

Department of Justice Canada

2011-12

Departmental Performance Report

The original version was signed by _____

The Honourable Rob Nicholson, P.C., Q.C., M.P.
Minister of Justice and Attorney General of Canada

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Minister's Message

I am pleased to report on the achievements of the Department of Justice for 2011-12.

Over the past year, my Department focused on meeting two strategic outcomes—a fair, relevant and accessible justice system that reflects Canadian values; and a federal government that is supported by effective and responsive legal services.

The efforts to achieve these outcomes have been central to all aspects of the Department's work: as a policy department; as a central agency within the government; and as a provider of advisory, litigation, and legislative and regulatory drafting services. Again this year, Justice officials continually provided excellent advice and support to the Government of Canada, enabling it to carry out its priorities in serving Canadians as effectively as possible.



One of the Government's highest priorities is protecting Canadians—especially protecting children from sexual offenders and giving a voice to victims of crime. The Department has been at the heart of the Government's efforts to make our streets and communities safer, improve public confidence in the justice system, and work toward a more balanced justice system that protects law-abiding Canadians and holds criminals accountable.

Finally, as part of our Government's commitment to return to balanced budgets, the Department of Justice has been implementing cost-saving measures while continuing to provide excellent legal services and advice. Staff within the Department of Justice continue to carry out their tasks with a commitment to fiscal responsibility, a high level of professionalism and skill, and dedication to serving the Canadian public. I am grateful for their support in this past year and confident about the future.

This report describes what the Department of Justice has accomplished over the past year in carrying out its mandate and supporting the Government's priorities. I invite you to read this report for further details.

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SECTION I: ORGANIZATIONAL OVERVIEW

Raison d'être

The [Department of Justice](#) has the mandate to support the dual roles of the Minister of Justice and the Attorney General of Canada.

Under Canada's federal system, justice is an area of shared jurisdiction between the federal government and the provinces and territories. The Department supports the Minister of Justice in his responsibilities for 49 statutes and areas of federal law by ensuring a bilingual and bijural national legal framework principally within the following domains: criminal justice (including youth criminal justice), family justice, access to justice, Aboriginal justice, public law and private international law.

The Department also supports the Attorney General as the chief law officer of the Crown, both in terms of the ongoing operations of government and of the development of new policies, programs and services for Canadians. The Department provides legal advice to federal government departments and agencies, represents the Crown in civil litigation and before administrative tribunals, and drafts legislation.

Responsibilities

The Department of Justice was officially established in 1868, when the [Department of Justice Act](#) was passed in Parliament. That act laid out the roles and responsibilities of the Department as well as those of the [Minister of Justice and Attorney General of Canada](#).

The Department of Justice fulfills three distinctive roles within the Government of Canada. It acts as:

- a policy department with broad responsibilities for overseeing all matters relating to the administration of justice that fall within the federal domain—in this capacity, it helps to ensure a fair, relevant and accessible justice system for all Canadians;
- a provider of a range of legal advisory, litigation and legislative services to government departments and agencies; and
- a central agency responsible for supporting the Minister in advising Cabinet on all legal matters.

The Department of Justice has over 5,000 dedicated, full-time-equivalent employees. Approximately 60 percent of these employees are located in the National Capital Region, while the other 40 percent provide a strong national presence through a network of regional offices and sub-offices positioned across the country.

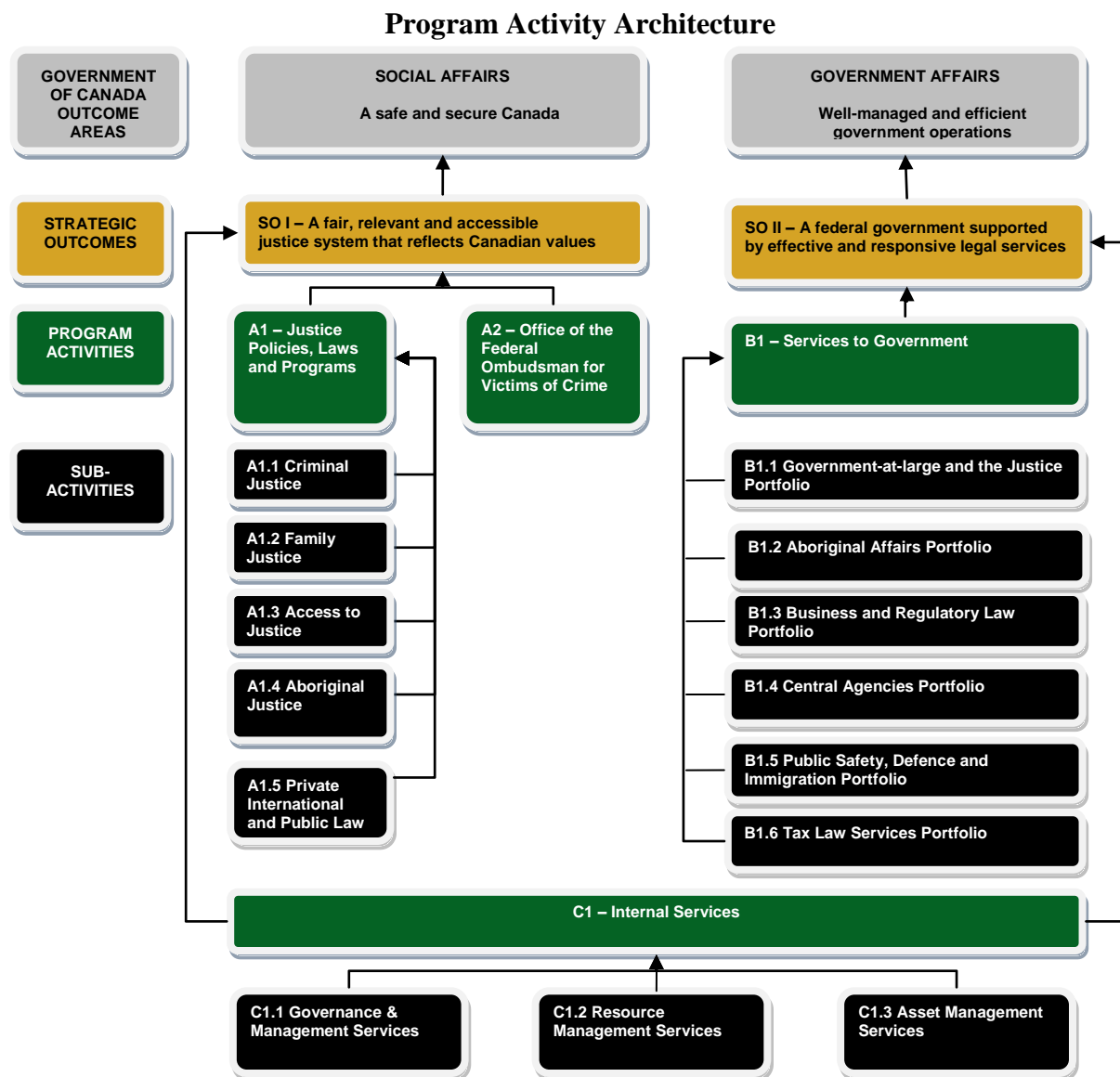
Roughly one half of departmental staff are lawyers. The other half is made up of a broad range of professionals including paralegals, social scientists, program managers, communications specialists, administrative services personnel, computer service professionals, and financial officers.

Strategic Outcomes and Program Activity Architecture

The Department’s two [strategic outcomes](#) reflect the dual roles of the Minister of Justice and Attorney General of Canada:

- Strategic Outcome I: *A fair, relevant and accessible justice system that reflects Canadian values*; and
- Strategic Outcome II: *A federal government supported by effective and responsive legal services*.

The following graphic presentation of the Program Activity Architecture provides an overview of the programs for which the Department is responsible, and shows the linkages between strategic outcomes, program activities and sub-activities and how these support the Government of Canada.



Organizational Priorities

The Department of Justice Canada established six organizational priorities for 2011-12, which are set out in the 2011-12 Report on Plans and Priorities. The progress made toward achieving these priorities is outlined below.

Priority	Type ¹	Strategic Outcome(s)
Development of law reform proposals to support the Government priority of better protecting Canadians	Ongoing	SO I – A fair, relevant and accessible justice system that reflects Canadian values
<p>The Department developed and supported seven law reform proposals to reform and modernize the criminal justice and youth justice systems and to strengthen the legal framework. Bill C-2 enacted reforms to streamline large, complicated trials (mega-trials). Bill C-10 included reforms to combat serious drug offences, strengthen the penalties for sexual offences against children, ensure that conditional sentences are not available for serious crimes, and strengthen the youth criminal justice legislation. Bill S-7 proposed amendments to re-enact expired anti-terrorism provisions. Bill S-9 included proposals to create new nuclear terrorism offences. Bill C-26 proposed amendments to clarify and modernize the law governing citizen's arrest for property offences, self-defence and defence of property. Bill C-36 proposed to make elder abuse an aggravating factor for sentencing. Bill C-32 proposed amendments to the Civil Marriage Act to provide an avenue for the dissolution of marriages of non-residents performed in Canada.</p>		

Priority	Type	Strategic Outcome(s)
Promoting initiatives to respond to the concerns of victims of crime and active participation in initiatives to support the Government priority of better protecting Canadians	Ongoing	SO I – A fair, relevant and accessible justice system that reflects Canadian values
<p>The Department also provided funding through the Victims Fund to provincial and territorial governments and non-governmental organizations to support projects and services for victims. For example, funds were distributed to develop and enhance child advocacy centres, which reduce trauma for child victims or witnesses of crime by providing a child-friendly setting for children and their families to navigate the justice system, minimizing the number of interviews by law enforcement and Crown attorneys, and providing trauma counselling. Funding also supported the delivery of culturally appropriate services to Aboriginal women victims of crime.</p> <p>Justice officials participated in security and anti-terrorism initiatives, including the Global Counter-Terrorism Forum's Working Group on Criminal Justice and the Rule of Law, the Contact Group on Piracy Off the Coast of Somalia, the Progress Report on the Air India Action Plan, and the National Counter-terrorism Strategy. Other initiatives focused on the development of oversight and follow-up mechanisms for international conventions. These initiatives provide opportunities to contribute to international policy development, modernize judicial tools to fight terrorism, and ensure that Canada's justice system remains modern and relevant. The Department continued to play a key role in the work of the Canada-US Cross-Border Crime Forum, which focuses on resolving obstacles and impediments faced by law enforcement and justice officials who work on cross-border crime issues such as organized crime, counter-terrorism, smuggling, economic crime and other emerging threats.</p>		

¹ Type is defined as follows: **Previously committed to** – committed to in the first or second fiscal year before the subject year of the report; **Ongoing** – committed to at least three fiscal years before the subject year of the report; and **New** – newly committed to in the reporting year of the Departmental Performance Report.

Priority	Type	Strategic Outcome(s)
Direct and indirect support for implementation of all the Government's priorities	Ongoing	SO II – A federal government supported by effective and responsive legal services
<p>The Department provided legal advice, litigation, and regulatory and legislative drafting services to the Government, client departments and agencies in support of the following key priorities:</p>		
<p><u>Economic Affairs</u></p>		
<ul style="list-style-type: none"> • Regulating financial institutions: The Department provided integrated legal advisory, litigation and legislative drafting services to clients respecting Parliament's jurisdiction in the regulation of banking, to enhance the regulatory framework for financial institutions and make Canada's financial sector more stable. The Department supported two budget implementation acts that included measures aimed at enhancing Canada's regulatory framework for financial institutions. • Regulatory framework of major resource projects: During 2011-12, the Department provided advice and support in the drafting of Bill C-38, the Jobs, Growth and Long-term Prosperity Act, which was introduced in Parliament in April 2012 by the Minister of Finance. Part 3 of Bill C-38 streamlines environmental assessments of major resource projects. • Infrastructure project: The Department provided litigation services in support of the construction of the Detroit River International Crossing. The owner of the Ambassador Bridge has brought numerous proceedings in various courts and tribunals to prevent construction, including several proceedings against Canada. One of these was a judicial review application challenging the environmental assessment under the Canadian Environmental Assessment Act. That application and the subsequent appeal were both dismissed. 		
<p><u>Social Affairs</u></p>		
<ul style="list-style-type: none"> • Reforms to corrections and parole: The Department provided ongoing support to the reform of corrections and parole, including Part 3 of Bill C-10, which modifies the Corrections and Conditional Release Act in several ways with respect to public safety and victims' rights, and to reforms to regulations made by the provinces under the Sex Offender Information Registration Act. • Cyber security: The Department of Justice provided advice relating to a number of elements of the Cyber Security Strategy. Justice played a central role in providing advice with respect to the sharing of information between partners (provinces and territories, foreign allies, and industry) in relation to both the protection of government systems and critical infrastructure, and efforts to prevent and investigate cyber crime. 		
<p><u>International Affairs</u></p>		
<ul style="list-style-type: none"> • National security: The Department strengthened the Government's ability to protect information pertaining to national defence, national security, and international relations by improving processes and systems relating to the use of this information in litigation, and by defending against civil actions where such information was an issue. • International Trade: The Department of Justice, through the Trade Law Bureau (JLT), defended Canada's interests in international trade and investment litigation. JLT brought forward a World Trade Organization case on behalf of Canada against South Korea's ban on imports of Canadian beef, and successfully advocated for market access for Canadian agricultural products in the face of discriminatory US labelling requirements. The Department is engaged in defending elements of Ontario's renewable energy program against challenges from the European Union and Japan. • International fight against crime: The Department continued to work in collaboration with treaty partners in the area of international assistance in criminal matters. It received and processed over 200 extradition requests, and provided support to the Minister of Justice to assist him in making 92 surrender decisions. 		

Government Affairs

- **Advancing tax initiatives:** The Department provided legal services in respect of harmonized sales taxes and other tax-related initiatives, including tax-administration agreements with the provinces and territories and with Aboriginal governments.

Priority	Type	Strategic Outcome(s)
Public Service Renewal	Ongoing	SO I – A fair, relevant and accessible justice system that reflects Canadian values SO II – A federal government supported by effective and responsive legal services
<p>The Department took concrete steps to renew, develop, and sustain a representative work force to meet its current and future business needs.</p> <p>The Department focused on promoting employee development through various formal and informal mechanisms, including training in leadership and management development, legal education, general professional learning, and language training. Worth noting is the launch of the National Legal Orientation Program, which is intended to assist counsel in better understanding the practice of law at the Department of Justice.</p> <p>Justice continued to show leadership in the federal government with respect to diversity and employment equity. In the 2011-12 People Management Scorecard—a snapshot of departmental performance against a set of key people management indicators and measures—Justice ranked first overall in representativeness and promotions, and second for its commitment to diversity and to providing a respectful workplace. Among other things, Justice released a new Official Languages Policy and two related directives that reinforce the Department’s commitment to providing a workplace that respects employees’ language-of-work rights and reaffirm the importance of linguistic duality as a departmental value.</p>		

Priority	Type	Strategic Outcome(s)
Implementation of the Law Practice Model for the delivery of legal services across government	Ongoing	SO II – A federal government supported by effective and responsive legal services
<p>The Law Practice Model was established in 2008-09 as a means to improve the management of resources devoted to the delivery of legal services to clients. The Model aimed to support managers in more closely monitoring and assigning work based on legal practitioner experience and competencies, and ensure that the Department’s legal work force is suited to client needs. Accordingly, the Department sought to revise its mix of senior (LA-2B and above), mid-level (LA-2A) and entry-level (LA-01) counsel and articling students to better correspond to the needs of the organization.</p> <p>To support the implementation of the Law Practice Model, the Department set staffing targets for the legal (LA) complement to be achieved by 2011-12. Over the three-year period, the Department altered the mix of counsel providing legal services to government and achieved the monetary efficiencies that were committed to as part of the Strategic Review. Specifically, as of March 31, 2012, the Department had successfully increased its entry-level complement from 14.6 percent of the legal work force in 2008-09 to 24.9 percent, just shy of the target of 25.5</p>		

percent. The Department successfully reduced the mid-level counsel complement from 53.7 percent of the legal work force in 2008-09 to 46.2 percent, exceeding the target of 47 percent. It also reduced its senior-level complement from 31.7 percent in 2008-09 to 28.9 percent, close to the target of 27.5 percent. The Department recruited 60 entry-level counsel and 78 articling students in support of the Law Practice Model, an initiative intended to provide the Department with the right mix of counsel to continue to deliver effective and efficient legal services.

Priority	Type	Strategic Outcome(s)
Sustainable development	Ongoing	SO I – A fair, relevant and accessible justice system that reflects Canadian values SO II – A federal government supported by effective and responsive legal services

In line with Justice's Organizational Priority to become a model of environmental excellence, the Department successfully launched its [Sustainable Development Strategy](#) as set out in the 2011-12 Report on Plans and Priorities. The objectives contained in that strategy are designed to be realized within three years; as the period under review corresponds to Year 1, no new priority, target or timeline has been developed.

For more detailed information, please refer to Sustainable Development – Greening Government Operations in Section II regarding the Department's progress on sustainable development.

In recognizing the need to better sustain its efforts toward shrinking its environmental footprint, Justice will work in the first months of the next fiscal year on improving internal reporting requirements and on clarifying the roles, responsibilities and accountabilities of its key functional leads.

Risk Analysis

The Department of Justice Canada continues to integrate risk management into its corporate planning and decision-making to minimize threats and capitalize on opportunities. The operating environment is regularly assessed to identify potential risks to the Department's capacity to deliver legal services to government effectively and to fulfill its responsibilities for the stewardship of the Canadian legal framework. While many factors influence Justice's work, the factors described below have represented sources of ongoing uncertainty and significant areas of risk for the Department.

Risks to Policies, Laws and Programs

The fiscal environment continued to be a key factor in 2011-12. The Department continued to devote resources to high-priority initiatives through prudent business planning, budgeting and monitoring. The Department also recognized the importance of advance planning with respect to funding renewals. Beyond these strategies, the performance measures used to assess the Department's policies and programs will be refined, which will serve to inform future planning and associated allocation of resources.

At the same time, the complexity and variability of the policy process, including the multi-tiered nature of the Canadian justice system, continued to create both challenges and opportunities. In

response, the Department further implemented the Policy Sector's Transformation Initiative to strengthen management and organizational capacity for change. This included activities focused on adapting the work force to the more demanding policy environment (e.g., professional development, knowledge management initiatives and succession planning). In addition, through ongoing research, consultation and policy analysis, Justice continued to identify emerging trends and issues as well as best practices in policy development across government. A notable example is the creation of a Common Policy Considerations Checklist (which is updated annually). This comprehensive tool for employees involved in policy and program development makes it easier to consider a range of factors that are important in policy development in the federal government. This tool supports integrated analysis and decision making—essential underpinnings of good public policy, sustainable development and assessment of pertinent risks.

While the current fiscal environment is an acknowledged factor in partner and stakeholder relations, Justice has continued to work with provincial and territorial governments, delivery partners and funding recipients through an ongoing dialogue based on mutual respect, common values and shared interests. For example, in 2011-12, the Department developed a new stakeholder engagement framework to help enable them to be involved in the design and delivery of grants and contribution programs. The Department also continued to collaborate through a number of federal-provincial and stakeholder coordination forums with particular emphasis on setting priorities for policy and program objectives.

Risks to Services to Government

Since the Department's funding for legal services is based largely on cost recovery from client organizations, risk is created as federal departments and agencies seek to contain costs in an environment of fiscal restraint. Financial risk can occur as Justice carries the salary and operating liability of maintaining its delivery capacity. Beyond financial implications, the Department's capacity to meet future client demands could also be negatively impacted. To mitigate this risk, the cost-recovery and forecasting processes were improved. The Department also continued to work with clients to help them manage their legal risks effectively and find sound ways of lowering their demand for legal services. This included working in collaboration with the Interdepartmental Advisory Committee on Legal Risk Management to develop reference material for federal managers, which will enhance their understanding of the triggers and costs associated with litigation.

The Department's ability to meet client demands is also greatly dependent upon supporting the ongoing professional development of legal staff. The Department's Legal Education Program has been designed to enhance lawyers' knowledge and understanding of new developments in a variety of areas related to the practice of federal law. This program and other accredited activities offered by Justice also assist legal staff in meeting mandatory continuing professional development obligations required by various law societies and the *Chambre des notaires du Québec*.

An additional challenge for legal service delivery stems from rapid changes in law practice management—particularly the sheer growth in the speed and volume of information that is crucial to the effective management of legal files. To mitigate this risk, the Department continued to develop and enhance tools, systems, processes and skills to support effective case

management, knowledge management, legal risk management, dispute resolution and quality assurance of legal services. For instance, in 2011-12, a new legal knowledge portal was launched, consolidating a number of formerly separate legal knowledge systems and thereby making legal research more efficient. Mitigation of this risk has also involved business alignment and prioritization of information management and information technologies, and ensuring integration between legal case management and financial systems as well as information management systems.

Finally, with increasing demands for specialized and complex legal services, the Department has also had to manage risk pertaining to the capacity of its corporate functions to adequately support the delivery of legal services. In 2011-12, Justice continued to monitor and assess corporate capacity to ensure a balance of corporate resources across the Department. Justice also managed the transition of infrastructure support functions to Shared Services Canada through a close partnering arrangement.

Summary of Performance

2011–12 Financial Resources (\$ millions)

Planned Spending	Total Authorities*	Actual Spending*
772.2	1,106.8	1,054.2
*Excludes amount deemed appropriated to Shared Services Canada.		

Note: Planned Spending for 2011-12 excludes Net Vote Authority of \$290M, which allows the Department to spend revenues generated from the provision of legal services and internal support services to other government departments and agencies. As per the Treasury Board Guide on Financial Arrangements and Funding Options, the Department is permitted to collect and re-spend up to 125 percent (i.e., \$362.5M) of the Net Vote Authority authorized by Parliament in Main Estimates. Total Authorities includes actual Net Vote Authority spending of \$309.1M in 2011-12.

2011–12 Human Resources (Full-Time Equivalents [FTEs])

Planned	Actual	Difference
5,272	5,032	240

Summary of Performance Tables

Progress Toward Strategic Outcomes

Strategic Outcome I: A fair, relevant and accessible justice system that reflects Canadian values		
Performance Indicators	Targets	2011-12 Performance
Public confidence in the justice system	Level of public confidence in the justice system remains stable or improves	In 2011, the levels of public confidence in the justice system remained relatively stable compared to 2009 levels: <ul style="list-style-type: none"> Public confidence level in the adult criminal justice system in 2011: 50.5% (+3.77%) Public confidence level in the youth criminal justice system in 2011: 39.7% (-1.45%)²
Canada's international ranking on whether or not justice is "fairly administered"	Canada's high relative international ranking on justice issues is maintained or improved	Canada's ranking improved to sixth out of 59 countries (up from ninth in 2010-11 and tenth in 2009-10). ³
Number of bills tabled in Parliament by the Minister of Justice	Not applicable ⁴	The Department fully supported the Minister's legislative agenda. The Minister of Justice tabled seven bills. ⁵

² *Public Support for Legal Aid and Public Confidence in the Criminal Justice System (2011)* and *National Justice Survey: Mental Health Disorders in the Criminal Justice System (2009)*. These percentages are representative of the Canadian population within +/-2.5 percent (19 times out of 20).

³ *World Competitiveness Survey 2012 Yearbook*, Survey Question within Government Efficiency - Societal Framework: "Justice is fairly administered." Canada achieved an overall score of 8.63 on an index of 0-10.

⁴ A numerical target was not identified in the 2011-12 Report on Plans and Priorities. The Department strives to fully support the Minister's legislative agenda. The 2012-13 Report on Plans and Priorities includes revised expected results and performance indicators as well as new targets, which the Department will report against in the 2012-13 Departmental Performance Report.

⁵ Of the seven bills tabled, two (Bill C-2, the *Fair and Efficient Criminal Trials Act*, and Bill C-10, the *Safe Streets and Communities Act*) received royal assent. The other five bills tabled were: Bill S-7, the *Combating Terrorism Act*; Bill S-9, the *Nuclear Terrorism Act*; Bill C-26, the *Citizen's Arrest and Self-Defence Act*; Bill C-32, *An Act to Amend the Civil Marriage Act*; and Bill C-36, the *Protecting Canada's Seniors Act*.

Performance Summary, Excluding Internal Services

Program Activity	2010-11 Actual Spending	2011-12 (\$ millions)				Alignment to Government of Canada Outcome
		Main Estimates	Planned Spending	Total Authorities*	Actual Spending*	
A1 Justice Policies, Laws and Programs	428.1	432.0	432.0	441.6	426.7	A Safe and Secure Canada
A2 Office of the Federal Ombudsman for Victims of Crime	1.3	0.0**	0.0**	1.2	1.2	A Safe and Secure Canada
Total	429.4	432.0	432.0	442.8	427.9	
* Excludes amount deemed appropriated to Shared Services Canada.						

** The Victims of Crime Initiative sunsetted in 2010-11; therefore, it was not reflected in the Main Estimates and Planned Spending reported in the 2011-12 Report on Plans and Priorities. Funding was renewed as part of the Federal Victim Strategy in the 2011-12 Supplementary Estimates "A".

Strategic Outcome II: A federal government that is supported by effective and responsive legal services		
Performance Indicators	Targets	2011-12 Performance
Client feedback on the quality of legal advisory, litigation, legislative and regulatory drafting services	Attain mean score of 8.0/10 for each of legal advisory, litigation, legislative and regulatory drafting services	<ul style="list-style-type: none"> • Legal advisory services: 8.4/10 • Litigation services: 8.3/10 • Legislative drafting services: 8.5/10 • Regulatory drafting services: 8.5/10
Client feedback on Department of Justice performance against service standards for the delivery of legal services	Attain mean score of 8.0/10 on each item for which client feedback is obtained	The mean ratings ranged from 7.3 to 9.3, depending upon the specific service standard. ⁶

⁶ The result obtained for each service standard, as well as further discussion of these results, can be found in Section II of this report – Program Activity B1 – [Performance Summary](#). The departmental report for Cycle II of the Client Feedback Survey is available online at www.justice.gc.ca/eng/dept-min/pub/dpr-rr/2012/sur/.

Performance Summary, Excluding Internal Services

Program Activity	2010-11 Actual Spending	2011-12 (\$ millions)				Alignment to Government of Canada Outcome
		Main Estimates	Planned Spending	Total Authorities*	Actual Spending*	
B1 Services to Government	455.5	197.2	203.8	472.0	441.6	Well-managed and efficient government operations
Total	455.5	197.2	203.8	472.0	441.6	
* Excludes amount deemed appropriated to Shared Services Canada.						

Note: For Program Activity B1, Main Estimates and Planned Spending exclude Net Vote Authority, which allows the Department to spend revenues from the provision of legal services to other government departments and agencies. Net Vote Authorities associated with services to government program activity totalled \$270.0M in 2011-12.

Performance Summary for Internal Services

Program Activity	2010-11 Actual Spending	2011-12 (\$ millions)			
		Main Estimates	Planned Spending	Total Authorities*	Actual Spending*
C1 Internal Services	164.7	108.3	136.4	192.0	184.7
* Excludes amount deemed appropriated to Shared Services Canada.					

Note: Main Estimates and Planned Spending exclude Net Vote Authority, which allows the Department to spend revenues from the provision of legal services and internal support services to other government departments and agencies. Net Vote Authorities associated with the Internal Services program activity increased to \$39.1M in 2011-12 from \$27.1M in 2010-11. The 2011-12 increase in Actual Spending is primarily the result of an increase in Treasury Board Secretariat Central Votes to cover the one-time severance payouts for Public Service Alliance of Canada members, which were centrally managed.

Contribution to the Federal Sustainable Development Strategy

The Federal Sustainable Development Strategy (FSDS) outlines the Government of Canada's commitment to improving the transparency of environmental decision-making by articulating its key strategic environmental goals and targets. The Department of Justice Canada ensures that consideration of these outcomes is an integral part of its decision-making processes. Justice contributes to Theme 4 of the FSDS – Shrinking the Environmental Footprint – Beginning with Government – as denoted by the visual identifier and associated program activity below:



Theme IV:
Shrinking the Environmental Footprint –
Beginning with Government

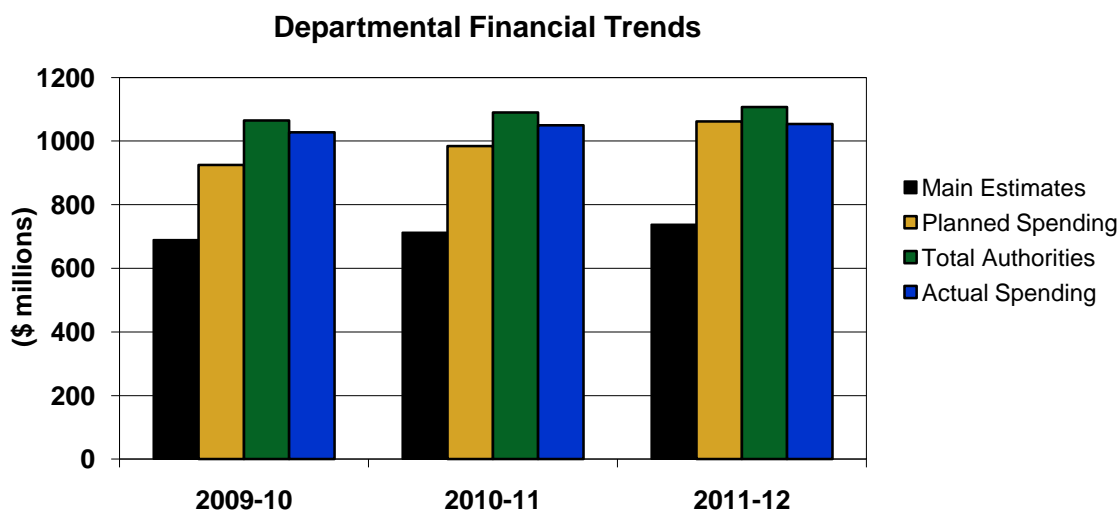
Program Activity C1: Internal Services

During 2011-12, the Department considered the environmental effects of initiatives subject to the [Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals](#).

For further information on Justice activities in support of sustainable development, please visit the departmental [website](#). For complete information on the FSDS, please visit the [Environment Canada website](#).

Expenditure Profile

As shown in the table below, the Department's 2011-12 Main Estimates totalled \$737.5 million and its Total Authorities amounted to \$1,106.8 million. The Total Authorities include funding received through Supplementary Estimates processes and Treasury Board Secretariat Central Votes in the amount of \$64.6 million. They also include actual Net Voting Authority spending of \$309.1 million, which allows the Department to spend revenues generated from the provision of legal services and internal support services to other government departments and agencies.



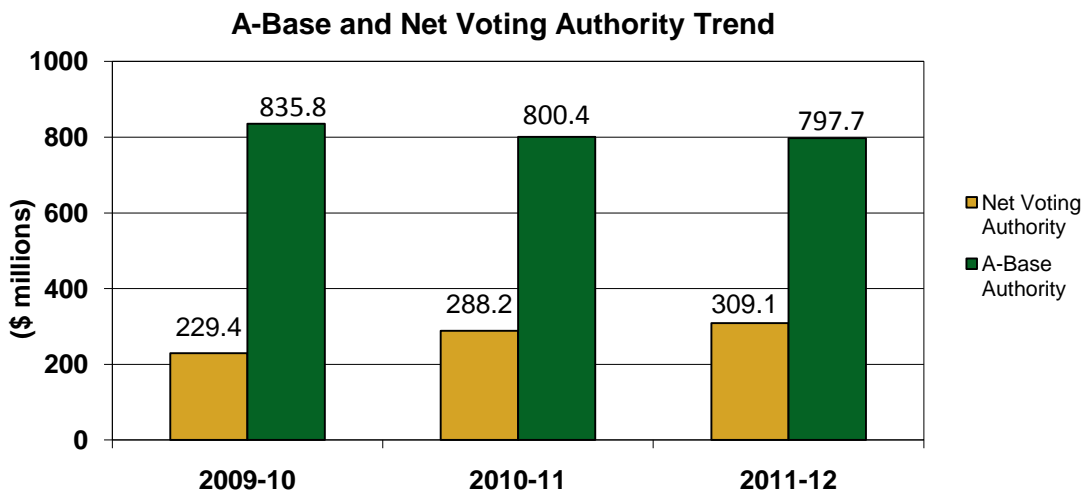
2011-12 Departmental Spending Trend (\$ millions)	2009-10	2010-11	2011-12
Main Estimates	689.4	712.3	737.5
Planned Spending	924.5	984.2	1,062.2
Total Authorities	1,065.2	1,090.4	1,106.8
Actual Spending	1,027.9	1,049.7	1,054.2

Departmental spending has increased over the last three years by 2.6 percent, for a net increase of \$26.2 million, with totals of \$1,027.9 million in 2009-10, \$1,049.7 million in 2010-11, and \$1,054.2 million in 2011-12. The increase is due primarily to increasing demand for legal services from other government departments and agencies and the one-time severance payouts

for Public Service Alliance of Canada members in 2011-12, as well as the implementation of the arbitral award for lawyers, including the retroactive compensation payment in 2010-11.

The 2011-12 increase in Total Authorities is primarily related to an increase in Treasury Board Secretariat Central Votes to cover the one-time severance payouts for Public Service Alliance of Canada members and the increase in the Operating Budget Carry Forward (\$17.8 million); this was partially offset by a transfer to Shared Services Canada (\$9.93 million) in support of the Government's commitment to centralize information technology services.

Furthermore, as the Department continues to deal with an increasing demand for legal services, the profile of its Total Authorities has changed in recent years. The 2011-12 Total Authorities of \$1,106.8 million include \$797.7 million of A-Base and \$309.1 million of Net Voting Authority (NVA). As the graph below demonstrates, the A-Base and NVA significantly changed from 2009-10 to 2011-12. The trend shows a decrease of 4.6 percent in A-Base and an increase of 34.8 percent in NVA over the three-year period. While the Department's A-Base resources related to the costs of legal services were reduced as Justice underwent its Strategic Review in 2008, the NVA has grown largely due to the increase in demand for legal services and the increase in the salary cost related to the implementation of collective agreements, notably that of counsel.

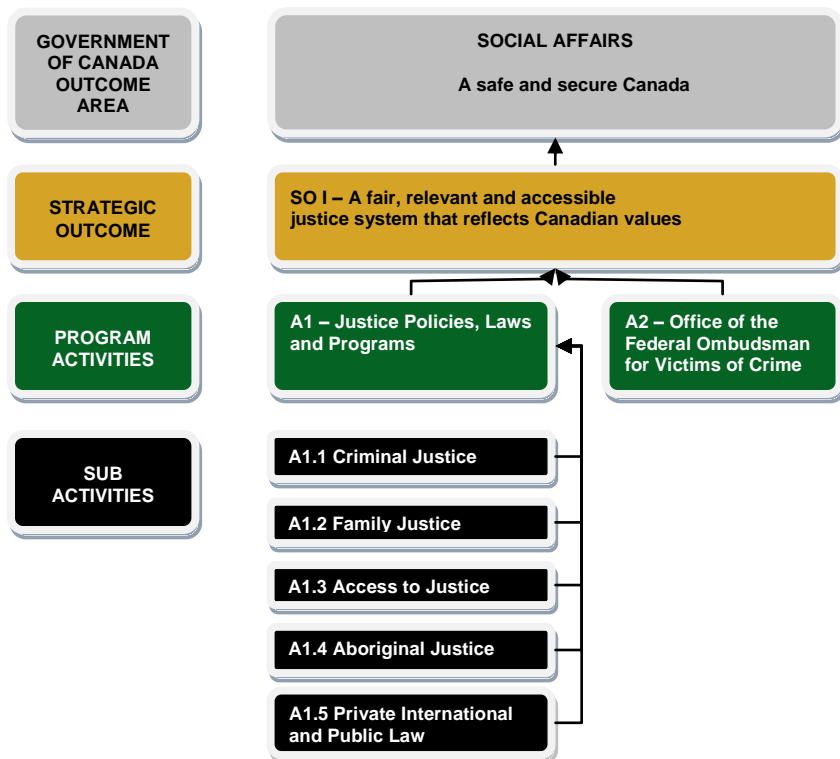


Estimates by Vote

For information on the Department of Justice's organizational votes and/or statutory expenditures, please see the Public Accounts of Canada 2012 (Volume II). An electronic version of the Public Accounts 2012 is available on [Public Works and Government Services Canada's website](#).

SECTION II: ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

Strategic Outcome I: A fair, relevant and accessible justice system that reflects Canadian values



Ensuring that Canada's system of justice is fair, relevant and accessible and that it reflects Canadian values is a responsibility that does not lie with the Department of Justice alone, rather, it involves 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.

The Department plays a fundamental role by establishing, maintaining and refining the national legal framework. It also exercises a leadership role in consulting and collaborating with federal, provincial, territorial, municipal and non-governmental partners to identify and address issues that affect the fairness, relevance and accessibility of the Canadian justice system.

This Strategic Outcome is supported by two program activities: Justice Policies, Laws and Programs and the Office of the Federal Ombudsman for Victims of Crime.

Program Activity A1: Justice Policies, Laws and Programs

Program Activity Description

Under Canada's federal system, justice is an area of shared jurisdiction between the federal government and the provinces and territories. Through this program activity, the Department fulfils its responsibility to ensure a bilingual and bijural national legal framework for the administration of justice by developing policies and laws and testing innovative approaches to strengthen the framework within the following domains: criminal law, youth criminal justice, sentencing, marriage and divorce, access to justice, and Aboriginal justice. Through this program activity, the Department also provides significant ongoing funding to provinces and territories in support of their responsibilities for the day-to-day administration of justice.

2011–12 Financial Resources (\$ millions)

Planned Spending	Total Authorities*	Actual Spending*
430.0	441.6	426.7
* Excludes amount deemed appropriated to Shared Services Canada.		

2011–12 Human Resources (Full-Time Equivalents [FTEs])

Planned	Actual	Difference
383	357	26

Performance Summary and Analysis of Program Activity

Justice Policies, Laws and Programs

Expected Results	Performance Indicators	Targets ⁷	Actual Results
A sustainable national justice system	Per capita spending by all levels of government in Canada on the justice system	Not available	Data on spending by all levels of government in Canada on the justice system is not available. ⁸
	<ul style="list-style-type: none"> • Police-reported crime rate • Crime Severity Index 		There was a 6% decline in the overall police-reported crime rate for <i>Criminal Code</i> offences (excluding traffic offences) in 2011 compared to 2010, and a 6% decline in the Crime Severity Index in 2011 compared to 2010. ⁹

⁷ The 2011-12 Report on Plans on Priorities did not establish targets. The 2012-13 Report on Plans and Priorities identifies expected results, performance indicators and targets, which the Department will report against in the 2012-13 Departmental Performance Report.

⁸ Data necessary to calculate per capita spending by all levels of government in Canada on the justice system is not available. This information is no longer collected by Statistics Canada; existing data is out of date and unreliable for reporting purposes. The performance indicator for this program activity has been revised in the 2012-13 Report on Plans and Priorities.

⁹ Statistics Canada, Canadian Centre for Justice Statistics (CCJS), Uniform Crime Reporting Survey, 2011

Performance Summary

In 2011-12, the Department of Justice devoted a total of \$426.7 million to this program activity, which accounts for 40 percent of the total departmental spending (38.6 percent of the departmental budget). Over 90 percent of the Department's budgetary allocation for this program activity is used to provide ongoing funding to provinces, territories and non-governmental organizations for the delivery of programs that directly support federal policy objectives. These include legal aid, youth justice and victim services, Aboriginal justice services, public legal education and information, and other valuable programs and services. The Department provides this monetary support because of the federal government's shared interest in a sustainable national legal system.¹⁰

The justice system continued to show improvements in crime rates in 2011. There was a six percent drop in the Crime Severity Index compared to 2010. There was also a six percent drop in the overall crime rate for *Criminal Code* offences (excluding traffic violations) compared to 2010. The drop in overall police-reported crime was seen throughout the country and for most offences, including attempted murder, major assault, sexual assault, robbery, break-ins and motor vehicle theft. However, despite the overall decrease, police-reported crime rates for certain other offences increased in 2011. These offences include homicide, sexual offences against children, child pornography, criminal harassment, impaired driving and most drug offences.¹¹

Analysis of Program Activity

The Department continued to work with all levels of government and non-governmental organizations to develop legislative reforms and policies and to support effective program delivery to maintain a sustainable national justice system.

As justice is an area of shared jurisdiction, federal, provincial and territorial ministers and deputy ministers responsible for justice and public safety meet on a regular basis to consider work developed jointly by officials in all jurisdictions and to share information on issues of mutual interest.¹² In this reporting period, deputy ministers met in June 2011 and ministers met in January 2012. The Department of Justice Canada provided legal policy expertise and secretariat support to both forums, in particular, in leading the Coordinating Committees of Senior Officials (Criminal Justice, Youth Justice and Family Justice) that support the work of federal, provincial and territorial ministers and deputy ministers. The Department also worked on the coordination of child issues with the provinces and territories.

¹⁰ Detailed summaries related to each sub-activity area follow.

¹¹ Statistics Canada, *Police-reported Crime Statistics, 2011*, www.statcan.gc.ca/daily-quotidien/120724/dq120724b-eng.htm

¹² The range of issues addressed by these forums is always broad. In 2011-12 it included the following: the identification of priorities for collaboration; northern and remote justice issues; Aboriginal justice; missing and murdered women; violence against Aboriginal women and girls; child pornography; mental health and justice; disclosure in the criminal trial process; national police services; the economics of policing; First Nations Policing; updating the *Criminal Code* provisions on corruption; criminal and civil legal aid; justice efficiencies; and access to justice in civil and family matters.

The Department supported the work of the National Action Committee on Access to Justice in Civil and Family Matters, and it played a leadership role in the [Steering Committee on Justice Efficiencies and Access to Justice](#). As well, the Department maintained a strong professional relationship with the Canadian Bar Association, engaging both Justice and private sector lawyers as well as facilitating the exchange of information on a range of issues including Aboriginal law, constitutional and human rights law, and criminal law. The Department also met with the Federation of Law Societies of Canada to discuss a wide array of issues.

Internationally, the Department continued to work and share information with the United States and the United Kingdom on projects in other countries and regions.¹³ This international collaboration promotes integration and cooperation in the provision of international technical legal assistance.

Criminal Justice

Expected Results	Performance Indicators	Targets	Actual Results
Criminal law is reformed to respond to emerging issues	Average length of a case	Not available	Median elapsed time (in days) to complete cases in adult criminal courts for <i>Criminal Code</i> offences (not including traffic offences) decreased from 120 days in 2008-09 to 113 days in 2010-11 ¹⁴
	Sentence by type and length		In 2010-11 the average custodial sentence for crime: ¹⁵ <ul style="list-style-type: none"> • against the person was 238 days (down 3 days from 2009-10) • against property was 115 days (up 5 days from 2009-10). The average custodial sentence for all <i>Criminal Code</i> offences (excluding traffic offences) was 115 days, ¹⁶ the same as in the previous year. ¹⁷

¹³ In this regard, the Department coordinated and planned the Canada-United Kingdom-United States Trilateral meeting with the US Office of the Overseas Prosecutorial Development Assistance and Training, and the UK's International Division of the Crown Prosecution Service, and carried out regular dialogue with its US and UK partners.

¹⁴ Statistics Canada, Canadian Centre for Justice Statistics (CCJS), *Adult Criminal Court Surveys in Canada 2010/2011*.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ In the 2010-11 Departmental Performance Report, Justice reported that the average sentence length was 114 days, based on Statistics Canada information. Statistics Canada now reports that it was in fact 115 days. Cases are counted according to the fiscal year in which they are completed. Each year, the Integrated Criminal Court Survey database is "frozen" at the end of March for the production of court statistics pertaining to the preceding fiscal year. However, these counts do not include cases where the outcome was pending at the end of the reference period. Once an outcome is reached, or a one-year period of inactivity elapses, these cases are deemed complete and are subsequently updated and reported with the next year's release of the data. For example, upon the release of 2010-11 data, the 2009-10 data are updated with revisions that were determined when processing data for the next fiscal year. Data are revised once and are then permanently "frozen." Historically, updates to a previous year's numbers have resulted in an increase of about two percent.

Canadians have a positive perception of the criminal justice system	Self-reported victimization	Not available	In 2009, 27% of Canadians aged 15 years and older reported being the victim of crimes, 30% of which were violent in nature (70% were non-violent). These results are similar to results from the General Social Survey findings from 2004. ¹⁸
	Public perceptions of personal safety		In 2009, 47.6% of Canadians said they were very satisfied with their personal safety and 45.1% said they were somewhat satisfied. These results are similar to the General Social Survey findings from 2004. ¹⁹
	Public perceptions of the justice system		In 2011, 50.5% of Canadians said they had confidence in the adult criminal justice system and 39.7% said they had confidence in the youth criminal justice system. Results remained relatively stable compared to 2009. ²⁰

Performance Summary

Lag time from the time charges were laid to court resolution has decreased slightly from the previous year; however, the time elapsed to complete an adult criminal court case is being measured differently from previous years. Specifically, lag time is being measured using median rather than mean elapsed time by Statistics Canada since various administrative practices or outcomes to cases are known to artificially inflate the value of the mean elapsed time to complete a case.

To address the length of criminal cases from the time charges are laid to court resolution, the Department developed Bill C-2, the *Fair and Efficient Criminal Trials Act*, which received royal assent in June 2011. The amendments in Bill C-2 will reduce long trials by providing a set of tools to strengthen case management, reduce duplication of processes, and otherwise improve criminal procedure.

The average custodial sentence in 2010-11 for all *Criminal Code* offences, excluding traffic offences, was 115 days, which remains unchanged from the previous year. Sentences for crimes against the person averaged 238 days, down three days from 2009-10, while sentences for crimes against property increased from an average of 110 days in 2009-10 to 115 days.

Seventy-seven percent of all cases completed in adult court in 2010-11 involved non-violent offences, such as property offences, administration of justice offences (e.g., breach of bail conditions, probation violations, etc.), traffic violations, or federal statute offences such as drug offences. Violent offences accounted for the remaining 23 percent. The most commonly

¹⁸ Statistics Canada, *Criminal Victimization in Canada, 2009* (Most recent available data are based on the 2009 General Social Survey. The survey is conducted every five years.)

¹⁹ *Ibid.*

²⁰ *Public Support for Legal Aid and Public Confidence in the Criminal Justice System (2011)* and *National Justice Survey: Mental Health Disorders in the Criminal Justice System (2009)*. The results are based on a 10-point scale that was used in the study to determine confidence levels where a rate of six and above is interpreted as “attesting confidence.”

occurring offences were impaired driving (12 percent), theft (11 percent), common assault (nine percent), failure to comply with a court order (nine percent), and breach of probation (eight percent).

In adult criminal court cases where there was a finding of guilt, the most common type of sentence imposed was probation, handed down in 45 percent of cases. Another 33 percent resulted in a sentence to custody; of these, 86 percent were for a term of six months or less, while four percent were for federal custody of two years or more.

Youth courts in Canada completed about 52,900 cases in 2010-11 involving more than 178,000 charges. The caseload decreased for the second year in a row, down seven percent, which is in line with the drop in the overall crime rate. Nearly three quarters of cases completed in youth courts involved non-violent offences. The most common offences in youth cases were theft (15 percent), *Youth Criminal Justice Act* offences such as failure to comply with a sentence (11 percent), and breaking and entering (eight percent).

As in previous years, probation was the most frequently ordered sentence in youth court, ordered in 58 percent of all sentences. The use of custodial sentences has decreased in youth courts to 16 percent of those found guilty, down from 29 percent a decade earlier.

Analysis of Program Activity

Throughout 2011-12, the Department worked on a number of legislative reforms and activities in order to support Government priorities to better protect Canadians, improve the efficiency of the criminal justice system, and support victims of crime.

To cite some of the key examples, the Department provided legal and policy advice and supported the Government to ensure passage and implementation of a wide range of criminal law reforms. Bill C-10, the [*Safe Streets and Communities Act*](#), which received royal assent in March 2012, supports the protection of Canadians by addressing such issues as terrorism, sexual offences against children and penalties for serious drug offences, and ensures that conditional sentences are not available for serious and violent offences. Part 4 of Bill C-10 amends the [*Youth Criminal Justice Act*](#) with a focus on the protection of the public as a fundamental principle. It reforms sentencing principles, ensures conformity with the Supreme Court of Canada's decision in [*R. v. D.B*](#) prohibits anyone under 18 years of age from serving a sentence in an adult facility, requires police to keep records of extrajudicial measures, and makes other changes aimed at strengthening the youth justice system.

The Minister introduced reforms to re-enact the expired anti-terrorism provisions (Bill S-7, the [*Combating Terrorism Act*](#)), which would compel individuals with knowledge about terrorist activity to answer questions at investigative hearings; it would also make it illegal to leave the country to carry out certain terrorism offences. Bill S-9, the [*Nuclear Terrorism Act*](#), included proposals to create four new nuclear terrorism offences.

In support of protection against elder abuse, the Department developed Bill C-36, the [*Protecting Canada's Seniors Act*](#), which was introduced into Parliament in March 2012. This bill proposes

to make vulnerability due to age and other personal circumstances an aggravating factor for sentencing purposes. A bill intended to clarify the law governing citizen's arrest and modernize the law of self-defence and defence of property was also introduced (Bill C-26, the [Citizen's Arrest and Self-Defence Act](#)).

The Department also continued to support youth justice issues, providing funds to assist the provinces and territories in delivering youth justice services and [intensive rehabilitation custody supervision programs](#). New funding arrangements were signed with provinces and territories under the [Youth Justice Services Funding Program](#). The Department also revived the Federal-Provincial-Territorial Coordinating Committee of Senior Officials – Youth Justice to serve as a forum for monitoring and discussing inter-jurisdictional youth justice policies, programs and issues and to oversee the review of the *Youth Criminal Justice Act Sentence Calculation Handbook*.

As the lead for the [National Anti-Drug Strategy](#), the Department coordinated efforts with its 11 federal partners to prevent the use of illicit drugs, treat dependency, and reduce their production and distribution. Moreover, the Department led the Drug Treatment Court Funding Program and the drug treatment component of the Youth Justice Fund. The Department is currently conducting a horizontal evaluation of the Strategy, in cooperation with its partners.

As part of a whole-of-government approach and with the financial support of the Canadian International Development Agency and the Department of Foreign Affairs and International Trade, the Department provided technical legal assistance aimed at promoting security, the rule of law and good governance to several countries. To further the development of international legal frameworks to combat crime, the Department also played a leadership role in various international meetings on such issues as crime prevention, cocaine trafficking and corruption.

The Department also collaborated on work related to criminal justice issues in forums such as the Commonwealth, the Organization of American States and the Council of Europe, the United Nations, as well as the G8 and the Quintet of Attorneys General (Canada, United States, United Kingdom, Australia and New Zealand).

In 2011-12, the Department sought and received renewal of the Federal Victims Strategy. The Department distributed funding from the Victims Fund across the country in support of [child advocacy centres](#). To reduce justice system-induced trauma, these centres provide assistance in a child-friendly environment to children who are victims of crime or witnesses to it, along with their families. Funding also supported the delivery of culturally appropriate services for Aboriginal women victims and the families of [missing or murdered Aboriginal women](#) in many provinces and territories. These services assist Aboriginal women victims and witnesses in fully participating in the criminal justice system.

These legislative reforms and activities serve to support the Government's priorities of protecting Canadians (both at home and abroad), improving the efficiency of the criminal justice system, and supporting victims of crime.

Family Justice

Expected Results	Performance Indicators	Targets	Actual Results
Increased compliance by parents with the terms and conditions of family support, custody and access obligations	Rates of compliance and non-compliance with family law obligations	Not available	<ul style="list-style-type: none"> In 2011-12, there were 35,502 applications to locate debtors in default of child support obligations (compared to 21,255 in 2010-11, an increase of 67%).²¹ In 2011-12, there were 9,252 licence denials against persistent defaulters (compared to 9,625 in 2010-11, a decrease of 4%).²²

Performance Summary

The Department of Justice helps provinces and territories enforce support orders or agreements through federal enforcement measures, which include locating debtors and denying federal licences to defaulters. Although the Department does not deny licences or trace debtors directly, it works closely with federal partners to accomplish these measures.

The service standards for licence denial require initiation and termination within 10 business days. The application is submitted via electronic means from the different provinces and territories, following which a notice is sent within 24 hours to our federal partners for action. For tracing applications, as with licence denial, files are accepted and sent electronically to our partners within 24 hours. The provinces and territories receive responses within 10 business days from the federal department involved.

The substantial increase in tracing applications to locate debtors in 2011-12 was mainly the result of the implementation of a simplified federal electronic application submission process by the British Columbia Maintenance Enforcement Program. This has led to an increase in the use of the *Family Orders and Agreements Enforcement Assistance Act* tracing services by British Columbia from nearly 2,200 in 2010-11 to 15,470 in 2011-12.

The number of licence denials, which decreased this year by four percent, also depends on the number of requests submitted by provincial and territorial maintenance enforcement programs.

Analysis of Program Activity

The Department provides legal and policy advice and supports the Government in a number of family justice issues. Over the reporting period, the Department continued its efforts to increase compliance with family support obligations. In response to 134,846 garnishee summonses, more than \$165 million was garnisheed for the benefit of Canadian families, up from just over \$163 million last year. As well, two new federal funds that can be garnisheed to satisfy outstanding family support obligations were added to the *Family Support Orders and Agreements Garnishment Regulations*.

²¹ Department of Justice File Review

²² *Ibid.*

Through the [Supporting Families Initiative](#), provinces and territories also received \$15.5 million for family justice programs and services that help parents comply with their financial support and custody and access obligations. In an effort to inform and improve services, the Department continued to work with provinces and territories to build national information and data through implementation of the [Survey of Maintenance Enforcement Programs](#) and the [Civil Court Survey](#).

The *Federal Child Support Guidelines* were amended in December 2011 to update the [Federal Child Support Tables](#), which are used to determine child support amounts, in order to maintain fairness, consistency and predictability.

The Department supported the Government in its quick response to provide an avenue for dissolution of marriages of non-residents performed in Canada through tabling Bill C-32, [An Act to amend the Civil Marriage Act](#).

The Department continued to respond to the issue of missing and murdered Aboriginal women by developing a compendium of best practices. The compendium will help the Government in its commitment to improve the responses of law enforcement and the justice system and to support initiatives focusing on family violence. The [Evaluation](#) of the Justice component of the Family Violence Initiative supports the continuing need for the Initiative, but also demonstrates that progress has been made in improving the responsiveness of the justice system. [Public opinion research](#) conducted to help evaluate the federal [Elder Abuse Initiative](#) found that Canadians are becoming more familiar with elder abuse, which is one of the goals of the Initiative. The Department also funded workshops with police, Crown prosecutors and front-line service providers on forced marriage and so-called honour-based violence, and supported a new Public Legal Education and Information publication entitled [Child Abuse is Wrong: What can I do?](#) The publication includes information on forced marriage, so-called honour-based violence and other forms of child abuse.

Access to Justice

Expected Results	Performance Indicators	Targets	Actual Results
Equitable access to the justice system	Number of stays in proceedings due to lack of counsel	Not available	There was no stay in public security and anti-terrorism proceedings or in federal prosecution cases where there was court-ordered counsel ²³ (no change from 2010-11).
	Number of instances of court-ordered counsel		The Department entered into 62 funding agreements for the provision of court-ordered counsel ²⁴ (compared to 53 in 2010-11). ²⁵

²³ Department of Justice File Review and Survey of Provincial and Territorial Partners

²⁴ *Ibid.*

²⁵ The variance between the number of court-ordered counsel funding agreements in 2010-11 reported in the 2010-11 Departmental Performance Report (45) and the number reported in this report (53) is due to the method of calculating the number of agreements. Last year, only funding agreements made directly with provinces and territories were counted, whereas this year's figure also includes agreements made directly with counsel.

Performance Summary

In support of equitable access to justice in serious criminal proceedings, the Department provided \$127.05 million in funding²⁶ to assist provincial and territorial legal aid programs in 2011-12. The funding is provided in recognition of the federal government's shared interest in a sustainable legal aid system across Canada aimed at promoting access to justice. For reference, in 2010-11, 269,595 applications for criminal legal aid were approved by the provincial and territorial legal aid programs.²⁷

The Department entered into 62 funding agreements for the provision of court-ordered counsel in federal prosecutions, of which 51 were with provinces, territories or their legal aid delivery entities, while the remaining 11 agreements were made directly with defence counsel. This is an increase from the previous year's total of 53 agreements for court-ordered counsel. Also, 14 individuals involved in public security and anti-terrorism proceedings were provided with legal aid services, one less than last year.

Analysis of Program Activity

The Department of Justice Canada works with federal, provincial and territorial officials and members of the bar to identify strategies for improving access to justice in civil, family and criminal matters, addressing such barriers as high legal fees, overburdened courts and a lack of reliable information about the justice system.

In 2011-12, Justice provided \$1.03 million to designated provincial, non-governmental providers of [public legal education and information](#) (PLEI) through the Justice Partnership and Innovation Program. The Department also provided another \$210,000 through the Access to Justice Service Agreements to support PLEI activities in the territories.²⁸ In addition, a number of departmental grants and contributions programs provided financial support for PLEI projects and initiatives. Furthermore, information on legal issues such as [Aboriginal justice](#), [elder abuse](#), [child abuse](#), [victims' issues](#), and information for [families](#) going through separation or divorce is posted on the Department of Justice website.

The Department continued to work in collaboration with provinces and territories to develop a sustainable [legal aid strategy](#). The strategy, recently announced by the Government, includes adult and youth justice criminal legal aid, immigration and refugee legal aid, and public security and anti-terrorism legal aid in addition to funding for court-ordered defence counsel in federal prosecutions.

²⁶ The total amount for legal aid includes criminal legal aid, immigration and refugee legal aid, court-ordered counsel in federal prosecutions, public security and anti-terrorism legal aid, and civil legal aid in the territories.

²⁷ Data regarding the provincial legal aid program is only available at the end of the calendar year for the previous fiscal year. As a result, the number of applications approved refers to fiscal year 2010-11 and only serves to give a sense of the scope of the provincial and territorial legal aid programs. Please also note that there can be multiple charges per application, and these may be handled separately (i.e. by different lawyers). Source: Statistics Canada, Canadian Centre for Justice Statistics (CCJS), *Legal Aid in Canada: Resources and Caseload Statistics*, 2010-2011.

²⁸ Department of Justice Grants and Contributions Information Management System and internal departmental files

The Department continued to implement the training component of the [Access to Justice in both Official Languages Support Fund](#), in collaboration with governmental and non-governmental organizations. Over \$2.2 million was allocated to projects aiming to ensure that those who work in the justice system have the necessary language skills to serve Canadians in French or in English.²⁹

The Department also continued to work with its provincial and territorial counterparts in ensuring the full implementation of a contraventions regime across Canada. An [evaluation](#) of the [Contraventions Act Fund](#) was conducted in 2011-12, with positive results underlining cost-effectiveness and progression towards achieving results.

Aboriginal Justice

Expected Results	Performance Indicators	Targets	Actual Results
Increased involvement of Aboriginal communities in the local administration of justice	Number of communities with Aboriginal Justice Strategy projects	Not available	275 Aboriginal Justice Strategy programs provided services to over 600 Aboriginal communities. ^{30 31}
	Number of communities undertaking capacity building and training to support the administration of justice programs (year-over-year data)		19 projects reached over 150 Aboriginal communities. ^{32 33}

Performance Summary

Through the Aboriginal Justice Strategy (AJS), the Department supported 275 community-based justice programs, which provided services to over 600 Aboriginal communities.

The Strategy also supported 19 capacity-building and training projects to support the administration of justice programs in over 150 Aboriginal communities. The availability of capacity-building funds is determined on a year-by-year basis, after the commitment of funds to the community-based justice programs. As a result, the levels of capacity-building activities and community program participation can fluctuate from year to year, and trend comparisons cannot be made.

Of note, the Department undertook an internal review exercise to update the number of community-based justice programs funded by the AJS. Previously, the number of programs was counted by using the number of contribution agreements signed (109). Now, as a result of this

²⁹ Department of Justice Grants and Contributions Information Management System and internal departmental files

³⁰ Department of Justice Grants and Contributions Information Management System

³¹ The number of AJS programs may fluctuate within a fiscal year as a result of program performance and/or program activity.

³² Department of Justice Grants and Contributions Information Management System

³³ Due to the nature of the AJS, the number of operating programs may fluctuate from jurisdiction to jurisdiction within a fiscal year.

review, the number of programs reflects all new programs created after the 2007 renewal and expansion of the AJS as well as individual programs captured in umbrella agreements, to include more urban, rural, northern, on- and off-reserve Aboriginal communities. This new methodology provides a more accurate depiction of the reach and breadth of current AJS programming. Because of these changes in the methodology, a trend comparison to the previous reporting year is not possible.

Analysis of Program Activity

Over the year, the Department continued to work with provincial and territorial government counterparts on AJS programs and initiatives. In collaboration with provincial and territorial partners and Aboriginal service delivery agencies, the Department completed a national Aboriginal Courtwork Program renewal strategy, a national client survey and a survey of court officials. In April 2012, the Minister renewed the [AJS for 2012–13](#). Furthermore, the Department recently updated and made available on the Justice website the [Location of Aboriginal Courtworkers in Canada](#) map and the [Location of Aboriginal Justice Strategy Programs in Canada](#) map, to assist Canadians in locating these programs and services.

Lessons Learned

The success of the training component of the Access to Justice in Both Official Languages Support Fund is the result in part of the integration of the specific language training needs identified by justice stakeholders into custom-designed training courses developed by established professionals. Their input was essential in determining course format and duration as well as tools and materials. This enabled participants to maximize their learning experience by focusing on improving their knowledge of French legal terminology on aspects most relevant to them as justice stakeholders. The Department noted that the targeted training sessions allowed participants to gain knowledge and confidence using French in their professional interaction with the public, thus improving access to justice. As a next step, the Department will promote the use of online training to help stakeholders maintain their level of French legal terminology comprehension and further their verbal skills.

The [Summative Evaluation of the Federal Victims Strategy](#), which was completed in 2010-11, concluded that “there is a strong continuing need” for the Strategy, and that it is “highly relevant to the Government of Canada’s priorities and roles and responsibilities.” In 2011-12, the Department successfully sought to have the Strategy renewed. The Department distributed funding from the Victims Fund across the country in support of [child advocacy centres](#) as well as the delivery of culturally appropriate services for Aboriginal women victims and the families of [missing or murdered Aboriginal women](#).

The [AJS Evaluation](#), completed in 2011-12, concluded that the AJS is helping to achieve safer and healthier communities by helping to ensure that offenders are held accountable and that it is enabling Aboriginal communities to take greater responsibility for the administration of justice services. The evaluation pointed to the links between AJS community-based justice programs and lower recidivism rates and noted that they are also cost-effective in dealing with non-violent offenders, where circumstances warrant.

A departmental [evaluation](#) of the Legal Aid Program was also completed this year. It found that the program aligns with the Government's commitments and directly supports the Department's strategic outcome of a fair, relevant and accessible justice system that reflects Canadian values.

Finally, the evaluations completed over the past year have provided some lessons learned that apply more generally to programs and initiatives. For example, there is a need to focus more on implementing good results-based performance measurement frameworks and thus be in a stronger position to demonstrate results. A lack of clarity in the roles and responsibilities of program partners can make programs less effective overall. Consequently, there is a need to clarify roles and responsibilities in the first instance through strong governance structures and to revisit the roles and responsibilities periodically. In a similar vein, evaluations of some of the programs with our provincial and territorial partners in areas of shared jurisdictional coverage have underlined the importance of establishing strong relationships and maintaining strong communications mechanisms to ensure effective program outcomes.

Program Activity A2: Office of the Federal Ombudsman for Victims of Crime

Program Activity Description

This program activity raises awareness of the needs and concerns of victims in areas of federal responsibility, provides an independent resource that addresses complaints of victims about compliance with the provisions of the [Corrections and Conditional Release Act](#) that apply to victims of offenders under federal supervision, and assists victims in accessing existing federal programs and services.

2011-12 Financial Resources (\$ millions)

Planned Spending**	Total Authorities*	Actual Spending*
0.0	1.2	1.2
* Excludes amount deemed appropriated to Shared Services Canada.		

2011-12 Human Resources (Full-Time Equivalents [FTEs])

Planned**	Actual	Difference
0	10	10

**The Victims of Crime Initiative sunsetted in 2010-11; therefore, it was not reflected in the Main Estimates and Planned Spending reported in the 2011-12 Report on Plans and Priorities. Funding was renewed as part of the Federal Victim Strategy in the 2011-12 Supplementary Estimates "A".

[The Office of the Federal Ombudsman for Victims of Crime](#) was established in 2007 as an arm's-length program activity of the Department of Justice. The Ombudsman reports directly to the Minister of Justice and, as such, the Office falls outside the Department's governance framework. The Office receives corporate services support from the Department.

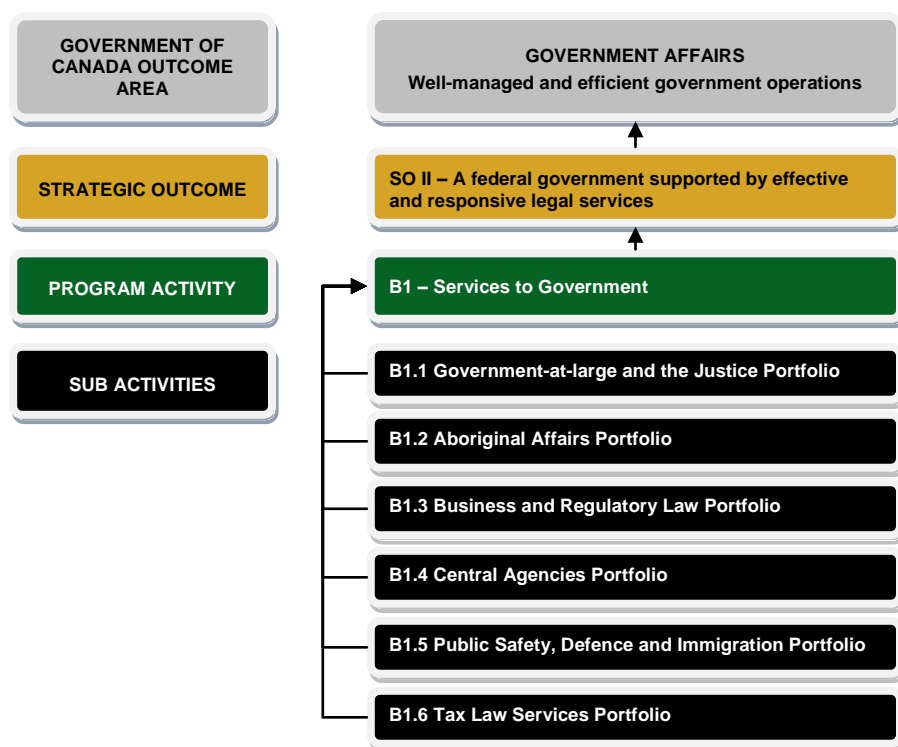
The mandate of the Federal Ombudsman for Victims of Crime, which relates exclusively to matters of federal responsibility, is:

- to promote access by victims to existing federal programs and services for victims;

- to address complaints of victims about compliance with the provisions of the [Corrections and Conditional Release Act](#) that apply to victims of crimes committed by offenders under federal jurisdiction;
- to promote awareness of the needs and concerns of victims and the applicable laws that benefit victims of crime, including promoting the principles set out in the [Canadian Statement of Basic Principles of Justice for Victims of Crime](#) with respect to matters of federal jurisdiction, among criminal justice personnel and policy makers;
- to identify and review emerging and systemic issues, including those related to programs and services provided or administered by the Department of Justice or Public Safety Canada, that negatively impact victims of crime; and
- to facilitate access by victims to existing federal programs and services by providing them with information and referrals.

For further information regarding the activities of the Office of the Federal Ombudsman for Victims of Crime, please visit the Office’s [website](#).

Strategic Outcome II: A federal government supported by effective and responsive legal services



Under the [Department of Justice Act](#), the Minister of Justice and Attorney General of Canada provides legal services to the federal government and its departments and agencies. According to section 4 of the Act, the Minister is the legal member of the Queen’s Privy Council responsible for seeing that the administration of public affairs is in accordance with the law. Additionally,

under section 4.1, the Minister is responsible for drafting and reviewing all government regulations prior to registration to ensure conformity with the *Statutory Instruments Act* and all government bills prior to tabling in Parliament to ensure that the bills withstand [constitutional scrutiny](#). Under section 5 of the Act, the Attorney General is responsible for advising the heads of government departments on all matters of law and for conducting all litigation for any federal department or agency of the Crown with respect to any subject within the authority or jurisdiction of Canada.

The Department seeks to attain this strategic outcome through one program activity: Services to Government.

Program Activity B1: Services to Government

Program Activity Description

As a common service provider, the Department of Justice provides an integrated suite of legal advisory, litigation and legislative services to departments and agencies to help them meet their policy and programming priorities and advance the overall objectives of the Government. Through this program activity, the Department also provides legal services to the Justice Portfolio and supports the Minister as legal advisor to the Cabinet on complex, whole-of-government issues.

2011-12 Financial Resources (\$ millions)

Planned Spending	Total Authorities*	Actual Spending*
203.8	472.0	441.6
* Excludes amount deemed appropriated to Shared Services Canada.		

Note: Planned Spending excludes Net Vote Authority, which allows the Department to spend revenues from the provision of legal services to other government departments and agencies. Net Vote Authorities associated with services to government program activity totalled \$270.0M in 2011-12.

2011-12 Human Resources (Full-Time Equivalents [FTEs])

Planned	Actual	Difference
3,549	3,439	110

Performance Summary and Analysis of Program Activity

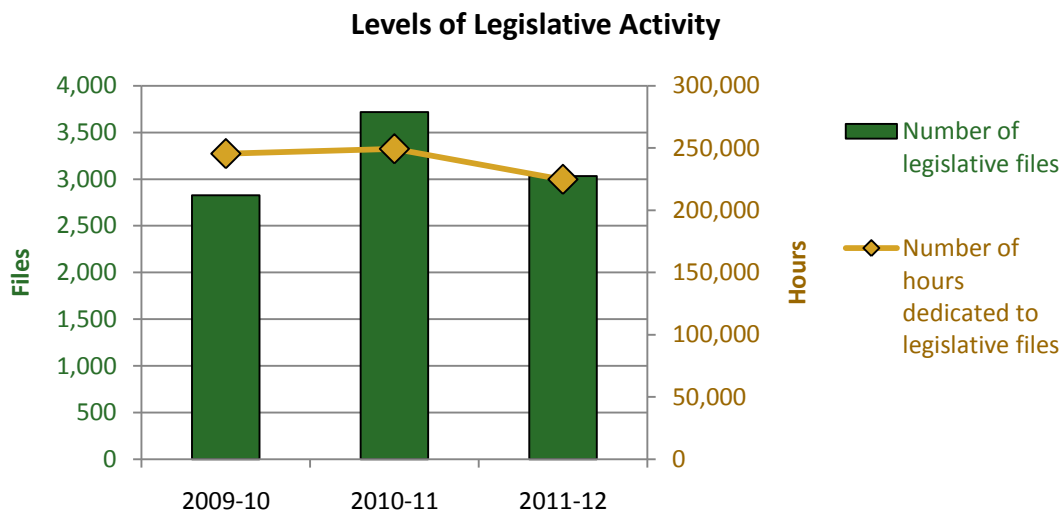
In 2011-12, the Department continued to provide an integrated suite of legal advisory, litigation, and legislative and regulatory drafting services to support the Government in attaining its priorities by drafting bills and regulations, providing legal advice, and representing the Crown's interest in court and tribunal proceedings.

Performance Summary

Legislative Services

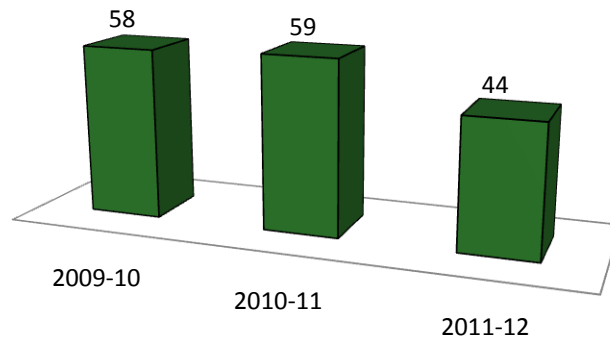
Expected Results	Performance Indicators	Targets	Actual Results
Comprehensive delivery of the Government's legislative agenda	Levels of effort dedicated to legislative files	Not applicable ³⁴	<ul style="list-style-type: none"> • 224,731 hours dedicated to 3,032 files
	Number of bills tabled in Parliament		<ul style="list-style-type: none"> • 44 government bills introduced
	Number of regulations published in the Canada Gazette		<ul style="list-style-type: none"> • 147 regulations examined for pre-publication in Part I of the <i>Canada Gazette</i> • 88 regulations published in Part I of the <i>Canada Gazette</i> • 573 regulations examined for final approval and publication in Part II of the <i>Canada Gazette</i> • 481 regulations published in Part II of the <i>Canada Gazette</i>
	Number of motions to amend private members' bills for which the Department was responsible		<ul style="list-style-type: none"> • 88 motions for amendment drafted to amend private members' bills dealing with matters for which the Minister of Justice is responsible

The following two graphs show the level of legislative activity for the year 2011-12. The decrease in activity this year can be explained by the effect on legislative work resulting from the 2011 general election as well as the consolidation of amendments into comprehensive bills that amended numerous laws.



³⁴ Targets are not applicable as the Department seeks to fully respond to the Government's legislative agenda.

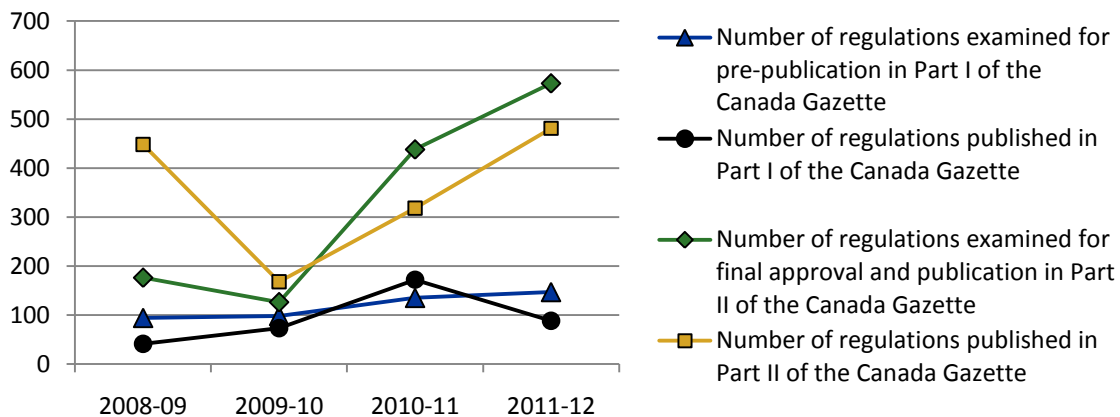
Number of bills tabled in the House of Commons



Nevertheless, legislative and regulatory drafting operations resumed relatively quickly after the formation of the Cabinet following the May 2, 2011, election, culminating in the final quarter with the mobilization of substantial resources dedicated to Bill C-38, the [Jobs, Growth and Long-term Prosperity Act](#), a budget implementation bill. Certain bills required increased coordinating efforts (e.g., Bill C-3, the [Supporting Vulnerable Seniors and Strengthening Canada's Economy Act](#); Bill C-10, the [Safe Streets and Communities Act](#); and Bill C-13, the [Keeping Canada's Economy and Jobs Growing Act](#)).

As shown in the following graph, the number of regulations published in Part I of the *Canada Gazette* (pre-publication of regulations) decreased from 172 in 2010-11 to 88 in 2011-12. In contrast, the number of regulations published in Part II (publication of regulations) increased from 318 in 2010-11 to 481 in 2011-12.

Trends in the Number of Regulations Published in the *Canada Gazette*



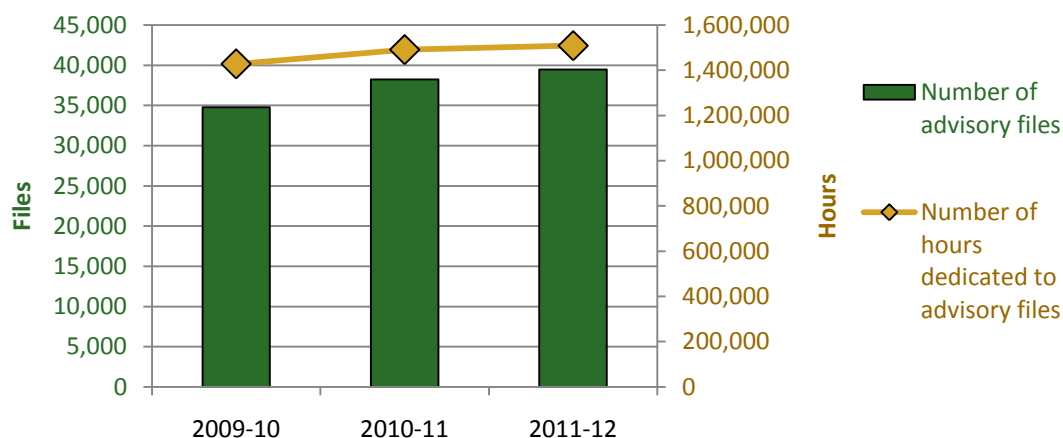
The explanation for these trends is multifaceted. It is important to note that, to some extent, the numbers of instruments published in the *Canada Gazette*, Parts I and II are cyclical. Increases in the number of instruments published one year in the *Canada Gazette*, Part I, may result in a corresponding increase in the number of instruments published the following year in the *Canada Gazette*, Part II.

Legal Advisory Services

Expected Results	Performance Indicators	Targets	Actual Results
Legal advisory services to support the Government in attaining its priorities	Levels of effort devoted to providing legal advisory services to client organizations	Not applicable ³⁵	<ul style="list-style-type: none"> 1,508,728 hours dedicated to 39,465 files.

Client demand for advisory services continued to grow in 2011-12. The amount of effort rose by 1.2 percent, in response to a 3.2 percent increase in files.

Levels of Effort Dedicated to Advisory Files



Litigation Services

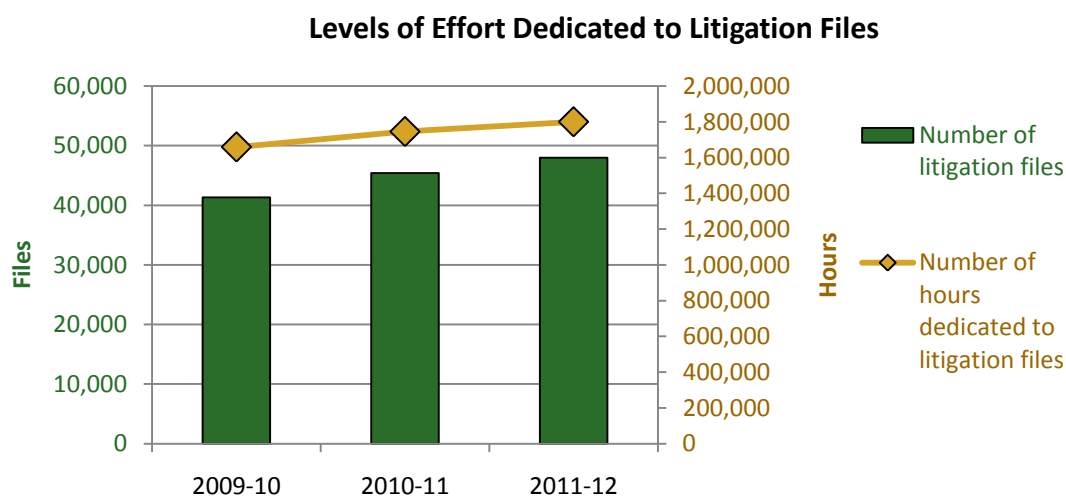
Expected Results	Performance Indicators	Targets	Actual Results
Representing the Crown’s interest to enable the Government to attain its priorities	Levels of effort dedicated to litigation files	Not applicable ³⁶	1,800,410 hours dedicated to 47,991 files.
	Trends in levels of assessed risk of the litigation inventory		Of the litigation files with a risk assessment in 2011-12: <ul style="list-style-type: none"> 58% were low-risk files; 39% were medium-risk; and 3% were high-risk.

³⁵ Targets are not applicable as the Department seeks to respond to client demand for legal advisory services in support of government operations and the delivery of programs and services to Canadians.

³⁶ Targets are not applicable as the Department seeks to represent the Crown in litigation before the courts and other quasi-judicial forums.

	Trends in the settlement of disputes through alternatives to litigation		In 2011-12, 23% of files were settled through alternatives to litigation.
	Trends in Crown results for litigation files – final litigation outcome indicators		Of all adjudicated proceedings initiated by the Crown in 2011-12 (in court or tribunal), 91% were allowed; of those initiated against the Crown, 30% were allowed.

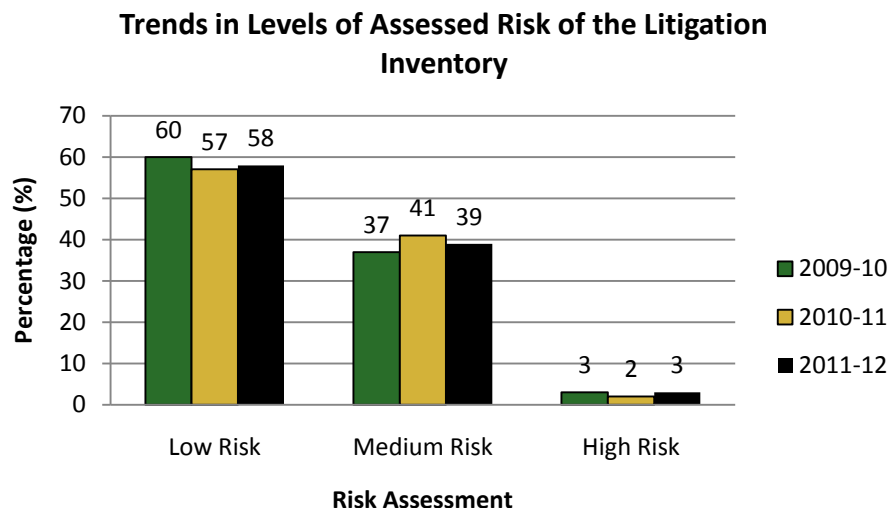
As shown in the following graph, client demand for litigation services has continued to grow at a rather stable pace over the past few years. The number of hours required to provide litigation services to client departments increased by three percent in 2011-12, compared to a five percent increase in 2010-11.



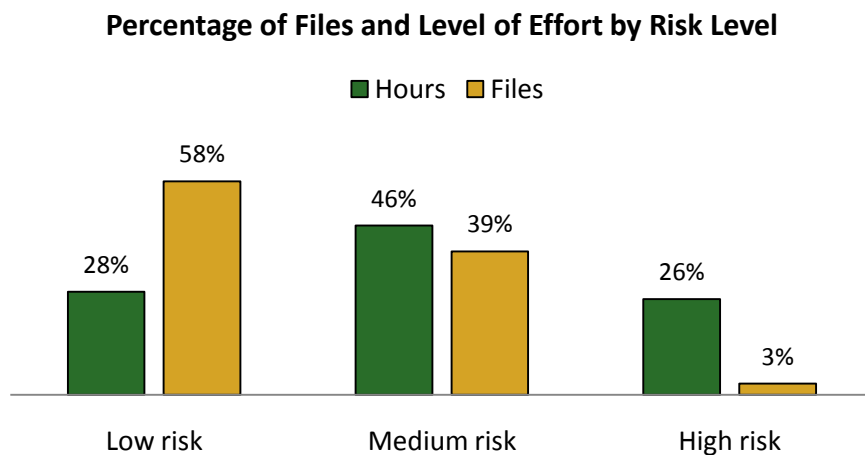
It is worth noting that the Department does not have complete control over the Government’s litigation caseload. For the year 2011-12, 85% of cases for which data on Crown involvement is available were not initiated by the Crown. These include proceedings brought against the Crown (76%) and proceedings where the Crown is involved in some other³⁷ capacity.

The next graph shows that trends have remained relatively the same over the past three years for the mix of low-, medium- and high-risk files in the litigation inventory. Low-risk has continued to account for the majority of the litigation inventory at 58 percent, whereas medium-risk has been holding steady at around 39 percent and high-risk has continued to constitute only a very small portion at three percent.

³⁷ **Other** includes but is not limited to: third party, intervener, expert or other witness, observer, interpleader, stakeholder, creditor, garnishee or garnishor, and bankruptcy or inquest proceedings.



However, as shown below, while only accounting for three percent of litigation files, high-risk litigation accounted for 26 percent of the level of effort devoted to litigation across the Department. In contrast, low-risk files required approximately the same level of effort (28 percent), yet they made up 58 percent of the file inventory.³⁸ The Department closely monitors the risk profile of litigation files in order to allocate resources effectively. By continuing to work with client departments to identify and manage legal risks, the Department ensures that legal advice and services are high-quality and timely.

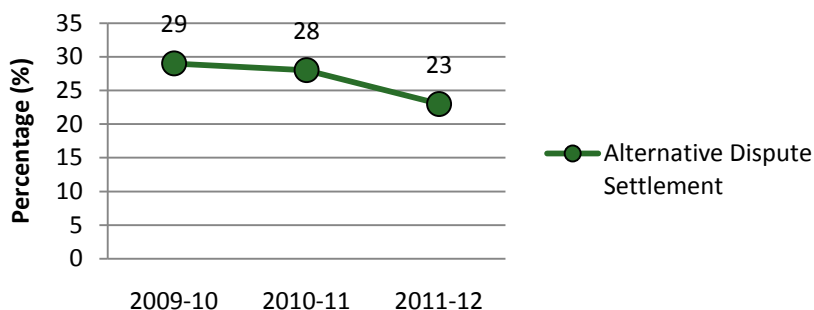


The percentage of disputes settled through alternatives to litigation decreased to 23 percent in 2011-12 from 29 percent in 2009-10. A number of factors—most of which are beyond the Department's control—can influence this percentage. For example, an alternative to litigation is not used unless the client believes that the proposed settlement is appropriate. It is also important to bear in mind that it is not in the public interest to have two parties negotiate a dispute bilaterally when it involves issues of interest to all Canadians (e.g., disputes over the constitutionality of laws or programs). Finally, these percentages have been calculated based on

³⁸ These percentages were calculated on the total number of files and hours for which a level of risk was assessed.

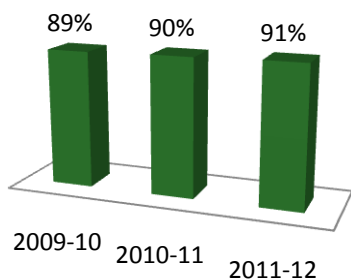
the number of files for which a settlement type was recorded; thus, they represent only a sample of all files.

Trends in the Settlement of Disputes through Alternatives to Litigation

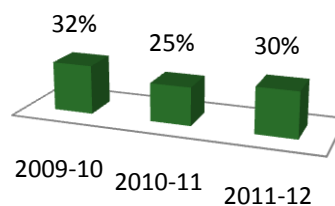


As shown by the graphs below, 91 percent of all adjudicated proceedings initiated by the Crown were allowed by the court in 2011-12, which is up slightly (one percent) since the previous reporting period. The percentage of proceedings initiated against the Crown that were allowed during fiscal year 2011-12 increased to 30 percent. This percentage is fairly consistent with previous years—five percent higher than 2010-11 (25 percent) but two percent lower than 2009 -10 (32 percent).

Percentage of Proceedings Initiated by the Crown that were Allowed



Percentage of Proceedings Initiated against the Crown that were Allowed



Department of Justice Canada Client Feedback Survey

The Department developed its Department of Justice Canada Client Feedback Survey to measure the satisfaction of client organizations and to promote continual improvement of the legal services that the Department provides. The survey is conducted on a cyclical basis, with client organizations being surveyed every three years. For Cycle II of the survey initiative (2009-12), final results on the overall quality of legal advisory, litigation, and legislative and regulatory drafting services were very positive. Overall quality ratings exceeded the departmental target

(8.0 on a 10-point scale)³⁹ for all four types of services, demonstrating the Department's success in delivering client-focused legal services.

Department of Justice Canada Client Feedback Survey: Overall quality ratings

Legal advisory services	Litigation services	Legislative drafting services	Regulatory drafting services
8.4/10	8.3/10	8.5/10	8.5/10

Note: The chart shows the average mean ratings of client satisfaction with the overall quality of the legal services provided by the Department for each of the four types of legal services investigated. "Overall quality" refers to a global assessment asked of service users, and is an individual survey question.

The next table highlights the feedback from clients on the Department's performance in meeting the mutually agreed-upon service standards that are set out in memoranda of understanding with client departments.⁴⁰ Since Cycle I of the initiative (2006-09), the results have decreased slightly for five of the 10 service standards and have remained unchanged for four of them, while the result on the service standard specific to legislative and regulatory drafting services has increased. Overall, the client feedback demonstrates that the Department exceeded its target of 8.0/10 on four service standards, with scores ranging from 8.1 to 9.3, and fell just shy of meeting its target for five service standards, with scores ranging from 7.7 to 7.9.⁴¹ The two lowest scores, 7.3 and 7.7, indicate that there is a need to focus greater effort on providing clients with regular feedback or progress reports on the status of legal files, as well as identifying opportunities for them to implement policies and programs by administrative rather than legislative or regulatory means.

Department of Justice Canada Client Feedback Survey: Feedback against service standards for the delivery of legal services

<i>Service Standards</i>	Cycle II (2012) Rating	Cycle I (2009) Rating
We provide legal services in either official language in accordance with applicable policies on language of work.	9.3 (0.0)	9.4 (0.0)
We treat you with courtesy and respect at all times.	9.1 (0.0)	9.2 (0.0)
We provide regular and informative progress reports or ongoing feedback in respect of your request for service.	7.3 (± 0.1)	7.5 (± 0.1)
We provide clear and practical guidance on resolving legal issues.	8.1 (± 0.1)	8.1 (± 0.1)

³⁹ The 10-point scale used in the client feedback survey ranges from 1.0 "not at all satisfied" to 10.0 "completely satisfied."

⁴⁰ It should be noted that these conclusions are based on the final results of Cycle II of the survey initiative (2009-12), reflecting feedback from the 40 client organizations surveyed between November 2009 and September 2011. The results from Cycle I (2006-09) are presented for comparison purposes. The departmental report for Cycle II of the Client Feedback Survey is available online (www.justice.gc.ca/eng/dept-min/pub/dpr-rr/2012/sur/).

⁴¹ Note that in the absence of external benchmarks or international standards, the Department arbitrarily set a target of 8.0 on the 10-point scale with the intent that the specified target represents a stretch goal that reflects the Department's commitment to delivering high-quality legal services to meet the needs of its clients.

In the provision of legislative services, we develop legislative and regulatory drafting options appropriate to your policy and program objectives, and propose appropriate solutions for legal and drafting issues raised.	8.3 (± 0.1)	8.1 (± 0.1)
In the provision of legal advisory and litigation services, we involve you in the development of legal strategy and positions.	7.8 (± 0.1)	7.8 (± 0.1)
We identify means to prevent and resolve legal disputes at the earliest opportunity.	7.9 (± 0.1)	8.1 (± 0.1)
We identify opportunities to implement policies and programs by administrative rather than legislative or regulatory means.	7.7 (± 0.2)	7.7 (± 0.2)
We respond in a timely manner to requests for legal services.	7.8 (± 0.1)	7.9 (± 0.1)
We negotiate and meet mutually agreed upon deadlines.	7.9 (± 0.1)	7.9 (± 0.1)

Note: The ratings represent the mean ratings based on all respondents' feedback on a 10-point scale for each service standard, as the service standards were defined during Cycle II. The table does not reflect all survey questions that were investigated. The figure in parentheses following each mean rating is the calculated margin of error.⁴²

Analysis of Program Activity

The following summary of the Department's legal advisory, legislative and regulatory drafting and litigation services activities against the planning highlights in the Report on Plans and Priorities is aligned with the four [Government spending areas](#) outlined in [Canada's Performance Report](#).

Economic Affairs

The Department supported the development of new initiatives for the delivery of online service to Canadians on key programs. As part of the Government Online Cyber Authentication Renewal Project, the Department provided advice on preserving the security and integrity of electronic transactions as the Government moves away from the unsustainable Public Key Infrastructure (PKI) toward government or third-party credentials. The Department also supported the preparation of [Bill C-38](#), which includes Division 6, amending the [Department of Human Resources and Skills Development Act](#), and which authorizes the electronic administration and enforcement of the Canada Pension Plan, the [Old Age Security Act](#), and certain other programs. Moreover, the Department supported a pilot project by the Canada Revenue Agency to communicate through its Twitter and YouTube sites, as well as the electronic delivery of Human Resources and Skills Development Canada's programs.

⁴² The magnitude of the margin of error is generally affected by the extent of variability in respondent feedback and by the overall size of the respondent group. There are two key elements to calculating the margins of error from survey findings. First, there is the **confidence level**, which, in the most simple terms, refers to the extent to which we believe the same results would be obtained if the survey were administered repeatedly. For the purposes of the Department of Justice Client Feedback Survey, a 95 percent confidence level was adopted for calculating results. Second and more importantly, there is the **confidence interval**, which refers to the range in which the results will fall if the measurements are repeatedly taken. As presented in the table, the confidence intervals for the Department of Justice survey range from ± 0.0 to ± 0.2 .

The Department provided advice and support with respect to the effectiveness of the regulatory system of major resource projects. Part 3 of [Bill C-38](#) is intended to streamline the process for federal environmental approvals. The Department also participated in the legal working group for the Northern Gateway Pipeline, and was involved in consultation matters related to the proposed pipeline.

Additional initiatives aimed at strengthening the economy included Canada's [Anti-Money Laundering and Anti-Terrorist Financing Initiative](#) in relation to the imposition of administrative monetary penalties by the Financial Transactions Reports Analysis Centre of Canada (FINTRAC) and the five-year parliamentary review of the [Proceeds of Crime \(Money Laundering\) and Terrorist Financing Act](#). The Department also successfully defended the constitutional validity of the enforcement of provisions of the [Investment Canada Act](#), and drafted [Regulations Amending the Employment Insurance Regulations](#), to increase the incentive to accept all available work prior to claiming Employment Insurance benefits and to increase the incentive to accept work while in receipt of benefits.

The Department worked with clients to enhance financial regulation, including developing the regulatory framework for federally regulated financial institutions, in terms of both consumer protection and financial stability and protecting Parliament's jurisdiction over banking.⁴³ The five-year review of the financial institutions legislation was completed with the enactment of [Bill S-5](#), which included amendments aimed at reinforcing the stability of the Canadian financial system and fine-tuning the consumer-protection framework. The Department also supported efforts to enhance the soundness of private pension plans.⁴⁴

As well, the Department prepared the [Negative Option Billing Regulations](#), which prohibited the provision of products or services by financial institutions without the recipient's express consent, imposed disclosure requirements on institutions providing such services, and established a formula for calculating refunds when a customer cancels a service. The [Access to Funds Regulations](#) shortened the hold period for deposited cheques and provided quicker access to the first \$100 deposited.

The Department provided an array of legal support for the federal [Framework on Aboriginal Economic Development](#), which focuses on enhancing the value of Aboriginal assets and removing barriers to economic development on Aboriginal lands, improving processes for additions to reserves, coordinating legal advice, and helping Aboriginal Affairs and Northern Development Canada (AANDC) negotiate regulations and related instruments to further enable First Nations' economic development. The Department also supported AANDC in changes aimed at making the [First Nations Land Management Act](#) more easily accessible to additional First Nations, and in the development of a proposal for First Nations property ownership legislation—an initiative intended to enhance development and financing possibilities on reserve land while maintaining First Nation by-law and property taxation jurisdiction. Finally, Justice

⁴³ The budget implementation bills C-3, C-13 and C-38 aim, among other things, to regulate financial institutions. Bill C-13 also amends the *Canadian Securities Regulation Regime Transition Office Act*.

⁴⁴ Bill C-25, the *Pooled Registered Pension Plans Act*, is aimed at enhancing access by employees and self-employed persons to low-cost investment options for retirement.

counsel advised on and drafted [Bill C-27](#), which aims to enhance the financial accountability and transparency of First Nations financial matters.

The Department provided support to Agriculture and Agri-Food Canada (AAFC) in phasing out the monopoly of the Canadian Wheat Board for wheat and barley in Canada. Legal support included legislative drafting, advisory and litigation services. The Minister of Agriculture and Agri-Food introduced Bill C-18, the [Marketing Freedom for Grain Farmers Act](#), which received royal assent in December 2011. In response, several court challenges were launched, including a judicial review in the Federal Court, an action of invalidity of the Act and injunction application in the Manitoba Court of Queen's Bench, and three class actions in Saskatchewan, Alberta and the Federal Court. The Department was successful on the judicial review in the Federal Court of Appeal. The injunction in the Manitoba Court of Queen's Bench was rejected; the appellants have appealed this decision. As for the class actions, they are in very early stages.

Justice counsel were involved in the preparation of budget implementation legislation. Moreover, the Department worked with clients to help stabilize the Canadian housing market.⁴⁵ Justice also provided legal services in support of environmental components of a host of other economic files, including:

- the work of the Commission of Inquiry into the Decline of Sockeye Salmon in the Fraser River in British Columbia (the Cohen Commission);
- the assessment and clean-up of contaminated sites (e.g., Giant Mine, Northwest Territories; and Faro, Yukon), as well as advisory services regarding project-specific environmental assessment and regulatory processes relating to major resource development projects in Canada's northern territories;
- litigation files addressing the environmental assessment of a major hydroelectric project in central Labrador; and
- key environmental initiatives such as limiting greenhouse gas emissions from the transportation and industrial sectors, enhancing enforcement authorities, and providing support for statutory reviews, namely of the [Species at Risk Act](#) and of the [Canadian Environmental Protection Act, 1999](#).

Social Affairs

The Department of Justice provided advice to support a number of initiatives related to the health of Canadians, public safety, the environment and issues of concern to Aboriginal persons.

Department of Justice counsel defended the Government against third-party claims brought in the context of class actions regarding tobacco use. On July 29, 2011, the Supreme Court of Canada held that the Government was immune from any liability in regard to its execution of tobacco policy from the 1950s to the present. As a result, third-party claims against the Government were dismissed in British Columbia and later in New Brunswick. Furthermore, the Department continues to assist clients with the development of the regulatory regime for the [Human Pathogens and Toxins Act](#).

⁴⁵ Bill C-3 included the enactment of the *Protection of Residential Mortgage or Hypothecary Insurance Act* and amendments to the legislation governing the Canada Mortgage and Housing Corporation.

Justice counsel represented the Government in its appeal of the decision of the Ontario Superior Court in *Bedford v. Canada (Attorney General)*, wherein the Court decided that prostitution-related offences in the [Criminal Code](#) were unconstitutional. On March 26, 2012, the Ontario Court of Appeal held that the ban on communicating in public for the purposes of prostitution is constitutional. The Court, however, declared that the ban on keeping common bawdy-houses is invalid insofar as it prohibits such houses for the purposes of prostitution. The Court also read down the prohibition of living on the avails of prostitution so as to apply only “in circumstances of exploitation.” The Government has applied to the Supreme Court of Canada for leave to appeal.

In a reference initiated by the province of British Columbia, Justice counsel represented the federal Government regarding the constitutionality of the [Criminal Code](#) prohibition against polygamy. On November 23, 2011, the British Columbia Supreme Court decided that the prohibition is constitutional, except to the extent that it allows for prosecution of children under the age of 18 who marry into polygamy. The decision was not appealed.

Justice counsel also represented the Government in proceedings before the Missing Women Commission of Inquiry, established by the Government of British Columbia in September 2010.⁴⁶ Justice litigation counsel provided assistance and support in providing documentary disclosure to the Inquiry, represented RCMP witnesses who chose to be represented by the Department, and made oral and written submissions to the Inquiry. Legal services counsel were also engaged in supporting client departments (the RCMP and Public Safety Canada).

The Department provided ongoing support to the reform of corrections and parole, including Part 3 of [Bill C-10](#), which modifies the [Corrections and Conditional Release Act](#) in several ways with respect to public safety and victims’ rights, and reforms regulations made by the provinces under the [Sex Offender Information Registration Act](#).

The creation of eight new national parks and marine conservation areas⁴⁷ required the Department’s legal advice and legislative services and in February 2011, with the support of legal services, the Pier 21 Museum of Immigration in Halifax, Nova Scotia, became a Crown corporation.

The Department supported AANDC in three main initiatives in addition to responding to ongoing needs for legal advisory support to client operations and general litigation. First, the Department continued to support the implementation of the Indian Residential Schools Settlement Agreement (IRSSA) and continued to manage issues including litigation arising from Aboriginal Children's Experiences outside of the IRSSA. Secondly, the Department is supporting AANDC in managing and implementing the Government’s Action Plan on Specific Claims—the “Justice at Last” initiative—which deals with negotiating claims in a fair, transparent and timely

⁴⁶ The Inquiry proceedings concluded in July 2012, and the Commission must provide its report to the Government of British Columbia by October 31, 2012.

⁴⁷ The parks and conservation areas were the Thaidene Nene National Park Reserve, the Nááts’ihch’oh National Park Reserve, the Sable Island National Park Reserve, the Mealy Mountains National Park Reserve, the Bathurst National Park, the Rouge Urban Park, the South Okanagan-Lower Similkameen National Park Reserve, and the Southern Strait of Georgia National Marine Conservation Area Reserve.

manner, including clearing a backlog of specific claims. The Department drafted [Specific Claims Tribunal Rules of Practice and Procedure](#) under the direction of the tribunal members. And thirdly, Justice supported AANDC in fulfilling the legal duty to consult by providing advice in the development of the [Updated Guidelines for Federal Officials to Fulfill the Duty to Consult](#) and education sessions on the legal aspects of consultation.

International Affairs

In the reporting period, the Department's activities in international affairs included working with other countries in support of international relief efforts, international criminal matters, national security, cyber security and international trade. The Department received and processed approximately 700 new mutual legal assistance requests in the year from foreign partners and domestic prosecution and police services.

The Department provided legal advice to support Canada's efforts in the context of the [Haiti Reconstruction Fund](#), which became a significant funding vehicle for the reconstruction of Haiti, mobilizing US\$396 million. These funds were allocated for 17 reconstruction projects, allowing, among other things, the removal of 171.810 m³ of debris and the creation of 3,339 jobs within 18 months.

To further the international fight against crime, the Department continued to work in collaboration with treaty partners in the area of international assistance in criminal matters. It received and processed over 200 extradition requests. Direct support was provided to the Minister of Justice to assist him in making 92 surrender decisions. The Department also provided legal services in relation to the deportation of an individual to Rwanda for inciting murder, hatred and genocide, and for committing crimes against humanity.

The Department strengthened the Government's ability to protect information pertaining to national defence, national security and international relations by improving processes and systems relating to its use in litigation, and provided litigation services to the Government in defence of civil actions where such information was at issue. Justice counsel also contributed policy and legal advice to the elaboration, negotiation and drafting of the Canada-United States [Joint Statement of Privacy Principles](#), and provided support to the Government's work on the [Shared Vision for Perimeter Security and Economic Competitiveness](#).

Justice supported international trade with [Bill C-23](#) and [Bill C-24](#), which provide for the implementation of free trade agreements with Jordan and the Republic of Panama. Moreover, the Department played a lead role in the implementation of Canada's international obligations in response to resolutions of the United Nations Security Council, by providing legal advice and drafting regulations concerning Syria, Libya, North Korea, Iran and Burma, and providing support for the implementation of economic sanctions against some of these countries.

Government Affairs

In line with Government priorities, initiatives in support of government affairs focused mainly on the preparation of the federal budget and its implementing legislation as well as advancing tax initiatives.

The Supreme Court of Canada rendered its advisory opinion on Parliament's authority to enact securities legislation on December 22, 2011. The Court concluded that there was federal jurisdiction to enact parts of the proposed *Canadian Securities Act*, but that other matters were within exclusive provincial jurisdiction. The Department continues to work with its partners to represent the federal government's interest in these issues.

Legal services were provided in regard to harmonized sales taxes and the associated revenue allocation framework, as well as other tax-related initiatives, including the implementation of tax administration agreements with the provinces and territories and Aboriginal governments. The Department also worked with clients to help target measures to increase compliance, accountability and transparency in respect of political activities carried out by registered charities and registered amateur athletic associations.

Lessons Learned

In 2011, the Office of the Comptroller General completed the [*Horizontal Internal Audit of Compliance with the Common Services Policy*](#). The purpose of the horizontal audit was to determine whether common services organizations and the Treasury Board Secretariat, in its role as a central agency, are fulfilling the requirements of the Common Services Policy, and to assess the extent to which those requirements are enabling or hindering departments in delivering common services and supporting policy objectives.

The horizontal audit included an examination of the Department of Justice as one of five common services providers to government. The audit made a number of recommendations, one of which was directed to Justice among other organizations—namely, that common service organizations should develop practices to measure cost-effectiveness and report on this information to key stakeholders. As follow-up, the Department is working on identifying cost-effectiveness measures and related processes for reporting to clients and Parliament. Additionally, cost-effectiveness will be included as a key issue in the approach to evaluations of legal services, which are included in the Department's five-year Evaluation Plan that includes full coverage of all Justice's direct program spending.

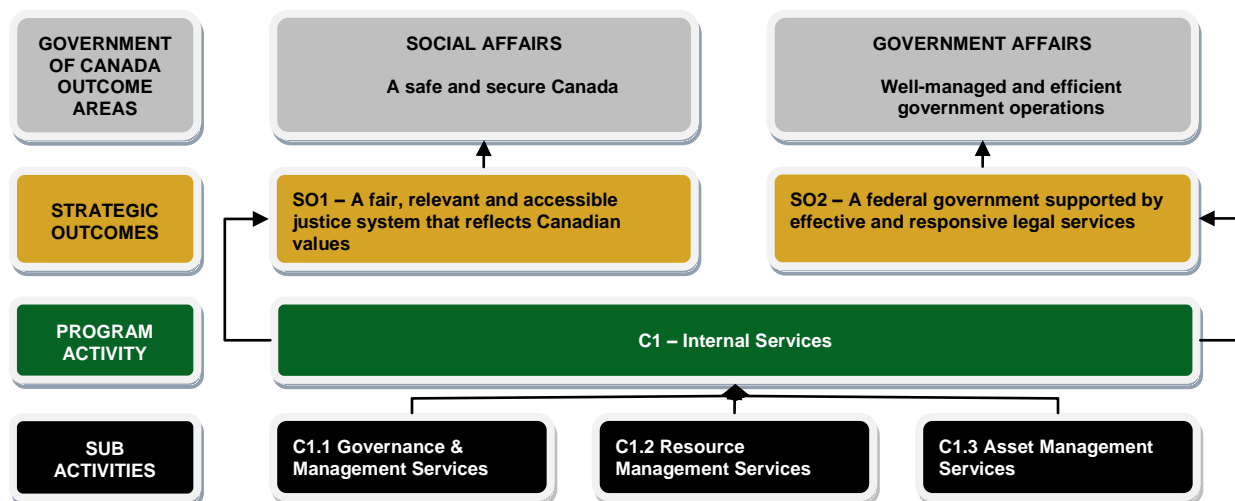
Internal audits specific to the Legal Advisory and Tax Law Services areas were also undertaken and have consistently demonstrated sound overall management practices in relation to human resources, administration and financial management. However, opportunities for enhancing management frameworks have been identified, including the strengthening of activities related to planning, training and communications.

With respect to client satisfaction with the Department's legal services, the [*Department of Justice Canada Client Feedback Survey \(2009-2012\)*](#) shows that the Department's performance has exceeded its performance target (8.0 on a 10-point scale) for the overall quality of each of its four types of legal services (legal advisory, litigation, legislative and regulatory drafting services).

Nevertheless, there are some areas where there is room for improvement. In particular, the results indicate that there is a need for greater effort in providing clients with regular feedback or progress reports on the status of legal files, as well as identifying opportunities for clients to

implement policies and programs by or through administrative rather than legislative or regulatory means. As well, the survey results suggest that further work could be done to raise awareness among clients of the service standards.⁴⁸ As follow-up, departmental legal services managers are meeting with their client department executive teams to discuss the survey results and their implications for service delivery.

9 Program Activity C1: Internal Services



Program Activity Description

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. These groups are: Management and Oversight Services; Communications Services; Legal Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Materiel Services; Acquisition Services; and Travel and Other Administrative Services. Internal Services include only those activities and resources that apply across an organization and not those provided specifically to a program.

2011–12 Financial Resources (\$ millions)

Planned Spending	Total Authorities*	Actual Spending*
136.4	192.0	184.7

* Excludes amount deemed appropriated to Shared Services Canada.

Note: Planned Spending excludes Net Vote Authority, which allows the Department to spend revenues from the provision of legal services and internal support services to other government departments and agencies. Net Vote Authorities associated with the Internal Services program activity totalled \$39.1M in 2011-12. The 2011-12 increase

⁴⁸ It should be noted that these conclusions are based on the final results of Cycle II of the survey initiative (2009-12), reflecting feedback from the 40 client organizations surveyed between November 2009 and September 2011.

is primarily related to an increase in Treasury Board Secretariat Central Votes relating to the one-time severance payouts for Public Service Alliance of Canada members, which were centrally managed.

2011–12 Human Resources (Full Time Equivalent [FTEs])

Planned	Actual	Difference
1,340	1,226	114

Performance Summary and Analysis of Program Activity

In 2011-12, the Department continued to look for more efficient, effective and sustainable ways to carry out its internal services activities, paying particular attention to four priority areas identified in the Report on Plans and Priorities: public service renewal, law practice management, investment in systems, and sustainable development – greening government operations.

Public Service Renewal

The Department is finalizing a new three-year Human Resources Management Plan that outlines the priorities and activities to support overall people management excellence. The launch of the plan was delayed in order for the Department to incorporate Budget 2012 into its plans moving forward. Over the year, the Department continued to support initiatives to enhance the renewal, development and sustainability of a representative work force.

Increased use of technology has also streamlined and simplified people management processes and services. Examples include the use of Web 2.0 tools such as SharePoint to manage staffing activities, work descriptions and position information. In addition, the Department launched a new learning module in the Human Resources Management System to provide self-service capabilities to employees and improve the management and reporting of learning activities.

In support of Public Service Renewal, the Department has developed materials and information sessions to raise awareness of the [Values and Ethics Code of the Public Sector](#). Among other things, guidelines for handling specific aspects of the Code were developed to manage potential breaches or to simplify the process for high-volume activities, such as the Government of Canada Workplace Charitable Campaign. However, scenarios and information fact sheets remain to be completed to serve as education and reference material, and service standards still need to be developed, based on data collected over the past year, to improve the overall process related to conflict-of-interest submissions. Moreover, although many awareness sessions were delivered to managers and employees, there is still a need for a standard presentation on values and ethics geared towards managers.

A national working group was tasked to oversee the development of the departmental code of conduct, in consultation with bargaining agents. The departmental code is expected to be implemented during fiscal year 2012-13.

Law Practice Management

In 2011-12, particular attention was devoted to knowledge management and transfer and succession planning to mitigate the potential loss of corporate knowledge and other knowledge gaps. This included the launch of Justipedia, a central legal information repository that facilitates knowledge sharing, streamlines research efforts, supports the management of 38 legal practice groups, and hosts the Department's Directory of Expertise. The Justipedia initiative was well received by Justice employees and recognized by the federal public service community, as evidenced by its appearance on the [Clerk's Spotlight on Renewal website](#) and by the two awards⁴⁹ it received from the Association of Public Sector Information Professionals on May 24, 2012.

Among other things, Justice made significant progress in developing a quality assurance framework for the provision of legal services and developed management dashboards containing standard case-related information to support the planning and management of resources in response to the demand for legal services. The Department also adopted *In Our Opinion*, an evergreen departmental guide that sets out best practices to guide counsel in providing legal advice based on the Department's key values and principles, such as speaking with one voice and ensuring that advice takes into account whole-of-government interests.

Key elements of a performance measurement project were also developed for dispute resolution initiatives to specifically respond to a recommendation of the Auditor General and to demonstrate the benefits and outcomes of dispute resolution. In addition, Justice launched a project to assess new ways to equip practitioners across all areas of the Department to deliver dispute resolution services.

Investments in systems

The primary focus of new investment in Information Management and Information Technology systems was to streamline the Financial Management Cost-Recovery Process, ensuring timely recoveries for chargeable legal services rendered to client departments. The Cost-Recovery Project included enhancements to integrate the functionality of the Department's legal case management system to ensure that case management timekeeping, the basis for cost recoveries from client departments for services rendered, could feed into the Department's financial system in a fully integrated manner.

Justice was also a key partner in a pilot project for the Government's new enterprise information management product (GCDOCS) with Public Works and Government Services Canada and the Treasury Board Secretariat. The GCDOCS Proof of Concept won the Information Management – Collaboration and Partnerships Award from the Association of Public Sector Information Professionals on May 24, 2012.

⁴⁹ Justipedia received the Cardillo-Bystram Award, which recognizes accomplishments in improving program outcomes in the Information Management field. It also received the People's Choice Award.

Finally, preliminary planning was carried out for the Procure to Payment system, a module of the Department's financial system that will form the basis for future investments to bring greater control and accuracy for procurement management at Justice.



Sustainable Development – Greening Government Operations

The Department of Justice is a participant in the Federal Sustainable Development Strategy (FSDS) and contributes to the Greening Government Operations targets through the Internal Services program activity. The Department contributes to the following target areas of Theme IV (Shrinking the Environmental Footprint – Beginning with Government) of the FSDS:

- Surplus Electronic and Electrical Equipment Target
- Printing Unit Reduction Target
- Paper Consumption Target
- Green Procurement Target
- Green Meetings Target

In implementing the first year of its three-year Departmental Sustainable Development Strategy, the Department of Justice succeeded in meeting most of its objectives:

- In the first year, the Department of Justice established an implementation plan to manage electronic equipment and electronic waste handling, as well as battery recycling programs in most National Capital Region (NCR) and regional offices.
- The roll-out of Phase II of its Print Reduction Strategy enabled the Department to improve its employee-to-printing device ratios by removing from its inventory 378 printing devices in the NCR.
- The Department reduced its paper procurement by 13 percent, exceeding its first year target. Executive Committee led efforts to reduce paper consumption through paperless meetings. The Policy Sector also contributed to the Department's efforts through a successful "Less Paper Pledge," an initiative to encourage staff to reduce paper consumption.
- Green procurement best practices and management processes were promoted and implemented.
- The *Green Meetings and Events Guide* was prepared using input from employees across the Department.

Additionally, legal services units developed 18 checklists of sustainable development considerations that inform their legal advice in relation to the various areas of the law. Finally, efforts have been made toward increasing the Department's videoconferencing capacity to reduce the need for travel.

For further details on the Department's Greening Government Operations activities, please see the List of Supplementary Information Tables in Section III.

Lessons Learned

The high number of employees wanting to participate in the National Mentoring Program (NMP) made matching participants manually, in a timely manner, a challenge. In response, the NMP developed and planned to launch a system by the end of fiscal year 2011-12 that would simplify, streamline and automate the matching of participants. However, with the introduction of social media/Web 2.0 tools at the Department, it became evident that not all employees had the knowledge to use these new collaborative tools. Therefore, the NMP was expanded to facilitate the participation of employees regardless of their familiarity with social media tools.

With regard to the launch of the Human Resources training self-service module, one of the challenges was the impact that this module had on other business processes outside of human resources (e.g., financial, administrative). Extensive consultation with various stakeholders was required, and standard processes needed to be modified and put in place across the Department. Training and expenditure approvals, including electronic authorizations that conform to the [Financial Administration Act](#), were integrated into the new process.

During the reporting period, the Department also conducted an internal audit of its contracting activities, which resulted in a new program strategy aimed at strengthening the functional direction associated with contracting procedures and policies, enhancing awareness, and training target groups involved in the exercise of contracting authority on behalf of the Department.

Finally, while the Department succeeded in meeting its objectives for the first year of the implementation of its Sustainable Development Strategy, it will continue its efforts to increase awareness of sustainable development principles among all employees through the implementation of tools and training and the creation of green teams.

Changes to Government Structure

Shared Services Canada

Order in Council P.C. 2011-0881 (August 3, 2011) established Shared Services Canada (SSC) as a department, effective August 4, 2011. Orders in Council P.C. 2011-0877 (August 3, 2011) and P.C. 2011-1297 (November 15, 2011) transferred the control and supervision of certain portions of the federal public administration related to information technology infrastructures services. Along with the other 42 departments named in these Orders in Council, the Department must report on the amount of the resources transferred to SSC and on the expenditures incurred on its behalf.

Impacts on Financial and Human Resources Resulting from the Establishment of Shared Services Canada

2011–12 Financial Resources (\$ millions)		
	Planned Spending	Total Authorities*
Net transfer post Orders in Council (OIC)** to Shared Services Canada (SSC)	772.2	9.9
2011–12 Human Resources (Full-time Equivalents [FTEs])		

	Planned	Actual
Deemed to SSC	5,272	43
<p>* Pursuant to section 31.1 of the <i>Financial Administration Act</i> and Orders in Council P.C. 2011-0881, P.C. 2011-0877 and P.C. 2011-1297, this amount was deemed to have been appropriated to SSC, which resulted in a reduction in the appropriation for Justice Canada.</p> <p>** Total authorities, as presented in the “2011–12 Financial Resources” table (and other relevant tables) in the “Summary of Performance” section, is the net of any transfers to SSC. Actual spending does not include expenditures incurred on behalf of SSC as of the OIC date.</p>		

Note: Planned Spending = Total Planned Spending based on the 2011-2012 Report on Plans and Priorities. Planned FTEs = Total Planned FTEs based on the 2011-2012 Report on Plans and Priorities.

SECTION III: SUPPLEMENTARY INFORMATION

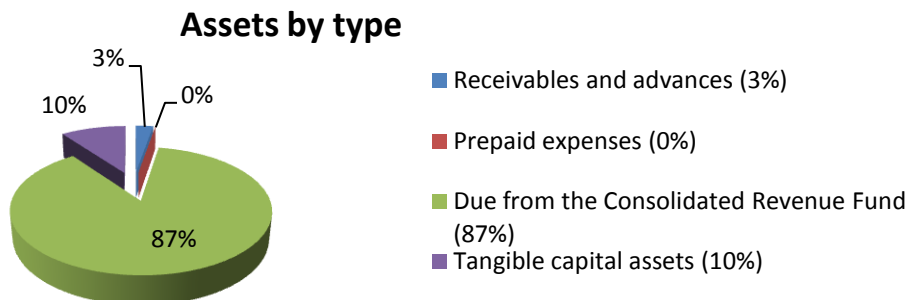
Financial Highlights

Condensed Statement of Financial Position (Unaudited)			
As at March 31, 2012			
(\$ thousands)			
	Change %	2011-12	2010-11
Total net liabilities	5.4%	602,341	571,634
Total net financial assets	6.1%	465,277	438,616
Departmental net debt	3.0%	137,064	133,018
Total non-financial assets	17.4%	51,654	43,986
Departmental net financial position	-4.1%	(85,410)	(89,032)
Condensed Statement of Operations and Departmental Net Financial Position			
(Unaudited)			
For the Year Ending March 31, 2012			
(\$ thousands)			
	Change %	2011-12	2010-11
Total expenses	0%	1,121,201	1,120,483
Total revenues	6.3%	355,897	334,918
Net cost of operations before government funding and transfers*	-3.2%	772,751	798,354
Departmental net financial position	-4.1%	(85,410)	(89,032)

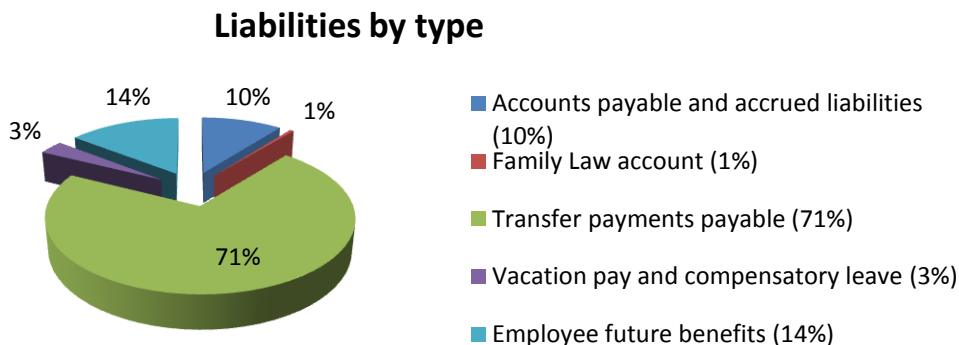
*In 2011-12, the Net cost of operations before government funding and transfers includes \$7.5M deemed to have been spent by Shared Services Canada. In 2010-11, this amount represented \$12.8M.

Financial Highlights—Charts and Graphs

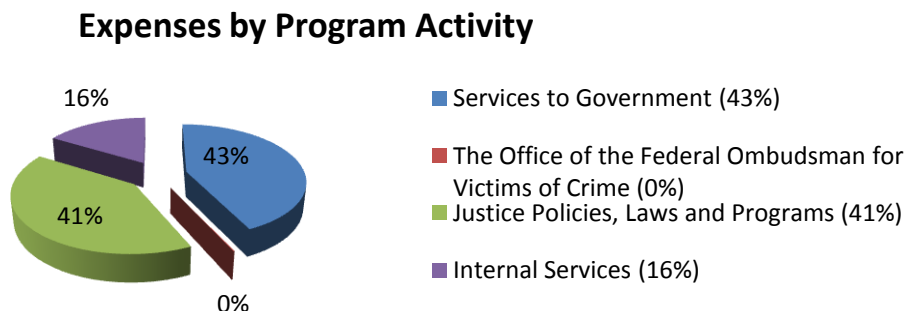
Total assets were approximately \$517 million at the end of 2011-12, a 7.1 percent increase from the previous year's total. The Consolidated Revenue Fund represents 87 percent of total assets at approximately \$451 million. Tangible capital assets represented approximately \$52 million or 10 percent of total assets, while net receivables and advances represented approximately \$14 million or three percent of total assets.



Total liabilities were \$602 million at the end of 2011-12, a 5.4 percent increase from the previous year’s total. Transfer payments payable represented the largest portion of liabilities at \$430 million or 71 percent of total liabilities, a 9.6 percent increase over the previous year.

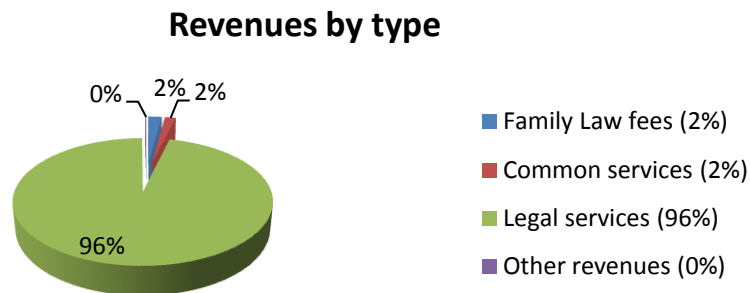


Total expenses for the Department were \$1,121 million in 2011-12. Of this amount, \$482 million—which represents 43 percent of funds—was spent on Services to Government; Justice Policies, Laws and Programs represented \$454 million or 41 percent of total expenses; Internal Services represented \$184 million or 16 percent of funds; and the Office of the Federal Ombudsman for Victims of Crime represented \$1.3 million or 0.1 percent of the Department of Justice total expenses (which appears as zero percent in the diagram below, due to rounding.)



The Department’s net revenue amount for \$356 million in 2011-12 and the majority of the revenue was derived from the provision of advisory, litigation and legislative services, which represent 96 percent. Other service and administration fees revenues under the family law

programs represented two percent, and the common services revenue represented another two percent. The Department's net revenue increased by 6.3 percent compared to 2010-11.



Financial Statements

The Department's financial statements are available on the Justice website at:
http://www.justice.gc.ca/eng/dept-min/pub/dpr-rr/2011_2012/finstat-etatfin.html.

List of Supplementary Information Tables

Electronic supplementary information tables listed in the 2011–12 Departmental Performance Report can be found on Department of Justice Canada's [website](#).

- Details on Transfer Payment Programs
- Greening Government Operations
- Horizontal Initiatives
- Internal Audits and Evaluations
- Response to Parliamentary Committees and External Audits
- Sources of Responsible and Non-Responsible Revenue
- User Fees Reporting

SECTION IV: OTHER ITEMS OF INTEREST

Organizational Contact Information

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Additional Information

The following information is available on the Justice website:

- Canada's System of Justice: <http://canada.justice.gc.ca/eng/dept-min/pub/just/>
- Canada's Consolidated Statutes and Regulations: <http://laws.justice.gc.ca/en/index.html>
- Department of Justice Organizational Chart: <http://canada.justice.gc.ca/eng/dept-min/chart.html>
- Department of Justice Programs and Initiatives: <http://canada.justice.gc.ca/eng/pi/index.html>
- Key Publications: <http://canada.justice.gc.ca/eng/dept-min/pub/index.asp>
- Careers at Justice: <http://canada.justice.gc.ca/eng/dept-min/recru/index.html>

