

Office of the Commissioner for Federal Judicial Affairs

Performance Report

For the period ending March 31, 1999

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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 82 Departmental Performance Reports and the government's report *Managing for Results* - Volumes 1 and 2.

This *Departmental Performance Report,* covering the period ending March 31, 1999, 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 pilot *Report on Plans and Priorities* for 1998-99. The key result commitments for all departments and agencies are also included in Volume 2 of *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: <u>http://www.tbs-sct.gc.ca/tb/key.html</u>

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, 1999

> Minister of Justice and Attorney General of Canada

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Chart of Key Results Commitments

Office of the	e Commissioner for Federal Ju	dicial Affairs		
to provide Canadians with:	to be demonstrated by:	achievement reported in:		
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 8	 D.P.R. Section III B D.P.R. Section III B D.P.R. Section III B 		

Section I: The Message

The Office of the Commissioner for Federal Judicial Affairs (OCFJA) 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 sound administrative support to the Federal Judiciary.

It administers three distinct and separate components that are funded from three sources. Statutory funding is allocated for judges salaries, allowances and annuities to judges and their survivors. 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 the 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*.

As Commissioner, I am pleased to report that we continue to strive toward optimal support for federal judicial activities through the following four priorities: the protection of the administrative independence of the Judiciary; the achievement of greater efficiencies in the conduct of judicial business through maximum exploitation of technology; the fulfilment of 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 our mission statement and represented in the objectives, key results and measurement strategies of the office.

G. Y. Goulard

² Office of the Commissioner for Federal Judicial Affairs

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, and administrative matters, language training, and the Judicial Appointments Secretariat that administers the fifteen Advisory Committees on Judicial Appointments; by an Executive Editor responsible for editing the *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 of Canada and The 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. 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 the 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.

The office has developed a Web Site which features, among other things, the Federal Court Reports as well as the raw decisions of the of the Federal Court of Canada. Over the past few years a Judicial Communication Network (JAIN) for the use of the members of the federal judiciary was developed by the office.

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 complaints being lodged against members of the judiciary has increased. Each of these must be reviewed and many require extensive analysis by specialists to determine if the complaint has merit. 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. The number of requests received from judges for special security measures is increasing. At the insistence of the Provincial Police, judges and their families are sometimes required to make a number of changes to their personal lifestyle as well as to take other precautions to protect themselves. The issue of security for judges has become more prevalent.

Bill C-37 which was proclaimed into law in November 1998 has resulted in a number of major changes in the administration of the *Judges Act*. One such change is the process of

⁴ Office of the Commissioner for Federal Judicial Affairs

the Quadrennial Review of judges salaries and benefits and the need for the Minister of Justice to respond to matters raised. The office is responsible for implementing those recommendations which are accepted by the Minister.

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, namely Federal Judicial Affairs and three Service Lines:

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

[•]Administration;

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 with 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:

1998-99 Actuals	\$249,711,748
Total Authorities	\$249,770,607
Planned Spending	\$231,425,000

Summary of Performance Expectations

The following key plans and strategies were identified in the 1998-99 Report on Plans and Priorities.

With the implementation of the Judges Travel Service Program in 1997, it was expected that savings would increase as the participation rate of judges increased. Savings are generated through a reduction in travel costs associated with the economies of scale achieved with the greater volume of travel booked through the service.

By maximizing the exploitation of technology it was 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, it was 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, this office 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, the office 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, the program doubled the savings earned in 1997. For the period from April 1, 1998 to March 31, 1999, \$61,559 in savings were realized. The amount of Permanent Standing Advances was reduced from \$600,000 at the beginning of the program to \$15,742, which contributed to additional savings of \$29,212 during the current fiscal year (based on a cost of capital of 5%);
- Enrollment in the Judicial Affairs Information Network (JAIN) was 667 at the end of March 1999, another increase from 1998. The system is being used by judges to keep in contact with other judges and to assist them with judgement writing.
- The office continues to provide Corporate Services to the Office of the Umpire for Employment Insurance, and the Canadian Human Rights Tribunal. During the fiscal year, this service was expanded to the Competition Tribunal. This arrangement has proven to be beneficial to all parties involved and these organizations have expressed their satisfaction with the services;
- The office has 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. The University of Montreal has been contracted to maintain the OCFJA Web site. The average number of monthly hits on the site have increased from 20,000 in June of 1997, to 100,000 in January 1998 to more than 213,000 in January 1999;

• Direction of the Ukrainian Judicial Reform project will continue until June of the year 2000. This project benefited from the purchase and installation of computer and software in the three model courts and the publication of papers presented at the Conference on Judicial Independence held in Kyiv in October, 1997. Discussions are under way with the Ukrainian Supreme Court for a follow-up to the work already undertaken under the present project. In response to a request from Russia, a proposal for a four year judicial cooperation project between the Canadian judiciary and the judges from the Constitutional Court, the Supreme Court and the High Arbitrage Court of Russia was submitted to the Canadian International Development Agency (CIDA) for approval. A Protocol of Intention was signed in December between the Commissioner for Federal Judicial Affairs and the Chairmen of the three Russian Courts. On December 17, 1998 , the Office was designated by the Minister for International Cooperation as the Executing Agent for a five year court reform project in Ethiopia with an estimated \$5M budget.

OCFJA have surveyed judges for comments on their level of satisfaction with the services offered by the office accordance with the measurement strategies identified in our Planning, Reporting and Accountability Structure. A total of 153 judges responded to this survey that was posted on the Judicial Affairs Information Network (JAIN). The overall satisfaction rate for the services provided was an outstanding 86%. Respondents were requested to rate, among other things, the following five questions from 1 to 10, with 1 being unsatisfied and 10 being very satisfied.

Question	8 1	to 10 rating
Rate JAIN's performance (Speed)	►	83.16%
Rate JAIN's Client Software (FirstClass)	►	91.18%
Rate JAIN's Support Services	►	94.36%
Rate JAIN's Data Administration	►	83.33%
Rate JAIN's Usefulness	≻	77.99%

The following is a summary of comments received which reflect an overall satisfaction with the services provided.

- a very useful tool indispensable;
- I think the network has more potential than I have taken advantage of so far. I hope to change that over the next few months;
- JAIN pushed me to become computer literate;
- come to be part of my life. When stumped on a legal issue I go first to the lounge, second to JAIN;
- an invaluable tool. I have "connected with" a number of judges across the country I never would have known otherwise. The ideas and papers are not available elsewhere, I can't imagine how I'd be able to replace this unique service;
- ease of communication with other judges a window on the judicial happenings around the country. Many other benefits;
- I expect to use JAIN even more than in the past because of eCarswell. I don't know what I would do without it. Having NJI papers online is extremely useful;
- an excellent tool. Very useful for communications and for accessing valuable information. The *e*Carswell service is excellent;
- During the course of fiscal year 1998-99, Bill C-37 was proclaimed. As a result salaries and pensions paid under the *Judges Act* had to be adjusted retroactive to April 1, 1997. Due to the nature of the adjustments and problems with the payroll system, most of the work associated with the salary and pension adjustments had to be completed manually. Despite this OCFJA successfully issued all salary adjustments and back pays within 2 weeks of the date of proclamation. Internal systems were modified to reflect other changes resulting from Bill C-37 within one week of the date of proclamation.

Section IV: Consolidating Reporting

Year 2000 Readiness

The internal application systems that are the sole responsibility of the Office of the Commissioner for Federal Judicial Affairs are 90% Year 2000 compliant. This potential problem was taken into consideration when the systems were designed and built in the late 1980's.

The office recently received confirmation on the compliancy of 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, OCFJA has a full time analyst/programmer who can be dedicated to this task.

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 will be made through our regular operational upgrade projects.

Section V: Financial Performance

Financial Performance Overview

During the course of fiscal year 1998-99, Bill C-37 was proclaimed. As a result of the changes contained in the Bill, retroactive salary increases were granted to all federally appointed judges. Since the salary increases were retroactive, it also resulted in an automatic increase in the amount of pensions paid to judges and their survivors who had retired since April 1, 1997. The additional resources required to issue the payments account for the major difference between the 1998-99 Actual Expenditures and the 1998-99 Main Estimates.

The following financial tables apply to the Office of the Commissioner for Federal Judicial Affairs:

Table 1: Summary of Voted Appropriations
Table 2: Planned versus Actual Spending
Table 3: Historical Comparison of Planned versus Actual Spending
Table 6: Respendable Revenues
Table 7: Non-respendable Revenues
Table 8: Statutory Payments
Table 9: Transfer Payments
Table 16: Special Travel Authorities

Table 1: Summary of Voted Appropriations

Authorities for 1998-99

Financial Requirements by Authority (\$ millions)

ote	(millions of dollars)	1998-99 Main Estimates	1998-99 Total Authorities	1998-99 Actual
	Program			
	Commissioner for Federal Judicial Affairs			
	Vote 15-Operating Expenditures	3.8	5.2	5.1
	Vote 20-Canadian Judicial Council-Operating Expenditures	0.5	0.7	0.7
	Statutory-Payments pursuant to the Judges Act	226.6	243.4	243.4
	Statutory-Contributions to employee benefit plans	0.5	0.5	0.5
	Total Department	231.4	249.8	249.7

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, 1998-99 by Business Line

(\$ millions)

Business Line	FTE' s	Operating ¹	Capital	Voted Grants and Contri- butions	Subtotal: Gross Voted Expendi- ture	Statutory Grants and Contri- butions	Total Gross Expendi- tures	Less: Respend- able Revenues	Total Net Expendi- tures
Federal									
Judicial	45	5.1		45.7	50.8	180.9	231.7	0.3	231.4
Affairs	46	6.1		45.2	51.3	198.7	250	0.2	249.8
	46	6		45.2	51.2	198.7	249.9	0.2	249.7
Other Reve	enues and I	Expenditures							
Non-Respe	endable Re	venues							
Cost of Ser	rvices prov	ided by other dep	artments						0.7
									0.7

Net Cost of the Program	232.1
	250.5
	250.4

0.7

Note: Numbers in bold denote actual expenditures/revenues in 1998-99. Numbers in italics denote Total Authorities for 1998-99.

1. Operating includes contributions to employee benefit plans and ministers' allowances. Supplementary Estimates of \$19,518,730 were granted during the course of 1998-99. These Supplementary Estimates included a provision for the carry-forward of resources from fiscal year 1997-98 in the amount of \$56,835 and new resources of \$19,461,895 of which \$18 million was required to fund the adjusted salary and pension benefits approved through Bill C-37.

2. Respendable Revenues - These revenues were formerly called "Revenues Credited to the Vote".

3. Non-Respendable Revenues - These revenues were formerly called "Revenues Credited to the (CRF)".

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Business Lines	Actual 1996-97	Actual 1997-98	Total Planned 1998-99	Total Authorities 1998-99	Actual 1998-99
Federal Judicial Affairs	214.5	220	231.4	249.8	249.7
Total	214.5	220	231.4	249.8	249.7

Table 3: Historical Comparison of Departmental Planned versus Actual Spending

Table 6: Respendable Revenues

(\$ millions)

(\$ millions)

Business Lines			Total	Total		
	Actual 1996-97	Actual 1997-98	Planned 1998-99	Authorities 1998-99	Actual 1998-99	
Federal Judicial Affairs						
Office of the Umpire Service Fees	0.096	0.096	0.096	0.05	0.05	
Human Rights Tribunal Panel Service Fees	0.012	0.05	0.05	0.05	0.05	
Administrative Arrangement with Canadian	0.026	0.046	0.129	0.046	0.046	
International Development Agency						
Competition Tribunal Service Fees	0	0	0	0.05	0.05	
Total Respendable Revenues	0.134	0.192	0.275	0.196	0.196	

Note: Respendable Revenues were formerly called "Revenues Credited to the Vote".

Table 7: Non-respendable Revenues

(\$ millions)

Business Lines	Actual 1996-97	Actual 1997-98	Total Planned 1998-99	Total Authorities 1998-99	Actual 1998-99
Federal Judicial Affairs Judges Contributions to Pension Fund	8.5	8.8	9.3	10.3	10.3
Total Non-respendable Revenues	8.5	8.8	9.3	10.3	10.3

Note: Non-respendable Revenues were formerly called "Revenues credited to the (CRF)".

Table 8: Statutory Payments (\$ millions)

Business Lines	Actual 1996-97	Actual 1997-98	Total Planned 1998-99	Total Authorities 1998-99	Actual 1998-99
Federal Judicial Affairs					
Payments Pursuant to the Judges Act	208.6	214.4	226.6	243.4	243.4
Contributions to employee benefit plans	0.3	0.4	0.5	0.5	0.5
Total Statutory Payments	208.9	214.8	227.1	243.9	243.9

Table 9: Transfer Payments

(\$ millions)

Business Lines	Actual 1996-97	Actual 1997-98	Total Planned 1998-99	Total Authorities 1998-99	Actual 1998-99
Federal Judicial Affairs					
GRANTS 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	0.1	0.1
Annuities under the Judges Act	39.4	42.2	45.6	45.1	45.1
Total Grants	39.6	42.4	45.7	45.2	45.2
CONTRIBUTIONS	-	-	-	-	-
Total Contributions	-	-	-	-	-
Total Transfer Payments	39.6	42.4	45.7	45.2	45.2

Table 16: 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 the reimbursement of 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. Contacts for Further Information

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André Gareau - Director General, Policy and Corporate Services Phone: (613) 992-2930 Email: agareau@fja.gc.ca

B. 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

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.)

November 1998

Judges Act (Removal allowance) Order(C.R.C., c.984) February 1991

D. References

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