



Supreme Court of Canada

Performance Report

**For the
period ending
March 31, 2006**

The Honourable V. Toews
Minister of Justice and
Attorney General of Canada

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I: Departmental Overview

A. Message from the Registrar

Although the mission of the Office of the Registrar of the Supreme Court of Canada remains constant from year to year, since it serves an institution whose role is clear and is deeply rooted in the Canadian reality, the Performance Report for 2005-06 shows, if that were necessary, that there is no shortage of challenges and that all the measures adopted to meet them have been successful. These results would not be possible without the diligent work of our employees, their unfailing attachment to the institution and their desire to serve their fellow citizens to the best of their abilities.

Whenever, as during the period covered by this report, one judge leaves and his or her replacement is appointed, the Office of the Registrar must adapt to the situation, which it has done. At the same time, as can be seen from our statistics, we have stayed the course on the speed of processing cases, which the judges have found satisfactory, as have lawyers and litigants. We have kept in touch with new developments in the judicial community, both in Canada and abroad. The Office of the Registrar has continued to offer media lock-ups for appeals of particular interest to the general public. The volume of requests for information made in person, in writing or electronically, and the growing number of visitors to the Court are clear signs of the Court's importance to Canadian democracy. The Office of the Registrar has responded by refining several facets of its service delivery. For example, we have created a media portal and an educational portal on our Internet site, and have improved information security by adopting procedures designed to protect sensitive files.

Technology and information management remain a major challenge on which we are continuing to work within the limits of our resources. For example, the types of documents that can be consulted electronically by judges and employees have been extended to include parties' factums. Our report covers a number of our initiatives, and our effort to move forward with courtroom modernization is of course part of this general trend. We have made progress in the area of risk management, which will be incorporated into the Office of the Registrar's business planning cycle. Finally, the quality of preparations by the Human Resources Branch has made it possible to implement the *Public Service Modernization Act* without difficulty.

For the Office of the Registrar, this fiscal year ended on a positive note illustrated by the success of administrative improvements adopted to support the Court in carrying out its mandate. This optimism is being felt throughout the organization and has become a powerful motivating force for the coming year, in which there will be no shortage of challenges. The Court's staff, who are always proud to serve a national institution with a reputation for excellence that extends beyond our borders, are eager to take up those challenges.

B. Management Representation Statement

Management Representation Statement

I submit for tabling in Parliament, the 2005-2006 Departmental Performance Report (DPR) for the Supreme Court of Canada.

This document has been prepared based on the reporting principles contained in the *Guide for the Preparation of 2005-2006 Estimates: Reports on Plans and Priorities and Departmental Performance Reports*:

- It adheres to the specific reporting requirements outlined in the TBS guidance;
- It is based on the Supreme Court of Canada's approved Program Activity Architecture structure as reflected in its MRRS;
- It presents consistent, comprehensive, balanced and reliable information;
- It provides a basis of accountability for the results achieved with the resources and authorities entrusted to it; and
- It reports finances based on approved numbers from the Estimates and the Public Accounts of Canada.

Name: _____
Anne Roland

Title: Registrar

Date: _____

C. Summary Information

Reason for Existence



Mission and Mandate

As the final court of appeal, the Supreme Court of Canada (the Court) serves Canadians by leading the development of common and civil law through its decisions on questions of public importance.

The Court is committed to:

- The rule of law.
- Independence and impartiality.
- Accessibility to justice.

The Supreme Court of Canada is Canada's highest court and one of its most important national institutions. It hears appeals from courts of appeal of the provinces and territories as well as from the Federal Court of Appeal. In addition, the Court is required to give its opinion on any question referred to it by the Governor-in-Council.

The Office of the Registrar of the Supreme Court of Canada (the Office of the Registrar) supports the Court by:

- Providing responsive legal and administrative services.
- Nurturing the dedication, pride and professionalism of its employees.
- Respecting diversity and linguistic duality.
- Collaborating with other courts and legal institutions.

The principal responsibilities of the Office of the Registrar are to provide a full range of administrative and support services to the Judges and to manage the cases coming to the Court. The management of cases includes receiving filings, maintaining records, scheduling hearings and ensuring the publication of decisions.

This Departmental Performance Report focuses primarily on the priorities, actions and results of the Office of the Registrar of the Supreme Court of Canada.

Financial Resources (\$ million)

Planned Spending	Total Authorities	Actual Spending
27.2	29.0	27.5

Human Resources (Full Time Equivalents)

Planned	Actual	Difference
190	191	1

Departmental Priorities**Status on Performance**

Strategic Outcome: To provide the best possible decision-making environment for the Supreme Court of Canada.				
Alignment to Government of Canada Outcomes: The Supreme Court of Canada/ the Office of the Registrar of the Supreme Court of Canada is a federal organization that supports all Government of Canada Outcomes.				
			2005/06	
Priority and Type	Program Activity - Expected Result	Performance Status	Planned Spending (\$ million)	Actual Spending (\$ million)
1. Process cases without delay (ongoing)	Process hearings and decisions- <ul style="list-style-type: none">▸ Independence of the Court▸ Process hearings and decisions promptly	Successfully met	22.7	24.3

2. Provide information (ongoing)	Process hearing and decisions - <ul style="list-style-type: none"> ▸ Improved access to Court services ▸ Improved access to information 	Successfully met	3.2	3.0
3. Manage risk (previously committed to in 2004/05)	Process hearings and decisions - <ul style="list-style-type: none"> ▸ Sound management 	Not met	0.1	0.1
4. Build capacity (previously committed to in 2004/05)	Process hearings and decisions - <ul style="list-style-type: none"> ▸ Productive workforce 	Successfully met	1.2	0.1

Summary Departmental Performance

Operating Environment and Context

The environment within which the Office of the Registrar must carry out its activities is continually evolving. The legal environment is becoming increasingly complicated and technological advancements place ongoing pressure on the Court to update its facilities and services. In addition, the Office of the Registrar is faced with greater public demand for information and services, and new cases requiring enhanced security and confidentiality. The pressure on the Court to “get it right” is unrelenting and daunting, which in turn places significant demands on the staff of the Office of the Registrar, who are required to undertake in-depth research and analysis, respond to requests for information from the public and media, and provide assistance to the litigants and lawyers.

Changes and trends in court administration include:

- **New appointment process for Judges to the Supreme Court.** The process by which Judges are appointed to the Supreme Court is changing. Mr. Justice Marshall Rothstein was appointed to replace Mr. Justice John Major, and was the first nominee to the Court to face questions from an ad hoc committee of the House of Commons prior to his appointment. Additional changes may be made to the appointment process. These changes may cause delays in appointing new Judges, which can impact the ability of the Court to meet its mandate.
- **Changes emerging from the legal community.** New trends and practices in the legal community require the Court to become more adaptable. For example, a report

outlining the model policy regarding access to court records released by the Canadian Judicial Council has implications for the Supreme Court in terms of access to court records. Further, changes to the *Access to Information Act* and privacy legislation could have implications in terms of protecting information related to personal privacy, on-line access to court information and access to employee information. The Office of the Registrar must take a proactive role in preparing for these developments. The Canadian Judicial Council is also examining models for Canadian court administration that could have long term impacts on court administration in Canada.

- **Continued focus on electronic exchange of information.** There is an increasing and continuing expectation from stakeholders for electronic access to the Court and transmission of information (e.g., in the courtroom). Courts are adopting different e-filing practices depending on the nature of their caseload and the number of electronic cases from the lower courts is increasing. These highlight the need for greater interoperability with court users and between courts, and has important implications regarding access to court files. In addition there is a need to develop the interoperability of the Office of the Registrar's Case Management System and its proposed Electronic Document and Records Management System, and determine how judicial information is created, accessed and preserved throughout its life cycle.
- **Increased sharing of information on processes and practices between courts.** Increasingly, courts at the national and international level are sharing their experiences on such matters as the independence of the judiciary, jurisdiction of the courts and best practices. The Office of the Registrar is also working in close collaboration with other legal communities in Canada on e-filing and information and data management. These exchanges of information have become more structured, through such mechanisms as the Association of Canadian Court Administrators (ACCA), and the creation of other venues such as the proposed Canadian Court Centre of Technology (CCCT).
- **Ensuring sufficient security.** Security continues to be a significant concern and the focus of considerable effort. The update to the Office of the Registrar's business continuity framework and program was initiated in 2005-2006 with completion targeted for 2006-2007. The renovation of the East Entrance of the Supreme Court building will enhance physical security.
- **Increasing number of cases involving secrecy, privacy and security concerns.** Sealing of documents is becoming more frequent. Practices and policies on how to deal with sealed documents vary between provinces and courts, and the Office of the Registrar has done an analysis of how to deal with these differences. This has many implications, including the ability to identify and manage sensitive court files. The Office of the Registrar implemented specific procedures to handle high security cases, is implementing the recommendations of a security audit and participated in the Parliamentary Precinct security perimeter initiative. Also required are a more integrated approach by the Office of the Registrar, greater adaptability, increased tightening up of processes, additional safeguards in the case management system, and greater staff awareness.

Increasingly, the delivery of Court services and information will need to be tailored to specific communities of stakeholders. More specifically:

- **Stakeholders expect to be able to obtain services and information through various methods such as multi-channel service delivery.** Stakeholders expect to be able to interface with the Court in different ways: electronically, via the internet, by phone, or over the counter.
- **Stakeholders expect an instant response.** With advances in technology, stakeholders have higher expectations in terms of obtaining quick, specific and simple answers to their requests. Stakeholders expect to find case information, details of practices and proceedings or new policies easily (e.g., through desktop delivery of integrated legal information).
- **Stakeholders want greater access to the Court and its information.** In this regard, the media is demanding more information through lock-ups and the web. The public wants to attend Courtroom hearings and this is putting increased pressure on the SCC heritage Courtroom. The Court will need to decide on how much additional access to Court information and services it can afford to provide to the media and the public.

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. Its jurisdiction is derived from the *Supreme Court Act* and other Acts of Parliament such as the *Criminal Code*.

During 2005, the Court considered nearly 600 applications for leave to appeal, heard 93 appeals, and rendered judgments in 89 appeals. The following table shows statistics on the Court's caseload for the past ten years.

Caseload 1995 to 2005

	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Cases Filed											
Complete applications for leave to appeal	500	561	637	604	585	642	621	523	550	568	544
Notices of appeal as of right	57	43	34	30	15	17	21	13	12	12	16
Applications for Leave											
Submitted to the Court	445	573	615	572	458	640	668	498	609	559	575
Granted (pending)	67	67	68	70	60	84	79	53	75	83(1)	61(78)
Percentage granted	15	12	11	12	13	13	12	11	12	15*	11*
Appeals Heard											
Total number	107	118	104	106	75	78	96	72	82	83	93
As of right	37	49	37	30	19	14	17	16	16	13	13
By leave	70	69	67	76	56	64	79	56	66	70	80
Hearing days	71	82	76	71	55	57	62	51	56	61	62
Appeal Judgments											
Total number	103	124	107	92	73	72	91	88	81	78	89

* This percentage will change once all pending leave applications are decided.

Benefits to Canadians

The Office of the Registrar of the Supreme Court of Canada benefits Canadians by providing the services that the Court requires to hear cases and render its decisions, by providing information and giving access to the Court and its services, by processing hearings and decisions promptly, and by assuming a leadership role within the legal community.

By providing information and facilitating access to information on the Court, the Office of the Registrar ensures that:

- Litigants and the legal community are well-served;
- The general public is well-informed of the workings and decisions of the Court;
- The media can report on Court decisions and their effects in a fair and impartial manner; and
- The work of the Court becomes better understood both nationally and internationally.

The responsive and efficient service provided by the Office of the Registrar to litigants and the legal community means smoother legal proceedings, better use of public funds, and less stress on litigants and employees.

As the highest court in Canada, the Supreme Court of Canada sets precedents for other courts and tribunals. The Office of the Registrar plays a leadership role in court management. The Office of the Registrar benefits the federal, provincial and international judicial communities through the exchange of information and best practices on various topics such as case management, e-filing, and reporting of decisions.

Overall Results of the Office of the Registrar

The Office of the Registrar was generally successful in meeting expectations identified in its 2005-2006 Report on Plans and Priorities. Section II of this report provides more detailed information on results; however, the highlights are included here, as follows:

1. **Process cases without delay.** Feedback from stakeholders (e.g., the Judges, legal community, litigants) has been positive overall. The efforts of the Office of the Registrar to eliminate the backlog of leave applications have been successful, as reflected in the elapsed times for processing cases, which have decreased significantly, and the lower number of pending applications for leave.
2. **Provide information.** This priority is focussed on the provision of information to stakeholders outside of the Office of the Registrar (such as the public, the media and the legal community). Considerable progress has been made in this area. Key successes include more comprehensive education programs, the provision of media lock-ups prior to significant decisions, enhanced web communications including a media portal, adherence to new service standard for response times, strengthened protocol activities and international relations. In addition, information requirements of internal users have been addressed through ongoing enhancements to the Case Management System and preliminary work on an electronic document and records management solution.

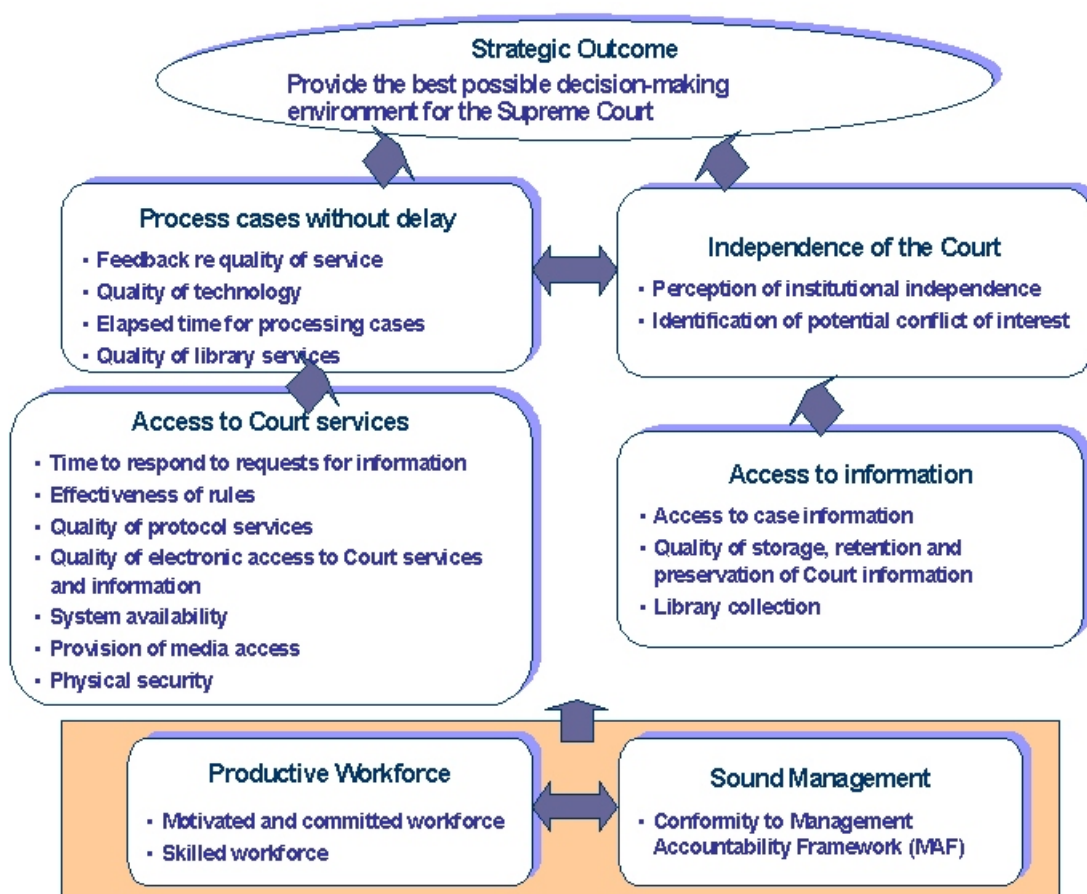
3. **Manage risks.** The Office of the Registrar has made progress towards this priority by implementing an integrated approach for identifying, assessing and managing all risks facing the Court and the Office of the Registrar. Key actions include the development and implementation of policies and processes for dealing with sensitive information contained in court case files, the development of a business continuity framework and plan, and an action plan to address priority requirements in the courtroom to guard against equipment failures. Security continues to be a key concern in terms of risk management, and the Office of the Registrar continually reviews and revises the security regime, and has implemented the majority of the recommendations from the 2005 security audit.
4. **Build capacity.** This priority includes a number of elements, but is currently focussed on the need for a strong and productive workforce. The Office of the Registrar successfully implemented all required components of the new *Public Service Modernization Act* (PSMA). This included the establishment of an Informal Conflict Management System (ICMS), establishment of a Human Resource planning framework, and development of new appointment-related policies and processes under the new *Public Service Employment Act* (PSEA). A Labour-Management Consultation Committee (LMCC) has been in place for several years. Employees and managers were consulted and kept informed during the development and implementation phases of the PSMA. Employees continue to demonstrate a strong commitment to the organization and past public service employee surveys show a high level of employee satisfaction.

II: Performance by Strategic Outcome and Results

The Office of the Registrar of the Supreme Court has a single strategic outcome - *to provide the best possible decision-making environment for the Supreme Court of Canada*. The planned results in support of this are:

- To process hearings and decisions promptly;
- To ensure the independence of the Court as an institution within the framework of sound public administration;
- To improve access to the Court and its services; and
- To provide the information base that the Court needs to fulfill its mandate.

The performance management framework of the Office of the Registrar also includes performance indicators related to a Productive Workforce and Sound Management. The following diagram illustrates the Office of the Registrar's performance measurement framework.



- The Office of the Registrar has a single program activity - *to process hearings and decisions*. The Office of the Registrar exists to provide the services the Court must have to render its decisions as the Court of last resort. The principal responsibilities of the Office of the Registrar are to provide a full range of administrative and support services to the Judges and to manage cases coming to the Court.

A. Expected Result: Process cases without delay

Since the fundamental and on-going priority of the Supreme Court is to hear cases and render decisions, it follows that the ultimate and fundamental priority of the Office of the Registrar is to process cases without delay. Key performance indicators are feedback regarding quality of service, elapsed time for processing cases, the quality of technology in place, and the quality of library services.

Feedback regarding quality of service

Stakeholder satisfaction is monitored on a qualitative basis through feedback from the Judges and the legal profession. Feedback has generally been positive. Overall key messages are to hold steady, or ideally reduce, the time it takes to process cases and render decisions.

- **Feedback from the Judges.** The Registrar regularly confers with the Judges to assess their level of satisfaction regarding the quality and timeliness of professional and administration services provided to them by Court staff. Feedback has generally been very positive. The Judges are anxious for the Courtroom Audio Visual / Information Management / Technology project to be completed but realize that funding for the project is difficult to secure.
- **Feedback from legal community.** The Registrar regularly meets with external legal agents to obtain feedback on service delivery. For example, feedback is obtained through the Canadian Bar Association/Supreme Court of Canada (CBA/SCC) Liaison Committee, as well as committees such as the Court Ottawa Agents Practice and Procedures Committee (COAPP) and other informal communications with the legal community. The overall level of satisfaction is high. Key ongoing requirements from counsel are the need for responsive and efficient service, and the demand for electronic access to information services.
- **Feedback from litigants and legal counsel.** Feedback is obtained on an individual basis through individual correspondence from litigants and legal counsel. Feedback has been positive. No overall pattern exists in terms of issues or concerns. In fact, the only pattern seems to be one of praise and gratitude for the individual care and attention that is given to every litigant in the case management of files.

The Office of the Registrar refined a number of business processes during 2005-2006, for example:

- The internal processes by which leave applications are submitted to panels of Judges for decisions were revamped to respond to needs expressed by the Judges. As part of the process redesign, bilingual summaries are prepared for each leave application and posted on the Court's website, providing enhanced service for Canadians and the media.
- The automated judgement planning module of the Court's Case Management System was enhanced and made available to Judges.
- An automated module was added to the Court's Case Management System for tracking potential conflicts of interest.
- Procedures for lock-ups, chambers processes, and processes for dealing with sensitive information contained in court case files were developed and approved.
- Implementation of library self-circulation kiosks and automation of interlibrary loan services to external libraries were integrated with the new library management system (LMS).
- Policy and procedures for security were updated and development of a business continuity framework and plan was initiated.

Elapsed time for processing cases

The Office of the Registrar maintains monthly statistics on the Court's caseload and backlog, and produces an Annual Statistical Report. Detailed information on the case load is also available on the Court's Internet site (<http://www.scc-csc.gc.ca>). The number of leave applications that are waiting and ready to be submitted has been maintained at a stable level of under 70 cases. Over 90% of leave applications are processed within six months of filing.

Average time lapses for processing cases in 2005 were consistent with previous years. Notably, the time lapse between the date the Court heard a case and rendered its decision was, on average, five months. Although this is an increase relative to 2004, it is only slightly higher than the average time lapse over the past ten years.

Average Time Lapses (in months)	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Between filing of application for leave and decision on application for leave	3.8	4.4	3.5	3.9	5.2	5.4	4.3	5.7	3.9	3.7	3.7
Between date leave granted (or date notice of appeal as of right filed) and hearing	9.9	11.8	10.9	12.0	11.1	12.5	11.4	12.2	10.5	9.4	9.1
Between hearing and judgment	3.8	3.0	2.8	2.8	5.4	5.8	5.6	5.6	5.1	4	5.2

Quality of technology

Information technology continued to be a major focus during 2005-2006. Existing technology groupings include standard office/desktop tools, courtroom technology (e.g., Audio Visual equipment), in-house applications such as the Case Management System, off-the-shelf commercial applications (e.g., Human Resource Information System (HRIS), Free Balance, Library Management System), security, web applications and support hardware and infrastructure. Current technologies meet user requirements, and users overall are satisfied.

Quality of library services

In addition to serving the Supreme Court, the Library provides services to lawyers appearing before the Court, to the Federal Courts (Federal Court of Appeal, Federal Court, Tax Court of Canada), to members of the Bar and, by special permission, to others in the legal field. Through a variety of resource sharing agreements with Law Society and Courthouse Libraries and through inter-library loan networks, the Canadian public is able to benefit from the historical and current legal collections in common and civil law. In 2005-2006, the renewal of the Library Management System was made a priority in order to ensure that the Court's library users have the required functionality to fully access the extensive hybrid, print and electronic collections effectively. The Library migrated its extensive catalogue to a new outsourced host and has integrated automated circulation and interlibrary loan software to improve the efficiency of the system and the turnaround time to the requestor. A brochure highlighting library services was published and a campaign to increase external use of the library collection by the local bar was implemented.

B. Expected Result: Independence of the Court

At the apex of the judiciary, the Court decides cases of public importance that affect Canadian citizens and governments. In this context, the Office of the Registrar must ensure that the institutional independence of the Court is clearly safeguarded within the framework of sound public administration.

Perception of institutional independence

Appropriate arms-length relationships must be maintained with Parliament, the Department of Justice and the Central Agencies. The Registrar regularly confers with the Judges to assess their level of comfort that the Supreme Court is maintaining its institutional independence. The Office of the Registrar also receives informal feedback from ongoing relationships with international, federal and provincial jurisdictions, and takes action where appropriate.

The Court indirectly supports its institutional independence by its active participation in the international community of judges and jurists, and by acting as a focal point for foreign visitors interested in the administration of justice in Canada. The Court's jurisprudence is regularly considered by courts in other countries. The Court receives and organizes visits for many delegations from the four horizons, for sharing of information on modern court management

processes (58 official visits were held in 2005). Office of the Registrar staff and the Judges have also been participating actively in international associations by providing a selection of decisions from the Court's database for distribution to their members and attending their meetings to discuss issues of common interest.

Identification of potential conflict of interest

The Office of the Registrar has put in place controls to identify and track potential conflicts of interest on the part of the Judges, the Registrar and the Deputy Registrar. The *Rules of the Supreme Court of Canada* are being amended to require litigants to advise the Court of any perceived potential conflict of interest when filing documents. An automated tracking system ensures that Judges are not placed in a situation of perceived conflict of interest.

C. Expected Result: Access to Court services

The Office of the Registrar must ensure that the Court is accessible and that it provides services and information to litigants and counsel in a timely manner.

Time to respond to requests for information

In large part requests for information were answered within established service standards. Feedback from stakeholders has been positive. There were few complaints. Improvements have also been made to the web site to facilitate access to information on a self-serve basis. Enhancements made during 2005-2006 include a media web portal, an educational web portal and video, information management business rules for Judges' papers and a reworked University of Montreal web site for Court decisions (Lexum).

General enquiries and requests for information by the public are increasing, resulting from a better-informed and demanding public and from the captivating issues debated in Court cases. The number of phone calls, e-mails and letters from the general public is on the rise. In 2005, the Court Records staff responded to 4,305 requests from internal and external clients for information on Court related files and documents, and 5,562 files or parts thereof were retrieved for these clients. Through improved statistical reports, Court Records is now able to monitor service standards. Since November 2005, 97% of requests were dealt with within the established service standard of 48 hours. Further, Registry staff must maintain current and complete information regarding the progress of all cases before the Court, parties and counsel involved, hearing timetables and all decisions on motions, applications for leave to appeal and appeals on the Court's public Internet site, as well as announcing major events in a case and upcoming schedules in news releases. As well Court staff publishes in house and on the internet the Bulletin of Proceedings and the official Supreme Court Reports. In addition, in keeping with the trend in most courts across the country, there are an increasing number of self represented litigants coming to the Court. These litigants need more assistance than those who have counsel, putting extra demands on staff. In 2005, 341 letters were sent to self represented litigants, an increase of 10.7 % over 2004 and 26.8 % over 2003.

Effectiveness of rules

Ongoing revisions are made to the *Rules of Practice of the Supreme Court of Canada*. These are drafted after consultation with outside lawyers on the Court Ottawa Agents Practice and Procedures Committee (COAPP) and the Canadian Bar Association/Supreme Court of Canada (CBA/SCC) Liaison Committee. A major overhaul of the rules was done in 2002. Since then, suggestions for minor adjustments have been collected and revisions proposed; these are expected to come into force in October 2006. Overall, Court rules are effective and up to date. Feedback from the COAPP and CBA/SCC Liaison Committee is generally positive.

Quality of protocol services

Protocol services include organizing special events of the Court (including receptions, dinners, conferences, lectures, and unveilings), receiving dignitaries and visitors officially invited by the Court (national and international), and providing assistance to Judges when travelling internationally on behalf of the Court. Overall, the feedback regarding the protocol services has been positive. Events are perceived to be successful. No major concerns have been identified, and service improvements are made on an ongoing basis.

Quality of electronic access to Court Services and Information

The Supreme Court web site continued to be the object of enhancements that aimed at improving the timely availability of information about cases and hearings. Bilingual summaries are prepared for each leave application and posted on the Court's website, which is updated on a daily basis, and therefore has current case information. The Office of the Registrar continues to be fully committed to implementing an e-filing application, although roadblocks encountered during past efforts have changed the focus to a phased approach in conjunction with the Courtroom Audio Visual / Information Management / Technology project. As well, as a result of lessons learned from previous e-filing pilots and with the intention of building an internal capacity to process electronic files, the Office of the Registrar performed a feasibility analysis targeting the implementation of an Electronic Document and Records Management System. This initiative will continue in 2006-2007 and will be closely linked to the Courtroom Audio Visual / Information Management / Technology project. With the intention of following an incremental approach to the introduction of electronic documents as part of the filing process, the Office of the Registrar has developed and implemented an E-Factum application, allowing counsel to file electronic documents using CD-ROMS. The Office of the Registrar is exploring the expansion of the E-Factum application to other case-related documents. This will be of great value for the Court when electronic access to documents is available in the courtroom. The Office of the Registrar continues to keep abreast of the different and varied approaches to e-filing taken in other courts and how the legal community is responding.

Systems Availability

A key concern of the Office of the Registrar is to ensure that system availability meets industry standards. An independent study, performed in June 2005, confirmed that the Office of the

Registrar Information Technology (IT) architecture and systems robustness and performance was well within industry standards, but concerns were raised regarding the availability of remote access services (provided by secure channel) for Judges and staff. As a result, and although the issue was resolved after a few months, a redundant Virtual Private Network was implemented by Office of the Registrar to avoid such concerns in the future.

Of equal concern is the dependability of audio-visual systems in the courtroom. Short term fixes were implemented in 2005-2006 pending the longer term improvements that will result with the realization of the Courtroom Audio Visual / Information Management / Technology project.

Provision of media access

The Office of the Registrar has been very conscious of the need to maintain the quality of media access to information, broadcasting and lock-ups. Following consultation with the Canadian Parliamentary Press Gallery (CPPG) and the Canadian Bar Association (CBA), the Court entered into a memorandum of understanding with the CPPG by which members of the CPPG would receive, in complex cases, the Court's judgment and reasons for judgment during a closed door information session (lock-up) prior to public release of the decision. In a parallel lock-up, counsel of record also receive the judgment and reasons for judgment. The purpose is to allow members of the media, who wish to report on a decision, sufficient time to read the decision and reasons for judgment before they become public. Feedback on the four lock-ups held during 2005-2006 was very positive.

Security

Activities undertaken to maintain and improve security levels included:

- **Implementation of recommendations resulting from 2004-2005 Security Audit.** Security policies and procedures for the Office of the Registrar were developed or enhanced as appropriate. The update to the Office of the Registrar's business continuity framework and plan was initiated in 2005-2006 with completion targeted for 2006-2007.
- **Handling of sensitive court files.** During 2005-2006, the Office of the Registrar implemented measures and mechanisms to mitigate risks in the case of files that contain sensitive information, in particular, cases with sealed documents. This included the development of policies and procedures for handling sensitive files, the application of the Case Management System for these files, putting in place the necessary physical and electronic controls and the management controls to ensure procedures are being followed, and identifying the responsible parties.
- **Security awareness.** One-on-one security briefings were conducted with each Judge and a comprehensive security information manual for Judges was developed.

D. Expected Result: Access to information

The Office of the Registrar undertook a number of initiatives to develop and implement a strategy for managing and accessing information, including the Intranet/Internet, systems and repositories for communicating information, storage and handling of archival information, and preservation of electronic information (e.g., VHS, DVD, microfiche). Implementation also includes the information infrastructure (e.g., governance, documentation, and training). These improvements will reduce duplication of information, improve access to information, ensure better presentation of information and support knowledge sharing and transfer.

Access to case information

The Office of the Registrar must ensure ease of public access to information such as Court decisions, as well as ease of access by Judges and employees to historical case information and other legal documents. Case information is available in electronic format, although there are still limits to accessing documents on file. Enhancements to the Court's Case Management System are ongoing as users rely heavily on this application. Online reports are being created to satisfy the growing demand from counsel for information.

Quality of storage, retention and preservation of Court information

The Office of the Registrar has a well established records management function for legal files. An audit of the information management function was undertaken in 2004-2005, addressing both legal and administrative records. The audit made a number of recommendations to be implemented over a four year period intended to make improvements in governance structures, control mechanisms, policies and practices, risk management and information for decision-making. Implementation of many of the recommendations has commenced.

Within the context of the Office of the Registrar's Electronic Document and Records Management feasibility study conducted in 2005-2006, a classification and metadata analysis was performed. The report proposed different approaches to organize case related documents in a consistent manner (classification schema and metadata profile). The actual development of schemas and standards (which will also include administrative records) is part of the Office of the Registrar's business plan for 2006-2007.

Library collection

With approximately 300,000 volumes, the Library of the Supreme Court provides the research base for the Court. The Library's extensive collection comprises statutes, law reports, periodicals and treatises from major common and civil law jurisdictions, including Canada, the United Kingdom, the United States, Australia, New Zealand, France and Belgium. Its print and microform holdings are supplemented by access to a vast range of electronic legal resources and databases. It is also enriched by a valuable collection of rare books printed in the 16th, 17th and 18th centuries pertaining to the common law of England and the civil law of France.

In 2005-06 the Library completed a major initiative to upgrade its library management system. This included providing web browser access to the library catalogue and the integration of access to electronic resources at the desktop for the Court, and the Office of the Registrar.

E. Expected Result: Productive workforce

The key indicators are a motivated, committed and skilled workforce.

Motivated and committed workforce

Employees have expressed high levels of satisfaction in previous public service employee surveys. There is a strong employee commitment to the organization. However, there is always a need to continue to improve internal communications.

The Office of the Registrar successfully implemented all required components of the *Public Service Modernization Act* (PSMA) during 2005-06. The Office of the Registrar not only met, but in many cases exceeded, all essential requirements of the Public Service Employment Act (PSEA). Communication was a key component of all PSMA-related activities. Managers and employees were kept informed of progress through regular e-mail communiqués and information sessions. All new policies were posted on the SCC Intranet. The Office of the Registrar also began work on its two-phased approach to integrated human resources planning, with the development of an HR planning framework, including a guide and template which were used by all sectors in developing their 2005-06 HR plans.

Skilled workforce

The Office of the Registrar continues to be concerned about emerging competency gaps, particularly for the more specialized positions. There is limited back-up for staff. Consequently, learning continued to be an important focus of the Office of the Registrar during 2005-2006. Access to electronic books on management was provided to Court staff to assist in building new competencies.

F. Expected Result: Sound management

The Office of the Registrar has continued to improve its management practices, and carries out a yearly assessment of its practices against the government-wide Management Accountability Framework.

Conformity to the Management Accountability Framework (MAF)

The Office of the Registrar completed a management capacity assessment in 2002, and an action plan for improved management practices in 2003. The management initiatives have been integrated into the organization's business plans. Key areas where steps have been taken during 2005-06 to improve management practices include:

•**Risk management.** The Office of the Registrar updates its corporate risk profile on a yearly basis as part of its strategic planning. During fiscal year 2005-2006, the Office of the Registrar identified nine overall risks, rated the impact and likelihood of each risk, whether the risk was increasing or decreasing, the mitigation measures in place (and gaps), and established the overall priority of each risk. The risk profile was then used to ensure that priorities and projects for the upcoming fiscal year were addressing the key risks. In the way ahead, the Office of the Registrar wants to be more specific about actions that will be put in place to address high priority risks (through more detailed mitigation plans), provide managers training in risk management, and finalize the development of its business resumption and business continuity plans.

•**Performance measurement.** The Office of the Registrar monitors its performance based on its performance measurement framework which is made up of some 19 indicators. Performance is monitored against a five level performance scale relative to “target” performance. During 2005-2006, the Office of the Registrar made some adjustments to the performance indicators, reviewed its performance against each indicator and progress made since the previous year, and did an overall evaluation of its strengths and weaknesses. This performance assessment was then used as a key input into the establishment of its strategic priorities for the upcoming year. At the moment, performance information is drawn from a number of sources, a key data source being the Case Management System. In the way ahead, the Office of the Registrar hopes to assess the need for more detailed scorecards for each performance indicator.

The Office of the Registrar also conducted an assessment of its performance against the Management Accountability Framework. This was done for the 29 MAF indicators that were deemed to be most relevant to the organization. Based on these indicators, the Office of the Registrar determined an overall performance index (75 out of 100). The Office of the Registrar plans to update this assessment on a yearly basis, and to monitor its progress using this index.

•**Internal audit.** Results of audits have been very useful in improving services and tightening controls, and internal audit is seen as a strong management tool. An effective follow-up process is in place for audits. The results of audits are presented to the Executive Committee and subsequently to Management Committee.

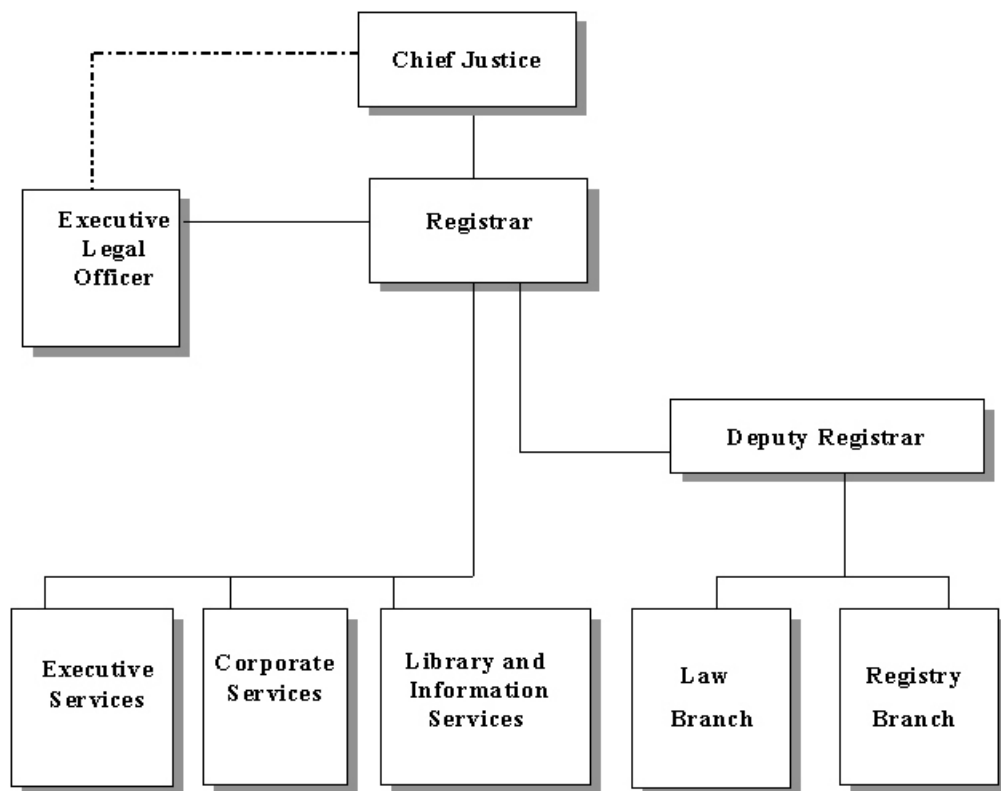
Key areas where additional effort is required include the following:

- **Effective planning structure.** The Office of the Registrar has an established business planning process, however the process has not yet fully integrated asset and human resources elements. The Office of the Registrar has initiated a more comprehensive human resources planning process, and will work towards a more integrated business planning process. In addition, there is a need to more rigorously report progress against plans.
- **Materiel Management.** The Office of the Registrar does not have a formalized process/system for asset/materiel management. The introduction of an integrated planning process (above) will be the catalyst for improvement in this area.
- **Accountabilities.** While the internal audit of financial management was very positive, the audit recommended the implementation of statistical sampling for account verification to ensure compliance with financial authorities and delegations.

III: Supplementary Information

A. Organization of the Office of the Registrar

The organization of the Office of the Registrar is shown in the chart below.



Registrar

The Registrar, a Governor-in-Council appointee, answers directly to the Chief Justice and exercises quasi-judicial powers. She oversees all staff working for the Court. Her office provides management and support to the chambers of the nine Justices, the office of the Executive Legal Officer and the law clerk program. The Registrar also supports the Court activities linked to relations with the international community of judges and jurists and other courts in Canada.

Deputy Registrar

The Deputy Registrar, a Governor in Council appointee, oversees the work of the Court Operations Sector, which includes the Registry Branch, the Law Branch, and Public Information Services and the Tour Program.

Registry

The Registry is the hub of all procedural and documentary activities at the Court. The Registry processes, records and directs the flow of all documents filed by the parties and records all events which take place during the life of a case. It "case manages" every leave application, appeal and motion to ensure that cases are dealt with efficiently, so that no time is wasted by Judges on procedural matters or incomplete filings. The Registry assists parties by providing information on the Court's processes and activities, schedules the Court's sittings, ensures support in the Courtroom during hearings and finalizes the documentation for cases after judgments have been rendered.

Law Branch

The Law Branch provides legal services to the Judges and the administration of the Court, and manages the publication of the judgments of the Court and the Registrar's legal correspondence. Staff lawyers provide legal opinions on all leave applications filed and legal editing of all reasons for decisions. The Branch also prepares and publishes the Bulletin of Proceedings and press releases outlining the Court's agenda and listing judgments to be rendered or rendered. Legal and general translation and terminology services are provided by the jurilinguists of the Law Branch supported by external translation services.

Public Information Services and Tour Program

Outreach and education is done through a number of channels, including guided tours of the Court building, school kits, and of increasing importance, a broad range of web communications and responses to requests for information through the Court's public internet site.

Library and Information Services

Library and Information Services is comprised of the Library, Information Management and Technology Branch, and Special Projects. It is designed primarily to serve the Court, the Office of the Registrar, and its business units, and through them litigants, the media and the public. These responsibilities extend to the corporate level where this centre of expertise is charged with ensuring that the management of the Office of the Registrar information meets the needs of the users, and legal and central agency requirements.

Corporate Services

The administrative and operational support to the Judges and Office of the Registrar staff is provided by the Corporate Services, which is responsible for accommodation, finance, procurement, human resources, administration, security, and strategic planning.

B. Financial Tables

This section provides an overview of the financial performance using a set of various financial tables, the format and table numbers being standard throughout the federal government. All figures reported under “Total Planned Spending”, “Total Authorities” and “Total Actual Spending” columns of the Financial Tables correspond to amounts published in the 2005-2006 Main Estimates and in the 2004-2005 Public Accounts.

In 2005-2006, only the following financial tables were applicable to the Office of the Registrar:

- Table 1—Comparison of Planned Spending and Full Time Equivalents
- Table 2—Resources by Program Activity
- Table 3—Voted and Statutory Items
- Table 4 - Services Received Without Charge
- Table 6 - Sources of Respendable and Non-respendable Revenue
- Table 8 - Resource Requirements by Sector
- Table 9A - User Fees
- Table 11 - Details on Project Spending
- Table 17 - Financial Statements
- Table 18 - Audits and Evaluations for Fiscal Year 2005-2006
- Table 21 - Service Improvement
- Table 22 - Travel Policies

Table 1: Comparison of Planned to Actual Spending (including Full Time Equivalents)

(\$ millions)			2005-2006			
	2003-04 Actual	2004-05 Actual	Main Estimates	Planned Spending	Total Authorities	Actual
Office of the Registrar	27.5	26.7	27.2	27.2	29.0	27.5
Total	27.5	26.7	27.2	27.2	29.0	27.5
Less: Non-Respendable revenue	0.3	0.2	-	0.2	-	0.3
Plus: Cost of services received without charge	4.9	5.2	-	5.3	-	5.5
Net cost of Department	32.1	31.7	-	32.3	29.0	32.7

	2003-04 Actual	2004-05 Actual	2005-06	
			Planned	Actual
Full time equivalents	173	179	190	191

Table 2: Resources by Program Activity

2005-2006								
(\$ millions)	Budgetary						Plus: Non-Budgetary	Total
	Operating	Capital	Grants and Contributions	Total: Gross Budgetary Expenditures	Less: Respendable Revenue	Total: Net Budgetary Expenditures	Loans, Investments and Advances	
Process hearings & decisions								
Main Estimates	27.2	-	-	27.2	-	27.2	-	27.2
<i>Planned Spending</i>	27.2	-	-	27.2	-	27.2	-	27.2
Total Authorities	29.0	-	-	29.0	-	29.0	-	29.0
<i>Actual Spending</i>	27.5	-	-	27.5	-	27.5	-	27.5

Table 3: Voted and Statutory Items

(\$millions)		2005-2006			
Vote or Statutory Item		Main Estimates	Planned Spending	Total Authorities	Actual
	Supreme Court of Canada				
50	Operating expenditures	20.1	20.1	22.0	20.5
(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	4.7	4.7	4.7	4.7
(S)	Contributions to employee benefit plans	2.4	2.4	2.3	2.3
	Total	27.2	27.2	29.0	27.5

Note: Total Authorities refers to total spending authorities received during the fiscal year, as well as funding received from 2005-06 Governor General Special Warrants, TB Vote 5 and TB Vote 10.

Table 4: Services Received Without Charge

(\$ millions)	2005-2006
Accommodation provided by Public Works and Government Services Canada	4.2
Contributions covering employer's share of employees' insurance premiums and expenditures paid by Treasury Board of Canada Secretariat Employer's contribution to employees' insured benefits plans and associated expenditures paid by Treasury Board of Canada Secretariat.	1.2
Salary and associated expenditures of legal services provided by the Department of Justice Canada	0.1
Total 2005-2006 services received without charge	5.5

Table 6: Sources of Respendable & Non-Respendable Revenue

(\$ millions)	Actual 2003-04	Actual 2004-05	2005 -2006			
			Main Estimates	Planned Revenue	Total Authorities	Actual
Process hearings and decisions						
Total Respendable Revenues	-	-	-	-	-	-
Non-Respendable Revenues						
Judges' contributions towards annuities	0.1	0.1	-	0.1	-	0.1
Sales of goods, Services and Information Products	0.1	0.1	-	0.1	-	0.1
Other	0.1	0.1	-	-	-	0.1
Total Non-Respendable Revenue	0.3	0.3	-	0.2	-	0.3
Total Revenue	0.3	0.3	-	0.2	-	0.3

Table 8: Resource Requirements by Sector

(\$ millions) 2005-2006	
Organization	Total Process Hearings and Decisions
Executive Services	
Planned Spending	5.0
Actual Spending	5.0
Court Operations	
Planned Spending	6.8
Actual Spending	6.5
Library and Information Services Sector	
Planned Spending	6.6
Actual Spending	6.0
Corporate Services	
Planned Spending	4.1
Actual Spending	5.3

Table 9 A: 2005-06 User Fees

				2005-2006		Planning Years	
User Fee	Fee Type	Fee Setting Authority	Date Last Modified	Forecast Revenue (\$000)	Actual Revenue (\$000)	Fiscal Year	Forecast Revenue (\$000)
Sale of Bulletin of Proceedings	Other Products and Services	<i>Supreme Court Act</i>	March 3, 2006	8.0	5.4	2006-07 2007-08 2008-09	5.0 5.0 5.0
Sale of Judgments	Other Products and Services	<i>Supreme Court Act</i>	March 3, 2006	10.0	11.5	2006-07 2007-08 2008-09	10.0 10.0 10.0
Sale of Certificates	Other Products and Services	<i>Supreme Court Act</i>	March 3, 2006	7.0	8.3	2006-07 2007-08 2008-09	7.0 7.0 7.0
Photocopies	Other Products and Services	<i>Supreme Court Act</i>	March 3, 2006	20.0	26.8	2006-07 2007-08 2008-09	20.0 20.0 20.0
Other Fees	Other Products and Services	<i>Supreme Court Act</i>	March 3, 2006	55.0	65.0	2006-07 2007-08 2008-09	55.0 55.0 55.0
Sub-Total						2006-07	97.0
Sub-Total						2007-08	97.0
Sub-Total						2008-09	97.0
Total 2005-06				100.0	117.0		

Note: User fees are set by the Supreme Court Act, and reporting is not required under the User Fees Act. However, since details of user fees have been reported in the past, they are included here for comparative purposes.

Table 11: Details on Project Spending

The Supreme Court of Canada has implemented/commenced the following projects during the reporting period:

- East Entrance
- Accommodation Strategy Phase 3
- Courtroom Audio-Visual / Information Technology / Information Management

Supplementary information on Project Spending can be found at http://www.tbs-sct.gc.ca/rma/dpr1/05-06/index_e.asp.

Table 17 - Financial Statements

The financial statements have been prepared in accordance with Treasury Board accounting policies which are consistent with Canadian generally accepted accounting principles for the public sector. This means that the financial statements are prepared on an accrual basis of accounting. The unaudited supplementary information presented in the financial tables in this Departmental Performance Report is prepared on a modified cash basis of accounting in order to be consistent with appropriations-based reporting. Note 3 to the financial statements reconciles these two accounting methods.

The Office of the Registrar of the Supreme Court of Canada

Statement of Management Responsibility

Responsibility for the integrity and objectivity of the accompanying financial statements for the year ended March 31, 2006 and all information contained in these statements rests with departmental management. These financial statements have been prepared by management in accordance with Treasury Board accounting policies which are consistent with Canadian generally accepted accounting principles for the public sector.

Management is responsible for the integrity and objectivity of the information in these financial statements. Some of the information in the financial statements is based on management's best estimates and judgment and gives due consideration to materiality. To fulfill its accounting and reporting responsibilities, management maintains a set of accounts that provides a centralized record of the department's financial transactions. Financial information submitted to the Public Accounts of Canada and included in the Office of the Registrar of the Supreme Court of Canada's Departmental Performance Report is consistent with these financial statements.

Management maintains a system of financial management and internal control designed to provide reasonable assurance that financial information is reliable, that assets are safeguarded and that transactions are in accordance with the Financial Administration Act, are executed in accordance with prescribed regulations, within Parliamentary authorities, and are properly recorded to maintain accountability of Government funds. Management also seeks to ensure the objectivity and integrity of data in its financial statements by careful selection, training and development of qualified staff, by organizational arrangements that provide appropriate divisions of responsibility, and by communication programs aimed at ensuring that regulations, policies, standards and managerial authorities are understood throughout the department.

The financial statements of the Office of the Registrar of the Supreme Court of Canada have not been audited.

Anne Roland
Registrar

Carolyn McDonald
Director General, Corporate Services

Ottawa, Canada
August 15, 2006

***The Office of the Registrar of the Supreme Court of Canada
Statement of Operations (unaudited)
For the Year Ended March 31
(in dollars)***

	<u>2006</u>	<u>2005</u>
Expenses		
Personnel	20,692,276	19,384,675
Accommodation	4,196,046	4,140,062
Professional & special services	2,901,701	1,739,460
Transportation & telecommunications	1,389,481	1,319,719
Other services	1,369,643	2,360,181
Amortization of tangible capital assets	989,602	670,767
Materiel & supplies	573,794	765,202
Rental	204,788	206,605
Repair & maintenance	203,634	210,279
Information services	194,679	262,237
Other	17,078	11,737
Total Expenses	<u>32,732,723</u>	<u>31,070,924</u>
Revenues		
Sales	118,477	130,643
Other non-tax revenue	82,279	71,337
Gains on disposal of tangible capital assets	18,919	-
Total Revenues	<u>219,675</u>	<u>201,980</u>
Net cost of operations	<u>32,513,047</u>	<u>30,868,944</u>

The accompanying notes form an integral part of these financial statements.

***The Office of the Registrar of the Supreme Court of Canada
Statement of Financial Position (unaudited)
as at March 31
(in dollars)***

	2006	2005
Assets		
Financial assets		
Accounts receivable (Note 4)	195,385	588,395
Advances	2,380	9,904
Total financial assets	197,765	598,299
Non-financial assets		
Tangible capital assets (Note 5)	5,453,981	4,914,614
	5,453,981	4,914,614
TOTAL	5,651,746	5,512,913
Liabilities		
Accounts payable and accrued liabilities	1,918,573	2,718,338
Vacation pay and compensatory leave (Note 6)	640,245	569,873
Employee severance benefits (Note 6)	2,397,337	2,153,142
Other liabilities (Note 8)	1,517,230	1,432,224
Total liabilities	6,473,385	6,873,577
Equity of Canada	(821,639)	(1,360,664)
TOTAL	5,651,746	5,512,913

The accompanying notes form an integral part of these financial statements.

The Office of the Registrar of the Supreme Court of Canada
Statement of Equity of Canada (unaudited)
For the year ended March 31, 2006
(in dollars)

	<u>2006</u>	<u>2005</u>
<i>Equity of Canada, beginning of year</i>	(1,360,664)	(1,483,939)
<i>Net cost of operations</i>	(32,513,047)	(30,868,944)
<i>Current year appropriations used (Note 3)</i>	27,521,553	26,704,326
<i>Revenue not available for spending</i>	(266,988)	(290,010)
<i>Proceeds from disposal of tangible capital assets</i>	(18,919)	(240)
<i>Change in net position in the Consolidated Revenue Fund (Note 3)</i>	321,521	(719,123)
<i>Services provided without charge by other government department (Note 7)</i>	5,494,905	5,297,266
<i>Equity of Canada, end of year</i>	<u>(821,639)</u>	<u>(1,360,664)</u>

The accompanying notes form an integral part of these financial statements.

***The Office of the Registrar of the Supreme Court of Canada
Statement of Cash Flow (unaudited)
For the Year Ended March 31
(in dollars)***

	<u>2006</u>	<u>2005</u>
Operating transactions		
Net cost of operations	(32,513,047)	(30,868,944)
Non-cash items:		
Amortization of tangible capital assets	989,602	670,767
Gain on disposal of tangible capital assets	(18,919)	-
Write-off of assets	1,738	17,407
Services provided without charge by other government departments (note 7)	5,494,905	5,297,266
Variations in Statement of Financial Position:		
Increase (decrease) in accounts payable and accrued liabilities	(799,765)	1,050,640
Increase (decrease) in vacation pay and compensatory leave	70,372	99,627
Increase (decrease) in employee severance benefits	244,195	46,430
Increase (decrease) in other liabilities	85,006	112,908
Increase (decrease) in accounts receivable and advances	400,533	(513,344)
Cash used by operating activities	<u>(26,045,379)</u>	<u>(24,087,243)</u>
Capital investment activities		
Acquisitions of tangible capital assets	(1,530,707)	(1,607,710)
Proceeds from disposal of tangible capital assets	18,919	-
Cash used by capital investment activities	<u>(1,511,788)</u>	<u>(1,607,710)</u>
Net Cash Provided by Government	<u><u>(27,557,167)</u></u>	<u><u>(25,694,953)</u></u>

The accompanying notes form an integral part of these financial statements.

Office of the Registrar of the Supreme Court of Canada

Notes to Financial Statements (Unaudited)

1. Authority and Objectives

The Supreme Court of Canada was constituted in 1875 by an act of Parliament and is now governed by the *Supreme Court Act*. It is comprised of a Chief Justice and eight puisne judges (puisne meaning ranked after), all appointed by the Governor in Council for terms of “good behaviour”, with a minimum of three judges coming from Québec.

The mandate of the Supreme Court of Canada is to have and exercise an appellate, civil and criminal jurisdiction within and throughout Canada. As the final court of appeal, the Supreme Court of Canada serves Canadians by leading the development of common and civil law through its decisions on questions of public importance.

The Supreme Court of Canada is committed to the rule of law; independence and impartiality and accessibility to justice. The Office of the Registrar of the Supreme Court of Canada supports the Supreme Court of Canada by providing responsive administrative services; nurturing the dedication, pride and professionalism of its employees; respecting diversity and linguistic duality and collaborating with other courts and legal institutions.

The Supreme Court of Canada is Canada’s highest court and one of its most important national institutions. It hears appeals from courts of appeal of the provinces and territories as well as from the Federal Court of Appeal. In addition, the Supreme Court of Canada is required to give its opinion on any question referred to it by the Governor in Council.

The importance of the decisions of the Supreme Court of Canada for Canadian society is well recognized. The Supreme Court of Canada assures uniformity, consistency and correctness in the articulation, development and interpretation of legal principles throughout the Canadian judicial system. Its jurisdiction is derived from the *Supreme Court Act* and other Acts of Parliament such as the Criminal Code.

2. Summary of Significant Accounting Policies

The financial statements have been prepared in accordance with Treasury Board accounting policies which are consistent with Canadian generally accepted accounting principles for the public sector.

Significant accounting policies are as follows:

(a) Parliamentary appropriations – The Office of the Registrar of the Supreme Court of Canada is financed by the Government of Canada through Parliamentary appropriations. Appropriations provided to the Office of the Registrar of the Supreme Court of Canada do not parallel financial reporting according to Canadian generally accepted accounting principles since appropriations are primarily based on cash flow requirements. Consequently, items recognized in the statement of

operations and in the statement of financial position are not necessarily the same as those provided through appropriations from Parliament. Note 3 provides a high-level reconciliation between the bases of reporting.

(b) Net Cash Provided by Government – The Office of the Registrar of the Supreme Court of Canada operates within the Consolidated Revenue Fund (CRF), which is administered by the Receiver General for Canada. All cash received by the Office of the Registrar of the Supreme Court of Canada is deposited to the CRF and all cash disbursements made by the Office of the Registrar of the Supreme Court of Canada are paid from the CRF. The net cash provided by Government is the difference between all cash receipts and all cash disbursements including transactions between departments of the federal government.

(c) Change in net position in the Consolidated Revenue Fund is the difference between the net cash provided by Government and appropriations used in a year, excluding the amount of non spendable revenue recorded by the Office of the Registrar of the Supreme Court of Canada . It results from timing differences between when a transaction affects appropriations and when it is processed through the CRF.

(d) Revenues: Sales and other revenues are accounted for in the period in which the underlying transaction or event occurred that gave rise to the revenues.

(e) Expenses – Expenses are recorded on the accrual basis:

Vacation pay and compensatory leave are expensed as the benefits accrue to employees under their respective terms of employment.

Services provided without charge by other government departments for accommodation, the employer's contribution to the health and dental insurance plans, the worker's compensation plan and legal services are recorded as operating expenses at their estimated cost.

(f) Employee future benefits

(i) Pension benefits: Eligible employees participate in the Public Service Pension Plan, a multi employer plan administered by the Government of Canada. The Office of the Registrar of the Supreme Court of Canada's contributions to the Plan are charged to expenses in the year incurred and represent its total obligation to the Plan. Current legislation does not require the Office of the Registrar of the Supreme Court of Canada to make contributions for any actuarial deficiencies of the Plan.

(ii) Severance benefits: Employees are entitled to severance benefits under labour contracts and conditions of employment. These benefits are accrued as employees render the services necessary to earn them. The obligation relating to the benefits earned by employees is calculated using information derived from the results of the actuarially determined liability for employee severance benefits for the Government as a whole.

(g) Accounts and loans receivables are stated at amounts expected to be ultimately realized; a provision is made for receivables where recovery is considered uncertain.

(h) Contingent liabilities – Contingent liabilities are potential liabilities which may become actual liabilities when one or more future events occur or fail to occur. To the extent that the future event is likely to occur or fail to occur, and a reasonable estimate of the loss can be made, an estimated liability is accrued and an expense recorded. If the likelihood is not determinable or an amount cannot be reasonably estimated, the contingency is disclosed in the notes to the financial statements.

(i) Tangible capital assets – All tangible capital assets and leasehold improvements having an initial cost of \$5,000 or more are recorded at their acquisition cost. The Office of the Registrar of the Supreme Court of Canada has many works of art and historically significant assets such as rare books, paintings, busts, clocks and other works of art. In accordance with Treasury Board of Canada Secretariat policy, these values are not capitalized as they are considered non-operational heritage assets. Intangible assets are not capitalized.

Amortization of tangible capital assets is done on a straight-line basis over the estimated useful life of the asset as follows:

Asset Class	Amortization Period
Machinery and equipment	5 to 10 years
Other equipment, including furniture	5 to 10 years
Informatics software and informatics hardware	3 years
Motor vehicles	3 years
Leasehold improvements	Lesser of the remaining term of the lease or useful life of the improvement.
Assets under construction	Once in service, in accordance with asset type.

(j) Measurement uncertainty — The preparation of these financial statements in accordance with Treasury Board accounting policies which are consistent with Canadian generally accepted accounting principles for the public sector requires management to make estimates and assumptions that affect the reported amounts of assets, liabilities, revenues and expenses reported in the financial statements. At the time of preparation of these statements, management believes the estimates and assumptions to be reasonable. The most significant items where estimates are used are the liability for employee severance benefits, allowances for employee vacation and compensatory benefits and the useful life of tangible capital assets. Actual results could significantly differ from those estimated. Management's estimates are reviewed periodically and, as adjustments become necessary, they are recorded in the financial statements in the year they become known.

3. Parliamentary Appropriations

The Office of the Registrar of the Supreme Court of Canada receives all of its funding through annual Parliamentary appropriations. Items recognized in the statement of operations and the statement of financial position in one year may be funded through Parliamentary appropriations in prior, current or future years. Accordingly, the Office of the Registrar of the Supreme Court of Canada has different net results of operations for the year on a government funding basis than on an accrual accounting basis. The differences are reconciled in the following tables:

(a) Reconciliation to net cost of operations

	2006	2005
	(in dollars)	
Net cost of operations	32,513,047	30,868,944
Adjustments for items affecting net cost but not affecting appropriations		
Add (Less): Items recorded as expenses but not affecting appropriations		
Services provided without charge by other government department (Note 7(a))	(5 494 905)	(5 297 266)
Amortization of tangible capital assets	(989,602)	(670,767)
Increase in vacation pay and compensatory leave liability	(70,372)	(99,628)
Legal services provided by the Department of Justice	(18,401)	(2,520)
Other adjustments	-	(782)
Refunds of prior years expenditures	78,101	136,835
PSSA deductions at source	81,546	71,097
Increase in severance benefits liability	(244,195)	-46430
Write-off of assets	(1,738)	(17,409)
	<u>(6,659,567)</u>	<u>(5,926,473)</u>
Add: Items recorded as revenue but not affecting appropriations		
Sales	118,447	130,643
Gains on disposal of tangible capital assets	18,919	-
	<u>137,366</u>	<u>130,643</u>
Adjustments for items not affecting net cost but affecting appropriations		
Add		
Tangible capital asset acquisitions	1,530,707	1,607,710
Decrease in capital lease obligation	-	23,659
Proceeds from disposal of surplus Crown assets	-	240
	<u>1,530,707</u>	<u>1,631,609</u>
Total appropriations used	<u>27,521,553</u>	<u>26,704,326</u>

(b) Appropriations provided and used:

	Appropriations Provided (in dollars)	
	2006	2005
Operating expenditures (Vote 50)	21,974,150	21,227,950
Statutory amounts	6,999,347	6,820,371
Less:		
Lapsed appropriations: Operating	1,432,293	1,343,755
Appropriations available for future years	19,651	240
Current year appropriations used	27,521,553	26,704,326

(c) Reconciliation of net cash provided by Government to current year appropriations used:

	2006 (in dollars)	2005
Net cash provided by Government	27,557,167	25,694,953
Revenue not available for spending	266,988	290,010
Proceeds from disposal of tangible capital assets	18,919	240
Change in net position in the Consolidated Revenue Fund		
Variation in accounts receivable	393,010	(511,221)
Variation in advances	7,524	(2,124)
Variation in accounts payable and accrued liabilities	(799,765)	1,050,640
Variation in other liabilities	85,006	112,908
Reversal of previous year PAYE	73,615	107,767
Legal services provided by the Department of Justice	(18,401)	(2,520)
Other adjustments	(62,510)	(36,327)
	(321,521)	719,123
Current year appropriations used	27,521,553	26,704,326

4. Accounts Receivable

The following table presents details of accounts receivable:

	2006 (in dollars)	2005
Receivable from other Federal Government departments and agencies	175,420	562,968
Receivable from external parties	20,512	25,427
	195,932	588,395
Less: allowance for doubtful accounts on external receivables	(547)	-
Total	195,385	588,395

5. Tangible Capital Assets

(In dollars)

Capital asset class	Cost						Accumulated amortization				2006 Net Book Value	2005 Net Book Value
	Opening	Acquisitions	Disposals and write-offs	Work in progress transfers	Asset Reclassification	Closing balance	Opening balance	Amortization	Disposals and write-offs	Closing balance		
Machinery & equipment	233,133	181,179				414,312	28,699	42,313		71,012	343,300	204,434
Other equipment including furniture	1,339,677	64,548	(59,124)			1,345,101	897,945	78,453	(59,124)	917,274	427,827	441,732
Informatics software	277,297	9,522			(119,230)	167,589	99,234	39,664		138,898	28,691	178,063
Informatics hardware	431,940	73,082	(143,377)			361,645	299,595	68,483	(143,377)	224,701	136,944	132,344
Motor vehicles	215,611	35,690	(57,592)			193,709	132,372	41,754	(57,592)	116,534	77,175	83,239
Leasehold improvements	3,529,192	197,696		38,981		3,765,869	444,349	718,935		1,163,284	2,602,585	3,084,843
Assets under construction	789,959	968,990	(1,738)	(38,981)	119,230	1,837,459					1,837,459	789,959
	6,816,809	1,530,707	(261,831)	-	-	8,085,685	1,902,194	989,602	(260,093)	2,631,704	5,453,981	4,914,614

Amortization expense for the year ended March 31, 2006 is \$989,602 (2005 - \$670,767).

6. Employee Benefits

(a) Pension benefits: The Office of the Registrar of the Supreme Court of Canada's employees participate in the Public Service Pension Plan, which is sponsored and administered by the Government of Canada. Pension benefits accrue up to a maximum period of 35 years at a rate of 2 percent per year of pensionable service, times the average of the best five consecutive years of earnings. The benefits are integrated with Canada/Québec Pension Plans benefits and they are indexed to inflation.

Both the employees and the Office of the Registrar of the Supreme Court of Canada contribute to the cost of the Plan. The 2005-06 expense amounts to \$2,264,789 (\$2,098,379 in 2004-05), which represents approximately 2.6 times the contributions by employees.

The Office of the Registrar of the Supreme Court of Canada's responsibility with regard to the Plan is limited to its contributions. Actuarial surpluses or deficiencies are recognized in the financial statements of the Government of Canada, as the Plan's sponsor.

(b) Severance benefits: The Office of the Registrar of the Supreme Court of Canada provides severance benefits to its employees based on eligibility, years of service and final salary. These severance benefits are not pre-funded. Benefits will be paid from future appropriations. Information about the severance benefits, measured as at March 31, is as follows:

		2006		2005
		(in dollars)		
Accrued benefit obligation, beginning of year		2,153,142		2,106,712
Expense for the year		357,518		193,961
Benefits paid during the year		(113,323)		(147,531)
Accrued benefit obligation, end of year		2,397,337		2,153,142

7. Related Party Transactions

The Office of the Registrar of the Supreme Court of Canada is related as a result of common ownership to all Government of Canada departments, agencies, and Crown corporations. The Office of the Registrar of the Supreme Court of Canada enters into transactions with these entities in the normal course of business and on normal trade terms. Also, during the year, the Office of the Registrar of the Supreme Court of Canada received services which were obtained without charge from other Government departments as presented in part (a).

(a) Services provided without charge:

During the year the Office of the Registrar of the Supreme Court of Canada received without charge from other government departments, accommodation, employer's contribution to the health and dental insurance plans, worker's compensation and legal services. These services without charge have been recognized in the Office of the Registrar of the Supreme Court of Canada's Statement of Operations as follows:

	2006	2005
	(in dollars)	
Accommodation	4,196,046	4,140,062
Employer's contribution to the health and dental insurance plans	1,199,631	1,135,147
Legal Services	64,001	-
Worker's compensation cost provided by Human Resources and Skills Development Canada	35,227	22,057
Total	5,494,905	5,297,266

The Government has structured some of its administrative activities for efficiency and cost-effectiveness purposes so that one department performs these on behalf of all without charge. The costs of these services, which include payroll and cheque issuance services provided by Public Works and Government Services Canada are not included as an expense in the Office of the Registrar of the Supreme Court of Canada's Statement of Operations.

(b) Payables and receivables outstanding at year-end with related parties:

	2006	2005
	(In dollars)	
Accounts receivable with other government departments and agencies	175,420	562,968
Accounts payable to other government departments and agencies	224,000	836,064

8. Other Liabilities

The following table presents details of other liabilities:

	2006	2005
	(In dollars)	
Trust Account - Security Deposit		
Liability, beginning of year	394,391	358,828
Deposits	8,000	7,000
Interest	2,311	46,503
Reimbursements	(10,611)	(17,940)
Liability, end of year	394,091	394,391
Supplementary Retirement Benefit Account (SRBA)		
Liability, beginning of year	1,037,833	936,829
Contributions	47,118	63,604
Interest	38,188	37,400
Liability, end of year	1,123,139	1,037,833
Total	1,517,230	1,432,224

Security deposit account was established to record security to the value of \$500 deposited by an Appellant with the Registrar of the Supreme Court of Canada in accordance with paragraph 60(1)(b) of the *Supreme Court Act*. As per section 87 of the Rules of the Supreme Court of Canada, interest is paid on money deposited as security.

Supplementary Retirement Benefit Account (“SRBA”) records contributions made by Supreme Court of Canada Judges and the matching contributions made by the Employer in accordance with the *SRBA Act* and the *Judges Act*.

Table 18: Audits and Evaluations for FY 2005–2006

The following evaluations and reviews were conducted in 2005-06 according to the schedule of the Internal Audit Plan of the Office of the Registrar.

A strong follow-up process is in place for audits. The results of audits are presented to the Executive Committee and Management Committee. The audit results are posted on the intranet site. The audit reports are also reviewed at the annual Judges' Retreat. Follow-up action plans were prepared for each audit.

Evaluation/Review	Key Findings
Internal Audit of Financial Management	The objective of this audit was to provide assurance as to the adequacy of the Court's financial management and control framework. The scope of work covered the financial structures, tools and processes that contribute to the financial management of the Court. The audit had positive conclusions regarding the financial management and control framework, the financial systems and internal controls and the level and quality of financial advice. The audit noted improvements could be made in terms of strengthening of access security and recovery process for the financial system, updating financial policies and procedures available to the Court's staff and internally to the Financial and Materiel Management Branch, and enhancement of the account verification process using a risk-based approach and the implementation of active monitoring.
Internal Audit of the Library	The objective of the audit was to provide assurance regarding the management practices of the Library, including its information management in support of the work of the Judges and the legal community, performance information and statistics, and risk management strategy and practices. The audit concluded that many aspects of the Library's management control framework were exemplary and there were indications that the Library has been providing Technical and Reader Services that are deemed to be of very high quality by its clients. Clients interviewed for the audit indicated that services fully meet the needs of the Court. The audit noted certain weaknesses in the segregation of duties associated with acquisitions and indicated that greater clarity around roles and responsibilities for the new library management system was required. Improvements were suggested in monitoring the collection development policy and the evaluation of licensed electronic products. Additionally a long term strategy for addressing space management for the library was recommended.

Table 21: Service Improvement

Client satisfaction measurement and progress toward achieving satisfaction targets

External client surveys are not currently undertaken.

Stakeholder satisfaction is monitored on a qualitative basis through feedback from the Judges, legal profession, and through complaints. Feedback has generally been positive. Overall key concerns are to hold steady, or ideally reduce, the time it takes to process cases and render decisions.

Service standards for key public services

The Office of the Registrar maintains monthly statistics on the average time lapses, caseload and backlog, and produces an Annual Statistical Report. (Detailed information on the case load is also available on the Court's Internet site (<http://www.scc-csc.gc.ca>).) The Office of the Registrar's approach has been to continuously review actual results, and investigate any anomalies or negative trends immediately, rather than publishing service standards.

The Court Records branch established in November 2005 a service standard of 48 hours to respond to requests for information on court files. Since the establishment of this standard, 97% of requests were responded to within 48 hours or less.

Main achievements in improving service from a client-centred perspective

The first priority of the Office of the Registrar is to process cases without delay. The Office of the Registrar remains vigilant over the average time taken to treat cases. During 2005-06, the internal processes by which leave applications are submitted to panels of Judges for decisions were revamped to improve efficiency and responsiveness.

The Office of the Registrar's second priority is to provide information. The public is constantly expecting more information on the Court and its cases to be available within ever shortening time frames. The Office of the Registrar has made the following enhancements in this regard:

- Bilingual summaries are prepared for each leave application and posted on the Court's website, providing enhanced information for the public and the media.
- Improvements were made to the Court's education program to make it more comprehensive.
- A media portal was developed.
- Case information is provided to the public, legal community and the media on the Court's website, which is updated on a daily basis from the Office of the Registrar's internal systems.

In the area of risk management, the Office of the Registrar's third priority, an integrated approach for identifying, assessing and managing risks was implemented. The Office of the Registrar put in place controls to identify and track potential conflicts of interest on the part of the Judges. A policy for handling sensitive case files was developed and implemented. An initiative to develop a Business Continuity Plan commenced. Perhaps most importantly, an action plan to address priority requirements to ensure the reliability of courtroom systems was developed.

The Office of the Registrar's final priority is to build capacity. Progress in this regard included the successful implementation of all required elements of the *Public Service Modernization Act*. The efforts of the Office of the Registrar in terms of its employees are demonstrated by consistently positive results from Public Service Employee Surveys.

Table 22: Travel Policies

The Office of the Registrar of the Supreme Court of Canada follows TBS Travel Directives, Rates and Allowances.

IV: Other items of Interest

A. For Further Information

Supreme Court of Canada Building 301 Wellington Street Ottawa, Ontario K1A 0J1 <u>World Wide Web:</u> http://www.scc-csc.gc.ca	General Enquiries Telephone: (613) 995-4330 Fax: (613) 996-3063 <u>Internet Access:</u> reception@scc-csc.gc.ca
Anne Roland - Registrar Telephone: (613) 996-9277	<u>E-mail:</u> reception@scc-csc.gc.ca
Louise Meagher - Deputy Registrar Telephone: (613) 996-7521	<u>E-mail:</u> registry-greffe@scc-csc.gc.ca
Carolyn McDonald - Director General, Corporate Services Telephone: (613) 996-0429	<u>E-mail:</u> mcdonaldc@scc-csc.gc.ca

B. Listing of Statutory and Departmental Reports

Supreme Court Reports

Pursuant to Section 17 of the *Supreme Court Act*, the Registrar or the Deputy Registrar, as the Chief Justice directs, reports and publishes the judgments of the Court in the Supreme Court Reports, which include all the reasons for judgment rendered by the Court in a given calendar year.

C. Legislation Administered

<i>Supreme Court Act</i>	<u>R.S.C., 1985, as amended</u>
<i>Judges Act</i>	<u>R.S.C., 1985, as amended</u>