

The Auditor General presents the conclusions of his audit concerning the support for judicial activities in courthouses – Press release no. 2

Québec, Wednesday, November 18, 2009 – Mr. Renaud Lachance today made public Volume 2 of the *Report of the Auditor General of Québec to the National Assembly for 2009-2010*.

Chapter 2 presents the results of an audit on the support for judicial activities; it was carried out from January to September 2009 with the Ministère de la Justice du Québec (MJQ). The work especially covers the 2007-2008 and 2008-2009 fiscal years.

The services of the MJQ are offered in the network of 58 courthouses and 42 mobile service points spread out across Québec's territory. In 2007-2008, the expenses undertaken by the MJQ to support judicial activities amounted close to \$329 million.

Objectives of our audit

Our audit sought to check:

- if the MJQ ensures the efficiency and effectiveness of the judicial activities and if it reports on these aspects;
- that the MJQ correctly applies the tariffs payable according to the tariff schedule in effect;
- that the integrated justice information system project is managed with a concern for economy and efficiency.

The audit did not aim to call into question the judicial act or the decisions of the various courts.

Summary of the findings

Watch over judicial activities

MJQ does not perform any analysis of its main financial or administrative data in relation to judicial activities and the public premises that it uses, in particular courtrooms. Moreover, the MJQ has not adopted a set of indicators that would allow it to ensure an effective watch over concerning the unfolding of these activities, notably indicators related to the costs, the volume of activities and the time periods involved. Furthermore, we did not find a regular and documented follow-up on hearing or case settlement times by the MJQ. Nor did the MJQ establish, in conjunction with judicial authorities, the objectives and targets to be achieved in this respect.

Yet the information systems of the MJQ contain useful information to set targets and implement relevant indicators. We used these data to compile indicators related to the use of courthouses and courtrooms or the cost of the activities and the time periods involved. This exercise allowed us, among other things, to observe the following facts:

- The rate of courtroom use varies from 1 to 63 percent according to the courthouse concerned, with the exception of one courthouse having a rate of 85 percent.
- Only 1 percent of the files were processed in 11 out of 58 courthouses. The operating expenses of these facilities reached close to \$1.8 million, including the rent.

- Some courthouses have the capacity to handle the cases of another facility located nearby while remaining below the critical courtroom use threshold set by the MJQ. For example, this is the case for the Saguenay courthouse – Chicoutimi sector and that of the Jonquière sector (14 kilometres), for the courthouses of Granby and Cowansville (29 kilometres), and those of Sainte-Agathe-des-Monts and Saint-Jérôme (45 kilometres).
- For three courthouses, the average cost per case listed on the trial docket and having been heard varied from \$1,600 to \$5,200 while the average cost for the other courthouses was between \$58 and \$549, for an average of \$154. The main factor explaining the situation of the first three courthouses is the very small activity volume in these facilities.
- During the period from 2003 to 2008, the number of open files at the Court of Québec, for criminal matters, exceeded the number of closed files by 127,000. This exceeded the average annual number of open files by 25 percent.

Tariffs

The tariff schedule of judicial activities is complex and hard to apply. The number of tariffs applied by the MJQ is much higher than in Alberta and in British Columbia. For example, for civil disputes not eligible for small claims court, the Québec regulation provides for 90 tariffs in all, whereas the Alberta regulation establishes only 3. In relation to these disputes, we examined the compliance of the tariffs charged associated with more than 500 files in 6 courthouses visited. In 23 percent of the examined files, the tariff charged was incorrect. The average of the errors in absolute value was 44 percent in relation to the tariff that should have been applied. Globally, the shortfall for these files represented 34 percent of the tariff that should have been charged.

Integrated justice information system

Since 1999, the total expenses associated with this project represent close to \$30 million out of a budget of more than \$80 million. In relation to certain comments made by the Direction de la vérification interne, we conclude that the project has not been managed with a concern for economy and efficiency for the following reasons:

- The governance structure was defined late in 2007 and had problematic characteristics.
- The review of the management documentation did not provide us with the assurance that the three parameters of the project, namely the content, the costs and the timetables, were harmonized. In particular with respect to the content, one of the major problems is that several systems pose challenges in terms of their integration.
- The work related to the project was carried out without putting in place a process to promote appropriate risk management.

We consider that there are still major risks that the budget, the content and the timetables will not be respected.

The Highlights are available on the web site of the Auditor General of Québec at the following address: <http://www.vgq.qc.ca> (English home page). The full report and the presentation given to parliamentarians are available under the “Rapports” heading of the “Publications” section.

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