

SERVING CANADIANS



DEPARTMENT OF
JUSTICE CANADA

Report on
Plans and Priorities

2005-2006



Department of Justice
Canada

Ministère de la Justice
Canada

Canada



By developing and upholding laws that affect virtually every facet of the country's political, social and economic life, the Department of Justice helps maintain a fair and democratic society while supporting the government's goals.

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Maintaining a justice system that serves everyone living in Canada is a central focus for the Department of Justice, which strives to ensure that the system remains fair, accessible and efficient as it evolves in response to social change.

SECTION I—OVERVIEW

A. Message from the Minister of Justice

As Minister of Justice, it is my responsibility to work with the provinces and territories to ensure that Canada has a just and law-abiding society with an accessible, efficient, and fair system of justice. The Department of Justice occupies a central role in helping me fulfill these duties, in addition to providing high-quality legal counsel to the Government of Canada and promoting Canada's rights, freedoms, and laws. By developing and upholding laws that affect virtually every facet of our political, social, and economic life, the Department of Justice strengthens the social foundations of Canadian life and promotes Canada's standing in the world.

While Canada's justice system remains a leader on the international stage, the system is under increasing pressure from changes in Canadian society and in the world at large, including the constitutional revolution, the internationalization of human rights, the dramatic developments in Aboriginal rights, the litigation explosion, and globalization as a juridical as well as economic phenomenon. As our world changes, so too must our approach to building an effective justice system. This will involve transformative reform within the system as well as action on both the domestic and international fronts.

As part of our commitment to improving Canada's justice system, for fiscal year 2005-2006, the Department of Justice will focus on the following priorities.

1. The **promotion of an accessible, equitable and efficient justice system** requires the sustained cooperation of federal and provincial/territorial stakeholders. The most important program—and an important component of access to justice—is Legal Aid, which is available to youth and economically disadvantaged Canadians who are involved with the criminal justice system. Other programs that help make our system more accessible include services for victims of crime, youth justice initiatives, child-centred family justice strategy, and public legal education services.
2. The **protection of the most vulnerable and the promotion of human dignity** will continue to be a top priority. The test of a just society is how it treats the most vulnerable amongst us: the poor, the disabled, minorities, women, children and youth—they must all find their voice within our justice system and in our society as a whole.
3. We must address the needs of **Aboriginal justice** including the disproportionately high numbers of Aboriginal Canadians in the criminal justice system as both victims and offenders, and the under-representation of Aboriginals in the Justice system. Accordingly, we will work to ensure that Aboriginal legal traditions are respected in our mainstream justice system, and continue to develop such programs as the Aboriginal Justice Strategy and the Aboriginal Courtworker Program.



Irwin Cotler

Minister of Justice and
Attorney General of Canada

4. In our increasingly globalized world, the **combatting of transnational terrorism, cyber-crime, organized crime and trafficking in persons** has become an increasingly important priority and challenge. Many criminal groups employ sophisticated communications and transportation systems that make investigations difficult. As we promote and protect our individual and collective security through the combating of international terrorism and transnational crime, we will ensure that our laws and policies comport with the Rule of Law, and that no minority is singled out for discriminatory treatment.

5. Developing justice **initiatives to combat racism, hate speech, and hate crimes**, both domestically and internationally, as mandated in the Speech from the Throne, and as an important component of the National Action Plan Against Racism.

6. We must improve our capacity for **international legal** cooperation and exercise a leadership role in the building of an international justice system, the advancement of international human rights laws, and in the combating of impunity and mass atrocity. Canada's justice system, while not perfect, is recognized throughout the world as a model for the protection of rights, the celebration of diversity, and the safeguarding of an independent judiciary. Consequently, Canada has much expertise to share with the world. By working to improve national justice systems one by one, we can help build a world that recognizes the primacy of the rule of law.

7. In order to continue to **support our clients with high-quality legal services**, there needs to be a greater appreciation of the increasing and compelling demand for these services. This will involve an enhanced understanding of the need to make our resources proportionate to the increasing demand upon them. More specifically, it will involve ensuring a sustainable funding regime to accommodate the increasing volume and complexity of the demand for legal services and the importance of anticipating and addressing legal risk management in high impact litigation and the like.

8. The Department of Justice, in collaboration with its partners, is engaged in an **ongoing modernization of the criminal law**. Canada's criminal law has been built piece by piece, often in response to pressures or events of the moment. This modernization must take into account the evolution of Charter jurisprudence, the globalization of injustice, scientific developments relating to detecting and prosecuting crimes (such as DNA identification), the role of the criminal law to protect human rights and the changing social attitudes about how we should use the criminal law to influence individual and corporate behaviour.

As Minister of Justice, I am guided by one overarching principle: the pursuit of justice. Focused on these priorities, the Department of Justice will do its part to make our country—and our world—a more just place to live.



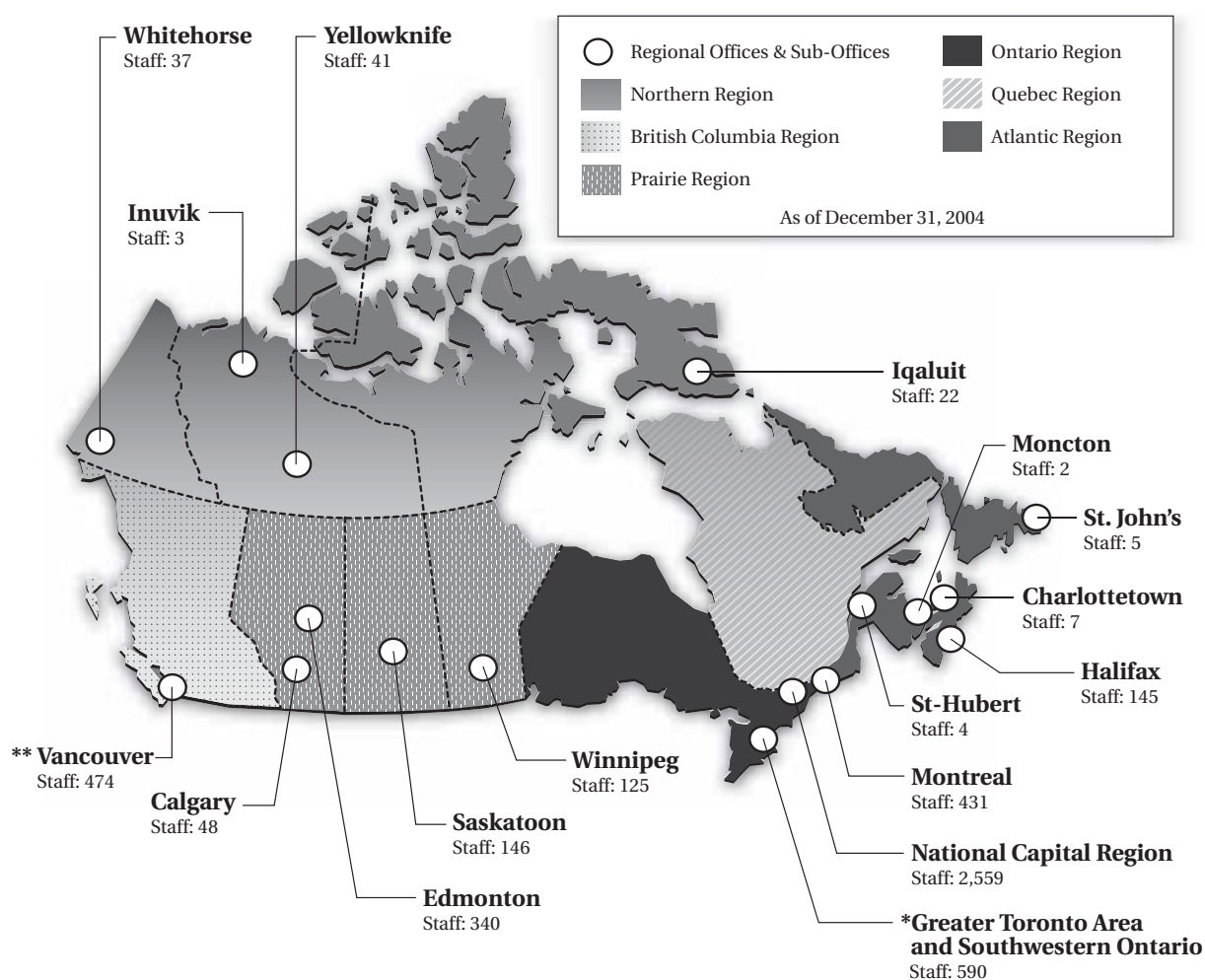
Irwin Cotler,
Minister of Justice and Attorney General of Canada

B. Departmental Overview

The Department of Justice (DOJ) contributes to a crucial aspect of our democracy—Canada’s system of justice. The justice system helps to define the rights and responsibilities of citizens and governments, establishes laws that keep us safe, regulates the economy, protects disadvantaged groups, and provides mechanisms to resolve disputes in a fair and equitable manner.

The *Department of Justice Act* assigns specific duties and responsibilities to the Minister of Justice, including the administration of justice in all matters not within the jurisdiction of provincial and territorial governments. To carry out these duties effectively, the Department maintains a staff of approximately 5,000, who work at headquarters in Ottawa, at regional offices in each province and territory, and at the offices of our government clients across the country.

Figure 1.1
Justice Across Canada



* Employees of the Department’s Ontario Regional Office work in Toronto, Newmarket, Brampton, Milton, Kitchener and London.

** One employee of the British Columbia Regional Office works in Kelowna.

Shared Jurisdiction

Under Canada's Constitution, responsibilities are divided among provincial, territorial and federal jurisdictions. Federal, provincial and territorial governments can introduce new laws or amendments to existing laws in their respective jurisdictions. In general, Parliament focuses on national concerns such as international law and criminal law, marriage and divorce, while provincial and territorial legislatures address local matters, such as education and health care. These divisions are set out in articles 91 and 92 of *The Constitution Act 1987* and later case law.

The Department's responsibilities reflect the dual role assigned to the Minister of Justice, who also serves as Attorney General of Canada—the chief law officer of the Crown.

The policy mandate of the Minister includes responsibility for more than 45 statutes and areas of federal law, such as human rights, family and youth law, administrative law, Aboriginal justice, general public law and private international law. The Minister introduces policies and programs that not only change the law but are intended to influence the way the law is applied, how the legal system functions and how individuals interact with the system, such as victims policy or support services in family law. The Department enacts reform and provides advice on all reforms related to criminal law.

The Attorney General advises federal departments and agencies on behalf of the Crown, and represents the Crown whenever legal actions are taken against a federal body. The Attorney General also oversees the prosecution of violations of federal law in all the provinces, as well as the prosecution of all federal offences, including *Criminal Code* violations, in the territories.

C. Summary Information

Summary Table 1: Rationale and Mandate

The Department of Justice oversees important components of Canada's justice system, develops policy responses to a wide range of issues, develops options for law reform, drafts laws, provides legal services to departments and agencies of the federal government, and designs and delivers programs and initiatives that improve access to the justice system and foster a more equitable society. These functions help to ensure that Canadians live in a free, just and safe society.

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.

The Department's strategic outcomes are to foster:

- a fair, relevant and accessible justice system that reflects Canadian values; and
- a federal government that is supported by effective and responsive legal services.

Summary Table 2: Financial Resources (\$ millions)

2005-2006	2006-2007	2007-2008
972.5	929.9	923.6

N.B. Grants and contributions account for almost half of these totals.

Summary Table 3: Human Resources

2005-2006	2006-2007	2007-2008
5 036	5 069	5 052

D. Departmental Plans and Priorities

The context in which the Department plans and sets priorities is directly linked to the mandate of the Department of Justice and the separate roles and responsibilities of the Minister of Justice and the Attorney General of Canada.

To support the Minister in his role as Minister of Justice, the Department pursues an active policy and program agenda addressing key issues affecting the lives of Canadians. Our policies and programs seek to prevent, reduce or resolve conflict, divert demand from litigation and provide targeted, effective and sustainable solutions to a wide range of problems.

Through our programs, we are able to transfer funding to our partners (provinces, territories and various non-governmental organizations) to support federal priorities in such areas as youth justice, legal aid and protecting the interests of families and children.

To support the Attorney General role, the Department offers an in-depth set of legal-advisory, legislative-drafting and litigation services to all departments and agencies. The increase in demand for these services has resulted in the Department doubling in size since 1998. Causes for this growth in demand include:

- the “constitutional revolution” particularly related to equality issues, which has led many Canadians to seek redress for, or access to, rights and remedies in areas that were formerly not justiciable. Many of these are now legalized, e.g. access to healthcare, entitlement to social benefits;
- the revolution in international law, as globalization extends beyond economic considerations and into the spheres of human rights and domestic law and policy;
- the “aboriginal rights revolution” involving issues of recognition, redress, land claims, governance and self-determination; and
- the national security agenda, which demands resource-intensive involvement by Justice.

Charter of Rights and Freedoms

In 2005, Canada will celebrate the 20th anniversary of the coming into force of Section 15, the equality-rights provisions of the *Charter of Rights and Freedoms*. Over the last 20 years, Section 15 of the Charter has inspired an ever-deepening understanding of the meaning of democratic justice. In the years ahead, the principles set out in Section 15 will continue to help us define and strengthen core values of fairness, respect, understanding and tolerance as we aspire toward becoming an even more just society.

The growing importance of legal issues to the Government has had a profound effect on Justice. The Department is increasingly called upon to manage high-impact litigation with potential impacts in the billions of dollars and the possibility of serious constraints on policy options. Awareness and compliance with legal norms (both the Charter and international trade rules, for example) have become increasingly necessary for policy development in many fields. International trade is but one example among many in which Justice counsel find themselves involved early in the policy process, helping client departments assess legal risks, deal with problems and develop legally acceptable policy options.

Strategic Outcomes, Program Activities, Priorities and Plans

In the same way that the Department's planning and priority-setting activities relate directly to the separate roles of the Minister of Justice and the Attorney General of Canada, so too is there a link between these two roles and the Department's two strategic outcomes.

Strategic Outcome 1

A fair, relevant and accessible justice system that reflects Canadian values

Supporting Program Activities

Develop policies and laws

Deliver programs

Manage and coordinate strategic policies and priorities

Strategic Outcome 2

A federal government that is supported by effective and responsive legal services

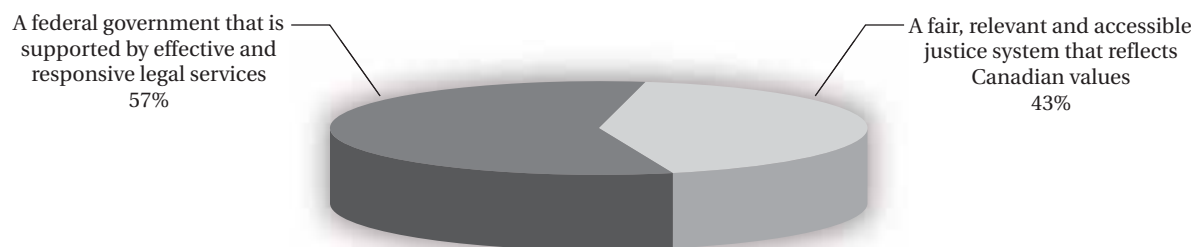
Supporting Program Activities

Provide legislative services

Provide legal advisory and litigation services

Provide prosecution services

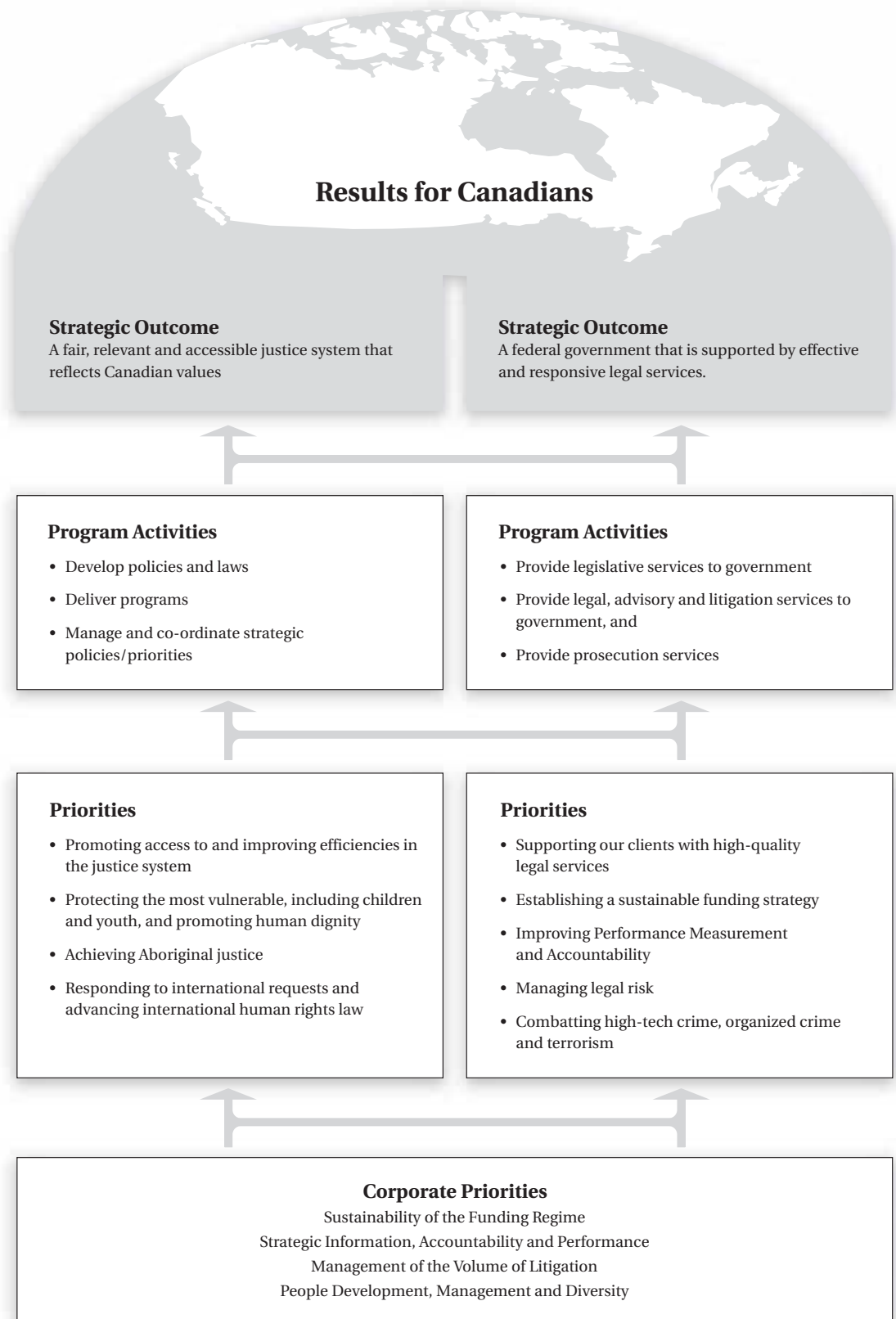
Figure 1.2
2005-06 Planned Spending by Strategic Outcome



2005-06 Planned Spending by Strategic Outcome (\$ millions)

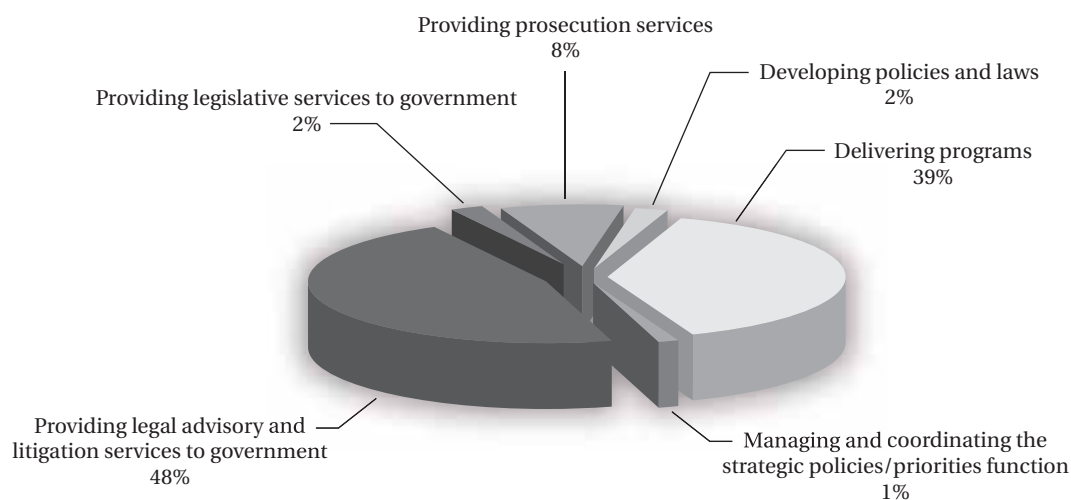
A fair, relevant and accessible justice system that reflects Canadian values	415.0
A federal government that is supported by effective and responsive legal services	557.5
Total	972.5

Figure 1.3
Strategic Outcomes and Priorities



It is on the basis of the Department's two strategic outcomes and six supporting program activities that Justice receives its planned spending authority.

Figure 1.4
2005-06 Planned Spending by Program Activity



2005-06 Planned Spending by Strategic Outcome and Supporting Activity (\$ millions)

A fair, relevant and accessible justice system that reflects Canadian values	
Developing Policies and Laws	21.4
Delivering Programs	380.0
Managing and coordinating the strategic policies/priorities function	13.6
Total—Strategic Outcome 1	415.0
A federal government that is supported by effective and responsive legal services	
Providing legal advisory and litigation services to government	454.8
Providing legislative services to government	20.6
Providing prosecution services	82.1
Total—Strategic Outcome 2	557.5
Total	972.5

Figure 1.5
2005-06 FTEs by Strategic Outcome



2005-06 FTEs by Strategic Outcome and Activity

A fair, relevant and accessible justice system that reflects Canadian values	
Developing Policies and Laws	249
Delivering Programs	85
Managing and coordinating the strategic policies/priorities function	80
Total—Strategic Outcome 1	414
A federal government that is supported by effective and responsive legal services	
Providing legal advisory and litigation services to government	3 582
Providing legislative services to government	247
Providing prosecution services	793
Total—Strategic Outcome 2	4 622
Total	5 036

Changes in Reporting Structure

In December 2004, Treasury Board approved the Management, Resources and Results Structure (MRRS) Policy that applies to all government departments. The MRRS provides a foundation for departmental planning, priority setting, resource allocations, performance measurement and monitoring and reporting on results. The MRRS provides a new reporting framework for this and subsequent Reports on Plans and Priorities (RPPs) and Departmental Performance Reports (DPRs). The MRRS reporting framework differs from that presented in the 2004-2005 RPP in two principal ways.

First, in past RPPs, the Department of Justice used a planning, reporting and accountability structure that was built around three business lines. This has now been replaced by a structure oriented around two strategic outcomes. The table below shows the cross-walk between the two.

2005-06 Planned Spending: New Reporting Structure versus Former Structure (\$000)	Former Business Line Structure			Total Planned Spending
	Law and Policy	Government Client Services	Administrator	
NEW STRATEGIC OUTCOME STRUCTURE				
Strategic Outcome 1				
A fair, relevant and accessible justice system that reflects Canadian values				
	402 243	-	12 764	415 007
Strategic Outcome 2				
A federal government that is supported by effective and responsive legal services				
	-	480 926	76 559	557 485
Total	402 234	480 926	89 323	972 492

Second, the 2004-2005 RPP identified priorities in support of three strategic outcomes. Two of the strategic outcomes in the 2004-2005 RPP are broadly consistent with the strategic outcomes defined in the MRRS. However, the outcome 'a safer more secure society' in the 2004-2005 RPP has been recast to fall within the two strategic outcomes in the MRRS since it is one to which many departments and agencies make supporting contributions.

Strategic Outcomes identified in 2004-05 RPP	Strategic Outcomes identified in 2004-05 RPP
<ul style="list-style-type: none"> • A fair, relevant, accessible justice system that reflects Canadian values • A safer, more secure society • High-quality legal services to support the federal government 	<ul style="list-style-type: none"> • A fair, relevant and accessible justice system that reflects Canadian values • A federal government that is supported by effective and responsive legal services

Further details on the Department of Justice’s MRRS can be found at http://www.justice.gc.ca/en/dept/pub/rpp/2004_2005/toc.html

Strategic outcome 1: A fair, relevant and accessible justice system that reflects Canadian values

The Minister of Justice is responsible for ensuring that the administration of public affairs is in accordance with the law, and has the superintendence of all matters connected with the administration of justice in Canada not within the jurisdiction of the provinces and territories.

The Minister’s policy mandate includes responsibility for more than 45 statutes and areas of federal common law, including marriage, the *Divorce Act*, the *Criminal Code*, the *Privacy Act*, the *Canadian Human Rights Act*, the *Access to Information Act*, the *Official Languages Act*, and the *Judges Act*.

Within this mandate, the Department undertakes three primary program activities that work together to support a fair, relevant and accessible justice system that reflects Canadian values:

- development of policies and laws;
- delivery of programs; and
- management and coordination of strategic policies and priorities.

Development of policies and laws

The Department’s policy and law activities range from small, technical reforms of legislation and regulations to the politically charged, hotly debated issues claiming to define the core values of Canadian society.

Developing justice policies and laws is a largely horizontal exercise, requiring cooperation with other federal departments, provincial and territorial governments, and international organizations. The Department’s policy and law development is undertaken by a multi-disciplinary workforce specializing in criminal law and criminal justice; family children and youth law and policy; public law policy, including human rights, privacy and access to information law; judicial affairs policy; aboriginal justice; and official languages. There is also significant policy development undertaken in the areas of international human rights and private international law.

Delivery of programs

The Department designs, implements and funds programs that advance the justice-related policy objectives of the government and contribute to the development and maintenance of a fair, relevant and accessible justice system that reflects Canadian values.

This is achieved through partnerships with provinces and territories, other government departments, non-governmental organizations and communities, and through the strategic utilization of grant and contribution resources to support projects and services.

Included under this broad activity heading is the conceptualization, negotiation, implementation, review and assessment of:

- Ongoing funding agreements with provinces and territories in such areas as Legal Aid, Youth Justice services, Aboriginal Courtwork services, Aboriginal Justice and Family Justice Services, Public Legal Education and Information; and
- Support for time-limited projects and activities in such areas as Family Violence, Official Languages, Victims of Crime, Youth Justice Renewal and other justice priorities revisited on a regular basis.

Management and coordination of strategic policies and priorities

Given its central role in Canada's democracy, the Department must constantly analyze and assess its strategies, policies and priorities, and ensure strong intergovernmental and external relations.

The Department supports the Minister and senior management in articulating the Department's overall strategic framework with respect to both of its roles as legal-services provider to Government and as justice policy-maker. Policy advice is co-ordinated and integrated both within the Department and government wide. The Department delivers high-quality social science research and statistical services, ensures requisite expertise to evaluate its policies, programs, operations and services, manages Federal-Provincial-Territorial relations, and maintains working relationships with both internal and external groups.

The resources allocated to Strategic Outcome 1 are considerable relative to the Department's overall resources. They include a large Grants and Contributions programming component. The supporting table shows both planned spending and FTEs broken down by supporting program activity.

2005-06 Planned Spending with Strategic Outcome 1 broken down by supporting Program Activity (\$ millions) and FTEs		FTEs
A fair, relevant and accessible justice system that reflects Canadian values		
Developing Policies and Laws	21.4	249
Delivering Programs	380.0	85
Managing and coordinating the strategic policies/priorities function	13.6	80
Total—Strategic Outcome 1	415.0	414
A federal government that is supported by effective and responsive legal services		
Total—Strategic Outcome 2	557.5	4 622
Total	972.5	5 036

Current priorities in support of strategic outcome 1:

1. Promoting access to and improving efficiencies in the justice system
2. Protecting the most vulnerable, including children and youth, and promoting human dignity
3. Achieving Aboriginal justice
4. Responding to international requests and advancing international human rights law

Priority 1: Promoting access to and improving efficiencies in the justice system

Canada is a large and diverse country and the factors influencing the efficient administration of justice vary from region to region and from one legal system to another. The legal and policy issues are often broad and complex, and as a result, they require sustained commitment and cooperation on the part of federal, provincial and territorial partners and stakeholders.

Promoting access to the justice system

Ensuring that the justice system is accessible to everyone means ensuring that people understand their justice-related rights and responsibilities. Consequently, the Department funds public legal education and information organizations in each province to help Canadians understand and exercise their justice-related rights and responsibilities, while also raising awareness of new developments in the justice system (for example, the impact of new legislation and developments affecting the rights of crime victims).

The Department's Legal Aid Renewal Strategy (2003-04 to 2005-06) addresses the criminal legal aid needs of economically disadvantaged people who experience barriers especially at the "front end" of the justice system. The Department provides ongoing funding to the provinces and territories for criminal (and civil legal aid in the territories), immigration and refugee legal aid, and additional funding to reduce unmet needs in criminal legal aid. During the planning period, the Department will continue its research and pilot projects, the results of which will guide the development of legal aid policy in 2006-07 and beyond.

Through its Access to Justice in Both Official Languages Support Fund, the Department will support projects that contribute to improving access to justice in both official languages for the next four years (2004-05 to 2007-08). In addition, the Department will implement its strategic plan for the application of section 41 of the *Official Languages Act*, developed in 2003-04, to reach out to official language minority communities and consult with these communities to take their needs into account in developing policies and programs and offering services.

Another means of making the justice system more accessible is to ensure that all Canadians have access to it in the official language of their choice in both legal systems where provided for by law. For example, negotiations with provincial governments are under way for the use of the minority language in legal proceedings undertaken pursuant to *The Contraventions Act* enacted to put in place a simplified system of prosecuting certain federal offences. Also, the Department has undertaken initiatives aimed at ensuring respect for the right of all accused to a criminal trial in his or her official language.

The Department works with other federal departments and community organizations on innovative and comprehensive responses to the justice-related needs of particular groups. For example, as part of the Government's larger drug strategy, the Department is supporting an expansion of the number of drug treatment courts in Canada. These courts represent a coordinated effort by the judiciary, prosecution and defence lawyers, law enforcement agencies, and mental health and social service communities to intervene to break the cycle of substance abuse, addiction and criminal behaviour. Comprehensive evaluation frameworks will be developed to assist in assessing the outcomes of the drug treatment courts.

Under the renewed mandate of the Victims of Crime Initiative (2005-2006 to 2009-2010), the Department will continue to engage in legislative reform and policy development, developing and disseminating information, project funding and coordination activities with provincial, territorial and federal colleagues to improve the experience of victims of crime in the criminal justice system. Activities will include increasing access to services in the North, conducting research and consultations and developing policy to address the unmet needs of victims.

Improving efficiencies in the justice system

The Department is engaged in an ongoing strategy to ensure that the criminal law and the way it is used reflect Canadian realities and values in the twenty-first century. Canada's body of criminal law has been built piece by piece, often in response to the pressures or events of a specific time in history. It therefore needs constant review and, where necessary, reform.

Criminal law reform in the last several decades has been criticized as a series of ad hoc reforms, sometimes in response to current pressures or events. Reforms have been driven by several factors including: the need to take decisive action to deal with crime, to ensure the law reflects the Charter; to reflect the evolving jurisprudence; to take account of scientific

developments related to detecting and prosecuting crimes, such as DNA identification and testing; and to reflect changing social attitudes about whether and how we should use the criminal law to influence individual and corporate behaviour.

Law reform must address both the current stresses and challenges which may require incremental reforms and a broader and long term plan for principled reform. We will address the need for ongoing and timely reform of the criminal law to ensure a fair, effective and efficient criminal justice system through legislative proposals, including for example proposals to repeal outdated provisions of the *Criminal Code* and pinpoint essential amendments that can be addressed in the short term. A longer-term project to address the substantive, evidentiary and procedural aspects of law reform will continue.

Specific reforms will be developed to respond to the impact and benefits of technology, such as to govern search and seizure of data and the lawful interception of communications, new measures to address identity theft, and expansion of the DNA provisions.

Specific reforms will be pursued to ensure the efficiency and effectiveness of the criminal law, including developing procedures for interlocutory appeals, reviewing the law on bail and exploring reforms to manage mega cases. The term “mega case” refers to a trial where the evidence is complex or there are several accused, so that the trial will be exceptionally long. Mega cases pose a host of challenges for the criminal justice system and there are no quick solutions.

In cooperation with the provinces, the judiciary and the bar, the Department is actively involved in a national effort lead by The Steering Committee on Justice Efficiencies and Access to the Justice System to improve access to justice and efficiency in the criminal justice system.¹ The Committee has reported on its progress to federal, provincial and territorial deputy ministers and ministers responsible for justice and work will continue.

Efforts to address efficiencies in the justice system are evident in the youth justice system which is in the midst of a radical transformation. The Youth Justice Renewal Initiative and its legislative and funding components have led to a new emphasis on youth justice services and programs that provide alternatives to the use of courts and custody. Preliminary results indicate a considerable reduction in the use of the formal court system and incarceration. The Department is committed to sustaining its efforts to ensure the continuing success of this major reform. The Department will continue to work with the provinces and territories to preserve the gains achieved with the Youth Justice Renewal Initiative and sustain the current momentum towards the use of alternatives to formal court processes and incarceration for youth in conflict with the law.

1. This work combines both policy refinements and complementary changes at the operational level, for example: the early consideration/resolution of cases; the management of cases going to trial; the approach to mega-trials; the growth in the number and percentage of people remanded into custody while awaiting trial; and, the impact of impaired driving prosecutions on the criminal justice system.

Priority 2: Protecting the most vulnerable, including children and youth, and promoting human dignity

A key goal of the justice system is to achieve fairness through effective, efficient and respectful processes. The justice system should also be a vehicle to protect and secure the rights of the most vulnerable in society. Individuals may be vulnerable because of social, physical, or economic factors or because of their particular role in the justice system, as an accused, victim or witness. The justice system must ensure that vulnerable Canadians have access to appropriate legal remedies and that our jails do not become society's response to homelessness, mental illness, drug addiction and other conditions inadequately addressed by social services.

These objectives can be promoted through legislative reforms and other approaches intended to:

- protect the vulnerable directly, such as measures to protect children from sexual exploitation or negative consequences linked to parental divorce or separation, to combat trafficking in persons, and to assist victims;
- facilitate access to rights and remedies, including *Canadian Human Rights Act* reform and youth justice initiatives; and
- ensure that the vulnerable are not disadvantaged in the application of laws, particularly when laws are applied to those with physical, social or economic issues.

Strengthening the criminal law's capacity to protect children from abuse, neglect, sexual exploitation and child pornography and facilitating their participation in the justice system remains one of government's highest priorities. Over the planning period, the Department will support parliamentary consideration and implementation of proposed criminal law reforms (Bill C-2, currently before Parliament) to better protect children against abuse, neglect and exploitation, including child pornography, to facilitate the receipt of testimony by child victims and witnesses and that of other vulnerable victims and witnesses, such as victims of spousal abuse and sexual assault and to create new offences against acts of voyeurism.

Criminal law reform will be pursued to strengthen the criminal justice system's response to human trafficking. The Department will continue to co-lead, with the Department of Foreign Affairs, federal efforts to develop and finalize a proposed coordinated and comprehensive federal strategy to combat human trafficking that will seek to promote prevention, protection of victims, and prosecution of offenders.

Ensuring that the criminal law provides a fair regime to govern the mentally disordered while protecting public safety requires carefully crafted and balanced law reforms complemented by non-legislative initiatives to address the over-reliance on criminal-law powers. The Department will support legislative reform and non-legislative approaches for persons who are permanently unfit to stand trial and will develop

options to address those who have limited cognitive capacity because of fetal alcohol syndrome, or are unfit at the time of sentencing. Bill C-10 (mental disorder) is currently before Parliament; consultations are under way regarding the need for other reforms.

Improved protection for youth facing the criminal law's sanctions, improved awareness of rights for youth and a fair youth justice system are essential to attain both the accountability and fairness demanded of the youth criminal justice system. The Department will continue to work in collaboration with provinces and territories and other justice partners to achieve youth-justice reforms.

The Department is in the process of seeking approval for new terms and conditions for the Youth Justice Renewal Initiative, as the current ones expire on March 31, 2005. The updated terms and conditions will enable the Youth Justice Policy Unit to focus on and respond to emerging youth justice issues and to explore responses to youth in conflict with the law who are further marginalized for a variety of reasons such as mental illness, culture, living in care, learning disabilities and fetal-alcohol-spectrum disorder. New avenues of collaboration will also be explored.

Particular minority groups are increasingly affected by discrimination. The Department of Justice is working on a number of initiatives to combat discrimination against minority groups.

The Department will continue to coordinate work on Bill C-38—a bill to extend equal access to civil marriage to same-sex couples, while respecting freedom of religion. The Bill prescribes a uniform legislative approach that would apply across Canada, as announced by the Government of Canada in response to court decisions on challenges to the constitutionality of the opposite-sex requirement for marriage.

The Department of Justice is also working closely with other federal departments to develop anti-racism policies, including policies to address racial profiling.

The Government of Canada is committed to ensuring that all Canadians have the ability to participate fully and equally in society. In support of this goal, the Department is reviewing the *Canadian Human Rights Act* (CHRA) to ensure that vulnerable persons are treated equally and have recourse against acts of discrimination. This review will support any potential reform of the CHRA undertaken by Parliament.

The Department participates in and supports the work of multilateral private international organizations in the development of private international law instruments to protect vulnerable persons, including a convention in the area of enforcement of family support obligations. In addition, the Department works with Foreign Affairs, and the provinces and territories on international human rights treaties, including instruments relating to the sale of children, child prostitution and child pornography and the human rights of persons with disabilities.

Many children, either directly or indirectly, come into contact with the justice system in the context of the separation or divorce proceedings of their parents. The separation and divorce process can have potentially negative impacts on children, particularly where there are high levels of conflict between parents. Promoting a child-centred approach to the separation and divorce process continues to be a high priority for the Department. Child centered legislative reform to the custody and access provisions of the *Divorce Act* will respond to the need to focus on children and advance their best interests.

During the planning period, the Department will continue to work at refining the parenting provisions of the *Divorce Act* and other family-law legislation. The Department will also facilitate and support the work of the provinces and territories in establishing bilateral arrangements on the enforcement of family support obligations. In addition, the Department will continue to work in collaboration with provinces and territories and other justice partners to achieve family justice reforms.

Priority 3: Achieving Aboriginal justice

Aboriginal people continue to be over-represented in the criminal justice system, both as victims and accused, and under-represented in the judiciary, legal profession and police. 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 and more effective for them.

The Government of Canada places a high priority on improving the interaction between Aboriginal people and the justice system.

Departmental activities in support of this priority include the Aboriginal Justice Strategy (AJS), a five-year initiative launched in 2002 that seeks to address the over-representation of Aboriginal people in the criminal justice system. The objectives of the strategy are to:

- support Aboriginal communities as they take greater responsibility for the administration of justice;
- help reduce crime and incarceration rates in communities that administer justice programs; and
- make Canada's justice system more responsive to the justice needs and aspirations of Aboriginal peoples.

The Department uses a grants and contributions program to support community agencies working with Aboriginal people involved in the criminal justice system and to support other projects and activities that address needs and concerns specific to Aboriginal people. Programs which have an emphasis on these needs include Legal Aid, the Aboriginal Courtwork Program, Crown Witness Coordinators in the northern territories, the Policy Centre for Victim issues, and the Youth Justice Policy Unit.

Activities planned for 2005-06 to meet this priority include:

- The **Aboriginal Courtwork Program**, which provides funding to support Aboriginal people who come into conflict with the law, will work closely with provincial and territorial counterparts and service delivery agencies to implement a jointly developed performance-measurement strategy. The strategy will contribute to an evaluation of program-delivery processes planned for 2005-06.
- The **Youth Justice Renewal Initiative** will develop strategies to respond to the results of the second “One-day Snapshot of Aboriginal Youth in Custody Across Canada” study to help address the over-representation of Aboriginal youth in the youth justice system.
- The **Policy Centre for Victim Issues** will continue to encourage the development of services to meet the needs of Aboriginal victims of crime, including the provision of court-based victim witness assistance in the territories and support for victims in the criminal justice system and in alternative justice practices.

Priority 4: Responding to international requests and advancing international human rights law

The Department of Justice’s interventions in the international sphere operate on several levels.

Canada’s history in building a federation, our constitutional guarantee of fundamental rights, our independent judiciary, civil and common law traditions, bilingualism and the celebration of diversity and tolerance, are all attributes that are relevant in providing assistance to help re-establish stable governments. As a model for democracy and the rule of law, Canada can offer its experience in assisting in the rebuilding of states in transition and re-establishing stable governments around the world.

Since 1990, the Department of Justice has helped countries reform their justice systems, offering expertise in a wide range of areas, including criminal justice and the organization of criminal prosecution function; anti-corruption measures; juvenile justice; legislative drafting techniques; civil code reform; and the structure and operations of a Ministry of Justice.

On the transnational and security fronts, Canada seeks to promote and protect Canadian values when international policies, standards and conventions on crime and international cooperation are developed.

Complementary Strategic Outcomes: Policy supported by Operational Practice

Achieving the strategic outcome of a fair, relevant and accessible justice system that reflects Canadian values is mainly a policy responsibility, but in the international field as in other areas, there is a complementary operational component. In terms of the latter, the Department of Justice is enhancing its capacity to work with international partners in dealing with global crime and security threats promptly and effectively, and in cooperating on mutual legal assistance arrangements and extradition proceedings.

The Department also provides litigation services to the government before international human rights tribunals such as the UN Human Rights Committee, UN Committee against Torture, and Inter-American Commission on Human Rights. The Department also works closely with Foreign Affairs Canada, provinces, territories, international organizations to develop, negotiate and implement international human rights treaties. Significant international human rights instruments under consideration are:

- ratification of the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*;
- re-examination of whether Canada should become a party to the *Second Optional Protocol to the International Covenant on Civil and Political Rights Aiming at the Abolition of the Death Penalty*;
- examination of whether Canada should become a party to the *Optional Protocol to the Convention against Torture*, which requires the creation of domestic and international mechanisms to conduct regular visits to places of detention and
- examination of whether Canada should become a party to the *Inter-American Convention on the Prevention, Punishment, Eradication of Violence against Women*.

The Department continues to actively participate in negotiations respecting new international human rights instruments, such as a convention on the rights of persons with disabilities; an optional protocol to the *International Covenant on Economic, Social and Cultural Rights* (which may establish an individual complaint mechanism at the UN level for such rights); and an instrument respecting enforced disappearances.

As well, it promotes the adoption of legislation to implement private international law for federal, provincial and territorial governments in the areas of international commercial law, judicial cooperation and enforcement of foreign judgements, family law and protection of vulnerable persons and property law. The Department also provides specialized trade law and public international law advisory and policy services to assist the Government of Canada in proactive management of complex international issues.

Strategic outcome 2: A federal government that is supported by effective and responsive legal services.

Under the *Department of Justice Act*, the Minister of Justice and Attorney General provides legal services to the Government of Canada 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.

These 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. We work with our clients to develop and advance those priorities, providing legal services that are responsive, timely and effective.² This strategic outcome therefore encompasses activities that enable us to deliver cutting-edge leadership and excellence in legal services to meet the government's changing needs.

Three program activities support this outcome:

- provide legislative services to the government;
- provide legal, advisory and litigation services to the government; and
- provide prosecution services.

2005-06 Planned Spending with Strategic Outcome 2 broken down by supporting Program Activity (\$ millions) and FTEs		FTEs
A fair, relevant and accessible justice system that reflects Canadian values		
Total—Strategic Outcome 1	415.0	414
A federal government that is supported by effective and responsive legal services		
Providing legal advisory and litigation services to government	454.8	3 582
Providing legislative services to government	20.6	247
Providing prosecution services	82.1	793
Total—Strategic Outcome 2	557.5	4 622
Total	972.5	5 036

2. For convenience we refer to federal organizations as our “clients”, although in fact the Attorney General and officers of the Department act as counsel to the federal Crown, not a particular department or agency.

Provide legislative services to government

The Legislative Services Branch drafts all government legislation to establish the legislative framework for government policies and programs. Bills introduced in Parliament 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. Clarity and precision in drafting bills and regulations facilitate parliamentary debate and promote transparency when the public is consulted on proposed laws and regulations.

Provide legal, advisory and litigation services to government

Providing legal services to departments and agencies helps clients achieve results for Canadians. Justice counsel develop an understanding of clients' business and operating environment so they can help clients fulfill their mandate and deliver their own strategic outcomes. Justice counsel often participate in clients' most senior decision-making bodies, where they contribute to policy development and help anticipate and resolve problems. Effective legal support from Justice thus helps clients realize their policy objectives.

To take just one example, several federal departments administer laws, policies and regulations designed to protect Canadians' personal security, health, and food safety. Justice counsel advise departments and agencies on these goals. They may also be called on to represent a department in court to defend a law or policy intended to further a government priority.

Legal services help protect the integrity of the legal framework by upholding the laws that define our rights, keep us safe and regulate our economy. This serves to promote respect for the law and for legal institutions. 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. These cases cover the legal spectrum: challenges under the Charter and other components of the Constitution, disputes about the powers of the different orders of government, cases about the distribution of government resources, litigation that raises issues of national security or poses questions affecting international relations, and legal actions dealing with pressing public policy issues such as Aboriginal rights.

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.

Providing high-quality legal services presents numerous challenges. We are, by definition, service providers and can rarely control 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.

Laws and regulations drafted in 2004

- 75 government bills drafted and introduced
- 138 regulations drafted for *Canada Gazette I*
- 365 regulations drafted for *Canada Gazette II*
- 322 motions drafted to amend government bills

Joint Initiative Improves Client Service

The Tax Law Services portfolio and the Canada Revenue Agency (CRA) have successfully implemented a national protocol to improve the management of payment and legal disbursements. The portfolio is currently developing a joint model with the CRA to ensure the proper course for a comprehensive three-year framework for the overall management of legal service delivery in a rapidly changing resource and demand environment.

Justice priorities reflect client priorities

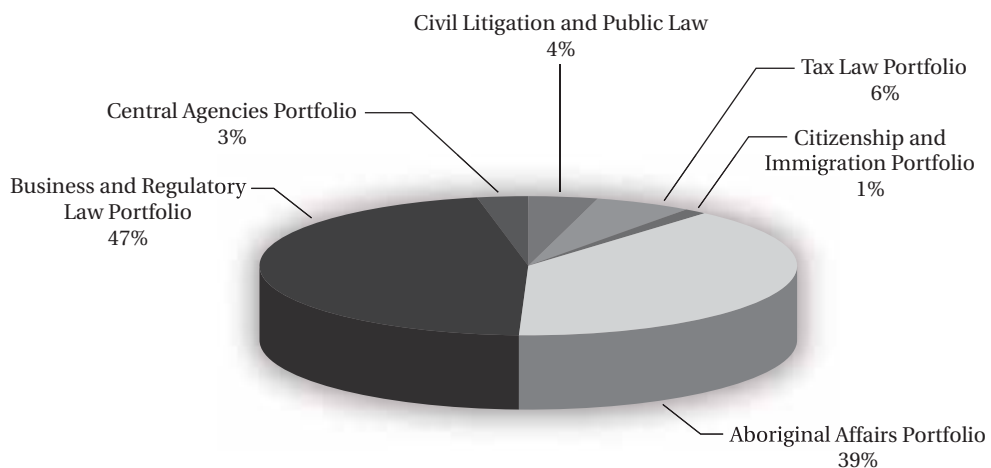
- Further to the Government of Canada's announcement of a set of measures in response to the Auditor General's report concerning past sponsorship and advertising activities and the creation of an independent public commission of inquiry (the Gomery Commission), Department of Justice counsel from several sectors are currently providing legal advice and assistance in support of the federal government, its officials and Ministers.
- Further to an announcement by the Minister of Health and Minister of Justice, Department of Justice counsel are engaged in the exploration of options for the possible compensation of individuals infected with hepatitis C through the Canadian blood system before January 1, 1986 and after July 1, 1990.
- The Department participates in the Arar Inquiry by providing legal counsel.
- The Department provides counsel to negotiate and develop international human rights agreements, and to represent government departments in litigation based on international trade obligations in the WTO and the NAFTA.

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Continued growth in the demand for legal services, which is a challenge across government, is felt acutely both by the Department of Justice and by the clients it serves. We work closely with clients to align finite resources with the government's most immediate and important legal needs, to find the most cost-effective ways of accomplishing policy and program objectives, and—as described later in this section, under Current Priorities—to develop a sustainable funding strategy for the delivery of legal services in the future.

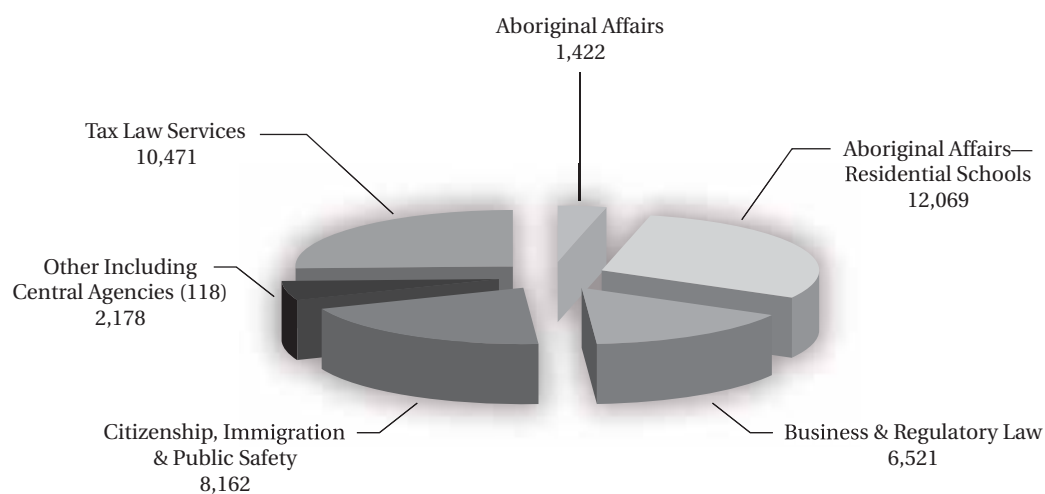
The Department recovers some of the cost of providing legal services to its clients. In 2005-2006, the Department has received approval from TBS to include up to \$195M from clients in cost recoveries in the Department's budget.

Figure 1.6
2005-06 Planned Spending—Recoveries (\$195 million)



Effective management requires us constantly to re-evaluate the quality and efficiency of our services 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, to ensure that the government's interests are properly advanced and the rule of law is maintained.

Figure 1.7
Litigation Caseload by Portfolios as of December 31, 2004,
Total Cases—40,823



Note: This chart presents a snapshot of active litigation cases as of December 31, 2004 and provides a high-level perspective on the relative volumes of cases across various portfolios. In the previous year, the definition of a case included both advisory and litigation files. The number of outstanding cases, both within a portfolio and across the department, on any given day can be subject to considerable variation. For example, many immigration files have short turnaround times and may be opened and closed relatively quickly, which contributes to fluctuating volumes from day to day. Furthermore, changes in government structure, such as those announced in December 2003, can result in some cases being transferred from one portfolio to another.

- Justice counsel from Regional Offices in the Territories help the Department of Indian Affairs and Northern Development carry out its commitment to devolve resource management to the Northwest Territories, and to negotiate land claims and self-government agreements with First Nations.
- Departmental counsel support the government's priority social service programs by vigorously advancing the government's interests in cases that involve efforts to protect those programs (e.g. *David Hilewitz v. The M.C.I.* (Supreme Court of Canada) and *Chaoulli v. A.G.C.* (Supreme Court of Canada)).

Provide Prosecution Services

As Attorney General of Canada, the Minister is responsible for the prosecution of many offences under Acts of Parliament. These offences include serious criminal offences under the *Criminal Code* and *Controlled Drugs and Substances Act*, as well as regulatory offences such as tax evasion, fisheries and immigration offences. In the territories, the Attorney General of Canada prosecutes all federal offences, including all *Criminal Code* offences.

The key objective of prosecution is to maintain public confidence in the criminal justice system; the prosecution function is intended to ensure that Justice is done. In Canadian criminal law, crimes are considered as crimes against society; the Department's Federal Prosecution Service (FPS) serves as the lawyer for society and represents the public interests in federal prosecutions across the country.

Prosecution represents relatively small expenditures in the Justice system but these small expenditures safeguard larger investments. For every dollar spent in the criminal justice system, approximately 61 cents go to policing, 22 cents to adult correction, 9 cents to courts, 5 cents to legal aid and 3 cents to criminal prosecution.

Prosecution is one of the most visible parts of the system; the ability of FPS to meet the expectations of Canadians is crucial to their faith in the

Integrated Proceeds of Crime (IPOC) Units

The effective investigation and prosecution of proceeds-of-crime cases present many unique and complex legal challenges. To meet these challenges, Integrated Proceeds of Crime units (IPOC) were created. These units bring together the skills, knowledge, and abilities of a diverse group of experts, including RCMP, provincial and municipal investigators, Department of Justice counsel, forensic accountants, and officers from the Canada Customs and Revenue Agency. IPOC units operating in seven cities across Canada help to locate and seize proceeds of crime.

system's capacity to deliver justice. Expectations from public are both well-established and increasingly difficult to meet. In addition, external organizations demand greater input from FPS prosecutors to respond to crime that affects their particular areas of concern.

Under the *Extradition Act*, the Attorney General is responsible for the conduct of extradition proceedings on behalf of foreign states seeking the extradition from Canada of persons who have committed offences in the foreign jurisdiction. The Federal Prosecution Service also provides counsel on behalf of foreign states seeking to gather evidence in Canada under the *Mutual Legal Assistance in Criminal Matters Act*.

How we deliver 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.³

A significant proportion of the Department's counsels are assigned to departmental legal services units (DLSUs), which are co-located with client departments and agencies and in six regions. The DLSUs are grouped into 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 25 government clients, ranging from Health Canada to the Competition Bureau).

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

Six regional offices—serving the North, British Columbia, the Prairies, Ontario, Quebec, and the Atlantic provinces—sustain the portfolio structure by serving clients and handling litigation locally. About half the Department's staff works in regional offices.

3. 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.

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.

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 in Toronto and Vancouver.

Delivering Legal Services Through Regional Offices

- Lawsuits initiated against the government are generally handled by the nearest regional office; each office has the expertise to handle a broad spectrum of legal issues.
- For example, all offices deal with immigration cases, although the **Ontario Regional Office** in Toronto handles a particularly high number of judicial review applications relating to refugee claims, motions for stays of deportation orders, as well as Charter challenges to the *Immigration and Refugee Protection Act*.
- The **Prairie Regional Office** has a large number of Indian Residential School cases, which it is trying to resolve in the manner best suited to the situation.
- Many of Canada’s most significant Aboriginal issues, such as the recent *Haida* and *Taku River Tlingit* decisions of the SCC, have been handled through the **British Columbia Regional Office**.
- The **Quebec Regional Office** currently represents the Government of Canada in the class action relating to the Zonolite insulation product and handles large Aboriginal cases, such as issues involving the Baie-James agreement and residential schools.
- The **Atlantic Regional Office**, in addition to managing a large caseload out of the Halifax office, is currently preparing the government’s response to a class-action claim arising out of alleged damages relating to contamination in the Sydney Tar Ponds.
- The **Northern Regional Office** faces special challenges because it conducts *Criminal Code* prosecutions on behalf of the territories in addition to the federal prosecutions handled by all regions. It also provides victim and witness support services and works with First Nation communities on restorative justice initiatives.

The portfolio and regional office structure enables the Department to concentrate its legal expertise in strategic areas, forge effective relationships with clients and ensure consistent and prompt service. The structure provides us with a broad perspective on issues that arise through litigation across the country and the implications of judicial decisions for the federal government.

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

- The Civil Litigation Branch supervises and coordinates civil litigation involving the federal government across the country.
- The Public Law Group provides legal advisory and litigation support to the federal government across the country. Certain sections also are responsible for litigation before international courts and tribunals. Its areas of legal specialization include access to information, privacy law, constitutional and administrative law, human rights, and public and private international law, and international trade law.
- The Official Languages Law Group provides specialized legal advice on language rights to departments, agencies and other federal institutions.
- 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.

Together, the portfolios, regional offices and specialized branches form a multidisciplinary team with expertise in a range of legal and policy fields. Effective collaboration between our legal and policy experts enhances the value of our legal services. When the legal and policy dimensions of our work are well integrated, counsel can readily identify the policy implications of their cases, and they know whom to contact to ensure that the Department makes consistent and fully informed decisions. Similarly, positions taken in litigation reflect a full consideration of any policy implications a case might raise. At the same time, when policy is developed, it reflects an awareness of the implications for litigation.

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.

Portfolio Structure Brings Together Law and Policy

In December 2003, the Government of Canada created two new organizations: the Department of Public Safety and Emergency Preparedness and the Canada Border Services Agency (combining Customs, enforcement and intelligence functions of Citizenship and Immigration and border enforcement from the Canadian Food Inspection Agency). A key driver for these changes was the desire for greater coordination among the departments and agencies involved in emergency preparedness, border integrity and national security. As a result the Department of Justice established the Citizenship, Immigration and Public Safety (CIPS) portfolio to provide focused, high-quality legal support in these areas.

Five current priorities help the Department realize this strategic outcome:

1. Supporting our clients with high-quality legal services
2. Establishing a sustainable funding strategy
3. Improving Performance Measurement and Accountability
4. Managing legal risk
5. Combatting high-tech crime, organized crime and terrorism

Priority 1. Supporting our clients with high-quality legal services

This priority is discussed throughout this section.

Priority 2. Establishing a sustainable funding strategy

The Review of Legal Services to Government launched in 2004-05 had the following two key objectives:

- Improve the sustainability of legal services delivery to the Government of Canada by recommending strategies to improve legal services delivery and ensure a sustainable funding regime.
- Identify approaches to effectively manage litigation in the federal government through an analysis of litigation drivers and trends, the documentation of best practices for managing the litigation process, and the development of recommendations for improving the efficiency and effectiveness of litigation management.

The Review was undertaken in collaboration with the Treasury Board Secretariat. In 2004-05, the joint TBS-Justice Review Team researched and analyzed legal services delivery options, including models in other jurisdictions; analyzed the cost of legal services in the Government of Canada and the merits of various funding options; conducted a general literature review on litigation trends and drivers in federal and provincial jurisdictions; interviewed federal departments and key stakeholders on litigation trends and drivers and best practices for managing litigation; and

identified opportunities for efficiencies in management the delivery of legal services to government departments.

During the winter of 2004-05, the Team, under the direction of an External Advisory Committee formed of Assistant Deputy Ministers of key departments, launched consultations with client departments on four subject areas:

- Costing and resourcing legal services in the Government of Canada;
- Sustainable delivery and funding of legal services;
- Best practices for managing litigation; and
- Activity and performance reporting.

Findings and results from these consultations will help inform the final Review recommendations.

Recommendations from the Review of Legal Services will be presented to TB Ministers for approval in late spring 2005. During 2005-06, the Department of Justice will work closely with the Treasury Board Secretariat and with client departments on the implementation of decisions made by TB Ministers relating to the two Review objectives.

Priority 3: Improving Performance Management and Accountability

The Department of Justice will strengthen its capacity to manage for results by continuing development of an integrated performance measurement approach for the delivery of legal services. Work in this area will build on the achievements of the Proactive Management of the Law project, which has now been subsumed within the corporate priority of Performance Management and Accountability.

Developing an integrated performance measurement approach will require further refinement of the Department's data collection systems and tools, including continuing the roll out of the Department's new legal case management system, I-Case, and developing a standardized approach to gathering client feedback. This will support the implementation of the new Management, Resources and Results Structure (MRRS), which is being developed to better link the Department's resources and management structures with performance measures and targets. The MRRS will replace the Planning, Reporting and Accountability Structure (PRAS) as the basis upon which departments report to Parliament and Canadians and receive annual appropriations from Parliament starting in 2005-06.

Priority 4. Managing legal risk

Legal Risk Management (LRM) is a joint initiative of Department of Justice and Treasury Board. It was launched in early 2000 to help ensure the effective management of legal risks across government. 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. LRM is also an effective management tool.

The goal of LRM is to develop a sustainable approach to managing legal risks that will protect the interests of the Crown and minimize overall costs. LRM is the process of making and carrying out decisions that reduce the frequency and severity of legal problems that prejudice 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, 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, legislation, etc.);
- exploring alternatives to litigation where disputes arise, 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 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.

The LRM initiative has instilled a culture of legal risk management in the Department of Justice and throughout the federal government. LRM is now part of the Department's every day operations and LRM is practiced by client departments in partnership with Justice. Department of Justice managers and counsel are actively practicing, promoting, and leading risk management initiatives including helping clients identify, analyze and assess their legal risks.

Priority 5: Combatting high-tech crime, organized crime and terrorism

Globalization poses new challenges in preventing and responding to crime and threats to national security. Modern crime knows no boundaries; approximately 80 percent of all federal investigations undertaken by the RCMP have international components. Furthermore, globalization of the communications industry raises new investigative hurdles. A lack of legal and technical solutions, or delays in the ability to use them, hampers investigations and hence efforts to prevent crime and reduce threats to national security.

At the same time, strengthening our capacity to prevent crime, combat terrorism and enhance public security may have implications for human rights and privacy. Proposals must therefore balance these objectives with concerns about human rights and privacy.

To meet this priority, the Federal Prosecution Service (FPS) works closely with partner departments and agencies, including the RCMP.

The Department will continue to implement the Intensive Prosecution Strategy, and will work with police partners to involve prosecutors at the investigative stage of cases. In addition, Justice will collaborate closely with federal and provincial partners on several initiatives to promote more effective management of large complex cases.

Complementary Strategic Outcomes: Operational practice supported by policy

Achieving the strategic outcome of a federal government that is supported by effective and responsive legal services is mainly an operational responsibility, but in the international field as in other areas, there is a complementary policy dimension. To combat high-tech crime, for example, the Department continues to work with other departments and agencies (Public Safety and Emergency Preparedness Canada, the RCMP, Canadian Security Intelligence Service, Industry Canada, Competition Bureau, Communications Security Establishment) and consult key stakeholders (law enforcement, industry, non-governmental organizations and the public) about updating Canada's legal framework as it relates to lawful access (that is, the interception of communications and the search for and seizure of data).

Justice will contribute to the Government's anti-terrorism strategy and support international efforts to combat terrorism by working with other departments and agencies, governments, and international organizations; by developing additional legislative and regulatory measures as needed; by participating in the assessment of the *Anti-terrorism Act* (Senate and House of Commons committees have begun their reviews of the *Anti-terrorism Act*); and by assisting with capacity-building in other countries through training and harmonization of legislative tools and ensuring that advisory and prosecution services are provided.

SECTION II—DETAILED ANALYSIS OF PROGRAM ACTIVITIES

N.B. The numbering system in this section reflects the Department's Program Activity Architecture.

Strategic outcomes:

- A. A fair, relevant and accessible justice system that reflect Canadian values
- B. A federal government that is supported by effective and responsive legal services

Program activities associated with strategic outcome A:

- 1. Develop policies and laws
- 2. Deliver programs
- 3. Manage and coordinate strategic policies and priorities

A.1 Develop policies and laws

	2005-2006	2006-2007	2007-2008
Planned Spending (\$ millions)	21.4	21.3	21.3
Human Resources (FTEs)	249	248	248

Priorities Supported: Promoting access to and improving efficiencies in the justice system; protecting the most vulnerable, including children and youth, and promoting human dignity; achieving Aboriginal justice; and responding to international requests and advancing international human rights law.

Expected Results and Performance Indicators	
Results and Targets	Measures
<ul style="list-style-type: none"> • The justice system and justice practitioners are more aware of responsive to the Aboriginal justice issues and the needs of Aboriginal people 	<ul style="list-style-type: none"> • Change in the number of justice system practitioners who report awareness of Aboriginal justice issues • Increased use of community-based Aboriginal justice programs • Reduced victimization, crime and incarceration among Aboriginal communities
<ul style="list-style-type: none"> • Effective criminal law that is responsive to the needs and values of Canadians and to our international environment and consistent with the Charter 	<ul style="list-style-type: none"> • Development of criminal law reforms and policies, successful Charter challenges, Charter analyses, media scans and input of stakeholders (law-enforcement agencies, Crown, victims and the public)
<ul style="list-style-type: none"> • Justice system is more responsive to the needs of vulnerable people • Justice system is more responsive to the needs of children and families undergoing separation and divorce 	<ul style="list-style-type: none"> • Change in level of awareness of special needs of vulnerable populations • Change in the level of understanding by parents of their parental responsibilities, the needs of their children and the system's child-focussed approach
<ul style="list-style-type: none"> • Justice system is accessible to economically disadvantaged Canadians involved in serious legal matters • The justice system is accessible to all Canadians in both official languages where provided for by law 	<ul style="list-style-type: none"> • Cooperation with provinces, territories and legal aid plans on provision of legal aid services • Services are provided to official-language minority communities
<ul style="list-style-type: none"> • A more effective legal framework in the field of public law 	<ul style="list-style-type: none"> • Provision of advice and development of policy and legislation on public law issues
<ul style="list-style-type: none"> • A more effective legal framework in the field of private international law 	<ul style="list-style-type: none"> • Participation in and support of the work of multilateral private international law organizations in: international commercial law; judicial co-operation and enforcement of foreign judgements, family law and protection of vulnerable persons and property law

A.2 Deliver programs

	2005-2006	2006-2007	2007-2008
Planned Spending (\$ millions)	380.0	337.9	333.4
Human Resources (FTEs)	85	76	75

Priorities supported: Promoting access to and improving efficiencies in the justice system; protecting the most vulnerable, including children and youth, and promoting human dignity; and achieving Aboriginal justice; responding to international requests and advancing international human rights.

Expected Results and Performance Indicators	
Results and Targets	Measures
<ul style="list-style-type: none"> • Funding to provinces and territories to help ensure that legal aid services are provided to economically disadvantaged persons involved in serious criminal, <i>Youth Criminal Justice Act</i> or immigration and refugee matters • Federal, provincial and territorial legal aid policy interests are addressed • Alternative approaches to address unmet need in legal aid are implemented 	<ul style="list-style-type: none"> • Eligible people receive legal aid assistance • Effective working relationship with provinces and territories on legal aid matters is maintained • Long-term legal aid strategy is informed by results of alternative approaches
<ul style="list-style-type: none"> • Increased understanding of rights, obligations, roles and responsibilities, cultural considerations and other factors by Aboriginal accused, court officials and the judiciary 	<ul style="list-style-type: none"> • Extent to which Aboriginal clients view Aboriginal courtworkers as providing information that helps them to better understand: <ul style="list-style-type: none"> • their rights and obligations • court processes • roles and responsibilities • legal and social resources available in the community • cultural considerations and other relevant factors
<ul style="list-style-type: none"> • New and enhanced alternative approaches for youth justice practices are developed and used by the youth justice system • Encourage effective rehabilitation and reintegration of young persons in their communities • Minimization of the degree of reliance on formal court system, detention and custody 	<ul style="list-style-type: none"> • Number of projects and initiatives funded to support the development and implementation of alternative youth justice programs and services • Nature and scope of rehabilitative and reintegrative programs • Per-capita rates of youth entering the formal court system, in custody and detention
<ul style="list-style-type: none"> • Increased awareness among justice system practitioners of Aboriginal justice issues in communities with Aboriginal Justice Strategy initiatives 	<ul style="list-style-type: none"> • Change in number of justice system practitioners who report awareness of Aboriginal justice issues
<ul style="list-style-type: none"> • Expanded child-centred family justice services provided by provinces and territories 	<ul style="list-style-type: none"> • Change in availability of family justice services and programs by provinces and territories
<ul style="list-style-type: none"> • Increased use of family justice services by parents and children 	<ul style="list-style-type: none"> • Change in number of parents and children accessing family justice services
<ul style="list-style-type: none"> • Increased access by victims to the criminal justice system and to programs/services and assistance available to them. 	<ul style="list-style-type: none"> • Extent and nature of Victims Fund projects funded and effective products developed
<ul style="list-style-type: none"> • Justice system is accessible to Canadians in the official language of their choice where provided for by law 	<ul style="list-style-type: none"> • Change in the number of services available to official-language minority communities • Change in number of consultations with official-language minority communities

A.3 Manage and coordinate strategic policies and priorities

	2005-2006	2006-2007	2007-2008
Planned Spending (\$ millions)	13.6	14.3	14.3
Human Resources (FTEs)	80	84	84

Priorities supported: Promoting access to and improving efficiencies in the justice system; protecting the most vulnerable, including children and youth, and promoting human dignity; achieving Aboriginal justice; and responding to international requests and advancing international human rights law.

Expected Results and Performance Measures	
Results and Targets	Measures
<ul style="list-style-type: none"> • Policies and programs are improved through more effective and informed policy development processes 	<ul style="list-style-type: none"> • Extent to which research and statistics informs and feeds into policy and program activities and priorities • Extent to which justice system partner perspectives (federal, provincial, territorial and non-governmental) are considered in policy development and implementation • Extent to which priorities are clearly articulated and aligned with strategic outcomes as expressed in departmental reports and structures

B. A federal government that is supported by effective and responsive legal services

Program activities associated with strategic outcome B:

1. Provide legislative services
2. Provide legal advice and litigation services
3. Provide prosecution services

B.1 Provide legislative services

	2005-2006	2006-2007	2007-2008
Planned Spending (\$ millions)	20.6	31.5	31.4
Human Resources (FTEs)	247	378	376

Priorities supported: Supporting our clients with high-quality legal services.

Expected Results and Performance Measures	
Results and Targets	Measures
<ul style="list-style-type: none"> • Government policy is effectively translated into draft laws 	<ul style="list-style-type: none"> • Quality and timeliness of drafting services as defined by client feedback and Justice drafting quality standards • Number of bills drafted

B.2 Provide legal advisory and litigation services

	2005-2006	2006-2007	2007-2008
Planned Spending (\$ millions)	454.8	441.1	439.6
Human Resources (FTEs)	3,582	3,474	3,462

Priorities supported: Supporting our clients with high-quality legal services; managing legal risk.

Expected Results and Performance Measures	
Results and Targets	Measures
<ul style="list-style-type: none"> Government decision-making is informed by high quality legal services and respect for the rule of Law 	<ul style="list-style-type: none"> Extent to which Justice legal advice is sought and considered in client decision-making Quality and timeliness of legal services as defined by client feedback and Justice service standards
<ul style="list-style-type: none"> Legal risk is anticipated, mitigated and managed so as to minimize growth in litigation cases 	<ul style="list-style-type: none"> Extent of risk management actions taken by clients and Justice, including changes to practices and/or systems
<ul style="list-style-type: none"> Crown legal interests are protected 	<ul style="list-style-type: none"> Outcome of court challenges Perceptions of Justice's expertise

B.3 Provide prosecution services

	2005-2006	2006-2007	2007-2008
Planned Spending (\$ millions)	82.1	83.8	83.5
Human Resources (FTEs)	793	809	807

Priorities supported: supporting our clients with high-quality legal services; responding to international requests and advancing international human rights law; combating high-tech crime, organized crime and terrorism.

Expected Results and Performance Measures	
Results and Targets	Measures
<ul style="list-style-type: none"> Contribution to the safety and security of Canadians 	<ul style="list-style-type: none"> Assessed level of public safety Perception of the integrity of the Justice system
<ul style="list-style-type: none"> Increased cooperation with international partners 	<ul style="list-style-type: none"> Number of mutual legal-assistance requests and extraditions processed
<ul style="list-style-type: none"> Effective investigations and prosecution of transnational criminal activities 	<ul style="list-style-type: none"> Number and nature of investigations, extraditions, arrests, charges and convictions for transnational criminal offences
<ul style="list-style-type: none"> Effective prosecutions 	<ul style="list-style-type: none"> Percentage of cases that result in decisions on merit
<ul style="list-style-type: none"> Effective investigations 	<ul style="list-style-type: none"> Percentage of accused that plead guilty

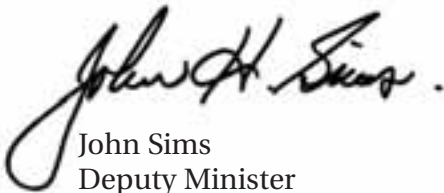
SECTION III— SUPPLEMENTARY INFORMATION

A. Management Representation Statement

I submit for tabling in Parliament, the 2005-2006 Report on Plans and Priorities (RPP) for the Department of Justice Canada.

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

- adheres to the specific reporting requirements outlined in the Treasury Board Secretariat's guidelines;
- uses an approved program activity architecture structure;
- provides a basis of accountability for the results achieved with the resources and authorities entrusted to the Department of Justice; and
- reports finances based on approved planned spending numbers from the TBS.



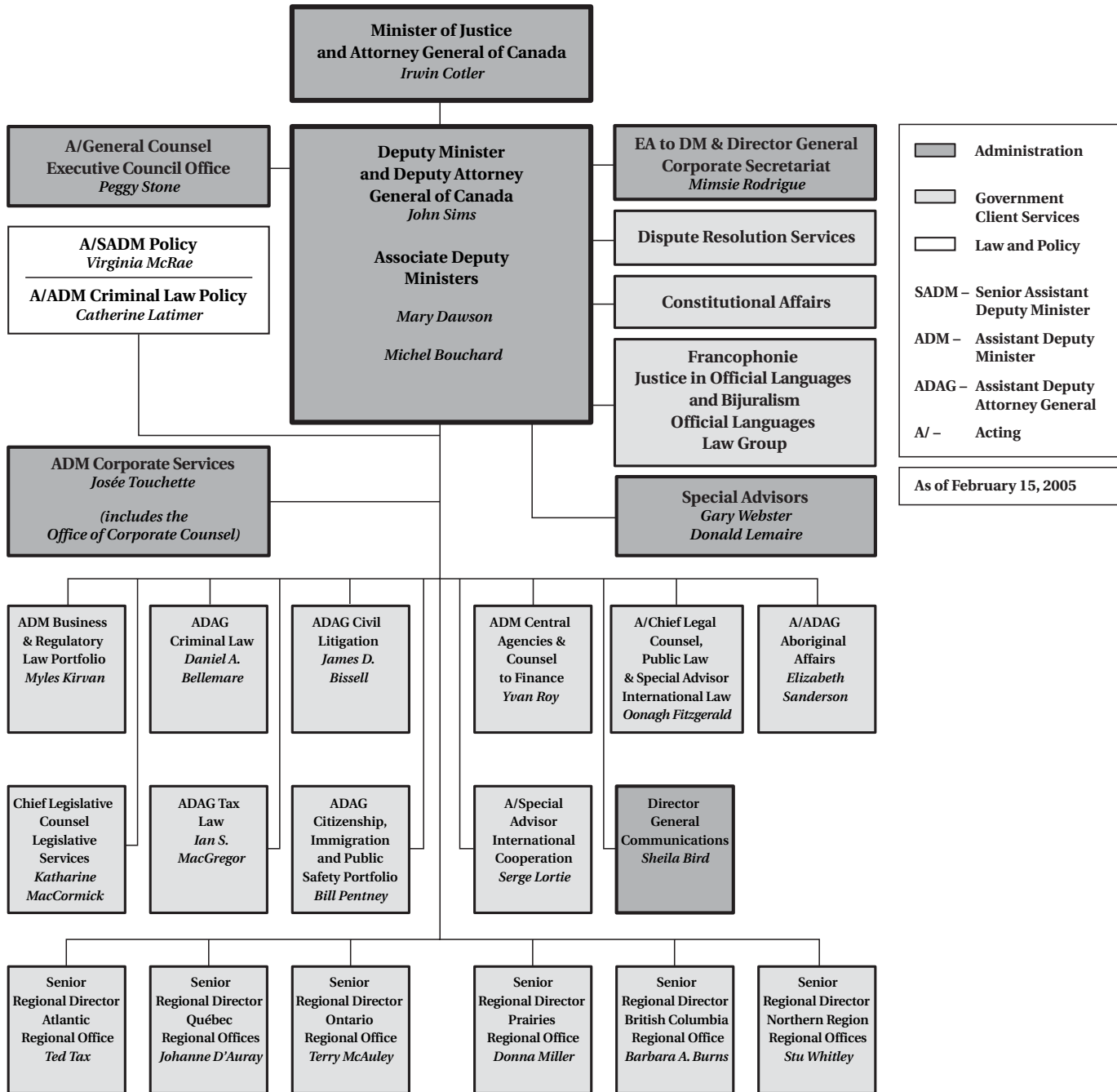
John Sims
Deputy Minister

February 21, 2005

Date

B. Organizational Information

How We Are Organized



C. Tables and Charts

Table 1. Planned spending and full-time equivalents

Table 2. Program by Activity

Table 3. Voted and Statutory Items listed in Main Estimates

Table 4. Net Cost of Department for the Estimates Year

Table 5. Sources of Respendable and Non-Respendable Revenue

Table 6. Resource Requirement by Branch or Sector (Crosswalk)

Table 7. Details on Transfer Payment Programs

Table 8. Horizontal Initiatives

Table 9. Youth Justice Renewal Initiative

N.B. Table 10 *User Fees* does not apply to the Department of Justice as there are neither new fees nor changes to existing fees planned for 2005-06.

Table 1. Departmental Planned Spending and Full Time Equivalents

\$ millions	Forecast Spending 2004-2005	Planned Spending 2005-2006	Planned Spending 2006-2007	Planned Spending 2007-2008
Developing policies and laws	30.3	19.6	19.5	19.5
Delivering programs	399.6	338.7	298.7	277.081
Managing and coordinating the strategic policies/priorities function	16.0	13.6	13.4	13.4
Providing legal advisory and litigation services to government	458.1	452.8	226.6	225.089
Providing legislative services to government	22.2	20.6	20.3	20.288
Providing prosecution services	78.5	79.7	80.0	79.718
Budgetary Main Estimates (gross)	1,004.8	924.9	658.7	635.2
Less: Respendable Revenue	0	0	0	0
Total Main Estimates	1,004.8	924.9	658.7	635.2
Adjustments:				
Supplementary Estimates:				
Estimated Legal Services Expenditure related to Cost Recovery	-	-	195.0	195.0
Operating budget carry forward	15.7	-	-	-
War Crimes Strategy	4.7	-	-	-
Integrated Market Enforcement Teams	4.0	-	-	-
Response to Supreme Court Decision in R. v. Powley (Métis)	3.4	-	-	-
Money Laundering Strategy	1.0	-	-	-
Citizenship Inventory Backlog Reduction	0.6	-	-	-
Public Security and Anti-Terrorism Initiatives	0.3	-	-	-
Canadian Biotechnology Strategy	0.3	-	-	-
Climate Change Action Plan for Canada	0.2	-	-	-
Reduction in spending authorities: government-wide reallocation initiative	(22.8)	-	-	-
Royalties for Consolidated Statutes of Canada on CD-ROM	0.1	-	-	-
ARAR Inquiry	6.0	-	-	-
Sponsorship Inquiry	2.2	1.7	-	-
CRA Omnibus 2004	0.1	-	-	-
CRA - GOL Activities	0.1	-	-	-
Implementation Initiatives for Management of Government Information Policy	0.1	-	-	-
Creation of Federal Advertising Reserve	(1.0)	-	-	-
Forecasted contributions to employee benefit plans for Suppl. Estimates items	1.8	0.3	30.8	30.8
Budget Announcement:				
ERC Reference Level Reductions for Justice ¹	-	(12.9)	(14.2)	(16.2)
Lawful Access Budget 2000	-	2.8	2.8	2.8
Strategy for the Renewal of Youth Justice Budget 1999	-	38.9	36.7	53.8
Canabis Reform	-	-	0.8	0.9
A Child-Centred Family Law Strategy	-	4.0	4.0	4.0
Mandatory Suspicious Trans Money Laundering Budget 1999	-	-	1.2	1.2
Total Adjustments	16.7	34.8	257.1	272.2
Total Planned Spending	1,021.5	959.6	915.7	907.4
Total Planned Spending	1,021.5	959.6	915.7	907.4
Less: Cost Recovery ²	(185.0)	(195.0)	(195.0)	(195.0)
Less: Non-Respendable Revenue	(11.4)	(11.3)	(7.1)	(7.2)
Plus: Cost of Services Received Without Charge	59.7	71.8	59.9	59.8
Net Cost of Program	884.8	825.1	773.6	764.9
Full Time Equivalents	5,017	5,036	5,069	5,052

1. This reflects the reductions to the department's planned spending as a result of the ERC exercise and which were announced in the 2005 Budget—more information will be provided in the next Supplementary Estimates. As well, for 2005-2006, the ERC figure includes Justice's contribution of \$670,000 in Vote 1 for planned procurement savings.
2. 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 \$185 million in 2004-2005. Factoring in the cost of employee benefit plans (EBP), planned recoveries would amount to \$212.8 million in 2004-2005. In the 2005-2006 Main Estimates, the corresponding figure is \$195M. Factoring in EBP, the total is \$225.8M. Estimated recoveries for 2006-2007 and 2007-2008, excluding EBP, are also shown as Adjustments in this table since the Department has not yet received approval for these amounts.



Table 2. Program by Activity

\$ millions	2005-2006				Total Planned Spending
	Budgetary			Adjustments	
	Operating	Grants & Contributions	Total Main Estimates		
STRATEGIC OUTCOMES AND SUPPORTING PROGRAM ACTIVITIES					
Outcome 1—A fair, relevant and accessible justice system that reflects Canadian values					
Developing policies and laws	19.6	0.0	19.6	1.9	21.4
Delivering programs	11.8	326.8	338.7	41.3	380.0
Managing and coordinating the strategic policies / priorities function	13.6	0.0	13.6	0.0	13.6
Outcome 2—A federal government that is supported by effective and responsive legal services					
Providing legal advisory and litigation services to government	452.8	0.0	452.8	2.0	454.8
Providing legislative services to government	20.6	0.0	20.6	0.0	20.6
Providing prosecution services	79.7	0.0	79.7	2.4	82.1
Total	598.0	326.8	924.9	47.6	972.5

Table 3. Voted and Statutory Items Listed in Main Estimates

\$ millions	2005-2006	2005-2006	
		Current Main Estimates	Previous Main Estimates
Vote or Statutory Item:	Truncated Vote or Statutory Working:		
1	Operating expenditures	517.6	533.9
5	Grants and contributions	329.2	389.6
(S)	Minister of Justice salary and motor car allowance	0.1	0.1
(S)	Contributions to employee benefit plans	78.0	81.3
	Total Department of Justice	924.9	1,004.8

Table 4. Net Cost of Program for the Estimates Year

\$ millions	2005-2006	Total
Net Planned Spending (Total Main Estimates plus Adjustments as per the Planned Spending table)		972.5
<i>Plus: Services Received without Charge</i>		
Accommodation provided by Public Works and Government Services Canada (PWGSC)		41.0
Contributions covering employees' share of employees' insurance premiums and expenditures paid by TBS (excluding revolving funds)		30.8
Workers' compensation coverage provided by Social Development Canada		0.1
TOTAL Services Received without Charge		71.8
Less: Cost Recovery		-195.0
Less: Non-Respendable Revenue		-11.3
2005-2006 Net cost of Department		838.0

Table 5. Sources of Respendable and Non-Respendable Revenue

\$ millions	Forecast Revenue 2004-2005	Planned Revenue 2005-2006	Planned Revenue 2006-2007	Planned Revenue 2007-2008
NON-RESPENDABLE REVENUE				
Developing policies and laws				
Family Order and Agreements Enforcement Assistance Program	5.1	5.1	5.1	5.1
Central Registry of Divorce Proceedings	0.8	0.7	0.7	0.7
	5.9	5.8	5.8	5.8
Providing legal advisory and litigation services to government				
Legal Services—Crown Corp. EBP	0.4	0.5	0.6	0.6
Miscellaneous Revenues	0.4	0.3	0.4	0.5
	0.8	0.8	1.0	1.1
Providing legislative services to government				
Royalties and Patents	0.1	0.1	0.1	0.1
	0.1	0.1	0.1	0.1
Providing prosecution services				
Fines and Forfeitures	4.4	4.4	0.0	0.0
Miscellaneous Revenues	0.1	0.1	0.1	0.1
	4.5	4.5	0.1	0.1
Total Non-Respendable Revenue	11.4	11.3	7.1	7.2

Table 6. Resource Requirement by Branch or Sector (Crosswalk)

\$ thousands	2005-2006						Total Planned Spending
	Developing policies and laws	Delivering programs	Managing and coordinating strategic policies and priorities function	Providing legal advisory and litigation services to government	Providing legislative services to government	Providing prosecution services	
Policy and Law Section	15,985	379,974	13,587	-	-	-	409,546
Federal Prosecution Service	-	-	-	-	-	82,139	82,139
Legislative Services	-	-	-	-	20,575	-	20,575
Civil Litigation and Public Law	1,714	-	-	21,327	-	-	23,042
Tax Law Portfolio	-	-	-	78,652	-	-	78,652
Citizenship and Immigration Portfolio	-	-	-	52,094	-	-	52,094
Aboriginal Affairs Portfolio	3,747	-	-	119,919	-	-	123,665
Business and Regulatory Law Portfolio	-	-	-	167,012	-	-	167,012
Central Agencies Portfolio	-	-	-	15,766	-	-	15,766
Total	21,446	379,974	13,587	454,770	20,575	82,139	972,492



Table 7. Details on Transfer Payments Programs

\$	Forecast Spending 2004-2005	Planned Spending 2005-2006	Planned Spending 2006-2007	Planned Spending 2007-2008
GRANTS				
Delivering programs				
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	337,531	465,031	465,031	465,031
Grants in support of the Aboriginal Justice Strategy	98,600	75,000	50,000	0
Grants in support of the Child-Centred Family Justice Fund	10,000	50,000	50,000	50,000
Grants in support of the Youth Justice Renewal Fund	1,951,802	1,130,000	1,130,000	1,130,000
Grants to individuals, non-profit professional organizations, societies or associations, other non-profit organizations and institutions for activities in support of the Victims of Crime Initiative*	200,000	0	0	0
Grants under the Access to Justice in both Official Languages Support Fund	65,000	200,000	200,000	200,000
Total Grants	3,143,902	2,401,000	2,376,000	2,326,000
CONTRIBUTIONS				
Delivering programs				
Contributions to the provinces to assist in the operation of Legal Aid Systems	124,713,507	119,827,507	79,827,507	79,827,507
Contributions in support of Public Security and Anti-terrorism—Legal Aid	226,300	500,000	500,000	500,000
Contributions to the provinces and territories in support of Youth Justice Services	188,652,100	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	1,968,525	11,325,250	16,486,500	0
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	2,054,983	1,803,279	1,804,415	1,804,251
Contributions under the Aboriginal Justice Strategy Fund	7,203,967	7,325,000	7,250,000	2,900,000
Contributions in support of the Child-Centred Family Justice Fund	16,002,565	12,144,855	11,950,027	11,950,027
Contributions to support the implementation of official languages requirements under the <i>Contraventions Act</i>	4,619,550	6,963,855	7,916,155	8,916,829
Contributions for Access to Justice Services to the Territories (being Legal Aid, Aboriginal Courtwork and Public Legal Education and Information Services)	4,970,593	4,856,593	3,356,593	3,356,593
Contributions in support of the Youth Justice Renewal Fund	7,206,175	3,455,000	1,080,000	1,080,000
Contributions for the Victims of Crime Initiative	1,425,000	0	0	0
Contributions to the province of British Columbia for the Air India Trial	7,013,131	0	0	0
Contributions under the Access to Justice in both Official Languages Support Fund	3,108,901	2,698,146	2,687,546	2,692,846
Contributions in support of Legal Aid Pilot Projects	1,184,687	955,000	0	0
Contributions in support of Federal Court-Ordered Counsel	703,433	753,000	0	0
Contributions in support of Federal Court-Ordered Counsel—Legal Aid Cases	250,000	250,000	0	0
Drug Treatment Court Funding Program	550,000	2,333,152	2,341,894	1,703,584
Contributions to the provinces under the Integrated Market Enforcement Teams (IMETs) Reserve Fund	0	2,050,000	2,050,000	2,050,000
Adjustment in relation with \$1B gov.-wide exercise—To be offset against Fiscal Framework planned spending	-	-	-	(648,000)
Total Contributions	376,689,780	326,827,000	286,837,000	265,720,000
Total Grants and Contributions	379,833,682	329,228,000	289,213,000	268,046,000
Fiscal Framework planned spending**	-	41,320,000	39,199,360	56,332,860
Total Grants and Contributions, including Fiscal Framework	379,833,682	370,548,000	328,412,360	324,378,860

* Funding for the Victims of Crime Initiative will be determined in the 2005 budget.

** Fiscal Framework items reflect intended planned policy spending that will require approval from Cabinet and/or from the Treasury Board Secretariat, for initiatives such as Renewal of Youth Justice Strategy and Child-Centred Family Law Strategy.

Table 8. Horizontal Initiatives

Initiative	Goal	Lead Organization	Partners	Department of Justice Role/Contribution	Department of Justice Planned Spending (\$ millions)		
					2005-2006	2006-2007	2007-2008
<i>Public Security and Anti-Terrorism</i>	Build personal and economic safety for Canadians	Public Safety and Emergency Preparedness Canada (PSEPC)	Health Canada, Transport, Justice, Privy Council Office (PCO), Communications Security Establishment (CSE), Canadian Security Intelligence Service (CSIS), Foreign Affairs and International Trade (DFAIT), National Defence	<ul style="list-style-type: none"> Contribute to the government's national security strategy and to efforts to combat terrorism 	11.6	11.6	TBD ¹
<i>Youth Justice Renewal</i> ²	Enhance support for young Canadians in conflict with the law	Justice	PSEPC, Human Resources and Skills Development (HRSDC)	<ul style="list-style-type: none"> Leading implementation of initiative Coordinate activities of partners (provinces, territories) 	206.9	208.1	208.1
<i>Money Laundering</i>	Reduce the amount of property obtained from criminal activities that is concealed from the government	Finance	Canada Revenue Agency (CRA), PSEPC, Citizenship and Immigration (CIC), Justice	<ul style="list-style-type: none"> Support increasing prosecution of offences, related to money laundering 	1.2	1.2	1.2
<i>Smart Border</i>	Create borders that facilitate free flow of goods and people between Canada and the United States	CRA	PSEPC, Justice, CIC, Canadian Food Inspection Agency	<ul style="list-style-type: none"> Provide legal services and advice to CRA, related to smart border activities 	0.4	0.4	0.4
<i>Lawful Access</i>	Provide lawful access to law enforcement agencies to intercept communications in investigating terrorism, drug trafficking, money laundering, child pornography	PSEPC	Justice, RCMP, Industry Canada, CSIS, CSE	<ul style="list-style-type: none"> Maintain law enforcement and national security agencies' ability to carry out lawful access in the context of new technologies and international developments 	2.8	2.8	2.8
<i>Integrated Proceeds of Crime</i>	Deprive organized criminals of the proceeds from their illegal activities	PSEPC	Public Works and Government Services, CRA, Justice	<ul style="list-style-type: none"> Provide legal advice and prosecute organized crime offences Amend <i>Criminal Code</i> to deal with organized crime activities 	TBD	TBD	TBD
<i>Canadian Drug Strategy</i>	Reduce the demand for and supply of illegal drugs	Health Canada	PSEPC, DFAIT, Justice	<ul style="list-style-type: none"> Support partner organizations in modernizing drug policy Develop and introduce new drug treatment courts Manage increased prosecution of drug-related offences Law reform 	11.3	11.3	10.0
<i>Integrated Market Enforcement Teams (IMETs)</i>	Strengthen protections against capital market fraud	PSEPC	Justice	<ul style="list-style-type: none"> Participate on IMETs to assist in prosecution of capital market fraud cases 	6.7	6.7	6.7
<i>Official Languages</i> ³	Provide justice-related services to Canadians in both official languages across the country	TBS	Justice, Industry, CIC, Social Development Canada, PCO, TB Agency, TB School, Health Canada, HRSDC	<ul style="list-style-type: none"> Improve access to Justice in both official languages by meeting legal obligations stemming from the implementation of the <i>Legislative Instruments Re-enactment Act</i> and the Federal Court ruling in the <i>Contraventions Act</i> matter 	9.5	10.5	11.5

1. TBD: Future funding to be determined and/or confirmed.

2. Further information on these Horizontal Initiatives can be found at <http://www.tbs-sct.gc.ca/est-pre/estime.asp>

3. Includes planned expenditures for the Contraventions Program.

Table 9. Youth Justice Renewal Initiative

1) Name of Horizontal Initiative: Youth Justice Renewal Initiative

2) Name of Lead Department(s): Department of Justice

3) Start Date of the Horizontal Initiative: April 1, 1999

4) End Date of the Horizontal Initiative: On-going

5) Total Federal Funding Allocation: \$ 3,563,162,124¹

6) Description of the Horizontal Initiative:

The Youth Justice Renewal Initiative (YJRI) is aimed at achieving, over time, a fairer and more effective youth justice system through (among other things) promoting proportionate and meaningful responses that foster offender rehabilitation. The major focus of 2005-2006 and for the following two years will be on monitoring the impact of the YJRI and the *Youth Criminal Justice Act* on the youth justice system, responding to implementation gaps, and continuing to support provinces and territories in their delivery of a youth justice system that relies less on court-based responses to youth crime and less on custodial sentences for non-violent crimes. The negotiation of new federal/provincial/territorial funding agreements that help sustain and advance changes in youth justice delivery systems will be a primary focus of 2005-2006. For more information, visit web site: <http://canada.justice.gc.ca/en/ps/yj/yoas3.html>

7) Shared Outcome(s):

A fair and effective youth justice system that targets the most serious interventions for the most serious offences and finds constructive community-based options for less serious offences which results in reduced reliance on the youth court system and the use of custody and detention. The Department will continue to work with provinces and territories, and stakeholders, with a focus on achieving a fairer and more effective youth justice system.

The major indicators of success of the Initiative are long-term and will be examined during the summative evaluation planned for several years after the implementation of the *Youth Criminal Justice Act*. The number of projects and activities funded to support the development and implementation of alternative youth justice programs and services is an early indicator of progress and success. Longer-term indicators will include decreases in per capita rates of youth entering the youth court system as well as decreases in per capita rates of secure custody, open custody, and remand.

8) Governance Structure(s):

The Department of Justice leads the Youth Justice Renewal Initiative. The Youth Justice Policy Section in the Department manages the implementation of the Initiative, with the Programs Branch managing the Youth Justice Services agreements with the provinces and territories.

Table 9. Youth Justice Renewal Initiative

9) Federal Partners Involved in each program	10) Names of Programs	11) Total Allocation ¹	12) Planned Spending for 2005-2006 ²	13) Expected Results for 2005-2006
Justice ³	Youth Justice Services Agreements and Intensive Custody and Supervision (IRCS) Agreements	\$3,478,608,396	\$156,075,250	<ul style="list-style-type: none"> a) Spending of federal resources is consistent with the YJRI b) New and enhanced alternative approaches to youth justice practices are being developed and used by the youth justice system, including warnings, cautioning programs, extrajudicial measures and extra-judicial sanctions, youth justice committees, conferencing, alternatives to custody and community-based sentences. c) Additional or enhanced rehabilitative and reintegration opportunities (including the IRCS program for serious violent offenders) are being developed and used by the youth justice system.
	Youth Justice Renewal Fund:	\$84,553,728	\$4,585,000	<ul style="list-style-type: none"> a) To provide funding to youth justice partners: to support implementation efforts that are consistent with the objectives of the YCJA, to address implementation gaps, and to work to avoid further marginalization of particular groups of young people who are in conflict with the law, such as Aboriginal youth, youth in care, youth affected by FASD, as well as other groups with unique needs. b) To provide funding to a number of project initiatives that increase awareness and understanding by justice stakeholders regarding the YCJA and YJRI
		Total: \$3,563,162,124	Total: \$160,660,250	

15) Contact Information:

Catherine Latimer, Director General and General Counsel, Youth Justice Policy, Criminal Law Policy and Community Justice Branch, Department of Justice, (613) 957-9623.

16) Approved by:

Catherine Latimer
Date Approved:
February 25, 2005

1. Includes only vote 5 grants and contributions for this RPP covering the period of April 1, 1984 to March 31, 2008 for the Youth Justice Services Agreements and the period of April 1, 1999 to March 31, 2008 for the Youth Justice Renewal Fund. The new approach to youth justice—the Youth Justice Renewal Initiative—was launched in 1999/2000.
2. DOJ is planning a surplus in IRCS due to lower than forecast use of this new sentencing option. However, the planned spending for 2005-2006 and beyond does not yet include all funding earmarked in the fiscal framework for the main Youth Justice Services Agreements with the provinces and territories. Corrections are to be approved in the next Supplementary Estimates A, as previously discussed with TBS.
3. The Youth Justice Renewal Initiative works with officials from the Royal Canadian Mounted Police, Public Safety and Emergency Preparedness Canada, Canadian Heritage, and Human Resources and Skills Development (National Secretariat on Homelessness) where our interests in youth justice issues meet or are complementary. These federal departments, however, did not receive funding under this Initiative.

SECTION IV—OTHER ITEMS OF INTEREST

A. 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.¹

Access to Information Act, R.S. 1985, c. A-1
(responsibility shared with the President of the Treasury Board).²

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,³ and the Minister of Agriculture and Agri-Food (s. 204)).

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

1. This list, prepared in February 2004, is an unofficial version for information only.
2. 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).
3. 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.

Department of Justice Act, R.S. 1985, c. J-2.
 Divorce Act, R.S. 1985, c. 3 (2nd Supp.).

Escheats Act, R.S. 1985, c. E-13.
 Extradition Act, S.C. 1999, c. 18.⁴

Family Orders and Agreements Enforcement Assistance Act, R.S. 1985, c. 4
 (2nd Supp.).
 Federal Courts Act, R.S. 1985, c. F-7.⁵
 Federal Law-Civil Harmonization Act, No.1, S.C. 2001, c. 4.
 Firearms Act, S.C. 1995, c. 39.⁶
 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 Finance⁷).

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.

4. 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.
5. 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.
6. 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.
7. 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 Board⁸).

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).

8. 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

Sheila Bird, Director General
Communications Branch, East Memorial Building
284 Wellington Street
Ottawa, Ontario K1A 0H8

Telephone: (613) 957-4221

Fax: (613) 941-2329

Media Inquiries:

Communications Branch
Telephone: (613) 957-4207
Fax: (613) 954-0811

Public Inquiries:

Communications Branch
Telephone: (613) 957-4222
TDD/TTY: (613) 992-4556
Fax: (613) 954-0811

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

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

Aboriginal Justice Strategy

<http://canada.justice.gc.ca/en/ps/ajln/strategy.html>

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

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

Departmental Performance Report, 2003-2004

<http://www.justice.gc.ca/en/dept/pub/dpr/DPR2004/index.html>

The International Cooperation Group

<http://canada.justice.gc.ca/en/ps/inter/index.html>

Overview of Recent Activities and Achievements, August 2003

<http://www.justice.gc.ca/en/dept/pub/ach/2003/achieve2003.html>

Public Legal Education and Information

http://canada.justice.gc.ca/en/ps/pb/legal_ed.html

Report on Plans and Priorities, 2004-2005

http://www.justice.gc.ca/en/dept/pub/rpp/2004_2005/toc.html

Research and Statistics

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

Strategic Plan, 2001-2005

http://www.justice.gc.ca/en/dept/pub/just/strat_plan/index.htm

Sustainable Development Strategy, 2004-2006

http://www.justice.gc.ca/en/dept/pub/sds/04_06/index.html

Youth Justice Renewal

<http://canada.justice.gc.ca/en/ps/yj/>

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

