



Registry of the Federal Court of Canada

**2003-2004
Estimates**

Part III - Report on Plans and Priorities

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Section I: Message from the Administrator of the Federal Court

The 1997 Auditor General's *Report on the Federal Court of Canada and the Tax Court of Canada* recommended the merger of the registries of the Federal Court of Canada and the Tax Court of Canada. The *Report*, on page 3, stated that this could result in a potential savings of \$4.1 million per year after "one-time transition costs".¹ Operational efficiencies and savings will occur in future years, particularly once the merged operations are collocated into a single premises, as in Ottawa, Toronto, and Montreal.

At the same time, this consolidation presents a major opportunity for the Courts Administration Service to be at the forefront in introducing electronic filing, creating a modern case management environment, adding technological innovations into court proceedings, and establishing the Courts Administration Service as a leader in providing access to court systems and improving service delivery. The new Courts Administration Service will also have the opportunity to implement a new Modern Management regime.

Other challenges lie ahead. The introduction of new legislative and regulatory changes, the growth in both the size and complexity of the caseload, increases in the number of judges and prothonotaries, and client expectations in terms of service are putting increased pressure on the Registry's resource base. The Registry has implemented a number of cost-savings measures, such as videoconferencing—however, overall savings for related organizations on judges' and public travel as well as time have been partially offset by increasing telecommunication costs for the Registry.

As experienced elsewhere in the Government, the Registry is facing challenges in recruiting and retaining qualified staff, and in ensuring appropriate succession planning. Security is another key priority, particularly with the passage of the *Anti-terrorism Act*. The Registry conducted a review of its security practices, and must now move ahead with the establishment of a comprehensive nation-wide security program. Security will be a key consideration in a number of major facilities projects that are currently underway, including new judicial buildings in Ottawa and Toronto. These are long-term projects that will need to be managed closely in collaboration with Public Works and Government Services Canada.

Administrator of the Court

¹ It should be noted that this \$4.1 million included potential savings not only for the Registry of the Federal Court but also for other organizations such as: the Tax Court of Canada, the Office of the Commissioner for Federal Judicial Affairs, and Public Works and Government Services Canada (PWGSC).

Management Representation Statement

I submit, for tabling in Parliament, the 2003-2004 Report on Plans and Priorities (RPP) for the Registry of the Federal Court of Canada.

This document has been prepared based on the reporting principles and disclosure requirements contained in the *Guide to the preparation of the 2003-2004 Report on Plans and Priorities*:

- It accurately portrays the Registry's plans and priorities.
- The planned spending information in this document is consistent with the directions provided in the Minister of Finance's Budget and by TBS.
- Is comprehensive and accurate.
- Is based on sound underlying Registry information and management systems.

The reporting structure, on which this document is based, has been approved by Treasury Board Ministers and is the basis for accountability for the results achieved with the resources and authorities provided.

Robert Biljan
Administrator

February 10, 2003

Section II: Raison d'être

The Federal Court of Canada, as a superior court of record, exists to provide a court of law, equity and admiralty for the better administration of the laws of Canada. In its role of supporting the Federal Court and the Court Martial Appeal Court of Canada (CMAC), the Registry pursues the vision that all persons must have effective access to the courts, including the opportunity to resolve disputes without undue cost, hardship, delay, or inconvenience. The Registry's operations provide administrative support services necessary to the courts. The Registry's services enable the judges/prothonotaries, as well as quasi-judicial boards, commissions and tribunals, to deposit their judgments and orders in accordance with enabling legislation. The Registry is committed to:

- **Ensuring that all persons have effective access to the Court.** As the Federal Court of Canada is an itinerant court, the Registry provides the judicial, administrative and technological support as well as the facilities across the country necessary to enable the Court to sit and transact business at any place in Canada, as close in proximity as may be, for the convenience of the parties. This also means ensuring that costs of access are reasonable, fair and affordable.
- **Ensuring judicial independence.** The Registry requires sufficient capabilities (e.g., human resources, infrastructure, funding) to support the Federal Court of Canada.
- **Improving the level and efficiency of services to the Court and to the parties in resolving disputes fairly and efficiently.** The Registry continually strives to ensure that judges/prothonotaries and other individuals who have contact with the Registry such as litigants, witnesses, or parties, receive responsive and efficient support. This includes providing the best possible environment for the Court in terms of technology and facilities. The Registry ensures that regular users of the Court have the opportunity to resolve disputes efficiently, effectively and fairly, and that they are treated with courtesy and respect.
- **Ensuring that facilities are safe, accessible and convenient to use.** Facilities must meet security and accessibility requirements and standards of quality of service.
- **Ensuring that records of all decisions and actions are accurate and properly preserved.** The Registry serves as the repository of all legal documents filed.

Mandate

The Registry derives its authority from the *Federal Court Act*, and is mandated as the repository for the filing and issuing of documents on all cases brought before the Court, in accordance with the *Federal Court Rules 1998*, and the *Federal Court Immigration Rules*; and similarly for the Court Martial Appeal Court of Canada (CMAC) under the *Court Martial Appeal Court Rules*. All matters between judges, prothonotaries, litigants and legal counsel must flow through the Registry for the record.

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.

Section 3 of the *Federal Court Act*, R.S.C. 1985, c. F-7, establishes the Federal Court of Canada as “a superior court of record having civil and criminal jurisdiction for the better administration of the laws of Canada”. The Court has jurisdiction over 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 (IRB). 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 “Additional Information” section later in this report.

Judges of the Federal Court are also members of the Court Martial Appeal Court of Canada (CMAC) 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.

With the promulgation of the *Courts Administration Service Act*, the new organization will assume the mandates as described above.

Mission

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

Recognizing the importance of justice and the rule of law in our society, the Registry is dedicated to:

- Providing the Court and litigants with the administrative services necessary for fair and prompt resolution of cases in both official languages;
- Discharging its mandate throughout Canada as a national organization of trained and knowledgeable people, as developed in consultation with the judiciary;
- Operating the Registry offices at a regional level to render uniform services and standards throughout the country; regional directors are responsible for the delivery of all services within their respective regions;
- Providing appropriate facilities to enable the Court to manage and adjudicate cases uniformly across Canada; public areas of our facilities are safe and efficient, in keeping with our standards of quality service;
- Improving service to the public and to the Court through continuing development of technology and systems that streamline the management of information and keep pace with technological advancements;
- Mutual respect between the judiciary and court administrators for the part each plays in the administration of justice; and
- Common values and commitment to quality service standards.

Section III: Planning Overview

Principal responsibilities of the Registry are meeting the requirements for offices of the Court, filing of documents, maintaining records, arranging for and conduct of Court sittings, and providing public access to the Court's records. Examples of specific functions carried out by the Registry include:

- Providing services to litigants, their counsel, the judges and prothonotaries of the Court, such as library services, case scheduling, case management/processing and courtroom operations
- Informing litigants on rules of practice, court directives and procedures
- Maintenance of court records
- Processing documents filed by or issued to litigants, and recording all proceedings
- Depository to allow for the enforcement of decisions made by this Court and other federal tribunals, such as the Canada Industrial Relations Board and Canadian Human Rights Tribunal
- Providing appropriate facilities and security

Critical issues and trends

The overall challenge for the Registry has been that of supporting an increasing caseload with constrained resources. Generally speaking, the Registry's operating budget has been virtually static, except for a modest temporary increase in the last two years. Having absorbed the costs of new services and technologies to support the *Rules* of the Court, the costs of staff to support newly-appointed judges, the costs of the escalating demand for translation services for hearings and the issuance of judgments and centrally-imposed obligations, the ability of the Registry to fund future innovations or externally-imposed requirements is extremely limited, without any additional resources.

Key challenges for the Federal Court and the Registry include the increasing workload and complexity of the caseload to be supported, the impending consolidation with the Tax Court of Canada, and the development/collocation of facilities. More specifically, these are:

- **Support for existing judges/prothonotaries**—General trends indicate a growth in caseload as well as lengthier proceedings, increasing complexity of cases, and more time being spent on various methods of alternative dispute resolution.
- **New legislative and regulatory changes**—For example, those embodied in the *Immigration and Refugee Protection Act* and the *Anti-terrorism Act* which has caused an increase in security cases; and the amendment of the *Federal Court Rules, 1998* to permit class action proceedings.
- **Increase in aboriginal cases**—The Court is hearing several multi-year cases.
- **Ongoing citizenship revocation cases**—These cases are particularly costly due to the onerous aspects of overseas travel and security.
- **Increasing operating costs**—Particularly for statutorily-mandated translation services; as well as to cope with increasing demand for services such as alternate dispute resolution measures; case management; and simultaneous interpretation, not only for official languages but for others as well.
- **Increasing client expectations**—Litigants expect cases to be resolved more quickly and at lesser costs. There are increasing pressures to develop and introduce new services, such as electronic filing and videoconferencing.
- **Keeping up with technological advancements**—The Registry has taken a lead role in pursuing electronic filing and has implemented technological improvements to foster better communications, case management and the sharing of information.
- **Consolidation and streamlining of services**—A number of initiatives, such as the consolidation of administrative services of the Registry of the Federal Court and the Tax Court of Canada, the consolidation and collocation of court facilities across the country, and the introduction of electronic filing are intended to achieve cost savings and increase the quality of service. Although these initiatives have clear long-term cost-saving benefits, the Registry is nevertheless having to address short-term funding requirements within its existing resources.

Significant ongoing initiatives and plans

The Registry has adopted many of the recommendations to reduce costs outlined in the Auditor General's 1997 *Report on the Federal Court of Canada and the Tax Court of Canada*. Key initiatives currently underway include:

- **Consolidation of administrative services**—Efforts are ongoing to consolidate the administrative services of the Federal Court of Canada and the Tax Court of Canada into a new organization to be known as the “Courts Administration Service”. This consolidation will include local operations of both registries across Canada.
- **Collocation of facilities**—Efforts to collocate with the Tax Court of Canada include the detailed design and preparations for the approval of a Federal Judicial Building in Ottawa; the establishment of the Federal Judicial Centre in Toronto; and a collocation project in Montreal. Collocation in Vancouver occurred in 2000.
- **Electronic filing**—The Registry's efforts towards the adoption of standards to facilitate electronic filing into the Court through the Electronic Filing Project Advisory Committee (EPAC) are no longer funded. This major horizontal initiative involved some 42 federal judicial and quasi-judicial bodies. The Registry is continuing with projects on a pilot basis. Examples include a partnership with QuickLaw. Discussions are also underway with Canada Customs and Revenue Agency (CCRA) regarding the electronic registration of legal documents.
- **Staff recruitment and retention**—Legislation, increasing the number of judges, has put additional pressure on recruiting and retaining qualified Registry support staff. The Registry faces a challenge in retaining experienced officers due to increasing competition for staff with other quasi-judicial tribunals. Strategies are needed to retain staff—this will require a continued focus on recruitment, training, a possible examination of classification levels, and succession planning.
- **Improving security**—Heightened security requirements since September 11, 2001 have led the Registry to initiate a comprehensive nation-wide security program for judges, prothonotaries, employees, litigants, and the general public. This has led to renewed emphasis on emergency preparedness and planning for the continuity of services in the event of a national crisis or disaster.
- **Ongoing improvements to the case management system**—Improvements continue to be made to the Registry's automated case management system and environment.

- **Improving management practices**—A continued focus on learning, the integration of financial information and salary management systems, the development of performance measures, risk management, and accountability structures.

Risks

Program delivery to the judges, prothonotaries and the Canadian public could be adversely affected in the short- and long-term. Key risks include:

- **Increasing case backlog and delays**—An increase in the pending inventory of cases, delays in the hearing and/or disposition of cases, and increased client dissatisfaction could result.
- **Impact on the mandate of the Federal Court**—The Registry must be able to handle new demands on the Federal Court in a timely and professional manner to ensure that justice is delivered in a cost-effective manner without unduly affecting the smooth flow of the litigation process.

Stakeholders and strategic relationships

- **The Tax Court of Canada**—Given the upcoming consolidation of administrative services and the collocation of facilities.
- **Public Works and Government Services Canada (PWGSC)**—Given the intense focus at this time on the development of facilities in Ottawa and Toronto, collocation across the country, and several upcoming lease renewals.
- **Federal departments**—Although the courts are independent of these organizations, federal departments initiate new government legislation and policies that have a direct bearing on the Court's case workload. For example, such organizations include: the Department of Justice, Citizenship and Immigration Canada (CIC), the Immigration and Refugee Board (IRB), and Indian and Northern Affairs. The Registry will also be collaborating with other departments and agencies (e.g., CCRA) in electronic filing projects.
- **Office of the Commissioner for Federal Judicial Affairs**—Provides administrative support, in accordance with law, to the federal judiciary.
- **Provinces and territories**—Of the 16 Registry local offices, seven are collocated and staffed by provincial/territorial court employees on a contract basis. (A list of the local offices of the Federal Court is provided in Section VII-Additional Information).
- **The Canadian Bar Association and provincial bars**—Provide feedback on processes.
- **Tribunals and boards**—Given ongoing efforts made to share facilities and courtrooms across the country. The Registry also provides training support to these organizations (e.g., the Competition Tribunal).
- **Courts in other countries**—For example, there is interest in collaborating with the Federal Court of Australia in developing performance measures for the Registry.
- **Private Sector**—For example, partnerships with organizations such as QuickLaw.

Performance targets

The performance targets for the Federal Court are aligned with time standards set in the *Federal Court Rules, 1998*. These are consistent with targeted time standards for superior trial and appeal courts approved as a statement of goals for the pace of litigation by the Canadian Judicial Council.²

The Registry will introduce performance indicators in terms of overall volume and pace of litigation, and changes in the inventory of proceedings pending. Performance systems need to be improved to enable the Registry to monitor the achievement of client quality service standards on an ongoing basis.

2 The standard is as follows: “90% of all civil cases should be settled, tried and or otherwise concluded within six months of filing of readiness and 12 months of the date of case filing.” *Canadian Judicial Council Annual Report, 1994-1995*, p. 32.

Section IV: Plans and Priorities by Strategic Outcomes

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

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

Within this strategic outcome, the Registry has outlined a number of strategic priorities and key initiatives that are either planned or underway in support of these priorities.

Strategic Priorities	Key Initiatives
Improve access to the court	<ul style="list-style-type: none">▪ Electronic filing▪ Videoconferencing and teleconferencing facilities▪ Increased judicial support for translation▪ Alternative Dispute Resolution▪ Barrier-free access▪ On-line databases of decisions and tools▪ Acquisition of additional facilities
Promote judicial independence	<ul style="list-style-type: none">▪ Public communications in both official languages
Improve service delivery	<ul style="list-style-type: none">▪ Improving case management automated system▪ Technological improvements
Sustain competent workforce	<ul style="list-style-type: none">▪ Registry Officer Development Program (RODP)▪ Learning Needs Analysis▪ Recruitment▪ Community College initiative▪ Succession planning▪ Increasing the diversity of the workforce▪ Employee orientation (e.g., handbook)▪ Preparing for consolidation
Improve security	<ul style="list-style-type: none">▪ Emergency preparedness▪ Nation-wide security program
Improve management practices	<ul style="list-style-type: none">▪ Follow-up to Modern Management Capacity Assessment and Public Service Employee Survey▪ Improvements to corporate systems interfaces▪ Information Management Project
Achieve cost savings	<ul style="list-style-type: none">▪ Consolidation of administrative services▪ Collocation of facilities

Planned spending. The net cost of the program for the Fiscal Year 2003-2004 is expected to increase by 8% to \$51.7 million compared to \$47.8 million in the previous Fiscal Year, and then to decrease to \$47.2 million during the Fiscal Year 2004-2005, and then to further decrease to \$46.5 million in the Fiscal Year 2005-2006. The increase this coming Fiscal Year 2003-2004 reflects approved adjustments in funding as a result of approvals obtained since the Main Estimates. The details of the adjustments are provided on the following page. For example, these adjustments include:

- Funding for judicial resources arising from the amendments made to the *Federal Court Act* as a result of the passage of the *Anti-terrorism Act*.
- Funding for the temporary move of the Federal Court of Appeal from its current premises in the Supreme Court of Canada Building to the Thomas D'Arcy McGee Building.
- Funding to support judges and prothonotaries as well as for aboriginal cases.

Registry of the Federal Court of Canada - 2003-2004 Estimates

Table IV-1—Departmental Planned Spending

(\$ millions)	Forecast Spending 2002-2003*	Planned Spending 2003-2004	Planned Spending 2004-2005	Planned Spending 2005-2006
Budgetary Main Estimates	39.6	38.2	39.4	39.4
Non-Budgetary Main Estimates	----	----	----	----
Less: Respendable revenue	----	----	----	----
Total Main Estimates	39.6	38.2	39.4	39.4
Adjustments**	3.3	7.6	2.0	2.0
Net Planned Spending	42.9	45.8	41.4	41.4
Less: Non-respendable revenue	8.0	6.8	6.8	6.8
Plus: Cost of services received without charge	12.9	12.7	12.6	11.9
Net Cost of Program	47.8	51.7	47.2	46.5

Full-Time Equivalents	477	481	491	491
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* Reflects the best forecast of total net planned spending to the end of the fiscal year.

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

4.1 Strategic priority—Improve access to the court system

This strategic priority focuses on better serving and meeting the needs of the people seeking redress through the Court. The Court must be accessible to all citizens. Efforts must be made to promote sensitivity to the diverse clients served by the Court. Users of the Court must be able to conduct their business with relative ease and convenience, and must be treated with a high degree of courtesy and respect. Services must be available in both official languages.

Key initiatives (ongoing priorities)

- **Electronic filing.** As a follow-up to the work done on the adoption of standards and protocols in collaboration with the Electronic Filing Project Advisory Committee (EPAC), the Registry is pursuing the long-term development of e-filing opportunities based on this standard and will be pursuing specific projects to foster electronic service delivery. An example is the existing partnership with QuickLaw regarding web-based decision data bases and other reference tools.
- **Videoconferencing and teleconferencing.** Videoconferencing installations have been established in Montreal, Ottawa, Toronto, Vancouver, Edmonton and Halifax, in order to provide alternative means of access to Court hearings. Teleconferencing is another service available for hearings that provides expedient and inexpensive access to the Court and, as such is often utilized by litigants and their legal representatives for its convenience.
- **Increased judicial support for translation.** The growth in demand for translation services from the Court has grown to far exceed the funds provided, particularly with the appointment of new judges/prothonotaries. Reasons and judgments must be made available in both official languages and there is increased interest in the availability of simultaneous interpretation. The availability of simultaneous interpretation for non-court procedures (i.e., examinations for discovery, mediations, etc.) and for all court hearings is a matter of national concern for litigants and the general public, alike.
- **Modifying courtrooms.** Courtrooms must provide for barrier-free accessibility, assistive technologies, and sound-assist technologies. Furthermore, courtrooms must accommodate large aboriginal and security cases. These are key considerations in the acquisition and development of new facilities.

- **On-line decisions database.** The Federal Court of Canada On-Line Decisions Database, accessible directly from the Federal Court's website, has dramatically decreased the time taken to have decisions posted and has fostered improved communication with those using the database. The Registry continues to investigate methods for improving this service.
- **On-line reference tools.** An example is the certified immigration questions report to which the Bar had requested access. This report will be published on the Federal Court web site where lawyers and the public can reference it. This provides a good example of where the Registry is increasing access to the court and introducing measures that promote efficiencies in the justice system (i.e. by having recourse to this list, litigants and their counsel have a better-informed basis upon which to make Immigration Rule 18(1) requests to the Court).
- **Open Houses/Moot Courts.** The Court and its Registry host Open Houses and other educational events in order to promote knowledge of the Federal Court.

Major plans (new priorities)

- **Pursue selective implementation of electronic filing on a pilot basis.** Opportunities also exist to pursue pilot projects for filing documents on an electronic basis—for example, discussions have been initiated regarding the procedure for the registration of certificates from the Canada Customs and Revenue Agency (CCRA) to obtain the legal means to proceed to collect monies owed to the Crown.
- **Expand videoconferencing and teleconferencing facilities.** If funding permits, expansion of videoconferencing facilities to Winnipeg, Calgary, Québec City and Fredericton is planned.
- **Expand facility space.** Steps have been initiated to acquire additional space in certain areas (e.g., Québec City, Halifax, Vancouver, Calgary, Winnipeg, Edmonton) to meet new space requirements and at the same time improve the security of the facilities.

Key risks

- Legal/technological impediments related to electronic filing, privacy and public access concerns
- Increasing telecommunication costs due to the use of videoconferencing facilities

Key performance measures

- Regular follow-up to Quality Service Standards questionnaires completed by clients

4.2 Strategic priority—Promote judicial independence

The Registry must have sufficient resources to support the Federal Court on a sustained basis to ensure that the Registry's mandate and its statutory obligations to judges, prothonotaries, litigants and the Canadian public is not negatively affected. This means developing the capabilities of the Registry to anticipate future demands and new resource requirements, and ensuring that the Registry is consulted by government departments and agencies regarding the impact of new and proposed legislation so as to better predict upcoming case work. The creation of the Courts Administration Service will also enhance judicial independence by placing administrative services at arm's length from the Government of Canada. Externally, the heightened profile of the Federal Court, and as a corollary of the Registry, as a result of new legislation and the establishment of the Courts Administration Service will require clearly identified communication channels with target audiences.

Key initiatives (ongoing priorities)

- **Development of communications plan.** A proposed strategy has been developed for internal and external communications.
- **Organizational assessment of resource requirements.** The Registry conducted a review of its resource requirements and prepared a business case for the continuation of Program Integrity Round II funding.

Major plans (new priorities)

- **Implement public communications strategy.** This is intended to educate/inform Canadians of the role of the Federal Court of Canada and the Court Martial Appeal Court of Canada (CMAC).

Key risks

- Reduced capacity of the Federal Court and the Registry to accomplish their legislated mandate, with resulting delays in the hearing and/or disposition of cases

Key performance measures

- Public perception of the Federal Court of Canada and the Court Martial Appeal Court of Canada (CMAC)
- Achievement of client service standards
- Throughput time for proceedings/case backlog
- Employee satisfaction and morale

4.3 Strategic priority—Improve service delivery

This strategic priority is focused on improving the procedural aspects of the Registry and therefore touches upon case management, processes, information sharing, communications, rule refinements, and improved support for the judiciary. The Registry is committed to providing its services in the most efficient, effective and economic manner, and to attaining excellence in client service standards vis-à-vis the judiciary, litigants and the general public. As trials and the judicial process are becoming increasingly automated, courts must implement technology in order to provide the most cost effective, efficient and secure services to judges, prothonotaries, counsel and the public. There is increasing pressure on the Registry of the Federal Court to keep abreast of technological advancements in other courts.

Key initiatives (ongoing priorities)

- **Implementation of case management environment.** During the late 1990s, the Registry made the transition to a case management environment. This includes the active supervision by the Court of the progress of cases and introduces new supervisory activities such as status reviews, trial management conferences and specially managed proceedings, or alternative dispute resolution. The Registry uses an integrated system including case inventory, tracking of elapsed time, case scheduling, automated docket recording, remote filing by fax, and statistical analysis.
- **Increased alternate dispute resolution (ADR) measures.** ADR is a structured process in which a judge or prothonotary conducts a mediation, early neutral evaluation, arbitration or mini-trial in order to facilitate a resolution of the dispute without embarking on a formal trial. ADR programs reduce backlogs and provide court services in the face of increasing caseloads. However, such programs have also created new judicial support and space needs.
- **Upgrading of communications technology.** Communications enhancements made by the Registry through Intranet, Internet and e-mail services have had considerable impact on delivering higher level services with fewer resources. Recent examples include: the acquisition of new networking equipment to augment bandwidth within each Registry location in preparation for electronic filing and other information technology initiatives; the updating of the Registry's groupware system in order to improve communications between staff and judges; and the first phase of the migration of the router to the Secure Channel (SCNet) network.

Major plans (new priorities)

- **Continue to refine case management system and tools.** This is a key management tool of the Registry and the Federal Court. Enhancements need to be made on an ongoing basis.
- **Continue to refine performance measures used to monitor quality of service delivery.** A joint initiative is planned with counterparts in the Registry of the Federal Court of Australia to this effect.
- **Implement procedural improvements.** Partner with the Bar and other stakeholders to explore new initiatives such as self-represented access as well as ongoing rule changes to improve procedure.
- **Continue technological enhancements.** Examples include: network circuits optimization and redesign for cost efficiencies and bandwidth optimization; redesign of the Federal Court network IP subnet nationwide; Internet infrastructure management; network rollout to Registry employees and judges; and streamlining technology expenditures and technology implementation.

Key risks

- Not keeping up with latest technology in court proceedings
- Loss of credibility with clients and public

Key performance measures

- Client service standards—The Court applies standards that are consistent with the standards adopted by the Canadian Judicial Council. Key performance targets include:
 - Reducing the time for proceedings (this varies by type of case)
 - The status and age of pending inventory
 - Increasing client satisfaction
- Analysis and follow-up to feedback from Court users collected through service quality questionnaires;
- Internal service standards (e.g., percent uptime level provided by Informatics technical support and network services).

4.4 Strategic priority—Sustain competent workforce

A key priority is that of maintaining a national organization of trained and knowledgeable people. This requires ongoing efforts by the Registry to recruit and retain qualified staff with specialized skills, to foster a continuous learning environment, to provide staff opportunities for development, to renew the workforce through succession planning, and to create a positive and productive work environment. Further, addressing staff uncertainty and concerns over job security as a result of the consolidation of administrative services will also be a priority. Finally, the recent tabling of legislative changes resulting from the Human Resources Modernization Task Force could also have an impact on HR delegated authorities and accountabilities.

Key initiatives (ongoing priorities)

- **Registry Officer Development Program (RODP) to provide training to Registry Officer recruits.** The two-year program consists of 16 modules and provides cross-training and hands-on experience in every facet of Registry operations.
- **A continued emphasis on learning and knowledge sharing.** With the objective of providing a continuous learning environment for staff, the Registry developed a Learning Policy, overseen by a Learning and Development Committee. A Learning Needs Analysis was initiated across the organization, aimed at providing each indeterminate employee with a personal learning plan. The Registry will continue to refine its overall learning strategy and learning approaches at the organization and individual level.
- **Recruitment.** As one means of ensuring an adequate pool of post-secondary graduates, the Registry has established agreements with a number of community colleges across the country where it offers a training module on registry operations.
- **Continued focus on promoting a greater diversity of the workforce and official languages.**
- **Development of Human Resources Information Management System (HRIS).** A major effort went into configuring the new HRIS and transferring data from its predecessor.

- **Staff orientation.** For example, an Employee Handbook is currently being developed as a reference tool for employees to become more familiar with the Registry. In the long-term, this is also seen as a tool to foster greater knowledge sharing across the Registry.

Major plans (new priorities)

- **Support consolidation of administrative services.** The impending consolidation of the administrative services of the Registry of the Federal Court and the Tax Court will generate a number of human resources issues and challenges.
- **Initiate succession planning.** Develop human resource plans, review career streams, conduct career counseling with staff, and consider development opportunities for staff.
- **Improve Registry Officer Development Program (RODP).**
- **Pursue partnering opportunities with colleges.** To support recruitment efforts, help generate a supply of qualified registry personnel, and create greater visibility of the Federal Court.
- **Prepare for the Canadian Human Rights Commission Audit.**

Key risks

- Loss of staff to other courts and registries
- Loss of corporate knowledge

Key performance measures

- Staff retention rates
- Satisfaction levels of staff
- Ability to retain corporate memory and continuity of operations

4.5 Strategic priority—Improve security

In the wake of the September 11, 2001 terrorist events, the Court and its Registry are implementing nation-wide security measures within their facilities to provide the necessary level of readiness and protection for judges, prothonotaries, Registry employees and the public. A number of these measures were identified in a security review. Current anti-terrorism legislation and changes in Canada's refugee policy, which refer whole new classes of cases to the Federal Court, further increase these risks and threats.

Key initiatives (ongoing priorities)

- **Emergency preparedness.** The Federal Court of Canada and Registry have been designated as an Emergency Preparedness Centre (EPC), whereby the Federal Court must continue to perform its judicial duties in the event of an emergency. The Registry is an active member of the *cadre* of federal organizations comprising the Continuity of Constitutional Government Working Group (CCG) under the leadership of the Office of Critical Infrastructure Protection and Emergency Preparedness (OC�PEP). The Registry must keep abreast of developments in other organizations to reach the desired state of readiness.
- **Security review.** During 2001-2002, the Registry undertook a review of the security of premises, operations and staff. (For example, the number of high risk security hearings has tripled in Toronto and there is no courtroom facility that can provide the dichotomy of security and access to the public in Ontario.) The Registry has also conducted a Vulnerability Security Assessment of its network infrastructure.

Major plans (new priorities)

- **Finalize security policies.** Continue and finalize the development of security policies and prioritize the changes required so as to deal appropriately with national security cases.
- **Implement security program.** To provide the necessary level of readiness and protection for judges, prothonotaries and staff, and to implement the revised Government Security Policy.

Key risks

- Lack of safety for judges/prothonotaries, Registry staff, litigants and the public
- Insufficient facilities for national security cases
- Lack of resources to deal with security cases

Key performance measures

- Ability to respond to security-related incidents
- Ability to hear security-related cases

4.6 Strategic priority—Improve management practices

The establishment of the Courts Administration Service provides an opportunity to implement management practices that are more closely aligned with the vision of Modern Management. This will require a renewed focus on strategy and planning, a proactive dialogue on values with managers and staff, a more systematic approach to risk management and performance measurement, and a continued focus on the management of people and the development of a continuous learning environment within the new consolidated Courts Administration Service.

Key initiatives (ongoing priorities)

- **Capacity assessment of management practices.** The Registry recently carried out an assessment of its management practices and began to identify major gaps and priorities for improvement.
- **Upgrading of corporate systems.** Examples include: the implementation of a new Human Resource Information System (HRIS); the establishment of a Salary Management System (SMS); and upgrades to the Free Balance Financial Management System.

Major plans (new priorities)

- **Conduct follow-up to Modern Management Capacity Assessment and Public Service Employee Survey.** To make a more efficient use of resources, the Registry has decided to pursue an integrated approach to implementing the results of the Modern Management Capacity Assessment and of the Public Service Employee Survey. In this way, a comprehensive and coherent action plan will be developed to address improvement areas identified under each assessment. As a first step, the Registry will conduct a gap analysis and identify high priority opportunities. The Registry of the Federal Court and the Tax Court have agreed to develop a joint Modern Management Action Plan. Potential opportunities could include: improvements in risk management, training for managers in modern management practices, the development of a strategic planning process, an internal audit plan, and further development of performance measures and monitoring systems.

- **Conduct follow-up to the Public Service Employee Survey.** This will involve analysis of the survey results, creation of improvement teams, development of action plans, implementation, monitoring and reevaluation of the plans so as to implement remedial action, if required.
- **Update accountability structures under consolidation.** The creation of the Courts Administration Service will require a new Program Reporting and Accountability Structure (PRAS), as well as integration of management processes and practices, including financial signing authorities.
- **Implement integration of the Registry's salary and financial management systems.**
- **Pursue other technological enhancements.** For example, these include enabling Finance to use PKI technology to access CFMRS over a secured channel within the Secure Channel (SCNet) network.
- **Information Management Project.** Develop an information classification system for the administrative files of the Registry of the Federal Court.

Key risks

- The transition process for the Courts Administration Service may have an impact on the implementation and development of modern management initiatives

Key performance measures

- Increased ability to anticipate and obtain necessary resources to support the courts' mandate
- Retention of corporate memory and continuity of service
- Status of implementation of Modern Management Action Plan

4.7 Strategic priority—Achieve cost savings

The main opportunities for cost savings are the consolidation of administrative services as well as greater sharing of local court facilities.

Key initiatives (ongoing priorities)

- **Consolidation of administrative services.** The *Courts Administration Service Act* (formerly Bill C-30), which received Royal Assent on March 27, 2002, legislates the consolidation of the administrative support services of the Federal Court of Appeal, the Court Martial Appeal Court of Canada (CMAC), the Federal Court and the Tax Court of Canada. This resulted from the Auditor General's 1997 *Report on the Federal Court of Canada and the Tax Court of Canada* which stated that potential savings of \$4.1 million per year could accrue to the Government from the consolidation of the corporate, administrative and other support services of the courts (although costs would increase during the transition period). Consolidation will require substantial changes in the organization, responsibilities and processes. A range of consolidation activities will be required in the initial years, including merging of the workforces, melding of technologies and systems, integration of processes and service standards, and modifications to accommodations. On the "softer" side, a strong effort will be required during the transition period to establish strong communications between the staff of the courts and to foster teamwork and new working relationships. An internal and external communications strategy and plan will also be required. Looking towards consolidation, the Registry has abolished positions and reduced its complement of senior executives.
- **Collocation of facilities in local offices.** Efforts have been ongoing to share facilities with the Tax Court as well as with other federal and provincial courts and tribunals. The Registry participated in a major study to improve the planning of its facilities. Further, the Registry will soon have to engage in the lease renewals for the local offices in Vancouver, Calgary, Edmonton, Winnipeg, Québec City, and Halifax. Collocation with the Tax Court in Vancouver occurred in 2000.
- **Other cost-savings initiatives.** Examples include: partnering with provincial and territorial courts and private companies such as QuickLaw; limiting the use of court reporters; making more optimal use of technological equipment for large hearings; and delaying projects while awaiting the coming into effect of the Courts Administration Service.

Major plans (new priorities)

- **Establish Federal Judicial Building in Ottawa.** The Registry of the Federal Court, in conjunction with its key partners the Tax Court of Canada, Public Works and Government Services Canada, the Office of the Commissioner for Federal Judicial Affairs, and the Department of Justice, are continuing their efforts to commence the consolidation of facilities in Ottawa. The goal of the initiative is to consolidate the various offices and operations of the Federal Court of Appeal, the Court Martial Appeal Court of Canada, the Federal Court, and the Tax Court of Canada which are presently scattered across the city of Ottawa in one facility. This facility is to be situated in St. Laurent Square, west of the Supreme Court of Canada Building. (The Court of Appeal will be temporarily relocated from the Supreme Court of Canada Building.)

- **Establish Toronto Judicial Centre.** Toronto courtrooms of the Federal Court are presently utilized at over 90% of availability. Court facilities are being stretched to the limit and this will continue until 2005, when the new Toronto facility will be completed and the number of courtrooms will be increased from 9 to 15.

- **Collocation with the Tax Court in Montreal Office.**

Key risks

- Long lead times required to acquire the appropriate number of courtrooms for cases
- Potential cost overruns and/or delays from facility projects. This will require strong cooperation and project management in collaboration with PWGSC
- Changes in government priorities could affect project funding approval and schedule for projects
- The need to manage stakeholder issues and concerns (e.g., design, outward appearances, sustainable development, accessibility issues) introduces significant risks to the projects

Key performance measures

- Actual versus targeted cost savings
- Completion of facility projects as per schedule and on budget

Section V: Organization

Composition of the Court. The Court consists of two divisions: the Federal Court of Appeal and the Federal Court-Trial Division. The full complement of judges for the Federal Court of Appeal comprises the Chief Justice and twelve puisne judges; and that of the Federal Court-Trial Division consists of the Associate Chief Justice and thirty-two puisne judges. This total complement includes the 15 additional positions created by the *Anti-terrorism Act* which the Government has indicated are intended to be filled over time as the need for additional positions is demonstrated. As of the writing of this report, there are ten puisne judges in the Federal Court of Appeal and twenty-two puisne judges in the Federal Court-Trial Division.

In total, the Federal Court also has five prothonotaries, of which one position is vacant. (Prothonotaries are barristers or advocates of a province appointed to assist the Court in the efficient performance of its judicial work, including the hearing and determination of most interlocutory motions to the Court, small claims jurisdiction, case management, pre-trial conferences, mediations, early neutral evaluations and mini-trials). In addition, the Court includes senior judges who have elected supernumerary status under the *Judges Act*. Also, from time to time, a former judge of a superior county or district court may be designated as a deputy judge by the Governor in Council at the request of the Chief Justice.

In addition to their normal duties, judges of the Court are required to devote time to the work of other courts and tribunals, for example serving as Umpires under the *Employment Insurance Act*, or as Chair or Members of the Competition Tribunal, to name but two. Members of both divisions serve as members of the Court Martial Appeal Court of Canada, whose Chief Justice is a senior judge of the Federal Court of Appeal.

Composition of the Registry. The Registry consists of the principal office in Ottawa and sixteen local offices located across Canada. The Registry is headed by an Administrator, who is accountable to the Chief Justice for all administrative matters pertaining to the operation of the Court and the Registry. The following persons report to the Administrator:

- Deputy Administrator, Operations responsible for Appeal Division, Trial Division, the Court Martial Appeal Court and judicial support activities, and financial administration
- Deputy Administrator, Human Resources
- Chief Information Officer
- Director, Administrative and Judicial Services

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- Manager, Planning and Communications
- Regional Director, Québec and Atlantic Region
- Regional Director, Ontario Region
- Regional Director, Western Region

Key elements of the Registry organization include:

- **Appeal Division**—Processes appeals and applications for judicial review and assists the Court of Appeal in all proceedings and hearings. This unit produces reports and case and appeal books as required by the *Rules* of the Court.
- **Trial Division**—Processes legal documents and supports the Court in all proceedings and hearings in the jurisdictional areas of Admiralty, Access to Information and Privacy, Crown, Immigration, Intellectual Property and Tax.
- **Corporate Services**—Provides internal support to the Registry in human resources, finance, informatics, administration, official languages, facilities management, security, library services, and planning and communications.
- **Regional Operations**—As an itinerant court, the Federal Court sits and transacts business at any place in Canada, to suit, as nearly as may be, the convenience of the parties. To assist in this obligation, the Registry consists of a principal office in Ottawa and sixteen local offices located across Canada; of these, nine are staffed and operated by Registry employees, and the remaining seven are collocated and staffed by provincial and territorial court employees through contracts. A party to any proceeding may file documents at a regional office, request the issuance of writs or otherwise do business with the Court in either official language. The local offices are listed below. Addresses are provided in Section VII.

Atlantic Region	<ul style="list-style-type: none">▪ Fredericton, New Brunswick▪ Saint John, New Brunswick*▪ Halifax, Nova Scotia▪ Charlottetown, Prince Edward Island*▪ St. John's, Newfoundland*
Québec Region	<ul style="list-style-type: none">▪ Montréal▪ Québec City
Ontario Region	<ul style="list-style-type: none">▪ Toronto
Western Region	<ul style="list-style-type: none">▪ Vancouver, British Columbia▪ Winnipeg, Manitoba▪ Regina, Saskatchewan*▪ Saskatoon, Saskatchewan*▪ Edmonton, Alberta▪ Calgary, Alberta

Registry of the Federal Court of Canada

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	<ul style="list-style-type: none">▪ Whitehorse, Yukon*▪ Yellowknife, North West Territories*
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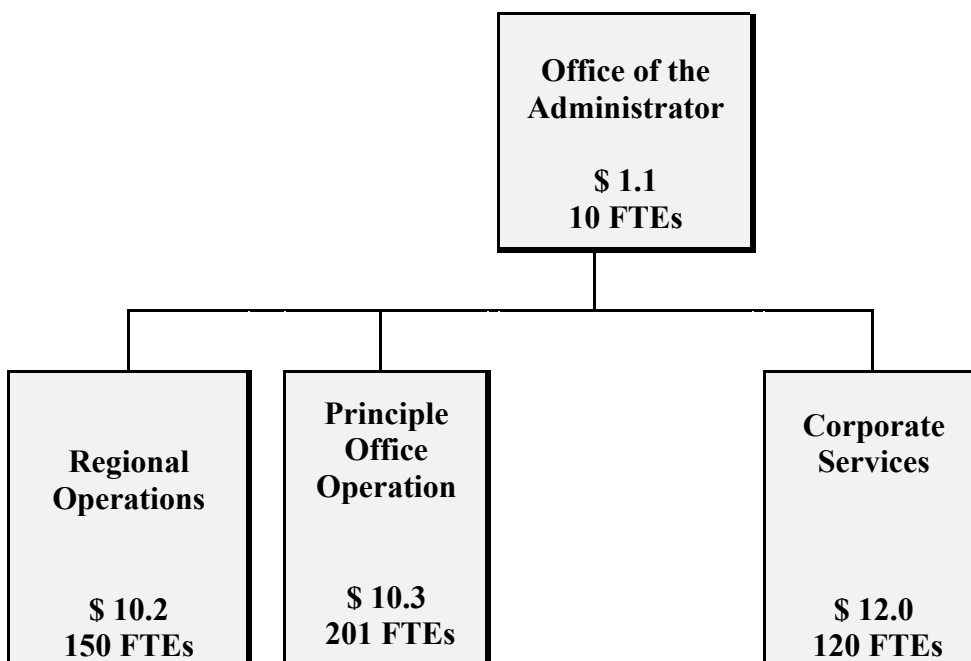
* Offices staffed by provincial or territorial court employees

More detailed information on the Federal Court's responsibilities, its rules and procedures, judgments and other publications is available on the Internet at <http://www.fct-cf.gc.ca>.

Planned spending. The Registry of the Federal Court of Canada plans to carry out its mandate in 2003–2004 with an operating budget of \$38.2 million (excluding \$4.6 million for Employee Benefit Plans) and 481 Full-Time Equivalents (FTEs). The organizational structure and estimated resource allocation are summarized in Figure V-1, below.

Figure V-1—Organizational Distribution of 2003-2004 Planned Spending

(millions of dollars)



Section VI: Annexes

Table VI-1—Non-Respendable Revenue

(\$ millions)	Forecast Revenue 2002-2003	Planned Revenue 2003-2004	Planned Revenue 2004-2005	Planned Revenue 2005-2006
Refund of previous years' expenditures	1.0	1.0	1.0	1.0
Service Fees	1.1	1.2	1.2	1.2
Miscellaneous non-tax revenues	5.9	4.6	4.6	4.6
Total Non-Respendable Revenue	8.0	6.8	6.8	6.8

Table VI-2—Net Cost of Program for 2003-2004

(\$ millions)	Registry Services	Total
Net Planned Spending (Total Main Estimates plus adjustments)	45.8	45.8
<i>Plus: Services Received without Charge</i>		
Accommodation provided by Public Works and Government Services Canada (PWGSC)	11.0	11.0
Contributions covering employers' share of employees' insurance premiums and expenditures paid by TBS	1.7	1.7
Workman's compensation coverage provided by Human Resources Canada	---	---
Salary and associated expenditures of legal services provided by Justice Canada	---	---
	12.7	12.7
<i>Less: Non-respendable Revenue</i>	6.8	6.8
2003-2004 Net Cost of Program	51.7	51.7

Table VI-3—Key Government Themes and Management Initiatives

Horizontal/Collective Initiative	Goal of the Initiative	List of Partners	Money Allocated by Partners (\$ millions)	Planned Results
Federal Judicial Building, Ottawa	To consolidate offices of the Federal Court of Canada and the Tax Court of Canada presently scattered in downtown Ottawa	<ul style="list-style-type: none"> ▪ Federal Court of Canada ▪ Tax Court of Canada ▪ PWGSC 	Still pending Effective Project Authority (EPA)	Construction to begin in late fall 2003 or early spring 2004
Federal Judicial Centre, Toronto	To collocate offices of the Federal Court of Canada and the Tax Court of Canada and to provide required expansion space	<ul style="list-style-type: none"> ▪ Federal Court of Canada ▪ Tax Court of Canada ▪ PWGSC 	Request for proposal has been issued for public tender	Completed construction of building by August 2005
Modern Comptrollership	To continue to integrate modern management principles into management culture, systems and accountability regimes	<ul style="list-style-type: none"> ▪ Federal Court of Canada ▪ Tax Court of Canada 	N/A	<ul style="list-style-type: none"> ▪ Capacity Assessment Report ▪ Gap analysis (March 2003) ▪ Development/ Implementation of Action Plan (2003-2004)

Section VII: Additional Information

Contacts for Further Information

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Some Statutes Under Which the Federal Court of Canada Exercises Jurisdiction

Access to Information Act
Agriculture and Agri-Food Administrative Monetary Penalties Act
Anti-Personnel Mines Convention Implementation Act
Anti-terrorism Act
Atomic Energy Control Act (see Nuclear Energy Act)
Bank Act
Bankruptcy and Insolvency Act
Broadcasting Act
Budget Implementation Act, 1998
Canada Agricultural Products Act
Canada Deposit Insurance Corporation Act
Canada Elections Act
Canada Evidence Act
Canada Grain Act
Canada Labour Code
Canada Lands Surveyors Act
Canada Marine Act
Canada Oil and Gas Operations Act
Canada Pension Plan
Canada Petroleum Resources Act
Canada Shipping Act
Canada Transportation Act
Canadian Environmental Protection Act, 1999
Canadian Human Rights Act
Canadian International Trade Tribunal Act
Canadian National Railways Act
Canadian Ownership and Control Determination Act
Canadian Security Intelligence Service Act
Canadian Space Agency Act
Cape Breton Development Corporation Act
Charities Registration (Security Information) Act
Citizenship Act
Civil International Space Station Agreement Implementation Act
Coasting Trade Act
Commercial Arbitration Act
Competition Act

Competition Tribunal Act
Cooperative Credit Associations Act
Copyright Act
Corrections and Conditional Release Act
Criminal Code
Crown Liability and Proceedings Act
Cultural Property Export and Import Act
Customs Act
Defence Production Act
Department of Human Resources Development Act
Divorce Act
Dominion Water Power Act
Emergencies Act
Employment Equity Act
Employment Insurance Act
Energy Supplies Emergency Act
Escheats Act
Excise Act
Excise Tax Act
Expropriation Act
Farm Credit Canada Act
Financial Consumer Agency of Canada Act
First Nations Land Management Act
Fisheries Act
Foreign Enlistment Act
Foreign Publishers Advertising Services Act
Hazardous Materials Information Review Act
Immigration and Refugee Protection Act
Income Tax Act
Indian Act
Industrial Design Act
Insurance Companies Act
Integrated Circuit Topography Act
International Boundary Waters Treaty Act
International Sale of Goods Contracts Convention Act
Labour Adjustment Benefits Act
Marine Liability Act
Motor Vehicle Safety Act
National Energy Board Act

North American Free Trade Agreement Implementation Act
Northern Pipeline Act
Northwest Territories Waters Act
Nuclear Safety and Control Act
Office of the Superintendent of Financial Institutions Act
Official Languages Act
Patent Act
Payment Clearing and Settlement Act
Pension Benefits Standards Act
Personal Information Protection and Electronic Documents Act
Petroleum and Gas Revenue Tax Act
Plant Breeders' Rights Act
Postal Services Interruption Relief Act
Privacy Act
Proceeds of Crime (Money Laundering) Act
Public Servants Inventions Act
Public Service Employment Act
Radiocommunication Act
Railway Safety Act
Royal Canadian Mounted Police Act
Special Import Measures Act
Status of the Artist Act
Supreme Court Act
Tax Court of Canada Act
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