

Supreme Court of Canada 2009-2010 Estimates

A Report on Plans and Priorities

Approved

The Honourable Rob Nicholson Minister of Justice and Attorney General of Canada

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I: Departmental Overview

A. Registrar's Message

I am pleased to present the 2009-2010 Report on Plans and Priorities for the Supreme Court of Canada.

The Supreme Court of Canada is Canada's final court of appeal. It serves Canadians by leading the development of common and civil law through its decisions on questions of public importance. The independence of the Court, the quality of its work and the respect in which it is held contribute significantly as foundations for a secure, strong and democratic country.

The Office of the Registrar of the Supreme Court of Canada understands keenly the importance of the role of the Court and focuses its efforts on a single strategic outcome: to provide the best decision-making environment for the Court.

Though the core work of the Office continues to be the processing of cases and our projected caseload for the coming year remains relatively stable, the decision-making environment continually evolves, dictating new risks, challenges and opportunities. In the past few years, these have been mainly technological ones, as the Court undertook a major modernization initiative. Now that courtroom systems are stable and the implementation of an electronic document and records management system is well underway, focus will shift to adapting business processes to the new environment. I am confident that, though change is always difficult, the managers and employees of the Court will dedicate themselves as always to serving the judges and Canadians with professionalism and now with a renewed sense of purpose.

In addition to ensuring that our people and our processes are up to the challenge, we will be focusing on two management priorities in 2009-2010: developing and implementing an information management strategy and program; and finalizing and implementing our business continuity program.

Unusually, I am presenting this report instead of our new Registrar, Roger Bilodeau, who was appointed on January 23, 2009 to replace Anne Roland, who retired in 2008, following 18 years of service in that position. The judges and staff look forward to working with a new deputy head and with the recently appointed Justice Thomas A. Cromwell - two new important changes that I am positive the staff of the Office of the Registrar will handle with alacrity!

Name:	Title: Deputy Registrar
Louise Meagher	
Date: January 26, 2009	

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B. Raison d'être

As the final court of appeal, the Supreme Court of Canada serves Canadians by leading the development of common and civil law through its decisions on questions of public importance. The mandate of the Supreme Court of Canada is to have and exercise an appellate, civil and criminal jurisdiction within and throughout Canada, which it meets by hearing and deciding cases of public importance. In accordance with the *Supreme Court Act*, the Supreme Court of Canada consists of the Chief Justice and the eight Puisne Judges.

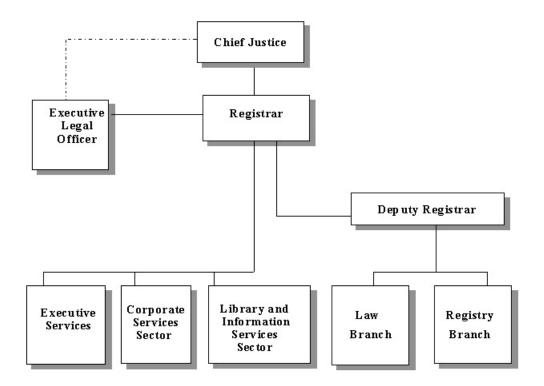
The Office of the Registrar of the Supreme Court of Canada exists to provide the full gamut of services the Court needs in order to hear cases and render decisions, and serves as the interface between the litigants and the Court. The focus of this report is the Office of the Registrar of the Supreme Court of Canada.

More detailed information on the Court's responsibilities, the hearing process and judgments is available on the Internet (http://www.scc-csc.gc.ca).

C. Responsibilities

The Supreme Court of Canada comprises the Chief Justice and the eight Puisne Judges, all of whom are appointed by the Governor in Council. The Supreme Court of Canada is the highest Court in Canada and one of its most important national institutions. It hears appeals from the decisions of the courts of appeal of the provinces and territories as well as from the Federal Court of Appeal. In addition, the Court is required to give its opinion on any question referred to it by the Governor in Council. The importance of the decisions of the Court for Canadian society is well recognized. The Court assures uniformity, consistency and correctness in the articulation, development and interpretation of legal principles throughout the Canadian judicial system. Its jurisdiction is derived from the *Supreme Court Act* and other *Acts of Parliament*, such as the Criminal Code.

The Registrar, also a Governor in Council appointee, reports to the Chief Justice, and heads the Office of the Registrar of the Supreme Court of Canada. The organization of the Office of the Registrar is depicted in the following diagram and further explained in the paragraphs that follow.



Executive Services

Appointed by the Governor in Council, the Registrar is the Deputy Head of the Court, is subject to the direction of the Chief Justice and exercises quasi-judicial powers. The Registrar's Office provides executive services to the chambers of the nine Judges, the office of the Executive Legal Officer, the law clerk program, and dignitary visits.

Court Operations Sector

The Deputy Registrar, a Governor in Council appointee, oversees the work of the Court Operations Sector, which includes the Registry Branch and the Law Branch. Public information services, including the management of the Court's Tour Program, are also provided by staff in the Deputy Registrar's Office.

Library and Information Services Sector

Library and Information Services are provided by the Library and Information Management/ Technology branches. Sector services are designed primarily to serve the Court and its business units, and through them litigants, the media and the public. These responsibilities extend to the corporate level where this centre of expertise is charged with ensuring that the management of the Court's information meets legislative and central agency requirements.

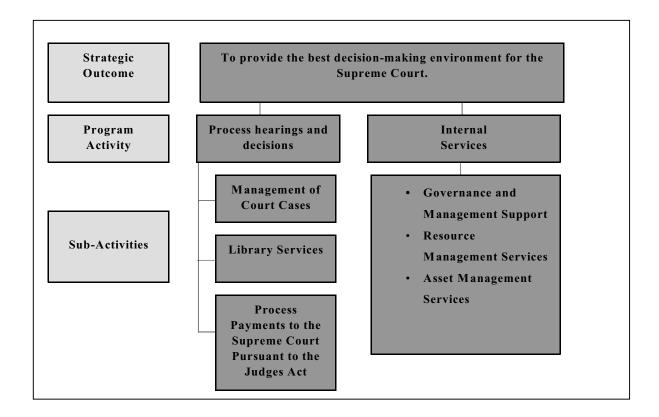
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Corporate Services Sector

The administrative support to the Judges and Court staff is provided by the Corporate Services Sector, which is responsible for accommodation, telecommunications, health and safety, finance, procurement, human resources, administration, security, strategic planning, reporting and project management.

D. Strategic Outcome and Program Activity Architecture (PAA)

The Office of the Registrar of the Supreme Court of Canada has a single strategic outcome: To provide the best decision-making environment for the Supreme Court. The following illustrates the Supreme Court of Canada's framework of program activities and sub-activities which contribute to progress toward the Court's Strategic Outcome.



E. Planning Summary

Financial Resources (\$ millions)

2009-2010	2010-2011	2011-2012
28.6	28.7	28.8

The financial resources table above provides a summary of the total planned spending for the Office of the Registrar for the next three fiscal years.

<u>Human Resources</u> (Full-Time Equivalents)

2009-2010	2010-2011	2011-2012
201	201	201

The human resources table above provides a summary of the total planned human resources for the Office of the Registrar for the next three years.

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Summary Table:

Strategic Outcome: To provide the best decision-making environment to the Supreme Court			
Performance Indicators	Targets		
Level of satisfaction among judges regarding quality of service	Annual interviews with Judges Target: "Satisfied" level		
Level of satisfaction among lawyers regarding quality of service	Annual interviews with lawyers' committees Target: "Satisfied" level		

Program		Forecast	Planned Spending			Alignment to Government
Activity ¹	Expected Results	Spending 2008-09	2009-10	2010-11	2011-12	of Canada Outcome
Process hearings and decisions - Cases processed without delay - Access to Court services and information - Courtroom systems reliability - Access to reference information - Timely and accurate processing of payments pursuant of the Judges Act		30.0	28.6	28.7	28.8	Government Affairs The Supreme Court of Canada stands at the apex of the Canadian judicial system, and as such is a fundamental element of the Canadian structure of government.
Total Planned Spending		30.0	28.6	28.7	28.8	
Less: Non-respendable revenue		(0.2)	(0.2)	(0.2)	(0.2)	
Plus: Cost of services received without charge		9.4	9.4	9.2	9.2	
Total Departm	ental Spending	39.2	37.8	37.7	37.8	

^{1.} For program activity descriptions, please access the Main Estimates online http://www.tbs-sct.gc.ca/est-pre/estime.asp.

F. Contribution of Priorities to Strategic Outcome

The focus of the Office of the Registrar will continue to be the processing of cases without delay while maintaining stakeholder satisfaction and high standards of service quality, and keeping backlogs to a minimum. In addition, the Office of the Registrar has two management priorities for 2009-10 which are driven by the government-wide agenda to improve the management of the public service and its programs.

Management Priorities	Type	Links to Strategic Outcome	Description
Develop and implement an information management strategy and program	New	To provide the best decision-making environment for the Supreme Court	 Why is this a priority? Given the increasing complexities of cases before the Court and the amount and numerous sources of information available, the Office of the Registrar must provide an improved information management base to better support the business of the Court Plans for meeting the priority Review information management governance to clarify roles and responsibilities Develop a plan to address awareness activities and training Continue updating procedures, policies, directives, standards and guidelines Continue implementing the new electronic document and records management system and other information management tools
Finalize and implement the business continuity program	New	To provide the best decision-making environment for the Supreme Court	 Why is this a priority? It is essential to secure the effectiveness of the Court by safeguarding employees, information, and assets and ensuring the continued availability of the Court's essential services Plans for meeting the priority Completion of business continuity plans and arrangements Establishment and implementation of business continuity plans maintenance cycle and procedures

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The environment within which the Office of the Registrar must carry out its activities is continually evolving. The legal environment is becoming increasingly complicated and technological advancements place ongoing pressure on the Court to update its facilities, systems and services. In order to mitigate risk, the Office of the Registrar's focus for the last three years has been on modernizing the courtroom and on enhancing electronic access to the Court for litigants and Canadian citizens. Major technological changes have been instituted and the Office of the Registrar must now solidify and leverage these new technologies by ensuring that work processes are adapted to the new environment.

As well, an ongoing challenge faced by the Office of the Registrar is one that is shared by many small agencies - that is, the struggle to maintain operations and address specific challenges, while complying with the same expectations and requirements (e.g. reporting) from central agencies as are demanded of large, more flexibly resourced departments.

The following provides more information about major factors affecting the Office of the Registrar's operations.

i) Changes and trends in the Court and court administration include:

- **New Judge.** The appointment of a new Judge to the Supreme Court creates a new dynamic for the Office of the Registrar in supporting the Judges.
- Continued focus on electronic exchange of information. The general public has become more technically savvy, and more comfortable using electronic tools to carry out a wide variety of functions. Consistent with this broad trend, the public expects to be able to use electronic tools to interact with the Office of the Registrar's systems to obtain information and legal material. Judges and counsel are preparing their cases using electronic documents and require access to these documents electronically during hearings. Counsel are demanding the ability to use electronic information and technology while presenting their cases. Meanwhile, the number of electronic cases from the lower courts is increasing. While the Office of the Registrar has moved towards more electronic acceptance and processing of cases, the requirement for paper-based processes continues, and will continue for some time. As a result, parallel streams of case and information processing is still required. The courtroom modernization project created additional pressure to bridge paper with electronic while maintaining

both formats. The focus is now shifting to business transformation and change management.

- Complexity of the legal environment. Factors such as globalization and the growing influence of privacy, security, secrecy and human rights issues continue to increase the complexity of cases heard. Increasingly complicated motions are being filed, and more applications for leave to appeal are being received from self-represented litigants, requiring additional effort and skill to address.
- Recent fluctuations in the caseload of the Court. The workload of the Office of the Registrar in terms of caseload has been very stable over the last 10 years (around 80 appeals heard and judgments rendered per year; 14 appeals as of right and 570 leave applications filed per year). However, in 2006 just over 500 leave applications and 7 appeals as of right were filed which led to a reduction in the appeals heard in 2007 to 52 and number of judgments to 58. It now seems clear that this reduction was an anomaly, as 600 leave applications were filed in 2007 and 548 filed in 2008. The numbers of appeals as of right filed increased to 16 in 2007 and 18 in 2008. Accordingly, the numbers of appeal heard have increased to normal levels 82 appeals were heard in 2008, and expectations are that a similar number will be heard in 2009. Seventy-four judgments were rendered in 2008.

ii) Government-wide initiatives

• Information Management governance. In a climate of enhanced accountability and reporting requirements, one of the particular challenges the Office of the Registrar is faced with in light of the Policy on Information Management and the Policy on the Management of Information Technology is finding a balance between enabling the Registrar to meet his/her obligations as Deputy Head under Treasury Board Policies and avoiding any compromise to the independence of the Judiciary. The efforts to streamline the policy framework for the management of information and technology resources should ensure that the proper tools and mechanisms are in place to respond to this challenge.

As a result of an Information Management audit conducted in 2005, the Office of the Registrar developed and implemented many of the required elements for the effective governance of its information management. The next step is to ensure all the elements are incorporated into a comprehensive and detailed information management strategy and plan.

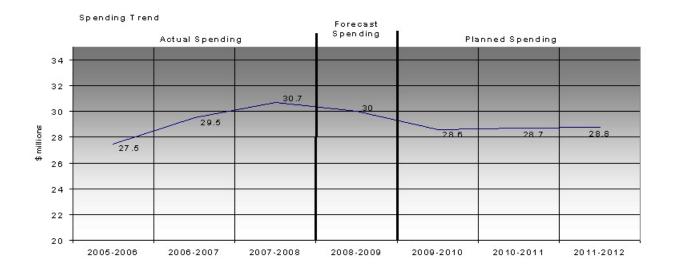
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- Business continuity program. The Court has partially developed measures to provide for the continuity of essential business operations and services. However, the Court's business continuity program lacks a number of elements such the establishment and implementation of business continuity plans maintenance cycle and procedures for their revision, testing and auditing. There is a risk of disruption of the Court's activities if the Office fails or is unable to respond and recover from disaster due to a shortage of readily available resources and/or the unavailability of premises required to continue court operations over an extended period of time. Disruption of Registry operations could result in counsel and litigants missing filing deadlines and delay of hearings. The Office of the Registrar needs to finalize its business continuity program as per *Government Security Policy and its Operational Security Standard Business Continuity Planning (BCP) Program.* The finalization of the business continuity plan requires the establishment of alternate sites and pandemic plan as well as the preparation and delivery of an educational curriculum.
- Integrated business planning. The Office of the Registrar continues to improve its business planning process by integrating various resource requirements such as human resources, financial resources, assets, information technology and communications as well as risk considerations. The Office of the Registrar uses the human resources plan to forecast its staffing needs, deal strategically with staffing, retention and succession issues, and mobilize and sustain the energies and talents of its managers and employees, enabling them to contribute to the achievement of organizational goals. The Office of the Registrar is also improving the management of learning by focussing learning activities to operational requirements, specific job requirements, organizational future needs and employee development through the use of learning plans. Learning plans are evergreen and reviewed each year during the performance evaluation cycle. This enables the Office of the Registrar to effectively manage its human resources and strategically aligns the organization's efforts to the Clerk's priorities.

H. Expenditure Profile

For 2009-10 fiscal year, the Office of the Registrar plans to spend \$28.6 million to meet the expected results of its program activity and contribute to its strategic outcome. As illustrated in the figure below, there was a slight increase in approved funding for the courtroom project from 2006-2007 to 2008-2009.

Spending Trend



I. Voted and Statutory Items

This table illustrates Parliamentary approved funding for the Office of the Registrar (\$ millions)

Vote # or Statutory Item (S)	Truncated Vote or Statutory Wording	2009-2010 Main Estimates	2010-2011 Main Estimates
50	Program expenditures	21.0	21.0
(S)	Contributions to employee benefit plans	2.2	2.2
(S)	Judges' salaries, allowances and annuities, annuities to spouses and children of judges and lump sum payments to spouses of judges who die while in office	5.4	5.5
	Total	28.6	28.7

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II: Analysis of Program Activities by Strategic Outcome

A. Strategic Outcome

The Office of the Registrar of the Supreme Court of Canada has a single strategic outcome:

• To provide the best decision making environment for the Supreme Court.

The performance indicators for the strategic outcome relate mainly to the quality and timeliness of the service provided.

- Level of satisfaction among judges regarding quality of service. The judges are the primary clients of the Office of the Registrar, and thus it is critical to measure their satisfaction with performance. Satisfaction is monitored informally on an ongoing basis throughout the year by the Registrar's regular communication with the judges. However, satisfaction will be more formally monitored on an annual basis by conducting interviews with the judges. The interview will solicit among other things feedback on the timeliness of case processing and the quality of support provided.
- Level of satisfaction among lawyers regarding quality of service. Lawyers represent the Office of the Registrar's second major group of stakeholders. The Office of the Registrar will continue to receive ad hoc feedback from counsel who appear before the Court as well as more formalized feedback from bench and bar committees such as the Court Ottawa Agents Practice and Procedures Committee and the SCC/CBA Liaison Committee. Feedback from counsel and self-represented litigants will also be collected via a "comment card" at the Registry counter.

B. Program Activity

Program Activity	Program Activity: Process hearings and decisions				
	Human Resources (FTEs) and Planned Spending (\$ millions)				
2009-10		2010-11		2011-12	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
201	28.6	201	28.7	201	28.8

The sole Program Activity supporting the Strategic Outcome is: "Process hearings and decisions". The Office of the Registrar exists to provide the services the Court must have to render its decisions as the court of last resort. The principal responsibilities of the Office of the Registrar are to provide a full range of administrative and support services to the Judges and to manage cases coming to the Court.

The following provides additional information on the expected result and performance indicators.

Expected Results	Performance Indicators
Cases processed without delay	 Number of months between filing of application for leave and and decision on application for leave Number of months between hearing and judgment

- Number of months between filing of application for leave and decision on application for leave. The receipt of an application for leave is the beginning of the process for most appeals. Before hearing an appeal from the highest court in a province or the Federal Court of Appeal, the Supreme Court must give permission (or leave to appeal) to the appellant. The Office of the Registrar receives the application for leave, offers assistance to the parties, reviews the application, and provides legal and case management support to the panel of three judges of the Court who decide whether to grant or dismiss the application for leave. There is continuing pressure on the Office of the Registrar to minimize the processing time for applications for leave. The target for decision on an application for leave is 14 weeks, and statistics are maintained, allowing for regular monitoring.
- Number of months between hearing and judgment. Once leave to appeal is granted, a hearing date is set. Following the hearing of the appeal, the decision is rendered by the judges. Decisions can be delivered immediately, but most often there is a delay to allow the judges to issue reasons for the decision. Judges are supported in the decision writing process by their law clerks and staff of the Registry and the Law Branch. The bulk of the employee work is in translating, editing and summarizing the decisions of the Court and publishing decisions in the Supreme Court Reports, in accordance with the *Supreme Court Act*. The target for release of judgments is six months from the hearing date. Statistics are maintained, and elapsed time is monitored regularly.

Statistics can be found on the Supreme Court's website: (http://www.scc-csc.gc.ca).

C. Sub-activities

The Program Activity has three sub-activities which are key contributors to overall performance. They are:

- **1. Management of Court Cases**. In order to render decisions, the Court requires the support of the Office of the Registrar in the management of cases from receipt of an application for leave to appeal to the release of the bilingual judgment on appeal and its publication. The expected results for this sub-activity are "access to Court services and information" and "courtroom systems reliability". Both of these are key elements of the hearing process and must be in place if the Supreme Court is to render judgments.
- **2. Library Services.** The *Supreme Court Act* requires the Registrar to, under the direction of the Chief Justice, manage and control the library of the Court. Accordingly the Office of the Registrar provides legal library services with an extensive civil law and common law collection suited to the broad jurisdiction of the Supreme Court of Canada. The expected result for this sub-activity is "access to reference information", which is a necessary part of the Supreme Court's decision-making process.
- **3. Process Payments to the Supreme Court Judges Pursuant to the** *Judges Act.* The *Judges Act* specifies the salaries of the Supreme Court judges, and prescribes other payments to be made to judges, namely allowances, removal, meeting, conference and seminars, and annuities, all of which are processed by the Office of the Registrar. The expected result for this sub-activity is "timely and accurate processing of payments". This is necessary to meet its statutory obligations.

1) Management of Court Cases

Expected Results	Performance Indicators
Access to court services and information	• % of lawyers and unrepresented litigants that were "satisfied" or "very satisfied" with Registry services
Courtroom systems reliability	Number of hearing disruptions for technical reasons per year

• Percentage of lawyers and unrepresented litigants that were "satisfied" or "very satisfied" with Registry services. The Registry branch is the interface between the Office of the Registrar and its "clients" or lawyers, self-represented litigants and the public. These groups contact the Registry for information regarding cases, the application for leave to appeal and appeal processes and the procedures for filing documents. In 2006-07, a

comprehensive survey was undertaken to assess the satisfaction of lawyers and self-represented litigants with Registry services. Results were very positive. It is planned to conduct similar surveys every four years to regularly assess performance. The target is to have 95% of those surveyed respond that they are satisfied or very satisfied with service. The Registry is also monitoring client satisfaction by means of a "comment card" for any client attending at the Registry counter. The target for a "satisfied" or above rating will also be set at 95%.

• Number of hearing disruptions for technical reasons per year. The Office of the Registrar completed the upgrade of the Courtroom's Audio-Visual and Information Technology systems in 2008-09. The systems in place are now more robust and stable, and include redundancy that will ensure seamless and undisturbed proceedings in the case of a technical failure. Courtroom systems performance and availability rates are monitored on an ongoing basis. Measures are in place to minimize failures (such a testing, maintenance schedules, a robust replacement plan, etc.), and to ensure action is taken quickly in the event of systems failure. The target is to have no disruption to hearings due to systems failure.

2) Library Services

Expected Result	Performance Indicators
Access to reference information	 % of factual/bibliographic requests for reference assistance responded to within service standard of 1 working day % of complex/substantive requests for reference assistance responded to by date required by client % of users that were "satisfied" or "very satisfied" with library services % of citations in judgments that are in the collection

• Percentage of requests for reference assistance responded to within service standards or by date required by client. Requests for reference assistance may be factual or bibliographic, which can generally be responded to by reference to an authoritative source, or may be complex or substantive in nature, which means the request may require unique approaches, consultation with various sources, and ultimately the exercise of judgment. Therefore two separate indicators have been developed that focus on the timeliness in responding to reference queries, based on a standard of one working day for factual requests and on a fixed time established by the client for complex research requests. In both cases,

the Library has established a target of 95%. Requests received in the months of November and March will be analysed and clients will be asked to validate whether turnaround times have met their expectations.

- Percentage of users that were "satisfied" or "very satisfied" with library services.
- The Library provides legal information and research services, including the acquisition of a comprehensive legal collection in print and electronic formats, customized legal awareness tools and services such as an inter-library loan service, and access to electronic resources. In order to formally capture user satisfaction with the Library's services, collection and current awareness tools, a survey of all staff and judges is conducted approximately every four years. The next formal survey is planned for the Fall of 2010. In the coming year, the Library will focus on ensuring that two specific products, the New Book Titles and Law Journal Contents, meet the needs of its primary clients.
- Percentage of citations in judgments that are in the collection. A newly revised Collection Development Policy, approved in early 2009, will impact the proportion of print and electronic resources available in the Library. The Library monitors the percentage of citations to case law, legislation and secondary material referred to in the decisions of the Supreme Court, to ensure that the information needs of the Court continue to be met. A target of 85% of cited material is expected to be available in the Library's print collection.
- 3) Process payments to the Supreme Court Judges pursuant to the *Judges Act*

	Expected Result	Performance Indicators
•	Timely and accurate processing of payments	% of payments processed within service standards% of errors on payments

- Percentage of payments processed within service standards. The Financial Management Branch commenced tracking processing times for payments to judges in 2008-09. The standard is to process a payment within five working days. The target is to have 95% of payments processed within the five day standard.
- **Percentage of errors on payments.** Financial Management staff may receive feedback from judges when errors have been made in payments, however, this is not a reliable method of assessing the accuracy of the payments. A file review will be conducted in 2009-10. The target is to have no more than a two percent error rate.

D. Benefits to Canadians

The Supreme Court of Canada is Canada's highest court of law. It is the final general court of appeal, the last judicial resort for all litigants, whether individuals or governments. The Supreme Court of Canada stands at the apex of the Canadian judicial system, and as such is a fundamental element of the Canadian structure of government. Because of this position, the strategic outcome of the Office of the Registrar of the Supreme Court of Canada - "to provide the best decision-making environment for the Supreme Court" - contributes to the Government Affairs outcome area.

E. Internal Services

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. As advised by Treasury Board, internal services are aligned according to size. For small departments these groups are: Governance and Management Support, Resource Management Services, Asset Management Services.

III: Supplementary Information

A. List of Supplementary Information

Other financial tables may be found electronically at the following link: http://www.tbs-sct.gc.ca/rpp/2009-2010/index-eng.asp. These include the following:

- i) Summary of Capital Spending by Program Activity
- ii) Source of Respendable and Non-Respendable Revenue

B. Other Items of Interest

Supreme Court of Canada Building General Enquiries

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K1A 0J1

World Wide Web: Internet Access

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C. Listing of Statutory and Departmental Reports

Supreme Court Reports

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

D. Legislation Administered

Supreme Court Act	R.S.C. 1985, C.S-26 as amended
Judges Act	R.S.C. 1985, C.J-1 as amended