



# Department of Justice Canada

2019-20

## **Departmental Results Report**

The Honourable David Lametti, P.C., Q.C., M.P.  
Minister of Justice and Attorney General of Canada

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ISSN 2560-9440  
Cat. No. J1-21E-PDF

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## Minister's Message

I am pleased to present the Department of Justice Canada's 2019-20 Departmental Results Report for the reporting period of April 1, 2019, to March 31, 2020.

This report provides detailed information on the Department's achievements in providing high quality advisory, legislative, programming, and litigation services in support of the Government of Canada's priorities.



A significant part of our work in this reporting period focused on Indigenous rights and access to justice. As part of the Government's commitment to advancing reconciliation with Indigenous peoples through a renewed, nation-to-nation, government-to-government, and Inuit-Crown relationship, the Department of Justice Canada continued to provide support for the implementation of the United Nations Declaration on the Rights of Indigenous Peoples, as well as the Truth and Reconciliation Committee's Calls to Action in regard to the administration of justice.

With the Department's legal advice and support, Crown-Indigenous Relations and Northern Affairs Canada negotiated and signed self-government agreements on core governance matters with the Métis Nation of Alberta, Métis Nation of Saskatchewan, and Métis Nation of Ontario – a milestone in Canada's effort to begin the reconciliatory process with Métis peoples. Furthermore, the Department extended funding to the family information liaison units that provide specialized services to families of missing and murdered Indigenous women and girls.

To foster discussion and exchanges on Indigenous laws and legal traditions in order to advance reconciliation and ensure that Indigenous perspectives are reflected in the Canadian justice system, the Department hosted a symposium on Indigenous justice systems and brought together Indigenous leaders and law students, other experts in the field, and government officials from across Canada and beyond.

Another substantial part of the Department's work over the year was devoted to the goal of transforming the criminal justice system and fostering public safety and security. This included working with provincial and territorial partners to develop and implement legislation to strengthen, transform and modernize the criminal justice system by reducing court delays and by addressing many issues that have disproportionate impacts on overrepresented and vulnerable populations in the system, while maintaining the safety of victims and the public.

The modernization of Canada's family justice system to make it more accessible, efficient, and responsive to Canadian families' needs is of critical importance. The Department was instrumental in bringing changes to federal family law, the first substantive update in 20 years. The updated *Divorce Act* will promote children's best interests, encourage out-of-court methods of dispute resolution, address family violence, reduce child poverty, and make Canada's family justice system more accessible, efficient and affordable for all.

To help provide equal access to justice, as well as to support and protect the most vulnerable, the Department provided funding to support a number of the Government's initiatives. These included addressing sexual harassment in the workplace; providing support for children, youth victims, and witnesses of abuse and violence; and improving access to justice for women and children and members of minority communities.

The Department introduced legislation to change the *Criminal Code* provisions on medical assistance in dying in order to support greater autonomy and freedom of choice for eligible persons and provide safeguards to ensure the continued protection of vulnerable individuals and the equality rights of all Canadians. The Department worked towards criminalizing aspects of conversion therapy to protect the dignity and equality rights of lesbian, gay, bisexual, transgender, queer and two-spirit (LGBTQ2) persons. The Department also tabled legislation so that judges would have the necessary training to understand the complex nature of sexual assault and the myths that too often surround them, which is integral to building public confidence and sexual assault survivors' confidence in the criminal justice system.

The Department also continued to advance approaches to litigation strategies that promote resolving cases out of court and are consistent with the *Canadian Charter of Rights and Freedoms*, the Attorney General's Directive on Civil Litigation involving Indigenous Peoples, and related legal principles and guidelines.

The Department played a crucial part in the Government's response from the pandemic's earliest stages by providing essential legal analysis and advice to the Public Health Agency of Canada, Health Canada, Finance Canada, and a wide range of other federal departments and agencies. We drafted key regulations and legislation within exceptionally tight time frames – notably the *COVID-19 Emergency Response Act*, which guaranteed the rapid implementation and administration of measures to protect Canadians' health and safety and stabilize the Canadian economy.

Our work is not done. We will continue to develop, advance, and support legislation aimed at helping Canadians and their communities by upholding the rule of law and better protecting Indigenous and individual rights and vulnerable populations.

I would like to thank all Department of Justice Canada employees for the outstanding quality of their work and their profound commitment to serving the public, especially during these unprecedented times. Their efforts to support the Government of Canada and make the justice system more efficient, fair, and accessible continue to benefit Canadians across the country.

The Honourable David Lametti, P.C., Q.C., M.P.  
Minister of Justice and Attorney General of Canada

## Results at a Glance and Operating Context

### ► What funds were used?

\$812,721,034 actual spending

### ► Who was involved?

4,570 full-time equivalents (FTEs)

### ► Results Highlights

The following provides an overview of the Department's key achievements, in terms of five areas of focus, as articulated in the [2019-20 Departmental Plan](#)<sup>i</sup>:

#### Legal Services and Litigation Strategy

The Department supported the implementation of many Government of Canada priorities through the delivery of high quality, integrated legal services – specifically, advisory, litigation, and legislative services.

Key achievements:

- Continued to advance approaches to litigation strategies that promote settlement and opportunities to narrow or avoid litigation and are consistent with related legal principles, directives and guidelines.
- Assisted Health Canada and the Public Health Agency of Canada with the implementation of the [Cannabis Act](#)<sup>ii</sup>, including the drafting of regulations regarding edible and concentrate products containing cannabis intended for consumption.
- Provided advice to Immigration, Refugees and Citizenship Canada and the Canada Border Services Agency in relation to the Canadian asylum system.
- Provided whole-of-government legal advice for the design and implementation of a regime for carbon pricing and reducing greenhouse gas emissions and provided high quality litigation services for the defence of this regime before the courts.
- Supported the Government's early response to the COVID-19 pandemic by providing legal advice to federal departments and drafting regulations and bills.

#### Fostering Safety and Security and Transforming the Criminal Justice System

The Department worked to ensure safety and security for Canadians while transforming the criminal justice system.

Key achievements:

- Led the development and supported the introduction of [Bill C-7](#)<sup>iii</sup>, *An Act to amend the Criminal Code (medical assistance in dying)*, to respond to the ruling by the Quebec Superior Court in [Truchon v. Attorney General of Canada](#)<sup>iv</sup> regarding the medical assistance in dying regime.
- Supported the legislative progression and subsequent implementation of former [Bill C-75](#)<sup>v</sup>, *An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to*

*make consequential amendments to other Acts.* These amendments are intended to strengthen, transform, and modernize the criminal justice system by reducing court delays and by addressing many issues that have disproportionate impacts on overrepresented and vulnerable populations in the system, while maintaining the safety of victims and the public.

- Provided significant legal advisory, legislative and strategic advice to Transport Canada on a number of initiatives aimed at strengthening the safety and security of transportation by rail, including that of dangerous goods.

## **Advancing Reconciliation**

The Department supported the Government's priority and commitment to advancing reconciliation with Indigenous peoples through a renewed, nation-to-nation, government-to-government, and Inuit-Crown relationship based on recognition of rights, respect, cooperation, and partnership as the foundation for transformative change.

Key achievements:

- Continued to support the Government in its commitment to implement the [United Nations Declaration on the Rights of Indigenous Peoples](#)<sup>vi</sup>.
- Advanced the implementation of the [Truth and Reconciliation Commission's Calls to Action](#)<sup>vii</sup>, including those related to the mandate of the Department in the areas of administration of justice and supporting Indigenous legal traditions.
- Supported the conclusion of negotiations and the signing of [self-government agreements](#)<sup>viii</sup> on core governance matters with the Métis Nation of Alberta, Métis Nation of Saskatchewan, and Métis Nation of Ontario. This accomplishment is unprecedented in Canadian history and represents a milestone in Canada's efforts to begin the reconciliatory process with Métis peoples.
- Contributed to the development and implementation of [An Act respecting First Nations, Inuit and Métis children, youth and families](#)<sup>ix</sup>. This legislation establishes national standards for the delivery of child and family services and affirms the rights and jurisdiction of Indigenous peoples in relation to child and family services.

## **Strengthening Human Rights, Governance and the Rule of Law**

The Department continued to make progress on the Government's commitment to uphold the [Constitution](#)<sup>x</sup> and the rule of law and assisted the Government in advancing related domestic and international legal and policy interests through the development of public law policy.

Key achievements:

- Supported the passage of [Bill C-78](#)<sup>xi</sup>, *An Act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act and the Garnishment, Attachment and Pension Diversion Act and to make consequential amendments to another Act*, to modernize Canada's family justice system and make it more accessible, efficient, and responsive to Canadian families' needs.
- Supported the conclusion of negotiations and the domestic implementation of the [Canada-United States-Mexico Agreement](#)<sup>xii</sup>, which replaced the North American Free Trade Agreement.



- Fully implemented the new section 4.2 of the *Department of Justice Act*<sup>xiii</sup>, which requires the Minister of Justice to table Charter Statements on the potential effects of all government bills on Canadians' rights and freedoms under the Charter.
- Supported the implementation of the recommendations put forward by the Honourable Anne McLellan in her *Review of the Roles and Structure of the Minister of Justice and Attorney General of Canada*<sup>xiv</sup>. This included the development of a new oath of office for the Minister of Justice and Attorney General of Canada which refers specifically to the Attorney General's unique role in upholding the rule of law, giving independent legal advice, and making decisions about prosecutions independently.

### **Enabling Legal and Business Excellence**

Lastly, the Department enabled legal and business excellence with a strategic focus on the Department's workforce, innovation, and collaboration, as well as open, transparent and accountable operations.

Key achievements:

- Promoted digital approaches and strategies for information sharing and collaboration, including communicating across multiple platforms to engage Canadians in conversations about key Department of Justice Canada priorities.
- Worked at minimizing the impact of pay transformation implementation on Department of Justice Canada employees.

For more information on the Department of Justice Canada's plans, priorities and results achieved, see the "[Results: What We Achieved](#)" section of this report.



## Results: What We Achieved

### Core Responsibilities

#### Legal Services

##### Description

The Minister of Justice and Attorney General of Canada provides legal services to the federal government and its departments and agencies. The Minister is responsible for seeing that the administration of public affairs is in accordance with the law. The Minister is also responsible for examining all government bills and regulations for consistency with the *Canadian Charter of Rights and Freedoms*<sup>xv</sup>. Additionally, the Attorney General is responsible for advising the heads of departments on all matters of law and for conducting all litigation for federal departments and agencies on subjects within the authority or jurisdiction of Canada.

##### Results

Legal work is increasingly complex and crosscutting and the practice of law is dynamic. Moreover, demands for legal services may evolve, depending on the specific priorities of client departments and the various risks they face with respect to implementing priorities.

Cultivating and maintaining productive relationships with clients, partners, and stakeholders ensures that the Department is able to achieve its expected results. As legal practices and client priorities evolve, there is a risk that the Department's ability to ensure the delivery of effective and fiscally sustainable legal services could be impacted in certain areas, including specialized services. To mitigate this risk, the Department continued to focus on collaboration and joint planning with client departments to meet government and client priorities. In some cases, resources were adjusted to support client departments with higher volumes of litigation files. Moreover, as the COVID-19 pandemic emerged, the Department quickly redeployed resources to meet fast-changing priorities and urgent demands for legal advice in areas such as public safety and security.

#### Gender-Based Analysis Plus

The guiding principles of *Gender-Based Analysis Plus*<sup>xvi</sup> (GBA+) were broadly applied in the Department's work, including the provision of legal services to other client departments and advice to Cabinet.

More specifically, the importance of a GBA+ lens was recognized early on in the process of developing legislation to implement the *United Nations*

##### What is GBA+?

GBA+ is an analytical process used to assess the potential impacts of policies, programs, services and other initiatives on diverse groups of women, men and people with other gender identities. The "plus" acknowledges that GBA+ goes beyond biological (sex) and socio-cultural (gender) differences. We all have multiple identity factors that intersect to make us who we are; GBA+ also considers other identity factors, like ethnicity, religion, age, and mental or physical disability.

[Declaration on the Rights of Indigenous Peoples<sup>xvii</sup>](#) (UN Declaration) in Canada. A GBA+ analysis recognized the need to ensure that those representing a variety of lived experiences could participate in the engagement process, as the implementation of the UN Declaration may have different impacts on women, men and gender-diverse people. Accordingly, the engagement plan was developed with the goal of reaching as many groups as possible, using a variety of forums and media. Both the communications plan and broader engagement plan emphasized the inclusion of diverse groups, such as organizations representing Indigenous women.

## Experimentation

In collaboration with the Canada School of Public Service, the Community of Federal Regulators, and regulatory departments, the Department of Justice Canada participated in the development of an experimental artificial intelligence application by providing legislative expertise. The application is used to identify documents incorporated by reference in federal regulations. Further development of the application will serve to benefit regulators who are responsible for monitoring and ensuring the ongoing accessibility of documents incorporated by reference.

### 1. Departmental Result: High Quality Legal Services

The Department provided high quality legal advisory, legal policy, litigation, and legislative services to advance priorities related to economic, international, social, and governmental affairs, which included the Government of Canada's commitment to working towards reconciliation with Indigenous peoples.

The following identifies specific highlights of the Department's provision of legal services by categories as presented in the [2019-20 Departmental Plan<sup>xviii</sup>](#).

#### 1.1 Litigation Strategies and Government Affairs (Iylao)

The Department continued to advance approaches to litigation strategies that promote settlement and opportunities to narrow or avoid litigation, and are consistent with the [Principles guiding the Attorney General of Canada in Charter litigation<sup>xix</sup>](#), the [Principles Respecting the Government of Canada's Relationship with Indigenous Peoples<sup>xx</sup>](#), the [Attorney General of Canada's Directive on Civil Litigation Involving Indigenous Peoples<sup>xxi</sup>](#), and the UN Declaration.

The Department also provided advisory and litigation expertise with respect to a number of high-profile court cases, including the Trans Mountain Pipeline Expansion project.

In the area of government affairs, the Department provided legal services to support the Treasury Board Secretariat in the drafting and implementation of [Bill C-58<sup>xxii</sup>](#), *An Act to amend the Access to Information Act and the Privacy Act and to make consequential amendments to other Acts*, which received Royal Assent in June 2019.

The Department supported the implementation of the new Intellectual Property Strategy and reform of the Copyright Board to improve Canada's ability to commercialize and gain full value

from Canadian innovations. In doing so, the Department provided advisory and legislative services on regulations to implement the *College of Patent Agents and Trademark Agents Act*<sup>xxiii</sup>, on amendments to the *Trademarks Act*<sup>xxiv</sup>, on amendments to the *Patent Act*<sup>xxv</sup> and its regulations, and on the *Regulations Establishing Time Limits in Relation to Matters Before the Copyright Board*<sup>xxvi</sup>.

In order to promote consistency across government and proactively provide information resources, training and legal advice to client departments and agencies, the Department conducted monitoring and assessment of developing issues and trends in labour and employment law. These included matters such as harassment and violence in the workplace, mental health, reliability status, key case law of administrative tribunals, and legislative developments.

In addition, the Department supported the implementation of the recommendations put forward by the Honourable Anne McLellan in her recent *Review of the Roles and Structure of the Minister of Justice and Attorney General of Canada*<sup>xxvii</sup>.

The Department also established the Privy Council Office Legal Services Sector (PCOLSS) to better support the Counsel to the Clerk of the Privy Council. The Counsel is responsible for providing legal advice and litigation support to the Clerk and Deputy Clerk of the Privy Council Office (PCO), the PCO portfolio ministers, and the Prime Minister's Office. The PCOLSS supports the newly established Office of the Deputy Prime Minister as well, by providing advice on matters related to the Deputy Prime Minister's mandate on intergovernmental affairs.

The Department launched the National Class Proceedings Management Framework to take a whole-of-government perspective to managing class proceedings brought against the federal government. The Framework is composed of two principal committees to provide oversight and high-level guidance to ensure consistency in the provision of legal advice, litigation strategy, and the development of policy direction as it relates to class proceedings.

## 1.2 Advancing Reconciliation

To advance reconciliation through a renewed nation-to-nation, government-to-government, and Inuit-Crown relationship, based on recognition of rights, respect, cooperation and partnerships, the Department provided legal services to support:

- Canadian Heritage in the passage of *Bill C-91*<sup>xxviii</sup>, *An Act respecting Indigenous languages*, which supports the preservation, promotion and revitalization of Indigenous languages.
- Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) in the development of the *Recognition and Reconciliation of Rights Policy for treaty negotiations in British Columbia*<sup>xxix</sup>, which was adopted by all three parties<sup>1</sup>. The new policy provides the framework for the recognition and implementation of title and self-determination for participating Indigenous communities.

<sup>1</sup> The three parties to this policy are the Government of Canada, the Government of British Columbia (BC), and the Participating Indigenous Nations in BC.

- CIRNAC in the negotiation of modern treaties and [self-government agreements](#)<sup>xxx</sup> in British Columbia, and the negotiation of self-government agreements with the Métis Nation of Alberta, Métis Nation of Saskatchewan, and Métis Nation of Ontario.
- Indigenous Services Canada in the development and implementation of [An Act respecting First Nations, Inuit and Métis children, youth and families](#)<sup>xxxi</sup>. This historic and transformational legislation affirms the rights and jurisdiction of Indigenous peoples in relation to child and family services, and establishes national standards on the delivery of these services.
- The drafting and signing of the [Nunavut Lands and Resources Devolution Agreement in Principle](#)<sup>xxxii</sup>, which confirms the commitment of the parties to enter into negotiations for the conclusion of the final devolution agreement to provide the Government of Nunavut with responsibility and jurisdiction over the management of public lands and rights in respect of waters.
- [Canada's Arctic and Northern Policy Framework](#)<sup>xxxiii</sup>, released in September 2019. The Framework was co-developed with provincial and territorial governments, Indigenous governments and organizations, and northerners.
- CIRNAC in the ongoing development of a reconciliation-based approach to resolving Specific Claims. Legal advice and support was provided on the assessment of 50 Specific Claims submitted to the Minister of Crown-Indigenous Relations, and in the negotiation of 56 settlement agreements with First Nations.
- Initiatives for the economic development of Indigenous peoples, including:
  - the development of distinctions-based frameworks to support infrastructure and housing in Indigenous communities and
  - the development of a common approach to fiscal financing agreement amendments for the implementation of commitments made by Canada to the 25 self-governing Indigenous governments.
- The legal and policy assessments of proposed new non-derogation clause (NDC) language for new legislation. This resulted in the adoption of updated NDC language in [Bill C-91](#)<sup>xxxiv</sup>, *An Act respecting Indigenous languages*, and [Bill C-92](#)<sup>xxxv</sup>, *An Act respecting First Nations, Inuit and Métis children, youth and families*, in response to longstanding Indigenous requests.
- The completion of an [agreement](#)<sup>xxxvi</sup> between the Government of Canada and Treaty One First Nations, resolving a long-standing dispute over the disposition of the decommissioned Kapyong military base in Winnipeg. This agreement is an important milestone in the path to reconciliation, as it provides an important precedent for treaty-level agreements and represents a significant step in the direction of true nation-to-nation relations.

### 1.3 Social Affairs

In the area of social affairs, the Department provided legal services to support:

- Public Safety and Emergency Preparedness and other departments and agencies in regard to the implementation of [Bill C-59](#)<sup>xxxvii</sup>, *An Act respecting national security matters*. This Act ushered in a new era of external review of national security activities and legislated the Government's priority to avoid complicity in mistreatment by foreign entities.

- Public Safety and Emergency Preparedness and Correctional Services Canada on the development, passage and implementation of [Bill C-83<sup>xxxviii</sup>](#), *An Act to amend the Corrections and Conditional Release Act and another Act*, which was introduced, in part, to respond to court decisions on administrative segregation<sup>2</sup>. The Department provided legal advice on the creation of structured intervention units and a process for reviewing the decision to confine an inmate in federal penitentiaries.
- Environment and Climate Change Canada in the:
  - Implementation of the [Greenhouse Gas Pollution Pricing Act<sup>xxxix</sup>](#) and the defence of four constitutional challenges to the Act.
  - Continued development, drafting, and implementation of the federal [Output-Based Pricing System Regulations<sup>xl</sup>](#) (OBPSR), which have created a regulatory trading system for industrial emitters. The Department also provided guidance and support on entering into agreements with provinces to recognize provincial offsets under the OBPSR.
  - Negotiation of federal-provincial agreements for the reduction of methane. To date, [equivalency agreements<sup>xli</sup>](#) have been reached with British Columbia, Saskatchewan, Nova Scotia and [Alberta<sup>xlii</sup>](#).
  - Development of various grants and contributions agreements for programs, including the [Low Carbon Economy Fund<sup>xliii</sup>](#), the [Ontario Energy Savings Rebate<sup>xliv</sup>](#), the [Climate Action Fund<sup>xlv</sup>](#), and the [Climate Action Incentive Fund<sup>xlvi</sup>](#).
- The Canadian Food Inspection Agency (CFIA) on the implementation of the [Safe Food for Canadians Act<sup>xlvii</sup>](#) and the [Safe Food for Canadians Regulations<sup>xlviii</sup>](#), which included matters relating to food safety, compliance and enforcement measures, the application of suspension and cancellation of license. Training was also developed, along with communications materials and technical information for CFIA stakeholders.
- Transport Canada on a number of initiatives aimed at strengthening the safety and security of transportation by rail, including that of dangerous goods, notably:
  - The response of Canada to the rail accidents in Field, British Columbia, in 2019 and Guernsey, Saskatchewan, in 2020. Significant measures have been taken to require the railway industry to address ongoing safety concerns, including with respect to the movement of trains carrying dangerous goods.
  - The government response to the railway blockades, where strategic and litigation advice were provided to address the associated safety concerns.
- Health Canada and Public Health Agency of Canada regarding the development and implementation of the [Cannabis Act<sup>xlix</sup>](#), including the drafting of regulations regarding edible and concentrate products containing cannabis intended for consumption.
- The federal government's participation in the [Commission of Inquiry into Money Laundering in British Columbia \(Cullen Commission\)<sup>l</sup>](#), which will seek to make recommendations for combatting money laundering.
- Global Affairs Canada in the successful implementation of [Bill C-47<sup>li</sup>](#), *An Act to amend the Export and Import Permits Act and the Criminal Code (amendments permitting accession to the Arms Trade Treaty and other amendments)*, and related regulations. This finalized the

<sup>2</sup> Bill C-83 eliminates the use of administrative and disciplinary segregation and introduces structured intervention units for the confinement of inmates in federal penitentiaries who cannot be maintained in the mainstream inmate population for security or other reasons.



implementation of all necessary regulations and policy instructions to enable Canada to accede to the [Arms Trade Treaty](#)<sup>lii</sup>.

## 1.4 Economic Affairs

In the area of economic affairs, the Department provided legal services to support:

- The Canada Revenue Agency in its continued efforts to crack down on tax evasion and combat tax avoidance, including by defending the Government's position in tax law litigation files, with a view to ensuring the fairness and integrity of the tax system.
- Global Affairs Canada in:
  - Concluding negotiations and taking all required steps to ensure domestic implementation of the [Canada-United States-Mexico Agreement](#)<sup>liii</sup>, which came into force in July 2020 and replaced the North American Free Trade Agreement.
  - Successfully taking a lead role in the conclusion of a [Multi-party Interim Appeal Arbitration Arrangement](#)<sup>liv</sup> to preserve enforceable dispute settlement at the World Trade Organization.
- Global Affairs Canada, as well as multiple other federal government departments, in:
  - Investor-State dispute settlement proceedings under Canada's Free Trade Agreements and Foreign Investment Protection and Promotion Agreements (FIPA), including successfully defending Canada against a [US\\$1.8 billion claim brought by an Egyptian-incorporated telecommunications services provider under the Canada-Egypt FIPA](#)<sup>lv</sup>.
  - World Trade Organization (WTO) litigation involving wine distribution, aircraft, and other key Canadian businesses.
  - WTO proceedings in the context of the Canada-U.S. Softwood Lumber Dispute, including [US-Softwood Lumber VII](#)<sup>lvi</sup>, [US-Differential Pricing Methodology](#)<sup>lvii</sup> and [US-Supercalendered Paper](#)<sup>lviii</sup>.
- Transport Canada and Health Canada in the first round of reviews of regulations as part of the Regulatory Modernization Initiative, which aims to ensure Canadians' safety and well-being while encouraging the development of innovative new products, technologies, services and business models. The first annual regulatory modernization bill, which amended 12 federal statutes, was introduced in the [Budget Implementation Act, 2019, No. 1](#)<sup>lix</sup>.
- Public Services and Procurement Canada in modernizing their procurement practices and assisting in the purchase of equipment for major projects tied to [Strong, Secure, Engaged: Canada's Defence Policy](#)<sup>lx</sup>, such as the [Future Fighter Capability Project](#)<sup>lxi</sup>, the [National Shipbuilding Strategy](#)<sup>lxii</sup>, and the [Canadian Surface Combatant Project](#)<sup>lxiii</sup>.
- Infrastructure Canada in the [Investing in Canada Plan](#)<sup>lxiv</sup>. To date, the Department of Justice Canada has supported Infrastructure Canada with respect to each stage of the Smart Cities Challenge. Support remains ongoing throughout the implementation phase of the Challenge, as the projects are scheduled for completion by March 2025.



## 1.5 International Affairs

In the area of international affairs, in addition to its support in the context of the aforementioned international trade agreements, the Department provided legal services to support:

- Immigration, Refugees and Citizenship Canada, and the Canada Border Services Agency in relation to the [In-Canada Asylum Program](#)<sup>lxv</sup> to safeguard the integrity of Canada's asylum system and to ensure that Canadians and newcomers continue to benefit from a world-class immigration system.
- Global Affairs Canada as they led the federal process to consider whether Canada should become a party to the Optional Protocol to the Convention against Torture. Discussions with appropriate departments are ongoing.

## 1.6 Initial Response to the COVID-19 Pandemic

Finally, the Department provided legal services to support the Government's early response to the COVID-19 pandemic by:

- Providing legal advice in the areas of constitutional law, human rights and the Charter, [Privacy Act](#)<sup>lxvi</sup> issues, federal-provincial-territorial cooperation, assistance to Canadians abroad, and emergency plans and measures, in relation to the development and implementation of the response.
- Drafting multiple orders under the [Quarantine Act](#)<sup>lxvii</sup>.
- Supporting Finance Canada and other government departments in drafting:
  - [Bill C-12](#)<sup>lxviii</sup>, *An Act to amend the Financial Administration Act (special warrant)* and
  - [Bill C-13](#)<sup>lxix</sup>, *An Act respecting certain measures in response to COVID-19 (COVID-19 Emergency Response Act)*, which contained two new Acts and amendments to 15 existing Acts.
- Supporting Transport Canada in drafting the:
  - [Regulations Maintaining the Safety of Persons in Ports and the Seaway](#)<sup>lxx</sup> and
  - [Aeronautics Act interim orders](#)<sup>lxxi</sup> to prevent certain persons from boarding flights in and to Canada due to COVID-19.

Please refer to the "[Internal Services](#)" section of this report for more information on the Department's actions in response to the COVID-19 pandemic.

## Results Achieved

Departmental result	Performance indicator	Target	Date to achieve target	2017-18 Actual results	2018-19 Actual results	2019-20 Actual results
Departments and agencies receive high quality legal services	Client satisfaction mean rating of 8.0 (or greater) on a 10-point scale on the overall quality of legal services	8 or greater	April 2020	Advisory: 8.8 Litigation: 8.5 Legislative: 8.6 Regulatory: 7.9 <sup>3</sup>	Advisory: 8.6 Litigation: 8.4 Legislative: 8.6 Regulatory: 8.0 <sup>4</sup>	Advisory: 8.5 Litigation: 8.4 Legislative: 8.6 Regulatory: 8.4
	Client satisfaction mean rating of 8.0 (or greater) on a 10-point scale on the performance of legal services against the Service Standards for the Provision of Legal Services in Government	8 or greater	April 2020	Responsiveness/Accessibility: 8.9 Usefulness: 8.6 Timeliness: 8.5 <sup>5</sup>	Responsiveness/Accessibility: 8.8 Usefulness: 8.5 Timeliness: 8.3 <sup>6</sup>	Responsiveness/Accessibility: 8.7 Usefulness: 8.4 Timeliness: 8.2
	Percentage of litigation files resolved in a fiscal year that have a successful outcome (settled or adjudicated) from the Crown's perspective	70% or greater	March 2020	79%	80%	85%

To support its commitment to service quality, the Department conducts the [Legal Services Client Feedback Survey](#)<sup>lxixii</sup> (CFS) as a standardized approach to obtaining client feedback on its legal services. The results presented for 2017-18 and 2018-19 reflect cumulative interim feedback collected during Cycle III of the CFS.

The final Departmental Survey Report for the CFS was completed in 2020. The final cumulative results above for 2019-20 show that client satisfaction ratings on the overall quality of legal services provided by the Department continue to exceed the target of 8.0 across all four service types (advisory, litigation, legislative drafting, and regulatory drafting). In addition, consistent with the interim results collected as part of the two previous reporting periods, the Department continued, in its final results on the performance of legal services, to exceed the target of 8.0 across all service dimensions (responsiveness/accessibility, usefulness and timeliness), which stem from the Department's service standards. Together, overall service quality and performance ratings indicate that legal service users were largely satisfied with the services provided by the Department.

<sup>3</sup> The results presented for 2017-18 and 2018-19 reflect cumulative interim feedback collected during Cycle III of the Legal Services Client Feedback Survey.

<sup>4</sup> See note 3.

<sup>5</sup> See note 3.

<sup>6</sup> See note 3.

Finally, over the last three years, the results have shown a steady increase in the percentage of successfully resolved litigation files from a Government of Canada perspective. This reflects the increase seen in the successful resolution of immigration and refugee litigation files.

### Budgetary Financial Resources (dollars)

2019-20 Main estimates	2019-20 Planned spending	2019-20 Total authorities available for use	2019-20 Actual spending (authorities used)	2019-20 Difference (actual spending minus planned spending)
194,853,652	194,853,652	231,236,873	223,737,181	28,883,529*

\*The variance between planned spending and actual spending is primarily explained by retroactive payments related to the ratification of various collective agreements.

### Human Resources (full-time equivalents)

2019-20 Planned full-time equivalents	2019-20 Actual full-time equivalents	2019-20 Difference (actual full-time equivalents minus planned full-time equivalents)
3,130	3,243	113*

\*The variance between planned and actual full-time equivalents is largely explained by increased demand in litigation for a broad variety of client departments and agencies in such areas as tax, Indigenous and immigration litigation matters.

Financial, human resources and performance information for the Department of Justice Canada's Program Inventory is available in [GC InfoBase<sup>lxxiii</sup>](#).

## Justice System Support

### Description

The Department of Justice Canada plays an essential role in ensuring a fair, relevant and accessible justice system. This responsibility is shared among a broad range of players, including Parliament; the judiciary; federal departments and agencies; partners in provincial, territorial and municipal governments; a broad range of non-governmental organizations and stakeholders; and, ultimately, all Canadians.

### Results

The Department develops and coordinates all federal justice legislative reforms, policy options, and initiatives. The Department also tests innovative approaches to strengthening the legal framework within various domains, notably: criminal justice (including sentencing, criminal procedure, youth criminal justice and justice for victims of crime); family and children's law (including marriage and divorce); access to justice; bijuralism<sup>7</sup>; human rights; privacy; access to information; official languages; and Indigenous justice.

The Department provides justice system support to realize three key results for Canadians:

1. Laws and policies abide by the rule of law and promote respect for rights and a fair, accessible and relevant legal framework in Canada.
2. The criminal justice system supports alternative ways of responding to the causes and consequences of offending.
3. Canadians in contact with the justice system have access to appropriate services so the system is able to be fair, timely and accessible.

The Department must remain ready to respond to the accelerated pace at which new policy issues emerge or unfold. Adding to this, the broad scope of justice issues and the multi-tiered nature of Canada's justice system require the involvement and collaboration of many partners and stakeholders. Actively maintaining relationships with essential justice system partners and stakeholders is important to ensuring the Department's ability to meet priorities and expected results.

To mitigate these risks, the Department monitored emerging trends to inform its forward planning and maintained policy and program responsiveness. Moreover, the Department continued to engage with provincial and territorial governments, Indigenous stakeholders, domestic and international organizations, and other relevant partners and stakeholders. These efforts supported the identification of emerging issues and the development of various options, including policy, legislative and operational responses, as well as the implementation of reforms to improve criminal, family and youth justice systems and promote public confidence.

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<sup>7</sup> Bijuralism is defined as the coexistence of two legal traditions within a single state. Since the common law and civil law coexist in Canada in both official languages, Canada is said to be a bijural country.

## Gender-Based Analysis Plus

To contribute to reducing inequality in Canada and address the diverse needs of different groups of people in order to help foster fair outcomes, [Gender-Based Analysis Plus](#)<sup>lxxiv</sup> (GBA+) considerations were taken into account throughout different programs and initiatives under the Justice System Support core responsibility. The GBA+ approach considers identity factors that go beyond biological (sex) and social-cultural (gender) differences, and includes the examination of a range of other intersecting identity factors (such as age, sexual orientation, disability, education, language, geography, religion, ethnicity, culture, and income).

Through its [Legal Aid Program](#)<sup>lxxv</sup>, the Department supports access to justice and the delivery of legal aid services to address the needs of economically disadvantaged persons, including vulnerable populations, such as victims of sexual harassment or violence in the workplace, Indigenous persons, and persons suffering from mental health issues.

The new Sexual Harassment in the Workplace component of the [Legal Aid Program](#)<sup>lxxvi</sup> provided support to 12 organizations across the country to provide legal advice to persons who have experienced sexual harassment in the workplace, regardless of their economic status. In addition, 20 other organizations received funding from the [Justice Partnership and Innovation Program](#)<sup>lxxvii</sup> to develop a pan-Canadian public legal education and information outreach program to better inform workers about their rights and how they can access help regarding sexual harassment in the workplace. Some people may be more vulnerable to such harassment, notably workers in low-wage and/or precarious jobs; those who provide personal services or rely on tips; women, especially those who work in male-dominated industries; youth; Indigenous and racialized women; persons with disabilities; those who identify as LGBTQ2<sup>8</sup>; and newcomer women. As such, funding provided through these initiatives contributes to reducing inequality and addressing the needs of vulnerable and diverse populations.

Through the [Justice Partnership and Innovation Program](#)<sup>lxxviii</sup>, the Department also funded four projects that help support the development, use and understanding of Indigenous laws and legal traditions and access to justice, in accordance with the unique cultures of Indigenous peoples in Canada. These initiatives are aimed at improving equality for Indigenous peoples in the Canadian justice system. An Indigenous-inclusive interdepartmental committee was created to collaborate in the review of proposals.

In support of the review and modernization of the [Privacy Act](#)<sup>lxxix</sup>, the Department led a targeted external engagement, which specifically included Indigenous stakeholders. The input of the participating stakeholders provided the Department with valuable insights on Indigenous perspectives pertaining to public sector privacy, as well as Indigenous expectations for further, mutually beneficial, engagement on *Privacy Act* modernization.

<sup>8</sup> LGBTQ2 is the acronym used by the Government of Canada to refer to the Canadian community, and refers to Lesbian, Gay, Bisexual, Transgender, Queer, Two-Spirit.

## Experimentation

The Department also sought opportunities to improve the accessibility of justice information, engagement and outreach through the adoption of new approaches and innovative technologies.

In the context of the consultation process on medical assistance in dying, the Department received over 300,000 submissions. Innovative data analysis methods were successfully used to facilitate the review of approximately 250,000 written comments from Canadian respondents, within a very short time. With the successful implementation of these methods, the Department is well positioned to use this approach in the future when there is a need to analyze large amounts of text data.

Along with its legal advisory work related to the development of artificial intelligence (AI) tools, the Department also supported the development, review and adaptation of policies on the responsible use of AI to enhance government business operations and other digital government initiatives.

The following provides specific highlights for each key result under the Justice System Support core responsibility.

### **1. Departmental Result: Justice Canada Laws and Policies Abide by the Rule of Law and Promote Respect for Rights and a Fair, Accessible and Relevant Legal Framework in Canada**

The Department worked to foster safety and security while transforming the criminal justice system. Specifically, it continued its work in advancing improvements to the criminal justice system to ensure Canadians are kept safe, to help increase efficiencies, and to reduce delays for all those involved in the system. Work was also done to address the overrepresentation in the criminal justice system, in comparison to Canadian demographics, of Indigenous peoples and vulnerable groups, including those with mental health needs.

To help implement the whole-of-government approach to addressing Canada's opioid crisis, the Department provided both policy and legal expertise to Health Canada, as the lead department in the opioids overdose crisis and other emerging substance use issues that fall within the [Canadian Drugs and Substances Strategy](#)<sup>lxxx</sup>.

While liaising closely with Health Canada, the Department also led the development and supported the introduction of [Bill C-7](#)<sup>lxxxi</sup>, *An Act to amend the Criminal Code (medical assistance in dying)*, to respond to the court ruling by the Quebec Superior Court in *Truchon v. Attorney General of Canada*<sup>lxxxii</sup> regarding the medical assistance in dying regime. The Court struck down the eligibility requirement that a person's natural death must be reasonably foreseeable.

The Department helped with the legislative progression and subsequent implementation of former [Bill C-75](#)<sup>lxxxiii</sup>, *An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts*, which received Royal Assent in

June 2019, and came fully into force in December 2019. Reform initiatives included reducing delays and improving efficiencies through measures such as expanding circumstances for remote appearances; increasing the number of offences that could proceed summarily and restricting the availability of preliminary inquiries; modernizing and streamlining the bail regime; enhancing the approach to administration of justice offences (AOJOs), including youth offences; addressing the overrepresentation of Indigenous peoples and marginalized groups in the criminal justice system; enhancing transparency in the jury-selection process; and strengthening the response to intimate-partner violence, as well as violence against Indigenous women and girls.

In the context of young persons, this legislation also helps to increase youth court efficiency and effectiveness by encouraging the use of alternatives to charges for AOJOs; ensuring that only conditions that are reasonable and necessary for valid justice purposes are imposed; and limiting the use of custody for AOJOs. The Department continues to work with the provinces and territories to support their efforts to oversee the implementation of these broad and complex reforms.

The Department led the development and supported the introduction of [Bill C-8](#)<sup>lxxxiv</sup>, *An Act to amend the Criminal Code (conversion therapy)*, to end the practice of conversion therapy by, among other things, creating five new offences to protect: all Canadians from commercialization of the practice; all children (persons under 18 years of age) from being subjected to conversion therapy whether in Canada or abroad; and anyone at risk of being forced to undergo conversion therapy.

The Department supported the Minister of Justice through the legislative process leading to the enactment of [Bill C-84](#)<sup>lxxxv</sup>, *An Act to amend the Criminal Code (bestiality and animal fighting)*, in June 2019, which responded to the *R. v. D.L.W.*<sup>lxxxvi</sup> decision of the Supreme Court of Canada by defining bestiality, thereby increasing legal protections for children, vulnerable individuals, and animals. The Bill also broadened the scope of animal fighting offences to better prosecute individuals involved in organized crime, track animal fighting cases and protect public safety.

In keeping with its engagement to advancing reconciliation, through a coordinated horizontal approach across federal departments and agencies, the Department also supported the:

- Minister of Justice and Attorney General of Canada in his role as a member of the Cabinet Committee on Reconciliation and
- Deputy Minister of Justice in her work as co-chair of the Deputy Ministers Task Force on Reconciliation, and as a member of the new Deputy Ministers Committee on Indigenous Reconciliation.

The Department of Justice Canada played a key role in the continued process of implementing the [Truth and Reconciliation Commission's Calls to Action](#)<sup>lxxxvii</sup>, notably in relation to culturally grounded and Indigenous-led victim services (Call to Action #40), the recognition and implementation of Indigenous justice systems (Call to Action #42), the implementation of the [United Nations Declaration on the Rights of Indigenous Peoples](#)<sup>lxxxviii</sup> (Call to Action #43), the development of a Covenant of Reconciliation (Call to Action #46), supporting the revitalization of Indigenous laws (Call to Action #50), and professional development and training for public servants (Call to Action #57). Specifically, the Department:



- Worked with Indigenous communities to develop innovative policy options and solutions and negotiate agreements with respect to the administration of justice (Call to Action #42). This work provides a foundation for a new conceptual framework for Indigenous groups to assume a greater role in the administration of justice within their communities and to develop capacity for change that is enduring and transformational. The Department is making good progress in building relationships with stakeholders, as well as identifying and narrowing the scope of issues to be negotiated.
- Assisted the Government in articulating its position in support of the Private Member's [Bill C-262<sup>lxxxix</sup>](#) (*An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples*) in the Senate (Call to Action #43).
- In collaboration with Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), continued to co-chair an Assistant Deputy Ministers Steering Committee on the UN Declaration composed of more than 15 departments (Call to Action #43).
- Worked in close partnership with the Assembly of First Nations, the Inuit Tapiriit Kanatami, churches and residential school survivors to develop a Covenant of Reconciliation (Call to Action #46).
- Hosted an innovative two-day event entitled "Exploring Indigenous Justice Systems in Canada and around the World." With over 30 panelists and guest speakers from a range of academia, government and Indigenous leaders and organizations, participants heard from some of the leading thinkers on the intersection of Indigenous and non-Indigenous justice systems around the world. The event provided an opportunity for dialogue on overcoming current challenges that face communities and the future of Indigenous justice systems in Canada, as part of the broader and ongoing nation rebuilding work (Calls to Action #42, #43, #50 and #57).

In addition, the Department is the federal co-chair of the federal, provincial and territorial (FPT) Aboriginal Justice Working Group, which is leading the development of a Pan-Canadian Strategy to Address the Overrepresentation of Indigenous People in the Criminal Justice System. In January 2020, the FPT Ministers Responsible for Justice and Public Safety endorsed draft recommendations for the Pan-Canadian Strategy. With the leadership, coordination, research, development of resources and briefing materials, and secretariat support provided by the Department, the Working Group has begun its engagement with Indigenous communities and organizations in several jurisdictions on proposed recommendations.

As a first step towards a meaningful response to the [Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls<sup>xc</sup>](#) (Final Report), the Department worked with CIRNAC (the lead department) on the development of a National Action Plan. It conducted a proactive review of the 231 Calls for Justice included in the Final Report and identified ways to strengthen existing policies and programs, including considering new actions that could be taken in partnership with Indigenous and provincial/territorial stakeholders.

The Department also led, introduced, and fully implemented the new section 4.2 of the [Department of Justice Act<sup>xc</sup>](#) (former Bill C-51), which came into force in December 2019. This amendment sets out a new statutory obligation to table in Parliament, for every government bill, a statement of a bill's potential effects on the rights and freedoms guaranteed by the Charter.



The Department drafted [Bill C-5<sup>xcii</sup>](#), *An Act to amend the Judges Act and the Criminal Code*, introduced in February 2020, which deals with judicial education in matters relating to sexual assault law.

In implementing the reforms to the *Access to Information Act*, phase 1 - [Bill C-58<sup>xciii</sup>](#), *An Act to amend the Access to Information Act and the Privacy Act and to make consequential amendments to other Acts*, the Department developed the policy for the proactive publication regime applicable to administrative bodies that support the courts (the Office of the Registrar of the Supreme Court of Canada, the Courts Administration Service, and the Office of the Commissioner for Federal Judicial Affairs).

Collaboration with the Office of the Registrar of the Supreme Court of Canada and central agencies led to the signing in July 2019 of an [Accord<sup>xciv</sup>](#) between the Chief Justice of Canada and the Minister of Justice and Attorney General of Canada. This Accord, intended to strengthen the independence of the Supreme Court, is the first of its kind at the federal level. It represents an important milestone in executive-judicial relations at the federal level.

In the field of family law, the Department worked to implement the expansion of Unified Family Courts in Nova Scotia and Ontario. Following the negotiation and signing of memoranda of agreement with the participating jurisdictions, appointments were made to 16 Unified Family Court positions.

The Department also supported the passage of [Bill C-78<sup>xcv</sup>](#), *An Act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act and the Garnishment, Attachment and Pension Diversion Act and to make consequential amendments to another Act*, through all aspects of the parliamentary process. As a result, Bill C-78 was enacted by Parliament in June 2019. The amendments brought under this bill are expected to improve the efficiency, effectiveness, relevance and accessibility of the family justice system by promoting faster, more cost-effective and lasting solutions to family law disputes, reducing child poverty, reducing the burden on courts, recognizing rights related to the use of official languages, and leading to better outcomes for families. These amendments put the best interests of the child first by helping to ensure that courts take into consideration family violence and related proceedings in deciding divorce cases.

## Results Achieved

Departmental result	Performance indicator	Target	Date to achieve target	2017-18 Actual results	2018-19 Actual results	2019-20 Actual results
Justice Canada laws and policies abide by the rule of law and promote respect for rights and a fair, accessible and relevant legal framework in Canada	Canada's international ranking with respect to the rule of law	Top 10%	March 2020	8.0% (9 <sup>th</sup> /113) <sup>9</sup>	7.1% (9 <sup>th</sup> /126) <sup>10</sup>	7.0% (9 <sup>th</sup> /128) <sup>11</sup>
	Percentage of Canadians who think that the criminal justice system is a) fair; and b) accessible in Canada	TBD <sup>12</sup>	TBD	Not available / New indicator	57% of Canadians have moderate to high confidence that the criminal justice system is fair  62% of Canadians have moderate to high confidence that the criminal justice system is accessible <sup>13</sup>	Not available <sup>14</sup>
	Number of constitutional challenges in the provincial and territorial courts of appeal and the Supreme Court of Canada <sup>15</sup>	TBD	TBD	Not available / New indicator	Provincial/ territorial courts of appeal: 56  Supreme Court of Canada appeals: 5	Provincial/ territorial courts of appeal: 32  Federal Court of Appeal: 3  Supreme Court of Canada appeals: 10

The results above indicate that, in comparison with the previous reporting period, Canada's international ranking with respect to the rule of law remains consistent.

The year-to-year variance of results related to the number of constitutional challenges is not subject to the Department's control, thus there is no target applicable. However, the indicator enables the Department to identify issues of interest (e.g. the constitutional challenge of *Criminal Code* provisions which set out mandatory minimum sentences or ban community-based sentences for some offences).

<sup>9</sup> World Justice Project Rule of Law Index 2017-2018, [https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2018-June-Online-Edition\\_0.pdf](https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2018-June-Online-Edition_0.pdf)

<sup>10</sup> World Justice Project Rule of Law Index 2019, [https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2019-Single%20Page%20View-Reduced\\_0.pdf](https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2019-Single%20Page%20View-Reduced_0.pdf)

<sup>11</sup> World Justice Project Rule of Law Index 2020, [https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2020-Online\\_0.pdf](https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2020-Online_0.pdf)

<sup>12</sup> Target establishment under review.

<sup>13</sup> National Justice Survey 2018, Final Report, [https://epe.lac-bac.gc.ca/100/200/301/pwgsc-tpsgc/por-ef/justice\\_canada/2019/061-18-e/report.pdf](https://epe.lac-bac.gc.ca/100/200/301/pwgsc-tpsgc/por-ef/justice_canada/2019/061-18-e/report.pdf)

<sup>14</sup> The final report for the National Justice Survey 2019 has been delayed due to impacts of the COVID-19 pandemic.

<sup>15</sup> Performance indicator currently under review.

## 2. Departmental Result: The Criminal Justice System Supports Alternative Ways of Responding to the Causes and Consequences of Offending

The Department helped advance the [Canadian Drugs and Substances Strategy<sup>xcvi</sup>](#) led by Health Canada by continuing to provide funding to participating provinces and territories through the [Drug Treatment Court Funding Program<sup>xcvii</sup>](#). This funding supports the development, delivery and evaluation of drug treatment courts in Canada. These courts represent a concerted effort to break the cycle of drug use and criminal recidivism. The program provides court-monitored treatment and community service support for non-violent offenders with drug addictions who meet specified criteria.

The Department also continued to support provinces and territories in providing a range of programs and services that target young persons in conflict with the law. The [Youth Justice Services Funding Program<sup>xcviii</sup>](#) assists with programs and services focused on alternative responses to youth offences, such as: diversion/extrajudicial measures and extrajudicial sanctions; rehabilitation and reintegration; judicial interim release; intensive support and supervision; and conferencing or other community-based sanctions. Funding provided through the [Intensive Rehabilitative Custody and Supervision Program<sup>xcix</sup>](#) assists with specialized assessments and treatment services for youth with mental health needs who have been convicted of certain offences.

Through the [Indigenous Justice Program<sup>c</sup>](#), the Department provided funding to support 197 Indigenous community-based justice programs that serve over 650 communities and offer alternatives to mainstream justice processes in appropriate circumstances. These programs are designed to reflect the cultures, values and specific justice needs of the communities they serve.

As a result of the Department's participation, Canada was recognized internationally for contributing to the revision and the launch of the United Nations Office on Drugs and Crime's [Handbook on Restorative Justice Programmes \(Second Edition\)<sup>ci</sup>](#).

The Department of Justice Canada is the Government of Canada lead for advancing the Sustainable Development Goal (SDG) #16 of the [United Nations Transforming our world: the 2030 Agenda for Sustainable Development<sup>cii</sup>](#). The Department's new Access to Justice Secretariat provides a focal point for the Government's efforts to achieve SDG #16 and promote peaceful, just and inclusive societies that provide access to justice for all, domestically and internationally, and build effective, accountable and inclusive institutions at all levels.

## Results Achieved

Departmental result	Performance indicator	Target	Date to achieve target	2017-18 Actual results	2018-19 Actual results	2019-20 Actual results
The criminal justice system supports alternative ways of responding to the causes and consequences of offending	Number and type of restorative justice programs/processes available <sup>16</sup>	Maintain baseline level of 448 or increase	March 2020	Not available / New indicator	448 restorative justice programs <sup>17</sup>	448 restorative justice programs <sup>18</sup>
	Number of people who have used the available restorative justice programs/processes <sup>19</sup>	TBD	TBD	Not available	Not available	Not available
	Number/percentage of court-imposed community-based sentences as compared to number/percentage of incarceration sentences	35% custody sentences	March 2025	46% of adults received a custodial sentence <sup>20</sup>	Not available <sup>21</sup>	Not available <sup>22</sup>
	Percentage of individuals who were referred to an Indigenous justice program and participated in the program <sup>23</sup>	90% or greater	March 2022	Not available	Not available	Not available
	Percentage of youth court cases receiving a non-custodial (community-based) sentence as compared to previous reported years <sup>24</sup>	85% or greater	March 2020	87% of youth received a non-custodial sentence <sup>25</sup>	Not available <sup>26</sup>	Not available <sup>27</sup>
	Percentage of identified, eligible Intensive Rehabilitative Custody and Supervision cases receiving specialized treatment	100%	March 2020	100%	100%	100%

<sup>16</sup> Performance indicator under review.

<sup>17</sup> The data is self-reported in the [Directory of Restorative Justice](https://www.justice.gc.ca/eng/cj-jp/rj-jr/sch-rch.aspx) (<https://www.justice.gc.ca/eng/cj-jp/rj-jr/sch-rch.aspx>). Not all programs reported in the Directory received funding from the Department of Justice Canada.

<sup>18</sup> See note 17.

<sup>19</sup> Performance indicator under review as a result of data-availability issues.

<sup>20</sup> In 2017-18, 46% of adults received a custodial sentence; whereas 54% received a conditional sentence, probation, fine or other sentence combined (Statistics Canada, [Table 35-10-0030-01 Adult criminal courts, guilty cases by type of sentence](https://doi.org/10.25318/3510003001-eng), <https://doi.org/10.25318/3510003001-eng>).

<sup>21</sup> Most recent data published by Statistics Canada is for 2017-18.

<sup>22</sup> See note 21.

<sup>23</sup> Performance indicator under review.

<sup>24</sup> Youth court non-custodial (community-based) sentences include: conditional sentence, deferred custody and supervision order, intensive support and supervision program, order to attend a non-residential program, probation, fine, community service order, judicial reprimand or other sentence combined.

<sup>25</sup> In 2017-18, 13% of youth found guilty received a custodial sentence; whereas the remaining 87% received a non-custodial (community-based) sentence (Statistics Canada, [Table 35-10-0041-01 Youth courts, guilty cases by type of sentence](https://doi.org/10.25318/3510004101-eng), <https://doi.org/10.25318/3510004101-eng>).

<sup>26</sup> Data is published by Statistics Canada two years after a given fiscal year. The most recent data published is for 2017-18.

<sup>27</sup> See note 26.

According to the available self-reported data, and consistent with the previous reporting period, 448 restorative justice programs were available in Canada in 2019-20. Of the 448 restorative justice programs, 197 were Indigenous justice programs.

The percentage of identified, eligible Intensive Rehabilitative Custody and Supervision cases receiving specialized treatment was successfully maintained at 100%.

The Department is currently reviewing its Departmental Results Framework and its sets of performance indicators in order to help resolve issues related to the availability of data.

### **3. Departmental Result: Canadians in Contact with the Justice System Have Access to Appropriate Services Enabling a Fair, Timely and Accessible Justice System**

The Federal Victims Strategy draws on policy and program opportunities to increase access to justice for victims and give victims and survivors of crime a more effective voice in the criminal justice system. Within the Strategy, the Department administers the [Victims Fund](#)<sup>ciii</sup>. Resources provided through the Fund address the needs of victims of crime<sup>28</sup> and their families through funding agreements with the provinces and territories and other eligible recipients. A total of 344 projects were supported overall. In addition, direct financial assistance was provided to 613 federally registered victims (or their support persons) for Parole Board hearings and to 161 Canadian victims of serious violent crime abroad (or to their support persons) to help with travel and health costs related to their victimization.

[Family Information Liaison Units](#)<sup>civ</sup> (FILUs) support a key priority of the Federal Victims Strategy by providing services for families of missing and murdered Indigenous women and girls, such as ensuring that family members have access to available information from government agencies about their missing or murdered loved ones. In 2019-20, FILUs were extended for an additional three years of funding and support. In addition to FILUs, the Department continued to fund Indigenous-led initiatives and community-based programs to increase access to culturally grounded and trauma-informed assistance that seeks to support family members on their healing journey and assist them in dealing with the grief and pain of their loss.

Through its [Indigenous Courtwork Program](#)<sup>cv</sup>, the Department continued to support Indigenous courtworkers in providing services to Indigenous people in contact with the criminal justice system (including accused persons, victims, witnesses and family members). These services ensure Indigenous people obtain fair and culturally relevant treatment, and receive the representation services they need to navigate the criminal justice system. In Canada's territories, such Indigenous courtwork services were funded by the Department through [Access to Justice Services Agreements](#)<sup>cvi</sup>, which also support the delivery of criminal and civil legal aid, as well as public legal education and information in northern communities.

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<sup>28</sup> A portion of the Victims Fund is earmarked specifically for projects and activities that address the needs of vulnerable victims, including victims of human trafficking, victims of sexual offences, child victims, and victims in remote, rural and Indigenous communities.

The [Office of the Federal Ombudsman for Victims of Crime<sup>cvii</sup>](#) (OFOVC), which operates at arm's length from the federal government, provided direct information, referrals and complaint-review services to its primary clients: victims, victims' family members or representatives, victim-serving agencies, and other stakeholders. The OFOVC served a total of 561 clients during the reporting period.

The Department's [Canadian Family Justice Fund<sup>cviii</sup>](#) provided funding to provincial and territorial governments to support the delivery of justice programs and appropriate services for families undergoing separation and divorce. In addition, the Fund supported 21 projects, which included streamlining the family justice system in Nova Scotia through new online dispute resolution; supporting new recalculation services that can adjust child support to reflect updated income information without going to court in New Brunswick and Saskatchewan and an enhanced Maintenance Enforcement Program in Nova Scotia; and supporting family well-being through public legal education and information updates regarding changes to the [Divorce Act<sup>cix</sup>](#).

Through the Canadian Family Justice Fund, Indigenous parents in British Columbia going through separation or divorce are able to benefit from the [Parenting After Separation for Indigenous Families online course](#), which helps them make decisions in the best interests of their children. Similarly, the [Yukon Family Mediation Service](#) provides support to parents experiencing separation or divorce to resolve conflict and disagreements without going to court, while ensuring the protection of the best interests of their children.

Through the [Justice Partnership and Innovation Program<sup>cx</sup>](#), the Department continued to support activities that respond effectively to the changing conditions that affect Canadian justice policy. The program supported pilot projects that explored innovative approaches to increasing access to justice, which included:

- piloting Canada's first national gender diversity and inclusion training program for legal and paralegal professionals and other support workers in 24 legal clinics in 18 cities across all provinces and territories; and
- contributing to the development of the Quebec Institute for Law and Justice Reform.

Finally, the Department's [Access to Justice in Both Official Languages Support Fund<sup>cxii</sup>](#) provided funding to 64 projects to help increase the capacity of the justice system and its stakeholders to offer justice services in both official languages and increase the availability of legal information to official language minority communities. Projects funded included the development of curriculum and linguistic tools, applied linguistic training for justice system professionals, workshops, translation of judgments, and family law training.

## Results Achieved

Departmental result	Performance indicator	Target	Date to achieve target	2017-18 Actual results	2018-19 Actual results	2019-20 Actual results
Canadians in contact with the justice system have access to appropriate services enabling a fair, timely and accessible justice system	Percentage of federal funds accessed by provinces, territories, non-governmental organizations and other stakeholders to deliver targeted services consistent with federal priorities	100%	March 2020	98%	98%	98%
	Percentage of Indigenous Courtwork Program clients indicating a level of satisfaction of “satisfied” or “very satisfied” with the usefulness of the information provided	80% or greater	March 2023	95%	Not available <sup>29</sup>	Not available <sup>30</sup>
	Number of times duty counsel provided assistance in criminal matters	1,000,000 or greater	March 2020	993,971 <sup>31</sup>	1,020,718 <sup>32</sup>	Not available <sup>33</sup>
	Number of full service criminal legal aid applications approved	270,000 or greater	March 2020	266,263 <sup>34</sup>	270,274 <sup>35</sup>	Not available <sup>36</sup>
	Percentage of Office of the Federal Ombudsman for Victims of Crime (OFOVC) client inquiries or complaints that are assessed and acted upon	100%	March 2020	Not available / New indicator	100%	100%

The results above show that the percentage of federal funds accessed by provinces, territories, non-governmental organizations and other stakeholders to deliver targeted services in support of federal priorities is consistent with that in previous reporting periods. Though slightly below the departmental target, the results remain consistent at 98%.

Results above relating to the [Office of the Federal Ombudsman for Victims of Crime](#)<sup>cxii</sup> indicate that the percentage of client inquiries or complaints assessed and acted upon is successfully maintained at 100%, in accordance with the established target.

<sup>29</sup> The Indigenous Courtwork Program client survey is administered every five years, in the course of program evaluations. The next evaluation is scheduled for 2022-23.

<sup>30</sup> See note 29.

<sup>31</sup> Legal Aid in Canada, 2017-18, <https://www.justice.gc.ca/eng/rp-pr/jr/aid-aide/1718/index.html>

<sup>32</sup> Legal Aid in Canada, 2018-19, <https://canada.justice.gc.ca/eng/rp-pr/jr/aid-aide/1819/index.html>

<sup>33</sup> Results will be published in Legal Aid in Canada, 2019-20, annual report.

<sup>34</sup> See note 31.

<sup>35</sup> See note 32.

<sup>36</sup> See note 33.



## Budgetary Financial Resources (dollars)

2019-20 Main estimates	2019-20 Planned spending	2019-20 Total authorities available for use	2019-20 Actual spending (authorities used)	2019-20 Difference (actual spending minus planned spending)
444,923,893	444,923,893	500,939,871	485,250,753	40,326,860*

\*The variance between planned spending and actual spending is primarily explained by an increase in contribution spending, specific to the following programs: the Immigration and Refugee Legal Aid Program, the Justice Partnership and Innovation Program, and Legal Advice for Complainants of Sexual Harassment in the Workplace.

## Human Resources (full-time equivalents)

2019-20 Planned full-time equivalents	2019-20 Actual full-time equivalents	2019-20 Difference (actual full-time equivalents minus planned full-time equivalents)
296	284	-12*

\*The variance between planned and actual full-time equivalents is mainly due to delays in filling vacant positions.

Financial, human resources and performance information for the Department of Justice Canada's Program Inventory is available in [GC InfoBase<sup>cxiii</sup>](#).



## Evaluations

The Department of Justice Canada completed two evaluations in the reporting period, in its efforts to maximize the efficiency and effectiveness of departmental functions and programs. In addition, a number of other evaluation projects were under way during 2019-20, including several evaluations to be completed in 2020-21.

An [Evaluation of Litigation Services](#)<sup>cxiv</sup> examined the Department's litigation services, with a focus on the impacts of the implementation in April 2016 of the National Litigation Sector (NLS). Overall, the evaluation found that the Department provides high quality, cost-effective litigation services and has undertaken substantial work in implementing efficient management practices. The NLS supports collaboration among areas of the Department of Justice Canada that provide direct litigation services to the Government, and findings indicate that the NLS structure has facilitated consistency and coherence in the approach to litigation services. However, the evaluation found that it may be possible to resolve files earlier in the litigation process and that there is a need to further clarify roles and responsibilities between the NLS and other sectors or portfolios (including departmental legal services units). As a result, the Department will use available tools to identify and consider early opportunities for dispute resolution, and will provide guidance to internal stakeholders to clarify roles and responsibilities in the litigation process.

The Department also led the horizontal [evaluation of the Investigative Powers for the 21<sup>st</sup> Century Initiative](#)<sup>cxv</sup> (IP21C), in collaboration with the Public Prosecution Service of Canada, the Royal Canadian Mounted Police, and Global Affairs Canada. The evaluation's main objective was to address issues related to the IP21C Initiative's relevance and effectiveness. The evaluation concluded that there is an ongoing need for the Initiative to ensure that threats from cybercrime and computer-assisted crime are identified and acted upon, and that the legislative amendments addressed a significant need to modernize legislative tools to combat cybercrime. The evaluation also found that the Initiative has increased Canada's level of cooperation internationally to obtain digital evidence and improved its operational ability to combat cybercrime and other computer-assisted crimes.

## Internal Services

### Description

Internal Services are those groups of related activities and resources that the federal government considers to be services in support of programs and/or required to meet corporate obligations of an organization. Internal Services refers to the activities and resources of the 10 distinct service categories that support Program delivery in the organization, regardless of the Internal Services delivery model in a department. The 10 service categories are:

- ▶ Acquisition Management Services
- ▶ Communication Services
- ▶ Financial Management Services
- ▶ Human Resources Management Services
- ▶ Information Management Services
- ▶ Information Technology Services
- ▶ Legal Services
- ▶ Material Management Services
- ▶ Management and Oversight Services
- ▶ Real Property Management Services

### Supporting Employees

The Department of Justice Canada continued to invest in minimizing the impact of the Pay Transformation implementation on employees by dedicating resources to improving internal processes. The Department also continued to work with the Pay Centre to address outstanding employee pay-related issues and ensure that employees are paid correctly and on time.

Additionally, the Department continued supporting the professional success and expertise of its employees through a variety of knowledge-management and career-development initiatives. The Department took several concrete steps to improve recruitment and outreach strategies, onboarding, retention, and professional development to meet workforce demands, support renewal, and ensure that its workforce is representative of the Canadian population. These efforts included a paralegal recruitment strategy, a developmental training program for junior-level lawyers, an executive onboarding program, and a revamp of the legal education services that involved a review of training delivery methods in preparation for blended virtual learning.

In light of its commitment to the ongoing implementation of the [Principles Respecting the Government of Canada's Relationship with Indigenous Peoples<sup>cxvi</sup>](#), the Department delivered an intensive training program for its employees. This program aimed to deepen employees' understanding of the Principles, the domestic and international legal norms underpinning them, and the reality of Canada's history with regard to the treatment of Indigenous peoples. A total of 11 guidance sessions were provided to Department employees across the country. More than 1,000 employees have been trained since 2018-19.

In support of the [Federal Public Service Workplace Mental Health Strategy](#)<sup>cxvii</sup> and the Departmental Mental Health Strategy, the Department continued implementing the Psychological Health and Safety Management System, which fosters a healthy and safe work environment that meets employees' physical and psychological needs.

### **Promoting Innovation and Collaboration**

At the onset of the **COVID-19 pandemic**, the Department activated its emergency management framework and business continuity management program. It rapidly realigned operations for remote work and relied on regular communications from leadership, sharing of information, and linking employees and managers to training and tools to ensure the delivery of critical services, while supporting employees' health and wellbeing. The Department's Strategic Emergency Management Committee, Departmental Recovery Committee and other groups addressed numerous issues in relation to occupational health and safety, human resources, technology, communications, accommodations, legal services and policy. This agile structure and approach enabled the Department to act quickly to inform employees on important developments and impacts on their work and to engage with employees across the country via various platforms as circumstances rapidly evolved.

The Department promoted digital information sharing and technology to improve collaboration within the organization, across government, and with external partners. The work done throughout the year toward improved network infrastructure, access to new software, and reliable digital platforms enabled the Department to transition to remote work during its emergency response. A forward-thinking approach to risk assessment also contributed to information technology and information management readiness.

The Department developed and began implementing a Departmental Data Strategy to achieve stronger governance, improve data literacy, and use data as a valuable asset. In tandem with the Strategy, the Department's use of data analytics led to more tools to track performance and trends, which provide information more effectively than ever before during decision-making processes.

Preparations and effective planning within the Department over the course of the year enhanced the delivery of legal services. The Department continued to analyze the value of artificial intelligence and cloud computing in delivering legal services, and moved towards adopting them. In addition, the new Legal Case Management System (LEX) was launched, providing a modern and agile system to support core legal services delivery while aligning with Government of Canada direction relating to information technology modernization.

In support of the [Federal Sustainable Development Strategy 2016-2019](#)<sup>cxviii</sup> and the [Justice Sustainable Development Strategy 2017-2020](#)<sup>cxix</sup>, the Department adopted new innovative standards and practices favouring the shift to low-carbon government. It expanded its perspective in outlining a sustainable future, focusing on concepts such as diversity and inclusion and access to justice.

The Department also held broad consultations to identify best practices and make recommendations for enhancing client-centred relationships. The Department gained over 26,000

new followers across its multiple social media platforms, an increase of 24 percent. Communications efforts included providing timely and strategic advice on key policy and programming developments, as well as advice on high-profile issues of public concern. Offering visually compelling, digitally based content that can be easily accessed and understood continues to drive the Department's communications efforts and its ability to engage with its audiences.

During the early days of the COVID-19 pandemic, the Department's digital platforms and technology structure were instrumental in connecting, engaging and sharing critical information with, as well as maintaining the confidence of, employees, other government departments, the legal community, stakeholders, and the general public.

There is a risk that an increased use of, and reliance on, technology will expose the Department to new cyber threats, losses, or disruption due to attacks on or breaches of our technological infrastructure. This risk, heightened by the COVID-19 pandemic, continues to be mitigated by departmental cybersecurity activities in collaboration with Shared Services Canada, Public Safety Canada, Public Services and Procurement Canada, and other partners.

### Open, Transparent and Accountable Operations

The Department made progress on supporting open government through tools and guidance for employees to maximize the release of data and information to the public. Awareness-raising activities and communications throughout the year – including the first-ever [Open Doors at Justice event<sup>cxv</sup>](#) – promoted openness and accountability. The Department adjusted its processes to meet the disclosure requirements stemming from [Bill C-58<sup>cxvi</sup>](#), *An Act to amend the Access to Information Act and the Privacy Act and to make consequential amendments to other Acts*.

### Budgetary Financial Resources (dollars)

2019-20 Main estimates	2019-20 Planned spending	2019-20 Total authorities available for use	2019-20 Actual spending (authorities used)	2019-20 Difference (actual spending minus planned spending)
78,105,514	78,105,514	102,432,854	103,733,100	25,627,586*

\*The variance between planned spending and actual spending is primarily explained by increased expenditures relating to projects within the Information Technology Management and Real Property Management Services.

### Human Resources (full-time equivalents)

2019-20 Planned full-time equivalents	2019-20 Actual full-time equivalents	2019-20 Difference (actual full-time equivalents minus planned full-time equivalents)
974	1,043	69*

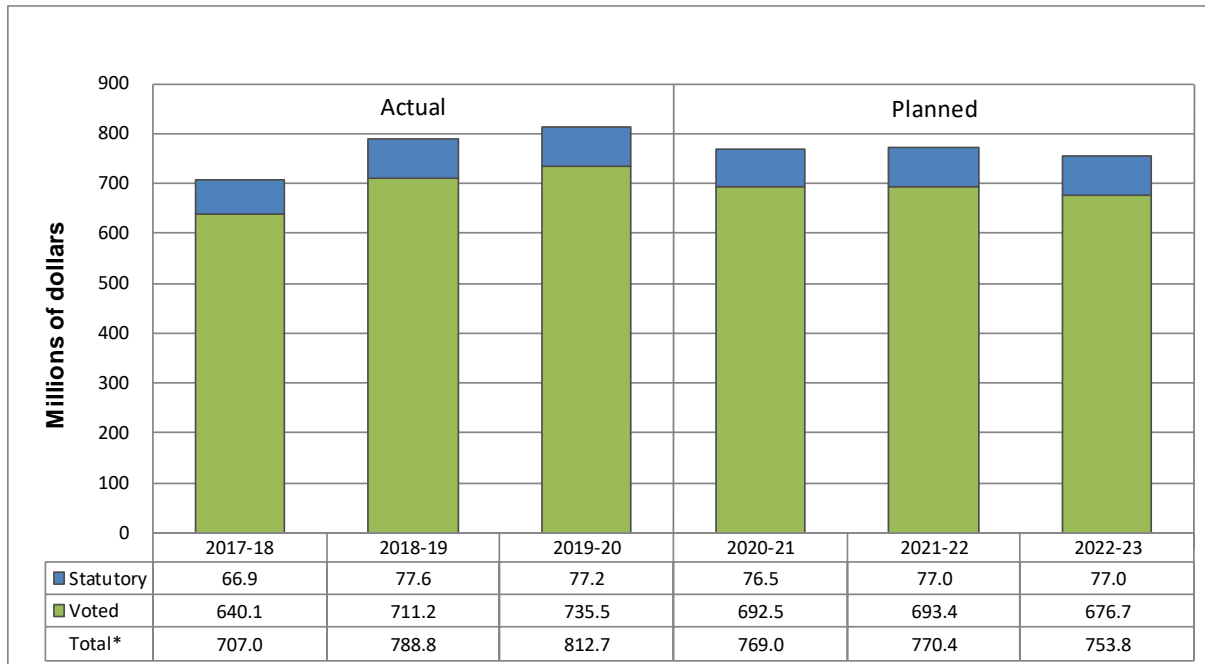
\*The variance between planned and actual full-time equivalents is mainly due to new full-time equivalents hired to continue managing the challenges related to the Phoenix Pay System and in other areas such as Communications Services, Information Technology Services and Real Property Management Services.

## Analysis of Trends in Spending and Human Resources

### Actual Expenditures

#### Departmental Spending Trend Graph

The following graph presents planned (voted and statutory spending) over time.



\* Differences may arise due to rounding.

As illustrated in the Departmental Spending Trend Graph, the Department's actual spending shows an increasing trend. The actual spending of \$812.7 million in 2019-20 represents a 3.0% increase compared to 2018-19 (\$788.8 million). The 2018-19 actual spending of \$788.8 million represents an 11.6% increase compared to 2017-18 (\$707.0 million).

The retroactive compensation payments and salary increases from various collective agreements that were signed and ratified in 2018-19 largely explain the increasing trend in spending from 2017-18 to 2018-19. In 2019-20, there was a drop in retroactive compensation payments, specifically in legal services. However, this decline was offset by an increase in spending, which is mainly attributable to Grants and Contributions<sup>37</sup>.

The programs that experienced the most significant increase in spending were:

- Immigration and Refugee Legal Aid Program, which received one-time funding to address pressures and for the Enhancing the Integrity of Canada's Borders and Asylum System initiative (Budget 2019);
- Justice Partnership and Innovation Program; and
- Legal Advice for Complainants of Sexual Harassment in the Workplace.

<sup>37</sup> For additional information on Grants and Contributions funding and spending refer to the Transfer Payment Programs Supplementary Information Tables.

The Department's planned spending displays a decreasing trend from \$769.0 million in 2020-21 to \$753.8 million in 2022-23. This \$15.2 million decline is mainly attributable to the sunseting of funding received under the Enhancing the Integrity of Canada's Borders and Asylum System initiative, mainly for the Immigration and Refugee Legal Aid Program.

### Budgetary Performance Summary for Core Responsibilities and Internal Services (dollars)

Core responsibilities and Internal services	2019-20 Main estimates	2019-20 Planned spending*	2020-21 Planned spending	2021-22 Planned spending	2019-20 Total authorities available for use	2017-18 Actual spending (authorities used)	2018-19 Actual spending (authorities used)	2019-20 Actual spending (authorities used)
Legal Services	194,853,652	194,853,652	210,473,297	213,543,076	231,236,873	180,732,263	243,874,771	223,737,181
Justice System Support	444,923,893	444,923,893	478,120,142	477,119,774	500,939,871	430,621,197	448,180,851	485,250,753
Budget Implementation Vote – unallocated authorities**	26,636,730	Not applicable	Not applicable	Not applicable	2,680,964	Not applicable	Not applicable	Not applicable
<b>Subtotal</b>	<b>666,414,275</b>	<b>639,777,545</b>	<b>688,593,439</b>	<b>690,662,850</b>	<b>734,857,708</b>	<b>611,353,460</b>	<b>692,055,622</b>	<b>708,987,934</b>
Internal Services	78,105,514	78,105,514	80,423,780	79,729,341	102,432,854	95,648,611	96,751,723	103,733,100
<b>Total</b>	<b>744,519,789</b>	<b>717,883,059</b>	<b>769,017,219</b>	<b>770,392,191</b>	<b>837,290,562</b>	<b>707,002,071</b>	<b>788,807,345</b>	<b>812,721,034</b>

\*The 2019-20 planned spending is based on the information provided in the 2019-20 Departmental Plan and excludes any funding associated with the Budget Implementation Vote due to timing.

\*\*The Budget Implementation Vote – unallocated authorities is shown for information purposes only and does not represent a departmental core responsibility.

In 2019-20, the Main Estimates totaled \$744.5 million and the total authorities available amounted to \$837.3 million. The total authorities available include \$35.7 million of funding received through the Supplementary Estimates process (mainly in relation to the Immigration and Refugee Legal Aid Program and initiatives to address sexual harassment in the workplace), as well as \$57.1 million of funding related to compensation adjustments and other expenditures.

The \$24.6 million variance between the total authorities available in 2019-20 of \$837.3 million and the actual spending of \$812.7 million is primarily explained by unspent Grants and Contributions funding<sup>38</sup> and the unallocated authorities for Bringing Innovation to Regulations (Budget 2019).

The Department's 2020-21 planned spending of \$769.0 million represents an increase of 7.1% compared to the planned spending for 2019-20 (\$717.9 million). This increase is primarily explained by increases in expenditures relating to criminal legal aid for the provinces and territories, the Immigration and Refugee Legal Aid Program, the Justice Partnership and Innovation Program, and Legal Advice for Complainants of Sexual Harassment in the Workplace.

<sup>38</sup> For additional information on Grants and Contributions funding and spending refer to the Transfer Payment Programs Supplementary Information Tables.

**2019-20 Budgetary Actual Gross Spending Summary (dollars)**

Core responsibilities and Internal services	2019-20 Actual gross spending	2019-20 Actual gross spending for specified purpose accounts	2019-20 Actual revenues netted against expenditures	2019-20 Actual net spending (authorities used)
Legal Services	519,007,218	0	295,270,037	223,737,181
Justice System Support	485,250,753	0	0	485,250,753
<b>Subtotal</b>	<b>1,004,257,971</b>	<b>0</b>	<b>295,270,037</b>	<b>708,987,934</b>
Internal Services	153,696,165	0	49,963,065	103,733,100
<b>Total</b>	<b>1,157,954,136</b>	<b>0</b>	<b>345,233,102</b>	<b>812,721,034</b>

As the primary provider of legal services to federal government departments and agencies, the Department of Justice Canada has Vote-Netted Revenue Authority to collect spendable revenue. For the purpose of departmental reporting, Vote-Netted Revenue is the total amount of expenditures reduced by the revenues received by the Department.

**Vote-Netted Revenue (dollars)**

Vote-Netted Revenue	2017-18 Actual	2018-19 Actual	2019-20 Planned	2019-20 Actual	2020-21 Planned*	2021-22 Planned*
Total	316,311,782	330,115,613	327,000,000	345,233,102	327,000,000	327,000,000

\*The 2020-21 and 2021-22 planned revenues correspond to the Departmental Vote-Netted Revenue authority.

In 2019-20, \$345.2 million of Vote-Netted Revenue was collected, an increase of \$15.1 million compared to 2018-19 (\$330.1 million). This increase is primarily due to increased litigation for a broad variety of client departments and agencies, particularly in relation to legal services to support the Canada Revenue Agency's commitment to reduce tax evasion and combat tax avoidance, and legal services to support the Canada Border Services Agency's refugee and citizenship cases.

**Actual Human Resources****Human Resources Summary for Core Responsibilities and Internal Services**

Core responsibilities and Internal services	2017-18 Actual full-time equivalents	2018-19 Actual full-time equivalents	2019-20 Planned full-time equivalents	2019-20 Actual full-time equivalents	2020-21 Planned full-time equivalents	2021-22 Planned full-time equivalents
Legal Services	3,044	3,122	3,130	3,243	3,275	3,276
Justice System Support	296	291	296	284	293	293
<b>Subtotal</b>	<b>3,340</b>	<b>3,413</b>	<b>3,426</b>	<b>3,527</b>	<b>3,568</b>	<b>3,569</b>
Internal Services	971	973	974	1,043	1,070	1,070
<b>Total</b>	<b>4,311</b>	<b>4,386</b>	<b>4,400</b>	<b>4,570</b>	<b>4,638</b>	<b>4,639</b>



The actual full-time equivalents increased by 184 from 2018-19 to 2019-20. The most significant increases were in the Legal Services Core Responsibility and Internal Services. The full-time equivalents for the Justice System Support Core Responsibility remained relatively stable.

In relation to the Legal Services Core Responsibility, the increase of 121 full-time equivalents from 2018-19 to 2019-20 is primarily explained by increased demand for litigation for a broad variety of client departments and agencies in such areas as tax, Indigenous and immigration litigation matters. The increase of 70 full-time equivalents from 2018-19 to 2019-20 in Internal Services is mainly explained by workforce growth in Human Resources Management Services to continue managing the challenges related to the Phoenix Pay System and workforce growth in other areas providing corporate support (such as Communications Services, Information Technology Services and Real Property Management Services).

## **Expenditures by Vote**

For information on the Department of Justice Canada's organizational voted and statutory expenditures, consult the [Public Accounts of Canada 2019–2020<sup>cxxii</sup>](#).

## **Government of Canada Spending and Activities**

Information on the alignment of the Department of Justice Canada's spending with the Government of Canada's spending and activities is available in [GC InfoBase<sup>cxxiii</sup>](#).

## **Financial Statements and Financial Statements Highlights**

### **Financial Statements**

The financial highlights presented within this document are intended to serve as a general overview of the Department's Statement of Operations and Statement of Financial Position as presented in the 2019-20 Departmental Financial Statements (unaudited). These statements are prepared in accordance with accrual accounting principles and are therefore different from reporting on the use of authorities as reflected in previous sections of this report. Reconciliation between authorities used and the net cost of operations is set out in note 3 of the 2019-20 Departmental Financial Statements (unaudited). The Department of Justice Canada's financial statements (unaudited) for the year ended March 31, 2020, are available on the [departmental website<sup>cxxiv</sup>](#).

### **Financial Statement Highlights**

The financial results are driven by delivering on the Department's core responsibilities and associated internal services. The two core responsibilities aim to ensure a fair, relevant and accessible Canadian justice system and a federal government that is supported by high quality legal services.



## Condensed Statement of Operations (unaudited) for the Year Ended March 31, 2020 (dollars)

Financial information	2019-20 Planned results	2019-20 Actual results	2018-19 Actual results	Difference (2019-20 actual results minus 2019-20 planned results)	Difference (2019-20 actual results minus 2018-19 actual results)
Total expenses	1,124,762,000	1,257,033,133	1,207,153,970	132,271,133	49,879,163
Total revenues	327,000,000	344,973,410	330,556,030	17,973,410	14,417,380
Net cost of operations before government funding and transfers	797,762,000	912,059,722	876,597,940	114,297,722	35,461,782

### Planned Results

Planned Results are based on the Future-Oriented Financial Statements presented in the [2019-20 Departmental Plan<sup>cxxv</sup>](#). The actual expenses for 2019-20 were \$132.3 million higher than planned expenses, mainly due to the following:

- increased workforce, retroactive compensation payments, and in-year increments related to the ratification of various collective agreements;
- new funding received mainly for the following transfer payment programs: Immigration and Refugee Legal Aid Program, Enhancing the Integrity of Canada's Borders and Asylum System initiative, Justice Partnership and Innovation Program, and Legal Advice for Complainants of Sexual Harassment in the Workplace; and
- accrued vacation pay due to the postponement of the automatic cash-out of vacation and compensatory leave and the impact of the additional leave days granted as per the Phoenix Compensation Agreement.

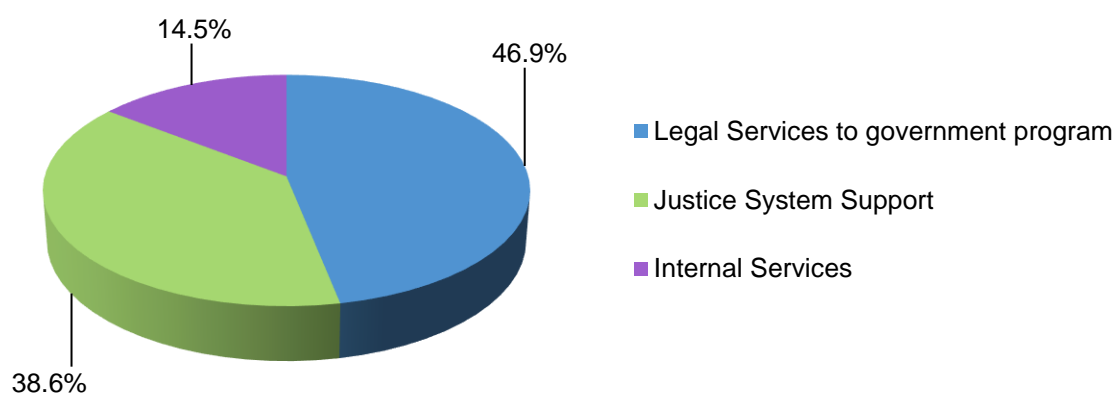
The actual revenues for 2019-20 were \$17.9 million higher than planned revenues. This is explained by an increase in litigation for a broad variety of client departments and agencies.

### Expenses

Total departmental expenses were \$1.3 billion in 2019-20, which represents an increase of \$49.9 million from 2018-19. The variance is explained by increases in the following accounts:

- new expenses for the aforementioned transfer payment programs;
- salary expenses and employee benefits related to an increase in the workforce and yearly compensation adjustments due to the ratification of various collective agreements;
- employer's contributions to the health and dental insurance plans; and
- accrued vacation pay and compensatory leave and impacts of the Phoenix Compensation Agreement.

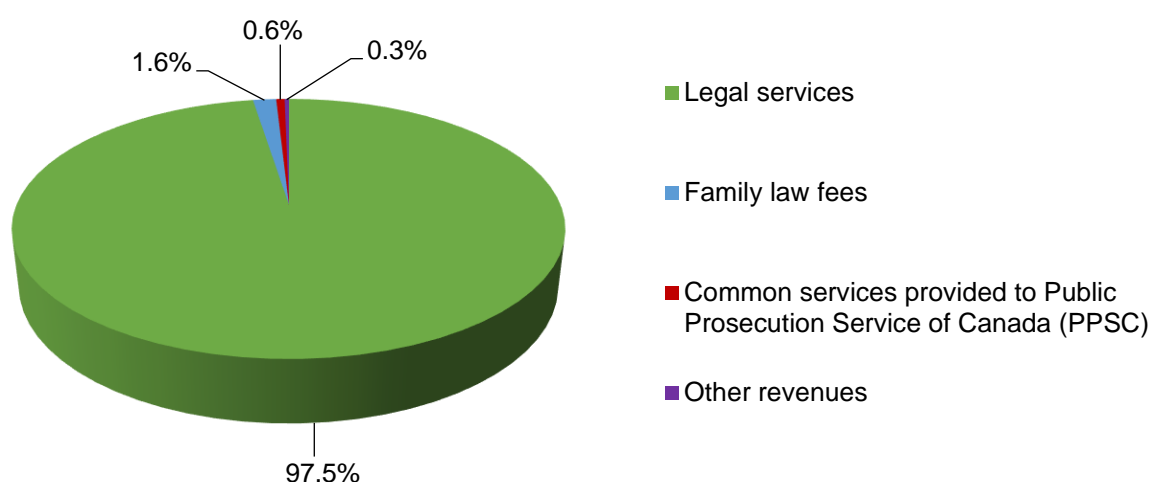
### Expenses by Core Responsibility



### Revenues

Total departmental revenues were \$344.9 million in 2019-20, a net increase of \$14.4 million from 2018-19. This variance is mainly explained by an increase in litigation for a broad variety of client departments and agencies, notably the Canada Revenue Agency, the Canada Border Services Agency and Transport Canada.

### Revenues by Type



## Condensed Statement of Financial Position (unaudited) as of March 31, 2020 (dollars)

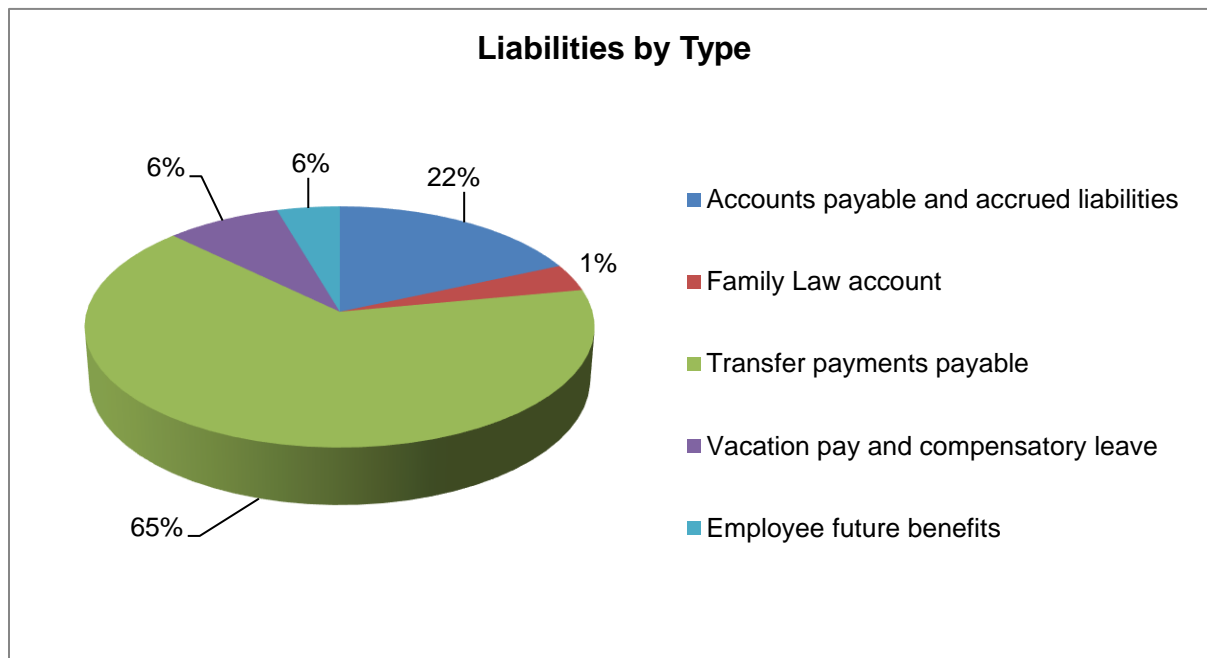
Financial information	2019-20	2018-19	Difference (2019-20 minus 2018-19)
Total net liabilities	473,183,101	445,936,949	27,246,152
Total net financial assets	428,602,451	407,183,504	21,418,947
Departmental net debt	44,580,650	38,753,445	5,827,205
Total non-financial assets	38,502,452	44,078,979	(5,576,527)
Departmental net financial position	(6,078,199)	5,325,534	(11,403,733)

From 2018-19 to 2019-20, the Departmental Net Financial Position varied by \$11.4 million due to a number of factors, which are reflected in the information presented below.

### Liabilities

The Department's total net liabilities were \$473.2 million in 2019-20, which represents an increase of \$27.2 million from 2018-19. The variance is mainly explained by an increase in:

- transfer payments payable as per new cost-shared funding obtained for legal aid programs;
- Family Law account as per a one-time supplement COVID-19 GST/HST credit payment garnishment payable to individuals in order to satisfy family support debts; and
- accrued vacation pay, compensatory leave and impacts of the Phoenix Compensation Agreement.

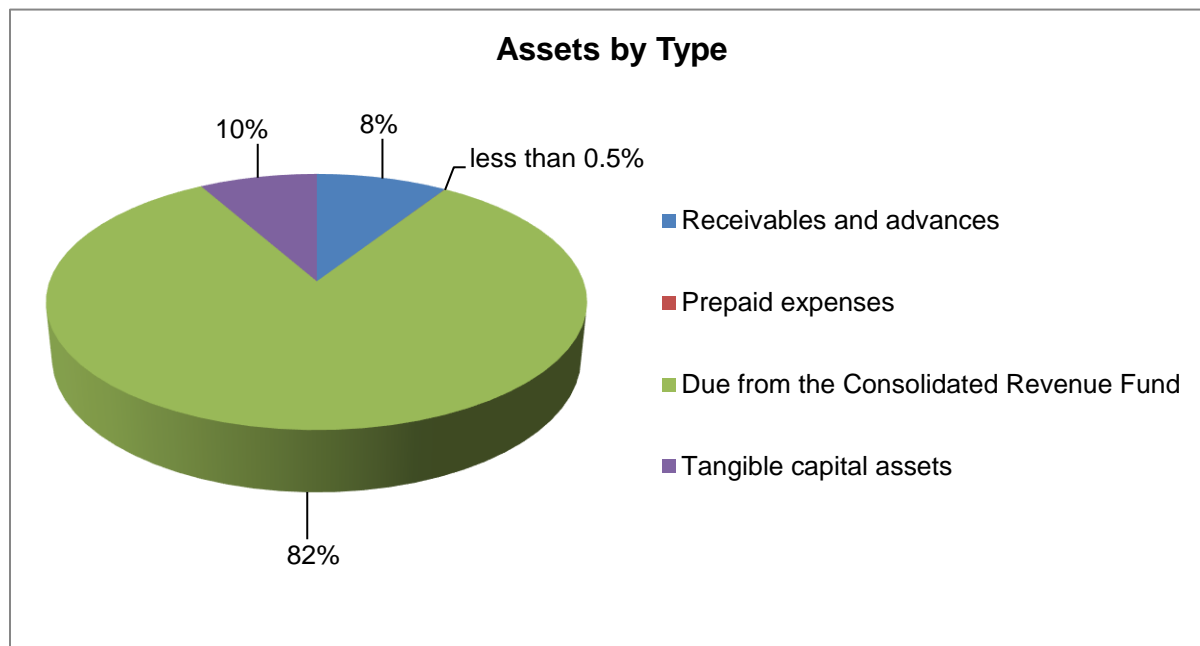


## Financial and Non-Financial Assets

Total net financial assets and non-financial assets were \$467.1 million at the end of 2019-20, which represents an increase of \$15.8 million from 2018-19. The variance is mainly explained by increases in:

- accounts receivable at year-end with the Canada Revenue Agency for the COVID-19 GST/HST one-time supplement garnishment payable to individuals in order to satisfy family support debts and
- accounts receivable related to salary overpayments from Phoenix;

offset by a decrease in tangible capital assets related to a write-down in leasehold improvements.



## Additional Information

### Organizational Profile

**Appropriate minister:** David Lametti, P.C., Q.C., M.P.

**Institutional head:** Nathalie G. Drouin, Ad. E.

**Ministerial portfolio:** Justice

**Enabling instrument:** *Department of Justice Act*<sup>cxxvi</sup>

**Year of incorporation / commencement:** 1868

### Raison D'être, Mandate and Role: Who We Are and What We Do

“Raison D'être, Mandate and Role: Who We Are and What We Do” is available on the [Department of Justice Canada's website](#)<sup>cxxvii</sup>.

For more information on the Department's organizational mandate letter commitments, see the [Minister's mandate letter](#)<sup>cxxviii</sup>.

## Reporting Framework

The Department of Justice Canada's Departmental Results Framework and Program Inventory of record for 2019-20 are shown below.

Departmental Results Framework	Core Responsibility 1: Legal Services		Core Responsibility 2: Justice System Support		Internal Services
	Departmental Result: Departments and agencies receive high quality legal services.	<u>Indicators</u> <ul style="list-style-type: none"><li>▪ Client satisfaction mean rating of 8.0 (or greater) on a 10-point scale on the overall quality of legal services.</li><li>▪ Client satisfaction mean rating of 8.0 (or greater) on a 10-point scale on the performance of legal services against the Service Standards for the Provision of Legal Services in Government.</li><li>▪ Percentage of litigation files resolved in a fiscal year that have a successful outcome (settled or adjudicated) from the Crown's perspective.</li></ul>	Departmental Result: Justice Canada laws and policies abide by the rule of law and promote respect for rights and a fair, accessible and relevant legal framework in Canada.	<u>Indicators</u> <ul style="list-style-type: none"><li>▪ Canada's international ranking with respect to the rule of law.</li><li>▪ Percentage of Canadians who think that the criminal justice system is a) fair; and b) accessible</li><li>▪ Number of constitutional challenges in the provincial and territorial courts of appeal and the Supreme Court of Canada.</li></ul>	
			Departmental Result: The criminal justice system supports alternative ways of responding to the causes and consequences of offending.	<u>Indicators</u> <ul style="list-style-type: none"><li>▪ Number and type of restorative justice programs/processes available.</li><li>▪ Number of people who have used the available restorative justice programs/processes.</li><li>▪ Number/percentage of court imposed community based sentences as compared to number/percentage of incarceration sentences.</li><li>▪ Percentage of individuals who were referred to an Indigenous Justice Program and participated in the Program.</li><li>▪ Percentage of youth court cases receiving a non-custodial (community-based) sentence as compared to previous reported years.</li><li>▪ Percentage of identified, eligible Intensive Rehabilitative Custody and Supervision cases receiving specialized treatment.</li></ul>	
			Departmental Result: Canadians in contact with the justice system have access to appropriate services enabling a fair, timely and accessible justice system.	<u>Indicators</u> <ul style="list-style-type: none"><li>▪ Percentage of federal funds accessed by provinces, territories, non-governmental organizations and other stakeholders to deliver targeted services consistent with federal priorities.</li><li>▪ Percentage of Indigenous Courtwork Program clients indicating a level of satisfaction of "satisfied" or "very satisfied" with the usefulness of the information provided.</li><li>▪ Number of times duty counsel provide assistance in criminal matters.</li><li>▪ Number of full service criminal legal aid applications approved.</li><li>▪ Percentage of Office of the Federal Ombudsman for Victims of Crime (OFOVC) client inquiries or complaints that are assessed and acted upon.</li></ul>	
Program Inventory	<u>Programs</u> <ul style="list-style-type: none"><li>▪ Advisory Services</li><li>▪ Litigation Services</li><li>▪ Legislative Services</li></ul>		<u>Programs</u> <ul style="list-style-type: none"><li>▪ Legal Policies, Laws and Governance</li><li>▪ Legal Representation</li><li>▪ Drug Treatment Court Funding Program</li><li>▪ Contraventions Regime</li><li>▪ Victims of Crime</li><li>▪ Youth Justice</li><li>▪ Family Justice</li><li>▪ Indigenous Justice</li><li>▪ Justice System Partnerships</li><li>▪ Ombudsman for Victims of Crime</li></ul>		

## Supporting Information on the Program Inventory

Financial, human resources and performance information for the Department of Justice Canada's Program Inventory is available in [GC InfoBase](#)<sup>cxxxix</sup>.

## Supplementary Information Tables

The following supplementary information tables are available on the [Department of Justice Canada's website](#)<sup>cxxx</sup>:

- ▶ Departmental Sustainable Development Strategy
- ▶ Details on transfer payment programs of \$5 million or more
- ▶ Gender-based analysis plus
- ▶ Response to parliamentary committees and external audits

## Federal Tax Expenditures

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance Canada publishes cost estimates and projections for these measures each year in the [Report on Federal Tax Expenditures](#)<sup>cxxxi</sup>. This report also provides detailed background information on tax expenditures, including descriptions, objectives, historical information and references to related federal spending programs. The tax measures presented in this report are the responsibility of the Minister of Finance.

## Organizational Contact Information

Department of Justice Canada  
284 Wellington Street  
Ottawa, Ontario  
Canada K1A 0H8  
[www.justice.gc.ca](http://www.justice.gc.ca)

### Public Inquiries:

Communications Branch  
Telephone: 613-957-4222  
TDD/TTY: 613-992-4556  
Email: [webadmin@justice.gc.ca](mailto:webadmin@justice.gc.ca)

### Media Inquiries:

Communications Branch  
Telephone: 613-957-4207  
Email: [media@justice.gc.ca](mailto:media@justice.gc.ca)





## Appendix: Definitions

### **appropriation** (crédit)

Any authority of Parliament to pay money out of the Consolidated Revenue Fund.

### **budgetary expenditures** (dépenses budgétaires)

Operating and capital expenditures; transfer payments to other levels of government, organizations or individuals; and payments to Crown corporations.

### **core responsibility** (responsabilité essentielle)

An enduring function or role performed by a department. The intentions of the department with respect to a core responsibility are reflected in one or more related departmental results that the department seeks to contribute to or influence.

### **Departmental Plan** (plan ministériel)

A report on the plans and expected performance of an appropriated department over a 3-year period. Departmental Plans are usually tabled in Parliament each spring.

### **departmental priority** (priorité)

A plan or project that a department has chosen to focus and report on during the planning period. Priorities represent the things that are most important or what must be done first to support the achievement of the desired departmental results.

### **departmental result** (résultat ministériel)

A consequence or outcome that a department seeks to achieve. A departmental result is often outside departments' immediate control, but it should be influenced by program-level outcomes.

### **departmental result indicator** (indicateur de résultat ministériel)

A quantitative measure of progress on a departmental result.

### **departmental results framework** (cadre ministériel des résultats)

A framework that connects the department's core responsibilities to its departmental results and departmental result indicators.

### **Departmental Results Report** (rapport sur les résultats ministériels)

A report on a department's actual accomplishments against the plans, priorities and expected results set out in the corresponding Departmental Plan.

**experimentation** (expérimentation)

The conducting of activities that seek to first explore, then test and compare the effects and impacts of policies and interventions in order to inform evidence-based decision-making, and improve outcomes for Canadians, by learning what works, for whom and in what circumstances. Experimentation is related to, but distinct from innovation (the trying of new things), because it involves a rigorous comparison of results. For example, using a new website to communicate with Canadians can be an innovation; systematically testing the new website against existing outreach tools or an old website to see which one leads to more engagement, is experimentation.

**full-time equivalent** (équivalent temps plein)

A measure of the extent to which an employee represents a full person-year charge against a departmental budget. For a particular position, the full-time equivalent figure is the ratio of number of hours the person actually works divided by the standard number of hours set out in the person's collective agreement.

**gender-based analysis plus (GBA+)** (analyse comparative entre les sexes plus [ACS+])

An analytical process used to assess how diverse groups of women, men and gender-diverse people experience policies, programs and services based on multiple factors including race ethnicity, religion, age, and mental or physical disability.

**government-wide priorities** (priorités pangouvernementales)

For the purpose of the 2019–20 Departmental Results Report, those high-level themes outlining the government's agenda in the 2019 Speech from the Throne, namely: Fighting climate change; Strengthening the Middle Class; Walking the road of reconciliation; Keeping Canadians safe and healthy; and Positioning Canada for success in an uncertain world.

**horizontal initiative** (initiative horizontale)

An initiative where two or more federal organizations are given funding to pursue a shared outcome, often linked to a government priority.

**non-budgetary expenditures** (dépenses non budgétaires)

Net outlays and receipts related to loans, investments and advances, which change the composition of the financial assets of the Government of Canada.

**performance** (rendement)

What an organization did with its resources to achieve its results, how well those results compare to what the organization intended to achieve, and how well lessons learned have been identified.

**performance indicator** (indicateur de rendement)

A qualitative or quantitative means of measuring an output or outcome, with the intention of gauging the performance of an organization, program, policy or initiative respecting expected results.

**performance reporting** (production de rapports sur le rendement)

The process of communicating evidence-based performance information. Performance reporting supports decision making, accountability and transparency.

**plan** (plan)

The articulation of strategic choices, which provides information on how an organization intends to achieve its priorities and associated results. Generally, a plan will explain the logic behind the strategies chosen and tend to focus on actions that lead to the expected result.

**planned spending** (dépenses prévues)

For Departmental Plans and Departmental Results Reports, planned spending refers to those amounts presented in Main Estimates.

A department is expected to be aware of the authorities that it has sought and received. The determination of planned spending is a departmental responsibility, and departments must be able to defend the expenditure and accrual numbers presented in their Departmental Plans and Departmental Results Reports.

**program** (programme)

Individual or groups of services, activities or combinations thereof that are managed together within the department and focus on a specific set of outputs, outcomes or service levels.

**program inventory** (répertoire des programmes)

Identifies all the department's programs and describes how resources are organized to contribute to the department's core responsibilities and results.

**result** (résultat)

A consequence attributed, in part, to an organization, policy, program or initiative. Results are not within the control of a single organization, policy, program or initiative; instead they are within the area of the organization's influence.

**statutory expenditures** (dépenses législatives)

Expenditures that Parliament has approved through legislation other than appropriation acts. The legislation sets out the purpose of the expenditures and the terms and conditions under which they may be made.

**target** (cible)

A measurable performance or success level that an organization, program or initiative plans to achieve within a specified time period. Targets can be either quantitative or qualitative.

**voted expenditures** (dépenses votées)

Expenditures that Parliament approves annually through an appropriation act. The vote wording becomes the governing conditions under which these expenditures may be made.

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