

Courts Administration Service

**2004-2005
Estimates**

Report on Plans and Priorities

Approved

The Honourable Irwin Cotler
Minister of Justice and Attorney General of Canada

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Chief Administrator's Message

It is indeed a privilege for me, as the first Chief Administrator of the Courts Administration Service, to present this new organization's first Report on Plans and Priorities. The Courts Administration Service (hereinafter also referred to as the "Service") was established on July 2, 2003 by the *Courts Administration Service Act*.

During the past nine months, the Service has been committed to: consolidating the functions of the two former organizations, the registries of the Federal Court of Canada and the Tax Court of Canada; establishing approaches to ensure that the four courts—the Federal Court of Appeal, the Federal Court, the Tax Court of Canada and the Court Martial Appeal Court of Canada—are provided with the most effective support possible given their unique requirements; and examining all corporate and operational activities to provide the best value for public funds, while safeguarding the independence of the judiciary.

The next three years will be of the utmost importance in determining whether the governance structure outlined by the legislation can be implemented in such a way as to enhance judicial independence, while ensuring fiscal responsibility. As one of Canada's leading constitutional lawyers and legal scholars, Peter W. Hogg wrote:

In Canada, the effective review of spending proposals takes place within the government *before* the estimates are placed before the Parliament or Legislature. To exempt the funding of the courts from the Treasury Board or other internal governmental controls would place the administration of the courts in a privileged position enjoyed by no other part of government.¹

The Courts Administration Service contributes to judicial independence through its mandate to provide effective support and services to the four courts and to ensure access to those courts by members of the Canadian public seeking judicial redress. To achieve these objectives, the Service must be provided with stable funding based on clearly articulated needs, supported by performance measures that are both meaningful and clear. Much work remains to be done to meet this objective.

It is worth noting that in the past few years, the predecessor organizations were provided with a variety of funding streams—some ongoing, others for specific purposes, and still others on a year-to-year basis. For example, for the 2003-04 fiscal year the total of approved funding amounted to \$57.4 million of which \$0.85 million was held in specified accounts. Of this amount, \$6.5 million was provided for that year only. At this juncture, it should also be noted that \$1 million was returned to the Treasury Board in November 2003, based on a revised assessment of requirements. Moreover, a commitment was made to absorb the support costs for four additional judges who were appointed to the Federal Court after July 2, 2003.

¹ Peter W. Hogg, "The Role of a Chief Justice in Canada", (1993) 19 *Queen's Law Journal* 248, p. 258.

The Service is working closely with the Chief Justices to clearly identify the requirements of the courts. In tandem, discussions are ongoing with officials of the Treasury Board Secretariat to implement a more effective and sustainable approach to funding. Working collaboratively, I hope to develop a governance structure and funding mechanism for the Service that can serve as a model for the future and that may prove to be of national and international interest.

In closing, I wish to express my sincere appreciation to the Chief Justices and the judges for their support, the staff of the Service—and officials of a number of provinces who provide support under existing arrangements—for their professionalism and dedication, and the officials in the Office of the Commissioner for Federal Judicial Affairs, the Department of Justice and the various central agencies for their assistance.

R. M. Emond

MANAGEMENT REPRESENTATION STATEMENT

I submit, for tabling in Parliament, the 2004-2005 Report on Plans and Priorities (RPP) for the Courts Administration Service.

This document has been prepared based on the reporting principles and disclosure requirements contained in the *Guide to the preparation of the 2004-2005 Report on Plans and Priorities*:

- It accurately portrays the organization'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.
- It is comprehensive and accurate.
- It is based on sound underlying organizational 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.

Name: _____
R. M. Emond
Chief Administrator

Date: _____

Raison d'être of the Courts Administration Service

The Courts Administration Service is a new organization that was established by amalgamating the former registries of the Federal Court of Canada and the Tax Court of Canada. The amalgamation took effect on July 2, 2003 with the coming into force of the *Courts Administration Service Act*, S.C. 2002, c. 8 (see <http://laws.justice.gc.ca/en/C-45.5/index.html>).

The role of the Courts Administration Service is to provide administrative services to four courts of law: the Federal Court of Appeal, the Federal Court, the Tax Court of Canada and the Court Martial Appeal Court of Canada (see below). These services permit individuals, companies, organizations and the Government of Canada to submit disputes and other matters to the courts, and enable the courts to hear and resolve the cases before them fairly, without delay and as efficiently as possible.

As stated in section 2 of the *Courts Administration Service Act*, the Courts Administration Service was established:

- to facilitate coordination and cooperation among the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court of Canada and the Tax Court of Canada for the purpose of ensuring the effective and efficient provision of administrative services to those courts;
- to enhance judicial independence by placing administrative services at arm's length from the Government of Canada and by affirming the roles of chief justices and judges in the management of the courts; and
- to enhance accountability for the use of public money in support of court administration while safeguarding the independence of the judiciary.

The Courts Administration Service is responsible for meeting the courts' requirements and ensuring public access to the courts and to their records. The following are a few examples of specific functions carried out by the Courts Administration Service:

- providing litigants and their counsel with services relating to court hearings;
- informing litigants on rules of practice, court directives and procedures;
- maintaining court records;
- processing documents filed by or issued to litigants, and recording all proceedings;
- serving as a depository to allow for the enforcement of decisions made by the courts and federal administrative tribunals, such as the Canada Industrial Relations Board and the Canadian Human Rights Tribunal;

- providing judges, prothonotaries² and staff with library services; and
- providing judges, prothonotaries and staff with appropriate facilities and security.

² A prothonotary is a judicial officer of the Federal Court who is appointed by the Governor in Council pursuant to section 12 of the *Federal Courts Act* and who assists in the expeditious dispatch of the Court's business. In addition to assessing costs, conducting case management and hearing motions, prothonotaries may, subject to supervision by the Court, hear trials in matters not exceeding \$50,000. Once appointed, they serve on good behaviour up to the age of 75. For further information, please refer to Rules 50 and 51 of the *Federal Court Rules, 1998* (see <http://laws.justice.gc.ca/en/F-7/SOR-98-106/index.html>).

The Courts

The four courts served by the Courts Administration Service are superior courts of record. They were established by the Parliament of Canada pursuant to its authority under section 101 of the *Constitution Act, 1867* to establish courts "for the better Administration of the Laws of Canada".

The **Federal Court of Appeal** (formerly the Appeal Division of the Federal Court of Canada) has jurisdiction to hear appeals from decisions of the Federal Court and the Tax Court of Canada, and certain statutory appeals. It also has exclusive jurisdiction to hear applications for judicial review of decisions of 14 federal boards, commissions and tribunals listed in section 28 of the *Federal Courts Act* (see <http://laws.justice.gc.ca/en/F-7/index.html>). Parties to a proceeding in the Federal Court of Appeal may be granted leave, or permission, to appeal the Federal Court of Appeal's decision to the Supreme Court of Canada if the case involves a question of public importance.

The **Federal Court** (formerly the Trial Division of the Federal Court of Canada) is a court of first instance. It has original, but not exclusive, jurisdiction over cases by and against the Crown, appeals under approximately 110 federal statutes and proceedings involving admiralty law, intellectual property law, aboriginal law and national security. The Court also has exclusive jurisdiction to hear applications for judicial review of the decisions of all federal boards, commissions and tribunals other than those over which the Federal Court of Appeal has jurisdiction (see above). This jurisdiction includes, in particular, applications for judicial review of decisions of the Immigration and Refugee Board.

The **Tax Court of Canada** has exclusive original jurisdiction to hear appeals and references under 12 different Acts of Parliament. Most of the appeals made to the Court relate to income tax, the goods and services tax, or employment insurance. While many appeals are subject to procedures similar to those of the Federal Court, appeals under what is known as the "informal procedure" are heard as informally and expeditiously as circumstances and considerations of fairness permit.

The main function of the **Court Martial Appeal Court of Canada** is to hear appeals from courts martial, which are military courts established under the *National Defence Act* that hear cases under the Code of Service Discipline found in Parts III and VII of that Act.

Planning Overview

The Courts Administration Service is entirely funded through appropriations from Parliament. These appropriations are voted on each and every year by parliamentarians on reviewing the Main Estimates and the Report on Plans and Priorities, which are tabled in the House of Commons.

The Courts Administration Service also receives a small amount of revenue through filing fees and sales of copies of judgments. These revenues are returned to the Government of Canada's consolidated revenue fund and are not respendable by the Courts Administration Service.

Critical Issues

The key strategic issue for the Courts Administration Service in the short term is clearly the ongoing impact of the amalgamation process. The consolidation phase of the process has now been completed for the most part, and the organization is now moving on to the integration phase. This phase, which will be the focus of the organization's work in 2004-05, will involve such activities as continuing cross-training employees from the two former organizations, harmonizing and updating policies, and standardizing work tools, such as computer applications and financial systems. In 2005-06, the process will advance to a "transformation" phase, which will involve a broader application of technology in the registries and enhancement of access to the courts.

Furthermore, the decision to establish the Courts Administration Service was in part a response to the Auditor General's 1997 Report on the Federal Court of Canada and the Tax Court of Canada (see http://www.oag-bvg.gc.ca/domino/other.nsf/html/fed_e.html), which identified a number of concerns regarding management practices and the effective utilization of resources such as court facilities. Some of the report's recommendations were addressed by the former organizations prior to July 2, 2003, but a number of issues were held in abeyance while work continued on addressing the major recommendations, including the following:

The registries of the courts should be consolidated

We concluded that the needed improvements in accountability and cost effectiveness of registry services are likely to be achievable only if the two registries are consolidated. Each court is funded separately and each has a separate statutory mandate to plan for and acquire its own resources. We found that there was only limited consultation or co-operation on almost all resource matters. A consolidated registry would greatly facilitate improved planning and use of resources, as well as increase the opportunity to plan for federal judicial centres

that would meet the needs of the courts and federal boards and tribunals.³

The *Courts Administration Service Act* received Royal Assent on March 27, 2002 and came into force on July 2, 2003, thus effectively consolidating the two registries. Work will continue in 2004-05 on improving accountability, streamlining processes and achieving cost effectiveness.

Trends

There are a number of trends that the Courts Administration Service will have to take into account in the reporting period. One of these is the impact of new technologies on its work and the need to keep up with technological advances. For example, technologies permitting videoconferencing, digital recording, "remote hearings" and the electronic filing of documents will be adopted for use by the courts served by the Courts Administration Service.

A second trend involves the increasing use of alternate dispute resolution (ADR) in Federal Court of Appeal and Federal Court proceedings. ADR is a structured process in which a judge or prothonotary conducts an informal process, such as mediation, in order to facilitate a resolution of the dispute without embarking on a formal trial. ADR programs reduce backlogs and free up court services in the face of increasing caseloads. However, such programs have also created new judicial support needs and additional space requirements.

Furthermore, it should be noted that the Tax Court of Canada makes extensive use of informal proceedings, which reduce the cost of dispensing justice and make justice accessible to a broader range of litigants.

Finally, financial considerations have an impact on the Courts Administration Service's work. The organization has no control over its workload and has had to deal with an increasing volume and complexity of cases, new security requirements and other unforeseen issues within its existing budget. This is particularly true given that one of the purposes of the legislation amalgamating the two former organizations was "to enhance accountability for the use of public money in support of court administration".

This enhanced accountability manifests itself in the *Courts Administration Service Act*, which requires that the Chief Administrator send an annual report to the Minister of Justice, who then tables it in each House of Parliament. This legislative requirement also provides an opportunity for the Chief Administrator to inform the House of Commons and the Senate as well as the public of resource issues affecting the Courts Administration Service, and as a corollary, the respective courts which it serves.

³ Canada, Office of the Auditor General, *Report on the Federal Court of Canada and the Tax Court of Canada* (Ottawa: Minister of Public Works and Government Services, 1997), paragraph 13.

Risks and Challenges

In the spirit of the federal government's Government On-Line initiative (see below), the Courts Administration Service intends to take a proactive approach to making information available to the public. However, there is an inherent contradiction between the two principles of the public's right to know and citizens' right to privacy. The Courts Administration Service, in consultation with the judiciary, must find a way to balance these interests in making information such as court decisions broadly available to the public on the Internet.

The past few years have seen a significant increase in applications to the courts and most specifically in respect of immigration cases. Thus, the Federal Court's immigration and refugee workload doubled between 1995 and 2000 and has doubled once again since 2002. The events of September 11, 2001 and the increased emphasis on security have also added to the workload of the Federal Court.

Since July 2, 2003, five new judges have been appointed to the Federal Court along with one prothonotary. The capacity of the courts, and the Federal Court in particular, is a function of the capacity of their registries to process applications and the availability of judges to consider the cases. The Courts Administration Service will need adequate resources to meet the requirements of the current complement of the courts and any future needs arising from the filling of vacant judicial positions at the Federal Court of Appeal and the Federal Court, or any others that may arise, to meet the increasing workload of the courts. To ensure the "effective and efficient management and administration of all court services",⁴ the Courts Administration Service will continue to examine the resources required for the accurate and timely processing of files for the courts, while always recognizing the need to ensure accountability for the use of public money.

Another challenge faced by the Courts Administration Service lies in the requirement that it account for the use of resources while at the same time safeguarding the independence of the judiciary. The need for budgetary restraint must be balanced against the need to ensure that the courts' judges have everything they require to decide cases free of influence. For example, we must be conscious at all times of security concerns, and a full range of tools must be provided in support of the courts' work.

The effective utilization of facilities is a specific challenge, and it was discussed at length in the Auditor General's report. Facilities must be used as efficiently as possible, although 100 percent occupancy is impossible because scheduled hearings are frequently cancelled at the last minute after the parties agree to an out-of-court settlement. Furthermore, as the courts are itinerant, the Courts Administration Service provides judicial, administrative and technological support as well as the facilities across the country necessary to enable the courts to sit and transact business at any place in Canada, as close in proximity as may be, for the convenience of the parties. The Courts

⁴ *Courts Administration Service Act*, S.C. 2002, c. 8, subsection 7(2).

Administration Service will continue to make its courtrooms available to quasi-judicial tribunals and other organizations, although it must bear in mind sensitivities relating to judicial independence and the "perception" issue: e.g., a member of the public who appears before a government tribunal in a courtroom and then, on applying for judicial review of the tribunal's decision, appears before a judge in the same courtroom may have doubts as to the judge's independence from the tribunal.

Stakeholders

The Courts Administration Service has obligations to four main groups:

- the four courts;
- the legal community;
- litigants and their representatives; and
- the Canadian public.

Strategic Relationships

The Courts Administration Service has four main strategic relationships:

- The Department of Justice Canada – The Department of Justice and other government departments/organizations initiate legislation and policies that have a direct bearing on the courts' workload, which in turn has an impact upon the workload of the Courts Administration Service. Moreover, the Attorney General of Canada (i.e. the Minister of Justice) designates representatives of the legal profession to sit on the Rules Committee of the Federal Court of Appeal and the Federal Court, as well as on the equivalent committee of the Tax Court of Canada. In addition, both rules committees include senior representatives of the Department of Justice.
- Provinces and territories – Seven of the Courts Administration Service's 16 regional offices are co-located with and staffed by provincial/territorial court employees on a contractual basis. As well, provincial courtroom facilities are used in partnership in many locations. There is an ongoing need to maintain a presence in these locations and to continue using available facilities and libraries.
- The Canadian Bar Association and provincial law societies – These organizations provide valuable feedback on processes and procedures to ensure the continued effectiveness of services provided by the Courts Administration Service. They also take into account regional sensitivities such as those relating to admiralty issues.
- Quasi-judicial tribunals and boards – As mentioned above, the Courts Administration Service's ongoing efforts to achieve cost savings include the

sharing of facilities and courtrooms across the country with federal tribunals, boards and commissions while keeping in mind sensitivities relating to judicial independence.

Plans and Priorities by Strategic Outcome

Strategic Outcome

The Courts Administration Service is committed to realizing the following strategic outcome:

The public has effective, timely and fair access, in either official language and in compliance with the relevant legislation, to the litigation processes of the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court of Canada and the Tax Court of Canada.

This commitment is consistent with the Government of Canada's priority of improving the quality of life of Canadians. *Canada's Performance 2003* (see http://publiservice.tbs-sct.gc.ca/report/govrev/03/cp-rc_e.asp) is an annual report published by the President of the Treasury Board that attempts to measure the quality of life of Canadians by means of 20 "societal indicators", which are grouped according to four main themes: economic opportunities and innovation in Canada, the health of Canadians, the Canadian environment, and the strength and safety of Canadian communities.

While none of the societal indicators identified in *Canada's Performance 2003* apply directly to the Courts Administration Service's work, assuring access to the courts relates most closely to the theme of the strength and safety of Canadian communities. The report identifies "a fair Canadian justice system" as a common goal toward which a number of departments and agencies strive.

The strategic initiatives identified below are intended to ensure broader public access to the courts, more efficient processing of cases and more effective support to the courts we serve, while ensuring transparency and full accountability for the use of public funds.

Plans

As the role of the Courts Administration Service is to provide existing levels of service to the public, it does not have specific priorities requiring significant levels of spending. Rather than presenting this report on the basis of priorities, we have therefore decided to focus on the types of services we provide (registry services, judicial support and corporate services) and on how we intend to improve service delivery over the reporting period.

Registry Services

Registry Services provides the courts with litigation support processes. These include processing documents filed by or issued to litigants, attending at court sittings, recording proceedings, providing information to litigants, maintaining custody of the records and information base required by the courts and issuing legal instruments to enforce the courts' decisions.

Serving the Courts Across Canada

As the four courts served are itinerant courts, services must be provided at various locations across Canada to ensure access to the public. For this reason, the Courts Administration Service maintains a principal office in Ottawa and sixteen local offices in other parts of the country; nine of these local offices are staffed by Courts Administration Service employees, while the remaining seven are co-located with provincial and territorial court offices and staffed by employees of those courts on a contractual basis. To serve the courts that sit where it does not have local offices, the Courts Administration Service maintains court accommodations in London, Ontario and, in other locations, arranges for provincial court accommodations where available, leases commercial accommodations, or partners with other levels of government.

Harmonization of Registries

To provide a high level of service to the judiciary and to the public, the registries of the four courts served by the Courts Administration Service are currently being consolidated. The goal for 2004-05 is to improve access of the judiciary and the public, in both official languages, to the registries' services.

The consolidation of the registries of the courts will entail:

- co-location of the various registry offices;
- cross-training of existing staff;
- a review of policies and procedures and supporting best practices;
- harmonization of information systems; and

- electronic access.

The physical consolidation of the registries in Vancouver is already completed. Co-location of the registries will be completed in Montreal in September 2004 and in Toronto in 2006. Cross-training of registry staff across Canada has already started and will continue in 2004-05. As a result, all registry officers will be in a position to better serve clients with respect to all four courts. These measures will enhance the use of our resources and provide a common access point for the public.

In consultation with the Chief Justices, a review of the practices and procedures of all the courts will be undertaken in order to standardize them as much as possible. Upon completion of the review, recommendations for some changes to the rules of procedure will be sent to the rules committees with a view to ensuring that the rules of the courts are as uniform as possible. This should facilitate interpretation of the rules by the public and by registry staff.

Harmonization of the information systems of the four courts is necessary to improve communications between employees by providing uniformity and efficiency. The Internet sites and intranet will also be improved to enhance accessibility to the courts and the level of service offered. More information on this topic may be found in the section of this report on Government On-line.

Digital Recording

Digital recording equipment has been set up in some of our courtrooms. The initial results of the pilot project are positive. They have demonstrated that digital recording provides a means to reduce court reporting costs. As more and more courtrooms are equipped with the new system, the benefits will continue to accrue. The Courts Administration Service intends to develop a strategy for full deployment of this equipment in its courtrooms. With the support of the Chief Justices, we should be in a position to equip all our courtrooms with digital recording equipment in 2005-06.

Outreach

The Courts Administration Service will strive to ensure that the information it makes available to the public about the courts it serves, whether via the courts' Web sites or other communications tools, including the publication of judgments, is coordinated effectively. In addition, the former organizations used outreach activities, such as open houses and mock trials, to heighten public awareness of judicial independence.

A continuing evaluation of our Internet site will be conducted during the reporting period. We will also review our arrangement with the University of Montréal with regards to the publication of judgments and their accessibility to the public. We need to ensure that there is effective coordination of information made available to the public. Our plan is to enhance our communication strategy in order to foster a better understanding of the courts we serve.

Associated Resources for Registry Services

2004-05	\$22.3 million
2005-06	\$22.3 million
2006-07	\$22.7 million

Judicial Support

As part of the consolidation process of the Courts Administration Service, studies have commenced and will be continued in 2004-05 to develop a comprehensive understanding of the various forms of judicial support services which existed in the former registries of the Federal Court of Canada and the Tax Court of Canada. Support services provided to judges, supernumerary judges, deputy judges, prothonotaries, umpires, and assessors will be examined and defined. As a corollary, the roles of judicial administrators, judicial assistants and the law clerk programs will also be studied. Moreover, we will be reviewing all of the services, such as library services, translation of judgments and reasons, court usher services and chauffeur services, which are provided to the judges and judicial officers of the courts to determine how to consolidate them effectively. This will ensure that judicial support services are structured in such a way that appropriate resources are allocated according to requirements, while enhancing fiscal accountability and service delivery. This analysis is important, for without the proper type and level of timely support, judges and other judicial officers may find themselves performing some tasks that could be better delegated to qualified support staff.

The specific goals of this exercise are to:

- make recommendations on how the Courts Administration Service can provide judicial support functions in the most efficient manner; and
- develop ideas on how to promote internal cohesion within the Courts Administration Service regarding judicial support.

Improved Utilization of Courtrooms

The two former organizations faced criticism, in the Auditor General's 1997 report in particular, over courtroom utilization. The Auditor General concluded that the courts had an oversupply of courtrooms and that courtroom utilization as a percentage of availability was too low. This problem has not been resolved. As mentioned above, 100 percent utilization is an impossible goal because of the dynamics of the judicial process. However, the Courts Administration Service is actively monitoring this situation and will work to ensure that its courtrooms are shared and made effectively available to quasi-judicial tribunals and other organizations, where possible. We also intend to build on existing partnerships with the provinces. It should also be noted that in many locations, judges sit in facilities other than courtrooms, such as conference halls, hotel rooms, Legion halls and even church rectories.

Construction of the Pierre Elliott Trudeau Judicial Building

At present, the courts and the employees of the Courts Administration Service are located in seven buildings in the National Capital Region. The Pierre Elliott Trudeau Judicial Building is a proposed new single-purpose courthouse facility that will house the Federal Court of Appeal, the Federal Court, the Tax Court of Canada, the Court Martial Appeal Court of Canada and the Courts Administration Service. Planning for this project first began as long ago as March 1972. Various proposals have been prepared since then, and the project has on three separate occasions (1974, 1990 and 2002) been granted Preliminary Project Approval by the Treasury Board and approved by all other relevant regulatory government bodies. It was also discussed in the Auditor General's 1997 report, which concluded "that consolidation of Federal Court [of Canada] facilities in Ottawa would be desirable".⁵ In addition, as the Minister of Justice suggested in a 1986 letter to the Commissioner for Federal Judicial Affairs that was quoted in the Auditor General's report, the "feasibility of consolidating the Tax Court and other tribunals into any proposal" to build new premises for the Federal Court of Canada was analysed and the current project accordingly includes the Tax Court of Canada.⁶ The building is scheduled for completion by the fall of 2007. Public Works and Government Services Canada is the lead organization on this major Crown project, which is jointly managed with the Courts Administration Service.

Toronto Federal Judicial Centre Project

Another facilities-related project in which the Courts Administration Service is participating involves the Federal Judicial Centre in Toronto. The Federal Judicial Centre will be leased to the Federal Government on a long-term basis to house the regional operations of the Federal Court of Appeal, the Federal Court, the Tax Court of Canada, the Court Martial Appeal Court of Canada and the Courts Administration Service. Approval to proceed was obtained on January 30, 2003 and occupancy is scheduled for early 2006. Efficiencies will be realized from this project due to the fact that staff and courtrooms will be in a single location. Moreover, the co-location of staff will provide a single access and information point for the public.

Relocation of Staff in Montreal

In order to achieve efficiencies and savings as recommended by the Auditor General's report of 1997, the Courts Administration Service will be relocating former staff of the Tax Court of Canada's Montreal office to the offices of the former Registry of the Federal Court of Canada at 30 McGill Street in September 2004. The Courts Administration Service will forego some 1,005 m² of space at 500 Place d'Armes, which will result in

⁵ Canada, Office of the Auditor General, *op. cit.*, paragraph 114.

⁶ *Ibid.*, paragraph 112. It should be noted that the former Federal Court of Canada comprised an Appeal Division and a Trial Division. With the coming into force of the *Courts Administration Service Act* on July 2, 2003, these two divisions have become two distinct courts, known respectively as the Federal Court of Appeal and the Federal Court.

savings of approximately \$430,000 a year for Public Works and Government Services Canada.

Associated Resources for Judicial Support

2004-05	\$11.7 million
2005-06	\$11.7 million
2006-07	\$11.7 million

Corporate Services

In 2004-05, many activities will be undertaken that are directly related to the amalgamation process. For example, computer systems will be harmonized by acquiring common work tools, revising the network infrastructure and standardizing server applications. Key policies, procedures and systems in such areas as finance and human resources will be harmonized, and best practices of the two former organizations will be adopted.

Human Resources

In the reporting period, the Courts Administration Service will be developing a strategic human resources plan to address recruitment and development initiatives in order to build the organization's human resources capacity. The Law Clerk Program and the Registry Officer Development Program will be refined to meet the organization's changing needs and the Courts Administration Service will demonstrate its commitment to investing in learning.

Human Resources Modernization

The *Public Service Modernization Act*, S.C. 2003, c. 22, received Royal Assent on November 7, 2003. This Act is being phased in gradually: two of its main components, the *Public Service Labour Relations Act* and the *Public Service Employment Act*, are scheduled to come into force in the fall of 2004 and the fall of 2005, respectively. The infrastructure for implementing this legislation within the Courts Administration Service will have to be in place prior to the dates in question.

The following activities will result from the Human Resources Modernization initiative:

- establishing local labour-management consultation committees as required by the *Public Service Labour Relations Act* when it comes into force in the fall of 2004;
- establishing an informal conflict management system so that managers and employees may resolve workplace disputes informally; and
- developing and delivering training for line managers who will receive staffing subdelegations from the Chief Administrator under the *Public Service Employment Act* when it comes into force in the fall of 2005, as the Act will give

them greater decision-making authority and clearer accountability for their decisions.

Government On-Line

The former organizations worked to contribute to the goal of the Government of Canada's Government On-Line initiative (see http://www.gol-ged.gc.ca/index_e.asp), namely to use information and communication technology to provide Canadians with enhanced access to improved citizen-centred, integrated services, anytime, anywhere and in the official language of their choice. The Courts Administration Service is continuing to work toward achievement of the objectives of Government On-Line, as evidenced by the following activities, which will occur in 2004-05:

- a pilot project, targeted for July 1, 2004, in cooperation with LexisNexis Canada to permit the electronic filing of documents for proceedings in the Federal Court of Appeal, the Federal Court and the Court Martial Appeal Court of Canada will include a new method of paying court filing fees via the Receiver General Buy Button site, which provides a safe, secure and user-friendly way of paying for government goods or services over the Internet;
- a new phase of the existing electronic filing system at the Tax Court of Canada will permit documents to be transferred electronically to the parties; and
- changes to computers at public counters, which currently permit visitors to the registry to view only Federal Court of Appeal and Federal Court docket entries, will make it possible to view hearing lists, the decisions database, indexing information and the Web sites of the four courts.

Other improvements will be made in 2005-06 and 2006-07. A new case management system integrating the Courts Administration Service's two existing operational systems will incorporate the best practices of the two former organizations and provide improved online services to the public. For example, parties in proceedings of all four courts will be able to receive documents from the courts and serve documents on each other electronically, and to view court documents that have been filed electronically or scanned into the system. Throughout the reporting period, new on-line technologies will be added to the array of services already available to the public.

Modern Comptrollership

The federal government's Modern Comptrollership initiative (see http://www.tbs-sct.gc.ca/cmo_mfc/) is a management reform focused on the sound management of resources and effective decision-making. Modern Comptrollership is intended to provide managers with integrated financial and non-financial performance information, a sound approach to risk management, appropriate control systems and a shared set of values and ethics.

Both former organizations conducted Modern Comptrollership capacity assessments to identify priorities for improvement. The Courts Administration Service will continue the work done in the former organizations in the interest of modernizing its management policies, practices and procedures. Certain specific areas in financial management will be addressed and a combined action plan based on the capacity assessments of the former organizations will be developed in the course of 2004-05. The Courts Administration Service will also continue to address weaknesses in the management practices of both former organizations that were identified in the 1997 report of the Auditor General.

The Courts Administration Service will ensure that a more effective accountability regime is put in place as quickly as possible. Management practices and procedures at the Courts Administration Service will continue to be strengthened during this planning period. Our restructuring exercise is focused on accountability and responsibility for the cost-effective use of resources approved by Parliament to support the Courts Administration Service, while continuing to safeguard judicial independence. The Courts Administration Service will review improvements in accountability reporting against service and performance standards relating to the effective use of resources. Examples could include reporting on the timeliness of submitting cases to the courts, resource utilization rates, service to litigants and increased productivity of the registries. In order to facilitate this, organization-wide performance measures will be developed.

The Courts Administration Service is also establishing an appropriate governance regime, which will include a restructured Senior Management Committee, an effective Audit and Risk Management Committee, a Human Resources Management Committee, and national and local labour-management committees and occupational safety and health committees.

Security

The Courts Administration Service is responsible for security for the four courts. The security of judges, prothonotaries, staff and members of the public in Courts Administration Service facilities is of vital importance. However, security requirements must not impede public access to the courts.

Security is particularly important due to recent changes to the mandate of the Federal Court under the *Anti-terrorism Act* and other legislation, which have heightened security requirements. As well, the Courts Administration Service, together with the Federal Court, is designated as an Emergency Preparedness Centre (EPC) to ensure that the Federal Court can continue to perform its judicial duties in the event of an emergency. The Courts Administration Service is also a 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 (OCIPEP), which is to be integrated into a new portfolio, Public Safety and Emergency Preparedness (see <http://www.ocipep.gc.ca/index.asp>).

In 2004-05, the Courts Administration Service will be developing a comprehensive security policy as well as a protocol for security at hearings and the transmission of

sensitive documents. In addition, security requirements are being taken into account in the design of the new building in Toronto and the proposed Pierre Elliott Trudeau Judicial Building in the National Capital Region.

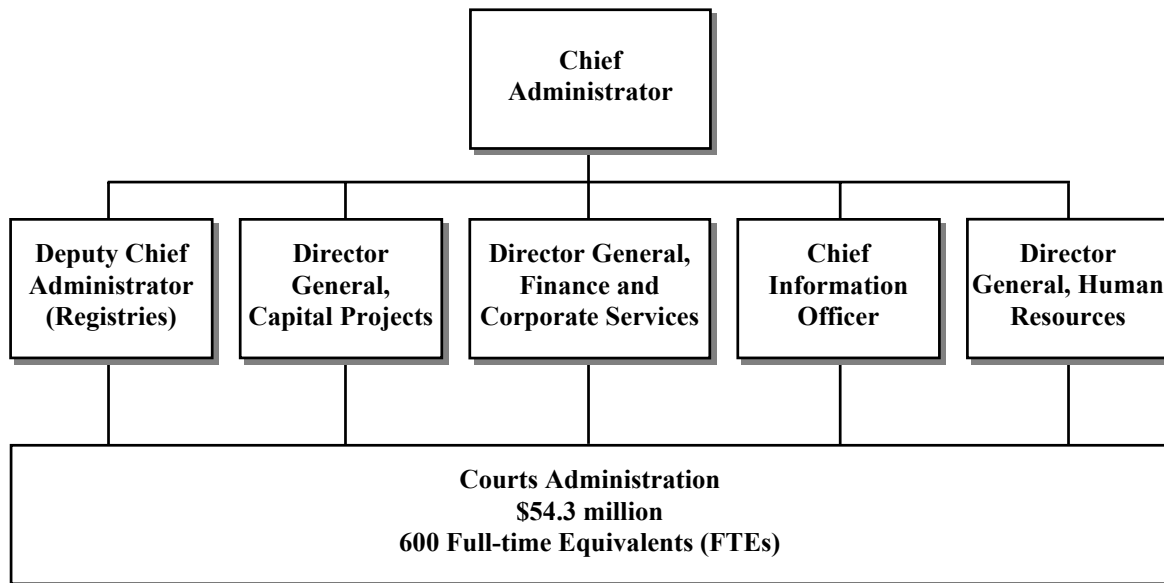
Associated Resources for Corporate Services

2004-05	\$19.0 million
2005-06	\$18.7 million
2006-07	\$18.7 million

Organization

The Courts Administration Service is structured in an efficient and cost-effective manner to deliver its mandate.

Accountability



The Chief Administrator of the Courts Administration Service is accountable to Parliament through the Minister of Justice.

The powers, duties and functions of the Chief Administrator are set out in the *Courts Administration Service Act* as follows:

- the Chief Administrator has all the powers necessary for the overall effective and efficient management and administration of all court services, including court facilities and libraries and corporate services and staffing (subsection 7(2)); and
- the Chief Administrator, in consultation with the Chief Justices of the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court of Canada and the Tax Court of Canada, shall establish and maintain the registry or registries for those courts in any organizational form or forms and prepare budgetary submissions for the requirements of those courts and for the related needs of the Courts Administration Service (subsection 7(3)).

The *Courts Administration Service Act* also places two specific restrictions on the powers of the Chief Administrator:

- the powers of the Chief Administrator do not extend to any matter assigned by law to the judiciary (subsection 7(4)); and
- a [C]hief [J]ustice may issue binding directions in writing to the Chief Administrator with respect to any matter within the Chief Administrator's authority (subsection 9(1)).

Planned Spending

(\$ millions)	Forecast Spending 2003-2004*	Planned Spending 2004-2005	Planned Spending 2005-2006	Planned Spending 2006-2007
Budgetary Main Estimates (gross) (\$ includes Employee Benefit Plan)	51.2	54.3	54.0	54.4
Non-Budgetary Main Estimates (gross)	---	---	---	---
Less: Respendable revenue	---	---	---	---
Total Main Estimates	51.2	54.3	54.0	54.4
<i>Adjustments (Planned Spending not in Main Estimates)</i>				
+ Additional operating and capital costs	4.7	---	---	---
+ Fit-up of a courtroom in the new location of the Federal Court of Appeal	1.0	---	---	---
+ Vote 10: Government-wide Initiatives	0.2	---	---	---
+ Vote 15: Collective Agreements	0.3	---	---	---
- Special Security Cases (Air India)**	(0.5)	---	---	---
<i>Total Adjustments</i>	5.7	0.0	0.0	0.0
Net Planned Spending	56.9	54.3	54.0	54.4
Less: Non-respendable revenue	(4.7)	(7.6)	(7.6)	(7.6)
Plus: Cost of services received without charge	18.3	17.1	17.3	17.9
Net Cost of Program	70.5	63.8	63.7	64.7
Full-time Equivalents	592	600	600	600

* Reflects the best forecast of total net planned spending to the end of the fiscal year, including employee benefits.

** **Special Security Case (Air India):** For fiscal year 2003-2004, the Courts Administration Service is not anticipating to spend its special purpose allotment of \$500,000 in Special Security Cases (Air India Trial). An amount of \$250,000 was returned to the Treasury Board Secretariat in 2003-2004. The other \$250,000 has been re-profiled to 2004-2005 and is included in the 2004-2005 Main Estimates amount above.

Appendixes

Appendix I: Financial Tables

Table 1: Sources of Non-Respendable Revenue

(\$ millions)	Forecast Revenue 2003-2004	Planned Revenue 2004-2005	Planned Revenue 2005-2006	Planned Revenue 2006-2007
Refund of previous years' expenditures	0.1	0.2	0.2	0.2
Service Fees	1.9	1.5	1.5	1.5
Miscellaneous non-tax revenues	2.7	5.9	5.9	5.9
Total Non-Respendable Revenue	4.7	7.6	7.6	7.6

At the Courts Administration Service, non-respendable revenues consist primarily of fees levied for filing documents within the registries, and for sales of photocopies of judgments and other revenues such as fines. Fine revenues are impossible to forecast and vary significantly in amounts from year to year. As a result, a four-year average has been used to forecast future non-respendable revenues.

Table 2: Net Cost of Program for 2004-2005

(\$ millions)	Courts Administration
Net Planned Spending (Total Main Estimates plus Adjustments as per the Planned Spending Table)	54.3
<i>Plus: Services Received without Charge</i>	
Accommodation provided by Public Works and Government Services Canada (PWGSC)	14.8
Contributions covering employers' share of employees' insurance premiums and expenditures paid by TBS (excluding revolving funds)	2.3
Worker's compensation coverage provided by Human Resources Canada	---
Salary and associated expenditures of legal services provided by Justice Canada	---
	17.1
<i>Less: Non-responsible Revenue</i>	(7.6)
2004-2005 Net Cost of Program	63.8

Appendix II: Offices of the Courts Administration Service

NATIONAL CAPITAL REGION OFFICES

<p style="text-align: center;">Courts Administration Service PRINCIPAL OFFICE - OTTAWA Ottawa, Ontario K1A 0H9 http://www.cas-satj.gc.ca</p>
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<p>Lorne Building 90 Elgin Street Ottawa, Ontario K1P 5B8</p> <p>Registry of the Federal Court of Appeal and the Court Martial Appeal Court of Canada Telephone: (613) 996-6795 Facsimile: (613) 952-7226</p> <p>Registry of the Federal Court Telephone: (613) 992-4238 Facsimile: (613) 952-3653</p>	<p>Centennial Towers 200 Kent Street Ottawa, Ontario K1A 0M1</p> <p>Registry of the Tax Court of Canada Telephone: (613) 992-0901 or 1-800-927-5499 Facsimile: (613) 957-9034 TTY: (613) 943-0946</p> <p>Tax Court of Canada courtroom and judges' chambers</p>
<p>Thomas D'Arcy McGee Building 90 Sparks Street Ottawa, Ontario K1P 5B4</p> <p>Federal Court of Appeal, Federal Court and Court Martial Appeal Court of Canada courtrooms and judges' chambers</p>	<p>Farm Credit Building 434 Queen Street Ottawa, Ontario K1R 7V7</p> <p>Corporate Services for the Courts Administration Service Telephone: (613) 996-2563 Facsimile: (613) 941-6197</p>

LOCAL OFFICES

ALBERTA – Calgary

3rd Floor, 635 Eight Avenue S.W.
T2P 3M3

Telephone: (403) 292-5920
Facsimile: (403) 292-5329
TTY: (403) 292-5879

ALBERTA – Edmonton

Scotia Place, Tower 1, Suite 530,
P.O. Box 51

10060 Jasper Avenue T5J 3R8
Telephone: (780) 495-4651
Facsimile: (780) 495-4681
TTY: (780) 495-2428

BRITISH COLUMBIA – Vancouver

Pacific Centre, P.O. Box 10065
701 West Georgia Street V7Y 1B6

Telephone: (604) 666-3232
Facsimile: (604) 666-8181
TTY: (604) 666-9228

MANITOBA – Winnipeg

4th Floor, 363 Broadway Street R3C 3N9

Telephone: (204) 983-2509
Facsimile: (204) 983-7636
TTY: (204) 984-4440

NEW BRUNSWICK – Fredericton

Suite 100, 82 Westmorland Street E3B 3L3

Telephone: (506) 452-3016
Facsimile: (506) 452-3584
TTY: (506) 452-3036

NOVA SCOTIA – Halifax

Suite 1720, 1801 Hollis Street B3J 3N4

Telephone: (902) 426-3282
Facsimile: (902) 426-5514
TTY: (902) 426-9776

ONTARIO – Toronto and London

- Registry of the Federal Court of Appeal, the
Federal Court and the Court Martial Appeal
Court of Canada (Toronto)

7th Floor, 330 University Avenue M5G 1R7

Telephone: (416) 973-3356
Facsimile: (416) 954-5083
TTY: (416) 954-4245

- Registry of the Tax Court of Canada (Toronto)
Suite 902, 200 King Street West M5H 3T4

Telephone: (416) 973-9181
Facsimile: (416) 973-5944

- Registry of the Tax Court of Canada (London)

3rd Floor, 231 Dundas Street N6A 1H1

Telephone: (519) 645-4203
Facsimile: (519) 675-3391

QUEBEC – Montréal

- Registry of the Federal Court of Appeal, the
Federal Court and the Court Martial Appeal
Court of Canada

30 McGill Street H2Y 3Z7

Telephone: (514) 283-4820
Facsimile: (514) 283-6004
TTY: (514) 283-3017

- Registry of the Tax Court of Canada

Suite 1800, 500 Place d'Armes H2Y 2W2

Telephone: (514) 283-9912
Facsimile: (514) 496-1996

QUEBEC – Québec

Palais de Justice, Room 500A and 500E,
300 Jean Lesage Blvd. G1K 8K6

Telephone: (418) 648-4920
Facsimile: (418) 648-4051
TTY: (418) 648-4644

**OFFICES STAFFED BY PROVINCIAL AND/OR TERRITORIAL
COURT EMPLOYEES**

NEW BRUNSWICK - Saint John
Room 413, 110 Charlotte Street E2L 2J4
Telephone: (506) 636-4990
Facsimile: (506) 658-3070

NEWFOUNDLAND - St. John's
The Court House, P.O. Box 937,
Duckworth Street A1C 5M3
Telephone: (709) 772-2884
Facsimile: (709) 772-6351

**NORTHWEST TERRITORIES -
Yellowknife**
The Court House, P.O. Box 1320
4905, 49th Street X1A 2L9
Telephone: (867) 873-2044
Facsimile: (867) 873-0291

**PRINCE EDWARD ISLAND -
Charlottetown**
Sir Henry Louis Davies Law Courts
P.O. Box 2000, 42 Water Street C1A 8B9
Telephone: (902) 368-0179
Facsimile: (902) 368-0266

SASKATCHEWAN – Regina
The Court House
2425 Victoria Avenue S4P 3V7
Telephone: (306) 780-5268
Facsimile: (306) 787-7217

SASKATCHEWAN – Saskatoon
The Court House
520 Spadina Crescent East S7K 2H6
Telephone: (306) 975-4509
Facsimile: (306) 975-4818

YUKON TERRITORY – Whitehorse
Andrew A. Phillipsen Law Centre
2134 Second Avenue Y1A 5H6
Telephone: (867) 667-5441
Facsimile: (867) 393-6212