

Supreme Court of Canada

1999-2000 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: Messages

A. 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.

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 make the decisions rendered by the Court available to interested persons, whether at the Court or off site, using traditional methods and appropriate technologies. It must manage its information holdings in a manner that makes them accessible and preserves them. 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.

At the dawn of the 21st century, the administration of the Court must preserve the gains it has made in terms of effectiveness and modernity and continue to develop, having regard to its environment, in order to serve the Canadian public.

B. Management Representation Statement

MANAGEMENT REPRESENTATION
Report on Plans and Priorities 1999-2000

I submit, for tabling in Parliament, the 1999-2000 Report on Plans and Priorities (RPP) for the Supreme Court of Canada.

To the best of my knowledge the information:

- C Accurately portrays the Supreme Court of Canada's mandate, plans, priorities, strategies and expected key results of the organization.
- C Is consistent with the disclosure principles contained in the *Guidelines for Preparing a Report on Plans and Priorities*.
- C Is comprehensive and accurate.
- C Is based on sound underlying departmental information and management systems.

I am satisfied as to the quality assurance processes and procedures used for the RPP's production.

The planning and reporting structure on which this document is based has been approved by Treasury Board Ministers and is the basis for accountability for the results achieved with the resources and authorities provided.

Name: Anne Roland

Date: February 3, 1999

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 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 two 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.

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, sometimes referred to as the Bench, 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.

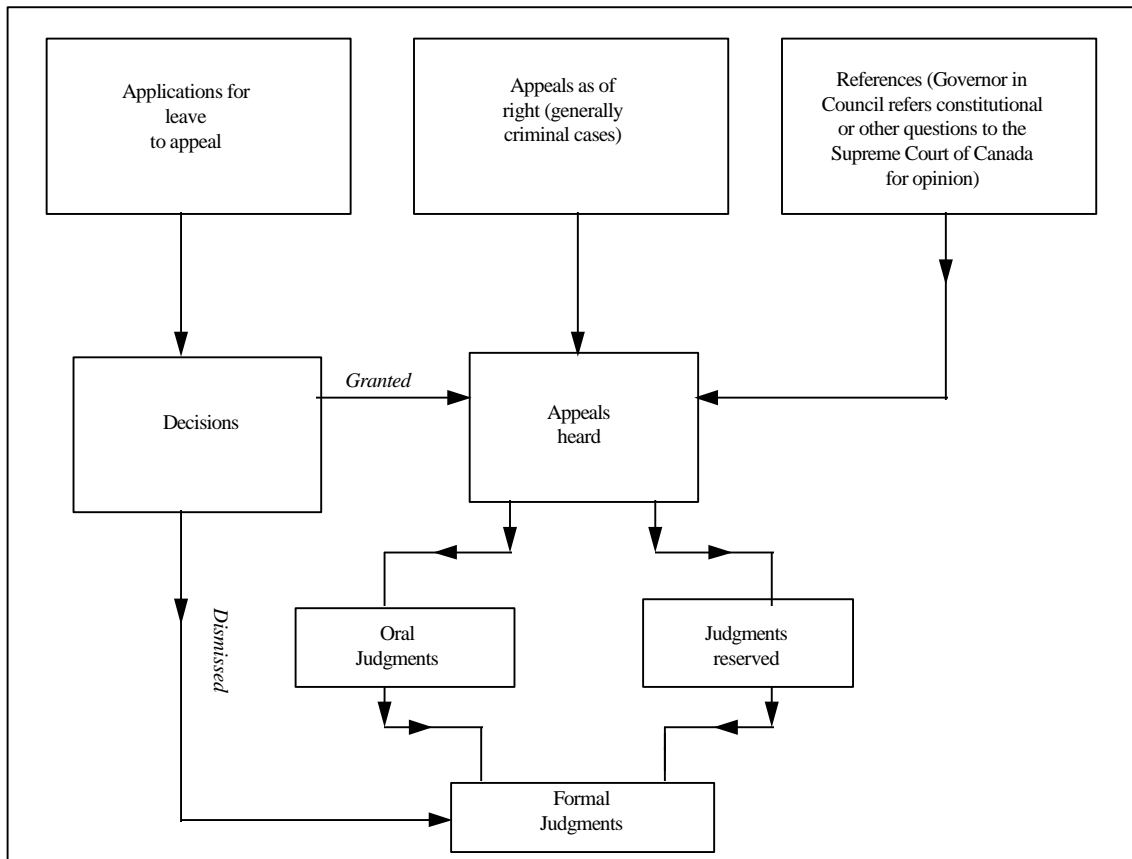
The third source is the referral power of the Governor in Council. The Court is required to give an opinion on constitutional or other questions when asked to do so.

Applications for leave to appeal are determined by a panel of three Judges, usually based on written submissions filed by the parties. The Court must consider 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 requesting an 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*, and is 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 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, 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



B. Objective

To provide a general Court of Appeal for Canada.

C. Operating Environment

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 workloads 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 and on appeals. The number of leave applications filed in the past year continues to be high. The combined effect of increasingly complex issues and faster delivery of judgments has put relentless pressure on the staff.

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 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. Hearings have become more difficult to manage and issues more complex to resolve with the increasing number of public interest groups who seek intervener status in appeals. 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.

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 website initiatives. Failure to provide this knowledge base could cause a loss of credibility on important and high-profile issues.

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 now 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.

Political: The Court is the apex of the judiciary, the "third branch" of government. The *Constitution Act* 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 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, for tighter security) and invariably thrust the Court even more than usual in the public eye.

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.

Economic: The Supreme Court, like all federal departments and agencies, is affected by the current economic climate and budgetary issues. In response, the Court is monitoring administrative structure and activities to meet the budgetary constraints while continuing to deliver a high quality of service. However, given workload increases, this quality of service cannot be maintained absent an increase in funding.

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 Year 2000 issues are being carefully monitored and systems are being modified to avoid any problems.

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. Financial Spending Plan

(\$ millions)	Forecast Spending 1998-1999*	Planned Spending 1999-2000	Planned Spending 2000-2001	Planned Spending 2001-2002
Gross Program Spending:				
Office of the Registrar	15.3	15.7	15.6	15.7
Net Program Spending	15.3	15.7	15.6	15.7
<i>Less:</i> Revenue Credited to the Consolidated Revenue Fund	0.3	0.2	0.2	0.2
<i>Plus:</i> Cost of Services Provided by Other Departments/ agencies	2.8	2.7	2.7	2.7
Net Cost of the Agency	17.8	18.2	18.1	18.2

* Reflects best forecast of total planned spending to the end of the fiscal year.

Section III: Plans, Priorities, Strategies and Expected Results

A. Summary of Key Plans, Priorities, Strategies and Expected Results

Supreme Court of Canada	
to provide Canadians with:	to be demonstrated by:
An independent judiciary.	- Appropriate arms-length relationships with Parliament, the Department of Justice and the Central Agencies.
Improved access to the Court and its services	- Enhancements to the new Case Management System allowing for easier and more comprehensive access to the Court's database; - Additional options available on the Court's Web Site; - Modernization of the Supreme Court of Canada Rules; - Provision of an information base needed by the Court to fulfil its mandate; and - A redesign of the Bulletin of Proceedings by December 1999 to provide better information to the public.
Cases processed without delay.	- The new Case Management Systems will allow the handling of the material filed in a manner ensuring no undue delays in the processing of cases.

B. Details by Program and Business Line

Office of the Registrar

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

1. Office of the Registrar Planned Spending

(\$ millions)	Forecast Spending 1998-1999	Planned Spending 1999-2000	Planned Spending 2000-2001	Planned Spending 2001-2002
Gross Expenditures	15.3	15.7	15.6	15.7
<i>Less:</i> Revenue Credited to the Vote	0.0	0.0	0.0	0.0
Total Net Expenditures	15.3	15.7	15.6	15.7

2. Objective

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*.

3. Key Plans, Strategies and Expected Results

- a. To ensure the independence of the Court as an institution within the framework of sound public administration.

Approach

- 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 prepare its celebration of its 125th anniversary in year 2000.

Expected Results

- The protection of the actual and perceived institutional independence of the Court; and
- The Court will remain free from any interference and will be able to carry out its role of rendering judgments in accordance with the rule of law.
- Enhancement of the Court's role as an institution central to Canada's democratic system.

- b. To improve access to the Court and its services.

Approaches

- 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 the cases before it.
- The Court plans to redesign the Bulletin of Proceedings by December 1999 to provide timely information to the public leveraging technologies and seeking input from users.

- The Court will continue to develop its own Web site, with the objective of adding options available to litigants and the public for accessing the Court. 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.
- Work continues on Project 2000, a project to modernize the Rules by the year 2000, which will mark 125th anniversary of the Court.
- Library resources will continue to be shared nationally. Posting of the online catalogue on the Internet has made information concerning the Library's holdings available to the judiciary, the bar, and other users. Virtual linkages with federal, provincial, and territorial partner libraries coupled with resource sharing agreements and timely delivery arrangements will unite court and bar libraries into a more unified resource nationally. These arrangements have raised the profile of the local collection as a national resource in support of the justice system.

Expected Results

- The Court will provide a barrier-free access to its services through technological and traditional means.
- The Supreme Court of Canada will exercise its leadership role in fulfilling the need for public confidence in an open justice system.

c. To process hearings and decisions promptly.

Approach

- The Court's new Case Management System will allow the Court to better keep up with the increasing volume of material filed, thereby ensuring no undue delays in the processing of cases.

Expected Results

- The Court will continue to ensure that cases are heard and decided without undue delays.
- It will remain a priority of the Office of the Registrar to assist the Bench in processing the cases that come to the Court and issuing its decisions as promptly as possible.

- d. To provide the information base the Court needs to fulfil its mandate.

Approaches

- 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.
- As a result of the Court's virtual library initiative, a core print and electronic collection is being supplemented by global information networks and databases, and resource sharing partnerships which extend local resources and services. To ensure the timeliness and integrity of Court research in an increasingly complex information environment, web interfaces for databases and services will be integrated on the Court's Intranet to provide single-menu access to them. Electronic document delivery services will be upgraded to support timely remote delivery arrangements. Organized integration of print, electronic, local and remote research resources together with a fully automated library management system, including self check-out of materials, will enhance user access and minimize staff intervention.

Expected Result

- Information is available when and where it is needed permitting the Court to fulfil its mandate.

C. Consolidated Reporting

Chart on Year 2000 Initiatives

Initiatives	Expected Results
Non-compliant mission critical systems replacement/upgrade C Financial Management System C Decision creation and distribution C Library Management System	All Court mission critical systems upgraded to Year 2000 compliant versions and in production by the end of January 1999.
IT system upgrades testing C Perform date sensitivity testing of high impact applications C Scheduled for completion end of February 1999.	Mitigate Year 2000 failure risks for key applications
Business continuity plans for mission critical and high impact operations C Based on completed risk assessments C Scheduled for completion in first quarter of 1999.	Ensure business continuity into the Year 2000.

Section IV: Supplementary Information

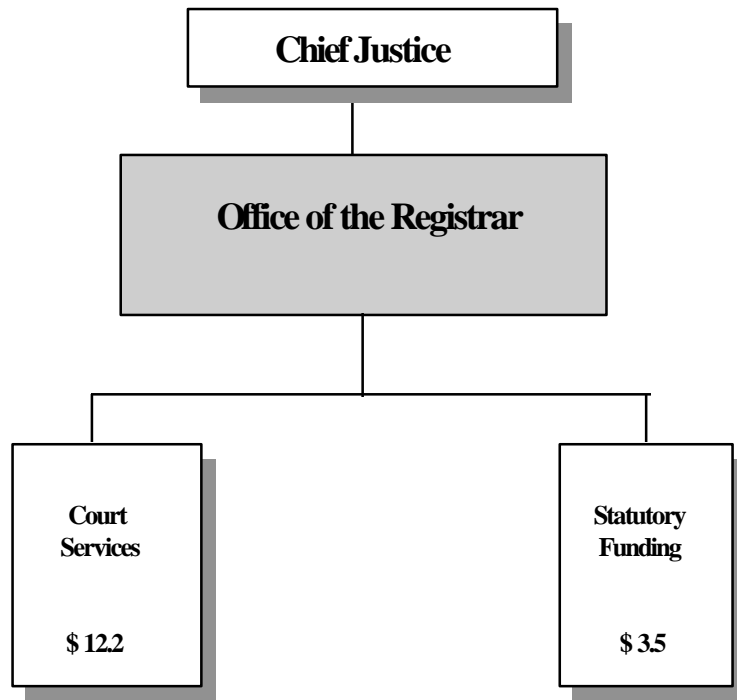
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Table 1: Spending Authorities - Ministry Summary Part II of the Estimates

Vote	(thousands of dollars)	1999-2000 Main Estimates	1998-1999 Main Estimates
Supreme Court of Canada			
45	Program expenditures	10,983	10,090
(S)	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	3,455	3,289
(S)	Contributions to employee benefit plans	1,282	1,306
Agency Total		15,720	14,685

Table 2.1: 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 table shows the organization of the Court and the distribution of its resources for 1999-2000.



The Program total is \$15,720,000 and 144 FTE which includes \$3,455,000 for the statutory payments of Judges' salaries, allowances and annuities; annuities to spouses and children of Judges and lump sum payments to spouses of such Judges who die while in office.

Tables 2.2: Planned Full Time Equivalents (FTEs) by Program and Business Line

	Forecast 1998-1999	Planned 1999-2000	Planned 2000-2001	Planned 2001-2002
Supreme Court of Canada				
Court Services	144	144	144	144
Statutory Funding	-	-	-	-
Agency Total	144	144	144	144

Table 3: Departmental Summary of Standard Objects of Expenditure

(\$ millions)	Forecast Spending 1998-1999	Planned Spending 1999-2000	Planned Spending 2000-2001	Planned Spending 2001-2002
Personnel				
Salaries and wages	8.3	8.3	8.4	8.4
Contributions to employee benefit plans	1.3	1.3	1.3	1.3
	9.6	9.6	9.7	9.7
Goods and services				
Transportation and communications	0.7	0.9	0.7	0.8
Information	0.3	0.3	0.3	0.3
Professional and special services	1.4	1.4	1.4	1.4
Rentals	0.1	0.1	0.1	0.1
Purchased repair and maintenance	0.3	0.3	0.3	0.3
Utilities, materials and supplies	1.2	1.3	1.3	1.3
Other subsidies and payments	-	-	-	-
Minor Capital	0.5	0.6	0.6	0.6
	4.5	4.9	4.7	4.8
Total Operating	14.1	14.5	14.4	14.5
Capital				
Controlled capital	-	-	-	-
Revolving Fund	-	-	-	-
	-	-	-	-
Transfer payments	1.2	1.2	1.2	1.2
Total Program	15.3	15.7	15.6	15.7
Less: Revenues Credited to the Vote	-	-	-	-
Total	15.3	15.7	15.6	15.7

Table 4: Program Resources by Program and Business Line for the Estimates Year

(\$ millions)	Budgetary									
	FTE	Operating	Capital	Grants and Contributions	Gross Voted	Statutory Items*	Non-budgetary Loans Investments and Advances	Gross Planned Spending	Less: Revenue Credited to the Vote	Net Planned Spending
Supreme Court of Canada										
Office of the Registrar	144	12.3	-	0.0	12.3	3.4	-	15.7	-	15.7
Total Agency	144	12.3	-	0.0	12.3	3.4	-	15.7	-	15.7

* Does not include non-budgetary items or contributions to employee benefit plans that are allocated to operating expenditures.

Table 5: Transfer Payments by Program and Business Line

(\$ dollars)	Forecast Spending 1998-1999	Planned Spending 1999-2000	Planned Spending 2000-2001	Planned Spending 2001-2002
Grants				
Supreme Court of Canada				
<i>Court Services</i>	-	-	-	-
<i>Statutory Funding</i>				
Annuities under the Judges Act	1,100,000	1,180,000	1,188,000	1,205,000
Total grants	1,100,000	1,180,000	1,188,000	1,205,000
Contributions				
Supreme Court of Canada				
<i>Court Services</i>	-	-	-	-
<i>Statutory Funding</i>	-	-	-	-
Total contributions	-	-	-	-
Total grants and contributions	1,100,000	1,180,000	1,188,000	1,205,000

Table 6: Revenue by Program

Revenue Credited to the Vote (\$ millions)	Forecast Revenue 1998-1999	Planned Revenue 1999-2000	Planned Revenue 2000-2001	Planned Revenue 2001-2002
Supreme Court of Canada				
Court Services	-	-	-	-
Statutory Funding	-	-	-	-
Total Credited to the Vote	-	-	-	-

Revenue Credited to the Consolidated Revenue Fund(CRF) (\$ millions)	Forecast Revenue 1998-1999	Planned Revenue 1999-2000	Planned Revenue 2000-2001	Planned Revenue 2001-2002
Supreme Court of Canada				
Court Services	0.3	0.2	0.2	0.2
Statutory Funding	-	-	-	-
Total Credited to the CRF	0.3	0.2	0.2	0.2
Total Revenue	0.3	0.2	0.2	0.2

Table 7: Net Cost of Program for the Estimates Year

(\$ millions)	Supreme Court of Canada	Total
Gross Planned Spending	15.7	15.7
Plus:		
<i>Services Received without Charge</i>		
Accommodation provided by Public Works and Government Services Canada (PWGSC)	2.2	2.2
Contributions covering employees' share of insurance premiums and costs paid by TBS	0.5	0.5
Workman's compensation coverage provided by Human Resources Canada	-	-
Salary and associated costs of legal services provided by Justice Canada	-	-
Total Cost of Program	18.4	18.4
Less:		
Revenue Credited to the Vote	-	-
Revenue Credited to the CRF	0.2	0.2
Total Revenue	0.2	0.2
1999-2000 Estimated Net Program Cost	18.2	18.2

Table 8: Listing of Statutes and Regulations

Statutes and Regulations Currently in Force

Supreme Court Act	R.S., 1985, as amended
Judges Act	R.S., 1985, as amended

Table 9: References

Supreme Court of Canada Building 301 Wellington Street Ottawa, Ontario K1A 0J1 Telephone: (613) 995-4330 Fax: (613) 996-3063 World Wide Web: http://www.scc-csc.gc.ca	General Enquiries Internet Access reception@scc-csc.gc.ca
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