



NAFTA Secretariat - Canadian Section

2000-2001
Estimates

Part III – Report on Plans and Priorities

Canada

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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**NAFTA Secretariat,
Canadian Section**

**2000-2001
Estimates**

Report on Plans and Priorities

Approved

**Honourable Pierre S. Pettigrew
Minister for International Trade**

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Section I: Introduction

A. Message of the Minister

Canada is a country whose economy depends on international trade. Our exports represent over 40% of our gross domestic product (GDP). Canada and the United States enjoy the world's most extensive trade relations with an average of \$1.5 billion in goods crossing the border in either direction every day. Mexico is Canada's number one trading partner in Latin America and ranked eleventh among Canada's leading export markets in 1998.

In 1999, the North American Free Trade Agreement (NAFTA) celebrated five years of success. The Agreement has made it easier for our goods and services to reach markets in Mexico and the United States. Canadian exports to the United States and Mexico increased 80% and 65% respectively in the first five years of the NAFTA, reaching \$271.5 billion and \$1.4 billion in 1998.

The Agreement was signed to promote and maintain increased trade in North America. It also contains innovative dispute settlement mechanisms. These proceedings provide ways for NAFTA countries' governments and businesses to discuss and settle their trade disputes openly and fairly. The mere existence of these legal remedies inspires confidence to economic stakeholders in Canada and abroad.

The NAFTA Secretariat, comprising the Canadian, Mexican and United States national sections, is responsible for administering NAFTA's dispute settlement provisions. In the first ten months of the 1999-2000 fiscal year, the NAFTA Secretariat administered twenty-four Chapter 19 panel reviews. Of the twenty-four Article 1904 reviews, five panels have rendered their decisions, and the cases are now closed. Five other reviews have been terminated with the participants' consent. Fourteen reviews are still under way. The Secretariat has issued seven Chapter 19 decisions in this context. Two arbitral group proceedings have been launched under NAFTA Chapter 20 and are being managed by the Secretariat.

Here are some of the key initiatives that will be implemented in the 2000-2001 fiscal year:

- A dispute settlement mechanism training program for potential assistants of panel members from academic circles and law offices in the three countries is to be developed.
- Communications with the public, government agencies and non-governmental organizations are to be expanded (including the further development of the

Secretariat's Internet web site, the enhancement of the documentation centre, the publication of brochures, working group sessions).

- Implementation of the Financial Information Strategy (FIS) action plan to apply accrual accounting methods.

Canada is committed to the development of a rules-based system of international trade. The NAFTA Secretariat's Canadian Section will continue to play a key role in the further development of such a system by offering quality service in managing the various international trade dispute settlement processes.

The Honourable Pierre S. Pettigrew
Minister for International Trade

B. Management Representation Statement

Report on Plans and Priorities 2000-2001

I submit, for tabling in Parliament, the 2000-2001 Report on Plans and Priorities (RPP) for the NAFTA Secretariat, Canadian Section.

To the best of my knowledge the information:

- Accurately portrays the department's mandate, plans, priorities, strategies and planned results of the organisation.
- Is consistent with the disclosure principles contained in the *Guidelines for Preparing a Report on Plans and Priorities*.
- Is comprehensive and accurate.
- 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 Accountability Structure (PRAS) 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.

Françoy Raynauld
Canadian Secretary
NAFTA Secretariat, Canadian Section

February 16, 2000
Date

Section II: Departmental Overview

A. Mandate, Roles and Responsibilities

1. Introduction

The NAFTA Secretariat is a unique organization created by the North American Free Trade Agreement (NAFTA) for the administration of the dispute settlement provisions. The NAFTA Secretariat has Canadian, U.S. and Mexican Sections which have been established as “mirror-images” of each other to carry-out its mandate.

Subsequent to the signing of the NAFTA, the responsibilities of the NAFTA Secretariat, Canadian Section, have been expanded to include the administration of the dispute settlement provisions of: the Canada-Israel Free Trade Agreement (CIFTA); the Canada-Chile Free Trade Agreement (CCFTA); and the Softwood Lumber Agreement between the Government of Canada and the Government of the United States of America.

The legislation governing the work of the NAFTA Secretariat, Canadian Section is as follows:

- (1) the North American Free Trade Agreement Implementation Act;
- (2) the Special Imports Measures Act;
- (3) the Canada-Israel Free Trade Agreement Implementation Act;
- (4) the Canada-Chile Free Trade Agreement Implementation Act; and
- (5) the Softwood Lumber Agreement between the Government of Canada and the Government of the United States of America.

2. Mandate

The NAFTA Secretariat is a unique organization created by the North American Free Trade Agreement (NAFTA) for the administration of the dispute settlement provisions of the NAFTA. The mandate of the Secretariat is set out in Article 2002.3 of the NAFTA and reads:

The Secretariat shall:

- (a) *provide assistance to the Commission;*
- (b) *provide administrative assistance to:*
 - (i) *panels and committees established under Chapter Nineteen (Review and Dispute Settlement in Antidumping and Countervailing Duty Matters), in accordance with the procedures established pursuant to Article 1908, and*
 - (ii) *panels established under this Chapter, in accordance with procedures established pursuant to Article 2012; and*
- (c) *as the Commission may direct:*
 - (i) *support the work of other committees and groups established under this Agreement, and*
 - (ii) *otherwise facilitate the operation of this Agreement.*

The Canadian Section of the NAFTA Secretariat has been also given added responsibilities. In 1997 the Section's mandate was expanded to include administration of the dispute settlement process under Chapter 8 of the Canada - Israel Free Trade Agreement. Additionally, the Canadian Section's mandate has been further enhanced to include similar provisions under Chapter N of the Canada - Chile Free Trade Agreement.

Specific provisions of the relevant Agreements from which the NAFTA Secretariat, Canadian Section derives its responsibilities in providing administrative assistance are outlined in figure 1 below.

Figure 1: Summary of Mandated Responsibilities

North American Free Trade Agreement		
Article 2002.3	Secretariat support	provide assistance and administrative support to the Commission, panels, committees and working groups facilitate the operation of the Agreement
Chapter 11	disputes regarding investment matters	may be referred to certain international arbitral mechanisms
Chapter 14	disputes relating to financial services provisions	may be referred to Chapter 20 dispute settlement procedures
Chapter 19	industry - to - industry disputes relating to anti-dumping, countervailing duty, injury final determinations	may be referred to a binding review process as an alternative to judicial review
Chapter 20	government - to - government disputes concerning the interpretation or application of the Agreement	may be referred to arbitral panels
Canada-Israel Free Trade Agreement		
Chapter 8	disputes concerning the interpretation or application of the Agreement	may be referred to panels of experts
Canada-Chile Free Trade Agreement		
Chapter N	disputes concerning the interpretation or application of the Agreement	may be referred to arbitral panels
Canada - United States of America - Softwood Lumber Agreement		
Article V.4	disputes concerning the interpretation or application of the Agreement	may be referred to arbitral panels

3. Roles

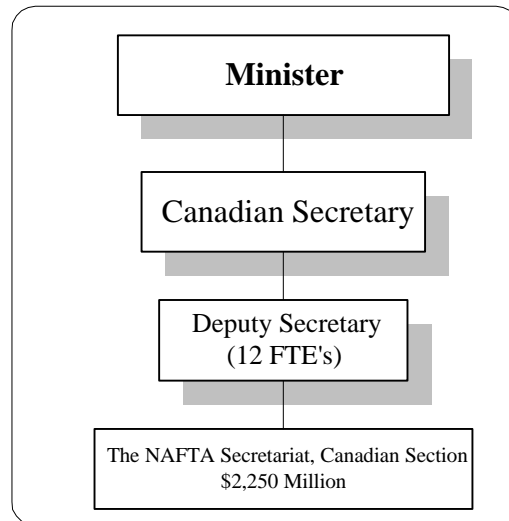
In the administration of the dispute settlement provisions of the relevant Agreements, the NAFTA Secretariat, Canadian Section provides professional and advisory support to panels and committees, operates a court-like registry and co-ordinates all panel and financial aspects of the process.

In addition to the assistance provided in support of the dispute resolution process, the Canadian Section is also involved in facilitating the operation of these agreements through the provision of information and professional services. This is achieved through initiatives such as the establishment of an Internet Web Site, the maintenance of a library and reference centre, the training of practitioners involved in trade dispute matters, research and analysis of trade related issues and through collaboration with other national Sections in the development of corporate management frameworks, policies, processes and systems.

4. Responsibility Chart

The NAFTA Secretariat, Canadian Section, consists of one program and one business line. The reporting structure through the Minister for International Trade follows in figure 2.

Figure 2: The NAFTA Secretariat, Canadian Section's Organizational Structure



B. Departmental/Program and Corporate Objectives

1. Departmental/Program Objectives

The NAFTA Secretariat, Canadian Section's primary objective is to implement the dispute settlement provisions of the North American Free Trade Agreement (NAFTA), the Canada-Israel Free Trade Agreement (CIFTA), the Canada-Chile Free Trade Agreement (CCFTA), and the Softwood Lumber Agreement between the Government of Canada and the Government of the United States of America by providing support to panels established under the relevant agreements and by maintaining a court-like registry system relating to panels, committees, working groups and tribunal proceedings of the relevant agreements.

The objective of the Secretariat is also to facilitate the operation of these relevant agreements through the delivery of professional services and the establishment of corporate management frameworks, policies, processes and systems.

2. Corporate Objectives

The Secretariat supports the objectives of the NAFTA as outlined in Article 102, especially those that refer to the need for transparency, for the effective resolution of disputes and for the establishment of a framework toward further trilateral, regional and multilateral cooperation.

In support of the Program Objective of the NAFTA Secretariat, Canadian Section, the following five corporate objectives have been developed.

▶ ***Commitment to an Unbiased and Equitable Administrative Process -***

the NAFTA Secretariat, Canadian Section, is committed to administering the dispute settlement provisions of the relevant Agreements in a manner which ensures unbiased administrative processes, equity, security and fairness.

▶ ***Commitment to Service Quality -***

the NAFTA Secretariat, Canadian Section, is committed to maintaining the highest quality of administration of all dispute settlement proceedings.

▶ ***Support to Stakeholders -***

the NAFTA Secretariat, Canadian Section, is committed to supporting and providing services to its stakeholders in a manner that is impartial, responsive, accessible and timely.

▶ ***Openness and Accountability -***

the NAFTA Secretariat, Canadian Section, is committed to ensuring openness and accountability to the Government, the relevant Free Trade Commissions¹ and to the public.

▶ ***Operational Efficiency and Effectiveness -***

in keeping with the *Blueprint for Renewing Government Services Using Information Technology*, the NAFTA Secretariat, Canadian Section, is committed to pursuing alternative service deliveries through the employment of new technologies which enhance information sharing and improve operating practices.

C. External Factors Influencing the NAFTA Secretariat, Canadian Section

The external factors that influence the operational expenditures of the NAFTA Secretariat, Canadian Section and for which limited control may be exercised are:

- ▶ the direct costs of panel reviews as they represent non-discretionary costs;
- ▶ the number of panels to be formed in any given year; and
- ▶ the ability to accept or refuse a request for panel review.

¹ For the purposes of this document, the Free Trade Commissions are the (NAFTA) Free Trade Commission, the Canada - Israel Trade Commission and the Canada - Chile Free Trade Commission.

D. Departmental Planned Spending

The NAFTA Secretariat, Canadian Section's operating budget for 1999-2000 is \$2,224,000. Based on current patterns of expenditures it is estimated that the total planned spending to March 31, 2000 for the 1999-2000 fiscal year will be \$2,058,000.

(\$ millions)	Forecast Spending 1999-2000 (note 1)	Planned Spending 2000-01	Planned Spending 2001-02	Planned Spending 2002-03
Budgetary Main Estimates	2,224	2,250	2,250	2,250
Total Main Estimates	2,224	2,250	2,250	2,250
Adjustments to Planned Spending	0	0	0	0
	2,224	2,250	2,250	2,250
Less: Non-respendable revenues	(300)	(300)	(300)	(300)
Plus: Cost of services received without charge(Notes 2 & 3)	134	139	139	139
Net Cost of Program	2,058	2,089	2,089	2,089
Full Time Equivalent	13	13	13	13

-
- Notes:**
1. Reflects the best forecast of total planned spending to the end of the fiscal year.
 2. Accommodation received without charge from Public Works and Government Services Canada (PWGSC).
 3. Services received without charge from Treasury Board for government payments to employee insurance plans.

In 2000-2001 it is anticipated that the total planned spending will be \$2,089,000. An increase in program spending for the 2000-2001 fiscal year will occur because of the increase in personnel costs resulting from collective bargaining.

Section III: Plans, Results and Resources

The NAFTA Secretariat, Canadian Section

A. Business Line and Service Lines Description

The NAFTA Secretariat, Canadian Section's business line is identical to its Program Objectives. There are eleven service lines related to the performance of these objectives and mandate. They are as follows:

- (1) Professional Support to Panels;
(in the administration of the dispute settlement provisions of the relevant agreements, the NAFTA Secretariat, Canadian Section provides professional and advisory support to panels, committees and working groups)
- (2) Registry Operations and Document Control;
(administers and operates a court-like registry for the filing and processing of legal pleadings in panel reviews)
- (3) Panel Planning and Co-ordination of Panel Reviews;
(co-ordinates and provides administrative support to all panels established under the relevant Agreements)
- (4) Panel Financial Administration;
(provides financial administration support for all panelists and their assistants and co-ordinates payment and reimbursement of panel review expenditures to and from other national Sections)
- (5) Assistance to Commissions;
(as directed, provides assistance to the relevant Trade Commissions and related committees and working groups)
- (6) Communication;
(promotes the full understanding of Canada's free trade goals and achievements to all levels of government, the private and voluntary sectors, individuals and the media through the provision of effective communications including the production of brochures, pamphlets and leaflets)

- (7) Information Management;
(manages information through the use of an integrated Internet Web Site on trade matters and maintains a resource and reference centre for general enquiries and in response to panels, committees and working groups queries)
- (8) Training Program;
(develops and delivers training programs with participation from persons involved in dispute resolution processes, government representatives, academics and trade law practitioners)
- (9) Research and Analysis;
(conducts research and analysis to determine the impact of panel decisions on trade policies, and evaluate shifts in the economic environment which may become irritants affecting the operations of the Canadian Section and other involved national Sections in the application of dispute resolution processes)
- (10) Liaison; and
(consults and liaises with other government and non-governmental organizations to keep abreast of developments in trade issues and practices)
- (11) Co-ordination.
(co-ordinates with other national Sections in fulfilling the mandate of the Secretariat including the linkage of information systems, the establishment of standard administrative practices and other inter-related activities)

B. Key Results Commitment, Planned Results, Related Activities and Resources

1. Key Results Commitment

The following results commitment was made by the NAFTA Secretariat, Canadian Section, in the 1999 Treasury Board President’s Report “Managing Results” vol. 2.

Figure 3: Key Results Commitment

The NAFTA Secretariat, Canadian Section	
to provide Canadians with:	to be demonstrated by:
appropriate administration of the dispute settlement provisions of the North American Free Trade Agreement, the Canada-Israel Free Trade Agreement, the Canada-Chile Free Trade Agreement and the Softwood Lumber Agreement between the Governments of Canada and the United States of America in a manner which ensures unbiased administrative processes, equity, security and fairness while providing quality services	<ul style="list-style-type: none"> • stakeholder feedback
	<ul style="list-style-type: none"> • client satisfaction surveys
	<ul style="list-style-type: none"> • public access to and provision of information including decisions, reports and statistics in accessible formats

To assist in fulfilling the above noted program objectives and results commitment, the Canadian Section will carry out the following plans and priorities:

- a. Pursuant to the changes in the Government of Canada accounting practices, with the introduction of accrual accounting under the Financial Information Strategy (FIS) and complying with directives issued by the Comptroller General of Canada, the NAFTA Secretariat, Canadian Section will be carrying out its action plan to implement FIS by April 1, 2001.
- b. Develop and begin the implementation of its communications strategy. This will encompass:
 - (1) enhancing the NAFTA Secretariat Internet Web Site by adding additional functionalities such as:
 - (a) “frequently asked questions” section,
 - (b) links to other NAFTA related Internet Web Sites,

- (c) access by panelists and their assistants to summaries from the motions and orders database and other panel related documents;
 - (2) enhancing the efficiency of the panel review process by developing and delivering training programs for:
 - (a) Chapter 19, 20 and Extraordinary Challenge Committee (ECC) roster members,
 - (b) potential roster members (academics, retired judges and lawyers),
 - (c) practitioners in trade law matters, and
 - (d) government departments and agencies involved in trade administration and program delivery;
 - (3) developing information materials relating to the NAFTA implementation.
- c. Remain ready to assist with the start-up of the Chilean national Section, for the administration of the dispute settlement provisions of the CCFTA. The Chilean national Section is required to be established pursuant to Article N.02 of the CCFTA. The Canadian Section is proposing to extend to the Chilean national Section an offer of professional support in the development of procedures, the implementation of the registry function, the design of other information systems and the drafting of appropriate administrative procedures.
- d. Remain ready to assist with the establishment of the designated Israeli Agency, for the administration of the dispute settlement provisions of the CIFTA. The Israeli designated Agency is required to be created pursuant to Article 8.3 of the CIFTA. The Canadian Section is proposing to extend to the Israeli designated Agency an offer of professional support in the development of procedures, the implementation of the registry function, the design of other information systems and the drafting of appropriate administrative procedures.

2. Planned Results

The NAFTA Secretariat, Canadian Section has developed the following performance commitments and indicators. Those outlined below reflect how the NAFTA Secretariat, Canadian Section, manages the agency's activities and holds itself accountable.

Figure 4: Performance Commitments and Indicators

Performance Commitments:	Performance Indicators and Related Activities :
the appropriate administration of the dispute settlement provisions of the relevant Agreements in a manner which ensures unbiased administrative processes, equity, security and fairness while providing quality service	at least 75% of stakeholders indicating that they are fully satisfied that the NAFTA Secretariat, Canadian Section, administered the dispute settlement provisions of the relevant Agreements in a manner which ensures unbiased administrative processes, equity, security and fairness
the appropriate administration of a court-like registry for the panel review process at a level comparable to other registries of superior courts of record in Canada	at least 75% of stakeholders indicating that they are very satisfied with all aspects of the administration of the NAFTA Secretariat, Canadian Section's court-like registry
the ongoing development and the implementation of programs, systems and procedures which are relevant to clients, impartial, responsive, accessible, timely and independent	at least 75% of stakeholders indicating that they are fully satisfied with the systems and procedures provided by the NAFTA Secretariat, Canadian Section and that they are relevant, accurate, impartial, responsive, accessible, timely and independent
the required information and support to panels to ensure their work is accurate, impartial, responsive, accessible, timely and independent	at least 75% of panelists and their assistants indicating that they are fully satisfied with the information and support provided to panels by the NAFTA Secretariat, Canadian Section
open and accountable management and administration of the NAFTA Secretariat, Canadian Section	providing access to decisions, reports and statistical information prepared by this Agency while reducing expenditures in selected areas
improved overall effectiveness and efficiency through the use of information technologies	<p>facilitating greater access for the primary stakeholders through the ongoing maintenance and updating of a searchable (word and phrase) Internet Web Site</p> <p>ongoing enhancements to the NAFTA Secretariat Integrated Information System, which includes the:</p> <ul style="list-style-type: none"> - Registry Information System; - Motions and Orders Research Database; and - Trilateral Financial System. <p>ensuring financial systems are FIS compliant</p>

Performance Commitments:	Performance Indicators and Related Activities :
distribution of information on the NAFTA	<p>developing and delivering training for potential roster members</p> <p>developing information brochures relating to the implementation of the NAFTA</p> <p>ongoing enhancements of the NAFTA Internet Web Site by adding additional functionalities, which includes such items as:</p> <ul style="list-style-type: none"> - frequently asked questions; and - links to other international trade related Internet Web Sites <p>conducting research and analysis to determine the impact of panel decisions on trade policies</p> <p>consulting and liaising with other government and non-government organizations</p> <p>coordinating with other national Sections the establishment of management frameworks, policies, procedures and systems</p>
establishing a liaison relationship with the appropriate trade officials in Israel and Chile	assist with the start-up of the designated Israeli agency and the Chilean national Section, for the administration of the dispute settlement provisions of the Agreements

Section IV: Financial Information

Table 4.1: Source of Non-Respendable Revenue

(\$ millions)	Forecast Revenue 1999-2000	Planned Revenue 2000-01	Planned Revenue 2001-02	Planned Revenue 2002-03
NAFTA Secretariat, Canadian Section				
Recovery of Panel Expenses	(300)	(300)	(300)	(300)
Total	(300)	(300)	(300)	(300)

Table 4.2: Net Cost of the Program for the Estimates Year

(\$ millions)		Total
Net Planned Spending		2,250
<i>Plus: Services Received without charge</i>		
Accommodation provided by Public Works and Government Services Canada (PWGSC)	99	
Contributions covering employees' insurance premiums and expenditures paid by TBS	40	
<i>Sub-total</i>		139
<i>Less: Revenues</i>		
Non-respendable Revenues	(300)	
<i>Sub-total</i>		(300)
2000-2001 Net Program Cost		2,089

Section V: Supplementary Information

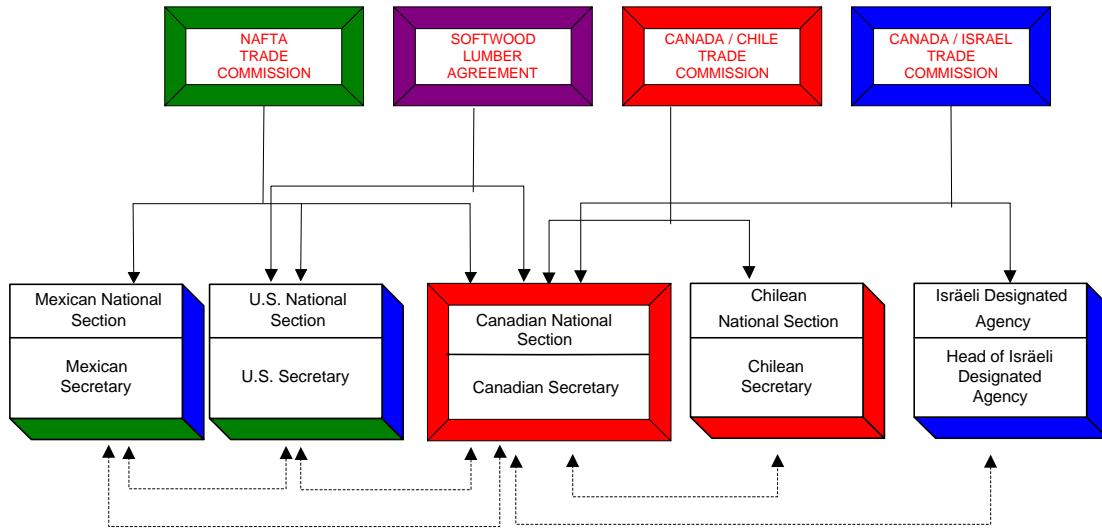
A. Spending Authorities**Table 5.1: Spending Authorities - Ministry Summary Part II of the Estimates**

Vote		2000-2001 Main Estimates (\$000)	1999-2000 Main Estimates (\$000)
	NAFTA Secretariat, Canadian Section		
50	Program Expenditures	2,110	2,086
(S)	Contributions to Employee Benefits Plan (EBP)	140	138
	Total Agency	2,250	2,224

B. Personnel Information**1. Mandated Responsibilities Structure**

The organization is headed by the Canadian Secretary who reports to the Minister for International Trade for Parliamentary accountability. He also reports to the appropriate Free Trade Commissions for the administration of the dispute settlement processes under the NAFTA, the Canada-Israel Free Trade Agreement or the Canada-Chile Free Trade Agreement.

Figure 5: Mandated Responsibilities Chart



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