



Supreme Court of Canada

**2000-2001
Estimates**

Part III – Report on Plans and Priorities

The Estimates Documents

Each year, the government prepares Estimates in support of its request to Parliament for authority to spend public monies. This request is formalized through the tabling of appropriation bills in Parliament. The Estimates, which are tabled in the House of Commons by the President of the Treasury Board, consist of three parts:

Part I – The Government Expenditure Plan provides an overview of federal spending and summarizes both the relationship of the key elements of the Main Estimates to the Expenditure Plan (as set out in the Budget).

Part II – The Main Estimates directly support the *Appropriation Act*. The Main Estimates identify the spending authorities (votes) and amounts to be included in subsequent appropriation bills. Parliament will be asked to approve these votes to enable the government to proceed with its spending plans. Parts I and II of the Estimates are tabled concurrently on or before 1 March.

Part III – Departmental Expenditure Plans which is divided into two components:

- (1) **Reports on Plans and Priorities (RPPs)** are individual expenditure plans for each department and agency (excluding Crown corporations). These reports provide increased levels of detail on a business line basis and contain information on objectives, initiatives and planned results, including links to related resource requirements over a three-year period. The RPPs also provide details on human resource requirements, major capital projects, grants and contributions, and net program costs. They are tabled in Parliament by the President of the Treasury Board on behalf of the ministers who preside over the departments and agencies identified in Schedules I, I.1 and II of the *Financial Administration Act*. These documents are to be tabled on or before 31 March and referred to committees, which then report back to the House of Commons pursuant to Standing Order 81(4).
- (2) **Departmental Performance Reports (DPRs)** are individual department and agency accounts of accomplishments achieved against planned performance expectations as set out in respective RPPs. These Performance Reports, which cover the most recently completed fiscal year, are tabled in Parliament in the fall by the President of the Treasury Board on behalf of the ministers who preside over the departments and agencies identified in Schedules I, I.1 and II of the *Financial Administration Act*.

The Estimates, along with the Minister of Finance's Budget, reflect the government's annual budget planning and resource allocation priorities. In combination with the subsequent reporting of financial results in the Public Accounts and of accomplishments achieved in Departmental Performance Reports, this material helps Parliament hold the government to account for the allocation and management of public funds.

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Supreme Court of Canada

2000-2001 Estimates

A Report on Plans and Priorities

Approved

The Honourable A. McLellan
Minister of Justice and
Attorney General of Canada

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Section I: Registrar's Message

The plans and priorities of the Office of the Registrar of the Supreme Court of Canada are directly linked to the institution's objective, which is to provide a "general court of appeal" for Canada. Through its decisions, the Court settles disputes submitted to it by the parties, and in the process develops the nation's jurisprudence, which affects all Canadians. A strong and independent judiciary provides dispute settlement methods that enhance the democratic process.

The administration of the Court must therefore take the necessary steps to promote the independence of this institution within the framework of sound public management. It has an obligation to enhance access to the Court for the litigants and all the Canadian people, using traditional methods and appropriate technologies. It is committed to providing users with effective and efficient services, something which has a national and international impact, in keeping with the institution's high profile. It must respond to the need for Canadians to know the key institutions in their country.

The dawn of the 21st century marks the 125th anniversary of the creation of the Supreme Court of Canada and the 50th anniversary of the abolition of appeals to the Judicial Committee of the Privy Council in England. The administration of the Court must preserve the gains it has made in terms of effectiveness and modernity relying on the expertise of its loyal staff, and continue to develop, having regard for its environment, in order to serve the Canadian public.

Section II: Agency Overview

A. Mandate, Roles and Responsibilities

The Supreme Court of Canada's mandate is to "have and exercise an appellate, civil and criminal jurisdiction within and throughout Canada". The mission of the Office of the Registrar is "to provide the best possible decision-making environment for the Court".

The Court is the highest court of the land, and one of Canada's most important national institutions. As the final general court of appeal it is the last judicial resort for litigants, either individuals or governments. Its jurisdiction embraces both the civil law of the province of Québec and the common law of the other nine provinces and three territories.

The Court hears cases on appeal from the provincial and territorial courts of appeal, and from the Appeal Division of the Federal Court of Canada. In addition, the Court is required to give its opinion on any question referred to it by the Governor in Council. The importance of the Court's decisions for Canadian society is well recognized. The Court assures uniformity, consistency and correctness in the articulation, development and interpretation of legal principles throughout the Canadian judicial system.

1. The Supreme Court of Canada Appeal Process

The following brief description of the appeal process gives a context to the Court Program's activities. Figure 1 summarizes the steps of the appeal process.

The Court comprises the Chief Justice and eight Puisne Judges, all of whom are appointed by the Governor in Council. The Court hears appeals from three sources.

- In most cases permission to appeal must first be obtained. Such permission, or leave to appeal, is given by the Court if a case involves a question of public importance or if it raises an important issue of law (or a combination of law and fact) that warrants consideration by the Court.

The Court also hears appeals for which leave to appeal is not required. For example, when in a criminal case a court of appeal reverses an acquittal or when a judge of that court dissents on a point of law, it is possible to appeal as of right to the Court.

The third source is the referral power of the Governor in Council. The Court is required to give an opinion on constitutional or other questions when asked to do so.

Applications for leave to appeal are determined by a panel of three Judges, usually based on written submissions filed by the parties. The Court considers on average 600 of these applications in a year. An oral hearing may be held when so ordered by the Court. If leave is refused, it is the end of the case. If leave is granted, or when a case comes directly to the Court from one of the other sources, written legal arguments and other documentation are prepared and filed by the parties. A hearing of the appeal is then scheduled. Before an appeal reaches the hearing stage, numerous motions (such as those for intervener status or for extension of time for the filing of documents) may be brought by the parties. These are usually dealt with by a single Judge, or by the Registrar.

The Court sits only in Ottawa, and holds three sessions per year during which it hears approximately 120 appeals. The hearings are open to the public and are usually televised. Interpretation services are provided in the courtroom for all hearings. A quorum consists of five members for appeals, but most are heard by a panel of seven or nine Judges. As a general rule, the Court allows two hours for oral argument. The Court's weekly schedule of hearings, with summaries of cases, is published in the **Bulletin of Proceedings**. These and basic information about cases, including the list of documents filed and party information, are available on the Internet (<http://www.scc-csc.gc.ca>).

The decision of the Court is sometimes given immediately at the end of the oral argument, but more often it is reserved to enable the Judges to write reasons. When a reserved decision is ready to be delivered, the date for release is announced and the decisions are deposited with the Registrar. Reasons for judgment in both official languages are made available to the parties and to the public in printed form and to legal databases in electronic format. The decisions of the Court and the Bulletin are also made available on the Internet through a project undertaken with the University of Montréal. As required by its constitutive statute and the *Official Languages Act*, the Court publishes its decisions in both official languages in the **Supreme Court Reports**, which include all the reasons for judgment rendered by the Court in a given calendar year.

Figure 1: Supreme Court Appeal Process

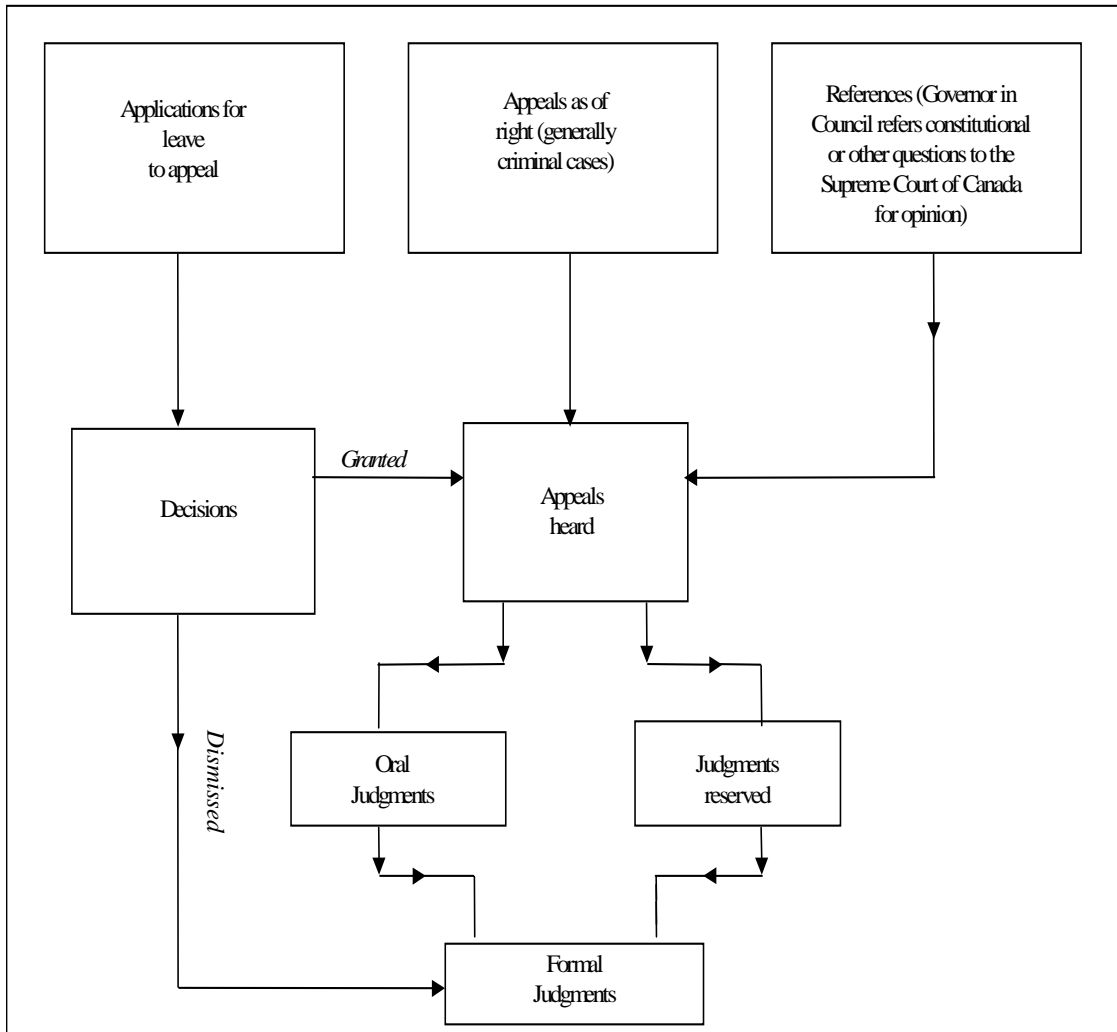
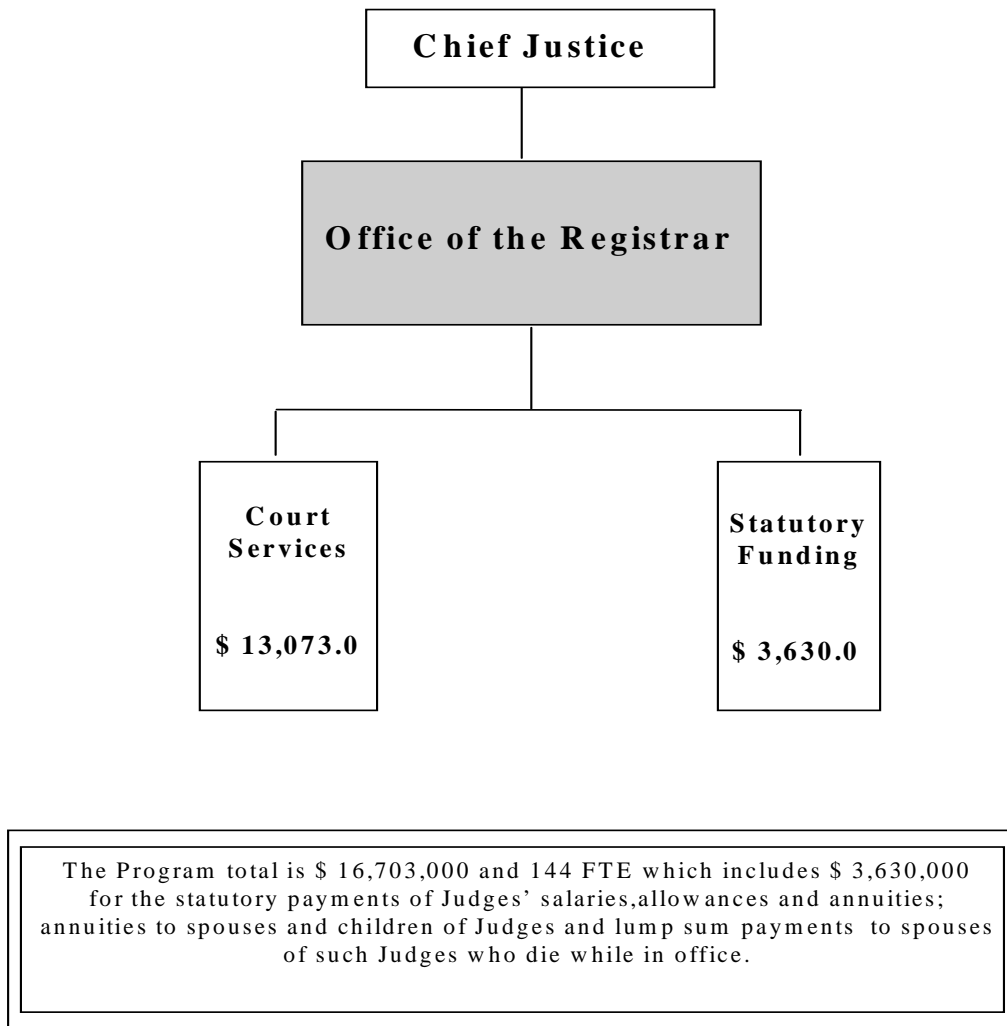


Figure 2: Organization Structure

The Supreme Court of Canada has a single business line - the Office of the Registrar - which exists to provide services the Court must have to render its decisions. The following figure shows the organization of the Court and the distribution of its resources for 2000-2001.



B. Program Objective

To provide a general Court of Appeal for Canada.

C. External Factors Influencing the Agency

The Supreme Court of Canada accomplishments are influenced by the following external factors:

Workload: The volume and nature of work carried out under the Program is largely dictated by the activities of the Bench. These in turn depend mainly on the number and the nature of cases filed with the Court as well as the complexity of the issues raised in those cases, which are outside the Court's control.

Efforts by the Judges to render decisions without delay affect the workload of the Court's staff and of the Judges themselves. The Court is pursuing a policy of delivering judgments quickly, both on applications for leave to appeal determined by a panel of three Judges, usually based on written submissions filed by the parties, and on appeals when leave has been granted. The number of leave applications filed in the past year continues to be high. The combined effect of increasingly complex issues and fast delivery of judgments has put relentless pressure on the staff.

International: The Court's heightened role and visibility as a leader in such areas as Charter interpretation and Court management attract more and more foreign dignitaries and delegations. This new role of welcoming these continuing visits is creating extra work for the Court's limited resources.

Increased Interest of Foreign Judiciary

Legislative: The direction and nature of the Court Program is determined by the *Supreme Court Act* and other Acts of Parliament such as the *Criminal Code*, which confer jurisdiction on the Court. Therefore the introduction of amendments to any one of these statutes directly affects the Program. In addition, the enactment of, or substantive amendment to, any piece of legislation may eventually affect the Program because the Court — as the final arbiter of legal disputes — is often called on to settle legal issues that arise as a result of these enactments or amendments.

The *Canadian Charter of Rights and Freedoms*, in particular, has had a persistent effect on the workload of the Court. Parties in cases that involve all areas of the law now often refer to the Charter as being a factor

Leadership of the Court

in their case. This requires a great deal of the Court's time in research, analysis and deliberation. The Court must stay abreast of developments, not only in Canada, but in other countries with similar Charters of Rights. Furthermore, because the Charter imposes a new perspective on the interpretation of all existing laws, the Court is dealing with more complex and time-consuming issues than ever before.

The Charter has also thrust a new role on the judiciary. The Court is often called on to arbitrate complex social issues that affect many Canadians who are not in the courtroom. In addition to being experts in interpreting and applying the law, the Judges must be knowledgeable in many subject areas such as the social sciences. In this vital area of developing Charter issues, the lower courts rely upon the leadership of the Court.

Social: The continuing increase in cases related to human rights and Canadians' increasing interest in high-profile cases have placed the Court more and more in the public eye. Decisions affect the ordinary citizen in numerous significant ways, making it incumbent on the Court to present itself clearly and accurately and to set an example as an effective, efficient and humane organization. To this end, most appeals are televised, and the Court's decisions are available on the Internet. Also, the Court pursues a policy of assisting litigants, particularly those who are unrepresented by counsel, to fully understand the procedural requirements of presenting a case properly.

Scrutiny by the Public

Political: The *Constitution Act, 1867* and the *Supreme Court Act* establish the Court as the final arbiter in all judicial cases, including those that have serious implications for governments. As well, the Governor in Council may refer to the Court for hearing and consideration of important questions of law or fact concerning any matter. References, such as the Québec secession case, usually demand extraordinary work from the Bench and staff (for example, these hearings typically run much longer than the average appeal), additional resources (for example, tighter security) and invariably thrust the Court even more than usual in the public eye.

Court at the Apex of the Judiciary, the "Third Branch" of Government.

Current legislation establishes that, for administrative purposes, the Court is (and operates as) a department within the Government of Canada. However, the independence of the judiciary is a fundamental principle underlying the Canadian legal and governmental system. It is of paramount importance that every measure be taken to safeguard judicial independence within the framework of sound public administration. A delicate balance must be maintained between the Program's administrative and judicial functions to ensure that the Court's independence is enhanced. Amendments to the *Judges Act* impact upon the perception in this regard as well.

Economic: The Supreme Court, like all federal departments and agencies, is affected by budgetary issues. In response, the Court adjusted its administrative structure and activities to meet the budgetary environment while continuing to deliver a high quality of service.

Technological: Expectations of Canadians for fast, cost-effective access to the Court by the means of their choice require the Court to upgrade its information and computer systems and programs which enable its staff to provide expected services.

The broadening scope of the Court's information requirements, the development of a global electronic information infrastructure, and the need to preserve a body of law in the national interest coupled with rising information costs and fiscal restraint are having a profound effect on the Court's library. To provide up-to-date research materials from Canada and other countries, the collection must be supplemented by organized access to databases, global electronic information resources, and links to a network of complementary research collections, as part of the Court's Intranet and Web Site initiatives. Failure to provide this knowledge base could cause a loss of credibility on important and high-profile issues.

Professional: The Court is responsive to suggestions from the Bar on ways of expediting or otherwise improving the hearing of cases and processes before the Court. Courts and law offices across the country are being computerized; this will result in changes to the processes within the Court to meet these new requests and to meet the needs of the legal community for information on Court cases.

D. Planned Spending

(\$ thousands)	Forecast Spending 1999-2000*	Planned Spending 2000-2001	Planned Spending 2001-2002	Planned Spending 2002-2003
Budgetary Main Estimates (gross)	15,720.0	16,703.0	16,084.0	16,138.0
Non-Budgetary Main Estimates (gross)	-	-	-	-
Less: Respendable revenue	-	-	-	-
Total Main Estimates	15,720.0	16,703.0	16,084.0	16,138.0
Adjustments**	2,854.2	-	-	-
Net Planned Spending	18,574.2	16,703.0	16,084.0	16,138.0
Less: Non respendable revenue	170.0	165.0	160.0	160.0
Plus: Cost of services received without charge	2,701.9	2,722.0	2,724.2	2,726.4
Net Cost of Program	21,106.1	19,260.0	18,648.2	18,704.4

Full Time Equivalents	155.0	144.0	144.0	144.0
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* Reflects the best forecast of total planned spending to the end of the fiscal year.

** Adjustments are to accommodate approvals obtained since the Annual Reference Level Update (ARLU) exercise and to include Budget initiatives.

Section III: Plans, Results and Resources

A. Business Line Objective

The Supreme Court of Canada has one business line: the Office of the Registrar.

The objective is to provide the support needed to create the best possible decision-making environment for the Court, and to administer Statutory funding to the Judges and their dependants as authorized by the *Judges Act*.

B. Business Line Description

The Office of the Registrar provides a range of services to the Court including processing all documents filed by litigants and preparing cases for hearing and judgement; reporting and publishing the judgments of the Court; maintaining the information base required by the Court; providing information on the Court as well as maintaining and preserving the records and history of the Court. The Office also administers the following statutory payments: Judges' salaries, allowances, and annuities; annuities to spouses and children of Judges; and lump sum payments to spouses of Judges who die while in office.

C. Key Results Commitments, Planned Results, Related Activities and Resources

1. Key Results Commitment

To provide Canadians with an independent, accessible final court of appeal.

2. Planned Results

- An independent judiciary;
- Improved access to the Court and its services; and
- Cases processed without delay.

3. Related Activities

An independent judiciary:

- The Court will maintain a framework that ensures appropriate arms-length relationships with Parliament, the Department of Justice and the Central Agencies.
- The Court will continue to exchange information on judicial systems required in a healthy democracy by receiving groups of officials from courts in other jurisdictions who are interested in learning how the Court operates. These visits to the Supreme Court of Canada from foreign judicial dignitaries offer the opportunity for many interesting exchanges on best practices from around the world.

- The Court will continue to participate in numerous international associations and enhance its awareness of international judicial developments.

Improved access to the Court and its services:

- The Court plans to redesign the Bulletin of Proceedings by September 2000 to provide timely information to the public leveraging technologies and seeking input from users.
- The virtual library initiative consisting of a core print and electronic collection supplemented by global information networks, databases and shared resources is continuing. The goal is to ensure the timeliness and integrity of Court research in an increasingly complex information environment while simultaneously containing costs. A feasibility study for the upgrading of the Library Management System is being planned. The study will focus on a system which conforms to technical standards for information sharing, enhanced accessibility and performance issues, with the flexibility in the future to incorporate electronic document delivery, seamless links to partners' catalogues, the Virtual Canadian Union Catalogue and other government-wide and national initiatives.
- The Court will celebrate its 125th anniversary in year 2000, increasing awareness to Canadians of the role of the Supreme Court of Canada.
- Work continues on Project 2000, a project to modernize the Rules in year 2000, which will mark 125th anniversary of the Court.
- The Court will undertake a feasibility for electronic filing. The study should address technical, operational as well as timing and funding considerations.
- The Court will explore the use of the Internet as a means for disseminating information, currently published in the Bulletin of proceedings, to its clients.
- The Court will continue to broaden its own Web Site, with the objective of adding options available to litigants and the public for accessing the Court and the cases before it. As well, emphasis will continue to be placed on the provision of personal service to Canadians seeking information on the Court and its processes, whether it be, for example, to unrepresented litigants who are unsure of the steps they must take to present their case to the Court, or to students who are seeking to know more about their judicial system.
- The new Case Management System, the ongoing project to microfilm all closed files, plans to enhance the archival quality of video tapes of Court proceedings and new methods for preserving electronic data will all contribute to the maintenance of a full information base.

Cases processed without delay

- The Court plans to develop enhancements to its new Case Management System. These will allow for easier and more comprehensive access to the Court's database of these cases before it. The enhancements will allow the Court to better monitor the processing of cases.

Section IV: Financial Information

Table 4.1: Summary of Transfer Payments

(\$ thousands)	Forecast Spending 1999-2000	Planned Spending 2000-2001	Planned Spending 2001-2002	Planned Spending 2002-2003
Grants				
<i>Office of the Registrar</i>	-	-	-	-
Annuities under the Judges' Act	1,180.0	1,279.0	1,280.0	1,294.0
Total grants	1,180.0	1,279.0	1,280.0	1,294.0
Contributions				
<i>Office of the Registrar</i>	-	-	-	-
Total contributions	-	-	-	-
Other Transfer Payments				
<i>Office of the Registrar</i>	-	-	-	-
Total Other Transfer Payments	-	-	-	-
Total Grants, Contributions and Other Transfer Payments	1,180.0	1,279.0	1,280.0	1,294.0

Table 4.2: Source of Respendable and Non-Respendable Revenue

Respendable Revenue

(\$ thousands)	Forecast Revenue 1999-2000	Planned Revenue 2000-2001	Planned Revenue 2001-2002	Planned Revenue 2002-2003
Court Services	-	-	-	-
Statutory Funding	-	-	-	-
Total Respendable	-	-	-	-

Non-respendable Revenue

(\$ thousands)	Forecast Revenue 1999-2000	Planned Revenue 2000-2001	Planned Revenue 2001-2002	Planned Revenue 2002-2003
Court Services	170.0	165.0	160.0	160.0
Statutory Funding	-	-	-	-
Total Non-Respendable Revenue	170.0	165.0	160.0	160.0

Total Respendable and Non-respendable Revenue	170.0	165.0	160.0	160.0
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Table 4.3: Net Cost of Program for the Estimates Year

(\$ thousands)	Total
Net Planned Spending	16,703.0
<i>Plus: Services Received without Charge</i>	
Accommodation provided by Public Works and Government Services Canada (PWGSC)	2,196.1
Contributions covering employers' share of employees' insurance premiums and expenditures paid by TBS	485.9
Workman's compensation coverage provided by Human Resources Canada	40.0
Salary and associated expenditures of legal services provided by Justice Canada	-
	2,722.0
<i>Less: Non-Respendable Revenue</i>	165.0
	165.0
2000-2001 Net Cost of Program	19,260.0

Section V: Other Information

A. Listing of Statutes and Regulations

Statutes and Regulations Currently in Force

Supreme Court Act	R.S., 1985, as amended
Supreme Court Rules	SOR/83-74, as amended
Judges Act	R.S., 1985, as amended

B. References

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