



# Office of the Commissioner for Federal Judicial Affairs



For the  
period ending  
March 31, 1997



Improved Reporting to Parliament —  
Pilot Document

Canada

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## Foreword

On April 24, 1997, the House of Commons passed a motion dividing what was known as the *Part III of the Estimates* document for each department or agency into two documents, a *Report on Plans and Priorities* and a *Departmental Performance Report*. It also required 78 departments and agencies to table these reports on a pilot basis.

This decision grew out of work by Treasury Board Secretariat and 16 pilot departments to fulfil the government's commitments to improve the expenditure management information provided to Parliament and to modernize the preparation of this information. These undertakings, aimed at sharpening the focus on results and increasing the transparency of information provided to Parliament, are part of a broader initiative known as "Getting Government Right".

This *Departmental Performance Report* responds to the government's commitments and reflects the goals set by Parliament to improve accountability for results. It covers the period ending March 31, 1997 and reports performance against the plans presented in the department's *Part III of the Main Estimates* for 1996-97.

Accounting and managing for results will involve sustained work across government. Fulfilling the various requirements of results-based management – specifying expected program outcomes, developing meaningful indicators to demonstrate performance, perfecting the capacity to generate information and report on achievements – is a building block process. Government programs operate in continually changing environments. With the increase in partnering, third party delivery of services and other alliances, challenges of attribution in reporting results will have to be addressed. The performance reports and their preparation must be monitored to make sure that they remain credible and useful.

This report represents one more step in this continuing process. The government intends to refine and develop both managing for results and the reporting of the results. The refinement will come from the experience acquired over the next few years and as users make their information needs more precisely known. For example, the capacity to report results against costs is limited at this time; but doing this remains a goal.

This report is accessible electronically from the Treasury Board Secretariat Internet site:  
<http://www.tbs-sct.gc.ca/tb/key.html>

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# **Office of the Commissioner for Federal Judicial Affairs**

## **Performance Report**

**For the  
period ending  
March 31, 1997**

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Minister of Justice and  
Attorney General of Canada

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## **Section I: The Message**

The Office of the Commissioner for Federal Judicial Affairs was created in 1978 to safeguard the independence of the Judiciary and to put Federally Appointed Judges at arms length from the administration of the Department of Justice. It exists to promote the better administration of Justice and focuses its effort on providing a sound support role to the Federal Judiciary.

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

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

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

Our priorities are the protection of the administrative independence of the Judiciary; the achievement of greater efficiencies in the conduct of judicial business through the maximum exploitation of technology; the Commissioner's statutory obligation to properly support judicial activities; and the provision of central administrative services to the Judges. These priorities are entrenched in the mission statement and represented in the objectives, key results and measurements strategies.

G. Y. Goulard

## **Section II: Departmental Overview**

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

### **1. Mandate, Roles, and Responsibilities**

#### **1.1 Mandate**

Section 73 of the *Judges Act* provides for the establishment of an officer called the Commissioner for Federal Judicial Affairs who shall have the rank and status of a deputy head of a department. Section 74 sets out the duties and functions of the Commissioner.

The Office of the Commissioner administers Part I of the *Judges Act* by providing judges of the Federal Court of Canada, the Tax Court of Canada and federally appointed judges of Superior courts with salaries, allowances and annuities in accordance with the *Judges Act*; prepares budgetary submissions for the requirements of the Federal Court and Tax Court of Canada and the Canadian Judicial Council; provides administrative services to the Canadian Judicial Council and undertakes such other missions as the Minister may require in connection with any matters falling, by law, within the Minister's responsibilities for the proper functioning of the judicial system in Canada.

#### **1.2 Mission Statement**

The Office of the Commissioner for Federal Judicial Affairs is committed to providing services in support of the optimal functioning of the Canadian Judicial System.

### **2 Objectives**

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

### **3 Strategic Priorities**

The day to day activities of the Office of the Commissioner for Federal Judicial Affairs are guided by the strategic priorities of :

- Innovation and technology;
- Independence and efficiency;
- Training and education.

### **4 Business and Service Line, Organization Composition, and Resource Plans**

#### **4.1 Business Line/Activity Structure**

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

The Office of the commissioner for Federal Judicial Affairs has one Business Line, Federal Judicial Affairs and three Service Lines:

- Administration;
- Canadian Judicial Council; and
- Payments pursuant to the *Judges Act*.

#### **4.2 Administration**

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



### **4.3 Canadian Judicial Council**

This service line provides for the administration of the Canadian Judicial Council as authorized by the *Judges Act*.

### **4.4 Payments pursuant to the *Judges Act***

This service line provides for the payment of salaries, allowances and annuities to judges and their survivors as authorized by the *Judges Act*.

## Section III: Departmental Performance

### A. Performance Expectations

#### Planned Versus Actual Spending Table

#### Comparison of Total Planned Spending to Actual Expenditures, 1996-97 by Business Line

(\$ millions)

Business Line	FTE's	Operating <sup>1</sup>	Capital	Voted Grants and Contributions	Subtotal: Gross Voted Expenditure	Statutory Grants and Contributions	Total Gross Expenditures	Less: Revenue Credited to the Vote	Total Net Expenditures
Federal									
Judicial	41	4.7		41.0	45.8	170.1	215.8		215.8
Affairs	43	6.0		39.6	45.6	169.0	214.6	.1	214.5
Other Revenues and Expenditures									
Revenue credited to the Consolidated Revenue Fund									.6
Cost of Services provided by other departments									.6
Net Cost of the Program									215.1

Note: Shaded numbers denote actual expenditures/revenues in 1996-97.

1. Operating includes contributions to employee benefit plans and ministers' allowances. Supplementary Estimates of 1,156,750 were granted during the course of 1996-97. These Supplementary Estimates included a provision for the carry-forward of resources from fiscal year 1995-96 in the amount of \$581,750 and new resources of \$575,000.

#### Departmental Planned versus Actual Spending by Business Line

(\$ millions)

Business Lines	Actual 1993-94	Actual 1994-95	Actual 1995-96	Total Planned 1996-97	Actual 1996-97
Federal Judicial Affairs	197.5	200.8	208.8	215.8	214.5
<b>Total</b>	<b>197.5</b>	<b>200.8</b>	<b>208.8</b>	<b>215.8</b>	<b>214.5</b>

## Summary of Performance Expectations

<b>Office of the Commissioner for Federal Judicial Affairs</b>	
<b>to provide Canadians with:</b>	<b>to be demonstrated by:</b>
<p>An administration that will assure that the federal judiciary has access to a full line of administrative support services as provided under the Judges Act, so as to protect and promote its independence and efficiency.</p>	<ul style="list-style-type: none"> <li>• all judges and their survivors receive timely and accurate entitlements pursuant to Part I of the Judges Act</li> <li>• a complete range of sound administrative services to federal judges and affiliated organizations</li> <li>• assuring that the Federal Court of Canada, the Tax Court of Canada and the Canadian Judicial Council have all resources required to fulfill their mandate in an effective manner</li> <li>• level of satisfaction of the Minister in fulfilling the other mandates assigned (publication of the Federal Court Reports, Language Training program, administration of the judicial appointment committees, coordination of the international judicial cooperation programs, promoting the use of modern information and management technology)</li> </ul>

## **B. Performance Accomplishments**

### **Departmental Performance**

- the Judicial Affairs Information Network (JAIN) has been expanded into a broad judicial network, accessible through the Internet, called JUDICOM which stands for Judicial Communications which is available to all federally appointed judges;
- an agreement was entered into with the Canadian Judges Conference and Corporate Health Consultants Ltd. to provide an Employee Assistance Program to all federally appointed judges. The National Judicial Counselling Programme was introduced on July 1, 1995 and the program has been well received by judges, during 1996/97 this program was extended, on a cost recovery basis, to all provincially appointed judges;
- we have arranged for all raw judgments of the Federal Court of Canada as well as the *Federal Court Reports* to be available on the Internet;
- consultations with the Ukrainian Government were commenced in 1995/96 to explore the possibility of providing training and institution building services to the Ukrainian judiciary. An agreement between the Office of the Commissioner for Federal Judicial Affairs and the Canadian International Development Agency was reached in 1996/97 to provide for the funding of this project over a three year period. The project commenced in 1996/97 with the completion of a 5 week training program conducted for 19 Ukrainian judges in Canada; and
- an arrangement was put in place between this organization and the Office of the Umpire, Unemployment Insurance Act to provide finance and personnel services to the retired judges who act as Umpires under the Act and a second arrangement was put in place commencing in January 1997 between this organization and the Human Rights Tribunal Panel to provide Corporate Services.

## Business Line/Service Line Performance

<b>Business/ Service Line</b>	<b>Key Results /Outcomes</b>	<b>Measurement Strategy</b>
<i>Federal Judicial Affairs</i>	Provide an administration that will assure that the federal judiciary has access to a full line of administrative support services as provided under the <i>Judges Act</i>	Survey of the members of the judiciary to evaluate their satisfaction with the services provided.
<b>Service Line</b>		
<i>Administration</i>	<p>Advise on and interpretation of Part I of the Judges Act is consistent and reliable</p> <p>The Minister has an up-to-date list of approved candidates for appointment to the judiciary</p> <p>Judges and staff are provided with high quality support services</p>	<p>Survey of judges</p> <p>Survey of the Minister's Office. Absence of unwarranted delays due to lack of qualified candidates</p> <p>Internal audit</p>
<i>Canadian Judicial Council</i>	Assuring that the Canadian Judicial Council has the resources and administrative support to fulfill its mandate in an effective manner	Survey of the Canadian Judicial Council Secretariat
<i>Payments under the Judges Act</i>	All judges receive timely and accurate entitlements pursuant to Part I of the Judges Act	Monitor the time it takes for transactions to be completed Audit of payments.

### C. Key Reviews

<b>Key Reviews</b>
<b>Results of Program Evaluation Studies</b>
N/A
<b>Results of Internal Audits</b>
N/A
<b>Other Key Reviews</b>
The Auditor General's Report on the Federal Court of Canada and the Tax Court of Canada was tabled in April 1997. The Minister of Justice has asked the Commissioner to work with the Federal Court of Canada and the Tax Court of Canada to find ways of achieving the administrative efficiencies that may be immediated realized with the existing institutional structure of the Courts without the need for legislative change.

## **Section IV: Supplementary Information**

### **A. Listing of Statutory and Departmental Reports**

Canadian Judicial Council Annual Report

Computer News for Judges

Federal Court Reports

Federal Judicial Appointments Process-November 1996

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

### **B. Contacts for Further Information**

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## C. Financial Summary Tables

### Summary of Voted Appropriations

#### Authorities for 1996-97 - Part II of the Estimates

#### Financial Requirements by Authority (\$ millions)

<b>Vote</b> (millions of dollars)	<b>1996-97 Main Estimates</b>	<b>1996-97 Actual</b>
<b>Program</b>		
Commissioner for Federal Judicial Affairs		
Vote 15-Operating Expenditures	3.9	4.7
Vote 20-Canadian Judicial Council-Operating Expenditures	0.5	0.9
Statutory-Payments pursuant to the Judges Act	211.1	208.6
Statutory-Contributions to employee benefit plans	0.3	0.3
<b>Total Department</b>	<b>215.8</b>	<b>214.5</b>



## Revenues to the Consolidated Revenue Fund (CRF) by Business Line

(\$ millions)

Business Lines	Actual 1993-94	Actual 1994-95	Actual 1995-96	Total Planned 1996-97	Actual 1996-97
Federal Judicial Affairs					
Judges Contributions to Pension Fund	7.8	7.9	8.3	8.5	8.5
<b>Total Revenues to the CRF</b>	<b>7.8</b>	<b>7.9</b>	<b>8.3</b>	<b>8.5</b>	<b>8.5</b>

## Revenues to the Vote by Business Line

(\$ millions)

Business Lines	Actual 1993-94	Actual 1994-95	Actual 1995-96	Total Planned 1996-97	Actual 1996-97
Federal Judicial Affairs					
Office of the Umpire Service Fees	0	0	0	0	.96
Human Rights Tribunal Panel Service Fees	0	0	0	0	.12
Administrative Arrangement with Canadian International Development Agency	0	0	0	0	.26
<b>Total Revenues to the Vote</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>.134</b>

## Transfer Payments by Business Line

(\$ millions)

Business Lines	Actual 1993-94	Actual 1994-95	Actual 1995-96	Total Planned 1996-97	Actual 1996-97
<b>Federal Judicial Affairs</b>					
<b>GRANTS</b>					
Lump sum payments to a surviving spouse of a judge who dies while in office in an amount equal to one-sixth of the annual salary payable to the judge at the time of his death	0.2	0.1	0.2	0.1	0.2
Annuities under the Judges Act	30.9	33.6	36.4	40.9	39.4
<b>Total Grants</b>	<b>31.1</b>	<b>33.7</b>	<b>36.6</b>	<b>41</b>	<b>39.6</b>
<b>CONTRIBUTIONS</b>					
<b>Total Contributions</b>	0	0	0	0	0
<b>Total Transfer Payments</b>	<b>31.1</b>	<b>33.7</b>	<b>36.6</b>	<b>41</b>	<b>39.6</b>

## Statutory Payments by Business Line/Activity

(\$ millions)

<b>Business Lines</b>	<b>Actual 1993-94</b>	<b>Actual 1994-95</b>	<b>Actual 1995-96</b>	<b>Total Planned 1996-97</b>	<b>Actual 1996-97</b>
<b>Federal Judicial Affairs</b>					
Payments Pursuant to the Judges Act	192.2	195.7	203.6	211.1	208.6
Contributions to employee benefit plans	0.2	0.3	0.3	0.3	0.3
<b>Total Statutory Payments</b>	<b>192.4</b>	<b>196</b>	<b>203.9</b>	<b>211.4</b>	<b>208.9</b>

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

**The Minister has sole responsibility to Parliament for the following Acts:**

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

April 1993

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

February 1991

### **References**

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