

Public Prosecution Service of Canada

2016-17

Report on Plans and Priorities

The Honourable Jody Wilson-Raybould, P.C., M.P.
Minister of Justice and Attorney General of Canada

Public Prosecution Service of Canada

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Message from the Director of Public Prosecutions

I am pleased to present the *2016-17 Report on Plans and Priorities* for the Public Prosecution Service of Canada (PPSC).

The PPSC’s mandate, as an independent and accountable prosecuting authority, is to prosecute cases under federal jurisdiction free from any improper influence, and to provide high-quality legal advice to investigative agencies.

This report outlines how the PPSC will meet that mandate in the coming year. It also includes the plans and priorities of the Office of the Commissioner of Canada Elections (OCCE), which is part of the PPSC, although the two organizations operate independently of each other in fulfilling their respective mandates.

The PPSC has renewed its organizational priorities for 2016-17. Building on the work and successes of recent years, the PPSC will continue to focus on excellence in prosecution management, on ensuring that all employees have opportunities to receive the training they need, and on working with investigative agencies to ensure continued effective collaboration.

In addition, the PPSC has identified the primary risks it expects to face in the coming years, and developed strategies to address those risks. These strategies are designed to deal with the potential for disclosure of sensitive information, the challenges associated with information management business requirements and obligations, and the ongoing potential for threats and intimidation arising from prosecution work.

In all their work, PPSC staff are guided by the organization’s key values of respect, integrity, excellence, and leadership. Their hard work and dedication help to ensure that criminal and regulatory offences under federal jurisdiction are prosecuted in an independent, impartial, and fair manner.

Brian Saunders, Q.C.
Director of Public Prosecutions

Message from the Commissioner of Canada Elections

I am pleased to submit the *2016-17 Report on Plans and Priorities* for the Office of the Commissioner of Canada Elections (OCCE).

In 2015-16, our office continued to deliver on its mandate of ensuring compliance with, and enforcement of the *Canada Elections Act* (the Act). During the 42nd federal general election – which was an extremely busy period for us – our dedicated personnel received and responded to more than 1,000 complaints. Extensive planning to secure proper resourcing and an inclusive and open approach to coordination among the three federal organizations with responsibilities under the Act (i.e. OCCE, Elections Canada and the Canadian Radio-television and Telecommunications Commission (CRTC)), allowed our office to respond to concerns in a timely and efficient manner.

Looking ahead, the sustained investigative effort arising out of the general election will serve as the backdrop for our plans and priorities in 2016-17. The volume of complaints – and the number of resulting investigations – continues to be our primary focus but also constitutes one of the risks identified by the office. Furthermore, the government has made a number of commitments regarding potential reforms to the Act, including structural changes to the OCCE. We will be closely monitoring developments in this area throughout the coming year to determine what, if any, impact they may have on our office.

Yves Côté, Q.C.

Commissioner of Canada Elections

Section I: Organizational Expenditure Overview

Organizational Profile

Appropriate Minister: The Honourable Jody Wilson-Raybould

Institutional Head: Brian Saunders, Director of Public Prosecutions

Ministerial Portfolio: Justice

Enabling Instrument(s): *Director of Public Prosecutions Act*ⁱ, *Canada Elections Act*ⁱⁱ

Year of Incorporation / Commencement: 2006

Organizational Context

Raison d'être

The Office of the Director of Public Prosecutions (ODPP) was created on December 12, 2006, with the coming into force of the *Director of Public Prosecutions Act*. The ODPP is an independent prosecution service mandated to prosecute offences that are under the jurisdiction of the Attorney General of Canada.

On October 1, 2014, pursuant to amendments to the *Canada Elections Act*, the Office of the Commissioner of Canada Elections (OCCE) was transferred from Elections Canada to the ODPP. The Commissioner of Canada Elections and the Director of Public Prosecutions exercise their statutory duties independently from each other while operating within the same organization.

The Minister of Justice and Attorney General of Canada is responsible for this organization.

The ODPP has two strategic outcomes under its Program Alignment Architecture. The first is that criminal and regulatory offences under federal law are prosecuted in an independent, impartial and fair manner. The mandate of the ODPP includes:

- providing legal advice to federal investigative agencies and government departments on the criminal law implications of investigations and prosecutions;
- initiating and conducting federal prosecutions; and
- intervening in matters that raise questions of public interest that may affect the conduct of prosecutions or related investigations.

The second strategic outcome is in respect of the work of the OCCE. It provides that compliance and enforcement activities under the *Canada Elections Act* and *Referendum Act* are conducted by the OCCE in a fair, impartial and independent manner. Activities related to this mandate include:

- the use of non-punitive and informal corrective measures in response to certain situations of non-compliance and of formal measures for others, such as compliance agreements, injunctions, and applications for the judicial deregistration of a registered party; and
- taking enforcement measures to respond to situations of non-compliance, including deciding which matters will be referred to the ODPP for possible prosecution and what charges will be recommended.

Responsibilities

Public Prosecution Service of Canada

The PPSC undertakes key duties on behalf of the Attorney General of Canada and all Canadians. These key duties, to be carried out in an objective and non-partisan manner, are:

- **The duty to act independently in making decisions related to criminal prosecutions** – This constitutional principle recognizes that decisions as to whether a prosecution should be initiated, continued or ceased, must be made solely in accordance with legal criteria related to whether there is evidence that indicates a reasonable prospect of conviction and an assessment of whether a prosecution best serves the public interest. Considerations of a partisan political nature are expressly excluded from the consideration of the public interest.
- **The duty to act independently in providing prosecution-related legal advice** – While prosecution-related advice to law enforcement and other federal investigative agencies will take into account the agency’s legal and policy setting, prosecutors cannot be drawn into the agency’s policy making and program administration such that their ability to provide impartial, accurate and effective legal advice is undermined.

Areas of Prosecution

The PPSC prosecutes cases under federal statutes that are referred to it by the Royal Canadian Mounted Police (RCMP), other federal investigative agencies, and provincial and municipal police forces.

It is responsible for the prosecution of all drug offences initiated on behalf of the government of Canada under the *Controlled Drugs and Substances Act*, regardless of whether a federal,

provincial, or municipal police agency lays the charges, in all provinces except Quebec and New Brunswick.ⁱⁱⁱ In the latter two provinces, the PPSC is responsible for drug charges laid by the RCMP only.

In all provinces and territories, the PPSC prosecutes offences under federal statutes aimed at protecting the environment and natural resources as well as the country's economic and social health (e.g., *Fisheries Act*, *Income Tax Act*, *Copyright Act*, *Canada Elections Act*, *Canadian Environmental Protection Act, 1999*, *Competition Act*, *Customs Act*, *Excise Act*, *Excise Tax Act*, offences involving fraud against the government, and capital market fraud offences) along with conspiracies and attempts to commit any of these offences. In total, the PPSC may be called upon to prosecute offences under 250 federal statutes. However, it routinely provides advice in relation to, and prosecutes offences under, approximately 40 of those statutes.

In the three territories, the PPSC prosecutes all *Criminal Code* offences as well as offences under all other federal legislation and, on behalf of the territorial governments of the Northwest Territories and Nunavut, certain territorial statutes. In the provinces, the PPSC has jurisdiction to prosecute certain *Criminal Code* offences, including those related to terrorism, criminal organizations, money laundering and proceeds of crime. Under arrangements with the provinces, the PPSC may prosecute *Criminal Code* offences that are otherwise within provincial jurisdiction when the accused also faces more serious charges within federal jurisdiction.

Performance information on each of these areas of prosecution is provided in Section II of this document.

The PPSC does not have authority to direct investigations. It responds to requests for prosecution-related advice from investigators. Such advice is crucial to ensure that investigative techniques and procedures are consistent with evolving rules of evidence and with protections under the *Canadian Charter of Rights and Freedoms*. The advantage of early prosecutorial advice is that it reduces the risk that investigative decisions, such as those about methods of obtaining evidence, will detrimentally affect the constitutional rights of Canadians or the admissibility of evidence at trial.

Office of the Commissioner of Canada Elections

The OCCE plays an important role in safeguarding Canadians’ trust in the democratic process. As an independent officer, the Commissioner of Canada Elections’ dual roles of ensuring compliance with, and enforcement of, the *Canada Elections Act* and the federal *Referendum Act*, are carried out with the aim of promoting the integrity of the electoral process.

The Commissioner is responsible for the investigation of offences and for making recommendations to the Director of Public Prosecutions with respect to the laying of charges under the *Canada Elections Act* and the *Referendum Act*. The Commissioner exercises this mandate in accordance with these acts, other relevant statutory authorities and constitutional law, as well as applicable internal practices and policies.

Strategic Outcomes and Program Alignment Architecture

- 1. Strategic Outcome:** Criminal and regulatory offences under federal law are prosecuted in an independent, impartial and fair manner
 - 1.1 Program:** Drug, *Criminal Code*, and terrorism prosecution program
 - 1.2 Program:** Regulatory offences and economic crime prosecution program

- 2. Strategic Outcome:** Compliance and enforcement activities under the *Canada Elections Act* and *Referendum Act* are conducted by the Commissioner of Canada Elections in an independent, impartial and fair manner
 - 2.1 Program:** Compliance
 - 2.2 Program:** Enforcement

Internal Services

Organizational Priorities

Public Prosecution Service of Canada

Priority: Excellence in Prosecution Management

Description

The volume and complexity of criminal prosecutions require the continued management of available PPSC prosecutorial resources. The PPSC focuses on improving prosecution management practices, from the way files are assigned to how they are managed and tracked throughout the lifecycle of a prosecution. It also focuses on learning from best practices and recommendations developed by its partners and international and provincial counterparts.

*Priority Type*¹

Previously committed to

Key Supporting Initiatives

Planned Initiatives	Start Date	End Date	Link to Department's Program Alignment Architecture
<ul style="list-style-type: none"> Continue to implement management action plans arising from internal audits related to file management. 	April 1, 2014	Ongoing	1.1 Drug, <i>Criminal Code</i> , and terrorism prosecution program 1.2 Regulatory offences and economic crime prosecution program
<ul style="list-style-type: none"> Review initiatives from various fora across Canada and the Federal-Provincial-Territorial Heads of Prosecutions Committee for the purposes of identifying best practices. 	April 1, 2014	Ongoing	1.1 Drug, <i>Criminal Code</i> , and terrorism prosecution program 1.2 Regulatory offences and economic crime prosecution program
<ul style="list-style-type: none"> Implement modern technologies for efficiency, mobility and interoperability with our partners (within the frameworks of Government of Canada and PPSC IT directives and policies). 	April 1, 2014	Ongoing	1.1 Drug, <i>Criminal Code</i> , and terrorism prosecution program 1.2 Regulatory offences and economic crime prosecution program
<ul style="list-style-type: none"> Collaboration with provincial counterparts in matters involving offences under our respective jurisdictions or in matters where concurrent jurisdiction exists. 	April 1, 2014	Ongoing	1.1 Drug, <i>Criminal Code</i> , and terrorism prosecution program 1.2 Regulatory offences and economic crime prosecution program
<ul style="list-style-type: none"> Promote US/Canadian prosecutorial meetings to increase collaboration on trans-boundary cases. 	April 1, 2014	Ongoing	1.1 Drug, <i>Criminal Code</i> , and terrorism prosecution program 1.2 Regulatory offences and economic crime prosecution program

1. Type is defined as follows: previously committed to—committed to in the first or second fiscal year prior to the subject year of the report; ongoing—committed to at least three fiscal years prior to the subject year of the report; and new—newly committed to in the reporting year of the Report on Plans and Priorities or the Departmental Performance Report.

Priority: Employee Training and Development

Description

Providing staff with access to the learning and development tools and opportunities they need to improve their skills and further their professional development contributes to their ability to effectively tackle the complex challenges of today’s prosecutions and operational requirements.

Priority Type

Ongoing

Key Supporting Initiatives

Planned Initiatives	Start Date	End Date	Link to Department’s Program Alignment Architecture
<ul style="list-style-type: none"> Finalize the implementation of a framework for enabling formal and informal employee learning and development in both the legal and non-legal employment streams. 	April 1, 2013	March 31, 2017	1.1 Drug, <i>Criminal Code</i> , and terrorism prosecution program 1.2 Regulatory offences and economic crime prosecution program <ul style="list-style-type: none"> Internal Services
<ul style="list-style-type: none"> Maximizing opportunities for information sharing and knowledge transfer. 	April 1, 2008	Ongoing	1.1 Drug, <i>Criminal Code</i> , and terrorism prosecution program 1.2 Regulatory offences and economic crime prosecution program <ul style="list-style-type: none"> Internal Services
<ul style="list-style-type: none"> Ongoing and targeted legal training and development, particularly with regard to the mandatory training required by law societies. 	December 12, 2006	Ongoing	1.1 Drug, <i>Criminal Code</i> , and terrorism prosecution program 1.2 Regulatory offences and economic crime prosecution program
<ul style="list-style-type: none"> Continue to use available user-friendly learning tools including Webinars, e-learning, practical on-the-job training to promote access to development and learning opportunities to a broader cross-section of employees. 	April 1, 2013	Ongoing	1.1 Drug, <i>Criminal Code</i> , and terrorism prosecution program 1.2 Regulatory offences and economic crime prosecution program <ul style="list-style-type: none"> Internal Services

<ul style="list-style-type: none"> Ensure that managers and supervisors receive pertinent management training. 	December 12, 2006	Ongoing	1.1 Drug, <i>Criminal Code</i> , and terrorism prosecution program 1.2 Regulatory offences and economic crime prosecution program <ul style="list-style-type: none"> Internal Services
<ul style="list-style-type: none"> Provide training on harassment and discrimination issues, both for managers and employees. 	April 1, 2014	Ongoing	1.1 Drug, <i>Criminal Code</i> , and terrorism prosecution program 1.2 Regulatory offences and economic crime prosecution program <ul style="list-style-type: none"> Internal Services

Priority: Working Collaboratively with Investigative Agencies

Description

To be effective and efficient as a national prosecutor, the PPSC will continue to strengthen its relationships with investigative agencies by ensuring effective communication at both the local and national levels. It will continue to work collaboratively to ensure consistency and completeness in the investigation files sent to the PPSC and in the legal advice provided by the PPSC.

Priority Type

Ongoing

Key Supporting Initiatives

Planned Initiatives	Start Date	End Date	Link to Department's Program Alignment Architecture
<ul style="list-style-type: none"> Continue efforts to broaden the use of the Report to Crown Counsel by police and investigative agencies, in order to ensure consistency and completeness in investigation files sent to the PPSC. 	April 1, 2012	Ongoing	1.1 Drug, <i>Criminal Code</i> , and terrorism prosecution program 1.2 Regulatory offences and economic crime prosecution program

<ul style="list-style-type: none"> Work in collaboration with investigative agencies to make pre-charge legal advice available to better support investigations. 	December 12, 2006	Ongoing	1.1 Drug, <i>Criminal Code</i> , and terrorism prosecution program 1.2 Regulatory offences and economic crime prosecution program
<ul style="list-style-type: none"> Work in collaboration with investigative agencies to develop training programs for investigators in keeping with the demands arising from current trends in the law and the ongoing evolution of investigative tools and techniques. 	December 12, 2006	Ongoing	1.1 Drug, <i>Criminal Code</i> , and terrorism prosecution program 1.2 Regulatory offences and economic crime prosecution program
<ul style="list-style-type: none"> Develop an action plan to address the feedback received from investigative agencies following a survey distributed in 2014, and proactively communicate that plan to those agencies. 	June 2014	March 31, 2017	1.1 Drug, <i>Criminal Code</i> , and terrorism prosecution program 1.2 Regulatory offences and economic crime prosecution program
<ul style="list-style-type: none"> Continue to liaise with police and investigative agencies, both at the national and local levels and at the management and front-line levels, to discuss overall enforcement priorities and directions, upcoming investigations, project files, and any other matters of mutual interest. 	December 12, 2006	Ongoing	1.1 Drug, <i>Criminal Code</i> , and terrorism prosecution program 1.2 Regulatory offences and economic crime prosecution program

Office of the Commissioner of Canada Elections

Priority: Investigative Excellence

Description

This priority focuses on ensuring the ongoing effectiveness of the OCCE as an investigative body capable of operating within a dynamic and politically charged environment. The OCCE will put in place the appropriate resources to deal with the increased volume of investigative work with a view to ensuring fairness, efficiency and objectivity.

Priority Type

Previously committed to

Key Supporting Initiatives

Planned Initiatives	Start Date	End Date	Link to Department's Program Alignment Architecture
<ul style="list-style-type: none"> Ongoing and targeted training and development for investigators and other OCCE staff, particularly with regard to investigative approaches and legislative changes. 	April 1, 2015	Ongoing	2.1 Compliance 2.2 Enforcement <ul style="list-style-type: none"> Internal Services

Priority: Consultation

Description

As described by the *Canada Elections Act*, the Chief Electoral Officer is required to consult with the Commissioner of Canada Elections on written opinions, guidelines and interpretation notes (OGIs) related to the application of the Act. The OCCE views these consultations as a priority as the OGIs are instrumental in ensuring compliance with the Act.

Priority Type

New

Key Supporting Initiatives

Planned Initiatives	Start Date	End Date	Link to Department's Program Alignment Architecture
<ul style="list-style-type: none"> To provide comments, as required, on draft Opinions, Guidelines and Interpretation Notes put forward by Elections Canada. 	April 1, 2016 ^{iv}	Ongoing	2.1 Compliance 2.2 Enforcement <ul style="list-style-type: none"> Internal Services

Risk Analysis

Key Risks

Public Prosecution Service of Canada

Risk	Risk Response Strategy	Link to Program Alignment Architecture
<p>There is a risk that sensitive information pertaining to the PPSC's work could be disclosed.</p>	<ul style="list-style-type: none"> • The PPSC will continue to provide training on Security of Information to staff across the country. • The PPSC will update on an ongoing basis the information security awareness tools available on the Intranet. • The PPSC will investigate breaches and undertake remedial measures. 	<p>Criminal and regulatory offences under federal law are prosecuted in an independent, impartial and fair manner.</p> <p>Programs</p> <ul style="list-style-type: none"> • Drug, <i>Criminal Code</i>, and terrorism prosecution program • Regulatory offences and economic crime prosecution program • Internal Services
<p>There is a risk that PPSC Information Management business requirements and obligations will not be met.</p>	<ul style="list-style-type: none"> • The PPSC will review its needs in respect of information management and prepare a human resources plan based on that review. • The PPSC will develop and implement a plan to achieve compliance with the TBS Directive on Recordkeeping. 	<p>Criminal and regulatory offences under federal law are prosecuted in an independent, impartial and fair manner.</p> <p>Programs</p> <ul style="list-style-type: none"> • Drug, <i>Criminal Code</i>, and terrorism prosecution program • Regulatory offences and economic crime prosecution program • Internal Services
<p>PPSC staff may be subject to threats or intimidation or PPSC premises may be subject to violence.</p>	<ul style="list-style-type: none"> • The PPSC has a fully implemented Employee Protection Program. The program will be reviewed and updated on an ongoing basis depending on changing requirements. • The PPSC will continue to offer training on security as well as in the prevention of violence in the workplace to provide the awareness staff need to safely conduct their work. • The PPSC will continue to apply a high level of security measures in the construction/renovation of its offices across the country. 	<p>Criminal and regulatory offences under federal law are prosecuted in an independent, impartial and fair manner.</p> <p>Programs</p> <ul style="list-style-type: none"> • Drug, <i>Criminal Code</i>, and terrorism prosecution program • Regulatory offences and economic crime prosecution program • Internal Services

Office of the Commissioner of Canada Elections

Risk	Risk Response Strategy	Link to Program Alignment Architecture
Investigative capacity may become insufficient.	<ul style="list-style-type: none"> The OCCE will measure capacity levels of investigators against the volume of complaints to ensure adequate resources. The OCCE will add to its pool of qualified investigators to meet increased demand. 	<p>Compliance and enforcement activities under the <i>Canada Elections Act</i> and <i>Referendum Act</i> are conducted by the Commissioner of Canada Elections in an independent, impartial and fair manner.</p> <p>Programs</p> <ul style="list-style-type: none"> Compliance Enforcement Internal Services
Possible changes to the <i>Canada Elections Act</i> and OCCE structure.	<ul style="list-style-type: none"> The OCCE will closely monitor any legislative processes associated with possible changes to the Act. The OCCE will provide information and support, as required, to Parliament with respect to the role and mandate of the Commissioner. 	<p>Compliance and enforcement activities under the <i>Canada Elections Act</i> and <i>Referendum Act</i> are conducted by the Commissioner of Canada Elections in an independent, impartial and fair manner.</p> <p>Programs</p> <ul style="list-style-type: none"> Compliance Enforcement Internal Services

Planned Expenditures

Budgetary Financial Resources (dollars)

2016–17 Main Estimates	2016–17 Planned Spending	2017–18 Planned Spending	2018–19 Planned Spending
185,665,457	194,217,474	178,233,121	177,929,199

Human Resources (Full-Time Equivalents [FTEs])

2016–17	2017–18	2018–19
990	990	990

Budgetary Planning Summary for Strategic Outcomes and Programs (dollars)

Strategic Outcomes, Programs and Internal Services	2013–14 Expenditures	2014–15 Expenditures	2015–16 Forecast Spending	2016–17 Main Estimates	2016–17 Planned Spending	2017–18 Planned Spending	2018–19 Planned Spending
Strategic Outcome 1: Criminal and regulatory offences under federal law are prosecuted in an independent, impartial and fair manner.							
1.1 Drug, <i>Criminal Code</i> , and terrorism prosecution program	137,105,995	133,019,792	134,484,552	135,101,728	140,185,541	135,107,187	134,993,722
1.2 Regulatory offences and economic crime prosecution program	18,552,131	18,277,385	18,665,656	27,321,561	27,737,387	20,321,561	20,322,208
Subtotal	155,658,126	151,297,177	153,150,208	162,423,289	167,922,928	155,428,748	155,315,930
Strategic Outcome 2: Compliance and enforcement activities under the <i>Canada Elections Act</i> and <i>Referendum Act</i> are conducted by the Commissioner of Canada Elections in an independent, impartial and fair manner.							
2.1 Compliance	-	2,778,230	3,059,300	2,290,133	2,290,133	2,027,457	1,912,572
2.2 Enforcement	-	470,170	2,039,534	1,526,755	1,526,755	1,351,636	1,275,049
Subtotal	-	3,248,400	5,098,834	3,816,888	3,816,888	3,379,093	3,187,621
Internal Services Subtotal	29,635,415	20,701,173	20,679,773	19,425,280	22,477,658	19,425,280	19,425,648
Total (note)	185,293,541	175,246,750	178,928,815	185,665,457	194,217,474	178,233,121	177,929,199

Note: Total amount is net of the recoveries of \$22,742M from other government agencies for prosecution activities.

Strategic Outcome 1 (SO 1)

The 2015-16 forecast spending and 2016-17 planned spending include unused funds carried forward from previous years. There is also new funding in 2015-16, for the outsourcing of the collection of federal fines and other new initiatives, for which the planned spending will begin in 2016-17.

Strategic Outcome 2 (SO 2)

On October 1, 2014, pursuant to amendments to the *Canada Elections Act*, the OCCE was transferred from Elections Canada to the ODPP.

The increase in spending in 2015-16 is mainly due to full fiscal year reporting against SO 2 and the 2015 general election which generated increased expenditures for 2015-16 as compared to the subsequent fiscal years.

Internal Services

The spending variance relates to expenditures that occurred in 2013-14 for the relocation of offices but not in the subsequent fiscal years.

Alignment of Spending With the Whole-of-Government Framework

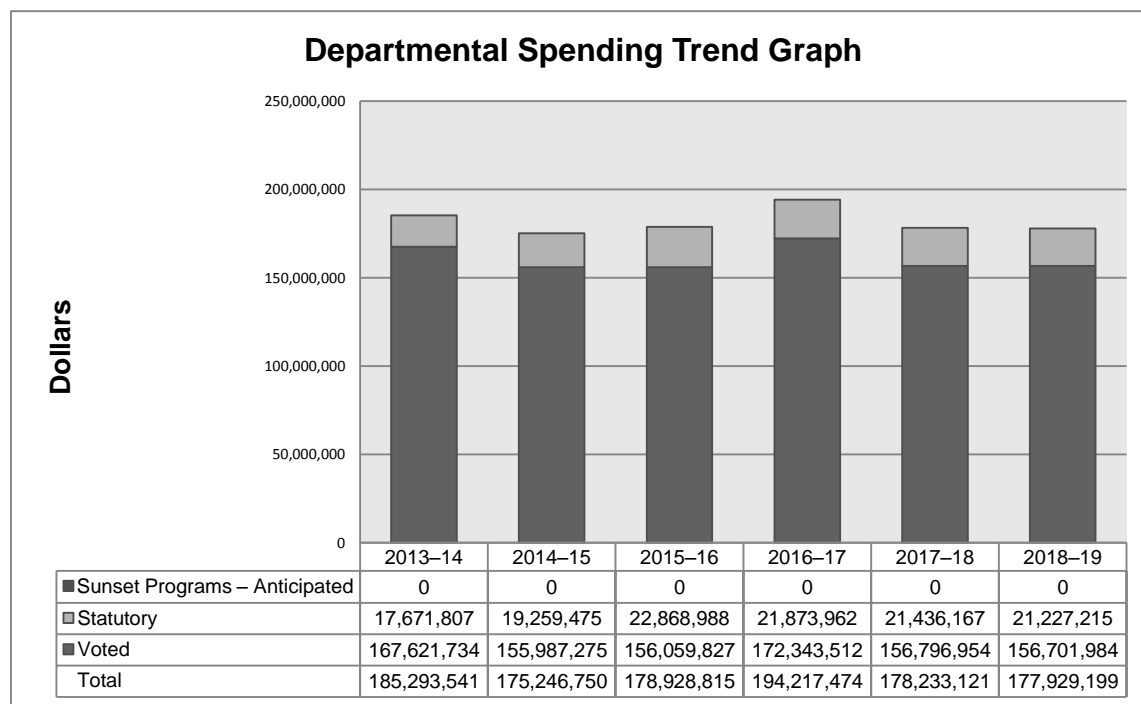
Alignment of 2016–17 Planned Spending With the **Whole-of-Government Framework**^v (dollars)

Strategic Outcome	Program	Spending Area	Government of Canada Outcome	2016–17 Planned Spending
1. Criminal and regulatory offences under federal law are prosecuted in an independent, impartial and fair manner.	1.1 Drug, <i>Criminal Code</i> , and terrorism prosecution program	Social Affairs	A Safe and Secure Canada	140,185,541
	1.2 Regulatory offences and economic crime prosecution program	Social Affairs	A Safe and Secure Canada	27,737,387
2. Compliance and enforcement activities under the <i>Canada Elections Act</i> and <i>Referendum Act</i> are conducted by the Commissioner of Canada Elections in an independent, impartial and fair manner.	2.1 Compliance	Government Affairs	Strong and Independent Democratic Institutions	2,290,133
	2.2 Enforcement	Government Affairs	Strong and Independent Democratic Institutions	1,526,755

Total Spending by Spending Area (dollars)

Spending Area	Total Planned Spending
Economic affairs	0
Social affairs	167,922,928
International affairs	0
Government affairs	3,816,888

Departmental Spending Trend



The decrease in actual spending levels in 2014-15 from 2013-14 is mainly due to the relocation of offices, collective bargaining settlements and severance pay paid only in 2013-14.

The increase in the statutory spending starting 2014-15 is the result of the transfer of the OCCE to the ODPP.

The increase in voted spending in 2016-17 is a result of the outsourcing for the collection of federal fines and the following two new initiatives:

- *Protecting Canadians from Online Crime Act* and the expected ratification of the Council of Europe's *Convention on Cybercrime (Budapest Convention)*;
- Measures to implement the *Canadian Victims Bill of Rights*.

Estimates by Vote

For information on the PPSC's organizational appropriations, consult the [2016–17 Main Estimates](#).^{vi}

Section II: Analysis of Programs by Strategic Outcome

Strategic Outcome 1: Criminal and regulatory offences under federal law are prosecuted in an independent, impartial and fair manner

Performance Measurement

Performance Indicators	Targets	Date to Be Achieved
Number and nature of judicial stays for abuse of process based on the conduct of a federal prosecutor	Zero	March 31, 2017
Number and nature of successful malicious prosecution lawsuits	Zero	March 31, 2017
Number and nature of substantiated complaints regarding the PPSC's independence, impartiality or fairness	Zero	March 31, 2017

The judicial stays for abuse of process targeted here involve a disposition where the court does not allow a prosecution to proceed because of objectionable police or prosecutorial conduct.

Plaintiffs suing Crown prosecutors for malicious prosecution must prove, among other matters, that the prosecution was undertaken without reasonable and probable cause, and was motivated by malice or a primary purpose other than that of carrying the law into effect.

Complaints regarding the PPSC's independence, impartiality or fairness may be made to the courts or to the PPSC under its Complaints Policy. The *PPSC Complaints Policy* came into effect in October 2012, and is available on the [PPSC's Internet site](#).^{vii}

Programs

The role of a prosecutor is to present the case on behalf of the Crown in a firm and fair manner. The prosecutor must put before the court all available, relevant, and admissible evidence necessary to enable the court to determine the guilt or innocence of the accused. The role of the prosecutor excludes any notion of winning or losing. Hence, the performance indicators and results for both the Drug, *Criminal Code* and terrorism prosecution program (P 1.1) and the Regulatory offences and economic crime prosecution program (P 1.2) are based on the extent to which prosecutions result in a determination on the merits of the evidence.

The PPSC considers that a case is decided on its merits when:

- a judge or jury determines the guilt or innocence of an accused person after a trial;
- a judge determines after a guilty plea that a conviction or discharge is appropriate; or
- a Crown prosecutor stays or withdraws a charge as a result of an assessment that the case does not meet the test for prosecution.

Cases not decided on the merits are those that are stayed by the Court, and for which, as a result, there is no outcome decided by a judge or jury based on the evidence of guilt or innocence. A judicially imposed stay will generally mean permanent suspension of the proceedings.

Program 1.1: Drug, *Criminal Code*, and terrorism prosecution program

Description

This program supports the protection of Canadian society against crime through the provision of legal advice and litigation support during police investigations, and the prosecution of: all drug offences under the *Controlled Drugs and Substances Act* and any related organized crime offences throughout Canada, except in Quebec and New Brunswick, where the PPSC prosecutes such offences only where charges are laid by the Royal Canadian Mounted Police; proceeds of crime offences; pursuant to understandings with the provinces, *Criminal Code* offences where they are related to drug charges; all *Criminal Code* offences in the three territories; terrorism offences; and war crimes and crimes against humanity offences. This program activity also involves the promotion of federal-provincial-territorial cooperation on criminal justice issues of mutual concern.

Budgetary Financial Resources (dollars)

2016–17 Main Estimates	2016–17 Planned Spending	2017–18 Planned Spending	2018–19 Planned Spending
135,101,728	140,185,541	135,107,187	134,993,722

Human Resources (Full-Time Equivalent [FTEs])

2016–17	2017–18	2018–19
691	691	691

Performance Measurement

Expected Results	Performance Indicators	Targets	Date to Be Achieved
Litigation files that are prosecuted are decided on merit	Percentage of all litigation files that are decided on merit (i.e., by most serious outcome of guilty plea, guilty plea (other / lesser offence), conviction, conviction (other / lesser offence), diversion, withdrawal, stay of proceedings (Crown), discharge, acquittal)	N/A	March 31, 2017
	Percentage of litigation files not decided on merit: judicial stays of proceedings	N/A	March 31, 2017

Planning Highlights

Within this program, the PPSC anticipates continuing to focus on the prosecution of national security offences, repeat violent offenders in the three northern regions and drug offences involving organized crime as well as new so-called designer drugs such as fentanyl.

The focus given to prosecuting terrorism offences reflects the gravity of the impact of these offences on Canada's national security, international relations and national defence. The PPSC currently has prosecutions ongoing relating to 17 individuals for terrorism offences. It is also prosecuting offences under the *Security of Information Act* against one accused person. Charges are outstanding against an additional nine individuals who are not in Canada but for whom the RCMP has registered Red Notices with Interpol. Nine terrorism peace bond applications under s. 810.01 or s. 810.011 of the *Criminal Code* are currently before the courts.

National security cases are usually resource-intensive, requiring senior prosecutors, paralegals and support staff to devote significant energies to ensure that the cases can be decided on the merits. Understandings with the provincial Attorneys General ensure seamless cooperation and the availability of the full range of investigative and prosecution options to address the dangers posed by terrorism.

In the North, the PPSC prosecutes all federal offences including homicides and other offences involving grave harm to the person. The PPSC will continue to dedicate paralegals to support the preparation of applications relating to long term offender and dangerous offenders. The PPSC

has also hired additional Crown Witness Coordinators as part of its response to the *Canadian Victims Bill of Rights*. In addition, the PPSC is now responsible for all of the tasks and costs associated with arranging civilian witness travel.

Given a recent increase in the prevalence of fentanyl cases, including a number of deaths related to fentanyl overdoses, the PPSC has created a national working group responsible for assisting counsel who are prosecuting fentanyl offences, and a national database of materials to support these counsel with the most up-to-date and relevant materials available, including expert evidence on the harms of fentanyl abuse. The threat to the public posed by emerging drugs such as fentanyl is heightened by the disparities in the strength of the drugs and the potential for mixtures of other substances with these drugs with the attendant potential for life-threatening results.

The ongoing focus on organized crime reflects the priority given to this issue by the police and other law enforcement authorities. Issues relating to technology and lawful access will play a prominent role in our advisory and litigation activities in the coming year. The use of technology (such as encryption) by organized criminals to facilitate and conceal their criminal activities, the technological response by police to defeat these activities, and police access to data stored or located outside of Canada, raise challenging legal issues, including ones under the *Charter of Rights and Freedom*. As well, litigation concerning the limits and implications of existing Supreme Court of Canada jurisprudence concerning search and seizure in the context of technology can be expected.

As an example of the above issues, in the murder case arising out of Project Clemenza which the PPSC is prosecuting in conjunction with provincial prosecutors, the PPSC is currently engaged in litigation concerning disclosure of sensitive technical details of RCMP interception methods, involvement of service providers in facilitating police interceptions, and technical specifications of a device used by police to identify mobile devices used by suspects (“mobile device identifier”). A Crown application under s. 37 of the *Canada Evidence Act* to prohibit such disclosure is currently before the court.

The PPSC will continue to emphasize inter-jurisdictional cooperation within the prosecutorial community and with investigative agencies both federally, nationally and internationally.

Program 1.2: Regulatory offences and economic crime prosecution program

Description

This program supports the protection of Canadian society against crime through the provision of legal advice and litigation support to federal investigative agencies, and the prosecution of: offences under federal statutes aimed at protecting the environment and natural resources as well as the country's economic and social health (e.g., *Fisheries Act*, *Income Tax Act*, *Copyright Act*, *Canada Elections Act*, *Canadian Environmental Protection Act, 1999*, *Competition Act*, *Customs Act*, *Excise Act*, and the *Excise Tax Act*); offences involving fraud against the government; capital market fraud offences; and any organized crime offences related to the foregoing offences. This program also includes the recovery of outstanding federal fines and the promotion of federal-provincial-territorial cooperation on criminal justice issues of mutual concern.

Budgetary Financial Resources (dollars)

	2016–17 Main Estimates	2016–17 Planned Spending	2017–18 Planned Spending	2018–19 Planned Spending
Gross Expenditures	49,863,561	50,279,387	42,863,561	42,864,208
Revenues Credited to the Vote	(22,542,000)	(22,542,000)	(22,542,000)	(22,542,000)
Net Expenditures	27,321,561	27,737,387	20,321,561	20,322,208

Human Resources (FTEs)

2016–17	2017–18	2018–19
160	160	160

Performance Measurement

Expected Results	Performance Indicators	Targets	Date to Be Achieved
Litigation files that are prosecuted are decided on merit	Percentage of all litigation files that are decided on merit (i.e., by most serious outcome of guilty plea, guilty plea (other / lesser offence), conviction, conviction (other / lesser offence), diversion, withdrawal, stay of proceedings (Crown), discharge, acquittal)	N/A	March 31, 2017
	Percentage of litigation files not decided on merit: judicial stays of proceedings	N/A	March 31, 2017

Planning Highlights

Within this program, the PPSC will focus on cases involving economic crime such as offences under the *Corruption of Foreign Public Officials Act* and offences under the *Competition Act*. Its work will also focus on various offences under the *Canada Elections Act*, the *Canada Labour Code*, and federal statutes aimed at protecting the health of Canadians and of the natural environment.

To support its prosecution-related activities, the PPSC will also ensure that high-quality law practice management programs and training are delivered to PPSC prosecutors and paralegals.

The following notable prosecutions are expected to take place, in whole or in part, during the year.

R. v. Montreal, Maine & Atlantic Railway Ltd., et al. (a.k.a. Lac Mégantic)

On June 22, 2015, criminal charges under the *Railway Safety Act* and the *Fisheries Act* were filed in the Court of Québec, Criminal and Penal Division, against officials of the Montreal Main & Atlantic Canada (MMAC) company, the Montreal Main & Atlantic Railway Ltd. (MMAR) in the United States and in Québec and the two companies, following the tragedy in Lac Mégantic, Québec, which caused the death of 27 people. The *Railway Safety Act* charges relate to the failure to apply a sufficient number of handbrakes to secure the train and failing to properly

verify whether the brakes that were applied were sufficient to secure the train. The *Fisheries Act* charge is depositing a deleterious substance in water frequented by fish.

R. v. Appulonappa; R. v. Asseervatham

In 2009, and again in 2010, ships arrived off the coast of British Columbia carrying scores of undocumented Sri Lankan Tamil migrants. The first ship was called the “MV Ocean Lady.” It carried 76 individuals. Four men were charged in June 2012 with organizing the illegal entry into Canada of a group of ten or more individuals contrary to s. 117 of the *Immigration and Refugee Protection Act*. Following a decision of the Supreme Court of Canada which clarified the ambit of the offence provision, the prosecution is expected to proceed. The prosecution that emerged out of the arrival of the second ship, the “Sun Sea” in 2010, *R. v. Asseervatham, et. al.*, is scheduled to begin in January of 2016.

R. v. Groupe SNC-Lavallin Inc., SNC Lavallin International, SNC Lavallin Construction Inc.;
R. v. Bebawi; R. v. Roy

Groupe SNC-Lavalin Inc. and two of its subsidiaries are charged under the *Corruption of Foreign Public Officials Act* for allegedly paying bribes to secure an advantage for the company in relation to major construction projects in Libya. In addition, the company and its subsidiaries are also being prosecuted for fraud, against the Libyan state, in relation to the same projects in an amount in excess of \$129 million. Proceedings against the company are in the pre-trial phase and the case is expected to carry over into 2016-17 and beyond. In addition, former company officials are charged as a result of the same allegations.

R. v. Irving Oil Company Ltd.

Irving Oil is facing three counts under paragraph 45(1)(c) of the *Competition Act*, related to an alleged price fixing agreement related to the price of gasoline in the Sherbrooke, Victoriaville and Thetford Mines markets in 2005 and 2006. The trial date is expected to be scheduled in March 2016, and would take place in late 2016 or early 2017.

Other activities

The PPSC’s Law Practice Management (LPM) Division provides legal skills and knowledge training and professional development support to employees through formal and informal learning opportunities. In addition to the annual School for Prosecutors, LPM will focus on developing training in emerging and priority areas of law, including wrongful convictions.

The PPSC is responsible for the recovery of outstanding court-ordered federal fines under the terms of an assignment issued by the Attorney General of Canada in 2007. The National Fine Recovery Program was affected by the federal government’s 2010-11 strategic review exercise. As a result, a modified fine recovery program has been developed and will be implemented starting in 2016-17. It includes outsourcing parts of the collection process to one or several private collection agencies. The PPSC will continue to administer the program and will manage contracts with service providers.

Strategic Outcome 2: Compliance and enforcement activities under the *Canada Elections Act* and *Referendum Act* are conducted by the Commissioner of Canada Elections in an independent, impartial and fair manner

Program 2.1: Compliance

Description

This program supports the integrity of Canada’s electoral process by enabling the Commissioner of Canada Elections to ensure compliance with the *Canada Elections Act* and the *Referendum Act*. This includes the use of non-punitive and informal corrective measures in response to certain situations of non-compliance and the conclusion of compliance agreements with offenders.

Budgetary Financial Resources (dollars)

2016–17 Main Estimates	2016–17 Planned Spending	2017–18 Planned Spending	2018–19 Planned Spending
2,290,133	2,290,133	2,027,457	1,912,572

Human Resources (FTEs)

2016–17	2017–18	2018–19
12	12	12

Performance Measurement

Expected Results	Performance Indicators	Targets	Date to Be Achieved
Political entities ^{viii} understand and comply with their obligations under the <i>Canada Elections Act</i>	Number of complaints that result in administrative measures (i.e., caution letters, information letters)	N/A	March 31, 2017

Planning Highlights

In 2016-17, the Commissioner of Canada Elections will continue to ensure compliance with the *Canada Elections Act* through the application of administrative measures. These measures are used for less serious breaches or for cases of inadvertent non-compliance. In these instances, the

individuals or entities involved are informed of the potential consequences of their actions, and are put on notice that the Commissioner now expects them to act in accordance with the requirements of the Act since they have been duly advised.

Program 2.2: Enforcement

Description

This program supports the integrity of Canada’s electoral process by enabling the Commissioner of Canada Elections to act in an independent manner in conducting investigations under the *Canada Elections Act* and the *Referendum Act*, and taking enforcement measures to respond to situations of non-compliance. This also includes deciding which matters will be referred to the Director of Public Prosecutions for possible prosecution and what charges will be recommended.

Budgetary Financial Resources (dollars)

2016–17 Main Estimates	2016–17 Planned Spending	2017–18 Planned Spending	2018–19 Planned Spending
1,526,755	1,526,755	1,351,636	1,275,049

Human Resources (FTEs)

2016–17	2017–18	2018–19
8	8	8

Performance Measurement

Expected Results	Performance Indicators	Targets	Date to Be Achieved
Instances of material non-compliance are addressed	Number of complaints that result in formal enforcement measures	N/A	March 31, 2017

Planning Highlights

Under the *Canada Elections Act*, there are a number of formal enforcement measures available to the Commissioner. In the coming fiscal year, the Commissioner will continue to investigate offences under the Act and apply the most appropriate means of enforcement, such as referrals for prosecution and the conclusion of compliance agreements.

Internal Services^{ix}

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. Internal services include only those activities and resources that apply across an organization, and not those provided to a specific program. The groups of activities 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; and Acquisition Services.

Budgetary Financial Resources (dollars)

	2016–17 Main Estimates	2016–17 Planned Spending	2017–18 Planned Spending	2018–19 Planned Spending
Gross Expenditures	19,625,280	22,677,658	19,625,280	19,625,648
Revenues Credited to the Vote	(200,000)	(200,000)	(200,000)	(200,000)
Net Expenditures	19,425,280	22,477,658	19,425,280	19,425,648

Human Resources (FTEs)

2016–17	2017–18	2018–19
119	119	119

Planning Highlights

In 2016-17, the PPSC is launching a project to replace its current case management system with a new system, to be implemented in 2018-19. The project will require input and assistance from every area of the PPSC, to insure that it meets end user needs and is a useful tool to assist with corporate reporting functions.

Section III: Supplementary Information

Future-Oriented Condensed Statement of Operations

The Future-Oriented Condensed Statement of Operations provides a general overview of the PPSC's operations. The forecast of financial information on expenses and revenues is prepared on an accrual accounting basis to strengthen accountability and to improve transparency and financial management.

Because the Future-Oriented Condensed Statement of Operations is prepared on an accrual accounting basis, and the forecast and planned spending amounts presented in other sections of the Report on Plans and Priorities are prepared on an expenditure basis, amounts may differ.

A more detailed Future-Oriented Statement of Operations and associated notes, including a reconciliation of the net cost of operations to the requested authorities, are available on the [PPSC's website](#).^x

Future-Oriented Condensed Statement of Operations For the Year Ending March 31, 2016 (dollars)

Financial Information	2015–16 Forecast Results	2016–17 Planned Results	Difference (2016–17 Planned Results minus 2015–16 Forecast Results)
Total expenses	218,770,860	238,782,046	20,011,186
Total revenues	18,830,088	22,742,000	3,911,912
Net cost of operations before government funding and transfers	199,940,772	216,040,046	16,099,274

The total expenses are higher in 2016-17 due to the outsourcing of the collection of federal fines and new initiatives.

The total revenues are higher in 2016-17 due to an anticipated increase in demand for prosecution services.

Supplementary Information Tables

The supplementary information tables listed in the 2016–17 Report on Plans and Priorities are available on the [PPSC's website](#).^{xi}

- ▶ Departmental Sustainable Development Strategy
- ▶ Upcoming Internal Audits and Evaluations Over the Next Three Fiscal Years

Tax Expenditures and Evaluations

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance Canada publishes cost estimates and projections for these measures each year in the [Tax Expenditures and Evaluations](#)^{xii} publication. The tax measures presented in that publication are the responsibility of the Minister of Finance.

Section IV: Organizational Contact Information

Public Prosecution Service of Canada

160 Elgin Street, 12th Floor

Ottawa, Ontario K1A 0H8

613-957-7772

1-877-505-7772

info@ppsc.gc.ca

Office of the Commissioner of Canada Elections

22 Eddy Street

Gatineau, Quebec K1A 0M6

1-855-759-6740

info@cef-cce.gc.ca

Appendix: Definitions

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

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

Departmental Performance Report: Reports on an appropriated organization's actual accomplishments against the plans, priorities and expected results set out in the corresponding Reports on Plans and Priorities. These reports are tabled in Parliament in the fall.

Full-time equivalent: A measure of the extent to which an employee represents a full person-year charge against a departmental budget. Full-time equivalents are calculated as a ratio of assigned hours of work to scheduled hours of work. Scheduled hours of work are set out in collective agreements.

Government of Canada outcomes: A set of 16 high-level objectives defined for the government as a whole, grouped in four spending areas: economic affairs, social affairs, international affairs and government affairs.

Management, Resources and Results Structure: A comprehensive framework that consists of an organization's inventory of programs, resources, results, performance indicators and governance information. Programs and results are depicted in their hierarchical relationship to each other and to the Strategic Outcome(s) to which they contribute. The Management, Resources and Results Structure is developed from the Program Alignment Architecture.

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

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

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

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

Planned spending: For Reports on Plans and Priorities (RPPs) and Departmental Performance Reports (DPRs), planned spending refers to those amounts that receive Treasury Board approval by February 1. Therefore, planned spending may include amounts incremental to planned expenditures presented in the Main Estimates.

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

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

Priorities: Plans or projects that an organization has chosen to focus and report on during the planning period. Priorities represent the things that are most important or what must be done first to support the achievement of the desired Strategic Outcome(s).

Program: A group of related resource inputs and activities that are managed to meet specific needs and to achieve intended results and that are treated as a budgetary unit.

Program Alignment Architecture: A structured inventory of an organization's programs depicting the hierarchical relationship between programs and the Strategic Outcome(s) to which they contribute.

Report on Plans and Priorities: Provides information on the plans and expected performance of appropriated organizations over a three-year period. These reports are tabled in Parliament each spring.

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

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

Strategic Outcome: A long-term and enduring benefit to Canadians that is linked to the organization's mandate, vision and core functions.

Sunset program: A time-limited program that does not have an ongoing funding and policy authority. When the program is set to expire, a decision must be made whether to continue the program. In the case of a renewal, the decision specifies the scope, funding level and duration.

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

Voted expenditures: Expenditures that Parliament approves annually through an Appropriation Act. The Vote wording becomes the governing conditions under which these expenditures may be made.

Whole-of-government framework: Maps the financial contributions of federal organizations receiving appropriations by aligning their Programs to a set of 16 government-wide, high-level outcome areas, grouped under four spending areas.

Endnotes

- i. *Director of Public Prosecutions Act*, <http://laws-lois.justice.gc.ca/eng/acts/D-2.5/page-1.html>
- ii. *Canada Elections Act*, <http://laws-lois.justice.gc.ca/eng/acts/e-2.01/>
- iii. In New Brunswick, the RCMP acts as the provincial police and also provides police services to some municipalities.
- iv. This is a statutory requirement that came into force on October 1, 2014.
- v. Whole-of-government framework, <http://www.tbs-sct.gc.ca/ems-sgd/wgf-ipp-eng.asp>
- vi. 2016–17 Main Estimates, <http://www.tbs-sct.gc.ca/hgw-cgf/finances/pgs-pdg/sepme-pdgbpd/index-eng.asp>
- vii. *PPSC Complaints Policy*, <http://www.ppsc-sppc.gc.ca/eng/cmp-pln/index.html>
- viii. Political entities include: registered parties, registered associations, candidates, nomination contestants, and leadership contestants.
- ix. The OCCE makes use of some internal services offered by the PPSC. The Commissioner of Canada Elections serves as Deputy Head for human resources and is served by his own communications and legal services groups.
- x. Future-Oriented Condensed Statement of Operations, <http://www.ppsc-sppc.gc.ca/eng/pub/index.html>
- xi. Supplementary Information Tables, <http://www.ppsc-sppc.gc.ca/eng/pub/index.html>
- xii. Tax Expenditures and Evaluations publication, <http://www.fin.gc.ca/purl/taxexp-eng.asp>