Department of Justice

2005 - 2006

Departmental Performance Report

Table of Contents

SECTION I – OVERVIEW 5

MINISTER'S MESSAGE 5
MANAGEMENT REPRESENTATION STATEMENT 6
SUMMARY INFORMATION 8
DEPARTMENT OF JUSTICE EFFORTS AIMED AT IMPROVED REPORTING TO PARLIAMENT 15

SECTION II – ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME 17

STRATEGIC OUTCOME I: A FAIR, RELEVANT AND ACCESSIBLE JUSTICE SYSTEM THAT REFLECTS CANADIAN VALUES. 17
PART A: STRATEGIC OVERVIEW 18
PRIORITY 1: PROMOTING ACCESS TO AND IMPROVING EFFICIENCIES IN THE JUSTICE SYSTEM 18
PRIORITY 2: PROTECTING THE MOST VULNERABLE, INCLUDING CHILDREN AND YOUTH, AND PROMOTING HUMAN DIGNITY 23
PRIORITY 3: ACHIEVING ABORIGINAL JUSTICE 27
PRIORITY 4: RESPONDING TO INTERNATIONAL REQUESTS AND ADVANCING INTERNATIONAL HUMAN RIGHTS LAW 28
PART B: PERFORMANCE TABLES 31
STRATEGIC OUTCOME II: A FEDERAL GOVERNMENT THAT IS SUPPORTED BY EFFECTIVE AND RESPONSIVE LEGAL SERVICES 38
PART A: STRATEGIC OVERVIEW 39
PRIORITY 5: ESTABLISHING A SUSTAINABLE FUNDING STRATEGY (SEE SECTION IV) 39
PRIORITY 6: SUPPORTING OUR CLIENTS WITH HIGH QUALITY LEGAL SERVICES 42
PRIORITY 7: LEGAL RISK MANAGEMENT 60
PRIORITY 8: IMPROVING PERFORMANCE MEASUREMENT AND ACCOUNTABILITY 62
PRIORITY 9: COMBATTING HIGH-TECH CRIME, ORGANIZED CRIME AND TERRORISM 64
PART B: PERFORMANCE TABLES 67

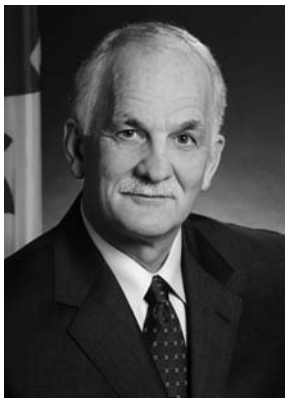
SECTION III – SUPPLEMENTARY INFORMATION 69

ORGANIZATIONAL INFORMATION 70
TABLE 1: COMPARISON OF PLANNED TO ACTUAL SPENDING (INCLUDING FTES) 71
TABLE 2: RESOURCES BY PROGRAM ACTIVITY 72
TABLE 3: VOTED AND STATUTORY ITEMS.....74
TABLE 4: SERVICES RECEIVED WITHOUT CHARGE.....74
TABLE 5: SOURCES OF RESPENDABLE AND NON-RESPENDABLE REVENUE 75
TABLE 6: RESOURCE REQUIREMENTS BY BRANCH/SECTOR.....76
TABLE 7–A: USER FEES ACT 78
TABLE 7–B: POLICY ON SERVICE STANDARDS FOR EXTERNAL FEES.....79
TABLE 8: DETAILS ON TRANSFER PAYMENT PROGRAMS (TPPS) 80
TABLE 9: HORIZONTAL INITIATIVES.....80
TABLE 10: FINANCIAL STATEMENTS OF DEPARTMENTS 80
TABLE 11: RESPONSE TO PARLIAMENTARY COMMITTEES,
AND AUDITS AND EVALUATIONS FOR FISCAL.....100
TABLE 12: SUSTAINABLE DEVELOPMENT STRATEGY.....105
TABLE 13: SERVICE IMPROVEMENT.....108
TABLE 14: TRAVEL POLICIES.....111

SECTION IV – OTHER ITEMS OF INTEREST 113

Section I – Overview

Minister's Message



I am pleased to report on the performance of the Department of Justice for 2005-2006.

This Departmental Performance Report provides a summary of the Department's progress on two strategic outcomes—ensuring that Canada's justice system is fair, relevant and accessible and reflects Canadian values; and supporting the Government of Canada with effective and responsive legal services.

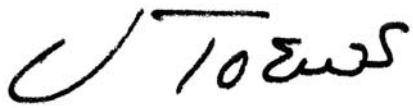
This work has focused on such issues as a sustainable funding strategy for legal services, managing the volume of litigation, legal risk management, performance measurement, and developing the skills and knowledge of our workforce.

In recent months, the Department has also been a central player in implementing one of the Government of Canada's key priorities, tackling crime. It is acting to further protect Canadian families and communities and to hold criminals to account for their actions by addressing several issues—sentencing reform, the rights of victims of crime, youth criminal justice, street racing, the DNA Data Bank, the age of protection, and illegal guns, gangs, and drugs.

The Department is also playing a significant role in the pursuit of improving government accountability—another of our five priorities—through reforming access to information laws and making the process of selecting Justices for the Supreme Court of Canada more open and transparent.

As the Department continues to pursue this agenda, I will count on the hard work and professionalism of our public servants, as well as the collaboration of all levels of government, our stakeholders, and the Canadian public.

I am confident that this report will demonstrate how the Department of Justice provides exceptional benefits to Canadians. As Minister of Justice and Attorney General, I look forward to continuing to protect our country's tradition of safety and security, and helping ensure that all Canadians can live in safe, healthy communities.



Vic Toews
Minister of Justice and Attorney General of Canada

Deputy Minister's Message and Management Representation Statement

The Department's work over the reporting period supports our desired strategic outcomes as well as the Federal Government's key priorities. Delivering on these outcomes and priorities requires continuing attention to the way we manage our business. We must be organized for operational efficiency and effectiveness, and our programs and services must be sustainable and affordable. The Department's workforce has devoted much effort to ensuring that Canadians receive excellent value for money, benefit from the services we provide, and recognize that we are accountable and transparent in the way we go about our work.

As Deputy Minister and Deputy Attorney General, I have previously stated my commitment to bringing increased discipline and rigour to management policies and processes that support the Minister, and enable the Government to pursue its policy and program agenda. To this end, we have continued to ensure that the Department is improving its ability to manage for results. While we are aware that there will always be ways to improve, and that we need to continuously seek ways to ascertain our effectiveness, our efforts have begun to yield positive results. For example, the Department's 2005-2006 Management Accountability Framework assessment cited our progress in implementing a government-wide legal risk management strategy. The benefits of this strategy, aimed at better co-managing client departments' legal risks across government, are particularly significant with regard to improving litigation risk management. Over the reporting period we also continued work on our Corporate Commitments. Progress includes implementing integrated business and strategic planning, furthering our sustainable funding regime, and continuing to foster a culture where people development, management and diversity are valued and recognized as important to reach our departmental goals.

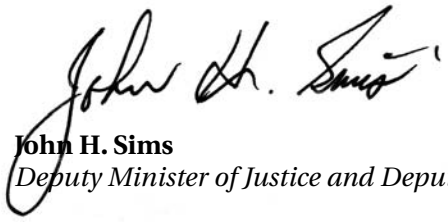
Finally, significant effort – almost 60 percent of our spending – is directed at supporting the Minister and the Government as a whole through the delivery of high quality legal services. This performance report provides the reader with an in-depth look at the results achieved by Departmental staff over the reporting year.

Management Representation Statement

I submit for tabling in Parliament, the 2005-2006 Departmental Performance Report for the Department of Justice.

This document has been prepared based on the reporting principles contained in the *Guide for the Preparation of Part III of the 2005-2006 Estimates: Reports on Plans and Priorities and Departmental Performance Reports:*

- It adheres to the specific reporting requirements outlined in the TBS guidance;
- It is based on the department's approved Program Activity Architecture structure as reflected in its MRRS;
- It presents consistent, comprehensive, balanced and reliable information;
- It provides a basis of accountability for the results 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 in the DPR



John H. Sims
Deputy Minister of Justice and Deputy Attorney General of Canada

Summary Information

Raison d'être

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

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

Role of the Department

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

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

Mission

The Department's mission is to:

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

Benefits to Canadians

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

Departmental Priorities

Overall Departmental Performance:

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

Strategic Outcome		Planned 05-06 ($ million)	Actual 05-06 ($ million)	Performance Results
Strategic Outcome #1 – A fair, relevant, accessible justice system that reflects Canadian values **Priority 1**: Promoting access to and efficiencies in the justice system (on-going) **Priority 2:** Protecting the most vulnerable, including children and youth, and promoting human dignity (key for the reporting period) **Priority 3:** Achieving Aboriginal Justice (key for the reporting period) **Priority 4:** Responding to international requests and advancing international human rights law. (key for the reporting period)	**Program Activity A.1:** Developing Policies and Laws **Expected Result:** Policies and laws are developed in response to identified needs and gaps and are integrated with Government priorities and commitments	21.4	*29.3*	Mostly Met
	Program Activity A.2: Developing and Implementing Programs **Expected Result:** Programs are developed and implemented in response to identified needs and gaps and are integrated with Government priorities and commitments	380.0	369.9	Met
	Program Activity A. 3: Managing and Coordinating Strategic Policies and Priorities **Expected Result:** Responding to evolving legal framework	13.6	10.8	Met
Strategic Outcome #2 – A Federal Government that is supported by effective and responsive legal services **Priority 5**: Establishing a sustainable funding regime (on-going) **Priority 6:** Supporting our clients with high quality legal services (on-going) **Priority 7:** Managing Legal Risk (on-going) **Priority 8:** Improving Performance Measurement and Accountability (on-going) **Priority 9:** Combating high-tech crime, organized crime and terrorism (key for the reporting period)	**Program Activity B.1:** Providing Legislative Services **Expected Results:** High quality legal services and respect for the rule of law, and Legal risk is anticipated, mitigated and effectively managed	20.6	21.3	Met
	Program Activity B.2: Providing Legal Advisory and Litigation Services **Expected Results:** High quality legal services and respect for the rule of law, and Legal risk is anticipated, mitigated and effectively manage	454.8	415.0	Met
	Program Activity B.3: Providing Prosecution Services **Expected Result:** Effective prosecutions	82.1	113.3	Met
Total Spending across all Strategic Outcomes		972.5	959.6	

Alignment of Departmental Performance to Government of Canada Outcomes

Department, Agency or Crown Corporation	Strategic Outcome	Program Activity	Alignment to Government of Canada Outcomes
Department of Justice	A fair relevant, accessible justice system that reflects Canadian values	Program Activity A.1 Developing policies and laws	Social: Diverse society that promotes lingustic duality and social inclusion
Department of Justice	A fair relevant, accessible justice system that reflects Canadian values	Program Activity A.2 Delivering programs	Social: Diverse society that promotes lingustic duality and social inclusion
Department of Justice	A fair relevant, accessible justice system that reflects Canadian values	Program Activity A.3 Managing and coordinating the strategic policies/ priorities function	Social: Diverse society that promotes lingustic duality and social inclusion
Department of Justice	A federal government that is supported by effective and responsive legal services	Program Activity B.1 Providing legislative services to government	Federal organizations that support all Government of Canada outcomes
Department of Justice	A federal government that is supported by effective and responsive legal services	Program Activity B.2 Providing legal advisory and litigation services to government	Federal organizations that support all Government of Canada outcomes
Department of Justice	A federal government that is supported by effective and responsive legal services	Program Activity B.3 Providing prosecution services	Social: Safe and secure communities

Operating Environment

Size:

The Department of Justice is a medium-sized department with approximately 5,000 employees. While roughly one half of departmental staff are lawyers, there are a number of other professionals in the Department including paralegals, social scientists, program managers, communications specialists, administrative services personnel, computer services professionals and financial officers.

Location:

In addition to a national headquarters and a network of legal services units located in departments and agencies throughout the National Capital Region, the Department provides services across the country through a network of regional offices and sub-offices. About one half of all departmental staff are located in the regional offices and sub-offices. In the detailed analysis of Section II in support of Strategic Outcome II: A federal Government that is supported by high quality legal services, you will find a variety of examples of the important work that is carried out in our regional offices.

Types of Expenditures:

The Department has two types of expenditures: operating expenditures and transfer payments. Approximately 63 percent of the Department's spending is for operating expenditures. The operating expenditures are predominantly devoted to staff and related costs (salary, training, office equipment, etc.). About 69 percent of operating expenditures is devoted to the delivery of integrated legal services to client departments and agencies. A significant portion of the operating expenditures incurred in delivering legal services (about 25 percent) is recovered from client departments and agencies. This represents approximately 16 percent of the Department's total expenditures.

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

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

Financial Resources (in millions of dollars):

Planned Spending	Total Authorities	Actual Spending
972.5	**980.0**	**959.6**

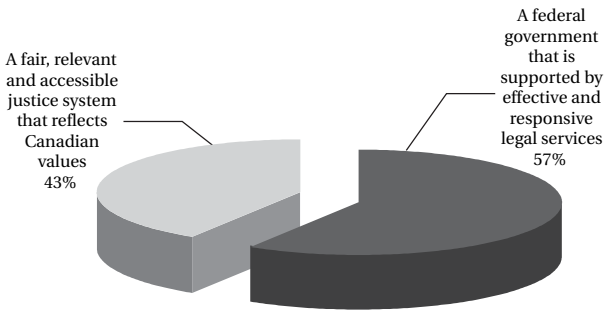
Human Resources (in Full-time Equivalents or FTEs):

Planned	Actual	Difference
5,036	**4,717**	**319**

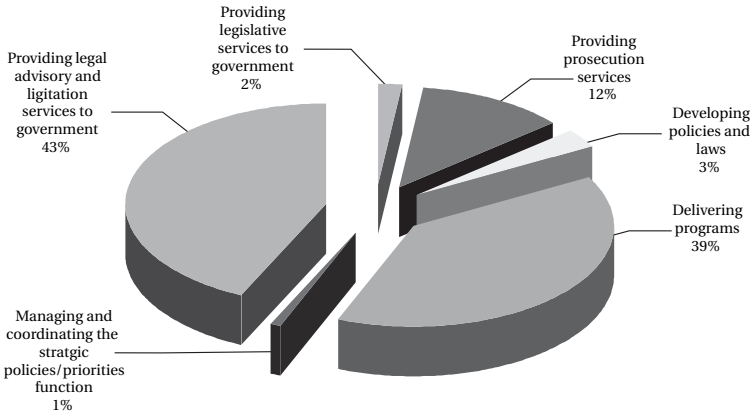
2005-2006 Actual Spending by Strategic Outcome and Supporting Program Activity (in millions of dollars)

A fair, relevant and accessible justice system that reflects Canadian values	
Developing policies and laws	29.3
Developing and implementing programs	369.9
Managing and coordinating the strategic policies/priorities function	10.8
Total - Strategic Outcome 1	410.0
A federal government that is supported by effective and responsive legal services	
Providing legislative services to government	21.3
Providing legal advisory and litigation services to government	415.0
Providing prosecution services	113.3
Total - Strategic Outcome 2	549.6
Total	**959.6**

2005-2006 Actual Spending by Strategic Outcomes



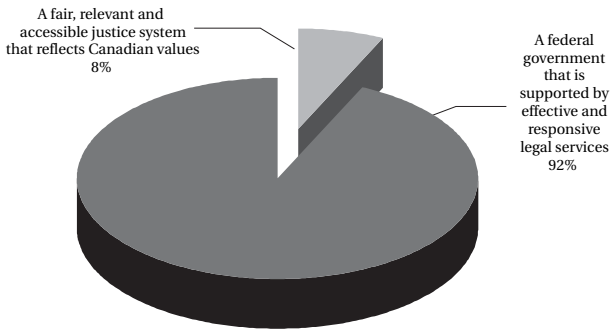
2005-2006 Actual Spending by Program Activity



2005-2006 Actual FTEs by Strategic Outcome and Supporting Program Activity

A fair, relevant and accessible justice system that reflects Canadian values	
Developing policies and laws	227
Developing and implementing programs	85
Managing and coordinating the strategic policies/priorities function	78
Total - Strategic Outcome 1	390
A federal government that is supported by effective and responsive legal services	
Providing legislative services to government	227
Providing legal advisory and litigation services to government	3334
Providing prosecution services	766
Total - Strategic Outcome 2	4327
Total	**4717**

2005-2006 Actual FTEs by Strategic Outcomes



Factors affecting operating context

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

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

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

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

Participatory justice: working with key participants

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

Some of our key participants include:

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

Department of Justice efforts aimed at improved reporting to Parliament

In the 2004-2005 Departmental Performance Report (DPR), the Department initiated the practice of presenting a management assessment of our performance against our commitments for the reporting period as identified in the corresponding Report on Plans and Priorities (RPP).

In this year's report, we are continuing this practice. We are also continuing the practice of evaluating the quality of the data used to support the management assessments of performance (i.e. "good", "reasonable", "needs improvement" or "unable to assess"). Thus, managers were asked to self-assess their performance based on the results of their activities. An assessment committee comprised of performance measurement specialists within DOJ as well as an outside consultant, assigned the data quality ratings.

The Department approaches performance measurement from two interrelated perspectives[2]. First, there are those measures that are aimed at tracking performance of **activities and outputs** over which the Department has direct control and is directly accountable. Workload indicators such as files opened and closed, hours logged, etc, are examples of these types of measures.

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

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

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

The table below describes in more detail the justifications that are to be used by managers to determine the ratings of the performance results.

Assessing our Performance	
Met	Our performance met our expectations
Mostly met	Our performance met most of our expectations
Not met	Our performance did not meet most of the key expectations
Unable to assess	Unable to assess our performance

The table below represents the scale used by the Assessment Committee to determine the data quality ratings.

Assessing Data Quality	
Good	Performance rating expectations based on management judgement supported by a broad mix of quantitative and qualitative information obtained from reliable sources or methods
Reasonable	Performance rating based on management judgement supported, in most cases, by a mix of quantitative and/or qualitative information (including management estimates) obtained from reliable sources or methods
Needs Improvement	Performance rating based on management judgement supported by predominantly qualitative information from informal sources or methods. Significant gaps in robustness of performance information
Unable to assess	Validity of measures is being reviewed. May not be the best indicator of performance.

The reader will find the detailed performance tables following the descriptions of the key programs/services in Section II: Analysis of Program Activities by Strategic Outcome.

SECTION II – ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

Strategic Outcome I: A fair, relevant and accessible justice system that reflects Canadian values.

Expected Results:

- Policies and laws are developed in response to identified needs and gaps and are integrated with Government priorities and commitments
- Programs are developed and implemented in response to identified needs and gaps and are integrated with Government priorities and commitments
- Responding to evolving legal framework

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

Financial Resources (in millions of dollars):

Planned Spending	Authorities	Actual Spending
$21.4	**$25.2**	**$29.3**

Human Resources:

Planned	Actual	Difference [3]
249 FTE	**227 FTE**	**22 FTE**

[3] *At the time the 2005-2006 RPP was prepared, Public Law Sector (46 FTE) was part of Program Activity A.1 of the PAA. It is now part of Program Activity B.1.*

Program Activity Name: A. 2 Developing and implementing programs

Financial Resources (in millions of dollars):

Planned Spending	Authorities	Actual Spending
$380.0	$377.1	$369.9

Human Resources:

Planned	Actual	Difference
85 FTE	85 FTE	0 FTE

Program Activity Name: A. 3 Managing and Coordinating strategic policies and priorities

Financial Resources (in millions of dollars):

Planned Spending	Authorities	Actual Spending
$13.6	$14.1	$10.8

Human Resources:

Planned	Actual	Difference
85 FTE	78 FTE	7 FTE

Part A: Strategic overview

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

Over the reporting period, the Department's activities in support of this Strategic Outcome were linked to the following priorities:

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

Much of the work of the various program areas was carried out in support of this priority, particularly in regards to promoting access to justice. As outlined below, work in the areas of legal aid, access to justice in both official languages, support for victims and drug treatment courts was focussed on ensuring that the justice system is accessible to everyone and that people understand their rights and responsibilities within the system.

Work also continued in the Steering Committee on Justice Efficiencies and Access to the Justice System to find practical and sustainable solutions to new challenges faced by the Canadian criminal justice system. In November 2005, FPT Ministers Responsible for Justice approved the Steering Committee's Report on the Management of Cases Going to Trial. This Report provides guiding principles and recommendations that can contribute to the effective management of cases and address the issues involved in ensuring that our justice system remains fair, timely, effective and affordable while protecting the right of an accused to a fair trial.

Key Programs/Services:

Legal Aid

Planned Spending	Authorities	Actual Spending
$122,624,153	**$123,086,795**	**$122,334,120**

Financial Resources

The components of the Legal Aid Renewal Strategy (2003-2006) include:

- Legal Aid Base Funding (Provinces)
- Legal Aid Investment Fund
- Immigration and Refugee (I&R) Legal Aid
- Management of Federal Court-ordered Counsel Cases
- Legal Aid Policy Development
- Civil legal aid pilot projects.

The federal government contributes funding through the criminal legal aid agreements towards the costs of delivery of legal aid services for economically disadvantaged people in the provinces who are accused of serious criminal offences and youths charged under the *Youth Criminal Justice Act (YCJA)*. In fiscal year 2005-2006, the federal government contributed a total of $89.3 million towards these costs. The consolidated Access to Justice Agreements provides resources for criminal and civil legal aid as well as for Aboriginal Courtwork and Public Legal Education and Information services in the territories. These are known, collectively, as access to justice services. In fiscal year 2005-2006, legal aid funding for these services totalled $2.6 million.

The Legal Aid Investment Fund's goal is to address unmet need in criminal legal aid (and civil legal aid in the territories). In Fiscal year 2005-2006, $20 million was distributed to the provinces and territories for the Investment Fund for 93 initiatives, slightly down from the first year of the Fund. Thirty-two percent of initiatives indicated *increased access to legal aid* as an expected outcome.

The jurisdictions have developed a number of different ways of accomplishing this through:

(1) Expanding service

- increased eligibility levels so that in one jurisdiction, nearly 2,400 more people received legal aid services in FY 2004-2005;
- added or expanded *Brydges*[4] services and other "after hours" services;
- encouraged "new" lawyers to take on criminal legal aid cases;
- improved access to legal aid services in rural and remote areas in advance of circuit courts;
- expanded eligibility for legal aid service beyond "loss of liberty" criterion.

(2) Technological improvements

- video-conferences used to reduce travel to interview in-custody legal aid clients;
- satellite telephones used as a safety measure when travelling in remote areas; and,
- clients able to apply for legal aid online.

The Legal Aid Pilot Project Fund's objective is to address unmet legal aid needs in targeted civil legal aid areas of immigration and refugee, family, and poverty law. This Fund supported projects that offered legal services to people who would otherwise be considered ineligible for legal aid. The "store-front" approach to offering legal assistance services appears to make it easier for people to find out about services and to make use of them.

In fiscal year 2004-2005 (the latest year for which data is available), through 93 Legal Aid Investment Fund initiatives, the Department was able to address the unmet criminal legal aid needs of various priority groups (Aboriginal people, visible minority groups, and members of official language groups); and other priorities such as service diversification and the needs of legal aid clients with special needs.

In fiscal year 2004-2005, 10 legal aid pilot projects were funded to test approaches to delivery of civil legal aid in targeted areas: Immigration and Refugee (2 projects), Family Law (7 projects) and Poverty Law (1 project).

With the assistance of federal funding support, provided through the 2003-2006 contribution agreements, in fiscal year 2004-2005 (the latest year for which data is available) 246,519 full-service legal aid applications in criminal matters were approved in Canada; 922,445 in-court criminal duty counsel services were provided; and, 15,603 people received immigration and refugee legal aid services in the six provinces offering those services. 18 cases of funded defence counsel were also funded. Provincial and territorial governments are responsible for the management and administration of their legal programs including eligibility and coverage issues.

[4] *Brydges* duty counsel provide summary legal advice to accused persons upon arrest and/or detention, informing them of their Constitutional rights, most commonly through a telephone hotline or alternatively, in person.

Access to Justice in Both Official Languages Fund

Financial Resources:

Planned Spending	Authorities	Actual Spending
$2,898,146	$3,323,196	$3,259,259

The Fund helps the Department's partners increase their capacity to develop innovative solutions to emerging access to justice in both official languages related issues. It will raise awareness among the legal community and the official languages minority communities on the exercise of their rights and the issues related to access to justice in both official languages.

During fiscal 2005-2006, the Access to Justice in Both Official Languages Fund (Support Fund) has provided a total of $3,323,196 in funding for projects.

One of those projects led to the development of tools for raising awareness and delivering information about the right to legal services in both official languages. Training programs in French were also provided for people working in the judicial system in the provinces and territories, thereby increasing the system's capacity to provide services in the official language of the people served by it.

We also expanded the number of projects funded through partnerships with the provinces and with other programs in the Department. In response to findings about the isolation of provincial Crown counsel, we supported the delivery of training sessions in French for them, under the auspices of the Institute for Professional Development for bilingual Crown Attorneys.

We also responded to legal information needs in official language minority communities by supporting a number of projects in that area, including a national communications plan based on sensitivity to and knowledge of the situations in the various provinces.

Drug Treatment Courts

Financial Resources:

Planned Spending	Authorities	Actual Spending
$2,834,365	$2,708,340	$2,546,195

The Drug Treatment Court Funding Program provides federal funding support for the six Drug Treatment Courts across Canada. Drug Treatment Courts (DTCs) represent a concerted effort to break the cycle of drug use and criminal recidivism by facilitating treatment for drug-involved non-violent offenders who meet specific criteria. They provide an alternative to incarceration by offering an opportunity to complete a court-monitored drug treatment program that is often longer in duration than the sentence or period of incarceration that the offender would have received for a minor offence. The focus of the drug treatment program promotes drug abstinence.

Provincial justice system partners were consulted in negotiating agreements and establishing four new DTCs in 2005-2006. The objective of the DTC Funding Program was to establish at least three new courts. Evaluations were also completed for the DTCs in Vancouver and Toronto. Drug Treatment Courts are now in place in five provincial jurisdictions (Ontario, Manitoba, Saskatchewan, Alberta and British Columbia). This program demonstrates successful collaboration in this new policy area between the federal government, provincial courts, law enforcement agencies, and mental health and social service communities to intervene to break the cycle of substance abuse, addiction and criminal behaviour.

Policy Centre for Victims Initiative

Financial Resources:

Planned Spending	Authorities	Actual Spending
$Nil	**$ 4,358,163**	**$ 3,459,503**

The Victims of Crime Initiative is administered by the Policy Centre for Victim Issues (PCVI). The PCVI provides the "victims lens" for all criminal law reform and criminal justice policy development for which the Department of Justice is responsible and works closely with other federal departments to ensure a consistent approach to victim issues. The Centre has a broad mandate to conduct research, raise awareness about the needs and concerns of victims, develop public information materials, and to consult with victims, victim advocates, criminal justice personnel, service providers, and others involved in the criminal justice system to identify issues of concern and to develop policy and options for law reform. The Centre works closely with provinces and territories that have a key role in providing services for victims and Chairs the Federal-Provincial-Territorial Working Group on Victims of Crime. The PCVI also administers the federal Victims Fund, which has a broad set of objectives that, like all PCVI activities and responsibilities, is intended to improve the experience of victims in the criminal justice system. The Fund can be accessed by victim service providers, non- governmental organizations, provincial and territorial governments, victim advocates and researchers, as well as victims (including Correctional Service Canada (CSC) registered victims of crime who can access the Financial Assistance for Victims to Attend National Parole Board Hearings).

The Victims of Crime Initiative was renewed in December 2004, and new resources were approved in September 2005. In November 2005 a new component to the Victims Fund was added. The Financial Assistance for Victims to Attend NPB Hearings component provides financial assistance to victims registered with CSC or NPB who wish to attend National Parole Board hearings of the offender who harmed them. In 2005, the National Victim Office (part of Public Safety) relocated their office with the PCVI to ensure better coordination.

Outreach

Over the reporting period, the PCVI in conjunction with non-governmental organizations, federal government agencies, victim services representatives from the provinces and victims of crime organized the first ever Canadian National Victims of Crime Awareness Week which took place in April 2006. One of the key goals of the Week was to raise awareness of the needs, services, legislation and assistance available to victims of crime. This event is being planned again for April 2007.

In 2005-2006 PCVI worked with Justice colleagues to develop Bill C-2, *An Act to Amend the Criminal Code* (Protection of Children and Other Vulnerable Persons) and the *Canada Evidence Act*. In 2005-2006 PCVI worked with provinces and territories to assist in implementing the new legislation which clarifies and expands the use of testimonial aids (including screens, closed-circuit tv, and support persons) and eliminates the competency and oath inquiries to allow child witnesses under the age of fourteen (who are able to understand and respond to questions) to give their evidence on a promise to tell the truth.

Research on Bill C-79 and other criminal justice topics (i.e. restorative justice), was undertaken and reported on in the comprehensive *Multi-Site Survey of Victims of Crime and Criminal Justice Professionals Across Canada*. The results were made available on the Internet, in hard copy and on a CD-ROM. In 2005-2006 the research was distributed to more than 1,500 recipients including victim service providers and advocates, lawyers, judges, parole officers and correctional services representatives, police officers, academics and policy makers. An evaluation assessing the value of the information and its capacity to raise awareness is almost complete.

It is clear from a review of funded activities that, the Victims Fund increased access by victims to the criminal justice system and to programs/services and assistance available to them. In March 2006, the federal budget allocated an additional $13 million per year to give victims a more effective voice in the federal corrections and justice system and to give victims greater access to services such as travel to appear at parole hearings. Work commenced immediately to develop new programs for implementation in the following year.

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

As is evidenced in the following pages, there was a high level of effort from departmental staff in support of this priority over the reporting period. A number of departmental sections were involved in program delivery, law reform, policy and legislative development as well as high profile work in the international arenas. In particular, the activities of the Youth Justice Renewal team and the Family Justice Team were complemented those of the Criminal Law Policy Group and Public Law.

Youth Justice

Financial Resources:

Planned Spending	Authorities	Actual Spending
$ 164,313,540	**$ 194,636,000**	**$ 195,406,985**

Explanation of Variance:

An amount of $32,552,415 in additional money already earmarked in the fiscal framework for this Program was accessed during the year, as well as an additional amount of $8million to better sustain federal funding under the Program. Also, an amount of $10.2 million was cut to meet the $12 billion reallocation exercise.

Youth Justice Renewal Initiative

The Youth Justice Renewal Initiative was designed as a multi-faceted approach that included a new legislative framework, and programming resources that would: encourage a fairer and more effective youth justice system; respond to emerging youth justice issues; and, enable greater citizen/community participation in the youth justice system. It provides funding through three distinct transfer payment programs to help achieve its long-term goal of a fairer and more effective youth justice system.

The three transfer payment programs are: the Youth Justice Services Program, the supplementary agreements supporting the sentencing option known as the Intensive Rehabilitative Custody and Supervision Order (IRCS), and the Youth Justice Renewal Fund. The first two programs provide funding to provincial/territorial ministries to deliver youth justice services. In contrast, the Youth Justice Renewal Fund is a discretionary funding program that assesses individual projects and provides funding based on their merit and fit within federal policy priorities.

Through the Youth Justice Renewal Fund, 52 projects were funded that supported the development and implementation of alternative youth justice programs and services. This included projects funded in all of the provinces and one territory. The majority of the remaining projects funded were for public legal education and information projects designed to inform Canadians about the youth justice system and legislation. Given the emphasis on supporting new and enhanced alternatives for youth justice practices, it is important to note that 80 percent of committed funds were used for this priority.

A wide range of new and innovative projects were funded through the Youth Justice Renewal Fund and included mentoring programs, employment and pro-social skills development, after-custody plans and supports for youth with FASD, youth custody transition workers, education and support programming for youth to reduce “failure to appear” charges, court liaison workers for African Canadian offenders, Aboriginal mentoring and cultural awareness programs, and a specialized program for youth who have committed a violent offence.

It should also be noted that during the fall of 2005 and in response to the emerging concerns around the issues of gangs and violent crimes, Youth Justice Policy started supporting projects that responded to the issue of youth who commit violent offences. As a result 5 projects – in five different provinces – were funded during the year.

In addition, to facilitate the sharing of best practices and raising awareness of emerging youth justice issues, Youth Justice Policy hosted a number of roundtables/forums with youth justice stakeholders from across the country pertaining to auto theft, Aboriginal mentoring programs and gang involved youth.

Family Justice

Financial Resources:

Planned Spending	Authorities	Actual Spending
$ 20,229,144	**$ 24,229,144**	**$ 23,148,716**

The purpose of the Child-centred Family Law Strategy (CCFLS) is to help parents focus on the needs of their children following separation and divorce. It is composed of three pillars - legislative reforms, funding for family justice services and the expansion of Unified Family Courts (UFCs). Over the reporting period, the Strategy has made progress through innovative planning and a collaborative relationship with provincial and territorial governments, in particular through the Child-centred Family Justice Fund (CCFJF). While the federal government does not provide direct services to separated and divorced parents, since the provinces and territories are responsible for the administration of justice, the Department of Justice is committed to assisting and promoting the development, expansion and maintenance of such services through the CCFJF. These services include child support, support enforcement and services that address parenting arrangement issues (e.g. parenting agreements and orders, contact orders, custody orders and access rights). It is important to note that activities supporting the objectives of the CCFLS were undertaken by the Federal government, in particular, public legal education and information as well as professional training activities.

Building on the expansion of the first two years of the Strategy, in 2005-2006, the Fund led to a further expansion or enhancement of 19 services; 66 family justice services were maintained; and 7 new services were implemented.

There was an increase in the number of parents attending both mandatory and voluntary parent education programs in 7 of the 13 jurisdictions. The other 6 jurisdictions maintained their levels of service. Northwest Territories introduced a family mediation pilot. Prince Edward Island reported an increase in parents attending mediation sessions and maintained its numbers in the Children's Education Program. Saskatchewan reported an increase in applicants accepted into their Support Variation Program and collected statistics on the number of children attending Children's Education Programs which will be used as a baseline for measuring future results. Newfoundland and Prince Edward Island also reported an increase in the number of orders and agreements registered in their respective Administrative Recalculation Programs, while Manitoba and British Columbia continued to work on the logistics for their Pilot Projects for this service.

The Department and the Canadian Bar Association conducted a survey of family law lawyers asking them several questions regarding the availability and usefulness to separating or divorcing parents of various family justice services. The results show that for 92 percent of the 184 lawyers who responded, one or more services are available to parents in their locality. When asked if either of these services were beneficial to their clients or to self-represented parents, over 85 percent of family law lawyers responded that these services were either "very beneficial" or "beneficial" for parents. While the respondents are not representative of all family law lawyers in Canada, the results indicate there is considerable support from lawyers for parents' participating in parenting education and/or meditation services.

Further information on the changes in the level of understanding by parents after using family justice services will be obtained from exit surveys of those parents taking parent education programs. This information will be available by Strategy's end and will provide a broadly based impression of levels of parental awareness.

In addition, a follow-up survey with parents will be undertaken by the Evaluation Section of the Department during the 2006-2007 and 2007-2008 fiscal years as part of the Summative Evaluation of the Strategy, along with other data collection activities. The objective of the Summative Evaluation is to assess the extent to which the CCFJF contributed to: the expansion of child-centred family justice services provided by the provinces and territories; increased use of these services by parents and children; and, increased responsiveness of the justice system to the needs of children and families undergoing separation and divorce.

Public Law Sector

The Public Law Sector is composed of a number of specialized legal advisory and policy sections with expertise in constitutional and administrative law, human rights law, information law and privacy, judicial affairs, aviation law, public law policy, public international law and international trade law. Over the reporting period, the Public Law Policy continued to work closely with other federal departments to develop anti-racism policies, including policies to address racial profiling. The Section also continued to review the *Canadian Human Rights Act* and the human rights redress system to ensure that vulnerable persons are treated equally and have recourse against acts of discrimination.

Criminal Law Policy Section

The Criminal Law Policy Section (CLPS) is mandated to monitor trends in the criminal law, develop options for and implement criminal law reform, (for example, amendments to the *Criminal Code*, and other federal statutes including the *Identification of Criminals Act, Crimes Against Humanity and War Crimes Act and Anti Terrorism Act*), provide criminal law advice to other parts of the Department as well as other federal departments, and to serve as the Department's centre of expertise for criminal law and policy including criminal procedure and sentencing. It advises the Minister and senior officials on emerging criminal justice issues and consults with provincial and territorial officials responsible for criminal justice and with international and non-governmental organizations involved with criminal justice matters (such as the development of international criminal instruments that are consistent with Canadian criminal justice norms and values; the evaluation of other states' compliance with international instruments; and providing related technical assistance and expertise).

As a result of CLPS work throughout the reporting period, children and other vulnerable persons are now better protected by the criminal law and will be treated more sensitively by the criminal justice system because of criminal law reforms enacted by Bill C-2, An *Act to amend the Criminal Code (protection of children and other vulnerable persons)* and the *Canada Evidence Act* (Royal Assent on July 20th, 2005 - S.C. 2005, c. 32). Bill C-2 strengthened criminal law protections for children against abuse, neglect, and sexual exploitation (including child pornography); will make testifying less traumatic for child victims or witnesses and other vulnerable victims or witnesses; and created new offences against voyeurism to better protect

the privacy of all Canadians in situations where there is a reasonable expectation of privacy. The new offences and sentencing reforms were proclaimed into force on November 1, 2005 and the reforms facilitating the testimony of child and other vulnerable victims and witnesses came into force on January 2, 2006.

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 ensure the system is fair, relevant and effective for them. Below, the reader will find a detailed accounting of the work carried out under the Aboriginal Justice Strategy in support of this priority.

Aboriginal Justice Strategy

Financial Resources:

Planned Spending	Authorities	Actual Spending
$15,646,197	**$15,646,197**	**$15,381,131**

One of the federal government's key responses to addressing these issues has been the Aboriginal Justice Strategy (AJS), which co-funds diversion, sentencing, and family and civil mediation projects in Aboriginal communities with provinces and territories. The mandate of the AJS is to:

- help Aboriginal people assume greater responsibility for the administration of justice in their communities;
- promote the inclusion of Aboriginal values within the Canadian justice system; and
- contribute to a reduction in rates of crime, victimization and incarceration among Aboriginal people.

A study of five community programs that was conducted as part of the 2000 AJS evaluation found evidence that the five programs were more effective in reducing recidivism than comparative mainstream programs. Thus the determination was that crime and victimization was being reduced among Aboriginal offenders in their communities. The impact of the AJS on victimization, crime and incarceration rates will be further examined in the summative evaluation scheduled for 2006-2007.

In 2005-2006, the AJS funded 111 programs, an increase of 2percent from 2004-2005. The Aboriginal Justice Directorate undertook research and evaluation activities in 2005-2006 focussed on establishing the effectiveness of the AJS in delivering on its mandate. Activities included a restorative justice literature review, the creation of an inventory of recent third-party evaluations of AJS-funded programs, and the completion of a formative evaluation. According to the AJS formative evaluation of June 2005, the success of the AJS has taken several forms including more awareness of victims' issues and greater mainstream justice system awareness and recognition.

Aboriginal Courtwork Program

The Aboriginal Courtwork Program exists to facilitate and enhance access to justice by helping Aboriginal people involved in the criminal justice system obtain fair, just, equitable and culturally-sensitive treatment. It is the only ongoing contribution funding justice program available to all Aboriginal people regardless of status and residency.
It provides Aboriginal persons charged with an offence with timely and accurate information on their rights, obligations, roles and responsibilities at the earliest possible stage of the criminal justice process. Services also include referring clients to appropriate legal and social resources in their community. Aboriginal Courtworkers serve as a "bridge" between criminal justice officials and Aboriginal people and communities, by providing information, cultural context, liaison and promoting communications and understanding between the two entities.

The preliminary 2005-2006 performance information to date, indicates that the objectives of the Aboriginal Courtwork Program are being met. Over half of the clients in a pilot survey reported that they 'strongly agreed' with statements that Courtworkers helped them when they needed help, treated them fairly, were respectful and courteous and were able to communicate with them effectively.

Responses to a pilot survey of judges and court officials indicate that 47 of 56 respondents were 'very satisfied' with the overall information provided by Aboriginal Courtworkers. Furthermore, 48 of 56 respondents reported that they 'strongly agree' with the statement that Aboriginal Courtworkers provide valuable services to the court. To date, Aboriginal Courtwork programs have reported serving over 60,000 clients in 2005-2006. The final client number will be considered as baseline for the future.

The Aboriginal Courtwork program worked closely with provincial and territorial counterparts and service delivery agencies to implement and fine tune the national performance measurement strategy in 2005-2006.

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

As mentioned previously, Public Law and the Criminal Law Policy Section, as well as other areas of the department, are increasingly engaged in activities at the international level. For example, the International Legal Programs Section (ILPS) provides expertise in building, reforming and strengthening legal systems in foreign countries. With funding provided primarily by the Canadian International Development Agency (CIDA) and the Department of Foreign Affairs and International Trade (DFAIT), ILPS uses the resources of the Department's 2,500 jurists across the country as well as an extensive network of contacts and partnerships to offer several integrated services which respond to international requests for justice sector technical assistance. These services are intended to promote the rule of law and democratization and help establish fair, accessible and relevant systems of justice, particularly in transitional and fragile countries. ILPS programs include the provision of technical legal services for countries seeking to build and reform their systems of justice; a centre of research excellence in respect of the rule of law as a form of development assistance; and the organization and coordination

of visits for international delegations. ILPS is engaged in programmatic activity in countries such as Bangladesh, Ukraine, Jamaica, Afghanistan, Sudan, China, Nigeria and Indonesia.

Public Law and Criminal Policy activities under this priority are particularly focussed on issues related to human rights.

International Private Law

The International Private Law Section's work has led to significant progress both in the area of promoting the implementation of international private law instruments in Canada and negotiating such instruments at the international level, thus contributing to an environment favourable to the development of global solutions and a more effective legal framework in international private law. On the international side, the International Private Law Section led negotiations that culminated in the finalisation of two new international private law instruments, namely, The Hague *Convention on Choice of Court Agreements* and *the UN Convention on the Use of Electronic Communications in International Contracts*. Furthermore, significant progress was made in the negotiation of a new Hague convention on the international recovery of child support and other types of family support. This Convention also contributes to protecting vulnerable persons, including children and youth.

International Human Rights Law

Lawyers from the Human Rights Law Section participate actively in the negotiation of international human rights instruments, alongside colleagues from Foreign Affairs and other Departments. Two examples are the draft UN *Convention on Enforced Disappearance*, for which negotiations were successfully concluded in August 2005, and the draft UN *Convention on the Rights of Persons with Disabilities* which involved two lengthy negotiation sessions during the reporting period.

International human rights policy also includes the preparation and presentation of Canadian reports to the treaty monitoring bodies, which review countries' implementation of their international human rights commitments. This year DOJ officials played a leading role in the preparation and presentation of the federal government's portion of two significant Canadian reports, namely those respecting the UN *Convention Against Torture and the International Covenant on Civil and Political Rights*.

Criminal Law Policy Section Engagement On International Issues

The Section, in collaboration with Department of Foreign Affairs and International Trade (DFAIT), Public Safety and Emergency Preparedness Canada (PSEPC), Citizenship and Immigration Canada (CIC), and other parts of Justice, continued to play a substantial role identifying emerging issues, developing criminal law and policy advice, preparing, assisting and participating in Canadian delegations to international meetings, and preparing legislative and other criminal justice responses to implement and/or further support Canada's international commitments. A range of subject-specific processes were also supported, ranging from participation in training, capacity-building and expert meetings to the support of DFAIT in the negotiation of formal international legal instruments.

Extradition and Mutual Legal Assistance

Globalization has introduced new and powerful dangers to national and global security, notably, terrorism, organized crime, trafficking in human beings, telemarketing fraud, money laundering, and drug-trafficking. International criminal networks successfully exploit national borders to thwart the efforts of authorities in their battle to prevent transnational crime. This new world reality has made it imperative for Canada to work more effectively with international partners to challenge the serious threats posed by these international criminal networks, to uphold the rule of law, and to enhance safety and security at home and abroad.

Canada uses the vital tools of extradition and mutual legal assistance, under the *Extradition Act and the Mutual Legal Assistance in Criminal Matters Act* to promote international cooperation aimed at detecting, prosecuting and preventing transnational crime. Canada is party to 96 international agreements (bilateral treaties and multilateral conventions) with reciprocal obligations, and is an extradition partner with a further 34 countries. As a member of the United Nations, Canada is bound by Security Council Resolutions which compel international assistance from member States, and, as a signatory to the *Rome Statute for the International Criminal Court (ICC)*, and a leader in its implementation, the international expectation is that Canada will provide extensive legal assistance to the ICC. Since the Federal Prosecution Service reports under Strategic Outcome II, the performance results in this area are reported within that section, under the priority – responding to international requests and advancing human rights law.

Other Activities in support of this Strategic Outcome:

Judicial Affairs:

Supreme Court of Canada Appointments Process

The Judicial Affairs section provided legal advice and policy support to the Minister of Justice in relation to the reform of the Supreme Court of Canada appointments process. A revised appointments process was developed which included a role for Parliament and public interview process for the nominee. The new Supreme Court of Canada appointments process was largely heralded as a more open and transparent process. The public interview component, in particular, provided Canadians with greater insight into the personal and professional qualities of the nominee, as well as with a picture of the role and function of judges in Canadian society.

Assessing Requests for Judicial Resources

In recent years a number of courts have expressed a need for additional judges to deal with burgeoning caseloads, extensive circuit responsibilities, and growing backlogs and delays. Since the creation of new judicial positions involves a very significant on-going commitment of public resources, all requests for additional judges must be supported by objectively reliable data and statistical indicators. Significant progress has been made with the commitment and active participation of the courts, particularly Chief Justices, as well as provincial and territorial governments. These methodologies are also being used to assess the potential impact on the courts of various policy initiatives, such as in the area of immigration and criminal law.

Policy Integration and Coordination Section:

Policy Integration and Coordination Section (PICS) is a central group that brings together the research, strategic policy planning, consultation coordination and evaluation functions that support the Department of Justice's policy capacity, while ensuring horizontal integration and coherence across the Department's policy related activities. The five main areas of business for

PICS are policy advisory services, development of policy-making tools, policy and program evaluation, research and statistical services and management of intergovernmental (i.e., federal, provincial and territorial) and external policy relationships with non-government organizations such as the Canadian Bar Association.

The Department's policy and program development and implementation process was strengthened through the provision of expert services in relation to research, strategic policy planning, consultation coordination and evaluation. The Department completed approximately 25 formal research reports and studies and fulfilled more than 350 ad hoc requests for research and statistical information in 2005-2006, which supported evidence based decision-making within a policy/program context.

The Department of Justice also continued to play a lead role in the National Justice Statistics Initiative (NJSI) and led consultations to develop the 5 year strategic plan for the NJSI. The plan was approved by Federal/Provincial/Territorial Deputy Ministers' in February 2006.

Part B: Performance Tables

Performance Table for Program Activity A.1: Developing Policies and Laws

Expected Results/Targets	Measures/Indicators	Performance Rating	Data Quality Rating
The justice system and justice practitioners are more aware of and responsive to the Aboriginal justice issues and the needs of Aboriginal people	- Change in the number of justice system practitioners who report awareness of Aboriginal justice issues	Unable to assess – this target has been replaced with one that better reflects the objectives of AJS, namely reducing the overrepresentation of Aboriginal people in the Canadian justice system through the delivery of community-based justice programs	Unable to assess
	- Increased use of community-based Aboriginal justice programs	Met	Reasonable – Good
	- Reduced victimization, crime and incarceration among Aboriginal communities	Mostly Met	Reasonable

Expected Results/Targets	Measures/Indicators	Performance Rating	Data Quality Rating
Effective criminal law that is responsive to the needs and values of Canadians and to our international environment and consistent with the Charter	- 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)	Met	Reasonable
Justice system is more responsive to the needs of vulnerable people	- Change in level of awareness of special needs of vulnerable populations	Met	Unable to assess (Indicator may need to be changed to better reflect information available)
Justice system is more responsive to the needs of children and families undergoing separation and divorce	- Change in the level of understanding by parents of their parental responsibilities, the needs of their children and the system's child-focussed approach	Unable to assess – survey of parents will be conducted during the remaining two years of the Strategy	Reasonable (Survey of parents to come however good use of proxy results)
Justice system is accessible to economically disadvantaged Canadians involved in serious legal matters	- Cooperation with provinces, territories and legal aid plans on provision of legal aid services	Met	Good
The justice system is accessible to all Canadians in both official languages where provided for by law	- Services are provided to official-language minority communities	Not met – Long term objective	Unable to assess

Expected Results/Targets	Measures/Indicators	Performance Rating	Data Quality Rating
A more effective legal framework in the field of public law	- Provision of advice and development of policy and legislation on public law issues	Met	Good
A more effective legal framework in the field of international private law	- Participation in and support of the work of multilateral international private law organizations in: international commercial law; judicial co-operation and enforcement of foreign judgements, family law and protection of vulnerable persons and property law	Met	Good

Performance Table for Program Activity A. 2: Deliver Programs

Expected Results/Targets	Measures/Indicators	Performance Rating	Data Quality Rating
Funding to provinces and territories to help ensure that legal aid services are provided to economically disadvantaged persons involved in serious criminal, Youth Criminal Justice Act in 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	- 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	Met Met Met	Needs Improvement (may need to revisit indicator) Reasonable Reasonable
Increased understanding of rights, obligations, roles and responsibilities, cultural considerations and other factors by Aboriginal accused, court officials and the judiciary	- Extent to which Aboriginal clients view Aboriginal courtworkers as providing information that helps them to better understand: • their rights and obligations • Court processes • Roles and responsibilities • Legal and social resources available in the community • Cultural considerations and other relevant factors	Met	Good

Expected Results/Targets	Measures/Indicators	Performance Rating	Data Quality Rating
New and enhanced alternative approaches for youth justice practices are developed and used by the youth justice system	- Number of projects and initiatives funded to support the development and implementation of alternative youth justice programs and services	Met	Reasonable – Good
Encourage effective rehabilitation and reintegration of young persons in their communities	- Nature and scope of rehabilitative and reintegrative programs	Met	Reasonable – Good
Minimization of the degree of reliance on formal court system, detention and custody	- Percapita rates of youth entering the formal court system, in custody and detention	Met	Good
Increased awareness among justice system practitioners of Aboriginal justice issues in communities with Aboriginal Justice Strategy initiatives	- Change in the number of justice system practitioners who report awareness of Aboriginal justice issues	Unable to assess – this target has been replaced with one that better reflects the objectives of AJS, namely reducing the overrepresentation of Aboriginal people in the Canadian justice system through the delivery of community-based justice programs	Unable to assess

Expected Results/Targets	Measures/Indicators	Performance Rating	Data Quality Rating
Expanded child-centred family justice services provided by provinces and territories	- Change in availability of family justice services and programs by provinces and territories	Met	Reasonable
Increased use of family justice services by parents and children	- Change in number of parents and children accessing family justice services	Met	Good
Increased access by victims to the criminal justice system and to programs/services and assistance available to them	- Extent and nature of Victims Fund projects funded and effective products developed	Mostly Met	Reasonable
Justice system is accessible to Canadians in the official language of their choice where provided for by law	- Change in the number of services available to official-language minority communities	Not met – Long term objective	Unable to assess
	- Change in the number of consultations with official-language minority communities	Met	Unable to assess

Performance Table for Program Activity A.3: Manage and Coordinate Strategic Policies and Priorities

Expected Results/Targets	Measures/Indicators	Performance Rating	Data Quality Rating
Policies and programs are improved through more effective and informed policy development processes	- Extent to which research and statistics informs and feeds into policy and program activities and priorities	Met	Reasonable
	- Extent to which justice system partner perspectives (federal, provincial, territorial and non-governmental) are considered in policy development and implementation	Met	Reasonable
	- Extent to which priorities are clearly articulated and aligned with strategic outcomes as expressed in departmental reports and structures	Met	Reasonable

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

Expected Results:

- High quality legal services and respect for the rule of law
- Legal risk is anticipated, mitigated and effectively managed
- Effective prosecutions

Program Activity Name: B 1. Providing legislative services

Financial Resources (in millions of dollars):

Planned Spending	Authorities	Actual Spending
$20.6	**$22.9**	**$21.3**

Human Resources:

Planned	Actual	Difference
247 FTE	**227 FTE**	**20 FTE**

Program Activity Name: B 2. Providing legal advisory and litigation services

Financial Resources (in millions of dollars):

Planned Spending	Authorities	Actual Spending
$454.8	**$449.4**	**$415.0**

Human Resources:

Planned	Actual	Difference
3582 FTE	**3382 FTE**	**200 FTE**

Program Activity Name: B 3. Providing prosecution services

Financial Resources (in millions of dollars):

Planned Spending	Authorities	Actual Spending
$82.1	**$91.3**	**$113.3**

Human Resources:

Planned	Actual	Difference
793 FTE	**766 FTE**	**27 FTE**

Part A: Strategic overview

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

The Department of Justice is a facilitator. Its legal services help the Government achieve its priorities and deliver results for Canadians. Serving departments and agencies creates a distinct context for planning, setting priorities and measuring performance. We work with our clients to develop and advance their priorities, providing legal services that are responsive, timely and effective. Excellence in service delivery is critical, as there has been consistent growth in the complexity of legal services. This issue , viewed as a challenge across government, is felt acutely both by the Department of Justice and by the departments and agencies it serves. Some of the drivers for this complexity include the growth of class action proceedings against the Crown, the growth in organized crime, and the ongoing rapid development of aboriginal law.

In response, the Department's activities during the reporting period were focused on the following priorities:

- Priority 5: Establishing a sustainable funding strategy (see Section IV)
- Priority 6: Supporting our clients with high quality legal services
- Priority 7: Managing legal risk
- Priority 8: Improving performance measurement and accountability
- Priority 9: Combatting high-tech crime, organized crime and terrorism

In supporting our clients with high quality legal services, the Department continues to work to ensure the institutionalization of a culture of legal risk management (LRM) across the federal Government. We are working to ensure that we are able to allocate resources effectively through the establishment of a sustainable funding regime, and finally, we endeavour to support priorities such as combating high-tech crime, organized crime and terrorism while being accountable to Parliament, Canadians and our client departments and agencies through improved performance measurement and accountability.

Since the production of the 2005-2006 Report on Plans and Priorities, we have adopted the priorities of *sustainable funding and improving performance measurement and accountability* as Corporate Commitments. In this report, the results of Priority 5: Establishing a sustainable funding regime, which has evolved to a review of legal services and is discussed in Section IV – Other Items of Interest - Corporate Commitments.

In last year's DPR, we stated that we were at the beginning of the process for improving our performance measurement and accountability. We indicated that we would be looking at mechanisms such as client satisfaction surveys, and the standardization of other performance data collection through electronic case management systems such as iCase and Caseview.

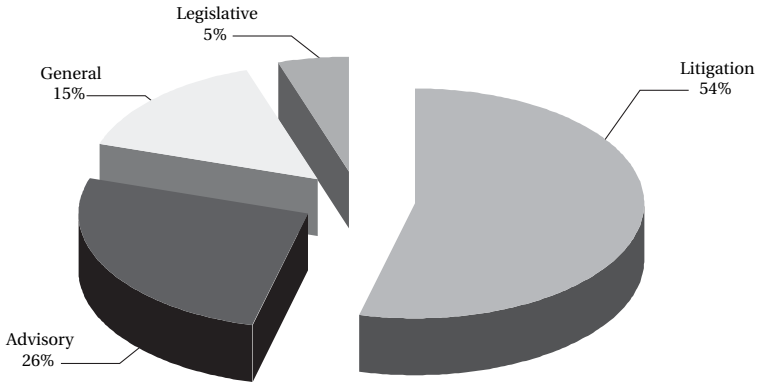
We noted that there was a critical need to modify the information collection systems and their supporting business processes to capture the data necessary to produce some of the indicators. As well, we stated the need to stabilize and complete the roll-out of the systems to the whole department (including regions and DLSU's).

Thus, over the reporting period, there were a number of advances, in particular with regards to the migration to a single Departmental application - iCase. All of the regional offices are now using iCase for timekeeping and case management. The migration by the DLSUs to iCase was staggered over the fiscal years 2004-2005/2005-2006. DLSUs are only using iCase as a timekeeping tool. We will be piloting the use of iCase for case management in select DLSUs in the fiscal year 2006-2007.

In order to improve data collection, quarterly compliance audit reports regarding time, mandatory data for file opening and closing and LRM are sent to senior managers in all regional offices, DLSUs and headquarters. Compliance levels are improving steadily as a result. However, these reports focus purely on compliance and do not address the quality of data entered. In this regard, the Department's Senior Information Officer has developed recommendations for improving data quality focusing first on core data elements such as timekeeping, file inventory data – opening and closing, LRM, litigation outcomes and complexity. The recommendations include more robust audit reports, new methods for capturing data input, greater management accountability for data quality, improved protocols and an integrated approach to corporate data. These recommendations will be examined during the fiscal year 2006-2007 and improvements will continue to be targeted over the next 18 months to three years.

The active file inventory for 2005-2006 breaks down as follows: approximately 41 percent were advisory or general files, 5 percent were legislative and the remaining 54 percent were litigation files.

Proportions of active files by file type*

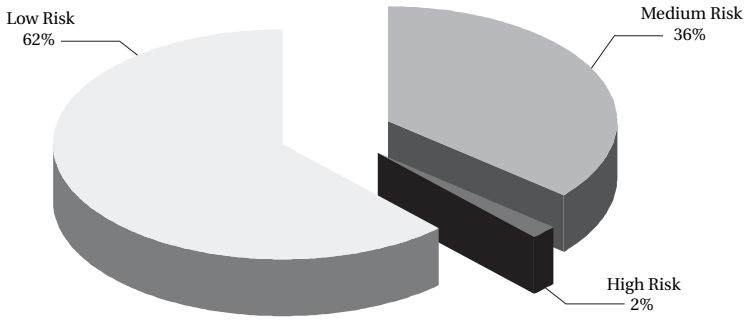


* *For regional files*

As well, we are beginning to see come clear trends for the information that we are able to mine regarding our active civil litigation inventory. As was reported in the previous DPR, in 2004-2005 we had a civil litigation inventory of approximately 49,000 files. For fiscal year 2005-2006, we can report an active civil litigation inventory of approximately 61,000 files - an increase of approximately 24%

Risk ratings were identified for approximately 82% of the active civil litigation inventory. This is an improvement over last year where risk was only identified for two-thirds of the inventory. Based on this information, the inventory breaks down as approximately 62% of files deemed low risk, 36% of files were medium risk and the remaining 2% were identified as high risk.

Active Civil Litigation Inventory by risk level*



* *For regional files where risk level has been identified*

Time logged against the active civil litigation inventory for which risk was identified, shows that 52% of time was recorded against low risk files, 30% of time was recorded against medium risk files and 18% of time against those assessed as high risk.

Time spent on Active Civil Litigation Inventory by risk level*

** For regional files where risk level has been identified*

Over time, we will be able to compare the year over year trends of the proportions of the inventory assessed at the levels of risk.

We are also able to assess that based on the hours logged, the following client departments and agencies were the top five biggest consumers of the integrated suite of DOJ legal services (legislative, advisory and litigation) – about 29% percent of the total hours logged.[5]

1. Indian and Northern Affairs Canada (INAC)
2. Canada Revenue Agency (CRA)
3. Indian Residential Schools Resolution Canada (IRS)
4. Citizenship and Immigration Canada (CIC)
5. Health (HC)

The following section provides an in-depth look at how the portfolios and regions and special branches are responding to the needs of our clients and some of the key cases in which we were involved over the reporting period.

Priority 6: Supporting our clients with high quality legal services

Providing legal services to departments and agencies helps clients achieve their results for Canadians. As such, we have made decisions over time regarding our structure to help ensure that we are well positioned to organizationally to deliver legal services effectively.

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. The DLSUs are grouped under **five portfolios**, according to the type of legal practice involved: Aboriginal Affairs; Tax Law; Citizenship, Immigration and Public Safety and Emergency Preparedness Canada (which serves the RCMP, CSIS, Correctional Services, National Parole Board and

[5] This does not include the hours recorded for the Federal Prosection Service or for the Justice Portfolio.

Canada Border Services Agency); Central Agencies (serving the Department of Finance, the Treasury Board and the Public Service Commission, among others); and Business and Regulatory Law (serving 23 government clients, ranging from Health Canada to the Competition Bureau), and the Justice Portfolio.

The portfolio and regional office structure enables the Department to concentrate its legal practice in strategic service delivery areas, forge effective relationships with clients, and gain a better understanding of clients' needs and priorities. At the same time, our pan-Canadian presence provides a national perspective and ensures consistency and responsiveness. By organizing this way, we gain a broad perspective on issues arising from litigation across the country and the implications of judicial decisions for the federal government. [6]

Spotlight on Portfolios

Aboriginal Affairs Portfolio

The Aboriginal Affairs Portfolio is responsible for high quality and cost-effective legal services to numerous government client departments on a broad range of Aboriginal law issues.

Following Supreme Court of Canada (SCC) decisions in *Taku, Haida and Mikesew Cree*, Portfolio counsel from the Consultation Secretariat played a key role in managing legal risks by leading the coordination and development of consistent legal theories and strategies in respect of the aboriginal consultation process in the McKenzie Gas Pipeline, the TBS land disposal process and other specific initiatives.

The Portfolio contributed significantly to the development of the political accords that were signed at the May 31st, 2005 Cabinet policy retreat with the leaders of the five National Aboriginal Organizations. It provided legal policy and policy advice to support the development of Canada's position on 6 sectoral themes (housing, education, health, accountability, economic development, relationship).

Counsel from INAC Legal Services provided legal and legal policy advice on INAC initiatives targeted at quality of life issues, particularly drinking water, support for families, women and children and education. Legal advice was provided to INAC in respect of its operational and program responsibilities under the *Indian Act* and *First Nations Land Management Act*, including management of reserve lands and resources, estates, elections and by-laws. Counsel provided legal support to established processes to resolve Aboriginal Claims (Specific Claims, Comprehensive Claims and Self-Government claims). Counsel from the Federal Treaty Negotiations (BC) Office provided legal and legal policy advice in relation to key mandate initiatives of INAC including four Final Agreement treaty negotiation mandates, and Agreement-in-Principle Specific Mandates for several key tables.

[6] 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. 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.

Key litigation that the Portfolio provided advice on includes litigation in respect of aboriginal rights (*Sappier*), treaty rights (*Morris and Olsen*), aboriginal title (*Roger William, Ahousaht* and *Haida*) and consultation (*Betsiamites*). Counsel were instrumental in providing advice across the federal government on consultation issues following the SCC decisions in *Haida, Taku* and *Mikisew Cree*. The Aboriginal Litigation Management Group provided advice on major litigation files and coordinated horizontal issues to ensure consistent legal positions on similar issues and ensure alignment of legal positions with the objectives of the Government in litigation. Counsel from the Aboriginal Law and Strategic Policy Branch provided advice in respect of Canada's position on various international law files, including, most notably, the *Draft Declaration on the Rights of Indigenous Peoples* and have provided legal advice in respect of key policy initiatives, including Matrimonial Real Property (MRP), s. 67 of the *Human Rights Act, First Nations Oil and Gas Management Act*, as well as various other legislative initiatives.

Portfolio/regional IRS counsel nationally have taken the lead and assisted Indian Residential Schools Resolution of Canada in resolving claims in a timely fashion through litigation and other methods of dispute resolution that are compassionate for claimants while at the same time properly validating claims and assessing the Government's legal liability. In this fiscal year, 1083 individual claims were resolved, surpassing the targets set by the client department. With support from Portfolio counsel, a Class Action Settlement Agreement was reached between the Government of Canada and legal counsel for former Indian Residential Schools students, legal counsel for the Churches involved in the running of the schools, the Assembly of First Nations and other Aboriginal organizations.

Tax Law Services Portfolio

The Tax Law Services (TLS) portfolio is responsible for high quality and cost-efficient tax and corporate legal services for the Canada Revenue Agency (CRA) in support of its mandate and priorities. TLS also provides functional direction, advice and assistance to all units in Justice on tax law and CRA legal issues. Counsel also have a central agency role as the legal advisors to the whole of government and their policy and legislative proposals support an effective system of Justice. Legal services include legal advice, litigation services, training, drafting services, legal issues coordination and risk management. Most frequently, legal issues are in the areas of income tax, GST (Excise Tax), and employment insurance. Advisory services are coordinated through the Legal Services Unit located at CRA head office. Portfolio litigation counsel are specialized in tax assessment litigation before the Tax Court of Canada and collections litigation in the superior courts of each province and the Federal Court of Canada. They also provide legal services in respect of Employment Insurance, such as insurability appeals in the Tax Court of Canada, and customs appeals on behalf of the CBSA.

TLS counsel work in multi-departmental legal teams and in networks of national issues coordinators. They work closely with counsel specialized in other areas of law such as aboriginal law for aboriginal tax matters, and with other government officials, such as from Department of Finance, particularly when legal advice and strategy for tax issues have a major impact for government. Portfolio members are active participants in the Tax Court Bench and Bar and the Tax Court Rules committees, and frequent presenters at client and key private sector conferences and events, including those of the Canadian Tax Foundation (CTF) and the Association de planification fiscale et financière (APPF).

Central Agencies Portfolio

The Central Agencies Portfolio is responsible for the delivery of legal services to the Department of Finance, the Treasury Board and the Public Service Commission. Counsel are engaged in regularly providing advice on various issues including *inter alia*, tax law and native tax law issues, *Charter*, parliamentary procedure related to tax legislation, constitutional law, etc. Counsel also collaborate and provide advice to litigation counsel on cases involving tax legislation as well as providing regular updates to the client on evolution of tax cases and trends.

The Treasury Board Portfolio Legal Services Unit offers litigation services and represents the Treasury Board as employer, Separate Agencies and Deputy Heads before the Public Service Labour Relations Tribunal, Canada Labour Code Appeals Officers, the Federal Court, the Federal Court of Appeal and the Supreme Court. Staff from the Portfolio also led the Justice team in development and drafting of the *Federal Accountability Act*.

Citizenship, Immigration and Public Safety (CIPS) Portfolio

CIPS Portfolio serves Citizenship and Immigration Canada, Public Safety and Emergency Preparedness Canada, the RCMP, CSIS, Correctional Services, National Parole Board, and Canada Border Services Agency. Over the reporting period, CIPS has been providing on-going and proactive high quality legal services grounded in the rule of Law to its clients on their day-to-day operation and on their special projects and initiatives. The legal services provided have been relevant, timely, thorough and efficient. Client organizations have expressed their appreciation for the legal services received and the value that their respective Legal Services Unit bring to them by seeking greater participation from their Legal Services Unit in their internal policy, legislative, and operational initiatives, such as Avian Flu Pandemic Planning, amendments to the Citizenship Act, and amendments to their various other legislations.

Business and Regulatory Law Portfolio

Portfolio Departmental Legal Services Units provided timely and responsive legal advice to client departments on a broad range of files and issues in accordance with individually established service standards. Some examples of specific portfolio files and issues include:

In August 2003, the Ontario Superior Court of Justice found that Public Works and Government Services Canada (PWGSC), National Defense (DND) and the Canadian Commercial Corporation were liable to a contractor, in deceit, breach of fiduciary duty, breach of contract and unjust enrichment and awarded the company disgorgement costs of US $26.5 million, punitive damages and costs, disbursements and pre-judgment interest, totaling approximately $90 million. The Crown appealed and in July 2005, the Court of Appeal allowed the appeal and set aside the trial judgment. In February 2006 the Supreme Court of Canada dismissed the company's application for leave to appeal with costs.

In June 2005, a major trucking dispute disrupted the movement of containers at ports in the lower mainland of British Columbia, including the Port of Vancouver. This trucking dispute went unresolved for a number of weeks. Given that the dispute was increasingly impacting on the national transportation system, the Government of Canada took action through the issuance of an Order in Council under Section 47 of the Canada Transportation Act. Transport Canada Legal Services made a significant contribution to assisting in this government solution, thus ending the dispute and ensuring that goods continued to be shipped.

In 2005-2006, Canadian Food Inspection Agency (CFIA) Legal Services worked with CFIA on contingency planning to address possible outcomes in relation to major court decisions. This approach has now been used in a number of litigation files. Plans are developed by Legal Services as lead with the help of those client representatives best placed to provide assistance.

In 2005-2006 DFAIT Legal Services provided support for implementation of projects in the four priority areas of the $1 billion dollar Global Partnership Program. These projects include dismantling of Russian nuclear powered submarines, destruction of 40,000 tonnes of chemical weapons in Russia, safety and security measures at nuclear, biological and radiological sites in Russia and re-direction of former (Russian and Soviet) weapons scientists. Canada is being internationally recognized for its achievements in project implementation under the Global Partnership Program and DFAIT has signalled its appreciation for the role played by Justice in contributing to this success.

Spotlight on Regional Offices:

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

Staff at regional offices, along with those at headquarters in Ottawa, are a 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. One example of a high profile case which involved both regional and portfolio staff working together is the Mackenzie Valley Gas Pipeline. It involved staff from the Northern Regional Office, the Aboriginal Portfolio, the Prairie Region and the BC Regional Office.

Over the next few pages, you will find an in-depth look at the activities carried out within the different regions over the reporting period.

Atlantic Regional Office

The Atlantic Regional Office (ARO) has represented the federal government on legal matters and been resolving disputes in Atlantic Canada since 1970. With clients in all four Atlantic Provinces, the ARO is functionally divided into four groups; Civil Litigation and Advisory, Federal Prosecution Service, Tax Law Services and the Veterans Affairs Legal Services Unit. An administrative support group has been developed to provide finance, administration, human resource, information management and executive support to the region. There are currently 150 employees in ARO conducting these activities and supporting the goals and objectives of the Atlantic Region and the Minister of Justice. The geography, history, economy and official

language issues affect the type of cases faced in the region. Some examples of these include *José Pereira e Hijos SA. and Enrique Davila Gonzalez v Canada* – a case of plaintiffs charged under the Coastal Fisheries Act; a number of Tax law cases such as *R. Darren Baxter v. Her Majesty the Queen, Canus Fisheries Limited v. CRA et al or Scott Slipp Nissan Limited v. CRA)*. As well the Regional Office was involved in two important inquiries. At the Sydney Tar Ponds Hearings, Counsel from the ARO represented a variety of Federal Government department. In the *Nunn (McEvoy) Inquiry*, Counsel from the ARO represented the interests of the RCMP, as one of the police agencies involved in dealing with the young person on many of the outstanding charges.

Ontario Regional Office

With over 385 lawyers, the Ontario Regional Office (ORO) has more lawyers than any of the private legal firms in Toronto. With a main office located in downtown Toronto, the ORO also supports five satellite offices which provide prosecution services in Southern Ontario. The five satellite offices are located in: Toronto Old City Hall, Brampton, London, Newmarket and Kitchener/Waterloo. Further, the ORO is responsible for the Federal Prosecution Service in the Ottawa-Gatineau office as well.

The primary focus and top priority of the Ontario Regional Office is to provide high quality legal services to our client departments and to the Attorney General of Canada, including prosecutorial and civil litigation services - the core of the regional mission. The civil litigators provide legal services to more than 35 different government clients and the prosecutors have more than 10,000 active prosecution files. They also provide advisory legal services and maintain a policy section that provides regional input into national policy decision-making.

The legal work done by the ORO over the 2005-2006 year has been significant and of national importance. In particular, considerable resources were to a number of national security related cases in the prosecution and immigration sections as well as to their work on Canada's so-called "security certificate" cases. The region's Aboriginal Law section has been involved in many nationally significant land claims cases as well as the case involving *Six Nations of the Grand River v. Canada and Ontario case*. This case, involving the occupation of land in Caledonia, Ontario, is a complex case involving other levels of government and multiple stakeholders.

Other important cases that were litigated from the Ontario Regional Office during the 2005-2006 fiscal year include, *Joseph Authorson v. The Attorney General of Canada* (ongoing and representative of a contingent liability in excess of $4.6 billion), as well a number of significant constitutional cases such as *The Attorney General of Canada v. George Hislop et al* (Supreme Court of Canada), a national class action case that was brought by the surviving partners (or their estates) of same-sex relationships, whose partners died before January 1, 1998. Other major class action lawsuits were handled by our office during this period, including the SARS II proposed class action, the Aylmer Meat class action and the Breast and Jaw Implants class actions. Further, because of the increase in class action cases being handled by the Ontario Regional Office, a senior litigator has been tasked to oversee all class actions and alert management to litigation trends in class action cases.

Complex cases raise not only legal issues, but may also have significant impacts on public policy. In order to provide the best possible legal advice, litigators must be aware of policy implications, and may have to consider a variety of perspectives before finalizing their argument. For example, they may need to assess the precedent that a position taken in court might create; its impact on the programs or policies of other departments; financial impacts; the effect on the evolution of the law; or the extent to which it is consistent with government policy positions.

To facilitate the integration of policy and law, the Ontario Regional Office has established a Policy Advisory Committee with representatives from all portfolios. This provides a forum for legal-policy dialogue and helps to ensure that policy development is informed by litigation experience, and that litigators are aware of the current policy context. Cases will often be identified at this committee that require consultation with policy specialists at headquarters, or that raise issues common to a number of portfolios which can benefit from a shared analytical approach. The result is better, more consistent and more integrated legal advice to government.

Prairie Regional Office

The Prairie Regional Office consists of four main offices located in Edmonton, Calgary, Saskatoon and Winnipeg. As well, staff are located in other locations. For example, in Regina, staff are co-located with the Royal Canadian Mounted Police's (RCMP) Integrated Proceeds of Crime unit. More than 670 employees work across the Prairie Region. The Regional head office is in Edmonton.

Legal counsel and their support staff, across the Prairie Region, provide litigation services in the areas of Federal Prosecution Service, Aboriginal law, civil litigation and advisory, and tax law services. Since 1997, rapid expansion has occurred across the Prairie Regional Office, partly due to the large numbers of Indian Residential School (IRS) claims.

Over the reporting period, the Prairie Regional Office has dealt with a number of high profile cases, including *NORTHWEST, Flora et al.* This a class action commenced on behalf of all residential school attendees across Canada which raises a number of issues relating to attendance. This claim must be subsumed into an omnibus class action which will be part of the Iacobucci settlement process. Certification hearings are set for October, 2006.

Quebec Regional Office

The Quebec Regional Office (QRO) has 250 legal counsel and an equal number of professionals in various fields who support the delivery of legal services in areas of practice that are as varied as they are complex. There are six legal directorates in the QRO: Aboriginal Law, Commercial Law, Immigration Law, Tax Litigation, Regulatory Law and the Federal Prosecution Service. Those directorates are supported by the Office of the Senior Regional Director and by the Corporate Services Directorate. The Quebec Regional Office is highly visible in Montreal, where a majority of its personnel are located, and has a number of employees in Ottawa and some in Quebec City.

During fiscal year 2005-2006, the QRO continued to provide high quality legal services to its clients. QRO counsel were involved in several major litigation files, ranging from complex aboriginal litigation (*Betsiamites I, II, III IV*), to constitutional challenges to the legality and use of the Employment Insurance surplus (*CSN/Arvida v. AG Canada*), various highly mediatised damage lawsuits arising from alleged wrongful dismissals (*Vennat, Pelletier, Gagliano*), Gomery commission and sponsorship related cases, hearings before the Supreme Court regarding the *Crimes against humanity and War Crimes Act (Mugesera)* and the *Immigration and Refugee Protection Act (Charkaoui)*, not to mention various Charter challenges, such as the *D'Argy and Theriault* case concerning the *Radiocommunication Act* and the very complex litigation involving the *Tobacco Act and Regulations (JTI-MacDonald Corp. et al. v. AG Canada*).

In its ongoing efforts to achieve excellence in service delivery and in planning and reporting on its activities, the Quebec Regional Office implemented its 2005-2006 Action Plan, which focuses on four broad components: *Services, Operations, Personnel and Governance*. A 2006-2007 Activities Plan based on that Action Plan was also prepared and reflects the strategic results and program activities set out in the Program Activity Architecture of the Department of Justice.

In accordance with the priorities and objectives set out in those working documents, and to provide concrete support for our commitment to excellence in our legal services, service standards have been implemented and disseminated. These standards are designed to provide a common reference framework for all legal sectors in the QRO, and were developed in consultation with the federal departments and agencies with which we work. They represent a firm commitment by the QRO to maintaining high quality in the services provided and being attentive to the needs of the departments and investigative agencies and the situations they deal with.

In another reflection of our commitment to providing high quality legal services, training continued to be a high priority in the Quebec Regional Office during 2005-2006. Our achievements in this area have extended beyond the Quebec Regional Office of the Department. A training program entitled "Offre de cours 2005-2006" was provided for the federal departments and agencies that the QRO serves. A range of multidisciplinary, practical courses incorporating a variety of skills were offered, to enable clients and investigative agencies to acquire broader knowledge in certain areas and to learn about new developments in the case law.

Northern Region

The Northwest Territories Regional Office CLASS (NWT RO CLASS) serves federal government clients in the Northwest Territories and Nunavut. The largest client is Indian and Northern Affairs Canada (INAC) and services are also provided to Environment Canada, Parks Canada, Department of Fisheries and Oceans, Public Works and Government Services Canda, Royal Canadian Mounted Police, Department of National Defense, Transport Canada, NRCan, Canada Revenue Agency and Canada Border Service Agency. In 2005-2006 the Regional Office provided services to the following Portfolios: Aboriginal Affairs, Business and Regulatory Law, Citizenship, Immigration and Public Safety, "Justice", and Tax Law Services.

Exploration and mining continued at an increased pace in the Northwest Territories, including two operating diamond mines, one under construction and a 4th diamond mine undergoing environmental assessment. A significant amount of the legal work of NWT RO CLASS was devoted to assisting Indian and Northern Affairs in regulatory and environmental assessment processes, mines and minerals rights issuances, and related real property issues. The work dealt with aboriginal, administrative and environmental law, which proved to be particularly complex due to pressures to balance the competing interests and rights of industry, the environment and Aboriginal groups, outdated mining and land legislation, and new and untested environmental legislation.

As a result of the *Taku, Haida and Mikisew Cree* Supreme Court of Canada decisions, and the nature of the work described above, s.35 crown consultation formed a significant amount of work for NWT RO CLASS - numerous day-to-day consultation issues were addressed and input was provided for regional and national policy development.

NWT RO CLASS continued its assistance to INAC with complex and unprecedented legal issues relating to a number of abandoned contaminated mine sites in the Northwest Territories. Some of these sites are among the worst hazardous and contaminated sites in Canada (e.g. GIANT Mine in Yellowknife). Work on contaminated sites involves the balancing of competing interests of Aboriginal groups (s.35 crown consultation issues), mineral rights holders, and the public, as well as environmental liabilities.

The Civil section of the Yukon Regional Office (YRO) consists of 4 lawyers, one paralegal and one legal assistant. Three of the lawyers are litigators; one is a solicitor. The YRO provides advisory and civil litigation services to Indian and Northern Affairs Canada (INAC) and to clients in the Business and Regulatory and CIPS portfolios, including but not limited to Human Resources Development Canada, Natural Resources Canada, Parks Canada, Environment Canada, Fisheries and Oceans, Labour Canada, the RCMP, Canada Border Security Agency, Canada Revenue Agency. One of the lawyers also provides legal advice and some litigation services to clients engaged in regulatory prosecution work, such as Health Canada, Canada Revenue Agency, and Fisheries. Areas of litigation include regulatory negligence, breach of fiduciary duty and honour of the Crown, personal injury actions.

In 2005-2006, some of the major files and initiatives in the office included:

- Litigation (7 actions in total in Federal Court in Vancouver; BC Supreme Court; and the Yukon Supreme Court) from various members of the Kaska nation (Ross River Dena council, Liard First Nation, Kaska Dena Council) on issues related to failure to conclude land claim and self-government agreement negotiations, on the basis of, among other things, the equitable principles in Royal Proclamation of 1763, the 1870 Rupert's Land order and the 1867 Address to Parliament, fiduciary duty and the honour of the Crown; improper alienation of land; improper amendment of the Umbrella Final Agreement alleging a veto is being provided to the Yukon Territorial Government on the issue of the transboundary claim. Lead counsel on all 7 actions in BC and Yukon is in Whitehorse, as client (Yukon Region of INAC) is in Whitehorse, and the land and issues in dispute arise in the Yukon, and the primary plaintiff counsel is in Whitehorse
- Ongoing relationship with the Federal Prosecutors in Alaska with respect to sharing information and initiatives related to anti-terrorism activities
- Ongoing advice to INAC, Yukon Region on a variety of issues related to legal duty to consult, creation of lands set aside, implementation of self-governing agreements, multiple issues arising from non-self-governing First Nations, implications of ongoing litigation on day to day activities.

Finally, in the Northwest Territories, Nunavut and the Yukon, the Attorney General of Canada is responsible for all criminal prosecutions (including prosecutions under the Criminal Code and other federal statute). In 2005-2006, the Federal Prosecution Service worked on a total of 7,402 litigation files in the Northern Region.

British Columbia Regional Office

The Vancouver based British Columbia regional office provides legal services to federal government departments and agencies in the province, as well as prosecution services for all federal offences, except those under the *Criminal Code* with a complement nearing 500 people. The BC regional office consists of the following sections: Aboriginal Law, Corporate Services, Business and

Regulatory – Advisory Services (B&R Advisory), Business and Regulatory – Civil Litigation (B&R Litigation), Citizenship Immigration and Public Safety (CIPS), Federal Prosecution Service (FPS), Human Resources, Senior Regional Director's Office (SRDO) and Tax Law Services.

Over the reporting period, BCRO counsel conducted a number of high profile, high impact cases. In *Barney v. Canada*, on October 21, 2005, the SCC issued its decision allowing Canada's appeal in part on the issues of joint vicarious liability against the United Church and Canada. The Court found that Canada did not owe a non-delegable statutory duty to ensure the safety of children in Indian Residential Schools. The decision is of national precedence in IRS and institutional abuse claims involving the federal government.

On April 21, 2005, in *AG of Canada v. Gladstone*, the SCC allowed Canada's appeal regarding whether the Crown is required to pay interest on proceeds derived from the disposition of perishable items (in this case being herring spawn on kelp) lawfully seized and dealt with in accordance with the *Fisheries Act*. Numerous federal statutory schemes dealing with the disposition of lawfully seized perishables, and situations in which monies are seized during an investigation, which may have been impacted by a negative decision, will remain unaffected as a result of this successful appeal.

In regards to *HMTQ v. Joshua Bernard / HMTQ v. Stephen Marshall et al.*, the Supreme Court rendered its decisions in these appeals on July 20, 2005, regarding whether the accused have treaty rights or rights based on Aboriginal title to harvest and sell trees growing on Crown lands. The Court held, unanimously, that the accused had not established either a treaty right or a right to log by reason of Aboriginal title.

The Region provided advice to federal government departments with respect to aboriginal consultation issues as well as leading the organization of the inter-departmental committee discussing and formulating strategies on this issue. In addition, three senior counsel of the BCRO played a significant role in the formal settlement agreement with respect to the Indian Residential Schools.

The BCRO is also prosecuting the first human traffic case in Canada (*Ng*) and has successfully defended a constitutional challenge to the legislation.

Spotlight on Special Branches

In addition to the regions and portfolios, several specialized branches complement the provision of legal services to clients:

Legislative Services Branch

During the period, the Legislative Services Branch ensured that bills (as well as the several hundred government motions to amend them) and regulations were drafted and examined in accordance with the *Department of Justice Act*, the *Statutory Instrument Act* and the Branch's published service standards. The drafting processes include review processes by legislative revisors, jurilinguists and bijuralists as well as support from a specialized advisory unit to ensure the quality of the legislative texts drafted. The output includes the harmonization of federal legislation dealing with private law matters to adapt it to the Quebec civil law and the revision of tax bills and regulations drafted outside of our Branch by Finance drafting staff.

Some of the key Bills on which the LSB worked during this period were the *Federal Accountability Act*, the bill establishing the Public Health Agency of Canada, financial institutions reform, the *Canada Not-for-profit Corporations Act*, the *Tlicho Land Claims and Self-Government Act*, and numerous criminal law reform bills.

Amongst the more high-profile regulatory initiatives were the regulations supporting public service modernization, new customs regulations for the Canadian Border Services Agency, including measures for protection from terrorist activities, as well as security-related regulations and other instruments for Transport Canada, continuing reform of immigration regulations, regulations for the protection of the safety of human organs, tissues and cells for transplantation, consolidation for Environment Canada of New Substances Notification Regulations. Also noteworthy are projects involving both bills and regulations, such as the reform of Canadian Veterans legislation.

In addition, there was advisory work done supporting various initiatives, including amendments to the *Patent Act* facilitating the export of drugs to developing countries, advice with respect to implementation of climate change initiatives, and work on regulation of internet pharmacies.

During the period, the Branch continued to provide an extensive training program for officials of client departments, to improve efficiency in the drafting of legislative instruments.

Finally, as part of the modernization of the suite of drafting tools and tools for the publication of the laws of Canada, they completed the electronic updating of Acts and regulations on-line, both for the use of drafters and on the website available to the general public.

Public Law Branch

The Public Law Sector is composed of a number of specialized legal advisory and policy sections with expertise in constitutional and administrative law, human rights law, information law and privacy, judicial affairs, aviation law, public law policy, public international law and international trade law. Over the reporting period, the Public Law Policy Section provided legal advice and policy support to the President of the Treasury Board and Minister of Justice towards the preparation and introduction of Bill C-2, which included amendments to the *Access to Information Act* to expand coverage to Crown corporations, their subsidiaries, some foundations, and Agents of Parliament, and to achieve administrative reforms. The Section also produced a Discussion Paper on access reform issues to launch a public dialogue on additional possible reforms to the *Act*.

Civil Litigation Branch

With over 61,013 active files (in regional offices) during the reporting period, there is a strong demand for effective management of civil litigation activities across the Department. The Civil Litigation Branch comprises the office of the Assistant Deputy Attorney General (Civil Litigation), Litigation Practice Management, Supreme Court of Canada and Charter Coordination, Legal Risk Management (see Priority 6), Coordination of Class Action and Mass Litigation, Dispute Resolution and Business Management Centre.

The Branch also includes the Civil Litigation Section in Ottawa which houses 82 employees. Several hundred other counterparts are also found in Justice's Regional Offices across the country and provide litigation services to the Government.

One of the Branch's key activities is the management of a Litigation Committee to ensure thoughtful, consistent advice and to seek input and instructions in a timely manner at the appropriate level within Government. As a result, the Branch has developed strategies to resolve large clusters of cases, or to move those cases closer to resolution, for example in the Indian Residential Schools settlement, and the Hepatitis C negotiations (ongoing). During the reporting period, there were 1913 [7] files resolved through the use of dispute resolution mechanisms other than litigation. [8]

The Branch also continues to design and implement a program to modernize the appointment and management of Crown agents, aligned with Treasury Board and PWGSC policies on the procurement of professional services. To this effect they developed a comprehensive Legal Services Outsourcing Program Framework which integrates key principles and features of a modern system of procurement of legal services.

Federal Prosecution Service

In this section, the Federal Prosecution Service (FPS) will be reporting on the new performance measures under the Management, Resources and Results Structure Policy in relation to its contribution to this Strategic Outcome, as well as providing information on the previous measures identified in the 2005-2006 Report on Plans and Priorities.

By way of context, the statutory responsibilities of the Minister of Justice and the Attorney General of Canada are set out in over 40 federal statutes. Those responsibilities which form the mandate of the Federal Prosecution Service, can be found, inter alia, in the *Controlled Drugs and Substances Act*, the *Criminal Code*, the *Department of Justice Act*, the *Extradition Act*, the *Mutual Legal Assistance in Criminal Matters Act* and the common law. With respect to the Northern Territories, the Attorney General of Canada prosecutes all offences under the *Criminal Code* and other federal statutes. Elsewhere in Canada, violations of the *Criminal Code* are prosecuted by the provincial attorneys general, and the Attorney General of Canada prosecutes violations of federal statutes other than the *Criminal Code* (e.g., the *Competition Act*, the *Environmental Protection Act*) and conspiracies and attempts to violate these statutes.

As mandated under these statutes, the FPS provides legal advice and advisory support to all law enforcement agencies, and acts as prosecutor on all matters prosecuted by the Attorney General of Canada (AG) on behalf of the Crown. It prosecutes cases under federal statutes for which the AG is responsible that are referred to it by federal police, other federal investigative agencies, RCMP contract police, provincial, and municipal police forces.

In 2005-2006, the Federal Prosecution Service worked on a total of 59,012 litigation files, of which 42,699 were new files opened in 2005-2006 and 16,313 were files opened in previous years against which time was reported in 2005-2006. Multi-year files represent approximately 28% of the Federal Prosecution Service litigation caseload. In addition, the Federal Prosecution Service worked on a total of 2,847 advisory files, of which 1,280 were new files opened in

[7] This number does not include Indian Residential School claims – see Aboriginal Affairs Porfolio for information
[8] Settlement by negotiation, settlement by mediation, settlement by consent and settlement by alternative dispute resolution.

2005-2006 and 1,567 were files opened in previous years against which time was reported in 2005-2006. In 2005-2006, multi-year files represented approximately 55% of the advisory caseload. The majority of extradition and mutual legal assistance, organized crime, public safety and anti-terrorism files involve multi-year litigation and advisory files, as do highly complex drug files.

In relation to this 2005-2006 litigation caseload of 59,012, the breakdown by strategic objective was as follows:

- prosecution of drug, organized crime and *Criminal Code* offences (86.1%)
- protecting the environment, natural resources, and economic and social health (9.3%)
- addressing criminal issues related to contributing to a safer world for Canada (1.0%)

The remaining 3.6% involves other related litigation files. It should be noted that a significant part of the Federal Prosecution Service caseload is multi-dimensional. For example, an organized crime case will frequently involve both domestic and international dimensions. For the purposes of reporting, organized crime and money laundering files are shown under the first strategic objective: prosecution of drug, organized crime and *Criminal Code* offences.

The count of the 2005-2006 Federal Prosecution Service caseload differs from the total reported in 2004-2005, mainly because of a change in definition to more accurately capture the caseload. The Federal Prosecution Service opens up a litigation file for each police information, containing the core information on accused, charges, and upon completion of the judicial proceedings, the outcome of the case. However, for low complexity files, timekeeping is against a routine docket court file, for example, rather than individual files. Since the 2004-2005 count was based only on litigation files with time against them, this produced a major under-estimate of the FPS caseload. The new definition based on new files opened in a fiscal year, plus files from previous years against which time was recorded in the fiscal year, gives an accurate picture of the total caseload of the Federal Prosecution Service in any given year. These 2005-2006 statistics also include the work carried by counsel in Northern and Atlantic regions, and by agents; these were not included in the 2004-2005 counts since they were not yet on the departmental file management system.

One of the outputs of the Federal Prosecution Service is effective pre-charge interventions and advice. Legal advice at the investigative stage has become crucial to ensure that police techniques and procedures are consistent with the evolving rules of evidence and Charter protections. Advice can be on complex or technical issues such as effective trial statements; whether grounds exist to obtain a search warrant or other judicial orders; and witness immunity as an investigation proceeds. The advantage of early legal advice includes reducing the risk that operational decisions, such as those about methods of obtaining evidence, will detrimentally affect the admissibility of evidence at trial. The FPS counsel work with the police to satisfy disclosure obligations to prevent routine applications to stay prosecutions and trial delay. As the following table will show, the FPS counsel are involved throughout the investigative/prosecution continuum for select cases, and not all cases due to resource constraints and the need to prioritize.

2005-2006 FPS Caseload by FPS Strategic Outcome and Type of File*

Major Category	Litigation Files	Advisory Files
1. Prosecution of Drug and Criminal Code Offences		
Drugs	41944	187
Organized Crime and Money Laundering	1857	371
Criminal Code offences	7011	5
Sub-total	**50,812**	**563**
2. Addressing Criminal Issues related to contributing to a safer world for Canada		
Extradition and Mutual Legal Assistance	363	1430
Immigration Law	177	177
Public Safety and Anti-Terrorism (PSAT)	62	232
Sub-total	**602**	**1839**
3. Prosecution to Protect the Environment, Natural Resources and Economic and Social Health		
Sub-total	**5,469**	**345**
4. Other Related Litigation and Advisory Work		
Sub-total	**1,959**	**270**
Total Federal Prosecution Service Litigation and Advisory Caseload in 2005-2006		
Grand Total	**59,012**	**2,847**

* Count is based on new files opened in 2005-2006 plus carry-over files from previous years against which time was recorded in 2005-2006.

The focus of the Federal Prosecution Service effort on advice during the police investigation is on the higher complexity litigation files, with particular attention to those involving public safety and anti-terrorism, organized crime, and regulatory offences. For example, pre-charge advice was provided in 2005-2006 in 100% of the new anti-terrorism litigation files, 60% of the new mega-complexity organized crime litigation files, and 39% of the high complexity organized crime files. These percentages do not take into account the advice on these files that is provided under related advisory files by headquarters groups of the Federal Prosecution Service e.g. National Security Group. The planned cross-referencing of litigation and advisory files in 2006-2007 will allow the 2006-2007 Departmental Performance Report to provide a more complete picture of the Crown counsel advice during the investigative stage for these major areas from both the headquarters groups and the regional offices combined of the Federal Prosecution Service.

The preliminary results of the evaluation of measures to combat organized crime, indicate that the legal advice provided by Crown counsel during the investigative stage is valuable to investigative agencies, and these would like more support from the Federal Prosecution Service in this area. This has been reinforced by requests from provincial police forces to the Federal Prosecution Service for dedicated counsel. Resource constraints limit the degree of pre-charge support that the Federal Prosecution Service can provide to investigative agencies, with the result that it is prioritizing its effort, and focussing on high to mega-case complexity cases, and primarily organized crime cases, as the following table shows.

2005-2006 Percentage of New Litigation Files with Pre-Charge Advice Provided by Federal Prosecution Service Counsel

Complexity	Organized Crime	Prosecution to Protect the Environment, Natural Resources and Economic/Social Health
Mega-case	60%	-
High	39%	48%
Moderate	40%	29%
Low	33%	23%

One of the most important steps in the prosecution process is the decision to prosecute. The exercise of prosecutorial discretion is guided by established policies and guidelines which seek to ensure that such decisions are made in the public interest, fairly and judiciously. These operational policies approved by the Attorney General of Canada, are contained in a manual known as the *Federal Prosecution Service Deskbook*, which is a public document. The Deskbook serves to help prosecutors discharge their prosecutorial responsibilities in a principled fashion, while informing the public of the basis on which prosecutorial discretion is exercised.

The exercise of prosecutorial discretion arises at numerous stages in the Criminal justice process: the charging decision, release on bail, disclosure, termination of proceedings, election of the mode of trial, the granting of immunity to a witness, and in many other circumstances. In relation to the first of these – the decision to prosecute, Crown counsel must consider two issues. First, is the evidence sufficient to justify the institution or continuation of proceedings. Second, if it is, does the public interest require a prosecution to be pursued. In the assessment of evidence, a bare prima facie case is not enough; the evidence must demonstrate that there is a reasonable prospect of conviction. If satisfied that there is sufficient evidence to justify the institution or continuation of a prosecution, the Crown counsel must consider whether the public interest requires a prosecution to be pursued.

The resources available for prosecution are not limitless, and should not be used to pursue inappropriate cases. The corollary is that the available resources should be employed to pursue with due vigour those cases worthy of prosecution. Generally, the more serious the offence, the more likely the public interest will require that a prosecution be pursued. The following table reports on the 6,123 litigation files which were not pursued for prosecution, based on the most serious outcome by file reported in 2005-2006. Included in this total are 1,825 files recommended for diversion, where because of the nature of the circumstances of the offence and the offender, the public interest would be better served by a resolution outside of the traditional criminal process. Generally, it will be most suitable for younger adult offenders and those with no criminal record, who have committed minor offences.

2005-2006 Outcome of Litigation Files Not Pursued for Prosecution

Withdrawal of charge	2,840
Diversion	1,825
Stay of Proceedings (Crown)	1,369
Charges declined	89
Total	6,123

While 6,123 of the 59,012 litigation files described earlier were not pursued for prosecution, this leaves the majority being pursued for prosecution. Since many of these cases are multi-year, the following table reports on the outcomes of litigation files pursued for prosecution, which were completed in 2005-2006, and specifically on decisions on merit. The decision on merit refers to the circumstances where the Crown counsel had the opportunity to present the merits of the case to a judge, or a judge and jury. This would include the presentation of the merits of the case at the preliminary inquiry and for those cases proceeding to trial, during the trial. Based on the most serious outcome by file, in 2005-2006, 97.4% of the litigation files involving decisions on merit, involved a guilty plea to the offence or to an other or lesser offence, or a conviction or conviction of an other or lesser offence. The outcome on the remaining 2.6% was an acquittal.

The Federal Prosecution Service is examining ways of improving its reporting of decisions on merit, for example, through the use of a multi-year baseline. The Federal Prosecution Service is reporting separately on files where there was early termination, from those where the prosecutor had the opportunity to present the merits of the case and a decision on merit was made. However, if the reporting were based upon the total outcomes regardless of whether these involved early termination, interim decisions, or decisions on merit, while the absolute numbers would not change, the percentages of the overall total would be lower.

2005-2006 Decisions on Merit Based on Most Serious Outcome by File		
Guilty plea	13, 211	83.2%
Guilty plea to other or to a lesser offence	849	5.3%
Conviction	1,331	8.4%
Conviction (other/lesser offence)	72	0.5%
Sub-total	15,463	97.4%
Acquittal	418	2.6%
Sub-total	418	2.6%
Total	15,881	100%

In terms of 177 appeals on which outcomes were reported in 2005-2006, 71% of the appeals were dismissed or abandoned, 20% had their sentences varied, 6% had an acquittal entered, and 3% a conviction entered.

Responding to international requests and advancing human rights law (Strategic Outcome I)

The Federal Prosecution Service also contributed to this priority during 2005-2006 through its work on 1,839 advisory files and 602 litigation files related to extradition and mutual legal assistance, immigration, and public safety and anti-terrorism. This represents 65% of the total advisory file caseload, and 1.0% of the litigation workload. However, these numbers do not tell the whole story in terms of the relative importance of the work being done, and the cooperation with international partners.

For example, one measure of the cooperation with international partners is the number of countries making extradition or mutual legal assistance requests of Canada during 2005-2006, and the number of requests Canada made of other countries during this period. It can be seen from the following table that no less than 47 countries made formal requests for mutual legal assistance from Canada, and 26 countries made extradition requests. Canada made requests for mutual legal assistance of 29 countries, and of 9 for extradition. All told, in 2005-2006, with requests received and made for both extradition and mutual legal assistance, Canada exchanged requests with a total of 69 countries.

	Number of countries making requests of Canada in 2005-2006	**Number of countries to which Canada made requests in 2005-2006**
Mutual Legal Assistance	47	29
Extradition	26	9

The importance of some of these requests to Canada's international partners can not be understated. To foster confidence in the ability of the Canadian government to respond to such requests from its major partners and to streamline cooperation, Federal Prosecution Service counsel have been set up in Paris and Brussels. In 2005-2006, the Federal Prosecution Service continued to do outreach with Canada's partners both domestically, and internationally through participation in the Cross Border Crime Forum, the G8, the OAS, and the Commonwealth Secretariat.

In terms of the volume of requests, during 2005-2006, the Federal Prosecution Service worked on over 1,430 advisory and 363 related litigation files in response to extradition and mutual legal assistance requests. Of these, 930 advisory and 217 related litigation files were with respect to requests received from previous years, reflecting the multi-year nature of the work, particularly with respect to extradition. Over the span of twenty years, reinforced post 911, the workload related to extradition and mutual legal assistance to meet Canada's obligations under 130 international agreements has grown significantly, while at the same time, the demands of international partners and of Canada are sometimes constrained by century old bilateral agreements that go back to colonial times e.g. Canada's bilateral extradition agreement with Hungary dates to 1874. Part of the work undertaken in 2005-2006 was to review the actual costs of this work, compared to the permanent budget approved twenty years ago in a pre-911 environment, to understand workload drivers and projected future costs, and their potential impact on the ability of Canada to continue to meet its international obligations.

Priority 7: Legal Risk Management

The Civil Litigation Branch is also responsible for the administration of the Legal Risk Management Section of the Department. In recent years, through education and awareness activities as well as the incorporation of legal risk management (LRM) principles in Government-wide management initiatives such as the Management Accountability Framework, LRM practice has now become an everyday feature of senior level planning. The Civil Litigation Branch continues to play a challenge role with Portfolio Heads and others to ensure that LRM was being effectively carried out within existing structures. Portfolios and regions have become more actively responsible for LRM in their areas of accountability.

The following section provides examples of some of the activities carried out in support of Legal Risk Management (LRM):

Tax Law Services: The Tax Law Services Portfolio has been committed for many years to coordinating and managing legal risk in litigation and for important legal issues files. More particularly, on important and high priority cases, Tax Law Services holds regular National director's conference calls to discuss legal risk. Risk is managed through the Portfolio Head's office and includes rigorous national coordination, including through its location at Canada Revenue Agency headquarters. In addition, meetings with officials from the Canada Revenue Agency and from the Department of Finance take place regularly to deal with issues related to legal risk management.

Quebec Regional Office: Throughout the year **legal risk was proactively managed and alternative approaches to dispute resolution were integrated** into the legal professionals' work through its Legal Affairs Committee. The key role of these components of the services we provide was consistently stressed during team meetings and special meetings on that matter. According to the iCase system input requirements, management as well as all employees demonstrated careful monitoring so as to obtain relevant operational information for reasoned and timely decision-making.

Northern Regional Office: LRM is managed effectively on a file-by-file basis with clients. Dedicated advisory counsel who work on INAC files work closely with the client to anticipate, prevent, mitigate or manage legal risk. Counsel typically form part of INAC working groups for resource development projects undergoing regulatory and/or environmental assessment processes and also sit on INAC steering committees relating to governance, land and water regulation and people/economy. The Director of CLASS attends INAC's weekly Strategic Management Committee meetings and also carries out on-going training on LRM principles and meets with clients to discuss specific files on an ongoing basis. NWT RO CLASS participates in the Northern Region Litigation Committee with a view to LRM.

The Northern Region Litigation Committee, chaired by counsel in Yukon Region, was created to discuss matters requiring approval by the National Litigation Committee, or matters with policy or legal implications for the Northern Region

BC Regional Office: Risk management was addressed in the Region through the design, creation and start of implementation of the British Columbia Regional Office High Impact Case Strategy in 2005-2006. The BCRO not only noted enhanced management of legal risk, but improvement in the quality of information shared and greater opportunities for collaboration within BCRO, between BCRO and the Justice Community. Seventy of the highest impact legal

cases/files in the BCRO were identified and strategically managed through the expanded role of the Regional Law and Litigation Committee. This expanded role enhanced the capacity of the regional management team to effectively manage the law from a whole of government perspective.

CIPS Portfolio: CIPS has been actively engaged in anticipating, coordinating, mitigating and managing legal risk in litigation files in general, but particularly in those high profile and high risk cases dealing with immigration Mandamus file and public security related files, such as Arar, Charkaoui, Harkat, Almrei, among others. It has assisted its client organizations with their legal risk assessments and helped prepare contingency plans to address potential outcome of their various important cases. Through this exercise, the client organizations have acquired a greater appreciation for and have placed a greater emphasis on LRM in their internal structure. As such, they are proactively engaging legal services provided by the Portfolio and its Legal Service Units.

Federal Prosecution Service: The Federal Prosecution Service does LRM in a variety of ways. Each month, LRM reports are produced on the top 40 high risk cases in the portfolio, on the most significant organized crime cases, and on the cases that are likely to receive media attention. Crown counsel rate cases in terms of risk on an ongoing basis, and prepare contingency plans when necessary. The LRM ensures that high risk cases are identified, so that informed decisions can be made about case management and strategic resource allocation.

A legal trends report is also issued quarterly, which surveys emerging and developing legal trends (such as methamphetamine prosecutions) and outlines the management strategies to deal with these emerging trends which will have an impact on the volume, complexity and cost of federal prosecutions. As well, the quarterly legal trends report of the Federal Prosecution Service tracks other trends affecting workload such as trends in drug offences across Canada, increases in the number of police or the creation of new organized crime investigation units etc.. This report enable the Federal Prosecution Service to be proactive in responding to changes in its environment, and developing strategies to deal with the projected growth in workload.

Priority 8: Improving Performance Measurement and Accountability

During the reporting period, Departmental Senior Management have committed to the improvement of performance management and accountability throughout other program and service areas of the Department and as a result, in future reports, this item will be dealt with as a corporate commitment. However, it is important to take note of the activities carried out during the fiscal year 2005-2006, in support of the priority, and in conjunction with the high levels of effort dedicated to the delivery of high quality legal services. Several examples are listed below:

Central Agencies Portfolio: This portfolio conducted a client survey with one of its client departments which found that the client had a high to very high satisfaction level in regards to the following:

- 80% for the legal opinions rendered
- 89% for good knowledge on all areas of law
- 80% for clear and well-explained legal advice
- 87% for reliability of legal advice
- 72% for availability and accessibility of counsel
- 72% for negotiating and keeping deadlines
- 94% for courtesy and professionalism
- 87% for promptness calls are returned and requests acknowledged
- 87% for flexibility to respond to unexpected requirements and emergencies

2005 Client survey results for the Labour and Employment Law Group of the TBS LSU found that the clients had a high to very high satisfaction level in regards to the following:

- 83% for witness preparations
- 87% for pleading employer's interests before tribunals
- 90% for anticipation of legal counter-arguments
- 84% for involving client in developing legal strategy and positions

Ontario Regional Office: A pilot project was initiated to establish a position to monitor, analyse and develop systems for greater data compliance in the region. The position of Regional iCase Data Analyst was created. As a result of a single dedicated resource focused on statistical reporting, the regional office has seen a remarkable increase in compliance rates in Legal Risk Management data, such that at the start of the fiscal year they reported a 62% compliance rate and at the end of the year they reported a 92% compliance rate. The creation of this key position provided a managerial tool that produced greater understanding and awareness of the workload pressures, trends and resourcing pressures in a systematic and accurate way. For example, by generating sophisticated customized reports, the regional office was able to generate year over year statistical reports on very discreet areas of work to indicate the current pressures and project or anticipate future resourcing pressures. The establishment of this position has led them to be able to tell their story both anecdotally as well as "by the numbers".

Quebec Regional Office: A number of initiatives were taken by the Quebec Regional Office (QRO) in 2005-2006 in support of this priority.

To improve the information management system, the QRO has also instituted a regional report setting out information relating to professional development for all regional office employees. As well, a new strategic planning position was created in the Office of the Senior Regional Director to ensure that the use of resources is in line with strategic results and the priorities established, in accordance with the Department's Program Activity Architecture (PAA), the Management, Resources and Results Structure (MRRS) and the Report on Plans and Priorities (RPP).

It is worth noting that the QRO has also developed its capacity in relation to iCase system data management information, to ensure quality and conformity, and has established mechanisms for rigorous monitoring on a regular basis.
In financial terms, it is important to note that the QRO has reviewed and updated all of its financial delegations and ensured that all managers are trained in financial accountability. This has also been done in respect of human resources, because of the coming into force of the *Public Service Modernization Act*.

Prairie Regional Office: There were a host of initiatives and activities carried out in the Prairie Region in support of this priority.

The SRD is co-chair of the Human Resource (HR) Committee, and as such worked with committee members and HR to develop the forward agenda on HR initiatives and priorities. The SRD also established a team, charged with the development of a Prairie Region planning calendar, which will integrate the national planning cycle with the regional and local planning requirements.

A review of iCase reports was implemented, to ensure required information is available or gaps identified. Preliminary data has been provided and a working group is reviewing the data to identify gaps and possible solutions. In order to ensure managers monitor and collect performance information, including timekeeping data related to files, legal risk management reports, financial information, HR statistics and communications data, the SRD has requested an analysis of full time equivalent (FTE) utilization in each legal section. Analysis is now ongoing with respect to the results on a regional/portfolio basis. Performance information is used to address resource pressure areas, by re-allocating resources and prioritizing staffing actions.

Finally, existing service standards were reviewed. A working group was established to draft a Prairie Region client services standard protocol for discussion with clients and lawyers. Development of these service standards will continue in 2006-2007, with completion anticipated in 2007-2008.

British Columbia Regional Office: In accordance with the priority, one of the key initiatives undertaken by the British Columbia Regional Office (BCRO) this fiscal year was to strengthen the capacity and knowledge base in those areas and guide change related to results based management and performance reporting through the establishment of an Accountability Unit. This unit has been staffed with an individual having the competencies necessary to set up the unit, create its mandate and direct the annual business planning and performance management and reporting process within the BCRO. A strong indicator of success of this initiative will be an effective business planning and regional results reporting cycle for 2006-2007 which is fully aligned and supportive of the departmental planning and reporting cycle.

Legislative Services Branch: The directors of the five drafting sections communicated with key client department contacts throughout the period to ensure that the quality of the legislative instruments drafted and the timeliness of service were satisfactory. The feedback was unanimously positive. Several client representatives pointed out that LSB personnel delivered excellent work within the timelines established, often under very difficult circumstances.

Federal Prosecution Service: During 2005-2006, as part of the Department of Justice actions to strengthen performance measurement and accountability, the management team of the Federal Prosecution Service made achieving excellence in managing for results, including legal risk management their management priority. To this end, they approved a management accountability framework; developed business plans at the regional and Portfolio level aligned to the departmental strategic outcomes and Federal Prosecution Service strategic objectives; integrated performance management with legal risk management to support a more strategic approach to legal and financial risk management; strengthened performance measurement through improved definitions and data quality; and identified the priority areas for further improvement in Portfolio management and performance management for 2006-2007 and beyond. The ability to report on new MRRS measures for the Federal Prosecution Service in this Performance Report is as a result of this work. The Federal Prosecution Service plans to build on this in 2006-2007 and beyond by improving the reports available to managers from departmental systems, which are needed to track operational and financial performance, as well as continuing to strengthen data collection and data quality on which these reports depend.

Priority 9: Combatting high-tech crime, organized crime and terrorism

Most of the activity in support of this priority is carried out by Federal Prosecution Service. On the national security front, in support of international cooperation, during 2005-2006, the National Security Group of the Federal Prosecution Service shared expertise on Canada's counter-terrorism laws and practices with visiting delegations from various countries, including the United Kingdom and France; and contributed through various international fora, including the Cross-Border Crime Forum Counter-terrorism Sub-Group, the G8 Roma Lyon Criminal Affairs Sub Group, and the ASEAN Regional Forum.

During 2005-2006, the National Security Group provided ongoing legal advice on whether sensitive or potentially injurious information should be authorized to be disclosed pursuant to s. 38 and following of the *Canada Evidence Act*, in matters that are before the courts and other proceedings, and legal advice to FPS regional prosecutors on existing and proposed criminal charges for terrorism offences in part II.1 of the *Criminal Code*. As well, it served as a resource to the federal law enforcement and security intelligence community, and performed the functions of independent counsel in reviewing applications for warrants pursuant to the *Canadian Security Intelligence Service Act* and listings of terrorist entities pursuant to section 83.05 of the *Criminal Code*. It continued work to finalize the FPT Parameters for Cooperation for the Implementation of the *Anti-terrorism Act*, and reviewed and commented on various policy matters, such as those arising out of the *Anti-terrorism Act 3*-year review and proposed legislation relating to national security, such as the Security and Intelligence Committee of Parliamentarians Bill.

As well, during 2005-2006, the Federal Prosecution Service expanded implementation of the organized crime strategy, and operationalized the new mega-case management policy. All regional offices have identified organized crime prosecutors and/or organized crime units. The National Prosecution Advisory Committee (NPAC) has been formed as part of a policy to provide guidance for the preparation and implementation of prosecution plans in mega-cases. A number of regional prosecutions have already been the subject of NPAC review. An example of the success of the strategy is seen in a direct indictment in two major Hells Angels prosecutions in British Columbia. The projects were closed with these direct indictments, followed by the arrests of the investigative targets. The entire case was concluded through guilty pleas within six months of the direct indictments, partly because of the major amount of work done by FPS Counsel in providing advice during the investigative stage.

Another example of an organized crime case where the Federal Prosecution Service was able to demonstrate the effectiveness of its mega-case management strategy, including advice during the investigative stage and disclosure management, was a major organized crime case in Quebec involving 23 drug traffickers in Northern Quebec communities and 22 members of an organized crime group from the Montreal Region. This case was important not just from the scale of the operation being dismantled, but also because iIlicit drug use and trafficking have a considerable adverse impact on these northern communities. Prosecutors of the Federal Prosecution Service Montreal office worked closely with officers of the RCMP Proceeds of Crime unit, and the Aborginal Combined Forces Special Enforcement Unit during the police investigation and on the management of disclosure. In September 2006, the ring leader plead guilty to the seven charges against him, received a substantial incarceration term, and had his proceeds of crime confiscated. The defence counsel for the accused indicated to the Court that the way the evidence had been presented and disclosed had a significant impact on the decision to plead guilty to the charges. These upfront investments in advice during the investigative stage and disclosure management can reduce costs to the Crown of trials as well as the duration of cases. These examples have demonstrated the effectiveness of the mega case strategy.

The Federal Prosecution Service increased cooperation with international, FPT, and federal partners:

- The FPS continues to solidify its role in conjunction with US DOJ as a partner in the Integrated Border Enforcement Team (IBET) program.
- The FPS chairs the FPT Heads of Prosecution (FPT HOP) Organized Crime working group which has made substantial progress in establishing an FPT Organized Crime network for prosecutors, including the creation of an internet site which should be fully operationalized this coming fiscal year.
- The FPS continues to play a role on the National Coordinating Committee (NCC) on Organized Crime, including playing a leadership role on the executive committee of the NCC.
- The formation of the Joint Management structure with the RCMP included the formation of an Organized Crime/Megacase working group.

In the past year, Canada made a commitment to become the president of the Financial Action Task Force, the world's leading anti-money laundering standard setting body with 31 member countries. Canada was also preparing to be the subject of an evaluation of its implementation of the FATF recommendations for international standards. The Federal Prosecution Service actively participated in that work under the lead of the Department of Finance, and will be leading the prosecution and legal input for the FATF evaluation scheduled for mid-winter 2007.

National Security, Terrorism, Governance

In addition to the work carried out by the Federal Prosecution Service, the Public Law Section continued its work on National security including leading the on-going review of the 2001 *Anti-terrorism Act (ATA)*, advising on Bill C-81 (*An Act to establish a National Security Committee of Parliamentarians*), and participating in the Cross-Cultural Roundtable on Security and the Advisory Council on National Security as well as international fora including the G8 Ministers of Justice and the Interior and Commonwealth Law Ministers and Senior Officials meetings, and the Diplomatic Conference to conclude the negotiations on amendments to the Convention for the Suppression of Unlawful Acts against Maritime Navigation and the related Protocol dealing with the Safety of Fixed Platforms located on the Continental Shelf.

Performance Table for B.1: Provide legislative services

Expected Results/Targets	Measures/Indicators	Performance Rating	Data Quality Rating
Government policy is effectively translated into draft laws	- Quality and timeliness of drafting services as defined by client feedback and justice drafting quality standards - Number of bills drafted	Met	Reasonable - Good

Performance Table for B.2: Provide legal advisory and litigation services

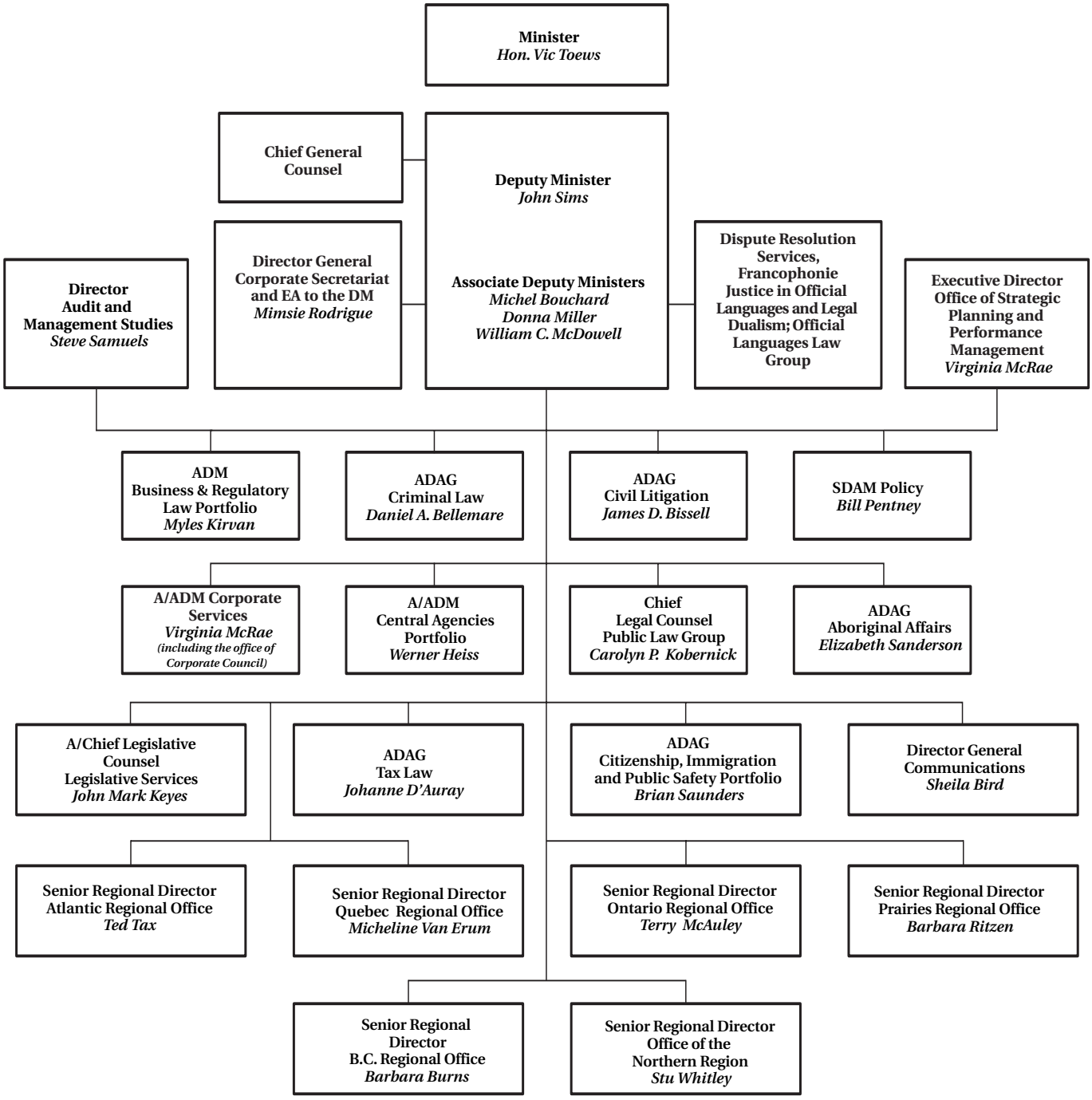
Expected Results/Targets	Measures/Indicators	Performance Rating	Data Quality Rating
Government decision-making is informed by high-quality legal services and respect for the rule of law	- Extent to which Justice legal advice is sought and considered in client decision-making - Quality and timeliness of legal services as defined by client feedback and Justice services standards	Met Met	Reasonable – Good Reasonable – Good
Legal risk is anticipated, mitigated and managed so as to minimize growth in litigation cases	- Extent of risk management actions taken by clients and Justice, including changes to practices and/or systems	Mostly met	Good
Crown legal interests are protected	- Outcome of court challenges - Perceptions of justice's expertise	Met Met	Needs improvement – Reasonable Needs improvement – Reasonable (indicators might need to be revisited)

Performance Table for B.3: Provide Prosecution Services

Expected Results/Targets	Measures/Indicators	Performance Rating	Data Quality Rating
Contributions to the safety and security of Canadians	- Assessed level of public safety - Perception of the integrity of the justice system	Met Met	Good
Increased cooperation with international partners	- Number of mutual legal-assistance requests and extraditions processed	Met	Good
Effective investigations and prosecutions of transnational criminal activities	- Number and nature of investigations, extraditions, arrests, charges and convictions for transnational criminal offences	Met	Good
Effective prosecutions	- Percentage of cases that result in decisions of merit	Met	Good
Effective prosecutions	- Percentage of accused that plead guilty	Met	Good

SECTION III – SUPPLEMENTARY INFORMATION

Organizational Information



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

Table 1: Comparison of Planned to Actual Spending (including FTEs)

	2003-2004	2004-2005		**2005-2006**		
($ millions)	Actual	Actual	Main Estimates	Planned Spending	Total Authorities	Actual
Developing policies and laws	33.1	24.2	19.6	21.4	25.2	29.3
Delivering programs	392.4	391.1	338.6	380.0	377.1	369.9
Managing and coordinating the strategic policies/priorities function	12.1	9.6	13.6	13.6	14.1	10.8
Providing legal advisory and litigation services to government	372.5	387.7	452.8	454.8	449.4	415.0
Providing legislative services to government	29.4	27.4	20.6	20.6	22.9	21.3
Providing prosecution services	98.2	103.0	79.7	82.1	91.3	113.3
Total	937.7	943.0	924.9	972.5	980.0	959.6
Less: Non-Respendable Revenue [1]	(141.5)	(195.8)	N/A	(206.3)	N/A	(175.5)
Plus: Cost of Services Received Without Charge	65.2	71.6	N/A	71.8	N/A	72.8
TOTAL Departmental Spending [2]	**861.4**	**818.8**	**N/A**	**838.0**	**N/A**	**856.9**
Full Time Equivalents	**4,614**	**4,989**	**N/A**	**5,036**	**N/A**	**4,710**

Note 1: Non-Respendable Revenue for both 2003-2004 and 2004-2005 includes Cost Recovery.
Note 2: Actual Total Departmental Spending differs from the Net Costs of Operations stated in the Financial Statements. Please refer to the reconciliation table in note 3 of the Financial Statements for more details.

Table 2: Resources by Program Activity

($ millions)	Budgetary							Plus: Non Budgetary	Total
Program Activity	Operating	Capital	Grants	Contributions and Other Transfer Payments	Total: Gross Budgetary Expenditures	Less: Respendable Revenue	Total: Net Budgetary Expenditures	Loans, Investment and Advances	
Developing policies and laws									
Main Estimates	19.6	-	-	-	19.6	-	19.6	-	19.6
Planned	**21.4**	**-**	**-**	**-**	**21.4**	**-**	**21.4**	**-**	**21.4**
Total Authorities	*25.2*	-	-	-	*25.2*	-	*25.2*	-	*25.2*
Actual Spending	29.3	-	-	-	29.3	-	29.3	-	29.3
Delivering programs									
Main Estimates	9.4	-	2.4	326.8	338.6	-	338.6	-	338.6
Planned	**11.8**	**-**	**2.4**	**365.8**	**380.0**	**-**	**380.0**	**-**	**380.0**
Total Authorities	*11.4*	-	*1.7*	*364.0*	*377.1*	-	*377.1*	-	*377.1*
Actual Spending	11.9	-	1.6	356.4	369.9	-	369.9	-	369.9
Managing and coordinating the strategic policies/priorities function									
Main Estimates	13.6	-	-	-	13.6	-	13.6	-	13.6
Planned	**13.6**	**-**	**-**	**-**	**13.6**	**-**	**13.6**	**-**	**13.6**
Total Authorities	*14.1*	-	-	-	*14.1*	-	*14.1*	-	*14.1*
Actual Spending	10.8	-	-	-	10.8	-	10.8	-	10.8
Providing legal advisory and litigation services to government									
Main Estimates	452.8	-	-	-	452.8	-	452.8	-	452.8
Planned	**454.8**	**-**	**-**	**-**	**454.8**	**-**	**454.8**	**-**	**454.8**
Total Authorities	*449.4*	-	-	-	*449.4*	-	*449.4*	-	*449.4*
Actual Spending	415.0	-	-	-	415.0	-	415.0	-	415.0

Table 2: Resources by Program Activity (Continued)

($ millions)	Budgetary							Plus: Non Budgetary	Total
Program Activity	Operating	Capital	Grants	Contributions and Other Transfer Payments	Total: Gross Budgetary Expenditures	Less: Respendable Revenue	Total: Net Budgetary Expenditures	Loans, Investment and Advances	
Providing legislative services to government									
Main Estimates	20.6	-	-	-	20.6	-	20.6	-	20.6
Planned	**20.6**	**-**	**-**	**-**	**20.6**	**-**	**20.6**	**-**	**20.6**
Total Authorities	*22.9*	-	-	-	*22.9*	-	*22.9*	-	*22.9*
Actual Spending	21.3	-	-	-	21.3	-	21.3	-	21.3
Providing prosecution services									
Main Estimates	79.7	-	-	-	79.7	-	79.7	-	79.7
Planned	**82.1**	**-**	**-**	**-**	**82.1**	**-**	**82.1**	**-**	**82.1**
Total Authorities	*91.3*	-	-	-	*91.3*	-	*91.3*	-	*91.3*
Actual Spending	113.3	-	-	-	113.3	-	113.3	-	113.3
TOTAL									
Main Estimates	595.7	-	2.4	326.8	924.9	-	924.9	-	924.9
Planned	**604.3**	**-**	**2.4**	**365.8**	**972.5**	**-**	**972.5**	**-**	**972.5**
Total Authorities	*614.3*	-	*1.7*	*364.0*	*980.0*	-	*980.0*	-	*980.0*
Actual Spending	601.6	-	1.6	356.4	959.6	-	959.6	-	959.6

Table 3: Voted and Statutory Items

$ millions		2005-2006			
Vote or Statutory	Truncated Vote or Statutory Working	Main Estimates	Planned Spending	Total Authorities	Total Actuals
Vote 1	Operating Expenditures	517.6	526.2	542.8	530.1
Vote 5	Grants and Contributions	329.2	368.2	365.7	358.0
(S)	Minister of Justice - Salary and motor car allowance	0.1	0.1	0.1	0.1
(S)	Contribution to employee benefit plans	78.0	78.0	71.4	71.4
	Total	**924.9**	**972.5**	**980.0**	**959.6**

Table 4: Services Received Without Charge

$ millions	2005-2006 Actual Spending
Accommodation provided by Public Works and Government Services Canada (PWGSC)	40.7
Contributions covering employers' share of employees' insurance premiums and expenditures paid by TBS (excluding revolving funds)	31.9
Worker's compensation coverage provided by Social Development Canada	0.2
Total 2005-2006 Services received without charge	**72.8**

Table 5: Sources of Respendable and Non-Respendable Revenue

Non-Respendable Revenue	Actual 2003-04	Actual 2004-05	2005-2006 Main Estimates	2005-2006 Planned Revenue	2005-2006 Total Authorities	Actual
Developing policies and laws						
Family Order and Agreements Enforcement Assistance Program	5.6	6.4		5.1	5.1	6.6
Central Registry of Divorce Proceedings	0.7	0.7		0.7	0.7	0.8
Providing legal advisory and litigation services to government						
Legal Services - Crown Corp.				0.5	0.5	0.3
Client-Departments Cost Recoveries1	130.4	144.0		95.0	195.0	155.2
Miscellaneous Revenues	0.8	4.0		0.3	0.3	-
Adjustments to prior year's payable	0.8	39.5		-	-	9.4
Providing legislative services to government						
Royalties and Patents				0.1	0.1	
Providing prosecution services						
Fines and forfeitures2	1.3	1.0		4.4	4.4	2.9
Miscellaneous Revenues	1.9	0.2		0.2	0.2	0.3
Total Non-Respendable Revenues	**141.5**	**195.8**	**-**	**206.3**	**206.3**	**175.5**

Note 1: 2005-2006 Planned Recoveries (client services) - should have been reported as such in 2005-2006 RPP.
Note 2: 2003-2004 figure had been reported in Govt. Client Services in DPR 2005.

Table 6: Resource Requirements by Branch/Sector

Department of Justice ($ millions)	Developing policies and laws	Delivering programs	Managing and coordinating the strategic policies/ priorities function	Providing legal advisory and litigation services to government	Providing legislative services to government	Providing prosecution services	Total
Policy and Law Section							
Main Estimates	14.2	338.6	13.6				366.4
Planned Spending	16.0	380.0	13.6				409.6
Total Authorities	*19.8*	*377.1*	*14.1*				*411.0*
Actual Spending	23.9	369.9	10.8				404.6
Federal Prosecution Service							
Main Estimates						79.7	79.7
Planned Spending						82.1	82.1
Total Authorities						*91.3*	*91.3*
Actual Spending						113.3	113.3
Legislative Services							
Main Estimates					20.6		20.6
Planned Spending					20.6		20.6
Total Authorities					*22.9*		*22.9*
Actual Spending					21.3		21.3
Civil Litigation and Public Law							
Main Estimates	1.7			19.6			21.3
Planned Spending	1.7			21.3			23.0
Total Authorities	*1.7*			*19.5*			*21.2*
Actual Spending	1.7			36.6			38.3
Tax Law Portfolio							
Main Estimates				78.7			78.7
Planned Spending				78.7			78.7
Total Authorities				*78.4*			*78.4*
Actual Spending				66.9			66.9

Department of Justice ($ millions)	Developing policies and laws	Delivering programs	Managing and coordinating the strategic policies/ priorities function	Providing legal advisory and litigation services to government	Providing legislative services to government	Providing prosecution services	Total
Citizenship and Immigration Portfolio							
Main Estimates				52.1			52.1
Planned Spending				52.1			52.1
Total Authorities				*52.1*			*52.1*
Actual Spending				60.9			60.9
Aboriginal Affairs Portfolio							
Main Estimates	3.7			119.9			123.6
Planned Spending	3.7			119.9			123.6
Total Authorities	*3.7*			*118.9*			*122.6*
Actual Spending	3.7			106.5			110.2
Business and Regulatory Law Portfolio							
Main Estimates				166.7			166.7
Planned Spending				167.0			167.0
Total Authorities				*165.0*			*165.0*
Actual Spending				131.1			131.1
Central Agencies Portfolio							
Main Estimates				15.8			15.8
Planned Spending				15.8			15.8
Total Authorities				*15.5*			*15.5*
Actual Spending				13.1			13.1
Total Department							
Main Estimates	**19.6**	**338.6**	**13.6**	**452.8**	**20.6**	**79.7**	**924.9**
Planned Spending	**21.4**	**380.0**	**13.6**	**454.8**	**20.6**	**82.1**	**972.5**
Total Authorities	***25.2***	***377.1***	***14.1***	***449.4***	***22.9***	***91.3***	***980.0***
Actual Spending	**29.3**	**369.9**	**10.8**	**415.0**	**21.3**	**113.3**	**959.6**

Table 7–A: User Fees Act

				2005-2006					Planning Years		
A. User Fee	**Fee Type**	**Fee-setting Authority**	**Date Last Modified**	**Forecast Revenue ($000)**	**Actual Revenue ($000)**	**Full Cost ($000)**	**Performance Standard**	**Performance Results**	**Fiscal Year**	**Forecast Revenue ($000)**	**Estimated Full Cost ($000)**
FOAEA Administrative Fee	User Fee	Family Orders and Agreements Enforcements Assistance Act		6,000	6,559	6,559	Yes	Yes	2006-07	6,000	6,000
									2007-08	6,000	6,000
									2008-09	6,000	6,000
CRDP Certificate Fee	User Fee	Central Registry of Divorce Regulations		750	818	818	Yes	Yes	2006-07	800	800
									2007-08	800	800
									2008-09	800	800

Table 7–B: Policy on Service Standards for External Fees

A. External Fee	Service Standard	Performance Result	Stakeholder Consultation
Fees charged for the processing of access requests filed under the Access to Information Act	Framework under development by TBS. More info: http://lois.justice.gc.ca/en/a-1/8.html	Statutory deadlines met 53 percent of the time	The service standard is established by the Access to Information Act and the Access to Information Regulations. Consultations with stakeholders were undertaken for amendments made in 1986 and 1992.
Family Orders and Agreements Enforcement Assistance (Interceptions)	• All tracing applications responded to within 2 weeks • All garnishee applications in effect within 35 days after receipt • All license denial applications in effect within 2 weeks after receipt • All enforcement program enquiries responded to within 24 hours • All public enquiries responded to within 48 hours	100 percent met 100 percent met 100 percent met Approximately 90 percent met (1) Approximately 90 percent met (1)	Informal feedback and general day-to-day interactions with clients and stakeholders, including provincial and territorial maintenance and enforcement programs, courts, creditors and other federal government partners, indicate a high level of satisfaction with the services provided under both the Family Orders and Agreement Enforcement Assistance and Central Registry of Divorce Proceedings programs. A client satisfaction survey was launched in January 2005 to provide a more formal assessment of client satisfaction with service standards, levels and accessibility. Findings indicate strong levels of satisfaction.
Central Registry of Divorce Proceedings	• All clearance certificates issued 4 weeks after receipt of application • All telephone enquiries responded to within 24 hours and written enquiries within 5 working days	Approximately 85 percent met (1) 90 percent met	

Note
(1) These statistics are not captured by the current system. The related activities are monitored on a manual (supervisory) basis. The percentages provided represent a knowledgeable estimate.

Table 8: Details on Transfer Payment Programs (TPPs)

Supplementary information on the following TPPs can be found at http://www.tbs-sct.gc.ca/est-pre/estime.asp.

1 Legal Aid

2 Intensive Rehabilitative Custody and Supervision Program

3 Youth Justice Services Funding Program

4 Child-Centred Family Justice Fund

5 Aboriginal Justice Strategy

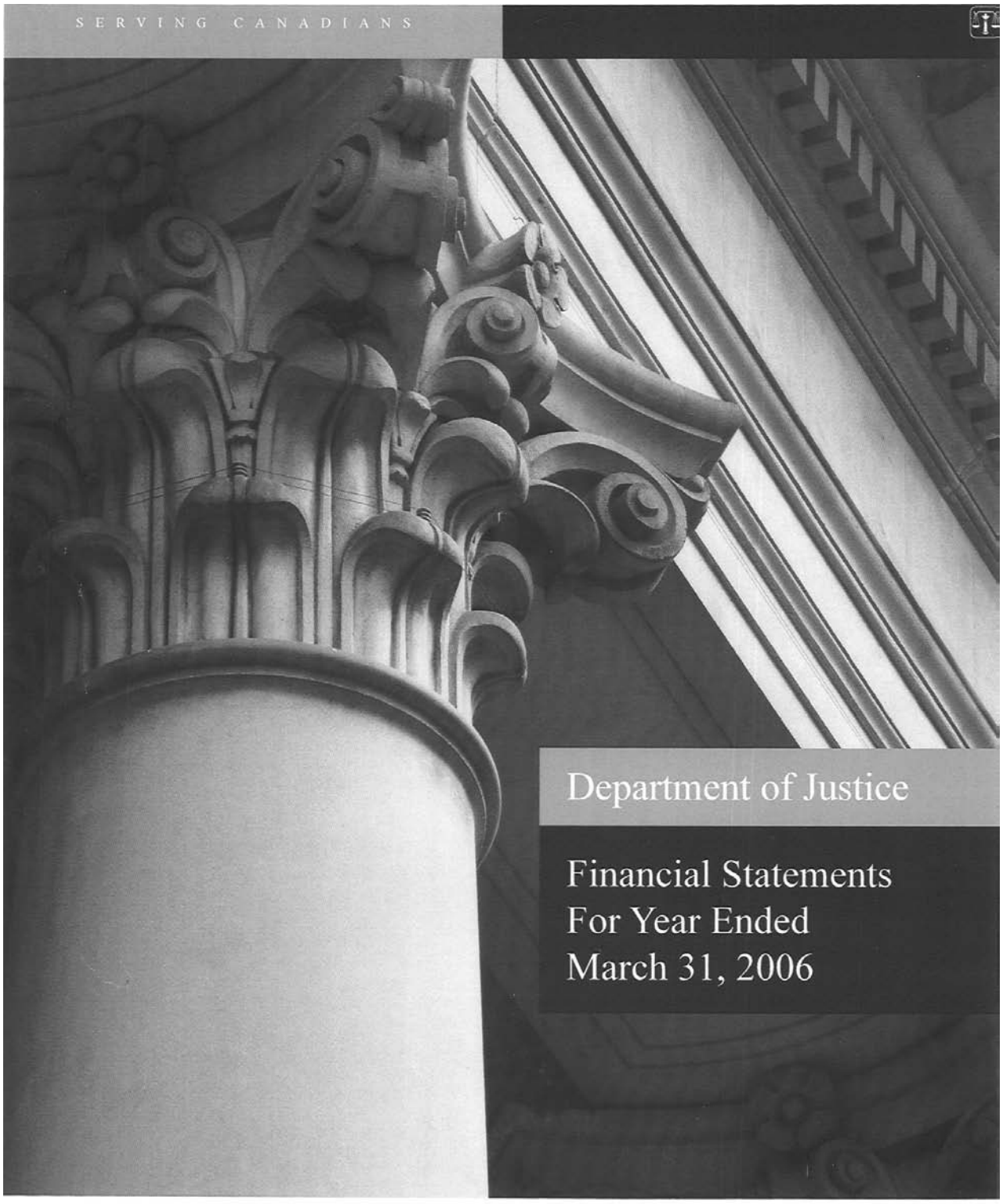
Table 9: Horizontal Initiatives

Supplementary information on horizontal initiatives can be found at http://www.tbs-sct.gc.ca/est-pre/estime.asp.

1 Youth Justice Renewal Initiative

Table 10: Financial Statements of Departments

Commencing in 2005–2006, all federal government departments as defined in section 2 of the Financial Administration Act and departments with revolving funds are to include financial statements in their DPR.



Department of Justice Canada | Ministère de la Justice Canada

Canada

DEPARTMENT OF JUSTICE

Management Responsibility for Financial Statements

Responsibility for the integrity and objectivity of the accompanying financial statements for the year ended March 31, 2006 and all information contained in these statements rests with departmental management. These financial statements have been prepared by management in accordance with Treasury Board accounting policies which are consistent with Canadian generally accepted accounting principles for the public sector.

Management is responsible for the integrity and objectivity of the information in these financial statements. Some of the information in the financial statements is based on management's best estimates and judgment and gives due consideration to materiality. To fulfill its accounting and reporting responsibilities, management maintains a set of accounts that provides a centralized record of the department's financial transactions. Financial information submitted to the *Public Accounts of Canada* and included in the department's *Departmental Performance Report* is consistent with these financial statements.

Management maintains a system of financial management and internal control designed to provide reasonable assurance that financial information is reliable, that assets are safeguarded and that transactions are in accordance with the *Financial Administration Act*, are executed in accordance with prescribed regulations, within Parliamentary authorities, and are properly recorded to maintain accountability of Government funds. Management also seeks to ensure the objectivity and integrity of data in its financial statements by careful selection, training and development of qualified staff, by organizational arrangements that provide appropriate divisions of responsibility, and by communication programs aimed at ensuring that regulations, policies, standards and managerial authorities are understood throughout the department.

The financial statements of the department have not been audited.

John H. Sims.

John H. Sims
Deputy Minister

Ottawa, Canada

11 Aug 06

Date

Virginia McRae
A/Assistant Deputy Minister, Corporate Services
Senior Financial Officer

DEPARTMENT OF JUSTICE

Statement of Financial Position (unaudited)

As at March 31
(in dollars)

	2006	2005
Assets		
Financial assets		
Receivables (Note 6)	**21,791,359**	36,583,552
Advances (Note 7)	**34,125**	55,225
Total financial assets	**21,825,484**	36,638,777
Non-financial assets		
Prepaid expenses	**158,492**	124,114
Tangible capital assets (Note 8)	**10,933,420**	10,140,051
Total non-financial assets	**11,091,912**	10,264,165
Total	**32,917,396**	**46,902,942**
Liabilities and Equity of Canada		
Liabilities		
Accounts payable and accrued liabilities (Note 9)	**62,969,296**	68,354,957
Transfer payments payable	**437,609,360**	330,371,806
Vacation pay and compensatory leave	**16,657,597**	16,765,857
Employee severance benefits (Note 11)	**78,277,118**	65,476,355
Family Law account	**1,562,044**	2,828,742
Total liabilities	**597,075,415**	483,797,717
Equity of Canada	**(564,158,019)**	(436,894,775)
Total	**32,917,396**	46,902,942

Contingent liabilities (Note 10)

Contractual obligations (Note 13)

The accompanying notes form an integral part of these financial statements.

DEPARTMENT OF JUSTICE

Statement of Operations (unaudited)

For the year ended March 31
(in dollars)

	2006	2005
Expenses (Note 4)		
Providing legal advisory and litigation services to government	**458,182,235**	443,382,052
Delivering programs	**390,266,967**	379,192,247
Providing prosecution services	**124,539,626**	120,604,068
Developing policies and laws	**32,350,291**	31,321,877
Providing legislative services to government	**23,287,984**	22,493,912
Managing and coordinating the strategic policies/priorities function	**11,909,425**	11,535,107
Total expenses	**1,040,536,528**	1,008,529,263
Revenues (Note 5)		
Providing legal advisory and litigation services to government	**155,889,128**	146,899,056
Developing policies and laws	**7,572,930**	7,335,278
Providing prosecution services	**2,678,175**	771,546
Total revenues	**166,140,234**	155,005,880
Net cost of operations	**874,396,294**	853,523,383

The accompanying notes form an integral part of these financial statements.

DEPARTMENT OF JUSTICE

Statement of Equity of Canada (unaudited)

For the year ended March 31
(in dollars)

	2006	2005
Equity of Canada, beginning of year	**(436,894,775)**	(629,747,021)
Net cost of operations	**(874,396,294)**	(853,523,383)
Current year appropriations used (Note 3)	**959,609,363**	942,955,460
Revenue not available for spending	**(166,140,234)**	(155,005,880)
Change in net position in the Consolidated Revenue Fund (Note 3)	**(120,159,257)**	180,234,587
Transfer of activities	0	6,577,016
Services provided without charge by other government departments (Note 14)	**73,823,178**	71,614,446
Equity of Canada, end of year	**(564,158,019)**	(436,894,775)

The accompanying notes form an integral part of these financial statements.

DEPARTMENT OF JUSTICE

Statement of Cash Flow (unaudited)

For the year ended March 31
(in dollars)

	2006	2005
Operating activities		
Net cost of operations	**874,396,294**	853,523,383
Non-cash items		
Amortization of tangible capital assets (Note 8)	**(3,002,463)**	(2,828,577)
Services provided without charge by other government departments (Note 14)	**(73,823,178)**	(71,614,446)
Variations in Statement of Financial Position		
Increase (decrease) in accounts receivable and advances	**(14,813,293)**	5,115,874
Increase in prepaid expenses	**34,378**	1,185
Decrease (increase) in liabilities	**(113,277,698)**	185,569,908
Cash used by operating activities	**669,514,040**	969,767,327
Capital investment activities		
Acquisitions of tangible capital assets (Note 8)	**3,795,832**	4,993,856
Cash used by capital investment activities	**3,795,832**	4,993,856
Financing activities		
Net cash provided by Government of Canada	**673,309,872**	968,184,167
Transfer of activities	**0**	6,577,016
Cash used by financing activities	**673,309,872**	974,761,183

The accompanying notes form an integral part of these financial statements.

DEPARTMENT OF JUSTICE

Notes to the Financial Statements (unaudited)

1. Authority and objectives

The Department of Justice was created by an Act of Parliament in 1868 to be responsible for the legal affairs of the Government of Canada and to provide legal services to individual departments and agencies. The department's work reflects the duties of its Minister's dual role as Attorney General of Canada and as Minister of Justice.

The department conducts its 2 priorities along 6 program activities:

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

Developing policies and laws
The planning and development of government justice policies dealing with the matters within the mandate of the Minister of Justice.

Delivering programs
The design, development and implementation of cost-shared programs and grants and contributions.

Managing and coordinating the strategic policies/priorities function
The coordination and management of the department's substantive policy agenda and the management of key relationships with policy partners in the federal government, the provinces and territories, and non-governmental organizations.

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

Providing legal advisory and litigation services to government
The provision of legal advisory services to departments and agencies and the supervision, coordination and/or conduct of civil litigation on their behalf.

Providing legislative services to government
The drafting of all government bills and motions to amend; the drafting and examination of most proposed regulations; the official publishing of Acts of Parliament following Royal Assent and related tables; and the updating and consolidation of federal statutes and regulations.

Providing prosecution services
The conduct of criminal prosecutions, including money laundering and drug prosecutions, and regulatory prosecutions such as those related to income tax, the competition law provisions on telemarketing, customs and immigration. Responding to international requests and trans-national crime and working to combat organized crime and terrorism.

DEPARTMENT OF JUSTICE

Notes to the Financial Statements (unaudited)

2. Summary of significant accounting policies

The financial statements have been prepared in accordance with Treasury Board accounting policies which are consistent with Canadian generally accepted accounting principles for the public sector.

The significant accounting policies are as follows:

(a) Parliamentary appropriations

The department is financed by the Government of Canada through Parliamentary appropriations. Appropriations provided to the department do not parallel financial reporting according to generally accepted accounting principles since appropriations are primarily based on cash flow requirements. Consequently, items recognized in the Statement of Operations and the Statement of Financial Position are not necessarily the same as those provided through appropriations from Parliament. Note 3 provides a high-level reconciliation between the bases of reporting.

(b) Net cash provided by Government

The department operates within the Consolidated Revenue Fund (CRF), which is administered by the Receiver General for Canada. All cash received by the department is deposited to the CRF and all cash disbursements made by the department are paid from the CRF. The net cash provided by Government is the difference between all cash receipts and all cash disbursements including transactions between departments of the federal government.

(c) Change in net position in the Consolidated Revenue Fund

The change in net position in the Consolidated Revenue Fund is the difference between the net cash provided by Government and appropriations used in a year, excluding the amount of non-respendable revenue recorded by the department. It results from timing differences between when a transaction affects appropriations and when it is processed through the CRF.

(d) Revenues

- Revenues derived from the provision of legal services are recognized in the year of billing. Billings are for salaries or hours of service rendered and disbursements;
- Service and administration fees revenues under the Family Law programs are recognized based upon the services provided in the year, such as upon validation of the garnishment application or upon issuance of the divorce clearance certificate;
- Fines, forfeitures and court costs are recognized upon receipt of payment by the department.

(e) Expenses

- Grants are recognized in the year in which the conditions for payment are met. In the case of grants which do not form part of an existing program, the expense is recognized when the Government announces a decision to make a non-recurring transfer, provided the enabling legislation or authorization for payment receives parliamentary approval prior to the completion of the financial statements;
- Contributions are recognized in the year in which the recipient has met the eligibility criteria or fulfilled the terms of a contractual transfer agreement;
- Vacation pay and compensatory leave are expensed as the benefits accrue to employees under their respective terms of employment;

DEPARTMENT OF JUSTICE

Notes to the Financial Statements (unaudited)

2. Summary of significant accounting policies (continued)

- Expenses related to the provision of legal services are limited to those costs borne and settled directly by the department. These legal services may or may not be recovered as revenue from the client department. The cost of legal services which are paid directly by client departments to outside suppliers such as Crown agents, are not included in the expenses of the department;
- Services provided without charge by other government departments for accommodation, the employer's contribution to the health and dental insurance plans, and worker's compensation costs are recorded as operating expenses at their estimated cost.

(f) Employee future benefits

i. Pension benefits:

Eligible employees participate in the Public Service Pension Plan, a multiemployer plan administered by the Government of Canada. The department's contributions to the Plan are charged to expenses in the year incurred and represent the total departmental obligation to the Plan. Current legislation does not require the department to make contributions for any actuarial deficiencies of the Plan.

ii. Severance benefits:

Employees are entitled to severance benefits under labour contracts or conditions of employment. These benefits are accrued as employees render the services necessary to earn them. The obligation relating to the benefits earned by employees is calculated using information derived from the results of the actuarially determined liability for employee severance benefits for the Government as a whole.

(g) Receivables

Receivables are stated at amounts expected to be ultimately realized; a provision is made for receivables where recovery is considered uncertain.

(h) Contingent liabilities

Contingent liabilities are potential liabilities which may become actual liabilities when one or more future events occur or fail to occur. To the extent that the future event is likely to occur or fail to occur, and a reasonable estimate of the loss can be made, an estimated liability is accrued and an expense recorded. If the likelihood is not determinable or an amount cannot be reasonably estimated, the contingency is disclosed in the notes to the financial statements.

DEPARTMENT OF JUSTICE

Notes to the Financial Statements (unaudited)

2. Summary of significant accounting policies (continued)

(i) Tangible capital assets

All tangible capital assets and leasehold improvements having an initial cost of $10,000 or more are recorded at their acquisition cost.

Amortization of tangible capital assets is done on a straight-line basis over the estimated useful life of the asset as follows:

Assets	Useful life
Equipment	5 to 8 years
Informatics hardware	4 years
Informatics software	5 years
Other equipment and furniture	10 years
Motor vehicles	5 years
Leasehold improvements	Lesser of useful life or term of the lease

(j) Measurement uncertainty

The preparation of these financial statements in accordance with Treasury Board accounting policies which are consistent with Canadian generally accepted accounting principles for the public sector requires management to make estimates and assumptions that affect the reported amounts of assets, liabilities, revenues and expenses reported in the financial statements. At the time of preparation of these statements, management believes the estimates and assumptions to be reasonable. The most significant items where estimates are used are contingent liabilities, the liability for employee severance benefits and the useful life of tangible capital assets. Actual results could significantly differ from those estimated. Management's estimates are reviewed periodically and, as adjustments become necessary, they are recorded in the financial statements in the year they become known.

DEPARTMENT OF JUSTICE

Notes to the Financial Statements (unaudited)

3. Parliamentary appropriations

The department receives most of its funding through annual Parliamentary appropriations. Items recognized in the Statement of Operations and the Statement of Financial Position in one year may be funded through Parliamentary appropriations in prior, current or future years. Accordingly, the department has different net results of operations for the year on a government funding basis than on an accrual accounting basis. The differences are reconciled in the following tables:

(a) Reconciliation of net cost of operations to current year appropriations used

(in dollars)	2006	2005
Net cost of operations	874,396,294	853,523,383
Adjustments for items affecting net cost of operations but not affecting appropriations		
Add (Less)		
Services provided without charge by other government departments (Note 14)	(73,823,178)	(71,614,446)
Amortization of tangible capital assets	(3,002,463)	(2,828,577)
Revenue not available for spending	166,140,234	155,005,880
Employee severance benefits	(12,800,763)	2,536,916
Vacation pay and compensatory leave	108,262	4,379,974
Refunds and reversals of previous year expenses	9,379,263	1,359,921
Bad debt	(4,418,496)	(4,402,632)
Other	(200,000)	0
	81,382,859	84,437,036
Adjustments for items not affecting net cost of operations but affecting appropriations		
Add (Less)		
Acquisitions of tangible capital assets	3,795,832	4,993,856
Change in prepaid expenses	34,378	1,185
	3,830,210	4,995,041
Current year appropriations used	959,609,363	942,955,460

DEPARTMENT OF JUSTICE

Notes to the Financial Statements (unaudited)

3. Parliamentary appropriations (continued)

(b) Appropriations provided and used

(in dollars)	2006	2005
Vote 1 - Operating expenditures	542,775,051	556,971,937
Vote 5 - Grants and contributions	365,742,415	382,094,031
Statutory amounts	71,475,474	68,150,572
Less		
Appropriations available for future years	(7,379)	0
Voted authorities lapsed	(20,376,198)	(64,261,080)
Current year appropriations used	959,609,363	942,955,460

(c) Reconciliation of net cash provided by Government to current year appropriations used

(in dollars)	2006	2005
Net cash provided by Government	673,309,872	968,184,167
Revenue not available for spending	166,140,234	155,005,880
Change in net position in the Consolidated Revenue Fund		
Variation in accounts receivable and advances	14,432,481	(5,134,427)
Variation in accounts payable and accrued liabilities	100,402,555	(207,734,499)
Adjustment/refund of previous year accounts payable	9,379,264	40,808,840
Other adjustments	(4,055,043)	(8,174,501)
	120,159,257	(180,234,587)
Current year appropriations used	959,609,363	942,955,460

DEPARTMENT OF JUSTICE

Notes to the Financial Statements (unaudited)

4. Expenses

(in dollars)	2006	2005
Operating		
Salaries and employee benefits	527,977,023	480,333,410
Professional and special services	60,840,814	55,761,780
Accommodation	42,201,714	42,092,383
Travel and relocation	15,962,623	12,509,380
Utilities, materials and supplies	15,909,588	17,216,780
Information	7,278,749	5,246,303
Communications	6,638,081	6,345,496
Bad debt expense	4,418,496	4,402,632
Repair and maintenance	3,042,498	1,889,934
Amortization of tangible capital assets	3,002,463	2,828,577
Rentals	1,506,527	1,717,655
Other	1,214,651	1,796,403
Total operating expenses	689,993,227	632,140,733
Transfer payments		
Provinces and territories	330,961,639	354,755,201
Non-profit institutions and organizations	13,543,147	15,124,424
Persons	5,922,283	6,317,280
International organizations and foreign countries	116,232	191,625
Total transfer payments	350,543,301	376,388,530
Total expenses	1,040,536,528	1,008,529,263

5. Revenues

(in dollars)	2006	2005
Services		
Legal services	155,492,858	145,865,857
Family Law fees	7,378,009	7,139,749
	162,870,867	153,005,606
Other revenues		
Fines and forfeitures	2,870,421	964,183
Rent from residential housing provided to employees	307,776	344,800
Court costs awarded	79,252	585,863
Royalties	0	50,689
Other	11,918	54,739
	3,269,367	2,000,274
Total revenues	166,140,234	155,005,880

DEPARTMENT OF JUSTICE

Notes to the Financial Statements (unaudited)

6. Receivables

(in dollars)	2006	2005
Federal government departments and agencies		
Accounts receivable	17,721,850	32,982,960
External parties		
Family Law	12,550,762	11,739,917
Less: allowance for doubtful accounts	(8,541,082)	(8,177,628)
	4,009,680	3,562,289
Other receivables	59,829	38,303
	4,069,509	3,600,592
Total	21,791,359	36,583,552

7. Advances

(in dollars)	2006	2005
Temporary advances to employees for travel	0	8,000
Standing advances held by employees for travel and petty cash	34,125	47,225
Total	34,125	55,225

DEPARTMENT OF JUSTICE

Notes to the Financial Statements (unaudited)

8. Tangible capital assets

Tangible capital assets (in dollars)	Opening balance	Acquisitions	Disposals and write-offs	Closing balance
Equipment	84,105	330,407	0	**414,512**
Informatics hardware	2,963,025	384,667	0	**3,347,692**
Informatics software	4,135,270	87,595	0	**4,222,865**
Other equipment and furniture	338,390	97,231	0	**435,621**
Motor vehicles	147,736	59,422	0	**207,158**
Leasehold improvements	8,181,360	2,354,133	0	**10,535,493**
Work in progress - software development	975,061	482,377	0	**1,457,438**
Total	16,824,947	3,795,832	0	**20,620,779**

Accumulated amortization (in dollars)	Opening balance	Current year amortization	Disposals and adjustments	Closing balance
Equipment	0	10,342	0	**10,342**
Informatics hardware	1,866,355	511,169	0	**2,377,524**
Informatics software	1,773,741	829,620	0	**2,603,361**
Other equipment and furniture	88,379	45,448	0	**133,827**
Motor vehicles	103,638	17,324	0	**120,962**
Leasehold improvements	2,852,783	1,588,560	0	**4,441,343**
Work in progress - software development	0	0	0	**0**
Total	6,684,896	3,002,463	0	**9,687,359**

Net book value

(in dollars)	2006	2005
Equipment	**404,170**	84,105
Informatics hardware	**970,168**	1,096,670
Informatics software	**1,619,504**	2,361,529
Other equipment and furniture	**301,794**	250,011
Motor vehicles	**86,196**	44,098
Leasehold improvements	**6,094,150**	5,328,577
Work in progress - software development	**1,457,438**	975,061
Total	**10,933,420**	**10,140,051**

Amortization expense for the year ended March 31, 2006 is $3,002,463 ($2,828,577 in 2004-05).

DEPARTMENT OF JUSTICE

Notes to the Financial Statements (unaudited)

9. Accounts payable and accrued liabilities

(in dollars)	2006	2005
Federal government departments and agencies		
Accounts payable	**3,756,175**	3,966,204
External parties		
Accounts payable	**48,724,383**	56,293,918
Accrued salaries	**10,220,411**	8,094,835
Other liabilities	**268,327**	0
	59,213,121	64,388,753
Total	**62,969,296**	68,354,957

10. Contingent liabilities

Claims and litigation

Claims have been made against the department in the normal course of operations. Legal proceedings for claims totalling approximately $13,528,000 were still pending at March 31, 2006 ($29,947,500 in 2004-05). Some of these potential liabilities may become actual liabilities when one or more future events occur or fail to occur. To the extent that the future event is likely to occur or fail to occur, and a reasonable estimate of the loss can be made, an estimated liability is accrued and an expense recorded in the financial statements.

DEPARTMENT OF JUSTICE

Notes to the Financial Statements (unaudited)

11. Employee benefits

(a) Pension benefits

The department's employees participate in the Public Service Pension Plan, which is sponsored and administered by the Government of Canada. Pension benefits accrue up to a maximum period of 35 years at a rate of 2 percent per year of pensionable service, times the average of the best five consecutive years of earnings. The benefits are integrated with Canada/Québec Pension Plans benefits and they are indexed to inflation.

Both the employees and the department contribute to the cost of the Plan. The expense presented below represents approximately 2.6 times the contributions by employees.

(in dollars)	2006	2005
Pension expense	**52,827,251**	49,885,782

The department's responsibility with regard to the Plan is limited to its contributions. Actuarial surpluses or deficiencies are recognized in the financial statements of the Government of Canada, as the Plan's sponsor.

(b) Severance benefits

The department provides severance benefits to its employees based on eligibility, years of service and final salary. These severance benefits are not pre-funded. Benefits will be paid from future appropriations. Information about the severance benefits, measured as at March 31, is as follows:

(in dollars)	2006	2005
Accrued benefit obligation, beginning of year	**65,476,355**	68,013,271
Expense for the year	**16,337,976**	76,641
Benefits paid during the year	**(3,537,213)**	(2,613,557)
Accrued benefit obligation, end of year	**78,277,118**	65,476,355

DEPARTMENT OF JUSTICE

Notes to the Financial Statements (unaudited)

12. Family Law account

Under the *Family Orders and Agreements Enforcement Assistance Act*, the department assists provinces and territories in the enforcement of family support orders and agreements by providing garnishment assistance through the interception of designated federal moneys payable to individuals owing family financial support. These intercepted moneys are deposited into the Family Law account from which payments to the provinces and territories are then made. The provinces and territories distribute these payments (consisting of garnisheed moneys such as income tax refunds, employment insurance benefits, etc.) to the beneficiaries.

(in dollars)	2006	2005
Opening balance	**2,828,742**	6,616,720
Receipts	**118,249,096**	106,574,789
Payments	**(119,515,794)**	(110,362,766)
Closing balance	**1,562,044**	**2,828,742**

13. Contractual obligations

The nature of the department's activities results in some large multi-year contracts and obligations whereby the department will be obligated to make future payments when the services and/or goods are received.

Significant contractual obligations that can be reasonably estimated are summarized as follows:

(in dollars)	2006-07	2007-08 and thereafter	Total
Transfer payments	2,465,000	0	2,465,000

DEPARTMENT OF JUSTICE

Notes to the Financial Statements (unaudited)

14. Related party transactions

The department is related as a result of common ownership to all Government of Canada departments, agencies, and Crown corporations. The department enters into transactions with these entities in the normal course of business and on normal trade terms.

Also, during the year, the department received without charge from other departments, accomodation, the employer's contribution to the health and dental insurance plans, and worker's compensation costs. These services without charge have been recognized in the department's Statement of Operations as follows:

(in dollars)	**2006**	2005
Accommodation provided by Public Works and Government Services Canada	**40,740,837**	40,458,504
Employer's contributions to the health and dental insurance plans paid by Treasury Board Secretariat	**32,883,117**	31,096,169
Worker's compensation coverage provided by Human Resources and Social Development Canada	**199,224**	59,773
Total	**73,823,178**	71,614,446

The Government has structured some of its administrative activities for efficiency and cost-effectiveness purposes so that one department performs these on behalf of all without charge. The cost of these services, which include payroll and cheque issuance services provided by Public Works and Government Services Canada, are not included as an expense in the department's Statement of Operations.

In addition, the Department of Justice has provided legal services without charge to other government departments throughout the fiscal year for a total amount of $183,393,617.

Table 11: Response to Parliamentary Committees, and Audits and Evaluations for Fiscal Year 2005–2006

Response to Parliamentary Committees

Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness
No recommendations were received during the reporting period.

Standing Committee on Access to Information, Privacy and Ethics
- Report 1 (38th Parliament, 1st Session)

Summary:
This report, entitled *Open Government Act* (Adopted by the Committee on November 17, 2005; Presented to the House on November 21, 2005), describes the Committee's findings regarding the modernization and reform of the *Access to Information Act*. The Committee puts forth one recommendation which is directed at the Department of Justice.

Recommendation:
This Committee reaffirms the need to maintain the independence of the Office of the Information Commissioner, and recommends that the Justice Minister consider the advisability of introducing before the end of the Session legislation in the House of Commons based on the provisions of the "Open Government Act" presented by Information Commissioner John Reid, with the assistance of the Legislative Counsel of the House of Commons.

Response:
The Minister did not respond to this recommendation.

Response to the Auditor General including to the Commissioner of the Environment and Sustainable Development (CESD)

None during the reporting period; no recommendations were received.

External Audits

None during the reporting period; no recommendations were received.

Internal Audits
http://www.justice.gc.ca/en/dept/pub/audit_reports/2005/index.html

1. **Acquisition Cards** (November 2005)
   The audit reviewed and assessed the adequacy of the management framework in place; the adequacy of controls to ensure compliance with Treasury Board (TB) and departmental policies and procedures; the extent to which cardholders comply with the requirements of the *Financial Administration Act*, and TB and departmental policies; the level of cardholder awareness of policy requirements; and the adequacy and appropriateness of monitoring activities.

2. **Classification Function** (October 2005)
   The audit reviewed and assessed the adequacy of the management framework in place; the reliability, utility, and adequacy of information available for decision making and for accountability purposes; the degree of compliance of classification policies, procedures, and practices with relevant legislation, policies and directives; the efficiency and effectiveness of the classification process, of monitoring job review and of policy development/implementation; the appropriateness of linkages between the Human Resources Policy and Strategic Planning Division and regional operational units with classification responsibilities, and with other units; the appropriateness of linkages between operational classification units and other units; the level of client satisfaction.

3. **Dispute Resolution Services** (July 2005)
   The audit reviewed and assessed the adequacy of the management framework in place; the extent of compliance with key legislation, regulations, and policies; the utility and reliability of information systems for decision–making and accountability purposes; the appropriateness of processes in place for managing the DR Fund and reporting on activities; the appropriateness of the activities undertaken to promote cultural change through the use of alternative dispute resolution mechanisms; the nature and appropriateness of interfaces with DOJ sections and other organizations and the level of satisfaction with the services provided.

4. **Travel and Hospitality**
   The audit reviewed and assessed the adequacy of the management framework in place to control the Department's travel and hospitality practices; the Department's policies and directives related to travel and hospitality; the extent to which departmental policy and procedures comply with all aspects of the Treasury Board (TB) Travel Directive and the TB Hospitality Policy, and the extent to which they are being adhered to; the appropriateness and adequacy of the procedures followed by corporate and regional accounting operations with respect to travel and hospitality; the extent to which the Department has implemented and complied with the TB Isolated Posts Directive.

5. **Environment Canada Legal Services Unit**
   The audit focused on the management practices (including planning, organizing and directing staff, communication as well as management of human, financial and materiel resources) and program operations (including reliability of information systems, compliance to legislation and policies, appropriateness of interfaces with other section of the Department and level of client satisfaction) of the Department of Justice LSU that provides services to Environment Canada.

Evaluations

Aboriginal Justice Strategy, Formative Evaluation (June 2005)
The evaluation shows that the objectives of the Aboriginal Justice Strategy remain relevant due to the disproportionately high incarceration rate of Aboriginal people.

Recommendations:

- Review the implementation and budget for the Self-Government Capacity Building Fund and Training and Development Fund to determine their status and if there are any issues that need to be addressed prior to full implementation.
- AJD review current support structures to ensure better coordination on Aboriginal justice issues with partners and early identification of priorities for next mandate.
- AJD work with their provincial/territorial and other partners to increase community and mainstream justice officials' awareness of the community-based justice programs being funded and promote them as an alternative to mainstream programs.
- AJD undertake a review of the AJLN to determine whether its structure is sufficient to fulfill the mandate of the AJLN.
- AJD develop and implement a communication strategy to raise awareness of the separate AJS components and in particular the new Training and Development Fund and Self-Government Capacity Building Fund.
- AJD review the scope of each component in relation to the current resource levels to ensure they are still able to meet the overall objectives of the AJS.
- AJD review the administration of contribution agreements to determine if there are better approaches to providing funding to projects in a more timely and suitable manner.
- Review the AJS RMAF prior to the next evaluation (2006) and implement a strategic performance management strategy that will allow for the collection of relevant performance data for each component of the AJS.
- AJD gather information on community-based justice programs, training and self-government activities best practices and share the information with other communities. This will enhance effectiveness of the programs and assist other communities with development of their own programs and activities.

Hotlink for English: http://www.justice.gc.ca/en/ps/eval/reports/05/abomid/index.html

Hotlink for French: http://www.justice.gc.ca/fr/ps/eval/reports/05/abomid/index.html

Justice Partnership and Innovation Program, Formative Evaluation

Recommendations:

- In order to ensure that linkages are made within the Department, the Program should reconsider reviewing proposals in the context of a review committee.
- Implement a mechanism by which project results and reports are systematically shared within the Department.
- Ensure that recipients are made aware of the performance information they need to collect and that there is a mechanism in place for systematic reporting on results.
- Consider revising the JPIP application form so that PLEI organizations are only required to complete sections that are relevant to them.
- Revisit the RMAF and consider reducing the number of performance measures. Ensure that recipients are made aware of the performance information they need to collect and that there is a mechanism in place for systematic reporting on results, both internally and externally.

Hotlink for English: http://www.justice.gc.ca/en/ps/eval/reports/05/jpip/index.html
Hotlink for French: http://www.justice.gc.ca/fr/ps/eval/reports/05/jpip/index.html

Public Safety and Anti-terrorism (PSAT) Initiative

Recommendations:

- Members of the PSAT Steering Committee should play a greater oversight and coordinating role to ensure that the full implications of the PSAT work of the Department are understood and appropriately funded.
- Budgets should be allocated earlier in the fiscal year to allow managers to implement business plans and activities.
- The Department should ensure that financial information is available by all sectors so that efficiency and effectiveness can be assessed during the final evaluation.
- Current and anticipated performance information needs should be examined and addressed to ensure that the Department's performance reporting obligations can be met in 2007.
- A detailed evaluation study should be undertaken to assess the efficiency and effectiveness of the Airport Project at Dorval prior to expanding it to other Canadian airports.

Hotlink for English: http://www.justice.gc.ca/en/ps/eval/reports/05/psatsum/index.html

Hotlink for French: http://www.justice.gc.ca/fr/ps/eval/reports/05/psatsum/index.html

Child-Centred Family Law Strategy

The formative evaluation of the Department's Child-Centered Family Law Strategy focused primarily on the implementation of the Strategy and early indications of results rather than measuring longer term outcomes.

Key findings and Recommendations:

- Management and coordination mechanisms are in place that are enabling the Strategy to move forward effectively; however some benefits may be derived from closer linkages and more regular management and staff contact with the components of the Strategy which are administered outside of the Family, Children and Youth Section.
- The CCSO-Family Justice and its sub-committees and working groups are providing an effective mechanism for national collaboration on family justice issues. However, the CCSO Research Sub-committee has experienced difficulty arriving at an agenda for research at the national level. This issue is being addressed through a strategic planning exercise that is nearing completion.
- The performance measurement strategy for the CCFLS is supported in principle, and performance measures appear to be clear, well-understood and pertinent to the activities being undertaken and the outcomes being sought. There are concerns that capacity and workload constraints may result in a poor quality of results data unless there is a re-commitment to the process and closer monitoring of progress.
- The evaluation found that progress reporting by the provinces and territories lacked sufficient detail. To improve reporting quality, a Performance Measurement Handbook has been developed for use by the jurisdictions to provide guidance.
- The general approach reflected in the former Bill C-22 remains a suitable approach with which to pursue CCFLS objectives. No apparent gaps or problems have emerged and, other than those made impossible by the Bill not passing, all intended activities and associated outputs are in place. Immediate outcomes that were possible to pursue have been achieved.

Hotlink for English: http://www.justice.gc.ca/en/ps/eval/reports/05/ccfls/sum/index.html

Hotlink for French: http://www.justice.gc.ca/fr/ps/eval/reports/05/ccfls/sum/index.html

Table 12: Sustainable Development Strategy

The Department of Justice is in the final phase of implementation of its third Sustainable Development Strategy, covering the period from 2004 to 2006. Of the three objectives, described below, objectives #1 and #3 have been largely met, with objective #2 being a longer-term objective with the ultimate outcome of having sustainable development principles and practices defined as they relate to the work of this Department and incorporated in the Department's key activities.

SUSTAINABLE DEVELOPMENT STRATEGY 2004-2006

Department of Justice Canada	
Points to Address	**Departmental Input**
1. What are the key goals, objectives, and/or long-term targets of the SDS?	**1. Strengthen knowledge and awareness of sustainable development within Department** • Develop and deliver training and information sessions to employees • Training on Cabinet Directive on the environmental assessment of policy, plan and program proposals • Develop tools to communicate information on sustainable development issues to employees **2. Integrate consideration of sustainable development into the Department's business** • Consider Department's policy and legal services work through sustainable development lens • Make sustainable development a departmental priority **3. Improve the environmental sustainability of the Department's operations** • Promote greater use of electronic information • Improve conservation and waste management practices • Increase green procurement

2. How do your key goals, objectives, and/or long-term targets help achieve your department's strategic outcomes?	**Strategic Outcome 1: A fair, relevant and accessible justice system that reflects Canadian values** *Sustainable Development component:* responsible development of programs and policies to advance sustainable development in government programs in support of a sustainable justice system and sustainable communities **Strategic Outcome 2: A federal government that is supported by effective and responsive legal services** *Sustainable development component:* exploration of ways in which the Department as legal advisor, legislative counsel and litigator can support client departments and agencies in incorporating sustainable development in their initiatives, as appropriate
3. What were your targets for the reporting period?	• Develop and deliver training and information sessions to employees • Develop training on Cabinet Directive on the environmental assessment of policy, plan and program proposals • Develop tools to communicate information on sustainable development issues to employees • Consider Department's policy and legal services work through sustainable development lens • Promote greater use of electronic information • Improve conservation and waste management practices • Increase green procurement

4. What is your progress (this includes out comes achieved in relation to objectives and progress on targets) to date?	• Sustainable development kiosk was established and presented at six major departmental events, involving over 1,000 employees • 3 events were hosted, related to environmental protection (Earth Day, Clean Air Day, Environment week), further raising awareness • Employees were surveyed on their level of awareness and knowledge (60% of employees had low awareness of sustainable development prior to these events) • A sustainable development conference was held in January 2006, confirming the value of exploring the role of the Department in more active support of implementation of sustainable development in the Government of Canada • Six prominent guest speakers spoke to approximately 200 employees about sustainable development topics to raise awareness and identify the possible role for this Department in advancing sustainable development • A number of tools were developed to increase knowledge and awareness: brochure, posters, presentations, articles in departmental publications, web site (an average of 2000-3000 visits per month during the past year) • Regular environmental and waste management practices tips published in the departmental newsletter; further efforts made to increase recycling and reducing waste (for example, 90% of printer cartridges are recycled) • Green procurement has been increasing, with systems enhancements introduced to monitor “green purchases” in the future
5. What adjustments have you made, if any? (To better set the context for this information, discuss how lessons learned have influenced your adjustments.)	• Greater focus has been given to identify and develop more concrete performance measures to clearly demonstrate improvements and progress on all aspects of sustainable development efforts in the Department

Table 13: Service Improvement

The Treasury Board of Canada, through the Service Improvement Initiative, committed the Government to achieve, at a minimum, a 10 percent increase in client satisfaction with key, significant direct service delivery activities by the year 2005.

Department of Justice programs covered by the Service Improvement Initiative

The Department of Justice identified the following three services as falling within the Government's Service Improvement Initiative:

- Family Orders and Agreements Enforcement Assistance (FOAEA);
- Central Registry of Divorce Proceedings (CRDP);
- Garnishment, Attachment and Pension Diversion Act Registry (GAPDA).

Justice works closely with, and provides services to, the provinces and territories under formal and informal agreements. FOAEA, CRDP and GAPDA services are authorized mainly under three federal acts: the *Family Orders and Agreement Enforcement Assistance Act; Garnishment Attachment and Pension Diversion Act, and Regulations under the Divorce Act.*

Other statutes, such as the Access to I*nformation Act, the Privacy Act, the Financial Administration Act and the Statistics Canada Act,* also influence operations.

Family Orders and Agreements Enforcement Assistance services

- trace individuals in default of a family provision
- intercept federal payments that would otherwise go to individuals who are in default of their family support obligations
- order the suspension or denial of federal licenses and passports
- operate an Automated Information System, linked to a 1-800 number

Central Registry of Divorce Proceedings services

- maintain a nationwide registry of divorce applications and prevent duplicate proceedings in different courts

Garnishment, Attachment and Pension Diversion Registry service

- permit the garnishment of public servants' salaries and payments to federal contractors within the National Capital Region

Development of Baseline Client Satisfaction Levels and Progress Toward Achieving Satisfaction Targets

There were no indications of any major client satisfaction issues regarding the FLAS programs even prior to the launch of the Government's Service Improvement Initiative. Informal feedback and day-to-day interactions between the FLAS section and its main clients and stakeholders including provincial and territorial maintenance enforcement programs, courts and creditors, indicated that clients and stakeholders were comfortable with the level of service they received.

Although the Department was fully supportive of the Government's efforts to strengthen public sector capacity to develop baseline satisfaction levels and service level targets and to measure performance towards those targets, other operational priorities within the Department were viewed as more pressing in the earlier stages of the Government's Service Improvement Initiative. Justice's work in the area of measuring client satisfaction and developing action plans for improvement did not begin in earnest until the latter part of 2003-2004. In January 2005, a web site was launched containing client survey questionnaires developed to gather and measure the current level of satisfaction.

Results to date indicate that the service levels are significantly high for in all three FLAS service areas. Therefore further large-scale activities aimed at increasing client satisfaction levels may not be cost-effective.

Service Standards

Service standards for each of the three Justice services that fall within the Government-wide Service Improvement initiative and 2005-2006 performance results are outlined in the table below.

Family Orders and Agreements Enforcement Assistance	
Service Standard	
• All tracing applications responded to within two weeks	100 percent met
• All garnishee applications in effect within 35 days of receipt	100 percent met
• All license denial applications in effect within two weeks	100 percent met
• All enforcement program enquiries responded to within 24 hours	approximately 90 percent met [1]
• All public enquiries responded to within 48 hours	approximately 90 percent met [11]
Central Registry of Divorce Proceedings	
• All clearance certificates issued four weeks after receipt of application	approximately 85 percent met [1]
• All telephone enquiries responded to within 24 hours and written enquiries within five working days	90 percent met
Garnishment, Attachment and Pension Diversion Act Registry	
• All garnishee applications validated and sent to employer departments and confirmation letters sent to courts or enforcement program within five working days of receipt of application	100 percent achieved
• All subsequent documents processed within three working days	100 percent achieved
• All enquiries responded to within 48 hours	90 percent achieved

1. These statistics are not captured by the current system. The related activities are monitored on a manual (supervisory) basis. The percentages provided represent a knowledgeable estimate.

Achievements in Improving Service from a Citizen-centred Perspective

Through partnerships with the provinces and territories, the FLAS Program manages a unique set of services that benefit hundreds of thousands of Canadians including children. Main achievements in improving service include the following:

2003-2004

- In conjunction with Family, Children and Youth, undertook an overall review of legislation to support operations and identify amendments that would improve services provided.
- Worked with the provinces and territories to implement the new FOAEA system to increase the use of the services

2004-2005

- Completed the re-engineering of the computer system supporting Central Registry of Divorce Proceedings to improve service to the courts
- Undertook a program review of FLAS operations to ensure they met the objectives of the legislation and to identify any areas needing improvement

2005-2006

- Currently developing plan to implement the new automated Central Registry of Divorce Proceedings System into Courts commencing in the 2005-2006 fiscal year

Table 14: Travel Policies

Comparison to the TBS Special Travel Authorities

Travel Policy:

The Department of Justice follows the TBS Special Travel Authorities with one exception. The Department imposes further restrictions on the use of business class travel than are provided for under the parameters of the TBS travel policy.

Authority:

In December 1997, an Order in Council (OIC) was issued to direct organizations other than Crown corporations with authority to establish their own policies regarding travel and hospitality expenditures to be guided by the TBS *Special Travel Authorities* and the *Hospitality Policy* (see PCO OIC 1997-1810). A letter from the Secretary of the Treasury Board also stated that departments and agencies that have travel policies that differ from those of TBS are directed to publish in their Departmental Performance Reports their established travel policies and report on the resulting additional costs in comparison with TBS travel policies.

Coverage:

The departmental policy on business class travel applies to all managers.

Principal difference(s) in policy provisions:

TBS Special Travel Authority Section 6.7 “Business Class Air” authorizes the use of business class air travel for trips of 850 air kilometres or more one way by the following groups and levels, and above:

- outside the National Capital Region: EX-01, LA-2A, PM-MCO 4, GC3 and CGQ3;
- in the National Capital Region: by EX-02, GX, LA-2B, excluded MD-MOF-4, MD-MSP-3, DS-7A, GC4 and GCQ4 as well as to equivalent senior RCMP and military personnel.

In Justice, the following further restrictions on the use of business class travel by management (EX’s and LA-2B’s and LA-3’s were introduced in December 2000

- flight must be for a minimum of 3 hours duration and in addition, two of the following criteria are met:
  - employee travels outside his regular hours of work
  - employee works during the flight; and
  - employee must attend an important meeting that day or the following day.

Principal financial implications of the difference(s):
Limiting the use of business class travel lowers the overall travel costs for the Department.

Comparison to the TBS Travel Directive, Rates and Allowances

Travel Policy:
The Department of Justice follows the TBS Travel Directive, Rates and Allowances.

Section IV – Other Items of Interest

Corporate Commitments:

I. Sustainable Funding Regime and Legal Services Review

Sustainable Funding – Legal Services Review

In 2004-2005, the Department of Justice and Treasury Board Secretariat jointly launched the Review of Legal Services to Government. The Review was undertaken in consultation with an External Advisory Committee comprised of Assistant Deputy Ministers from key departments and was guided by the following two key objectives:

- Improve the sustainability of legal services delivery to the Government of Canada; and
- Identify approaches to effectively manage litigation in the federal government.

Research, analysis and consultations undertaken in 2004-2005 informed the development of recommendations by the Review of Legal Services team in 2005-2006. The Department of Justice, in close consultation with Treasury Board Secretariat and client departments, continues to work towards implementation of the results of the Review in three key areas:

- **Sustainable funding** through the development of an appropriate framework for administering a funding regime that relies on recoveries from departments and agencies to fund part of the cost of legal services, as well as uniform and up-to-date models, both for costing legal services to government and for recovering legal services costs from departments and agencies.
- **Enhanced service delivery** through better and standardized information on legal services provided, level of effort and costs.
- **Improved management of litigation** through a better understanding of litigation trends and drivers, the identification of best practices and tools to pro-actively avoid and/or manage disputes and the development of improved approaches for managing mega and multi-departmental files.

Following further consultations with key departments and agencies in the fall of 2006, recommendations from the Review of Legal Services requiring approval by TB Ministers will be presented to the Treasury Board.

II. People Development, Management and Diversity (DPR 2005-2006)

The success of the Department of Justice (DOJ) can only be achieved through our employees. As such, it is key that we foster a culture where people development, management and diversity are valued and recognized as important to reach our departmental goals. In support of this, a number of initiatives were undertaken in 2005-2006.

One of the main areas of focus in 2005-2006 was the coming into force of the ***Public Service Modernization Act*** **(PSMA)**. The PSMA resulted in the need for a number of departmental initiatives in order to ensure PSMA readiness criteria were respected and a smooth and timely implementation. In addition to the development of a number of mandatory human resource policies and directives, considerable focus was placed on learning and communications in order to ensure that employees and managers alike were fully informed of the new PSMA requirements from both a labour relations and staffing standpoint and were equipped to assume new delegated authorities as required. In the spring 2005, a Learning Strategy to support the PSMA implementation within DOJ was developed in collaboration with the Canada School of Public Service which resulted in the development of a number of in-house learning programs and activities for managers and employees. In addition, a PSMA video was developed and made available on the DOJ Intranet. Additional PSMA initiatives included the following:

- The *PSLRA* permits the unionization of lawyers across the federal public service, bringing about unprecedented cultural change for DOJ, impacting approximately one-half of the Department's total staff (i.e., approximately 2,500 lawyers). As required by the *PSLRA,* DOJ established Labour Management Consultation Committees at the regional level, initiated planning for an Informal Conflict Management System, and conducted a review of some of the relevant departmental policies and practices. In addition, a two day course on the Labour Relations and a one day refresher was offered to managers and supervisors to prepare them for the changes, in addition to *PSMA* practice forums dealing with important changes to the *PSLRA* delivered to Justice lawyers by Justice lawyers. As well, DOJ was in close deliberations with Treasury Board providing research and background information in preparation for negotiations.

- The *PSEA* focuses on increased authorities and accountabilities in the area of staffing. In preparation for the December 31, 2005 coming into force date for the *PSEA*, a review of all existing departmental staffing policies and practices was undertaken and a number of new policies developed including a policy in relation to delegation requiring mandatory training before receipt of new delegated authorities. As such, a new two-day Staffing Delegation Course for Managers was developed and delivered to managers, in addition to information sessions for employees and sessions specifically for Administrative officers.

- **Classification Reform** affects how positions will be classified across the federal public service with the goal to enable the federal public service to recruit and retain the skilled employees needed to serve Canadians in the years ahead. During the 2005-2006 fiscal year, there were two classification standard reform initiatives underway directly impacting on DOJ, specifically the Law (LA) group and Economic and Social Science Services (EC), including paralegals and policy analyst positions. Work was undertaken to prepare DOJ for the new LA and EC standards, which included assisting Public Service Human Resources Management Accountability Canada (PSHRMAC) in the development and/or testing of the LA and EC standards.

A new **business planning** cycle was introduced within the department and human resources planning was integrated in a phased fashion into this new process commencing with the 2006-2007 planning cycle which required the development of resourcing plans to support the responsibilities and accountabilities of managers with regard to their delegated authorities under the *PSEA*. The resourcing plans will be used to support the development of recruitment strategies, and provide for collective staffing opportunities as well as provide relevant support to managers for the justification of their staffing decisions. The 2007-2008 business planning cycle which will be launched in the Fall 2006, will place increased focus on HR planning requiring the development of more comprehensive human resources plans.

During the timeframe of this report, the Department undertook a **Workplace Health Needs and Risk Survey**, which asked employees about three key influences on employees' health, including environment or surrounding, personal resources and personal health practices. The survey also served to seek from employees information on what they wanted to do to improve their health and how they thought the employer might help. The survey results were posted on DOJ's Intranet site and a Questions and Answers document developed that discusses the many programs, services and resources available for employees and managers with regard to improving workplace well-being and describes initiatives underway to make further improvements. Further recommendations, as a result of this survey will be initiated over the coming years.

In the area of **occupational health and safety and workplace well-being**, focus was given to distribution of information to employees on a variety of issues such as environmental sensitivities; emergency first aid procedures; programs and services available to maintain and improve employee well-being, such as the departmental ergonomics program, the well-being centre at Headquarters and well-being library; employer and employee responsibilities pertaining to the Canada Labour Code, such as hazard prevention, reporting of accidents and accommodation of special needs in the workplace.

In the area of **Employment Equity (EE)**, DOJ continued to exceed workforce availability for all designated groups (women, Aboriginal peoples, persons with disabilities and visible minorities); however, with the changing demographics in the Canadian population, the Department recognized the need to continue to increase representation in order to remain reflective of Canadian society. To support this effort, the following initiatives were undertaken:

- A new EE Plan covering the period 2006-2009 was developed. The plan outlines the key goals/activities that will be undertaken during the planning cycle in order to respond to the findings of cultural audits that were conducted for each of the four designated groups over the past two years. The Employment Equity Plan includes both quantitative and qualitative goals and focuses on four themes: corporate culture, recruitment/representativeness, retention/promotion/ development and workplace wellness.
- EE was made a key commitment for the 2006-2007 Performance Management Process, which will ensure increased accountability for the results. EE numerical goals were developed for each Direct Report to the Deputy Minister including goals to address the under-representation of EE designated groups in the senior cadre.
- EE has been fully integrated into the HR component of the Department's new integrated business planning process.
- With a view to addressing the under-representation of designated group members in the senior cadre, DOJ developed the Justice Leaders of Tomorrow Program which will be piloted in 2006-2007. This management development program is designed to provide on-the-job development opportunities as well as increased learning in order to prepare employees to compete for management level positions in the future.
- The Department also participated in PCO's Career on the Move Program nominating 22 candidates to this program. Of the 15 placements for the first year of this program, four were filled by DOJ employees, representing the highest percentage of employees selected to participate in comparison to other government departments.

- A comprehensive review of the departmental policy on accommodating differences was undertaken in order to address issues in relation to roles and responsibilities, accountabilities and legal obligations. In order to support this new policy and ensure a more streamlined process for all accommodations related requests, a request for permanent funding for a National Accommodations Co-ordinator was made to the departmental reserve which has since been secured.
- The Department entered into a Memorandum of Understanding with the Canadian Human Rights Commission (CHRC) to develop and offer in-house diversity and duty to accommodate training for managers. A number of courses were offered on a pilot basis in the NCR in 2005-2006.

In addition to the training provided under *PSMA*, the Treasury Board Policy on **Learning, Training and Development** (LTD) that came into effect in January 2006 is an important component to support modern human resource management. The goal of this new policy is to ensure that employees at all levels, from frontline workers to senior executives, are fully equipped to meet the challenges of their current role and to ensure their ability to efficiently and effectively serve Canadians both now and in the future. In DOJ, the new policy requirements were integrated into the 2005-2006 Performance Review and Employee Appraisal and PMP programs, the Individual Learning Plan process was revised to incorporate the LTD requirements, and work to modify the departmental systems capturing data relevant to the policy was underway.

III. Contacts for Further Information

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.

IV. Information Online

For more information about the management terms used in this document, please consult the Treasury Board Secretariat's Lexicon for Results-Based Management and Accountability: http://www.tbs-sct.gc.ca/eval/pubs/rmaf-cgrr/rmafcgrr05_e.asp.

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

About the Department of Justice
http://www.justice.gc.ca/en/dept/pub/about/index.html

Department of Justice Evaluation Reports
http://www.justice.gc.ca/en/ps/eval/index.html

Department of Justice Internal Audit Reports
http://www.justice.gc.ca/en/dept/pub/audit_reports/index.html

Report on Plans and Priorities, 2005-2006
http://www.justice.gc.ca/en/dept/pub/rpp/2005_2006/toc.html

Research and Statistics
http://www.justice.gc.ca/en/ps/rs/index.html

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 web site: http://www.justice.gc.ca/en/azindex.asp

V. Legislation for which the Department is Responsible:

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. [8]

Access to Information Act, R.S. 1985, c. A-1
(responsibility shared with the President of the Treasury Board).[9]
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.
Civil Marriage Act, 2005. c.33
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, [10] and the Minister of Agriculture and Agri-Food (s. 204)).
Crown Liability and Proceedings Act, R.S. 1985, c. C-50.

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

Escheats Act, R.S. 1985, c. E-13.
Extradition Act, S.C. 1999, c. 18. [11]

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[8] This list, prepared in September 2006, is an unofficial version for information only.

[9] 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).

[10] 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.

[11] 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.

Family Orders and Agreements Enforcement Assistance Act, R.S. 1985, c. 4 (2nd Supp.).
Federal Courts Act, R.S. 1985, c. F-7. [12]
Federal Law-Civil Harmonization Act, No.1, S.C. 2001, c. 4.
Federal Law and Civil Law of the Province of Quebec Act -- 2001, c. 4, Part 1
Firearms Act, S.C. 1995, c. 39. [13]
Foreign Enlistment Act, R.S. 1985, c. F-28.
Foreign Extraterritorial Measures Act, R.S. 1985, c. F-29.

Garnishment, Attachment and Pension Diversion Act, R.S. 1985, c. G-2 (responsibility shared with the Minister of National Defence, Minister of Public Works and Government Services, and Minister of Finance [14]).

Identification of Criminals Act, R.S. 1985, c. I-1.
International Sale of Goods Contracts Convention Act, S.C. 1991, c. 13.
Interpretation Act, R.S. 1985, c. I-21.

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

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

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.).

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[12] 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.

[13] 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.

[14] 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).

Postal Services Interruption Relief Act, R.S. 1985, c. P-16.
Privacy Act, R.S. 1985, c. P-21
(responsibility shared with the President of the Treasury Board [15]).

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).

[15] 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).