

Office of the Commissioner for Federal Judicial Affairs

2004-2005

Departmental Performance Report

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Minister of Justice and Attorney General of Canada

Table of Contents

<i>SECTION I – OVERVIEW</i>	1
Commissioner’s Message	2
Management Representation Statement	3
Summary Information	4
Mission Statement.....	4
Vision Statement.....	4
Results for Canadians	4
Overall Departmental Performance	5
<i>SECTION II – ANALYSIS OF PERFORMANCE BY STRATEGIC OUTCOME</i>	6
Strategic Outcome	7
Program, resources, and results linkages	8
<i>SECTION III – SUPPLEMENTARY INFORMATION</i>	9
Organizational Information	10
Table 1: Comparison of Planned Spending and Full Time Equivalents	12
Table 2: Use of Resources by Business Lines	13
Table 3: Voted and Statutory Items	14
Table 4: Net Cost of Department	15
Table 5: Sources of Respendable and Non-Respendable Revenue	16
Table 6: Travel Policies	17
<i>SECTION IV – OTHER ITEMS OF INTEREST</i>	18
Contacts for Further Information	19
Listing of Statutory and Departmental Reports	19
Legislation Administered by the Office of the Commissioner for Federal Judicial Affairs.	19

SECTION I – OVERVIEW

Commissioner's Message

I am pleased to submit the Performance Report for the [Office of the Commissioner for Federal Judicial Affairs](#) for the period ending March 31, 2005.

Our restructuring process is in progress. The expectation is that changes in service delivery mechanisms will result in a lighter, more flexible, but highly effective organization. In line with government-wide initiatives, the Office is upgrading its core administration management system and has instituted modern comptrollership.

We continue to strive toward optimal support for federal judicial activities through four strategic directions: improving client services; building our people's capacity; implementing security policies; and improving communications/information sharing. These priorities are entrenched in our mission statement and are represented in the strategic outcome and performance measurement strategies of the Office.

David Gourdeau

Management Representation Statement

I submit for tabling in Parliament, the 2004-2005 Departmental Performance Report (DPR) for The Office of the Commissioner for Federal Judicial Affairs.

This document has been prepared based on the reporting principles contained in the Treasury Board of Canada Secretariat's *Guide for the preparation of 2004-2005 Departmental Performance Reports*:

- It adheres to the specific reporting requirements;
- It uses an approved Business Lines structure;
- It presents consistent, comprehensive, balanced and accurate information;
- It provides a basis of accountability for the results pursued or achieved with the resources and authorities entrusted to it; and
- It reports finances based on approved numbers from the Estimates and the Public Accounts of Canada.

David Gourdeau

Commissioner for Federal Judicial Affairs

Summary Information

Department's Raison d'être

Mission Statement

Our Mission is to safeguard the independence of the judiciary and provide services in support of the optimal functioning of the Canadian judicial system.

Vision Statement

FJA will strengthen its role as a major pillar of the Canadian judiciary through excellence in services. As one of its important guardians, FJA will seek innovative ways to help promote the necessity for judicial independence to Canadians. Exclusive provider of professional administration support to judges, FJA will strive to constantly tailor and better this support through technically advanced offerings and value added services.

Results for Canadians

There are 1,043 judges in Canada who are appointed by the federal government to the superior courts in the provinces and territories and to specialized courts such as the Federal Court of Appeal, the Federal Court and the Tax Court of Canada. These courts play a vital role in protecting citizens' rights and ensuring governments adhere to the rules of law and justice. FJA ensures an independent judiciary and provides language and computer training that enhance the capabilities of the judiciary.

FJA publishes the Federal Courts Reports, which are the official, bilingual reports of decisions, or parts of decisions, that are considered to be of sufficient significance to warrant publication for an informed public. FJA also provides support to the Canadian Judicial Council.

FJA facilitates an efficient and effective judicial appointments process. The Secretariat received and processed 542 applications and arranged for 32 advisory committee meetings. The Advisory Committees assessed a total of 256 candidates, the results of which were certified by the Executive Director, Judicial Appointments and provided to the Minister.

Promoting the principles of judicial independence, and efficient and transparent court systems internationally ensures protection of Canada's interests abroad and enhances Canada's visibility internationally.

Total Financial Resources

Planned	Authorities	Actual
\$337,557,000	\$344,544,427	\$343,675,539

Total Human Resources

Planned	Authorities	Difference
63	67	4

Summary of Performance in Relationship to Departmental Strategic Outcomes, Priorities and Commitments

Strategic Outcomes	2004-2005 Priorities/ Commitments	Type	Planned Spending	Actual Spending	Expected Results and Current Status
To protect and promote the independence and efficiency of the federal judiciary by providing a full line of administrative support services, as provided under the <i>Judges Act</i> .	1.Improve Client Services.	Ongoing	\$ 2.5 M	\$ 2.9	Not met
	2. Building People's Capacity.	Ongoing	\$ 1.0 M	\$.1	Not met
	3. Implementing Security Policies.	Ongoing	\$.5 M	\$.2	Not met
	4. Improving Communications and Information sharing.	Ongoing	\$.5 M	\$.5	Not met

Overall Departmental Performance

FJA had planned on embarking on a major Transformation Initiative in 2004-2005. Changes in priorities as well as changes in the administrative directions provided from the Treasury Board Secretariat have caused a re-evaluation of the original plan of action. Our plan now reflects significant improvements to our three core programs: Judges Language Training, Judicial Resource Management and Judicial Appointments. These programs will also be supported by enhancements to our horizontal corporate services of Human Resources, Communications, Corporate Planning, Information Systems, Information Management and Security. It is expected that we will approach Treasury Board Secretariat for funding to facilitate the implementation of the above initiatives. A small but important number of results have been achieved, such as the implementation of the business planning process, the completion of Language Training program review and a Business Resumption Plan has been developed.

SECTION II – ANALYSIS OF PERFORMANCE BY STRATEGIC OUTCOME

Strategic Outcome

To protect and promote the independence and efficiency of the federal judiciary by providing a full line of administrative support services, as provided for under the [Judges Act](#).

Expected Results:

- Intermediate Outcomes

To remain a major pillar of the Canadian judiciary by providing top quality, reliable and comprehensive services;

To maintain, and enhance where possible, FJA partnerships with judicial organizations both within Canada and outside Canada; and

To constantly improve and tailor FJA systems and procedures, and use the best proven technology available to meet the needs of clients.

- Immediate Outcomes

To improve the ability of FJA to respond to the needs of the members of the judiciary which will allow the judges to continue to play a vital role in protecting citizens' rights and ensuring governments adhere to the rules of law and justice.

Plans, priorities and commitments

The following key priorities were identified in the [2004-2005 Report on Plans and Priorities](#):

- 1) Improve client services;
- 2) Building people's capacity;
- 3) Implementing security policies; and
- 4) Improving communications/information sharing.

Program, resources, and results linkages

Improve Client Services

Training of federally appointed judges is a major component of the client services provided. FJA offers two forms of training to judges, a language training program and computer training on the Judicial Communication System (JUDICOM), including basic computer literacy and personal computer training. A review of the Language Training Program was completed during the year and a number of recommendations have been made. In accordance with one of the major recommendations, a subcommittee of the Canadian Judicial Council has been created to assist with issues raised in the report. Total expenditures on these training programs amounted to \$ 2,964,000.

Approximately 356 registrations of judges have been received for the different language training activities. As well, approximately 535 judges received some form of computer training during 2004-2005. As a result of a review conducted during the fiscal year, the computer training program has been transferred, effective April 1, 2005 to the National Judicial Institute, a non profit organization which has the mandate to provide training to judges.

The Judicial Counselling Program is an employee assistance program specifically for judges. This program is administered by FJA and provides assistance to all judges and their families. Since this is a confidential program, no information is available on individual usage. FJA has received a number of testimonials on the importance of this program from members of the judiciary. The total spending on this program amounted to \$76,703 of which \$66,520 was recovered through a cost-sharing agreement with provincial governments.

Building People's Capacity

FJA had planned on developing a human resource plan to meet the requirements of the Value and Ethics Code for the Public Service, the *Public Services Modernization Act* and the Strategic Plan for the organization. Delays in the passing of the act and in determining the impacts of the changes required by the new act as well as delays in the internal initiatives have resulted in a delay in the completion of the human resource plan. FJA has received its delegation of authority for staffing which was previously administered by the Public Service Commission, consequently FJA has undertaken extensive development of its human resources staff and the role of the Human Resources Steering Committee has been revised accordingly. Staff have continued to benefit from ongoing training programs.

Implementing Security Policies

FJA has developed a Business Resumption Plan and Disaster Recovery Plan. The Treasury Board Secretariat has recently required that all departments have a plan of action in place for August 2005 for a Management of Information Technology Security. With the delays in the FJA Transformation initiative, the systems development requirements have not been completed but the intent is to ensure that proper security features are incorporated at the planning stage and built into the new system.

Improving Communications and Information Management

FJA has developed a Corporate Plan which identifies priorities and targets. Extensive work has been done in designing an implementation program for an Information Management program, RDIMS. FJA has started the process of documenting all departmental practices and processes to determine where duplication exists and where efficiencies can be found.

SECTION III – SUPPLEMENTARY INFORMATION

Organizational Information

The Commissioner for Federal Judicial Affairs is assisted by a Deputy Commissioner, who is responsible for corporate services and language training. Other senior officials reporting directly to the Commissioner include the Executive Director Judicial Appointments and Legal Counsel, responsible for administering the judicial appointments process on behalf of the Commissioner, the Executive Editor, responsible for publishing the *Federal Courts Reports* and the Executive Director and General Counsel of the [Canadian Judicial Council](#), who is responsible for the management of the Council Office.

BUSINESS LINE DESCRIPTION

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

○ **Administration** - This service line provides the federal judiciary with guidance and advice on the interpretation of Part I of the *Judges Act*; provides the Minister with an up-to-date list of approved candidates for appointment to the judiciary as well as providing support to the judiciary in the areas of finance, personnel, administration, training, editing and information management.

○ **[Canadian Judicial Council](#)** - This service line provides for the administration of the Canadian Judicial Council as authorized by the *Judges Act*. The Council, made up of the 39 Chief Justices and Associate Chief Justices of Canada's superior Courts, act independently in the pursuit of its mandate, which is to foster a better administration of justice in Canada. The Office of the Council is managed by an Executive Director and General Counsel who reports functionally to the Chief Justice of Canada and administratively to the Commissioner.

○ **Payments pursuant to the [Judges Act](#)** - This service line provides for payment of salaries, allowances and annuities to judges and their survivors as authorized by the *Judges Act*.

Functional Structure

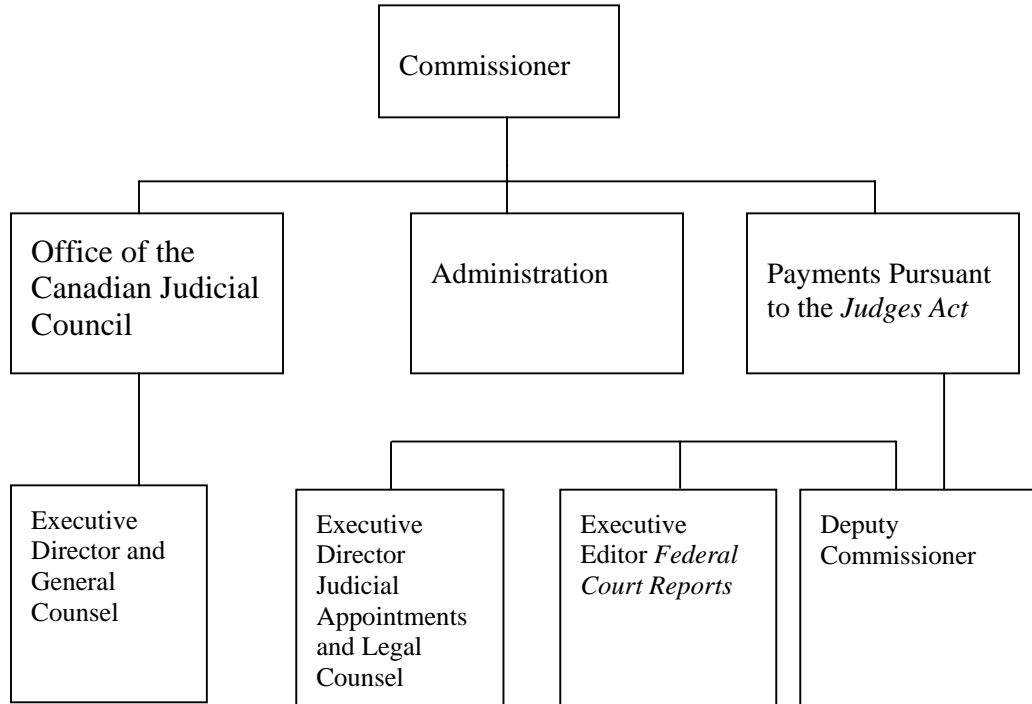


Table 1: Comparison of Planned Spending and Full Time Equivalents

(\$ millions)	2002–03 Actual	2003–04 Actual	2004–2005			
			Main Estimates	Planned Spending	Total Authorities	Actual
Federal Judicial Affairs	315.6	331.1	337.6	339.1	344.5	343.7
Total	315.6	331.1	337.6	339.1	344.5	343.7

Total	315.6	331.1	337.6	339.1	344.5	343.7
Less: Non-Respendable revenue	10.2	10.0	9.0	9.0	8.8	8.8
Plus: Cost of services received without charge *	0.9	0.8	0.9	0.9	1.0	1.0
Net cost of Department	306.3	321.9	329.5	331.0	336.7	335.9

Full Time Equivalents	54	57	63	63	67	67
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Table 2: Use of Resources by Business Lines

2004–2005								
Business Lines –	Budgetary						Plus: Non-Budgetary	Total
	Operating	Capital	Grants and Contributions	Total: Gross Budgetary Expenditures	Less: Respendable Revenue	Total: Net Budgetary Expenditures	Loans, Investments and Advances	
Federal Judicial Affairs								
Main Estimates	337,832,000	0	0	337,832,000	275,000	337,557,000	0	337,557,000
<i>Planned Spending</i>	339,100,000	0	0	339,100,000	275,000	339,375,000	0	339,375,000
Total Authorities	344,763,555	0	0	344,763,555	219,128	344,544,427	0	344,544,427
<i>Actual Spending</i>	343,894,667	0	0	343,675,539	219,128	343,894,667	0	343,894,667

Table 3: Voted and Statutory Items

Vote or Statutory Item	Truncated Vote or Statutory Wording	2004–2005			
		Main Estimates	Planned Spending	Total Authorities	Actual
20	Operating expenditures	7,970,000	7,970,000	8,712,013	8,245,890
25	Operating expenditures Canadian Judicial Council	1,575,000	1,575,000	2,022,250	1,619,486
(S)	Payments Pursuant to the <i>Judges Act</i>	327,076,000	328,619,000	332,987,707	332,987,707
(S)	Contributions to employee benefit plans	936,000	936,000	822,457	822,457
	Total	337,557,000	339,100,000	344,544,427	343,675,539

Additional funding for Vote 20 and Vote 25 was approved through the Supplementary Estimates process.

The increased requirements for Payments Pursuant to the *Judges Act* was as a result of an increased number of judges electing supernumerary status as well as an increase in the number of judges.

Table 4: Net Cost of Department

(\$ millions)	2004–2005
Total Actual Spending	343.7
<i>Plus: Services Received without Charge</i>	
Accommodation provided by Public Works and Government Services Canada (PWGSC)	.6
Contributions covering employers' share of employees' insurance premiums and expenditures paid by TBS (excluding revolving funds)	.4
<i>Less: Non-responsible Revenue</i>	8.8
2004–2005 Net cost of Department	335.9

Table 5: Sources of Respendable and Non-Respendable Revenue

Non-Respendable Revenue

(\$ millions)	Actual 2002-03	Actual 2003-04	2004-2005			
			Main Estimates	Planned Revenue	Total Authorities	Actual
Federal Judicial Affairs						
Office of the Umpire for Employment Insurance	.05	.05	.05	.05	.05	.05
Administrative Agreement with Canadian International Development Agency	.100	.084	.125	.125	.076	.076
JUDICOM Training Program	.086	.100	.10	.10	.093	.093
Total Respendable Revenue	.236	.234	.275	.275	.219	.219

Non-Respendable Revenue

(\$ millions)	Actual 2002-03	Actual 2003-04	2004-2005			
			Main Estimates	Planned Revenue	Total Authorities	Actual
Federal Judicial Affairs						
Judges' Contributions to Pension Fund	10.0	9.989	9.0	9.0	8.8	8.8
Total Non-Respendable Revenue	10.0	9.989	9.0	9.0	8.8	8.8

Table 6: Travel Policies

Comparison to the TBS Special Travel Authorities and TBS Travel Directive, Rates and Allowances

Travel Policy of the Office of the Commissioner for Federal Judicial Affairs
Authority: Section 34(1) of the Judges Act
Coverage: Applies only to travel required by federally appointed judges in Canada who are required to travel to fulfill their judicial obligations.
Principal difference in policy provisions: In accordance with the act, judges are entitled to be reimbursed actual and reasonable expenses incurred. Judges are entitled to travel Business Class but they are encouraged to fly economy class, and in fact most do. A guideline for the reimbursement of hotel accommodations and meals has been established. The maximum amount reimbursable for hotel accommodations is \$150.00 per night and the maximum amount reimbursable for meals is \$85.00 per day. In the event of special circumstances, judges will be reimbursed for expenses incurred in excess of these guidelines but this requires either prior notification or a letter explaining the special circumstances.
Principal financial implications of the difference(s): The overall costs of travel provided to judges is comparable to those costs incurred under the authority of the Special Travel Authorities

SECTION IV – OTHER ITEMS OF INTEREST

As part of its mandate to support the Canadian judiciary, the Office of the Commissioner for Federal Judicial Affairs provides support services to the Office of the Canadian Judicial Council. The Council is composed of the 39 Chief Justices and Associate Chief Justices of Canada's superior Courts. Its mandate is to promote efficiency and uniformity, and to improve the quality of judicial service in Canada. The Council is also responsible for hearing complaints against federally appointed judges. Information about the Council, its mandate and activities are found at the Council's website, <http://www.cjc.gc.ca>.

Contacts for Further Information

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Listing of Statutory and Departmental Reports

[Canadian Judicial Council](#) Annual Report

Computer News for Judges

Federal Courts Reports

Federal Judicial Appointments Process — June 1999

Report and Recommendations of the 2004 Judicial Compensation and Benefits Commission

Legislation Administered by the Office of the Commissioner for Federal Judicial Affairs

The Minister has sole responsibility to Parliament for the following Act:

[Judges Act](#) (*R.S. C. 1985, c.J-1, s.1.*)

June 2001