



Registry of the Federal Court of Canada

2002-2003
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 tabled in the spring 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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Registry of the Federal Court of Canada

2002-2003 Estimates

Part III - Report on Plans and Priorities

Approved:

Martin Cauchon
Minister of Justice and
Attorney General of Canada

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Section I: Message from the Administrator of the Federal Court

In planning for the years ahead, “*serving Canadians*” has been our key concern. The structural reforms mentioned as possibilities in previous Reports on Plans and Priorities are expected to be realized in 2002-03. Bills consolidating administrative services of the Federal Court of Canada and the Tax Court of Canada, and changing the responsibilities and composition of the court, are nearing enactment as this report goes to press. In anticipation of these reforms, we are continuing preparations to consolidate operations and facilities with our colleagues in the Tax Court of Canada, particularly in major centres.

These bills will produce significant changes in our organization, responsibilities and processes. We will revise service standards and take other steps as part of the government-wide service improvement initiative once these changes are realized.

Responding to Canadians’ increased concerns for security, recently approved anti-terrorism legislation has given rise to a significant increase in the number of judges for our court. We intend to renew the priority given to our role in emergency preparedness, business resumption planning and continuity of government services. We urgently need new means of attracting and retaining effective judicial and quasi-judicial support personnel required by the court in the long term.

The handling of existing and emerging major cases, and the expected increase in immigration and refugee activities will continue to pressure our resource base. The court is also considering the adoption of new rules governing class action cases, which may result in changes to the Registry’s judicial support procedures.

Better “*serving Canadians*” by increasing our use of technology, we are participating in Government-on-Line initiatives; we are enhancing access to the court by developing internet-based services, and other technological aids, such as electronic filing.

These numerous priorities have serious training and development implications for the operational staff of the court. Initiatives in Modern Comptrollership and Financial Information Strategy raise similar needs among our management group.

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There has been some progress in meeting our need for a dedicated single-purpose building in the National Capital Region, mentioned in previous issues. During the last fiscal year, Registries of the Federal Court of Canada and the Tax Court of Canada, aided by staff and consultants of Public Works Canada, completed a study to ensure that the Tax Court of Canada could be accommodated within the approved design and envelope. This cooperative effort will continue in 2002-2003.

Moving forward on all these fronts, the years ahead should indeed be interesting times.

Administrator of the Court

Management Representation Statement

Report on Plans and Priorities 2002-2003

I submit, for tabling in Parliament, the *2002-2003 Report on Plans and Priorities* for the Registry of the Federal Court of Canada.

To the best of my knowledge, the information in this document:

- Accurately portrays the Registry's plans and priorities.
- Is consistent with the reporting principles contained in the *Guide to the preparation of the 2002-2003 Report on Plans and Priorities*.
- Is comprehensive and accurate.
- Is based on sound underlying Registry 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.

Robert Biljan
Administrator

January 16, 2002

Section II: Raison d'Être

The Federal Court of Canada exists to provide a court of law, equity and admiralty for the better administration of the laws of Canada. In its role of supporting the Court, the Registry pursues the vision that all persons must have effective access to the Court, including the opportunity to resolve disputes without undue cost, hardship, delay, or inconvenience.

The Registry of the Federal Court of Canada exists to provide administrative services necessary to resolve cases fairly, without delay, with an efficient, effective, economic application of resources necessary to accomplish our objectives, that is:

1. Ensuring that all persons have effective access to the Court.
2. Ensuring that all persons have opportunity to resolve disputes without undue cost, hardship, delay, or inconvenience.
3. Providing the best possible decision-making environment for the Court.
4. Improving the level and efficiency of services to the Court and its clients through the application of technology.

Section III: Plans and Priorities by Strategic Outcome

3.1 Total Planned Spending

(\$ millions)	Forecast Spending 2001-2002*	Planned Spending 2002-2003	Planned Spending 2003-2004	Planned Spending 2004-2005
Budgetary Main Estimates	34.2	39.6	35.6	37.3
Non-Budgetary Main Estimates	----	----	----	----
Less: Respendable revenue	----	----	----	----
Total Main Estimates	34.2	39.6	35.6	37.3
Adjustments**	7.9	1.5	2.5	2.0
Net Planned Staffing	42.1	41.1	38.1	39.3
Less: Non-respendable revenue	4.0	5.2	5.2	5.2
Plus: Cost of services received without charge	12.7	12.4	12.3	9.9
Net Cost of Program	50.8	48.3	45.2	44.0
Full Time Equivalents	472	531	531	531

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

** Adjustments are to accommodate approvals obtained since the Main Estimates and are to include the Budget initiatives and Supplementary Estimates, etc.

3.2 Plans and Priorities

The Registry's operations provide administrative support services necessary to a superior court of record. These services enable the judges, as well as quasi-judicial boards, commissions and tribunals, to deposit their judgments and orders in accordance with enabling legislation. Emergency Measures Canada has designated the Registry as an "essential service", one of a network of organizations required for the continuity of national government in times of crisis.

With a single business line known as **Registry Services**, the Registry is committed to the strategic outcome defined as

"management of access to the Federal Court of Canada for the fair resolution of disputes under more than 90 statutes."

Program activities and resources are streamed into two service lines: **Operations** and **Corporate Services**. The Operations Service Line contributes to the achievement of the program objective through delivery of a variety of services to litigants, their counsel and the Judges of the Court. The Corporate Services Service Line contributes to the achievement of the program objective through the delivery of internal support services to the management and staff of the Registry.

During the late 1990's, the Registry made the transition to a case management environment. With the advent of new Rules of the Federal Court and the changeover to case management, performance indicators traditionally cited in the Report on Plans and Priorities became irrelevant. Case management required the adoption of entirely new procedures and processes which would not have been visible if the traditional indicators were maintained; for example, pre-trial conferences, dispute resolution conferences and case management conferences, all of which have a bearing on the number of dispositions and the time required to complete cases. As a statistical database is developed to reflect the new environment, new indicators will be introduced in subsequent Performance Reports.

Standards established in the *Federal Court Rules, 1998* are consistent with targeted time standards for superior trial and appeal courts endorsed by the Canadian Judicial Council as measures of the pace of litigation. We will also measure performance in terms of overall volume of litigation, and changes in the inventory of proceedings pending.

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In general, the Court and the Registry expect growth in the workload to keep pace with the trends experienced in the late 1990's. We have no realistic means of forecasting its extent, given the nature of our business; our workload is entirely at the discretion of the court, so far as existing cases are concerned, or the people of Canada, in relation to new cases being brought to the court.

As noted in the *Message from the Administrator*, above, there are numerous issues expected to affect the program in fiscal year 2002-2003. These follow several general themes:

- i) legislative and regulatory changes: anti-terrorism, immigration and refugee processes, class actions, and court administration (that is, the consolidation of the administrative services of the Federal Court of Canada and the Tax Court of Canada)
- ii) facilities issues: detailed design and preparations for the approval of a new Federal Judicial building; development of improved facilities in Ottawa, Toronto, Montreal and other centres; facilities for new judges
(Phase II of the Federal Judicial Building Project will focus on the program requirements within the building, and will be the basis for determining costs which will then be submitted to the Treasury Board for effective project authority. Please refer to Table 12.)
- iii) technology issues: electronic filing; videoconferencing installations in Ottawa, Toronto, Vancouver, Edmonton and Halifax; expansion of the Registry's Web-site
- iv) service improvements: increased judicial support for translation and revision of reasons, cases related to security and anti-terrorism initiatives, and aboriginal cases, increased alternate dispute resolution (ADR) measures; emergency preparedness
- v) improved management and comptrollership: staff training and development and other human resource modernization initiatives, financial information systems, business resumption planning, development of service standards and performance measures, and development of a new planning, reporting and accountability structure reflecting the new organization and its responsibilities

Section III: Plans and Priorities by Strategic Outcome

Section IV: Organization

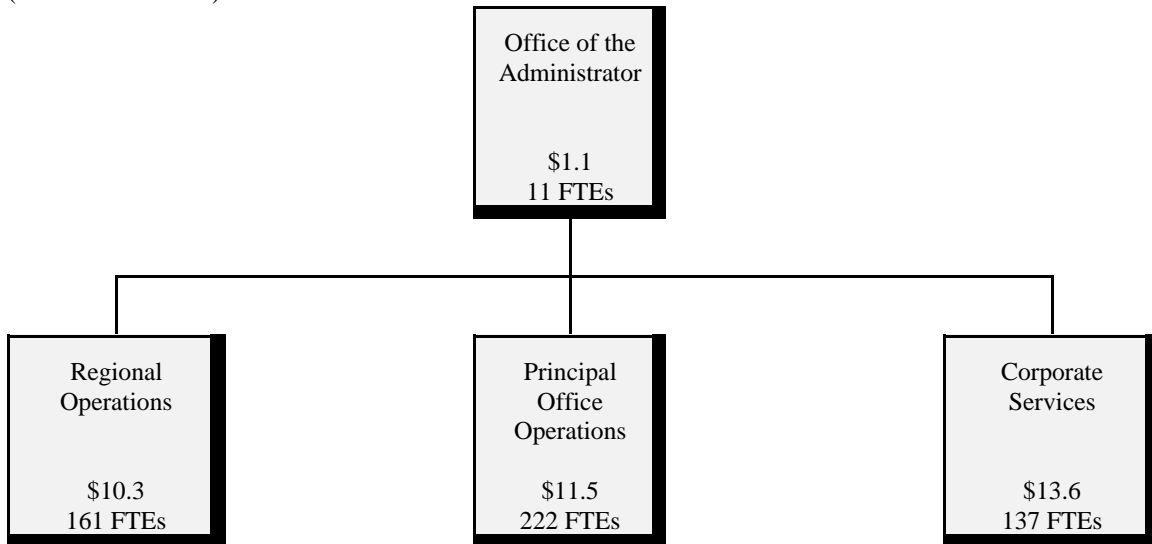
Bill C-36, which came into force December 24, 2001, resulted in an increase in the complement of judges authorized for appointment. The complement of judges has increased as follows: Court of Appeal - 2 judges; Trial Division - 13 judges. As of the writing of this report, appointments have not been made.

Currently, the Court of Appeal consists of the Chief Justice and 10 judges; the Trial Division consists of the Associate Chief Justice, 19 judges and 5 prothonotaries appointed by the Governor-in-Council. As of the writing of this report, in addition to the complement of full-time judges, 9 judges of the Federal Court have elected supernumerary status, and several retired federally-appointed judges have been invited to act as deputy judges of the Court.

The Registry of the Federal Court of Canada plans to carry out its mandate in 2002-2003 with an operating budget of \$35,009,000 (excluding \$4,608,000 for Employee Benefit Plans) and 531 for Full-Time Equivalents (FTEs). The organizational structure and estimated resource allocation are summarized in Figure 1, below.

Figure 1: Organizational Distribution of 2002-2003 Planned Spending

(millions of dollars)



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Reporting to the Administrator as an interim measure, pending the outcome of proposed changes affecting the Registry, there are two **Deputy Administrators** in the organization: one responsible for principal office operations, including Trial Division, Appeal Division, the Court Martial Appeal Court of Canada, designated proceedings, security services and financial services, and one assigned to direct the human resources function.

Appeal Division processes appeals and applications for judicial review, and assists the Court of Appeal in all proceedings and hearings. The unit produces reports, case and appeal books as required by the Rules of the Court.

Trial Division processes legal documents in the jurisdictional areas of Admiralty, Access to Information and Privacy, Crown, Immigration, Intellectual Property and Tax. Division staff support the Court in all proceedings and hearings

In its **Regional Operations** complementing the Principal Office in Ottawa, the Registry operates the following sixteen **local offices** where a party to any proceeding may file documents, request the issuance of writs or otherwise do business with the Court in either official language:

ATLANTIC REGION: Fredericton and Saint John,* NB, Halifax, NS, Charlottetown,* PE, and St. John's,* NF

QUEBEC REGION: Montreal and Quebec City

ONTARIO REGION: Toronto

WESTERN REGION: Vancouver, BC, Winnipeg, MB, Regina,* and Saskatoon,* SK, Edmonton, and Calgary, AB, Whitehorse,* Y, and Yellowknife,* NT

** Offices staffed by provincial or territorial court employees.*

Section V: Annexes

Table 6: Source of Non-Respendable Revenue

(\$ millions)	Forecast Revenue 2001-2002	Planned Revenue 2002-2003	Planned Revenue 2003-2004	Planned Revenue 2004-2005
Refund of previous years' expenditures	0.1	0.1	0.1	0.1
Service Fees	1.0	1.1	1.1	1.1
Miscellaneous non-tax revenues	2.9	4.0	4.0	4.0
Total Non-Respendable Revenue	4.0	5.2	5.2	5.2

Table 7: Net Cost of Program for 2002-2003

(\$ millions)	Registry Services	Total
Net Planned Spending (Total Main Estimates plus adjustments)	41.1	41.1
<i>Plus: Services Received without Charge</i>		
Accommodation provided by Public Works and Government Services Canada (PWGSC)	10.5	10.5
Contributions covering employees' share of employees' insurance premiums and expenditures paid by TBS	1.7	1.7
Workman's compensation coverage provided by Human Resources Canada	---	---
Salary and associated expenditures of legal services provided by Justice Canada	0.2	0.2
	12.4	12.4
<i>Less: Non-respendable Revenue</i>	5.2	5.2
2002-2003 Net Program Cost	48.3	48.3

Table 12: Government-Wide and Horizontal/Collective Initiatives

Horizontal / Collective Initiative	Goal of the Initiative	List of Partner(s)	Money Allocated by Partners (\$millions)	Planned Results
<p>1. Federal Judicial Building Project - Phase II • <i>Implementation</i> in 2002 • <i>results to be reported</i> in DPR 2002</p>	<p>To consolidate the various offices of the Federal Court of Canada and Tax Court of Canada presently scattered in downtown Ottawa</p>	<ul style="list-style-type: none"> • Federal Court of Canada • Tax Court of Canada • Public Works and Government Services Canada 	<p>Pending Cabinet project approval</p>	<p>Determination of design and costs which will then be submitted to the Treasury Board for effective project authority</p>
<p>2. Modern Comptroller- ship • Year of Implementation: 2001-2002 • Year results will be reported: DPR 2002 and subsequent years</p>	<p>To continue to integrate modern comptrollership principles in our management culture, systems and accountability regimes</p>	<p>Collaborating with Supreme Court of Canada and Tax Court of Canada</p>	<p>N/A</p>	<ul style="list-style-type: none"> • Capacity assessment report: March 2002 • Development/ implementation of action plan: 2002-2003 and subsequent years

Section VI: Other Information

Contacts for Further Information

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Legislation Administered by the Registry of the Federal Court of Canada

The Minister has sole responsibility to Parliament for the following Act:

Federal Court Act R.S.C. 1985, c. F-7

The Minister shares responsibility to Parliament for the following Act:

National Defence Act R.S.C. 1985, c. N-5

Legislation Administered by the Federal Court of Canada

Access to Information Act, R.S., 1985, c. A-1
Agriculture and Agri-Food Administrative Monetary Penalties Act, 1995, c. 40
Anti-Personnel Mines Convention Implementation Act, 1997, c. 33
Atomic Energy Control Act, R.S., 1985, c. A-16
Bank Act, 1991, c. 46
Bankruptcy and Insolvency Act, R.S., 1985, c. B-3
Broadcasting Act, 1991, c. 11
Canada Agricultural Products Act, R.S., 1985, c. 20 (4th Supp.)
Canada Deposit Insurance Corporation Act, R.S., 1985, c. C-3
Canada Elections Act, 2000, c. 9
Canada Evidence Act, R.S., 1985, c. C-5
Canada Grain Act, R.S., 1985, c. G-10
Canada Labour Code, R.S., 1985, c. L-2
Canada Lands Surveyors Act, 1998, c. 14
Canada Marine Act, 1998, c. 10
Canada Oil and Gas Operations Act, R.S., 1985, c. O-7
Canada Pension Plan, R.S., 1985, c. C-8
Canada Petroleum Resources Act, R.S., 1985, c. 36 (2nd Supp.)
Canada Shipping Act, R.S., 1985, c. S-9
Canada Transportation Act, 1996, c. 10
Canadian Environmental Protection Act, 1999, 1999, c. 33
Canadian Human Rights Act, R.S., 1985, c. H-6
Canadian International Trade Tribunal Act, R.S., 1985, c. 47 (4th Supp.)
Canadian National Railways Act, R.S., 1985, c. C-19
Canadian Ownership and Control Determination Act, R.S., 1985, c. C-20
Canadian Security Intelligence Service Act, R.S., 1985, c. C-23
Canadian Space Agency Act, 1990, c. 13

Cape Breton Development Corporation Act, R.S., 1985, c. C-25
Charities Registration (Security Information) Act, 2001, c. 41
Citizenship Act, R.S., 1985, c. C-29
Civil International Space Station Agreement Implementation Act, 1999, c. 35
Coasting Trade Act, 1992, c. 31
Commercial Arbitration Act, R.S., 1985, c. 17 (2nd Supp.)
Competition Act, R.S., 1985, c. C-34
Competition Tribunal Act, R.S., 1985, c. 19 (2nd Supp.)
Cooperative Credit Associations Act, 1991, c. 48
Copyright Act, R.S., 1985, c. C-42
Corrections and Conditional Release Act, 1992, c. 20
Criminal Code, R.S., 1985, c. C-46
Crown Liability and Proceedings Act, R.S., 1985, c. C-50
Cultural Property Export and Import Act, R.S., 1985, c. C-51
Customs Act, R.S., 1985, c. 1 (2nd Supp.)
Defence Production Act, R.S., 1985, c. D-1
Department of Human Resources Development Act, 1996, c. 11
Divorce Act, R.S., 1985, c. 3 (2nd Supp.)
Dominion Water Power Act, R.S., 1985, c. W-4
Emergencies Act, R.S., 1985, c. 22 (4th Supp.)
Employment Equity Act, 1995, c. 44
Employment Insurance Act, 1996, c. 23
Energy Supplies Emergency Act, R.S., 1985, c. E-9
Escheats Act, R.S., 1985, c. E-13
Excise Act, R.S., 1985, c. E-14
Excise Tax Act, R.S., 1985, c. E-15
Expropriation Act, R.S., 1985, c. E-21
Farm Credit Corporation Act, 1993, c. 14
First Nations Land Management Act, 1999, c. 24
Fisheries Act, R.S., 1985, c. F-14
Foreign Enlistment Act, R.S., 1985, c. F-28
Foreign Publishers Advertising Services Act, 1999, c. 23
Hazardous Materials Information Review Act, R.S., 1985, c. 24 (3rd Supp.), Part III
Immigration Act, R.S., 1985, c. I-2
Income Tax Act, R.S., 1952, c. 148
Indian Act, R.S., 1985, c. I-5
Industrial Design Act, R.S., 1985, c. I-9

Insurance Companies Act, 1991, c. 47
Integrated Circuit Topography Act, 1990, c. 37
International Boundary Waters Treaty Act, R.S., 1985, c. I-17
International Sale of Goods Contracts Convention Act, 1991, c. 13
Labour Adjustment Benefits Act, R.S. 1985, c. L-1
Motor Vehicle Safety Act, R.S., 1985, c. M-10
National Energy Board Act, R.S., 1985, c. N-7
North American Free Trade Agreement Implementation Act, 1993, c. 44
Northern Pipeline Act, R.S., 1985, c. N-26
Northwest Territories Waters Act, 1992, c. 39
Nuclear Safety and Control Act, 1997, c. 9
Official Languages Act, R.S., 1985, c. 31 (4th Supp.)
Patent Act, R.S., 1985, c. P-4
Payment Clearing and Settlement Act, 1996, c. 6, Schedule, s. 21
Pension Benefits Standards Act, 1985, R.S., 1985, c. 32 (2nd Supp.)
Personal Information Protection and Electronic Documents Act, 2000, c. 5
Petroleum and Gas Revenue Tax Act, R.S., 1985, c. P-12
Plant Breeders' Rights Act, 1990, c. 20
Postal Services Interruption Relief Act, R.S., 1985, c. P-16
Proceeds of Crime (Money Laundering) Act, 2000, c. 17
Privacy Act, R.S., 1985, c. P-21
Public Servants Inventions Act, R.S., 1985, c. P-32
Public Service Employment Act, R.S., 1985, c. P-33
Radiocommunication Act, R.S., 1985, c. R-2
Railway Safety Act, R.S., 1985, c. 32 (4th Supp.)
RCMP Act, R.S., 1985, c. R-10
Special Import Measures Act, R.S., 1985, c. S-15
Status of the Artist Act, 1992, c. 33
Tax Court of Canada Act, R.S., 1985, c. T-2
Telecommunications Act, 1993, c. 38
Timber Marking Act, R.S., 1985, c. T-11
Trade-Marks Act, R.S., 1985, c. T-13
Trust and Loan Companies Act, 1991, c. 45
United Nations Foreign Arbitral Awards Convention Act, R.S., 1985, c. 16 (2nd Supp.)
Yukon Surface Rights Board Act, 1994, c. 43
Yukon Waters Act, 1992, c. 40

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In addition to their duties under the above legislation, judges of the Federal Court have been given functions under the following acts:

Health of Animals Act, 1990, c. 21

National Defence Act, R.S., 1985, c. N-5

Pesticide Residue Compensation Act, R.S., 1985, c. P-10

Plant Protection Act, 1990, c. 22

Supreme Court Act, R.S., 1985, c. S-26