

followed in the prosecution of both indictable and summary conviction offences.

Recent amendments in the area of sexual assault, the patriation of the constitution with the enhanced Charter of Rights and proposed changes in sentencing will have, as the courts build up a body of interpretation, a substantial impact on criminal law in Canada.

20.1.5 Law Reform Commission of Canada

The commission was established by the Law Reform Commission Act, which came into force in June 1971, to study and to keep under review the federal laws of Canada with a view to making recommendations for their improvement, modernization and reform. Specifically included among the commission's statutory objects is innovation in the development of new approaches to and new concepts of the law, in keeping with and responsive to the changing needs of modern Canadian society and its individual members. The commission has a specific mandate to make reform recommendations which reflect the distinctive concepts and institutions of the common law and the civil law legal systems of Canada. This statutory objective also sets the commission upon the path of reconciliation of differences and discrepancies in the expression and application of the law arising out of differences in those concepts and institutions.

The commission is required by statute to submit, from time to time, for the approval of the minister of justice, specific programs of study of particular laws or branches of law. It must include in such programs any study requested by the minister to which, in his opinion, it is desirable in the public interest that special priority be accorded. The commission is then empowered by statute to initiate and carry out any studies and research of a legal nature as it deems necessary for the proper discharge of its functions, including studies and research relating to the laws, legal systems and institutions of other jurisdictions, whether in Canada or abroad.

The commission's program of activities has four major segments: substantive criminal law, criminal procedure, protection of life and administrative law. In addition, the commission prepares discrete reports on small but significant anomalies found in statutes.

20.2 Courts and the judiciary

20.2.1 Administration of courts

Responsibility for administration of courts is divided between federal and provincial levels of government by the revised constitution, which retains the applicable provisions of the British North America Act.

Section 92(14) gives each province exclusive powers over the administration of justice in that province. Under this authority provincial legislatures have established courts of appeal, supreme courts,

county courts and provincial courts. The governments of Quebec and Nova Scotia have delegated some authority to their municipalities; hence these two provinces have municipal courts.

Section 101 allows Parliament to provide for the constitution, maintenance and organization of a general court of appeal for Canada, and for the establishment of any additional courts for the better administration of the laws of Canada. Under this authority the Supreme Court of Canada, the Federal Court of Canada, and the Court Martial Appeal Court of Canada, have been established (Chart 20.1).

Section 96 provides that the Governor General shall appoint the judges of superior, district, and county courts in each province, except those of the courts of probate in Nova Scotia and New Brunswick. Section 100 carries this one step further: the salaries, allowances and pensions of these judges are to be fixed and provided by Parliament.

Provincially-constituted courts in each province can be divided into two groups: those whose judges are appointed and paid by the federal government, and those whose judges are appointed and paid by the province.

An appellate court is the superior court or the superior court division whose primary function is to review the decisions of other courts. In a civil case, basically, the courts try to determine the relative rights of two opposing parties. In a criminal case a court is asked to decide the guilt or innocence of a person charged with an offence.

Expenditures on court operations are divided among the various levels of government. The federal government bears the costs of the Supreme Court and the Federal Court of Canada. It also appoints and pays the salaries of provincial and territorial superior court judges. The provinces are responsible for all other expenses.

A breakdown of court operation expenditures by level of government in 1981-82 shows that provincial and territorial governments contributed \$326.8 million or 84.4% of the total, and the federal government provided the remaining \$60.4 million or 15.6%.

Expenditures varied by jurisdiction. For example, the lowest costs were recorded in Yukon (\$1.2 million) and Prince Edward Island (\$1.3 million), but Ontario had the highest (\$128.8 million) for 1981-82 (Table 20.1). Person-year expenditures among the jurisdictions ranged from a low of 25 in Yukon to a high of 4,168 in Quebec.

The national per capita cost in 1981-82 was \$17.52. Again, the figures varied by jurisdiction, ranging from about \$10 in Newfoundland and Prince Edward Island to about \$50 in Yukon and in Northwest Territories.

20.2.2 Administration of criminal prosecutions

Responsibility for the prosecution of criminal cases is also divided between the federal and provincial