



Registry of the Federal Court of Canada

Performance Report

For the period ending
March 31, 1998

Canada

Improved Reporting to Parliament Pilot Document

The Estimates of the Government of Canada are structured in several parts. Beginning with an overview of total government spending in Part I, the documents become increasingly more specific. Part II outlines spending according to departments, agencies and programs and contains the proposed wording of the conditions governing spending which Parliament will be asked to approve.

The *Report on Plans and Priorities* provides additional detail on each department and its programs primarily in terms of more strategically oriented planning and results information with a focus on outcomes.

The *Departmental Performance Report* provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the spring *Report on Plans and Priorities*.

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Available in Canada through your local bookseller or by mail from

Canadian Government Publishing — PWGSC

Ottawa, Canada K1A 0S9

Catalogue No. BT31-4/71-1998

ISBN 0-660-60737-9



Foreword

On April 24, 1997, the House of Commons passed a motion dividing on a pilot basis what was known as the annual *Part III of the Estimates* document for each department or agency into two documents, a *Report on Plans and Priorities* and a *Departmental Performance Report*.

This initiative is intended to fulfil the government's commitments to improve the expenditure management information provided to Parliament. This involves sharpening the focus on results, increasing the transparency of information and modernizing its preparation.

This year, the Fall Performance Package is comprised of 80 Departmental Performance Reports and the government's "*Managing For Results*" report.

This ***Departmental Performance Report***, covering the period ending March 31, 1998, provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the department's *Part III of the Main Estimates* or pilot *Report on Plans and Priorities* for 1997-98. The key result commitments for all departments and agencies are also included in *Managing for Results*.

Results-based management emphasizes specifying expected program results, developing meaningful indicators to demonstrate performance, perfecting the capacity to generate information and reporting on achievements in a balanced manner. Accounting and managing for results involve sustained work across government

The government continues to refine and develop both managing for and reporting of results. The refinement comes from acquired experience as users make their information needs more precisely known. The performance reports and their use will continue to be monitored to make sure that they respond to Parliament's ongoing and evolving needs.

This report is accessible electronically from the Treasury Board Secretariat Internet site:
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**Registry of the
Federal Court of Canada**

Performance Report

**For the
period ending
March 31, 1998**

Minister of Justice and
Attorney General of Canada

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Executive Summary

In 1997-98, the Registry succeeded in facing a critical challenge. The Court has been increasingly concerned over a period of years with reducing costs and delays in the management of the judicial process. After an extensive consultation process involving the judiciary and bar associations across Canada, the Federal Court Rules Committee embarked on a fundamental change in the court's operations.

New Rules were developed and refined to introduce "case management" and "dispute resolution services" as the court's primary means of accelerating access to the justice system for the timely resolution of disputes. Under these new processes, responsibility for the progress and management of cases is moved from the litigants to the judges of the Court. Once in place, cases will be managed to follow a predictable process and schedule.

The Registry has borne the burden of developing the general operating system, hardware and software requirements for the support of this new regime. It has been necessary to carry out the developmental work while the Rules were under development, at the same time supporting the cases already in the system. Special measures were designed to clear all cases for the introduction of the new processes, and to train all staff in the application of the new Rules, with outstanding success.

In the background throughout this entire developmental process has been a review of the Registry and other federal judicial organizations ordered by the government. This may ultimately result in significant organizational change.

In summary, 1997-98 has been a milestone year for the Registry. The organization successfully prepared for the introduction of an unprecedented new form of court operation in a most professional manner, under difficult circumstances.

As the year ended, more new challenges faced the Registry. In particular, concerns persist for the facilities needed for major new aboriginal cases, for changes in the Court itself, and for consolidation of Ottawa operations.

Chart of Key Results Commitments

Registry of the Federal Court of Canada

to provide Canadians with:	as demonstrated by:	achievement reported in:
an efficient, effective and responsive Registry supporting access to the Federal Court of Canada for the fair resolution of disputes under more than 90 federal statutes	! timely, orderly case management and support services	! DPR, Section III
	! trends in the type and volume of the case workload of the Court	! DPR, Section III
	! level of client satisfaction with services in terms of agreed standards	! DPR, Section III
	! equitable public access to all proceedings, decisions and records of the Court	! DPR, Section III

Section I: Message from the Administrator

On April 22, 1997, the government released a review of the fundamental roles and interrelationships of federal judicial institutions, including the Federal Court of Canada and its Registry. After consideration of the recommendations by various committees, the Minister of Justice announced proposed reforms on June 25, 1998.

The proposals include a consolidated Courts Administration Service to support both the Federal Court of Canada and the Tax Court of Canada, the creation of a separate Federal Court of Appeal, and elevation of the status of the Tax Court of Canada to that of a superior court, among other measures. Additional details of the proposals and their likely impacts must wait until another time.

The lengthy review process forestalled decisions on long-standing facilities requirements. A survey by Public Works and Government Services Canada indicated there is no single facility available for the consolidation of our court and registry operations in Ottawa. These are otherwise generally economical and effective, but remain scattered among six buildings. Sadly, we note that Canada remains the only one of the Group of Seven leading economic countries without a headquarters building for its national court. Continuing in 1998-99, requirements to accommodate new Judges and those who elected supernumerary status have increased pressure on the Registry to secure additional facilities without exacerbating the problem.

Although over-shadowed by the review of federal judicial institutions, the Registry in 1997-98 pioneered important administrative innovations to improve our response to the needs and expectations of our clients - the Court itself, and those who seek access to the Court for the resolution of disputes. Specifically, preparations were completed to assist the Court in the transition to caseflow management and dispute resolution services, for implementation during fiscal year 1998-99. The Registry participated in the development and adoption of the new Rules, and initiated a comprehensive staff training effort in that connection.

The full effects of these state-of-the-art innovations on our productivity and efficiency, and their potential resource implications, will be better understood as we progress with the new Rules. I look forward to informing you of these developments in future reports.

With pleasure, I present the report of the Registry of the Federal Court for 1997-98.

Administrator of the Court

Section II: Registry Overview

The Registry's Mandate

Pursuant to the *Federal Court Act*, R.S.C. 1985, c. F-7, section 3, the Federal Court of Canada is a superior court of record, having civil and criminal jurisdiction, for the better administration of the laws of Canada.

Judges of the Federal Court are also members of the Court Martial Appeal Court of Canada established by the *National Defence Act* (R.S.C. 1985, c. N-5). Section 234 establishes the Court Martial Appeal Court of Canada and Section 236 provides that the officers of the Registry of the Federal Court of Canada are *ex officio* officers of the Registry of the Court Martial Appeal Court of Canada.

The Federal Court of Canada has broad jurisdiction over matters such as cases by and against the Crown, appeals under numerous federal statutes, disputes in various commercial matters including admiralty and intellectual property and the authority to review decisions of federal boards, tribunals and commissions including decisions of the Immigration and Refugee Board. The Federal Court of Canada determines issues of federal law transcending provincial boundaries. A list of the statutes administered by the Federal Court can be found in the *Other Information* section of this report, at page 25.

The Registry is established pursuant to the *Federal Court Act*, as the repository for the filing and issuing of documents on all cases brought before the Court, in accordance with the Federal Court Rules, the Federal Court Immigration Rules, or the Court Martial Appeal Court Rules. All matters between Judges, litigants and legal counsel flow through the Registry.

Under Sections 74 to 76 of the *Judges Act*, the Administrator of the Federal Court, as the Deputy of the Commissioner for Federal Judicial Affairs, is also accountable for ensuring proper resourcing of the Program.

The Registry's Mission

The way in which the Registry expects to fulfil its *mandate* describes its *mission*:

To provide the Court and litigants with the administrative services necessary for fair and prompt resolution of cases.

Since its inception in 1971, renewal in the Registry has focused on the creation of a stronger and revitalized organization that recognizes the importance of justice and the rule of law in our society. The values shared by management and staff include:

- A national organization of trained and knowledgeable people, will be developed in consultation with the judiciary to discharge the Registry's mandate throughout Canada.
- Policies for the operation of Registry offices will be established with regional input so that services and standards will be uniform throughout the country. Regional Directors will be responsible for the delivery of all services within their regions.
- Appropriate accommodations will always receive high priority so that the court is able to manage and adjudicate cases uniformly across Canada under the Rules. Public areas of our facilities will have a safe, accessible and efficient appearance in keeping with our standards of quality service.
- Service to the public and to the Court will be improved through the continuing development of information systems that streamline the management of information.
- There is mutual respect between the judiciary and court administrators for the part each plays in the administration of justice.
- All staff share the program's values and commitment to quality service standards.

Operating Environment

The Registry of the Federal Court of Canada exists as an organization independent of the departments of government to support the Court. The Registry reports to Parliament on administrative matters through the Commissioner for Federal Judicial Affairs and the Minister of Justice. Planning and resourcing activities are coordinated through the Office of the Commissioner for Federal Judicial Affairs.

The Department of Justice, as the legal representative of the government of Canada, is the most frequent litigant before the Court. The Court and the Registry are vigilant in maintaining de facto and apparent independence from government departments, remaining at arm's length in all matters.

Several of the key workload concerns of the Court and Registry are strongly associated with particular high-profile government programs or agencies; for example, a significant volume of cases has arisen in recent years as a result of legislation and programs of Citizenship and Immigration Canada, or the Immigration and Refugee Board. The government prefers to coordinate the incremental resource requirements of all agencies affected by these programs through a central reporting mechanism under the aegis of the leading agency, in this example Citizenship and Immigration Canada. The requirement that the Registry report its resource needs to the leading department, which is a leading litigant in cases before the Court, potentially clouds the public perception of the Court as an independent source of

adjudication. The Registry refers its resource acquisitions and accountability reports to the central agencies of government. There are cordial and mutually supportive relations between the Registry and other federal courts and tribunals, as well as with the Canadian Judicial Council, national and provincial bar associations, and the Rules Committee of the Federal Court, which governs practice before the Court.

In the period leading up to fiscal year 1997-98, the Court directed the Registry to become increasingly focused upon streamlining operations to improve the level of services to all clients - litigants, counsel, the public, and the Court itself. The Rules of the Court were substantially overhauled to introduce case management and dispute resolution services. The Federal Court is one of the first courts in Canada to initiate this complete conversion to case management.

The litigation workload of the Court and the Registry does not lend itself to simple forecasts. For example, a hearing which might require a single day in many types of cases may require a full year in an aboriginal case.

Objectives

Established under the Federal Court Act and the Rules of the Court, the Registry's *program objective* is:

to support the Federal Court of Canada in providing a court of law, equity and admiralty for the better administration of the laws of Canada.

The registry's *strategic objective* is:

to ensure that all persons have effective access to justice, including the opportunity to resolve disputes without undue cost, hardship, delay or inconvenience, through heightened responsiveness and appropriateness in the management of valuable resources.

Strategic Priorities

Four strategic priorities guide the Registry's day-to-day activities:

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

Challenges

During 1997-98, the Registry faced a number of competing demands from internal and external sources:

- The Court decided several years ago to switch from its traditional mode of operation to a new case-managed environment. Details of the changeover had to await the conclusion of an extensive consultation process preceeding the development and promulgation of new Rules of the Court. In the absence of many of the details of case management, operating and computer systems had to be designed, and extensive staff training carried out in anticipation of short notice of the actual implementation date, while maintaining the integrity of existing operations day-to-day. (The implementation date was April 25, 1998.) Possible resource implications of the new case management system could not become apparent in advance of the finalization of the Rules.
- The overall mandate of the Registry has been under government review since 1994, with recommendations for change under active consideration. (Please refer to Administrator's Message, page 6, above.)
- There has been an increasing number of instances in which the Registry's facilities have been a source of concern. In particular, requirements for major aboriginal cases before the Court have threatened to surpass the limits of our court rooms and other facilities. Government expenditure reductions on operating resources have also reduced our flexibility to operate in the National Capital Region, where our staff is scattered among six buildings. Support requirements for new appointees to the bench, and for judges electing supernumerary status, have become a further topic of concern.
- Variable immigration/refugee workload.
- Court-directed measures to administer to the special requirements of citizenship revocation cases.

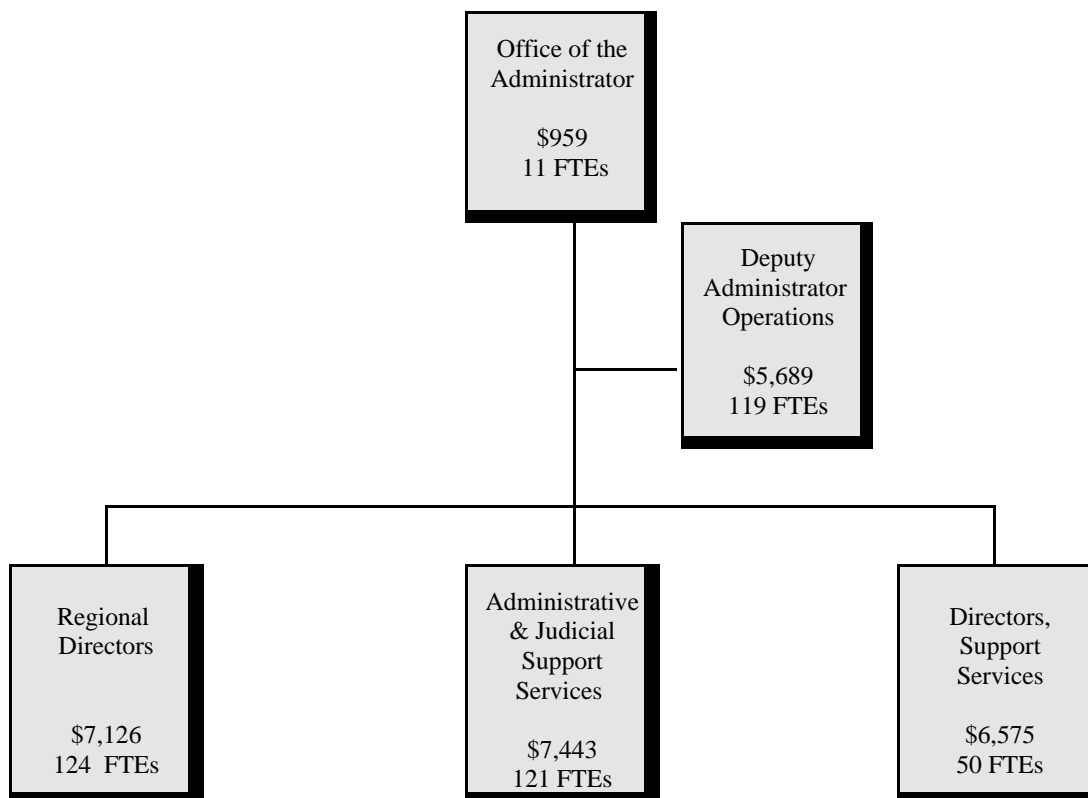
Registry Organization

The Court of Appeal consists of the Chief Justice and 10 judges; the Trial Division consists of the Associate Chief Justice, 19 judges and 4 prothonotaries, all of whom are appointed by the Governor-in-Council. As of August 30, 1998, in addition to the complement of full-time judges, there are 8 judges of the Federal Court who have elected supernumerary status, and several retired federally-appointed judges who have been invited to act as Deputy Judges of the Federal Court.

The Registry of the Federal Court of Canada carried out its mandate in 1997-98 with an operating budget of \$27,792,503 (excludes Employee Benefit Plans) and 425 Full-Time Equivalents (FTEs). The organizational structure and estimated resource allocation are summarized in Figure 1.

Figure 1: Organizational Distribution of 1997-98 Actual Expenditures

(thousands of dollars)



- **The Administrator** is responsible for executive direction, judicial services (which support the judicial activities of the Court, support for the Rules Committee, Registry operations and the publishing of the Court Martial Appeal Court of Canada reports), regional operations, library services, and special support services for citizenship revocation cases. The Administrator also oversees financial administration, policy, labour relations and training, human resources administration, informatics, real property services and central administrative services.

- As an interim measure, pending the outcome of proposed changes affecting the Registry, there are three **Deputy Administrators** in the organization: one on full-time assignment to direct the high-profile Citizenship Revocation Project, another responsible for Trial Division, Appeal Division, Court Martial Appeal Court and designated proceedings; and one position presently vacant.

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

Trial Division processes legal documents through the functional areas of Admiralty, Access to Information and Privacy, Crown, Immigration, Intellectual Property and Tax, which reflect the diverse nature of the cases before the Court. Division staff support the Court in all proceedings and hearings.

- 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.*

Documents pertaining to Federal Court cases may be filed in any office of the Registry. Originals of all documents are held in the principal office with certified copies being maintained in the local office which is most convenient for the parties to the action.

A developmental program is operated in judicial services enabling law clerks to gain experience in Court processes by providing research assistance to judges. Law clerks are recent graduates of Canadian law schools whose participation in this program is recognized as satisfying all or part of the articling requirements of the provincial law associations. Since the inception of the program in 1984, over 120 law clerks have worked or articulated with the Court.

Business Line / Service Line Descriptions

Under the Planning, Reporting and Accountability Structure (PRAS) approved by Treasury Board, the Registry continues to appear in Estimates as a single business line, **Registry Services**. The Registry's activities and resources are streamed into two service lines:

Operations: providing services to litigants, their counsel and the judges of the Court, such as library services, case scheduling and courtroom operations; providing information on rules of practice, court directives and procedures; processing documents filed by or issued to litigants, and recording all proceedings; and issuing legal instruments to enforce decisions made by the Court and other federal agencies, such as the Canada Labour Relations Board, and Canadian Human Rights Tribunal.

Corporate Services: providing internal support to the Registry in the staff functions of finance, administration, human resources, official languages, facilities management, security, and management information processing.

The **Administrator of the Federal Court** is accountable for results at the business line-level.; that is, in general, for results relating to Strategic Priority 1.

The **Operations** service line focuses on 2 strategic priorities:

- Strategic Priority 2: *ensuring that all persons have the opportunity to resolve disputes without hardship, delay or inconvenience*, accountability for specific aspects of which is assigned to **Deputy Administrators** and Regional Directors;
- Strategic Priority 3: *improving the level and efficiency of services to the Court and its clients through the application of technology*. The Deputy Administrators, Regional Directors and Directors are accountable for specific assignments under this objective.

The **Corporate Services** service line focuses on Strategic Priority 4, *providing the best possible decision-making environment for the Court*. As deputy head, the **Administrator of the Court** is accountable for these results, and delegates certain specific aspects of them to Deputy Administrators, Regional Directors and Directors.

The following section discusses the accomplishments planned for fiscal year 1997-98 in relation to the Registry's strategic priorities .

Section III: Registry Performance

Performance Expectations

The year 1997-98 was expected to be different in one major respect from previous years: after an exhaustive review, the Court had indicated that the new Rules of the Federal Court would come into effect on January 1, 1998. The operations of the Court and the Registry would change significantly, but specific changes could not be foreseen until the details of the rules were made public. The complexities of the development process in fact delayed the actual implementation until April 25, 1998.

Preparations for implementation of the new Rules had a major impact on the Registry during this year. Without question, the Registry's level of performance under the existing rules had to be maintained, in keeping with our commitments to provide quality service to Canadians.

To ensure a seamless transition to the new rules, preparations focused on three fronts:

- development of operating systems;
- development, testing and implementation of computer information and management systems; and,
- development and delivery of appropriate training for Registry staff to implement the new rules.

The Court had earlier authorized a package of special measures, termed the "delay reduction program", to pave the way for the introduction of case management particularly with respect to inactive or long-standing cases already in the system. This represented a significant additional workload for both the Registry and the Court.

The ultimate intent of the new Rules was well known: the Court wished to introduce case management and alternate dispute resolution services as means of reducing costs and delays in the management of judicial processes. (Dispute resolution services provide a means of resolving cases without the expense and time associated with full-scale trials.)

The organization, particularly in the 1990's, has experienced steady, and sometimes spectacular increases in workload from year to year. As the following display indicates, this trend was generally expected to continue, pending the arrival of the new Rules. Resource requirements for case management, and for the growing volume of work, could not be forecast in advance of the new rules. The Registry would rely on its abilities to innovate and improve productivity during the preparatory stage, until longer-term needs became known.

The following displays our general expectations for 1997-98 in terms of the major indicators of performance, and indicates that our forecasts did not anticipate the impact of the Court's eventual announcement of the changeover to case management.

Federal Court of Canada - Performance Report

APPEAL DIVISION

Performance Indicator	Prev. 2 yr. Average	1997 Forecast	1997 Actuals	Variance (Forecast)	Change - 2-yr. Average
New Proceedings	1,041	1,320	1,142	- 13.5%	+9.7%
Recorded Entries	21,874	28,800	22,358	- 22.4%	+ 2.2%
Matters Heard in Court	570	***	655	***	+ 14.9%
Days in Court	301	390	313	- 19.7%	+ 4%
Documents Issued	21,325	26,200	19,520	- 25.5%	- 8.5%
Letters Issued	8,765	***	8,774	***	+ 0.1%

TRIAL DIVISION

Performance Indicator	Prev. 2-yr. Average	1997 Forecast	1997 Actuals	Variance (Forecast)	Change - 2-yr. Average
New Proceedings	24,040	27,454	23,386	- 16.5%	- 2.7%
Recorded Entries	181,374	220,150	197,353	- 10%	+ 8.8%
Matters Heard in Court	4,552	***	4,947	***	+8.7%
Days in Court	2,323	2,713	2,660	- 1.9%	+ 14.5%
Documents Issued	159,392	195,482	177,396	- 9.2%	+ 11.3%
Letters Issued	29,395	***	36,506	***	+24.2%

*** denotes that no forecast was made for this factor in the Registry's 1997-98 plans.

The following financial information provides a context for the performance accomplishments with which the remainder of this report is concerned.

Registry of the Federal Court of Canada

Planned Spending	\$26,900,000
Total Authorities	\$28,467,250
1997-98 Actuals	\$27,792,503

Performance Accomplishments

As the foregoing indicates, most workload factors showed increases in 1997-98, although not to the extent forecast. This was indeed fortunate, in the sense that the development of systems, informatics and training for the introduction of case management had to be accomplished while the Court and the Registry continued day-to-day operations. A modest slowdown in growth trends enabled the developmental aspects of case management to be successfully completed under reduced pressure in terms of people, resources and time.

Our analysis concluded that the Rules Committee's extensive consultations with the Bar on case management and dispute resolution services led the Court's clients to postpone launching actions until the new operating regime was in place. There was a very evident learning curve for the Bar and the Court's clients in general, contributing to a temporary lull in the otherwise steady growth trend.

Expectations and accomplishments for the Registry in 1997-98 are discussed in the following pages in relation to the four strategic priorities. Each of these begins with a display illustrating typical expected outcomes, and the measurement strategies used to point to the success of the Operations service line.

a) Strategic Priority #1:

Objective	Key Results / Outcomes	Measurement Strategy
Ensure all persons have effective access to the Court	<i>The public has physical and technological access to the Registry's services which are safe and convenient to use:</i> <ul style="list-style-type: none">● Demonstrated by: safe, accessible Court and Registry facilities	<ul style="list-style-type: none">● Ongoing Client Survey● Operations to be assessed for compliance with court standards

As indicated above, workloads in the Registry during 1997-98 continued on an upward trend, particularly in respect of non-immigration cases. Improved productivity and project rescheduling enabled the added demands to be absorbed within the resources available. (Longer-term requirements will be determined with experience, following the initial implementation of case management and dispute resolution services.)

As a result of the uncertain timing of the advent of our new mode of operation, and the continuing Minister's review of federal judicial institutions, several lower-priority planning

commitments for 1997-98 were scaled down or rescheduled. The advancement of our quality service standards initiative has been interrupted, to resume in 1998-99; this pertains to the development of more sophisticated performance measures in keeping with the approved Planning, Reporting and Accountability Structure. Corporate renewal in matters such as budgets, organization and other administrative matters must await the outcome of the Minister's review.

A number of facilities concerns must also await the conclusion of the review of federal judicial institutions. This is worrisome for the Court in the case of major aboriginal cases which, by their nature, require space, staff and resources beyond our present capacity.

The emphasis on successful introduction and support of case management is directly linked to the strategic priority: *ensuring that all persons have access to the Court.*

b) Strategic Priority #2:

Objective	Key Results / Outcomes	Measurement Strategy
Ensure all persons have the opportunity to resolve disputes without hardship, delay or inconvenience.	<i>Canadians are able to use the Court's facilities and services without hardship, delay or inconvenience:</i> Demonstrated by: <ul style="list-style-type: none">• efficient, effective counter service, document and certificate processing• courteous and efficient court usher and registrar services	<ul style="list-style-type: none">• Ongoing client survey• Monitoring against Performance Standards• Management Review (audit, program evaluation)

During 1997-98, as noted earlier, productivity improvements were essential to enable preparations for the introduction of case management to proceed without significant resource increases. The previous section indicated that increasing volumes of counter service, document processing, usher and registrar activities were absorbed. The Registry's ongoing client survey produced uniformly complimentary feedback from clients as to quality of service. These activities are the backbone of the Court and the Registry, our most important and sensitive points of contact with clients. This feedback is even more gratifying in view of the continuing trend to self-representation, where procedural advice from Registry staff is essential for access to the Court.

Performance standards and management review activities for post-evaluation have been deferred until results of the Minister's review of federal judicial institutions are available.

c) Strategic Priority #3:

Objective	Key Results / Outcomes	Measurement Strategy
Improve the level and efficiency of services to the Court and its clients through the application of technology.	<i>Successful development and implementation of systems for:</i> <ul style="list-style-type: none">• Case management• Delay Reduction Program• Proceedings Management• Case scheduling• Teleconferencing	<ul style="list-style-type: none">• Project evaluations

The Registry's Operational Services and Informatics groups were instrumental in the changeover to case management. The primary operating tool for all Registry operations, known as the Proceedings Management System, was maintained and supported throughout the year, while undergoing a complete refit in preparation for case management. Developmental work was only possible after the release of the new Rules. The system survived rigorous advance testing before going on line on April 25, 1998.

Operational procedures for all aspects of case management and dispute resolution services were developed in the same time frame, and also went on line on April 25.

Numerous other informatics plans were carried out in 1997-98. Among the steps taken to enhance staff productivity, an automated case scheduling module, begun in 1996-97, was completed, tested and implemented in 1997-98. The development of information systems continued as planned, particularly work group systems. A pilot project for the evaluation of video-conferencing technology continued through the year and is expected to conclude in 1998-99.

d) Strategic Priority #4

Objective	Key Results / Outcomes	Measurement Strategy
Provide the best possible decision-making environment for the Court.	<i>The Court and the Registry are provided with all necessary facilities, resources and equipment needed to fulfil their roles.</i> Demonstrated by: <ul style="list-style-type: none">• appropriate work tools and support systems• trained staff, including Law Clerks	Service delivery will be measured by client surveys, and internal management reviews

Major emphasis in 1997-98 was placed on preparations for a smooth transition to case management. Following the release of the new Rules, the Registry's major training vehicle, the "Registry Officer Training Program", was completely overhauled. This was one of the largest undertakings in the case management implementation process. The revised training program was delivered to all Registry personnel having contact with clients in time for the implementation date, April 25, 1998. A more complete report will be available for next year's performance report.

Registry management participated with staff of Public Works and Government Services Canada and other concerned organizations in the initial stages of studies to rationalize accommodation for all federal judicial organizations, perhaps through the establishment of federal judicial centres.

A number of resource issues were deferred until next year. These include the resource requirements for the essential support of aboriginal cases, citizenship revocation cases, and the establishment of a new local office in St. John's, Newfoundland.

Other Performance Issues**The Year 2000 Date Issue**

All Registry hardware and systems have been reviewed for compliance. No government-wide mission critical systems are affected. Systems vital to the Registry's mission are compliant now, with the exception of the "Trust Account System", which is presently under study. An estimated 1 to 2-week programming time is planned for later in 1998, rendering this system compliant.

All non-compliant applications software is scheduled for replacement or upgrade in the current year, under existing replacement schedules.

There are uncertainties with the timing of upgrades to some commercial applications, for which the leadership role rests with suppliers or lead agencies; in particular, central financial and pay systems. The Registry's financial information system uses "Free Balance", which has been up-graded to be compliant by the supplier. However, the link to central systems, for which Public Works Canada is the lead agency, has not yet been defined.

Re-Thinking Service for Canadians - A Primer on Case Management

Case management is the coordination of Court processes and resources to move cases in a timely manner from commencement to disposition, regardless of the type of disposition. It involves the active supervision by the Court of the progress of all cases filed, to ensure that each case receives the type and amount of Court attention required by its nature and complexity. Under the present *Federal Court Rules* governing ordinary actions, the litigants and counsel have exclusive control over the time taken to prepare a case for disposition by the Court.

Under the *Federal Court Rules, 1998* every proceeding before the Court will be subject to case management. In most cases, the parties will continue to control the pace of their litigation within the time limits fixed by the Rules. For actions in the Trial Division, this involves having pleadings closed within 180 days of commencement. Examinations for discovery are to be completed and a pre-trial conference requisitioned within 360 days of commencement. If settlement cannot be reached at the pre-trial conference, the judge will fix a date for trial at the earliest practicable date after the pre-trial conference.

There will be a "Simplified Procedure" governing actions for monetary relief not exceeding \$50,000. The jurisdiction of the prothonotaries will be extended to permit them to preside at the trial of such cases.

The Rules will require that applications in both Divisions of the Court be perfected and a requisition for a hearing date submitted within 180 days of commencement. Dates fixed for hearings are to be no later than 90 days after the requisition.

The *Federal Court Immigration Rules, 1993*, made by the Chief Justice pursuant to section 84 of the *Immigration Act*, continue to govern proceedings referred to in that Act.

Parties who believe that the time limits fixed by the Rules are unsuitable (either too short or too long) for their proceeding may request that it be specially managed by a case management judge, who will fix a timetable appropriate to the individual proceeding.

To promote the settlement of cases, the Court will offer dispute resolution services (primarily mediation, early neutral evaluation and mini-trials) to litigants.

Key Reviews

On October 28, 1994, the Minister of Justice and Attorney General of Canada announced a review by the Auditor General to consider whether legislative amendments could enhance effectiveness, accessibility and cost-efficiency of the Federal Court of Canada and the Tax Court of Canada. The Registry provided information requested for this study. After extensive review of the final report, the Minister on June 25, 1998 announced that legislation will be introduced later in 1998 to implement a number of proposals for reform of the Federal Court of Canada and the Tax Court of Canada.

In view of the importance of this review to the Minister, and to the future of the Court and Registry, all planned internal review activities have been held in abeyance during the course of the Minister's consideration. There are no internal key reviews to report at this time.

Section IV: Financial Performance

Financial Performance Overview

The foregoing pages indicate that the Registry made several adjustments to its operating plans and budgets during 1997-98. Preparations for case management were the most important new priority, with the greatest impact on workload and resources. But there were also instances in which resources had to be found for changes in operational matters, such as the revocation of citizenship.

After a decision by the Supreme Court in 1997, the Department of Justice launched denaturalization and deportation proceedings against 11 alleged war criminals in this Court for declarations that they obtained citizenship by false representation, fraud or by concealing material circumstances.

The department's counsel urged the Court to expedite hearings of these cases, which are typically long and complex, some requiring oral and documentary evidence hearings in eastern Europe before a Judge of this Court sitting as a Commissioner. They attract strong media and public interest. The Court directed the Registry during 1997-98 to establish a Citizenship Revocation Section to expedite these cases. Although the Department of Justice had indicated willingness to make travel and administrative arrangements on behalf of the Court and its staff, the Court directed the Registry to manage case logistics independent of any party.

Under this direction, Registry program resources were reallocated to the citizenship revocation project to provide essential case management and administrative support services to the assigned judges for 1997-98.

The Court has heard the *Bogutin* case and a decision has been rendered. Currently there are ten active revocation cases based on alleged war crimes, five of which have commission hearing dates fixed. Commission costs are high and beyond the Registry's control. Registry staff must accompany Judges to locations in Canada and abroad to Ukraine, Poland, Russia, Belarus, Slovenia and Latvia.

Internal operational funds may not continue to be available in 1998-99 for this purpose, as the Registry must maintain services to its mainstream clientele. For the Court's independence, integrity and the efficient management of its caseload, the Registry must have access to the financial resources necessary to fulfill its mandate to provide support services to judges and litigants in these proceedings.

Financial Summary Tables

Table 1: Summary of Voted Appropriations

**Authorities for 1997-98 - Part II of the Estimates
Financial Requirements by Authority (\$ millions)**

Vote		1997-98 Planned Spending	1997-98 Total Authorities ¹	1997-98 Actual
Federal Court of Canada				
Vote 25	Program expenditures	26.9	28.5	27.8
(S)	Contributions to employee benefit plans	3.1	3.1	3.1
Total Department		30.0	31.6	30.9

1. Main estimates plus supplementary estimates plus other authorities.

Table 2: Comparison of Total Planned Spending to Actual Spending

Departmental Planned versus Actual Spending by Business Line (\$ millions)

Business Lines	FTEs	Operating Capital	Voted Grants & Contri- butions	Subtotal: Gross Voted Expendi- tures	Statutory Grants & Contrib- utions	Total Gross Expendi- tures	Less: Revenue Credited to the Vote	Total Net Expendi- tures
Registry Operations	465	30.0		30.0		30.0		30.0
<i>Total Authorities</i>	465	31.6		31.6		31.6		31.6
Actuals	430	30.9		30.9		30.9		30.9
Total	465	30.0		30.0		30.0		30.0
<i>Total Authorities</i>	465	31.6		31.6		31.6		31.6
Actuals	430	30.9		30.9		30.9		30.9

Other Revenues and Expenditures

Revenues Credited to the Consolidated Revenue Fund	(1.4)
<i>Total Authorities</i>	<i>(1.4)</i>
Actuals	(1.0)
Cost of service provided by other departments	10.6
<i>Total Authorities</i>	<i>10.6</i>
Actuals	10.6
Net Cost of the Program	39.6
<i>Total Authorities</i>	<i>40.8</i>
Actuals	40.5

Table 3: Historical Comparison of Total Planned Spending to Actual Spending*Registry Planned versus Actual Spending by Business Line (millions of dollars)*

Business Line	Actual 1995-96	Actual 1996-97	Planned Spending 1997-98	Total Authorities 1997-98	Actual 1997-98
Registry Operations	28.9	29.4	30.0	31.6	30.9
Total	28.9	29.4	30.0	31.6	30.9

Table 4: Crosswalk Between Old Resource Allocation and New Allocation*Table 4 is not applicable to the Registry of the Federal Court of Canada***Table 5: Resource Requirements by Organization and Business Line***Table 5 is not applicable to the Registry of the Federal Court of Canada***Table 6: Revenues Credited to the Vote***Table 6 is not applicable to the Registry of the Federal Court of Canada***Table 7: Revenues to the Consolidated Revenue Fund by Business Line (\$ millions)**

Business Line	Actual 1995-96	Actual 1996-97	Planned Spending 1997-98	Total Authorities 1997-98	Actual 1997-98
Registry Operations	1.0	2.4	1.4	1.4	1.0
Total Revenues to the CRF	1.0	2.4	1.4	1.4	1.0

Table 8 Statutory Payments*Table 8 is not applicable to the Registry of the Federal Court of Canada***Table 9 Transfer Payments***Table 9 is not applicable to the Registry of the Federal Court of Canada***Table 10 Capital Spending by Business Line***Table 10 is not applicable to the Registry of the Federal Court of Canada***Table 11 Capital Projects by Business Line***Table 11 is not applicable to the Registry of the Federal Court of Canada***Table 12 Status of Major Crown Projects***Table 12 is not applicable to the Registry of the Federal Court of Canada*

Table 13 Loans, Investments and Advances

Table 13 is not applicable to the Registry of the Federal Court of Canada

Table 14 Revolving Fund Financial Statements

Table 14 is not applicable to the Registry of the Federal Court of Canada

Table 15 Contingent Liabilities

Table 15 is not applicable to the Registry of the Federal Court of Canada

Section : V Consolidated Reporting

This section is not applicable to the Registry of the Federal Court of Canada.

Section VI: Other Information

Contacts for Further Information Registry Services Program

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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, Sections 234ff R.S.C. 1985, c.N-5

Legislation Affecting the Court

A specific right to appeal to the Federal Court or for review by the Court, or for the enforcement of decisions, or the recovery of debt owed to Her Majesty, are provided for in legislation other than the Federal Court Act. **The following, although not exhaustive, is a list of the legislation affecting the Court**, updated to August 1998:

Access to Information Act, R.S., 1985, c. A-1
Agriculture and Agri-Food Administrative Monetary Penalties Act, 1995, c.40
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
Budget Implementation Act, 1998, 1998, c. 21
Canada Agricultural Products Act, R.S., 1985, c. 20 (4th Supp.)
Canada Deposit Insurance Corporation Act, R.S., 1985, c. C-3
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 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, R.S., 1985, c. 16 (4th Supp.)
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
Citizenship Act, R.S., 1985, c. C-29

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
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
Fisheries Act, R.S., 1985, c. F-14
Foreign Enlistment Act, R.S., 1985, c. F-28
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
Land Titles Act, R.S., 1985, c. L-5
Motor Vehicle Safety Act, R.S., 1985, c. M-10
National Energy Board Act, R.S., 1985, c. N-7
National Training Act, R.S., 1985, c. N-19
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
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.)
Petroleum and Gas Revenue Tax Act, R.S., 1985, c. P-12
Petroleum Incentives Program Act, R.S., 1985, c. P-13

Plant Breeders' Rights Act, 1990, c. 20
Postal Services Interruption Relief Act, R.S., 1985, c. P-16
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

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

Listing of Statutory and Departmental Reports

- Annual Report of the Chief Justice of the Federal Court
- Reports of the Court Martial Appeal Court