



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

## **Performance Report**

For the period ending  
March 31, 1998

**Canada**

## **Improved Reporting to Parliament Pilot Document**

The Estimates of the Government of Canada are structured in several parts. Beginning with an overview of total government spending in Part I, the documents become increasingly more specific. Part II outlines spending according to departments, agencies and programs and contains the proposed wording of the conditions governing spending which Parliament will be asked to approve.

The *Report on Plans and Priorities* provides additional detail on each department and its programs primarily in terms of more strategically oriented planning and results information with a focus on outcomes.

The *Departmental Performance Report* provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the spring *Report on Plans and Priorities*.

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## Foreword

On April 24, 1997, the House of Commons passed a motion dividing on a pilot basis what was known as the annual *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*.

This initiative is intended to fulfil the government's commitments to improve the expenditure management information provided to Parliament. This involves sharpening the focus on results, increasing the transparency of information and modernizing its preparation.

This year, the Fall Performance Package is comprised of 80 Departmental Performance Reports and the government's "*Managing For Results*" report.

This ***Departmental Performance Report***, covering the period ending March 31, 1998, provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the department's *Part III of the Main Estimates* or pilot *Report on Plans and Priorities* for 1997-98. The key result commitments for all departments and agencies are also included in *Managing for Results*.

Results-based management emphasizes specifying expected program results, developing meaningful indicators to demonstrate performance, perfecting the capacity to generate information and reporting on achievements in a balanced manner. Accounting and managing for results involve sustained work across government

The government continues to refine and develop both managing for and reporting of results. The refinement comes from acquired experience as users make their information needs more precisely known. The performance reports and their use will continue to be monitored to make sure that they respond to Parliament's ongoing and evolving needs.

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

Comments or questions can be directed to the TBS Internet site or to:

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

## **Performance Report**

**For the  
period ending  
March 31, 1998**

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Minister of Justice and  
Attorney General of Canada

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## Chart of Key Results Commitments

Office of the Commissioner for Federal Judicial Affairs		
to provide Canadians with:	to be demonstrated by:	achievement reported in:
<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, Judges 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>	<ul style="list-style-type: none"> <li>• D.P.R. Section III B</li> <li>• D.P.R. Section III B.</li> <li>• D.P.R. Section III B</li> <li>• D.P.R. Section III B</li> </ul>

## 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.

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#### **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.

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### **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. Environmental Factors**

There are a number of external factors that continue to have a significant impact on the operations of the Office of the Commissioner for Federal Judicial Affairs. The Auditor General's report on the Federal Court of Canada and the Tax Court of Canada was tabled



in 1997. The Minister of Justice has recently announced proposed structural reforms for the Federal Court of Canada and the Tax Court of Canada. The proposals include consolidation of the current administrative services of the two courts into a single Courts Administration Service; the creation of a separate Federal Court of Appeal; and an increase in the status of the Tax Court of Canada to that of a superior court. The impact of these proposed changes on this Office are still to be determined.

There is increasing demand for research and development in the use of emerging technologies in the courtroom and the administration of Justice.

We have developed a Web Site which features, amongst other things, the Federal Court Reports as well as the raw decisions of the of the Federal Court. Over the past few years we have developed a Judicial Communication Network (JAIN) for the use of the members of the federal judiciary.

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

Federally appointed judges are becoming ever more concerned for their personal security. We have recently received a request from a judge for special security measures. He was informed by the provincial police force that a contract was put on him by an individual as a result of a case he had heard and that his life was in danger. At the insistence of the Provincial Police, this judge and his family were required to make a number of changes in their personal lifestyle as well as to take other physical measures to protect themselves. The issue of security for judges, although it has not been a major issue in the past, will become more prevalent in the future.

When Bill C-37, currently before Parliament, is proclaimed into law, a number of major changes in the administration of the Judges Act will be required. One of the major changes will be the process of the Quadrennial Review of judges salaries and benefits and the need for the Minister of Justice to respond to the matters raised. Any changes required as a result of this review will have an impact on the operation of this Office as we will be required to implement whatever changes are necessary.

#### **4. 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.

## 5. Business and Service Line, Organization Composition, and Resource Plans

### 5.1 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*.
- 

### 5.2 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.

### 5.3 Canadian Judicial Council

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

### 5.4 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

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

Planned Spending	\$224,343,000
<i>Total Authorities</i>	<i>\$220,089,676</i>
<b>1997-98 Actuals</b>	<b>\$220,034,050</b>

#### Summary of Performance Expectations

The following key plans and strategies were identified in the Report on Plans and Priorities.

With the implementation of the Judges Travel Service, we had expected that 50% of the judges would participate in the program with a reduction in the number of Permanent Standing Advances as well as a reduction in travel costs associated with the economies of scale for air travel costs.

By maximizing the exploitation of technology we had expected, through the use of the Judicial Affairs Information Network (JAIN), to ensure that the lines of communication between members of the judiciary were available.

Through the strategy of having arrangements with other small agencies to provide them with Corporate Services, we had expected to make better use of the resources and expertise within our organization and to lower the overall costs to government since these agencies would not be required to maintain their own staff to provide these services.

By arranging to have the raw judgements of the Federal Court of Canada as well as the official Federal Court Reports available on the internet, we had expected to be able to provide information to end users in a timely and affordable manner.

By becoming the central focus for coordinating and promoting cooperative ventures between the Canadian judiciary and judiciaries from other countries, we expected to be able to ensure that the expertise of the Canadian judiciary would be best utilized in assisting these countries.

## B. Performance Accomplishments

### Departmental Performance

- although the participation rate of judges in the Judges Travel Services Program is lower than was expected, roughly 20% of the judges are using the travel portion of the program, we have succeeded, for the period from June 1, 1997 to March 31, 1998, in saving \$38,879 from reduced air fare costs and have reduced the amount of Permanent Standing Advances from \$600,000 to \$295,000, an additional savings, based on a cost of capital of 5%, of \$27,500;
- the enrollment in the Judicial Affairs Information Network was 550 at the end of March 1998. The system is being used by the judges to keep in contact with other judges and it is also being used to assist judges in judgement writing.
- the arrangements with the Office of the Umpire for Employment Insurance and the Human Rights Tribunal Panel has proven to be beneficial to all organizations. The Office of the Umpire and the Human Rights Tribunal Panel have expressed their satisfaction with the arrangement and we have extended the original agreement with the Office of the Umpire for Employment Insurance. A third organization has approached us to enter into a similar agreement for the provision of Corporate Services;
- 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 through an Office of the Commissioner for Federal Judicial Affairs Web site. We have contracted with the University of Montreal to maintain the Web site and the average number of monthly hits on the site have increased from 20,000 in June of 1997 to more than 100,000 in January 1998;
- we are now in the second year of the three year agreement to provide training and institution building services to the Ukrainian judiciary. The program is proceeding as planned. As part of this program, we hosted a delegation of four appeal court judges who came to Canada for four weeks to develop a Judicial Ethics Program which was subsequently delivered in the Ukraine. We are currently in negotiations with the Canadian International Development Agency for similar arrangements with Russia, Ethiopia and the Carribean. During the course of the year we hosted delegations from various countries seeking our assistance with their judicial systems. These delegations came from Malaysia, Kuwait, Ethiopia and three delegations from various court levels in Russia.

- through the facilities of JAIN, we have surveyed the judges for comments on their level of satisfaction with the services offered by the Office of the Commissioner for Federal Judicial Affairs in accordance with the measurement strategies identified in our Planning, Reporting and Accountability Structure. All responses received indicated a very high level of satisfaction and appreciation for work performed by the staff of this Office.

## **Year 2000 Readiness**

The internal application systems under the sole responsibility of the Office of the Commissioner for Federal Judicial Affairs are 90% year 2000 compliant as they were designed and built in the 1980's taking into consideration this potential problem.

We have yet to receive confirmation on the compliancy for two major central systems which are the responsibility of Public Works and Government Services Canada (PWGSC). These systems are critical to the operation of our Office. If there are any changes requested by PWGSC to our bulk input system to match their year 2000 requirements, we have a full time analyst/programmer who can be dedicated to the task of implementing the required changes.

As a result of proper planning, the bulk of the year 2000 issues have already been addressed, there is no dedicated year 2000 project team as any required changes are planned to be handled as part of the normal operational upgrade projects.

## Section IV: Financial Performance

Tables 4, 5 and 10 through 15 inclusive, do not apply to the Office of the Commissioner for Federal Judicial Affairs.

**Table 1: Summary of Voted Appropriations**

**Authorities for 1997-98**

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

<b>Vote</b>	<b>(millions of dollars)</b>	<b>1997-98 Main Estimates</b>	<b>1997-98 Total Authorities</b>	<b>1997-98 Actual</b>
<b>Program</b>				
	Commissioner for Federal Judicial Affairs			
	Vote 15-Operating Expenditures	4.2	4.5	<b>4.5</b>
	Vote 20-Canadian Judicial Council-Operating Expenditures	0.5	0.8	<b>0.7</b>
	Statutory-Payments pursuant to the Judges Act	219.2	214.5	<b>214.4</b>
	Statutory-Contributions to employee benefit plans	0.4	0.4	<b>0.4</b>
	<b>Total Department</b>	224.3	<b>220.1</b>	<b>220.0</b>

Total Authorities are Main Estimates plus Supplementary Estimates plus Other Authorities.

**Table 2: Planned Versus Actual Spending**

**Comparison of Total Planned Spending to Actual Expenditures, 1997-98 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	44	5.4		42.7	48.1	176.5	224.6	0.3	224.3
Affairs	<i>44</i>	<i>5.9</i>		<i>42.4</i>	<i>48.3</i>	<i>172.0</i>	<i>220.3</i>	<i>0.2</i>	<i>220.1</i>
	<b>44</b>	<b>5.8</b>		<b>42.4</b>	<b>48.2</b>	<b>172.0</b>	<b>220.2</b>	<b>0.2</b>	<b>220.0</b>
Other Revenues and Expenditures									
Revenue credited to the Consolidated Revenue Fund									
Cost of Services provided by other departments									
									0.6
									<i>0.6</i>
									<b>0.6</b>
Net Cost of the Program									
									224.9
									<i>220.7</i>
									<b>220.6</b>

Note: Numbers in bold denote actual expenditures/revenues in 1997-98. Numbers in italics denote Total Authorities for 1997-98.

1. Operating includes contributions to employee benefit plans and ministers' allowances. Supplementary Estimates of \$610,613 were granted during the course of 1997-98. These Supplementary Estimates included a provision for the carry-forward of resources from fiscal year 1996-97 in the amount of \$60,613 and new resources of \$550,000.

**Table 3: Departmental Planned versus Actual Spending by Business Line**

(\$ millions)

Business Lines	Actual 1995-96	Actual 1996-97	Total Planned 1997-98	Total Authorities 1997-98	Actual 1997-98
Federal Judicial Affairs	208.8	214.5	224.3	220.1	220.0
<b>Total</b>	<b>208.8</b>	<b>214.5</b>	<b>224.3</b>	<b>220.1</b>	<b>220.0</b>

**Table 6: Revenues to the Vote by Business Line**

(\$ millions)

Business Lines	Actual 1995-96	Actual 1996-97	Total Planned 1997-98	Total Authorities 1997-98	Actual 1997-98
Federal Judicial Affairs					
Office of the Umpire Service Fees	0	0.096	0.096	0.096	0.096
Human Rights Tribunal Panel Service Fees	0	0.012	0.05	0.05	0.05
Administrative Arrangement with Canadian International Development Agency	0	0.026	0.129	0.046	0.046
<b>Total Revenues to the Vote</b>	<b>0</b>	<b>0.134</b>	<b>0.275</b>	<b>0.192</b>	<b>0.192</b>

**Table 7: Revenues to the Consolidated Revenue Fund (CRF) by Business Line**

(\$ millions)

Business Lines	Actual 1995-96	Actual 1996-97	Total Planned 1997-98	Total Authorities 1997-98	Actual 1997-98
Federal Judicial Affairs					
Judges Contributions to Pension Fund	8.3	8.5	8.9	8.8	8.8
<b>Total Revenues to the CRF</b>	<b>8.3</b>	<b>8.5</b>	<b>8.9</b>	<b>8.8</b>	<b>8.8</b>



**Table 8: Statutory Payments by Business Line/Activity**  
**(\$ millions)**

<b>Business Lines</b>	<b>Actual 1995-96</b>	<b>Actual 1996-97</b>	<b>Total Planned 1997-98</b>	<b>Total Authorities 1997-98</b>	<b>Actual 1997-98</b>
<b>Federal Judicial Affairs</b>					
Payments Pursuant to the Judges Act	203.6	208.6	219.2	214.4	214.4
Contributions to employee benefit plans	0.3	0.3	0.4	0.4	0.4
<b>Total Statutory Payments</b>	<b>203.9</b>	<b>208.9</b>	<b>219.6</b>	<b>214.8</b>	<b>214.8</b>

**Table 9: Transfer Payments by Business Line**

(\$ millions)

<b>Business Lines</b>	<b>Actual 1995-96</b>	<b>Actual 1996-97</b>	<b>Total Planned 1997-98</b>	<b>Total Authorities 1997-98</b>	<b>Actual 1997-98</b>
<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	0.2	0.1	0.2	0.2
Annuities under the Judges Act	36.4	39.4	42.6	42.2	42.2
<b>Total Grants</b>	<b>36.6</b>	<b>39.6</b>	<b>42.7</b>	<b>42.4</b>	<b>42.4</b>
<b>CONTRIBUTIONS</b>					
<b>Total Contributions</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Transfer Payments</b>	<b>36.6</b>	<b>39.6</b>	<b>42.7</b>	<b>42.4</b>	<b>42.4</b>

## **Section V: Consolidating Reporting**

### **Special Travel Authorities**

Judges are entitled to be reimbursed their travel expenses incurred in accordance with Section 34 of the *Judges Act* which states:

34.(1) Subject to this section and sections 36 to 39, a judge of a superior court or of the Tax Court of Canada who for the purposes of performing any function or duty in that capacity attends at any place other than that at which or in the immediate vicinity of which the judge is by law obliged to reside is entitled to be paid, as a travel allowance, moving or transportation expenses and the reasonable travel and other expenses incurred by the judge in so attending.

From an administrative standpoint, we follow the intent of the Special Travel Authorities directive. Judges are entitled to travel Business Class but they are encouraged and, in fact, most do fly economy. We have established a guideline for reimbursing for hotel accommodations and meals. The maximum we will reimburse for hotel accommodations is \$150.00 per night and the maximum we will reimburse for meals and incidentals is \$85.00 per day. In the event of special circumstances we will reimburse judges for expenses incurred in excess of these guidelines but this requires either previous approval from our Office or a letter explaining the special circumstances. The overall costs of travel provided to judges is comparable to those costs incurred under the authority of the Special Travel Authorities.

## **Section VI: Other 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. 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

**D. References**

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