



Management Response and Action Plan

Special Advocates Program Evaluation

Department of Justice Canada

Management Response and Action Plan

Project Title: Special Advocates Program Evaluation

Responsibility Centre: Policy Implementation Directorate, Programs Branch

Conclusions	Recommendation	Management Response	Action Plan	Responsible Manager (Title)	Planned Implementation Date
<p>The Program has been administered effectively and economically, engaging fewer FTEs than initially anticipated. It has also turned to online options to deliver some of its professional development activities. Finally, although it cannot anticipate the number of hours during which special advocates will be required to offer assistance in the future, the Program has been offering a per diem that continues to attract senior members of the Bar, even though it represents only a fraction of their normal hourly rate.</p> <p>The Program also represents a well contained investment that maintains the constitutionality of a wider set of activities undertaken by various departments and agencies involved in IRPA Division 9 proceedings.</p>	<p>In order to strengthen both the contribution of special advocates and the efficiency of the Program as a whole, and ensure the Program's continued sustainability, the following recommendation is submitted:</p> <p>The Department should explore the possibility of diversifying the scope of resources and support that are provided to special advocates within the current legislative framework, including the provision of direct support from junior practitioners and administrative assistants to special advocates assigned to</p>	<p>Agreed.</p> <p>There have been conflicting responses by the Federal Court to applications for legal assistance by special advocates (see Noël J in <i>Harkat</i> 2009 FC 173 and the endorsement of Blanchard J in <i>Mahjoub</i>, June 16, 2009). Ministers have consistently opposed the appointment of persons who are not special advocates to access the confidential materials in Division 9 proceedings.</p> <p>The Special Advocates Program will consult with stakeholders to explore the possibility of diversifying the scope of support and resources that are provided to special advocates and the manner that they could be best accommodated.</p>	<p>Phase 1: Assess: Determine the scope of potential needs to be addressed by consulting with special advocates, Minister's counsel and representatives of CAS and IRB.</p> <p>Phase 2: Develop an Action Plan: Based on the consultations, SAP will explore possible options to address the recommendation.</p>	<p>Director General Programs Branch</p>	<p>Phase 1: September 30, 2015</p> <p>Phase 2: March 30, 2016</p>

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	specific files.				