

Supreme Court of Canada

1998-99 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 very closely related 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 1998-1999

I submit, for tabling in Parliament, the 1998-99 Report on Plans and Priorities (RPP) for the Supreme Court of Canada.

To the best of my knowledge (and subject to the qualifications outlined below), the information:

- Accurately portrays the Supreme Court of Canada's mandate, plans, priorities, strategies and expected key results of the organization.
- Is consistent with Treasury Board policy, instructions, and 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.

Name: Irene M. O'Connor

Date: February 10, 1998

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.

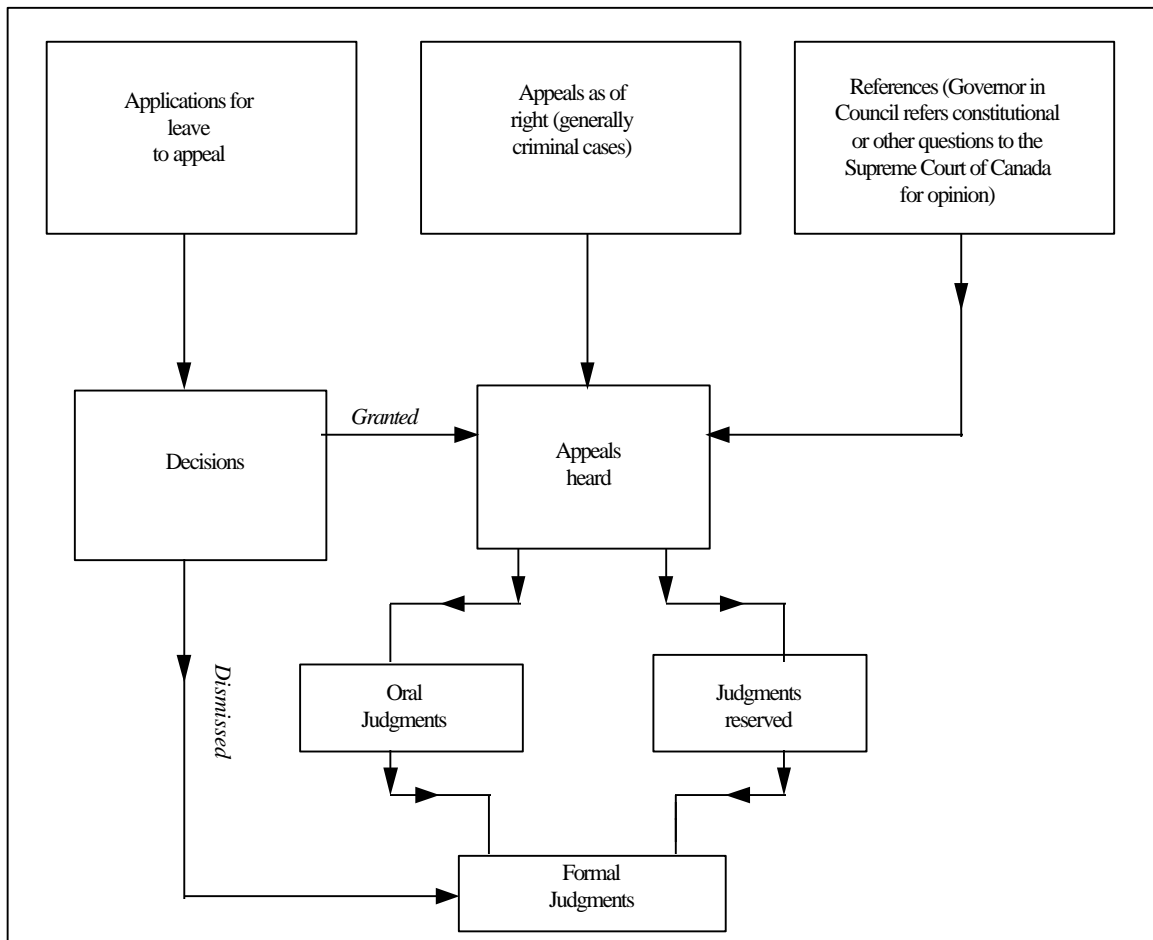
Applications for leave to appeal are determined by a panel of three Judges, usually based on written submissions filed by the parties. The Court must consider on average 500 of these applications in a year. An oral hearing may be held when so ordered by the Court. If leave is refused, it is the end of 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 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 can be broadcast when the Court so authorizes. 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.

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. Financial Spending Plan

(\$ millions)	Forecast Spending 1997-98*	Planned Spending 1998-99	Planned Spending 1999-00	Planned Spending 2000-01
Gross Program Spending:				
Office of the Registrar	14.4	14.7	14.8	14.8
Net Program Spending	14.4	14.7	14.8	14.8
<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	2.6	2.8	2.8	2.8
Net Cost of the Agency	16.7	17.3	17.4	17.4

* Reflects changes included in the In-Year Update.

Section III: Plans, Priorities and Strategies

A. Summary of Key Plans, Priorities and Strategies

Supreme Court of Canada	
to provide Canadians with:	to be demonstrated by:
An independent judiciary.	<ul style="list-style-type: none">- Appropriate arms-length relationships with Parliament, the Department of Justice and the Central Agencies.
Improved access to the Court and its services	<ul style="list-style-type: none">- A new Case Management System in operation by September 1998 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 Act and Rules; and- Provision of an information base needed by the Court to fulfil its mandate.
Cases processed without delay.	<ul style="list-style-type: none">- The new Case Management System 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 1997-98	Planned Spending 1998-99	Planned Spending 1999-00	Planned Spending 2000-01
Gross Expenditures	14.4	14.7	14.8	14.8
<i>Less:</i> Revenue Credited to the Consolidated Revenue Fund	0.3	0.2	0.2	0.2
Total Net Expenditures	14.1	14.5	14.6	14.6

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. External Factors Influencing the Business Line

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 more quickly, both on applications for leave to appeal and on appeals. The combined effect of increasingly complex issues and faster delivery of judgments, coupled with the policy of hearing as many cases as possible during available hearing days, 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.

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.

Charter issues and new developments in the law in the areas of human rights, medicine, and Native issues are particularly affecting the Court's library. The Court's research base must reflect the ethical, moral, medical and philosophical issues that now have bearing on these cases. To provide up-to-date research materials from Canada and other countries, the library must actively pursue the development of a combined print and electronic collection and collaborate with external library and other information providers in a world-wide electronic network. 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.

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.

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 not compromised.

Economic: The Supreme Court, like all federal departments and agencies, is affected by the current economic climate and budgetary issues. In response, the Court has adjusted its

administrative structure and activities to meet the budgetary cuts while continuing to deliver a high quality of service.

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

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.

4. Key Plans and Strategies

- 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.

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.

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

Approaches

- The Court plans to have its new Case Management System in operation by September, 1998. The new system will allow for easier and more comprehensive access to the Court's database of the cases before it.
- The Court will continue to develop its own Web site, with the objective of adding to the 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 Act and Rules by the year 2000, in order to make the Court's process more accessible.
- 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. It also enables horizontal linkages to be created with federal, provincial, and territorial partner libraries as their catalogues become available through the Internet. Internet technology, coupled with formal resource sharing agreements, will unite court and bar libraries into a more unified resource nationally, and has 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, an electronic information service which highlights key resources (a "Virtual Reference Desk") is being built as part of the court's Intranet, and links to partners' electronic catalogues are being created as part of an Internet site.
- The final function of an automated library management system, a fully automated circulation system, is dependent upon bar-coding of the total collection, and is scheduled for implementation in the summer of 1998.

Expected Result

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

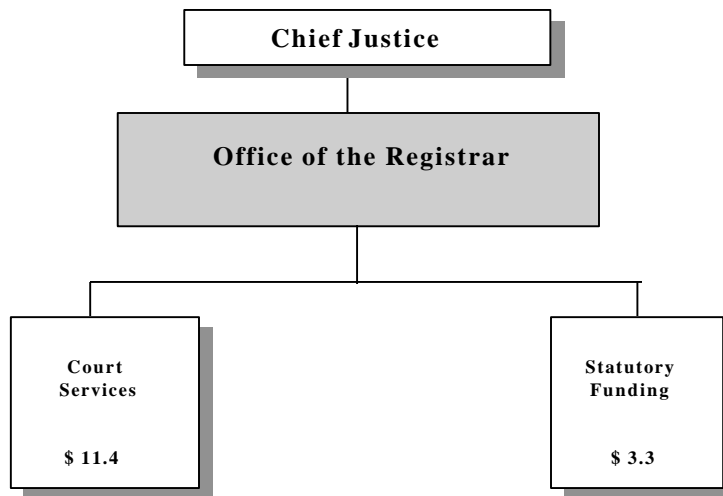
Section IV: Supplementary Information

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

Vote	(thousands of dollars)	1998-99 Main Estimates	1997-98 Main Estimates
Supreme Court of Canada			
45	Program expenditures	10,090	10,038
(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	3,289	3,349
(S)	Contributions to employee benefit plans	1,306	1,048
Agency Total		14,685	14,435

Table 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 table shows the organization of the Court and the distribution of its resources for 1998-99.



The Program total is \$14,685,000 and 144 FTE which includes \$3,289,000 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 2.1: Planned Full Time Equivalent (FTEs) by Program and Business Line

	Forecast 1997-98	Planned 1998-99	Planned 1999-00	Planned 2000-01
Supreme Court of Canada				
Court Services	144	144	144	144
Statutory Funding	-	-	-	-
Agency Total	144	144	144	144

Table 2.2: Details of FTE Requirements

(\$ dollars)	Forecast 1997-98	Planned 1998-99	Planned 1999-00	Planned 2000-01
Salary Ranges				
<30,000	22	22	22	22
30,000 - 40,000	73	73	73	73
40,000 - 50,000	19	19	19	19
50,000 - 60,000	10	10	10	10
60,000 - 70,000	11	11	11	11
70,000 - 80,000	4	4	4	4
>80,000	5	5	5	5
Agency Total	144	144	144	144

Table 3: Departmental Summary of Standard Objects of Expenditure

(\$ millions)	Forecast Spending 1997-98	Planned Spending 1998-99	Planned Spending 1999-00	Planned Spending 2000-01
Personnel				
Salaries and wages	7.9	8.1	8.2	8.2
Contributions to employee benefit plans	1.1	1.3	1.3	1.3
	<u>9.0</u>	<u>9.4</u>	<u>9.5</u>	<u>9.5</u>
Goods and services				
Transportation and communications	0.8	0.7	0.7	0.7
Information	0.3	0.3	0.3	0.3
Professional and special services	1.4	1.1	1.1	1.1
Rentals	0.1	0.1	0.1	0.1
Purchased repair and maintenance	0.5	0.3	0.3	0.3
Utilities, materials and supplies	0.9	1.2	1.1	1.1
Other subsidies and payments	-	-	-	-
Postal subsidy	-	-	-	-
Minor Capital	0.2	0.4	0.4	0.4
	<u>4.2</u>	<u>4.1</u>	<u>4.0</u>	<u>4.0</u>
Total Operating	<u>13.2</u>	<u>13.5</u>	<u>13.5</u>	<u>13.5</u>
Capital				
Controlled capital	-	-	-	-
Revolving Fund	-	-	-	-
	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Transfer payments				
Voted	-	-	-	-
Statutory	1.2	1.2	1.3	1.3
	<u>1.2</u>	<u>1.2</u>	<u>1.3</u>	<u>1.3</u>
Gross budgetary expenditures	<u>14.4</u>	<u>14.7</u>	<u>14.8</u>	<u>14.8</u>
Less: Revenues Credited to the Vote	-	-	-	-
Revenues Credited to the Revolving Fund	-	-	-	-
Net budgetary expenditures	<u>14.4</u>	<u>14.7</u>	<u>14.8</u>	<u>14.8</u>
Non-budgetary (LIAs)	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total	<u>14.4</u>	<u>14.7</u>	<u>14.8</u>	<u>14.8</u>

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

(\$ millions)	Budgetary						Non-budgetary Loans	Gross Planned Spending	Less: Revenue Credited to the Vote	Net Planned Spending
	FTE	Operating	Capital	Grants and Contributions	Gross Voted	Statutory Items*				
Supreme Court of Canada										
Office of the Registrar	144	11.4	-	1.2	12.6	2.1	-	14.7	-	14.7
Total	144	11.4	-	1.2	12.6	2.1	-	14.7	-	14.7

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

Table 5: Details of Transfer Payments by Program and Business Line

(\$ dollars)	Forecast Spending 1997-98	Planned Spending 1998-99	Planned Spending 1999-00	Planned Spending 2000-01
Grants				
Supreme Court of Canada				
<i>Court Services</i>	-	-	-	-
<i>Statutory Funding</i>				
Annuities under the Judges Act	1,235,000	1,248,000	1,267,000	1,267,000
Total grants	1,235,000	1,248,000	1,267,000	1,267,000
Contributions				
Supreme Court of Canada				
<i>Court Services</i>	-	-	-	-
<i>Statutory Funding</i>	-	-	-	-
Total contributions	-	-	-	-
Total	1,235,000	1,248,000	1,267,000	1,267,000

Table 6: Details of Revenue by Program

Revenue Credited to the Vote (\$ millions)	Forecast Revenue 1997-98	Planned Revenue 1998-99	Planned Revenue 1999-00	Planned Revenue 2000-01
Supreme Court of Canada				
Court Services	-	-	-	-
Statutory Funding	-	-	-	-
Total Credited to the Vote	-	-	-	-

Revenue Credited to the Consolidated Revenue Fund(CRF) (\$ millions)	Forecast Revenue 1997-98	Planned Revenue 1998-99	Planned Revenue 1999-00	Planned Revenue 2000-01
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 1998-99

(\$ millions)	Supreme Court of Canada	Total
Gross Planned Spending	14.7	14.7
Plus:		
<i>Services Received without Charge</i>		
Accommodation provided by Public Works and Government Services Canada (PWGSC)	2.3	2.3
Contributions covering employees' share of insurance premiums and costs paid by TBS	0.5	0.5
Employee compensation payments provided by Human Resources Canada	-	-
Salary and associated costs of legal services provided by Justice Canada	-	-
	2.8	2.8
Total Cost of Program	17.5	17.5
Less:		
Revenue Credited to the Vote	-	-
Revenue Credited to the CRF	0.2	0.2
	0.2	0.2
Net Cost of Program		17.3
1997-98 Estimated Net Program Cost	16.7	16.7

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	General Enquiries
World Wide Web: http://www.scc-csc.gc.ca	Internet Access

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