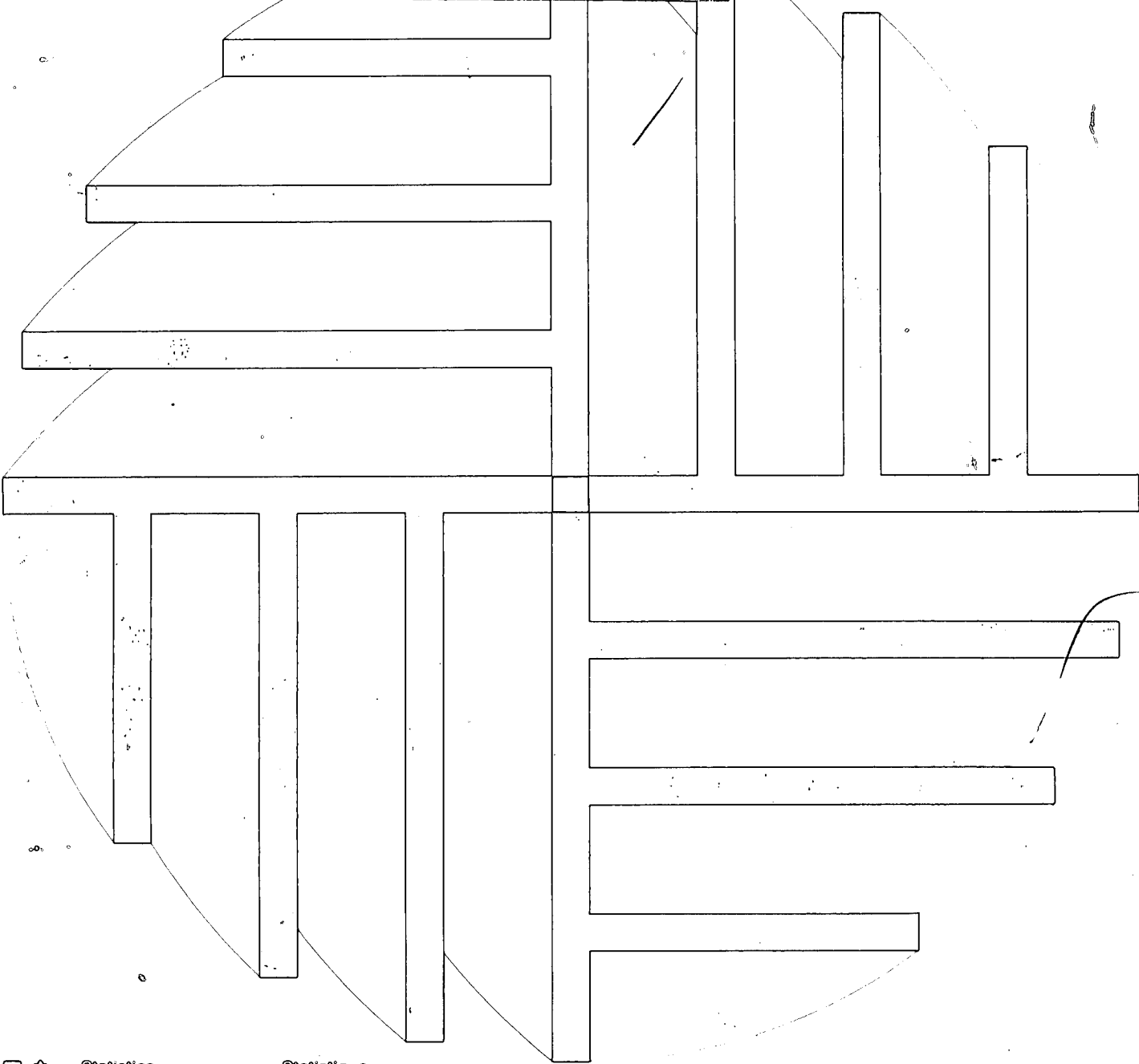
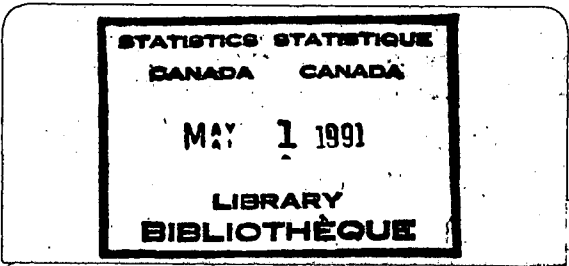


Manpower, Resources and Costs of Courts and Criminal Prosecutions in Canada 1980-82.



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Manpower, Resources and Costs of Courts and Criminal Prosecutions in Canada 1980-82.

First Edition

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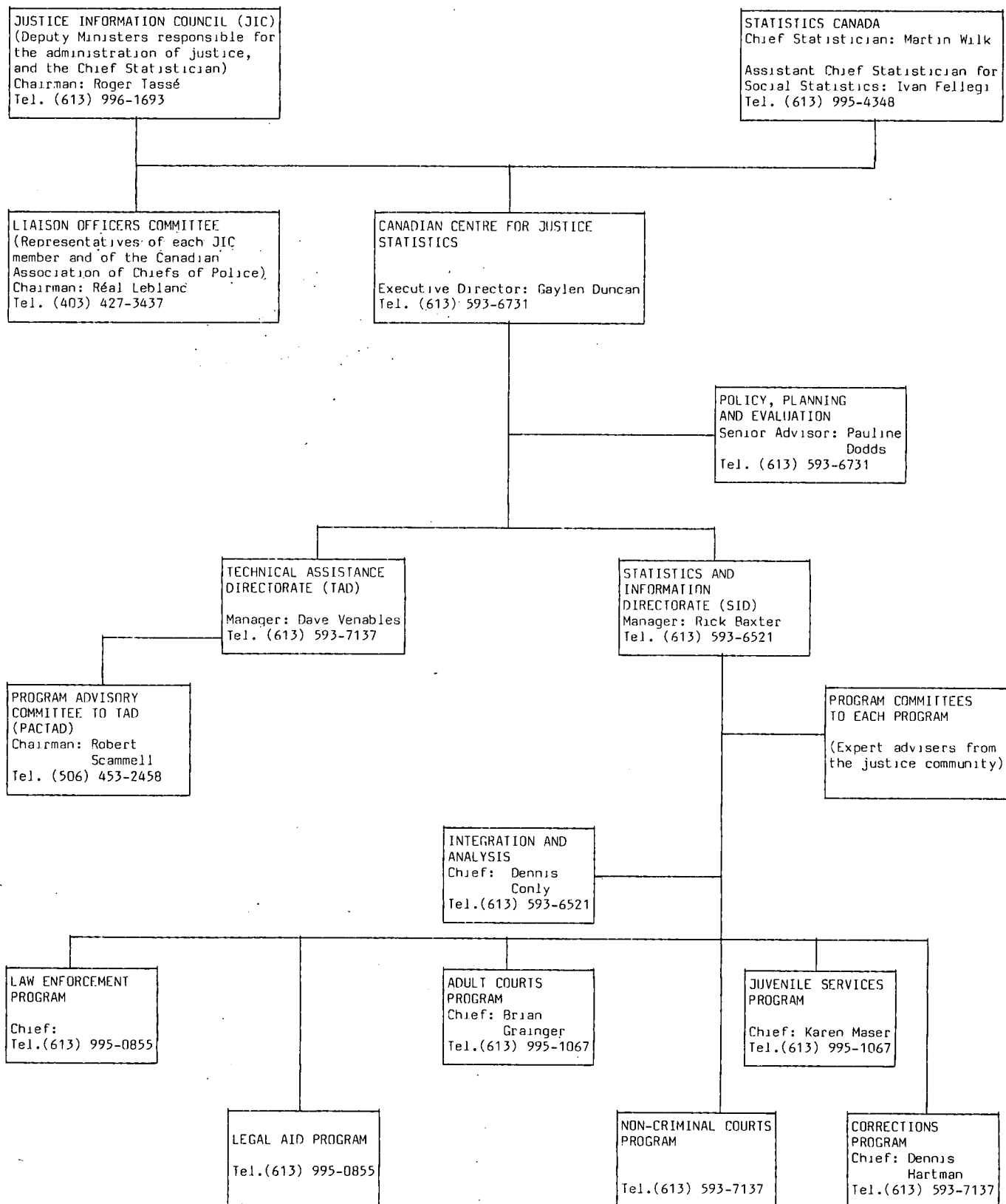
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ORGANIZATIONAL STRUCTURE OF THE CANADIAN CENTRE FOR JUSTICE STATISTICS



PREFACE

Produced with and on behalf of the jurisdictions, this publication is the first Centre release on the manpower, resources and costs of courts and criminal prosecutions in Canada. Some sixteen out of a possible seventeen jurisdictions submitted information.

This report is based on questionnaires first approved and then completed by each jurisdiction showing the expenditures in dollars and in person years for the fiscal years 1980-81 and 1981-82. Descriptive information on the administration of justice in Canada is included to put the survey data in context.

In the Centre's Implementation Work Group (IWG) plan it was expected that the first publication to be released on Courts' Manpower, Resources and Costs would only be available in 1984. The Centre is pleased to provide this publication some six months ahead of schedule.

Present plans call for the next publication on this topic to be available towards the close of the 1984-85 fiscal year.

Your comments on this report are invited. Please address them to:

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INTRODUCTION

I DATA NEEDS AND USES

This report presents the results of surveys carried out by the Canadian Centre for Justice Statistics in 1982 to collect information on the costs and manpower expended on the administration of courts and of criminal prosecutions in Canada during the fiscal years 1980-81 and 1981-82. In addition, descriptive information on the courts and criminal prosecutions in each province are presented to help put the surveys into context.

The report itself used as a model the work of the **National Task Force on the Administration of Justice** (NTF). In July, 1979, the NTF published a report entitled "Justice Services in Canada". The report summarized separate reports on police, crown counsel, legal aid, pre-trial services, courts and adult corrections. Each of the services was described, and available information on costs and workloads was presented. This report deals with two of these justice services, courts and criminal prosecutions.

In June, 1979, the National Project on Resource Coordination for Justice Information and Statistics (NPRC), a federal-provincial project, proposed a course for national justice statistics and information. Recommendations contained in the NPRC report, including national information requirements and proposed organizational changes needed to meet these requirements, were approved by Deputy Ministers responsible for Justice in June, 1980. The implementation of the NPRC recommendations was coordinated by the Implementation Work Group (IWG). The work of the NPRC and IWG resulted in the establishment of the Canadian Centre for Justice Statistics in June, 1981 under the Justice Information Council (JIC) of Deputy Ministers responsible for Justice.

The JIC outlined several data needs and uses with respect to the collection and presentation of information on manpower, resources and costs. Principally, **they requested comprehensive, flexible and timely statistics and descriptive information to help administrators put their jurisdiction into context and to share information on key operational indicators.** The descriptive information, illustrating the similarities and differences between provinces, assists communication between managers and, at the same time, gives members of the public across all provinces and territories a better understanding of the structure of the court and prosecution systems with which they must deal.

To establish a perspective for the information presented in this report, the court system and the criminal prosecution system will be described next. They will be followed by a description of the survey process, including a discussion of the quality of the data. The final section of this chapter then presents the organization of the remainder of the report.

II THE ADMINISTRATION OF COURTS IN CANADA

Responsibility for the administration of courts in Canada is divided between the federal and provincial levels of government by the constitution of Canada. Specifically, the provisions are found in the Canada Act, 1982, which retains the applicable provisions of the British North America Act.

Section 92(14) gives each province exclusive powers over "The administration of justice in the province, including the constitution, maintenance and organization of provincial courts...". It is under this authority that provincial legislatures have established Courts of Appeal, Supreme Courts, County Courts, Provincial Courts and the like. Additionally, the governments of Quebec and Nova Scotia have delegated some of their authority to their municipalities; hence Municipal Courts are found in these two provinces.

On the other hand, section 101 allows the Parliament of Canada to "provide for the constitution, maintenance and organization of a general court of appeal for Canada, and for the establishment of any additional courts for the better administration of the laws of Canada". It is under this authority that the Supreme Court of Canada, the Federal Court of Canada, and the Court Martial Appeal Court of Canada, have been established.

Section 96 provides that "the Governor General shall appoint the judges of Superior, District, and County Courts in each province, except those of the Courts of Probate in Nova Scotia and New Brunswick". Section 100 carries this one step further - the salaries, allowances and pensions of these judges are to be fixed and provided by the Parliament of Canada.

As a consequence of these two sections, the provincially-constituted courts in each province can be divided into two groups - those whose judges are appointed and paid by the federal government, and those whose judges are appointed and paid by the province. The survey has taken advantage of this division; data for "Superior Courts" and data for "Provincial Courts" or "Territorial Courts" are shown separately. In this report, a "superior court" is any court (whether constituted by the federal, provincial or territorial government) whose judges are appointed by the Governor in Council. A Provincial or Territorial Court is a court whose judges are appointed by a province or territory. As salaries for Superior Court judges are paid by the federal government, survey data provided by the provinces have been supplemented in the Superior Court (- judicial/quasi-judicial category) with data received from the Office of the Commissioner for Federal Judicial Affairs.

The survey requested data for Superior and Provincial Courts in greater detail, based on the type of case heard. The categories chosen for this survey are appellate, civil, criminal, family and juvenile. An appellate court is the superior court or the superior court division whose primary function is to review the decisions of other courts. A civil case is basically one where the courts are trying to determine the relative rights of two opposing parties. A criminal case is one in which a court is asked to decide the guilt or innocence of a person charged with an offence. A family case is basically one where there is a decision required concerning members of the same family, divorce, support and custody being examples. A juvenile case occurs when a young person is the person charged. The definitions of these categories and the distinctions between them can at times be very difficult.

The court survey collects information on the different courts and on the administration of them. "Direct" and immediate support for the judges is provided by court clerk, reporters and security staff. "Indirect" assistance assures that cases are scheduled and that parties are notified. "Support services" or the infrastructure are required to assure that buildings and equipment are supplied and that staff are hired and paid.

III THE ADMINISTRATION OF CRIMINAL PROSECUTIONS

The responsibility for the prosecution of criminal cases is again divided between the federal and provincial levels of government. The primary basis for the division is found in Section 2 of the Criminal Code. The Attorney General of a province is given responsibility for proceedings under the Criminal Code. The Attorney General of Canada is given responsibility for criminal proceedings in the Northwest Territories and the Yukon Territory, and for proceedings under federal statutes other than the Criminal Code. Provincial statute and municipal by-law prosecutions are the responsibility of the provincial Attorney General.

Prosecutions may be carried out by the police or by lawyers, depending on the practice of the Attorney General responsible. If he prosecutes using lawyers, the Attorney General may rely on full-time staff lawyers, or he may engage the services of a private practitioner for individual cases or for similar cases.

The criminal prosecutions survey form parallels the court operations form. The area categories are the same as on the court operations form except that civil courts have been excluded. (Criminal charges are not prosecuted in civil courts). The administrative functions have been similarly divided into direct services, indirect services and support services, though the content of these three broad categories vary from the court operation form due to differing administrative systems and needs.

IV THE METHODOLOGY OF THE SURVEY

This survey has attempted to cover all court and criminal prosecution operations in Canada including all adult and juvenile criminal courts as well as civil, family, and appeal courts together with the respective administrative structures established by the appropriate department or ministry. Administrative tribunals, other quasi-judicial bodies, and the municipal courts in Quebec and Nova Scotia (which are established and funded by individual municipalities under provincial law) have not been included. The format of the survey and the categories of information sought are designed to provide information for and about management.

Information was collected on the basis of person years and dollar costs allocated to functions by various court types. The survey forms, along with definitions and instructions, appear in the appendix.

The design of this survey utilized the experiences of the National Task Force (NTF) in collecting information on the costs of providing justice related services. While the survey was designed to collect an expanded set of useful information on the resources and manpower for the provision of justice, it was clearly seen in an evolutionary context and accordingly the data requirements for the survey were kept rather modest. The time and cost constraints likewise dictated that only a limited amount of data, in terms both of range of variables and of levels of disaggregation, could be collected. Within the general operational framework, the survey development was initiated in early 1982.

Determination of data requirements

The Centre, in early 1982, submitted draft survey forms for the consideration of the jurisdictions. The contents of the forms were based on the principles developed by IWG, the experiences of NTF, and work on information needs and priorities done by both NPRC and NTF. Also, the Courts' Program Development Committee reviewed, as did the Jurisdictional Liaison Officers' Committee (LOC), the survey proposals.

Using these draft forms as the basis for discussion, representatives of the Centre held working sessions with each of the jurisdictions to establish information requirements and to assess the likelihood of obtaining potential data items. Certainly one of the key objectives of this exercise was to determine, for the data elements ultimately chosen, a definitional framework with which each jurisdiction could comply.

The information requirements of the final survey document, were determined on the basis of the NPRC and NTF priorities in light of feed-back provided by the jurisdictions. The ability of the jurisdictions, currently or potentially, to provide the data elements necessitated a reduction of the information requirements from the draft forms. Even at that, the chosen data elements request substantially more detail than a number of jurisdictions are presently capable of providing. They do, however, indicate a direction of development of the survey.

Survey Development

The survey development proceeded within the constraints of time and resources and with participation from all jurisdictions with the exception of Alberta. Within the Centre's general mandate for data collection, the survey was designed to collect data at the jurisdictional level with the Liaison Officer in the jurisdiction as the designated respondent. A mailout - mailback approach to data collection was proposed.

In addition to the actual data, jurisdictions were requested to provide indications of deviations from the proposed definitions as well as provide details of the methodology used to provide the data.

Survey Implementation

The survey documents were mailed to the Liaison Officers for completion. An analyst within the Criminal Court Program was available to provide assistance in the completion of forms, to clarify difficult or unusual situations, or to answer any related queries. In fact the analyst visited 10 data suppliers at their request to assist in the completion of these forms,

specifically British Columbia, the Yukon, the Northwest Territories, Nova Scotia, Prince Edward Island, Newfoundland, the Supreme Court of Canada, the Federal Court of Canada, the federal Department of Justice, and the Commissioner for Federal Judicial Affairs.

Responses to the data collection documents were eventually obtained from all of the jurisdictions (with the exception of Alberta) although some delays in responding were experienced. The following table presents a list of the jurisdictions by date of response:

Date of response:	Jurisdiction(s)
by September 15, 1982	Supreme Court of Canada, Office of the Commissioner for Federal Judicial Affairs, British Columbia, Yukon, Northwest Territories, Manitoba, Newfoundland, Saskatchewan, Nova Scotia, New Brunswick, and Prince Edward Island.
October 15, 1982	Ontario
December 6, 1982	Quebec
January 6, 1983	Federal Department of Justice
May 18, 1983 (Revisions)	Federal Court of Canada

Upon receipt at the Centre, forms were manually edited for completeness and consistency and follow-up calls were made to the respondents to resolve any discrepancies. When this preliminary editing of the survey forms was completed, the data were entered onto computer. Further editing and processing of the data on the automated files were carried out. Variations in the reporting of the data arose due to the difficulties experienced by some jurisdictions in subdividing resources and costs by the categories requested. This necessitated some amalgamation or distribution of reported items to derive a set of common data elements for all jurisdictions.

Survey Results/Report Preparation

The main survey results are presented in subsequent chapters on a jurisdiction by jurisdiction basis. The data as originally reported on the reporting document are not presented. Rather, the data are rolled up into broader categories. Specifically, the area categories have been combined into three groups, "General Administration", "Superior Courts" and "Provincial/Territorial Courts". The function categories have been combined into "Direct", "Indirect" and "Support Services". Footnotes, as provided by the jurisdiction follow each table to better define the situation in the tables. All data presented in this report should be interpreted in light of the comments on data quality presented in the following section.

Data Quality

The data provided by the jurisdictions for this survey were derived from administrative records available in each jurisdiction. The degree to which a particular jurisdiction has complied with the definitional and conceptual framework for the survey is largely explained in the footnotes and methodology descriptions provided with the reporting document.

The specific level of detail requested illustrated for respondents some of the general factors or activities which were to be included in their reported manpower and cost totals and this detail may have minimized response error. In addition, the assistance of an analyst from the Centre in the completion of the survey documents ensured a degree of comparability in definitional aspects and reporting practices across jurisdictions.

In this initial effort, among the sixteen of a possible seventeen jurisdictions which did report, there are variations due to the inclusion or exclusion of various items (accommodation and security being two such areas) and due to the level of detail which the jurisdictions were able to provide at this time (for example, the costs of certain criminal prosecutions' functions could not be distributed between superior and provincial courts and are, therefore,, included under general administration).

The manual edit of the data and automated editing of the data subsequent to data capture assured a basic degree of completeness and consistency of the data. Follow-up contact with the jurisdictions clarified any noted discrepancies.

As data for Alberta are not available for either fiscal year, the data presented are not national in scope. For the fiscal year 1980-81, data for court operations were not reported for the provinces of Prince Edward Island and Quebec. For criminal prosecutions, Prince Edward Island (in addition to Alberta) was unable to provide data for the fiscal year 1980-81.

One could use the survey data in conjunction with the descriptions of the systems to identify and highlight differences between the court or prosecution systems in the various jurisdictions. This must, however, be tempered by the above noted general comments and by the specific jurisdictional comments on reporting practices.

V THE ORGANIZATION OF THIS REPORT

Separate chapters describe the organization of the provincial, territorial, and federal courts and criminal prosecutions within each province, territory, or maintained by the Federal Government.

Each chapter has a "Summary Facts" sheet highlighting the costs and manpower allocated to court operations and to criminal prosecutions. The data displayed were derived from several sources. The court operations and criminal prosecutions expenditures figures have, of course, been distilled from the survey forms themselves. The court locations numbers were either provided by or approved by the jurisdictions, as were the figures for the number of judges in the Provincial or Territorial Courts. However, the figures used for the number of judges in the Superior Courts was taken from

manpower utilization data supplied by the Office of the Commissioner for Federal Judicial Affairs. These figures have been used in all of the Canada total calculations in the publication. The figures indicating the number of staff for the criminal prosecutions have been taken directly from the survey forms. However, the staff figures for court operations was calculated by subtracting the numbers of judges from the person year data supplied on the survey forms. The population and area figures are drawn from the Census of Canada, 1981 - Catalogue 92-901 (Vol. 1).

Maps of the jurisdiction are found in each chapter showing the permanent and circuit locations of courts, divided into "Superior Courts" and "Provincial Courts". Next is a diagram of the courts and their general jurisdiction. The diagrams are based in part on the work of Dr. Marek Debicki of the University of Manitoba. This is expanded by a written description of the courts themselves, the administration of the courts, and the organization of criminal prosecutions. Staff or departmental organization charts are also included.

Each provincial chapter concludes with the survey results for court operations for the fiscal years 1980-81 and 1981-82, and with criminal prosecutions for the same years, together with the appropriate footnotes to explain individual variations.

Immediately following this introductory chapter is a brief Glossary and a Canada Overview which draws together information from the individual jurisdictional chapters. Within the court operations section is a model of the Canadian Court system. The model benefited from the comments of members of the Faculty of Law, Carleton University, particularly Professor Nils Jensen. These are followed by text, charts and tables which draw together data reported in the court operations survey. Also included are maps showing the ratio of judiciary to population. Similarly the criminal prosecutions' section contains text, charts and tables which draw together the data reported in the survey.

GLOSSARY OF TERMS

FUNCTION DEFINITIONS BY RESOURCE GROUP

1. Court Operations

DIRECT Includes those resources and activities most closely associated with services provided through the court itself, as follows: (for definitions see Appendix).

"JUDICIAL, QUASI-JUDICIAL"

"REPORTING"

"SERVICE OF DOCUMENTS"

INDIRECT Includes those activities normally provided within the court facility or courthouse, as follows:

"CASE PROCESSING"

"SECURITY"

"ADMINISTRATION"

SUPPORT SERVICES Refers to functions required to provide the basic services to support court operations including:

"ACCOMMODATION, SUPPLIES"

"FINANCIAL"

"POLICY, PLANNING, MANAGEMENT"

"STAFFING, TRAINING"

2. Criminal Prosecutions

DIRECT Includes the prosecutorial resources used in the courtroom, as follows: (for definitions see Appendix).

"LAWYERS - Full-Time"

"LAWYERS - Part-Time"

"NON-LAWYERS - Full-Time"

"NON-LAWYERS - Part-Time"

INDIRECT Includes the case management activities of criminal prosecutors, as follows:

"ADMINISTRATION"

SUPPORT SERVICES Refers to functions required to provide the basic services to support criminal prosecutions including:

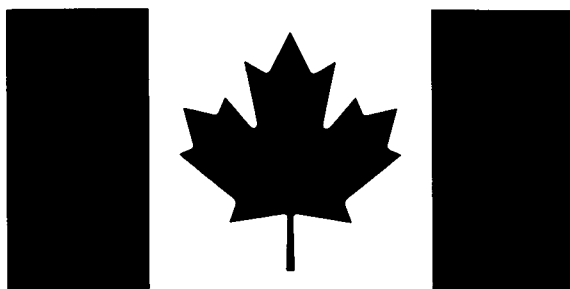
"ACCOMMODATION, SUPPLIES"

"FINANCIAL"

"POLICY, PLANNING, MANAGEMENT"

"STAFFING, TRAINING"

Definitions for all other terms appearing in the survey questionnaire can also be found in the Glossary of Terms (see Appendix).



Canada

Overview

CANADA
1981 - 82

COURT OPERATIONS EXPENDITURES

\$387,238,753
37,732,907(9.7%)
158,354,985(40.9%)
191,150,861(49.4%)
\$15.91
10,031

Total
General Administration
Superior Courts
Provincial/Territorial Courts
Per Capita Cost
Staff

CRIMINAL PROSECUTIONS EXPENDITURES

\$78,716,043
42,886,738(54.5%)
5,223,746(6.6%)
30,605,559(38.9%)
\$3.27
737

COURT LOCATIONS

	Superior	Provincial/ Territorial
Permanent:	176	294
Circuit:	64	490

PROSECUTORS

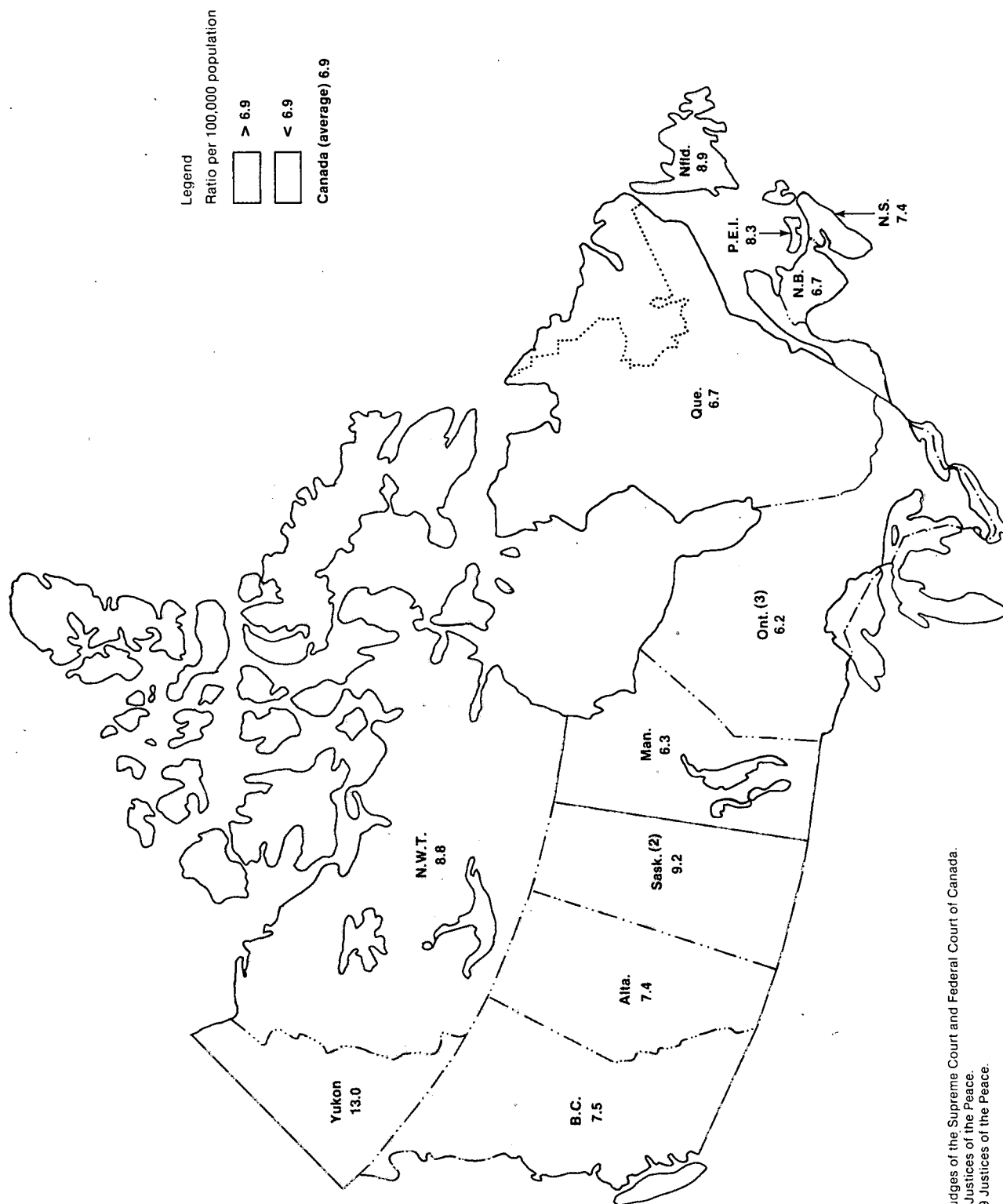
Full-time: 910
Ratio per 100,000
population: 3.74

NO. OF JUDGES

Superior: 682
Provincial/Territorial: 996
Ratio of all judges per
100,000 population: 6.89

Population: 24,343,180
Area: 9,220,974 sq. kms.

Judges per 100,000 Population, Canada, 1981-82⁽¹⁾



- (1) Includes Judges of the Supreme Court and Federal Court of Canada.
- (2) Includes 4 Justices of the Peace.
- (3) Includes 89 Justices of the Peace.

CANADA OVERVIEW

This chapter provides an overview of the data presented in the subsequent jurisdictional chapters.

Information about expenditures on court operations is presented in section 2 of this chapter, while cost information for criminal prosecutions constitutes section 3. The charts and textual presentation of the survey results are supported by tables appearing at the end of each section.

1. HIGHLIGHTS

Five years have slipped by since the **National Task Force on the Administration of Justice** (NTF) provided a window (1977-78) on the cost of justice services in Canada. The results of the Centre's survey (1981-82) tell a great deal about the increased cost of operating two major components of Canada's justice system: Court Operations and Criminal Prosecutions.

Costs have risen dramatically as staff resources have grown to handle expanding caseloads involving more complex and lengthy trials. Without a current survey on the actual caseload, it is difficult to comment on judicial workload in detail. The Centre, with the cooperation of the jurisdictions, has implemented such a caseload reporting program effective January 1, 1983.

A striking profile emerges when a comparison of the two fiscal years is drawn. The highlights of such a comparison follow here in Tables 1.1, 1.2, and 1.3.

TABLE 1.1

TOTAL EXPENDITURES AND ALL PERSON YEARS

	<u>NTF</u> <u>1977-78¹</u>	<u>CENTRE</u> <u>1981-82²</u>	% INCREASE
Court Operations:			
Judges	1,355	1,514	11.7%
Staff	8,008	10,031	25.3%
Dollars	\$ 230 million	\$ 387 million	68.3%
Average Per Capita Cost ³	\$10.50	\$17.41	65.8%
Criminal Prosecutions:			
Full-time prosecutors	798	910	14.0%
Staff	652	737	13.0%
Dollars	\$47.6 million	\$78.7 million	65.3%
Average Per Capita Cost	\$2.17	\$3.53	62.7%

¹ These NTF figures exclude data on Alberta: i.e. \$17.5 million in court expenditures; and 4.5 million in criminal prosecutions (crown counsel) expenditures, but includes the NTF pro rated Federal Department of Justice costs.

² All Centre data here excludes Alberta. Also, Centre court expenditure data excludes Quebec Municipal Courts.

³ NTF excluded the per capita costs for the Yukon and the Northwest Territories in the calculation of the national per capita average. For Table 1.1 of the Centre's data the Territories have also been left out for this comparison. If the British Columbia figures are also taken out to help offset the accommodation services' costs, the percent increase still remains high (56.4%) for courts per capita versus per capita costs for prosecutions (74.9% increase).

A second noteworthy point can be made in regard to court operations. It would appear that the contributions of both levels of government have remained fairly constant between the two fiscal years though provincial expenditures appear to be slightly higher and the federal correspondingly lower for the 1981-82 fiscal year.

TABLE 1.2

PERCENT OF COURT CONTRIBUTION BY LEVEL OF GOVERNMENT

	<u>NTF</u> <u>1977-78</u>	<u>%</u>	<u>CENTRE</u> <u>1981-82</u>	<u>%</u>
Provincial	\$185.5 million	82.0%	\$326.8 million	84.4%
Federal	\$ 40.6 million	18.0%	\$ 60.4 million	15.6%

While it may be in part a function of certain definitional differences between the NTF survey and that of the Centre, there would appear to have been a consolidation of certain Provincial Court services in the face of Superior Court service expansion and reorganization. The distribution of court services provides an insight into what is perhaps an adjustment of permanent courts and circuit points to enhance delivery of court-related services. Also, a number of Superior Courts have been merged and Unified Family Courts expanded over the last four years.

TABLE 1.3

DISTRIBUTION OF COURT SERVICES

		<u>NTF</u> <u>1977-78</u>	<u>CENTRE</u> <u>1981-82</u>
Court Locations:	Superior	221	240
	Provincial	821	784

These court location figures include those for Alberta as such information is available through the court calendars.

2. COURT OPERATIONS

While each jurisdiction has its own courts, described in the appropriate chapter of this report, there are certain principles which apply to all jurisdictions. The model on the following page illustrates several of these principles.

Firstly, there is a structure which applies to each jurisdiction's court system. This is shown by the rings of the model focussing on the Supreme Court of Canada. Not all jurisdictions have a court in each of the rings (for example, some jurisdictions do not have a county or district court). The outside ring contains the courts that hear the less serious cases, and therefore these courts handle the higher volumes of cases. Appeals from a court decision always go to a court farther inwards, though not necessarily to a court in an adjacent ring. As one moves inward on the model, the trials and appeals heard generally increase in seriousness and complexity.

Secondly, the model reflects the distinction between courts with provincially appointed judges and those superior courts with federally appointed judges.

Thirdly, there are often special authorities, boards or tribunals set up to handle certain kinds of cases. The court operations survey made no attempts to collect data on these "quasi-courts" but confined itself to the more traditional courts. However, the Centre does have an Administrative Tribunals' survey now underway in several jurisdictions.

A General Overview of the Hierarchy, Procedural Flow and Jurisdiction of the Courts of Canada, 1982

FLOW OF CASES

ADMINISTRATIVE LAW

- Hearings ■
- Review ★
- Appeals ◆

Note: cases flow inward (i.e. toward Supreme Court of Canada)

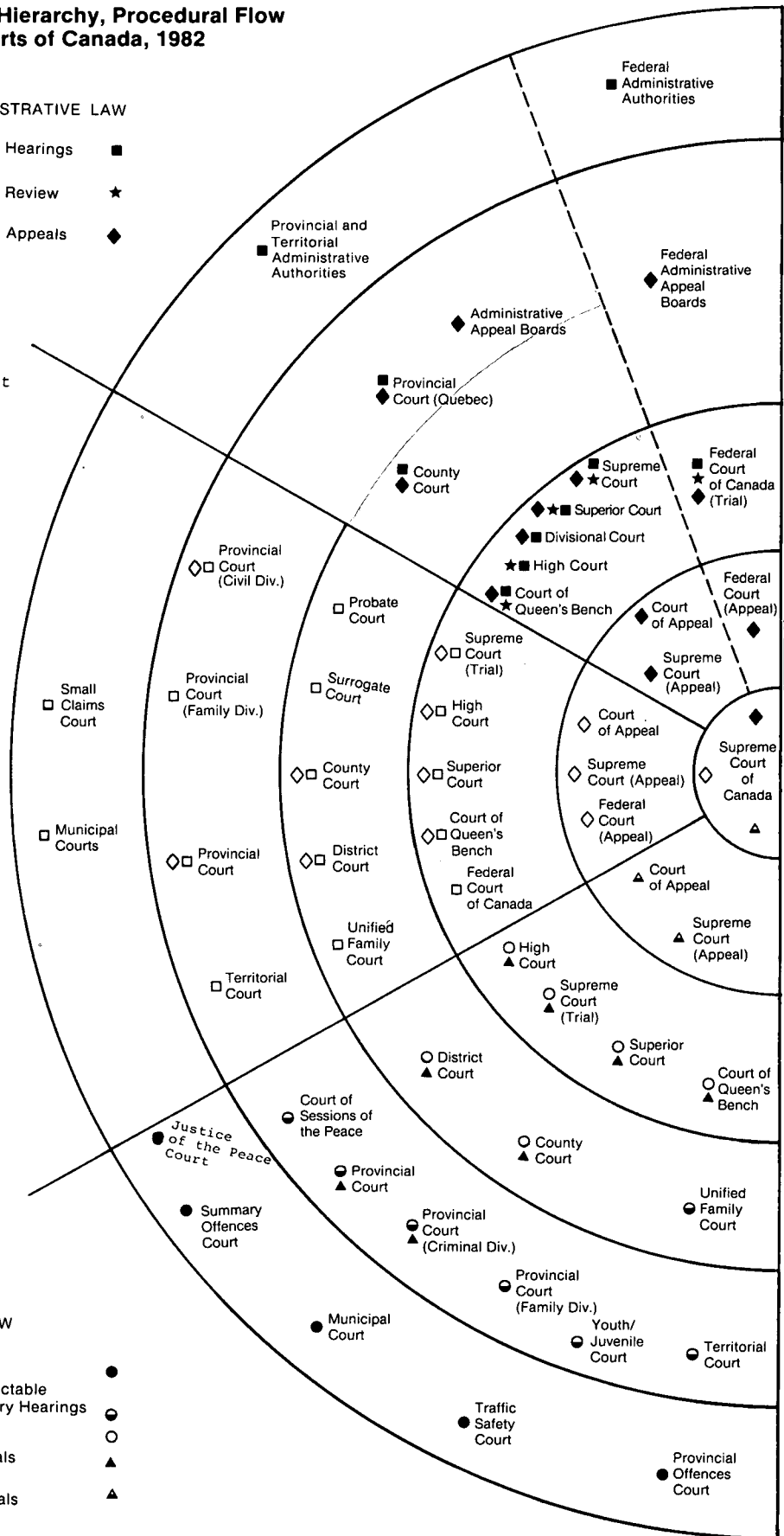
CIVIL LAW

- Trials
- ◇ Appeals

- FEDERALLY APPOINTED JUDICIARY/MEMBERSHIP
- PROVINCIAALLY APPOINTED JUDICIARY/MEMBERSHIP

CRIMINAL LAW

- Summary Trials ●
- Summary & Indictable Trials/Preliminary Hearings ○
- Indictable Trials ○
- Summary Appeals ▲
- Summary & Indictable Appeals ▲



Reported Court Expenditures by Area and Function

During the fiscal year 1981-82, **387.2** million dollars and **11.5** thousand person years were expended on court operations in Canada (Alberta excluded). Figures 2.1 and 2.2 graphically display the percentage breakdown of these expenditures by area and function based on dollar and person year expenditures respectively. Expenditures on provincial/territorial court operations accounted for the largest portion of expenditures, **49.4%** on a dollar basis and **56.8%** on a person year basis. Court operation expenditures for the Superior Courts were only marginally lower at **40.9%** and **39.5%** on dollar and person year bases respectively. Although general administration¹ accounted for almost **10%** of the dollar expenditures, it utilized only **3.7%** of the person year expenditure.

Figures 2.1 and 2.2 also present expenditure breakdowns by function. On a cost basis approximately equal amounts were spent on the direct (**20.0%**) and indirect (**19.3%**) functions, in the Provincial/Territorial Courts and **17.2%** and **16.8%** respectively in the Superior Courts. However, on a person year basis substantially more person years were utilized in performing "indirect" functions (**40.3%** in the Provincial/Territorial Courts and **27.5%** in the Superior Courts) than "direct" functions (**13.8%** in the Provincial/Territorial Courts and **10.4%** in the Superior Courts). "Support Services" for the two court levels combined consumed **17%** of the dollar expenditures but only **4.3%** of the person year expenditure.

¹ General Administration refers to functions or activities originating in the provincial/territorial department whereas Support Services refers to the actual functions necessary to ensure the provision of services to the public.

FIGURE 2.1
Percent of reported expenditures

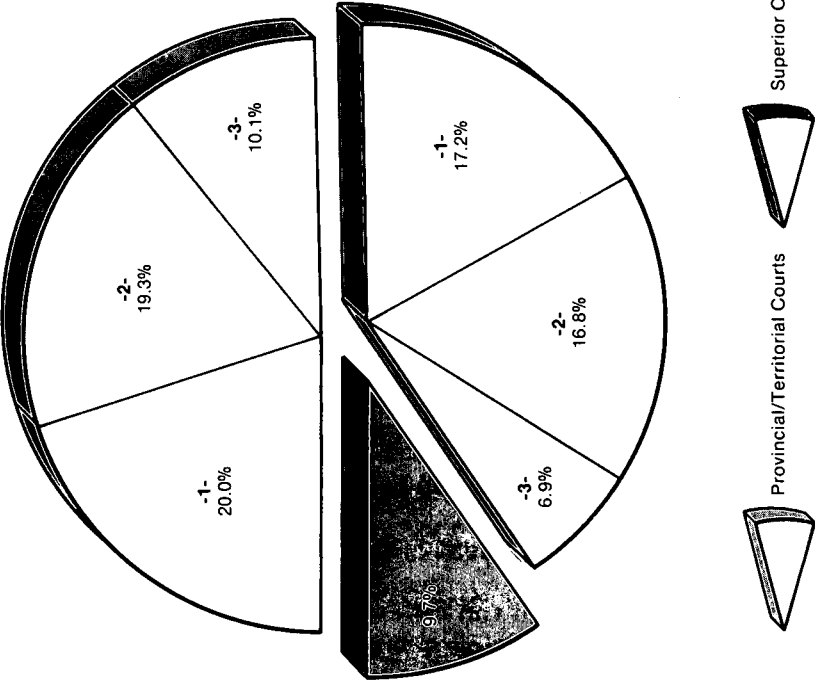
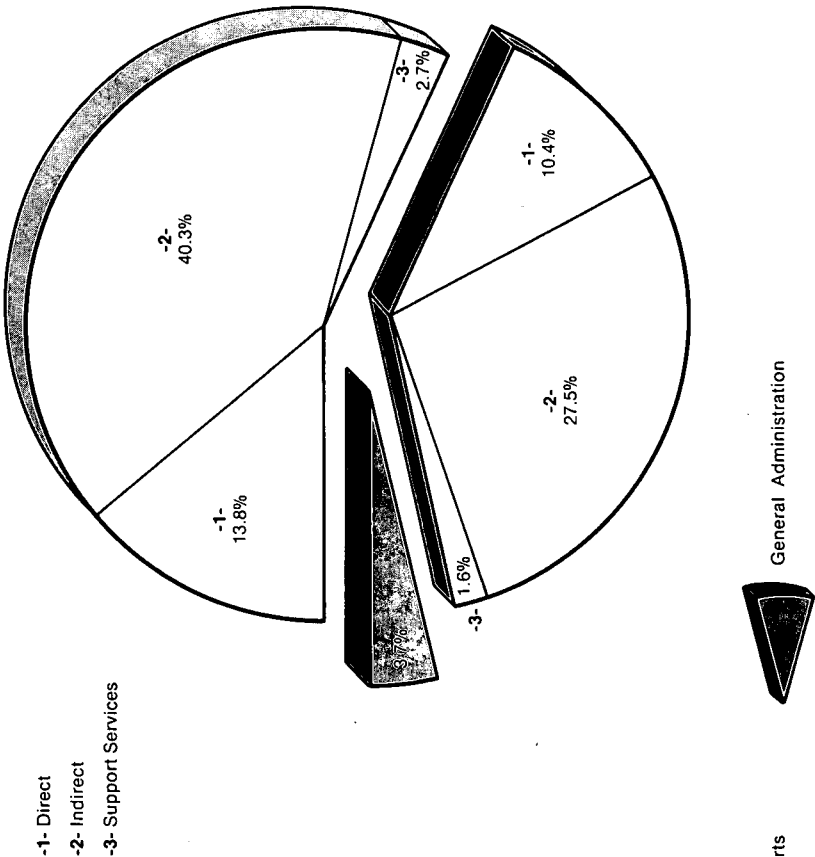


FIGURE 2.2
Percent of person years reported



Reported Court Expenditures by Jurisdiction

Expenditures by jurisdiction are presented graphically in Chart 2.3 on a dollar basis, and Chart 2.5 on a person year basis. In addition to total expenditures, a division by source of funding, federal or provincial/territorial, is also presented. The federal contribution within a province or territory relates to salary and person year for the Superior Court judges. Further information on the federal contributions is presented in chapter 18.

Chart 2.3 shows the variation in dollar expenditures between jurisdictions, ranging from lows of **\$1.2** million in the Yukon and **\$1.3** million in Prince Edward Island to a high of **\$128.0** million in Ontario for the 1981-82 fiscal year. The observed changes on a year to year basis in dollar expenditures may be as a result of variations in reporting for the two reference periods. For example, in Newfoundland differences in the calculation of accommodation costs between the two years resulted in a **53%** decrease in the support services costs which caused Newfoundland to show the lowest year to year increase (**2.5%**).

At the national level (Alberta excluded) the provinces/territories contributed **84.4%** of the total spent on courts operations with the federal government contributing the remaining **15.6%**. Included in this national picture, is the federal funding for the Supreme Court of Canada, the Federal Court of Canada and the Office of the Commissioner for Federal Judicial Affairs. Within the jurisdictions, the federal expenditures in 1981-82 amounted to **12.4%** of the total dollars spent on court operations. On a jurisdictional basis the federal expenditures (salaries for superior court judges) varied substantially across jurisdictions as can be noted from Table 2.4.

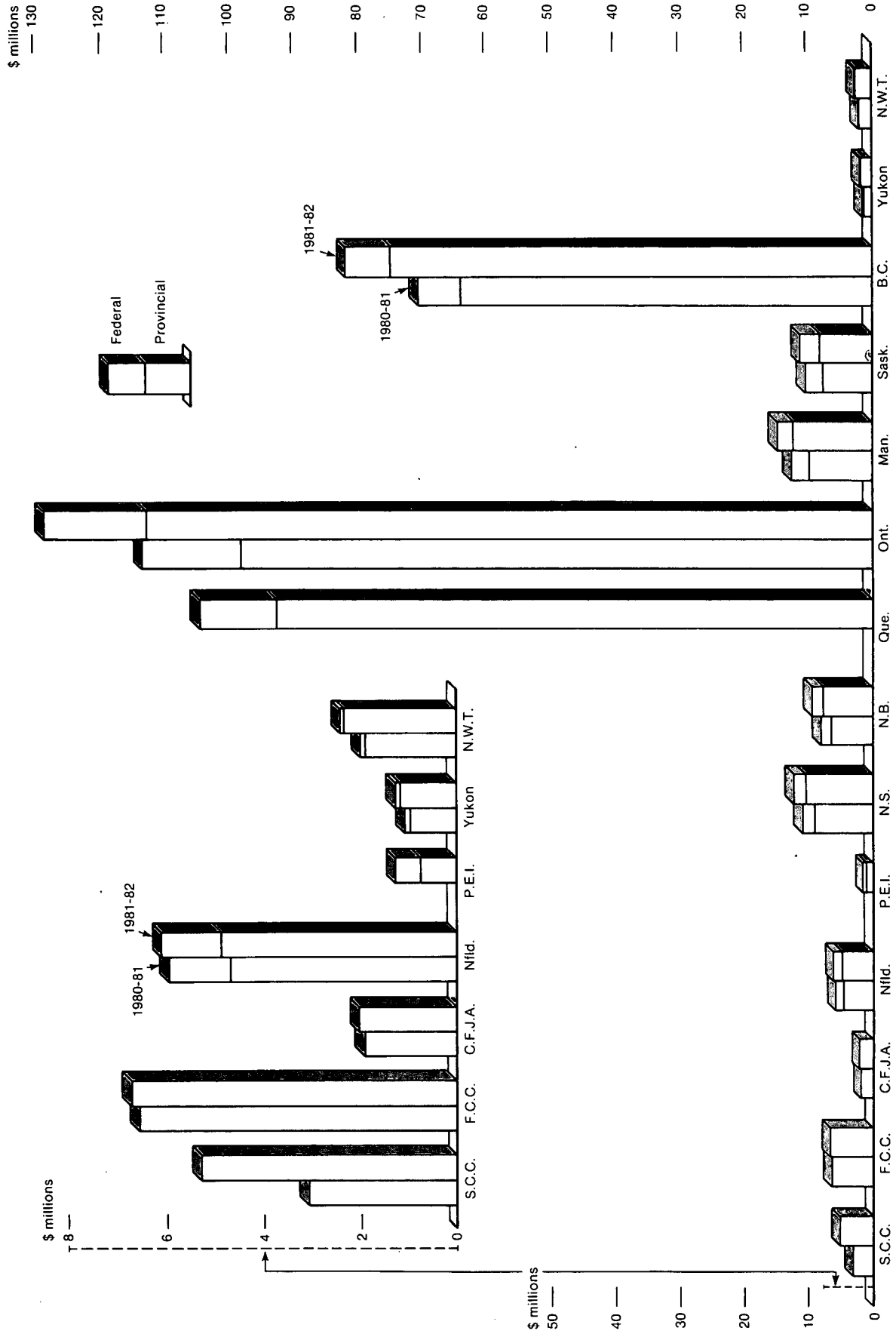
Table 2.4. Federal Dollar Expenditures as a Percentage of Total Dollar Expenditures on Court Operations by Jurisdiction, 1981-82

	%
Newfoundland	21.1
Prince Edward Island	40.6
Nova Scotia	16.5
New Brunswick	18.0
Quebec	11.5
Ontario	12.6
Manitoba	16.9
Saskatchewan	27.2
British Columbia	8.6
Yukon	7.2
Northwest Territories	4.7

Much of the variation may be accounted for by the differences in the level of reporting expenditure data. For example, jurisdictions which did not report all accommodation costs would show a relatively larger percentage for federal expenditures than those jurisdictions which provided all accommodation costs.

CHART 2.3

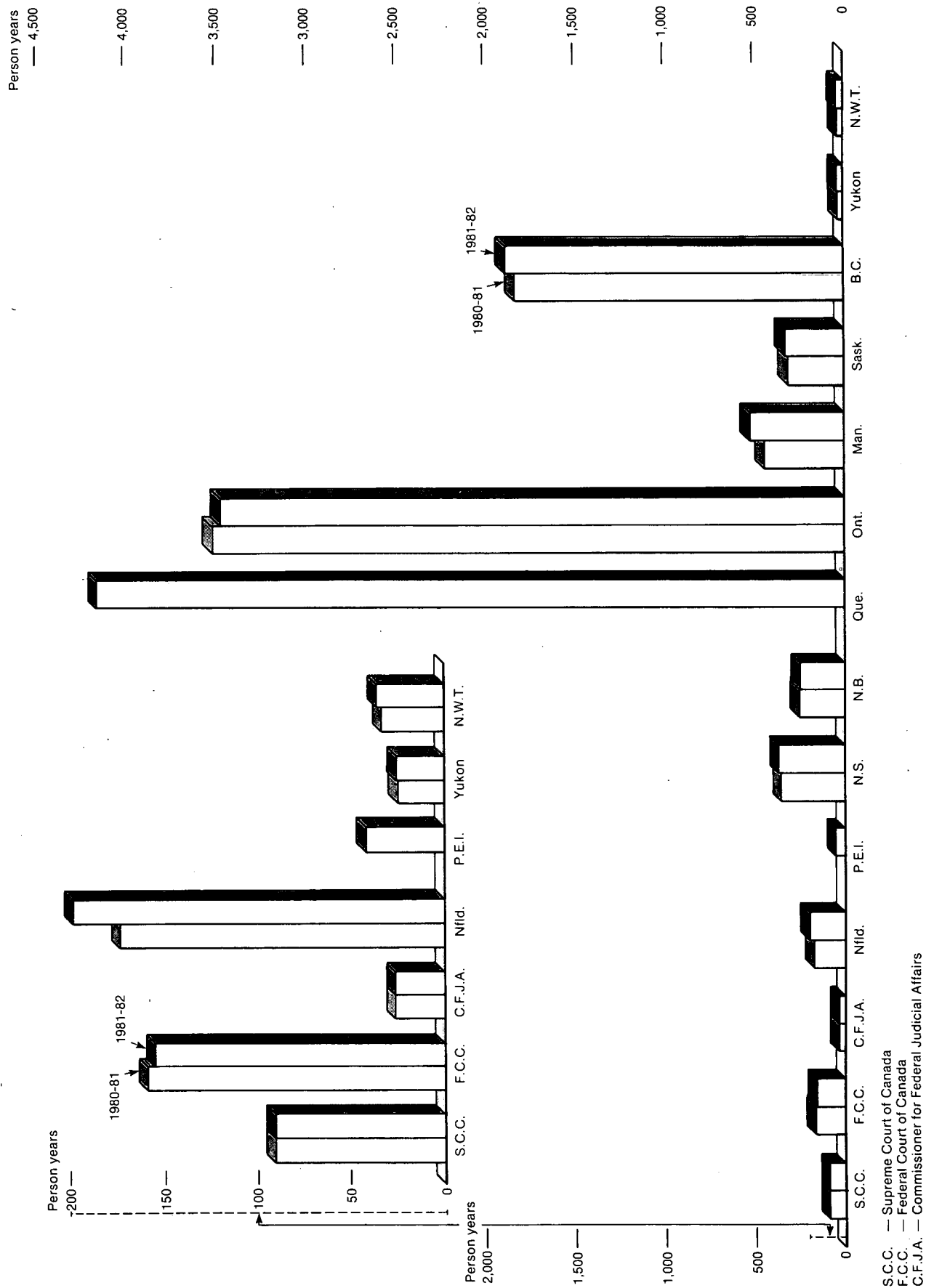
Reported Expenditures on Court Operations by Jurisdiction and by Source of Funds, 1980-81 and 1981-82



S.C.C. — Supreme Court of Canada
 F.C.C. — Federal Court of Canada
 C.F.J.A. — Commissioner for Federal Judicial Affairs

CHART 2.5

Reported Person Years for Court Operations by Jurisdiction, 1980-81 and 1981-82



Reported Court Person Years by Jurisdiction

On a person year basis, the substantial variation in expenditures across jurisdictions is again very evident in Chart 2.5. These range from a low of 25 person years in the Yukon to a high of 4,167 person years in Quebec (excluding Municipal Courts).

The ratio of all court person years to 100,000 population ranged from 34 in Saskatchewan to 68 in the British Columbia. The figures for the Territories would be higher than 68 if the same formula were applied to them.

For those jurisdictions which reported court operations expenditures for both fiscal years, the overall percentage increase in person years between 1980-81 and 1981-82 was 2.2%, compared to an increase of 14.5% for dollar expenditures. This is in contrast to the overall increase noted in this chapter's opening highlight's section. From 1977-78 to 1981-82 the court staff grew by 25.3%. Given the small change between fiscal 1980-81 and 1981-82, mentioned above, then the three previous year's expenditures accounted for an 21.7% increase.

Per Capita Expenditures for Courts

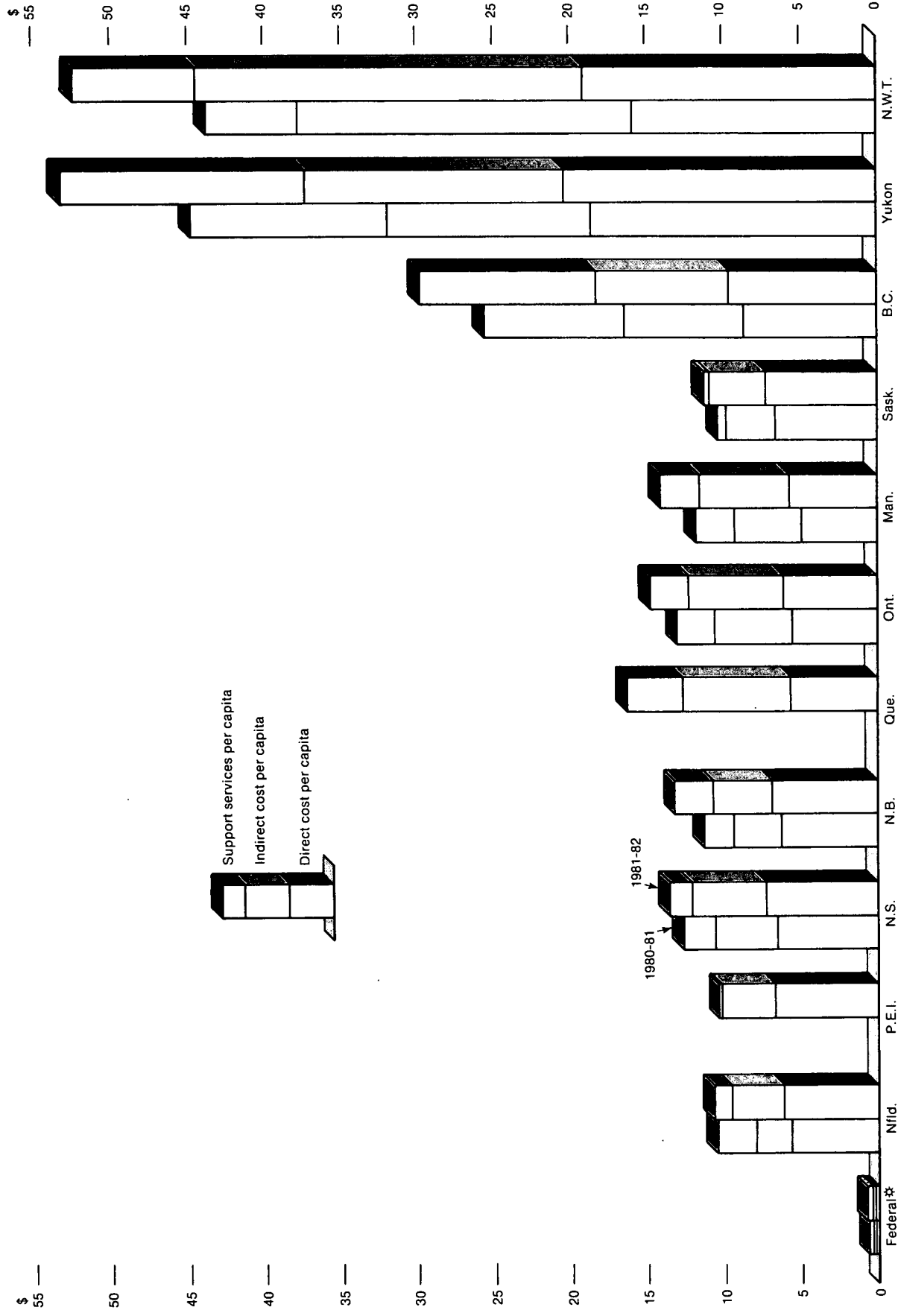
Canadian geography, population size and density are critical factors in determining the nature and extent of court services. Therefore, significant variations in expenditures among jurisdictions must be expected. In an effort to standardize survey expenditure data on the basis of population size, costs per capita were calculated for the 9 participating provinces and 2 territories. Chart 2.6 presents per capita dollar expenditures, subdivided by function, for each jurisdiction for fiscal years 1980-81 and 1981-82. Population estimates from the 1981 Census were used to derive the per capita expenditures.

Examined on a function basis, the per capita expenditures compare well across jurisdictions for the "direct" functions but less so for the indirect functions and for support services. These per capita direct costs are in Table 2.7. In addition, per capita costs by level of court and general administration are also shown.

The per capita expenditure at the national level for 1981-82 was \$17.52 with the per capita expenditures by jurisdictions ranging from a low of just over \$10.00 in Newfoundland and Prince Edward Island to highs of \$53.15 in the Yukon and \$52.36 in the Northwest Territories. The per capita expenditure of \$29.81 in British Columbia can be accounted for, in part, by the reporting of accommodation expenditures which are readily available. This is in contrast to most jurisdictions where accommodation figures were generally not as available.

CHART 2.6

Per Capita Expenditures on Court Operations by Jurisdiction and Function, 1980-81 and 1981-82



*Includes Supreme Court of Canada, Federal Court of Canada, and Commissioner for Federal Judicial Affairs.

Table 2.7. Costs Per Capita for Court Operations - Total, by Function and by Level of Court for 1981-82

	National	Newfound- land	Prince Edward Island	Nova Scotia	New Brunswick	Quebec
Total	17.52¹	10.82	10.33	14.34	13.30	16.27
By Function:						
Direct	6.70	6.11	6.79	7.36	6.95	5.74
Indirect	6.54	3.47	3.48	4.67	3.80	6.96
Support Services	4.28	1.24	0.06	2.32	2.55	3.57
By Level of Court:						
General Administration ²	1.71	.47	0.06	1.14	0.33	4.19
Superior Courts	7.16	5.20	7.84	6.78	6.93	4.85
Provincial/Territorial Courts	8.65	5.14	2.44	6.42	6.04	7.24
	Ontario	Manitoba	Saskat- chewan	British Columbia	Yukon	Northwest Territories
Total	14.93	14.11	11.30	29.81	53.15	52.36
By Function:						
Direct	6.12	5.72	7.19	9.62	20.22	19.02
Indirect	6.03	5.77	3.62	8.60	17.00	25.43
Support Services	2.78	2.62	0.49	11.59	15.93	7.91
By Level of Court:						
General Administration	0.47	1.99	0.49	-	2.63	4.33
Superior Courts	6.75	6.97	6.90	10.08	25.16	17.22
Provincial/Territorial Courts	7.71	5.15	3.91	19.73	25.36	30.82

¹ It should be noted that \$0.58 of this amount was spent on the operations of the Supreme Court of Canada, the Federal Court of Canada and the Office of the Commissioner for Federal Judicial Affairs. This amount is not included in the jurisdictional per capita expenditures.

² General Administration refers to functions or activities originating in the provincial/territorial department whereas Support Services refers to the actual functions necessary to ensure the provision of services to the public.

Summary Tables of Court Survey Data

Tables (2.8 - 2.11) on the two pages following show total reported expenditures on court operations.

As with all the court operations tables, there is a separate page for each fiscal year. The first table on each page shows dollar expenditures, cross classified by function and area (e.g. Superior versus Provincial Court), while the second shows the person year utilization.

COURT OPERATIONS

2.8 CANADA, 80-81

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$245,667,811	\$99,114,958	\$84,440,098	\$62,112,755
PERCENT.....	100.0	40.3	34.4	25.3
GENERAL ADMINISTRATION..	\$9,379,107	\$1,808,724	\$1,212,621	\$6,357,762
PERCENT.....	3.8	0.7	0.5	2.6
SUPERIOR COURTS.....	\$110,863,657	\$49,000,004	39,682,146	\$22,181,507
PERCENT.....	45.1	19.9	16.2	9.0
PROVINCIAL/TERRITORIAL COURTS.....	\$125,425,047	\$48,306,230	\$43,545,331	\$33,573,486
PERCENT.....	51.1	19.7	17.7	13.7

COURT OPERATIONS

2.9 CANADA, 80-81

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	7,179.4	2,252.5	4,340.1	586.8
PERCENT.....	100.0	31.4	60.5	8.2
GENERAL ADMINISTRATION..	230.4	69.5	52.6	108.3
PERCENT.....	3.2	1.0	0.7	1.5
SUPERIOR COURTS.....	3,321.7	994.3	2,149.2	178.2
PERCENT.....	46.3	13.8	29.9	2.5
PROVINCIAL/TERRITORIAL COURTS.....	3,617.3	1,188.7	2,138.2	300.3
PERCENT.....	50.4	16.6	29.8	4.2

COURT OPERATIONS

2.10 CANADA, 81-82

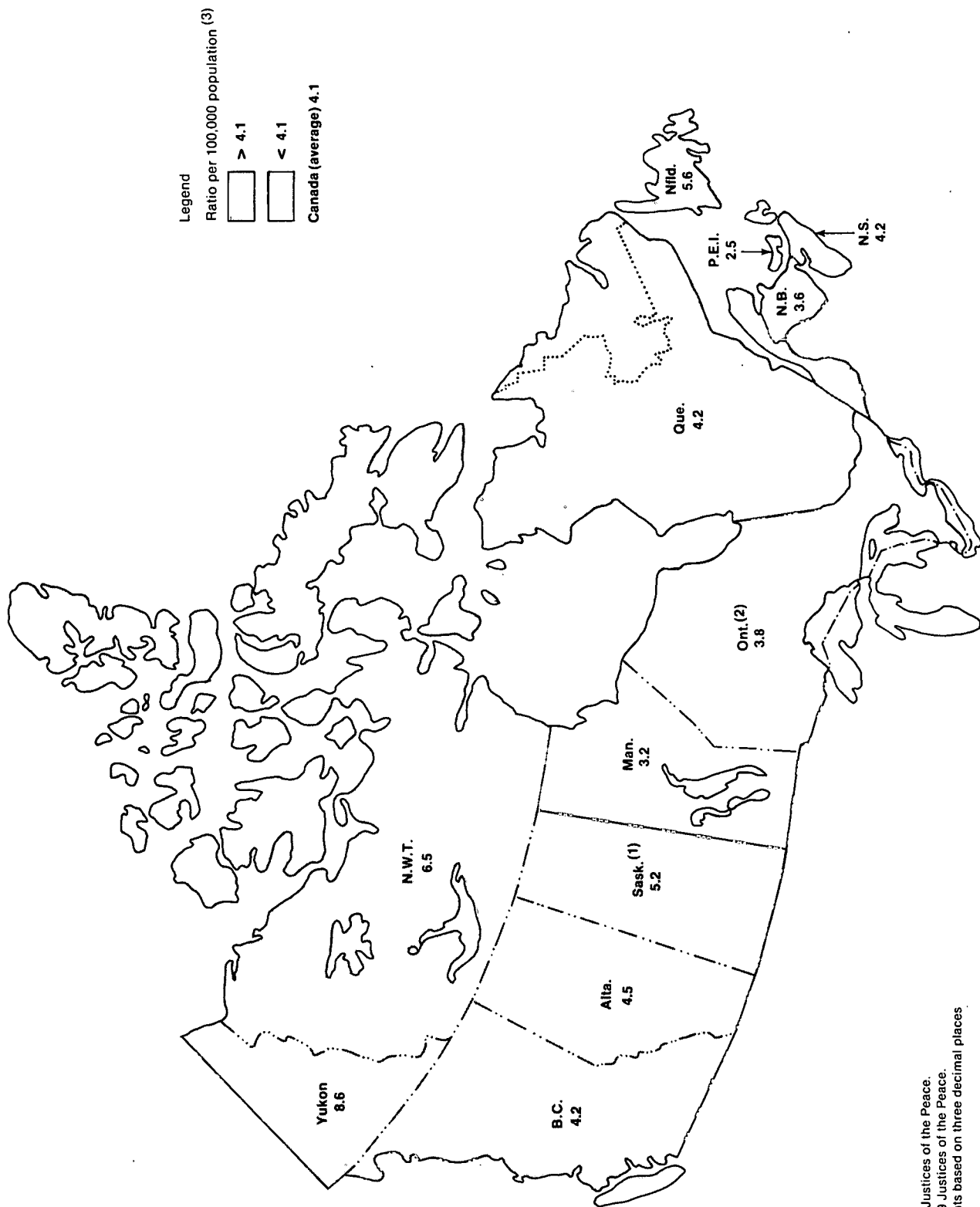
AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$387,238,753	\$148,088,726	\$144,574,571	\$94,575,456
PERCENT.....	100.0	38.2	37.3	24.4
GENERAL ADMINISTRATION..	\$37,732,907	\$4,094,915	\$4,782,507	\$28,855,485
PERCENT.....	9.7	1.1	1.2	7.5
SUPERIOR COURTS.....	\$158,354,985	\$66,456,834	\$65,231,800	\$26,666,351
PERCENT.....	40.9	17.2	16.8	6.9
PROVINCIAL/TERRITORIAL COURTS.....	\$191,150,861	\$77,536,977	\$74,560,264	\$39,053,620
PERCENT.....	49.4	20.0	19.3	10.1

COURT OPERATIONS

2.11 CANADA, 81-82

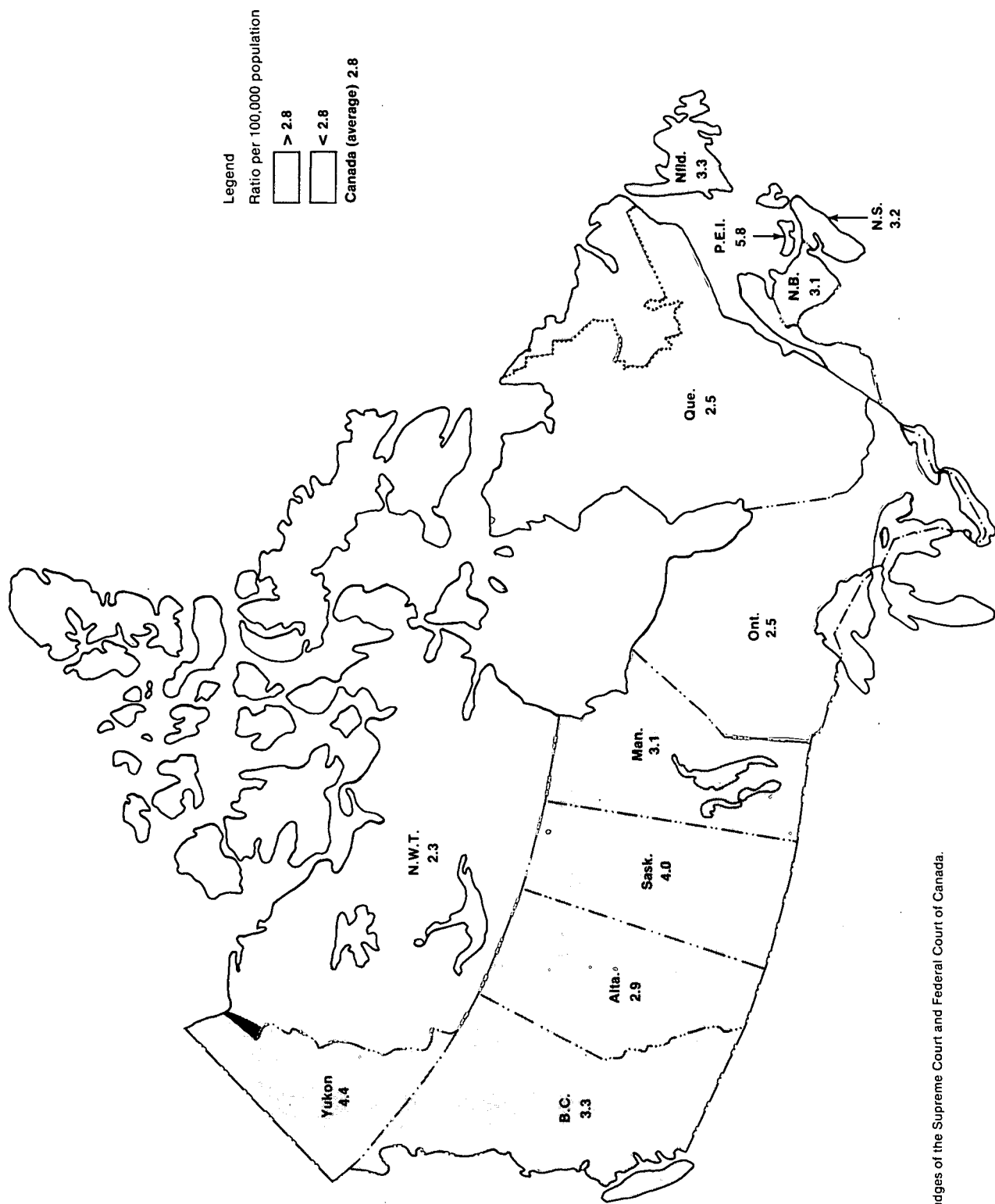
AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	11,544.9	2,866.4	7,994.5	684.0
PERCENT.....	100.0	24.8	69.2	5.9
GENERAL ADMINISTRATION..	430.1	69.5	165.2	195.4
PERCENT.....	3.7	0.6	1.4	1.7
SUPERIOR COURTS.....	4,558.2	1,200.7	3,177.2	180.3
PERCENT.....	39.5	10.4	27.5	1.6
PROVINCIAL/TERRITORIAL COURTS.....	6,556.6	1,596.3	4,652.1	308.3
PERCENT.....	56.8	13.8	40.3	2.7

Provincially/Territorially Appointed Judges per 100,000 Population, Canada, 1981-82



(1) Includes 4 Justices of the Peace.
 (2) Includes 89 Justices of the Peace.
 (3) Assignments based on three decimal places.

Federally Appointed Judges per 100,000 Population, Canada, 1981-82 (1)



(1) Includes Judges of the Supreme Court and Federal Court of Canada.

3. CRIMINAL PROSECUTIONS

During the period 1980-81 and 1981-82 prosecution services were provided by the federal, provincial, municipal governments and by some police agencies. In some provinces, during the fiscal year 1980-81 in particular, certain municipalities employed either full-time staff lawyers or private practice lawyers to handle violations of municipal by-laws or provincial summary conviction matters like traffic matters within their boundaries. Some city prosecutors, however, handled the full range of criminal offences as well. The information in this document does not include the city prosecutors except where, in 1981-82 only, those functions were absorbed into provincial administration (e.g. Saskatoon, Regina).

Normally, in all provinces the provincial prosecutors handle all criminal code, provincial statute and municipal by-law offences. In addition to the full time lawyers, the provincial departments hire private practice lawyers to act as agents on an ad hoc or part time basis. Therefore, the survey documents include such agent fees without reference to a corresponding person year utilization figure.

The Criminal Law Branch of the Federal Department of Justice is responsible for prosecutions under all federal statutes, except the criminal code, throughout Canada and the enforcement of all criminal law in the Yukon and Northwest Territories. In addition, to the full-time federal prosecutors, the Department also employs ad hoc agents as needed.

In the territories and some provinces, police officers provide prosecution services in the courts, particularly in remote circuit points. Understandably the increase in provincial prosecution staff has diminished this role.

Reported Expenditures by Area and Function for Criminal Prosecutions

During the fiscal year 1981-82, **78.7** million dollars and 1,647 person years were expended on criminal prosecutions in Canada (Alberta excluded). Figures 3.1 and 3.2 present a breakdown by area and by function for dollar and person year expenditures respectively. The breakdown by area is similar whether based on dollar expenditures or person year expenditures. Slightly over **50%** of the expenditures are allocated to General Administration¹ with approximately **40%** to the Provincial/Territorial Courts and approximately **7%** allocated to the Superior Courts. Ontario and Newfoundland were unable to breakdown their costs except to display them as general administration.

Generally speaking, criminal prosecution information was more difficult to obtain by function or by level of court than was the case for court operations. Further, the observation must be made that, on the whole, support services for criminal prosecutions are not as extensive as those of other justice sectors². Prosecutorial dollars and person years appear to be largely spent in the courtroom arguing cases.

The breakdown of expenditures for the 1981-82 fiscal year by function shows **68.4%**, **14.4%** and **17.2%** being spent overall on direct, indirect and support services respectively. The equivalent person year breakdown shows **63.4%**, **28.8%** and **7.8%**.

1 General Administration refers to functions or activities originating in the provincial/territorial department whereas Support Services refers to the actual functions necessary to ensure the provision of services to the public.

2 No person years were expended on support services for criminal prosecutions in either the Superior or Provincial/Territorial Courts.

FIGURE 3.1
Percent of reported expenditures

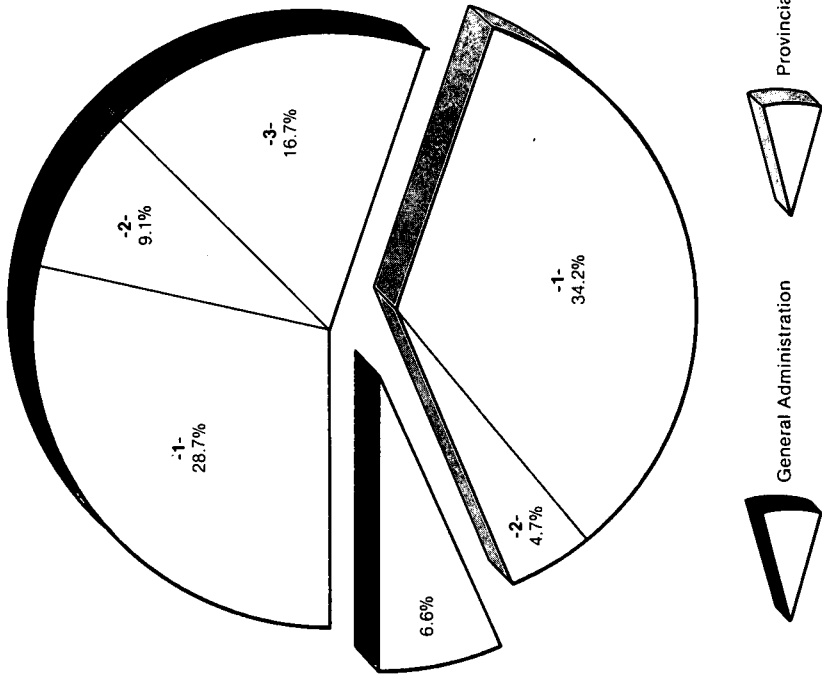
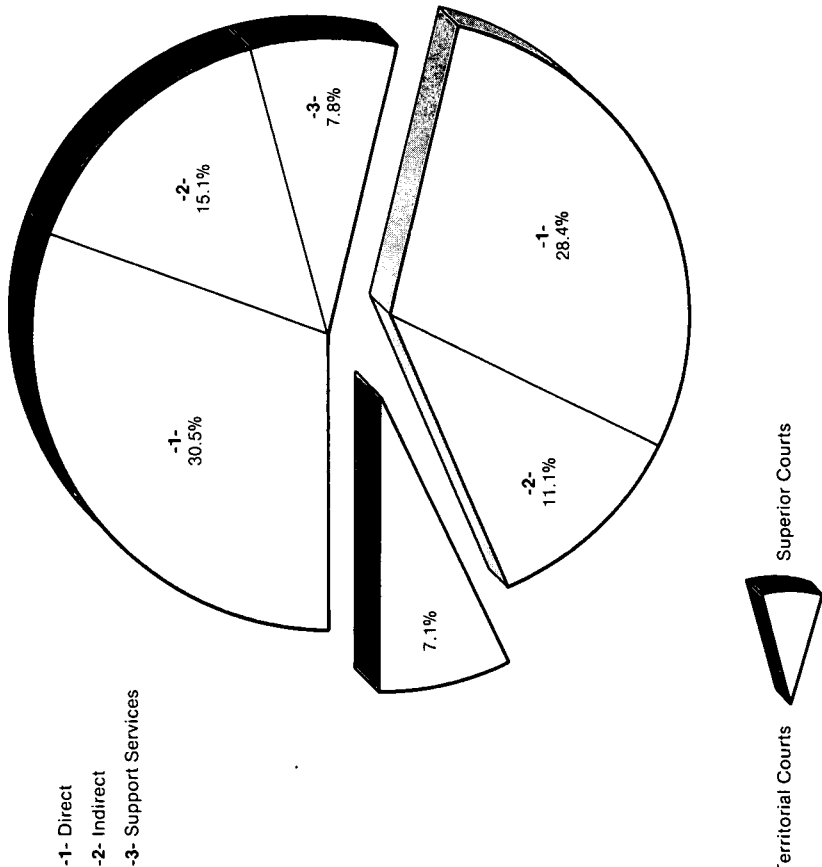


FIGURE 3.2
Percent of person years reported



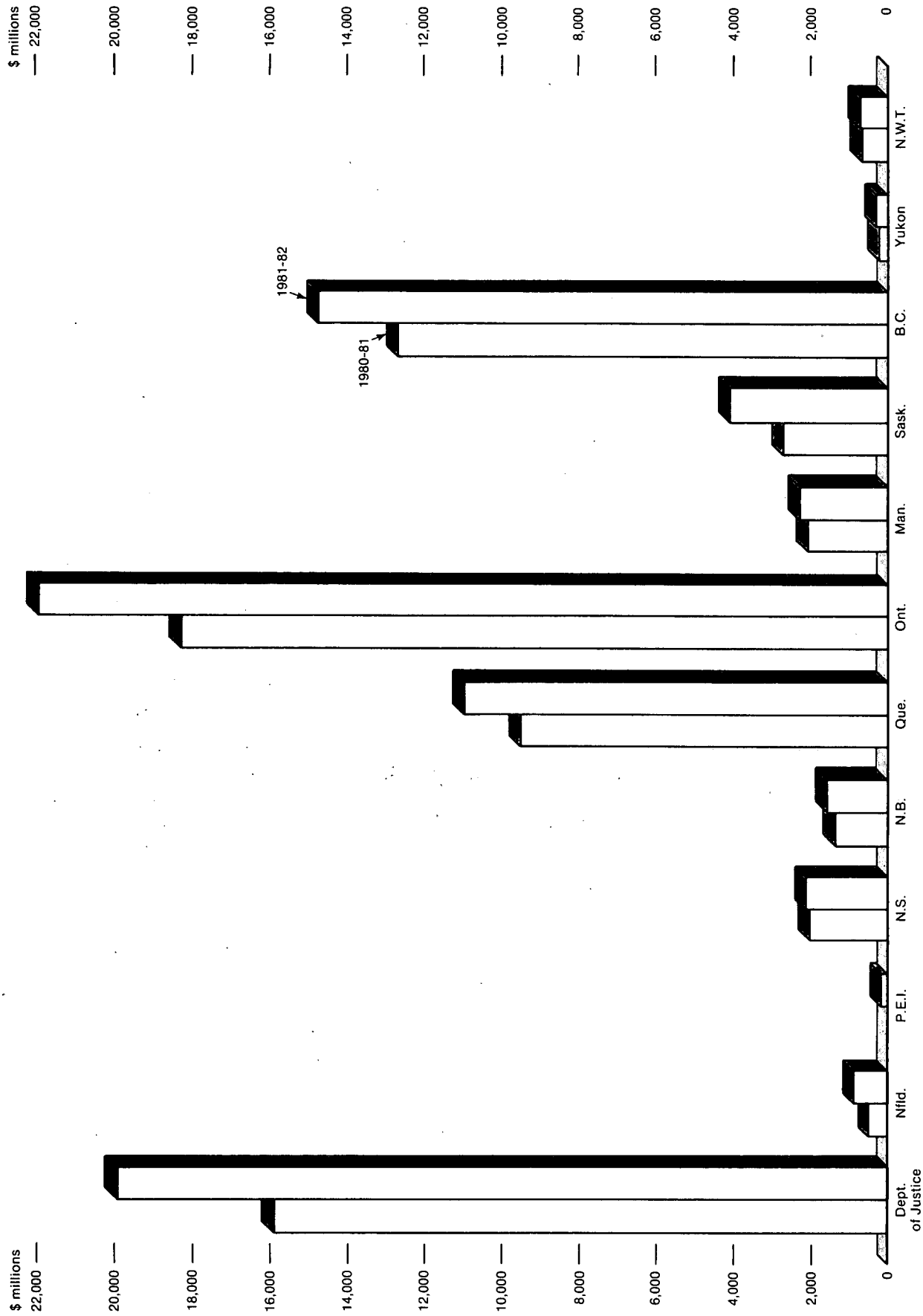
Reported Expenditures by Jurisdiction for Criminal Prosecutions

The Chart 3.3 illustrates the variations in expenditures across jurisdictions. The prosecution expenditures by the Federal Department of Justice and the provinces of Quebec, Ontario and British Columbia together account for about 85% of the national total while the remaining 15% is divided among the other six provinces and two territories. The percentage of provincial/territorial expenditures accounted for by these three largest provinces was 79.7% on a dollar basis which is comparable to an estimate of 80.6% of the national population in these three provinces. It should be recalled that these figures exclude Alberta. For jurisdictions which reported data for both fiscal years, a 19% increase in expenditures was observed between fiscal year 1980-81 and 1981-82.

Also of note here are the expenditures by New Brunswick and Nova Scotia. In the succeeding pages the person year utilization and per capita costs of these two provinces seem relatively higher than one would otherwise expect. This may be accounted for by policy and prosecution practices: i.e. the infrequent use of ad hoc agents and, in New Brunswick also, the screening of all charges by prosecutorial staff.

CHART 3.3

Reported Expenditures on Criminal Prosecutions by Jurisdiction, 1980-81 and 1981-82



Reported Person Years by Jurisdiction for Criminal Prosecutions

Overall, a minimal decrease in the reported person years (Chart 3.4) for criminal prosecutions was noted. Based on jurisdictions reporting both years, this decrease was less than **1%**, contrasted to the **19%** increase in dollars expended.

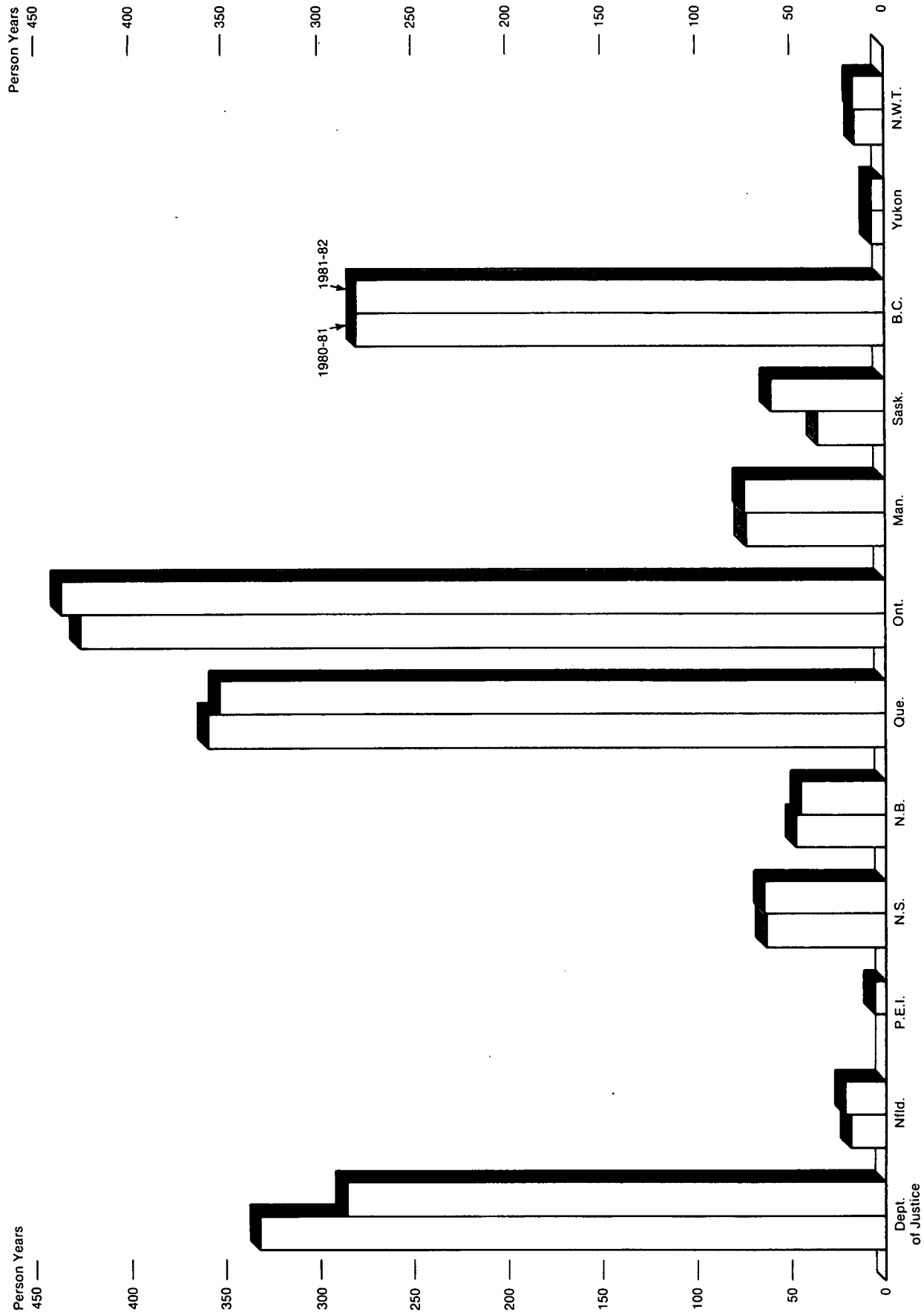
The Department of Justice showed an overall decrease, almost **14%**. The decrease is a result of a significant drop in the number of ad hoc agents used (i.e. 186 person years in 1980-81 versus 117 person years in 1981-82).

Saskatchewan showed a significant increase in person year expenditures. On January 1, 1981, the Attorney-General's department assumed the municipal prosecutorial functions in Saskatoon and Regina.

The Federal Department of Justice and the three largest provinces (Ontario, Quebec and British Columbia) account for **82%** of the person years utilization in criminal prosecutions. The three provinces account for **78.6%** of the provincial/territorial criminal prosecution person year utilization.

CHART 3.4

Reported Person Years for Criminal Prosecutions by Jurisdiction, 1980-81 and 1981-82



Per Capita Expenditures for Criminal Prosecutions

As a matter of interest, Chart 3.5, on per capita prosecution costs, seems to mirror the often noted East to West per capita incidence of reported crime. The exception being, as explained earlier, Nova Scotia and New Brunswick.

At the national level (including federal prosecutions) the per capita expenditure on criminal prosecutions for the 1981-82 fiscal year was \$3.56 (Table 3.6). The per capita expenditures on provincial/territorial prosecution systems ranged from a low of \$1.49 in Newfoundland to \$5.37 in British Columbia, \$12.73 in the Yukon and \$14.86 in the Northwest Territories.

CHART 3.5

Per Capita Expenditures on Criminal Prosecutions by Jurisdiction and Function, 1980-81 and 1981-82

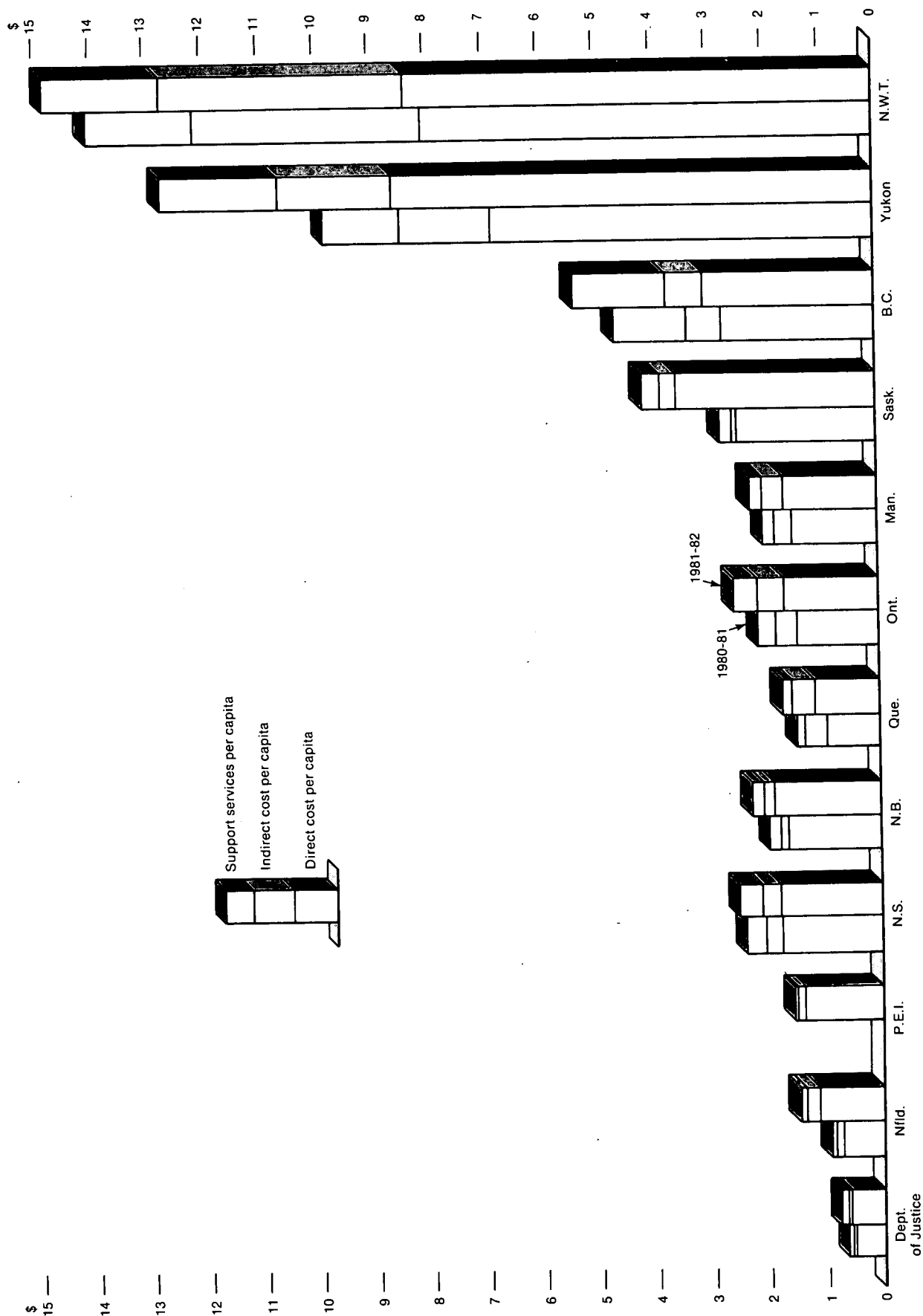


Table 3.6. Costs Per Capita for Criminal Prosecutions - Total, by Function and by Level of Court for 1981-82

	National	Newfound- land	Prince Edward Island	Nova Scotia	New Brunswick	Quebec
Total	3.56 ¹	1.49	1.57	2.51	2.28	1.71
By Function:						
Direct	2.44	1.17	1.39	1.79	1.89	1.13
Indirect	.51	.22	.14	.32	.17	.41
Support Services	.61	.09	.04	.41	.22	.16
By Level of Court:						
General Administration ²	1.94	1.49	.19	.32	.29	.36
Superior Courts	.24	-	.53	.32	.39	.15
Provincial/Territorial Courts	1.38	-	.85	1.87	1.60	1.20
	Ontario	Manitoba	Saskat- chewan	British Columbia	Yukon	Northwest Territories
Total	2.54	2.25	4.17	5.37	12.73	14.86
By Function:						
Direct	1.67	1.67	3.56	3.05	8.57	8.36
Indirect	.50	.36	.32	.68	2.10	4.34
Support Services	.37	.22	.29	1.64	2.06	2.16
By Level of Court:						
General Administration	-	.59	.38	4.00	3.13	2.07
Superior Courts	-	.09	.67	.40	.64	2.98
Provincial/Territorial Courts	-	1.58	3.12	.98	8.95	9.81

¹ It should be noted that \$0.82 of this amount was spent on the federal prosecution system. This amount is not included in the jurisdictional per capita expenditures.

² General Administration refers to functions or activities originating in the provincial/territorial department whereas Support Services refers to the actual functions necessary to ensure the provision of services to the public.

Summary Prosecution Tables of Survey Data

Tables (3.7 - 3.10) on the two pages which follow show the total reported expenditures on criminal prosecutions.

As with all the criminal prosecutions tables, there is a separate page for each fiscal year. The first table on each page shows dollar expenditures, cross-classified by function and area, while the second shows the person year utilization.

CRIMINAL PROSECUTIONS

3.7 CANADA, 80-81

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$66,010,486	\$46,496,881	\$9,280,511	\$10,233,094
PERCENT.....	100.0	70.4	14.1	15.5
GENERAL ADMINISTRATION..	\$34,620,828	\$19,069,856	\$5,684,049	\$9,866,923
PERCENT.....	52.4	28.9	8.6	14.9
SUPERIOR COURTS.....	\$4,345,473	\$3,640,714	\$640,550	\$64,209
PERCENT.....	6.6	5.5	1.0	0.1
PROVINCIAL/TERRITORIAL COURTS.....	\$27,044,185	\$23,786,311	\$2,955,912	\$301,962
PERCENT.....	41.0	36.0	4.5	0.5

CRIMINAL PROSECUTIONS

3.8 CANADA, 80-81

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	1,654.7	1,068.5	461.3	124.8
PERCENT.....	100.0	64.6	27.9	7.5
GENERAL ADMINISTRATION..	856.4	485.3	246.5	124.5
PERCENT.....	51.8	29.3	14.9	7.5
SUPERIOR COURTS.....	105.4	67.0	38.1	0.2
PERCENT.....	6.4	4.0	2.3	0.0
PROVINCIAL/TERRITORIAL COURTS.....	692.9	516.2	176.6	0.0
PERCENT.....	41.9	31.2	10.7	0.0

CRIMINAL PROSECUTIONS

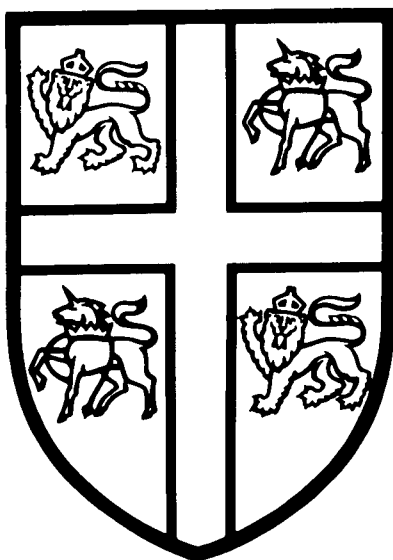
3.9 CANADA, 81-82

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$78,716,043	\$53,837,057	\$11,340,076	\$13,538,910
PERCENT.....	100.0	68.4	14.4	17.2
GENERAL ADMINISTRATION..	\$42,886,738	\$22,554,211	\$7,151,541	\$13,180,986
PERCENT.....	54.5	28.7	9.1	16.7
SUPERIOR COURTS.....	\$5,223,746	\$4,352,342	\$812,150	\$59,254
PERCENT.....	6.6	5.5	1.0	0.1
PROVINCIAL/TERRITORIAL COURTS.....	\$30,605,559	\$26,930,504	\$3,376,385	\$298,670
PERCENT.....	38.9	34.2	4.3	0.4

CRIMINAL PROSECUTIONS

3.10 CANADA, 81-82

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	1,646.9	1,044.5	473.7	128.7
PERCENT.....	100.0	63.4	28.8	7.8
GENERAL ADMINISTRATION..	880.3	502.7	248.9	128.6
PERCENT.....	53.5	30.5	15.1	7.8
SUPERIOR COURTS.....	116.8	75.1	41.6	0.0
PERCENT.....	7.1	4.6	2.5	0.0
PROVINCIAL/TERRITORIAL COURTS.....	649.8	466.7	183.1	0.0
PERCENT.....	39.5	28.3	11.1	0.0



Newfoundland

Summary Facts

NEWFOUNDLAND
1981 - 82

COURT OPERATIONS EXPENDITURES

\$ 6,140,429
268,767(4.4%)
2,954,505(48.1%)
2,917,157(47.5%)
148

Total
General Administration
Superior Courts
Provincial Courts
Staff

CRIMINAL PROSECUTIONS EXPENDITURES

\$ 843,471
843,471
-
-
21

COURT LOCATIONS

	Superior	Provincial
Permanent:	6	15
Circuit:	5	42

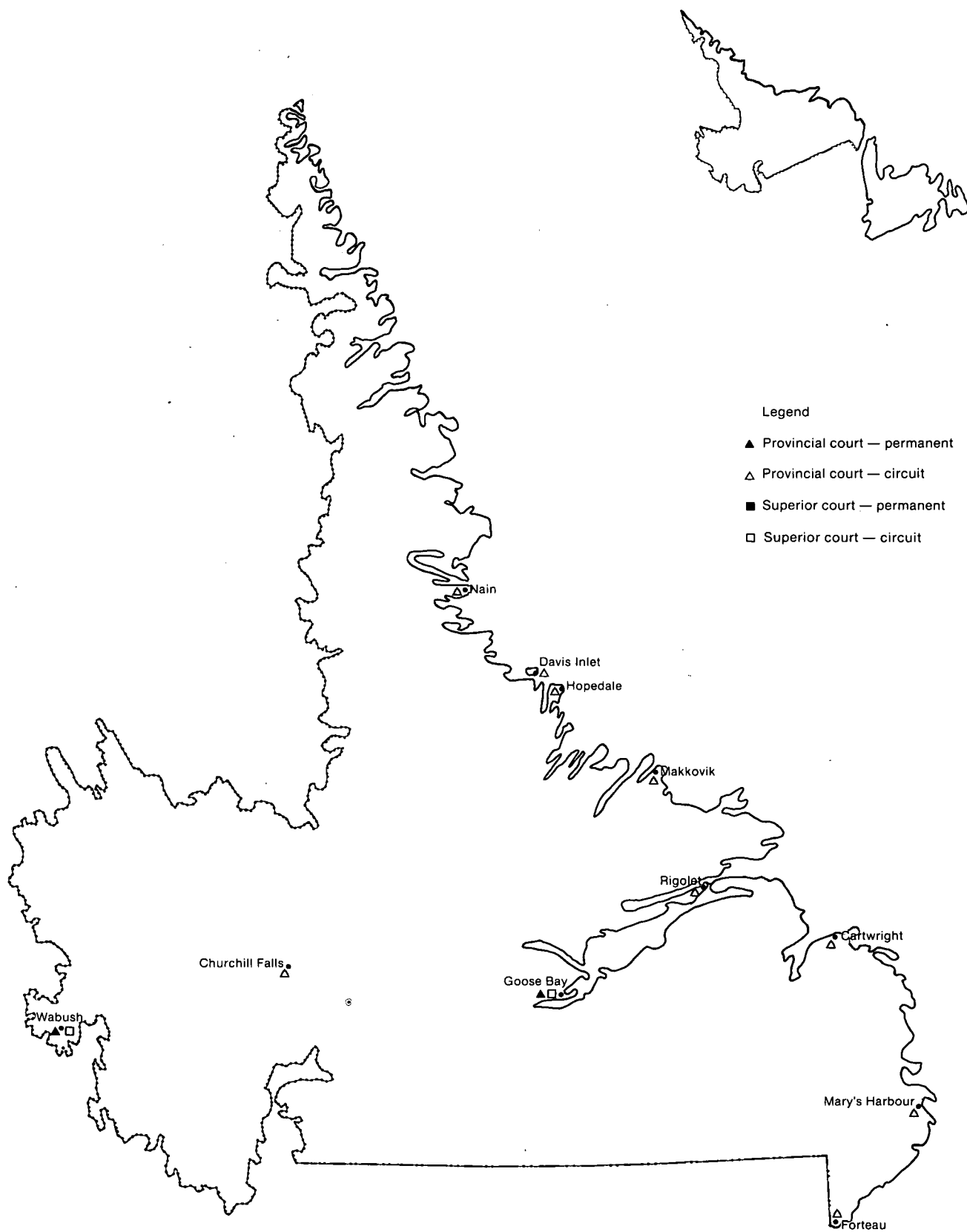
NO. OF JUDGES

Superior: 18
Provincial: 32

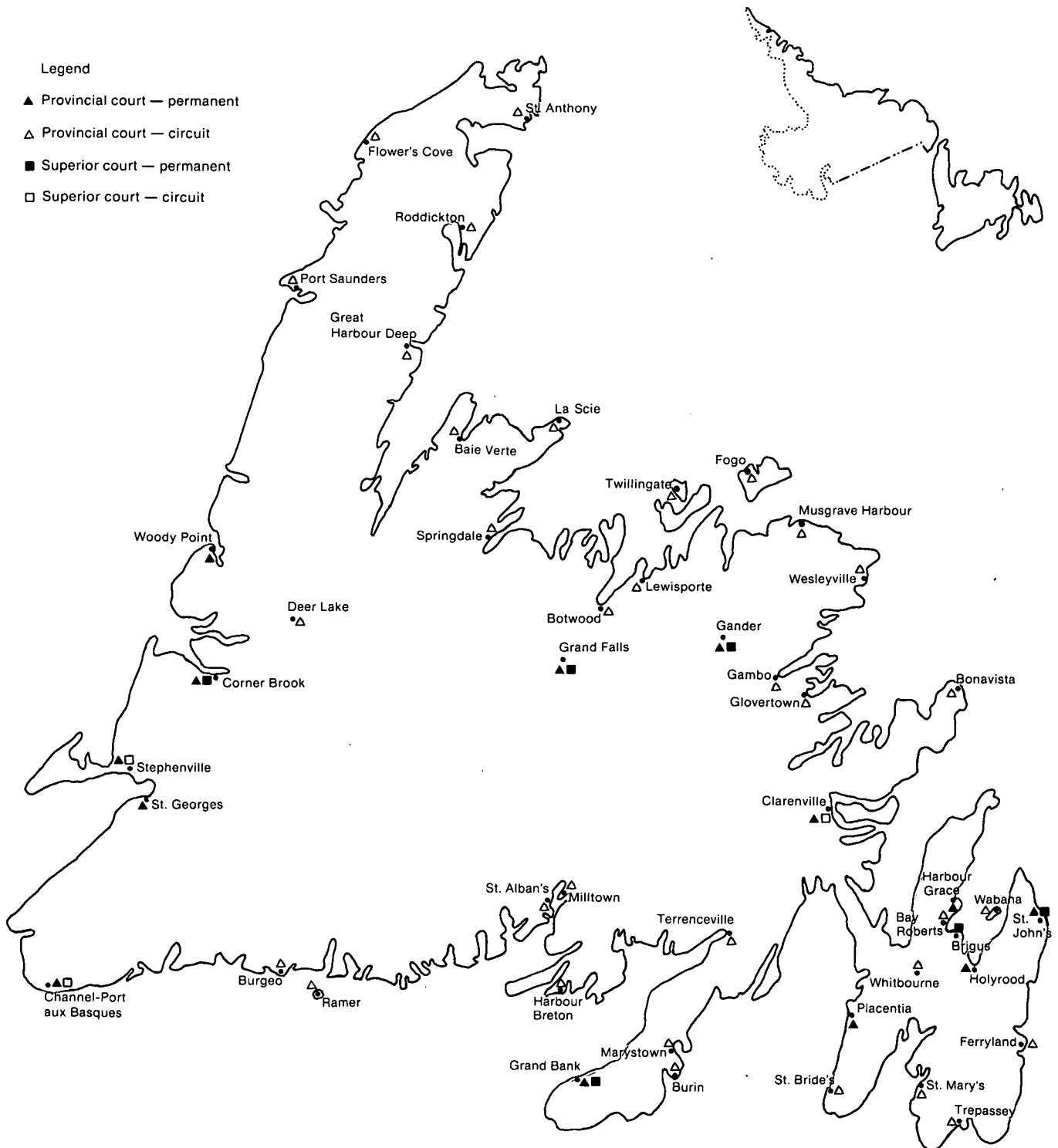
Population: 567,680
Area: 371,637 sq. kms.

Part I

Court Locations, Newfoundland, (Labrador) 1981-82



Part II
Court Locations, Newfoundland, 1981-82



NEWFOUNDLAND COURTS

SUPREME COURT OF NEWFOUNDLAND-APPEAL DIVISION

Constituted by provincial statute (Judicature Act).
One court for the entire province.
Sits only in St. John's.

Judges

Appointed federally by the Governor in Council.

Jurisdiction

Appellate and Original.

Civil and Criminal. To hear and determine motions for new trials, motions in arrest of judgment, rehearings, appeals and special cases; has appellate jurisdiction in all criminal proceedings, civil causes and matters; jurisdiction and power to hear and determine motions and appeals respecting any judgment, order or decision of a judge of the Trial Division of the Supreme Court, and has such original jurisdiction as may be necessary, or incidental to the determining of any appeal.

From Newfoundland Supreme Court (Trial Division), Unified Family Court, District Court, Provincial Court, designated Provincial Boards and Administrative Tribunals.

UNIFIED FAMILY COURT

Constituted by provincial statute
Unified Family Court Act,
June 17, 1977.)
One court only at St. John's.

Judges

Appointed federally and provincially by Governor in Council and Lieutenant Governor in Council.

Jurisdiction

Original. Exclusive jurisdiction in St. John's area for all family matters, dissolution and annulment of marriage, judicial separation, separation ordered, alimony and maintenance, custody and access, adoption, guardianship of the person and property, inter-spousal torts, etc.

SUPREME COURT OF NEWFOUNDLAND-TRIAL DIVISION

Constituted by provincial statute (Judicature Act).
One court for the entire province.
Travels on circuit as designated by statute or by proclamation.

Judges

Appointed federally by the Governor in Council.

Jurisdiction

Original.

Civil and criminal. Divorce and matrimonial actions, probate and guardianship (all outside city of St. John's); any civil action not expressly excluded by statute with no monetary limit set; indictable offences under the Criminal Code tried by judge and jury.

Appellate. From decisions of Provincial and District Courts, provincial boards and administrative and other tribunals where provision for appeal to the Trial Division or a judge thereof is made in any Act.

DISTRICT COURT

Constituted by provincial statute (District Court Act, 1976).
Six courts at principal points throughout the province.

Judges

Appointed federally by the Governor in Council.

Jurisdiction

Original.

Civil. Actions not expressly excluded by statute, with no monetary limit; no probate or divorce jurisdiction.

Criminal. (Indictable offences) where accused is given election as to mode of trial and elects judge without a jury.

Appellate. From Provincial Court in civil matters and in criminal cases where summary conviction matter.

PROVINCIAL COURT

Constituted by provincial statute (Provincial Court Act).
Established at principal points throughout the province.

Judges

Appointed provincially by the Lieutenant Governor in Council.
Referred to as judges of the Provincial Court.

Jurisdiction

Original.

Criminal. All Criminal Code offences (both summary and indictable); offences under provincial statutes (Highway Traffic Act, Liquor Control Act, Wildlife Act, etc.); offences under federal statutes (Narcotic Control Act; Food and Drug Act, Income Tax Act, etc.).

Civil. Civil Actions up to \$1000.00 with some exceptions.

Family. In centres outside St. John's - adoption, maintenance, neglected children, delinquency and paternity.

COURT OPERATIONS

COURT HIERARCHY

Supreme Court

The Supreme Court in Newfoundland consists of the Court of Appeal, the Trial Division, and the Unified Family Court Division.

The Court of Appeal, as constituted by provincial statute (Judicature Act, R.S.N. 1970, c. 187 as amended) has a Chief Justice and three judges who are appointed federally by the Governor in Council. There is one court for the entire province and it sits only in St. John's. The court has appellate jurisdiction in criminal and civil cases referred from the Trial Division, District Court, Provincial Court, and designated boards and administrative tribunals. In particular, it hears and determines motions for new trials, motions in arrest of judgement, rehearings, and appeals respecting any judgement, order or decision of a judge of the Trial Division of the Supreme Court. It has such original jurisdiction as may be necessary or incidental to the determining of any appeal.

The Trial Division, as constituted by the same provincial statute, has a Chief Justice and six judges who are appointed federally by the Governor in Council. There is one court for the entire province in St. John's and it travels on circuit to five locations as designated by statute, and to other locations when the Lieutenant Governor in Council by proclamation prescribes. The court hears both criminal and civil matters, specifically indictable offences under the Criminal Code tried by judge and jury, divorce and matrimonial actions (other than those over which the Unified Family Court has exclusive jurisdiction), probate and guardianship, and any civil action not expressly excluded by statute. Appeals are heard from decisions of Provincial and District Courts, provincial boards and administrative and other tribunals where provision for appeal to the Trial Division or judge thereof is made in any Act.

The Unified Family Court Division as enabled by the Unified Family Court Act, S.N. 1977, c. 88, sits only in St. John's. Every judge of the Trial Division is a judge of the Unified Family Court, but the Chief Justice of the Trial Division appoints a judge of the Trial Division to be presiding judge of the Unified Family Court. No other judge of the Trial Division may preside over the Unified Family Court except at the request of the Chief Justice of the Trial Division. The court has exclusive jurisdiction in a judicial area (metropolitan St. John's and Bell Island) for all family matters - dissolution and annulment of marriage, judicial separation, separation orders, support and maintenance, custody and access, adoption, guardianship of the person and property, interspousal torts, etc. In addition to its adjudicative role, the Division has the constructive task of maintaining the family unit as an entity in cases where that is possible, or of providing humane and constructive solutions where this cannot be done. No appeals are heard by this court.

District Court

The District Courts, reorganized under the District Courts Act, R.S.N. 1976, No. 69, as amended, has eight federally appointed judges sitting in six permanent and four circuit locations. The court hears indictable offences where the mode of trial elected is by judge alone, and civil actions not expressly excluded by statute with no set monetary limit. Probate or divorce actions are not heard. Appeals from Provincial Court in civil matters and in criminal matters (summary conviction offences) are referred to the District Court.

Provincial Court

The Provincial Court, under the Provincial Court Act, S.N. 1974, No. 77, as amended, has 32 provincially appointed judges who sit in 15 permanent locations and 42 circuit locations. The court, which includes the Traffic Court in St. John's, has jurisdiction over Criminal Code offences (both summary and indictable), offences under provincial statutes (Highway Traffic Act, Liquor Control Act, Wildlife Act, etc.), offences under federal statutes (Narcotic Control Act, Food and Drug Act, Income Tax Act, etc.) and in civil matters up to \$1,000 with some exceptions (Small Claims Act, S.N. 1979, c. 34). In St. John's, the province's only separate Family Court hears most juvenile matters (Family Courts Act, R.S.N. 1970, No. 122). Elsewhere, family matters, such as adoption, maintenance, neglected children, delinquency and paternity are heard predominantly in the Provincial Court. Juvenile cases proceed under the Welfare of Children Act (originally entitled the Juveniles Act, R.S.N. 1970, No. 190) instead of the federal Juvenile Delinquents Act.

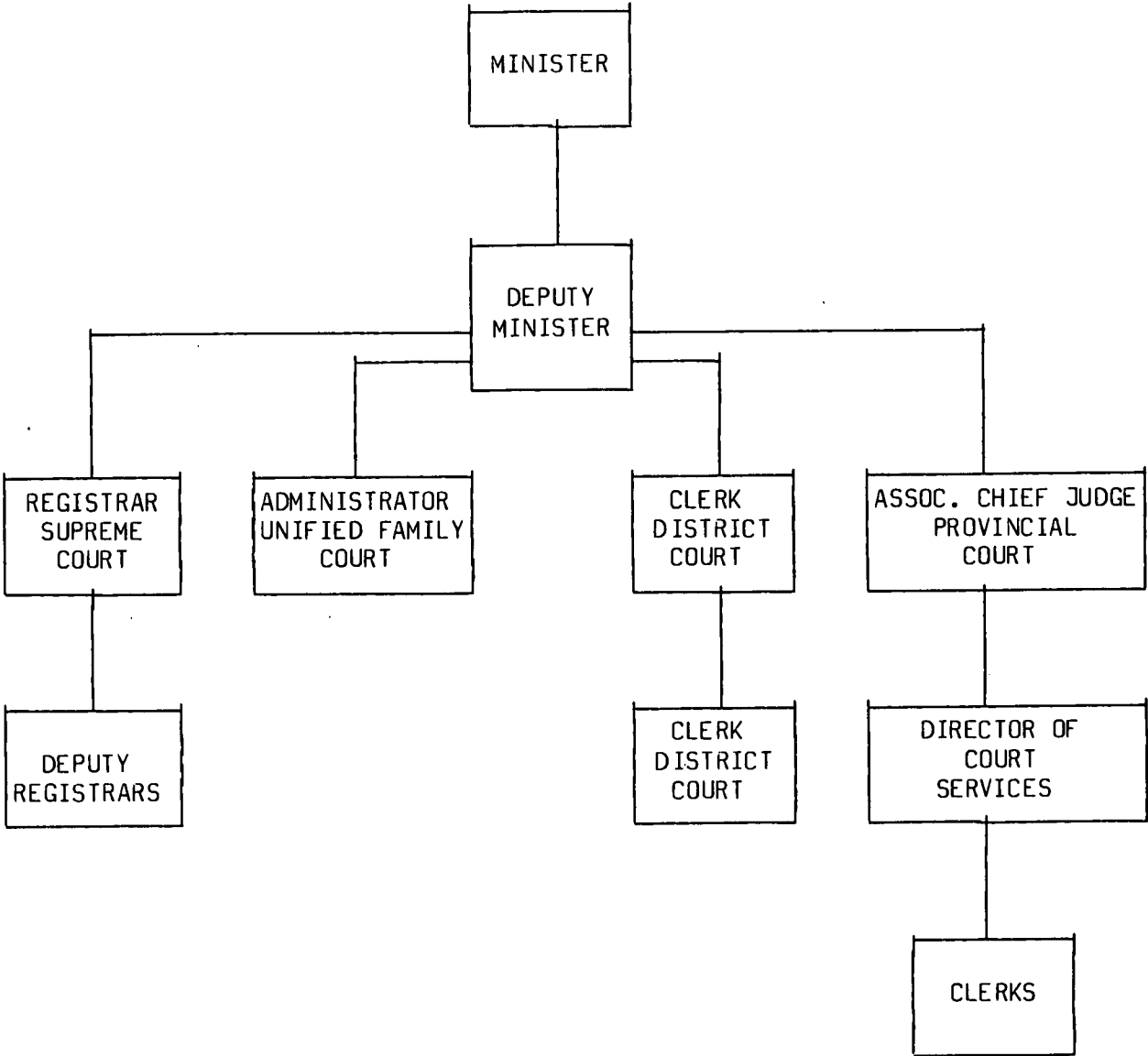
COURT ADMINISTRATION

The Department of Justice (Department of Justice Act, R.S.N. 1970, c. 85 as amended), in St. John's is responsible for the administration of all courts in the province. The Registrar of the Supreme Court, the Administrator of the Unified Family Court, the Clerk of the District Court, and the Associate Chief Judge who administers the Provincial Court, Traffic Court and Family (Juvenile) Court, are all accountable to the Deputy Minister of Justice.

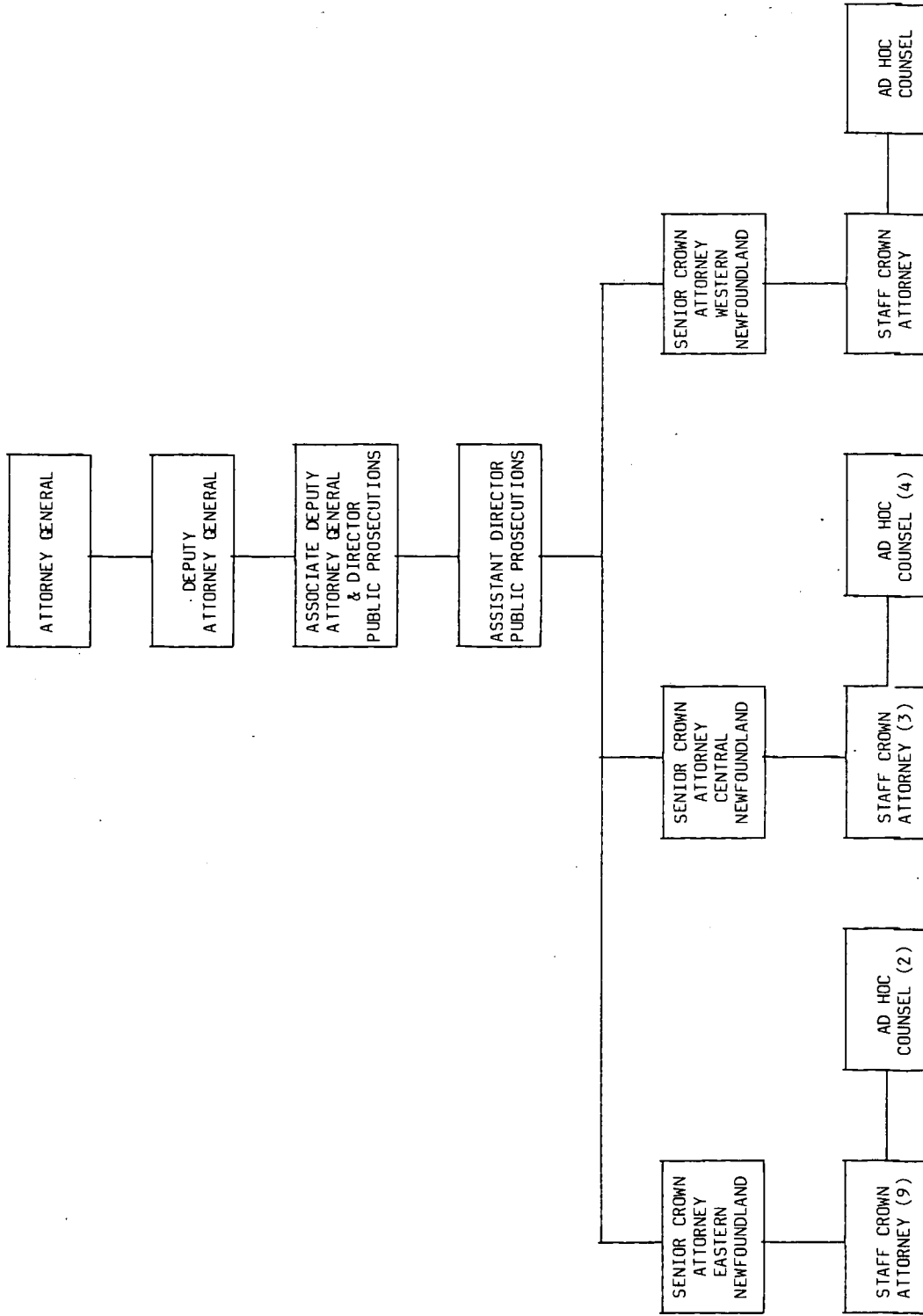
CRIMINAL PROSECUTIONS

The Department of Justice in Newfoundland has overall responsibility for criminal prosecutions. There are three senior Crown Attorneys in the regions - Central Newfoundland, Eastern Newfoundland, and Western Newfoundland. A total of 13 staff Crown Attorneys and seven ad hoc Counsels assist the senior Crown Attorneys. In indictable appeals, the Crown is usually represented by one of the Senior Crown Attorneys. All Crown Counsel report to the Assistant Director of Public Prosecutions, who in turn is responsible to the Associate Deputy Attorney General, who is also Director of Public Prosecutions.

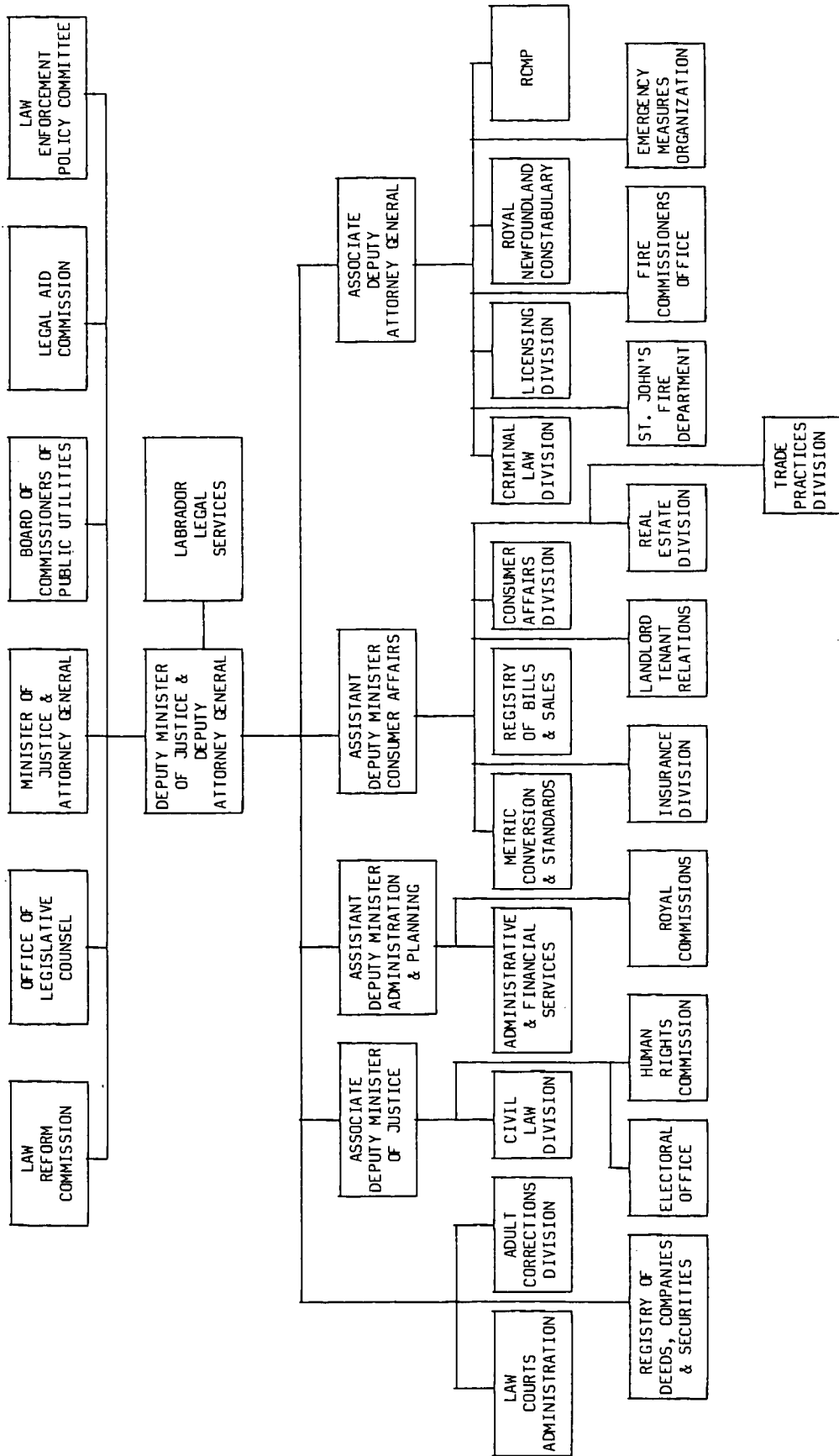
ORGANIZATION CHART - COURT SERVICES DIVISION, NEWFOUNDLAND, 1981-82



ORGANIZATION CHART - PUBLIC PROSECUTIONS DIVISION, NEWFOUNDLAND, 1981-82



ORGANIZATION CHART - DEPARTMENT OF JUSTICE, NEWFOUNDLAND, 1981-82



NEWFOUNDLAND: COURT OPERATIONS 1980-81 - FOOTNOTES

Data in these tables were supplied by the Department of Justice, Government of Newfoundland and Labrador, and were supplemented by data received from the Office of the Commissioner for Federal Judicial Affairs.

- 1 Circuit court costs are divided between Provincial Court level - 80% and Superior Court level - 20%.
- 2 Security includes Department of Justice court orderlies only.
- 3 Includes fee-for-services Deputy Sheriffs.
- 4 Policy, planning, staffing training and financial were computed by taking 16% of total for the department (courts having 165 of 1,002 total departmental complement). Accommodation and supplies were directly calculated. Building costs of \$709,589 are included in total; however, this appears to relate only to buildings not owned by the province.
- 5 Includes travel costs for professional seminars etc, consultants report on the Unified Family Court, and witness and juror fees and expenses.
- 6 Includes travel costs for professional seminars etc. and St. John's Traffic Court Computer System.

COURT OPERATIONS

NEWFOUNDLAND, 80-81

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT ¹	INDIRECT ²	SUPPORT SERVICES
TOTAL.....	\$5,989,262	\$3,129,589	\$1,370,375	\$1,489,298
PERCENT.....	100.0	52.3	22.9	24.9
GENERAL ADMINISTRATION..	\$1,160,003	-	-	\$1,160,003 ⁴
PERCENT.....	19.4	-	-	19.4
SUPERIOR COURTS.....	\$2,707,463	\$1,708,249 ³	\$782,747	\$216,467 ⁵
PERCENT.....	45.2	28.5	13.1	3.6
PROVINCIAL COURTS.....	\$2,121,796	\$1,421,340	\$587,628	\$112,828 ⁶
PERCENT.....	35.4	23.7	9.8	1.9

COURT OPERATIONS

NEWFOUNDLAND, 80-81

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT ²	SUPPORT SERVICES
TOTAL.....	174.6	86.0	85.0	3.6
PERCENT.....	100.0	49.3	48.7	2.1
GENERAL ADMINISTRATION..	3.6	-	-	3.6 ⁴
PERCENT.....	2.1	-	-	2.1
SUPERIOR COURTS.....	92.0	43.0 ³	49.0	0.0
PERCENT.....	52.7	24.6	28.1	0.0
PROVINCIAL COURTS.....	79.0	43.0	36.0	0.0
PERCENT.....	45.2	24.6	20.6	0.0

NEWFOUNDLAND: COURT OPERATIONS 1981-82 - FOOTNOTES

Data in these tables were supplied by the Department of Justice, Government of Newfoundland and Labrador, and were supplemented by data received from the Office of the Commissioner for Federal Judicial Affairs.

- 1 Security include Department of Justice court orderlies only.
- 2 Includes registration of jurors for three year period (\$75,632), and fee-for-service Deputy Sheriffs (\$21,554).
- 3 Accommodation figures not available from Department of Public Works.
- 4 Includes witness and juror fees and expenses and consultant's fees (Unified Family Court appraisal).
- 5 Includes regular travel for the Provincial Courts, and witness and juror fees and expenses.

COURT OPERATIONS

NEWFOUNDLAND, 81-82

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT ¹	SUPPORT SERVICES ³
TOTAL.....	\$6,140.429	\$3,468,071	\$1,968,872	\$703,486
PERCENT.....	100.0	56.5	32.1	11.5
GENERAL ADMINISTRATION..	\$268,767	-	-	\$268,767
PERCENT.....	4.4	-	-	4.4
SUPERIOR COURTS.....	\$2,954,505	\$1,756,832 ²	\$1,020,295	\$177,378 ⁴
PERCENT.....	48.1	28.6	16.6	2.9
PROVINCIAL COURTS.....	\$2,917,157	\$1,711,239	\$948,577	\$257,341 ⁵
PERCENT.....	47.5	27.9	15.4	4.2

COURT OPERATIONS

NEWFOUNDLAND, 81-82

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT ¹	SUPPORT SERVICES
TOTAL.....	198.0	90.5	102.0	5.5
PERCENT.....	100.0	45.7	51.5	2.8
GENERAL ADMINISTRATION..	5.5	-	-	5.5
PERCENT.....	2.8	-	-	2.8
SUPERIOR COURTS.....	95.5	42.0 ²	53.5	0.0
PERCENT.....	48.2	21.2	27.0	0.0
PROVINCIAL COURTS.....	97.0	48.5	48.5	0.0
PERCENT.....	49.0	24.5	24.5	0.0

NEWFOUNDLAND: CRIMINAL PROSECUTIONS 1980-81 - FOOTNOTES

Data in these tables were provided by the Department of Justice, Government of Newfoundland and Labrador, and reflect the provincial prosecutions system only. For information on the federal prosecutions system, please refer to the Federal Department of Justice chapter.

- 1 Prior to 1981-82, many functions of the Crown Attorney were carried out by RCMP officers when there was no prosecutorial staff in the location. The number of such occurrences cannot readily be estimated.

Travel costs were aggregated with other areas in 1980-81, so the detailed ratio available for 1981-82 has been used.

- 2 Building costs are not available. Office, law book and library costs have been attributed as percentage of Departmental Administration item.

CRIMINAL PROSECUTIONS

NEWFOUNDLAND, 80-81

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT ¹	INDIRECT	SUPPORT SERVICES ²
TOTAL.....	\$537,417	\$421,313	\$80,112	\$35,992
PERCENT.....	100.0	78.4	14.9	6.7
GENERAL ADMINISTRATION..	\$537,417	\$421,313	\$80,112	\$35,992
PERCENT.....	100.0	78.4	14.9	6.7
SUPERIOR COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-
PROVINCIAL COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-

CRIMINAL PROSECUTIONS

NEWFOUNDLAND, 80-81

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT ¹	INDIRECT	SUPPORT SERVICES
TOTAL.....	18.3	12.0	6.0	0.3
PERCENT.....	100.0	65.5	32.8	1.7
GENERAL ADMINISTRATION..	18.3	12.0	6.0	0.3
PERCENT.....	100.0	65.5	32.8	1.7
SUPERIOR COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-
PROVINCIAL COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-

NEWFOUNDLAND: CRIMINAL PROSECUTIONS 1981-82 - FOOTNOTES

Data in these tables were provided by the Department of Justice, Government of Newfoundland and Labrador, and reflect the provincial prosecutions system only. For information on the federal prosecutions system, please refer to the Federal Department of Justice chapter.

- 1 Person years are those budgetted; probably the actual staff was increased during the year. Costs are year-end.

Although, for example, there is one RCMP officer conducting prosecutions in the Provincial Court in St. John's, time and cost information for this and part-time duties, if any, are not recorded.

- 2 Administration person years does not include part-time services although this is included in the dollar sum.

- 3 Policy, planning, management, staffing, training and financial figures are based on the ratio of Public Prosecutions staff to total Departmental staff (20: 1100).

Building costs are not available; included are office costs attributable solely to Public Prosecutions; percentage of such items as Deputy Minister, etc. not available.

CRIMINAL PROSECUTIONS

NEWFOUNDLAND, 81-82

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$843,471	\$665,390	\$127,714	\$50,367
PERCENT.....	100.0	78.9	15.1	6.0
GENERAL ADMINISTRATION..	\$843,471	\$665,390 ¹	\$127,714 ²	\$50,367 ³
PERCENT.....	100.0	78.9	15.1	6.0
SUPERIOR COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-
PROVINCIAL COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-

CRIMINAL PROSECUTIONS

NEWFOUNDLAND, 81-82

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	21.0	14.0	6.0	1.0
PERCENT.....	100.0	66.6	28.5	4.9
GENERAL ADMINISTRATION..	21.0	14.0 ¹	6.0 ²	1.0 ³
PERCENT.....	100.0	66.6	28.5	4.9
SUPERIOR COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-
PROVINCIAL COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-



Prince Edward Island

Summary Facts

PRINCE EDWARD ISLAND 1981 - 82

COURT OPERATIONS EXPENDITURES

\$ 1,266,666
7,800(0.6%)
960,374(75.8%)
298,492(23.6%)
32

Total
General Administration
Superior Courts
Provincial Courts
Staff

CRIMINAL PROSECUTIONS EXPENDITURES

\$ 192,126
23,689(12.3%)
64,387(33.5%)
104,050(54.2%)
6

COURT LOCATIONS

	Superior	Provincial
Permanent :	1	2
Circuit :	2	3

NO. OF JUDGES

Superior: 7
Provincial: 3

Population: 122,510
Area: 5,660 sq. kms.

Court Locations, Prince Edward Island, 1981-82



Legend

- ▲ Provincial court — permanent
- △ Provincial court — circuit
- Superior court — permanent
- Superior court — circuit

PRINCE EDWARD ISLAND COURTS

THE SUPREME COURT OF PRINCE EDWARD ISLAND

Constituted by provincial statute.
One court for the entire province.
Superior court of record.

Judges

Appointed federally by the Governor in Council.

Jurisdiction

Appellate. From the Provincial Court and from a single justice of the Supreme Court.

Civil. Original jurisdiction in all civil matters in the province and matrimonial cases within jurisdiction of legislature. Serves as Small Claims Court in cases where the amount involved does not exceed \$2,000.

Criminal. Jurisdiction of the County Court has been transferred to the Supreme Court of Prince Edward Island; all indictable offences where the accused elects to be tried by judge and jury or by judge alone.

Appeal

Civil. To the Supreme Court of Canada on matters of law or mixed law and fact, with leave of this court or of the Supreme Court of Canada.

Criminal. To the Supreme Court of Canada, as of right on a question of law for indictable offences where a judge of the Court of Appeal dissents or an acquittal is set aside; otherwise, to the Supreme Court of Canada only a question of jurisdiction or law with the leave of the Supreme Court of Canada.

PROVINCIAL COURT

Constituted by provincial statute.
One court for the entire province.
Inferior court of record.

Judges

Appointed provincially by the Lieutenant Governor in Council.
(Previously magistrates and stipendiary magistrates.)

Jurisdiction

Civil. The eviction of tenants.

Criminal. Charges and offences under provincial acts, summary conviction offences under federal statutes, and indictable offences where the accused elects to be tried by magistrate.

Appeals

To the Supreme Court of Prince Edward Island.

COURT OPERATIONS

COURT HIERARCHY

Supreme Court

The Supreme Court in Prince Edward Island is constituted under the Judicature Act, R.S.P.E.I. 1974, c. J-3, as amended. Recently, the Municipal Police Courts were abolished and the County Court merged with the Supreme Court under the Supreme Court Reorganization Act, S.P.E.I. 1975, c. 27. The bench is composed of a Chief Justice and six judges appointed federally by the Governor in Council. The court sits permanently in Charlottetown and on circuit in Summerside and Georgetown. In many cases of appeal, three judges constitute a quorum. The court consists of the Estates Division, the Family Division, and the General Division.

The Estates Division exercises jurisdiction over probate matters as defined by the Probate Act.

The Family Division handles all family and juvenile matters, including those related to marriage, matrimonial property, maintenance, custody and access, adoption, and juvenile delinquency.

The General Division hears all indictable offences, tried by judge alone or by judge and jury, civil cases, and appeals from the Provincial Court. In addition, this Division acts as a Small Claims Court in actions not exceeding \$2,000.

Provincial Court

The Provincial Court, as constituted by the Provincial Court Act, R.S.P.E.I. 1974, c. P-24, has three judges appointed provincially by the Lieutenant Governor in Council. Temporary judges may also be appointed. The court sits in two permanent and three circuit locations. It has original jurisdiction over summary and some indictable criminal matters.

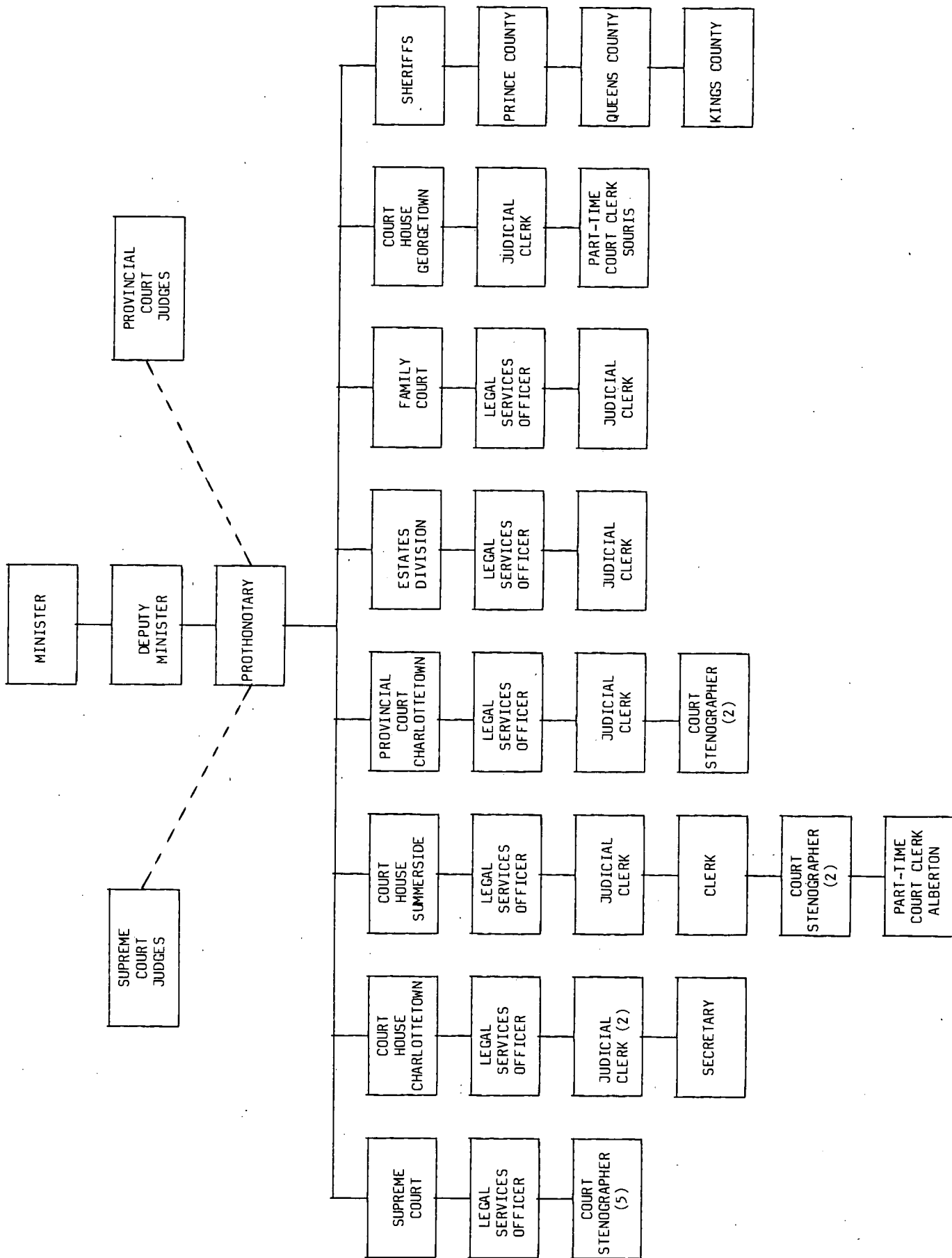
COURT ADMINISTRATION

All the courts are administered by the Department of Justice which provides the required staff and facilities. The Prothonotary, based in Charlottetown, is the senior administrator for the Supreme Court and the Provincial Court and is assisted by a Deputy in Summerside as well as a staff of sheriffs and clerks across the province.

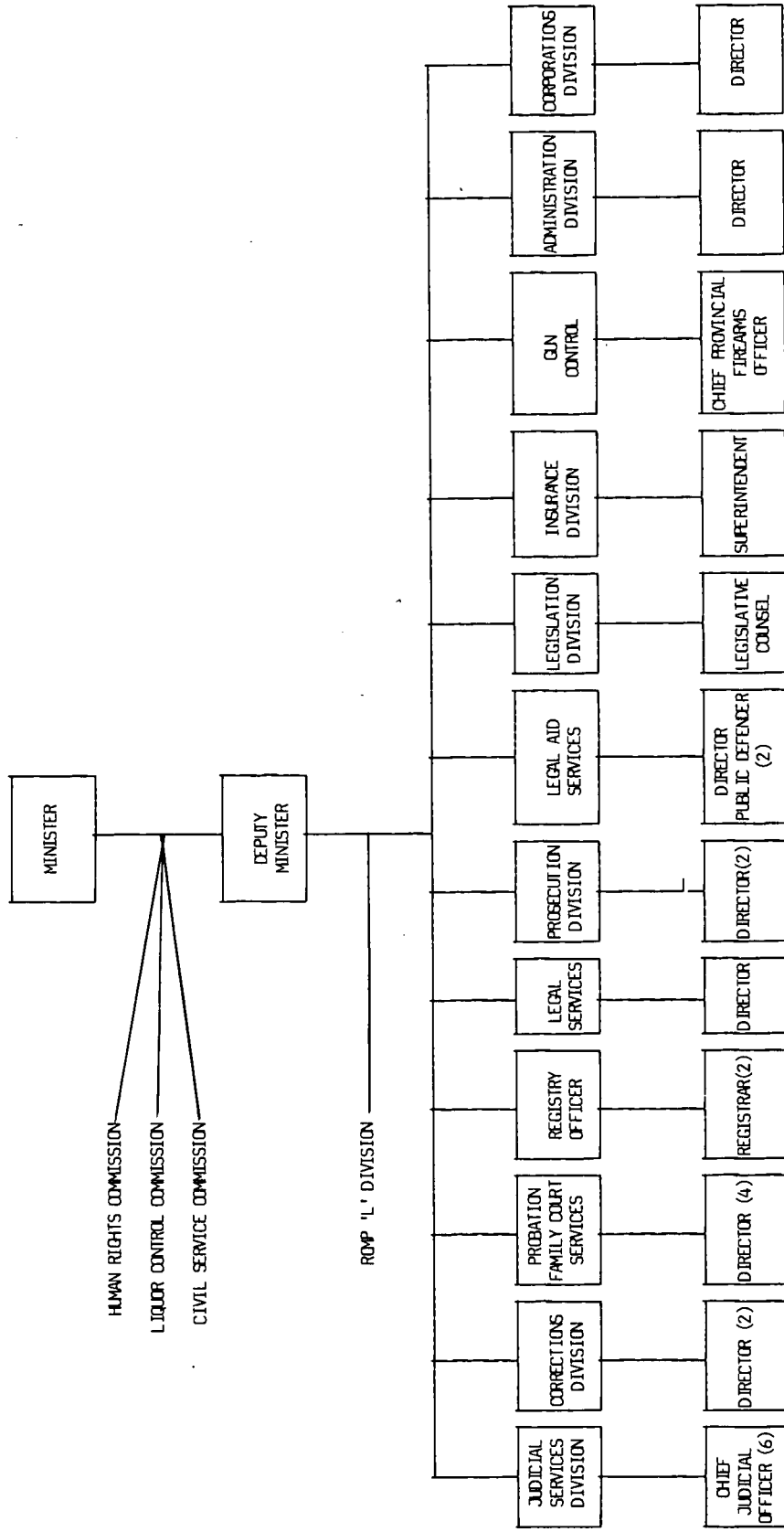
CRIMINAL PROSECUTIONS

In Prince Edward Island, criminal prosecutions are the responsibility of the Department of Justice and Attorney General. There are three full-time Crown prosecutors, two in Charlottetown and one in Summerside, serving the entire province. They are assisted by practicing lawyers employed as ad hoc Crown Counsel. In indictable appeals, the Crown is represented by Crown Counsel.

ORGANIZATION CHART - JUDICIAL SERVICES DIVISION, PRINCE EDWARD ISLAND, 1981-82



ORGANIZATION CHART - DEPARTMENT OF JUSTICE & ATTORNEY GENERAL, PRINCE EDWARD ISLAND, 1981-82



PRINCE EDWARD ISLAND: COURT OPERATIONS 1980-81 - FOOTNOTES

Data concerning the court system are not available. For information on federally appointed judges, please refer to the chapter on the Office of the Commissioner for Federal Judicial Affairs.

PRINCE EDWARD ISLAND: COURT OPERATIONS 1981-82 - FOOTNOTES

Data in these tables were supplied by the Judicial Services Division,
Department of Justice and Attorney General, Prince Edward Island.

COURT OPERATIONS

PRINCE EDWARD ISLAND, 81-82

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$1,266,666	\$832,096	\$426,770	\$7,800
PERCENT.....	100.0	65.7	33.7	0.6
GENERAL ADMINISTRATION..	\$7,800	-	-	\$7,800
PERCENT.....	0.6	-	-	0.6
SUPERIOR COURTS.....	\$960,374	\$635,786	\$324,588	-
PERCENT.....	75.8	50.2	25.6	-
PROVINCIAL COURTS.....	\$298,492	\$196,310	\$102,182	-
PERCENT.....	23.6	15.5	8.1	-

COURT OPERATIONS

PRINCE EDWARD ISLAND, 81-82

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	42.3	21.3	20.7	0.3
PERCENT.....	100.0	50.3	48.9	0.8
GENERAL ADMINISTRATION..	0.3	-	-	0.3
PERCENT.....	0.8	-	-	0.8
SUPERIOR COURTS.....	29.8	15.3	14.5	-
PERCENT.....	70.4	36.1	34.2	-
PROVINCIAL COURTS.....	12.2	6.0	6.2	-
PERCENT.....	28.8	14.2	14.6	-

PRINCE EDWARD ISLAND: CRIMINAL PROSECUTIONS 1980-81 - FOOTNOTES

Data for the provincial prosecutions system are not available. For information on the federal prosecutions system, please refer to the Federal Department of Justice chapter.

PRINCE EDWARD ISLAND: CRIMINAL PROSECUTIONS 1981-82 - FOOTNOTES

Data in these tables were supplied by the Prosecutions Division, Department of Justice and Attorney General, and reflect the provincial prosecutions system only. For information on the federal prosecutions system, please refer to the Federal Department of Justice chapter.

CRIMINAL PROSECUTIONS

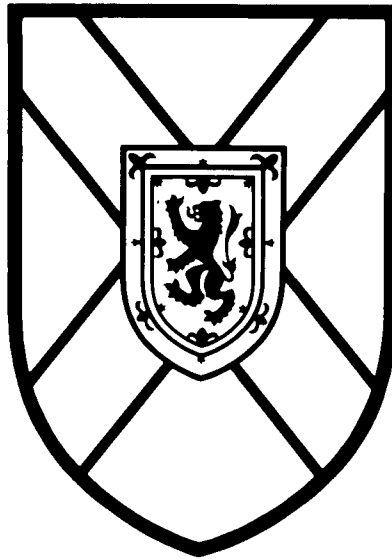
PRINCE EDWARD ISLAND, 81-82

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$192,126	\$169,743	\$17,133	\$5,250
PERCENT.....	100.0	88.3	8.9	2.7
GENERAL ADMINISTRATION..	\$23,689	\$11,575	\$6,864	\$5,250
PERCENT.....	12.3	6.0	3.6	2.7
SUPERIOR COURTS.....	\$64,387	\$59,252	\$5,135	-
PERCENT.....	33.5	30.8	2.7	-
PROVINCIAL COURTS.....	\$104,050	\$98,916	\$5,134	-
PERCENT.....	54.2	51.5	2.7	-

CRIMINAL PROSECUTIONS

PRINCE EDWARD ISLAND, 81-82

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	5.6	4.4	1.0	0.2
PERCENT.....	100.0	78.5	17.9	3.6
GENERAL ADMINISTRATION..	0.8	0.3	0.4	0.2
PERCENT.....	15.2	4.5	7.2	3.6
SUPERIOR COURTS.....	1.9	1.6	0.3	-
PERCENT.....	34.1	28.7	5.4	-
PROVINCIAL COURTS.....	2.8	2.5	0.3	-
PERCENT.....	50.7	45.3	5.4	-



Nova Scotia

Summary Facts

NOVA SCOTIA
1981 - 82

COURT OPERATIONS EXPENDITURES

\$ 12,153,978
967,040(8.0%)
5,743,267(47.3%)
5,443,671(44.8%)
304

Total
General Administration
Superior Courts
Provincial Courts
Staff

CRIMINAL PROSECUTIONS EXPENDITURES

\$ 2,130,260
275,067(12.9%)
272,134(12.8%)
1,583,059(74.3%)
64

COURT LOCATIONS

	Superior	Provincial	Municipal
Permanent:	1	14	1*
Circuit:	23	24	0

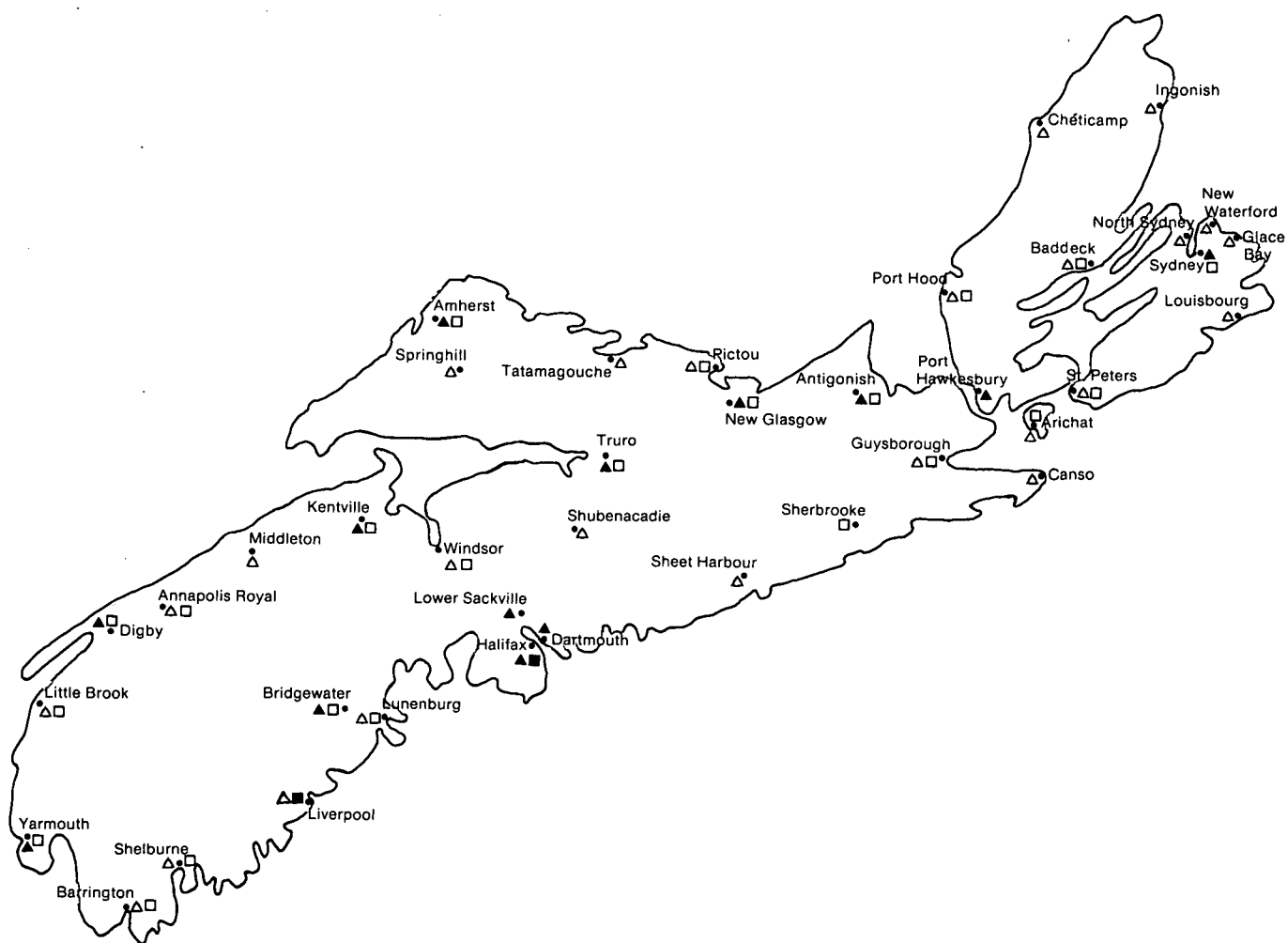
NO. OF JUDGES

Superior: 26
Provincial: 36

Population: 847,445
Area: 52,841 sq. kms.

* Not included in Canada total.

Court Locations, Nova Scotia, 1981-82



Legend

- ▲ Provincial court — permanent
- △ Provincial court — circuit
- Superior court — permanent
- Superior court — circuit

NOVA SCOTIA COURTS

SUPREME COURT OF NOVA SCOTIA
Constituted by provincial statute (<u>Judicature Act</u>). One court for the entire province. Two Divisions: Trial Division and Appeal Division. Superior court of record.
<u>Judges</u> Appointed federally by the Governor in Council.
TRIAL DIVISION
<u>Jurisdiction</u> Civil. Original civil jurisdiction. Jurisdiction in divorce and matrimonial causes according to provincial and federal statute. Criminal. Original jurisdiction in indictable offences tried by judge, or judge and jury at criminal assizes.
<u>Appeals</u> To the Appeal Division of the Supreme Court of Nova Scotia unless otherwise provided by statute.
APPEAL DIVISION
<u>Jurisdiction</u> Appellate. From the County Court and from the Trial Division of the Supreme Court of Nova Scotia. Civil. To the Supreme Court of Canada on matters of law or mixed law and fact, with leave of this court or of the Supreme Court of Canada. Criminal. To the Supreme Court of Canada, as of right on a question of law for indictable offences where a judge of the Court of Appeal dissents or an acquittal is set aside; otherwise, to the Supreme Court of Canada only on a question of jurisdiction or law with the leave of the Supreme Court of Canada.

COUNTY COURTS OF NOVA SCOTIA
Constituted by provincial statute (<u>County Court Act</u>). Established in seven County Court districts. Inferior courts of record.
<u>Judges</u> Appointed federally by the Governor in Council. Note: Under certain condition; County Court judges can act as local judges of the Supreme Court, Trial Division.
<u>Jurisdiction</u> Civil. Original jurisdiction in actions where the amount in dispute does not exceed \$50,000. In actions of replevin where amount claimed is less than \$2,000. Note 1: Actions regarding the title to land are excluded. Note 2: This jurisdiction is concurrent with the Supreme Court. Criminal. Indictable offences where the accused is given a choice as to the mode of trial and elects to be tried by judge alone. Concurrent with Supreme Court under Liberty of the Subject Act. Appellate. From Provincial Courts, the Halifax City Municipal Court, Family Courts and Small Claims Court. <u>Appeals</u> To the Appeal Division of the Supreme Court.

PROVINCIAL COURTS
Constituted by provincial statute. Established at principal points throughout the province. Inferior court of record.
<u>Judges</u> Appointed provincially by the Lieutenant Governor in Council.
<u>Jurisdiction</u> Limited statutory jurisdiction throughout the province. Civil. Actions heard where amount in dispute does not exceed \$500. Criminal. Summary conviction offences and some under the Criminal Code and under provincial statutes; indictable offences under Part XVI of the Criminal Code. <u>Appeals</u> To the County Court.

FAMILY COURTS
Constituted by provincial statute (<u>Family Court Act</u>). Established at points in the Province determined by the Lieutenant Governor in Council. Inferior court of record.
<u>Judges</u> Appointed provincially by the Lieutenant Governor in Council. Any Provincial Court judge may act as judge of the Family Court.
<u>Jurisdiction</u> Changes, offences and actions under the following acts: Family Maintenance Act. Maintenance Orders Enforcement Act. Employment of Children Act. Children's Services Act. Parts of the Education Act. Juvenile Delinquents Act. Parts of the Criminal Code. Infants Custody Act. Parts of the Solemnization of Marriage Act. Other Acts as designated. <u>Appeals</u> Where appeals are provided for by the Act in question, appeals go to the County Court.

MUNICIPAL COURTS
Constituted by provincial statute (<u>Municipal Courts Act</u>). Established only in the City of Halifax. Inferior court of record.
<u>Judges</u> A Provincial Court judge sits as required.
<u>Jurisdiction</u> Solely civil jurisdiction in matters where the amount in dispute does not exceed \$500.00 and provided title or right of possession of real property is not in question. All actions brought on behalf of the city for recovery of rates and taxes whatever the amount. <u>Appeals</u> To the County Court.

SMALL CLAIMS COURT
Constituted by provincial statute (<u>Small Claims Court Act</u>).
<u>Judges</u> Presided over by an adjudicator. Appointed provincially by Lieutenant Governor in Council. Adjudicator must be a practicing member of the Nova Scotia Barristers Society.
<u>Jurisdiction</u> A person may make a claim under this Act if he is: (a) seeking a monetary award in respect to a matter arising out of contract or a loss where the claim does not exceed \$2,000 inclusive of any claim for general damages but exclusive of interest; or (b) requesting the delivery of specific personal property having a value of less than \$2,000. <u>Appeals</u> To the County Court on the ground that a determination made by the adjudicator is: (a) erroneous in point of law; (b) in excess of jurisdiction; (c) or constitutes a denial of natural justice.

COURT OPERATIONS

COURT HIERARCHY

Supreme Court

The Supreme Court of Nova Scotia, established under the Judicature Act, is divided into the Appeal Division and the Trial Division.

The Appeal Division has a Chief Justice and five judges who are appointed federally by the Governor in Council. A quorum consists of three judges, but one judge may hear certain matters in chambers. The court sits only in Halifax and hears appeals from the County Court and the Trial Division of the Supreme Court and certain administrative tribunals of the province.

The Trial Division is the Superior Court of inherent jurisdiction and has a Chief Justice and nine judges. The court sits regularly in Halifax and on circuit in 22 other locations. One judge constitutes the court in the Trial Division. The Governor in Council can ask County Court judges to act as local judges of the Trial Division upon request of the Chief Justice. The court has original criminal jurisdiction in indictable offences tried by judge and jury, handles civil actions exceeding \$50,000 and hears divorce and matrimonial cases according to federal and provincial statute.

County Court

The County Court, as enabled by the County Court Act, has 9 federally appointed judges sitting regularly in seven districts and on circuit in 22 other localities. The court has jurisdiction over indictable offences tried by judge alone, civil actions up to \$50,000, and actions of replevin of less than \$2,000. Also, appeals from small claim courts not exceeding \$2,000 are within the Court's jurisdiction. Appeals referred from the Provincial and Municipal Courts are heard in the County Court.

Provincial Court

The Provincial Court, established under the provisions of the Judges of the Provincial Magistrate's Court Act, has 24 judges appointed provincially who sit in 14 permanent and 24 circuit locations. The court handles summary conviction offences under the federal and provincial statutes.

Family Court

The Family Court for the Province of Nova Scotia as constituted by the Family Court Act, is the administrative responsibility of the Provincial Department of Social Services. The Family Court has 12 provincially appointed Family Court judges sitting in 7 permanent and 16 circuit locations. It has jurisdiction over Charges and Actions under the following Acts:

- (a) Family Maintenance Act.
- (b) Maintenance Orders Enforcement Act.
- (c) Employment of Children Act.
- (d) Children's Services Act.

- (e) Education Act, as it relates to offences under Section 99, and failure to compel attendance of children at school.
- (f) Juvenile Delinquents Act.
- (g) Sections 168, 197, and 666 of the Criminal Code of Canada.
- (h) Sections 245, 745, and 746 of the Criminal Code of Canada where the parties involved are husband and wife or parent and child.
- (i) Infants Custody Act.
- (j) Sections of the Solemnization of Marriage Act relating to the performance of marriage and consent for persons under the age of 16 to marry.
- (k) Such other Acts or matters as the Governor in Council may from time to time deem appropriate.

Municipal Court

The Halifax City Municipal Court, as constituted by provincial statute (Municipal Courts Act), hears local highway and by-law infraction cases. Provincial Court judges preside over the proceedings.

COURT ADMINISTRATION

The Department of Attorney-General in Halifax, and specifically the Executive Director of the Courts and Registries Division, is responsible for the administration of the Supreme, County and Provincial Courts. The Director of Field Operations (Halifax), one Deputy Inspector (Chief Clerk of the Provincial Court) in Sydney, and one Deputy Inspector (Prothonotary and Sheriff of the Supreme and County Courts) in Kentville, all report to the Executive Director.

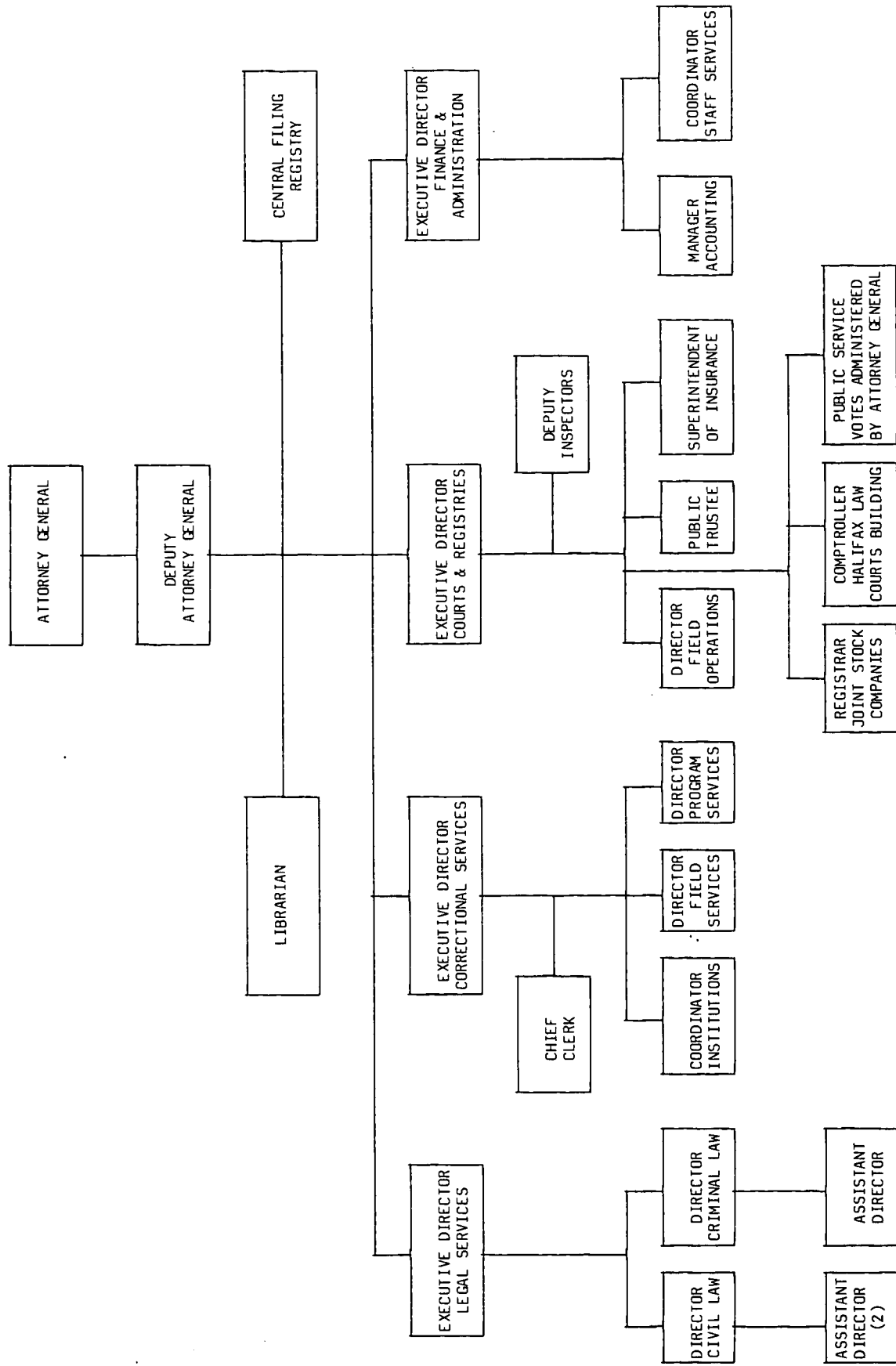
The Family Court is the administrative responsibility of the Provincial Department of Social Services. The support staff is the direct responsibility of the Regional Administrators of the Department of Social Services who report to the head office of the Department as indicated on the Organizational Chart.

With the exception of the Halifax City Municipal Court, where the employees are provided by the city, the province is responsible for providing clerks, prothonotaries, sheriffs, and reporters for all levels of court. Individual municipalities provide facilities for the County and Supreme Courts. In Halifax, the Halifax Court House Commission administers the cost sharing agreement involving the cities of Halifax, Dartmouth, the County of Halifax, and the province.

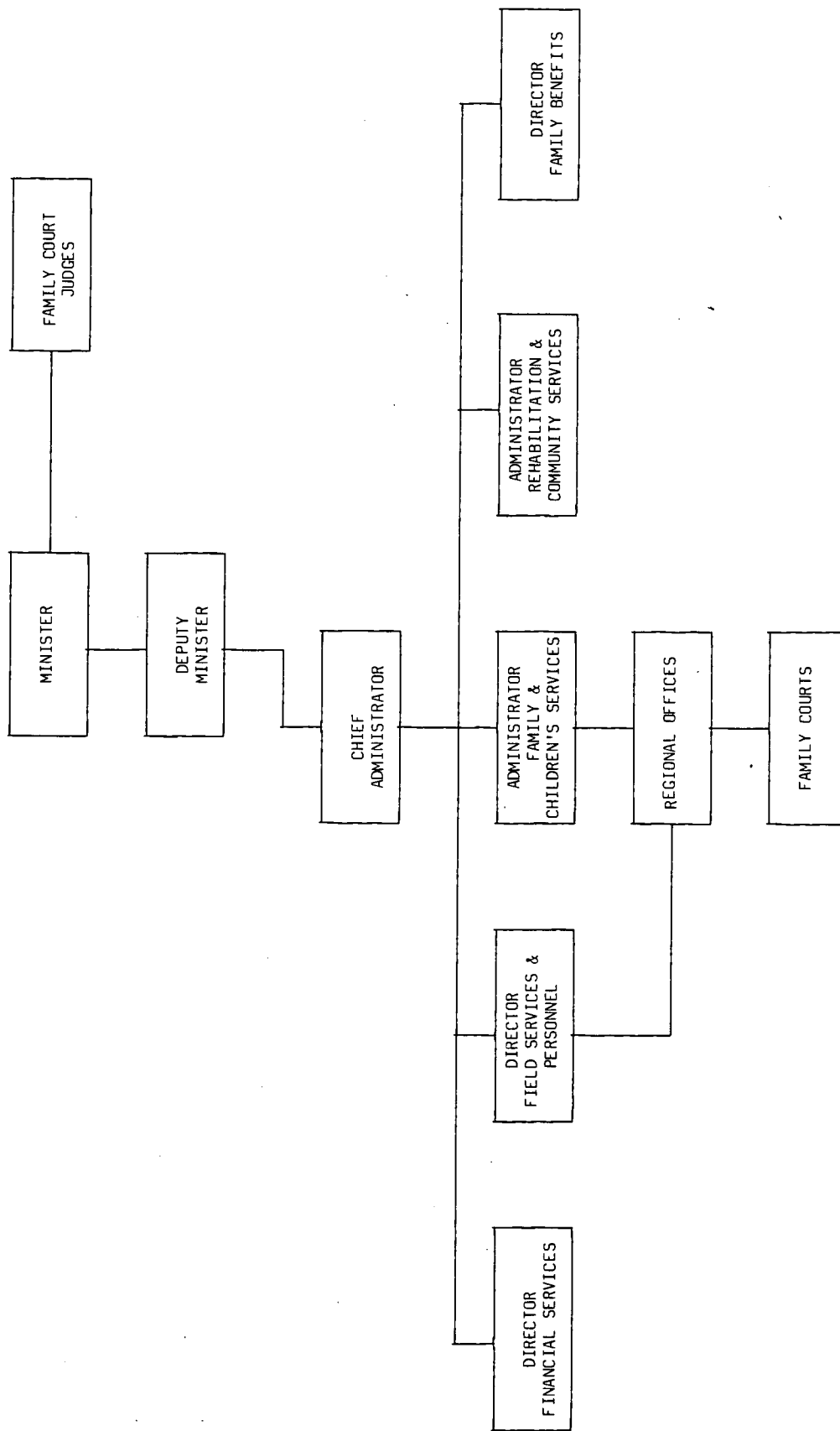
CRIMINAL PROSECUTIONS

In Nova Scotia, the Department of Attorney-General is responsible for criminal prosecutions. Full-time and part-time Crown Counsel in specific locations are accountable to the Deputy Attorney General through the Director of Criminal Law. There is a central pool of Crown Counsel (for special prosecutions and province-wide offences), who are also assisted by practicing lawyers employed as ad hoc Crown Counsel. In indictable appeals, the Crown is represented by Counsel from a separate appeal section.

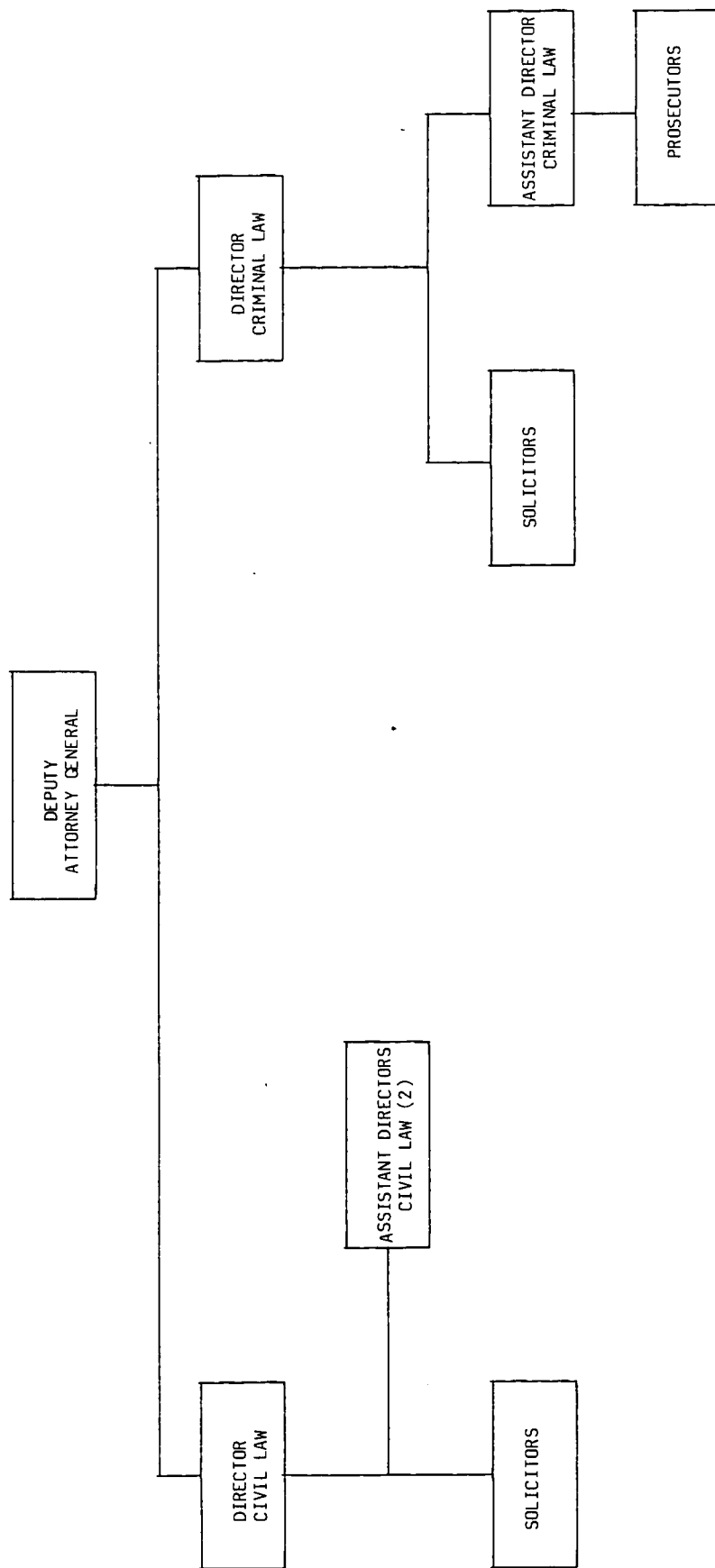
ORGANIZATION CHART - DEPARTMENT OF ATTORNEY GENERAL, NOVA SCOTIA, 1981-82



ORGANIZATION CHART - DEPARTMENT OF SOCIAL SERVICES, NOVA SCOTIA, 1981-82



ORGANIZATION CHART - LEGAL SERVICES DIVISION, NOVA SCOTIA, 1981-82



NOVA SCOTIA: COURT OPERATIONS 1980-81 - FOOTNOTES

Data in these tables were supplied by the Department of the Attorney-General, and the Department of Social Services, and were supplemented by data received from the Office of the Commissioner for Federal Judicial Affairs.

- 1 Provincial Courts - Direct includes \$1,044,000 and 39 person years for Family Courts. The service of documents for Family Courts is the responsibility of the Sherriff's Office, Department of the Attorney-General and is not included in these amounts. Witness fees and other related expenses are also not included.
- 2 General Administration - Indirect includes \$294,000 and 10 person years for Family Courts.
- 3 Provincial Courts - Indirect includes \$1,094,000 and 55 person years for Family Courts. Security to Family Courts (which is provided either by the Sherriffs Office or by local law enforcement agencies) is not included in these amounts. Case processing include only those people who are full time in the operation of the Court.
- 4 General Administration - Support services include \$162,000 for supplies for Family Court Offices. Accommodation for Family Courts is the responsibility of the Department of Government Services and the costs for these are not readily available.

COURT OPERATIONS

NOVA SCOTIA, 80-81

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$10,854,296	\$5,624,534	\$3,361,783	\$1,867,979
PERCENT.....	100.0	51.8	31.0	17.2
GENERAL ADMINISTRATION..	\$883,413	\$12,625	\$294,000 ²	\$576,788 ⁴
PERCENT.....	8.1	0.1	2.7	5.3
SUPERIOR COURTS.....	\$4,809,990	\$2,656,530	\$1,460,714	\$692,746
PERCENT.....	44.3	24.5	13.5	6.4
PROVINCIAL COURTS.....	\$5,160,893	\$2,995,379 ¹	\$1,607,069 ³	\$598,445
PERCENT.....	47.5	27.2	14.8	5.5

COURT OPERATIONS

NOVA SCOTIA, 80-81

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	347.0	176.6	156.0	14.4
PERCENT.....	100.0	50.9	45.0	4.1
GENERAL ADMINISTRATION..	25.0	0.6	10.0 ²	14.4 ⁴
PERCENT.....	7.2	0.2	2.9	4.1
SUPERIOR COURTS.....	155.0	69.0	86.0	0.0
PERCENT.....	44.7	19.9	24.8	0.0
PROVINCIAL COURTS.....	167.0	107.0 ¹	60.0 ³	0.0
PERCENT.....	48.1	30.8	17.3	0.0

NOVA SCOTIA: COURT OPERATIONS 1981-82 - FOOTNOTES

Data in these tables were supplied by the Department of the Attorney-General, and the Department of Social Services, and were supplemented by data received from the Office of the Commissioner for Federal Judicial Affairs.

- ¹ Provincial Courts - Direct includes \$1,152,500 and 39 person years for Family Courts. The service of documents for Family Courts is the responsibility of the Sherriff's Office, Department of the Attorney-General and is not included in these amounts. Witness fees and other related expenses are also not included.
- ² General Administration - Indirect includes \$337,500 and 10 person years for Family Courts.
- ³ Provincial Courts - Indirect includes \$1,215,000 and 55 person years for Family Courts. Security to Family Courts (which is provided either by the Sherriffs Office or by local law enforcement agencies) is not included in these amounts. Case processing include only those people who are full time in the operation of the Court.
- ⁴ General Administration - Support services include \$205,000 for supplies for Family Court Offices. Accommodation for Family Courts is the responsibility of the Department of Government Services and the costs for these are not readily available.

COURT OPERATIONS

NOVA SCOTIA, 81-82

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$12,153,978	\$6,236,625	\$3,953,829	\$1,963,524
PERCENT.....	100.0	51.3	32.5	16.4
GENERAL ADMINISTRATION..	\$967,040	\$14,025	\$337,500 ²	\$615,515 ⁴
PERCENT.....	8.0	0.1	2.8	5.1
SUPERIOR COURTS.....	\$5,743,267	\$2,990,016	\$1,982,451	\$770,800
PERCENT.....	47.3	24.6	16.3	6.3
PROVINCIAL COURTS.....	\$5,443,671	\$3,232,584 ¹	\$1,633,878 ³	\$577,209
PERCENT.....	44.8	26.6	13.4	4.7

COURT OPERATIONS

NOVA SCOTIA, 81-82

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	365.9	162.5	194.1	9.3
PERCENT.....	100.0	44.4	53.0	2.5
GENERAL ADMINISTRATION..	19.9	0.6	10.0 ²	9.3 ⁴
PERCENT.....	5.4	0.2	2.7	2.5
SUPERIOR COURTS.....	175.0	69.8	105.2	0.0
PERCENT.....	47.8	19.1	28.8	0.0
PROVINCIAL COURTS.....	171.0	92.1 ¹	78.9 ³	0.0
PERCENT.....	46.7	25.2	21.6	0.0

NOVA SCOTIA: CRIMINAL PROSECUTIONS 1980-81 - FOOTNOTES

Data in these tables were provided by the Department of the Attorney-General, and reflect the provincial prosecutions system only. For information on the federal prosecutions system, please refer to the Federal Department of Justice chapter.

CRIMINAL PROSECUTIONS

NOVA SCOTIA, 80-81

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL	\$2,028,697	\$1,501,451	\$241,115	\$286,131
PERCENT	100.0	74.0	11.9	14.1
GENERAL ADMINISTRATION..	\$229,991	\$51,126	\$34,499	\$144,366
PERCENT	11.3	2.5	1.7	7.1
SUPERIOR COURTS	\$235,653	\$178,984	\$25,666	\$31,003
PERCENT	11.6	8.8	1.3	1.5
PROVINCIAL COURTS	\$1,563,053	\$1,271,341	\$180,950	\$110,762
PERCENT	77.0	62.7	8.9	5.5

CRIMINAL PROSECUTIONS

NOVA SCOTIA, 80-81

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL	63.3	43.6	15.8	3.9
PERCENT	100.0	68.9	25.0	6.2
GENERAL ADMINISTRATION..	7.0	1.5	1.8	3.7
PERCENT	11.1	2.4	2.8	5.8
SUPERIOR COURTS	8.2	6.0	2.0	0.2
PERCENT	13.0	9.5	3.2	0.3
PROVINCIAL COURTS	48.1	36.1	12.0	0.0
PERCENT	76.0	57.0	19.0	0.0

NOVA SCOTIA: CRIMINAL PROSECUTIONS 1981-82 - FOOTNOTES

Data in these tables were provided by the Department of the Attorney-General, and reflect the provincial prosecutions system only. For information on the federal prosecutions system, please refer to the Federal Department of Justice chapter.

CRIMINAL PROSECUTIONS

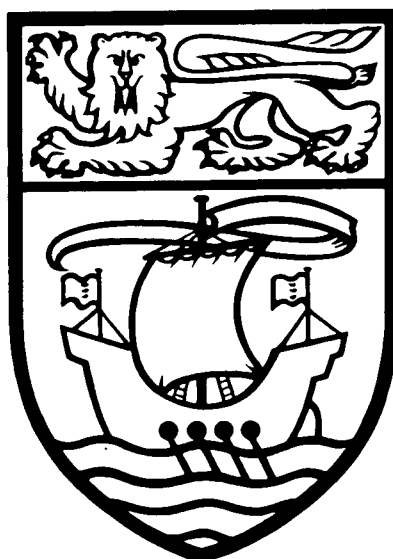
NOVA SCOTIA, 81-82

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$2,130,260	\$1,513,970	\$269,648	\$346,642
PERCENT.....	100.0	71.1	12.7	16.3
GENERAL ADMINISTRATION..	\$275,067	\$33,972	\$38,547	\$202,548
PERCENT.....	12.9	1.6	1.8	9.5
SUPERIOR COURTS.....	\$272,134	\$219,636	\$27,750	\$24,748
PERCENT.....	12.8	10.3	1.3	1.2
PROVINCIAL COURTS.....	\$1,583,059	\$1,260,362	\$203,351	\$119,346
PERCENT.....	74.3	59.2	9.5	5.6

CRIMINAL PROSECUTIONS

NOVA SCOTIA, 81-82

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	63.5	41.3	16.3	5.9
PERCENT.....	100.0	65.0	25.7	9.3
GENERAL ADMINISTRATION..	8.7	1.0	1.8	5.9
PERCENT.....	13.7	1.6	2.8	9.3
SUPERIOR COURTS.....	8.3	6.3	2.0	0.0
PERCENT.....	13.1	9.9	3.1	0.0
PROVINCIAL COURTS.....	46.5	34.0	12.5	0.0
PERCENT.....	73.2	53.5	19.7	0.0



New Brunswick

Summary Facts

NEW BRUNSWICK
1981 - 82

**COURT OPERATIONS
EXPENDITURES**

\$ 9,263,343
233,250(2.5%)
4,824,993(52.1%)
4,205,100(45.4%)
195

Total
General Administration
Superior Courts
Provincial Courts
Staff

**CRIMINAL PROSECUTIONS
EXPENDITURES**

\$ 1,590,321
203,200(12.8%)
269,471(16.9%)
1,117,650(70.3%)
45

COURT LOCATIONS

	Superior	Provincial
Permanent :	8	14
Circuit :	3	22

NO. OF JUDGES

Superior: 21
Provincial: 25

Population: 696,405
Area: 71,569 sq. kms.

Court Locations, New Brunswick, 1981-82



Legend

- ▲ Provincial court — permanent
- △ Provincial court — circuit
- Superior court — permanent
- Superior court — circuit

NEW BRUNSWICK COURTS

THE COURT OF QUEEN'S BENCH OF NEW BRUNSWICK

Constituted by provincial statute.
One court for the entire province, (eight judicial districts).
Two Divisions: Family Division and Trial Division.
Superior court of record.

Judges

Appointed federally by the Governor in Council.

Note: Judges of the Trial Division can act as judges of the Family Division upon request of the Chief Justice of the Court of Queen's Bench.

Jurisdiction

Family Division. Concurrent jurisdiction with Trial Division. (During the time frame of this material, only Fredericton Judicial District was served by the Family Division. Legislation is in place and shortly the Family Division will operate province-wide).

Civil. Divorce and matrimonial causes including custody and maintenance of children in accord with statutes and acts of Parliament e.g. Juvenile Delinquents Act (Canada) and of the Legislature eg. Children and Family Services and Family Relations Act.

Criminal. Concurrent jurisdiction with Provincial Court in summary conviction offences, Criminal Code.

Trial Division. Civil and Criminal matters arising from common law or statute of Parliament and the Legislature.
Concurrent with Family Division.

Appeals

To the Court of Appeal.

With respect to:

- (a) interlocutory orders or decisions,
- (b) orders or decisions as to costs only, or
- (c) orders made with the consent of the parties, leave to appeal must be obtained by application to a Justice of the Court of Appeal.

THE COURT OF APPEAL OF NEW BRUNSWICK

Constituted by provincial statute.
One court for the entire province.
Sits in Fredericton but may sit elsewhere at the request of the Chief Justice of New Brunswick.

Judges

Appointed federally by the Governor in Council.

Jurisdiction

Original. The Court can entertain a reference at the instance of either Attorney General for Canada or of the province as to the validity of any statute or part thereof or from the Lieutenant Governor in Council on questions of law or fact relating to statutes or acts of Parliament.

Appellate. Civil or criminal matters on an appeal from all Provincial Courts, and the Court of Queen's Bench.

Appeals

To the Supreme Court of Canada.

PROVINCIAL COURT

Constituted by provincial statute.
Established at principal points throughout the province.
Inferior court of record.

Judges

Appointed provincially by the Lieutenant Governor in Council.

Jurisdiction

Criminal Division. Solely criminal jurisdiction. Summary conviction offences under the Criminal Code and under provincial statutes. Indictable offences under part XVI of the Criminal Code.

Family Division. Actions under the following acts: Child and Family Services and Family Relations Act, Social Welfare Act, School Act, Juvenile Delinquents Act, Reciprocal Enforcement of Maintenance Orders Act. (This division phases out as Family Division of Court of Queen's Bench comes into being).

Appeals

To the Court of Queen's Bench (no trial de novo) elective in certain cases.
To the Court of Appeal of New Brunswick.

COURT OF PROBATE

Constituted by provincial statute.
Inferior court of record.

Judges

Appointed provincially by the Lieutenant Governor in Council.

Jurisdiction

Probating of wills, granting of letters of administration and in some cases exclusive jurisdiction over entire estate.

Appeals

To the Court of Appeal of New Brunswick.

COURT OPERATIONS

COURT HIERARCHY

Senior Courts

The Senior Courts of New Brunswick, as constituted by provincial statute, (Judicature Act, R.S.N.B. 1973, c. J-2 as amended), are comprised of the Court of Appeal and the Court of Queen's Bench (Trial and Family Divisions).

The Court of Appeal has a Chief Justice and four judges appointed federally by the Governor in Council. There is one Court for the entire province and it sits in Fredericton, but may sit elsewhere at the request of the Chief Justice of New Brunswick. Judges of this Court also act as ex officio commissioners for taking affidavits. Appeals are heard before three judges, but two judges can constitute a quorum and lawfully hold court. The Court has jurisdiction in civil and criminal matters as incidental to or necessary for determining an appeal. Appeals from the Court of Queen's Bench, Provincial Court, and Court of Probate are heard in this Court.

The Court of Queen's Bench has had the jurisdiction and duties of the former Supreme Court Queen's Bench division and the County Courts since their merger on September 4, 1979 and certain matters formerly dealt with by the family division of the Provincial Court. The Court consists of a Chief Justice and 15 judges, federally appointed. Judges of this Court are also ex officio commissioners for taking affidavits.

The Trial Division is a Court of inherent jurisdiction. It has jurisdiction over indictable offences tried by judge and jury or by judge alone. It also hears civil cases. Some appeals from Provincial Court are heard in this Court. The Trial Division has eight permanent locations and sits on occasion in three other locations.

The Family Division, created by amendment to the Judicature Act, R.S.N.B. 1979, c. 36, has grown out of one of the four pilot Unified Family Courts in Canada. One of the Queen's Bench Justices is appointed Judge of the Family Division. The Family Division has concurrent criminal jurisdiction with Provincial Courts in summary conviction offences under the Criminal Code and under provincial statutes where related to family matters. In civil matters, the Family Division handles divorce and matrimonial actions including custody and maintenance of children in accord with statutes and acts of Parliament. The Family Division sits only in Fredericton. When fully constituted in 1983, it will have staff assigned to six locations and the Court will sit in a total of 21 locations.

Provincial Court

The Provincial Court, established under the Provincial Courts Act, R.S.N.B. 1973, c. P-21 as amended, consists of the Criminal Division and the Family Division. The court has a Chief Judge, an Associate Chief Judge and 23 judges appointed provincially by the Lieutenant Governor in Council.

The Criminal Division has criminal jurisdiction in summary conviction offences under the Criminal Code and provincial statutes. There are 21 judges in the Criminal Division sitting in 14 permanent locations and 22 circuit locations.

The Family Division hears charges and actions under such acts as the Child and Family Services and Family Relations Act, Social Welfare Act, Schools Act, Juvenile Delinquents Act, and Reciprocal Enforcement of Maintenance Orders Act. There are 4 judges in the Family Division, sitting in 4 permanent locations and 13 circuit locations. In those areas where there is no Family Court, these matters are heard in the Criminal Division. (All family matters will be transferred to the Family Division of the Court of Queen's Bench when judges are appointed for that Court in 1983.)

Court of Probate

The Court of Probate, as constituted by provincial statute, (Probate Courts Act, R.S.N.B. 1973, c. P-17) has seven Provincial Court judges acting as judges of the court. It handles such matters as the probating of wills, granting of letters of administration, and, in some cases, has exclusive jurisdiction over entire estates.

In 1982 a new Probate Court Act, Chapter P-17.1 was passed. It is anticipated that the new Probate Court Act will be proclaimed in 1983. The effect will be to use the Judicial and administrative structure of the Court of Queen's Bench.

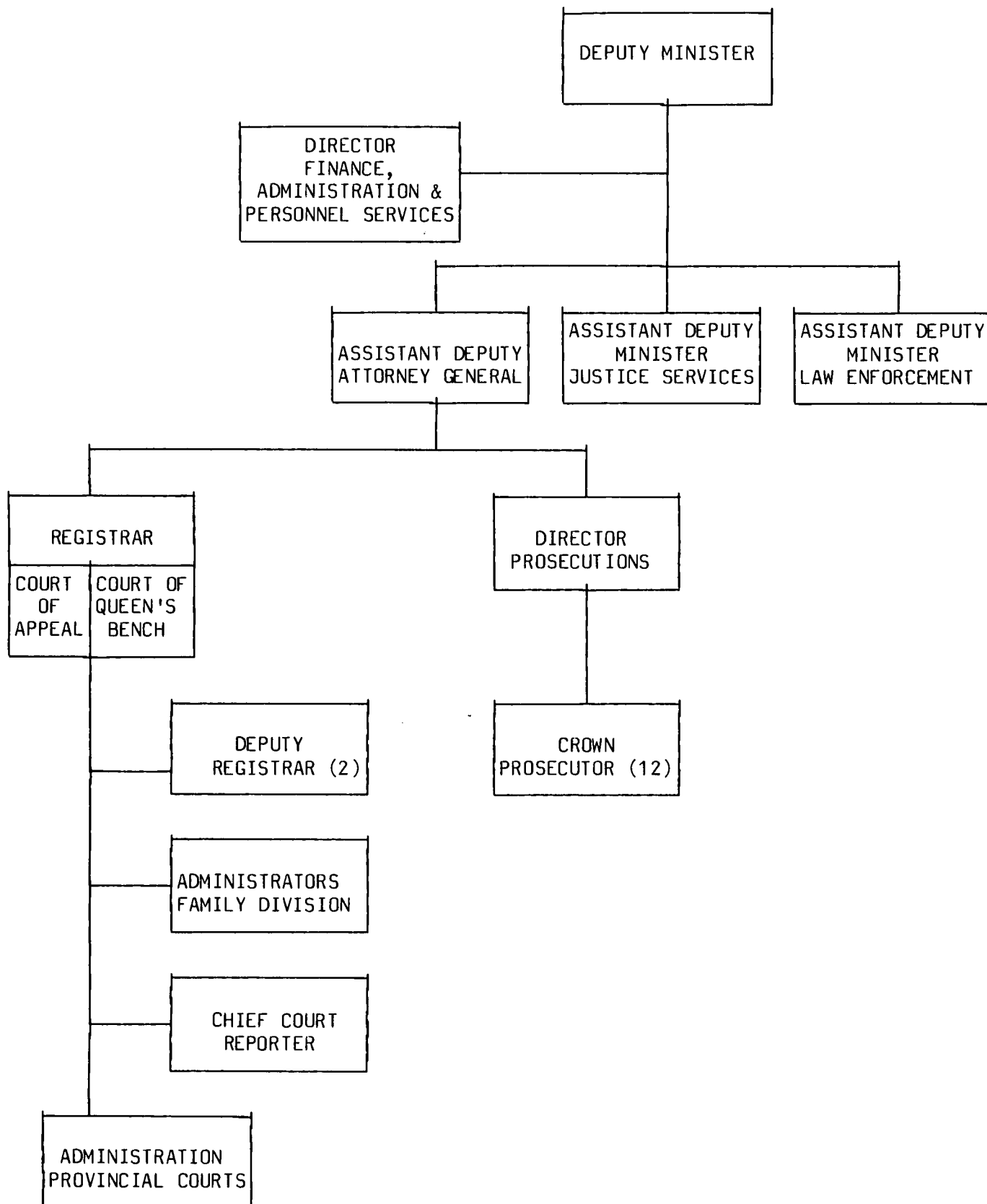
COURT ADMINISTRATION

In New Brunswick, the administration of courts is the responsibility of the Department of Justice. Appeal Court administrative functions are performed by the Registrar of the Court of Appeal, with the aid of two Deputy Registrars. Court of Queen's Bench administrative functions are performed by the Registrar and eight Clerks of Court for the Trial Division and one Administrator for the Family Division as well as a Director of Counselling Services. While administrative responsibilities of the Provincial Court are now conducted under the general direction of the Assistant Deputy Attorney General, during the survey period they fell under the general direction of the Executive Director, Programme Administration.

CRIMINAL PROSECUTIONS

In New Brunswick, the Department of Justice has overall responsibility for criminal prosecutors. There are 12 Crown Prosecutor offices reporting to the Director of Prosecutions. In addition, special prosecutions are handled by a central pool of Crown Counsel. The head office in Fredericton is responsible for commercial crime cases, esoteric cases, and quasi criminal cases under such acts as the Industrial Safety Act and Fire Prevention Act. In indictable appeals, the Crown is represented by a Crown Counsel.

ORGANIZATION CHART - DEPARTMENT OF JUSTICE, NEW BRUNSWICK, JUNE, 1982



NEW BRUNSWICK: COURT OPERATIONS 1980-81 FOOTNOTES

Data in these tables were supplied by the Department of Justice, New Brunswick, and were supplemented by data received from the Office of the Commissioner for Federal Judicial Affairs.

COURT OPERATIONS

NEW BRUNSWICK, 80-81

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$7,978,335	\$4,317,885	\$2,187,150	\$1,473,300
PERCENT.....	100.0	54.1	27.4	18.5
GENERAL ADMINISTRATION..	\$214,700	\$16,650	\$97,150	\$100,900
PERCENT.....	2.7	0.2	1.2	1.3
SUPERIOR COURTS.....	\$4,359,835	\$2,511,635	\$1,101,500	\$746,700
PERCENT.....	54.6	31.5	13.8	9.4
PROVINCIAL COURTS.....	\$3,403,800	\$1,789,600	\$988,500	\$625,700
PERCENT.....	42.7	22.4	12.4	7.8

COURT OPERATIONS

NEW BRUNSWICK, 80-81

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	241.8	131.7	104.3	5.8
PERCENT.....	100.0	54.4	43.1	2.4
GENERAL ADMINISTRATION..	9.0	1.4	5.7	1.9
PERCENT.....	3.7	0.6	2.4	0.8
SUPERIOR COURTS.....	125.8	72.3	49.6	3.9
PERCENT.....	52.0	29.9	20.5	1.6
TERRITORIAL COURTS.....	107.0	58.0	49.0	0.0
PERCENT.....	44.2	24.0	20.3	0.0

NEW BRUNSWICK: COURT OPERATIONS 1981-82 FOOTNOTES

Data in these tables were supplied by the Department of Justice, New Brunswick, and were supplemented by data received from the Office of the Commissioner for Federal Judicial Affairs.

COURT OPERATIONS

NEW BRUNSWICK, 81-82

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$9,263,343	\$4,842,253	\$2,644,840	\$1,776,250
PERCENT.....	100.0	52.3	28.6	19.2
GENERAL ADMINISTRATION..	\$233,250	\$19,250	\$108,400	\$105,600
PERCENT.....	2.5	0.2	1.2	1.1
SUPERIOR COURTS.....	\$4,824,993	\$2,645,103	\$1,332,140	\$847,750
PERCENT.....	52.1	28.6	14.4	9.2
PROVINCIAL COURTS.....	\$4,205,100	\$2,177,900	\$1,204,300	\$822,900
PERCENT.....	45.4	23.5	13.0	8.9

COURT OPERATIONS

NEW BRUNSWICK, 81-82

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	241.0	131.7	105.3	4.0
PERCENT.....	100.0	54.6	43.7	1.7
GENERAL ADMINISTRATION..	8.1	1.4	5.7	1.0
PERCENT.....	3.4	0.6	2.4	0.4
SUPERIOR COURTS.....	123.9	71.3	49.6	3.0
PERCENT.....	51.4	29.6	20.6	1.2
TERRITORIAL COURTS.....	109.0	59.0	50.0	0.0
PERCENT.....	45.2	24.5	20.7	0.0

NEW BRUNSWICK: CRIMINAL PROSECUTIONS 1980-81 FOOTNOTES

The data in these tables were supplied by the Department of Justice, New Brunswick, and reflect the provincial prosecutions system only. For information on the federal prosecutions system, please refer to the Federal Department of Justice chapter.

CRIMINAL PROSECUTIONS

NEW BRUNSWICK, 80-81

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$1,382,921	\$1,146,321	\$98,300	\$138,300
PERCENT.....	100.0	82.9	7.1	10.0
GENERAL ADMINISTRATION..	\$206,200	\$130,000	\$18,000	\$58,200
PERCENT.....	14.9	9.4	1.3	4.2
SUPERIOR COURTS.....	\$220,221	\$194,821	\$7,500	\$17,900
PERCENT.....	15.9	14.1	0.5	1.3
PROVINCIAL COURTS.....	\$956,500	\$821,500	\$72,800	\$62,200
PERCENT.....	69.2	59.4	5.3	4.5

CRIMINAL PROSECUTIONS

NEW BRUNSWICK, 80-81

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	47.4	37.4	9.0	1.0
PERCENT.....	100.0	78.9	19.0	2.1
GENERAL ADMINISTRATION..	8.0	5.0	2.0	1.0
PERCENT.....	16.9	10.5	4.2	2.1
SUPERIOR COURTS.....	7.3	5.8	1.5	0.0
PERCENT.....	15.4	12.2	3.2	0.0
TERRITORIAL COURTS.....	32.1	26.6	5.5	0.0
PERCENT.....	67.7	56.1	11.6	0.0

NEW BRUNSWICK: CRIMINAL PROSECUTIONS 1981-82 FOOTNOTES

The data in these tables were supplied by the Department of Justice, New Brunswick, and reflect the provincial prosecutions system only. For information on the federal prosecutions system, please refer to the Federal Department of Justice chapter.

CRIMINAL PROSECUTIONS

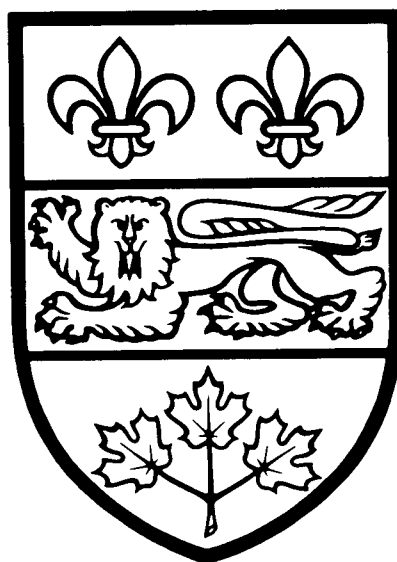
NEW BRUNSWICK, 81-82

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$1,590,321	\$1,319,541	\$117,230	\$153,550
PERCENT.....	100.0	83.0	7.4	9.7
GENERAL ADMINISTRATION..	\$203,200	\$116,000	\$21,000	\$66,200
PERCENT.....	12.8	7.3	1.3	4.2
SUPERIOR COURTS.....	\$269,471	\$229,391	\$19,230	\$20,850
PERCENT.....	16.9	14.4	1.2	1.3
PROVINCIAL COURTS.....	\$1,117,650	\$974,150	\$77,000	\$66,500
PERCENT.....	70.3	61.3	4.8	4.2

CRIMINAL PROSECUTIONS

NEW BRUNSWICK, 81-82

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	45.4	35.4	9.0	1.0
PERCENT.....	100.0	78.0	19.8	2.2
GENERAL ADMINISTRATION..	7.0	4.0	2.0	1.0
PERCENT.....	15.4	8.8	4.4	2.2
SUPERIOR COURTS.....	7.3	5.8	1.5	0.0
PERCENT.....	16.1	12.8	3.3	0.0
TERRITORIAL COURTS.....	31.1	25.6	5.5	0.0
PERCENT.....	68.5	56.4	12.1	0.0



Quebec

Summary Facts

QUEBEC
1981 - 82

COURT OPERATIONS EXPENDITURES

\$104,743,440
26,953,010(25.7%)
31,203,305(29.8%)
46,587,125(44.5%)
3,744

Total
General Administration
Superior Courts
Provincial Courts
Staff

CRIMINAL PROSECUTIONS EXPENDITURES

\$10,993,535
2,309,928(21.0%)
952,083(8.7%)
7,731,524(70.3%)
353

COURT LOCATIONS

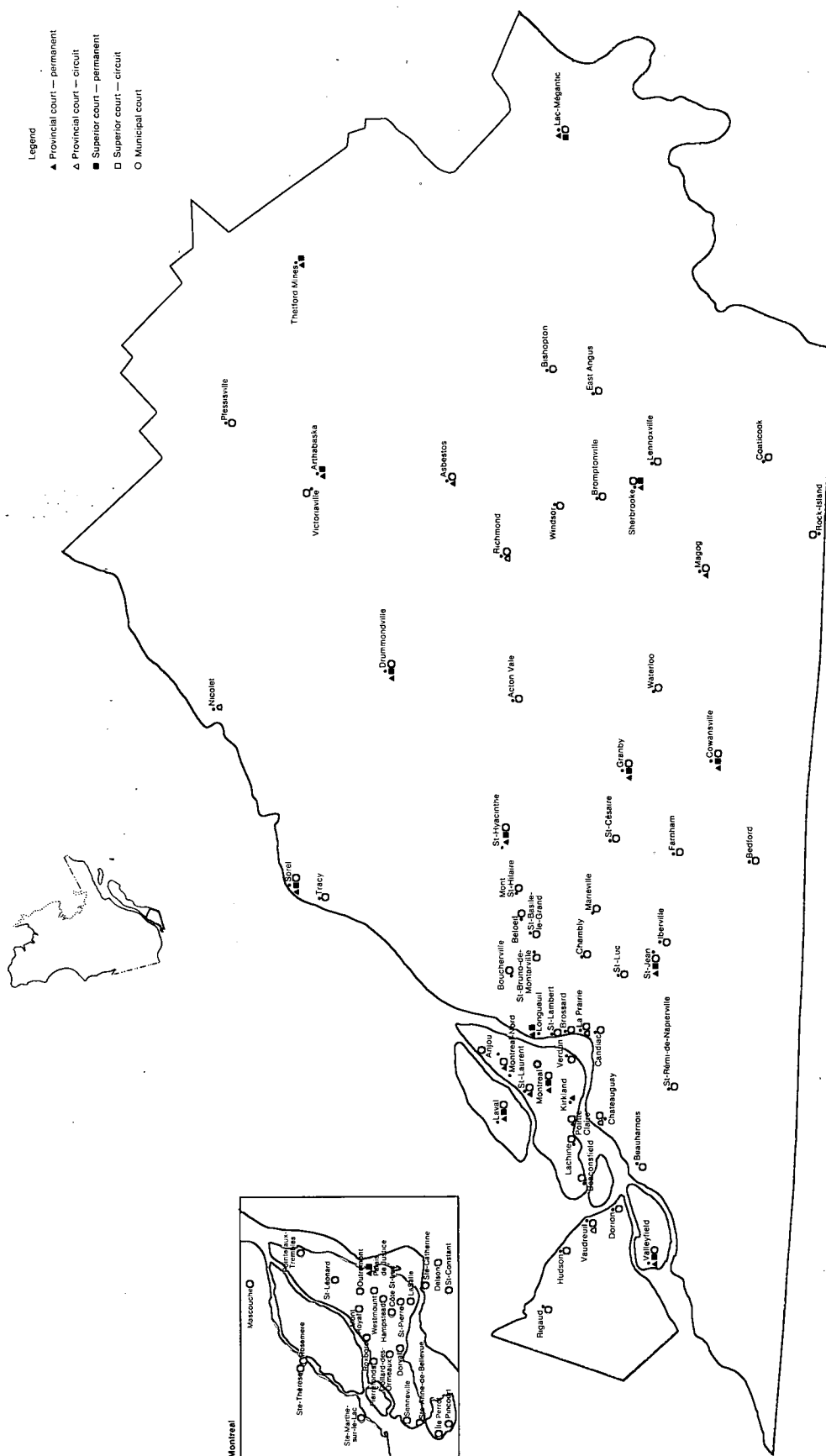
	Superior	Provincial	Municipal
Permanent :	41	81	154*
Circuit :	4	34	0

NO. OF JUDGES

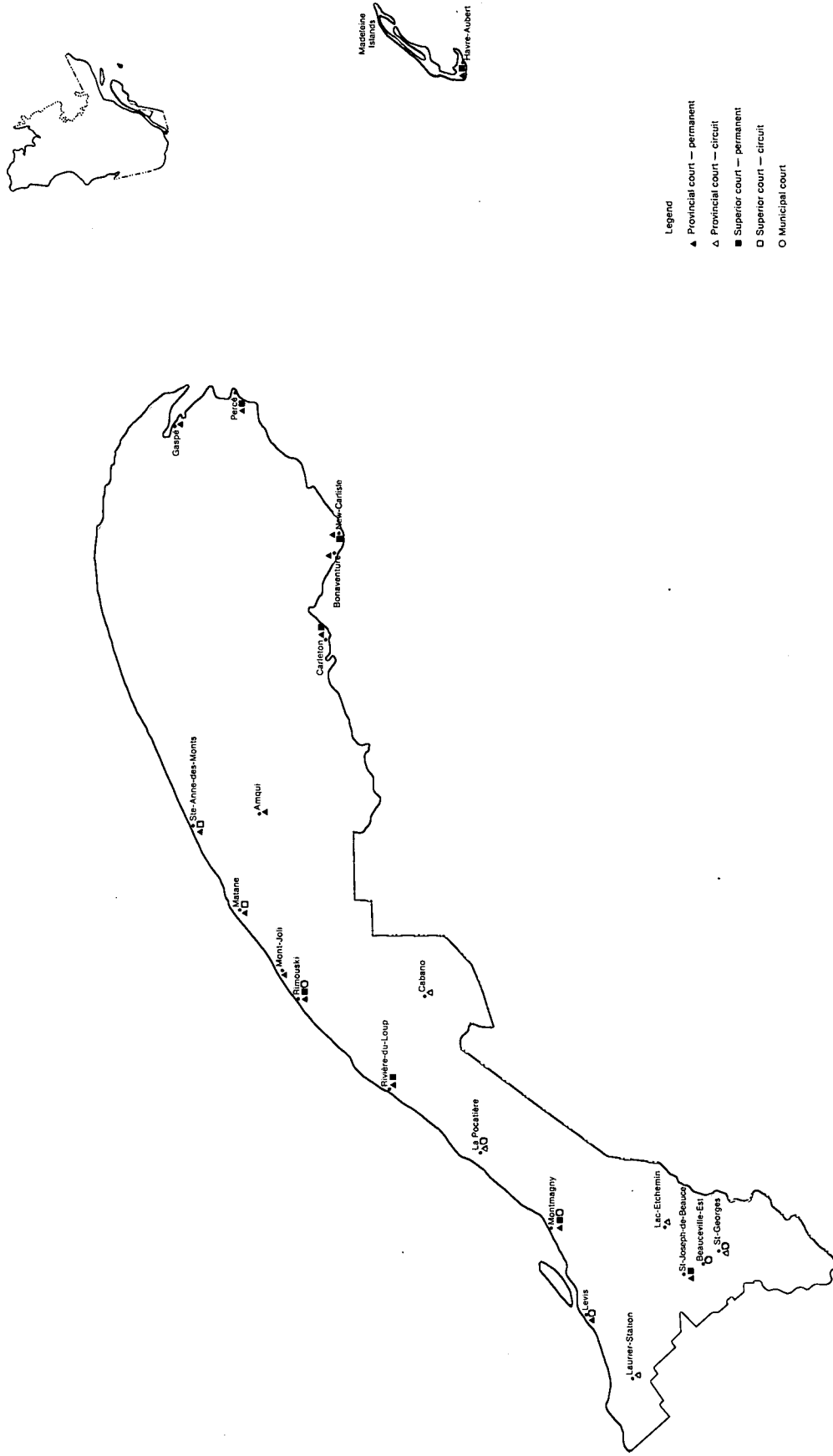
Superior: 154
Provincial: 270
Municipal: 17*

Population: 6,438,400
Area: 1,357,810 sq. kms.

* Not included in Canada total.

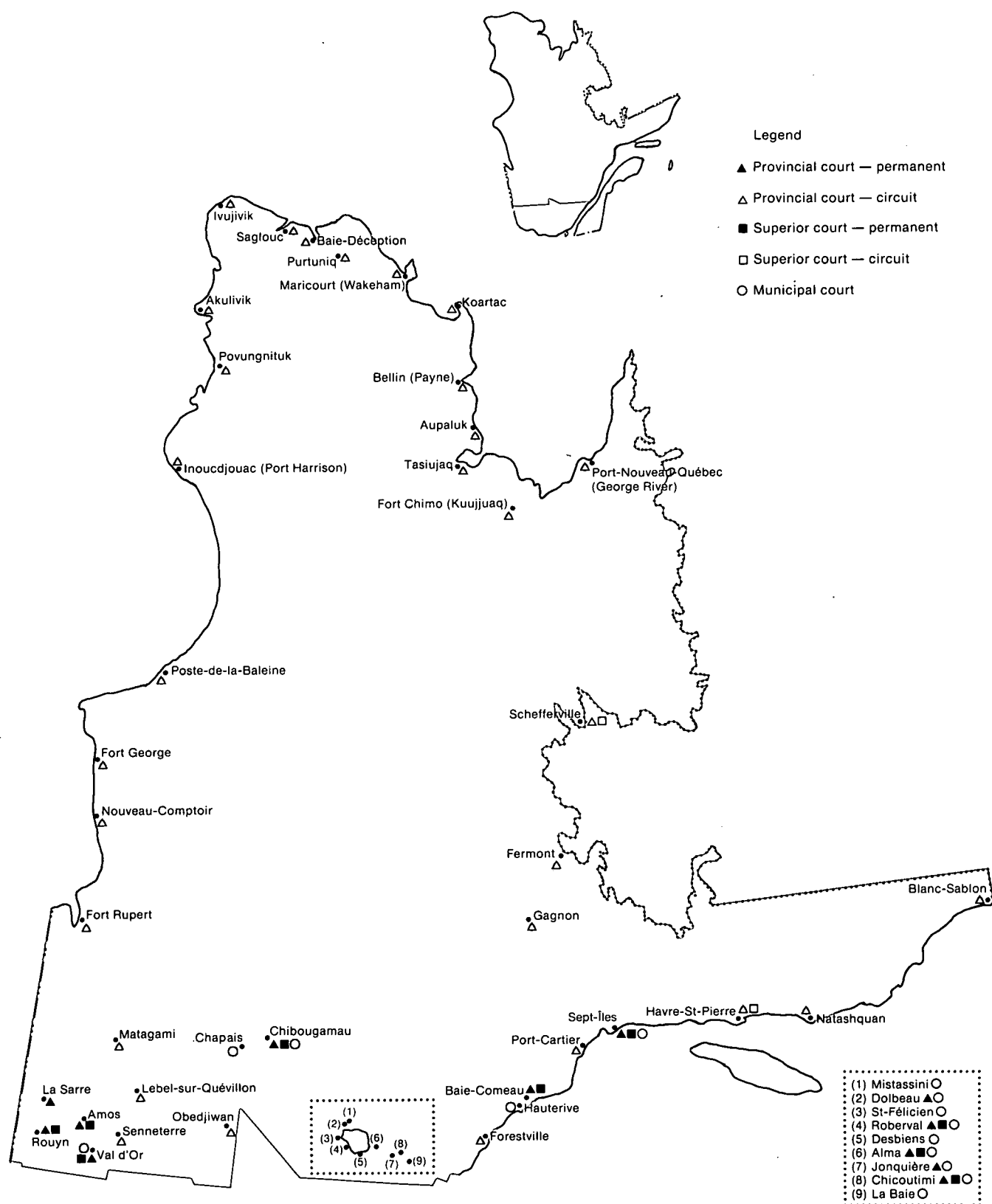


Part II
Court Locations, Quebec, 1981-82





Part IV
Court Locations, Quebec, 1981-82



QUEBEC COURTS

THE COURT OF APPEAL

Constituted by provincial statute.
One court for the entire province.
Two Divisions: Montreal and Quebec.
Superior court of record.

Judges

Appointed federally by the Governor in Council.

Jurisdiction

(Montreal Division sits in Montreal and has jurisdiction over some designated districts in the west of the province; Quebec Division has jurisdiction throughout the rest of the province).

Appellate jurisdiction in Civil matters where amount in controversy exceeds \$10,000.

Appellate jurisdiction in criminal matters on judgments pronounced by the Superior Court or by the Court of the Sessions of the Peace or the Provincial Court as permitted by law.

Regulated by Code of Civil Procedure and Criminal Code.

Appeals

Civil. To the Supreme Court of Canada on matters of law or mixed law and fact, with leave of this court or of the Supreme Court of Canada.

Criminal. To the Supreme Court of Canada, as of right on a question of law for indictable offences where a judge of the Court of Appeal dissents or an acquittal is set aside; otherwise, to the Supreme Court of Canada only on a question of jurisdiction or law with the leave of the Supreme Court of Canada.

THE SUPERIOR COURT

Constituted by provincial statute.
One court for the entire province.
Superior court of record.

Judges

Appointed federally by the Governor in Council.

Jurisdiction

Civil. Original general jurisdiction: it hears in first instance every suit not assigned exclusively to another court by a specific provision of law. The Superior Court has the right to supervise all other provincial courts. Divorce, bankruptcy, non contentious matters.

Criminal. Original jurisdiction in indictable offences where the accused elects to be tried by judge and jury.

Appellate. By virtue of part XXIV of the Criminal Code.

Appeals

To the Court of Appeal where the amount in controversy exceeds \$6,000.00.
To the Court of Appeal in criminal matters.

THE PROVINCIAL COURT

Constituted by provincial statute.
Established in each of 32 judicial districts.
Inferior court of record.

Judges

Appointed provincially.

Jurisdiction

Civil. Jurisdiction in designated judicial district in actions where the amount involved does not exceed \$6,000.00; regulated by the Code of Civil Procedure. Small Claims Court \$500.00 maximum.

Criminal. Jurisdiction throughout the province in accord with the Criminal Code and provincial statutes including the Summary Convictions Act.
Note: Criminal jurisdiction ceases when the Court of Sessions of the Peace acts.

Appeals

To the Superior Court or to the Court of Appeal.

YOUTH COURT

Constituted by provincial statute.
Sits in each judicial district.
Inferior court of record.

Judges

Appointed provincially.

Jurisdiction

Limited jurisdiction, as specified by the following statutes: Juvenile Delinquents Act, Youth Protection Act, Adoption Act, Offences against an act or a regulation committed by juveniles.

Appeals

To the Superior Court or the Court of Appeal as specified by regulating statutes.

THE MUNICIPAL COURTS

Constituted by provincial statute.
Inferior court of record.

Judges

Appointed provincially by the Lieutenant Governor in Council.

Jurisdiction

Civil. In actions to recover any sum of money due to the municipality by reason of a tax or a permit.

Criminal. Under municipal by-laws and some provincial statutes. The municipal judge possesses, because of his appointment, the powers of a Justice of the Peace.

Appeals

Appeals in civil cases to the Court of Appeal where the amount exceeds \$500.00.
Appeals in criminal cases only where specifically designated by statute.

THE COURT OF THE SESSIONS OF THE PEACE

Constituted by provincial statute.
One court for the entire province.
Sits throughout the province in nine centres.
Inferior court of record.

Judges

Appointed provincially.
Possess the powers, authority, rights and privileges conferred by law upon every Provincial Court judge of Quebec.

Jurisdiction

Criminal. Original jurisdiction throughout province, under Federal and Provincial Statutes. Certain indictable offenses where the magistrate has absolute jurisdiction. Certain indictable offenses where the accused is given a choice as to the mode of trial and chooses trial by a judge alone or trial by magistrate.

Appellate. By way of trial de novo.

Appeals

To the Superior Court or to the Court of Appeal.

COURTS OF JUSTICE OF THE PEACE

Constituted by provincial statute.
Originally, this court existed in districts where no Court of the Sessions of the Peace was sitting.
Therefore, as such, this court sits only in few areas of the province.

Judges

Appointed provincially.

Jurisdiction

Originally, judges possessed all powers conferred by law upon the Justices of the Peace.

At present, their jurisdiction is limited (subpoenas, mandates...) except in the case of four judges in Montreal.
Regulated by Summary Convictions Act and Criminal Code.

Appeals

Decisions subject to the superintending and reforming power of the Superior Court.
To the Superior Court of Appeal when permitted by law.

COURT OPERATIONS

COURT HIERARCHY

Court of Appeal

The Court of Appeal of Quebec, as constituted by the Courts of Justice Act, R.S.Q. 1977, c. T-16, consists of a Chief Justice and 18 federally appointed justices who sit in Montreal and Quebec City. The court has appellate jurisdiction in criminal and penal matters from the Superior Court, Court of Sessions of the Peace, and the Provincial Court, and hears civil appeals, exceeding \$10,000, from the Superior Court. Judges sit alone in civil appeals and as a quorum of three (sometimes more) in criminal appeals.

Superior Court

The Superior Court, as established by the same act, has a Chief Justice, Senior Associate Chief Justice, Associate Chief Justice and 127 federally appointed judges who sit permanently in Montreal, Quebec City, and 39 other locations and on circuit in four locations. The court has original general jurisdiction in all civil cases not assigned to another court by law and has supervisory powers over all Provincial Courts as well as over several public and private institutions exercising administrative law authority. Divorce cases, bankruptcy and non-contentious matters are also heard. In addition, the court acts in criminal matters as a court of first instance and of appeal.

Provincial Court

The Provincial Court, established also by the Courts of Justice Act, has a Chief Judge, Senior Associate Chief Judge, Associate Chief Judge and 152 provincially appointed judges who have both civil and criminal jurisdiction throughout Quebec. The court sits permanently in 81 locations and on circuit in 34. Under the Code of Civil Procedure, it hears civil actions not exceeding \$6,000 and Small Claims matters under \$500. Criminal offences under the Criminal Code and provincial statutes including the Summary Convictions Act are heard in locations which are not served by the Court of the Sessions of the Peace.

Court of the Sessions of the Peace

The Court of the Sessions of the Peace, as constituted by the same statute, has a Chief Judge, Senior Associate Chief Judge, Associate Chief Judge and 68 provincially appointed judges who sit in nine centres throughout the province. The court has criminal jurisdiction in summary offences and certain indictable offences where the accused elects trial by judge alone or by magistrate.

Courts of Justice of the Peace

The Courts of Justice of the Peace, as regulated by the Courts of Justice Act, consists of Justices of the Peace who sit in a few non-organized areas of the province where no court of the Sessions of the Peace exists. The court's jurisdiction is limited to subpoenas, mandates etc. except in the case of four judges in Montreal who have extended powers under the Summary Convictions Act.

Youth Court

The Youth Court, as established by the Youth Protection Act, S.Q. 1977, c. 20, has a Chief Judge, Senior Associate Chief Judge, Associate Chief Judge and 41 provincially appointed judges who sit in each judicial district. The court has jurisdiction in cases under the Juvenile Delinquents Act, Youth Protection Act, Adoption Act and other matters concerning juveniles.

Municipal Courts

The Municipal Court, as established by the Cities and Towns Act, R.S.Q. 1977, c. C-19, has 13 full-time judges in Montreal, two in Quebec City, and two in Laval. The rest of the province is served by lawyers on a part-time basis. The court sits in 154 locations and has civil jurisdiction in matters such as the recovery of money due to the municipality by reason of a tax or a permit, and handles criminal cases under municipal by-laws and under provincial statutes.

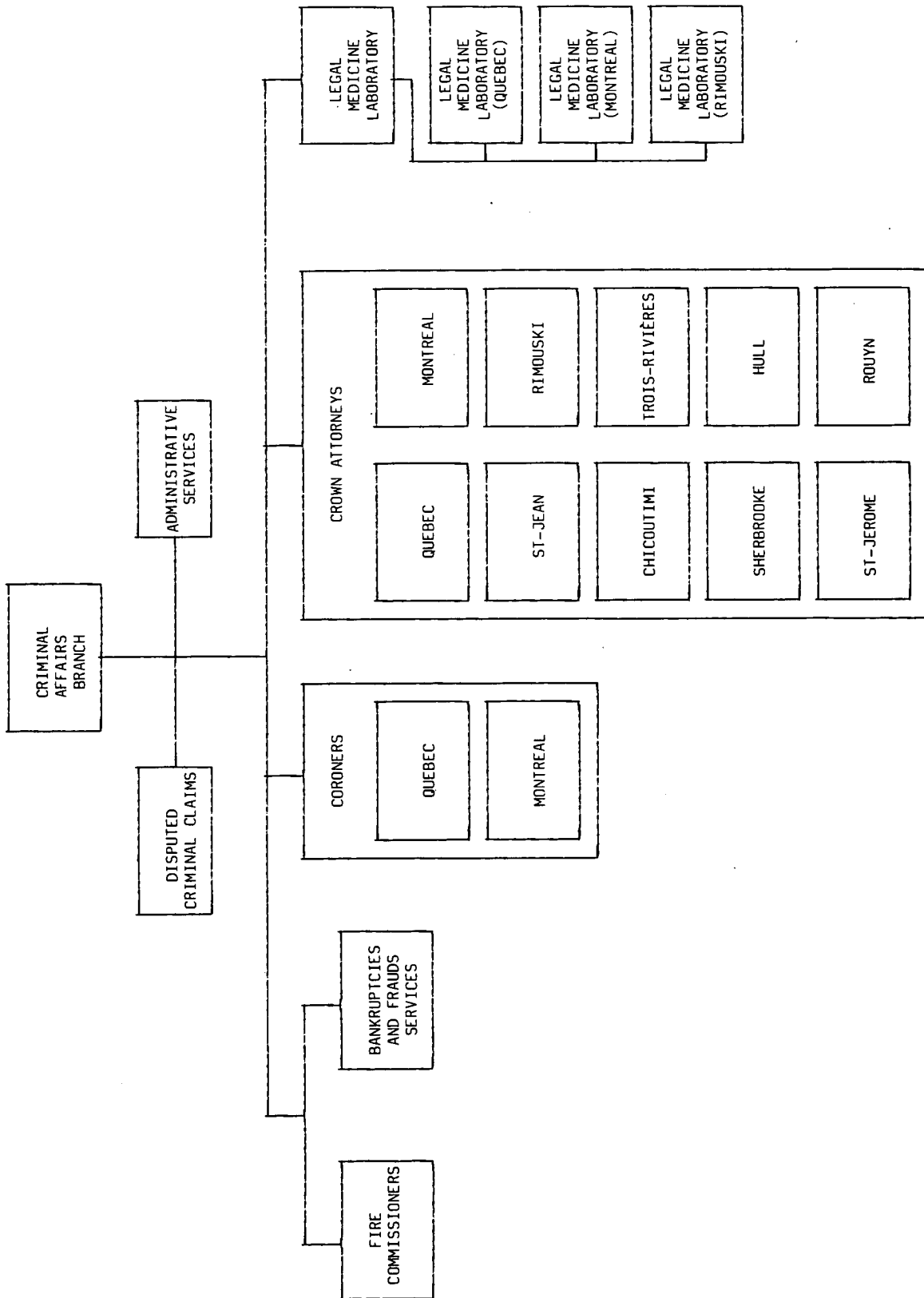
COURT ADMINISTRATION

The Associate Deputy Minister of Courts in the Department of Justice is responsible for the administration of all courts, except Municipal Courts, in the province of Quebec. The Associate Deputy Minister is assisted in fulfilling the duties by 11 Regional Directors and 35 District Directors.

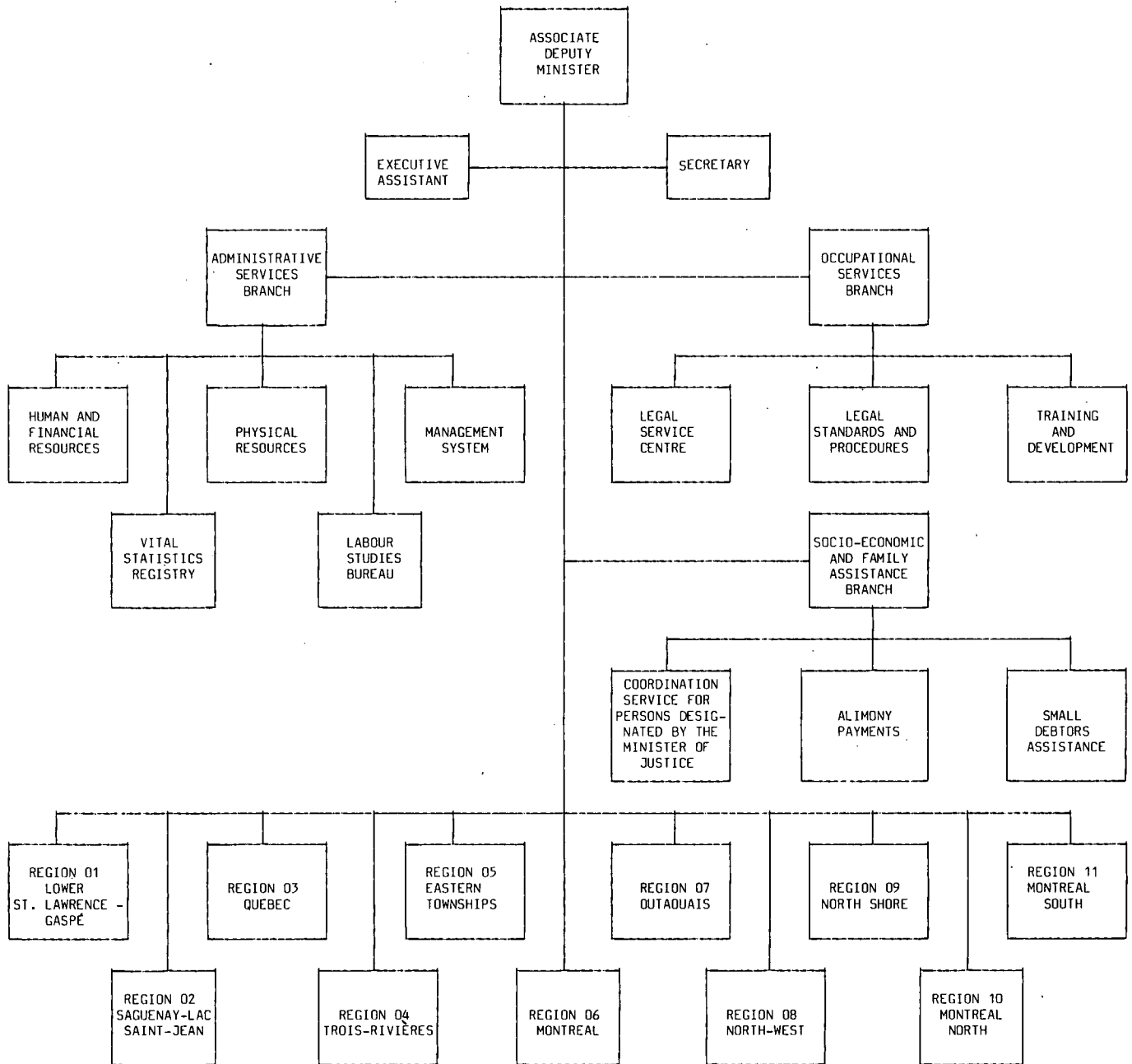
CRIMINAL PROSECUTIONS

In Quebec, criminal prosecutions are the responsibility of the Department of Justice. Full-time Crown Counsel are located in 10 regional offices, in Quebec, Montreal, St. Jean, Rimouski, Chicoutimi, Trois-Rivières, Sherbrooke, Hull, St. Jérôme, and Rouyn. There is also a central pool of Crown Counsel for special prosecutions and province-wide offences. In indictable appeals, the Crown is represented by the Crown Counsel at trial. Crown Counsel report to the Attorney General through the Assistant Deputy Minister of the Criminal Affairs Branch.

ORGANIZATION CHART - CRIMINAL AFFAIRS BRANCH, QUEBEC 1981-82



ORGANIZATION CHART - COURT SERVICES BRANCH, QUEBEC 1981-82



QUEBEC: COURT OPERATIONS 1981-82 - FOOTNOTES

Data in these tables were supplied by the Ministry of Justice, Government of Quebec and were supplemented by data received from the Office of the Commissioner for Federal Judicial Affairs. Municipal courts, which are not within the administrative responsibility of the Ministry of Justice, were not included in this survey.

- 1 Included under service of documents were payment to contract bailiffs only. Because these expenditures were not distributed between courts, they are included in general administration. Service of documents performed by staff of the Judicial Services Branch is included under "indirect".
- 2 Included under "indirect" were management and their support personnel, judges secretaries and employees who draft judgements, court ushers and constables, case processing personnel, persons responsible for serving units, court officers such as justices of the peace, sheriffs and courtroom clerks. Courthouse furnishings are also included.
- 3 Included under support services was the rental value of courthouses, while furnishings were included under "indirect". Also included were jury and witness fees, most of which are attributable to criminal and juvenile court. Because data under support services were not distributed between courts, they are included in general administration.

COURT OPERATIONS

QUEBEC, 81-82

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT ¹	INDIRECT ²	SUPPORT SERVICES ³
TOTAL.....	\$104,743,440	\$36,935,773	\$44,801,753	\$23,005,914
PERCENT.....	100.0	35.3	42.8	22.0
GENERAL ADMINISTRATION..	\$26,953,010	\$1,908,987	\$2,038,109	\$23,005,914
PERCENT.....	25.7	1.8	1.9	22.0
SUPERIOR COURTS.....	\$31,203,305	\$13,011,519	\$18,191,786	-
PERCENT.....	29.8	12.4	17.4	-
PROVINCIAL COURTS.....	\$46,587,125	\$22,015,267	\$24,571,858	-
PERCENT.....	44.5	21.0	23.5	-

COURT OPERATIONS

QUEBEC, 81-82

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT ¹	INDIRECT ²	SUPPORT SERVICES ³
TOTAL.....	4,167.6	563.1	3,509.6	95.0
PERCENT.....	100.0	13.5	84.2	2.3
GENERAL ADMINISTRATION..	196.7	0.0	101.7	95.0
PERCENT.....	4.7	0.0	2.4	2.3
SUPERIOR COURTS.....	1,167.5	201.4	966.1	-
PERCENT.....	28.0	4.8	23.2	-
PROVINCIAL COURTS.....	2,803.5	361.7	2,441.8	-
PERCENT.....	67.3	8.7	58.6	-

QUEBEC: CRIMINAL PROSECUTIONS 1980-81 - FOOTNOTES

Data concerning the court system are not available. For information on federally appointed judges, please refer to the chapter on the Office of the Commissioner for Federal Judicial Affairs.

CRIMINAL PROSECUTIONS

QUEBEC, 80-81

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$9,554,477	\$6,141,604	\$2,433,710	\$979,163
PERCENT.....	100.0	64.3	25.5	10.2
GENERAL ADMINISTRATION..	\$2,003,142	\$990,400	\$173,885	\$838,857
PERCENT.....	21.0	10.4	1.8	8.8
SUPERIOR COURTS.....	\$835,140	\$584,600	\$236,234	\$14,306
PERCENT.....	8.7	6.1	2.5	0.1
PROVINCIAL COURTS.....	\$6,716,195	\$4,566,604	\$2,023,591	\$126,000
PERCENT.....	70.3	47.8	21.2	1.3

CRIMINAL PROSECUTIONS

QUEBEC, 80-81

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	358.2	192.0	135.8	30.5
PERCENT.....	100.0	53.6	37.9	8.5
GENERAL ADMINISTRATION..	60.5	21.0	9.0	30.5
PERCENT.....	16.9	5.9	2.5	8.5
SUPERIOR COURTS.....	30.2	17.0	13.3	0.0
PERCENT.....	8.4	4.7	3.7	0.0
PROVINCIAL COURTS.....	267.5	154.0	113.5	0.0
PERCENT.....	74.7	43.0	31.7	0.0

QUEBEC: CRIMINAL PROSECUTIONS 1981-82 - FOOTNOTES

Data in these tables were provided by the Ministry of Justice of the Government of Quebec and reflect the provincial prosecutions system only. For information on the federal prosecutions system, please refer to the Federal Department of Justice chapter.

CRIMINAL PROSECUTIONS

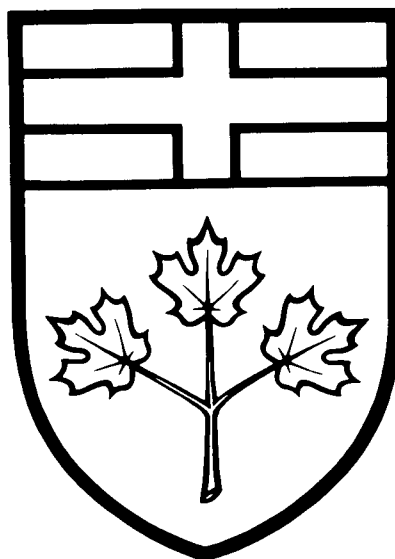
QUEBEC, 81-82

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$10,993,535	\$7,276,587	\$2,668,331	\$1,048,617
PERCENT.....	100.0	66.2	24.3	9.5
GENERAL ADMINISTRATION..	\$2,309,928	\$1,143,367	\$240,424	\$926,137
PERCENT.....	21.0	10.4	2.2	8.4
SUPERIOR COURTS.....	\$952,083	\$688,400	\$251,027	\$12,656
PERCENT.....	8.7	6.3	2.3	0.1
PROVINCIAL COURTS.....	\$7,731,524	\$5,444,820	\$2,176,880	\$109,824
PERCENT.....	70.3	49.5	19.8	1.0

CRIMINAL PROSECUTIONS

QUEBEC, 81-82

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	352.5	196.0	127.0	29.5
PERCENT.....	100.0	55.6	36.0	8.4
GENERAL ADMINISTRATION..	60.5	22.0	9.0	29.5
PERCENT.....	17.2	6.2	2.6	8.4
SUPERIOR COURTS.....	29.5	17.3	12.2	0.0
PERCENT.....	8.4	4.9	3.5	0.0
PROVINCIAL COURTS.....	262.5	156.7	105.8	0.0
PERCENT.....	74.5	44.5	30.0	0.0



Ontario

Summary Facts

ONTARIO
1981 - 82

COURT OPERATIONS

EXPENDITURES

\$128,769,452
4,096,773 (3.2%)
58,185,279 (45.2%)
66,487,300 (51.6%)
2,944

Total
General Administration
Superior Courts
Provincial Courts
Staff

CRIMINAL PROSECUTIONS

EXPENDITURES

\$21,946,800
21,946,800 (100%)
-
-
436

COURT LOCATIONS

	Superior	Provincial
Permanent:	52	64
Circuit:	47**	115

NO. OF JUDGES

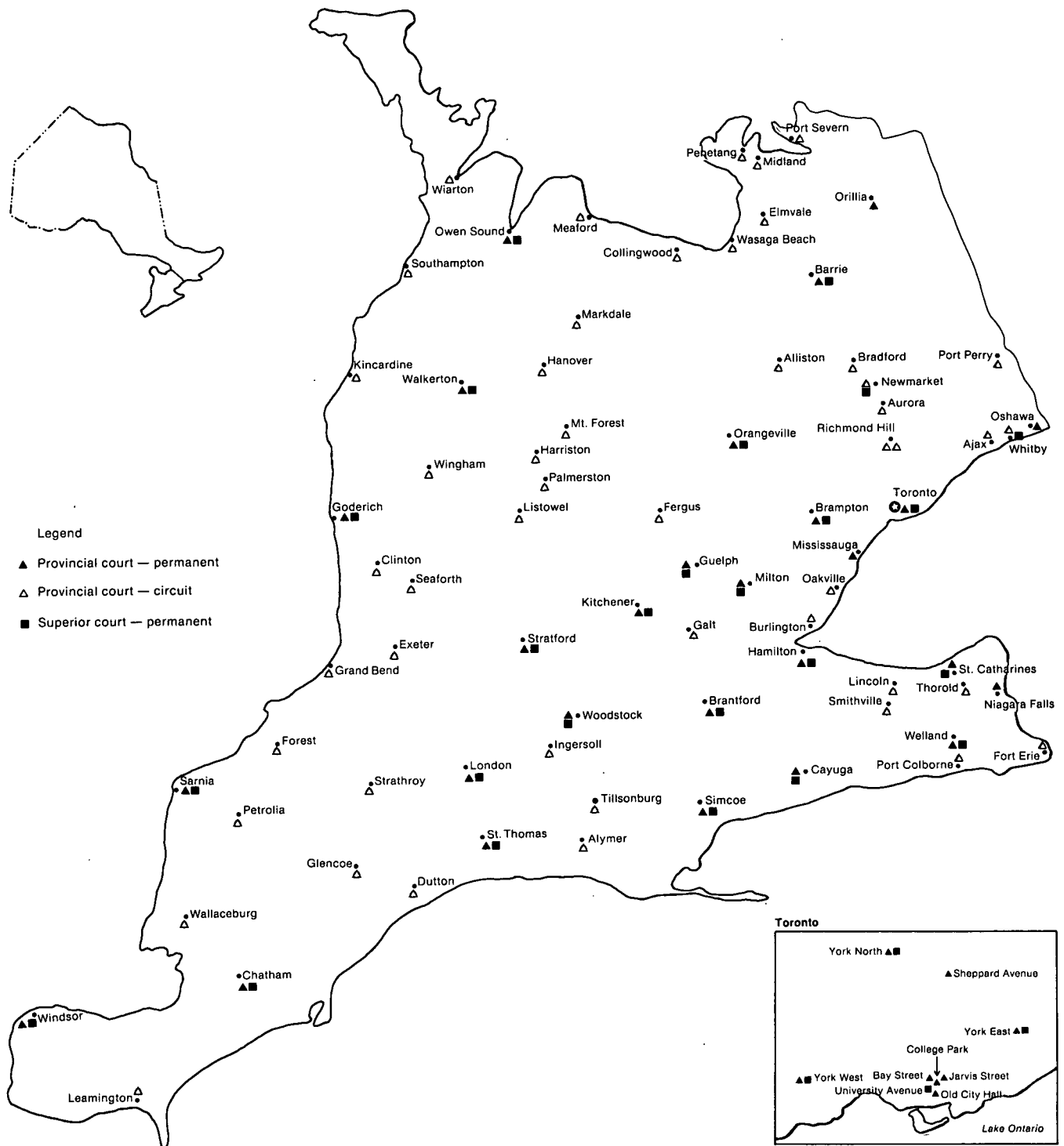
Superior: 209
Provincial: 326*

Population: 8,625,110
Area: 917,434 sq. kms.

* Includes 89 Justices of the Peace.

** The Supreme Court sitting on Assize (circuit) uses the permanent locations of the County/District Courts; not included in Canada total.

Part I
Court Locations, Ontario, 1981-82





Part III
Court Locations, Ontario, 1981-82



ONTARIO COURTS

SUPREME COURT OF ONTARIO

Constituted by provincial statute.
One court for the entire province.
Superior court of record.

Two Branches: The Court of Appeal for Ontario.
The High Court of Justice for Ontario; Divisional Court.

Judges

Appointed federally by the Governor in Council.

HIGH COURT OF JUSTICE

Jurisdiction

Sits throughout the 49 districts and counties at least twice yearly. Sits on a regular basis in major centres. May hear all civil matters unless specifically indicated otherwise by federal or provincial statute.

May hear all indictable offences arising in the province in accordance with the Criminal Code.

Appeals

To the Court of Appeal.

DIVISIONAL COURT OF THE HIGH COURT

Jurisdiction

Original and appellate jurisdiction as provided under any act; applications for judicial review; appeals from final judgements or orders of officers of the Supreme Court.

Appeals

To the Court of Appeal.

THE COURT OF APPEAL

Jurisdiction

Sits in Toronto unless directed otherwise by Chief Justice of Ontario. An uneven number of justices, not fewer than three, is necessary to hear an appeal.
Appellate jurisdiction in civil and criminal cases from all Provincial Courts.

Appeals

Civil. To the Supreme Court of Canada on matters of law or mixed law and fact, with leave of this Court or of the Supreme Court of Canada.

Criminal. To the Supreme Court of Canada, as of right on a question of law for indictable offences where a judge of the Court of Appeal dissents or an acquittal is set aside; otherwise, to the Supreme Court of Canada only on a question of jurisdiction or law with the leave of the Supreme Court of Canada.

COUNTY AND DISTRICT COURT

Constituted by provincial statute.
Established throughout the province in each county and district.
Note: Northern Ontario is divided into districts whereas Southern Ontario is divided into counties.
Inferior court of record.

Judges

Appointed federally by the Governor in Council.

Jurisdiction

Appellate. Summary conviction offences from Provincial Court Appeals.

Civil. Actions as specified by County Court Act where claim does not exceed \$15,000; partnership actions where joint capital does not exceed \$50,000 and actions by legatees when estate of testator does not exceed \$50,000.

Note: In some instances jurisdiction is concurrent with the jurisdiction of the High Court. e.g. under the Divorce Act of Canada where the judge sits as a Local Judge of the High Court.

Criminal. Concurrent jurisdiction with the Supreme Court in cases tried by judge and jury.

Indictable offences where the accused is given a choice as to the mode of trial and chooses trial by a judge alone.

Appeals

To the High Court, Court of Appeal or Divisional Court.

UNIFIED FAMILY COURT

The Unified Family Court, as established by the Unified Family Court Act, R.S.O. 1980, c. 515, has four judges appointed as County Court judges, and as Provincial Court judges, and sits in Hamilton. The court hears all family law matters including divorce and adoptions.

SURROGATE COURT

Constituted by provincial statute.
Established throughout the province in each county and district.
Inferior court of record.

Judges

Appointed provincially by the Lieutenant Governor in Council.
Judges also on the County or District Courts.

Jurisdiction

Testamentary matters.

Appeals

By removal to the County/District Court, High Court, Divisional Court or as a matter of appeal to the Court of Appeal.

SMALL CLAIMS COURT

Constituted by provincial statute.
Established throughout the province at principal points.
Inferior court of record.

Judges

Appointed provincially by the Lieutenant Governor in Council.
County Court judges act as Judges of the Small Claims Court where the province has not appointed full-time Provincial Court judges for this purpose.

Jurisdiction

Actions where the amount claimed does not exceed \$1,000 and when specifically given authority by statute.

Some claims are excluded from the jurisdiction of the Small Claims Court, e.g., recovery of land.

Appeals

To the County or District Court; to the Divisional Court of the Supreme Court.

PROVINCIAL COURTS

Constituted by provincial statute.
Established throughout the province in each county and district.
Inferior courts of record.

Three Divisions: Criminal Division and Family Division. A Court Division dealing with small claims, has been established but is not yet operating on a province-wide basis.

Judges

Appointed provincially by the Lieutenant Governor in Council.

Jurisdiction

Criminal Division. Summary Conviction offences under the Criminal Code and under provincial statutes. Certain indictable offences under the Criminal Code, where the accused is given an election as to the mode of trial and chooses trial by a judge of the Provincial Court.

Civil Division. Actions where the amount claimed does not exceed \$3,000 and when specifically given authority by statute.

Family Division. Family matters, matters under the Juvenile Delinquents Act (Canada), the Child Welfare Act and other provincial statutes. Criminal jurisdiction as outlined by the Criminal Code, ss. 168, 197, 245, 663, 745.

Provincial Offences. a) all matters in which jurisdiction is conferred by the Provincial Offences Act. b) matters specifically assigned by statute.

Note: Where a proceeding over which Provincial Offences Court has jurisdiction is conducted in either the Criminal or Family Divisions of Provincial Courts, it is deemed to be conducted in Provincial Offences Court.

Appeals

To the Divisional Court, Court of Appeal and in some cases to County Court.

COURT OPERATIONS

COURT HIERARCHY

Supreme Court

The Supreme Court in Ontario, as constituted by the Judicature Act, R.S.O. 1980, c. 223, consists of the Court of Appeal, the High Court of Justice, and the Divisional Court of the High Court of Justice.

The Court of Appeal has a Chief Justice, an Associate Chief Justice and 16 judges appointed federally by the Governor in Council. They are also ex officio judges of the Divisional Court and High Court of Justice. There is one court for the entire province and it sits permanently in Toronto. The court has appellate jurisdiction in criminal and civil cases from the High Court of Justice, the County and District Courts and Provincial Courts.

The High Court of Justice is composed of a Chief Justice, an Associate Chief Justice and 44 judges appointed federally. The court sits permanently in Toronto and on circuit in 47 locations. High Court Justices are also ex officio judges of the Court of Appeal. The court hears all indictable offences under the Criminal Code and civil matters not excluded by statute.

The Divisional Court, which is a division of the High Court of Justice, consists of the Chief Justice of the High Court and designated High Court Justices. The court sits permanently in Toronto and on circuit in 47 other locations. It has appellate jurisdiction from the County Courts, but primarily hears appeals from decisions of statutory tribunals and appeals from Small Claims Court where the claim does not exceed \$500.

County and District Courts

The County and District Courts, as constituted by the County Courts Act, R.S.O. 1980, c. 100, has a Chief Justice, an Associate Chief Justice and 151 judges appointed federally by the Governor in Council, who sit permanently in 52 locations. County Court judges act as ex officio judges of the Surrogate and Probate Courts and also as local judges of the High Court in matrimonial matters. The court has jurisdiction in criminal matters where the accused chooses trial by judge and jury or by judge alone. It also hears civil actions not exceeding \$15,000. Appeals in summary conviction offences from the Provincial Court are heard in the County or District Courts.

The Surrogate Courts (see the Surrogate Courts Act, R.S.O. 1980, c. 491) is presided over by County and District Court judges designated by the provincial government. The court has jurisdiction in all testamentary matters such as, the estates of deceased persons etc.

Unified Family Court

The Unified Family Court, as established by the Unified Family Court Act, R.S.O. 1980, c. 515, has four judges appointed as County Court judges and as Provincial Court judges, and sits in Hamilton. The court hears all family law

Small Claims Courts

The Small Claims Courts (121 in number) as constituted by provincial statute (Small Claims Courts Act, R.S.O. 1980, c. 476) are presided over by provincially appointed judges, County or District Court judges or by deputy judges appointed under the provisions of Section 15 of the Act. The court has jurisdiction in civil disputes not exceeding \$1,000. exception Metropolitan Toronto where civil matters up to \$3,000. are heard.

Small Claims Court Referees have been appointed in several areas throughout the province. The object of the Referee's office is to provide informal hearing process between litigants to obtain a settlement without the need of a formal trial; to conduct judgement summons examinations subject to a right to apply to the court to be examined by a judge, and to propose payments on account of judgements to assure a continuing and flexible programme of debt payment with a minimum burden on judicial mechanisms.

Provincial Court

The Provincial Court, established under the Provincial Courts Act, R.S.O. 1980, c. 398, is composed of the Criminal Division, Civil Division, and the Family Division.

The Criminal Division consists of a Chief Judge and 160 provincially appointed judges who hear summary conviction offences under the Criminal Code and under provincial statutes, and certain indictable offences where the accused elects trial by judge. (Nine of these judges also act as judges of the Family Division, and are included again among the 72 judges listed there). The court also conducts preliminary hearings with respect to indictable offences and processes traffic and municipal by-law infractions. There are 89 Justices of the Peace who, under the direction of Provincial Court judges, assist in the trial of minor liquor and traffic offences under provincial statutes.

The Civil Division, established in Metropolitan Toronto under the Provincial Court (Civil Division) Project Act, R.S.O. 1980, c. 397), consists of a Senior Judge and eleven judges appointed provincially by the Lieutenant Governor in Council. The court sits in Toronto (4 court offices) and hears all actions where the amount claimed does not exceed \$3,000. and when specifically given authority by statute.

The Family Division consists of a Chief Judge and 72 judges appointed by the Lieutenant Governor in Council. The court hears all family matters except divorce, matters under the federal Juvenile Delinquents Act, the Child Welfare Act, Children's Law Reform Act, Family Law Reform Act, Training Schools Act, Reciprocal Enforcement of Maintenance Orders Act, and some criminal cases involving adults charged under the Criminal Code and Juvenile Delinquents Act.

The Provincial Offences Act, R.S.O. 1980, c. 400, established the Provincial Offences Court which, in general, functions as a part of the Provincial Court (Criminal Division). In Toronto the court is a separate entity. Jurisdiction extends only to provincial legislation not expressly reserved to other courts. The court is presided over by Justices of the Peace with appeals lying to the judiciary of the Provincial Court.

Laws of the court are designed to suit the convenience of the accused who have, in addition to the normal pleas, the option of pleading "Guilty with an explanation".

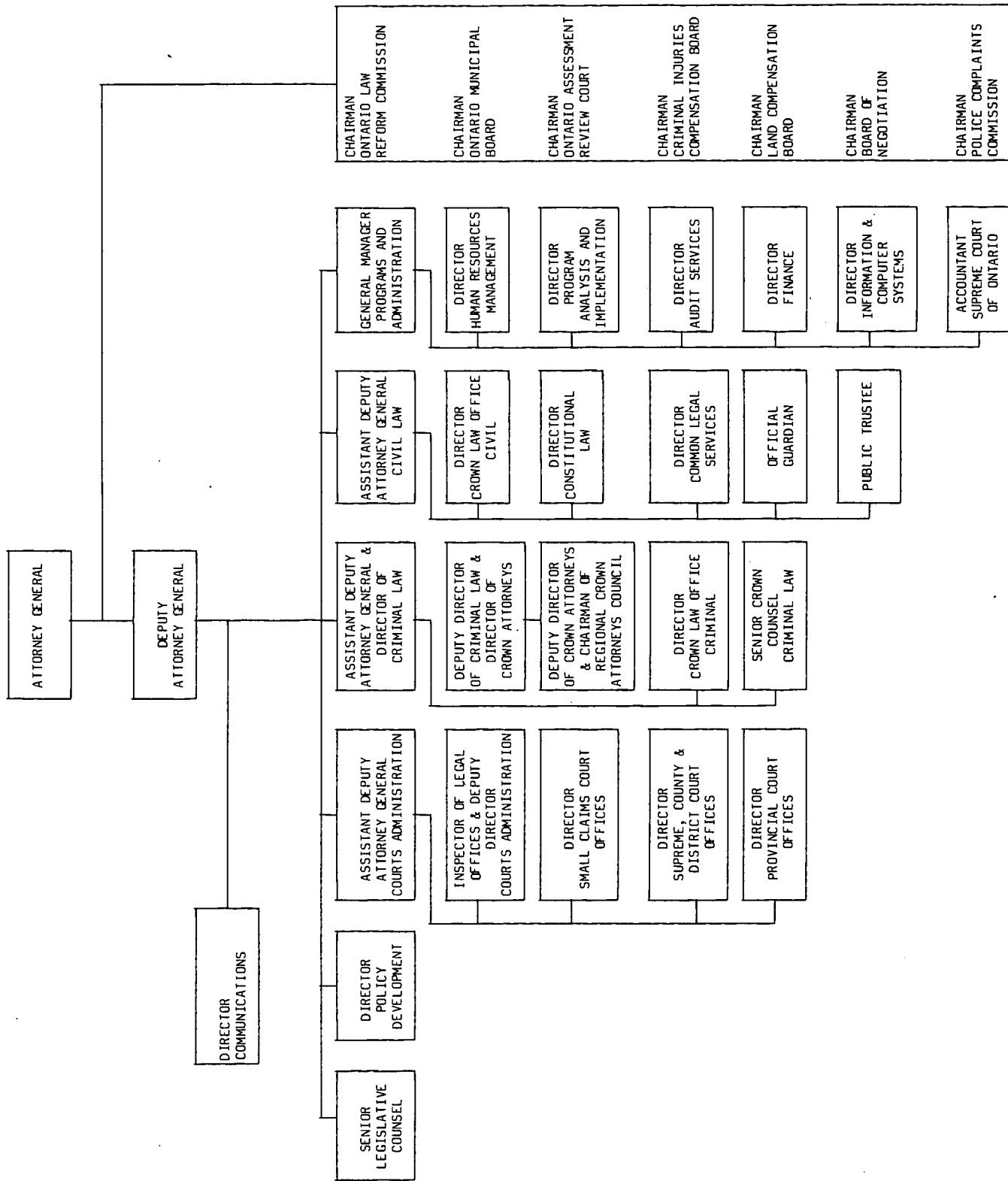
The Provincial Court sits in 64 permanent and 115 circuit locations. In smaller communities, judges from the Criminal Division will also hear family and juvenile cases.

COURT ADMINISTRATION

The courts in the province of Ontario are administered by the Ministry of Attorney General, specifically the Assistant Deputy Attorney General of Courts Administration. He or she is assisted by the Deputy Director of Courts Administration, the Director of Small Claims Courts, the Director of the Supreme, County and District Court Offices, and the Director of Provincial Court Offices.

CRIMINAL PROSECUTIONS

The Department of the Attorney General has overall responsibility for criminal prosecutions in the province. Full-time Crown Counsel are assisted by practicing lawyers employed as ad hoc Counsel. Special prosecutions and province-wide offences are handled by a central pool. In indictable appeals, the Crown is represented by Counsel from the same central pool. Crown Attorneys report to the Attorney General through the Deputy Director of Criminal Law and Director of Crown Attorneys who in turn is accountable to the Assistant Deputy Attorney General and Director of Criminal Law. The central pool of Crown Counsel reports to the Director of Criminal Law through the Director of the Crown Law Office (Criminal).



ONTARIO: COURT OPERATIONS 1980-81 - FOOTNOTES

Data in these tables were supplied by the Finance and Services Branch, Ontario Ministry of the Attorney-General and were supplemented by data received from the Office of the Commissioner for Federal Judicial Affairs.

COURT OPERATIONS

ONTARIO, 80-81

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$113,501,025	\$47,454,387	\$43,416,371	\$22,630,267
PERCENT.....	100.0	41.8	38.3	19.9
GENERAL ADMINISTRATION..	\$2,513,587	\$437,249	\$565,471	\$1,510,867
PERCENT.....	2.2	0.4	0.5	1.3
SUPERIOR COURTS.....	\$52,792,538	\$22,854,538	\$21,003,900	\$8,934,100
PERCENT.....	46.5	20.1	18.5	7.9
PROVINCIAL COURTS.....	\$58,194,900	\$24,162,600	\$21,847,000	\$12,185,300
PERCENT.....	51.3	21.3	19.2	10.7

COURT OPERATIONS

ONTARIO, 80-81

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	3,518.0	855.0	2,450.0	203.0
PERCENT.....	100.0	24.6	69.6	5.8
GENERAL ADMINISTRATION..	56.0	5.0	19.0	32.0
PERCENT.....	1.6	0.1	0.5	0.9
SUPERIOR COURTS.....	1,771.0	407.0	1,286.0	78.0
PERCENT.....	50.3	11.6	36.6	2.2
PROVINCIAL COURTS.....	1,691.0	453.0	1,445.0	93.0
PERCENT.....	48.1	12.9	32.5	2.6

ONTARIO: COURT OPERATIONS 1981-82 - FOOTNOTES

Data in these tables were supplied by the Finance and Services Branch, Ontario Ministry of the Attorney-General and were supplemented by data received from the Office of the Commissioner for Federal Judicial Affairs.

COURT OPERATIONS

ONTARIO, 81-82

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$128,769,452	\$52,766,032	\$52,027,798	\$23,975,622
PERCENT.....	100.0	41.0	40.4	18.6
GENERAL ADMINISTRATION..	\$4,096,773	\$511,953	\$1,997,998	\$1,586,822
PERCENT.....	3.2	0.4	1.6	1.2
SUPERIOR COURTS.....	\$58,185,279	\$24,488,979	\$24,668,100	\$9,028,200
PERCENT.....	45.2	19.0	19.2	7.0
PROVINCIAL COURTS.....	\$66,487,400	\$27,765,100	\$25,361,700	\$13,360,600
PERCENT.....	51.6	21.6	19.7	10.4

COURT OPERATIONS

ONTARIO, 81-82

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	3,479.0	871.0	2,416.0	192.0
PERCENT.....	100.0	25.0	69.4	5.5
GENERAL ADMINISTRATION..	61.0	5.0	30.0	26.0
PERCENT.....	1.8	0.1	0.9	0.7
SUPERIOR COURTS.....	1,710.0	390.0	1,242.0	78.0
PERCENT.....	49.2	11.2	35.7	2.2
PROVINCIAL COURTS.....	1,708.0	476.0	1,144.0	88.0
PERCENT.....	49.1	13.7	32.9	2.5

ONTARIO: CRIMINAL PROSECUTIONS 1980-81 - FOOTNOTES

Data in these tables were provided by the Finance and Services Branch, Ontario Ministry of the Attorney-General and reflect the provincial prosecutions system only. For information on the federal prosecutions system, please refer to the Federal Department of Justice chapter.

A breakdown for time spent by the legal profession in the various courts is not available. Hence all data is shown under General Administration.

CRIMINAL PROSECUTIONS

ONTARIO, 80-81

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$18,255,700	\$12,413,600	\$3,289,600	\$2,552,500
PERCENT.....	100.0	68.0	18.0	14.0
GENERAL ADMINISTRATION..	\$18,255,700	\$12,413,600	\$3,289,600	\$2,552,500
PERCENT.....	100.0	68.0	18.0	14.0
SUPERIOR COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-
PROVINCIAL COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-

CRIMINAL PROSECUTIONS

ONTARIO, 80-81

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	426.0	279.0	115.0	32.0
PERCENT.....	100.0	65.5	27.0	7.5
GENERAL ADMINISTRATION..	426.0	279.0	115.0	32.0
PERCENT.....	100.0	65.5	27.0	7.5
SUPERIOR COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-
PROVINCIAL COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-

ONTARIO: CRIMINAL PROSECUTIONS 1981-82 - FOOTNOTES

Data in these tables were provided by the Finance and Services Branch, Ontario Ministry of the Attorney-General and reflect the provincial prosecutions system only. For information on the federal prosecutions system, please refer to the Federal Department of Justice chapter.

A breakdown for time spent by the legal profession in the various courts is not available. Hence all data is shown under General Administration.

CRIMINAL PROSECUTIONS

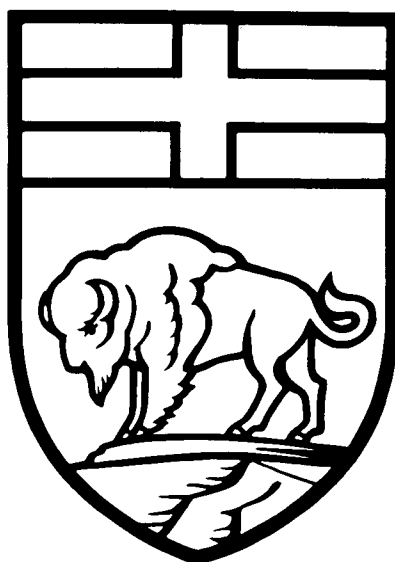
ONTARIO, 81-82

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$21,946,800	\$14,393,100	\$4,351,700	\$3,202,000
PERCENT.....	100.0	65.6	19.8	14.6
GENERAL ADMINISTRATION..	\$21,946,800	\$14,393,100	\$4,351,700	\$3,202,000
PERCENT.....	100.0	65.6	19.8	14.6
SUPERIOR COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-
PROVINCIAL COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-

CRIMINAL PROSECUTIONS

ONTARIO, 81-82

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	436.0	291.0	117.0	28.0
PERCENT.....	100.0	66.7	26.8	6.4
GENERAL ADMINISTRATION..	436.0	291.0	117.0	28.0
PERCENT.....	100.0	66.7	26.8	6.4
SUPERIOR COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-
PROVINCIAL COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-



Manitoba

Summary Facts

MANITOBA
1981 - 82

COURT OPERATIONS EXPENDITURES

\$ 14,481,239
2,040,400(14.1%)
7,156,539(49.4%)
5,284,300(36.5%)
453

Total
General Administration
Superior Courts
Provincial Courts
Staff

CRIMINAL PROSECUTIONS EXPENDITURES

\$ 2,310,208
600,519(26.0%)
92,150(4.0%)
1,617,539(70.0%)
74

COURT LOCATIONS

	Superior	Provincial
Permanent :	16	18
Circuit :	0	54

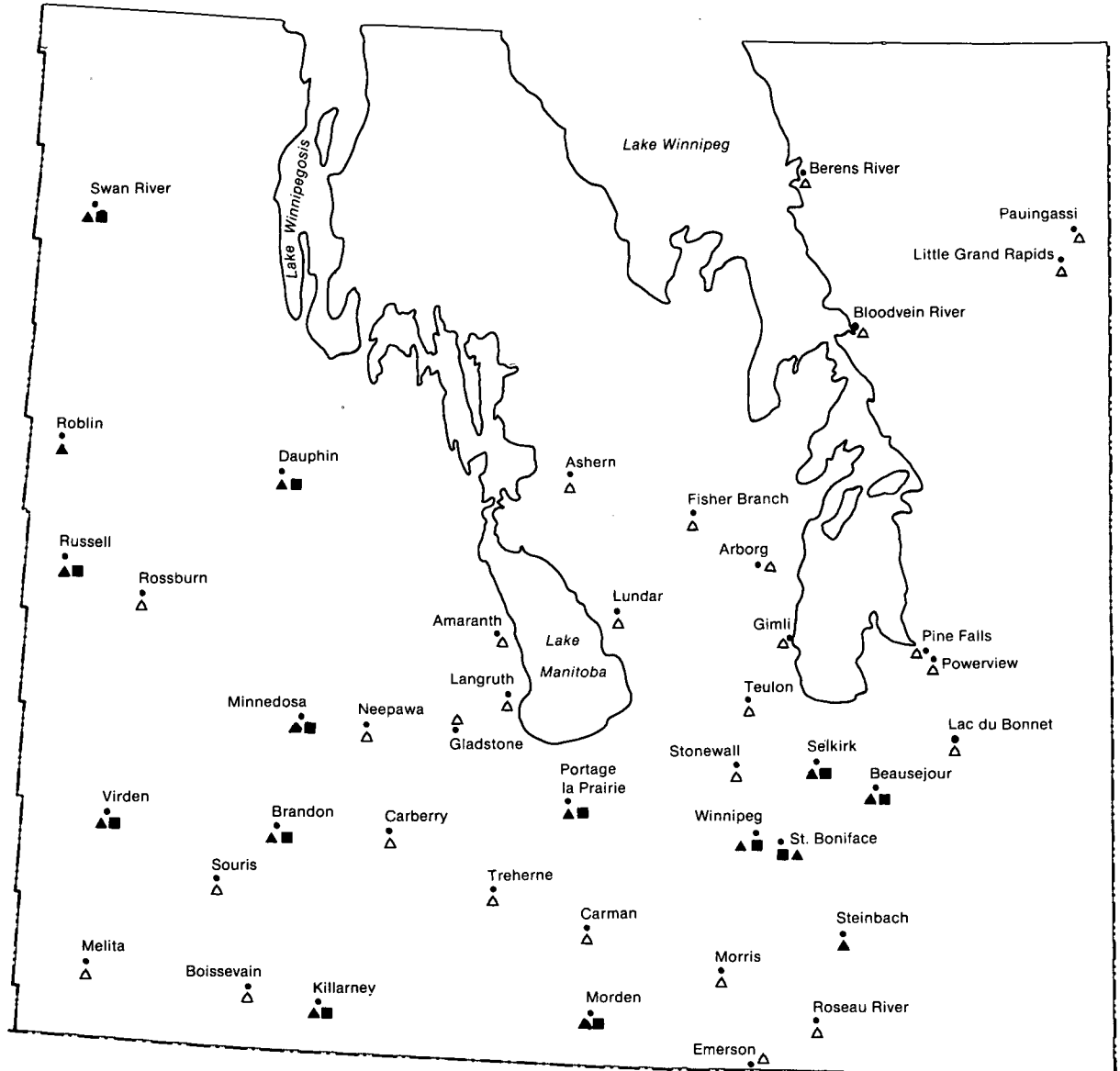
NO. OF JUDGES

Superior: 31
Provincial: 33

Population: 1,026,245
Area: 547,704 sq. kms.

Part I

Court Locations, Manitoba, 1981-82



Legend

- ▲ Provincial court — permanent
- △ Provincial court — circuit
- Superior court — permanent
- Superior court — circuit



Part II

Court Locations, Manitoba, 1981-82



Legend

- ▲ Provincial court — permanent
- △ Provincial court — circuit
- Superior court — permanent
- Superior court — circuit

MANITOBA COURTS

MANITOBA COURT OF APPEAL

Constituted by provincial statute.
One court for the entire province.
Court of record.

Judges

Appointed federally by the Governor in Council.

Jurisdiction

Appellate.

Civil. Directly from the County Court, Surrogate Court, and Court of Queen's Bench.

Criminal. From the Provincial Judges' Court, County Courts and Court of Queen's Bench in accordance with the applicable statute.

Appeals

Civil. To the Supreme Court of Canada on matters of law or mixed law and fact, with leave of this court or of the Supreme Court of Canada.

Criminal. To the Supreme Court of Canada, as of right on a question of law for indictable offences where a judge of the Court of Appeal dissents or an acquittal is set aside; otherwise, to the Supreme Court of Canada only on a question of jurisdiction or law with the leave of the Supreme Court of Canada.

MANITOBA COURT OF QUEEN'S BENCH

Constituted by provincial statute.
One court for the entire province; offices of the court are maintained at its principal points in the province where the court sits on circuit.
Court of record.

Judges

Appointed federally by the Governor in Council.

Jurisdiction

Civil. Generally, any actions not expressly excluded by statute, with no monetary limit set.

Divorce and matrimonial actions.

Criminal. Indictable offences under the Criminal Code tried by judge and jury at criminal assizes.

Appeals

Civil. Directly to the Manitoba Court of Appeal.

Criminal. As of right to the Manitoba Court of Appeal on point of law; otherwise only with leave of the Manitoba Court of Appeal.

MANITOBA COUNTY COURTS

Constituted by provincial statute.
One court for each County Court district in the province.
Court of record.

Judges

Appointed federally by the Governor in Council.
Act as judges of the Surrogate Court.

Jurisdiction

Original.

Civil. Actions where amount involved does not exceed \$10,000, and actions where amount involved exceeds \$10,000 where the parties consent.

Note: Small Claims Court actions where amount does not exceed \$1,000 may be heard by the Deputy Court clerk or the County Court judge.

Criminal. Indictable offences where the accused is given a choice as to the mode of trial and elects to be tried by judge alone.

Appellate. Appeals from Provincial Judges' Court: Criminal Division and from boards and tribunals.

Appeals

Civil. Directly to the Manitoba Court of Appeal.

Criminal. As of right to the Manitoba Court of Appeal on question of law; otherwise only with leave of the Manitoba Court of Appeal.

The proceedings of these courts are also subject to review by the Manitoba Court of Queen's Bench.

MANITOBA SURROGATE COURT

Constituted by provincial statute.
One court for each of the Surrogate Court districts in the province.
Court of record.

Judges

County Court judges act as judges of the Surrogate Court.

Jurisdiction

Testamentary matters relating to the probating of wills, and the granting of letters of administration for estates of deceased persons dying intestate.

Guardianship of children under the Child Welfare Act.

Jurisdiction over estates of persons of unsound minds under the Mental Health Act.

Actions in the Surrogate Court may be transferred to the Court of Queen's Bench, and vice versa.

Appeals

To the Manitoba Court of Appeal.

The proceedings of these courts are also subject to review by the Court of Queen's Bench.

MANITOBA PROVINCIAL JUDGES' COURT

Constituted by provincial statute.
Established at principal points throughout the province.
Two Divisions: Criminal Division and Family Division.

Judges

Appointed provincially by the Lieutenant Governor in Council.
(Previously referred to as magistrates, but since January 1, 1973 they are known as provincial judges).

Jurisdiction

Criminal Division. Summary conviction offences under the Criminal Code and under provincial statutes.

Certain indictable offences under the Criminal Code where the accused is given a choice as to the mode of trial, and chooses trial by a magistrate.

Family Division. Charges and offences under the following acts:
Child Welfare Act.
Juvenile Delinquents Act.
Parents' Maintenance Act.
Reciprocal Enforcement of Maintenance Orders Act.
Family Maintenance Act.

Appeals

Depending on the matter to be appealed, may proceed through County Court, Court of Queen's Bench or Court of Appeal.

COURT OPERATIONS

COURT HIERARCHY

Supreme Court

The Supreme Court of Manitoba is composed of the Court of Appeal and the Court of Queen's Bench.

The Court of Appeal, as constituted by the Court of Appeal Act, R.S.M. 1970, c. C-240, has a Chief Justice and five judges who are appointed federally by the Governor in Council, and who are also ex officio judges of the Manitoba Court of Queen's Bench. A quorum consists of three judges, but a single judge may hear certain matters in chambers. There is one court for the entire province and it sits only in Winnipeg. The court has appellate jurisdiction in civil cases heard by the Court of Queen's Bench, County Court, and Surrogate Court, and in criminal cases.

The Court of Queen's Bench is the superior court of inherent jurisdiction under the Court of Queen's Bench Act, R.S.M. 1970, c. C-280, and has a Chief Justice and 10 judges who are appointed federally by the Governor in Council. Civil matters with no set monetary limit, divorce and matrimonial actions, and indictable offences under the Criminal Code tried by judge and jury are heard in this court.

County Courts

The County Courts, as provided by the County Courts Act, R.S.M. 1970, c. C-260, have a Chief Judge and 14 judges appointed federally, who also act as judges of the Surrogate Courts. The court sits permanently in Winnipeg and in four other locations. The County Court has original criminal jurisdiction in indictable offences where the accused has elected to be tried by judge alone. It also handles civil disputes not exceeding \$10,000. Cases involving amounts greater than \$10,000 may be heard by the court only with the consent of the parties. In addition, small claims actions up to \$1,000, may be heard by the Deputy Court Clerk with appeals to the judge (County Courts Act, Part II). The court hears appeals on summary matters referred from Provincial Court and appeals from quasi-judicial boards.

County Court judges act as judges of the Surrogate Court (Surrogate Courts Act, R.S.M. 1970, c. C-290). There they hear testamentary matters relating to the probating of wills and the granting of letters of administration. They handle actions regarding the guardianship of children under the Child Welfare Act and the estates of persons of unsound mind under the Mental Health Act. Actions in this court may be transferred to the Court of Queen's Bench, and vice versa, and are subject to review by that court.

Provincial Court

The Provincial Court, as established by the Provincial Judges Act, S.M. 1972, c. 61, has a Criminal Division and a Family Division.

The Criminal Division has a Bench of 22 judges, and the Family Division 11 judges, all of whom are ex officio Justices of the Peace and commissioners for oaths. The court sits in 18 permanent and 54 circuit locations. The Criminal Division has jurisdiction in summary conviction offences under the Criminal Code and under provincial statutes, and in indictable offences elected to be tried by magistrate.

The Family Division handles charges and actions under the Child Welfare Act, Juvenile Delinquents Act, Parents' Maintenance Act, and Family Maintenance Act.

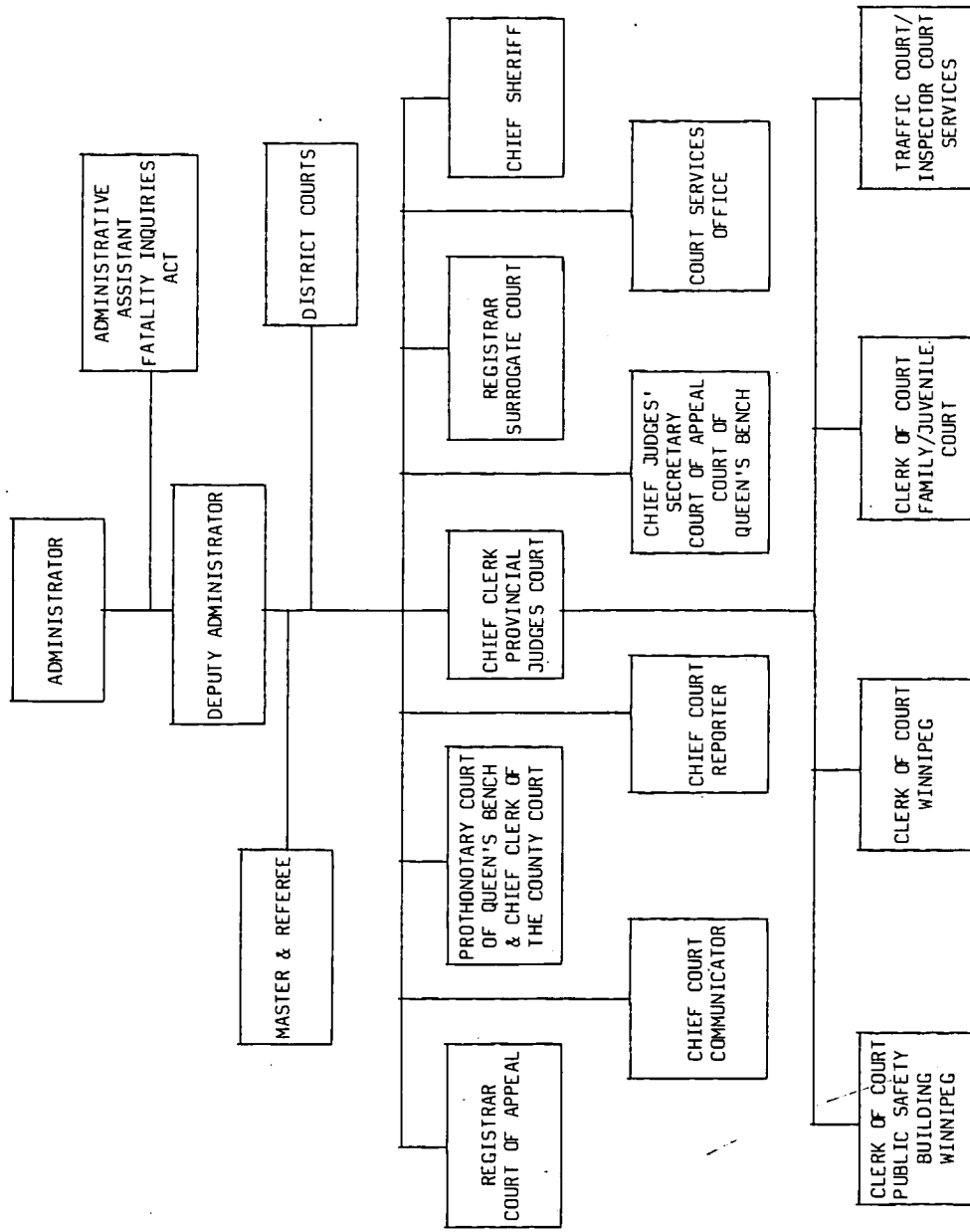
COURT ADMINISTRATION

The administration of the courts in Manitoba is the responsibility of the Administrator of the Court Services Branch of the Department of Attorney General in Winnipeg (Attorney General's Act, R.S.M. 1970, c. A-170). The Registrar of the Court of Appeal, the Prothonotary of the Court of Queen's Bench (who is also the Chief County Court Clerk), the Registrar of the Surrogate Court, and the Chief Clerk of the Provincial Court administer their respective courts and report to the Deputy Administrator of Court Services.

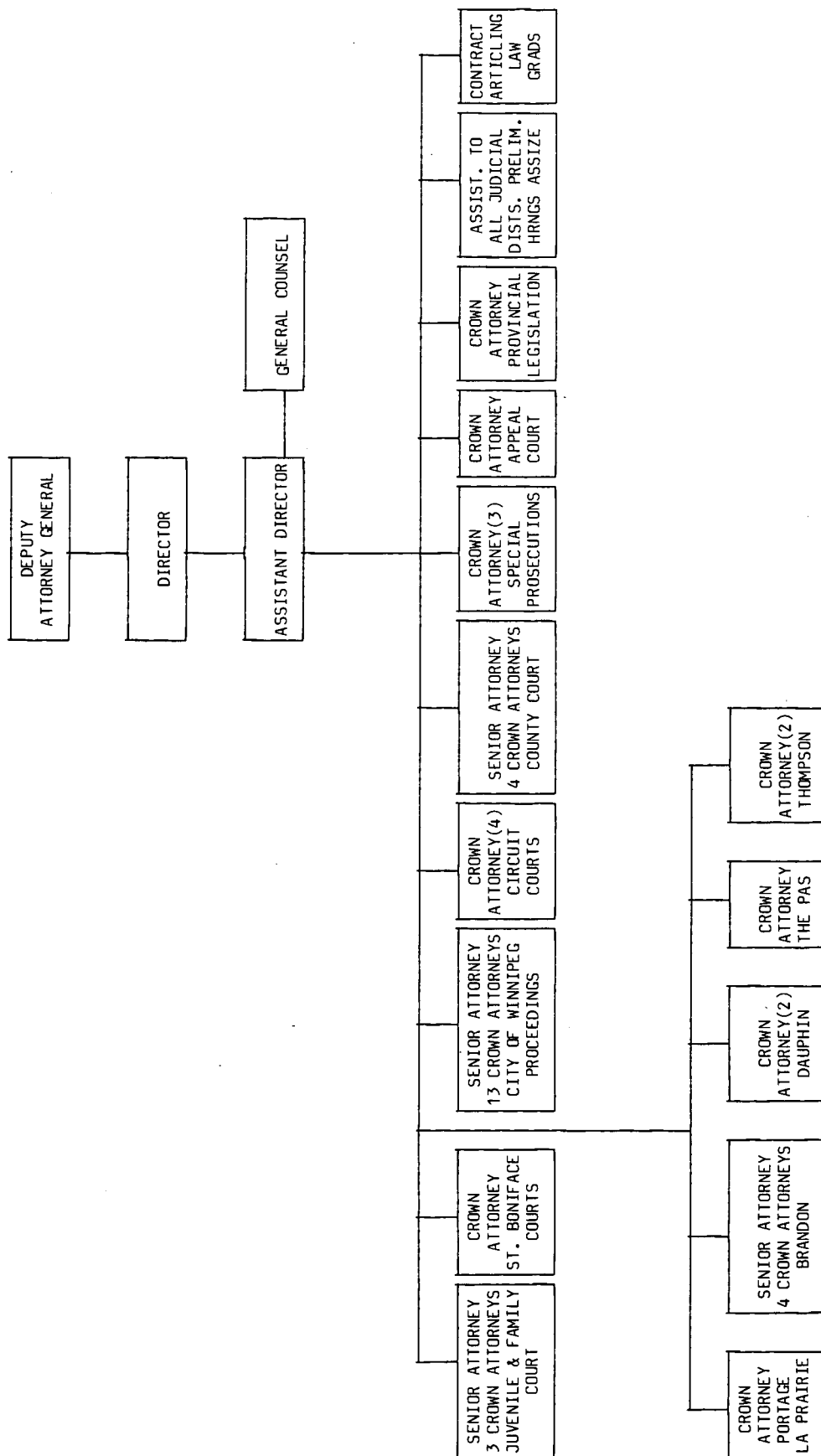
CRIMINAL PROSECUTIONS

In Manitoba, the Department of the Attorney General is responsible for criminal prosecutions. There are four Crown Prosecutors in the Juvenile and Family Court, one Crown Attorney in the St. Boniface courts, 14 in the City of Winnipeg courts, four in the Circuit Courts, one in the Appeal Court, and six in the County Court. In addition, there are three Crown Attorneys in charge of special prosecutions and one handling provincial legislation. Other Crown Attorneys are located in Brandon(five), Dauphin(two), Thompson(two), Portage La Prairie(one), and The Pas(one). In indictable appeals, the Crown is usually represented by Counsel from a separate appeal section. Occasionally, the Crown Counsel at trial represents the Crown. All Crown Counsel report through the Director of Criminal Prosecutions, who is assisted by an Assistant Director, to the Deputy Attorney General.

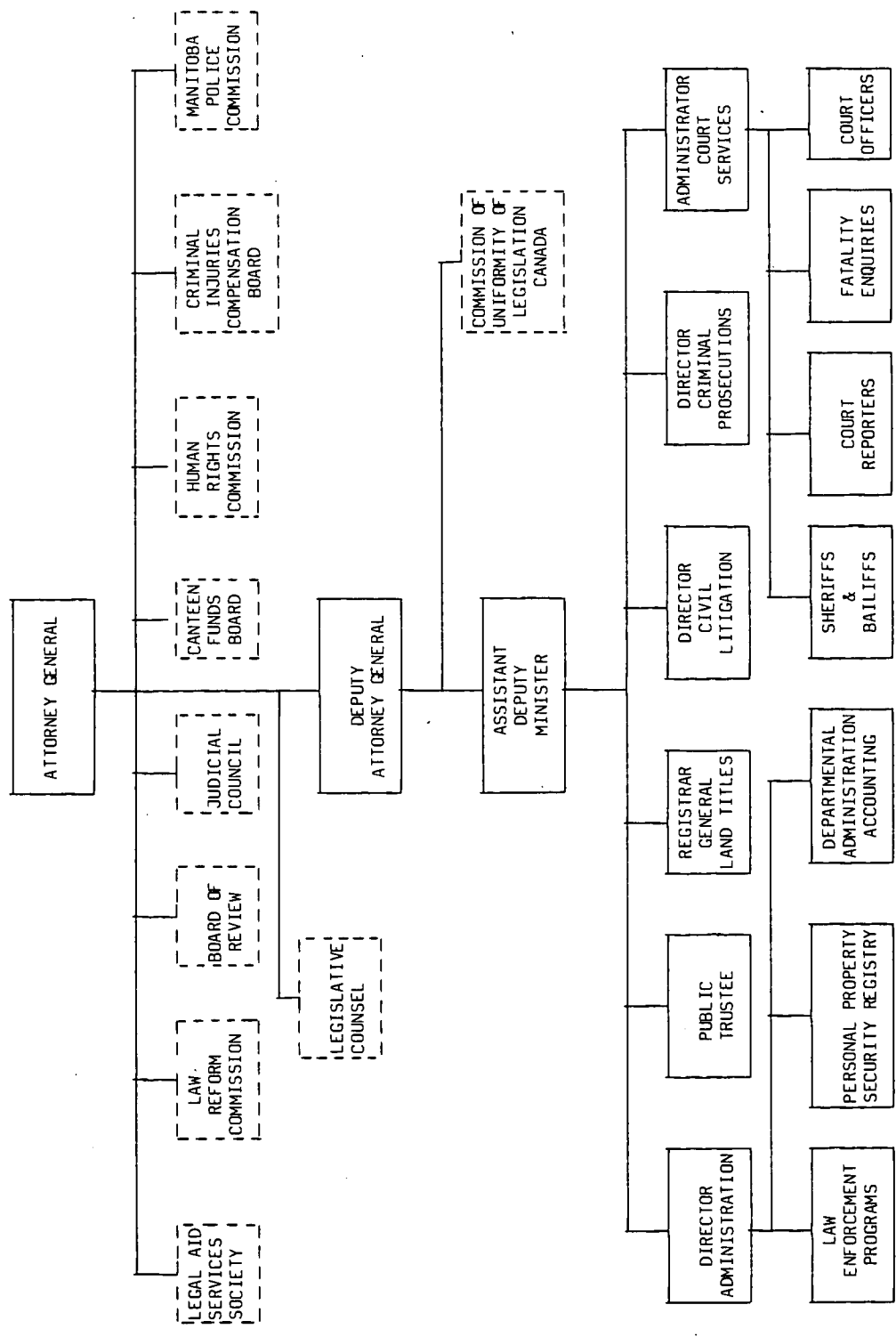
ORGANIZATION CHART - COURT SERVICES BRANCH, MANITOBA, 1981-82



ORGANIZATION CHART - CRIMINAL PROSECUTIONS BRANCH, MANITOBA, 1981-82



ORGANIZATION CHART - DEPARTMENT OF ATTORNEY GENERAL, MANITOBA, 1981-82



MANITOBA: COURT OPERATIONS 1980-81 - FOOTNOTES

Data in these tables were supplied by the Court Services Branch, Department of the Attorney-General, and were supplemented by data received from the Office of the Commissioner for Federal Judicial Affairs.

- ¹ Court reporting and supplies was not distributed between courts and therefore appears under general administration.

Much of the serving of court documents (i.e. subpoenas, summonses and warrants) is carried out by police agencies. The figures show no amount for this category.

COURT OPERATIONS

MANITOBA, 80-81

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT ¹	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$12,275,877	\$5,116,277	\$4,384,500	\$2,775,100
PERCENT.....	100.0	41.7	35.7	22.6
GENERAL ADMINISTRATION..	\$1,674,600	\$1,292,200	-	\$382,400
PERCENT.....	13.6	10.5	-	3.1
SUPERIOR COURTS.....	\$5,359,077	\$2,339,077	\$2,332,200	\$687,800
PERCENT.....	43.7	19.1	19.0	5.6
PROVINCIAL COURTS.....	\$5,242,000	\$1,485,000	\$2,052,300	\$1,704,900
PERCENT.....	42.7	12.1	16.7	13.9

COURT OPERATIONS

MANITOBA, 80-81

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT ¹	INDIRECT	SUPPORT SERVICES
TOTAL.....	437.0	125.0	287.0	25.0
PERCENT.....	100.0	28.6	65.7	5.7
GENERAL ADMINISTRATION..	70.0	61.0	-	9.0
PERCENT.....	16.0	14.0	-	2.1
SUPERIOR COURTS.....	158.0	31.0	127.0	0.0
PERCENT.....	36.2	7.1	29.1	0.0
PROVINCIAL COURTS.....	209.0	33.0	160.0	16.0
PERCENT.....	47.8	7.6	36.6	3.7

MANITOBA: COURT OPERATIONS 1981-82 - FOOTNOTES

Data in these tables were supplied by the Court Services Branch, Department of the Attorney-General, and were supplemented by data received from the Office of the Commissioner for Federal Judicial Affairs.

- 1 Court reporting and supplies was not distributed between courts and therefore appears under general administration.

Much of the serving of court documents (i.e. subpoenas, summonses and warrants) is carried out by police agencies. The figures show no amount for this category.

COURT OPERATIONS

MANITOBA, 81-82

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT ¹	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$14,481,239	\$5,868,639	\$5,923,300	\$2,689,300
PERCENT.....	100.0	40.5	40.9	18.6
GENERAL ADMINISTRATION..	\$2,040,400	\$1,578,700	-	\$461,700
PERCENT.....	14.1	10.9	-	3.2
SUPERIOR COURTS.....	\$7,156,539	\$2,444,939	\$3,649,300	\$1,062,300
PERCENT.....	49.4	16.9	25.2	7.3
PROVINCIAL COURTS.....	\$5,284,300	\$1,845,000	\$2,274,000	\$1,165,300
PERCENT.....	36.5	12.7	15.7	8.0

COURT OPERATIONS

MANITOBA, 81-82

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT ¹	INDIRECT	SUPPORT SERVICES
TOTAL.....	517.0	133.0	352.0	32.0
PERCENT.....	100.0	25.7	68.1	6.2
GENERAL ADMINISTRATION..	71.0	61.0	-	10.0
PERCENT.....	13.7	11.8	-	1.9
SUPERIOR COURTS.....	215.0	31.0	184.0	0.0
PERCENT.....	41.6	6.0	35.6	0.0
PROVINCIAL COURTS.....	231.0	41.0	168.0	22.0
PERCENT.....	44.7	7.9	32.5	4.3

MANITOBA: CRIMINAL PROSECUTIONS 1980-81 - FOOTNOTES

Data in these tables were provided by the Department of the Attorney-General, Manitoba, and reflect the provincial prosecutions systems only. For information on the federal prosecutions system, please refer to the Federal Department of Justice chapter.

CRIMINAL PROSECUTIONS

MANITOBA, 80-81

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$2,074,349	\$1,542,762	\$313,598	\$217,989
PERCENT.....	100.0	74.4	15.1	10.5
GENERAL ADMINISTRATION..	\$542,542	\$74,567	\$249,986	\$217,989
PERCENT.....	26.2	3.6	12.1	10.5
SUPERIOR COURTS.....	\$81,858	\$81,858	-	-
PERCENT.....	3.9	3.9	-	-
PROVINCIAL COURTS.....	\$1,449,949	\$1,386,337	\$63,612	-
PERCENT.....	69.9	66.8	3.1	-

CRIMINAL PROSECUTIONS

MANITOBA, 80-81

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	73.0	43.0	27.0	3.0
PERCENT.....	100.0	58.9	37.0	4.1
GENERAL ADMINISTRATION..	24.0	2.0	19.0	3.0
PERCENT.....	32.9	2.7	26.0	4.1
SUPERIOR COURTS.....	2.0	2.0	-	-
PERCENT.....	2.7	2.7	-	-
PROVINCIAL COURTS.....	47.0	39.0	8.0	-
PERCENT.....	64.4	53.4	11.0	-

MANITOBA: CRIMINAL PROSECUTIONS 1981-82 - FOOTNOTES

Data in these tables were provided by the Department of the Attorney-General, Manitoba, and reflect the provincial prosecutions systems only. For information on the federal prosecutions system, please refer to the Federal Department of Justice chapter.

CRIMINAL PROSECUTIONS

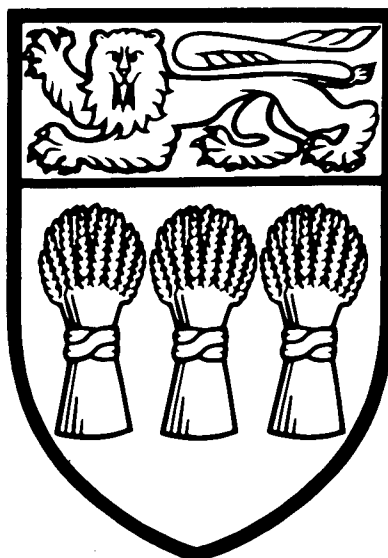
MANITOBA, 81-82

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$2,310,208	\$1,718,708	\$367,211	\$224,289
PERCENT.....	100.0	74.4	15.9	9.7
GENERAL ADMINISTRATION..	\$600,519	\$84,435	\$291,795	\$224,289
PERCENT.....	26.0	3.7	12.6	9.7
SUPERIOR COURTS.....	\$92,150	\$92,150	-	-
PERCENT.....	4.0	4.0	-	-
PROVINCIAL COURTS.....	\$1,617,539	\$1,542,123	\$75,416	-
PERCENT.....	70.0	66.8	3.3	-

CRIMINAL PROSECUTIONS

MANITOBA, 81-82

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	74.0	43.0	28.0	3.0
PERCENT.....	100.0	58.1	37.8	4.1
GENERAL ADMINISTRATION..	24.0	2.0	19.0	3.0
PERCENT.....	32.4	2.7	25.7	4.1
SUPERIOR COURTS.....	2.0	2.0	-	-
PERCENT.....	2.7	2.7	-	-
PROVINCIAL COURTS.....	48.0	39.0	9.0	-
PERCENT.....	64.9	52.7	12.2	-



Saskatchewan

Summary Facts

SASKATCHEWAN

1981 - 82

COURT OPERATIONS EXPENDITURES

\$ 10,942,229
470,367 (4.3%)
6,681,928 (61.1%)
3,789,934 (34.6%)
237

Total
General Administration
Superior Courts
Provincial Courts
Staff

CRIMINAL PROSECUTIONS EXPENDITURES

\$ 4,041,500
371,000 (9.2%)
650,000 (16.1%)
3,020,500 (74.7%)
61

COURT LOCATIONS

	Superior	Provincial
Permanent:	18	15
Circuit:	3	104

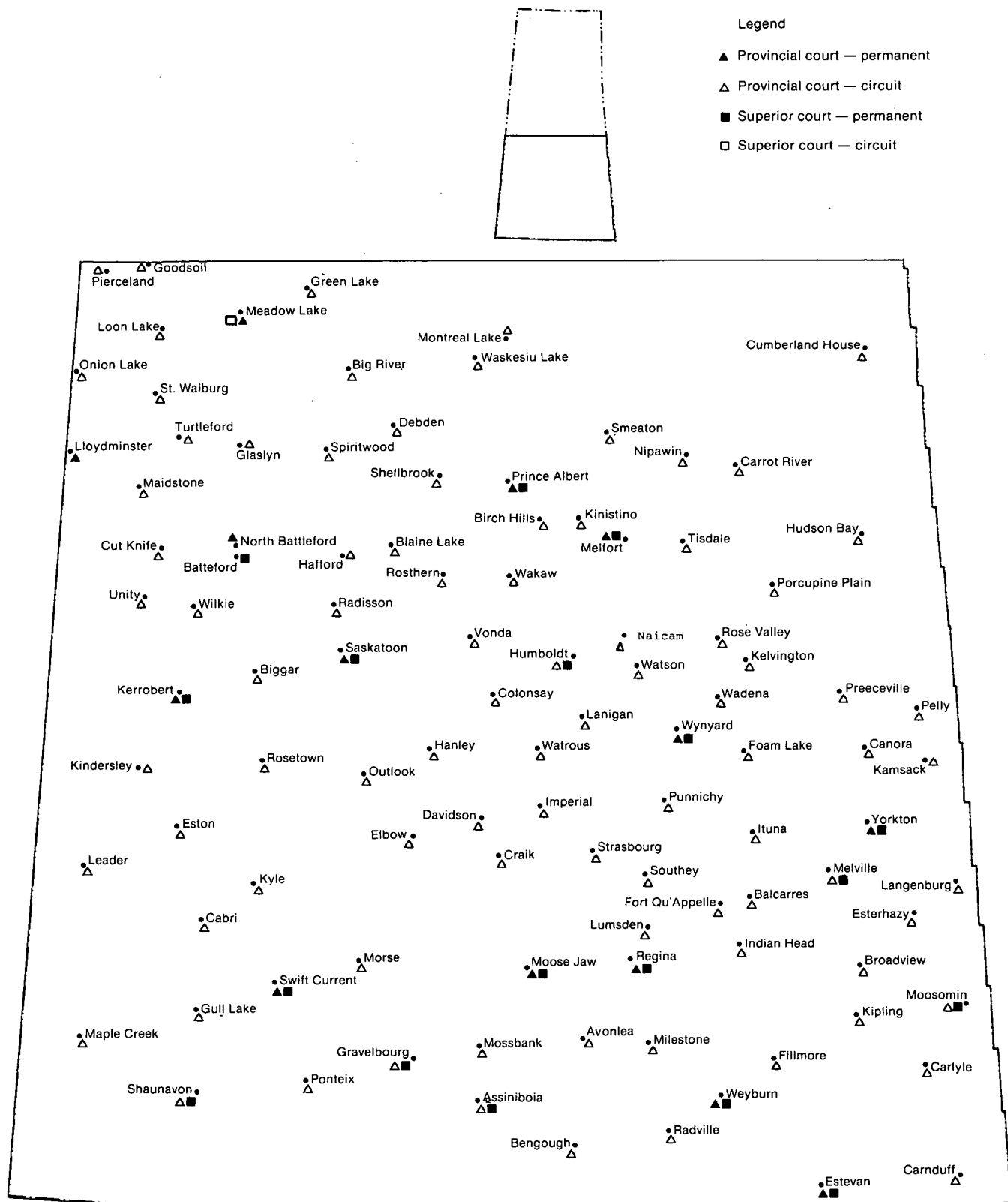
NO. OF JUDGES

Superior: 38
Provincial: 50*

Population: 968,310
Area: 570,114 sq. kms.

* Includes 4 Justices of the Peace who act as traffic justices.

Court Locations, Saskatchewan, 1981-82



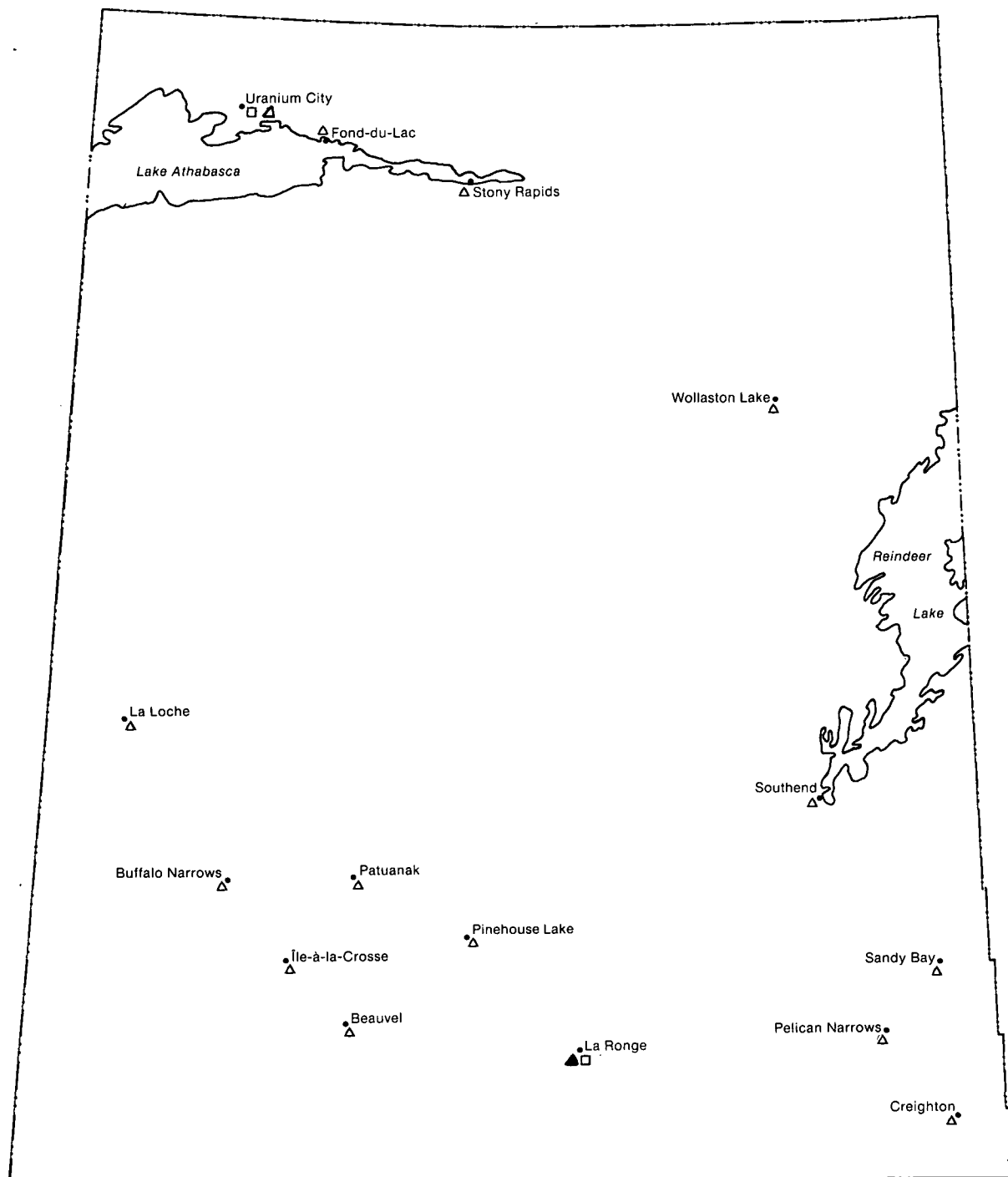
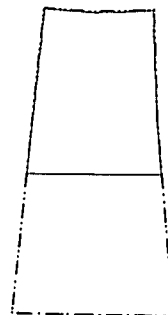
Part II

Court Locations, Saskatchewan, 1981-82

Legend

▲ Provincial court — permanent

△ Provincial court — circuit



SASKATCHEWAN COURTS

COURT OF APPEAL FOR SASKATCHEWAN

Established under the Court of Appeal Act (R.S.S. 1978, Chapter C-42).
One court for the entire province and sits in Regina and Saskatoon.
A superior court of record.

Judges

Appointed federally by the Governor in Council.

Jurisdiction

All the jurisdiction, both civil and criminal, possessed by the judges of any court in Saskatchewan under any Statute of Canada or of the province.

Appeals

Civil. To the Supreme Court of Canada on matters of law or mixed law and fact, with leave of this court or of the Supreme Court of Canada.

Criminal. To the Supreme Court of Canada, as of right on a question of law for indictable offences where a judge of the Court of Appeal dissents or an acquittal is set aside; otherwise, to the Supreme Court of Canada only on a question of jurisdiction or law with the leave of the Supreme Court of Canada.

THE COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

Established under the Queen's Bench Act (R.S.S. 1978, Chapter Q-1).
One court for the entire province.
A superior court of record.

Judges

Appointed federally by the Governor in Council.

Jurisdiction

Civil and Criminal. The Court, as a superior court of record, exercises unlimited original jurisdiction in all civil and criminal matters except where expressly excluded by statute. As a superior court it has wide inherent powers.

Appellate. The Court exercises appellate jurisdiction in summary conviction offences, small claims actions and under certain statutes.

Appeals

To the Court of Appeal.

THE SURROGATE COURT FOR SASKATCHEWAN

Established under the Surrogate Court Act (R.S.S. 1978, Chapter S-66).
One court for the entire province.
A court of record, limited in jurisdiction.

Judges

Each judge of the Court of Queen's Bench for Saskatchewan is a judge of the Surrogate Court.

Jurisdiction

All testamentary matters including the interpretation of wills, and in relation to the granting or revoking probate of wills and letters of administration of the effects of deceased persons having estate or effects in Saskatchewan but subject to the concurrent jurisdiction of the Court of Queen's Bench.

Appeals

To the Court of Appeal where the property or rights exceeds \$200 in value.

THE UNIFIED FAMILY COURT FOR SASKATCHEWAN

Established under the Unified Family Court Act (R.S.S. 1978, Chapter U-1.1).
The court serves only the Saskatoon area at present, although it has province-wide jurisdiction.
A court of record, limited in jurisdiction.

Judges

The judges are appointed jointly by the Federal and Provincial authorities, and exercise the powers of judges of both the Court of Queen's Bench and of the Provincial Court.

Jurisdiction

The Court has original jurisdiction in matters and proceedings under:

- (a) The Deserted Wives' and Children's Maintenance Act.
- (b) The Children of Unmarried Parents Act.
- (c) The Family Services Act, Parts II and III.
- (d) The Infants Act.
- (e) The Marriage Act.
- (f) The Parents' Maintenance Act.
- (g) The Homesteads Act.
- (h) The Married Persons' Property Act.
- (i) The Matrimonial Property Act.
- (j) Juvenile Delinquents Act (Canada).
- (k) Attachment of Debts Act.
- (l) Dependant's Relief Act.

Appeals

To the Court of Appeal.

THE PROVINCIAL COURT OF SASKATCHEWAN

Established under the Provincial Court Act (R.S.S. 1978, Chapter P-30.1).
One court for the entire province.
A provincial court of record, limited in jurisdiction.

Judges

Appointed provincially by the Lieutenant Governor in Council.
Each judge is a judge of the Juvenile Court of the Province of Saskatchewan.

Jurisdiction

Criminal. Certain indictable offences under the Criminal Code, Part XVI and summary convictions matters, Part XXIV.

Family. Certain family and juvenile matters as conferred by statute (except in Saskatoon which is under the jurisdiction of the Unified Family Court).

Civil. As conferred upon a judge of the Provincial Court by provincial statute or Act of Parliament.

Under The Small Claims Enforcement Act (R.S.S. 1978, Chapter S-51) a provincial judge has jurisdiction to hear all claims and demands for debt, damages or recovery of goods or chattels where the amount or balance does not exceed \$1,000 in the case of an individual and \$500 for a person other than an individual.

Traffic Safety Court. Summary conviction matters under certain provincial statutes. The Court sits in Regina and Saskatoon with specially appointed Justice of the Peace.

Appeals

By way of trial de novo on direction of the Court of Appeal.
Indictable offences to the Court of Appeal.
Summary conviction matters the Court of Queen's Bench.
Small claim matters to the Court of Queen's Bench.

COURT OPERATIONS

COURT HIERARCHY

Superior Courts

The Superior Courts of Saskatchewan are the Court of Appeal and the Court of Queen's Bench.

The Court of Appeal, constituted by the Court of Appeal Act, R.S.S. 1978, c. C-42, is comprised of a Chief Justice and six judges of appeal two of whom are supernumerary, appointed federally by the Governor in Council. They are also ex officio judges of the Court of Queen's Bench. There is one court for the entire province which sits permanently in Regina and at least twice a year in Saskatoon. The court has general appellate jurisdiction in criminal matters such as indictable offences from the Provincial Court and the Court of Queen's Bench, and in civil actions from the Court of Queen's Bench and from the Surrogate Courts where property or rights exceed \$200 in value.

The Court of Queen's Bench, constituted by the Court of Queen's Bench Act, R.S.S. 1978, Q-1, is the result of the merger of the Court of Queen's Bench with the District Court on July 1, 1981. The Court is comprised of a Chief Justice and 30 federally appointed judges, three of whom are supernumerary, who are also ex officio Justices of the Peace, coroners, and judges of the Provincial Court. Judges are resident in 10 of the 18 judicial centres, being Regina, Saskatoon, Battleford, Estevan, Humboldt, Melville, Moose Jaw, Prince Albert, Swift Current and Yorkton. However, all judges, wherever resident, circuit to all 18 judicial centres and three additional circuit points according to the schedule of the court. The court hears those indictable offences tried by judge or by judge and jury, appeals from the Provincial and Surrogate Courts, and all civil matters, except those heard in the Provincial Court under the Small Claims Enforcement Act.

Unified Family Court

The Unified Family Court, constituted by the Unified Family Court Act, R.S.S. 1978, c. U-1.1, has three Queen's Bench judges. The place and area of the court is presently restricted to the corporate limits of the City of Saskatoon in the Judicial Centre of Saskatoon. The court has jurisdiction in family and matrimonial cases, juvenile delinquency, and in intra-familial assault charges. More specifically, it hears actions under the Deserted Wives and Children's Maintenance Act, the Children of Unmarried Parents Act (1973), the Family Services Act (Parts I, II and III), the Infants Act, the Parents Maintenance Act, the Marriage Act, the Homesteads Act, the Married Person's Property Act, and the Juvenile Delinquents Act. The court also provides family counselling services through the Department of Social Services.

Surrogate Court

The Surrogate Court was constituted by the Surrogate Courts Act, R.S.S. 1978, c. S-66. Queen's Bench judges act as judges of the court. The court handles testamentary matters related to the probating of wills and the granting of Letters Probate and Letters of Administration and has concurrent jurisdiction with the Court of Queen's Bench in these matters.

Provincial Court

The Provincial Court, established under the Provincial Courts Act, R.S.S. 1978, c. P-30.1, is comprised of a Chief Judge, an Associate Chief Judge and 44 judges appointed provincially, who sit in 15 permanent (resident judge locations) and 104 circuit locations. The court exercise criminal jurisdiction under the Criminal Code, provincial statutes and municipal by-laws. The Provincial Court also hears small claims actions up to \$1,000 for individuals and up to \$500 for corporations, as specified by the Small Claims Enforcement Act. In addition, juvenile cases and certain family matters are heard by the court.

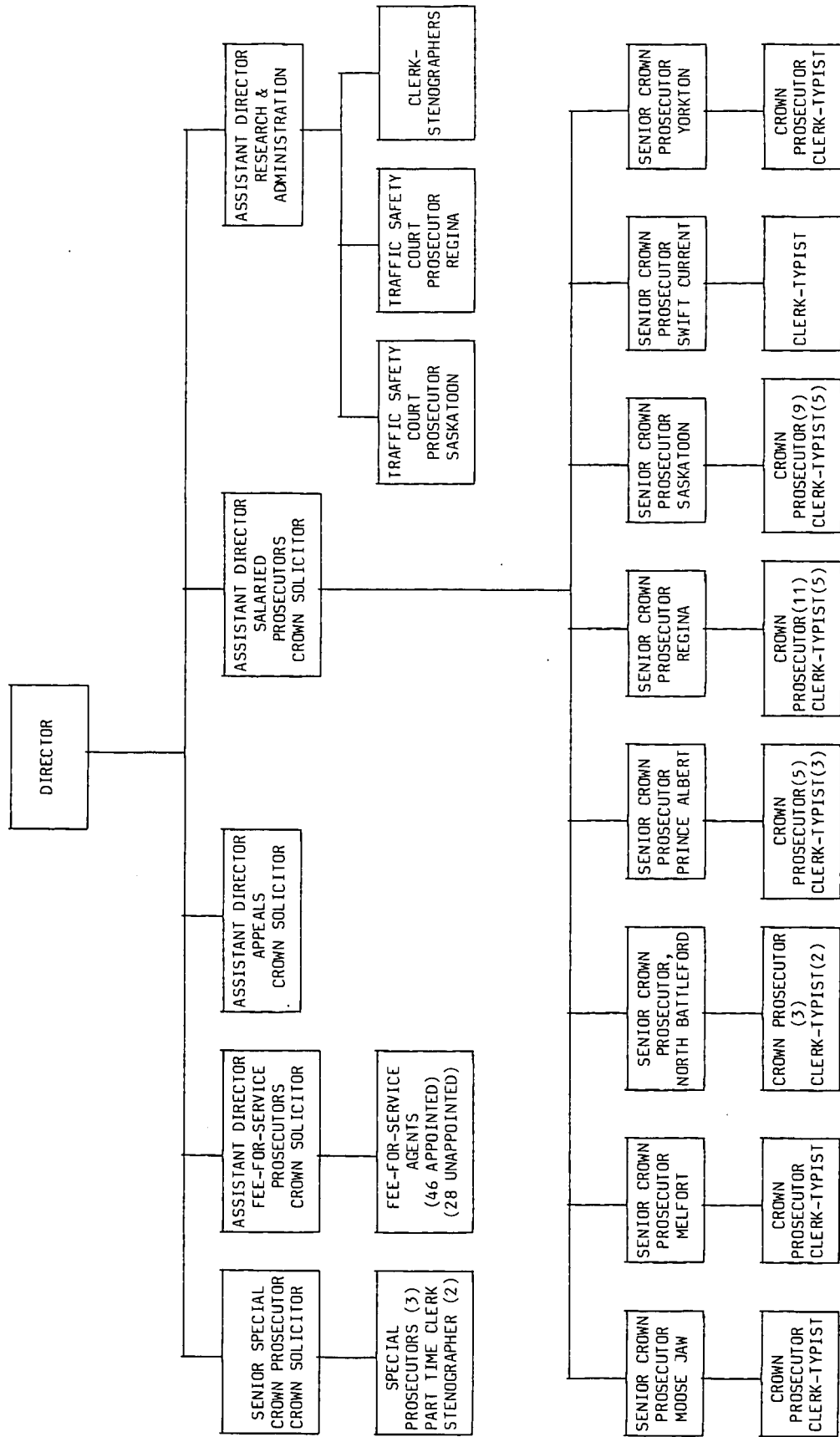
The Traffic Safety Court is presided over by four lay Justices of the Peace (Traffic Justices), two each in the cities of Regina and Saskatoon. The court provides for the processing of guilty pleas in a hearing room. Under the Traffic Safety Court of Saskatchewan Act, R.S.S. 1978, c. T-19, this court hears all traffic cases in the cities of Regina and Saskatoon, including trials. The supervising Justice of the Peace is also a Traffic Justice appointed by Order-in-Council and sits when required.

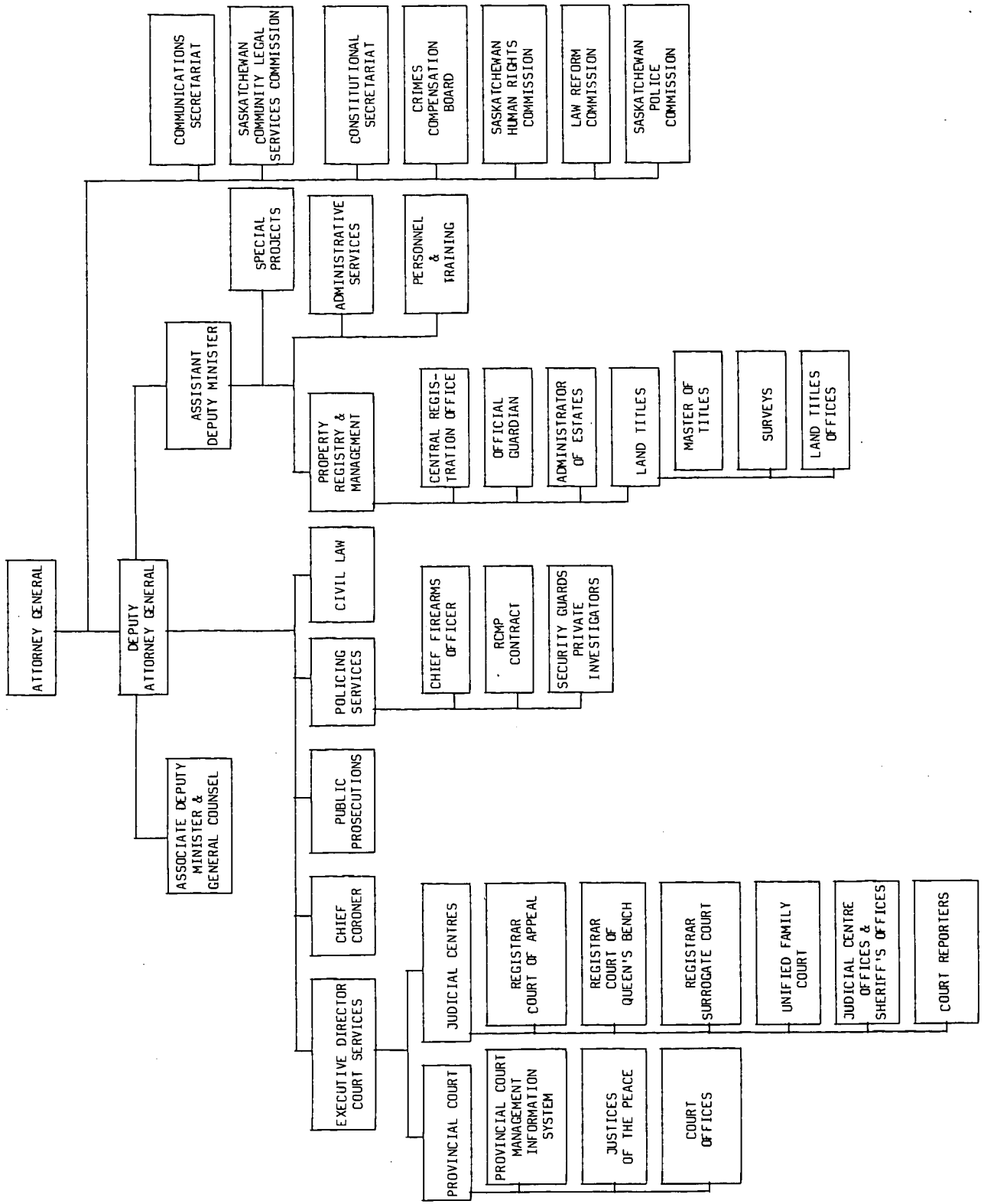
COURT ADMINISTRATION

The non-judicial administration of courts in Saskatchewan is the responsibility of the Department of the Attorney General (Attorney General's Act, R.S.S. 1979, c. A-33; now the Department of Justice). The Executive Director of Court Services coordinates the administrative activities of the Superior Courts and the Provincial Courts, and oversees the provision of court services in the judicial centres.

CRIMINAL PROSECUTIONS

The Department of Justice has overall responsibility for criminal prosecutions in the province. There are eight full-time senior Crown Prosecutors, with 31 assistant Crown Prosecutors in Regina, Saskatoon, Swift Current, Yorkton, Prince Albert, North Battleford, Melfort and Moose Jaw, reporting to the Assistant Director of Salaried Prosecutors. In addition, practicing lawyers are used as ad hoc Crown Counsel, and a special prosecutions unit, consisting of a senior special Crown Prosecutor and three special prosecutors, has been established. Also, two Traffic Safety Court prosecutors in Saskatoon and Regina, reporting to the Assistant Director of Research and Administration, and a pool of 74 (28 unappointed) fee-for-service agents, reporting to the Assistant Director of Fee-for-Service Prosecutors, are available. All these Crown Counsel are accountable through their respective supervisors to the Director of the Public Prosecutions Branch. In indictable appeals, the Crown is represented by Counsel from a separate appeal section.





SASKATCHEWAN: COURT OPERATIONS 1980-81 - FOOTNOTES

Data in these tables were supplied by the Saskatchewan Department of the Attorney-General and were supplemented by data received from the Office of the Commissioner for Federal Judicial Affairs.

- 1 Building costs (covered by Department of Government Services) are not shown.
- 2 Security - R.C.M.P. cost of involvement for court orderly work is not included.

COURT OPERATIONS

SASKATCHEWAN, 80-81

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT ²	SUPPORT SERVICES ¹
TOTAL.....	\$10,015,419	\$6,307,950	\$3,277,365	\$430,104
PERCENT.....	100.0	63.0	32.7	4.3
GENERAL ADMINISTRATION..	\$430,104	-	-	\$430,104
PERCENT.....	4.3	-	-	4.3
SUPERIOR COURTS.....	\$6,040,226	\$3,400,721	\$2,639,505	-
PERCENT.....	60.3	34.0	26.4	-
PROVINCIAL COURTS.....	\$3,545,089	\$2,907,229	\$637,860	-
PERCENT.....	35.4	29.0	6.4	-

COURT OPERATIONS

SASKATCHEWAN, 80-81

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT ²	SUPPORT SERVICES
TOTAL.....	307.8	145.0	148.9	13.9
PERCENT.....	100.0	47.1	48.4	4.5
GENERAL ADMINISTRATION..	13.9	-	-	13.9
PERCENT.....	4.5	-	-	4.5
SUPERIOR COURTS.....	169.7	68.0	101.7	-
PERCENT.....	55.1	22.1	33.0	-
PROVINCIAL COURTS.....	124.2	77.0	47.2	-
PERCENT.....	40.4	25.0	15.3	-

SASKATCHEWAN: COURT OPERATIONS 1981-82 - FOOTNOTES

Data in these tables were supplied by the Saskatchewan Department of the Attorney-General and were supplemented by data received from the Office of the Commissioner for Federal Judicial Affairs.

- 1 Building costs (covered by Department of Government Services) are not shown.
- 2 Security - R.C.M.P. cost of involvement for court orderly work is not included.

COURT OPERATIONS

SASKATCHEWAN, 81-82

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT ²	SUPPORT SERVICES ¹
TOTAL.....	\$10,942,229	\$6,966,617	\$3,505,245	\$470,367
PERCENT.....	100.0	63.7	32.0	4.3
GENERAL ADMINISTRATION..	\$470,367	-	-	\$470,367
PERCENT.....	4.3	-	-	4.3
SUPERIOR COURTS.....	\$6,681,928	\$3,926,530	\$2,755,398	-
PERCENT.....	61.1	35.9	25.2	-
PROVINCIAL COURTS.....	\$3,789,934	\$3,040,087	\$749,847	-
PERCENT.....	34.6	27.8	6.9	-

COURT OPERATIONS

SASKATCHEWAN, 81-82

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT ²	SUPPORT SERVICES
TOTAL.....	325.1	152.2	158.3	14.6
PERCENT.....	100.0	46.8	48.7	4.5
GENERAL ADMINISTRATION..	14.6	-	-	14.6
PERCENT.....	4.5	-	-	4.5
SUPERIOR COURTS.....	181.7	74.0	107.7	-
PERCENT.....	55.9	22.8	33.1	-
PROVINCIAL COURTS.....	128.8	78.2	50.6	-
PERCENT.....	39.6	24.0	15.6	-

SASKATCHEWAN: CRIMINAL PROSECUTIONS 1980-81 - FOOTNOTES

Data in these tables were provided by Public Prosecution Branch, Saskatchewan Department of the Attorney-General and reflect the provincial prosecutions system only. For information on the federal prosecutions system, please refer to the Federal Department of Justice chapter.

- 1 Benefits are calculated at 28% for the fiscal years 1980-81 and 1981-82.
- 2 Total of benefits and unknown costs such as rent, are calculated at 15% overall of total budget.
- 3 The figures quoted are estimates only.
- 4 Approximately 97% of the lawyers' time for appellate court is devoted to Saskatchewan Court of Appeal work.
- 5 Prior to January 1, 1982, Juvenile Court matters were handled by municipal prosecutors.

CRIMINAL PROSECUTIONS

SASKATCHEWAN, 80-81

AREA OF EXPENDITURE	COST ^{1,2,3}			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$2,716,000	\$2,405,000	\$91,000	\$220,000
PERCENT.....	100.0	88.5	3.4	8.1
GENERAL ADMINISTRATION..	\$294,000	-	\$74,000	\$220,000
PERCENT.....	10.8	-	2.7	8.1
SUPERIOR COURTS.....	\$452,000	\$435,000 ⁴	\$17,000	-
PERCENT.....	16.6	16.0	0.6	-
PROVINCIAL COURTS.....	\$1,970,000	\$1,970,000 ⁵	-	-
PERCENT.....	72.5	72.5	-	-

CRIMINAL PROSECUTIONS

SASKATCHEWAN, 80-81

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	35.2	27.2	1.5	6.5
PERCENT.....	100.0	77.3	4.3	18.5
GENERAL ADMINISTRATION..	7.7	-	1.3	6.5
PERCENT.....	22.0	-	3.6	18.5
SUPERIOR COURTS.....	6.8	6.6	0.3	-
PERCENT.....	19.5	18.8	0.7	-
PROVINCIAL COURTS.....	20.6	20.6 ⁵	-	-
PERCENT.....	58.5	58.5	-	-

SASKATCHEWAN: CRIMINAL PROSECUTIONS 1981-82 - FOOTNOTES

Data in these tables were provided by Public Prosecution Branch, Saskatchewan Department of the Attorney-General and reflect the provincial prosecutions system only. For information on the federal prosecutions system, please refer to the Federal Department of Justice chapter.

- 1 Benefits are calculated at 28% for the fiscal years 1980-81 and 1981-82.
- 2 Total of benefits and unknown costs such as rent, are calculated at 15% overall of total budget.
- 3 The figures quoted are estimates only.
- 4 Approximately 97% of the lawyers' time for appellate court is devoted to Saskatchewan Court of Appeal work.
- 5 Prior to January 1, 1982, Juvenile Court matters were handled by municipal prosecutors.

CRIMINAL PROSECUTIONS

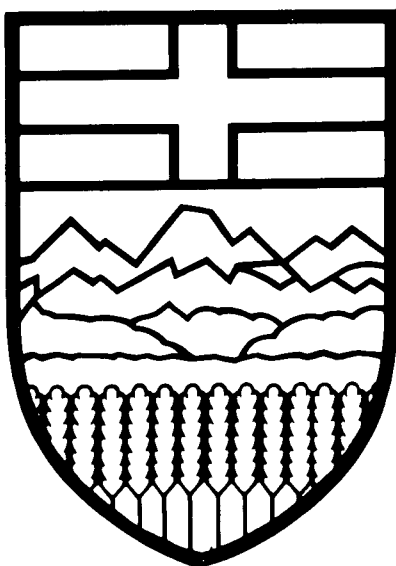
SASKATCHEWAN, 81-82

AREA OF EXPENDITURE	COST ^{1,2,3}			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$4,041,500	\$3,450,500	\$306,000	\$285,000
PERCENT.....	100.0	85.4	7.6	7.1
GENERAL ADMINISTRATION..	\$371,000	-	\$86,000	\$285,000
PERCENT.....	9.2	-	2.1	7.1
SUPERIOR COURTS.....	\$650,000	\$565,000 ⁴	\$85,000	-
PERCENT.....	16.1	14.0	2.1	-
PROVINCIAL COURTS.....	\$3,020,500	\$2,885,500 ⁵	\$135,000	-
PERCENT.....	74.7	71.4	3.3	-

CRIMINAL PROSECUTIONS

SASKATCHEWAN, 81-82

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	60.7	38.9	15.3	6.5
PERCENT.....	100.0	64.1	25.2	10.7
GENERAL ADMINISTRATION..	7.7	-	1.3	6.5
PERCENT.....	12.8	-	2.1	10.7
SUPERIOR COURTS.....	10.0	7.2	2.8	-
PERCENT.....	16.6	11.9	4.7	-
PROVINCIAL COURTS.....	42.9	31.7 ⁵	11.2	-
PERCENT.....	70.7	52.2	18.5	-



Alberta

Summary Facts

ALBERTA
1981 - 82

COURT OPERATIONS EXPENDITURES

CRIMINAL PROSECUTIONS EXPENDITURES

Total
General Administration
Superior Courts
Provincial Courts
Staff

COURT LOCATIONS

	Superior	Provincial
Permanent:	2	23
Circuit:	18	76

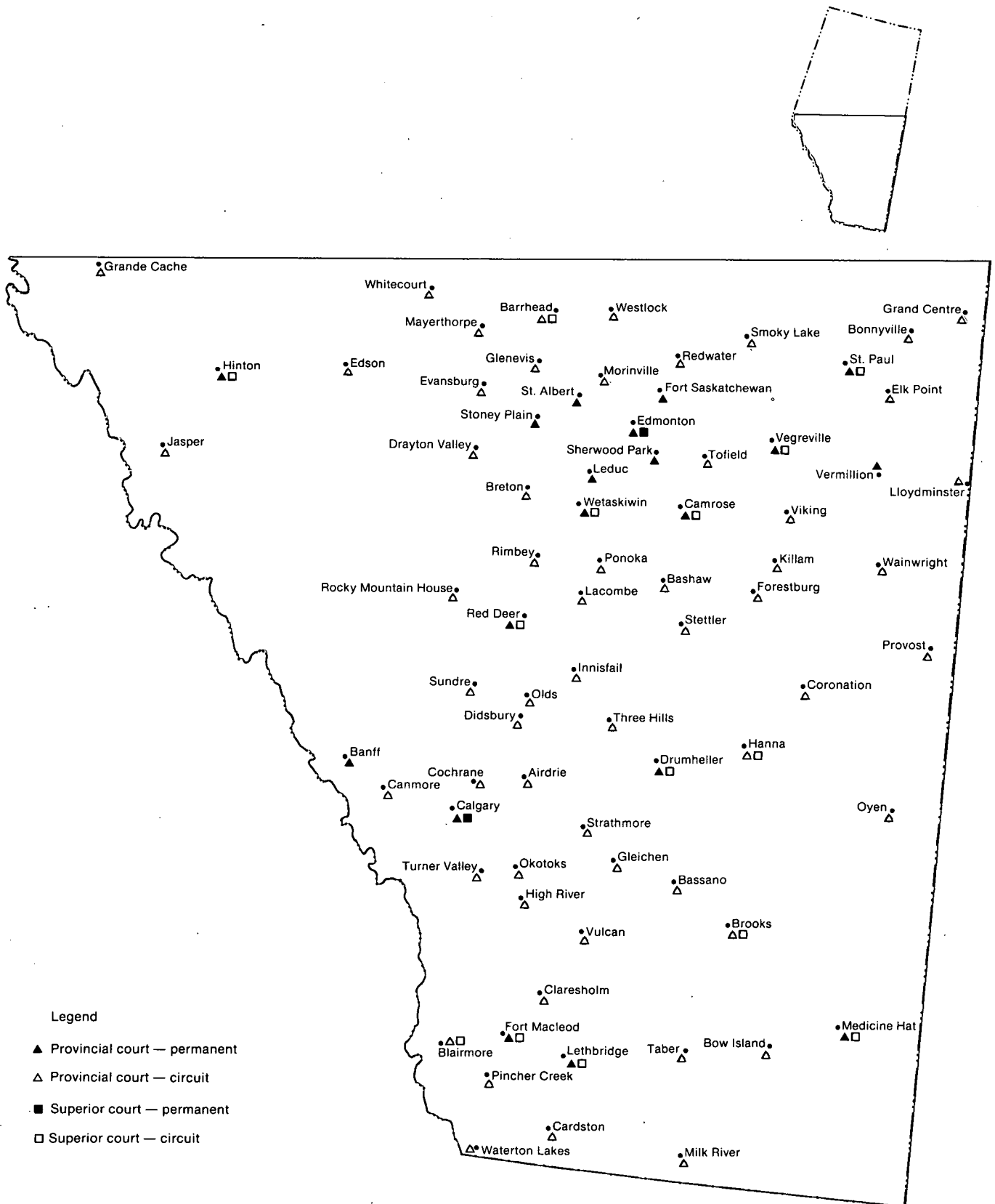
NO. OF JUDGES

Superior:	62
Provincial:	102

Population:	2,237,725
Area:	638,323 sq. kms.

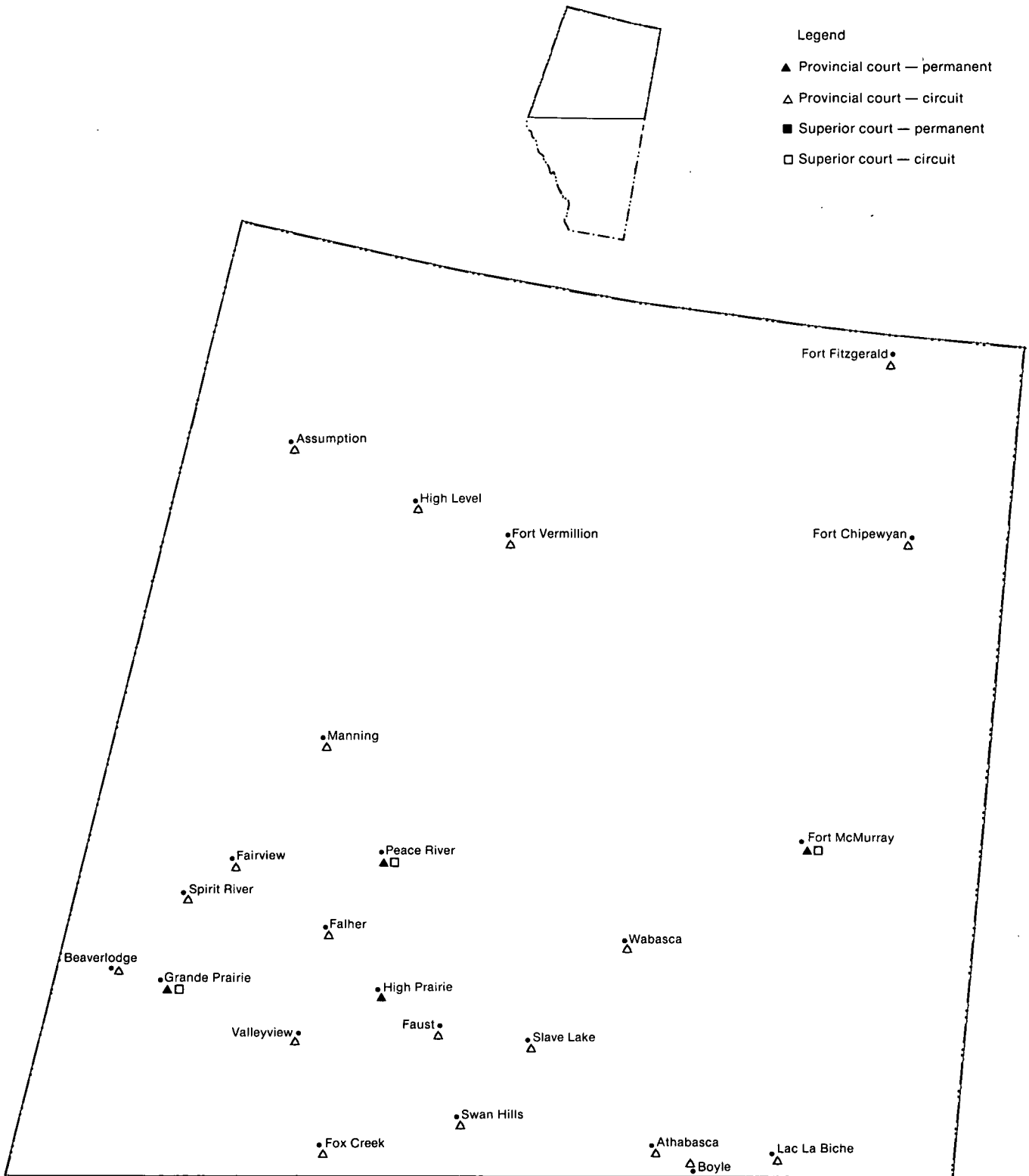
Part I

Court Locations, Alberta, 1981-82



Part II

Court Locations, Alberta, 1981-82



ALBERTA COURTS

THE COURT OF APPEAL OF ALBERTA
<p>Constituted by provincial statute. One court for the entire province and the Northwest Territories. Superior court of record.</p> <p><u>Judges</u></p> <p>Appointed federally by the Governor in Council.</p> <p><u>Jurisdiction</u></p> <p>(Superior court of civil and criminal jurisdiction). Original jurisdiction in both civil and criminal cases. In constitutional matters in cooperation with Attorney General for Alberta in accordance with the <u>Judicature Act</u>. Appeals from the Provincial Court, Surrogate Court and Court of Queen's Bench of Alberta. Sits in Northwest Territories twice a year. By way of referral from Attorney General for Alberta, Attorney General for Canada or Lieutenant Governor in Council.</p> <p><u>Appeals</u></p> <p>Civil. To the Supreme Court of Canada on matters of law or mixed law and fact, with leave of this court or of the Supreme Court of Canada.</p> <p>Criminal. To the Supreme Court of Canada, as of right on a question of law for indictable offences where a judge of the Court of Appeal dissents or an acquittal is set aside; otherwise, to the Supreme Court of Canada only on a question of jurisdiction or law with the leave of the Supreme Court of Canada.</p>

THE SURROGATE COURT OF ALBERTA
<p>Constituted by provincial statute. One court for each surrogate district of the province. Inferior court of record.</p> <p><u>Judges</u></p> <p>Chief Justice and judges of the Court of Queen's Bench act as judges of the Surrogate Court.</p> <p><u>Jurisdiction</u></p> <p>Authority in relation to testamentary matters and causes, issuing or revoking of grants of probate and administration and all matters connected with the issue or revocation of grants of probate and administration. Matters relating to the appointment of guardians. Matters relating to person and property of children under guardianship.</p> <p><u>Appeals</u></p> <p>Any judgement in which property affected exceeds \$500 can be appealed to the Court of Appeal.</p>

THE COURT OF QUEEN'S BENCH OF ALBERTA
<p>Constituted by provincial statute. One Court for the entire province and the Northwest Territories. Superior court of record.</p> <p><u>Judges</u></p> <p>Appointed federally by the Governor in Council. A judge of the Court of Appeal is, by virtue of his office, a judge of the Court of Queen's Bench.</p> <p><u>Jurisdiction</u></p> <p>Original jurisdiction in both civil and criminal cases. Appeals from the Provincial Court, Family Court and Surrogate Court.</p> <p>Civil. Any actions not expressly excluded by statute with no monetary limit.</p> <p>Criminal. Indictable offences under the <u>Criminal Code</u> tried by judge or judge and jury at criminal assizes.</p> <p><u>Appeals</u></p> <p>To the Court of Appeal.</p>

THE PROVINCIAL COURT OF ALBERTA
<p>Constituted by provincial statute. Sits throughout the province. Inferior court of record.</p> <p><u>Judges</u></p> <p>Appointed provincially by the Lieutenant Governor in Council on the recommendation of the Attorney General.</p> <p><u>Jurisdiction</u></p> <p>Criminal. Summary conviction offences under the <u>Criminal Code</u> or under provincial statutes and certain indictable offences under the <u>Criminal Code</u> where the accused is given a choice as to the mode of trial and elects trial by a magistrate.</p> <p>Juvenile. Matters under the <u>Juvenile Delinquents Act</u>.</p> <p>Family. Charges and summary conviction offences under the following acts: <u>The Domestic Relations Act</u>; <u>The Child Welfare Act</u>, <u>The Reciprocal Enforcement of Maintenance Orders Act</u>, <u>Criminal Code</u> s.186 (2)(a), s. 231 (1)(b); charges triable on summary conviction.</p> <p>Small Claims. Limited to matters not exceeding \$1,000.</p> <p><u>Appeals</u></p> <p>Criminal and Juvenile. Generally to the Court of Appeal of Alberta.</p> <p>Family and Small Claims. In some cases to the Court of Queen's Bench.</p> <p>Note: Court of Queen's Bench decision is final with respect to Small Claims Division.</p>

COURT OPERATIONS

COURT HIERARCHY

Supreme Court

The Supreme Court of Alberta is composed of the Court of Appeal and the Court of Queen's Bench.

The Court of Appeal, as constituted by the Court of Appeal Act, R.S.A. 1980, c. C-28, has a Chief Justice and 11 judges appointed federally by the Governor in Council, who also act as ex officio judges of the Court of Queen's Bench. There is one court for the entire province and Northwest Territories and it sits permanently in Calgary and Edmonton, and twice a year in the Northwest Territories. Criminal and civil appeals from the Court of Queen's Bench, Surrogate Court, Provincial Court and the courts of the Northwest Territories are heard by a quorum of three judges.

The Court of Queen's Bench, under the Court of Queen's Bench Act, R.S.A. 1980, c. C-29, has a Chief Justice (Edmonton) Associate Chief Justice (Calgary) and 49 federally appointed judges who sit permanently in two locations and on circuit in eighteen. The court was reconstituted in June 1979, with the amalgamation of the District Court and the Trial Division of the Supreme Court. It has original jurisdiction in indictable offences under the Criminal Code tried by judge or by judge and jury, and hears civil actions with no set monetary limit not expressly excluded by statute. Appeals from the Surrogate Court and Provincial Court (summary conviction and small claims matters) are heard by this court. The process of the court is assisted by six Masters-in-Chambers, three in Calgary, and three in Edmonton.

Judges of the Queen's Bench are also judges of the Surrogate Court and deal with the processing of the estates of dead people. The main functions of this court are providing the will (probate) and administering property or possessions. A Grant of Probate or of Administration gives a designated person the power to deal with a dead person's estate. The Surrogate Court operates in the domain of civil jurisdiction only and it is not a criminal court. This court is held by judges of the Court of Queen's Bench in Calgary and Edmonton and in all judicial district centres.

Provincial Court

The Provincial Court is composed of the Criminal, Family and Juvenile, and Small Claims Divisions. All are constituted by the Provincial Court Act, R.S.A. 1980, c. P-20.

The Criminal Division has a Chief Judge, six Assistant Chief Judges and 78 provincially appointed judges who sit permanently in 23 base points and on circuit in 76. The court hears summary conviction offences under the Criminal Code and indictable offences where the accused elects trial by magistrate.

The Family and Juvenile Division is presided over by an Assistant Chief Judge, a Senior Judge and 11 other judges who sit in 55 locations. The court handles actions under the Domestic Relations Act, the Child Welfare Act, the Reciprocal Enforcement of Maintenance Orders Act, portions of the Criminal Code, and summary conviction cases.

The Small Claims Division consists of an Assistant Chief Judge and three other judges who sit only in Calgary and Edmonton; sittings in other areas are handled through the Criminal Division. The court hears claims not exceeding \$1,000.

In addition, there are Justices of the Peace (Justices of the Peace Act, R.S.A. 1980, c. J-3) who handle such matters as informations and applications for judicial interim release where an accused is in custody.

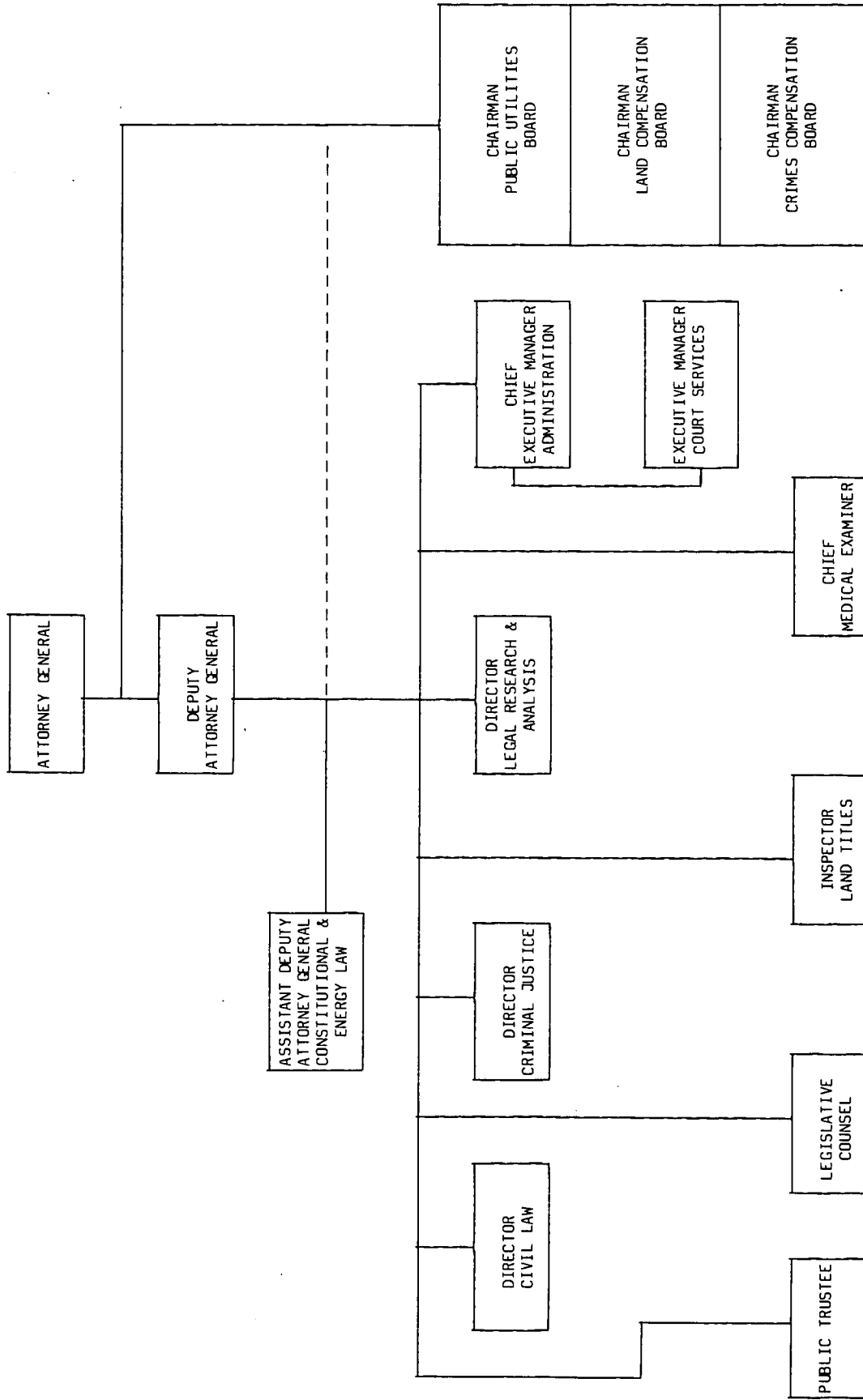
COURT ADMINISTRATION

The administration of the courts in Alberta is the responsibility of the Department of Attorney General, specifically the Executive Manager of Court Services who reports to the Chief Executive Manager of Administration.

CRIMINAL PROSECUTIONS

The Department of the Attorney General, through the Deputy Attorney General and the Director of Criminal Justice, is responsible for criminal prosecutions in the province. There are full time Crown Counsel in Edmonton, Calgary, Red Deer, Lethbridge, Medicine Hat, Wetaskiwin, Grande Prairie, Peace River, and Drumheller, and retained agents in Lloydminster and Edson. They are assisted by practicing lawyers employed as ad hoc Crown Counsel. In Edmonton, a central pool of Crown Counsel handles special prosecutions including complex corporate and commercial matters. In indictable appeals the Crown is represented either by the Crown Counsel who appeared at trial or by some other Counsel, rather than by Counsel from a separate appeal section.

ORGANIZATION CHART - DEPARTMENT OF ATTORNEY GENERAL, ALBERTA, 1981-82

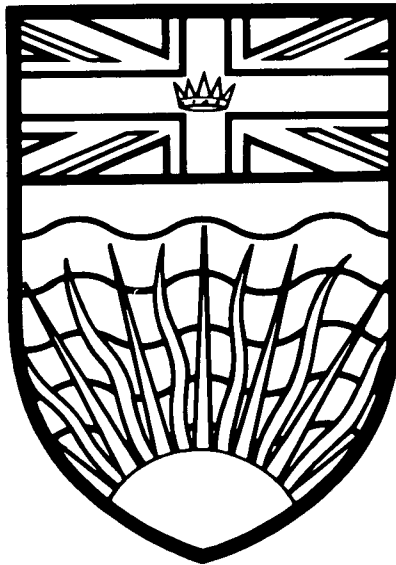


ALBERTA: COURT OPERATIONS 1980-81, 1981-82 - FOOTNOTES

Data concerning the court system are not available. For information on federally appointed judges, please refer to the chapter on the Office of the Commissioner for Federal Judicial Affairs.

ALBERTA: CRIMINAL PROSECUTIONS 1980-81, 1981-82 - FOOTNOTES

Data concerning the provincial prosecution system are not available. For information on the federal prosecution system, please refer to the Federal Department of Justice chapter.



British Columbia

Summary Facts

BRITISH COLUMBIA 1981 - 82

COURT OPERATIONS EXPENDITURES

\$ 81,800,402
-
27,659,320(33.8%)
54,141,082(66.2%)
1,673

Total
General Administration
Superior Courts
Provincial Courts
Staff

CRIMINAL PROSECUTIONS EXPENDITURES

\$14,740,551
10,967,212(74.4%)
1,094,269(7.4%)
2,679,070(18.2%)
280

COURT LOCATIONS

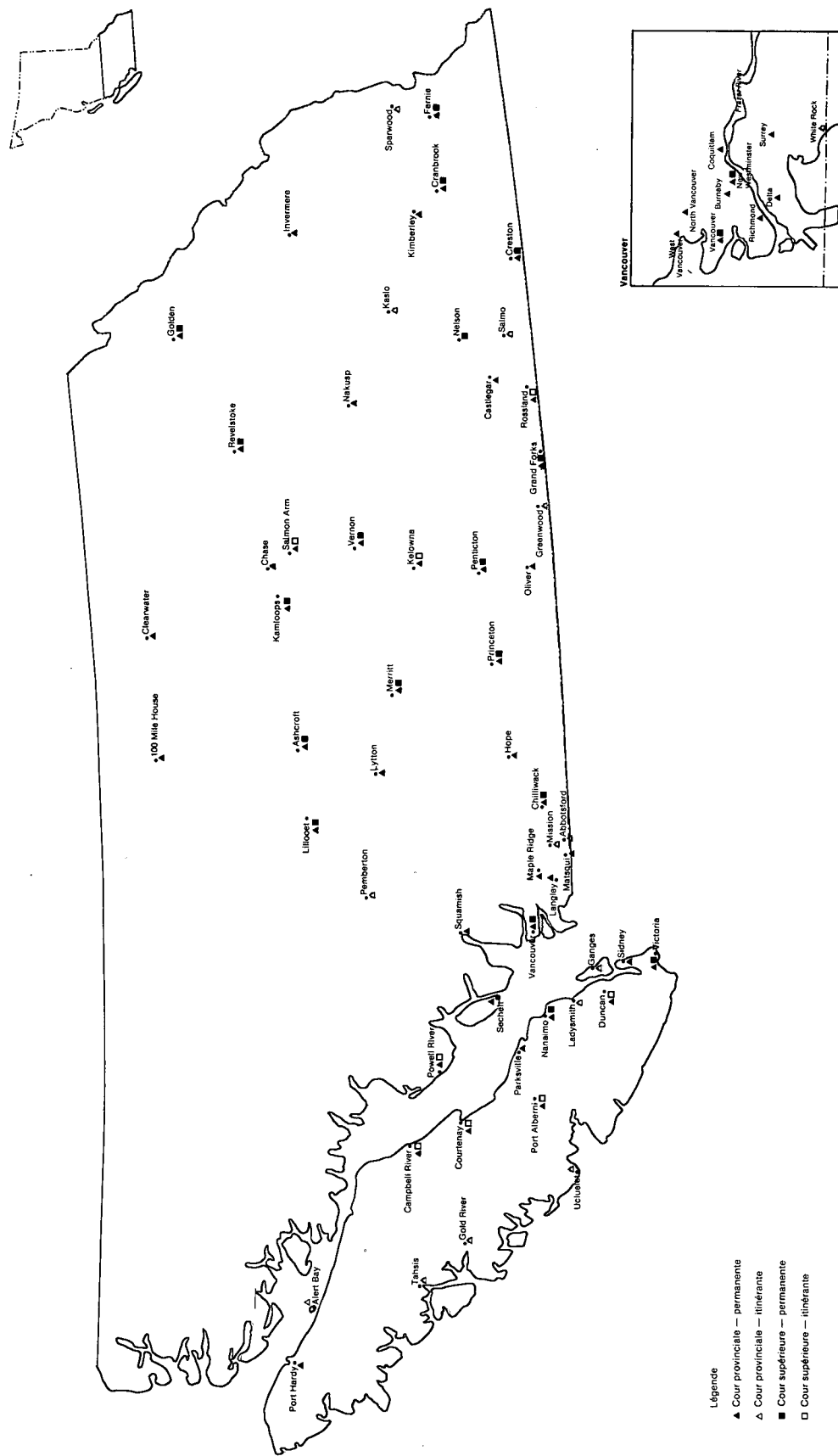
	Superior	Provincial
Permanent :	25	68
Circuit :	12	33

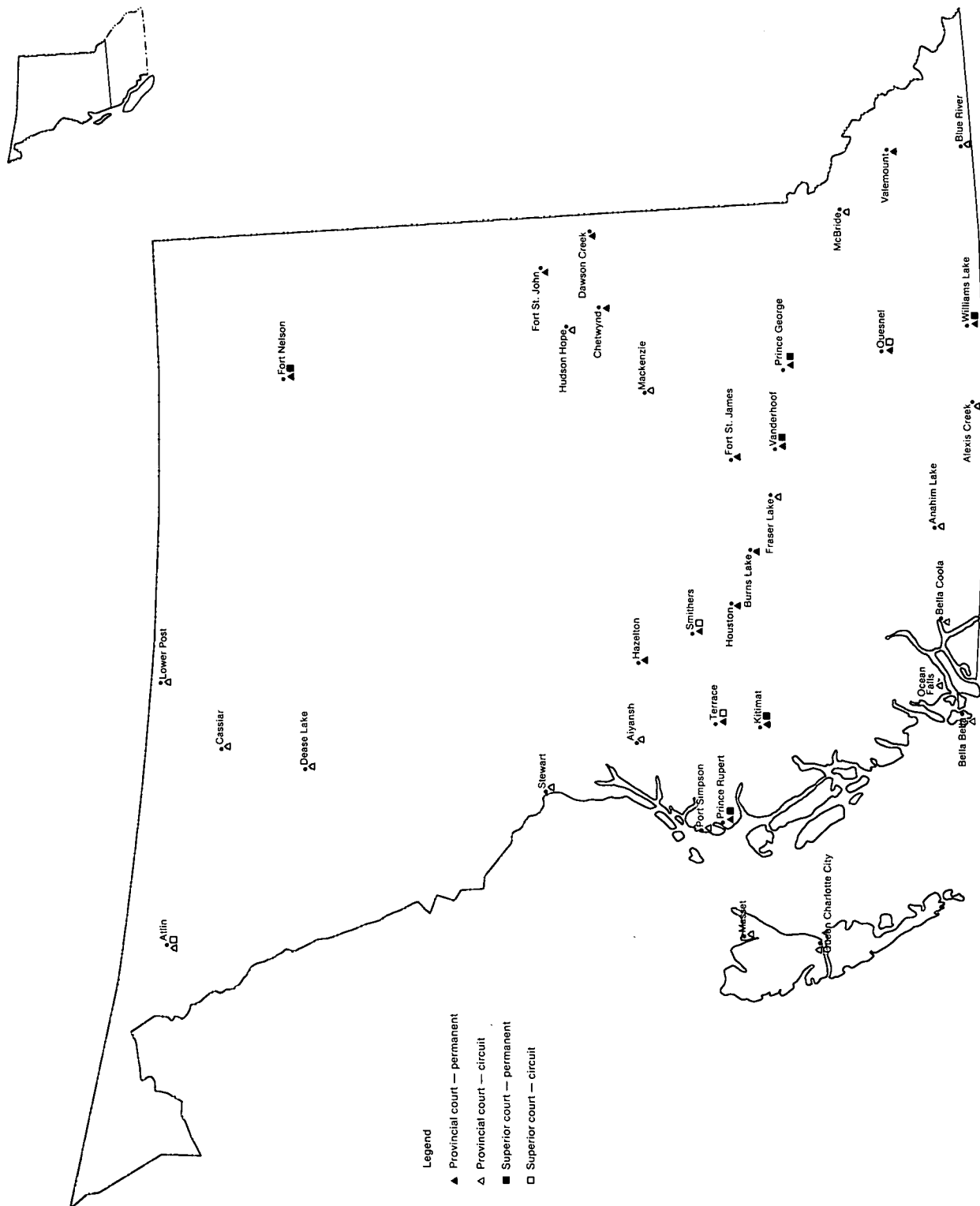
NO. OF JUDGES

Superior: 89
Provincial: 114

Population: 2,744,470
Area: 893,073 sq. kms.

Emplacement des tribunaux, Colombie-Britannique, 1981-82





BRITISH COLUMBIA COURTS

BRITISH COLUMBIA COURT OF APPEAL

Constituted by provincial statute.
One for the entire province; sits in Vancouver and Victoria.
Superior court of record.
Also act as the Court of Appeal for the Yukon Territory.

Judges

Appointed federally by the Governor in Council.
A quorum consists of three judges, but one judge may hear interlocutory matters in chambers.

Jurisdiction

Appellate. Appellate jurisdiction in civil and criminal matters from the Supreme Court, County Court, and Provincial Court.

Appeals

Civil. To the Supreme Court of Canada on matters of law or mixed law and fact, with leave of this court or of the Supreme Court of Canada.

Criminal. To the Supreme Court of Canada, as of right on a question of law for indictable offences where a judge of the Court of Appeal dissents or an acquittal is set aside; otherwise, to the Supreme Court of Canada only on a question of jurisdiction or law with the leave of the Supreme Court of Canada.

SUPREME COURT OF BRITISH COLUMBIA

Constituted by provincial statute.
One court for the entire province and Yukon.
Superior court of record.

Judges

Appointed federally by the Governor in Council.

Jurisdiction

Civil. Generally and in actions not expressly excluded by statute, with no monetary limit set, including divorce and matrimonial matters.

Criminal. Indictable offences under the Criminal Code tried by judge and jury at criminal assizes.

Appeals

To the Court of Appeal.

BRITISH COLUMBIA COUNTY COURT

Constituted by provincial statute.
One for each County Court district.
Inferior court of record.

Judges

Appointed federally by the Governor in Council.
County Court judges may sit as local judges of the Supreme Court on some Supreme Court matters.

Jurisdiction

Civil. Personal actions where the value of the claim does not exceed \$25,000. Has limited statutory jurisdiction, e.g., probating of wills, and certain family matters e.g., divorce.

Criminal. Jurisdiction over criminal offences where the accused is given a choice as to the mode of trial, and elects trial by a judge alone.

Appellate. Trials de novo from Provincial Court.
Appeals of summary conviction matters.

Appeals

To the Court of Appeal.
County Court is subject to the supervision of the Chief Justice of the Supreme Court.

BRITISH COLUMBIA PROVINCIAL COURT

Constituted by provincial statute.
Established at principal points throughout the province.
Inferior court of record.

Judges

Appointed provincially by the Lieutenant Governor in Council.

Jurisdiction

Criminal. Conducts preliminary hearings, hears trials on summary conviction matters and many indictable offences.

Family. Charges and offences under the Juvenile Delinquents Act, actions involving social and matrimonial problems, relationships between children and parents, family matters designated by statutes.

Small Claims. Matters under Small Claims Act, e.g., actions in which the claim does not exceed \$2,000.
Note: Some matters are excluded by statute from Small Claims Courts e.g., questions of land titles.

This jurisdiction is concurrent with and subject to the supervision of the County Court.

Appeals

Depending upon the matter to be appealed, may proceed through County Court, Supreme Court of British Columbia or British Columbia Court of Appeal.

COURT OPERATIONS

COURT HIERARCHY

Supreme Court

The Supreme Court of British Columbia is composed of the Court of Appeal and the Supreme Court.

The Court of Appeal, as enabled by the Court of Appeal Act, R.S.B.C. 1979, c. 74, has a Chief Judge and 13 judges who are appointed federally by the Governor in Council. There is one court for the entire province and it sits in Vancouver and Victoria. The Court has appellate jurisdiction over civil and criminal decisions of the Supreme, County and Provincial Courts and also acts as the appellate court for the Yukon.

The Supreme Court, as established by the Supreme Court Act, R.S.B.C. 1979, c. 397, consists of a Chief Justice and 32 judges appointed federally. It sits permanently in Vancouver and Victoria, and on circuit in other judicial centres. The court hears civil actions not expressly excluded by statute with no set monetary limit, including divorce cases, libel, slander, seduction and breach of promise of marriage actions. It also has criminal jurisdiction over indictable offences under the Criminal Code tried by judge and jury. Appeals from the Provincial Court are heard in this court.

County Court

The County Court, as provided by the County Court Act, R.S.B.C. 1979, c. 72, has 45 federally appointed judges who sit in 25 permanent and 12 circuit locations. County Court judges may sit as local judges of the Supreme Court on some Supreme Court matters. The court has jurisdiction over criminal offences where the accused elects trial by judge alone. It hears civil actions not exceeding \$25,000, testamentary matters, and certain family actions such as divorce. Both criminal and civil appeals from the Provincial Court and Small Claim Court appeals are heard in the County Court.

Unified Family Court

There are two Unified Family Courts in British Columbia - at Richmond and Surrey. These courts, are a grouping of Supreme, County and Provincial Courts judges together in one location, served by unified registries and social support services. At present, there are no plans to expand this type of court across the province.

Provincial Court

The Provincial Court, as constituted by the Provincial Court Act, R.S.B.C. 1979, c. 341, has a Chief Judge and 113 provincially appointed judges who sit in 68 permanent and 33 circuit locations. The court is divided into the Criminal, Family, and Small Claims Division.

The Criminal Division conducts preliminary hearings and hears summary conviction offences and some indictable offences under the Criminal Code and provincial statutes.

The Family Division hears matters under a number of provincial statutes such as the Family Relations Act, the Child Paternity and Support Act, and the Family and Child Service Act, and under the federal Juvenile Delinquents Act.

The Small Claims Division hears civil actions not exceeding \$2,000 and its jurisdiction is concurrent with but subject to the supervision of the County Court.

COURT ADMINISTRATION

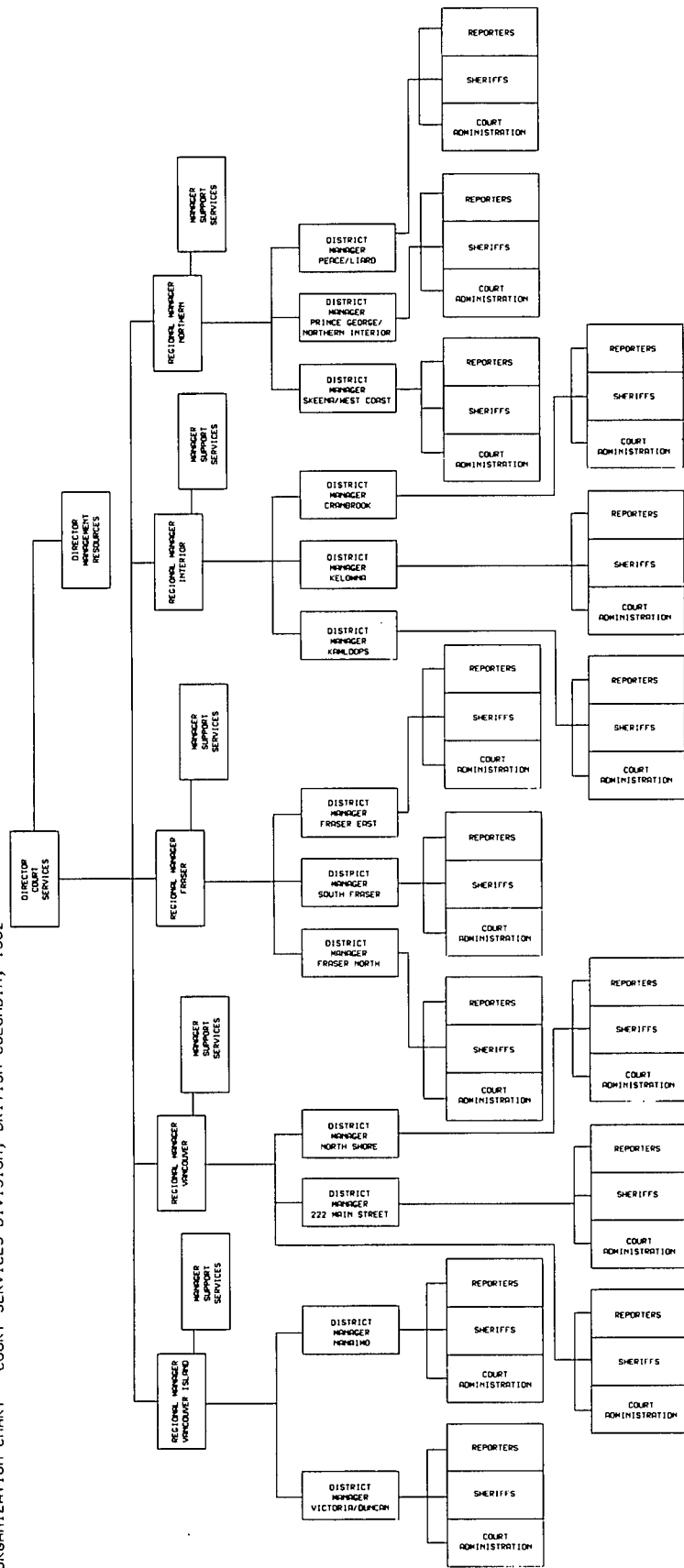
The Ministry of Attorney General (Attorney General Act, R.S.B.C. 1979, c. 25 as amended) oversees the administration of the courts. The Assistant Deputy Minister of Court Services in Victoria is assisted by a Director of Management Resources and the Regional Managers of the five Court Service regions. The services offered in each region include court administration, sheriff services and court reporting.

The Assistant Deputy Minister of Court Services, in matters of judicial administration, is responsible to the Chief Judge of the Provincial Court, the Chief Justice of the Supreme and County Courts, and the Chief Justice of the Court of Appeal. At the same time, he reports to the Attorney General in all other matters of administration connected to the Courts under the amended Provincial Court Act, 1980, Supreme Court Act, 1976 and Court of Appeal Act, 1979.

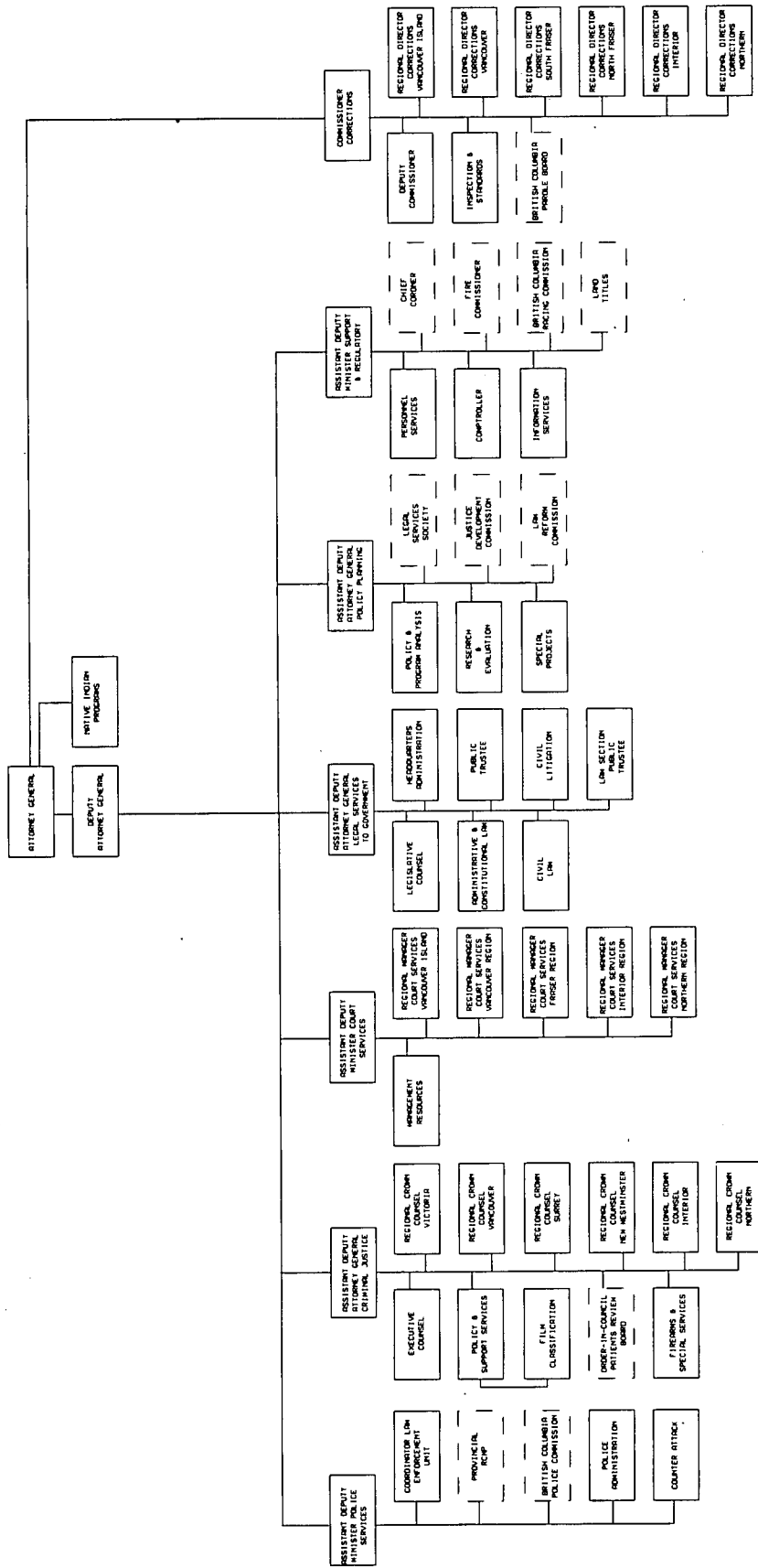
CRIMINAL PROSECUTIONS

In British Columbia, the Ministry of the Attorney General has overall responsibility for criminal prosecutions. There are six regional Crown Counsel, in Victoria, Vancouver, Surrey, New Westminster, Interior Region and Northern Region, who are assisted by practicing lawyers employed as ad hoc Crown Counsel. Five regions have District Crown Counsel reporting to the respective Regional Crown Counsel. In indictable appeals, the Crown may be represented by Crown Counsel, counsel from a separate appeal section, or by Ad Hoc Counsel. All Crown Counsel are accountable to the Attorney General through the Deputy Attorney General and the Assistant Deputy Attorney General of Criminal Justice.

ORGANIZATION CHART - COURT SERVICES DIVISION, BRITISH COLUMBIA, 1982



ORGANIZATION CHART - MINISTRY OF ATTORNEY GENERAL, BRITISH COLUMBIA, 1982



BRITISH COLUMBIA: COURT OPERATIONS 1980-81 - FOOTNOTES

Data in these tables were supplied by the Court Services Division, Ministry of the Attorney-General and were supplemented by data received from the Office of the Commissioner for Federal Judicial Affairs.

- 1 The court services branch estimates it spends 26% of its budget on "direct", 59% on "indirect" and 15% on "support services".

Judicial and quasi-judicial costs are not included in the court services budget and were calculated separately.

In addition to the court services and judicial costs, 30% of the Ministry's costs for the Deputy Ministers office, personnel office and payroll/audit office have been included. Also included are 50% of the Ministry's building occupancy charges.

The court services and ministry expenditures have been distributed based on a weighted workload volume formula. Of the total, 29% is attributed to superior courts and 71% to provincial courts.

COURT OPERATIONS

BRITISH COLUMBIA, 80-81

AREA OF EXPENDITURE	COST ¹			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$70,420,012	\$23,762,706	\$21,153,202	\$25,504,104
PERCENT.....	100.0	33.7	30.0	36.2
GENERAL ADMINISTRATION..	-	-	-	-
PERCENT.....	-	-	-	-
SUPERIOR COURTS.....	\$24,281,443	\$10,750,824	\$6,134,428	\$7,396,191
PERCENT.....	34.5	15.3	8.7	10.5
PROVINCIAL COURTS.....	\$46,138,569	\$13,011,882	\$15,018,774	\$18,107,913
PERCENT.....	65.5	18.5	21.3	25.7

COURT OPERATIONS

BRITISH COLUMBIA, 80-81

AREA OF EXPENDITURE	PERSON YEARS ¹			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	1,820.4	678.0	875.0	267.4
PERCENT.....	100.0	37.2	48.1	14.7
GENERAL ADMINISTRATION..	-	-	-	-
PERCENT.....	-	-	-	-
SUPERIOR COURTS.....	602.6	271.0	254.0	77.6
PERCENT.....	33.1	14.9	14.0	4.3
PROVINCIAL COURTS.....	1,217.8	407.0	621.0	189.8
PERCENT.....	66.9	22.4	34.1	10.4

BRITISH COLUMBIA: COURT OPERATIONS 1981-82 - FOOTNOTES

Data in these tables were supplied by the Court Services Division, Ministry of the Attorney-General and were supplemented by data received from the Office of the Commissioner for Federal Judicial Affairs.

- 1 The court services branch estimates it spends 26% of its budget on "direct", 59% on "indirect" and 15% on "support services".

Judicial and quasi-judicial costs are not included in the court services budget and were calculated separately.

In addition to the court services and judicial costs, 30% of the Ministry's costs for the Deputy Ministers office, personnel office and payroll/audit office have been included. Also included are 50% of the Ministry's building occupancy charges.

The court services and ministry expenditures have been distributed based on a weighted workload volume formula. Of the total, 29% is attributed to superior courts and 71% to provincial courts.

COURT OPERATIONS

BRITISH COLUMBIA, 81-82

AREA OF EXPENDITURE	COST ¹			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$81,800,402	\$26,410,273	\$23,591,439	\$31,798,690
PERCENT.....	100.0	32.3	28.8	38.9
GENERAL ADMINISTRATION..	-	-	-	-
PERCENT.....	-	-	-	-
SUPERIOR COURTS.....	\$27,659,320	\$11,596,183	\$6,841,517	\$9,221,620
PERCENT.....	33.8	14.2	8.4	11.3
PROVINCIAL COURTS.....	\$54,141,082	\$14,814,090	\$16,749,922	\$22,577,070
PERCENT.....	66.2	18.1	20.5	27.6

COURT OPERATIONS

BRITISH COLUMBIA, 81-82

AREA OF EXPENDITURE	PERSON YEARS ¹			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	1,876.4	693.0	906.0	277.4
PERCENT.....	100.0	36.9	48.3	14.8
GENERAL ADMINISTRATION..	-	-	-	-
PERCENT.....	-	-	-	-
SUPERIOR COURTS.....	615.6	273.0	262.0	80.6
PERCENT.....	32.8	14.5	14.0	4.3
PROVINCIAL COURTS.....	1,260.8	420.0	644.0	196.8
PERCENT.....	67.2	22.4	34.3	10.5

BRITISH COLUMBIA: CRIMINAL PROSECUTION 1980-81 - FOOTNOTES

Data in these tables were provided by the Criminal Justice Division, Ministry of the Attorney-General and reflect the provincial prosecutions system only. For information on the federal prosecutions system, please refer to the Federal Department of Justice chapter.

- 1 Staff lawyers are included in administration. Expenditures for ad hoc lawyers have been distributed 29% to superior courts and 71% to provincial courts.
- 2 General administration, support services includes 8 support staff for firearms and special services.

CRIMINAL PROSECUTIONS

BRITISH COLUMBIA, 80-81

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT ¹	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$12,688,053	\$7,488,784	\$1,654,225	\$3,545,044
PERCENT.....	100.0	59.0	13.0	27.9
GENERAL ADMINISTRATION..	\$8,982,947	\$3,783,678	\$1,654,225	\$3,545,044 ²
PERCENT.....	70.8	29.8	13.0	27.9
SUPERIOR COURTS.....	\$1,074,481	\$1,074,481	-	-
PERCENT.....	8.5	8.5	-	-
PROVINCIAL COURTS.....	\$2,630,625	\$2,630,625	-	-
PERCENT.....	20.7	20.7	-	-

CRIMINAL PROSECUTIONS

BRITISH COLUMBIA, 80-81

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT ¹	INDIRECT	SUPPORT SERVICES
TOTAL.....	280.0	158.0	85.0	37.0
PERCENT.....	100.0	56.4	30.4	13.2
GENERAL ADMINISTRATION..	280.0	158.0	85.0	37.0 ²
PERCENT.....	100.0	56.4	30.4	13.2
SUPERIOR COURTS.....	0.0	0.0	-	-
PERCENT.....	0.0	0.0	-	-
PROVINCIAL COURTS.....	0.0	0.0	-	-
PERCENT.....	0.0	0.0	-	-

BRITISH COLUMBIA: CRIMINAL PROSECUTION 1981-82 - FOOTNOTES

Data in these tables were provided by the Criminal Justice Division, Ministry of the Attorney-General and reflect the provincial prosecutions system only. For information on the federal prosecutions system, please refer to the Federal Department of Justice chapter.

- 1 Staff lawyers are included in administration. Expenditures for ad hoc lawyers have been distributed 29% to superior courts and 71% to provincial courts.
- 2 General administration, support services includes 8 support staff for firearms and special services.

CRIMINAL PROSECUTIONS

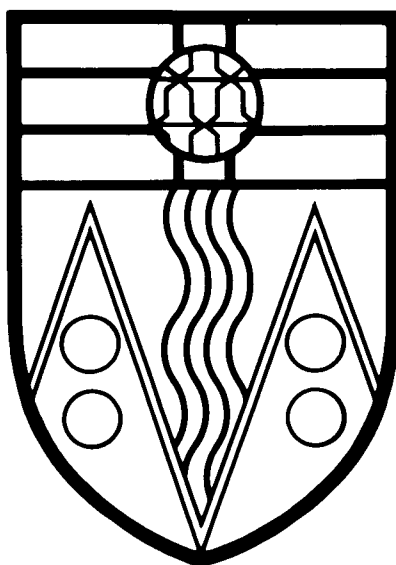
BRITISH COLUMBIA, 81-82

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT ¹	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$14,740,551	\$8,378,801	\$1,862,130	\$4,499,620
PERCENT.....	100.0	56.8	12.6	30.5
GENERAL ADMINISTRATION..	\$10,967,212	\$4,605,462	\$1,862,130	\$4,499,620 ²
PERCENT.....	74.4	31.2	12.6	30.5
SUPERIOR COURTS.....	\$1,094,269	\$1,094,269	-	-
PERCENT.....	7.4	7.4	-	-
PROVINCIAL COURTS.....	\$2,679,070	\$2,679,070	-	-
PERCENT.....	18.2	18.2	-	-

CRIMINAL PROSECUTIONS

BRITISH COLUMBIA, 81-82

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT ¹	INDIRECT	SUPPORT SERVICES
TOTAL.....	280.0	158.0	85.0	37.0
PERCENT.....	100.0	56.4	30.4	13.2
GENERAL ADMINISTRATION..	280.0	158.0	85.0	37.0 ²
PERCENT.....	100.0	56.4	30.4	13.2
SUPERIOR COURTS.....	0.0	0.0	-	-
PERCENT.....	0.0	0.0	-	-
PROVINCIAL COURTS.....	0.0	0.0	-	-
PERCENT.....	0.0	0.0	-	-



Yukon

Summary Facts

YUKON
1981 - 82

COURT OPERATIONS EXPENDITURES

\$ 1,230,502
61,000(5.0%)
582,402(47.3%)
587,100(47.7%)
22

Total
General Administration
Superior Courts
Territorial Courts
Staff

CRIMINAL PROSECUTIONS EXPENDITURES

\$ 294,698
72,506(24.6%)
14,906(5.1%)
207,286(70.3%)
6

COURT LOCATIONS

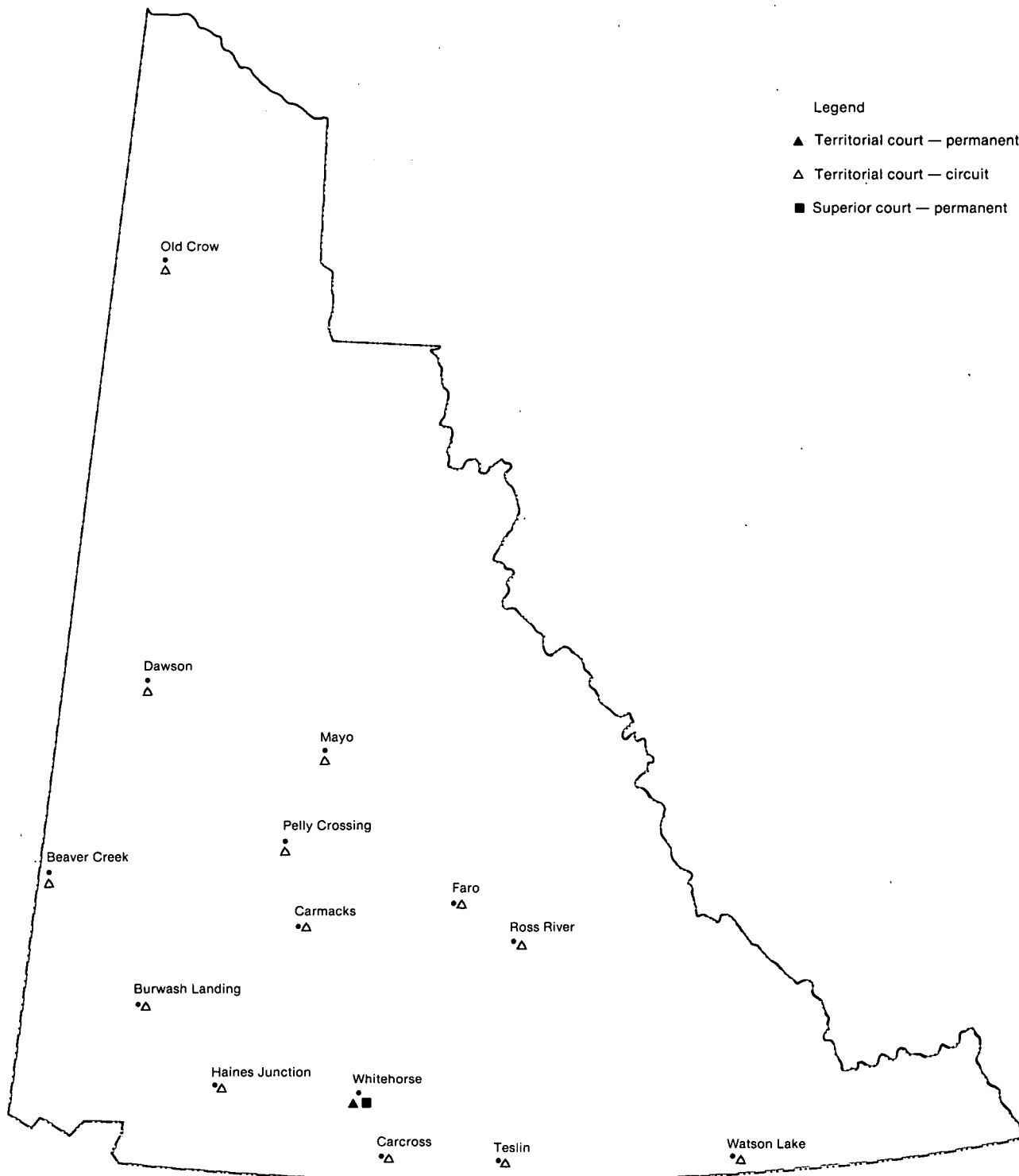
	Superior	Territorial
Permanent:	1	1
Circuit:	0	13

NO. OF JUDGES

Superior: 1
Territorial: 2

Population: 23,150
Area: 531,844 sq. kms.

Court Locations, Yukon, 1981-82



YUKON COURTS

YUKON SUPREME COURT

Constituted by territorial statute.
One court for the entire territory.
Superior court of record.
Sits in Whitehorse.

Judges

Appointed federally by the Governor in Council.
Court consists of the resident Justices of the Yukon and Northwest Territories, and Justices of the British Columbia and Alberta Courts of Appeal.

Jurisdiction

Civil. All actions not expressly excluded by statute, with no set monetary limit.

Criminal. Indictable offences under the Criminal Code tried by judge and jury or judge alone, and summary conviction appeals.

Appeals

To the Court of Appeal.

YUKON COURT OF APPEAL

Constituted by territorial statute.
One court for the entire territory.
Superior court of record.
Sits primarily in Vancouver and once a year in Whitehorse.

Judges

Appointed federally by the Governor in Council.
Court consists of the resident Justices of the Yukon and Northwest Territories and Justices of the British Columbia Court of Appeal.

Jurisdiction

Appellate. In civil or criminal matters on appeal from the Territorial Court and Supreme Court.

Appeals

To the Supreme Court of Canada.

YUKON TERRITORIAL COURT

Constituted by the Territorial Court Act.
Established at principal points throughout the territory.
Inferior court of record.

Judges

Appointed by the Territorial Commissioner.
Assisted by Justices of the Peace.

Jurisdiction

Civil. Original jurisdiction in all civil matters. Small claims actions up to \$1,500.

Criminal. All offences, not excluded by statute, under the Criminal Code, territorial ordinances and the Juvenile Delinquents Act.

Appeals

To the Yukon Court of Appeal or to the Supreme Court.

COURT OPERATIONS

COURT HIERARCHY

Supreme Court

The Supreme Court of the Yukon consists of the Court of Appeal and the Supreme Court.

The Court of Appeal, as established by the Court of Appeal Act, R.S.Y.T. 1971, c. C-20, is composed of the resident Justice of the Yukon, the resident Justice of the Northwest Territories, the Chief Justice of British Columbia, and nine judges of the Court of Appeal of British Columbia. The Court has jurisdiction to hear appeals and motions from the Supreme and Territorial Courts, and sits primarily in Vancouver, and once a year in Whitehorse, usually in June.

The Supreme Court, as constituted by the Supreme Court Act, R.S.Y.T. 1971, c. I-2, consists of the resident Justice of the Yukon, the resident Justice of the Northwest Territories, and, when required, three federally appointed judges from British Columbia and seven from Alberta. The Court has full civil and criminal jurisdiction throughout the Territory, and sits primarily in Whitehorse. It may sit in the Northwest Territories.

Territorial Court

The Territorial Court, as enabled by the Territorial Court Act, R.S.Y.T. 1971, c. M-1, has two full-time judges and a pool of deputy judges on call appointed by the Territorial Commissioner. The court hears all criminal offences and handles all juvenile charges under the Juvenile Delinquents Act. Justices of the Peace are used extensively to hear municipal by-law offences (Whitehorse) and, in some instances, juvenile actions (Justice of the Peace Court Act, S.Y.T. 1979 (2nd), c. 8). These 45 Justices of the Peace, serving also in 13 widely scattered circuit points, are given a stipend and a set number of dollars per hour when sitting. Twice a year, they take part in staff training sponsored by the local bar and judiciary. In addition, the court, under the Judicature Act, R.S.Y.T. 1971, c. J-1, hears small claims actions up to \$1,500.

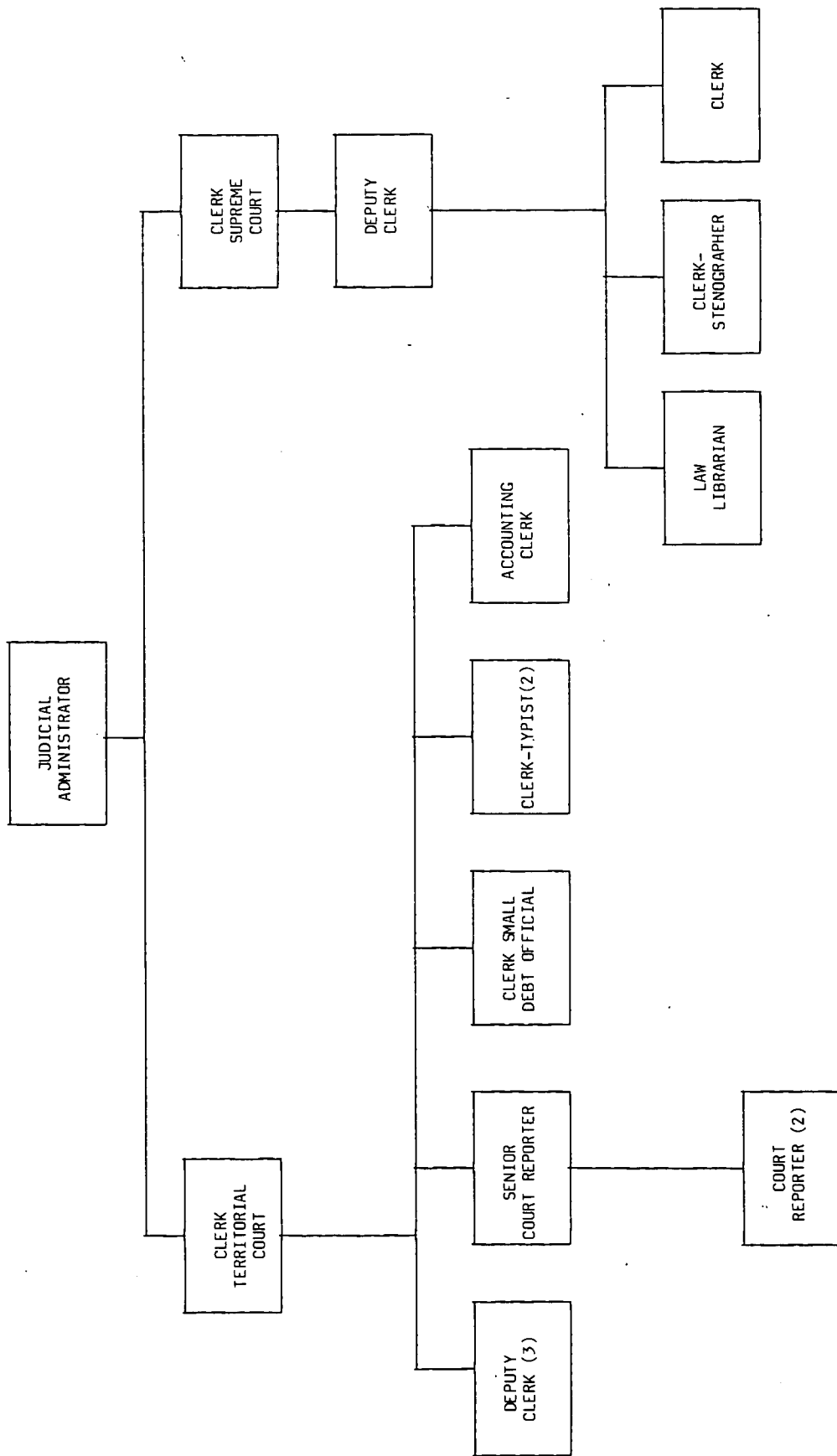
COURT ADMINISTRATION

The courts in the Yukon are administered by the Department of Justice, more specifically by the Judicial Administrator of Court Services. He coordinates the administrative activities of the entire Department. He is assisted by the Clerk of the Supreme Court (who is also the Registrar of the Court of Appeal), the Clerk of the Territorial Court, and the Sheriff in Whitehorse. Courtworker services are supplied by the Yukon Native Courtworker Society which is funded by the Yukon Territorial Government on a grant basis.

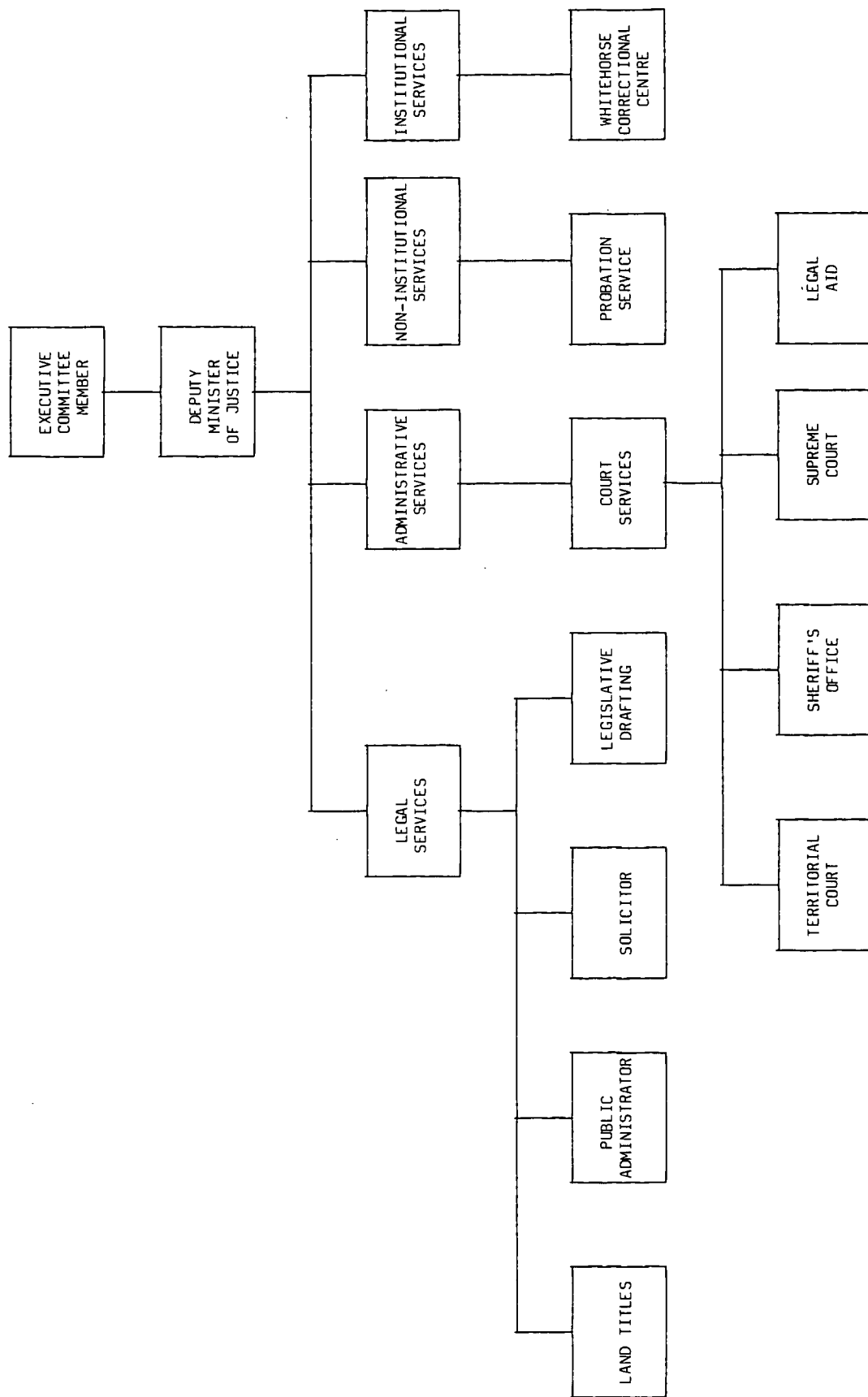
CRIMINAL PROSECUTIONS

The Federal Department of Justice is responsible for criminal prosecutions in the Yukon. The Whitehorse Regional Office consists of three lawyers who handle all federal and territorial prosecutions in the Territory excluding local by-laws. In addition, they assist the Territorial Government with maintenance, child welfare and coroner's matters while on circuit, and are involved in seminars for the Justice of the Peace conferences. Crown Counsel report through the Director of the Regional Office to the Attorney General of Canada.

ORGANIZATION CHART - COURT SERVICES BRANCH, YUKON, 1981-82



ORGANIZATION CHART - DEPARTMENT OF JUSTICE, YUKON, 1981-82



YUKON: COURT OPERATIONS 1980-81 - FOOTNOTES

Data in these tables were supplied by the Courts and Administrative Services Branch of the Yukon Department of Justice and were supplemented by data received from the Office of the Commissioner for Federal Judicial Affairs.

- 1 Court reporting, in the Superior Court, is supplied from the private sector by contract.
- 2 Accommodation: There is no courthouse per se in Whitehorse. Superior and Territorial courtroom space is rented from the federal government (Department of Public Works) at current market rates.
- 3 Territorial Court: 45 Justices of the Peace have been appointed and sit. The net result of Justices of the Peace sitting is .5 - .75 person years annually.
- 4 Security is not at this time a direct cost to the government.

COURT OPERATIONS

YUKON, 80-81

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT ⁴	SUPPORT SERVICES ²
TOTAL.....	\$1,037,773	\$431,873	\$308,100	\$297,800
PERCENT.....	100.0	41.6	29.7	28.7
GENERAL ADMINISTRATION..	\$53,700	-	-	\$53,700
PERCENT.....	5.2	-	-	5.2
SUPERIOR COURTS.....	\$518,773	\$292,673 ¹	\$100,400	\$125,700
PERCENT.....	50.0	28.2	9.7	12.1
TERRITORIAL COURTS.....	\$465,300	\$139,200 ³	\$207,700	\$118,400
PERCENT.....	44.8	13.4	20.0	11.4

COURT OPERATIONS

YUKON, 80-81

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT ⁴	SUPPORT SERVICES ²
TOTAL.....	24.4	10.3	12.7	1.4
PERCENT.....	100.0	42.2	52.0	5.7
GENERAL ADMINISTRATION..	1.4	-	-	1.4
PERCENT.....	5.7	-	-	5.7
SUPERIOR COURTS.....	8.1	4.1 ¹	4.0	0.0
PERCENT.....	33.2	16.8	16.4	0.0
TERRITORIAL COURTS.....	14.9	6.2 ³	8.7	0.0
PERCENT.....	61.1	25.4	35.7	0.0

YUKON: COURT OPERATIONS 1981-82 - FOOTNOTES

Data in these tables were supplied by the Courts and Administrative Services Branch of the Yukon Department of Justice and were supplemented by data received from the Office of the Commissioner for Federal Judicial Affairs.

- 1 Court reporting, in the Superior Court, is supplied from the private sector by contract.
- 2 Accommodation: There is no courthouse per se in Whitehorse. Superior and Territorial courtroom space is rented from the federal government (Department of Public Works) at current market rates.
- 3 Territorial Court: 45 Justices of the Peace have been appointed and sit. The net result of Justices of the Peace sitting is .5 - .75 person years annually.
- 4 Security is not at this time a direct cost to the government.

COURT OPERATIONS

YUKON, 81-82

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT ⁴	SUPPORT SERVICES ²
TOTAL.....	\$1,230,502	\$468,102	\$393,600	\$368,800
PERCENT.....	100.0	38.0	32.0	30.0
GENERAL ADMINISTRATION..	\$61,000	-	-	\$61,000
PERCENT.....	5.0	-	-	5.0
SUPERIOR COURTS.....	\$582,402	\$282,702 ¹	\$117,100	\$182,600
PERCENT.....	47.3	23.0	9.5	14.8
TERRITORIAL COURTS.....	\$587,100	\$185,400 ³	\$276,500	\$125,200
PERCENT.....	47.7	15.1	22.5	10.2

COURT OPERATIONS

YUKON, 81-82

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT ⁴	SUPPORT SERVICES ²
TOTAL.....	25.4	11.3	12.7	1.4
PERCENT.....	100.0	44.5	50.0	5.5
GENERAL ADMINISTRATION..	1.4	-	-	1.4
PERCENT.....	5.5	-	-	5.5
SUPERIOR COURTS.....	8.0	4.0 ¹	4.0	0.0
PERCENT.....	31.5	15.7	15.7	0.0
TERRITORIAL COURTS.....	16.0	7.3 ³	8.7	0.0
PERCENT.....	63.0	28.7	34.3	0.0

YUKON: CRIMINAL PROSECUTIONS 1981-82 - FOOTNOTES

Data in these tables were supplied by the Whitehorse Office of the Crown Attorney, Federal Department of Justice, and were supplemented by data received from the Federal Department of Justice, Ottawa.

The following letter was received from the Office of the Crown Attorney, Whitehorse, along with the survey forms.

The Whitehorse Regional office functions in a dual capacity as far as prosecutions are concerned (i.e. we are responsible for all matters which in the south would be divided between the Federal and Provincial Attorney-General).

The Territorial Court (Provincial Magistrates Court or equivalent) sits in Whitehorse and travels to 13 other locations on circuit. The circuits vary in length from one day to two weeks with the average major circuit being one week. Crown counsel usually attend at the location of the circuit a day or two in advance for final preparation.

Our office also does Coroner's inquests for the Yukon Territorial Government which commence in the evening at 7:30 p.m. and often do not finish until after midnight.

We also are involved in seminars for the Justice of the Peace conferences which are usually held in the evening and on weekends.

Also, the director is involved with a number of committees related to the administration of justice, (i.e. Senior Policy Committee, Justice Liaison Committee, Justice Steering Committee, Juvenile Committee, Native Courtworkers Board of Directors).

CRIMINAL PROSECUTIONS

YUKON, 80-81

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$227,479	\$157,902	\$37,486	\$32,091
PERCENT.....	100.0	69.4	16.5	14.1
GENERAL ADMINISTRATION..	\$51,330	\$9,867	\$9,372	\$32,091
PERCENT.....	22.6	4.3	4.1	14.1
SUPERIOR COURTS.....	\$11,642	\$7,894	\$3,748	-
PERCENT.....	5.1	3.5	1.6	-
TERRITORIAL COURTS.....	\$164,507	\$140,141	\$24,366	-
PERCENT.....	72.3	61.6	10.7	-

CRIMINAL PROSECUTIONS

YUKON, 80-81

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	6.0	4.0	2.0	0.0
PERCENT.....	100.0	66.7	33.3	0.0
GENERAL ADMINISTRATION..	0.8	0.3	0.5	0.0
PERCENT.....	12.5	4.2	8.3	0.0
SUPERIOR COURTS.....	0.4	0.2	0.2	-
PERCENT.....	6.7	3.3	3.3	-
TERRITORIAL COURTS.....	4.8	3.5	1.3	-
PERCENT.....	80.8	59.2	21.7	-

YUKON: CRIMINAL PROSECUTIONS 1981-82 - FOOTNOTES

Data in these tables were supplied by the Whitehorse Office of the Crown Attorney, Federal Department of Justice, and were supplemented by data received from the Federal Department of Justice, Ottawa.

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The Territorial Court (Provincial Magistrates Court or equivalent) sits in Whitehorse and travels to 13 other locations on circuit. The circuits vary in length from one day to two weeks with the average major circuit being one week. Crown counsel usually attend at the location of the circuit a day or two in advance for final preparation.

Our office also does Coroner's inquests for the Yukon Territorial Government which commence in the evening at 7:30 p.m. and often do not finish until after midnight.

We also are involved in seminars for the Justice of the Peace conferences which are usually held in the evening and on weekends.

Also, the director is involved with a number of committees related to the administration of justice, (i.e. Senior Policy Committee, Justice Liaison Committee, Justice Steering Committee, Juvenile Committee, Native Courtworkers Board of Directors).

CRIMINAL PROSECUTIONS

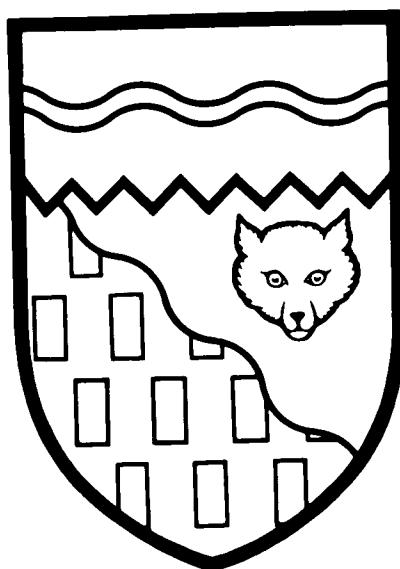
YUKON, 81-82

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$294,698	\$198,331	\$48,567	\$47,800
PERCENT.....	100.0	67.3	16.5	16.2
GENERAL ADMINISTRATION..	\$72,506	\$12,564	\$12,142	\$47,800
PERCENT.....	24.5	4.3	4.1	16.2
SUPERIOR COURTS.....	\$14,906	\$10,050	\$4,856	-
PERCENT.....	5.1	3.4	1.6	-
TERRITORIAL COURTS.....	\$207,286	\$175,717	\$31,569	-
PERCENT.....	70.3	59.6	10.7	-

CRIMINAL PROSECUTIONS

YUKON, 81-82

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	6.0	4.0	2.0	0.0
PERCENT.....	100.0	66.7	33.3	0.0
GENERAL ADMINISTRATION..	0.8	0.3	0.5	0.0
PERCENT.....	12.5	4.2	8.3	0.0
SUPERIOR COURTS.....	0.4	0.2	0.2	-
PERCENT.....	6.7	3.3	3.3	-
TERRITORIAL COURTS.....	4.8	3.5	1.3	-
PERCENT.....	80.8	59.2	21.7	-



Northwest Territories

Summary Facts

NORTHWEST TERRITORIES 1981 - 82

COURT OPERATIONS EXPENDITURES

\$ 2,394,918
198,000(8.3%)
787,418(32.9%)
1,409,500(58.9%)
31

Total
General Administration
Superior Courts
Territorial Courts
Staff

CRIMINAL PROSECUTIONS EXPENDITURES

\$ 679,691
94,691(13.9%)
136,300(20.1%)
448,700(66.0%)
16

COURT LOCATIONS

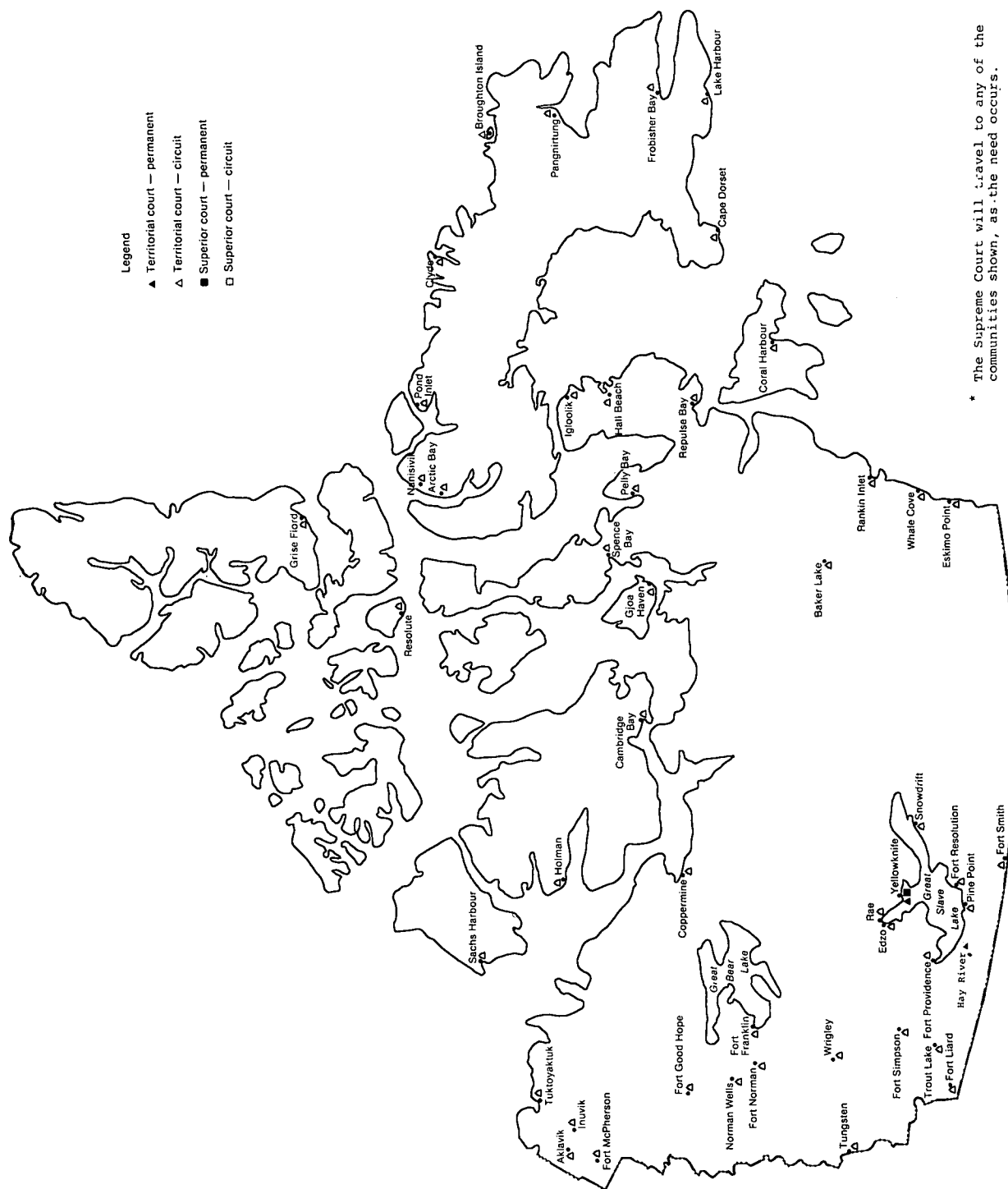
	Superior	Territorial
Permanent:	1	2
Circuit:	*	46

NO. OF JUDGES

Superior: 1
Territorial: 3

Population: 45,740
Area: 3,246,389 sq. kms.

* The Supreme Court will travel to any of the communities shown, as needed.



NORTHWEST TERRITORIES COURTS

NORTHWEST TERRITORIES SUPREME COURT

Constituted by territorial ordinance.
Sits in Yellowknife, and on circuit in Hay River and other locations throughout the territories.
Superior court of record.

Judges

Appointed federally by the Governor in Council.
Court consists of the resident Justices of the Supreme Courts of the Northwest Territories and Yukon (one each) and Deputy Justices as appointed from time to time, including certain Justices of Superior Courts from Alberta, Quebec and Ontario.

Jurisdiction

Civil. All actions not expressly excluded by statute with no set monetary limit.

Criminal. Indictable offences under the Criminal Code tried by judge and jury or judge alone; and summary conviction appeals from decisions of Justices of the Peace and Territorial Courts.

Appeals

To the Court of Appeal.

NORTHWEST TERRITORIES COURT OF APPEAL

Constituted by territorial ordinance.
Sits once annually in Yellowknife and at Edmonton and Calgary during the regular monthly sittings of the Alberta Court of Appeal.
Superior court of record.

Judges

Appointed federally by the Governor in Council.
Court consists of the resident Justices of the Northwest Territories and Yukon Supreme Courts and certain Justices of the Alberta Court of Appeal.
Presided over by the Chief Justice (who is also the Chief Justice of Alberta).

Jurisdiction

Appellate. In criminal and civil matters from the Territorial Court and the Supreme Court.

Appeals

To the Supreme Court of Canada.

NORTHWEST TERRITORIES TERRITORIAL COURT

Constituted by territorial ordinance.
Established in Yellowknife, Hay River and on circuit throughout the territories.
Inferior court of record.

Judges

Appointed territorially by the Commissioner.
Assisted by Justices of the Peace.

Jurisdiction

Civil. Original jurisdiction in actions not exceeding \$5000.

Criminal. Summary conviction offences and certain indictable offences under the Criminal Code, federal statutes and territorial ordinances.
Juvenile cases under the Juvenile Delinquents Act and family cases under territorial ordinances.

Appeal

To the Court of Appeal or to the Supreme Court.

COURT OPERATIONS

COURT HIERARCHY

Supreme Court

The Supreme Court of the Northwest Territories is composed of the Court of Appeal and the Supreme Court.

The Court of Appeal, under the Judicature Ordinance, R.O.N.W.T. 1974, c. J-1, consists of the resident Justice of the Northwest Territories Supreme Court, the resident Justice of the Yukon Supreme Court, the Chief Justice of Alberta and 12 judges of the Court of Appeal of Alberta. The court hears appeals from the Territorial Court and the Supreme Court. It sits once annually, in Yellowknife, and as required during regular sittings of the Alberta Court of Appeal at Edmonton and Calgary.

The Supreme Court, as constituted by the Judicature Ordinance, is presided over by the resident Justice of the Northwest Territories, the resident Justice of the Yukon, and, when required, eight federally appointed judges from Alberta, three from Quebec, and two from Ontario. The court has full criminal and civil jurisdiction throughout the Territories, and hears appeals from the Territorial Court. It sits permanently in Yellowknife, and on circuit in Hay River and other locations as needed.

Territorial Court

The Territorial Court, as established by the Territorial Court Ordinance, O.N.W.T. 1978 (2nd), c. 16, has three territorially appointed judges. Two sit permanently in Yellowknife and one in Hay River. They travel on circuit to 46 other locations. The court hears summary conviction offences and some indictable offences under the Criminal Code, offences under federal statutes and territorial ordinances and civil disputes not exceeding \$5,000. In addition, juvenile matters under the Juvenile Delinquents Act and family cases under territorial ordinances are handled by the court. Approximately 111 Justices of the Peace sit in smaller communities and dispose of summary conviction cases. Three of these Justices of the Peace fulfill duties as Juvenile Court judges. All Justices of the Peace are paid an honorarium plus fee for service.

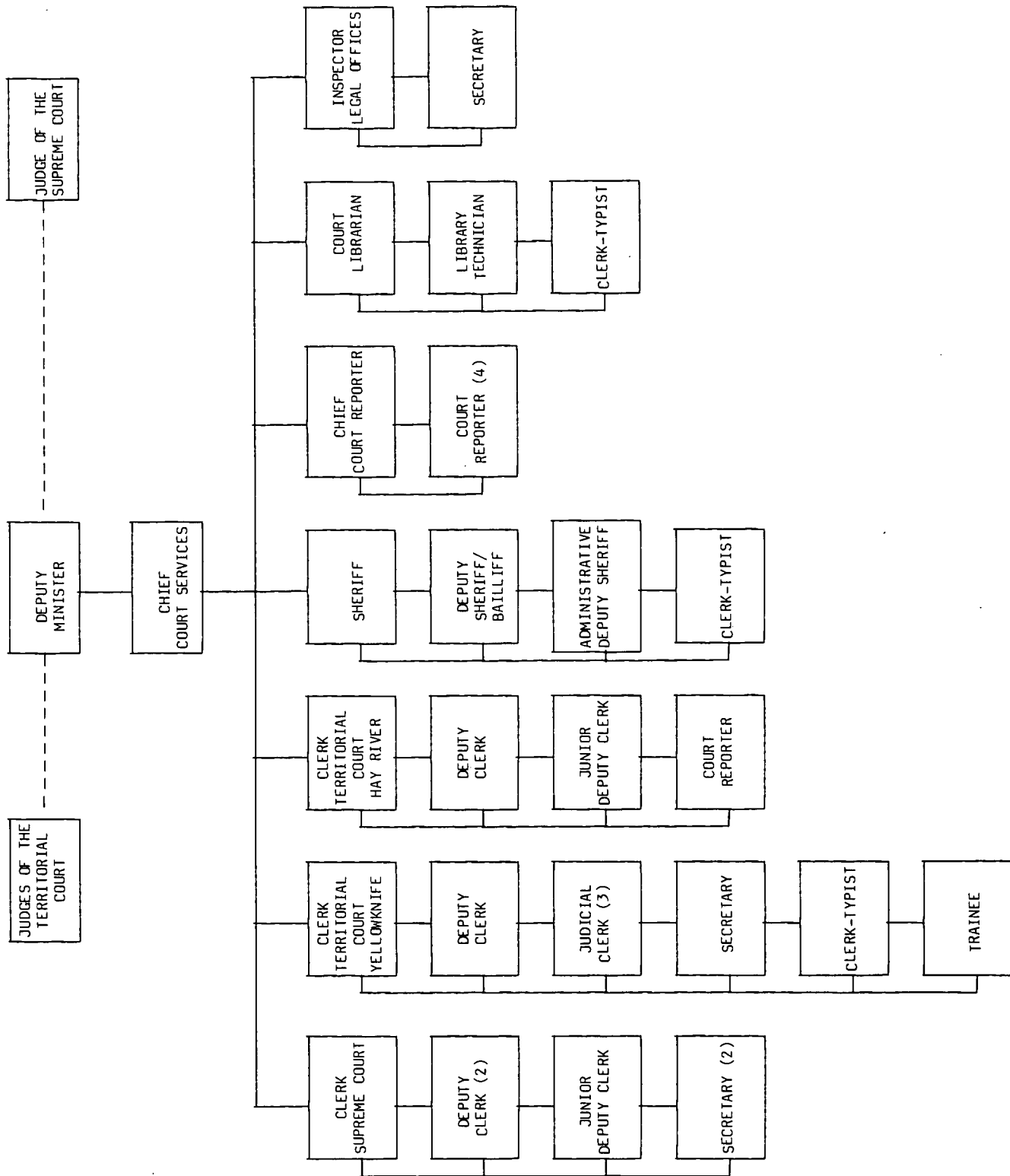
COURT ADMINISTRATION

All courts in the Northwest Territories are administered by the Chief of the Court Services Division of the Department of Justice and Public Services. The Chief is assisted by the Clerk of the Supreme Court, the Clerks of the Territorial Courts, and the Sheriff's Office (Yellowknife) in coordinating the administrative functions of the courts.

CRIMINAL PROSECUTIONS

The federal Department of Justice has overall responsibility for criminal prosecutions in the Territories. Seven full-time Crown Counsel in the Yellowknife Regional Office handle federal and territorial prosecutions with assistance from specially appointed Federal Prosecutors from Toronto, Ottawa, Winnipeg and Edmonton. They travel on circuit with the courts. Crown Counsel

ORGANIZATION CHART - COURT SERVICES DIVISION, NORTHWEST TERRITORIES, 1981-82



NORTHWEST TERRITORIES: COURT OPERATIONS 1980-81 - FOOTNOTES

Data in these tables were supplied by the Department of Justice and Public Services of the Northwest Territories and were supplement by data received from the Office of the Commissioner for Federal Judicial Affairs.

- 1 The Clerk of the Supreme Court acts as a Taxing Officer.
- 2 Included with Territorial Courts is coroners administration of firearms legislation.

COURT OPERATIONS

NORTHWEST TERRITORIES, 80-81

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$1,999,698	\$723,698	\$1,002,000	\$274,000
PERCENT.....	100.0	36.2	50.1	13.7
GENERAL ADMINISTRATION..	\$150,000	-	\$40,000	\$110,000
PERCENT.....	7.5	-	2.0	5.5
SUPERIOR COURTS.....	\$697,198	\$289,698 ¹	\$363,500	\$44,000
PERCENT.....	34.9	14.5	18.2	2.2
TERRITORIAL COURTS ²	\$1,152,500	\$434,000	\$598,500	\$120,000
PERCENT.....	57.6	21.7	29.9	6.0

COURT OPERATIONS

NORTHWEST TERRITORIES, 80-81

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	32.9	7.9	20.4	4.5
PERCENT.....	100.0	24.2	62.2	13.7
GENERAL ADMINISTRATION..	3.5	-	1.0	2.5
PERCENT.....	10.6	-	3.0	7.6
SUPERIOR COURTS.....	12.0	3.4 ¹	8.1	0.5
PERCENT.....	36.5	10.4	24.6	1.5
TERRITORIAL COURTS ²	17.4	4.5	11.4	1.5
PERCENT.....	52.9	13.8	34.5	4.6

NORTHWEST TERRITORIES: COURT OPERATIONS 1981-82 - FOOTNOTES

Data in these tables were supplied by the Department of Justice and Public Services of the Northwest Territories and were supplement by data received from the Office of the Commissioner for Federal Judicial Affairs.

- 1 The Clerk of the Supreme Court acts as a Taxing Officer.
- 2 Included with Territorial Courts is coroners administration of firearms legislation.

COURT OPERATIONS

NORTHWEST TERRITORIES, 81-82

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$2,394,918	\$869,918	\$1,163,000	\$362,000
PERCENT.....	100.0	36.3	48.6	15.1
GENERAL ADMINISTRATION..	\$198,000	-	\$58,000	\$140,000
PERCENT.....	8.3	-	2.4	5.8
SUPERIOR COURTS.....	\$787,418	\$315,918 ¹	\$417,500	\$54,000
PERCENT.....	32.9	13.2	17.4	2.3
TERRITORIAL COURTS ²	\$1,409,500	\$554,000	\$687,500	\$168,000
PERCENT.....	58.9	23.1	28.7	7.0

COURT OPERATIONS

NORTHWEST TERRITORIES, 81-82

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	34.9	9.9	20.4	4.5
PERCENT.....	100.0	28.5	58.6	12.9
GENERAL ADMINISTRATION..	3.5	-	1.0	2.5
PERCENT.....	10.0	-	2.9	7.2
SUPERIOR COURTS.....	12.0	3.4 ¹	8.1	0.5
PERCENT.....	34.4	9.8	23.2	1.4
TERRITORIAL COURTS ²	19.4	6.5	11.4	1.5
PERCENT.....	55.6	18.7	32.6	4.3

NORTHWEST TERRITORIES: CRIMINAL PROSECUTIONS 1980-81 - FOOTNOTES

Data in these tables were supplied by the Department of Justice and Public Services of the Northwest Territories Government through coordination with the Yellowknife Office of the Federal Department of Justice. The tables were supplemented by data received from the Federal Department of Justice, Ottawa.

- 1 Federal Prosecutors from other jurisdictions fly to Northwest Territories to assist as required. This function is performed at no cost to the Northwest Territories but is paid by the jurisdiction supplying the prosecutor. No cost is shown in these tables.
- 2 R.C.M.P. Officers prosecute in Justice of the Peace court only, with no cost to Department of Justice. An estimate of 1 hour per week per detachment (26), plus time spent in court by R.C.M.P. Officers to prepare and assist full-time prosecutors, is included in these figures.
- 3 Department of Justice budget \$485,000 (12 person years).

CRIMINAL PROSECUTIONS

NORTHWEST TERRITORIES, 80-81

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT ¹	INDIRECT	SUPPORT SERVICES
TOTAL ³	\$641,959	\$367,400	\$187,600	\$86,959
PERCENT.....	100.0	57.2	29.2	13.5
GENERAL ADMINISTRATION..	\$82,959	-	-	\$82,959
PERCENT.....	12.9	-	-	12.9
SUPERIOR COURTS.....	\$127,800	\$57,200	\$69,600	\$1,000
PERCENT.....	19.9	8.9	10.8	0.2
PROVINCIAL COURTS.....	\$431,200	\$310,200 ²	\$118,000	\$3,000
PERCENT.....	67.2	48.3	18.4	0.5

CRIMINAL PROSECUTIONS

NORTHWEST TERRITORIES, 80-81

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT ¹	INDIRECT	SUPPORT SERVICES
TOTAL ³	15.2	9.8	4.8	0.6
PERCENT.....	100.0	64.6	31.5	3.9
GENERAL ADMINISTRATION..	0.5	-	-	0.5
PERCENT.....	3.3	-	-	3.3
SUPERIOR COURTS.....	3.4	1.6	1.8	0.0
PERCENT.....	22.6	10.5	11.8	0.3
PROVINCIAL COURTS.....	11.3	8.2 ²	3.0	0.0
PERCENT.....	74.1	54.1	19.7	0.3

NORTHWEST TERRITORIES: CRIMINAL PROSECUTIONS 1981-82 - FOOTNOTES

Data in these tables were supplied by the Department of Justice and Public Services of the Northwest Territories Government through coordination with the Yellowknife Office of the Federal Department of Justice. The tables were supplemented by data received from the Federal Department of Justice, Ottawa.

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- ² R.C.M.P. Officers prosecute in Justice of the Peace court only, with no cost to Department of Justice. An estimate of 1 hour per week per detachment (26), plus time spent in court by R.C.M.P. Officers to prepare and assist full-time prosecutors, is included in these figures.
- ³ Included in "indirect" is a part time law student (4 months).
- ⁴ Department of Justice budget \$500,000 (12 person years).

CRIMINAL PROSECUTIONS

NORTHWEST TERRITORIES, 81-82

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL ³	\$679,691	\$382,400	\$198,600	\$98,691
PERCENT.....	100.0	56.3	29.2	14.5
GENERAL ADMINISTRATION..	\$94,691	-	-	\$94,691
PERCENT.....	13.9	-	-	13.9
SUPERIOR COURTS.....	\$136,300	\$59,700	\$75,600	\$1,000
PERCENT.....	20.1	8.8	11.1	0.1
PROVINCIAL COURTS.....	\$448,700	\$322,700	\$123,000	\$3,000
PERCENT.....	66.0	47.5	18.1	0.4

CRIMINAL PROSECUTIONS

NORTHWEST TERRITORIES, 81-82

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL ³	15.5	9.8	5.1	0.6
PERCENT.....	100.0	63.3	32.8	3.9
GENERAL ADMINISTRATION..	0.5	-	-	0.5
PERCENT.....	3.2	-	-	3.2
SUPERIOR COURTS.....	3.6	1.6	1.9	0.0
PERCENT.....	23.2	10.3	12.5	0.3
PROVINCIAL COURTS.....	11.4	8.2	3.1	0.0
PERCENT.....	73.6	53.1	20.3	0.3



Supreme Court of Canada

Summary Facts

SUPREME COURT OF CANADA 1981 - 82

COURT OPERATIONS EXPENDITURES

\$ 5,272,500
382,500 (7.3%)
4,890,000 (92.7%)
82

Total
General Administration
Superior Courts
Staff

COURT LOCATIONS

Permanent : 1
Circuit : -

NO. OF JUDGES

Superior : 9

SUPREME COURT OF CANADA

SUPREME COURT OF CANADA

Constituted by federal statute.
Sits only in Ottawa.
Superior court of record.

Judges

Appointed federally by the Governor in Council.

Jurisdiction

Original. By way of referral in questions of the constitutional validity of either provincial or federal statutes.

Appellate.

Civil. By leave, either of the court appealed from or of the Supreme Court itself. The Supreme Court may grant leave to appeal in cases where it is of the opinion that any question involved therein is, by reason of its public importance or the importance of any issue of law or any issue of mixed law and fact involved in such question, one that ought to be decided by the Supreme Court or is, for any other reason, of such nature or significance as to warrant decision by it.

Criminal. As of right on a question of law for indictable offences where a judge of the Court of Appeal dissents or an acquittal is set aside; otherwise, by leave of the Supreme Court itself, on a question of law or jurisdiction.

COURT OPERATIONS

Supreme Court of Canada

The Supreme Court of Canada, as established by the Supreme Court Act, R.S.C.1970, c. S-19, as amended, is the highest court of justice in Canada and exercises ultimate appellate jurisdiction in civil and criminal cases. It consists of the Chief Justice of Canada and eight puisne judges appointed by the Governor in Council from among Superior Court judges, or barristers or advocates of at least 10 years' standing at the bar of any of the provinces.

The Supreme Court sits only in Ottawa. It has jurisdiction in both criminal and civil matters. In criminal cases, the court hears appeals from the provincial Courts of Appeal in respect of indictable offences where an acquittal has been set aside or where there has been a dissenting judgement on a point of law; it also hears questions of law for both summary convictions and indictable offences if leave to appeal is first granted.

As a result of amendments to the Supreme Court Act effective January 27, 1975, civil appeals are heard only if leave is given. Leave may be granted on any matter of public importance or on an important issue of law or of mixed law and fact. Cases involving a specified amount of money are no longer heard as of right.

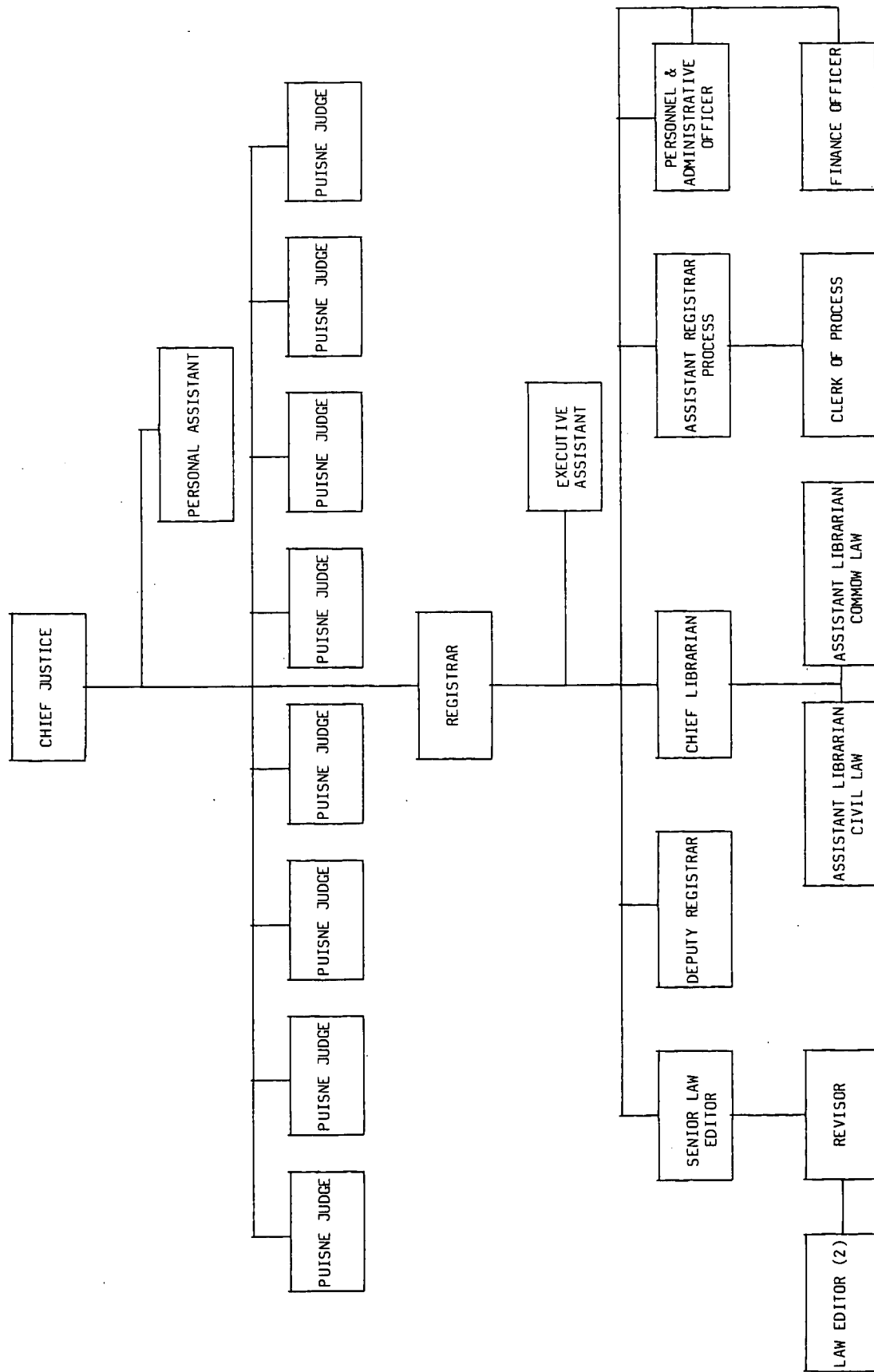
In addition, under Section 55 of the Supreme Court Act, the court may give opinions on important questions of law or fact concerning the interpretation of the Constitution Act, the constitutionality or interpretation of any federal or provincial legislation, or the powers of Parliament, provincial legislatures or of their respective governments.

COURT ADMINISTRATION

Administration of the Supreme Court is the responsibility of the Registrar. He is appointed by the Governor in Council and is subject to the direction of the Chief Justice in all matters. The Registrar is assisted in his duties by an Executive Assistant, the Deputy Registrar, the Senior Editor of Court Reports, the Chief Librarian, the Assistant Registrar (Process) and the Personnel and Administrative Officer.

There are five courtrooms in the Supreme Court building, two of which are used exclusively by the Supreme Court.

ORGANIZATION CHART - SUPREME COURT, CANADA, 1981-82



SUPREME COURT OF CANADA: COURT OPERATIONS 1980-81 - FOOTNOTES

Data in these tables were supplied by the Supreme Court of Canada.

COURT OPERATIONS

SUPREME COURT OF CANADA, 80-81

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$3,048,000	\$658,000	\$1,121,000	\$1,269,000
PERCENT.....	100.0	21.6	36.8	41.6
GENERAL ADMINISTRATION..	\$335,000	\$50,000	\$216,000	\$69,000
PERCENT.....	11.0	1.6	7.1	2.3
SUPERIOR COURTS.....	\$2,713,000	\$608,000	\$905,000	\$1,200,000
PERCENT.....	89.0	19.9	29.7	39.4
PROVINCIAL COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-

COURT OPERATIONS

SUPREME COURT OF CANADA, 80-81

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	90.5	11.0	75.9	3.6
PERCENT.....	100.0	12.2	83.9	4.0
GENERAL ADMINISTRATION..	22.0	1.5	16.9	3.6
PERCENT.....	24.3	1.7	18.7	4.0
SUPERIOR COURTS.....	68.5	9.5	59.0	0.0
PERCENT.....	75.7	10.5	65.2	0.0
PROVINCIAL COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-

SUPREME COURT OF CANADA: COURT OPERATIONS 1981-82 - FOOTNOTES

Data in these tables were supplied by the Supreme Court of Canada.

COURT OPERATIONS

SUPREME COURT OF CANADA, 81-82

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$5,272,500	\$922,000	\$1,272,500	\$3,078,000
PERCENT.....	100.0	17.5	24.1	58.4
GENERAL ADMINISTRATION..	\$382,500	\$62,000	\$242,500	\$78,000
PERCENT.....	7.3	1.2	4.6	1.5
SUPERIOR COURTS.....	\$4,890,000	\$860,000	\$1,030,000	\$3,000,000
PERCENT.....	92.7	16.3	19.5	56.9
PROVINCIAL COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-

COURT OPERATIONS

SUPREME COURT OF CANADA, 81-82

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	90.5	11.0	75.8	3.7
PERCENT.....	100.0	12.2	83.8	4.1
GENERAL ADMINISTRATION..	22.0	1.5	16.8	3.7
PERCENT.....	24.3	1.7	18.6	4.1
SUPERIOR COURTS.....	68.5	9.5	59.0	0.0
PERCENT.....	75.7	10.5	65.2	0.0
PROVINCIAL COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-



Federal Court of Canada

Summary Facts

FEDERAL COURT 1981 - 82

COURT OPERATIONS EXPENDITURES

\$ 6,725,655
-
6,725,655(100%)
140

Total
General Administration
Superior Courts
Staff

COURT LOCATIONS

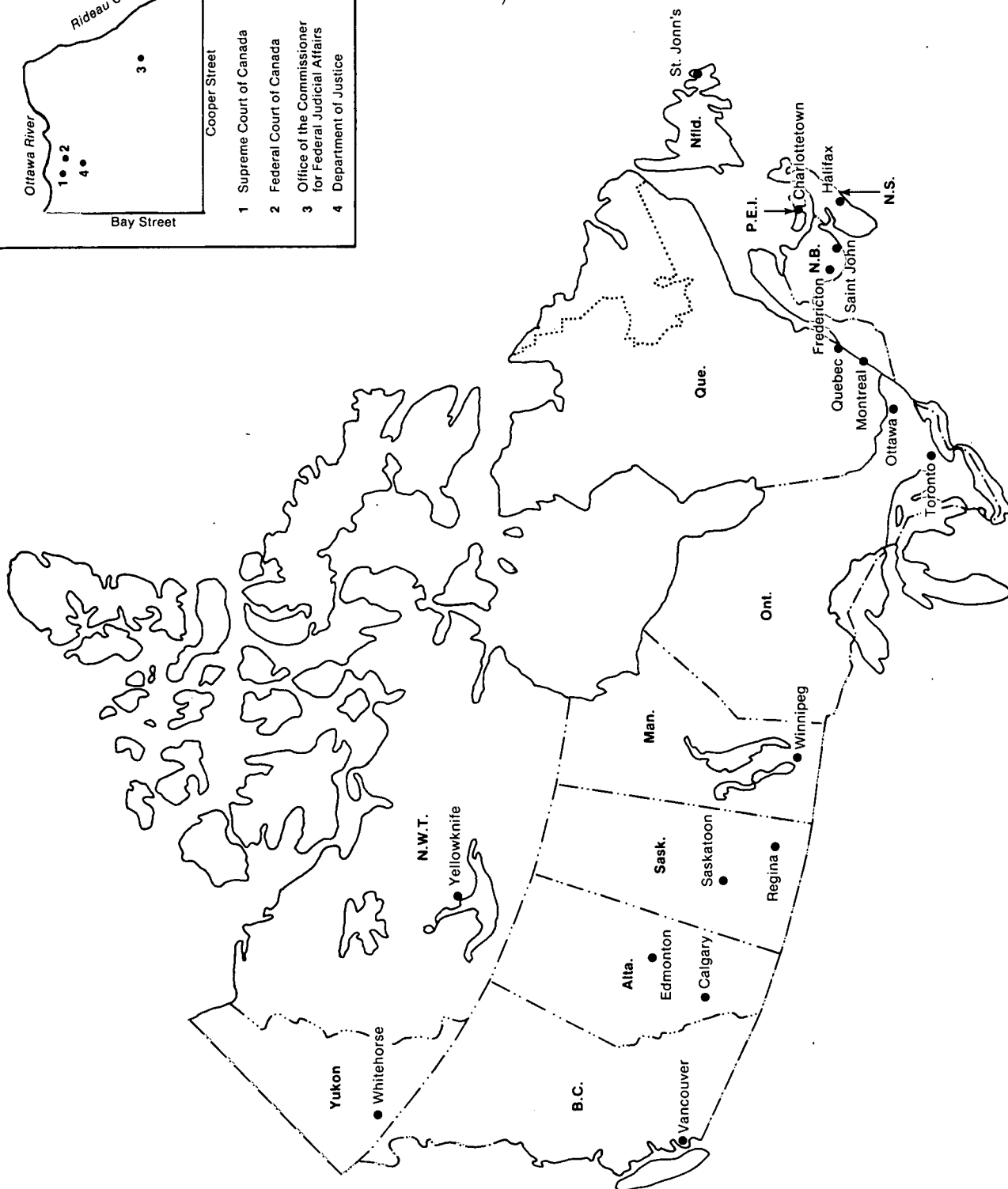
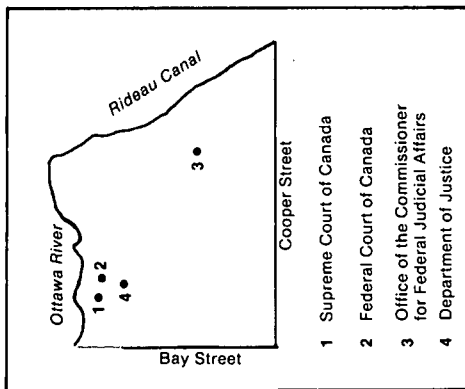
Sits anywhere in Canada

NO. OF JUDGES

Superior: 16

LOCATION OF FEDERAL COURT REGISTRY OFFICES

Ottawa



FEDERAL COURT OF CANADA

FEDERAL COURT OF CANADA

Constituted by federal statute.

Two Divisions: The Federal Court - Trial Division
and the Federal Court of Appeal.

Superior court of record.

Sits anywhere in Canada.

Judges

Appointed federally by the Governor in Council.

Jurisdiction

The Federal Court - Trial Division

Original.

Where relief claimed against the Crown.

In civil proceedings where relief is claimed by the Crown
or Attorney General.

Where relief in the nature of injunction, prohibition,
certiorari or mandamus or declaratory relief is claimed
against federal boards, commissions or tribunals.

Income tax and estate tax appeals.

Citizenship appeals.

Industrial property proceedings (patent, trade mark,
copyright, industrial design).

Maritime law proceedings.

The Federal Court of Appeal

Original.

Review of decisions of federal boards, commissions, tribunals.

References from federal boards, commissions, tribunals.

Appellate.

Appeals from Trial Division.

Appeals to the Federal Court under Federal statutes (other
than income tax, estate tax and citizenship appeals).

Appeals

From the Federal Court of Appeal to the Supreme Court of
Canada upon leave being granted by the Federal Court of
Appeal or by the Supreme Court of Canada.

COURT OPERATIONS

Federal Court of Canada

The Federal Court of Canada, as constituted by the Federal Court Act, R.S.C. 1970, c. 10, (2nd Supp.) is a court of law, equity, and admiralty, and is a superior court of record having civil and criminal jurisdiction.

The Federal Court consists of the Federal Court of Appeal, with the Chief Justice and five judges and the Federal Court - Trial Division, with the Associate Chief Justice and nine judges. All are appointed by the Governor in Council. In addition, the Chief Justice may, with the approval of the Governor in Council, request persons appropriately qualified in accordance with section 10 of the Federal Court Act to act as deputy judges. A total of twenty qualified persons may be requested to act as deputy judges.

The Federal Court of Appeal has jurisdiction (a) to hear appeals from the Trial Division, (b) to review decisions of federal boards, commissions and tribunals under section 28 of the Federal Court Act, (c) to determine questions of law, jurisdiction or practice and procedure referred by federal boards, commissions and tribunals, and (d) to hear appeals under various federal acts other than the Income Tax Act, the Estate Tax Act and the Canadian Citizenship Act. Appeals from decisions of the Court may be taken to the Supreme Court of Canada upon leave being granted by the Federal Court of Appeal or the Supreme Court of Canada.

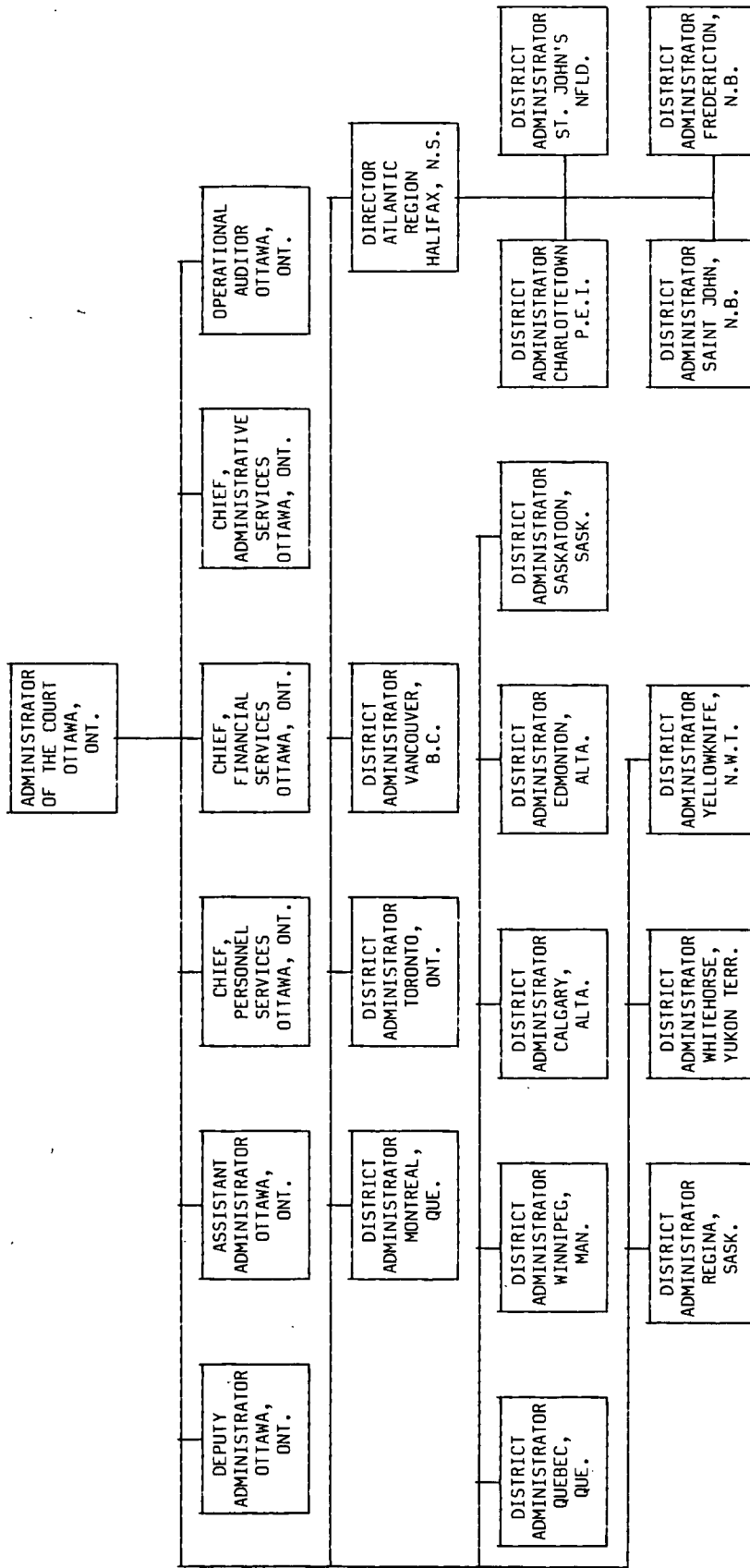
The Federal Court - Trial Division has jurisdiction in cases in which relief is claimed against the Crown, and cases in which relief is claimed by the Crown or the Attorney General of Canada. The Trial Division also has jurisdiction to hear proceedings for prohibition, mandamus, certiorari, injunction or declaratory relief against federal boards, commissions and other tribunals; inter-provincial and federal-provincial disputes; industrial property proceedings; admiralty proceedings; income tax and estate tax appeals; citizenship appeals; and claims for relief if there is no other Canadian court that has such jurisdiction.

COURT ADMINISTRATION

The chief officer of the Registry of the Federal Court of Canada is the Administrator of the Court, who is the Deputy Head of the portion of the public service employed as support staff of the Court. He is aided in carrying out his responsibilities by the Deputy Administrator, Assistant Administrator, and officers in charge of local offices of the Registry. Assistance is also provided by the Chief, Personnel Services, Chief, Financial Services and Chief, Administrative Services.

The Federal Court of Canada has one Registry for the entire country. The Registry is composed of the Principal Office in Ottawa and sixteen local offices. Four of these are staffed by employees of the Federal Court of Canada. The remaining twelve are administered by provincial and territorial court employees. There is no "circuit" for the Federal Court of Canada. Trials or hearings may be held anywhere in the country. In Ottawa the Registry is located in the Federal Court Annex Building. The Judges' offices are in the Supreme Court of Canada building and sittings of the Court are held in that building.

ORGANIZATION CHART - FEDERAL COURT OF CANADA, CANADA 1982



FEDERAL COURT OF CANADA: COURT OPERATIONS 1980-81 - FOOTNOTES

Data in these tables were supplied by the Federal Court of Canada.

The officers clerks and employees appointed to the Federal Court of Canada perform the duties of their respective offices in relation to the Court Martial Appeal Court of Canada. Any costs relating to the Court Martial Appeal Court of Canada are included in these tables.

- 1 All reporting is on a contract basis; sum shown includes cost of transcripts and simultaneous translation. Documents are served by Sheriffs and Bailiffs; and their fee is paid by the court. No person years are shown for these.
- 2 Security services are provided by the Corps of Commissionaires; also included is cost of Contract Senior Ushers. No person years are shown.
- 3 Includes tenant services, Building Rental Estimate, Postage, Communication, Translation Equipment, Stationery and Supplies, other Printing; Binding of Books, Text Books, Subscriptions and Parliamentary Papers and Publications.

COURT OPERATIONS

FEDERAL COURT OF CANADA, 80-81

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$6,584,114	\$1,588,059	\$2,858,252	\$2,137,803
PERCENT.....	100.0	24.1	43.4	32.5
GENERAL ADMINISTRATION..	-	-	-	-
PERCENT.....	-	-	-	-
SUPERIOR COURTS.....	\$6,584,114	\$1,588,059 ¹	\$2,858,252 ²	\$2,137,803 ³
PERCENT.....	100.0	24.1	43.4	32.5
PROVINCIAL COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-

COURT OPERATIONS

FEDERAL COURT OF CANADA, 80-81

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	159.0	16.0	124.8	18.2
PERCENT.....	100.0	10.1	78.5	11.4
GENERAL ADMINISTRATION..	-	-	-	-
PERCENT.....	-	-	-	-
SUPERIOR COURTS.....	159.0	16.0 ¹	124.8 ²	18.2 ³
PERCENT.....	100.0	10.1	78.5	11.4
PROVINCIAL COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-

FEDERAL COURT OF CANADA: COURT OPERATIONS 1981-82 - FOOTNOTES

Data in these tables were supplied by the Federal Court of Canada.

The officers clerks and employees appointed to the Federal Court of Canada perform the duties of their respective offices in relation to the Court Martial Appeal Court of Canada. Any costs relating to the Court Martial Appeal Court of Canada are included in these tables.

- 1 All reporting is on a contract basis; sum shown includes cost of transcripts and simultaneous translation. Documents are served by Sheriffs and Bailiffs; and their fee is paid by the court. No person years are shown for these.
- 2 Security services are provided by the Corps of Commissionaires; also included is cost of Contract Senior Ushers. No person years are shown.
- 3 Includes tenant services, Building Rental Estimate, Postage, Communication, Translation Equipment, Stationery and Supplies, other Printing; Binding of Books, Text Books, Subscriptions and Parliamentary Papers and Publications.

COURT OPERATIONS

FEDERAL COURT OF CANADA, 81-82

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$6,725,655	\$1,502,327	\$2,901,625	\$2,321,703
PERCENT.....	100.0	22.3	43.1	34.5
GENERAL ADMINISTRATION..	-	-	-	-
PERCENT.....	-	-	-	-
SUPERIOR COURTS.....	\$6,725,655	\$1,502,327 ¹	\$2,901,625 ²	\$2,321,703 ³
PERCENT.....	100.0	22.3	43.1	34.5
PROVINCIAL COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-

COURT OPERATIONS

FEDERAL COURT OF CANADA, 81-82

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	155.7	16.0	121.5	18.2
PERCENT.....	100.0	10.3	78.0	11.7
GENERAL ADMINISTRATION..	-	-	-	-
PERCENT.....	-	-	-	-
SUPERIOR COURTS.....	155.7	16.0 ¹	121.5 ²	18.2 ³
PERCENT.....	100.0	10.3	78.0	11.7
PROVINCIAL COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-



Court Martial Appeal Court of Canada

Summary Facts

COURT MARTIAL APPEAL COURT OF CANADA
1981 - 82

COURT OPERATIONS
EXPENDITURES

Included with Federal Court of Canada

COURT LOCATIONS

1 Permanent Registry
Sits any place in or beyond Canada

NO. OF JUDGES

Judges of other courts sit on this court

COURT MARTIAL APPEAL COURT OF CANADA

COURT MARTIAL APPEAL COURT OF CANADA

Constituted by federal statute.
Sits any place in Canada or beyond Canada.
Superior court of record.

Judges

All judges must be judges of a superior court of criminal jurisdiction. Each holds a separate patent as a member of this court.

Jurisdiction

Appellate.

Criminal. From a General Court Martial, a Special Court Martial, a Disciplinary Court Martial, or a Standing Court Martial, as provided for in the National Defence Act.

Appeals

To the Supreme Court of Canada on a point of law.

COURT OPERATIONS

Court Martial Appeal Court of Canada

The Court Martial Appeal Court of Canada is a superior court of record constituted by Parliament under section 101 of the Constitution Act, 1867, for the better administration of the laws of Canada.

Its members are judges of the various superior courts of criminal jurisdiction throughout Canada as defined by the Criminal Code and the Federal Court Act, one of whom is designated the President. The President performs the normal duties of a Chief Justice and is, for purposes of the Judges Act, a Chief Justice. Each judge is separately appointed to the Court by Order in Council and holds a patent issued under the Great Seal of Canada. There is no provision for ad hoc appointments.

The jurisdiction of the court is defined by Part IX of the National Defence Act. Basically, it exercises the same jurisdiction in appeals from convictions by courts martial as do provincial and territorial courts of appeal from criminal convictions. The exceptions that authority to deal with an appeal in respect of severity of sentence is reserved to the Minister of National Defence. There is no right to appeal an acquittal by a court martial. An appeal to the Supreme Court of Canada lies, by leave of that court, or where there has been a dissenting judgement, on any question of law.

The Court's Rules of Practice and Procedure, while conforming as closely as possible to those of the provincial and territorial courts of appeal in criminal appeals, are of necessity different in a number of important particulars. Practitioners are referred to the National Defence Act, particularly Part IX, and to the Court Martial Appeal Rules of Canada, SOR/79-235, published in the Canada Gazette, Part II, Vol. 113, No. 6, as amended. Under the Rules, the President may authorize appointment of counsel for an appellant at public expense. Any member in good standing of a law society in Canada is entitled to appear before the court, as are officers of the Judge Advocate General's Branch of the Department of National Defence.

The court sits as a panel of three judges and may sit outside as well as any place within Canada affording suitable court facilities. As near as may be, appeals are heard at locations most convenient to appellants and their counsel.

COURT ADMINISTRATION

The officers, clerks and employees of the Federal Court of Canada perform the duties of their respective offices for the Court Martial Appeal Court of Canada. The Registry is located in the Federal Court Annex Building, St. Laurent Square, Wellington Street, Ottawa, Canada, K1A 0H9.



Canadian Judicial Council

Office of the Commissioner for Federal Judicial Affairs

Summary Facts

COMMISSIONER FOR FEDERAL JUDICIAL AFFAIRS
1981 - 82

COURT OPERATIONS
EXPENDITURES

\$ 2,054,000
2,054,000 (100%)
-
26

Total
General Administration
Superior Courts
Staff

CANADIAN JUDICIAL COUNCIL

The Canadian Judicial Council, as established under amendments to the Judges Act, consists of the Chief Justice of Canada and the Chief Justices and Associate Chief Justices of Superior Courts in Canada. The Council's objects are to promote efficiency and uniformity, and to improve the quality of judicial service in Superior and County Courts. It is assisted in these tasks by the County Court Committee composed of senior County Court Judges of the jurisdictions.

The Council organizes conferences and educational seminars for federally appointed judges, acts as a focal point for discussion of issues of interest to the judiciary, and conducts investigations of allegations or complaints made in respect of a federally appointed judge.

OFFICE OF THE COMMISSIONER FOR FEDERAL JUDICIAL AFFAIRS

The Commissioner for Federal Judicial Affairs, under the Minister of Justice, is responsible for administrative matters pertaining to the Canadian Judicial Council and all federally appointed judges excluding those of the Supreme Court of Canada. Specific duties include the administration of judges' salaries, allowances and annuities as provided for in the Judges Act R.S.C. (1970, c. J-1), the preparation of budgetary submissions for the requirements of the Office and the Canadian Judicial Council, and such other tasks associated with the proper functioning of the judicial system as may be assigned by the Minister of Justice. The position was established in 1978 under amendments to the Judges Act.

NOTES TO TABLE

The figures in the tables were provided by the Office of the Commissioner for Federal Judicial Affairs, with the exception of the items marked with an asterisk, which were supplied by the Supreme Court of Canada.

The Office is responsible for administrative matters pertaining to federally appointed judges, excluding those of the Supreme Court of Canada.

The first four columns represent the payments to judges and the person year utilization for the fiscal years 1980-81 and 1981-82. **These figures have been added to the court operation tables for each province and territory, under superior courts - direct.** The five remaining columns represent the situation on July 13, 1982.

(1) Expenditures (\$)

This information was derived from the administrative accounting system of the Office. Included are payments for salary, retroactive salary, removal, travel, representation, conferences and incidentals. Not included are payments for benefits (e.g. Canada Pension Plan and medical insurance) or for language training, or pension payments made to retired judges.

The amount paid is attributed to the province or territory for which the person has been appointed judge. For instance, a British Columbia Court of Appeal judge may sit from time to time as an appeal judge of the Yukon; nevertheless, his salary is attributed entirely to British Columbia.

(2) Person-Year Utilization

Again, this information was derived from the administrative accounting system of the Office. It approximates the number of judges that were on payroll that fiscal year. These estimates were derived by comparing the total salary payments to judges with the salary allowed under the Judges Act.

(3) Profile - July 13, 1982

The Judges Act makes provision for the appointment of judges to the various Superior, County and District Courts in Canada. The Act sets out how many judges may be appointed to each of the courts. Column 1, CJ/ACJ (chief judges, associate chief judges) and Column 2 (judges) show how many judges are provided for in the Act. The positions, however, are not always filled; for instance, a second judge had not been appointed in the Northwest Territories or the Yukon, and only 4 and 27 judges had been appointed to the Saskatchewan Courts (rather than 6 and 29).

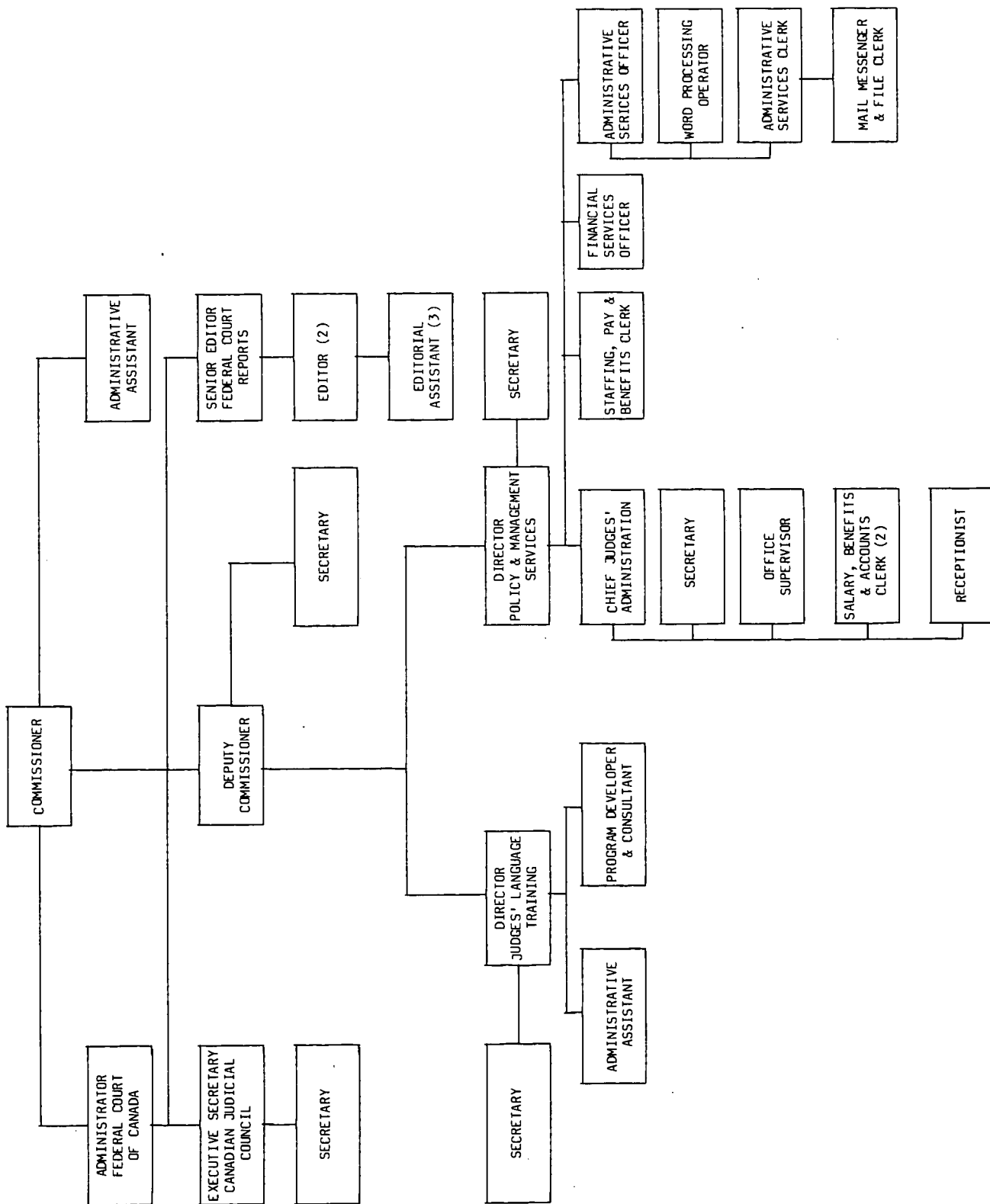
It may happen that more judges are required in a court than are provided for in the Act. There is authority for so called pool positions in the Act to appoint additional judges pending amendments to the Act to increase the complement of the court.

Supernumerary judges are judges who by reason of their age and years of service on the bench elect supernumerary status rather than retirement status. Such a judge would receive a pension equivalent to 2/3 his salary upon retirement; if he elects supernumerary status, he receives full salary, but must hold himself available to the chief judge to perform such special judicial duties as may be assigned to him by the chief judge. Upon his election, his position on the bench is open for another appointment.

Federally Appointed Judges: Expenditures and Person Year Utilization, 1980-81 and 1981-82
Profile of Judicial Positions, July 13, 1982

	Expenditure(\$)		Person year utilization		Profile - July 13, 1982				
	1980-81	1981-82	1980-81	1981-82	CJ/ACJ	Judges (per Judges Act)	Super- numeraries	Pool	Total
Supreme Court of Canada	600,000*	850,000*	9*	9*	1	8	0	0	9
Federal Court of Canada									
Appeal Division					1	5	0	0	6
Trial Division					$\frac{1}{2}$	$\frac{9}{14}$	$\frac{0}{0}$	$\frac{0}{0}$	$\frac{10}{16}$
	1,524,627	1,431,460	16	16					
Newfoundland									
Appeal Division			3	3	1	2	0	1	4
Trial Division			6	6	1	4	0	1	6
District Court			$\frac{10}{19}$	$\frac{9}{18}$	$\frac{1}{3}$	$\frac{8}{14}$	$\frac{0}{0}$	$\frac{0}{2}$	$\frac{9}{19}$
	1,318,477	1,295,456							
Prince Edward Island									
Supreme Court	543,944	514,696	8	7	1	6	0	0	7
Nova Scotia									
Appeal Division			7	6	1	4	1	0	6
Trial Division			9	10	1	7	0	2	10
County Courts			$\frac{9}{25}$	$\frac{10}{26}$	$\frac{0}{2}$	$\frac{8}{19}$	$\frac{2}{3}$	$\frac{0}{2}$	$\frac{10}{26}$
	1,771,493	2,005,553							
New Brunswick									
Court of Appeal			6	5	1	4	0	0	5
Court of Queen's Bench			$\frac{16}{22}$	$\frac{16}{21}$	$\frac{1}{2}$	$\frac{14}{18}$	$\frac{2}{2}$	$\frac{0}{0}$	$\frac{17}{22}$
	1,616,535	1,668,903							
Quebec									
Court of Appeal			18	19	1	15	3	0	19
Superior Court			$\frac{141}{159}$	$\frac{135}{154}$	$\frac{3}{4}$	$\frac{108}{123}$	$\frac{19}{22}$	$\frac{0}{0}$	$\frac{130}{149}$
	11,570,661	12,062,424							
Ontario									
Court of Appeal			17	17	2	13	2	1	18
High Court of Justice			48	44	2	40	3	1	46
County and District Court			$\frac{154}{219}$	$\frac{148}{209}$	$\frac{2}{6}$	$\frac{128}{181}$	$\frac{17}{22}$	$\frac{6}{8}$	$\frac{153}{217}$
	15,273,738	16,187,979							
Manitoba									
Court of Appeal			6	6	1	5	0	0	6
Court of Queen's Bench			$\frac{11}{31}$	$\frac{11}{31}$	$\frac{1}{3}$	$\frac{9}{25}$	$\frac{1}{4}$	$\frac{0}{0}$	$\frac{11}{32}$
County Court			$\frac{14}{31}$	$\frac{14}{31}$					
	2,297,077	2,403,039							
Saskatchewan									
Court of Appeal			7	7	1	6	2	0	9
Court of Queen's Bench			$\frac{11}{36}$	$\frac{24}{38}$	$\frac{1}{2}$	$\frac{29}{35}$	$\frac{3}{5}$	$\frac{0}{0}$	$\frac{33}{42}$
District Court			$\frac{18}{36}$	$\frac{7}{38}$	$\frac{0}{2}$	$\frac{0}{35}$	$\frac{0}{5}$	$\frac{0}{0}$	$\frac{0}{42}$
	2,508,927	2,978,532							
Alberta									
Court of Appeal			9	9	1	8	2	1	12
Court of Queen's Bench			$\frac{52}{61}$	$\frac{53}{62}$	$\frac{2}{3}$	$\frac{42}{50}$	$\frac{7}{9}$	$\frac{0}{1}$	$\frac{51}{63}$
	4,616,497	5,147,566							
British Columbia									
Court of Appeal			14	13	1	10	3	0	14
Supreme Court			34	31	1	26	5	1	33
County Court			$\frac{44}{92}$	$\frac{45}{89}$	$\frac{0}{2}$	$\frac{38}{74}$	$\frac{5}{13}$	$\frac{2}{3}$	$\frac{45}{92}$
	6,635,965	6,999,403							
Yukon									
Supreme Court	93,173	88,102	1	1	0	2	0	0	2
Northwest Territories									
Supreme Court	109,698	111,918	1	1	0	2	0	0	2

ORGANIZATION CHART - OFFICE OF THE COMMISSIONER FOR FEDERAL JUDICIAL AFFAIRS, CANADA, 1982



COMMISSIONER FOR FEDERAL JUDICIAL AFFAIRS: COURT OPERATIONS 1980-81 - FOOTNOTES

Data in these tables were supplied by the Office of the Commissioner for Federal Judicial Affairs.

The Office of the Commissioner for Federal Judicial Affairs provides central administrative services for all federally appointed Judges of the Superior, County and District Courts of the Provinces and Territories and of the Federal Court of Canada. The expenses shown represent the total operating costs of the Office excluding, of course, the statutory items which are the judges' salaries and annuities as well as annuities to widows and children of judges.

- ¹ Of the total expenditure, \$1,690,000 were for the operations of the Office, \$255,000 for operations of the Canadian Judicial Council, and \$109,000 for contributions to employee benefit plans.
- ² Included in this amount are the publication costs for the Federal Court Reports, language training for judges, and gratuities paid to the widows of judges who die while in office.

COURT OPERATIONS

OFFICE OF THE COMMISSIONER FOR FEDERAL JUDICIAL AFFAIRS, 80-81

AREA OF EXPENDITURE	COST ¹			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$1,964,000	-	-	\$1,964,000
PERCENT.....	100.0	-	-	100.0
GENERAL ADMINISTRATION..	\$1,964,000	-	-	\$1,964,000 ²
PERCENT.....	100.0	-	-	100.0
SUPERIOR COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-
PROVINCIAL COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-

COURT OPERATIONS

OFFICE OF THE COMMISSIONER FOR FEDERAL JUDICIAL AFFAIRS, 80-81

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	26.0	-	-	26.0
PERCENT.....	100.0	-	-	100.0
GENERAL ADMINISTRATION..	26.0	-	-	26.0 ²
PERCENT.....	100.0	-	-	100.0
SUPERIOR COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-
PROVINCIAL COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-

COMMISSIONER FOR FEDERAL JUDICIAL AFFAIRS: COURT OPERATIONS 1981-82 - FOOTNOTES

Data in these tables were supplied by the Office of the Commissioner for Federal Judicial Affairs.

The Office of the Commissioner for Federal Judicial Affairs provides central administrative services for all federally appointed Judges of the Superior, County and District Courts of the Provinces and Territories and of the Federal Court of Canada. The expenses shown represent the total operating costs of the Office excluding, of course, the statutory items which are the judges' salaries and annuities as well as annuities to widows and children of judges.

- 1 Of the total expenditure, \$1,705,000 were for the operations of the Office, \$177,000 for operations of the Canadian Judicial Council, and \$82,000 for contributions to employee benefit plans.
- 2 Included in this amount are the publication costs for the Federal Court Reports, language training for judges, and gratuities paid to the widows of judges who die while in office.

COURT OPERATIONS

OFFICE OF THE COMMISSIONER FOR FEDERAL JUDICIAL AFFAIRS, 81-82

AREA OF EXPENDITURE	COST ¹			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$2,054,000	-	-	\$2,054,000
PERCENT.....	100.0	-	-	100.0
GENERAL ADMINISTRATION..	\$2,054,000	-	-	\$2,054,000 ²
PERCENT.....	100.0	-	-	100.0
SUPERIOR COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-
PROVINCIAL COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-

COURT OPERATIONS

OFFICE OF THE COMMISSIONER FOR FEDERAL JUDICIAL AFFAIRS, 81-82

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	26.0	-	-	26.0
PERCENT.....	100.0	-	-	100.0
GENERAL ADMINISTRATION..	26.0	-	-	26.0 ²
PERCENT.....	100.0	-	-	100.0
SUPERIOR COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-
PROVINCIAL COURTS.....	-	-	-	-
PERCENT.....	-	-	-	-



Federal Department of Justice

Summary Facts

DEPARTMENT OF JUSTICE
1981 - 82

CRIMINAL PROSECUTIONS
EXPENDITURES

Total	\$18,952,882
General Administration	5,178,665(27.3%)
Superior Courts	1,678,046(8.9%)
Provincial/Territorial Courts	12,096,181(63.8%)
Staff	287

CRIMINAL PROSECUTIONS

Federal Department of Justice

The Department of Justice has regional offices at Halifax, Montreal, Toronto, Winnipeg, Saskatoon, Edmonton, Vancouver and Yellowknife. A Crown Attorney's office is located in Whitehorse and there is an Ottawa office (Criminal Prosecutions Section) staffed with full-time prosecutors.

The Ottawa office is composed of the Headquarters Division, the Anti-Trust Division, the Ottawa Region Division and the Hull Region Division. To supplement regular staff, standing agents and ad hoc agents are employed to prosecute under particular statutes within a specified municipality or other territorial division and to prosecute specific cases. Personnel from the Ottawa office and other regional offices assist prosecutors in the Yukon Territory and the Northwest Territories.

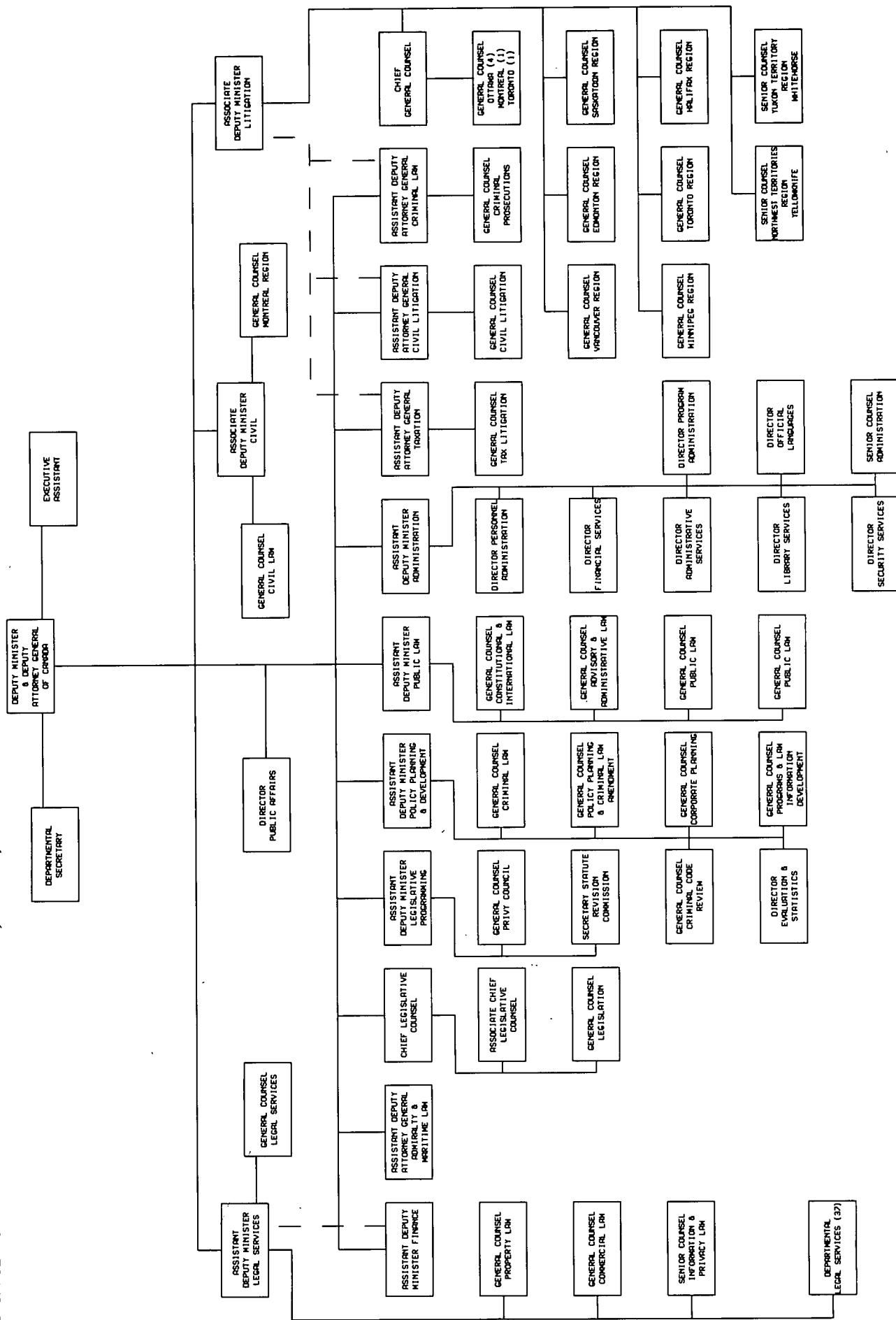
Directors of regional offices oversee federal criminal litigation and provide prosecutorial services within their respective geographic areas.

In provinces where Federal Department of Justice offices are located, the Crown is represented in indictable appeals by regular staff prosecutors; where there is no such office, the agent who appeared at trial will represent the Crown on appeal.

In appeals to the Supreme Court of Canada, a member of the Ottawa office staff or the member of the office who handled the appeal in the prior court will represent the Attorney General of Canada.

The Director of the Ottawa office, the Directors of the regional offices and the Crown Attorney in Whitehorse report to the Attorney General of Canada through the Deputy Attorney General, the Associate Deputy Minister (Litigation), and the Assistant Deputy Attorney General (Criminal Law).

ORGANIZATION CHART - DEPARTMENT OF JUSTICE, CANADA, 1982



Federal Department of Justice, Costs of Regional Offices and Headquarters, 1980-81 and 1981-82

	Lawyers	Administration articling students	Library ¹	Accommodation supplies ¹	Total
1980-81					
Halifax	157,359	17,160	2,394	23,432	200,345
Montreal	540,459	100,782	6,097	138,349	785,687
Toronto	1,125,315	306,466	11,264	196,912	1,639,957
Winnipeg	253,471	63,318	5,288	27,599	349,676
Saskatoon	196,655	25,852	3,657	27,387	253,551
Edmonton	323,608	85,796	9,864	102,763	522,031
Vancouver	956,560	205,684	10,902	180,367	1,353,513
Whitehorse ²	-	-	3,008	29,083	32,091
Yellowknife ²	-	-	7,044	73,915	80,959
Ottawa	241,625	48,707	27,060	330,590	647,982
1981-82					
Halifax	140,936	19,348	13,832	19,147	193,263
Montreal	673,193	122,288	11,206	168,901	975,588
Toronto	1,404,412	346,780	23,556	386,999	2,161,747
Winnipeg	200,296	71,186	6,152	39,683	317,317
Saskatoon	225,160	28,601	4,533	34,323	292,617
Edmonton	436,547	113,771	11,128	104,714	666,160
Vancouver	1,406,908	250,043	12,369	197,420	1,866,740
Whitehorse ²	-	-	4,502	43,298	47,800
Yellowknife ²	-	-	10,770	81,921	92,691
Ottawa	268,590	53,795	21,936	343,685	688,006

Data for this table were obtained from the Federal Department of Justice, Ottawa.

- ¹ Both criminal and civil lawyers are based in these offices. The costs for library, accommodation and supplies for the purposes of the criminal prosecution survey were obtained by multiplying the costs for these services in each of the offices by the ratio of criminal lawyer to all lawyers at the office.
- ² In the province, there are separate provincial and federal prosecutorial systems; in the territories there is only one. A survey was completed for the Yukon by the Department of Justice office there. A survey was completed for the Northwest Territories through coordination between the Territorial Government and the Department of Justice Office. These surveys were supplemented by these data received from Ottawa. For more information on criminal prosecutions in the Yukon and Northwest Territories, please refer to those chapters.

Federal Department of Justice, Total Fees (\$) Paid to Criminal Agents, 1980-81 and 1981-82

	1980-81		1981-82	
	Fees (\$)¹	Person years²	Fees (\$)¹	Person years³
Newfoundland	377,659	8	436,681	5
Prince Edward Island	50,499	1	75,138	1
Nova Scotia	227,789	5	352,334	4
New Brunswick	428,766	9	601,828	7
Quebec	2,518,272	51	1,606,369	20
Ontario	2,811,684	57	3,007,954	37
Manitoba	78,660	2	91,637	1
Saskatchewan	207,654	4	307,444	4
Alberta	889,986	18	1,182,358	14
British Columbia	1,524,673	31	1,952,201	24
Yukon and Northwest Territories	530	...	0	0
Total	9,116,172	186	9,613,944	117

¹ Fees include payments for disbursements.

² The average rate for agents in 1980-81 was approximately \$30.00 per hour. If an agent were to work 1,638 hours in a year, he would be paid \$49,140 per year. The person-year figure was estimated by dividing the total fees paid by \$49,140.

³ The average rate for agents in 1981-82 was approximately \$50.00 per hour. If an agent were to work 1,638 hours in a year, he would be paid \$81,900 per year. The person-year figure was estimated by dividing the total fees paid by \$81,900.

DEPARTMENT OF JUSTICE: CRIMINAL PROSECUTIONS 1980-81 - FOOTNOTES

- 1 Data in this table include data shown in the two charts in this chapter, with the exception of data for the Whitehorse and Yellowknife Offices which are shown in the Yukon and Northwest Territories criminal prosecution tables.
- 2 The equivalent of 7 lawyers worked full-time on a) Policy Planning and Development and b) Criminal Law Amendments, and 3 Criminologists/statisticians researched and evaluated the criminal justice area.

Costs were calculated assuming a person year cost of \$45,000 for lawyers and \$40,000 for statisticians.

Included also is an estimate of a) grants and contributions, and, b) contracted research in the criminal justice area directly attributed to research in support of policy. This estimate is based on a review of completed research. The number of person years spent on the management of these grants and contracts cannot be determined and hence is not reflected.

These estimates take no account of the fact that only a proportion of time and resources are spent on criminal prosecution policy and research.

CRIMINAL PROSECUTIONS¹

DEPARTMENT OF JUSTICE, 80-81

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$15,903,434	\$12,910,744	\$853,765	\$2,138,925
PERCENT.....	100.0	81.2	5.4	13.4
GENERAL ADMINISTRATION..	\$3,434,600	\$1,195,305	\$100,370	\$2,138,925 ²
PERCENT.....	21.6	7.5	0.6	13.4
SUPERIOR COURTS.....	\$1,306,678	\$1,025,876	\$280,802	-
PERCENT.....	8.2	6.5	1.8	-
PROVINCIAL COURTS.....	\$11,162,156	\$10,689,563	\$472,593	-
PERCENT.....	70.2	67.2	3.0	-

CRIMINAL PROSECUTIONS

DEPARTMENT OF JUSTICE, 80-81

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	332.0	262.5	59.5	10.0
PERCENT.....	100.0	79.1	17.9	3.0
GENERAL ADMINISTRATION..	23.5	6.5	7.0	10.0 ²
PERCENT.....	7.1	2.0	2.1	3.0
SUPERIOR COURTS.....	46.9	27.8	19.1	-
PERCENT.....	14.1	8.4	5.8	-
PROVINCIAL COURTS.....	261.5	228.1	33.3	-
PERCENT.....	78.8	68.7	10.0	-

DEPARTMENT OF JUSTICE: CRIMINAL PROSECUTIONS 1981-82 - FOOTNOTES

- ¹ Data in this table include data shown in the two charts in this chapter, with the exception of data for the Whitehorse and Yellowknife Offices which are shown in the Yukon and Northwest Territories criminal prosecution tables.
- ² The equivalent of 11.5 lawyers worked full-time on a) Policy Planning and Development, b) Criminal Law Amendments, and c) Criminal Code Review; and 4.5 Criminologists/statisticians researched and evaluated the criminal justice area.

Costs were calculated assuming a person year cost of \$50,000 for lawyers and \$45,000 for statisticians.

Included also is an estimate of a) grants and contributions, and, b) contracted research in the criminal justice area directly attributed to research in support of policy.

Part of the increase is attributable to the federal government initiative on victims. The number of person years spent on management of these grants and contracts cannot be determined and hence is not reflected.

These estimates take no account of the fact that only a proportion of time and resources are spent on criminal prosecution policy and research.

CRIMINAL PROSECUTIONS¹

DEPARTMENT OF JUSTICE, 81-82

AREA OF EXPENDITURE	COST			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	\$18,952,882	\$14,369,986	\$1,005,812	\$3,577,084
PERCENT.....	100.0	75.8	5.3	18.9
GENERAL ADMINISTRATION..	\$5,178,655	\$1,488,346	\$113,225	\$3,577,084
PERCENT.....	27.3	7.9	0.6	18.9
SUPERIOR COURTS.....	\$1,678,046	\$1,334,494	\$343,552	-
PERCENT.....	8.9	7.0	1.8	-
PROVINCIAL COURTS.....	\$12,096,181	\$11,547,146	\$549,035	-
PERCENT.....	63.8	60.9	2.9	-

CRIMINAL PROSECUTIONS

DEPARTMENT OF JUSTICE, 81-82

AREA OF EXPENDITURE	PERSON YEARS			
	TOTAL	DIRECT	INDIRECT	SUPPORT SERVICES
TOTAL.....	286.6	208.6	62.0	16.0
PERCENT.....	100.0	72.8	21.6	5.6
GENERAL ADMINISTRATION..	33.2	10.2	7.0	16.0 ²
PERCENT.....	11.6	3.6	2.4	5.6
SUPERIOR COURTS.....	53.7	33.1	20.6	-
PERCENT.....	18.8	11.5	7.2	-
PROVINCIAL COURTS.....	199.7	165.3	34.3	-
PERCENT.....	69.7	57.7	12.0	-

APPENDIX

Survey Questionnaire

INTRODUCTION: The Manpower, Resources & Costs of Court Operations

The origin of this survey lies in the recognition, by the Deputy Ministers responsible for justice-related matters throughout Canada, that there is an urgent requirement for national information on the operation of all types of courts. Their mandate to the Centre expressed the hope that: "...administrators, by identifying differences between themselves and other provinces and territories and considering the contextual reasons for these differences, would be capable of (a) putting the figures obtained from their own jurisdictions into perspective and (b) becoming sensitized to opportunities for greater cost efficiency within their own jurisdictions by becoming aware of differing opportunities and procedures used in other jurisdictions."

The survey form is the result of discussions with representatives of every jurisdiction in Canada. Given the difference in the size and resources of court operations across the country, this form had to be a compromise; however, there is general agreement that it can be completed to a greater or lesser extent by everyone and, more importantly, that the results will be of practical value.

The information is designed to give a picture of the "cost of doing business". The extent and the accuracy of the information will, to some extent, be dependent upon the time and data available to each respondent. It may be that more than one or two annual exercises will be needed before the process is refined to everyone's complete satisfaction. The Centre recognizes that discussions and written definitions will probably need to be supplemented in order for the survey form to be completed. Any requests for assistance will be given every consideration so that this first co-operative venture will succeed.

The objective is to total the person years, and the dollars (i.e. the salaries, benefits, and travel costs) allocated to each function ("Judicial, "Quasi-judicial", "Reporting", etc.) according to the area ("Central Administration", "Appellate Court/Division", etc.)

SURVEY GUIDELINES

THE MANPOWER, RESOURCES AND COSTS OF COURT OPERATIONS SURVEY

1. THE GLOSSARY OF TERMS

The glossary gives definitions and/or examples of the types of information to be recorded in each column and row of the survey form. It is intended to help clarify the meaning of the terms used on the form.

2. COMPLETING THE SURVEY FORM

- (a) Three completed copies of the survey form should be returned to the Centre. The additional forms supplied are for your own use.
- (b) The three completed forms should contain:
 - (i) One form recording the total number of person years and the corresponding dollar value for the fiscal year 1980-81.
 - (ii) A second form recording the total number of person years and the corresponding dollar value for the fiscal year 1981-82.
 - (iii) A third form recording the allocation of personnel that you have used in completing the other two forms. You need only indicate those areas where, for one reason or another, you have not been able to follow the examples in the Glossary.
- (c) The appropriate fiscal year (where applicable) and your jurisdiction (province or territory) should be entered on each form. When completed, also please indicate the name and telephone number of the person whom we should contact if we need any further clarification.

3. THE THREE COMPLETED FORMS - DETAILS

A. Fiscal year 1980-81

Where recording information on this form, each box should contain two pieces of information:

- 1. the total number of person years for that particular category.
- 2. the corresponding dollar value i.e. salaries, benefits, travel costs (rounded to the nearest dollar).

NOTE:

As an example of allocating personnel by function, some court reporters may also function as court clerks in certain situations. We should try to capture this difference by dividing those person years into "court reporting" and "case processing".

B. Fiscal year 1981-82

The instructions are the same as for fiscal year 1980-81, above.

C. Allocation of personnel

This form should be used to indicate the types of personnel different from the Glossary that you have included in the various categories on the other two forms. This information will be essential in order to ensure that the data from all jurisdictions is indeed comparable. Different financial control systems may make it impossible to compare certain elements. There may also be some differences between fiscal years within the same jurisdiction. It is particularly important that you record those entries which do not seem to fit into the categories as outlined in the Glossary of Terms.

GLOSSARY OF TERMS - COURT OPERATIONS FORM

A. The "FUNCTIONS" Headings

1. "JUDICIAL, QUASI-JUDICIAL"

This not only includes judges (Chief Judges, Associate Chief Judges, deputy and supernumerary judges as well as Magistrates) but also others who exercise a more limited form of judicial discretion, e.g. Justices of the Peace, Hearing and Taxing Officers. In these latter cases it is probable that these duties will be exercised in conjunction with other responsibilities such as court administration; in these cases an appropriate allocation between the various categories should be attempted.

2. "REPORTING"

This includes shorthand, steno-type, steno-mask, and tape-assisted methods by government employees, contract, or a combination. Where one person acts as a court clerk and reporter this should be allocated between "Reporting" and "Case Processing".

3. "SERVICE OF DOCUMENTS"

The service and execution of case documents, e.g. summonses, writs, etc. This category attempts to cover the community's, rather than the parties', costs; examples are fee-for-service and/or salaried (or a combination) personnel (bailiffs, sheriffs, etc.), service by private agencies under contract, or service by police officers or by-law enforcement officers. Where, for example, a sheriff (or other similarly titled person) performs other duties as well as the service of documents, e.g. security, this will call for an appropriate allocation between the categories concerned.

4. "ADMINISTRATION"

Examples include Court Administrators and their Deputies, Clerks of the Court, supervisors, and those other "court house" personnel who are not included in the following two categories (i.e. "Security" and "Case Processing").

5. "SECURITY"

Commissionaires, court orderlies, agency security staff, sheriffs or deputy sheriffs, special constables, and police officers who are available to prevent or control disturbances, escort and supervise prisoners and/or juries, and who generally seek to preserve the dignity of court proceedings.

Once again, where these duties are provided by, say, a municipal police department on a regular basis but there is no recouping or "chargeback" of the costs to the justice agency responsible for courts, this will require an estimate.

6. "CASE PROCESSING"

Those court staff responsible for the receipt, docketing, scheduling, and general management of cases (and their items of evidence) in the office(s) of the courthouse and in the courtroom.

7. "POLICY, PLANNING, MANAGEMENT"

Includes the proportion of time allocated by senior personnel (Deputy Ministers, Assistant Deputy Ministers are examples) to the area of criminal prosecutions as well as by such persons as researchers, librarians, legal draftsmen, etc. Directors of Court Administration (and other with similar titles) would probably have much, if not all, of their time allocated to this category as would their staff.

8. "STAFFING, TRAINING"

A centralized personnel administration system where a proportion of the time is spent on matters related to criminal staff is one example. Also significant time spent on professional development (e.g. the A.C.C.A. Conference by the participants, the administrators, and the speakers - where these are drawn from your jurisdiction - should be noted here.)

9. "ACCOMMODATION, SUPPLIES"

Even where buildings and offices are provided, maintained, and supplied by other government bodies, the costs should be included here. Forms, for example, whether provided by the Queen's Printer and/or an outside contractor should also be added.

10. "FINANCIAL"

Payroll, budget, audit-related duties.

11. "OTHER"

We recognize the possibility of the unusual that represents time and money. An example might be the employment of a computer programmer for, say, six months to implement a system developed by full-time management.

B. The "AREA" Column

1. "CENTRAL ADMINISTRATION"

The principal "headquarters" where the "staff", rather than the "line" or operational, functions are performed. (This may require a division of a person's time in a small jurisdiction, for example).

2. "REGIONAL ADMINISTRATION"

To capture instances where, for reasons of organization and/or geography, an additional level of management has been created.

3. "APPELLATE COURT/DIVISION"

The superior (s.96) court or division concerned only with appeals, i.e. distinguished here from the superior courts/division where trials form the major portion of the caseload.

4. "SUPERIOR COURTS"

All courts with judiciary appointed under Federal Legislation, other than those limited solely to the hearing of appeals. This will include both trials and appeals from the lower courts.

5. "PROVINCIAL COURTS"

All courts where the judicial officer (Judge, Magistrate, Justice of the Peace) has been appointed under provincial/territorial legislation. This will include Traffic Safety Courts, Provincial Offences Courts, and Justice of the Peace Courts hearing provincial/territorial matters.

6. "OTHER COURTS"

Municipal Courts and Justice of the Peace Courts hearing municipal matters.

NOTE: 4-5-6

Where the court categories (civil, criminal, family, juvenile) correspond to existing court divisions, each should be represented accordingly. An estimate should, ideally, be attempted where figures for these divisions are not directly available. Otherwise, one set of figures (person years and dollars) should be noted for the court level as a whole.

SURVEY GUIDELINES

THE MANPOWER, RESOURCES AND COSTS OF CRIMINAL PROSECUTIONS SURVEY

1. THE GLOSSARY OF TERMS

The glossary gives definitions and/or examples of the types of information to be recorded in each column and row of the survey form. It is intended to help clarify the meaning of the terms used on the form.

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- (a) Three completed copies of the survey form should be returned to the Centre. The additional forms supplied are for your own use.
- (b) The three completed forms should contain:
 - (i) One form recording the total number of person years and the corresponding dollar value for the fiscal year 1980-81.
 - (ii) A second form recording the total number of person years and the corresponding dollar value for the fiscal year 1981-82.
 - (iii) A third form recording the allocation of personnel that you have used in completing the other two forms. You need only indicate those areas where for one reason or another, you have not been able to follow the examples in the Glossary.
- (c) The appropriate fiscal year (where applicable) and your jurisdiction (province or territory) should be entered on each form. When completed, also please indicate the name and telephone number of the person whom we should contact if we need any further clarification.

3. THE THREE COMPLETED FORMS - DETAILS

A. Fiscal year 1980-81

Where recording information on this form, each box should contain two pieces of information:

1. The total number of person years in that particular category.
2. the corresponding dollar value, i.e. salaries, benefits, travel costs, (rounded to the nearest dollar).

Please indicate the person years first and then the dollar value. Separate the two numbers with an oblique:

23.4/115,126 (person years)/(dollars)

NOTE:

As an example of allocating personnel by function, some directors or deputy directors might spend 75% of their time on ("policy, planning, management") and the other 25% on the conduct of criminal appeals ("lawyers full-time"- "appellate court/division"). We should try to capture this difference by dividing those person years in to the appropriate places on the form.

B. Fiscal year 1981-82

The instructions are the same as for fiscal year 1980-81, above.

C. Allocation of personnel

This form should be used to indicate the types of personnel different from the Glossary, that you have included in the various categories on the other two forms. This information will be essential in order to ensure that the data from all jurisdictions is indeed comparable. Different financial control systems may make it impossible to compare certain elements. There may also be some differences between fiscal years within the same jurisdiction. It is particularly important that you record those entries which do not seem to fit into the categories as outlined in the Glossary of Terms.

GLOSSARY OF TERMS - CRIMINAL PROSECUTIONS FORM

A. The "FUNCTION" Headings

1. "LAWYERS" - Full-Time"

Includes Crown Prosecutors, Crown Attorneys (both Senior and Assistant), and all legally qualified persons whose duties involve the prosecution of cases which are criminal per se and/or have sanction established by criminal law. Senior counsel or Directors of Crown Attorneys are examples of "Headquarters" who might have a portion of their time allocated to this category if, say, they act on appeal cases. Where a "central pool" of prosecutors exists these persons would be entered under this category, probably against "Central Administration".

2. "LAWYERS - Part-Time"

Legally qualified persons who prosecute on an ad hoc or irregular basis. Examples include members of the local Bar retained by the Federal Department of Justice or by the provincial Minister to act as an agent.

3. "NON-LAWYERS - Full-Time"

Examples include Provincial Prosecutors in Ontario, and (a) police officer(s) whose principal duty (duties) is (are) the prosecution of criminal matters.

4. "NON-LAWYERS - Part-Time"

Similar to 3. above but where, for example, a police officer prosecutes only "guilty" pleas, or only one day a week, say, municipal by-law offences.

5. "ADMINISTRATION"

Secretarial, typing, filing, and other assistance to prosecutors in a particular locality (rather than those similar persons located at headquarters).

6. "OTHER"

Examples - articling law students, or para-legals.

7. "POLICY, PLANNING, MANAGEMENT"

Includes the proportion of time allocated by senior personnel (Deputy Ministers, Assistant Deputy Ministers are examples) to the area of criminal prosecutions as well as by such persons as researchers, librarians, legal draftsmen, etc. Directors of Public Prosecutions (and other with similar titles) would probably have much, if not all, of their time allocated to this category as would their staff.

B. "The "AREA" Column

1. "CENTRAL ADMINISTRATION"

The principal "headquarters" where the "staff" rather than the "line" or operational, functions are performed. (This may require a division of a person's time in a small jurisdiction, for example).

2. "REGIONAL ADMINISTRATION"

To capture instances where for reasons of organizations and/or geography and additional level of management has been created.

3. "APPELLATE COURT/DIVISION"

The superior (s.96) court or division concerned only with appeals, i.e. distinguished here from the superior courts/divisions where trials form the major portion of the caseload.

4. "SUPERIOR COURTS"

All courts with judiciary appointed under Federal Legislation, other than those limited solely to the hearing of appeals. This will include both trials and appeals from the lower courts.

5. "PROVINCIAL COURTS"

All courts where the judicial officer (Judge, Magistrate, Justice of the Peace) has been appointed under provincial/territorial legislation. This will include Traffic Safety Courts, Provincial Offences Courts, and Justice of the Peace Courts hearing provincial/territorial matters.

6. "OTHER COURTS"

Municipal Courts and Justice of the Peace Courts hearing municipal matters.

NOTE: 4-5-6

Where the court categories (criminal, family, juvenile) correspond to existing court divisions, each should be represented accordingly. An estimate should, ideally, be attempted where figures for these divisions are not directly available. Otherwise, one set of figures (person years & dollars) should be noted for the court level as a whole.

7. "TOTAL"

Completing this row is optional.

8. "STAFFING, TRAINING"

A centralised personnel administration system where a proportion of the time is spent on matters related to criminal staff is one example. Also significant time spent on professional development (e.g. the seminar in Banff) by the participants, the administrators, and the speakers (where these are drawn from your jurisdiction) should be noted here.

9. "ACCOMMODATION, SUPPLIES"

Even where buildings and offices are provided, maintained, and supplied by other government bodies, the costs should be included here.

Forms, for example, whether provided by the Queen's Printer, and outside contractor, or both should also be added.

10. "FINANCIAL"

Payroll, budget, audit-related duties.

11. "OTHER"

We recognize the possibility of the unusual that represents time and money. An example might be the employment of a computer programmer for, say, six months to implement a system developed by full time management.

CANADIAN CENTER FOR JUSTICE STATISTICS

JURISDICTION:

FISCAL YEAR:

[illegible]

CRIMINAL PROSECUTIONS FORM

NAME OF PERSON COMPLETING THIS FORM:

TELEPHONE NO.:

[illegible]

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DATE DUE[illegible]

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