

Office of the Commissioner for Federal Judicial Affairs

2003-2004
Estimates

Part III - Report on Plans and Priorities

Approved

Minister of Justice and
Attorney General of Canada

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Section I: Messages

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 arm's length from the administration of the Department of Justice. It exists to promote the better administration of justice and focuses its efforts 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, allowances 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 administers 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*.

These service lines strive to meet our priorities of: 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.

Success in fulfilling these priorities is determined through measurement strategies which assess the level of achievement of key results.

David Gourdeau

Management Representation Statement

MANAGEMENT REPRESENTATION Report on Plans and Priorities 2003-2004

I submit, for tabling in Parliament, the 2003-2004 Report on Plans and Priorities (RPP) for the Office of the Commissioner for Federal Judicial Affairs.

This document has been prepared based on the reporting principles and disclosure requirements contained in the *Guide to the Preparation of the 2003-2004 Report on Plans and Priorities*:

XIt accurately portrays the organization's plans and priorities.

XThe planned spending information in this document is consistent with the directions provided in the Minister of Finance's Budget and by TBS.

XIs comprehensive and accurate.

XIs based on sound underlying departmental information and management systems.

The reporting structure on which this document is based has been approved by Treasury Board Ministers and is the basis for accountability for the results achieved with the resources and authorities provided.

Name

Date

Section II: Raison d'être

2.1 MISSION STATEMENT

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

2.2 VISION STATEMENT

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

Section III: Planning Overview (Strategic Plan)

Our organization is largely funded through Statutory Appropriations for the judges' expenses as well as through operating expenditures and we have the authority to spend revenue received during the year.

The following corporate values and ethical principles govern both FJA as an organization and all its employees in their daily work:

- FJA employees discharge their responsibilities in accordance with the highest standards in all their relationships with clients, partners, other federal organizations and the whole judicial community.
- FJA takes pride in protecting the privacy of its clients and the confidentiality of the information it offers them.
- FJA fosters a climate that encourages communication with employees in both Official Languages, as well as initiative, innovation and diligence amongst staff and rewards accordingly.

The Department's Strategic Plan reflects these corporate values and ethical principles through its three major strategic directions:

- Serving our Clients
- Improving our Systems and Procedures, and Enhancing Security
- Restructuring our Organization

Strategic directions are designed to help us adapt to the growing and changing demands of our work and to create a professional work environment that can address the concerns of employees and enhance internal communication.

Section IV: Plans and Priorities By Strategic Outcomes

Summary

<u>Strategic Outcomes</u>	<u>Priorities</u>
Serving our Clients	Awareness of our clients' needs is essential. Avoidance of making promises we can't fulfil is vital.
Improving our Systems and Procedures, and Enhancing Security	1. Achievement of greater efficiencies in the conduct of judicial business through maximum exploitation of technology. 2. Provision of proper support for judicial activities. 3. Provision of central administration services to judges.
Restructuring the Organization	Restructuring will enable FJA to adapt to changes in management, service demands and delivery, and to empower its employees and allow them greater flexibility to best organize their work to perform in the manner that is expected of them.

Details

4.1 SERVING OUR CLIENTS

Service to our clients is our *raison-d'être*. FJA's primary duty and responsibility is to provide all federally appointed judges with the complete range of professional administration support services that they require in order to fully carry out their judicial mandate. By listening to our clients and monitoring the judicial environment, FJA can identify the judges' needs, present and future, and effectively adjust resources and operations to meet them.

FJA must also pay special attention to the needs of its other clients, i.e. pensioners and survivors, the Minister of Justice and Attorney General of Canada, the Canadian Judicial Council and Parliament, and enhance the quality of existing services when needed and offer new services where feasible.

The core of FJA services to the judiciary is statutory in nature, but the non-statutory portion grows each year due to requests from judges and other clients for improved or additional services or both.

4.1.1 Strategic Actions Programs

a. In light of recent legislative changes to the *Judges Act* and its commitment to provide only the best services to its clients, FJA will undertake a thorough review of statutory services to judges to ensure that all ensuing service obligations are fulfilled.

This assessment will lead to the identification of those obligations that may need more attention and determine whether any services require improvements and, if so, in what way, and whether current service levels warrant any adjustments and, if so, to what extent.

The nature of pensioners' and survivors' needs is also changing. FJA wishes to examine these needs in light of increases in the number of judicial retirements and survivors. FJA will also analyse, as a matter of course, the potential legal implications of some of these services and advise the Minister of Justice accordingly.

In supporting the Government's renewed commitment to protect and promote Canada's two official languages, FJA will pursue vigorously its Judges' Language Training Program to help enhance the courts' bilingual capacities.

b. FJA is very concerned about the security of judges, particularly in light of the tragic events of September 2001. The Department will strengthen its cooperation with government organizations responsible for security to ensure that judges enjoy adequate protection.

c. On-line services to judges, other clients and partners have assumed unprecedented importance and become an indispensable tool for a majority of judges whose computer literacy keeps improving. FJA must now find solutions to problems created by its on-line success, and it intends to do so by: - streamlining and consolidating existing services; - carrying out a comprehensive analysis of requests for improved and/or additional services by clients and partners; - seeking ways to bring demand under control; and - furthering service improvement and development only when and where feasible.

d. FJA must understand the Minister's expectations and be better able to interpret the changing needs of the judges. To this end, FJA will advise the Minister as required and provide any other services that we will be mandated to provide.

e. FJA is expected to provide expertise in areas such as training, technology and advice

on security to the Canadian Judicial Council (CJC). In order to better meet CJC's needs, the Department will adopt a proactive approach enabling it to identify potentially sensitive issues and suggest appropriate courses of action.

f. As a privileged client and major stakeholder, Parliament expects FJA to serve and support the Canadian judiciary in an exemplary way, to serve the Canadian public well and to be a strong advocate for judicial affairs and of judicial independence, and to meet its reporting obligations fully and professionally. As an organization of the government of Canada, FJA strives to do this with honour, pride and competence.

4.2 IMPROVING OUR SYSTEMS AND PROCEDURES, AND ENHANCING SECURITY

As an agency of the government of Canada, FJA is compelled to provide adequate protection and security for all its information and systems. Systems and information constitute vital links between FJA and the judges, and between FJA and its partners. Without them, FJA's capacity to discharge its responsibilities vis-à-vis the judiciary would be significantly hampered.

Furthermore, in general management and administrative matters, the Department is required to provide, in accordance with Treasury Board policies, internal procedures governing the management and administration of human, financial and material resources, including information technology and information management.

FJA's own Policy on Information Technology and Information Management (October 2001) is "designed to help FJA meet its three fundamental objectives vis-à-vis the Judiciary, namely: **1)** The achievement of greater efficiencies in the conduct of judicial business through maximum exploitation of technology; **2)** The provision of proper support for judicial activities; and **3)** The provision of central administration services to the judges".

JUDICOM is a comprehensive communication tool that enables the Department to effectively serve the judiciary and communicate with the judicial community as a whole. Other key departmental systems, primarily dedicated for the management of financial and human resources, support the judges and FJA's own operational requirements. FJA hopes to be able to soon integrate all its technology and information systems.

4.2.1 Strategic Actions Programs

a. FJA will build up its technological capacity based on a medium-term forecast of the needs for improved and/or additional services, and on the requirement to integrate the

Department's own internal financial and human resources management and administration systems, as part of implementing the Modern Comptrollership Concept.

b. The security of our systems and information housed therein remains a constant preoccupation for FJA. The sensitivity of that information coupled with high sharing and systems traffic ratio increases the risk factor. Because confidentiality is essential to the effectiveness and security of the judiciary, the Department will, in accordance with its Policy on Information Technology and Information Management, further enhance security for maximum protection from exposure and tampering, for maximum protection of the privacy of the judges, and for the systems' own protection against network outages and other problems.

c. FJA will elaborate a procedure set governing the management of human, financial and material resources. Aligned on Treasury Board policies, the procedures will reflect FJA's own specificities.

4.3 RESTRUCTURING OUR ORGANIZATION

Convinced that its structure was at the root of organizational problems and imbalances, FJA commissioned an independent analysis during which employees and managers were interviewed. The findings and recommendations led the Commissioner to conclude that a complete restructuring was required. He later announced his plan to reorganize the Department.

In the months to come, restructuring and team building within FJA will depend on the efforts of all concerned, and, in many cases, will have to be done simultaneously in order to restore mutual trust and bring significant improvements to the work environment. The external factors that were identified in previous Reports on Plans and Priorities continue to have a significant impact on the operations of the Office of the Commissioner for Federal Judicial Affairs.

4.3.1 Strategic Actions Programs

a. FJA will restructure its organization to enable it to adapt to changes in management, service demands and delivery, and to empower its employees even more and allow them greater flexibility to best organize their work to perform in the manner that is expected of them.

b. Working from its statutory mandate, fundamental objectives and strategic orientations described herein, FJA is attempting to deal with issues such as work delineation and job complementarity. The roles, responsibilities and accountabilities are being sorted out.

c. In close consultation with staff, other significant issues and equity-related matters will be addressed. Beyond job descriptions per se, and in order to avoid penalizing anyone, the issue of workload distribution within divisions and among sections must be evaluated, as must the question of over-reliance on a few individuals.

d. The Department will attempt to find a lasting solution to the problem of under-resourcing that has plagued FJA for too long, particularly in budgetary areas other than that of our statutory responsibility vis-à-vis the judges.

e. FJA has identified the absence of training and succession planning as a major impediment to renewal, enthusiasm, stability and advancement and in some instances even to initiative and productivity. The Department will make staff and management training one of its top priorities. By choosing to invest in people training, FJA supports the affirmation that “Our employees are our most important asset”. Proper succession planning ensures long-term organizational stability and offers better career opportunities to employees. Senior management will take whatever steps are necessary to obtain suitable funds for training.

f. FJA will implement additional measures as needed to improve the work environment and communication with its employees, for restructuring or realignment of employee responsibilities alone, is not a panacea.

Section V: Organization

5.1 Mandate, Roles, and Responsibilities

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, 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.

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 sixteen 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.

5.2 Business Line Objective

FJA must continue to focus on its central missions. We are determined to do this by pursuing the long-term objectives summarized below:

- To remain a major pillar of the Canadian judiciary by providing top quality, reliable and comprehensive services, and along with our partners, the best, most timely support and information available to our clients.
- To maintain, and enhance where possible, our partnerships with judicial organizations both within and outside Canada.
- To constantly improve and tailor our systems and procedures, and use the best proven technology available to meet the needs of our clients.

5.3 Business Line Description

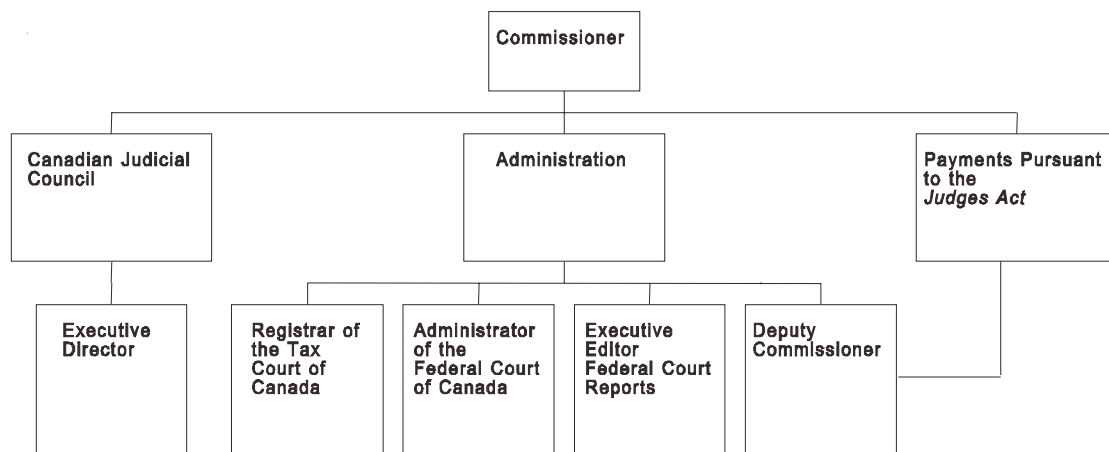
The Office of the Commissioner for Federal Judicial Affairs provides a range of services to the judiciary through the following service lines: Administration; the Canadian Judicial

Council; and payments pursuant to the *Judges Act*.

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

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

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



5.4 Departmental Planned Spending

(\$ millions)	Forecast Spending 2002-2003*	Planned Spending 2003-2004	Planned Spending 2004-2005	Planned Spending 2005-2006
Budgetary Main Estimates	321.6	322.8	333.8	346.8
Non-Budgetary Main Estimates	-	-	-	-
Less: Respendable revenue	.3	.3	.3	.3
Total Main Estimates	321.3	322.5	333.5	346.5
Adjustments **	4.2	6.1	6.0	5.1
Net Planned Spending	325.5	328.6	339.5	351.6
Less: Non-respendable revenue	10.1	11.0	11.3	11.9
Plus: Cost of services received without charge	.8	.8	.8	.8
Net Cost of Program	316.2	318.4	329.0	340.5
Full Time Equivalents	50	58	58	57

* Reflects the best forecast of total planned spending to the end of the fiscal year.

**Adjustments are to accommodate approvals obtained since the Main Estimates and are to include Budget initiatives, Supplementary Estimates etc.

Section VI: Annexes

Table 6.1: Source of Responsible and Non-Responsible Revenue

Responsible Revenue

(\$ millions)	Forecast Revenue 2002-2003	Planned Revenue 2003-2004	Planned Revenue 2004-2005	Planned Revenue 2005-2006
Federal Judicial Affairs				
Office of the Umpire	0.1	0.1	0.1	0.1
Administrative Arrangement with Canadian International Development Agency	0.2	0.2	0.2	0.2
Total Responsible	0.3	0.3	0.3	0.3

Non-responsible Revenue

(\$ millions)	Forecast Revenue 2002-2003	Planned Revenue 2003-2004	Planned Revenue 2004-2005	Planned Revenue 2005-2006
Federal Judicial Affairs				
Judges Contributions to Pension Fund	10.2	11.0	11.3	11.9
Total Non-Responsible Revenue	10.2	11.0	11.3	11.9
Total Responsible and Non- responsible Revenue	10.5	11.3	11.6	12.2

Table 6.2: Net Cost of Program for 2003-2004

(\$ millions)	
Net Planned Spending	328.6
Plus:	
<i>Services Received without Charge</i>	
Accommodation provided by Public Works and Government Services Canada (PWGSC)	.5
Contributions covering employees' share of insurance premiums and expenditures paid by TBS	.3
Worker's compensation coverage provided by Human Resources Canada	0
Salary and associated expenditures of legal services provided by Justice Canada	0
	.8
Total Cost of Program	329.4
Less:	
Non-Respendable Revenue	11.0
2003-2004 Net Cost of Program	318.4

Other Information:

Listing of Statutes and Regulations

Statutes and Regulations Currently in Force:

<i>Judges Act</i> (R.S.C.,1985,c.J-1,s.1.)	June 2001
<i>Judges Act (Removal Allowance) Order</i> (C.R.C., c.984)	February 1991
<i>Enhanced Survivor Annuity Regulations</i> (P.C. 2001-1361)	August 2001
<i>Optional Survivor Annuity Regulations</i> (P.C. 2001-1362)	August 2001

References

Listing of Statutory and Departmental Reports

Canadian Judicial Council Annual Report
Computer News for Judges
Federal Court Reports
Federal Judicial Appointments Process-February 2003
Report and Recommendations of the 1999 Judicial Compensation and Benefits Commission

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