. The Office of the Commissioner administers Part I of the *Judges Act* by providing judges of the Federal Court of Canada, the Tax Court of Canada and federally appointed judges of Superior courts with salaries, allowances and annuities in accordance with the *Judges Act*; prepares budgetary submissions for the requirements of the Federal Court of Canada, the Tax Court of Canada and the Canadian Judicial Council; provides administrative services to the Canadian Judicial Council and undertakes such other missions as the Minister may require in connection with any matters falling, by law, within the Minister's responsibilities for the proper functioning of the judicial system in Canada.

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

Organization Chart



B. Departmental/Program Objective

- to provide the administrative support needed to guide an independent judiciary into the age of automation and to administer statutory expenditures under Part I of the *Judges Act* with probity and prudence.

C. External Factors Influencing the Department

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

There is an increase in the demand for research and development in the use of emerging technologies in the courtroom and in the administration of Justice. We have developed a Web Site which features, amongst other things, the Federal Court Reports and the raw decisions of the Federal Court. We have developed a Judicial Communication Network (JAIN) for the use of the members of the federal judiciary.

With the increasing visibility of the Canadian judiciary, given the nature of some of the proceedings being undertaken across the country, the number and complexity of the complaints being lodged against members of the judiciary have increased. Each of these complaints must be reviewed and many require extensive analysis by specialists to determine if complaint has merit. The resources required to support such a comprehensive process have been increasing in recent years.

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

In accordance with Bill C-37, which was proclaimed into law in November 1998, in September of 1999 the Quadrennial Judicial Compensation and Benefits Commission was appointed by the Minister of Justice. This commission is reviewing submissions related to compensation and benefits, is conducting the required hearings and will be issuing its report during the 2000-2001 fiscal year. One of the major changes is the requirement for

the Minister of Justice to respond to the matters raised in the Commission's report. This Office will be responsible for implementing those recommendations accepted by the Minister.

A four year agreement with the Canadian International Development Agency (CIDA) was recently signed for our Office to work with the Supreme Court, the Constitutional Court, and the High Arbitrage Court of the Russian Federation. The aim of the project is to enhance the Russian judiciary's practical understanding and application of the principles of the rule of law, constitutionalism, judicial independence and impartiality. The project also aims to introduce measures to increase the efficiency and effectiveness of the court practices of both the courts and the general jurisdiction and the commercial courts dealing with tax dispute issues. There will be a strong professional training component incorporated into the project aimed at developing Russian judicial training capacity.

We have entered into a partnership with Industry Canada, the Supreme Court of Newfoundland, the Provincial Court of Newfoundland and the Provincial Information and Library Resources Board for the provision of a pilot program on the use of video conferencing in the courts through the use of the Community Access Program (CAP).

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

D. Departmental Planned Spending

(\$ millions)	Forecast Spending 1999-2000*	Planned Spending 2000-2001	Planned Spending 2001-2002	Planned Spending 2002-2003
Budgetary Main Estimates	257.7	264.8	272.8	281.1
Non-Budgetary Main Estimates	-	-	-	-
Less: Respendable revenue	.3	.3	.3	.3
Total Main Estimates	257.4	264.5	272.5	280.8
Adjustments **	1.2	1.6	-	-0.1
Net Planned Spending	258.6	266.1	272.5	280.7
Less: Non-respendable revenue	11.9	12.9	13.2	13.6
Plus: Cost of services received without charge	1.0	1.0	1.0	1.0
Net Cost of Program	247.7	254.2	260.3	268.1
Full Time Equivalents	45	45	45	45

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

**Adjustments are to accommodate approvals obtained since the Annual Reference Level Update (ARLU) exercise and to include Budget initiatives.

Section III: Plans, Results and Resources

A. Business Line Objective

The Objective of the Federal Judicial Affairs business line is to provide the administrative support needed to guide an independent judiciary into the age of automation and to administer statutory expenditures under Part I of the *Judges Act* with probity and prudence.

B. Business Line Description

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

- Administration - This service line provides the federal judiciary with guidance and advice on the interpretation of Part I of the *Judges Act*; provides the Minister with an up-to-date list of approved candidates for appointment to the judiciary as well as providing support to the judiciary in the areas of finance, personnel, administration, training, editing and information management.
- Canadian Judicial Council - This service line provides for the administration of the Canadian Judicial Council as authorized by the *Judges Act*.
- Payments pursuant to the *Judges Act* - This service line provides for payment of salaries, allowances and annuities to judges and their survivors as authorized by the *Judges Act*.

C. Key Results Commitments, Planned Results , Related Activities and Resources

Key Results Commitment

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

Planned Results

- the promotion of training and education of judges will result in judges being more aware of current issues as well as being able to take advantage of the tools that are, and will be, at their disposal to assist them in fulfilling their judicial obligations;
- the strategy of having arrangements with other small agencies to provide them with corporate services allows us to make better use of the resources and expertise we have within our organization and results in lower costs to the government since these Agencies are not required to maintain their own staff to provide these services. We are able to enhance our organization through these additional duties and responsibilities and at the same time fill a void that exists within the government. Each of the existing agreements have been extended thus demonstrating the level of satisfaction with the services offered;
- we will be assessing the various new techniques for learning such as distance learning and making use of multi-media packages which may result in lower overall costs for the training of judges;
- by becoming the central focus for coordinating and promoting cooperative ventures between the Canadian judiciary and judiciaries from other countries, we will ensure that the expertise of the Canadian judiciary is best utilized in assisting these countries. All programs which will be undertaken will be in conjunction with CIDA, and funding will be provided by other departments or agencies;
- by maximizing the exploitation of technology, we will be ensuring, through such initiatives as the Judicial Affairs Information Network, that lines of communication between members of the federal judiciary are available. The net result of this initiative, although difficult to quantify, should be a lower cost to the public for the provision of judicial services. Our participation in the National Centre for State Courts' 6th Court Technology Conference has resulted in increased demand for participation in the Judicial Affairs Information Network from not only federally appointed judges but, on a cost recovery basis, from provincial judges, court administrators as well as from their

international equivalents. The revenue generated from the diversification of these services will allow JAIN to continue to grow at no additional cost to the federal treasury. Of major importance is the development of video conferencing technologies in the courtroom. Savings in travel and other costs could be substantial once this technology is developed;

- The Judicial Counselling Program will provide assistance to those federally and provincially appointed judges who require help in dealing with personal problems. This will serve to minimize the amount of time lost by judges who would be absent from their judicial duties; and
- The Judicial Compensation and Benefits Commission will issue its report and recommendations in fiscal year 2000-2001. This Office will be responsible for the implementation of all or parts of the Commissions recommendations.

Related Activities

- to continually review current procedures for processing payments to judges with the objective of reducing error rates and the processing time while handling an increased volume of claims;
- to promote the training and education of judges and work forcefully towards a rationalization of these services. This initiative will be undertaken to ensure uniformity, consistency and excellence in judicial education;
- to assess and implement centralized common services, where appropriate, to increase administrative excellence and efficiency and to reduce costs. Also, the provision of administrative services on a cost recovery basis will be offered to other departments and agencies;
- to explore alternative methods of course delivery for judges' language training such as conducting sessions that include training on weekends which will shorten course duration and reduce costs. Follow-up testing may also be developed and implemented to assess language performance levels and requirements for additional language training. Distance and multi-media training possibilities will also be considered;
- to endeavour to become the central focus for coordinating and promoting cooperative ventures between the Canadian judiciary and the judiciaries of other countries, based on those initiatives identified by the Canadian International Development Agency (CIDA) and Foreign Affairs; and
- to maximize the exploitation of technology so as to provide the judiciary with the best available tools to fulfill their judicial functions. Central to this strategy is the

commitment of the Office of the Commissioner for Federal Judicial Affairs to continue to enhance and expand the Judicial Affairs Information Network (JAIN) that links federally appointed judges through a dedicated network, in order to facilitate and encourage the exchange and dissemination of judicial information. This strategy will take full advantage of existing information networks and help meet the Office's commitment and duty to inform in innovative, less costly ways. Also of major importance is the supportive role we are playing by encouraging the development of video conferencing technologies for judges with other federal government departments such as Industry Canada, the Supreme Court of Canada and with the provincial judicial jurisdictions. Savings in travel and other costs could be substantial once this technology is developed and implemented. Video conferencing initiatives will proceed subject to the successful identification of funding sources.

- The Judicial Counselling Program will provide federally and provincially appointed judges with readily accessible, confidential, short-tem counselling and assistance in dealing with personal problems. This program is provided to all federally appointed judges and to provincially appointed judges on a cost recovery basis through a contract with Corporate Health Consultants.
- The Judicial Compensation and Benefits Commission will review all submissions received related to compensation and benefits, will conduct hearings to allow the parties submitting the submissions to present their positions and will issue its final report to the Minister of Justice. In accordance with the mandate contained in Bill C-37, will inquire and respond to any further issues referred by the Minister of Justice with relation to the adequacy of the salaries and other amounts payable under the *Judges Act* and into the adequacy of judges' benefits generally .

Section IV: Financial Information

Table 4.1: Summary of Transfer Payments

(\$ millions)	Forecast Spending 1999-2000	Planned Spending 2000-2001	Planned Spending 2001-2002	Planned Spending 2002-2003
Federal Judicial Affairs				
GRANTS				
Lump sum payments to a surviving spouse of a judge who dies while in office in an amount equal to one-sixth of the annual salary payable to the judge at the time of his death	0.1	0.1	0.1	0.1
Annuities under the <i>Judges Act</i>	49.7	51.5	53.6	55.7
Total Grants	49.8	51.6	53.7	55.8

Table 4.2: Source of Responsible and Non-Responsible Revenue

Responsible Revenue

(\$ millions)	Forecast Revenue 1999-2000	Planned Revenue 2000-2001	Planned Revenue 2001-2002	Planned Revenue 2002-2003
Federal Judicial Affairs				
Office of the Umpire and Competition Tribunal Service Fees	0.1	0.1	0.1	0.1
Canadian Human Rights Tribunal Service Fees	0.1	0.1	0.1	0.1
Administrative Arrangement with Canadian International Development Agency	0.1	0.1	0.1	0.1
Total Responsible	0.3	0.3	0.3	0.3

Non-responsible Revenue

(\$ millions)	Forecast Revenue 1999-2000	Planned Revenue 2000-2001	Planned Revenue 2001-2002	Planned Revenue 2002-2003
Federal Judicial Affairs				
Judges' Contributions to Pension Fund	11.9	12.9	13.2	13.6
Total Non-Responsible Revenue	11.9	12.9	13.2	13.6
Total Responsible and Non- responsible Revenue	12.2	13.2	13.5	13.9

Table 4.3: Net Cost of Program for 2000-2001

(\$ millions)	
Net Planned Spending	266.1
Plus:	
<i>Services Received without Charge</i>	
Accommodation provided by Public Works and Government Services Canada (PWGSC)	.4
Contributions covering employees' share of insurance premiums and expenditures paid by TBS	.6
Workman's compensation coverage provided by Human Resources Canada	0
Salary and associated expenditures of legal services provided by Justice Canada	0
	<hr/>
	1.0
Total Cost of Program	267.1
Less:	
Non-Respendable Revenue	12.9
2000-2001 Net Cost of Program	254.2

Section V: Other Information

Listing of Statutes and Regulations

Statutes and Regulations Currently in Force

:

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

November 1998

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

February 1991

References

Listing of Statutory and Departmental Reports

Canadian Judicial Council Annual Report

Computer News for Judges

Federal Court Reports

Federal Judicial Appointments Process-November 1996

Report and Recommendations of the 1995 Commission of Judges' Salaries and Benefits

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