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COMPARATIVE ANALYSIS OF  
KEY CHARACTERISTICS OF

# COURT ADMINISTRATION SYSTEMS

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Presented to the  
Canadian Judicial Council  
Administration of Justice Committee  
Administrative Efficiency in Trial and Appeal Courts Sub-Committee

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# FOREWORD

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In 2006, the Canadian Judicial Council published a report entitled *Alternative Models of Court Administration*. In exploring the trend towards governments granting greater administrative autonomy to the courts, the report offered seven different models present in a number of jurisdictions.

In 2011 the Administration of Justice Committee of Council commissioned a research study which would present a comparison of key characteristics of court administrative systems against those models in common law countries including Australia, England and Wales, New Zealand, North Ireland, the Republic of Ireland and Scotland. Key to this comparative analysis was the collection of legislation, memoranda of understanding and other forms of written agreements between the Judiciary and the Executive. They outline which level of government is responsible for certain or all aspects of court administration.

The report consists of two documents.

Presented here is the first part, namely, a comparative analysis building on the seven models presented in the 2006 report and further analysing how each of the selected jurisdictions advances their work according to six specific characteristics of court administration.

Further below is the second part, namely, a report presented in a chart or table format which gives an overview of the analysis' content and provides for an easy comparison of the systems in place within the respective jurisdictions.



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# PREAMBLE

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In Canada, court administration is most frequently controlled by the executive, through ministries or departments of justice. However, in recent years, many provincial governments have agreed to confer greater administrative independence to courts through informal arrangements as well as written agreements (Memorandums of Understanding (MOUs), protocols, etc.). This is the case of, amongst others, Québec's Court of Québec and Court of Appeal, and Ontario's Court of Justice. This movement among Canadian provinces towards greater administrative autonomy of courts is consistent with a broader international trend which debuted in the USA and slowly but surely won over other common law countries<sup>1</sup>.

Federal courts in the United States have been operating autonomously since as early as 1939, when Congress withdrew administrative control of federal courts from the Department of Justice and assigned it to the Administrative Office of the United States Courts (the "Office"). This agency performs its function under the direction and supervision of the Judicial Conference of the United States, which is composed exclusively of federally-appointed judges and is presided over by the Chief Justice of the United States Supreme Court<sup>2</sup>. The administrative independence accorded to US federal courts through the combined work of the Office and the Judicial Conference is patent from the way budget for the courts is allocated. Indeed, this budget, which is prepared by the Office and approved by the Judicial Conference, is sent to the Office of the President, who has a statutory obligation to forward it to Congress without change<sup>3</sup>. American state courts currently operate under the *limited autonomy model* as well<sup>4</sup>.

Review of other common law countries provides further examples of court governance systems granting increased degree of administrative independence to courts. In Australia, federal courts function under the *limited autonomy model*. The High Court was made a self-administering court by the *High Court of Australia Act 1979*, which was proclaimed in 1980. Under this act, the administration of the High Court is vested in its judges, who collectively act as the relevant policy and administrative decision makers. A Chief Executive and Principal Registrar further has the function of acting on behalf of, and assisting, the judges in the day to day administration of the affairs of the Court<sup>5</sup>. As for the other Australian federal courts, the Family Court and Federal Court were both granted self-administration in 1990<sup>6</sup>, while the Federal Magistrates Court was given the power to administer its own affairs at the time of its creation in 1999<sup>7</sup>. In all of these other federal courts, the Chief Judicial Officer (i.e. the Chief Federal Magistrate or Chief Justice) is responsible for managing the Court's administrative affairs. He or she is assisted by a Chief Executive Officer or Registrar who works under his or her direction<sup>8</sup>.

The state of South Australia has also operated under the *limited autonomy model* since 1993. Court administration for the whole of this Australian state rests with the Courts Administration Authority (CAA), which is governed by the State Courts Administration Council. The latter is a statutory authority independent of executive government control consisting of the Chief Justice of the Supreme Court, the Chief Judge of the District Court, and the Chief Magistrate of the Magistrates Court. The function of the Council is to provide the administrative facilities and services for participating courts that are necessary to enable those courts and their staff to carry out their judicial and administrative functions. The State Courts Administrator is the Council's Chief Executive Officer and is subject to control and direction by the Council<sup>9</sup>. According to Andrew Phelan, Chief Executive and Principal Registrar of the High Court of Australia, the new Victorian State government has announced the establishment of an independent courts administration authority, although details of this change are yet to emerge<sup>10</sup>.

In the Republic of Ireland, court administration is provided by the Courts Service of Ireland, an independent body corporate created in 1999 which is governed by a Board, a majority of whom consists of judges. The Board considers and determines policy in relation to the Service, and oversees the implementation of that policy by the Chief Executive Officer. The latter, who is appointed by the Board and is responsible to it, is in charge of managing and controlling generally the staff, administration and business of the Service.<sup>11</sup>

As for the United Kingdom, the Supreme Court operates under the *limited autonomy model*. Its administration is a non-ministerial Department headed by a Chief Executive, a statutory office created by Section 48 of the *Constitutional Reform Act 2005*. It is not part of the Ministry of Justice, and does not report to the Lord Chancellor. The Chief Executive is appointed by the Lord Chancellor after consultation with the President of the Court, and carries out his or her functions in accordance with any directions given by the President, to whom he or she reports<sup>12</sup>. It is also worth mentioning that in England and Wales, administration of courts (apart from the UK Supreme Court) rests with Her Majesty's Courts Service (HMCS) since 2005. While the latter is a Ministry of Justice agency, the Lord Chancellor and the Lord Chief Justice have nonetheless agreed to place its leadership and broad direction in the hands of a Board which members include representatives of the judiciary<sup>13</sup>. Judicial representatives also attend Board meetings of the Northern Ireland Courts and Tribunals Service (NICTS), the departmental agency responsible for court administration in Northern Ireland<sup>14</sup>.

Finally, Scotland too operates under the *limited autonomy model*. The Scottish Court Service (SCS) provides, or ensures the provision of, services required for the purposes of the Scottish courts and the judiciary of those courts. The SCS was established by the *Judiciary and Courts (Scotland) Act*. Effective April 1st, 2010, it went from an Executive Agency of the Scottish Government, accountable to Scottish Ministers, to an independent public body, accountable to a Board chaired by the Lord President and consisting of a majority of judicial members (7 out of 13). This majority of judicial members shall be maintained by way of the *Judiciary and Courts (Scotland) Act*. A Chief Executive, appointed by the SCS, is responsible for the day-to-day running of the SCS. He or she works under the general direction of the SCS Board.

It is also worth noting that, according to the authors of the CJC's 2006 report, civil law countries have also moved in the direction of more autonomous court administration:

In Western Europe, it appears that the Netherlands has moved furthest in this direction, and in France, regional president judges now have expanded authority and responsibility for court administration. Sweden and more recently Norway have also moved away from the traditional executive model. Emerging nations in post-Communist Eastern Europe have adopted elements of autonomous court administration (e.g. Bulgaria and the Republic of Georgia). In Asia, the Supreme Court of the Philippines has long held tight control over the administration of the nation's entire court system.<sup>15</sup>

The above-mentioned examples suffice to show that what was referred to in 2006 as a "clear trend towards the granting of greater administrative autonomy to the courts"<sup>16</sup> is still manifest from a 2010 review of court administration. It is with this in mind that the Canadian Judicial Council has asked the undersigned to prepare the following report which presents a broad description of court administration models in Canada, England, Wales, Northern Ireland, the Republic of Ireland, Scotland, Australia and New-Zealand.

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Cléa Iavarone-Turcotte  
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# INTRODUCTION<sup>†</sup>

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As set out in the terms of reference, this report aims at comparing key characteristics of court administration systems in operation in various jurisdictions worldwide. Apart from Canada, these jurisdictions are Australia, England and Wales, New Zealand, Northern Ireland, Republic of Ireland, and Scotland. Given the time allowed for the purpose of our mandate, it would have been too ambitious to enquire upon court governance structures in place at all levels of courts in all of the above-mentioned jurisdictions. Therefore, as for Australia, we confined our search to the highest courts, that is, its 4 federal courts and 8 states' and territories' supreme courts. Regarding Canada, we looked into all federal courts. As for Canadian provinces' and territories' first level courts, we limited ourselves to provincial or territorial courts, therefore not assessing, where applicable, small claims courts, probate courts, etc.<sup>17</sup>.

The following jurisdictions were consequently examined:

1. Australia – Federal Level
  - i. Federal Magistrates Court
  - ii. Family Court
  - iii. Federal Court
  - iv. High Court
2. Australian States
  - i. New South Wales Supreme Court
  - ii. Queensland Supreme Court
  - iii. South Australia Supreme Court
  - iv. Tasmania Supreme Court
  - v. Victoria Supreme Court
  - vi. Western Australia Supreme Court
3. Australian Mainland Territories
  - i. Australian Capital Territory (ACT) Supreme Court
  - ii. Northern Territory Supreme Court
4. Canada
  - i. Supreme Court
  - ii. Other federal courts (i.e. Federal Court of Appeal, Federal Court, Court Martial Appeal Court and Tax Court of Canada)
  - iii. Provincial and Territorial courts (i.e., in each province/territory, the provincial/territorial court, superior court and court of appeal)

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<sup>†</sup>The authors would like to thank Karima Toulait for her help in preparing this report.

5. England and Wales
  - i. UK Supreme Court
  - ii. Other courts
6. New Zealand – all courts
7. Northern Ireland
  - i. UK Supreme Court
  - ii. Other courts
8. Republic of Ireland – all courts
9. Scotland
  - i. UK Supreme Court
  - ii. Other courts

## Methodology

As a first step towards conducting the analysis, organizations or persons in charge of court administration in each of the jurisdictions at issue were contacted by way of letter. The purpose of this letter was to obtain directly from key stakeholders the documentation needed to achieve a full understanding of court administration structures in place. This letter thus asked for legislation, memorandums of understanding (MOUs) and/or other forms of written agreements between the judiciary and the executive or its administrative equivalent which outline who is responsible for certain or all aspects of court administration. As a result of this enquiry, we received documents from 41% of the jurisdictions contacted<sup>18</sup>. The information provided consists of a wide variety of documents (legislation, papers, MOUs, framework documents, annual reports, strategic plans, etc.), as well as commentaries from judges or court administrators (emails, letters, briefing notes, etc.). We provide a list of the jurisdictions from which we received such documentation as well as those from which material is yet to be obtained in Schedule 1 of the report. This Schedule also details the exact documents provided to us.

Therefore, for all of the jurisdictions which did not send documentation (i.e. 59% of them), we collected the relevant information ourselves, researching the websites of the courts, departments of justice and other organizations involved in court administration. While some of these websites contained all the information we were seeking, others displayed content we often found quite limited for our purpose. This explains why, if we were able to report on, say, the management of libraries for one court, we were not necessarily able to obtain the equivalent information for another. This also is the reason why a few sections of the report were left blank. For Australian courts, we were nonetheless able to broaden our comprehension by relying on the book entitled *The Governance of Australia's Courts: A Managerial Perspective*, a study published in 2004 by the Australian Institute of Judicial Administration which was recommended to us by a number of our Australian contacts. Schedule 2 of the report lists the documents and sources we were not provided with but nevertheless consulted in the preparation of this report.

It is worth mentioning also that an internet research was similarly conducted in relation to a majority of the jurisdictions which did send documentation. This is first due to the fact that, given the high number of jurisdictions to be assessed (i.e. more or less 58), we had to begin collecting data before receiving the documents in order to complete the report in the allotted time. Secondly, for some jurisdictions, we felt it was necessary to add to the information received with more research, in order to fill in some gaps as well

as remove ambiguities. Finally, for other jurisdictions, the material provided did not include documents we regarded as highly important and thus decided to consider regardless of whether they were given to us or not in the first place. This was for instance the case for statutes establishing courts.

## Structure of the Report and Preliminary Remarks

The report consists of two documents. First, the analysis or study *per se*, which is divided, for each jurisdiction, into six subdivisions corresponding to the six key characteristics of court administration we chose to look into. These subdivisions are as follows:

1. Model of court administration
2. Organization or person(s) in charge of court administration
3. Budget and financial accounting
4. Human resources
5. Buildings, fixtures and furnishings, and
6. Support systems.

The second part of the report is a table which summarizes the information contained in the analysis. This chart is intended to give an overview of the analysis' content and, hence, more easily compare the various systems in place. It should not however be taken as sufficient in itself to get the "full picture" on court administration, and should therefore be read in parallel with the analysis.

For each of the subdivisions, we concentrate on "who does what"; in other words, our goal is to identify the person(s) or organization(s) in charge of budget, human resources, buildings and so on, rather than providing a lengthy description of the way each branch is managed. Similarly, our approach for the whole of the report is factual rather than analytic: we present facts on court administration, but do not interpret the data collected and their implication in terms of judicial independence.

As for what is to be found in each subdivision, the **model of court administration** subsection refers to the classification put forward in the Canadian Judicial Council's *Alternative Models of Court Administration* report, issued in 2006. As we all know, this report identified seven main models of court administration:

1. The Executive Model
2. The Independent Commission Model
3. The Partnership Model
4. The Executive/Guardian Model
5. The Limited Autonomy Model
6. The Limited Autonomy & Commission Model, and
7. The Judicial Model

In order to classify each court administration system under one of the above-mentioned models, we used the descriptions set out in the 2006 report with regards to five of these seven models, namely, the executive model, the independent commission model, the partnership model, the executive/guardian model and finally the judicial model. We reproduce these descriptions hereunder.

In the executive model, which prevails in Canada, “policy and operational decision-making for court administration is the responsibility of an executive department headed by a cabinet minister, usually the Attorney General or Minister of Justice”<sup>19</sup>. The report summarizes this model as follows:

“In the executive model, court administration is controlled by the executive, which in turn reports to the Legislature. The “first” representative of the “executive” will usually be the Attorney General or Minister of Justice. However, since responsibility for certain court administration decisions in most jurisdictions has been assumed by other parts of the government, court administration cannot be seen as a separate unit and in fact, the “executive” is more correctly seen as represented by a number of government ministries. A chief justice has no defined relationship to the minister (or ministers); whether advice is sought or not is purely a matter of executive discretion. Furthermore, the judiciary has no direct formal relationship, advisory or otherwise, to court administration. However, even a court staff member is to serve a chief judge or chief justice, that staff member can do so only when authorized by the executive. Finally, by far the majority of jurisdictions have not established a clear and measurable set of goals and objectives by which court administrative performance should be assessed, and in virtually none of the jurisdictions has the judiciary (and other key stakeholders) had a meaningful role in setting the expectations by which those who run the Court can be held accountable.”<sup>20</sup> (emphasis added)

At the other end of the spectrum is the judicial model, “the mirror image of the executive model”<sup>21</sup>, in which the judiciary is virtually self-sufficient with regards to its administration:

“(…) the last model proposed here is one that is based on complete judicial control, rather than complete executive control, over court administration. Under this model, the Court not only controls its own administration, but it has the authority and ability to set its own rules, hire and fire its own administrative personnel, and set its own budget.”<sup>22</sup> (emphasis added)

In between those two categories are five other types of governance systems, one of which being the independent commission model. According to the report, this model is one in which

“(…) a separate body (the commission) is established with responsibility for certain types and stages of court administration decisions. That commission, whose size and structure would depend on its specific mandate, would be at arms length from government, in the tradition of independent boards and agencies, Crown corporations, or bodies such as Provincial Auditors, Ombudsmen, or Information and Privacy Commissioners. There would still be a process of reporting to the Legislature, either directly or through a minister, but the emphasis would be on reporting for the purposes of transparency and openness, reflecting a modern view of accountability to the public rather than to political superiors. Thus the commission, not the minister, would be accountable for actions of the commission.

Members appointed to the commission would not sit as representatives of those who appointed them. Members of the Court (i.e. the judiciary) would not sit on any governing body of the commission, and as with the executive model, the Court (i.e. the judiciary) would have no policy or operational control over the commission. The difference with the executive model is that the Attorney General (and other government departments) would have a similar lack of policy or operational control over the commission. The commission would be functionally independent of both. To ensure that this is so, the commission would have to be named by joint agreement of the judiciary and government.

There can be a number of variations of this model, depending on the scope of the commission's mandate. (...)”<sup>23</sup> (emphasis added)

The administration of courts can also be incumbent upon both the executive and the judiciary through a partnership:

“(...) the “Partnership Model”, presents an option that retains a significant role for the executive in court administration, but also potentially increases the direct influence of the Court/judiciary. The significance of the increased role for the latter, however, depends on the composition of the joint control partnership.

Conceptualizing the Court as a partner means that the Court does not exercise direct operational control over court administration, as in the autonomy models discussed below, but exercises control jointly, by participating either with the Attorney General alone or with others, on a broader board or council that nominates or appoints the Court Executive Officer and has the authority to make and ensure the implementation of court administration policy. Unlike the *Executive/ Guardian Model* discussed below, the Court here is more broadly involved in the full range of management issues. While the judiciary lacks the authority to act on its own, the board on which its representatives sit does in fact have the authority and responsibility to administer the courts, and under existing applications of the model, this authority (and responsibility) extends to all areas of court administration (...), including: financial management, human resource management, information system development and other core management functions. (...)”<sup>24</sup> (emphasis added)

Depending upon the composition of the governing board, this partnership can be “limited and symbolic, with chief justices representing the judiciary ex officio on a board weighted toward government appointees”<sup>25</sup>, equal, where 50% of the membership of the board is drawn from the judiciary<sup>26</sup>, or controlled by the judiciary, the court benefiting from a voting majority of the seats at the partnership table<sup>27</sup>.

A further possible governance system is the executive/guardian model:

“The fourth model, the “Executive/ Guardian Model” (herein referred to as the Guardian Model), leaves primary responsibility for day to day planning and operations of the Court to the executive. However, this model also (...) gives the Court not only the authority but also the responsibility for intervening in court administrative planning and operations when those activities adversely affect the ability of the judicial system to achieve appropriate levels of effectiveness. This responsibility and authority would be exercised at the discretion of the Court, and would not be subject to the prior approval of the (sic) either the legislature or the executive.

The Guardian Model encompasses but goes beyond a “quality control” approach to the judicial role in administration since the Court would have the authority to intervene when it deemed necessary and appropriate. Thus, under this model, the Court would have both the responsibility and the authority to order the Chief Court Administrator to perform certain tasks or activities—or to cease performing certain activities—in order to reach or maintain an acceptable level of court administrative support to ensure the achievement of broader court goals and objectives. There would be a concomitant authority and responsibility of the Court Executive Officer to take or cease specific actions as ordered by the Court, and do so without delay. Obviously, the Court Executive Officer could (and should) raise questions afterwards with his/her superiors in government. However, that reporting could not unnecessarily delay or otherwise affect the carrying out of the Court’s orders.”<sup>28</sup> (emphasis added)

It is worth mentioning that, since the categorization put forward in the 2006 report is not universal, some court administration systems enquired upon do not fall perfectly within the models described above. Indeed, some of them seem to incorporate features specific to two or more of these models. For instance, while we indicate that New Zealand falls under the executive model, this assertion does not imply that there is no relationship between the executive and the judiciary with regards to court administration, as is the case in some other jurisdictions functioning under an executive model. Such a relationship indeed exists in New Zealand, but the judiciary's involvement does not take the form of a participation on a board or council that "nominates or appoints the Court Executive Officer and has the authority to make and ensure the implementation of court administration policy"<sup>29</sup>, as the 2006 report puts it. Therefore, we chose the executive model, while nuancing this finding in the "organization of person(s) in charge of court administration" subsection.

As for what we refer to by "limited autonomy model", we depart from the description included in the 2006 report, in order to broaden it and thus take into account what we regard as important steps taken by a number of Canadian provinces towards the granting of greater administrative independence to the courts. Under the 2006 report, this model was described as follows:

"(...) court administration authority (including financial and human resource management) is transferred by statute from the executive to the judiciary, which will typically, in turn, delegate the day-to-day operational management of courts to a chief registrar or Court Executive Officer. The registrar/CEO would be appointed by (or on the nomination of) the chief justice or a council of judges, and the work assignments and performance appraisals of the executive officer would be the responsibility of the judiciary. All court staff would be under the direction of the Court."<sup>30</sup> (emphasis added)

This autonomy was nonetheless said to be limited, since certain areas of court administration, such as budget and property management, remained beyond judicial control:

"The main "limitation" in the Court's autonomy could come from the Court's global budget being approved by the Legislature, although the Court could make representations directly to the legislature on the Court's needs. In these circumstances, the Court would operate within that global budget. However, the Court would have the internal flexibility to reallocate approved funds. The chief justice (or chair of a council of judges) would report to the Legislature on the administration of the court, and would advise and receive advice from the attorney general and other officials (and private groups) as he/she deems necessary and appropriate. Typically this would be done through the court registrar or the Executive Officer of the courts. And of course the Courts could be administered within the legal framework established by statutes that define the organization and jurisdiction of the courts and the social justice priorities of the province.

Judicial autonomy is "limited" under this model in another sense as well. Some areas of court administration could remain beyond the sphere of judicial control under a Limited Autonomy model—for example, decisions over whether to construct or close a courthouse could continue to be political decisions. While the judiciary may not control such decisions, the logic of the Limited Autonomy model would militate in favour of significant and meaningful consultation and consensus around decisions of this kind."<sup>31</sup> (emphasis added)

As mentioned in the preamble, in recent years, certain Canadian courts were granted some level of administrative independence by way of Memorandums of Understanding (MOUs), protocols or other forms of written arrangements. Had we decided to maintain the 2006 definition of a "limited autonomy model", the governance systems in place in these Canadian courts could not have fallen into this model, since the

degree of administrative independence conferred to these courts is a result of contractual agreements rather than the introduction of new legislation. Consequently, in order to be able to encompass these administrative structures into the limited autonomy model, we define the latter as follows:

Under the Limited Autonomy Model, court administration authority (including financial and human resource management), or a significant measure of such authority, is transferred by statute or written agreement (e.g. MOU, protocol, etc.) from the executive to the judiciary. The latter may choose to exercise its administrative powers through an office headed by the Chief Judicial Officer (e.g. Office of the Chief Judge/Chief Justice). It may also delegate the day-to-day operational management of courts to a chief registrar or Court Executive Officer. The registrar/CEO would be appointed by (or on the nomination of) the chief justice or a council of judges, and the work assignments and performance appraisals of the executive officer would be the responsibility of the judiciary. All court staff would be under the direction of the Court. (the underlined text indicates changes from the 2006 description)

As for the limits to this administrative autonomy, we maintain those identified in the 2006 report and reproduced here above, i.e., essentially, budget and property issues.

It is to be stressed that under this newly defined model, the agreement under which court administration authority is conferred on the judiciary has to be written. Therefore, mere oral arrangements or informal understandings between the court and the Department (as are in place, for instance, between the Alberta Court of Appeal and the Ministry of Justice) are insufficient in order to conclude that a jurisdiction operates under the limited autonomy model.

The seventh and final model is the limited autonomy and commission model, which is a combination of the limited autonomy model, as newly defined, and the independent commission model. Therefore, this model

"(...) represents a combination of the Limited Autonomy Model, by which the judiciary takes responsibility for court administration and defines the standards by which it is accountable to the public for the exercise of that responsibility, and an Independent Commission Model with a narrowly specified "dispute resolution mandate," by which a limited range of issues, principally around budgeting, would be subject to the binding decision of an authority separate from both judiciary and government."<sup>32</sup>  
(emphasis added)

Moving on to the second subdivision, the **organization or the person(s) in charge of court administration**, we tried to identify, for each jurisdiction, the principal governing body with regards to court administration. In other words, who has overall responsibility for the management of the Court? While, in some jurisdictions, this question was relatively easy to answer, in others, we found it a bit tricky, partially because of the limited information available, but mostly due to the fact that we rarely found – and were even less often provided with – briefing documents or other explanatory notes that would have allowed us to better understand how sentences taken from corporate publications or sections of the law really translate into practice. For instance, we would often come across, in the annual report of a Department of Justice, a statement to the effect that court administration is the responsibility of the Attorney General or Minister of Justice. However, the statute establishing the court at issue would contain a section pursuant to which it is rather the chief justice who is head of administration. We were therefore left with the difficulty of reconciling two conflicting statements, both taken from reliable sources. On that matter, it is interesting to refer to what Alford, Gustavson and Williams have to say in relation to formal statements found in legislation on a chief judicial officer's administrative authority:

“However, these formal statements of powers and responsibilities (like many position descriptions) seem to have little influence on the role that the chief judicial officer of any particular court plays within the court. In particular, our interviews with the CJOs suggested there was little systematic difference in the operation of those who were formally responsible for the administration of their courts and those whose formal management responsibilities were restricted to the chairing of the council of judges.”<sup>33</sup>

Where there was an apparent contradiction between two assertions, we made the choice of including both contradictory sentences in the report (when both were equally important). Incidentally, this choice is consistent with our factual approach, where we do not provide an opinion on data found.

As for the third subdivision, the **budget and financial accounting**, it predominantly looks into who decides the total amount of one court’s budget, and who is in charge of managing this budget. When information pertaining to the judiciary’s input or role in the determination of the budget was provided or available, it was included as well. This section further examines more general financial management responsibilities (e.g. the conduct of audits). Note that the financial accounting systems are addressed here rather than in the “support systems” subdivision<sup>34</sup>, in an effort to group all money-related information into a single subdivision. We do not however ascertain performance standards.

The **human resources** subdivision tries to answer the following questions: who appoints court officers? Who are court officers accountable to? Who delivers human resources services? Due to our timeframe, we did not investigate staff tenure, removal, or remuneration, nor did we get into training or employee benefits.

Regarding **buildings, fixtures and furnishings**, our focus was, again, on the identification of the person or organization responsible for estate and procurement, i.e. the provision and maintenance of court facilities and equipment, as well as the management of these assets. An important omission relating to buildings, fixtures and furnishings would be court security, which we did not consider due the given time frame.

By **support systems**, we refer to information systems only, the latter encompassing either information technology systems or library services. As mentioned earlier, we chose to assess financial accounting systems in the budget and financial accounting subsection. As usual, both the provision and management aspect of IT and library services have been looked upon. Further support systems we could have looked into but were forced to set aside due to our time schedule are communications and media systems. It is to be noted also that we deliberately set aside the study of case management systems, since case management was found to be a prerogative of judges and their adjudicative independence<sup>35</sup>.



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# AUSTRALIA – FEDERAL LEVEL

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## FEDERAL MAGISTRATES COURT

### Model of Court Administration

Limited Autonomy Model

### Organization or Person(s) in Charge of Court Administration

The Federal Magistrates Court was granted self-administration at the time of its creation in 1999<sup>36</sup>. The Chief Federal Magistrate is responsible for managing the Court's administrative affairs<sup>37</sup>. He is assisted in this task by the Chief Executive Officer (CEO)<sup>38</sup>, who works under his direction<sup>39</sup>. The CEO is appointed by the Governor-General<sup>40</sup>. He is supported by the staff of the National Support Office<sup>41</sup>, which provides governance, accountability and corporate support functions to the Court as well as the Family Court<sup>42</sup>.

Court services for the Family Court and the Federal Magistrates Court are provided by a joint administration, one CEO serving both courts<sup>43</sup>. The Chief Justice of the Family Court and the Chief Federal Magistrate of the Federal Magistrates Court sit on the Family Law Courts Advisory Group, a cross-agency governance arrangement which has a critical governance role in resourcing the courts. It also coordinates various administrative relationships between them<sup>44</sup>. It is to be noted however that on May 24<sup>th</sup>, 2010, the Attorney-General announced a restructure of the federal courts. Among the changes put forward by the proposed restructure, Australia's Federal Court would be assuming responsibility for the Federal Magistrates Court's administration<sup>45</sup>.

The Chief Federal Magistrate prepares and gives the Minister an Annual Report on the management of the Federal Magistrates Court. The Minister causes a copy of such report to be tabled in each House of Parliament<sup>46</sup>. The Court may also be the subject of reports by Parliamentary committees<sup>47</sup>. Moreover, Senior Executive Service staff of the Court attend Senate estimate committee hearings to answer questions about the Court's activities<sup>48</sup>.

### Budget and Financial Accounting

The Court is mainly funded through appropriations from Parliament<sup>49</sup>. Financial resources are provided directly by Parliament from consolidated revenue instead of forming part of the allocation to the Attorney General's Department. However, these funds are requested by the Executive (which decides what the amount will be) and their use is monitored by it<sup>50</sup>. Decisions on how the money, once provided, will be allocated or reallocated among court functions are taken by the judiciary<sup>51</sup>. Other revenue for 2009-2010 relates to funding transferred from the Family Court and Federal Court as a result of delays to the 'Restructure of the Federal Courts' identified in the 2009-2010 Budget<sup>52</sup>.

The CEO has the responsibilities of a chief executive of an agency under the *Financial Management and Accountability Act 1997*<sup>53</sup>. He is supported in this matter by the Audit and risk committee<sup>54</sup>, which monitors the Court's internal audit services<sup>55</sup>. Under this role, the CEO is responsible for preparing the financial statements included in the annual report provided to the Minister<sup>56</sup>. These financial statements are audited by the Auditor-General<sup>57</sup>.

Being one of the Court's senior executives, the Chief Finance Officer further has responsibility for all financial management, reporting, budgeting, cost analysis, taxation and financial processing for the Court<sup>58</sup>.

## Human Resources

Members of the Court staff are appointed by the CEO<sup>59</sup> and are employed under the *Public Service Act 1999*<sup>60</sup>. The CEO has the responsibilities and powers of an agency head for the purposes of the *Public Service Act 1999*<sup>61</sup>. Therefore, staff members are accountable to him<sup>62</sup>. Because the CEO works under the direction of the Chief Federal Magistrate, court staffing is said to be court-controlled<sup>63</sup>.

On behalf of the Chief Federal Magistrate, the CEO may arrange with an Agency Head (within the meaning of the *Public Service Act 1999*) or an authority of the Commonwealth for the services of officers or employees of this Agency or authority to be made available to the Federal Magistrates Court<sup>64</sup>. Such an arrangement has been made with the Family Court of Australia, pursuant to which registrars, deputy registrars and marshals of the Family Court also serve the Federal Magistrates Court<sup>65</sup>. A similar agreement has been concluded with the Federal Court of Australia<sup>66</sup>, providing that Federal Court registrars be appointed as registrars of the Federal Magistrates Court<sup>67</sup>.

The fact that officers of the Federal Magistrates Court hold dual appointments as officers of the Federal Magistrates Court and of the Family Court or the Federal Court is allowed under the *Federal Magistrates Act 1999*<sup>68</sup>.

## Buildings, Fixtures and Furnishings

The Federal Magistrates Court is located in shared Commonwealth-owned facilities in certain cities, and privately leased facilities in others<sup>69</sup>. Accommodation for the Court is otherwise provided by the Executive<sup>70</sup>. The court's registries are established at such places as the Minister sees fit<sup>71</sup>. The Property Management Committee, a joint Federal Magistrates Court/Family Court committee, oversees property management<sup>72</sup>.

For the purpose of managing the Court, the Chief Federal Magistrate has the power to acquire or dispose of real and personal property<sup>73</sup>. He may also make arrangements with the Chief judicial officer of another Australian court in order to share courtrooms, registries and other facilities<sup>74</sup>. Such an agreement has been made with the Family Court<sup>75</sup> as well as with the Federal Court<sup>76</sup>, the details of which are set out in Memorandums of Understanding<sup>77</sup>. Moreover, the Chief Federal Magistrate has also made arrangements<sup>78</sup> with the Family Court and the Federal Court regarding the provision of registry services<sup>79</sup>.

As a result of the corporate services amalgamation of the Federal Magistrates Court and the Family Court during 2009-2010, the Family Court Procurement and Risk Management Section undertook procurement and managed a number of corporate contracts for the Federal Magistrates Court<sup>80</sup>.

## Support Systems

The Family Court of Australia provides all information technology services to the Federal Magistrates Court pursuant to the MOU signed between the two courts<sup>81</sup>. Other support services provided by the Family Court under this MOU include information and library services and resources under the management of the Family Law Information Service (FLIS)<sup>82</sup>.

Provision for certain library services and materials is also ensured by the Federal Court of Australia according to the terms set out in the MOU binding both courts<sup>83</sup>.

# FAMILY COURT

## Model of Court Administration

Limited Autonomy Model

## Organization or Person(s) in Charge of Court Administration

The Family Court of Australia is a self-administered Court since July 1<sup>st</sup>, 1990<sup>84</sup>. The judiciary thus has the responsibility for the administration of the Court<sup>85</sup>.

The Chief Judge (or Chief Justice)<sup>86</sup> is responsible for managing the administrative affairs of the Court<sup>87</sup>. He is assisted in this matter by the Chief Executive Officer (the “CEO”)<sup>88</sup>. The latter is appointed by the Governor-General on the nomination of the Chief Judge<sup>89</sup>. The CEO may act on behalf of the Chief Judge in relation to the administrative affairs of the Court<sup>90</sup>, and may be given direction by him regarding the exercise of his powers<sup>91</sup>. The CEO is supported by the staff of the National Support Office<sup>92</sup>, which provides governance, accountability and corporate support functions to the Court as well as the Federal Magistrates Court<sup>93</sup>.

The Policy Advisory Committee also supports the Chief Justice in the administration of the Court and provides strategic advice and policy direction, particularly in relation to administrative changes likely to affect the Family Court and its users<sup>94</sup>.

The Chief Judge prepares and gives the Attorney-General a report on the management of the administrative affairs of the Court during the year<sup>95</sup>. The Attorney-General then causes a copy of the report to be tabled in each House of Parliament<sup>96</sup>. Moreover, Senior Executive Service staff of the Court attend Senate estimate committee hearings to answer questions about the Court’s activities<sup>97</sup>.

Court services for the Family Court and the Federal Magistrates Court are provided by a joint administration, one CEO serving both courts<sup>98</sup>. The Chief Justice of the Family Court and the Chief Federal Magistrate of the Federal Magistrates Court sit on the Family Law Courts Advisory Group, which has a critical governance role in resourcing both courts. It also coordinates various administrative relationships between the two courts<sup>99</sup>.

## Budget and Financial Accounting

The Court is mainly funded through appropriations from Parliament. Financial resources are provided directly by Parliament from consolidated revenue instead of forming part of the allocation to the Attorney General’s Department. However, these funds are requested by the Executive, which decides what the amount will be<sup>100</sup>. Other revenue for 2009-2010 relates to funding transferred from the Federal Magistrates Court to the Family Court as a result of the restructuring of the Federal Courts announced by the Australian government<sup>101</sup>.

The Court administers its own budget<sup>102</sup>. Its Budgets and Business Improvements unit manages internal budgeting, external budgeting, maintenance of the Court’s project management framework, project budgets, project reporting and the provision of reporting, analysis and advice to executive and managers<sup>103</sup>.

The annual report prepared by the Chief Judge must include the financial statements and accompanying audit report required by Sections 47 and 49 of the *Financial Management and Accountability Act 1997*<sup>104</sup>. The Family Court is a prescribed agency under this Act<sup>105</sup>.

The CEO holds the responsibilities and powers of an agency head under Commonwealth financial management<sup>106</sup>. He is “chief executive” for the purposes of the *Financial Management and Accountability Act* (by virtue of schedules in that Act) and derives most of his powers in financial management administration from this source. As such he is accountable to the government for the adoption and implementation of policies on expenditure and purchasing<sup>107</sup>.

The Court’s Executive Director Corporate provides strategic leadership and management of the Court’s finance, budgets and business improvements and risk management<sup>108</sup>. The Audit and Risk Committee also provides operational and policy advice<sup>109</sup> as well as monitors the Court’s internal audit services<sup>110</sup>.

## Human Resources

Court staffing is broadly controlled by the Judiciary<sup>111</sup>. Officers of the Court<sup>112</sup> are appointed by the CEO<sup>113</sup>. These officers as well as staff of the Registries shall be engaged under the *Public Service Act 1999*<sup>114</sup>. They therefore are public servants accountable to the executive government through the CEO<sup>115</sup>. Apart from the CEO, officers of the Court have such duties, powers and functions as are given to them by the Chief Judge, the *Family Law Act 1975* or the standard Rules of Court<sup>116</sup>. The Principal Registrar may give them directions with regards to the manner in which their functions and duties are to be performed and their powers are to be exercised in relation to proceedings under the *Family Law Act 1975*<sup>117</sup>.

The Principal Registrar is subject to the direction and control of the Chief Judge and is not subject to the direction or control of any other person or body<sup>118</sup>. As for Registrars, they are subject to the direction and control of the Chief Judge, any other Judge authorized by the Chief Judge to direct and control them, and the Principal Registrar<sup>119</sup>. Similarly, Deputy Registrars answer to the Chief Judge, any other Judge authorized by the Chief Judge to direct and control them, the Principal Registrar, and the Registrars<sup>120</sup>. The powers of the Principal Registrar in relation to the Registrars and the Deputy Registrars, and the powers of the Registrars in relation to the Deputy Registrars, are exercised subject to the directions of the Chief Judge<sup>121</sup>.

The Governor-General may appoint one or more Judicial Registrars of the Court<sup>122</sup>. Judicial Registrars are not subject to the direction or control of any person or body in the exercise of a power delegated under subsection 26B(1) of the *Family Law Act 1975*<sup>123</sup>.

On behalf of the Chief Judge, the CEO may arrange with an Agency Head (within the meaning of the *Public Service Act 1999*), or with an authority of the Commonwealth, for the services of officers or employees of the Department or authority to be made available for the purposes of the Family Court<sup>124</sup>. Moreover, the Governor-General may make an arrangement with the relevant authority<sup>125</sup> of a State or internal Territory for the performance, by an officer<sup>126</sup> of the State or Territory, of a function under the *Family Law Act 1975*<sup>127</sup>.

The Court’s Executive Director Corporate provides strategic leadership and management of the Court’s human resources<sup>128</sup>.

## Buildings, Fixtures and Furnishings

The Family Court is located in shared Commonwealth-owned facilities in Adelaide, Brisbane, Canberra, Hobart, Melbourne, Parramatta and Sydney. It occupies privately leased facilities in Albury, Alice Springs, Cairns, Coffs Harbour, Dandenong, Darwin, Dubbo, Launceston, Lismore, Newcastle, Townsville and Wollongong, and shares the state court facility in Rockhampton<sup>129</sup>. Accommodation for the Court is otherwise provided by the Executive<sup>130</sup>. The Governor-General causes such registries of the Court to be established as he sees fit<sup>131</sup>.

For the purpose of managing the administrative affairs of the Court, the Chief Judge can, on behalf of the Commonwealth, enter into contracts and acquire or dispose of personal property<sup>132</sup>.

The Court's Executive Director Corporate provides strategic leadership and management of the Court's property and contracts as well as procurement<sup>133</sup>. The Court also has in place a Property Management Committee, which plans and assesses the current and future needs of the Courts in relation to property services including contracting, refurbishment and construction activity<sup>134</sup>.

The Procurement and Risk Management section of the Court assists staff undertaking procurement and manages a number of corporate contracts. The section also manages, or has significant involvement in, all complex procurement undertaken by the Court to ensure compliance with legislative obligations and the Commonwealth Procurement Guidelines<sup>135</sup>.

## Support Systems

The Court's Executive Director Information, Communication and Technology Services provides strategic vision, leadership and management of the Court's applications, information management, and infrastructure<sup>136</sup>. He is assisted at the policy-setting level by the Court's Information and Communication Technology Committee (a judicial committee)<sup>137</sup>.

# FEDERAL COURT

## Model of Court Administration

Limited Autonomy Model

## Organization or Person(s) in Charge of Court Administration

The Federal Court of Australia has been a self-administering Court since July 1<sup>st</sup>, 1990<sup>138</sup>, when it was transferred responsibility for its management from the Attorney-General's Department<sup>139</sup>. The Court's Chief Justice is responsible for managing the administrative affairs of the Court and is assisted in this respect by the Registrar<sup>140</sup>. The latter is appointed by the Governor-General on the nomination of the Chief Justice<sup>141</sup>. The Registrar acts under the directions of the Chief Justice, and may act on behalf of him with regards to the Court's administration<sup>142</sup>.

Notwithstanding statutory assignment of administrative responsibility to the Chief Justice and Registrar, the judges also play a part in the court's management through committees such as the Policy and Planning Committee, which advises the Chief Justice on policy aspects of the running of the Court<sup>143</sup>. The Court's administration is thus conducted within a collegiate framework<sup>144</sup>.

In the discharge of the Court's obligation to report and account to the Parliament<sup>145</sup>, the Chief Justice prepares and gives an Annual Report on the management of the Court to the Attorney-General, who in turn tables it in each House of Parliament<sup>146</sup>. This report and the Court's general administrative affairs are therefore subject to scrutiny by the Parliament. This scrutiny takes place through the work of the Estimates Meetings of the Senate Legal and Constitutional Affairs Committee (Senate Estimates Committee), where the Registrar, assisted by senior court officers, appears before the Committee to answer any questions the members may have<sup>147</sup> and is provided with the opportunity to clarify aspects of the administration<sup>148</sup>.

## Budget and Financial Accounting

The Federal Court comes under the Attorney-General's portfolio for the purposes of Parliamentary budget appropriations<sup>149</sup>. However, since the Court is self-administering, it has separate budget appropriation and reporting arrangements with Parliament. The Federal Court prepares estimates of income and expenditure for the current year and forward estimates for the next three years<sup>150</sup>.

The Court has limited if no control over its revenue; the size of its appropriation is ultimately a matter for the Executive and Parliament to decide through the annual budget and appropriation process. There are nonetheless mechanisms by which the Court makes known its needs to the Department<sup>151</sup>. Once allocated, the budget is implemented by the Chief Justice, assisted by the Registrar and committees<sup>152</sup>. The Court is thus able to administer its own budget, even though it does not set it<sup>153</sup>.

Financial management is the direct responsibility of the Registrar and, ultimately, the Chief Justice<sup>154</sup>. There is however broader judicial involvement in this matter through a Finance Committee, which is made up of judges as well as the Registrar and which advises the Chief Justice<sup>155</sup>. An Audit Committee further reviews and recommends to the Chief Justice strategic and annual internal audit plans, in addition to coordinating audit programs and reviewing the Court's annual financial statements<sup>156</sup>. The latter are also audited by the Auditor-General<sup>157</sup>.

As mentioned earlier, in the 2009–10 Budget, the Australian Government agreed to a restructure of the federal courts. This resulted in the reallocation of funding from the Federal Magistrates Court to the Federal Court from January 1<sup>st</sup>, 2010. Since the restructure has been delayed, funding that was transferred from the Federal Magistrates Court to the Federal Court will be invoiced back by the Federal Magistrates Court for the period of January 1<sup>st</sup>, 2010 to June 30<sup>th</sup>, 2011<sup>158</sup>.

## Human Resources

The officers of the Court are appointed by the Registrar and engaged under the *Public Service Act 1999*<sup>159</sup>. They have such duties, powers and functions as are given to them by the Chief Justice<sup>160</sup>. The Registrar has the same powers as the Head of a Statutory Agency of the Australian Public Service in respect of these officers and staff<sup>161</sup>, whom are therefore accountable to him<sup>162</sup>.

The Registrar may, on behalf of the Chief Justice, arrange with an Agency Head (within the meaning of the *Public Service Act 1999*) or with an authority of the Commonwealth, for the services of officers or employees of the Agency or authority to be made available for the purposes of the Court<sup>163</sup>. The Chief Justice may enter into a similar arrangement with the CEO of an Agency of the Commonwealth, a State or a Territory, or another organisation<sup>164</sup>.

The Court's Principal Registry, and more precisely its Corporate Services Branch, provides human resources at the national level<sup>165</sup>.

## Buildings, Fixtures and Furnishings

The Court's facilities are located in Commonwealth-owned buildings in Adelaide, Brisbane, Canberra, Hobart, Melbourne and Perth. In Sydney, they are located within the Law Courts building, which is owned by Law Courts Limited, and in Darwin they are located in the Northern Territory Supreme Court building. These buildings are all shared with other jurisdictions. Senior representatives of all federal jurisdictions co-manage the Commonwealth-owned buildings through the National Law Courts Building Management Committee<sup>166</sup>. Accommodation for the Court is otherwise provided by the Executive<sup>167</sup>.

The Governor General causes registries of the Court to be established as he sees fit<sup>168</sup>. Sittings of the Court are held at the places at which the registries of the Court are established<sup>169</sup>.

The Family Court also provides resources free of charge to the Federal Court. These resources include accommodation and other property costs for Sydney Commonwealth Law Courts<sup>170</sup>.

Property management is provided by the Court's Principal Registry, through its Corporate Services Branch<sup>171</sup>. The Property Section of the Corporate Services Branch manages construction projects within the Court's premises<sup>172</sup>.

For the purpose of managing the Court, the Chief Justice has the power to acquire or dispose of personal property on behalf of the Commonwealth<sup>173</sup>. The Chief Justice can further enter into contracts under which the Commonwealth is to pay or receive \$250,000 (AU) or less<sup>174</sup>.

The Court has procurement policies and procedures in place, which are based on the Commonwealth Procurement Guidelines and best practice guidance documents published by the Department of Finance and Deregulation<sup>175</sup>. The Registrar, as "chief executive" for the purposes of the *Financial Management and Accountability Act* (by virtue of schedules in that Act), is accountable to the government for the adoption and implementation of policies on expenditure and purchasing<sup>176</sup>.

## Support Systems

The judges' Information Technology Committee and Library Committee respectively oversee library and information services and technology services<sup>177</sup>. These committees report directly to the Chief Justice and judges of the Court. Their membership is decided by the Chief Justice, upon consultation of the judges<sup>178</sup>.

Library services and information technology support are also provided by the Court's Principal Registry, through its Corporate Services Branch<sup>179</sup>.

The Court shares a library with the High Court and the New South Wales Supreme Court in Sydney<sup>180</sup>.

# HIGH COURT

## Model of Court Administration

Limited Autonomy Model

## Organization or Person(s) in Charge of Court Administration

The High Court was given the power to administer its own affairs by the *High Court of Australia Act 1979*, which was proclaimed in 1980<sup>181</sup>. The administration of the Court is thus vested in its seven justices, who collectively act as the relevant policy and administrative decision makers<sup>182</sup>. Even though administrative powers can be delegated by the whole Court to one or more of the justices<sup>183</sup>, no delegation has ever been made and, in practice, all important administrative decisions have been made by the Court as a whole<sup>184</sup>.

A Chief Executive and Principal Registrar (the “CE&PR”), who is appointed by the Governor-General upon the nomination of the Court<sup>185</sup>, has the function of acting on behalf of, and assisting, the justices in the day to day administration of the affairs of the Court<sup>186</sup>. In the performance of this function, the CE&PR complies with any directions given to him by the Court<sup>187</sup>; he is responsible to the Court as a whole<sup>188</sup>.

The CE&PR meets formally with the justices on the first Tuesday of each sittings – there are 10 meetings each year – to discuss important administrative and judicial process matters<sup>189</sup>. Decisions under the *High Court of Australia Act* are made at these meetings, which are called “Business Meetings”<sup>190</sup>. Andrew Phelan, current CE&PR of the Court, had the following remark on the Court’s management and on the respective roles of the CE&PR and the Chief Justice:

“I might observe informally that the management of the Court runs along the lines of a board of a company and, while the analogy can be overstated, the CE&PR operates as the “managing director” and “secretary” and the Chief Justice as the chair of the “board”. The Chief Justice has no special role in the administration of the Court, the opinion of the Chief Justice in administrative matters ranking equally with opinions of the other Justices. However, the CE&PR meets informally more frequently with the Chief Justice to discuss issues of relevance to the Court as and when they arise.”<sup>191</sup>

The Court has established a number of committees, the terms of reference of which, in general, allow closer consideration and “judicial ownership” of particular aspects of the Court’s administration (e.g. finance, information technology, library, etc.). These committees comprise a variable number of justices and the CE&PR, supported by specialist court employees as required. They report and make recommendations for consideration by the Court in Business Meetings.<sup>192</sup>

The Court submits an annual report to the Attorney General, who lays this report before each House of Parliament.<sup>193</sup>

## Budget and Financial Accounting

The Court is mainly financed through moneys appropriated by Parliament<sup>194</sup>. Since the Executive controls all Commonwealth appropriations<sup>195</sup>, the Court is subject to the processes determined by government for setting the amounts of moneys to be appropriated<sup>196</sup>. Although self-administering, the Court therefore cannot approach Parliament for appropriations other than through the government<sup>197</sup>. Mr. Phelan explains



that, in practice, the Court's appropriations are built up within the Attorney-General's Portfolio, and, to this end, the Court engages with the Attorney-General as (and when) funding issues arise. The annual appropriations for the Court appear as separate lines in the Executive's Budget Bills and are explained in the annual Portfolio Budget Statements of the Attorney-General's Portfolio<sup>198</sup>.

The Minister for Finance and Deregulation (the Finance Minister) may give directions as to the amounts in which, and the times at which, moneys are to be paid to the Court<sup>199</sup>. The Court is otherwise not subject to the financial controls exercised by the Finance Minister over all other Commonwealth courts and agencies. For example, unlike the other federal courts and other agencies in the Attorney-General's Portfolio, the High Court is not covered by the *Financial Management and Accountability Act 1997*<sup>200</sup>.

The Court administers its own budget<sup>201</sup>. It is in charge of keeping proper accounts and records of the transactions and affairs relating to its administration, and ensuring that all payments out of the moneys it holds are correctly made and properly authorized. It further makes sure that adequate control is maintained over the assets it holds or has custody of, and over its incurring of liabilities<sup>202</sup>.

Each year, the Court prepares estimates of receipts and expenditure in respect of the administration of its affairs and submits them to the Attorney General<sup>203</sup>. Moneys paid to the Court shall not be expended otherwise than in accordance with the estimates of expenditure approved by the Attorney General<sup>204</sup>. The approvals cover "bottom-line" results only – that is whether the Court intends to operate with a surplus or deficit – and do not cover the objects or items of expenditure which remain fully within the Court's responsibility<sup>205</sup>. Consequently, apart from the estimates approval requirements referred to above, the Court controls the expenditure of the appropriated funds and other moneys it receives<sup>206</sup>.

The Court further submits to the Attorney General, along with the Annual Report, financial statements which shall have been previously reported on by the Auditor-General<sup>207</sup>. As for the Annual Report, these financial statements, together with a copy of the Auditor-General's report, are then laid before each House of Parliament by the Minister.<sup>208</sup>

A Finance Committee, chaired by the Chief Justice, takes part in financial management<sup>209</sup>. It advises the Court in relation to the administration of its financial affairs by reviewing and making recommendations on Court budgets, monitoring and reporting on expenditure and assessing and reporting on financial business risks<sup>210</sup>.

The CE&PR represents the Court before the Estimates Meetings of the Senate Legal and Constitutional Affairs Committee<sup>211</sup>

## Human Resources

The CE&PR performs all the usual activities of an employer<sup>212</sup>. He thus appoints such officers and engages such employees as the Court considers necessary for the purposes of the Court<sup>213</sup>. Employees of the High Court are not covered by the *Public Service Act 1999*<sup>214</sup>; the Court determines their terms and conditions of employment, including remuneration and allowances<sup>215</sup>. These decisions are made at formal business meetings between the CE&PR and the justices<sup>216</sup>. Control of staff is also ensured by the CE&PR<sup>217</sup>; as such, the Senior Registrar and Deputy Registrars perform duties in respect of proceedings in the Court that are assigned to them by the CE&PR<sup>218</sup>.

The CE&PR may, on behalf of the Court, arrange with an Agency Head (within the meaning of the *Public Service Act 1999*) or with an authority of the Commonwealth, for the services of officers or employees of the Agency or authority to be made available for the purposes of the Court<sup>219</sup>. Moreover, the Chief Justice of the High Court may arrange with the Chief Justice of the Federal Court for an officer of the latter court to perform certain registry functions<sup>220</sup> on behalf of the High Court and at an office of the Registry of the High Court<sup>221</sup>.

The Canberra, Melbourne and Sydney Registries are staffed by officers of the High Court. Registry functions in Hobart are performed by officers of the Supreme Court of Tasmania under ministerial arrangements. Registry functions in Adelaide, Brisbane, Darwin and Perth are performed by officers of the Federal Court of Australia by arrangement between the Chief Justices of the respective courts<sup>222</sup>.

## Buildings, Fixtures and Furnishings

In order to administer its own affairs, the Court has the power to acquire, hold and dispose of real and personal property, and to control and manage any land or building it occupies or any adjacent land or building that is part of its precincts<sup>223</sup>. However, real and personal property (other than money) held by the Court is deemed to be the property of the Commonwealth<sup>224</sup>. The Court sits at such places within Australia and the external Territories as it sees fit<sup>225</sup>.

The Court controls and manages the Court building and its surrounding land in Canberra<sup>226</sup>. This site is included on the National Heritage List. Consequently, the Court has developed a Heritage Strategy and a Conservation Management Plan for the Court building and its precincts<sup>227</sup>. When sitting in Sydney, Melbourne, Brisbane, Adelaide and Perth, the Court uses Commonwealth Law Courts buildings<sup>228</sup>. In Hobart, facilities are provided with the cooperation and assistance of the Tasmanian Supreme Court<sup>229</sup>. Accommodation for the Court is otherwise provided by the Executive<sup>230</sup>.

As for movables, the Court has the power to take on hire, exchange, and accept on deposit or loan, furnishings, equipment and goods. It can further accept gifts, devises and bequests made to it upon trust and act as trustee of moneys or other property vested in it upon trust<sup>231</sup>. The Court can enter into contracts exceeding \$1 million (AU) in amount only with the approval of the Attorney-General<sup>232</sup>.

While the High Court is not bound by government policies on expenditure and purchasing, it is naturally guided by best practice<sup>233</sup>.

## Support Systems

Information technology is overseen by the Information Technology Section and IT Committee. This Committee is also chaired by a judge and includes both the Chief Justice and CE&PR<sup>234</sup>.

Library facilities and services are provided by the Court's Library and Research Branch and its Library Committee. The latter is chaired by a judge and includes two judges, the CE&PR and the Court Librarian<sup>235</sup>. The Court shares a library with the Federal Court and the New South Wales Supreme Court in Sydney<sup>236</sup>.

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# AUSTRALIAN STATES

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## NEW SOUTH WALES SUPREME COURT

### Model of Court Administration

Executive Model

### Organization or Person(s) in Charge of Court Administration

Court administration in New South Wales is undertaken by the Department of Justice & Attorney General (“DJAG”)<sup>237</sup>. The Supreme Court itself – comprising the Chief Justice, President and judges – is still involved in court administration, but at a policy-setting level<sup>238</sup>.

It is worth mentioning that the New South Wales *Supreme Court Act 1970* does not contain a general statement of powers and responsibilities of the Chief Justice regarding court administration. However, this act states that: “The Supreme Court of New South Wales as formerly established as the superior court of record in New South Wales is hereby continued”<sup>239</sup>. According to Alford, Gustavson and Williams, this maintains continuity from the Third Charter of Justice of 1824, in which the Chief Justice was responsible for the management of the Court<sup>240</sup>.

Resources provided to the Court by DJAG are secured and managed by the Chief Executive Officer and Principal Registrar (the “CEO”) of the Court<sup>241</sup>. The CEO is appointed by the Department Head under the *Public Sector Employment and Management Act 2002*<sup>242</sup>. He is in charge of day to day management of the Registry, which provides administrative and clerical support to the Court. The CEO undertakes his duties in close consultation with the Chief Justice, other judicial officers, and the Department<sup>243</sup>. He is accountable to the Department Head as well as to the Chief Justice<sup>244</sup>.

At the departmental level, the Chief Executive Officer of the Department is the Director General, who reports to the Attorney General<sup>245</sup>. The Director General prepares and submits to the Attorney General and Minister for Justice an Annual Report for presentation to Parliament<sup>246</sup>. With regards to court services, the Director General is supported by the Assistant Director General for Courts and Tribunal Services, the division within the Department responsible for management and support of court and tribunal registries<sup>247</sup>.

### Budget and Financial Accounting

The budget for the Court is submitted by the Executive to Parliament, and is only part of the overall budget allocated to the Attorney General’s Department. The latter decides which initiatives will be funded. The application of budget resources once allocated is made by the Department and the Chief Justice with input by the Resources Committee, which identifies and communicates the Court’s resource needs to the Executive and cooperates with the administration to apply these resources<sup>248</sup>.

Overall Finance and Strategy are dealt with by the Department's Corporate Services Division<sup>249</sup>. The Department further manages risk through its Audit and Risk Committee (on which sits the Supreme Court's CEO), which oversees an annual program of internal audits as well as reviews the annual financial statements<sup>250</sup>. These statements are requested from the Department under the *Public Finance Audit Act 1983*<sup>251</sup>.

## Human Resources

Court staffing is controlled by the Executive<sup>252</sup>. The CEO, registrars, their deputies, as well as other officers necessary for carrying out the provisions of the *Supreme Court Act* are appointed by the Governor under Chapter 2 of the *Public Sector Employment and Management Act 2002*<sup>253</sup>. All senior court administrators, managers and court registry staff are thus employees of DJAG, although located on-site at the Supreme Court<sup>254</sup>. Human Resources are overseen by the Department's Corporate Services Division<sup>255</sup>.

Governance of judicial staff members is nonetheless vested in the judges, who select them as well as determine their duties. Judicial officers are thus accountable to the judiciary.<sup>256</sup>

Other court officers are accountable to the CEO<sup>257</sup>. The Chief Justice still directs the priorities to be pursued by the Registry<sup>258</sup>. He may authorize officers of the Supreme Court to act as deputy registrars of the Court<sup>259</sup>.

## Buildings, Fixtures and Furnishings

The Department owns or operates a range of property assets including courthouses<sup>260</sup>. Accommodation services are provided by DJAG staff<sup>261</sup>. Court infrastructure is in short provided and controlled by the Executive<sup>262</sup>.

At the request of the New South Wales Treasury, the Department has recognized, since 2006, an investment in Law Courts Limited, an entity jointly controlled by the New South Wales Government and the Australian Government<sup>263</sup>. This company's principal activity is the provision of accommodation for courts, court registries and support services<sup>264</sup>.

The Department's Corporate Services Division has an Asset Management Branch, which manages and maintains 125 heritage-listed courthouses and thousands of moveable heritage items including courtroom furniture<sup>265</sup>. The Director of the Asset Management Branch sits on the Supreme Court Heritage Committee, which advises the Chief Justice on matters concerning the Court's heritage<sup>266</sup>. Moreover, the Court's Building Committee, on which sit a majority of judges<sup>267</sup>, discusses matters affecting the buildings and submits recommendations to the Chief Justice concerning maintenance and restoration work<sup>268</sup>.

## Support Systems

The Department provides information technology support to the Court and an IT manager to the Registry<sup>269</sup>. The Court's Information Technology Committee – on which sits an equal number of judicial representatives and of DJAG representatives<sup>270</sup> – is in charge of assessing information technology needs and reviewing the implementation of IT services<sup>271</sup>. The Chief Justice makes specific recommendations to the IT Committee<sup>272</sup>.

The Department's Communications Unit and Information Services Branch are comprised in the Corporate Services Division<sup>273</sup>.

The DJAG and the Federal Court of Australia jointly fund the Law Courts Library. The operations of the Library are overseen by two committees: the Operations Committee and the Advisory Committee. The Operations Committee is comprised of an equal number of representatives from the DJAG and the Federal Court. This Committee is responsible for setting budget priorities, revenue, business planning and Library policy. The Advisory Committee consists of three Judges from the Federal Court and three Judges from the Supreme Court of New South Wales. The Advisory Committee consults with the Operations Committee on matters of budget, collection development and service provision<sup>274</sup>.

Library services *per se* are provided by the Library Services Branch of the DJAG, Courts and Tribunal Services Division<sup>275</sup>.

## QUEENSLAND SUPREME COURT

### Model of Court Administration

Executive Model

### Organization or Person(s) in Charge of Court Administration

The Department of Justice and Attorney-General (the “Department”) is responsible for the administration of the court and tribunal system in Queensland<sup>276</sup>. The provision of court services is overseen since 2009 by the Queensland Courts Services Executive (QCSE)<sup>277</sup>. The latter undertakes its functions and responsibilities in consultation with various stakeholders, including, where appropriate, the judiciary<sup>278</sup>.

According to the *Supreme Court of Queensland Act 1991* however, the Chief Justice is responsible for the overall administration of the Supreme Court and its divisions<sup>279</sup>. The same act further states that subject to the direction of the Chief Justice, the President of the Court of Appeal is in charge of the administration of the Court of Appeal Division<sup>280</sup>, while the Senior Judge Administrator oversees the administration of the Trial Division<sup>281</sup>.

The Supreme Court’s Office of Director of Courts, headed by a Principal Registrar and Director of Courts, further provides administrative support to the Court<sup>282</sup>. The Principal Registrar is appointed by the Governor-in-Council<sup>283</sup> and is employed under the *Public Service Act 2008*<sup>284</sup>. He has control of the Supreme Court Registry<sup>285</sup>. The Principal Registrar is jointly accountable to both the court and the department in the performance of his duties<sup>286</sup>.

The Chief Justice prepares and gives to the Attorney-General and Minister for Industrial Relations (the “Minister”) an Annual Report about the operation of the Supreme Court, a copy of which report is then tabled by the Minister in the Legislative Assembly<sup>287</sup>.

### Budget and Financial Accounting

The total amount of the Court’s budget is decided upon by the Parliament<sup>288</sup>. Funds are provided by Parliament from Consolidated Revenue<sup>289</sup>. It is the Executive which requests funds and decides which new initiatives will be funded, in addition to deciding to what activities the budget is to be allocated<sup>290</sup>. Appropriations for the Court form part of the allocation to the Department as a whole<sup>291</sup>.

The Supreme Court is part of the Department for the purposes of the *Financial Accountability Act 2009*<sup>292</sup>. The Department's Executive Director, Financial Services serves as Chief Financial Officer and thus is responsible for the financial administration of the Department<sup>293</sup>. Some of the responsibilities incumbent upon the Executive Director, Financial Services have been delegated to him from the Director-General of the Department of Justice and Attorney-General (the "Chief Executive") as is allowed under Section 103 of the *Public Service Act 2008*<sup>294</sup>.

Financial management functions have also been delegated from the Department's Director-General to the Principal Registrar and Director of Courts, as set forth in the document entitled *Financial Instrument of Delegation issued under the Financial Accountability Act 2009*<sup>295</sup>.

The management of strategic risks facing the Queensland Court Services is ensured by the Queensland Courts Services Executive<sup>296</sup>.

## Human Resources

Authority over court staffing is shared between the Executive and the Judiciary<sup>297</sup>.

The Department's Director-General may appoint registrars (other than the Principal Registrar) and other officers he considers appropriate<sup>298</sup>. Such officers are employed under the *Public Service Act 2008*<sup>299</sup>. The Principal Registrar may give directions to the registrars and other officers employed in any office of the Supreme Court Registry<sup>300</sup>.

The Chief Justice appoints a person nominated by a judge as his associate<sup>301</sup>. Judges' associates are appointed under the *Supreme Court of Queensland Act 1991* or the *Supreme Court Act 1995* and not under the *Public Service Act 2008*<sup>302</sup>. The Governor in Council decides their salary and conditions of appointment<sup>303</sup>. Judges associates as well as other judicial staff report to the judge to whom they are appointed<sup>304</sup>.

Section 103 of the *Public Service Act 2008* allows the Director-General to delegate his functions under an Act to any appropriately qualified person. Human resources management functions have thus been delegated to, amongst others, the Principal Registrar and Director of Courts, as set forth in the *Human Resources Management Manual*<sup>305</sup>.

## Buildings, Fixtures and Furnishings

Authority over court infrastructure is shared between the Executive and the Judiciary<sup>306</sup>.

The Executive provides court accommodation<sup>307</sup> as well as controls the Court's buildings<sup>308</sup>. The Department's Asset Management Committee defines the capital work program according to which the Department designs, constructs, upgrades and manages courthouses throughout Queensland, including the Supreme Court<sup>309</sup>. Other facilities and property services, as well as procurement, are provided by the Department's Corporate Services Branch<sup>310</sup>.

The Chief Justice has power to do all things necessary or convenient to be done for the control and management of the Supreme Court precincts<sup>311</sup>. He decides where the Supreme Court is to sit<sup>312</sup>.

Judicial officers' expenses related to the purchase of library books and subscriptions and maintenance, as well as binding and insurance for the books or matters covered by the subscriptions, are reimbursed via an expense-of-office allowance<sup>313</sup>. This allowance also pays for the purchase, maintenance and insurance for judicial wigs and regalia<sup>314</sup>.

## Support Systems

The Court's Office of Director of Courts coordinates and oversees information management and technology through its Courts Information Services Branch (CISB)<sup>315</sup>. At the Departmental level, information technology management is the responsibility of the Information Management Committee as well as the Corporate Services Branch<sup>316</sup>. Information management and information technology services are also delivered by the Queensland Courts Services<sup>317</sup>.

The Supreme Court of Queensland Library (SCQL) is administered by the Library Committee<sup>318</sup>, a statutory body corporate<sup>319</sup> chaired by a Supreme Court judge appointed by the Chief Justice<sup>320</sup>. Out of 12 members, 3 are judges (including the chairperson) and 4 are appointed by the Chief Justice. The remaining 5 consist of the Minister of Justice or his nominee, and 4 barristers and solicitors appointed by the Bar Association of Queensland (2) and the Queensland Law Society (2)<sup>321</sup>.

If SCQL provides core information services, a consolidation of publicly-funded law library services across the Department of Justice and Attorney-General portfolio is currently under discussion<sup>322</sup>.

# SOUTH AUSTRALIA SUPREME COURT

## Model of Court Administration

Limited Autonomy Model

## Organization or Person(s) in Charge of Court Administration

In South Australia, the operations of courts are undertaken as a "co-operative joint venture" among the various courts of that State<sup>323</sup>. The Board of this joint venture is the State Courts Administration Council (the "Council"), a judicial statutory authority independent of executive government control<sup>324</sup>. The Council consists of the Chief Justice of the Supreme Court, the Chief Judge of the District Court, and the Chief Magistrate of the Magistrates Court<sup>325</sup>.

The function of the Council, a body corporate<sup>326</sup>, is to provide the administrative facilities and services for participating courts that are necessary to enable those courts and their staff to carry out their judicial and administrative functions<sup>327</sup>. Among these participating courts is the Supreme Court. It is to be noted however that participating courts remain responsible for their own internal administration<sup>328</sup>. Each court and its judicial head thus ensure the management of its judiciary as well as its own administration<sup>329</sup>. Consequently, the Chief Justice of the Supreme Court is in charge of the Supreme Court's internal management<sup>330</sup>.

The State Courts Administrator (the "Administrator") is the Council's Chief Executive Officer and is subject to control and direction by the Council<sup>331</sup>. The Administrator is appointed by the Governor, on terms and conditions determined by him<sup>332</sup>. No person can be appointed Administrator unless nominated for appointment by the Council<sup>333</sup>.

The Courts Administration Authority (CAA) is the collective term for the Council, the Administrator, and staff of the Council.<sup>334</sup>

The Attorney-General is the minister who administers the *Courts Administration Act 1993*<sup>335</sup>. Relations between the executive and judicial arms with respect to court administration are partially dealt with by Sections 13 and 14 of the *Courts Administration Act 1993*, which regard the Council's obligation to report to the Attorney General<sup>336</sup>.

At the request of a parliamentary committee, a member of the Council or the Administrator must attend before it to answer questions about the financial needs of participating courts, the expenditure of money by the Council or any other matters affecting the administration of participating courts. However, they "cannot be required to answer questions about the exercise of judicial as distinct from administrative powers or discretions."<sup>337</sup>

## Budget and Financial Accounting

The CAA is funded through money appropriated by Parliament<sup>338</sup>. It is the responsibility of the executive government to propose to Parliament the voting of a budget sufficient to enable the judiciary to discharge its responsibilities. It is the responsibility of Parliament to vote sufficient funds for that purpose<sup>339</sup>. Consequently, "although independent of the Executive Government, the Council relies upon funding recommended by the Executive Government and appropriated by Parliament"<sup>340</sup>.

The Council's responsibility with respect to budget is to prepare and submit to the Attorney-General a budget showing estimates of its receipts and expenditures for the next financial year<sup>341</sup>. This usually takes the form of the Annual Budget Bilateral Bids<sup>342</sup>. The Attorney-General approves this budget with or without modification for presentation to Parliament<sup>343</sup>. The Council may not expend money unless provision for the expenditure is made in a budget approved by the Attorney-General<sup>344</sup>.

All budget bids from participating courts are submitted to the Council for approval before being submitted as part of the Annual Budget Bilateral process. The Council allocates budgets to participating courts at the commencement of each financial year and if necessary can reallocate resources at any time to areas of greatest need<sup>345</sup>. Decisions on how money, once provided, will be allocated or reallocated among court functions are thus taken by the judiciary<sup>346</sup>.

The Council ensures that proper accounting records are kept of its receipts and expenditures<sup>347</sup>, and that expenditures are not made out of money under the Council's control without proper administrative authorization<sup>348</sup>. Moreover, the Council maintains oversight of the CAA's legislative compliance requirements through such mechanisms as the OHSW Audit by WorkCover and the CAA Risk and Audit Management Committee's quarterly reports<sup>349</sup>.

The Auditor-General may, at any time, (but must at least once a year) audit the accounts of the Council<sup>350</sup>.

## Human Resources

Court staffing is controlled by the Judiciary<sup>351</sup>. Staff members of the Council are appointed by the Administrator, with the approval of the Council for senior staff<sup>352</sup>. They are answerable for the proper discharge of their duties to the Administrator, and, if the position relates to a particular participating court, to the judicial head of that court<sup>353</sup>. The Administrator is responsible to the Council for the control and management of the Council's staff<sup>354</sup>.



The Administrator and the staff of the Council are not Public Service Employees<sup>355</sup>. Certain provisions of the *Public Sector Act 2009*, *Public Sector (Honesty and Accountability) Act 1995* and *Superannuation Act 1988* nonetheless apply to them pursuant to Sections 21B and 23 of the CAA Act. Moreover, the Administrator has, in relation to staff employed under the CAA Act, the same powers as a Chief Executive of an Administrative unit of the Public Service<sup>356</sup>.

Regarding the Supreme Court specifically, the Court's administrative and ancillary staff (other than judges' associates) is appointed under the CAA Act<sup>357</sup>. A member of the court's administrative or ancillary staff is responsible to the Chief Justice (through any properly constituted administrative superior) for the proper discharge of his duties<sup>358</sup>. The Registrar is the Court's principal administrative officer<sup>359</sup> and is appointed upon the recommendation or with the concurrence of the Chief Justice<sup>360</sup>. The Registrar is subject to the control and direction of the Chief Justice<sup>361</sup>, and exercises the functions and duties he assigns to him<sup>362</sup>. Other officers necessary for the administration of justice<sup>363</sup>, as well as the Supreme Court's tipstaves<sup>364</sup>, are also appointed on the recommendation of the Chief Justice.

Associates to the Supreme Court judges are appointed by the Chief Justice, but otherwise are subject to the *Courts Administration Act 1993* in the same way as other staff of the court appointed under that Act<sup>365</sup>.

## Buildings, Fixtures and Furnishings

The accommodation for the Court is provided by the Executive<sup>366</sup>. The Governor may, by proclamation, set apart such courthouse or building belonging to the Crown for the use of participating courts<sup>367</sup>.

Infrastructure is nonetheless controlled by the Judiciary<sup>368</sup>. The Council is responsible for the care, control and management of courthouses and other real and personal property of the Crown set apart for the use of participating courts<sup>369</sup>. It may assign a courthouse or other building that is under its care, control and management for the use of a particular court<sup>370</sup>.

The Administrator is, subject to control and direction by the Council, responsible to the Council for the management of property that is under the Council's care, control and management, including courthouses<sup>371</sup>. The Executive Management Committee (EMC) is responsible for the day to day management of the CAA's resources and operational issues<sup>372</sup>.

Let us also mention that the Supreme Court sits at such places as the Chief Justice directs, while its registries are maintained at such places as the Governor determines<sup>373</sup>.

## Support Systems

The Information Technology Committee reports to the Council on, and make recommendations as to, the strategic development of the CAA's information systems and associated infrastructure, while the Library Advisory Committee provides the forum for consultation between the Library Manager and key library user groups on matters that regard library services, policy and development. Both committees are established by the Council.<sup>374</sup>

The CAA provides a library service ensuring access to information sources that support the administration of justice<sup>375</sup>. The CAA's Information Technology Services (ITS) Branch provides support and development services and manages third party service providers in the use of information technology within the courtroom and the CAA<sup>376</sup>.

# TASMANIA SUPREME COURT

## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

The Department of Justice provides administrative support to the Supreme Court<sup>377</sup>.

Pursuant to the *Supreme Court Civil Procedure Act 1932*, the Chief Justice is responsible for ensuring the orderly and expeditious discharge of the business of the Court<sup>378</sup>. Nonetheless, the administrative forum by which decisions are taken is the Judges' Committee<sup>379</sup>, a collegial committee consisting of the Chief Justice (chairperson) and the other judges, which meets four times per year<sup>380</sup>. Consequently, judges as a group are responsible for the administration of the Court<sup>381</sup>.

The Court as a whole is also accountable to Parliament<sup>382</sup>. The Chief Justice prepares and provides to the Minister (the Attorney General) an Annual Report which must include details as to the administration of justice in the Court. The Minister causes a copy of the Annual Report to be laid on the table of each House of Parliament<sup>383</sup>.

The Department of Justice responds to four ministers: the Attorney General and Minister for Justice, the Minister for Corrections and Consumer Protection, the Minister for Workplace Relations and the Minister for Planning and Veterans' Affairs. The Department's Secretary presents the Department Annual Report to all four ministers<sup>384</sup>.

## Budget and Financial Accounting

The Court is funded by government<sup>385</sup>. The total amount of the Court's budget is decided upon by the Treasury and the Department of Justice, while the source of funding remains Parliamentary appropriations<sup>386</sup>. While the Treasury and the Department decide which new major initiatives will be funded, small initiatives which can be funded from within the Court's budget are determined by judges and the Registrar<sup>387</sup>. The Department, together with the judges and the Registrar, decides to what activities the budget is allocated<sup>388</sup>. The Registrar manages the budget on behalf of the Court<sup>389</sup>.

The Finance Branch of the Department's Corporate Services Division provides financial, budgeting and accounting services<sup>390</sup>. It is also in charge of internal audits, overseeing the work of the newly established Internal Audit and Risk Management Committee<sup>391</sup>.

The Department's Secretary is responsible for the preparation and fair presentation of the financial statements in accordance with Section 27(1) of the *Financial Management and Audit Act 1990*<sup>392</sup>. This responsibility includes establishing and maintaining internal controls, selecting and applying appropriate accounting policies, and making accounting estimates that are reasonable<sup>393</sup>.

The financial statements are audited by the Auditor-General, Tasmanian Audit Office<sup>394</sup>.

## Human Resources

Control over court staffing is shared between the Executive and the Judiciary<sup>395</sup>. Appointment, assignment of duties and accountability is jointly determined by the judicial and public service heads<sup>396</sup>.

The Department provides funding for the Associate Judge and judicial support staff including associates, attendants and secretarial support<sup>397</sup>. Judicial officers are consulted on appointment of personal staff<sup>398</sup>.

The Registrar of the Supreme Court is appointed by the Minister, subject to and in accordance with Part 6 of the *State Service Act 2000*<sup>399</sup>. He is selected by a panel including a representative of the Chief Justice<sup>400</sup>. He is a Senior Officer of the Department<sup>401</sup>. Deputy Registrars and Assistant Deputy Registrars are also employed under the *State Service Act 2000*<sup>402</sup>. As for Senior Counsels, they are appointed by the Chief Justice<sup>403</sup>.

On the Associate Judge's request, the Registrar provides him with one or more associates, whom are employees of the Supreme Court or the Sheriff's Department<sup>404</sup>.

Judicial staff are usually accountable to their judicial officer, who acts as direct supervisor<sup>405</sup>. The Registrar can also reassign duties and discipline judicial employees<sup>406</sup>. Other officers are accountable to the Registrar<sup>407</sup>. As for the latter, he is accountable to the Chief Justice as to judicial administration matters, and to the Secretary of the Department (as Agency Head) as to public administration matters<sup>408</sup>.

The Human Resources Branch of the Department's Corporate Services Division provides human resource services<sup>409</sup>.

## Buildings, Fixtures and Furnishings

If accommodation for the Court is provided by the Executive<sup>410</sup>, control over infrastructure is shared between the Executive and the Judiciary<sup>411</sup>.

Court buildings' works and renovations are funded by the Department, who is in charge of the provision of facilities as well as their maintenance<sup>412</sup>. Tasmania's State Architect provides strategic and independent advice to the Tasmanian Government on matters relating to planning, building architecture and built heritage. He has an advisory role in the Government's own building and infrastructure projects<sup>413</sup>.

The Registrar and Court Manager control the Court's buildings<sup>414</sup>. The Finance Branch of the Department's Corporate Services Division provides facilities management services<sup>415</sup>.

Sittings of the Court are held at the places at which the registries of the Court are established and at such other place as may be determined by the Chief Justice from time to time<sup>416</sup>. Funds for the provision of registry services are provided by the Department<sup>417</sup>.

## Support Systems

The Court's IT is provided by and managed by the Department<sup>418</sup>. The Information Technology Services Branch of the Department's Corporate Services Division is indeed in charge of the management and support of a State-wide computer network, corporate databases and servers, IT security and hardware leasing, including the installation and maintenance of IT hardware and software and provision of a Helpdesk service and business consultancy<sup>419</sup>.

The Integrated Law Library Service (ILLS) provides integrated library services for the Supreme Court as well as the Magistrates Court, the Department of Justice and the Law Society of Tasmania<sup>420</sup>. The ILLS is made up of three integrated libraries accessible to all, and two working collections which are not open to the public, among which is the Supreme Court Library<sup>421</sup>.

The Integrated Law Library Service is administered according to a partnership agreement between the Crown and the Law Society of Tasmania. Day-to-day management is provided by the Department of Justice through the Library Manager, while budget and policies of the integrated libraries are determined by the Management Committee<sup>422</sup>. The Chief Justice of the Supreme Court sits on the latter committee<sup>423</sup>.

## VICTORIA SUPREME COURT

### Model of Court Administration

Executive Model<sup>†</sup>

### Organization or Person(s) in Charge of Court Administration

The Victorian Department of Justice is in charge of court administration<sup>424</sup>. Courts are under the broad management of the Executive Director, Courts Division<sup>425</sup>. The latter oversees the work of the Courts and Tribunals Unit, a business unit of the Courts Portfolio whose major objective is to support the courts and tribunals<sup>426</sup>.

At the Supreme Court level, the Council of Judges, which meets at least once a year<sup>427</sup>, has overall responsibility for the management of the Court<sup>428</sup>. While the Chief Justice has no formal power to command as conferred by legislation<sup>429</sup>, the President of the Court of Appeal – a Division of the Supreme Court – is responsible for ensuring the orderly and expeditious exercise of the jurisdiction and powers of the Court of Appeal<sup>430</sup>.

The Department of Justice Secretary appoints the Court's Chief Executive Officer (the "CEO")<sup>431</sup> under Part 3 of the *Public Administration Act 2004*<sup>432</sup>. The CEO is responsible for the effective administration of the Court to the Director, Courts and Tribunals Unit, and through the latter to the Executive Director, Courts<sup>433</sup>. At the Court's level, the CEO answers to the Chief Justice<sup>434</sup> as well as to the President of the Court of Appeal<sup>435</sup>. The Principal Registry (Trial Division and Probate), which provides administrative services<sup>436</sup>, operates under his leadership<sup>437</sup>. As for the Court of Appeal Registry, which also delivers administrative services<sup>438</sup>, it is headed by the Registrar of the Court of Appeal, who acts under the general direction and control of the President<sup>439</sup>.

The Associates Judges assist in the general business of the Court<sup>440</sup>. The Chief Justice has responsibility for the administration of the business of the Associate Judges and the orderly and expeditious exercise of their functions and powers<sup>441</sup>.

The Judges report annually to the Governor of the State of Victoria on the operation of the Court<sup>442</sup>. As well, the Department of Justice Secretary submits an Annual Report to the Justice Ministers<sup>443</sup> for them to present to the Houses of Parliament<sup>444</sup>.

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† According to Andrew Phelan, Chief Executive and Principal Registrar of the High Court of Australia, the new Victorian State government has announced the establishment of an independent courts administration authority, although details of this change are yet to emerge (See letter to Karim Benyekhlef from Mr. Phelan dated December 23, 2010, at page 6).

## Budget and Financial Accounting

The total amount of the Court's budget is decided upon by the Department of Justice<sup>445</sup>. Parliament may veto the decision, as only it may appropriate funds from consolidated revenue<sup>446</sup>. The Department of Justice<sup>447</sup> decides which new initiatives will be funded as well as to what activities the budget is allocated<sup>448</sup>.

At the Departmental level, financial management is entrusted, apart from the Executive Committee, to the Strategic Projects and Planning Division as well as to two executive standing committees, the Finance Committee and Audit and Risk Management Committee<sup>449</sup>. The Secretary of the Department of Justice is also the Accountable Officer and, as such, is responsible for the preparation and fair presentation of the financial report in accordance with the *Financial Management Act 1994*<sup>450</sup>. This financial report is subject to audit by the Victorian Auditor-General<sup>451</sup>.

At the Court's level, a Planning and Strategy Department as well as Finance Department operate under the leadership of the CEO<sup>452</sup>.

## Human Resources

Control over court staffing is shared between the Executive and the Judiciary<sup>453</sup>. Appointment, assignment of duties and accountability is jointly determined by the judicial and public service heads<sup>454</sup>.

The Court's CEO as well as its prothonotary, deputy prothonotaries<sup>455</sup>, registrar of probates, assistant registrars of probates, registrars, deputy registrars, cost registrars, deputy cost registrars, and other officers and employees are employed under Part 3 of the *Public Administration Act 2004*<sup>456</sup>. The personal staff of judges (i.e. associates and tipstaves) are also employees of the Department, and their placement is determined by it<sup>457</sup>. However, judicial staff still remains accountable to the judges<sup>458</sup>.

The Department of Justice system with regards to human resources is applied to courts. There is a centralization of personnel management in government, with the courts being subject to external constraints in managing their human resources<sup>459</sup>. This management, at the Supreme Court's level, is ensured by the CEO, the Court's Human Resources Department operating under his leadership<sup>460</sup>. When it meets, the Council of Judges further considers the arrangements relating to the duties of court officers<sup>461</sup>. At the Departmental level, the People, Safety & Workplace Relations Strategy and Policy Committee is the standing executive committee advising the Department's Executive with regards to human resources management<sup>462</sup>.

## Buildings, Fixtures and Furnishings

If accommodation for the Court is provided by the Executive<sup>463</sup>, control over infrastructure is shared between the Executive and the Judiciary<sup>464</sup>.

The Court is held at such places as the Governor in Council directs<sup>465</sup>. The Court's building and accommodation are provided by the Department of Justice and managed by its Strategic Projects & Planning Division<sup>466</sup>. The Department's Executive is also advised in this matter by the Accommodation Planning Committee as well as the Asset Committee<sup>467</sup>. However, pursuant to the *Supreme Court Act 1986*, the Court may sit and act at any place<sup>468</sup>.

## Support Systems

The Court does not have its own stand-alone IT system administered by court staff<sup>469</sup>. Its Information Technology System is rather controlled by the Department of Justice, Strategic Projects & Planning Division<sup>470</sup>.

# WESTERN AUSTRALIA SUPREME COURT

## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

The Court and Tribunal Services (CTS) Division of the Department of the Attorney General (the “DotAG”) is responsible for the management and administration of courts and tribunals in Western Australia<sup>471</sup>. The CTS Division is headed by an Executive Director, Court and Tribunal Services, who answers to the Director General of the DotAG<sup>472</sup>. The Director General in turn reports to the Attorney General and, through the Minister, to the Parliament<sup>473</sup>.

The DotAG has stated that increased judicial involvement/autonomy in courts administration has clear and strongly supported benefits<sup>474</sup>. This has led to the establishment of the Heads of Jurisdiction Board<sup>475</sup>. This Board, chaired by the Chief Justice of Western Australia<sup>476</sup>, is the “peak policy-making and leadership committee of Courts and Tribunals”<sup>477</sup>, promoting early and active engagement, consultation and communications with the Department of the Attorney General<sup>478</sup>. While the Department’s Director General is responsible for the development and implementation of government policy, the Board has the capacity to review and influence these policies as and when they relate to the administration of participating courts and tribunals, among which is the Supreme Court<sup>479</sup>.

It is to be noted however that the Board’s Terms of Reference specifically state that a participating court or tribunal remains responsible for its own internal administration. Consequently, the day to day administration of the Supreme Court’s General Division is ensured by the Chief Justice<sup>480</sup>, while that of the Court of Appeal Division is entrusted to the President, subject to the directions of the Chief Justice<sup>481</sup>.

## Budget and Financial Accounting

Funding is controlled by the Executive, which is ultimately responsible for the court system’s operation and therefore has the ultimate power to determine the level of resources to be allocated<sup>482</sup>. The annual State Budget Process is articulated by the Department of Treasury and Finance<sup>483</sup>. Each agency – among which is the Department of the Attorney General – develops its budget submissions according to this process<sup>484</sup>. The DotAG Budget Papers are then tabled in Parliament for official approval<sup>485</sup>. The Attorney General is able to represent Court and Tribunal Services in Parliament and provide courts with a voice at the Cabinet table<sup>486</sup>.

During the budget submission process, the Judiciary is able to make “judicial bids”. Unlike other budget submissions, judicial bids cannot be rejected through the Department’s internal review process and must be put forward to Director General level. Moreover, the Heads of Jurisdiction Board’s Terms of Reference specifically provide that the Board participates in the development and maintenance of the annual budget for participating courts and tribunals<sup>487</sup>. The implementation of the Board has indeed resulted in a much closer engagement with the Judiciary in budget prioritization and business planning<sup>488</sup>.

Once approved by Parliament, the budget is allocated to sub-services and cost-centers by the Finance area of Court and Tribunal Services<sup>489</sup>. The allocation process occurs through consultation with the Directors of the various jurisdictions, who, in conjunction with the Manager of Strategic Business Services, negotiates their budget to meet the allocation for the whole of Court and Tribunal Services<sup>490</sup>. The Judiciary is not formally consulted as part of this process<sup>491</sup>.

The Courts Executive Group (CEG), chaired by the Executive Director, Court and Tribunal Services, may decide to fund certain issues via reducing funding allocated to existing operations. This information is then passed on to the Heads of Jurisdiction for similar deliberations.<sup>492</sup>

The Executive has the ability to alter the amount of funding allocated to different business areas (including courts) after the budgets have been decided, shifting funds from one purpose to another<sup>493</sup>.

As for financial accountability, while the Department is obligated to report under the *Financial Management Act 2006*, the Supreme Court, as other courts and tribunals, is currently exempt of such a requirement, and must simply produce a financial report on operations under its own legislation<sup>494</sup>. Similarly, as for annual reports, there is no statutory provision requiring a report by the Court, but the Chief Justice reports voluntarily by way of an Annual Review<sup>495</sup>.

Regarding audits, a Manager, Internal Audit reports to the Director General of the DotAG<sup>496</sup>. External audit processes are entrusted to the Auditor General<sup>497</sup>.

## Human Resources

Court staffing is provided and controlled by the Department of the Attorney General<sup>498</sup>, its Corporate Services Division being in charge of human resources<sup>499</sup>. Staff report through various lines of management to a Director, who in turns report to the Executive Director, Court and Tribunal Services<sup>500</sup>.

The judiciary does not have any direct reporting relationships with Court and Tribunal Services’ staff<sup>501</sup>. Governance of judicial staff members is vested in the judges, who select them as well as determine their duties. Judicial officers are thus accountable to the judiciary<sup>502</sup>.

The Heads of Jurisdiction Board participates in the development and maintenance of human resource and workforce plans<sup>503</sup>.

## Buildings, Fixtures and Furnishings

Infrastructure is controlled by the Executive, the Department providing court buildings and accommodation<sup>504</sup>. Its Corporate Services Division is in charge of asset and contract management. However, the Heads of Jurisdiction Board participates in the development, implementation and maintenance of the participating courts’ and tribunals’ infrastructure, asset and capital investment plans<sup>505</sup>.

The Supreme Court (and judges thereof) has power to sit and act at any place, for the transaction of any part of its business, or for the discharge of any duty which by any statute or otherwise is required to be discharged<sup>506</sup>.

## Support Systems

Technology services are provided to courts, including the Supreme Court, by the Department<sup>507</sup>. Its Corporate Services Division is in charge of information services<sup>508</sup>.

The Supreme Court participates in the Court and Tribunal Technology Committee, a Sub-Committee of the Heads of Jurisdiction Board chaired by a Supreme Court Judge (or alternate). The purpose of this Committee is to provide recommendations and advice to the Heads of Jurisdiction Board on the information technology needs of courts and tribunals, and to make decisions relating to the provision of IT to Courts and Tribunals with parameters agreed by the Heads of Jurisdiction Board.<sup>509</sup>

The establishment of the Court and Tribunal Technology Committee has allowed the Judiciary to have a clear decision-making authority over issues related to the Courts' technology<sup>510</sup>.



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# AUSTRALIAN MAINLAND TERRITORIES

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## AUSTRALIAN CAPITAL TERRITORY SUPREME COURT

### Model of Court Administration

Executive Model

### Organization or Person(s) in Charge of Court Administration

The Supreme Court is administered by the Australian Capital Territory (hereinafter “ACT”) Department of Justice and Community Safety (the “Department”), and more precisely by its ACT Law Courts and Tribunal Unit, which is headed by a Courts Administrator<sup>511</sup>. The ministerial responsibility for the activities of the Department is with the Attorney General and Minister for Police and Emergency Services (the “Attorney-General”)<sup>512</sup>.

As set forth in the *Supreme Court Act 1933*, the Chief Justice is nonetheless responsible for ensuring the orderly and expeditious discharge of the business of the court<sup>513</sup>. As for the President, he is responsible for ensuring the orderly and expeditious discharge of the business of the Court of Appeal<sup>514</sup>, subject to such consultation with the Chief Justice (unless the Chief Justice is the President) and the other judges as is appropriate and practicable<sup>515</sup>.

The Court’s three main administrative units (i.e. the Registry, the Sheriff’s Office and the Library) answer to the Courts Administrator<sup>516</sup>. The latter sits on the ACT Courts Governance Committee, as do the Attorney-General, the Chief Justice, the President of the Court of Appeal, the Chief Magistrate and the Chief Executive of the Department<sup>517</sup>. The role of this committee is to provide a regular forum for the discussion of key strategic issues affecting the administration of the ACT Law Courts and Tribunal, among which is the Supreme Court<sup>518</sup>.

The Department’s Chief Executive presents the Annual Report of the Department to the Attorney General<sup>519</sup>. The latter causes a copy of this report to be laid before the Legislative Assembly<sup>520</sup>.

### Budget and Financial Accounting

Funding for the Courts and Tribunal Unit of the Department comes mostly from the government<sup>521</sup>.

The Department’s Chief Executive is responsible for the preparation and fair presentation of financial statements. This includes the responsibility for maintaining adequate accounting records and internal controls<sup>522</sup>. A Finance Committee provides advice and support to the Chief Executive in the discharge of the

responsibilities outlined in the *Financial Management Act 1996*<sup>523</sup>. Financial services for the Department as a whole are further provided by Corporate Support, Strategic Finance Division, which is headed by a Chief Finance Officer<sup>524</sup>.

The Department's Internal Audit team reviews and evaluates the effectiveness of departmental risk management, internal control, and governance practices. It reports to the Audit and Performance Improvement Committee, and is accountable to the Chief Executive through the Executive Director, Governance.<sup>525</sup>

The Department's financial statements are audited by the Auditor-General<sup>526</sup>.

## Human Resources

The Registrar of the Court as well as its Sheriff is appointed by the Attorney-General<sup>527</sup>. As for deputy registrars and other officers, they are appointed by the Registrar<sup>528</sup>, while deputy sheriffs are appointed by the Sheriff<sup>529</sup>.

Deputy registrars, deputy sheriffs and other officers are public servants<sup>530</sup>. Staff assisting the registrar is employed under the *Public Sector Management Act 1994*<sup>531</sup>. This Act applies in relation to the management of this staff<sup>532</sup>.

The Attorney-General of ACT may enter into an arrangement with the Attorney-General of a participating jurisdiction<sup>533</sup> for the temporary transfer of judicial officers<sup>534</sup> between the Supreme Court and corresponding courts<sup>535</sup>. Similarly, the Chief Justice may, in accordance with the judicial exchange arrangement<sup>536</sup> and with the agreement of the senior judicial officer of the corresponding court, appoint a judicial officer of the corresponding court to act as a judicial officer of the Supreme Court<sup>537</sup>.

The Department's Corporate Support, People and Workforce Strategy provides the whole of Department with human resource management services<sup>538</sup>.

## Buildings, Fixtures and Furnishings

The Supreme Court facilities are managed by the Department<sup>539</sup>. The Department's Corporate Support, Capital Works and Infrastructure delivers a range of capital and infrastructure projects, as well as provides accommodation and fleet management services<sup>540</sup>. Court building maintenance works are also entrusted to the Department's Law Courts and Tribunal Unit<sup>541</sup>.

Apart from its principal seat in Canberra, the court may sit at any other places in Australia that are determined by the Chief Justice<sup>542</sup>.

## Support Systems

Library services are provided by the Russell Fox Library, one of the court's administrative units<sup>543</sup>. A consortium between the Russell Fox Library, the Department Library and the ACT Department of Public Prosecution Library, entered into during 2009, means that for the first time all three libraries share the same library management system<sup>544</sup>.

# NORTHERN TERRITORY SUPREME COURT

## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

Administration, management and provision of resources for the operation of the Court is ensured by Court Support and Independent Offices (hereinafter “Court Support Services”), a Division of the Northern Territory Department of Justice. An Executive Director, Court Support Services is responsible to the Department’s Chief Executive Officer (the CEO) as well as to the judges in relation to matters affecting the administration of the Supreme Court<sup>545</sup>.

The act establishing the Supreme Court nonetheless provides that the Chief Justice is responsible for ensuring the orderly and expeditious discharge of the business of the Court<sup>546</sup>.

The Department’s CEO submits an annual report<sup>547</sup> to the Minister for Justice and Attorney-General<sup>548</sup>.

## Budget and Financial Accounting

The Court does not set its own budget. Provision of the financial resources is ensured by Court Support Services<sup>549</sup>. The latter is predominantly funded by, and dependent on the receipt of Parliamentary appropriations<sup>550</sup>.

The Department’s Chief Executive Officer is also the Accountable Officer under Section 13 of the *Financial Management Act*<sup>551</sup>. He is assisted in this function by the Internal Audit Committee<sup>552</sup>. A Chief Finance Officer is also responsible for the Department’s financial governance<sup>553</sup>.

## Human Resources

The Registrar of the Court is appointed by the Attorney-General, while the acting Registrar is appointed by the Chief Justice<sup>554</sup>. The Attorney-General may also appoint such officers of the Court, in addition to Registrars and to the officers appointed under the *Sheriff Act*, as he considers necessary<sup>555</sup>.

Judges’ staff is under the immediate control of their individual judge, although employed by the Ministry and subject to public sector regulations<sup>556</sup>. As for the Registrar, the *Supreme Court Act* provides that he is independent in the performance of his functions, and thus “not subject to the direction or control of any person or body”<sup>557</sup>.

The Department’s Corporate and Strategic Services Division oversees human resources<sup>558</sup>.

## Buildings, Fixtures and Furnishings

Infrastructure and general services are broadly overseen by the Department’s Corporate and Strategic Services<sup>559</sup>. Court Support Services is also involved in construction and renovation of court facilities and provision of equipment<sup>560</sup>.

The Court has power to sit and act at any place the Chief Justice directs for the transaction of the business of the Court<sup>561</sup>. The Attorney-General may authorize the establishment of additional Registries of the Court at such places in the Territory as he determines<sup>562</sup>.

## Support Systems

A Chief Information Officer is responsible for the governance of and compliance with the Department's Information Technology Systems<sup>563</sup>. Information and technology management is also entrusted to the Information Management Committee<sup>564</sup>.

The Supreme Court has its Library Committee, chaired by a Judge of the Supreme Court. The membership includes a Magistrate from Darwin and one from Alice Springs, representatives from the NT Bar Association and the Law Society of the Northern Territory, a staff member from the Law Faculty at the Charles Darwin University, the Master of the Supreme Court and the Librarian<sup>565</sup>.

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# CANADA – FEDERAL LEVEL

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## SUPREME COURT

### Model of Court Administration

Limited Autonomy Model

### Organization or Person(s) in Charge of Court Administration

The federal government of Canada has authority over the constitution, but also the organization and the maintenance of the Supreme Court of Canada<sup>566</sup>.

The Office of the Registrar of the Supreme Court (the “Office”) is the federal government institution<sup>567</sup> established to provide services and administrative support to the Court<sup>568</sup>. The governance of the Office lies in the Executive Committee, the decision-making body<sup>569</sup>.

Answering directly to the Chief Justice, the Registrar of the Supreme Court oversees all administrative work in the Court<sup>570</sup>. He is the Deputy Head of the Court<sup>571</sup>, appointed by the Governor in Council<sup>572</sup>. As Deputy Head, the Registrar is the most visible representative of the Office, accountable for its overall performance and results. He is the equivalent of the CEO of an organization<sup>573</sup>. As such, he exercises significant control over budgetary and administrative processes of the Court<sup>574</sup>. According to the Canadian Judicial Council’s 2006 report, this important administrative role undertaken by the Registrar amounts to the Court having reached “de facto autonomy”<sup>575</sup>. Moreover, the current Registrar of the Supreme Court, Roger Bilodeau, expresses the view that the Court enjoys a substantial measure of administrative and institutional independence notwithstanding the important role played by the Ministry of Justice<sup>576</sup>.

The management of each judge’s office is ensured by a Judicial Assistant and a Court Attendant<sup>577</sup>. An Executive Legal Officer and a Legal Officer also assist in the overall management of the Court, working directly with the Chief Justice<sup>578</sup>.

The Minister of Justice is directly responsible and personally answerable to Parliament for the administration of the Supreme Court. The latter is part of the portfolio of the federal Department of Justice for reporting purposes to Parliament. Accordingly, the Court’s Main Estimates, its Report on Plans and Priorities and its Departmental Performance Report are all presented to the Minister of Justice for submission to Parliament<sup>579</sup>.

## Budget and Financial Accounting

The Court has a ‘reference level’ (or base level) of approved funding, including both ‘statutory’ and ‘voted’ amounts. Statutory funding covers items previously approved by Parliament through enabling legislation, such as salary and allowances paid to judges<sup>580</sup> or pension and benefits plans for staff members. There is no budgetary control over these statutory amounts since the approval covers actual expenditures. The remainder of the Court’s funding is provided by way of a voted expenditure, which requires annual parliamentary authority and which is obtained through an appropriation bill<sup>581</sup>. It is possible to reallocate funds between salary and operating amounts, as required for operational purposes<sup>582</sup>.

Funds are allocated and approved via the Expenditure Management System, which requires a number of submissions throughout the year to the Treasury Board of Canada Secretariat<sup>583</sup>.

The Office is in charge of budget management, and ensures that all spending comply with Treasury Board policies<sup>584</sup>. A recent increase in the financial reporting demands has caused the Office to turn to consultants in order to conduct the extra work it was unable to absorb itself/alone<sup>585</sup>.

The Minister of Justice is designated as the ‘appropriate minister’ for the purposes of the *Financial Administration Act*<sup>586</sup>.

## Human Resources

All officers, clerks and employees of the Court are members of the federal public service appointed by the Registrar under the *Public Service Employment Act*<sup>587</sup>. The Judges nonetheless have the final say in the selection of candidates for the Judicial Assistant and Court Attendant positions<sup>588</sup>.

Subject to the direction of the Chief Justice, the Registrar superintends Court staff<sup>589</sup>.

The Office’s Corporate Services Sector is in charge of human resources<sup>590</sup>.

## Buildings, Fixtures and Furnishings

The Supreme Court building is ‘owned’ by the Department of Public Works and Government Services Canada, as the common services provider of office space for the federal government. Staff of this Department is present on site to address concerns or matters as they arise. The Court nonetheless has input into the priority-setting exercise for longer term projects such as capital improvements or renovations<sup>591</sup>.

The Office’s Corporate Services Sector is in charge of the overall administrative and operational support to judges and court staff, and thus oversees office accommodation and procurement<sup>592</sup>.

The Judicial Support Services and Protocol Branch of the Office is responsible for management support for the judges’ chambers, including the Chief Justice’s chambers, as well as for the judges’ dining room, the Law Clerk Program and visits by dignitaries<sup>593</sup>. This Branch also manages the Court’s protocol activities<sup>594</sup>.

## Support Systems

The Deputy Registrar oversees the Court Operations Sector (which comprises the Library and Information Management Branch), the IT Solutions and Development Sector<sup>595</sup>.

Under the supervision of the Chief Justice, the Registrar manages and controls the library of the Court and the purchase of all books<sup>596</sup>.

# FEDERAL COURT OF APPEAL, FEDERAL COURT, COURT MARTIAL APPEAL COURT AND TAX COURT OF CANADA

## Model of Court Administration

Executive/Guardian Model<sup>†</sup>

## Organization or Person(s) in Charge of Court Administration

Court administration for the Federal Court of Appeal, Federal Court, Court Martial Appeal Court and Tax Court of Canada is entrusted since 2003 to the Courts Administration Service (the “Service”). This statutory body was established to facilitate coordination and cooperation among the four courts of law for the purpose of ensuring effective and efficient administrative services<sup>597</sup>. The establishment of the Service was also destined to enhance judicial independence by placing administrative services at arm’s length from the government and by affirming the roles of chief justices and judges in the management of the courts<sup>598</sup>.

The Service’s Chief Executive Officer is the Chief Administrator, a deputy head of department responsible for the overall management and administration of court services<sup>599</sup>. The Chief Administrator is appointed by the Governor in Council, after consultation with the courts’ Chief Justices<sup>600</sup>.

The Chief Justices of the Federal Court, Federal Court of Appeal, Tax Court and Court Martial Appeal Court may issue binding directions in writing to the Chief Administrator with respect to any matter within his authority<sup>601</sup>. For instance, one such direction was received during the last year from the Chief Justice of the Tax Court of Canada, requiring that the Courts Administration Service extend the lease at 200 Kent Street, Ottawa (the premises housing the Tax Court of Canada) until 2019<sup>602</sup>.

The Chief Justices may also designate an employee of the Service as Judicial Administrator. The latter performs any non-judicial work delegated to him by the Chief Justice, in accordance with the Chief Justice’s instructions<sup>603</sup>.

The Chief Administrator sends to the Minister of Justice a report on the activities of the Service each year. A copy of this annual report is then laid by the Minister before each House of Parliament<sup>604</sup>. The Chief Administrator is also accountable to Parliament through appearances before parliamentary committee on court administration matters<sup>605</sup>.

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<sup>†</sup> According to Alford, Gustavson and Williams, the model implemented in 2003 for the federal courts of Canada “sits somewhere between the traditional departmental model and the South Australian model” (which is the limited autonomy model). (John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia’s Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 5).

## Budget and Financial Accounting

The Service is entirely funded by parliamentary appropriations<sup>606</sup>. Decisions on how the resources, once provided, are allocated rest with the Service<sup>607</sup>.

In consultation with the Chief Justices of the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court and the Tax Court of Canada, the Chief Administrator prepares budgetary submissions for the requirements of the courts and for the related needs of the Service<sup>608</sup>. Financial and budget management as well as accounting operations are entrusted to the Service's Corporate Services Branch<sup>609</sup>.

## Human Resources

Officers, clerks and employees of the Service are public servants appointed under the *Public Service Employment Act*<sup>610</sup>; they work under the supervision of the Chief Administrator<sup>611</sup>. However, they act at the direction of a chief justice in matters that are assigned by law to the judiciary<sup>612</sup>.

Human resources services (which include classification, labour relations, official languages, learning, diversity, employment equity and compensation services) are provided by the Service through its Corporate Services Branch.<sup>613</sup>

The Chief Administrator is deemed to be a person employed in the public service.<sup>614</sup>

## Buildings, Fixtures and Furnishings

The Facilities and Capital Projects section of the Service's Corporate Services Branch provides accommodation for the courts, judicial officers and employees of the Service. It is responsible for national accommodation programs, policies, strategies, systems, procedures and services<sup>615</sup>. The Chief Administrator has all powers necessary for the overall management and administration of court facilities<sup>616</sup>.

Contracting (acquisition of goods) and material management services are also provided by the Service's Corporate Services Branch<sup>617</sup>. The Chief Administrator may enter into contracts with experts or specialists for the provision of corporate services<sup>618</sup>.

## Support Systems

Information management and information technology services (including IT support and telecommunications, infrastructure (networks and videoconferencing), and development and database services) are provided through the Service's Corporate Services Branch.<sup>619</sup>

The Service provides judges, prothonotaries and staff with library services<sup>620</sup>. The Chief Administrator has all the powers necessary for the overall management and administration of libraries<sup>621</sup>.



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# CANADA – PROVINCES AND TERRITORIES

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## ALBERTA – PROVINCIAL COURT

### Model of Court Administration

Executive Model

### Organization or Person(s) in Charge of Court Administration

Administration of the Alberta Provincial Court is ensured by the Ministry of Justice and Attorney General, Court Services Division (“Court Services”)<sup>622</sup>.

The Lieutenant Governor in Council designates a judge of the Court as Chief Judge<sup>623</sup>. Where the Chief Judge makes any decision or takes any action with respect to a matter relating to the administration of the Court, that decision or action is not subject to any type of judicial review by a superior court unless that decision or action is, in the opinion of a superior court, patently unreasonable or not within the powers, duties or jurisdiction of the Chief Judge<sup>624</sup>.

The Ministry of Justice’s Three Year Business Plan as well as Annual Report are prepared under the direction of the Minister of Justice and Attorney General in accordance with the *Government Accountability Act*<sup>625</sup>.

### Budget and Financial Accounting

Court Services oversees financial and business planning and services for the Court<sup>626</sup>.

Pursuant to the *Provincial Court Act*, the Chief Judge may designate the sittings of the Court in consultation with the Assistant Chief Judges<sup>627</sup>. The same act provides that the Minister may make regulations prescribing locations at which the Court shall maintain court offices<sup>628</sup>.

The Deputy Minister of Justice and Deputy Attorney General establishes and maintains the Ministry’s financial administration and reporting functions<sup>629</sup>. Under the direction of the Minister of Justice, the Deputy Minister oversees the preparation of the Ministry’s financial statements<sup>630</sup>, which are audited by the Auditor-General<sup>631</sup>. Responsibility for the integrity and objectivity of these financial statements rests with the Minister of Justice<sup>632</sup>.

## Human Resources

Officers and employees required to conduct the business of the Court are appointed in accordance with the *Public Service Act*<sup>633</sup>. The Minister may designate, among these officers and employees, the Court's clerks or deputy clerks<sup>634</sup>. These clerks and deputy clerks perform the duties assigned by the Minister as well as those prescribed under the *Provincial Court Act* or any other act<sup>635</sup>. As for the Court's sheriffs, deputy sheriffs, civil enforcement bailiffs, persons employed at correctional institutions and peace officers, they give assistance to and comply with the directions of the Court, the judges, the presiding justices of the peace and the sitting justices of the peace in the exercise of the jurisdiction of the Court<sup>636</sup>.

Court Services oversees human resource planning and strategies for the Court<sup>637</sup>.

The Ministry's Human Resource Services Division provides advisory services and support in the areas of staffing, employee/labour relations, organizational design, staff development and performance management, and develops and delivers human resource programs.<sup>638</sup>

## Buildings, Fixtures and Furnishings

Although Court Services addresses the Court's facility requirements<sup>639</sup>, Alberta Infrastructure is the "landlord" for all courthouses and is responsible for funding and maintaining these assets. This division of the government is thus in charge of maintenance issues, short-term initiatives and long-term planning (such as the development of a new courthouse). Consultation with the courts in this matter is undefined, and dependent on the nature of the project<sup>640</sup>. The Ministry's Corporate Services Division also provides strategic advice and services in the areas of capital planning, accommodations projects and project management<sup>641</sup>.

Expenditures on office furniture, materials and supplies, and hosting and contracting services should also comply with the Deputy Minister of Justice's "Cost Reduction Rules" which aim at reducing overall costs for the Ministry<sup>642</sup>.

## Support Systems

The Director of Court Technology Services (CTS) is responsible for the information technology utilized by the Courts and their operations. He or she reports functionally to the Chiefs of all three Alberta Courts on technology matters impacting the judiciary and their staff. In accordance with the recommendations of the Canadian Judicial Council, a Judicial Information Technology Security Officer reports to the Director of CTS and functionally to the Chiefs. This person is in charge of overall security of judicial data and the security of the judicial network.<sup>643</sup>

Historically, the Director of CTS worked with the Alberta Courts Information Technology Committee (ACITC) to make recommendations to Court Services in relation to Information Management and Technology (IMT) policies, procedures, and priorities. Judges of all three Courts, together with the CA Registrar, the Assistant Deputy Minister of Court Services and Justice's Chief Information Officer, also attended these meetings. Utilizing the information provided, Alberta Justice produces a five-year IMT Strategic Plan.<sup>644</sup>

Recently, the role of the ACITC has been substantially augmented by the JIMS Courts Program Board (the "Board"). JIMS, or the Justice Innovation and Modernization of Services initiative, is a far-reaching program of work designed to streamline business processes, improve service delivery and rejuvenate technology systems within the Alberta justice sector. The Board is responsible for identifying and articulating strategic and operational priorities and projects specific to the Courts and their operations and within the scope of the JIMS initiative.<sup>645</sup>

The Board, composed of the Chiefs of all three Courts, Deputy Minister of Justice and Deputy Attorney General, Assistant Deputy Minister of Court Services, and the Justice's Chief Information Officer, is at the beginning stages of its work which will involve the development of the vision and mission for the Board's work and retaining a Courts Program Director who will work under the direction of the Board<sup>646</sup>. ACITC is not directly involved in JIMS at this time<sup>647</sup>.

Separate judicial libraries exist which are managed and administered through the Alberta Law Libraries, Court Services. The Provincial Court is represented on the Judicial Library Committee whose mandate is to determine whether efficiencies can be made to the library system while continuing to provide quality library services.<sup>648</sup>

In addition, the Alberta Law Libraries provide legal research and information services to the legal community and the general public through eleven law libraries located throughout the province and thirteen legal reference libraries which are located in rural areas. The crown and departmental libraries' collection is also available to the judiciary. In total, there are fifty libraries managed by Alberta Law Libraries, and all are accessible by the judiciary.<sup>649</sup>

## ALBERTA – COURT OF QUEEN'S BENCH

### Model of Court Administration

Executive Model

### Organization or Person(s) in Charge of Court Administration

Administration of the Alberta Court of Queen's Bench is ensured by the Ministry of Justice and Attorney General, Court Services Division. Arrangements relating to court administration between the Court on the one hand, and the Ministry and Court Services on the other, are largely informal; there are no written documents or memorandums of understanding setting out the division of responsibilities between the Court and the Government of Alberta as they relate to court administration.<sup>650</sup>

The Chief Justice of the Court of Queen's Bench leads the day to day operations of the Court<sup>651</sup>. With the other judges of the Court, he sits on a council which meets at least once a year to discuss the operations of the Court, and report its recommendations to the Lieutenant Governor in Council<sup>652</sup>.

The Ministry of Justice's Three Year Business Plan as well as Annual Report are prepared under the direction of the Minister of Justice and Attorney General in accordance with the *Government Accountability Act*<sup>653</sup>.

### Budget and Financial Accounting

The Court is financially supported by the Government of Alberta, primarily through the Ministry of Justice and Attorney General<sup>654</sup>. Capital budgeting for the Court is controlled entirely by the Government. The operating budget for the Court of Queen's Bench is also administered entirely by Court Services personnel<sup>655</sup>. Therefore, the Court does not have any direct control over the way resources are allocated<sup>656</sup>.

The Court nevertheless submits an annual Business Plan to the Justice Ministry wherein are outlined the Court's requests for capital expenditures and various allocations of the operating budget as they relate to initiatives proposed by the Court. Concretely, the use that is made by the Government of this Business Plan, along with how the Court's requests are really considered in terms of the selection of Justice or Government wide priorities, is "not clear", as stated by the Court's Chief Justice<sup>657</sup>. The latter further mentions that "[the Court is] not invited to participate in the selection of capital priorities or Court Services' selection of annual projects to pursue"<sup>658</sup>. However, the Court is currently working towards assuming more control over the operational budget and having a defined role in the selection of capital priorities<sup>659</sup>. Let us mention also that pursuant to the *Court of Queen's Bench Act*, the Chief Justice, in consultation with the Associate Chief Justice, may designate the sittings of the Court<sup>660</sup>.

The Deputy Minister of Justice and Deputy Attorney General establishes and maintains the Ministry's financial administration and reporting functions<sup>661</sup>. Under the direction of the Minister of Justice, the Deputy Minister oversees the preparation of the Ministry's financial statements<sup>662</sup>, which are audited by the Auditor-General<sup>663</sup>. Responsibility for the integrity and objectivity of these financial statements rests with the Minister of Justice<sup>664</sup>.

## Human Resources

All staff at the Court of Queen's Bench report operationally to the Government through various levels of Court Services Management. This is true of both staff members performing strictly administrative functions and others working closely with the judiciary (the "judicial staff"). The administrative staff also report functionally to the Government. The judicial staff – e.g. executive staff to the offices of the Chief and Associate Chief Justices, legal counsel, court articling students, judicial assistants and trial coordinators – rather report functionally to the judiciary and operationally to Court Services. Practically, this implies that the judges assign work to the judicial staff, while the Court Services managers are responsible for all human resources related matters (e.g. performance reviews, remuneration, benefits, etc.).<sup>665</sup>

Regarding appointment, staff of the Court are selected and hired by Court Services managers without the input of the judiciary<sup>666</sup>. All officers and employees required by the conduct of the business of the Court are appointed in accordance with the *Public Service Act*<sup>667</sup>. However, justices participate in the hiring of judicial staff members<sup>668</sup>. Furthermore, input of the Chief and Associate Chief Justices of the Court is solicited in the selection of the Assistant Deputy Minister for Court Services and the Executive Directors of Court Services.<sup>669</sup>

## Buildings, Fixtures and Furnishings

Although Court Services addresses the Court's facility requirements<sup>670</sup>, Alberta Infrastructure is the "landlord" for all courthouses and is responsible for funding and maintaining these assets. This division of the government is thus in charge of maintenance issues, short-term initiatives and long-term planning (such as the development of a new courthouse). Consultation with the Court in this matter is undefined, and dependent on the nature of the project<sup>671</sup>. The Ministry's Corporate Services Division also provides strategic advice and services in the areas of capital planning, accommodations projects and project management<sup>672</sup>.

Expenditures on office furniture, materials and supplies, and hosting and contracting services should also comply with the Deputy Minister of Justice's "Cost Reduction Rules" which aim at reducing overall costs for the Ministry<sup>673</sup>.

## Support Systems

The Director of Court Technology Services (CTS) is responsible for the information technology utilized by the Courts and their operations. He or she reports functionally to the Chiefs of all three Alberta Courts on technology matters impacting the judiciary and their staff. In accordance with the recommendations of the Canadian Judicial Council, a Judicial Information Technology Security Officer reports to the Director of CTS and functionally to the Chiefs. This person is in charge of overall security of judicial data and the security of the judicial network.<sup>674</sup>

Historically, the Director of CTS worked with the Alberta Courts Information Technology Committee (ACITC) to make recommendations to Court Services in relation to Information Management and Technology (IMT) policies, procedures, and priorities. Judges of all three Courts, together with the CA Registrar, the Assistant Deputy Minister of Court Services and Justice's Chief Information Officer, also attended these meetings. Utilizing the information provided, Alberta Justice produces a five-year IMT Strategic Plan.<sup>675</sup>

Recently, the role of the ACITC has been substantially augmented by the JIMS Courts Program Board (the "Board"). JIMS, or the Justice Innovation and Modernization of Services initiative, is a far-reaching program of work designed to streamline business processes, improve service delivery and rejuvenate technology systems within the Alberta justice sector. The Board is responsible for identifying and articulating strategic and operational priorities and projects specific to the Courts and their operations and within the scope of the JIMS initiative.<sup>676</sup>

The Board, composed of the Chiefs of all three Courts, Deputy Minister of Justice and Deputy Attorney General, Assistant Deputy Minister of Court Services, and the Justice's Chief Information Officer, is at the beginning stages of its work which will involve the development of the vision and mission for the Board's work and retaining a Courts Program Director who will work under the direction of the Board<sup>677</sup>. ACITC is not directly involved in JIMS at this time<sup>678</sup>.

Separate judicial libraries exist which are managed and administered through the Alberta Law Libraries, Court Services. The Court of Queen's Bench is represented on the Judicial Library Committee whose mandate is to determine whether efficiencies can be made to the library system while continuing to provide quality library services.<sup>679</sup>

In addition, the Alberta Law Libraries provide legal research and information services to the legal community and the general public through eleven law libraries located throughout the province and thirteen legal reference libraries which are located in rural areas. The crown and departmental libraries' collection is also available to the judiciary. In total, there are fifty libraries managed by Alberta Law Libraries, and all are accessible by the judiciary.<sup>680</sup>

# ALBERTA – COURT OF APPEAL

## Model of Court Administration

Executive Model

## Organisation or Person(s) in Charge of Court Administration

Alberta's Ministry of Justice and Attorney General, Court Services Division is in charge of court administration generally<sup>681</sup>. The government nonetheless occasionally consults the Court in certain administrative areas and invites it to provide input through groups and committees<sup>682</sup>.

This being said, the Chief Justice of Alberta has overall responsibility for administering the Court. He or she manages the Court's administrative affairs on both the judicial and registry sides, and is responsible for liaising with the government. Judges of the Court of Appeal also spend time on administrative issues, through involvement in committee work within and outside the Court<sup>683</sup>. The provincial legislation authorizes the members of the Court to sit on a council which meets at least once a year to discuss court operations, and to report their recommendations to the Lieutenant Governor in Council<sup>684</sup>.

The Registrar is the Chief Administrative Officer for the Court and, as such, has overall responsibility for directing the financial, administrative and operational affairs of the Court<sup>685</sup>. He or she reports functionally to the Chief Justice and administratively to the Assistant Deputy Minister, Court Services<sup>686</sup>. The Registrar attends meetings of the Court Services Leadership Team to discuss operational issues affecting Court Services generally. These meetings are chaired by the Assistant Deputy Minister, Court Services<sup>687</sup>.

## Budget and Financial Accounting

The Court of Appeal budget allocation is obtained from Court Services as part of the overall divisional budget<sup>688</sup>. Monthly financial forecasts are submitted to the Division's financial department<sup>689</sup>.

The government of Alberta and the Court of Appeal have reached an agreement resulting in the Court administering its own budget<sup>690</sup>. Even though no written Memorandum of Understanding exists, in accordance with that agreement, the Court has been allocated a set budget for operational purposes since 1995. The Registrar, who is functionally accountable to the Chief Justice, has primary responsibility for expending the budget in accordance with the Court's priorities and directions but subject to the procurement and financial rules established by the government<sup>691</sup>. Since, for the purpose of financial administration, the Court is considered a government department and part of Court Services Division, it is subject to regular financial audits and governed by various financial rules established through legislation and policy<sup>692</sup>.

## Human Resources

Registrar, Deputy Registrars, case management officers and all other officers and employees that the business of the Court requires are appointed in accordance with the *Public Service Act*<sup>693</sup>. Staff members are employed by the government and subject to the relevant collective agreement and policies in relation to human resources, classification, pay and benefits<sup>694</sup>. While recruitment and hiring initiatives on behalf of the Court are subject to government policy, judges of the Court routinely participate in hiring panels and provide input into hiring decisions in relation to positions that functionally report to them (e.g., legal counsel, judicial assistants, case management officers, and the Registrar).<sup>695</sup>

Almost 20 years ago, Alberta agreed with the Court on staff support levels. According to this agreement, a “team model” was endorsed under which each full-time judge of the Court would be assigned one legal counsel, one judicial assistant and one articling student. Full implementation of this model has not yet been possible since the Court has not received necessary core funding from the government to hire the required support staff.<sup>696</sup>

In accordance with historical practice at the Court of Appeal, the Court provides direction to key court staff.<sup>697</sup>

The Director of Operations, who has responsibility for certain aspects of human resource management, reports administratively and functionally to the Registrar. The staff of the Office of the Chief Justice, legal counsel, case management officers and judicial assistants report administratively to the Registrar, but functionally to judges.<sup>698</sup>

## Buildings, Fixtures and Furnishings

Alberta Infrastructure is the “landlord” for all courthouses and is responsible for funding and maintaining these assets. This division of the government is thus in charge of maintenance issues, short-term initiatives and long-term planning (such as the development of a new courthouse). Consultation with the Court of Appeal as well as other Albertan courts on infrastructure issues is undefined, and dependent on the personalities involved as well as on the nature of the project.<sup>699</sup>

Procurement of goods by the Court of Appeal is governed by Alberta Justice’s Contract Policy, which now requires that all contracts over \$10,000 be approved by the Contract Review Committee. The Court is not represented on this Committee, but the Registrar can make representations on its behalf.<sup>700</sup>

Currently, expenditures on office furniture, materials and supplies, hosting and contracting services should also comply with the Deputy Minister of Justice’s “Cost Reduction Rules” which aim at reducing overall costs for the Ministry.<sup>701</sup>

## Travel and Professional Memberships for Court Staff

Expenditures on travel and professional memberships should comply with the Deputy Minister of Justice’s “Cost Reduction Rules”.<sup>702</sup>

## Support Systems

The Director of Court Technology Services (CTS) is responsible for the information technology utilized by the Courts and their operations. He or she reports functionally to the Chiefs of all three Alberta Courts on technology matters impacting the judiciary and their staff. In accordance with the recommendations of the Canadian Judicial Council, a Judicial Information Technology Security Officer reports to the Director of CTS and functionally to the Chiefs. This person is in charge of overall security of judicial data and the security of the judicial network.<sup>703</sup>

Historically, the Director of CTS worked with the Alberta Courts Information Technology Committee (ACITC) to make recommendations to Court Services in relation to Information Management and Technology (IMT) policies, procedures, and priorities. Judges of all three Courts, together with the CA Registrar, the Assistant Deputy Minister of Court Services and Justice’s Chief Information Officer, also attended these meetings. Utilizing the information provided, Alberta Justice produces a five-year IMT Strategic Plan.<sup>704</sup>

Recently, the role of the ACITC has been substantially augmented by the JIMS Courts Program Board (the “Board”). JIMS, or the Justice Innovation and Modernization of Services initiative, is a far-reaching program of work designed to streamline business processes, improve service delivery and rejuvenate technology systems within the Alberta justice sector. The Board is responsible for identifying and articulating strategic and operational priorities and projects specific to the Courts and their operations and within the scope of the JIMS initiative.<sup>705</sup>

The Board, composed of the Chiefs of all three Courts, Deputy Minister of Justice and Deputy Attorney General, Assistant Deputy Minister of Court Services, and the Justice’s Chief Information Officer, is at the beginning stages of its work which will involve the development of the vision and mission for the Board’s work and retaining a Courts Program Director who will work under the direction of the Board<sup>706</sup>. ACITC is not directly involved in JIMS at this time<sup>707</sup>.

Separate judicial libraries exist which are managed and administered through the Alberta Law Libraries, Court Services. The Court of Appeal is represented on the Judicial Library Committee whose mandate is to determine whether efficiencies can be made to the library system while continuing to provide quality library services.<sup>708</sup>

In addition, the Alberta Law Libraries provide legal research and information services to the legal community and the general public through eleven law libraries located throughout the province and thirteen legal reference libraries which are located in rural areas. The crown and departmental libraries’ collection is also available to the judiciary. In total, there are fifty libraries managed by Alberta Law Libraries, and all are accessible by the judiciary.<sup>709</sup>

## BRITISH COLUMBIA – PROVINCIAL COURT

### Model of Court Administration

Limited Autonomy Model

### Organization or Person(s) in Charge of Court Administration

The Ministry of the Attorney General is in charge of court administration in British Columbia, especially through its Court Services Branch<sup>710</sup>. The Attorney General is thus responsible for the provision, operation and maintenance of the Provincial Court facilities and services<sup>711</sup>. Subject to the direction of the Attorney General, and to the direction of the Chief Judge in matters of judicial administration, the Chief Administrator of Court Services directs and supervises facilities, registries and administrative services for the Provincial Court<sup>712</sup>. The Chief Administrator of Court Services is the Assistant Deputy Minister, Court Services Branch<sup>713</sup>.

The Lieutenant Governor in Council must designate a judge of the Court as Chief Judge<sup>714</sup>. The Office of the Chief Judge (OCJ) is the administrative headquarters for the Provincial Court<sup>715</sup>. The OCJ consists of the Executive Committee of the Court as well as staff providing corporate management services to the Court<sup>716</sup>. The Executive Committee, chaired by the Chief Judge, provides strategic direction and decision making for the Court on administrative and management matters. This Committee includes the Associate Chief Judges as well as the Executive Director of Judicial Administration<sup>717</sup>. As for the Court’s Management Committee, it provides advice to the Chief Judge on emerging issues in judicial districts, policy proposals and administrative matters<sup>718</sup>. This last committee is also chaired by the Chief Judge (or his designate) and consists of the Administrative Judges designated by the Chief Judge<sup>719</sup> as well as the Executive Committee<sup>720</sup>.



In 2002, the Attorney General and the Chief Judge signed a protocol agreement setting out the framework within which the Ministry of Attorney General and the Provincial Court Judiciary shall work together to fulfill their respective roles and responsibilities regarding the administration of justice in British Columbia<sup>721</sup>. This protocol is not intended to serve as an enforceable agreement<sup>722</sup>. Both parties consider their cooperation to be necessary because of the potential impact that decisions of the Attorney General and the Provincial Court Judiciary have of their respective roles and responsibilities<sup>723</sup>. According to the protocol, this cooperation shall be achieved through regular meetings between the Ministry and the Judiciary to discuss matters of court administration, such as facilities, staff planning, budget planning and technology<sup>724</sup>.

The Attorney General directs the preparation of the Ministry of Attorney General Service Plan, in accordance with the *Budget Transparency and Accountability Act*<sup>725</sup>.

## Budget and Financial Accounting

Budget for the Provincial Court is approved in a separate vote within the budget of the Ministry of the Attorney General<sup>726</sup>.

The Attorney General and the Provincial Court have reached an agreement which delegates budgetary control to the Chief Judge<sup>727</sup>. The latter has significant discretion in allocating the budget once it is set by the government<sup>728</sup>. Therefore, once approved, the budget is recognized within the Ministry as a block budget, and as such budget dollars can be moved among budget lines without government consultation or approval<sup>729</sup>.

The OCJ staff provides the Court with financial management and control as well as operational and strategic business planning<sup>730</sup>. The OCJ's Executive Director of Judicial Administration assists the Chief Judge in the management of the budget and resources. He is assisted in budget preparation and expenditure monitoring by the Manager, Finance and Administration<sup>731</sup>.

## Human Resources

Under the *Public Service Act*, the Attorney General appoints persons he considers necessary to carry out the purposes of the *Provincial Court Act*<sup>732</sup>. The Chief Administrator of Court Services may disclose to the Chief Judge information regarding the conduct of these persons in the performance of their duties under the *Provincial Court Act*<sup>733</sup>.

Appointment of senior judicial administrative staff reporting to the Chief Judge is dealt with in a Protocol signed between the Deputy Attorney General and the Head of the BC Public Service Agency<sup>734</sup>. The agreement reached upon and formalized in this Protocol provides that the judiciary recommends an appointment to the Deputy Attorney General, who in turn recommends it to the Head of the BC Public Service Agency. The latter appoints the successful candidate based on the recommendations of the Deputy Attorney General and in accordance with Section 10(b)(iii) of the *Public Service Act*. By way of this process, the judiciary thus controls the selection of individuals occupying these positions<sup>735</sup>.

The Chief Judge has the power and duty to supervise judicial officers<sup>736</sup>. He supervises the Office of the Chief Judge staff and judicial administrative assistants<sup>737</sup>, who perform secretarial and support functions for judges<sup>738</sup>. The Court's judiciary directs administrative staff engaged in carrying out judicial functions<sup>739</sup>.

The OCJ staff works with other agencies in providing human resource services<sup>740</sup>. The OCJ's Administrative Services Coordinator provides staffing and human resources (benefits, payroll) services, while other human resources services are provided by the Manager, Finance and Administration<sup>741</sup>.

## Buildings, Fixtures and Furnishings

The Attorney General is responsible for the provision, operation and maintenance of Provincial Court facilities<sup>742</sup>. Subject to the direction of the Attorney General, and to the direction of the Chief Judge in matters of judicial administration, the chief administrator of court services directs and supervises facilities and registries of the court<sup>743</sup>.

The OCJ staff works with other agencies in providing facilities management assistance to the Court<sup>744</sup>. The OCJ's Purchase Clerk is in charge of purchasing equipment and supplies for judges<sup>745</sup>.

## Support Systems

The OCJ staff provides information technology planning and services and management information analysis<sup>746</sup>. For instance, the Systems Support Coordinators provide system support services<sup>747</sup>. The OCJ's Manager, IT Services and Strategic Planning has the overall responsibility for the Provincial Judiciary's information systems and technical services division<sup>748</sup>. The OCJ's JUSTIN and JP Programs Administrator manages the Office of the Chief Judge's library purchasing<sup>749</sup>.

The British Columbia Courthouse Library Society ("Courthouse Libraries BC") provides law library services and collections for the Judiciary as well as members of the Law Society of British Columbia and the public<sup>750</sup>. Courthouse Libraries BC is governed by a Board of Directors chaired by a representative of the Law Society of BC. The Board's Vice Chair represents the Provincial Court's Chief Judge. Other directors include representatives of the Chief Justice of British Columbia, of the Chief Justice of the Supreme Court of British Columbia, and of the Attorney General<sup>751</sup>.

# BRITISH COLUMBIA – SUPREME COURT

## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

The Ministry of the Attorney General is in charge of court administration in British Columbia, especially through its Court Services Branch<sup>752</sup>. The Attorney General is thus responsible for the provision, operation and maintenance of the Supreme Court facilities, registries and administrative services<sup>753</sup>.

Subject to the direction of the Attorney General, and to the direction of the Chief Justice in matters of judicial administration and the use of court room facilities, the chief administrator of court services must direct and supervise registries and administrative services for the court<sup>754</sup>. The chief administrator of court services is appointed under the *Public Service Act*<sup>755</sup>.

Pursuant to the *Supreme Court Act*, the Court's Chief Justice is nonetheless responsible for the administration of the judges of court<sup>756</sup>.

The Attorney General directs the preparation of the Ministry of Attorney General Service Plan, in accordance with the *Budget Transparency and Accountability Act*<sup>757</sup>.

## Budget and Financial Accounting

Budget for the Supreme Court is approved in a separate vote within the budget of the Ministry of the Attorney General. Once approved, the budget is recognized within the Ministry as a block budget and as such budget dollars can be moved among budget lines without government consultation or approval<sup>758</sup>.

## Human Resources

Apart from the chief administrator of court services, an administrator of court services for each registry and other persons necessary to carry out the *Supreme Court Act* and the duties assigned to a registry may be appointed under the *Public Service Act*<sup>759</sup>. *May also be appointed under the Public Service Act, a registrar and one or more district registrars, deputy district registrars and persons necessary to assist them*<sup>760</sup>.

Appointment of senior judicial administrative staff reporting to the Chief Justice is dealt with in a Protocol signed between the Deputy Attorney General and the Head of BC Public Service Agency<sup>761</sup>. The agreement reached upon and formalized in this Protocol provides that the judiciary recommends an appointment to the Deputy Attorney General, who in turn recommends it to the Head of the BC Public Service Agency. The latter appoints the successful candidate based on the recommendations of the Deputy Attorney General and in accordance with Section 10(b)(iii) of the *Public Service Act*. By way of this process, the judiciary thus controls the selection of individuals occupying these positions<sup>762</sup>.

On the recommendation of the Attorney General after consultation with the Chief Justice, the Lieutenant Governor in Council may appoint one or more masters of the court<sup>763</sup>.

## Buildings, Fixtures and Furnishings

The court may sit and act, at any place, for the transaction of any part of its business or for the discharge of any duty<sup>764</sup>. Subject to the direction of the Chief Justice, the court must sit in each place where there is a registry of the court<sup>765</sup>. The Attorney General may designate any registry of the Provincial Court as a registry of the Supreme Court<sup>766</sup>.

The Attorney General is responsible for the provision, operation and maintenance of court facilities and registries<sup>767</sup>. The direction and supervision of registries is ensured by the chief administrator of court services, subject to the direction of the Attorney General, and to the direction of the Chief Justice in matters of judicial administration and the use of court room facilities<sup>768</sup>.

## Support Systems

The British Columbia Courthouse Library Society (“Courthouse Libraries BC”) provides law library services and collections for the Judiciary as well as members of the Law Society of British Columbia and the public<sup>769</sup>. Courthouse Libraries BC is governed by a Board of Directors chaired by a representative of the Law Society of BC. The Board’s Vice Chair represents the Provincial Court’s Chief Judge. Other directors include representatives of the Chief Justice of British Columbia, of the Chief Justice of the Supreme Court of British Columbia, and of the Attorney General<sup>770</sup>.

# BRITISH COLUMBIA – COURT OF APPEAL

## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

The Ministry of the Attorney General is in charge of court administration in British Columbia, especially through its Court Services Branch<sup>771</sup>. Pursuant to the *Court of Appeal Act*, the Chief Justice is nonetheless the administrative head of the court<sup>772</sup>.

A chief administrator of court services for the Court of Appeal may be appointed under the *Public Service Act*<sup>773</sup>. Subject to the direction of the chief justice in matters of judicial administration and to the direction of the Attorney General in other matters, the chief administrator of court services must direct and supervise facilities, registries and administrative services for the Court of Appeal<sup>774</sup>.

The Attorney General directs the preparation of the Ministry of Attorney General Service Plan, in accordance with the *Budget Transparency and Accountability Act*<sup>775</sup>.

## Budget and Financial Accounting

The budget for the Court of Appeal is approved in a separate vote within the budget of the Ministry of the Attorney General. The budget, once approved, is recognized within the Ministry as a block budget and as such budget dollars can be moved among budget lines without government consultation or approval.<sup>776</sup>

## Human Resources

Apart from the chief administrator of court services, may be appointed under the *Public Service Act* as administrators: a deputy chief administrator of court services, an administrator of court services for each registry of the Court of Appeal, and other persons necessary to carry out the purposes of the *Court of Appeal Act* and the duties assigned to a registry by the rules<sup>777</sup>.

A registrar and an associate registrar for the court as well as one or more deputy registrars may also be appointed under the *Public Service Act*<sup>778</sup>. *Registrars, associates registrars and deputy registrars are officers of the Court*<sup>779</sup>.

*Appointment of senior judicial administrative staff reporting to the Chief Justice is dealt with in a Protocol signed between the Deputy Attorney General and the Head of BC Public Service Agency*<sup>780</sup>. The agreement reached upon and formalized in this Protocol provides that the judiciary recommends an appointment to the Deputy Attorney General, who in turn recommends it to the Head of the BC Public Service Agency. The latter appoints the successful candidate based on the recommendations of the Deputy Attorney General and in accordance with Section 10(b)(iii) of the *Public Service Act*. By way of this process, the judiciary thus controls the selection of individuals occupying these positions<sup>781</sup>.

## Buildings, Fixtures and Furnishings

After consulting with the Chief Justice, the Attorney General may establish registries of the court at any place in British Columbia<sup>782</sup>.

Facilities and registries are directed and supervised by the chief administrator of court services, subject to the direction of the Chief Justice in matters of judicial administration and to the direction of the Attorney General in other matters<sup>783</sup>.

## Support Systems

The British Columbia Courthouse Library Society (“Courthouse Libraries BC”) provides law library services and collections for the Judiciary as well as members of the Law Society of British Columbia and the public<sup>784</sup>. Courthouse Libraries BC is governed by a Board of Directors chaired by a representative of the Law Society of BC. The Board’s Vice Chair represents the Provincial Court’s Chief Judge. Other directors include representatives of the Chief Justice of British Columbia, of the Chief Justice of the Supreme Court of British Columbia, and of the Attorney General<sup>785</sup>.

# MANITOBA – PROVINCIAL COURT

## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

Under the direction of the Minister of Justice and Attorney General, the Manitoba Department of Justice (Manitoba Justice) is responsible for the administration of justice in Manitoba. Its Courts Division, led by an Assistant Deputy Minister, Courts, provides the staff and services necessary for the operation of the courts, including the Provincial Court.<sup>786</sup>

At the Court’s level, the Chief Judge of the Provincial Court is nonetheless in charge of the day-to-day operations of the Court<sup>787</sup>. Whenever necessary and at least once a year, he convenes a meeting of the judges for the purpose of dealing with matters relating to the administration of and practice in the court or for any purpose relating to the administration of justice<sup>788</sup>. The Chief Judge also prepares the Court’s Annual Report<sup>789</sup> and submits it to the Minister who must table it in the Assembly<sup>790</sup>.

There is no formal document or memorandum of understanding in place between the Government of Manitoba and the Provincial Court relating to the administration of the court<sup>791</sup>. However, the establishment of the Manitoba Courts Executive Board, a forum on which sit representatives of the judiciary and of the Ministry of Justice<sup>792</sup>, shows that both branches are equally committed to the administration of justice and need to work closely together<sup>793</sup>. The Board indeed provides a venue for executive and judicial leaders to meet regularly and develop collaborative approaches in relation to court administration<sup>794</sup>. While this body permits that the judiciary be consulted in a systematic and routinized way, it does not however engage in decision-making on budgetary or other significant administrative matters<sup>795</sup>.

The Minister of Justice and Attorney General presents the Ministry of Justice’s Annual Report as well as the Justice Initiatives Fund to the Lieutenant Governor<sup>796</sup>.

## Budget and Financial Accounting

The Department as a whole is funded by way of appropriations voted by the Legislative Assembly of Manitoba<sup>797</sup>.

The Administration and Finance Division of Manitoba Justice, and more precisely its Financial and Administrative Services Branch, assembles and co-ordinates the department's budget<sup>798</sup>. It is also in charge of financial accounting, since it processes all accounts payable, and monitors, evaluates and reports expenditures to senior management. It ensures that all revenues are properly accounted for, and that all expenditures are made and reported in accordance with government policies and generally accepted accounting principles<sup>799</sup>.

The Court Services Branch of the Courts Division, Manitoba Justice provides expertise in financial management, governance, and project reviews.<sup>800</sup>

## Human Resources

The Courts Division of Manitoba Justice provides the staff who operate the courts in Manitoba, such as court clerks and sheriffs<sup>801</sup>. The Judicial Services Branch of Courts Division provides direct support to the judiciary through judicial assistants, researchers, coordinators, small claims hearing officers and justices of the peace<sup>802</sup>.

The Human Resource Services Branch of the Administration and Finance Division, Manitoba Justice provides human resource management and consultation service to all divisions and branches of Manitoba Justice.<sup>803</sup>

The Chief Judge has general supervisory powers in respect of judges, justices of the peace and staff in matters that are assigned by law to the court.<sup>804</sup>

## Buildings, Fixtures and Furnishings

The Minister, after consultation with the Chief Judge, designates places in the province where the court sits<sup>805</sup>.

The Court Services Branch of the Courts Division provides expertise in facilities design and use.<sup>806</sup>

The Financial and Administrative Services Branch of the Administration and Finance Division, Manitoba Justice oversees procurement in general, leases for space and equipment, fleet vehicles, physical assets inventories, accommodations and capital project requests, and staff parking.<sup>807</sup>

## Support Systems

The Computer Services (Information Systems) Branch of the Administration and Finance Division, Manitoba Justice identifies, develops, implements and maintains technology solutions for the delivery of services.<sup>808</sup>

The Court Services Branch of Courts Division provides expertise in management information systems.<sup>809</sup>

Let us also mention also that the Manitoba Law Libraries provide legal information services to the judges<sup>810</sup>.

# MANITOBA – COURT OF QUEEN’S BENCH

## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

Under the direction of the Minister of Justice and Attorney General, the Manitoba Department of Justice (Manitoba Justice) is responsible for the administration of justice in Manitoba. Its Courts Division, led by an Assistant Deputy Minister, Courts, provides the staff and services necessary for the operation of the courts, including the Court of Queen’s Bench<sup>811</sup>. Pursuant to the *Court of Queen’s Bench Act*, the Minister of Justice supervises all matters connected with the provision and management of court services<sup>812</sup>.

The Chief Justice may assign judges duties relating to the administration of justice<sup>813</sup>. The Associate Chief Justice and the Associate Chief Justice (Family Division) therefore carry out administrative duties assigned to them by the Chief Justice<sup>814</sup>.

The establishment of the Manitoba Courts Executive Board, on which sit representatives of the judiciary and of the Ministry of Justice<sup>815</sup>, provides a venue for executive and judicial leaders to meet regularly and develop collaborative approaches in relation to court administration<sup>816</sup>. While this body permits that the judiciary be consulted in a systematic and routinized way, it does not however engage in decision-making on budgetary or other significant administrative matters<sup>817</sup>.

The Minister of Justice and Attorney General presents the Ministry of Justice’s Annual Report as well as the Justice Initiatives Fund to the Lieutenant Governor<sup>818</sup>.

## Budget and Financial Accounting

The Department as a whole is funded by way of appropriations voted by the Legislative Assembly of Manitoba<sup>819</sup>.

The Administration and Finance Division of Manitoba Justice, and more precisely its Financial and Administrative Services Branch, assembles and co-ordinates the department’s budget<sup>820</sup>. It is also in charge of financial accounting, since it processes all accounts payable, and monitors, evaluates and reports expenditures to senior management. It ensures that all revenues are properly accounted for, and that all expenditures are made and reported in accordance with government policies and generally accepted accounting principles<sup>821</sup>.

The Court Services Branch of the Courts Division, Manitoba Justice provides expertise in financial management, governance, and project reviews.<sup>822</sup>

## Human Resources

The Courts Division of Manitoba Justice provides the staff who operate the courts in Manitoba, such as court clerks and sheriffs<sup>823</sup>. The Judicial Services Branch of Courts Division provides direct support to the judiciary judicial assistants, researchers, coordinators, small claims hearing officers and justices of the peace<sup>824</sup>.

The Lieutenant Governor in Council appoints the Court's Registrar(s) and Deputy Registrar(s), who perform the duties and powers provided by statute or the rules<sup>825</sup>. He also appoints Masters of the Court<sup>826</sup>. Appointments of Masters are made from a list of candidates that are recommended by the Masters Nominating Committee<sup>827</sup>, on which sits the Chief Justice or a judge designated by him<sup>828</sup>. The Lieutenant Governor in Council further appoints the Court's Senior Master<sup>829</sup>.

In matters that are assigned by law to the judiciary, a master, registrar, court clerk, court reporter, interpreter or other court staff person acts under the direction of the Chief Justice<sup>830</sup>.

The Human Resource Services Branch of the Administration and Finance Division, Manitoba Justice provides human resource management and consultation service to all divisions and branches of Manitoba Justice.<sup>831</sup>

### **Buildings, Fixtures and Furnishings**

Upon recommendation of the Minister of Justice after consultation with the Chief Justice, the Lieutenant Governor in Council may, by order, designate a city, town or village within Manitoba as an administrative centre of the court<sup>832</sup>, and may also designate such an administrative centre as a judicial centre<sup>833</sup>. Furthermore, the Lieutenant Governor in Council establishes the administrative office for the Court at such centre, and may determine the court services it is to provide<sup>834</sup>.

The Court Services Branch of the Courts Division provides expertise in facilities design and use.<sup>835</sup>

The Financial and Administrative Services Branch of the Administration and Finance Division, Manitoba Justice oversees procurement in general, leases for space and equipment, fleet vehicles, physical assets inventories, accommodations and capital project requests, and staff parking.<sup>836</sup>

### **Support Systems**

The Computer Services (Information Systems) Branch of the Administration and Finance Division, Manitoba Justice identifies, develops, implements and maintains technology solutions for the delivery of services.<sup>837</sup>

The Court Services Branch of Courts Division provides expertise in management information systems.<sup>838</sup>

Let us also mention that the Manitoba Law Libraries provide legal information services to the judges<sup>839</sup>.

## **MANITOBA – COURT OF APPEAL**

### **Model of Court Administration**

Executive Model

### **Organization or Person(s) in Charge of Court Administration**

Under the direction of the Minister of Justice and Attorney General, the Manitoba Department of Justice (Manitoba Justice) is responsible for the administration of justice in Manitoba. Its Courts Division, led by an Assistant Deputy Minister, Courts, provides the staff and services necessary for the operation of the courts, including the Court of Appeal.<sup>840</sup>



The establishment of the Manitoba Courts Executive Board, on which sit representatives of the judiciary and of the Ministry of Justice<sup>841</sup>, provides a venue for executive and judicial leaders to meet regularly and develop collaborative approaches in relation to court administration<sup>842</sup>. While this body permits that the judiciary be consulted in a systematic and routinized way, it does not however engage in decision-making on budgetary or other significant administrative matters<sup>843</sup>.

The Minister of Justice and Attorney General presents the Ministry of Justice's Annual Report as well as the Justice Initiatives Fund to the Lieutenant Governor<sup>844</sup>.

## Budget and Financial Accounting

The Department as a whole is funded by way of appropriations voted by the Legislative Assembly of Manitoba<sup>845</sup>.

The Administration and Finance Division of Manitoba Justice, and more precisely its Financial and Administrative Services Branch, assembles and co-ordinates the department's budget<sup>846</sup>. It is also in charge of financial accounting, since it processes all accounts payable, and monitors, evaluates and reports expenditures to senior management. It ensures that all revenues are properly accounted for, and that all expenditures are made and reported in accordance with government policies and generally accepted accounting principles<sup>847</sup>.

The Court Services Branch of the Courts Division, Manitoba Justice provides expertise in financial management, governance, and project reviews.<sup>848</sup>

## Human Resources

The Courts Division of Manitoba Justice provides the staff who operate the courts in Manitoba, such as court clerks and sheriffs<sup>849</sup>. The Judicial Services Branch of the Courts Division provides direct support to the judiciary through judicial assistants, researchers, coordinators, small claims hearing officers and justices of the peace<sup>850</sup>.

The Lieutenant Governor in Council appoints the Court's Registrar and one or more Deputy Registrars<sup>851</sup>. As for clerks and other officers of the Court, they are appointed as provided in the *Civil Service Act*<sup>852</sup>.

The Human Resource Services Branch of the Administration and Finance Division, Manitoba Justice provides human resource management and consultation service to all divisions and branches of Manitoba Justice.<sup>853</sup>

## Buildings, Fixtures and Furnishings

The Court Services Branch of the Courts Division provides expertise in facilities design and use.<sup>854</sup>

The Financial and Administrative Services Branch of the Administration and Finance Division, Manitoba Justice oversees procurement in general, leases for space and equipment, fleet vehicles, physical assets inventories, accommodations and capital project requests, and staff parking.<sup>855</sup>

## Support Systems

The Computer Services (Information Systems) Branch of the Administration and Finance Division, Manitoba Justice identifies, develops, implements and maintains technology solutions for the delivery of services.<sup>856</sup>

The Court Services Branch of Courts Division provides expertise in management information systems.<sup>857</sup>

Let us also mention that the Manitoba Law Libraries provide legal information services to the judges<sup>858</sup>.

# NEW BRUNSWICK – PROVINCIAL COURT

## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

The province of New Brunswick is responsible for the constitution, maintenance, and administration of all levels of courts<sup>859</sup>.

The Courts Services Division of the Department of Justice and Consumer Affairs (the “Department”) provides administrative services to support the Provincial Court<sup>860</sup>. The Department is headed by the Minister of Justice and Consumer Affairs. The latter submits the Department’s Annual Report to the Lieutenant-Governor<sup>861</sup>.

## Budget and Financial Accounting

The Administrative Services Division of the Department is in charge of financial services<sup>862</sup>. The Division’s Financial Services Branch provides financial advice and support to senior management, departmental managers, and staff. It maintains the operational accounting function by providing financial consulting, budgeting, monitoring, accounting services, and revenue and expenditure forecasting as well as various payment functions. The Branch also provides specific support to senior management throughout the preparation of Public Accounts, Main Estimates, Budget, and required Board of Management documentation<sup>863</sup>.

## Human Resources

The Administrative Services Division of the Department is in charge of human resources<sup>864</sup>. Its Human Resource Services Branch is more specifically responsible for human resource planning, compensation and benefits administration, recruitment, classification, labor relations, training, performance management, change management, organizational development and human resource policy and program implementation<sup>865</sup>.

## Buildings, Fixtures and Furnishings

Management of court facilities is overseen by the Facilities Management Branch of the Department’s Administrative Services Division<sup>866</sup>. This Branch is further responsible for planning, coordinating, budgeting and implementing major capital projects and capital improvement projects as well as managing office accommodations for the Department (including courthouses)<sup>867</sup>.

The Departmental Services Unit is in charge of inventory management of office furniture and equipment, telephone systems and general services (e.g. parking)<sup>868</sup>.

There is a possibility of contractual agreements between the Province and private groups for the construction, operation and maintenance of court facilities<sup>869</sup>.

The Chief Judge may designate the places where a judge is to hold sittings<sup>870</sup> and maintain an office<sup>871</sup>.

## Support Systems

The Administrative Services Division of the Department is in charge of information systems<sup>872</sup>. Its Information Management and Technology Branch provides information management and technology services to the Department, including management of infrastructure (office automation, e-mail, calendaring, electronic filing, and internet); customized application; help desk support; project management; system development; and information planning<sup>873</sup>.

The Department's Court Services Division also provides technology for the court such as video conferencing and closed-circuit equipment<sup>874</sup>.

Let us also mention that the Law Society of New Brunswick libraries, which are funded by the Law Society of New Brunswick and the New Brunswick Law Foundation, serve the judiciary as well as members of the Society and the public (to a certain extent)<sup>875</sup>.

# NEW BRUNSWICK – COURT OF QUEEN'S BENCH

## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

The province of New Brunswick is responsible for the constitution, maintenance, and administration of all levels of courts<sup>876</sup>.

The Courts Services Division of the Department of Justice and Consumer affairs provides administrative services to support the New Brunswick Court of Queen's Bench<sup>877</sup>. The Department is headed by the Minister of Justice and Consumer Affairs. The latter submits the Department's Annual Report to the Lieutenant-Governor<sup>878</sup>.

## Budget and Financial Accounting

The Administrative Services Division of the Department is in charge of financial services<sup>879</sup>. Its Financial Services Branch is responsible for financial advice and support to senior management, departmental managers, and staff. It maintains the operational accounting function by providing financial consulting, budgeting, monitoring, accounting services, and revenue and expenditure forecasting as well as various payment functions. The Branch also provides specific support to senior management throughout the preparation of Public Accounts, Main Estimates, Budget, and required Board of Management documentation<sup>880</sup>.

## Human Resources

The Lieutenant-Governor in Council appoints the Registrar<sup>881</sup> as well as other officers necessary for the proper administration of the Court<sup>882</sup>. These Court officers perform and exercise duties, powers and authority prescribed by the Lieutenant-Governor in Council, the regulations or the rules of Court<sup>883</sup>. Among the employees appointed by the Lieutenant-Governor are the Court's clerks (Trial Division), who are supervised by the Registrar<sup>884</sup>, and administrators (Family Division)<sup>885</sup>. The Lieutenant-Governor also appoints deputy registrars who are under the direction of the Registrar<sup>886</sup>. As for deputy clerks (Trial Division) and deputy administrators (Family Division), they are rather appointed by the Attorney General<sup>887</sup>.

The Human Resource Services Branch of the Department's Administrative Services Division provides the necessary services with regards to human resources<sup>888</sup>. It is responsible for human resource planning, compensation and benefits administration, recruitment, classification, labor relations, training, performance management, change management, organizational development and human resource policy and program implementation<sup>889</sup>.

## Buildings, Fixtures and Furnishings

The Department provides court facilities<sup>890</sup>. Management of these facilities is overseen by its Facilities Management Branch, which is further responsible for planning, coordinating, budgeting and implementing major capital projects and capital improvement projects as well as managing office accommodations for the Department (including courthouses)<sup>891</sup>. Furthermore, the Departmental Services Unit is in charge of inventory management of office furniture and equipment, telephone systems and general services (e.g. parking)<sup>892</sup>.

The Trial Division of the Court of Queen's Bench sits at such places as the business of the Court requires, as determined by the Chief Justice subject to the Rules of Court<sup>893</sup>. The Chief Justice may also designate the place where a judge is to establish and maintain an office<sup>894</sup>.

There is a possibility of contractual agreements between the Province and private groups for the construction, operation and maintenance of court facilities<sup>895</sup>.

## Support Systems

The Department's Administrative Services Division has the main task of providing information systems<sup>896</sup>. Its Information Management and Technology Branch is responsible for information management and technology services, including management of infrastructure (office automation, e-mail, calendaring, electronic filing, and internet); customized application; help desk support; project management; system development; and information planning<sup>897</sup>.

The Department's Court Services Division also provides technology for the Court such as video conferencing and closed-circuit equipment<sup>898</sup>.

Let us also mention that the Law Society of New Brunswick libraries, which are funded by the Law Society of New Brunswick and the New Brunswick Law Foundation, serve the judiciary as well as members of the Society and the public (to a certain extent)<sup>899</sup>.

# NEW BRUNSWICK – COURT OF APPEAL

## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

The province of New Brunswick is responsible for the constitution, maintenance, and administration of all levels of courts<sup>900</sup>.

The Court Services Division of the Department of Justice and Consumer Affairs provides administrative services to support the New Brunswick Court of Appeal<sup>901</sup>. The Department is headed by the Minister of Justice and Consumer Affairs. The latter submits the Department's Annual Report to the Lieutenant-Governor<sup>902</sup>.

At the Court's level, the Chief Justice – whom is also Chief Justice of New Brunswick<sup>903</sup> – has the responsibility of administering the Court of Appeal<sup>904</sup>. Traditionally, the Chief Justice is consulted by government before any decision is taken that might significantly affect the administration of justice<sup>905</sup>.

## Budget and Financial Accounting

The Financial Services Branch of the Department's Administrative Services Division provides financial services<sup>906</sup>. It is more specifically responsible for advice and support to senior management, departmental managers, and staff. It maintains the operational accounting function by providing financial consulting, budgeting, monitoring, accounting services, and revenue and expenditure forecasting as well as various payment functions. Furthermore, the Branch provides specific support to senior management throughout the preparation of Public Accounts, Main Estimates, Budget, and requires Board of Management documentation<sup>907</sup>.

## Human Resources

The Lieutenant-Governor in Council appoints the Court's Registrar<sup>908</sup> as well as other officers necessary for the proper administration of the Court<sup>909</sup>. These Court officers perform and exercise duties, powers and authority prescribed by the Lieutenant-Governor in Council, the regulations or the Rules of Court<sup>910</sup>. Other employees appointed by the Lieutenant-Governor in Council include the Court reporters<sup>911</sup>, ushers<sup>912</sup> and messenger<sup>913</sup>, as well as deputy registrars who are under the direction of the Registrar<sup>914</sup>.

The Human Resource Services Branch of the Department's Administrative Services Division provides the necessary services with regards to human resources<sup>915</sup>. It is in charge of human resource planning, compensation and benefits administration, recruitment, classification, labor relations, training, performance management, change management, organizational development and human resource policy and program implementation<sup>916</sup>.

## Buildings, Fixtures and Furnishings

The Court of Appeal may sit at such places as the Court requires, as determined by the Chief Justice subject to the Rules of Court<sup>917</sup>.

Management of court facilities is overseen by the Facilities Management Branch of the Department's Administrative Services Division<sup>918</sup>. This Branch is further responsible for planning, coordinating, budgeting and implementing major capital projects and capital improvement projects as well as managing office accommodations for the Department (including courthouses)<sup>919</sup>.

The Departmental Services Unit is in charge of inventory management of office furniture and equipment, telephone systems and general services (e.g. parking)<sup>920</sup>.

## Support Systems

The Department's Administrative Services Division has the main task of providing information systems<sup>921</sup>. Its Information Management and Technology Branch is responsible for information management and technology services, including management of infrastructure (office automation, e-mail, calendaring, electronic filing, and internet); customized application; help desk support; project management; system development; and information planning<sup>922</sup>.

The Department's Court Services Division also provides technology for the Court such as video conferencing and closed-circuit equipment<sup>923</sup>.

Let us mention also that the Law Society of New Brunswick libraries, which are funded by the Law Society of New Brunswick and the New Brunswick Law Foundation, serve the judiciary as well as members of the Society and the public (to a certain extent)<sup>924</sup>.

# NEWFOUNDLAND AND LABRADOR – PROVINCIAL COURT

## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

The administration of courts in Newfoundland and Labrador is the responsibility of the Department of Justice and Attorney General (the "Department")<sup>925</sup>. The Department's Court Services Division provides infrastructure and administrative support for the Supreme and Provincial Courts<sup>926</sup>. More specifically, administrative headquarters of the Provincial Court are overseen by the Director of Court Services, who report to the Deputy Minister and the Chief Judge<sup>927</sup>.

The Chief Judge has the statutory responsibility to administratively direct the Provincial Court judges<sup>928</sup>. He makes recommendations to the Minister of Justice and Attorney General respecting all matters affecting the general administration of the Court<sup>929</sup>. The Chief Judge further presents the Annual Report of the Court to the Minister<sup>930</sup>. The latter oversees the preparation of the whole of the Department's Annual Report<sup>931</sup>.

## Budget and Financial Accounting

The Provincial Court is funded through the amounts received for the whole of the Department<sup>932</sup>.

The Finance and General Operations Division of the Department's Strategic and Corporate Services Branch is primarily responsible for planning, organizing, directing and controlling overall financial and administrative operations for the Department. This includes coordinating the annual budget submission for the Department, monitoring expenditures during the financial year so that accurate financial information is available and ensuring proper financial controls are in place.<sup>933</sup>

The Minister of Justice and Attorney General is accountable for the preparation and tabling of the Department's Three Year Strategic Plan in accordance with the *Transparency and Accountability Act*<sup>934</sup>.

## Human Resources

Staff of the Court consist of the Director of Court Services and other officers, clerks and employees the administration and business of the court requires<sup>935</sup>. These officers are civil servants and employees of the Department of Justice<sup>936</sup>. The Human Resources Division of the Department's Strategic and Corporate Services Branch takes on HR strategic issues as well as employee relations, occupational health and safety, employee wellness, learning and development, workforce planning and respectful workplace program<sup>937</sup>.

Court officers work under the direction of the Director and perform the duties prescribed by him<sup>938</sup>, except in judicial matters, where they act under the direction of judges<sup>939</sup>. The Lieutenant Governor in Council may, upon the recommendation of the Minister, make rules with respect to the procedure and operation of the court, including rules respecting the duties of the officers and clerks of the court<sup>940</sup>.

## Buildings, Fixtures and Furnishings

Infrastructure is provided by Court Services<sup>941</sup>. A judge may preside over the court at any place in the province for the orderly dispatch of the business of the court<sup>942</sup>.

The Court addresses its facility needs in a Discussion Paper, whose preparation is part of its Strategic Plan<sup>943</sup>.

## Support Systems

The Legal Information Management Division of the Department is responsible for law libraries as well as information management (as internal services)<sup>944</sup>.

The Newfoundland and Labrador Law Society Library also provides legal materials, reference and research assistance to the judiciary. The Law Society Library is funded by the Law Society of Newfoundland and Labrador and the Law Foundation of Newfoundland and Labrador.<sup>945</sup>

At the Court's level, information management is overseen by the Court's Information Management Analyst<sup>946</sup>.

# NEWFOUNDLAND AND LABRADOR – SUPREME COURT, TRIAL DIVISION

## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

The administration of Courts in Newfoundland and Labrador is the responsibility of the Department of Justice and Attorney General<sup>947</sup>. The Assistant Deputy Minister, Courts and Related Services, is the immediate point of contact between the Court and the Department<sup>948</sup>. There is no staff in the Department of Justice dedicated exclusively to the work of the Court and the Assistant Deputy Minister's duties relative to the Court are not full-time.

There are no memoranda of understanding or other written agreement between the Court and the Department regarding court administration. Subject to the direction of the Chief Justice in matters of judicial administration and to the direction of the Deputy Minister in other matters, day-to-day administrative, operational responsibility for the Trial Division resides with the Registrar of the Supreme Court, which is a Lieutenant-Governor in Council appointment. However, upon the recent retirement of the incumbent Registrar, (March, 2011), the Department, with the approval of the Lieutenant-Governor in Council, chose not to fill the vacancy and instead, created a temporary position of "Chief Administrative Officer" which has been filled by a non-lawyer.

## Budget and Financial Accounting

The budget for the Court is approved in a separate vote for the Supreme Court (Trial Division and Court of Appeal) within the budget of the Department of Justice<sup>949</sup>. The Minister of Justice is responsible for presenting and defending the Court's budget during the budget process.

Transfers between line items in the Court's budget vote require the approval of the Department. Day-to-day management of the Court's budget is with the Court's Director of Supreme Court Services.

The Minister of Justice and Attorney General is accountable for the preparation and tabling of the Department's Three Year Strategic Plan in accordance with the *Transparency and Accountability Act*<sup>950</sup>. There is no separate strategic plan prepared for the Court but, in principle, initiatives for the Court can be included within the Department's overall strategic plan.

## Human Resources

The governing legislation provides that the Lieutenant-Governor in Council may appoint as clerks of the Supreme Court: a registrar, an associate registrar, deputy registrars, assistant deputy registrars and other clerks that the business of the Court requires<sup>951</sup>. In practice, however, all Court staff, with the exception of the Registrar and Associate Registrar (a position which has never been filled), are hired in accordance with the usual procedures for civil service appointments.



The associate registrar, deputy registrars, assistant deputy registrars and the other clerks and officers of the Supreme Court are under the direction of the Registrar and perform the duties that are prescribed by him or her<sup>952</sup>.

Legislatively, tipstaff and criers may also be appointed under the *Public Service Commission Act*<sup>953</sup> upon recommendation of the Chief Justice of Newfoundland and Labrador<sup>954</sup>. In fact, the positions of tipstaff and crier have been vacant for the past fifteen years. They have effectively been abolished.

The Human Resources Division of the Department's Strategic and Corporate Services Branch takes on HR strategic issues as well as employee relations, occupational health and safety, employee wellness, learning and development, workforce planning and respectful workplace program<sup>955</sup>. Liaison between the Department's HR Division and the Court is with the Court's Director of Supreme Court Services.

### Buildings, Fixtures and Furnishings

The Minister of Justice and Attorney General is responsible for the provision and operation of Court facilities and Registries<sup>956</sup>. Maintenance of Court facilities is the responsibility of the Minister of Works, Services and Transportation.

General infrastructure support is provided by the Strategic and Corporate Services Branch of the Department of Justice. The day-to-day direction and supervision of Registries resides with the Registrar, subject to the direction of the Chief Justice in the judicial administration and use of courtroom facilities and of the Deputy Minister in other matters.

### Support Systems

The Legal Information Management Division of the Department is responsible for the Court's law library<sup>957</sup>. Responsibility for records management systems within the Court resides with the Supreme Court's Manager of Information Services.

The Newfoundland and Labrador Law Society Library also provides legal materials, reference and research assistance to the judiciary. The Law Society Library is funded by the Law Society of Newfoundland and Labrador and the Law Foundation of Newfoundland and Labrador.<sup>958</sup>

The Office of the Chief Information Officer (OCIO) is mandated to provide Information Management Advisory and Information Technology Services to the Supreme Court of Newfoundland and Labrador, Trial Division. The Canadian Judicial Council's Blueprint for Security of Judicial Information serves as a guideline to the relationship between the Court and the OCIO.

# NEWFOUNDLAND AND LABRADOR – SUPREME COURT, APPEAL DIVISION

## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

The administration of Courts in Newfoundland and Labrador is the responsibility of the Department of Justice and Attorney General<sup>959</sup>. The Assistant Deputy Minister, Courts and Related Services, is the immediate point of contact between the Court and the Department<sup>960</sup>. There is no staff in the Department of Justice dedicated exclusively to the work of the Court and the Assistant Deputy Minister's duties relative to the Court are not full-time.

There are no memoranda of understanding or other written agreement between the Court and the Department regarding court administration<sup>961</sup>. Subject to the direction of the Chief Justice in matters of judicial administration and to the direction of the Deputy Minister in other matters, day-to-day administrative, operational responsibility for the Court of Appeal resides with the Registrar of the Supreme Court, which is a Lieutenant-Governor in Council appointment. However, upon the recent retirement of the incumbent Registrar, (March, 2011), the Department, with the approval of the Lieutenant-Governor in Council, chose not to fill the vacancy and instead, created a temporary position of "Chief Administrative Officer" which has been filled by a non-lawyer.

## Budget and Financial Accounting

The budget for the Court is approved in a separate vote for the Supreme Court (Trial Division and Court of Appeal) within the budget of the Department of Justice<sup>962</sup>. The Minister of Justice is responsible for presenting and defending the Court's budget during the budget process.

Transfers between line items in the Court's budget vote require the approval of the Department. Day-to-day management of the Court's budget is with the Court's Director of Supreme Court Services.

The Minister of Justice and Attorney General is accountable for the preparation and tabling of the Department's Three Year Strategic Plan in accordance with the *Transparency and Accountability Act*<sup>963</sup>. There is no separate strategic plan prepared for the Court but, in principle, initiatives for the Court can be included within the Department's overall strategic plan.

## Human Resources

The governing legislation provides that the Lieutenant-Governor in Council may appoint as clerks of the Supreme Court: a registrar, an associate registrar, deputy registrars, assistant deputy registrars and other clerks that the business of the Court requires<sup>964</sup>. In practice, however, all Court staff, with the exception of the Registrar and Associate Registrar (a position which has never been filled), are hired in accordance with the usual procedures for civil service appointments.

The associate registrar, deputy registrars, assistant deputy registrars and the other clerks and officers of the Supreme Court are under the direction of the Registrar and perform the duties that are prescribed by him or her.<sup>965</sup>

Legislatively, tipstaff and criers may also be appointed under the *Public Service Commission Act*<sup>966</sup> upon recommendation of the Chief Justice of Newfoundland and Labrador<sup>967</sup>. In fact, the positions of tipstaff and crier have been vacant for the past fifteen years. They have effectively been abolished.

The Human Resources Division of the Department's Strategic and Corporate Services Branch takes on HR strategic issues as well as employee relations, occupational health and safety, employee wellness, learning and development, workforce planning and respectful workplace program<sup>968</sup>. Liaison between the Department's HR Division and the Court is with the Court's Director of Supreme Court Services.

### Buildings, Fixtures and Furnishings

The Minister of Justice and Attorney General is responsible for the provision and operation of Court facilities and Registries<sup>969</sup>. Maintenance of Court facilities is the responsibility of the Minister of Works, Services and Transportation.

General infrastructure support is provided by the Strategic and Corporate Services Branch of the Department of Justice. The day-to-day direction and supervision of Registries resides with the Registrar, subject to the direction of the Chief Justice in the judicial administration and use of courtroom facilities and of the Deputy Minister in other matters.

### Support Systems

The Legal Information Management Division of the Department is responsible for the Court's law library<sup>970</sup>. Responsibility for records management systems within the Court resides with the Supreme Court's Manager of Information Services.

The Newfoundland and Labrador Law Society Library also provides legal materials, reference and research assistance to the judiciary. The Law Society Library is funded by the Law Society of Newfoundland and Labrador and the Law Foundation of Newfoundland and Labrador.<sup>971</sup>

The Office of the Chief Information Officer (OCIO) is mandated to provide Information Management Advisory and Information Technology Services to the Supreme Court of Newfoundland and Labrador, Court of Appeal. The Canadian Judicial Council's Blueprint for Security of Judicial Information serves as a guideline to the relationship between the Court and the OCIO.

# NORTHWEST TERRITORIES – TERRITORIAL COURT

## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

The Department of Justice, Courts Services Division provides support to the NWT courts<sup>972</sup>.

The Commissioner of the Northwest Territories (the “Commissioner”) in Executive Council appoints one of the territorial judges to be the Chief Judge of the Territorial Court<sup>973</sup>. The Chief Judge is in charge of the general supervision and direction of the Court<sup>974</sup>.

## Budget and Financial Accounting

Under the guidance of a Director, the Department’s Finance Division provides leadership and services in the areas of financial planning and analysis, budgeting and financial management<sup>975</sup>.

The Director is the senior financial officer in the Department and is responsible for the administration of the *Financial Administration Act* as it applies to the Department. Many of the Department’s programs are dependent on third party funding, especially with Justice Canada. The Division participates in financial negotiations for that funding and oversees the administration of those agreements.<sup>976</sup>

## Human Resources

The Clerk of the Territorial Court is appointed by the Commissioner<sup>977</sup>. The latter may also appoint such deputy clerks, judicial clerks and other officers as he considers necessary for the administration of justice through the Territorial Court<sup>978</sup>. The Clerk of the Territorial Court is part of the Office of the Clerk, which is mandated by legislation and also comprises the Registrar of the Court of Appeal and the Clerk of the Supreme Court<sup>979</sup>.

## Buildings, Fixtures and Furnishings

The Chief Judge has general supervision and direction over arranging the sittings of the Court<sup>980</sup>. In carrying out this responsibility, he consults with the other territorial judges<sup>981</sup>.

The Commissioner, on the recommendation of the Minister, may make regulations establishing and defining judicial centres<sup>982</sup>.

## Support Systems

The NWT Court Library System provides legal resource materials to the Supreme Court, Territorial Court, and Court of Appeal of the Northwest Territories. The primary mandate of the library includes the provision of required library services to the judiciary and legal profession to support the development and administration of justice in the Northwest Territories.<sup>983</sup>

The library system is mostly funded by the Government of the NWT, with contributions also derived from the Law Society of the NWT and the Law Foundation of the NWT<sup>984</sup>.

# NORTHWEST TERRITORIES – SUPREME COURT

## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

The Department of Justice, Courts Services Division provides support to the NWT courts<sup>985</sup>.

The Supreme Court's senior judge, by date of appointment, has overall responsibility for the Court's administration<sup>986</sup>. The judges of the Supreme Court may meet to consider the operation of the *Judicature Act* and its rules and to consider the administration of justice generally<sup>987</sup>.

## Budget and Financial Accounting

Under the guidance of a Director, the Department's Finance Division provides leadership and services in the areas of financial planning and analysis, budgeting and financial management<sup>988</sup>.

The Director is the senior financial officer in the Department and is responsible for the administration of the *Financial Administration Act* as it applies to the Department. Many of the Department's programs are dependent on third party funding, especially with Justice Canada. The Division participates in financial negotiations for that funding and oversees the administration of those agreements. There are several other revenue sources and trust accounts managed through the Division.<sup>989</sup>

## Human Resources

The Clerk<sup>990</sup> as well as Sheriff<sup>991</sup> of the Court is appointed by the Commissioner. The latter shall also appoint other officers that are necessary for the due administration of justice and the dispatch of business of the court<sup>992</sup>. He may, subject to the Rules of the Supreme Court, determine their duties and fix their remuneration and expenses incurred in the performance of their duties<sup>993</sup>.

The Clerk of the Supreme Court is part of the Office of the Clerk, which is mandated by legislation and also comprises the Registrar of the Court of Appeal and the Clerk of the Territorial Court<sup>994</sup>.

## Buildings, Fixtures and Furnishings

*Information not available*

## Support Systems

The NWT Court Library System provides legal resource materials to the Supreme Court, Territorial Court, and Court of Appeal of the Northwest Territories. The primary mandate of the library includes the provision of required library services to the judiciary and legal profession to support the development and administration of justice in the Northwest Territories.<sup>995</sup>

The library system is mostly funded by the Government of the NWT, with contributions also derived from the Law Society of the NWT and the Law Foundation of the NWT<sup>996</sup>.

# NORTHWEST TERRITORIES – COURT OF APPEAL

## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

The Department of Justice, Courts Services Division provides support to the NWT courts<sup>997</sup>.

The Chief Justice of Alberta has overall responsibility for administering the Northwest Territories Court of Appeal<sup>998</sup>. The judges of the Court of Appeal may meet to consider the operation of the *Judicature Act* and its rules and to consider the administration of justice generally<sup>999</sup>.

## Budget and Financial Accounting

Under the guidance of a Director, the Department's Finance Division provides leadership and services in the areas of financial planning and analysis, budgeting and financial management<sup>1000</sup>.

The Director is the senior financial officer in the Department and is responsible for the administration of the *Financial Administration Act* as it applies to the Department. Many of the Department's programs are dependent on third party funding, especially with Justice Canada. The Division participates in financial negotiations for that funding and oversees the administration of those agreements. There are several other revenue sources and trust accounts managed through the Division.<sup>1001</sup>

## Human Resources

The Commissioner appoints the Registrar of the Court of Appeal and any other officers, clerks and employees that are necessary for the operation of the Court<sup>1002</sup>. The Clerk of the Supreme Court is *ex officio* a Deputy Registrar of the Court and may exercise and perform the powers and functions that may be determined from time to time by the Chief Justice<sup>1003</sup>.

The Registrar of the Court of Appeal is part of the Office of the Clerk, which is mandated by legislation and also comprises the Clerk of the Territorial Court and the Clerk of the Supreme Court<sup>1004</sup>.

## Buildings, Fixtures and Furnishings

*Information not available*

## Support Systems

The NWT Court Library System provides legal resource materials to the Supreme Court, Territorial Court, and Court of Appeal of the Northwest Territories. The primary mandate of the library includes the provision of required library services to the judiciary and legal profession to support the development and administration of justice in the Northwest Territories.<sup>1005</sup>

The library system is mostly funded by the Government of the NWT, with contributions also derived from the Law Society of the NWT and the Law Foundation of the NWT<sup>1006</sup>.

# NOVA SCOTIA – ALL COURTS

## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

The provision of civil law, criminal law and family law court services, including court administration and management, is ensured by the Court Services Division of the Nova Scotia Department of Justice (the “Department”)<sup>1007</sup>. The Department works cooperatively with all components of the justice system, among which are the federal government and the judiciary<sup>1008</sup>.

On cooperation with the judiciary, the Department dialogues with the Executive Office of the Nova Scotia Judiciary (the “Executive Office”)<sup>1009</sup>. Operational since 2002, the Executive Office was created to provide an opportunity for the Chiefs of all Nova Scotia Courts to plan and work together on a number of challenges facing the courts<sup>1010</sup>. The Executive Office is headed by an Executive Director, who reports to the Chief Justice and to a Board consisting of all Chiefs and Associates Chiefs in the Province<sup>1011</sup>.

The Attorney General appoints the Administrator of the Provincial Court and the Administrator of the Small Claims Court. Both administrators shall be in the public service<sup>1012</sup>. The Provincial Court Administrator has the power and authority to attend upon all non-judicial matters in respect to the office of a judge of the Provincial Court<sup>1013</sup>. He performs the duties prescribed in the regulations<sup>1014</sup>. As for the Small Claims Court Administrator, he performs duties as are assigned to him by the Governor in Council, the Attorney General, the *Small Claims Court Act* or the regulations<sup>1015</sup>.

## Budget and Financial Accounting

Nova Scotia courts are mainly funded by the Department<sup>1016</sup>.

The Department receives moneys from the Federal government in order to fund federally-partnered initiatives, a number of which pertaining to court services<sup>1017</sup>. For instance, in 2009-2010, the Department continued to seek federal support for the expansion of the Supreme Court (Family Division)<sup>1018</sup>.

The budget for the Executive Office is a component of the Department of Justice’s Court Services Division budget and is managed by the Executive Director of the Office. Discussions are currently underway between the Department’s Executive Director of Financial Services and the Executive Director of the Executive Office with the goal of creating a more formalized arrangement in support of budgetary independence<sup>1019</sup>.

The Provincial Court’s Administrator directs the implementation of administrative procedures and practices required to satisfy the management and policy directives of the Attorney General or the Auditor General, and ensures the safe-keeping and proper accounting of all moneys received and disbursed and process issued out of the Provincial Court. In consultation with the Chief Judge, he prepares the annual estimates in respect to the Provincial Court and the judges thereof and attends upon all necessary financial accounting in respect thereto.

The Department's Finance and Administration Division provides strategic financial leadership and expertise and oversees accounting/budgeting/procurement functions<sup>1020</sup>. The Department submits an accountability report pursuant to the *Provincial Finance Act* as well as government policies and guidelines, in which outcomes are reported against the Department's Business Plan<sup>1021</sup>.

## Human Resources

Court administrators and other officers and employees taking part in the administration of the courts of Nova Scotia are appointed in accordance with the *Civil Service Act*<sup>1022</sup>. These staff members shall perform the powers and duties set out in the appointment or, for court administrators, prescribed by the Minister of Justice<sup>1023</sup>. They are officers of the court they serve, and as such, shall obey the orders of the court and of a judge of the court<sup>1024</sup>.

The Chief Judge of the Provincial Court has the duty to advise the Attorney General on all matters pertaining to the judges of the Provincial Court in respect to the support staff required to service the Court and to be in attendance during its sittings<sup>1025</sup>. As for the Provincial Court's Administrator, he determines and makes recommendations to the Attorney General on support staff requirements and replacement<sup>1026</sup>. More precisely, he determines and institutes appropriate ministerial or Governor in Council action to provide the support staff necessary to service the Provincial Court and makes rules governing the functions and duties, procedures and dress of such support staff<sup>1027</sup>. The Governor in Council may make regulations determining the support staff of the Provincial Court, and prescribing their functions and duties<sup>1028</sup>.

The Attorney General appoints or designates persons or classes of persons in the public service of the Province to be clerks of the Small Claims Court<sup>1029</sup>. Let us mention also that the human resource support for the Supreme Court's and the Court of Appeal's Law Clerk program is provided by the Executive Office<sup>1030</sup>.

Court administration as a core departmental business area is supported by the Department's Human Resources Division, which provides human resources services<sup>1031</sup>.

## Buildings, Fixtures and Furnishings

The Department is in charge of court facilities' construction and renovation (including courthouses and justice centers (i.e. court administration offices)<sup>1032</sup>. These justice centers as well as court buildings are operated by Court Services<sup>1033</sup>. As for the Executive Office, its Executive Director sits on the Nova Scotia Courthouses Standards Committee, which meets monthly<sup>1034</sup>.

Subject to the Rules, the Supreme Court and the judges thereof have power to sit and act at any place for the transaction of any part of the business of the Supreme Court, or of a judge<sup>1035</sup>. As for Provincial Court judges, they have the right to use any court room or town hall belonging to a city, town or municipality in which they may sit<sup>1036</sup>.

The Chief Judge of the Provincial Court has the duty to advise the Attorney General on all matters pertaining to the judges of the Provincial Court in respect to suggested changes in Magisterial Districts, place or places where the Court should hold sittings, and where a judge should establish and maintain an office<sup>1037</sup>. In consultation with the Chief Judge, the Administrator of the Provincial Court attends upon all matters relating to providing the place or places where the Provincial Court shall sit (i.e. courtroom, town hall, council chamber or other premises)<sup>1038</sup>. The Administrator further determines and makes recommendations to the Attorney General on judges' offices, staff space, furniture and equipment required<sup>1039</sup>.



The Small Claims Court holds sittings in courthouses, council chambers or elsewhere, at such locations within a municipality as the Attorney General determines. The municipality within which the Court sits provides and maintains facilities required for the sittings of the Court<sup>1040</sup>. It is the duty of the clerk of the Small Claims Court to ensure the availability of facilities and equipment required for the Court to sit and conduct hearings<sup>1041</sup>.

## Support Systems

The Department's Policy and Information Management Division oversees the creation, analysis, sharing, security, accuracy, storage, protection and business use of information<sup>1042</sup>.

As for the Executive Office, its Communications Director and Judicial IT Analyst provides monthly reports to the Board of Chiefs<sup>1043</sup>. The Executive Director also sits on the All Courts Technology Committee, which meets monthly<sup>1044</sup>.

The Chief Judge of the Provincial Court has the duty to advise the Attorney General on all matters pertaining to the judges of the Provincial Court in respect to the library<sup>1045</sup>.

# NUNAVUT – COURT OF JUSTICE AND COURT OF APPEAL

## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

The Department of Justice provides administration for the Nunavut Court of Justice<sup>1046</sup>. Support services for the Court as well as the judiciary are more specifically provided through the Department's Court Services Division<sup>1047</sup>.

The Chief Justice of Alberta has overall responsibility for administering the Nunavut Court of Appeal<sup>1048</sup>. The judges of the Court of Appeal may meet to consider the operation of the *Judicature Act* and its rules and to consider the administration of justice generally<sup>1049</sup>.

## Budget and Financial Accounting

The Corporate Services Division provides financial support services to the Department of Justice. This includes negotiating financial agreements between Government of Canada and Nunavut.<sup>1050</sup>

## Human Resources

The Clerk of the Nunavut Court of Justice<sup>1051</sup> and the Registrar of the Court of Appeal<sup>1052</sup> are appointed by the Commissioner of Nunavut. The latter also appoints any officers, clerks and employees necessary for the operation of the Court of Justice and the Court of Appeal<sup>1053</sup>.

The Clerk of the Nunavut Court of Justice is *ex officio* a Deputy Registrar of the Court of Appeal<sup>1054</sup>. In his capacity as a Deputy Registrar of the Court, the Clerk of the Nunavut Court of Justice may exercise and perform the powers and functions that may be determined from time to time by the Chief Justice of the Court of Appeal<sup>1055</sup>.

The Commissioner further appoints a Sheriff for Nunavut<sup>1056</sup>.

### Buildings, Fixtures and Furnishings

As a circuit court, the Nunavut Court of Justice covers the entire territory of Nunavut with respect to the provision of court services. Therefore, in addition to sitting in Iqaluit, the Court travels to approximately 85% of the communities across the territory. In such occasions, Court is held in community halls, school gyms, and in other conference facilities as available.<sup>1057</sup>

### Support Systems

The Court of Justice's law library provides for the legal information needs of the Court as well as the Nunavut Department of Justice. Library clients include, amongst others, the judiciary, the Justice Department staff, the legal community and the general public.<sup>1058</sup>

The law librarian maintains the Court website.<sup>1059</sup>

## ONTARIO – COURT OF JUSTICE

### Model of Court Administration

Limited Autonomy Model

### Organization or Person(s) in Charge of Court Administration

The Ministry of the Attorney General is responsible for the overall administration of justice in Ontario. Within the Ministry, the Court Services Division is in charge of court administration<sup>1060</sup>. If the *Courts of Justice Act* states that the Attorney General superintends court administration<sup>1061</sup>, the same act nevertheless provides that the administration of the courts shall be carried on so as to “recognize the respective roles and responsibilities of the Attorney General and the judiciary in the administration of justice”<sup>1062</sup>.

In practice, administration of the Ontario Court of Justice is under the control of the Office of the Chief Justice, whose financial and administrative responsibilities are exercised through the Executive Coordinator. This public service position was created in 1993 by way of a MOU<sup>1063</sup> signed between the Attorney General of Ontario and the Chief Justice of the Ontario Court of Justice<sup>1064</sup>. The Executive Coordinator is the chief administrative and operations officer for the Office of the Chief Justice<sup>1065</sup>. He takes direction from the Chief Justice<sup>1066</sup>, and meets on a regular basis with the Deputy Attorney General and the Assistant Deputy Attorney General for Courts Services to discuss issues of mutual concern<sup>1067</sup>.

The Attorney General, who reports to the legislature, has the responsibility to ensure that the Office of the Chief Justice is informed of Ministry and Government financial and administrative policies which apply to the operations of the Office of the Chief Justice<sup>1068</sup>. The Office of the Chief Justice is similarly responsible for advising the Minister, as appropriate, on matters affecting the financial and administrative responsibilities of the Office of the Chief Justice<sup>1069</sup>.

The Ontario Courts Advisory Council considers any matter relating to the administration of the courts that is referred to it by the Attorney General or that it considers appropriate on its own initiative, and makes recommendations on the matter to the Attorney General and to its members<sup>1070</sup>. Furthermore, the Ontario Courts Management Advisory Committee considers and recommends to the relevant bodies or authorities policies and procedures to promote the better administration of justice and the effective use of human and other resources in the public interest<sup>1071</sup>.

The Attorney General causes a report to be prepared on the administration of the courts during the year, in consultation with the Chief Justice of Ontario, the Chief Justice of the Superior Court of Justice and the Chief Justice of the Court of Justice<sup>1072</sup>. He also submits to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and lays this report before the Assembly<sup>1073</sup>.

## Budget and Financial Accounting

The operations of the Office of the Chief Justice are funded by the Consolidated Revenue Fund for the province of Ontario through the annual estimates process<sup>1074</sup>.

The Office of the Chief Justice prepares an operating budget in accordance with the Ministry of the Attorney General's budget planning cycle<sup>1075</sup>. The Minister is responsible for presenting the budget of the Office of the Chief Justice as part of the Ministry's estimates<sup>1076</sup>. The Minister and the Chief Justice agree that no changes to the Chief Justice's operating budget shall be made without prior consultation with the Office of the Chief Justice.<sup>1077</sup>

The Ministry of the Attorney General provides internal audit services on the request of the Office of the Chief Justice and in accordance with the Ministry's annual internal audit plan<sup>1078</sup>. The Provincial Auditor may audit the financial and administrative affairs of the Office of the Chief Justice as part of any audit conducted regarding the Ministry<sup>1079</sup>.

The Divisional Support Branch of Court Services is responsible for leading financial planning<sup>1080</sup>. Financial management for the whole of Ministry is provided by the Corporate Services Management Division, and more precisely its Business and Fiscal Planning Branch and Audit Services Branch<sup>1081</sup>.

## Human Resources

The Court Services Division provides courtroom support through court clerk and registrars, court reporters, court monitors, court services officers and interpreters<sup>1082</sup>. The Court Services Division personnel also provide court office services<sup>1083</sup>. The Office of the Chief Justice has exclusive responsibility to provide support staff in the offices of the Chief Justice, Centre for Judicial Research and Education (CJRE), Regional Senior Judges and Regional Senior Justices of the Peace<sup>1084</sup>.

Staff members of the Office of the Chief Justice are public servants appointed under the *Public Service Act*<sup>1085</sup>. Public service staffing policies, superannuation and other employee benefits and conditions of employment apply to all staff of the Office of the Chief Justice in the same manner as other employees of the Ministry<sup>1086</sup>.

In matters that are assigned by law to the judiciary, registrars, court clerks, court reporters, interpreters and other court staff act at the direction of the Chief justice<sup>1087</sup>. As for trial coordinators and designates, they are employees of the Court Services Division, but are nonetheless subject to the day-to-day direction of the office of the regional senior judge in each region<sup>1088</sup>.

The Ministry of the Attorney General provides the Office of the Chief Justice with human resources services including benefits administration for staff of the Office of the Chief Justice, classification, advice and consultation regarding redeployment/recruitment, and staff relations.<sup>1089</sup>

## Buildings, Fixtures and Furnishings

Within the Ministry of the Attorney General, the Corporate Services Management Division has the lead responsibility for capital planning and project management through its Facilities Management Branch. The Court Services Division<sup>1090</sup> works in partnership with the Facilities Management Branch to identify capital planning priorities and to manage courthouse facilities issues across the province. The Facilities Management Branch leads the ministry in working closely with the Ontario Realty Corporation and the Ministry of Energy and Infrastructure to implement capital courthouse improvements.<sup>1091</sup>

The Ministry provides the Office with accommodation planning and relocation services<sup>1092</sup>. A subcommittee of the Chief Justice's Executive Committee (CJEC)<sup>1093</sup>, the Ontario Court of Justice Design Standards Committee, deals with courthouse facility issues as they relate to the Court of Justice<sup>1094</sup>. For instance, it represents the Court as a liaison with the Ministry and others to review design standards for courthouses<sup>1095</sup>.

The Office of the Chief Justice has the exclusive responsibility to provide furniture, furnishings, supplies and equipment for the Offices of the Chief Justice, Associate Chief Justices, Regional Senior Judges, and Regional Senior Justices of the Peace (with the exceptions of computer equipment, computer peripherals and computer ports)<sup>1096</sup>. The Office also has exclusive responsibility to fund, out of its annual budget, judicial attire<sup>1097</sup>.

The Ministry of the Attorney General provides the Office of the Chief Justice with judicial support services which are not allocated to the Chief Justice by the MOU<sup>1098</sup>.

## Support Systems

The Court Business Solutions Branch of Court Services is in charge of information management and technology<sup>1099</sup>. The Ministry of the Attorney General provides to the Office of the Chief Justice, on request, advice/consultation on information technology and telecommunications services<sup>1100</sup>.

At the Court's level, the Information Technology group provides technical advice and consultative support to staff of the Court of Justice<sup>1101</sup>. Regarding judges, through the collaboration of the judiciary and the provincial government, all three levels of courts have their own judicial information technology organization that reports directly to the judiciary. This organization is responsible for the management and control of all judicial information<sup>1102</sup>.

The Chief Justices' Information Technology (IT) Committee works as an executive steering committee to ensure that IT initiatives are consistent among the three courts of Ontario, Court Services Division, and Justice Technology Services (JTS). The Committee also provides a forum for strategic direction, advice, and decision-making to support a planned, gradual approach to the introduction and use of technology<sup>1103</sup>.

The Ontario Court of Justice Library Committee, a subcommittee of the Chief Justice's Executive Committee, is responsible for advising the Chief Justice regarding matters of the shared judicial base-court library collections and individual judicial chambers collections within the province. It may also address other library issues, including facilities, library personnel, budget, and expenditures. This Committee is assisted by the manager of Judicial Library Services.<sup>1104</sup>

# ONTARIO – SUPERIOR COURT OF JUSTICE

## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

The Ministry of the Attorney General is responsible for the overall administration of justice in Ontario. Within the Ministry, the Court Services Division is in charge of court administration<sup>1105</sup>.

In practice, although the Attorney General is responsible for superintending the administration of the courts<sup>1106</sup>, administration of the Superior Court of Justice is incumbent upon both the Attorney General and the Chief Justice of the Superior Court, who benefit from a “collaborative, dynamic and productive relationship” with regards to the administration of justice<sup>1107</sup>. Their respective roles and responsibilities are set out in a Memorandum of Understanding (MOU)<sup>1108</sup>. On the role of the Office of the Chief Justice with respect to court administration, this MOU states that the Office shall, “subject to the principle of judicial independence, manage the matters of administration of the Superior Court of Justice of Ontario relating to the Court’s core functions”<sup>1109</sup>. Furthermore, under the MOU, the Attorney General ensures that the staff of the Office of the Chief Justice is informed of Ministry and Government financial and administrative policies that apply to the operations of the Office of the Chief Justice. Similarly, the Office of the Chief Justice informs the Attorney General, when appropriate, about matters affecting the financial, administrative and operational responsibilities of the Office<sup>1110</sup>.

The Ontario Courts Advisory Council considers any matter relating to the administration of the courts that is referred to it by the Attorney General or that it considers appropriate on its own initiative, and makes recommendations on the matter to the Attorney General and to its members<sup>1111</sup>. Furthermore, the Ontario Courts Management Advisory Committee considers and recommends to the relevant bodies or authorities policies and procedures to promote the better administration of justice and the effective use of human and other resources in the public interest<sup>1112</sup>.

The Attorney General causes a report to be prepared on the administration of the courts during the year, in consultation with the Chief Justice of Ontario, the Chief Justice of the Superior Court of Justice and the Chief Justice of the Ontario Court of Justice<sup>1113</sup>. He also submits to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and lays this report before the Assembly<sup>1114</sup>.

## Budget and Financial Accounting

The operations of the Office of the Chief Justice are funded through the overall Ministry allocation as determined through the annual Estimates planning cycle<sup>1115</sup>. Although the MOU provides that the Office of the Chief Justice participates in the annual budgetary process, in practice, said participation is limited to a mere consultation. No change to the Chief Justice’s operating budget is made without prior consultation with the Office of the Chief Justice.<sup>1116</sup>

The financial responsibilities of the Office of the Chief Justice described in the MOU are exercised by the Executive Legal Officer (ELO) (a public service position), who is the senior executive responsible for all operations of the Office of the Chief Justice.<sup>1117</sup>

The Attorney General is accountable to the Legislative Assembly of Ontario for the proper use of public funds allocated to the administration of justice in Ontario<sup>1118</sup>. He provides the Office of the Chief Justice with, or ensures that the Office of the Chief Justice is provided with, internal audit services<sup>1119</sup>.

The Divisional Support Branch of Court Services is responsible for leading financial planning<sup>1120</sup>. Financial management for the whole of Ministry is provided by the Corporate Services Management Division, and more precisely its Business and Fiscal Planning Branch and Audit Services Branch<sup>1121</sup>.

## Human Resources

The staff members of the Office of the Chief Justice are public servants appointed under the *Public Service of Ontario Act, 2006*<sup>1122</sup>. The Attorney General and the Chief Justice work together to appoint provincial judicial officials<sup>1123</sup>.

In matters that are assigned by law to the judiciary, court staff act under the direction of the Chief Justice<sup>1124</sup>. The Office of the Chief Justice is in charge of managing human resources functions, for employees who are assigned to and within the Office of the Chief Justice, the Offices of the Regional Senior Judges and the Senior Family Judge, and who report to the Executive Legal Officer of the Office of the Chief Justice<sup>1125</sup>.

The Ministry of the Attorney General provides the Office of the Chief Justice with, or ensures that the Office is provided with, human resource services<sup>1126</sup>. Its Court Services Division personnel provide court office services<sup>1127</sup>.

## Buildings, Fixtures and Furnishings

Within the Ministry of the Attorney General, the Corporate Services Management Division has the lead responsibility for capital planning and project management through its Facilities Management Branch. The Court Services Division<sup>1128</sup> works in partnership with the Facilities Management Branch to identify capital planning priorities and to manage courthouse facilities issues across the province. The Facilities Management Branch leads the ministry in working closely with the Ontario Realty Corporation and the Ministry of Energy and Infrastructure to implement capital courthouse improvements.<sup>1129</sup>

The Ministry of the Attorney General provides the Office of the Chief Justice with, or ensures that the Office is provided with, accommodation and relocation services<sup>1130</sup>. Nonetheless, the Attorney General and the Chief Justice have developed a consultation process for identifying, prioritizing and implementing facilities initiatives that reflects collaboration between them<sup>1131</sup>. Accordingly, the Chief Justice has primary responsibility for providing the Ministry with input, on behalf of the Court, on whether facilities initiatives support the core functions of the judiciary associated with adjudication<sup>1132</sup>. He is assisted in this matter by the Facilities Committee, which considers, reviews and provides strategic advice on courthouse facility issues<sup>1133</sup>.

The Ministry of the AG and the Chief Justice work collaboratively with respect to judicial support standards for federally-appointed judges<sup>1134</sup>. Where appropriate, they jointly address judicial resource issues as they arise<sup>1135</sup>. The Ministry also provides the Office of the Chief Justice with, or ensures that the Office is provided with, judicial support services that are not assigned to the Chief Justice under the MOU<sup>1136</sup>.

## Support Systems

The Court Business Solutions Branch of Court Services is in charge of information management and technology<sup>1137</sup>. The Ministry of the Attorney General provides the Office of the Chief Justice with, or ensures that the Office is provided with advice and consultation on information technology and telecommunications services<sup>1138</sup>.

Regarding judges, through the collaboration of the judiciary and the provincial government, all three levels of courts have their own judicial information technology organization that reports directly to the judiciary. This organization is responsible for the management and control of all judicial information<sup>1139</sup>.

The Chief Justices' Information Technology (IT) Committee works as an executive steering committee to ensure that IT initiatives are consistent among the three courts of Ontario, Court Services Division, and Justice Technology Services (JTS). The Committee also provides a forum for strategic direction, advice, and decision-making to support a planned, gradual approach to the introduction and use of technology.<sup>1140</sup>

In consultation with the Chief Justice's Library Committee<sup>1141</sup>, the Ministry provides funding to maintain the resources required by the Court in its judicial libraries (central and courthouse libraries, and chambers collections). These libraries are under the direction of a Manager of Judicial Library Services, who reports to the Judicial Support Services office of the Court Services Division<sup>1142</sup>. The Ministry also provides funding to support the staff, articling students and research resources necessary to operate the Court's Research Facility<sup>1143</sup>.

## ONTARIO – COURT OF APPEAL

### Model of Court Administration

Executive Model

### Organization or Person(s) in Charge of Court Administration

The Ministry of the Attorney General is responsible for administering justice in Ontario. Within the Ministry, the Court Services Division is responsible for the administration of the courts<sup>1144</sup>. If the *Courts of Justice Act* states that the Attorney General superintends court administration<sup>1145</sup>, the same act nevertheless provides that the administration of the courts shall be carried on so as to "recognize the respective roles and responsibilities of the Attorney General and the judiciary in the administration of justice"<sup>1146</sup>.

The Attorney General and the Chief Justice of Ontario may enter into a memorandum of understanding governing any matter relating to the administration of justice of the Court of Appeal. This MOU may deal with the respective roles and responsibilities of the Attorney General and the judiciary in the administration of justice, but not with any matter assigned by law to the judiciary.<sup>1147</sup>

The Ontario Courts Advisory Council considers any matter relating to the administration of the courts that is referred to it by the Attorney General or that it considers appropriate on its own initiative, and makes recommendations on the matter to the Attorney General and to its members<sup>1148</sup>. Furthermore, the Ontario Courts Management Advisory Committee considers and recommends to the relevant bodies or authorities policies and procedures to promote the better administration of justice and the effective use of human and other resources in the public interest<sup>1149</sup>. The judges of the Court of Appeal meet at least once a year to consider the *Courts of Justice Act* and the administration of justice generally<sup>1150</sup>.

The Attorney General causes a report to be prepared on the administration of the courts during the year, in consultation with the Chief Justice of Ontario, the Chief Justice of the Superior Court of Justice and the Chief Justice of the Ontario Court of Justice<sup>1151</sup>. He also submits to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and lays this report before the Assembly<sup>1152</sup>.



## Budget and Financial Accounting

The Attorney General is accountable to the Legislative Assembly of Ontario for the proper use of public funds allocated to the administration of justice in Ontario<sup>1153</sup>.

The Divisional Support Branch of Court Services is responsible for leading financial planning<sup>1154</sup>. Financial management for the whole of Ministry is provided by the Corporate Services Management Division, and more precisely its Business and Fiscal Planning Branch and Audit Services Branch<sup>1155</sup>.

## Human Resources

The Court Services Division provides courtroom support through court clerk and registrars, court reporters, court monitors, court services officers and interpreters<sup>1156</sup>. The Court Services Division personnel also provide court office services<sup>1157</sup>. The Divisional Support Branch of Court Services is responsible for leading workforce planning and providing human resources and labour relations implementation support<sup>1158</sup>.

Registrars, sheriffs, court clerks, assessment officers and any other administrative officers and employees that are considered necessary for the administration of the court are appointed under Part III of the *Public Service of Ontario Act, 2006*<sup>1159</sup>. In matters that are assigned by law to the judiciary, registrars, court clerks, court reporters, interpreters and other court staff act at the direction of the Chief Justice of the court<sup>1160</sup>.

Three of the Court's justices sit on the Law Clerk Committee which oversees the law clerk programme at the Court of Appeal. Day-to-day supervision of this programme is entrusted to the Court's research lawyers<sup>1161</sup>.

## Buildings, Fixtures and Furnishings

Within the Ministry of the Attorney General, the Corporate Services Management Division has the lead responsibility for capital planning and project management through its Facilities Management Branch. The Court Services Division<sup>1162</sup> works in partnership with the Facilities Management Branch to identify capital planning priorities and to manage courthouse facilities issues across the province. The Facilities Management Branch leads the ministry in working closely with the Ontario Realty Corporation and the Ministry of Energy and Infrastructure to implement capital courthouse improvements.<sup>1163</sup>

The Court Services Division provides administrative support to all judges of the Court of Appeal<sup>1164</sup>.

## Support Systems

The Court Business Solutions Branch of Court Services is in charge of information management and technology<sup>1165</sup>.

Regarding judges, through the collaboration of the judiciary and the provincial government, all three levels of courts have their own judicial information technology organization that reports directly to the judiciary. This organization is responsible for the management and control of all judicial information. As a result, the Court of Appeal judiciary has its own e-mail network, internet access, databases, and document storage and retrieval systems.<sup>1166</sup>

The Chief Justices' Information Technology (IT) Committee works as an executive steering committee to ensure that IT initiatives are consistent among the three courts of Ontario, Court Services Division, and Justice Technology Services (JTS). The Committee also provides a forum for strategic direction, advice, and decision-making to support a planned, gradual approach to the introduction and use of technology.<sup>1167</sup>



# PRINCE EDWARD ISLAND – PROVINCIAL COURT

## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

The Legal and Court Services division of the Prince Edward Island Department of Justice and Public Safety provides for the operation and maintenance of administrative services to all levels of courts in Prince Edward Island.<sup>1168</sup>

The Lieutenant Governor in Council designates one of the Court's judges as Chief Judge<sup>1169</sup>, and may make regulations respecting his duties and powers<sup>1170</sup>. The Chief Judge has, according to the *Provincial Court Act*, the power and duty to administer the Provincial Court<sup>1171</sup>.

The Attorney General submits the Annual Report of the Office of the Attorney General to the Lieutenant Governor<sup>1172</sup>.

## Budget and Financial Accounting

The Chief Judge or the Court has no real authority in terms of budgetary decisions<sup>1173</sup>.

Financial administration services for the Department (i.e. fiscal management and budgetary control, financial reporting and analysis, financial administration and accounting services) are provided by the Policy and Administration Division<sup>1174</sup>.

## Human Resources

The Legal and Court Services Division administers all court personnel<sup>1175</sup>. Human resources management services for the Department (i.e. human resource planning and analysis, departmental staffing, payroll and employee benefits administration, and labour relations) are provided by the Policy and Administration Division<sup>1176</sup>.

Any judge of the Provincial Court may appoint one or more Justices of the Peace as clerks<sup>1177</sup>.

## Buildings, Fixtures and Furnishings

*Information not available*

## Support Systems

The Law Society of Prince Edward Island owns and operates libraries which are available to judges, court staff, members of the Law Society and Articled Clerks<sup>1178</sup>.

# PRINCE EDWARD ISLAND – SUPREME COURT AND COURT OF APPEAL

## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

The Legal and Court Services division of the Prince Edward Island Department of Justice and Public Safety provides for the operation and maintenance of administrative services to all levels of courts in Prince Edward Island.<sup>1179</sup>

The Attorney General of Prince Edward Island superintends all matters connected with the administration of the Court other than matters that are: assigned by law to the judges<sup>1180</sup>; related to the education, conduct and discipline of the judges<sup>1181</sup>; and assigned to the judges by a memorandum of understanding entered into under section 37 of the *Judicature Act*<sup>1182</sup>. Section 37 indeed provides that the Attorney General may enter into a memorandum of understanding with the Chief Justice of Prince Edward Island<sup>1183</sup> as well as with the Chief Justice of the Supreme Court on administration of, respectively, the Court of Appeal and the Supreme Court. These MOUs may deal with the respective roles and responsibilities of the Attorney General and the judges in the administration of justice, but not with any matter assigned by law to the judiciary<sup>1184</sup>. However, neither of these arrangements is in place at the moment<sup>1185</sup>.

Formal administration of the Court is managed by the Court Services Manager<sup>1186</sup>, who is part of the Legal and Court Services Division of the Prince Edward Island Department of Justice and Public Safety<sup>1187</sup>. Even though the Court Services Manager is said to work closely with the Chief Justices of the Supreme Court and of the Court of Appeal on matters relating to their respective divisions, the Court has no real authority in terms of administrative decisions<sup>1188</sup>.

The Attorney General submits the Annual Report of the Office of the Attorney General to the Lieutenant Governor<sup>1189</sup>.

## Budget and Financial Accounting

The Chief Justices have no direct input into the budgetary process, although the new Deputy Minister has indicated she is open to discussions with them and will answer any questions they have. The Deputy Minister has also agreed the Chief Justices may discuss the court budget with the Court Services Manager and the Departmental Budgetary officer during the drafting process.<sup>1190</sup>

Financial administration services for the Department (i.e. fiscal management and budgetary control, financial reporting and analysis, financial administration and accounting services) are provided by the Policy and Administration Division<sup>1191</sup>.

## Human Resources

The Attorney General provides such staff for the Court as he considers necessary for its administration<sup>1192</sup>. These Court administrators, Court reporters, interpreters, translators and other employees necessary for the administration of the Court are appointed under the *Civil Service Act*<sup>1193</sup>. In consultation with the Chief Justices, the Attorney General also appoints the Registrar of the Court of Appeal and the Supreme Court<sup>1194</sup> as well as the deputy registrars<sup>1195</sup>. The Court's Prothonotary is rather appointed by the Lieutenant Governor in Council, in consultation with the Chief Justices<sup>1196</sup>.

A judge may direct the temporary appointment of a court reporter, interpreter, translator or other court official where he is of the opinion that such appointment is required in the circumstances for the proper administration of the court<sup>1197</sup>. Moreover, even though the Court Services Manager is the court representative in the hiring processes, the Chief Justices may provide, prior to the interviews, an opinion on the suitability of candidates for particular jobs<sup>1198</sup>.

The Legal and Court Services Division administers all court personnel<sup>1199</sup>. However, in matters that are assigned by law to the judges, the personnel of the Court (including court clerks, court reporters, interpreters, translators, the Prothonotary, the Registrar and their deputies and other court staff) act at the direction of the Chief Justice of the Court in which they work<sup>1200</sup>. Similarly, staff members who are present in a courtroom act at the direction of the presiding judge or the Prothonotary while the court is in session<sup>1201</sup>.

Human resources management services for the Department (i.e. human resource planning and analysis, departmental staffing, payroll and employee benefits administration, and labour relations) are provided by the Policy and Administration Division<sup>1202</sup>.

## Buildings, Fixtures and Furnishings

The Attorney General provides such facilities for the Court as he considers necessary for its administration<sup>1203</sup>.

The Court has power to sit and act in any place for the transaction of its business<sup>1204</sup>.

## Support Systems

The Law Society of Prince Edward Island owns and operates libraries which are available to judges, court staff, members of the Law Society and articulated clerks<sup>1205</sup>.

# QUÉBEC – COURT OF QUÉBEC

## Model of Court Administration

Limited Autonomy Model

## Organization or Person(s) in Charge of Court Administration

The *Ministère de la Justice du Québec* supports judicial activities by administering the various courts of justice forming Québec's court system<sup>1206</sup>. Court administration is more precisely under the responsibility of the Ministry's *Direction générale des services de justice et des registres* (DGSJR), which administers the resources required for the proper operation of the court system and provides the expertise required by court authorities<sup>1207</sup>. The Ministry is under the administrative management of the Deputy Minister of Justice and Deputy Attorney General, who chairs the Department's executive committee<sup>1208</sup>.

Pursuant to the *Courts of Justice Act*, the Chief Judge of the Court of Québec ensures the direction of the Court<sup>1209</sup>. In overseeing the Court's management, the Chief Judge is assisted by the Senior Associate Chief Judge and four Associate Chief Judges<sup>1210</sup>. The Chief Judge also appoints from among the Court judges ten Coordinating Judges and eight Associate Coordinating Judges<sup>1211</sup>.

Through an administrative agreement signed in 2002 between the Chief Judge and the *Ministère de la Justice*, the Court manages certain administrative and financial resources. This agreement has set up the Office of the Chief Judge as the Court's administrative entity. The Office is made up of all administrative personnel associated with the Chief Judge, the Senior Associate Chief Judge, the Associate Chief Judges, the chairman of the Professions Tribunal, the administrative management as well as the research department and training secretariat. The Office is managed by the Administrative Director, who reports to the Chief Judge. By way of this agreement, the Court is said to be "partially independent" from an administrative point of view.<sup>1212</sup>

The *Conseil de la magistrature*, chaired by the Chief Judge of the Court of Québec<sup>1213</sup>, receives suggestions, recommendations and requests made to it regarding the administration of justice, studies them and makes the appropriate recommendations to the Minister of Justice<sup>1214</sup>.

The Minister of Justice and Attorney General presents to the President of the National Assembly of Québec an Annual Report (*Rapport annuel de gestion*) which he receives from the Deputy Minister of Justice and Deputy Attorney General.<sup>1215</sup>

## Budget and Financial Accounting

The Ministry is mainly funded through credits voted by the National Assembly as well as permanent credits (*crédits permanents*). The Ministry's portfolio comprises 6 programs, among which are the judicial activity program (*activité judiciaire*; program 1) and the administration of justice program (program 2). Expenditures related to court administration are voted under these two programs.<sup>1216</sup>

The Ministry's *Direction générale des services à l'organisation* (DGSO) is responsible for planning and harmonizing the allocation and use of financial resources within the Department<sup>1217</sup>.

The Office of the Chief Judge is responsible for managing budgets relating to the performance of judges' responsibilities as well as those of the presiding justices of the peace<sup>1218</sup>.

The Ministry's Annual Report is audited by the *Directrice de la vérification interne*<sup>1219</sup>.

## Human Resources

The Ministry's *Direction générale des services à l'organisation* (DGSO), and more precisely its *Direction du personnel et de l'administration*, is responsible for planning and harmonizing the allocation and use of human resources within the Department<sup>1220</sup>.

The clerk of the Court of Québec, the sheriff and all other officers of justice are appointed by order of the Minister of Justice who may assign them jurisdiction in more than one district<sup>1221</sup>. The clerk and deputy clerks of the Court are selected from among the persons appointed in accordance with the *Public Service Act* (chapter F-3.1.1)<sup>1222</sup>.

## Buildings, Fixtures and Furnishings

The Ministry's *Direction générale des services à l'organisation* (DGSO) is responsible for planning and harmonizing the allocation and use of material resources within the Department<sup>1223</sup>.

The Office of the Chief Judge controls expenses related to furnishings, personalized stationery and supplies and services for the Court judges, the Presiding Justices of the Peace and the Office's staff<sup>1224</sup>.

## Support Systems

The Ministry's *Direction générale des services à l'organisation* (DGSO), and more precisely its *Direction des ressources informationnelles*, is responsible for planning and harmonizing the allocation and use of information resources within the Department. The Deputy Minister of Justice also manages the integrated justice information system (SIJ), which aims at modernizing the administration of justice.<sup>1225</sup>

The Office of the Chief Judge is in charge of coordinating the activities related to the Research Department, updating the judiciary's Intranet and the Court of Québec section of the courts' website and also updating and maintaining the Court's management information system<sup>1226</sup>.

Management of the Court's libraries is ensured by the Research Department, made up of researchists, paralegals and research trainees. This Department of the Court also provides research support for the activities within the Office of the Chief Judge.<sup>1227</sup>

# QUÉBEC – SUPERIOR COURT

## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

The *Ministère de la Justice* support judicial activities by administering the various courts of justice forming Québec's court system<sup>1228</sup>. Court administration is more precisely under the responsibility of the Ministry's *Direction générale des services de justice et des registres* (DGSJR), which administers the resources required for the proper operation of the court system and provides the expertise required by court authorities<sup>1229</sup>. The Ministry is under the administrative management of the Deputy Minister of Justice and Deputy Attorney General, who chairs the Department's executive committee<sup>1230</sup>.

The Minister of Justice and Attorney General presents the President of the National Assembly of Québec with an Annual Report (*Rapport annuel de gestion*) which was received from the Deputy Minister of Justice and Deputy Attorney General.<sup>1231</sup>

## Budget and Financial Accounting

The Ministry is mainly funded through credits voted by the National Assembly as well as permanent credits (*crédits permanents*). The Ministry's portfolio is comprised 6 programs, among which are the judicial activity program (*activité judiciaire*; program 1) and the administration of justice program (program 2). Expenditures related to court administration are voted under these two programs<sup>1232</sup>.

The Ministry's *Direction générale des services à l'organisation* (DGSO) is responsible for planning and harmonizing the allocation and use of financial resources within the Department<sup>1233</sup>.

The Ministry's Annual Report is audited by the *Directrice de la vérification interne*<sup>1234</sup>.

## Human Resources

The Ministry's *Direction générale des services à l'organisation* (DGSO), and more precisely its *Direction du personnel et de l'administration*, is responsible for planning and harmonizing the allocation and use of human resources within the Department<sup>1235</sup>.

The clerk of the Superior Court, the sheriff and all other officers of justice are appointed by order of the Minister of Justice who may assign them jurisdiction in more than one district<sup>1236</sup>. Deputy clerks and sheriffs are also appointed by the Minister of Justice<sup>1237</sup>.

Sheriffs and clerks are officers of the Superior Court generally, and not merely of the judges sitting in the districts for which they have jurisdiction. They obey the lawful orders of the court and the judges thereof<sup>1238</sup>.

## Buildings, Fixtures and Furnishings

The Ministry's *Direction générale des services à l'organisation* (DGSO) is responsible for planning and harmonizing the allocation and use of material resources within the Department<sup>1239</sup>.

Technological equipment is provided by the Ministry<sup>1240</sup>.

## Support Systems

The Ministry's *Direction générale des services à l'organisation* (DGSO), and more precisely its *Direction des ressources informationnelles*, is responsible for planning and harmonizing the allocation and use of information resources within the Department. The Deputy Minister of Justice also manages the integrated justice information system (SIJ), which aims at modernizing the administration of justice.<sup>1241</sup>

# QUÉBEC – COURT OF APPEAL

## Model of Court Administration

Limited Autonomy Model

## Organization or Person(s) in Charge of Court Administration

The *Ministère de la Justice du Québec* supports judicial activities by administering the various courts of justice forming Québec's court system<sup>1242</sup>. Court administration is more precisely under the responsibility of the Ministry's *Direction générale des services de justice et des registres* (DGSJR), which administers the resources required for the proper operation of the court system and provides the expertise required by court authorities<sup>1243</sup>. The Ministry is under the administrative management of the Deputy Minister of Justice and Deputy Attorney General, who chairs the Department's executive committee<sup>1244</sup>.

The divisions of the Court of Appeal (i.e. Quebec City and Montreal) are united under a single administration since April 1<sup>st</sup>, 2005, by virtue of an agreement between the Minister of Justice and the Chief Justice of the Court of Appeal<sup>1245</sup>. This Agreement specifies certain aspects of the institutional relationship that the Minister of Justice has with the Court of Appeal with regard to the allocation and management of the human, financial and material resources necessary for the operation of the Court<sup>1246</sup>. The aim of this Agreement is to enhance the Court's administrative autonomy<sup>1247</sup>.

Under the Agreement, court administration is ensured by the Executive Director of the Court of Appeal, who "answers administratively to the Deputy Minister of Justice, but who is under the supervision of the Chief Justice"<sup>1248</sup>, the latter presiding over the Court<sup>1249</sup>. The choice of Executive Director is made by the Chief Justice, rather than by the *Direction des services judiciaires*<sup>1250</sup>.

The Minister of Justice and Attorney General presents to the President of the National Assembly of Québec an Annual Report (*Rapport annuel de gestion*) which he receives from the Deputy Minister of Justice and Deputy Attorney General.<sup>1251</sup>

## Budget and Financial Accounting

The Ministry is mainly funded through credits voted by the National Assembly as well as permanent credits (*crédits permanents*). The Ministry's portfolio comprises 6 programs, among which are the judicial activity program (*activité judiciaire*; program 1) and the administration of justice program (program 2). Expenditures related to court administration are voted under these two programs<sup>1252</sup>. The Ministry's *Direction générale des services à l'organisation* (DGSO) is responsible for planning and harmonizing the allocation and use of financial resources within the Department<sup>1253</sup>.

As for the determination of the budget for the Court, the Chief Justice prepares the annual budget projections of the Court and submits them for approval to the Deputy Minister of Justice, or the person designated by him<sup>1254</sup>. The budget is adjusted annually in view of the parameters established by the Treasury Board<sup>1255</sup>. The budget is granted at “100%”<sup>1256</sup>. The Chief Justice then transmits to the Deputy Minister, or to the person designated by him, his projections of the expenditures with respect to the allotted budget in view of preparation of the consolidated budget follow-up and performance reporting<sup>1257</sup>.

The Deputy Minister shall have previously consulted the Chief Justice when he proposes to modify the credits granted to the Court during the fiscal year<sup>1258</sup>. The Chief Justice may request additional credits during the fiscal year in order to allow the achievement of projects of which the costs cannot be reasonably assumed by the credits granted<sup>1259</sup>.

Under the supervision of the Chief Justice, the Executive Director is in charge of the management of the budget and budget follow-ups according to the terms and conditions outlined in the Agreement<sup>1260</sup>. It is possible to transfer sums from one division of the credits to another, as long as the transfers comply with the “Guideline concerning the rules in matters regarding credit transfers”<sup>1261</sup>.

The personnel authorized by the Ministry of Justice ensures the counselling services, offered upon request, in matters of budgetary follow-up and analysis, or those related to the operations of the government budget cycle<sup>1262</sup>. This personnel also provides counselling services in matters regarding financial management and non-decentralized transactions (SYGBEC), follow-up on accounts payable, the providing of temporary advances, disbursement management, follow-up of TB (meetings-receptions, travel, general) and follow-up of financial commitments of \$25,000 and over<sup>1263</sup>. Furthermore, it delivers services related to the production of income tax forms, follow-up of the designation registry in matters regarding financial management and manual salary transactions, and departmental secretarial duties in matters regarding contract management<sup>1264</sup>.

The Ministry’s Annual Report is audited by the *Directrice de la vérification interne*<sup>1265</sup>.

## Human Resources

The Ministry’s *Direction générale des services à l’organisation* (DGSO), and more precisely its *Direction du personnel et de l’administration*, is responsible for planning and harmonizing the allocation and use of human resources within the Department<sup>1266</sup>. The sheriff and all other officers of justice are appointed by order of the Minister of Justice who may assign them jurisdiction in more than one district<sup>1267</sup>. The Minister of Justice also, by order, appoints a Clerk of Appeals for Montréal, a Clerk of Appeals for Québec, and as many deputy clerks of appeals as he may deem necessary<sup>1268</sup>. The deputy clerks in Québec and Montréal discharge the duties of the clerk, under the control of the clerk<sup>1269</sup>.

Under the supervision of the Chief Justice, the Executive Director ensures the management of the following employees<sup>1270</sup> :

- Secretarial Officer to the Executive Director of the Court of Appeal
- Judicial Executive Assistant of the Chief Justice
- the Court’s Research Services personnel
- the secretarial staff and the Court Messengers carrying out their duties for the Court judges
- the support staff at the Court and the registries in Montreal and Quebec City



- the administrative personnel carrying out their duties for the Chief Justice in view of assisting him in the administration of the Court and in the management of resources and activities outlined in clause 4 and Appendix A of the Agreement.

The personnel outlined in the Agreement remain subject to the policies and programs and benefit from the same services as the personnel occupying other jobs at the Ministry of Justice<sup>1271</sup>. Human resources management services are ensured by the personnel authorized by the Ministry of Justice in matters of organization, classification, staffing, development, remuneration and benefits, professional relationships, health and safety in the workplace, assistance for persons, as well as the follow-up to the delegation plan in matters regarding human resources.<sup>1272</sup>

## Buildings, Fixtures and Furnishings

The Ministry's *Direction générale des services à l'organisation* (DGSO) is responsible for planning and harmonizing the allocation and use of material resources within the Department<sup>1273</sup>. A sum in addition to the budget is granted to the Court for small real estate projects<sup>1274</sup>. The personnel authorized by the Ministry of Justice ensure the maintenance and utilization services for the premises, the development of spaces and the management of parking lots<sup>1275</sup>.

Under the supervision of the Chief Justice, the Executive Director manages the acquisition and maintenance of furniture and equipment<sup>1276</sup> as well as the expenses related to professional services, operation (ex.: photocopiers), and messenger services and supplies<sup>1277</sup>. He is also in charge, for the judges, of the acquisition and maintenance of furniture and the acquisition of personalized stationery and bench books<sup>1278</sup>.

## Support Systems

The Ministry's *Direction générale des services à l'organisation* (DGSO), and more precisely its *Direction des ressources informationnelles*, is responsible for planning and harmonizing the allocation and use of information resources within the Department. The Deputy Minister of Justice also manages the integrated justice information system (SIJ), which aims at modernizing the administration of justice<sup>1279</sup>. Regarding the Court, authorized staff members of the Ministry are in charge of the telephone, telecommunication, standardization, support, counselling, acquisition of computer, office automation, electronic and audiovisual equipment, development, utilization and maintenance of computer and office automation systems<sup>1280</sup>.

Under the supervision of the Chief Justice, the Executive Director is in charge, for the judges, of the purchase of books and subscriptions as well as management of libraries<sup>1281</sup>. He also manages the recording and updating of the data entered in the Information Management Systems of the Court<sup>1282</sup> (except for the development, use and maintenance of the computer and office automation systems), and the recording and updating of information related to personnel in the SAGIP system<sup>1283</sup>.

# SASKATCHEWAN – PROVINCIAL COURT

## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

Court administration is ensured by the Ministry of Justice and Attorney General. The Department's Courts and Civil Justice Division, and more precisely its Court Services subdivision, provides judicial and operational support to the court system<sup>1284</sup>.

The Court's Chief Judge has entered into a certain number of protocols and Memoranda of Understanding with Court Services in order to deal with specific administrative issues such as establishment of new court locations, budget allocation for judges' furnishings, professional allowance and temporary judges' compensation. The Chief Judge liaises with Court Services on such protocols where there are financial implications involved<sup>1285</sup>.

The Chief Judge may assign administrative duties to another judge<sup>1286</sup>. He may designate a judge to act as the administrative judge for the Civil Division of the Court, and assign any duties that, in his opinion, are necessary to ensure the proper functioning of the Division<sup>1287</sup>.

The Minister of Justice and Attorney General submits the Annual Report of the Ministry to the Lieutenant Governor of the province of Saskatchewan<sup>1288</sup>.

## Budget and Financial Accounting

The Provincial Court is financed by the Ministry of Justice. The Court has no direct communication with Treasury Board about its budget, which is entirely controlled by the Ministry's Court Services Division<sup>1289</sup>. Court Services sets a budget amount for the Chief Judge's Office to allocate to four categories: 1) support staff salaries; 2) Chief Judge's Office and Provincial Court Judges operating expenses; 3) out-of-province travel, Provincial Court conferences, and french language training; and 4) Provincial Court Judges salaries, Temporary Judges pay, northern district allowance, Administrative Judges pay, professional allowance<sup>1290</sup>. The Court does not have the ability to allocate money saved from one budget area to new projects that it considers important<sup>1291</sup>. Any expenditure that the Court considers necessary or desirable has to be approved by Court Services<sup>1292</sup>.

The Deputy Minister of Justice and Deputy Attorney General is accountable for the financial administration and management control of the Ministry<sup>1293</sup>.

The Ministry's Corporate Services Branch provides financial support to the Ministry's senior management and operational areas<sup>1294</sup>.

## Human Resources

Budget allocation from Court Services regarding staff salaries covers the support staff in the Chief Judge's Office, one support staff for the Saskatoon Provincial Court Judges, one support staff for the Prince Albert Provincial Court Judges, and two articling students<sup>1295</sup>. The Chief Judge can request that positions be added to the support staff, subject to Court Services approval<sup>1296</sup>.

The Chief Judge determines who is hired for the positions in his office. This decision rests with the Associate Chief Judge and Administrative Judge for the Judges' Chambers in Saskatoon, and with the Administrative Judge for the Judges' Chambers in Prince Albert. The interview and hiring process is done without the participation of Court Services<sup>1297</sup>.

However, interviews and hiring for the Provincial Court Clerk position as well as for the Provincial Court Office support staff are done by Court Services<sup>1298</sup>. The Clerk of the Provincial Court is appointed by the Minister or his designate<sup>1299</sup>.

The Lieutenant Governor in Council may make regulations prescribing the duties of the officers and employees of the court<sup>1300</sup>. Let us mention also that the Provincial Court Commission<sup>1301</sup> may inquire into and make recommendations with respect to support staff<sup>1302</sup>.

## Buildings, Fixtures and Furnishings

The Ministry is in charge of planning and design, construction and renovation of courthouses<sup>1303</sup>. The Provincial Court Commission<sup>1304</sup> may inquire into and make recommendations with respect to facilities and equipment<sup>1305</sup>.

The Chief Judge has complete autonomy (conferred by legislation) regarding where the court sits<sup>1306</sup>, including the establishment of new court locations and the closing of existing points<sup>1307</sup>. Requests for new court sittings from, for instance, the Government of Saskatchewan<sup>1308</sup> are therefore sent to the Office of the Chief Judge<sup>1309</sup>. However, before reaching a decision, the Chief Judge follows a consultation process which is detailed in a Protocol signed between the Court and Court Services<sup>1310</sup>. Let us also mention that this legislative authority to open or close court facilities does not encompass the power to enter into contracts to rent space or buy necessary equipment<sup>1311</sup>.

Budget allocation for Provincial Court Judges' furnishings is dealt with in a Letter of Understanding between Court Services and the Chief Judge of the Provincial Court<sup>1312</sup>. This agreement provides that while budget for acquiring office furniture for the Provincial Court Judges is allocated by Court Services, the funds are administered by the Office of the Chief Judge, under the terms and conditions specified in the letter<sup>1313</sup>. The Chief Judge is free to delegate the responsibility for administration of the allocation. Payments pertaining to furnishings are approved by Court Services only after they have been authorized by the Chief Judge or his delegate<sup>1314</sup>.

Judges' expenses with regards to apparel and office equipment may be covered by the professional allowance to which they are entitled<sup>1315</sup>.

## Support Systems

The Ministry's Regulatory Services Division provides information management services to the Ministry through the Information Management Branch. Services provided include support to program areas in the management of information technology (IT) services and use of IT.<sup>1316</sup>

The Department of Justice provides Provincial Court Judges with computers and black ink cartridges. It does not however provide certain associated equipment, such as printers, scanners, memory cards, colored ink cartridges, etc. Judges are therefore permitted to use their professional allowance to obtain such equipment and supplies<sup>1317</sup>.

Let us mention also that legal information services are provided to the judiciary by the Law Society of Saskatchewan Libraries<sup>1318</sup>.

# SASKATCHEWAN – COURT OF QUEEN’S BENCH

## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

Court administration is ensured by the Ministry of Justice and Attorney General. The Department’s Courts and Civil Justice Division, and more precisely its Court Services subdivision, provides judicial and operational support to the court system<sup>1319</sup>.

However, under the *Queen’s Bench Act*, the Chief Justice co-ordinates and apportions the business of the Court<sup>1320</sup>.

The Minister of Justice and Attorney General submits the Annual Report of the Ministry to the Lieutenant Governor of the province of Saskatchewan<sup>1321</sup>.

## Budget and Financial Accounting

The Deputy Minister of Justice and Deputy Attorney General is accountable for the financial administration and management control of the Ministry<sup>1322</sup>. The Ministry’s Corporate Services Branch provides financial support to the Ministry’s senior management and operational areas<sup>1323</sup>.

## Human Resources

The Lieutenant Governor in Council appoints a Registrar of Courts to act as the Registrar of the Court of Appeal and Registrar of the Court of Queen’s Bench<sup>1324</sup>. As for the Minister or his designate, he may appoint the deputy inspector, the local registrar or deputy local registrar; the sheriff, deputy sheriff or sheriff’s bailiff; and the official court reporter, examiner or special examiner and taxing officer<sup>1325</sup>. The Minister or his designate may determine the area of Saskatchewan in which these officers shall maintain their office and perform their duties<sup>1326</sup>.

The Registrar of Courts advises and directs these court officials<sup>1327</sup>. They further obey the orders of the court and of its judges<sup>1328</sup>.

The Lieutenant Governor in Council may make regulations prescribing the duties of court officials<sup>1329</sup>. He may also appoint an Inspector of Legal Offices, who, among other things, inspects the offices of all court officials and inquires into the maintenance, management and affairs of those offices<sup>1330</sup>. The Inspector reports any findings made in this matter to the Minister<sup>1331</sup>.

## Buildings, Fixtures and Furnishings

The Ministry is in charge of planning and design, construction and renovation of courthouses<sup>1332</sup>. The Lieutenant Governor in Council may make regulations establishing or disestablishing judicial centres<sup>1333</sup>.

Subject to the rules of court, a judge may sit and act at any place in Saskatchewan to transact the business of the court<sup>1334</sup>.

## Support Systems

The Ministry's Regulatory Services Division provides information management services to the Ministry through the Information Management Branch. Services provided include support to program areas in the management of information technology (IT) services and use of IT.<sup>1335</sup>

Let us mention also that legal information services are provided to the judiciary by the Law Society of Saskatchewan Libraries<sup>1336</sup>.

# SASKATCHEWAN – COURT OF APPEAL

## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

Under section 92(14) of the *Constitution Act, 1867*, the Government of Saskatchewan is responsible for the "administration of Justice" in the Province, which includes "the constitution, organization and maintenance" of all of the courts in the Province. More precisely, it is the Court Services subdivision of the Justice Ministry which provides operational support to the court system. Practically speaking, however, it is the Chief Justice of Saskatchewan, or his designate, who has overall responsibility for administering the Court of Appeal both on the judicial and registry side, most often in consultation with the Ministry. The Court is solely responsible for the development of Civil and Criminal Rules of Court and all practice directives.

## Budget and Financial Accounting

The Deputy Minister and Deputy Attorney General is accountable for the financial administration and management control of the Ministry. The Ministry's Court Services Branch provides a budget to the Court of Appeal for staff and general operational items. The Executive Officer manages the Court of Appeal budget.

## Human Resources

Court Services, in consultation with the Chief Justice, hires by Order-in-Council a Registrar of Courts to act as the Registrar of the Court of Appeal. Court Services, in consultation with the Registrar, hires deputy registrars and administration staff in the office of the Registry. The Executive Officer to the Chief Justice hires all judicial support staff and, through Court Services Branch, arranges for their appointment by Order-in-Council. The Executive Officer to the Chief Justice has general supervision and direction over administrative staff carrying out the functions related to the Court. The Registrar has general supervision and direction over court officials and administration staff carrying out the functions in the Registry.

The Lieutenant Governor in Council may make regulations prescribing the duties of court officials. He may also appoint an Inspector of Legal Offices, who, among other things, inspects the offices of all court officials and inquires into the maintenance, management and affairs of those offices. The Inspector reports any findings made in this matter to the Minister.

## Buildings, Fixtures and Furnishings

The Ministry is in charge of planning and design, construction and renovation of the courthouses. The Court sits in Regina and Saskatoon, but the Court may sit in any other place that the Chief Justice considers appropriate.

## Support Systems

The Court of Appeal's Information Technology is independent from both the Government's Information Technology Operations and the two Trial Courts Technology Units. The Court of Appeal manages its own servers which are on-site. These servers house all information technology associated with the Court of Appeal and the Court of Appeal Registry, including e-mail, file servers, registry case, document and e-filing, and website. Services are provided by staff who report directly to the Chief Justice or his Executive Officer.

The Court of Appeal judiciary is provided legal information services through a private library. Library services and research are provided by staff who report directly to the Chief Justice or his designate.

# YUKON – TERRITORIAL COURT

## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

The Department of Justice, Court Services Branch provides administrative and support services to the judiciary and other participants in the Yukon court system<sup>1337</sup>. The Director of Court Services coordinates the administrative activities of the courts and reports to both the Deputy Minister of Justice and to the judiciary<sup>1338</sup>. As for the Minister of Justice, he has the statutory responsibility for the provision, operation, and maintenance of court facilities and services<sup>1339</sup>.

The Commissioner of the Yukon Territory (the "Commissioner") in Executive Council designates the Chief Judge of the Territorial Court<sup>1340</sup>. The Minister may, after consultation with the Chief Judge and on his recommendation, make regulations prescribing the administrative duties of the Chief Judge and other members of the court<sup>1341</sup>. As for the Chief Judge, he may make recommendations to the Minister respecting any matter affecting the administration of the Court<sup>1342</sup>.

It is worth mentioning also that the preamble to the *Territorial Court Act* states that "it is both desirable and necessary to have a working relationship between the Government and the Territorial Court of Yukon that is characterized by mutual respect and cooperation".

## Budget and Financial Accounting

The Department's Management Services Branch, and more precisely its Finance, Systems and Administration Program provides financial management and support to each Justice branch<sup>1343</sup>.

## Human Resources

The Human Resources Unit of the Department of Justice broadly oversees staffing needs<sup>1344</sup>.

The Clerk of the Court and any other employees considered necessary for the dispatch of the business of the court are appointed pursuant to the *Public Service Act*<sup>1345</sup>. After consultation with the Chief Judge and on his recommendation, the Minister may make regulations prescribing the duties of clerks and other employees<sup>1346</sup>.

Furthermore, after consultation with the Chief Judge, the Minister may, in respect of proceedings in the court, make regulations providing for the appointment and employment of stenographic reporters to take down evidence, and the appointment of operators and transcribers of sound-recording machines when used to record evidence<sup>1347</sup>.

## Buildings, Fixtures and Furnishings

Through Court Services, the Minister is responsible for the provision, operation, and maintenance of court facilities<sup>1348</sup>. After consultation with the Chief Judge and on his recommendation, the Minister may make regulations prescribing the locations for court facilities, or the facilities that may be used by the court<sup>1349</sup>.

After consulting with the Minister and having regard to the volume of judicial work in any area of Yukon, the Chief Judge directs that sittings of the court be held at those places that he and Minister consider advisable<sup>1350</sup>.

## Support Systems

The Department's Management Services Branch, and more precisely its Finance, Systems and Administration Program provides computer and systems maintenance and support to each Justice branch<sup>1351</sup>.

Library services are provided by the Yukon Public Law Library<sup>1352</sup>.

# YUKON – SUPREME COURT

## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

The Department of Justice, Court Services Branch provides administrative and support services to the judiciary and other participants in the Yukon court system<sup>1353</sup>. The Director of Court Services coordinates the administrative activities of the courts and reports to both the Deputy Minister of Justice and to the judiciary<sup>1354</sup>.

## Budget and Financial Accounting

The Department's Management Services Branch, and more precisely its Finance, Systems and Administration Program provides financial management and support to each Justice branch<sup>1355</sup>.

## Human Resources

The Human Resources Unit in the Department of Justice oversees staffing needs<sup>1356</sup>.

The Commissioner in Executive Council appoints the Clerk of the Court, the Sheriff, and any other officers that he considers necessary for the due administration of justice and the dispatch of business of the Court<sup>1357</sup>.

## Buildings, Fixtures and Furnishings

Court facilities are provided by Court Services<sup>1358</sup>. The Commissioner in Executive Council designates the place in each judicial district where the Clerk of the Supreme Court shall have his office<sup>1359</sup>.

Sittings of the Court are held at any places that the judge of the Court considers necessary<sup>1360</sup>.

## Support Systems

The Department's Management Services Branch, and more precisely its Finance, Systems and Administration Program provides computer and systems maintenance and support to each Justice branch<sup>1361</sup>.

Library services are provided by the Yukon Public Law Library<sup>1362</sup>.



# YUKON – COURT OF APPEAL

## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

The Department of Justice, Court Services Branch provides administrative and support services to the judiciary and other participants in the Yukon court system<sup>1363</sup>. The Director of Court Services coordinates the administrative activities of the courts and reports to both the Deputy Minister of Justice and to the judiciary<sup>1364</sup>.

## Budget and Financial Accounting

The Department's Management Services Branch, and more precisely its Finance, Systems and Administration Program provides financial management and support to each Justice branch<sup>1365</sup>.

## Human Resources

The Human Resources Unit in the Department of Justice broadly oversees staffing needs<sup>1366</sup>.

The Commissioner in Executive Council appoints the Registrar of the Court of Appeal and any other officers, clerks and employees necessary to the operation of the Court<sup>1367</sup>. The Registrar performs functions and exercise powers determined by the Chief Justice<sup>1368</sup>.

The Clerk of the Supreme Court is *ex officio* a Deputy Registrar of the Court of Appeal and may exercise and perform those powers and functions determined by the Chief Justice of the Court of Appeal<sup>1369</sup>.

## Buildings, Fixtures and Furnishings

Court facilities are provided by Court Services<sup>1370</sup>.

## Support Systems

The Department's Management Services Branch, and more precisely its Finance, Systems and Administration Program, provides computer and systems maintenance and support to each Justice branch<sup>1371</sup>.

Library services are provided by the Yukon Public Law Library<sup>1372</sup>.

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# ENGLAND AND WALES – UK SUPREME COURT

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## Model of Court Administration

Limited Autonomy Model

## Organization or Person(s) in Charge of Court Administration

The administration of the Supreme Court is a non-ministerial Department headed by a Chief Executive, a statutory office created by Section 48 of the *Constitutional Reform Act 2005*<sup>1373</sup>. Consequently, it is not part of the Ministry of Justice<sup>1374</sup>, and does not report to the Lord Chancellor<sup>1375</sup>.

The Chief Executive is appointed by the Lord Chancellor after consultation with the President of the Court<sup>1376</sup>. He carries out his functions in accordance with any directions given by the President of the Court, to whom he reports<sup>1377</sup>. However, the Chief Executive may not act inconsistently with the standards of behaviour required of a civil servant, or with his responsibilities as Accounting Officer<sup>1378</sup>. The Chief Executive is supported in his statutory and accounting responsibilities by the Management Board<sup>1379</sup>.

The *Constitutional Reform Act 2005* provides that a chief justice of any part of the United Kingdom may lay before Parliament written representations on matters that appear to him to be matters of importance relating to the administration of justice<sup>1380</sup>.

A Memorandum of Understanding between the Court and the Lord Chancellor (and to a certain extent the Ministry of Justice) is currently being drafted to make clear their respective responsibilities with respect to court administration<sup>1381</sup>.

## Budget and Financial Accounting

The Court was transferred £28m in assets (property, plant, equipment, and intangible) from the Ministry of Justice at the inception of the UK Supreme Court on October 1st, 2009<sup>1382</sup>. The Court's activities are otherwise financed mainly by Supply voted by Parliament and financing from the Consolidated Fund<sup>1383</sup>. The main sources of funds are from the Consolidated Fund<sup>1384</sup>.

The President of the Supreme Court and the Chief Executive determine the bid for resources for the Court in line with governmental spending review timescales. The bid is passed to the Lord Chancellor, who includes it in as a separate line in the overall Department for Constitutional Affairs bid submitted to the Treasury. The Lord Chancellor deals directly with the Treasury to secure resources for the Court. The Treasury approves the overall financial expenditure for the Department for Constitutional Affairs, including the Supreme Court. The Department then gives a separate Departmental Expenditure Limit to the Court.<sup>1385</sup>

The Supreme Court is accountable to Parliament for its expenditure. Parliamentary approval for its spending plans is sought through Supply Estimates presented to the House of Commons<sup>1386</sup>. The latter approves the estimates and transfer funds accordingly<sup>1387</sup>. Because the Supreme Court has its own estimate, funds approved are transferred to the Court direct from the Consolidated Fund, not via the Department for Constitutional Affairs<sup>1388</sup>.

The Court's divisional Heads prepare an annual report on how they manage budgets within their delegated authority, and thus how they meet their objectives and comply with corporate governance responsibilities.<sup>1389</sup>

The Chief Executive is Principal Accounting Officer<sup>1390</sup>, accountable directly to the House of Commons Public Accounts Committee<sup>1391</sup>. As such, he is in charge of maintaining a sound system of internal control<sup>1392</sup>. Key elements of this system include the Court's Management Board, regular reports by internal auditors, an Audit Committee, business and strategic plans, business and financial planning processes, financial performance reports, etc.<sup>1393</sup>. The Chief Executive is also responsible for preparing the Court's accounts/ financial statements<sup>1394</sup> and for transmitting them to the Comptroller and Auditor General, who audits them accordance with the *Government Resource and Accounts Act 2000*<sup>1395</sup>.

The overall management of the Court's finances is incumbent upon the Finance Division<sup>1396</sup>. Finance processing services are also provided to the Court through Ministry of Justice contracts<sup>1397</sup>.

## Human Resources

The Chief Executive appoints officers and staff of the Court<sup>1398</sup>, who report to him<sup>1399</sup>. With the agreement of the Lord Chancellor, he determines the number of officers and staff of the Court<sup>1400</sup>, and the terms on which they are to be appointed<sup>1401</sup>. The Court's Registrar, who is a Chief Executive Deputy, has management responsibility for the Justices' personal support staff – their legally qualified Judicial Assistants and personal secretaries<sup>1402</sup>.

The Chief Executive, officers and staff of the Court are all civil servants, and have their pay, terms and conditions determined as such<sup>1403</sup>. HR services and payroll are provided via service level agreements and detailed memoranda of understanding with the Ministry of Justice. Since the current arrangements with the Ministry of Justice expired in 2011<sup>1404</sup>, the Court is reviewing them to see if they should be renewed<sup>1405</sup>.

## Buildings, Fixtures and Furnishings

The Lord Chancellor ensures the Court is provided with courthouses, offices, accommodation and other resources as he thinks are appropriate for the Court to carry on its business<sup>1406</sup>. He may discharge this duty by either providing such accommodation or other resources, or entering into arrangements with any other person for this provision<sup>1407</sup>.

The Chief Executive ensures that the resources are used to provide an efficient and effective system to support the Court in carrying on its business<sup>1408</sup>. In particular, he makes sure that the accommodation provided by the Lord Chancellor is appropriately equipped, maintained<sup>1409</sup> and managed<sup>1410</sup>. The Court uses a number of Ministry of Justice contracts to supply essential services such as cleaning<sup>1411</sup>.

The Court is Grade II listed. The listed status means the architectural and historic interest of the building is protected and alterations, either outside or inside, are carefully scrutinised. Regular meetings with English Heritage and Westminster City Council are held to discuss any necessary work on the building.<sup>1412</sup>

## Support Systems

The Court's Corporate Services Division oversees, amongst other things, IT and library services<sup>1413</sup>. Corporate Services are headed by a Director who sits on the Court's Management Board<sup>1414</sup>.

The provision of services such as IT are provided via service level agreements and detailed memoranda of understanding with the Ministry of Justice<sup>1415</sup>.

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# ENGLAND AND WALES – OTHER COURTS

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## Model of Court Administration

Partnership Model

## Organization or Person(s) in Charge of Court Administration

The Lord Chancellor is the government minister responsible to Parliament for the courts and the justice system<sup>1416</sup>.

Her Majesty's Courts Service (HMCS), an agency within the Ministry of Justice (the "Department")<sup>1417</sup>, manages the system of support for the carrying on of the business of the courts, including infrastructure and resources<sup>1418</sup>. HMCS also develops and implements policy which is about operational guidance to the courts<sup>1419</sup>. A Framework Document sets out the terms of an agreement reached by the Lord Chancellor and the Lord Chief Justice on a partnership<sup>1420</sup> between them in relation to the effective governance, financing and operation of Her Majesty's Courts Service (HMCS)<sup>1421</sup>.

The Lord Chancellor and the Lord Chief Justice have agreed to place the leadership and broad direction of HMCS in the hands of the Board, headed by an independent non-executive Chair<sup>1422</sup>. Apart from the Chair, the Board comprises three representatives of the judiciary (nominated by the Lord Chief Justice), a representative of the Ministry of Justice and the Lord Chancellor (nominated by the Permanent Secretary), the Chief Executive, the three other HMCS executives (i.e. the Chief Financial Officer and two directors nominated by the Chief Executive), and two non-executives. The Lord Chancellor and the Lord Chief Justice or their delegates approve the appointment of all Board members, save those holding ex officio positions<sup>1423</sup>.

The Chief Executive is responsible for the day-to-day running of HMCS<sup>1424</sup>. His appointment is conducted in line with Cabinet Office guidelines for a Senior Leadership Committee (SLC) level appointment and with a selection panel that includes a senior judge. Candidates for appointment to the position of Chief Executive may meet the Lord Chief Justice or his nominee. Because it is an SLC-level post, the appointment is approved by the Lord Chancellor and the Prime Minister<sup>1425</sup>. The Chief Executive works under the general direction of the Board<sup>1426</sup> and in accordance with the Framework Document<sup>1427</sup>, and is ultimately accountable to the Lord Chancellor and the Lord Chief Justice for the effective and efficient operation of the courts<sup>1428</sup>.

The administrative work of HMCS is subject to the jurisdiction of the Parliamentary Commissioner for Administration (PCA)<sup>1429</sup>. The Chief Executive is responsible for reporting and replying to PCA referrals that regard HMCS<sup>1430</sup>. He as well as other members of HMCS staff may receive correspondence directly from a Member of Parliament or peer on matters concerning the day-to-day operation of, or services provided by, HMCS. When this is the case, they respond to such correspondence directly in a manner consistent with their joint duty, raising any issues of significance with the HMCS Board<sup>1431</sup>.

The Chief Executive produces and signs an audited Annual Report and Accounts for which he obtains the approval of the Board. The Lord Chancellor lays the Annual Report before Parliament.<sup>1432</sup>

## Budget and Financial Accounting

The Board initiates and develops the budget and plans for HMCS, and finalises such budget and plans following the financial allocation<sup>1433</sup>. The Lord Chancellor and the Lord Chief Justice approve the budget and plans for HMCS<sup>1434</sup>.

Financing of HMCS is met by budget allocations from the Department voted on by Parliament annually<sup>1435</sup>. There are three stages in the settling of the financial resources for HMCS:

- HM Treasury (HMT) allocates resources to the Department through the settlement agreed consequent upon the Public Expenditure Allocation (PEA)<sup>1436</sup>
- The Lord Chancellor makes an allocation to HMCS from this settlement in accordance with his duty under Section 1 of the *Courts Act 2003* and his oath of office under Section 17 of the *Constitutional Reform Act 2005*<sup>1437</sup>
- The Lord Chancellor and the Lord Chief Justice agree to the budgets and plans which set out how this allocation will be spent.<sup>1438</sup>

The budgetary allocation is reviewed, and if necessary, negotiated in-year and annually between the HMCS Board representative(s) and the Department<sup>1439</sup>. Funding is allocated as formal budgets to the heads of the units concerned, which are personally responsible for ensuring that their expenditure is consistent with the policies of HMCS and the ambit of the Department's vote from Parliament.<sup>1440</sup>

Some support functions are provided by HMCS; others are provided by the Department, according to agreements between HMCS Board (or its representatives) and the Department<sup>1441</sup>. The Department may provide services to HMCS at a local and regional level within a national framework<sup>1442</sup>. These services include corporate finance<sup>1443</sup>. The Chief Executive must be satisfied that expenditure on services provided to HMCS by the Department (and which are not therefore within the agency) have effective management systems, including financial monitoring and control systems<sup>1444</sup>.

The Permanent Secretary, the permanent head of the Ministry of Justice, is the Principal Accounting Officer and is responsible for ensuring a high standard of financial management in the Ministry of Justice<sup>1445</sup>. He designates the Chief Executive as Agency Accounting Officer<sup>1446</sup>, to whom he may delegate<sup>1447</sup>. As Accounting Officer, the Chief Executive is in charge on maintaining a sound system of internal control<sup>1448</sup>. He is supported by the Board's Audit Committee<sup>1449</sup>. The Chief Executive and the Permanent Secretary or his delegate may be asked to appear before the Committee for Public Accounts concerning their respective Accounting Officer responsibilities<sup>1450</sup>.

The Comptroller and Auditor General audits HMCS expenditure and income, examines their regularity and propriety and certifies and reports on HMCS's Statement of Accounts<sup>1451</sup>. HM Inspectorate of Court Administration (HMICA) further inspects and reports to the Lord Chancellor on the services provided to the magistrates' courts, Crown Court and county courts<sup>1452</sup>.

## Human Resources

The Lord Chancellor may appoint such officers and staff as appear to him appropriate for the purpose of discharging his general duty in relation to the courts, or enter into contracts with other persons for the provision of such officers and staff<sup>1453</sup>. However, the Chief Executive has authority for the creation and management of posts beneath SCS level<sup>1454</sup>.

The Department works in partnership with HMCS managers to deliver human resource (HR) services. A Memorandum of Understanding sets out the details of how the arrangement works<sup>1455</sup>. The Department also consults the Chief Executive, along with the other department business heads, to set common HR policy<sup>1456</sup>.

While all staff members owe a joint duty to the Lord Chancellor and the Lord Chief Justice for the efficient and effective operation of the courts<sup>1457</sup>, the Chief Executive ensures day-to-day leadership<sup>1458</sup> and is responsible for their performance<sup>1459</sup>. Staff members are nonetheless subject to the direction of the judiciary when they are supporting it in the conduct of the business of the courts<sup>1460</sup>.

## Buildings, Fixtures and Furnishings

The Lord Chancellor may equip, maintain and manage such courthouses, offices, and other accommodation as appear to him appropriate for the purpose of discharging his general duty in relation to courts, or enter into arrangements for such provision, equipment, maintenance or management<sup>1461</sup>. The Lord Chancellor takes the final decisions on the location and closure of courts, after the appropriate public and judicial consultation and on advice approved by the HMCS Board<sup>1462</sup>.

The Department provides facilities for HMCS headquarters from within its corporate estate<sup>1463</sup>. HMCS separately controls a significant estate provided for court accommodation<sup>1464</sup>. HMCS Board is represented in discussions on estates at a departmental level by the Chief Executive. The HMCS Board may ask for advice from a representative of the Department on the wider departmental estate strategy when considering related issues.<sup>1465</sup>

Some support functions are provided by HMCS; others are provided by the Department, according to agreements between HMCS Board (or its representatives) and the Department<sup>1466</sup>. The Department may provide services to HMCS at a local and regional level, within a national framework<sup>1467</sup>. These services include procurement<sup>1468</sup>.

The Chief Executive delegates to other HMCS officers authority to purchase goods, as far as considered necessary, within the needs for financial control and propriety<sup>1469</sup>.

## Support Systems

Information technology services (i.e. infrastructure, including desktop and mobile computing as well as support for business applications) are provided to HMCS by the Department. There are Service Level Agreements in place between the Department and IT suppliers, and a Memorandum of Understanding between the Department and HMCS sets out shared expectations regarding service provision and performance standards.<sup>1470</sup>

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# NEW ZEALAND – ALL COURTS

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## Model of Court Administration

Executive Model

## Organization or Person(s) in Charge of Court Administration

Court administration in New Zealand is ensured by the Ministry of Justice of New Zealand<sup>1471</sup>. The Ministry nonetheless seeks judicial input into its operations through joint Ministry-judicial governance and management committees and councils<sup>1472</sup>.

The Chief Justice as the head of the New Zealand Judiciary<sup>1473</sup> is the primary point of contact between the Executive and the Judiciary<sup>1474</sup>, liaising with Government on policies or practices that impact upon judicial administration<sup>1475</sup>. According to the *Supreme Court Act*, the Chief Justice presides over the Supreme Court<sup>1476</sup> and has administrative responsibilities for that court<sup>1477</sup> and, through the Chief High Court Judge, for the High Court<sup>1478</sup>. Statutory administrative responsibilities for the Court of Appeal are rather entrusted to the President of the Court of Appeal<sup>1479</sup>, while the Chief District Court Judge is responsible for ensuring the orderly and expeditious discharge of the business of District Courts<sup>1480</sup>. Collective judicial views and positions from which the judiciary engages with the Executive are established during meetings of the Heads of Bench (i.e. the Chief Justice, the President, the Chief High Court Judge, the Chief District Court Judge, as well as senior judges of other New Zealand courts)<sup>1481</sup>. Regular reports (on information technology, property, etc.) are provided to Heads of Bench by the Ministry<sup>1482</sup>.

Another vehicle for liaison between the Ministry and the judiciary is the Courts Executive Council (the “CEC”). This Council has no independent status or authority. Through it, the Secretary for Justice can receive advice from the judiciary in matters of court administration, while the judiciary is kept informed about matters relating to court administration within Ministry control, which touch upon the judicial function and administration. In other words, the CEC serves as a forum for exchange of views between the Ministry and the judiciary on matters of court and judicial administration, and ensures that both parties are each kept informed of matters of mutual concern.<sup>1483</sup>

Administration of New Zealand’s Higher Courts is also dealt with through the work of the Supreme Court Management Committee, the Court of Appeal Management Committee and the High Court Management Committee, the meetings of which are attended by representatives from the judiciary and the Ministry<sup>1484</sup>.

The Ministry’s Secretary for Justice and Chief Executive submits an Annual Report on the operations of the Ministry of Justice to the House of Representatives in accordance with Section 44(1) of the *Public Finance Act 1989*<sup>1485</sup>.

## Budget and Financial Accounting

The Ministry’s Secretary for Justice and Chief Executive is responsible for the preparation of the Ministry’s financial statements in accordance with the *Public Finance Act 1989*<sup>1486</sup>. These financial statements are audited by the Auditor-General<sup>1487</sup>. An Audit and Risk Committee further provides advice to assist the Chief



Executive in the discharge of his financial responsibilities regarding, for instance, systems of internal control, responsible resource management and risk management<sup>1488</sup>.

Risk and business assurance, project management, finance, planning and reporting are all functions overseen by the Ministry's Corporate Services Group, and more precisely its Chief Financial Officer<sup>1489</sup>.

## Human Resources

Human resources are broadly overseen by the Ministry's Corporate Services Group<sup>1490</sup>. The Registrars, Deputy Registrars, as well as other officers required for the conduct of the Supreme Court, the Court of Appeal and the High Court's business are appointed under the *State Sector Act 1988*<sup>1491</sup>. Supreme Court and Court of Appeal employees have the powers and duties prescribed by rules made under the *Judicature Act 1908*<sup>1492</sup>. Although Ministry employees, court staff remains under the direction and control of judges when exercising judicial functions<sup>1493</sup>.

The Ministry also ensures the judiciary is provided with adequate level of human resources support<sup>1494</sup>. This support consists of judges' associates (who provide secretarial and court reporting services) and clerks (who provide research assistance)<sup>1495</sup>. Regarding the Supreme Court, Court of Appeal and High Court, a Higher Courts Judicial Support Committee is in charge of keeping this support under review<sup>1496</sup>. Although this staff is formally employed by the Ministry of Justice, they report directly to judges as their personal staff. The Chief Justice, President of the Court of Appeal, and Chief High Court Judge also have a small staff to assist with their administrative roles. Though formally employed by the Ministry of Justice, these staff also work for the judges under protocols which preserve judicial independence<sup>1497</sup>.

## Buildings, Fixtures and Furnishings

Property management services as well as facilities and office management are overseen by the Ministry's Corporate Services Group<sup>1498</sup>. As for the Supreme Court, the Court of Appeal and the High Court, the Higher Courts Judicial Support Committee provides the forum to keep this provision of building services under review<sup>1499</sup>. Judicial involvement is also achieved through the Standing Committee on Courthouse Design, which brings together the judiciary, Law Society and administrators. As its name suggests, this committee sets design standards for courthouses, its focus being on general standards relating to user requirements, layout and furniture<sup>1500</sup>.

While the Governor-General may declare an office or offices of the High Court to be established at such place or places as may be specified in a notice in the *Gazette*<sup>1501</sup>, a High Court Judge may hold any sitting of the Court at any place he thinks fit<sup>1502</sup>.

## Support Systems

Information technology as well as knowledge information services are delivered to courts and the judiciary by the Ministry's Corporate Services Group<sup>1503</sup>. Regarding the Supreme Court, the Court of Appeal and the High Court, the Higher Courts Judicial Support Committee provides the forum to keep this provision of information technology services under review<sup>1504</sup>.

The Judicial Libraries Management Board (JLMB) is the strategic and advisory body responsible for overseeing and managing the development of information and library services. The Board's functions, as established in its Memorandum of Understanding, include the preparation of an annual plan outlining judicial library objectives and priorities (including allocation of budgeted funds), and the liaison and negotiation with Ministry regarding financial and human resources required to implement agreed policies and guidelines.<sup>1505</sup>

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# NORTHERN IRELAND – UK SUPREME COURT

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*See above under England and Wales – UK Supreme Court*

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# NORTHERN IRELAND – OTHER COURTS

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## Model of Court Administration

Limited/Symbolic Partnership Model

## Organization or Person(s) in Charge of Court Administration

The Northern Ireland Department of Justice is in charge of court administration<sup>1506</sup>. The Department discharges its functions in this respect through one of its agencies, the Northern Ireland Courts and Tribunals Service (NICTS)<sup>1507</sup>, which provides a new unified administration for courts and tribunals<sup>1508</sup>, in addition to ensuring administrative support to the judiciary<sup>1509</sup>.

The NICTS Board provides leadership and direction to the NICTS<sup>1510</sup>. The Board is chaired by the Chief Executive (the Director)<sup>1511</sup>, who is responsible for the day-to-day running of the NICTS<sup>1512</sup>. The Director works under the direction of the Minister for Justice, and in accordance with the Framework Document<sup>1513</sup>. Even though the Minister for Justice does not intervene directly in this day-to-day decision making, he is consulted by the Director on any operational matters which could give rise to substantial public, Assembly, judicial or Ministerial concern<sup>1514</sup>. Other members of the Board are the NICTS Divisional Heads (executive members), a Department of Justice representative (a non-executive member) nominated by the Permanent Secretary of the Department, and up to two non-executive members, one of which being the Chair of the Audit and Risk Committee. Furthermore, four judicial representatives nominated by the Lord Chief Justice are in attendance<sup>1515</sup>.

The Director represents the NICTS, including before the Assembly<sup>1516</sup>. He prepares the Annual Report of NICTS<sup>1517</sup>, which is approved by the Board and the Justice Minister, and laid by the latter before the Assembly<sup>1518</sup>. He may be asked to provide a response to assembly questions or correspondence addressed to the Minister but relating to the day-to-day operation of the NICTS<sup>1519</sup>. He as well as other members of NICTS staff may also receive such questions or correspondence directly, in which case they raise issues of significance with the NICTS Board<sup>1520</sup>.

## Budget and Financial Accounting

NICTS's activities are financed mainly by Supply voted by Parliament and financing from the Consolidated Fund. The main sources of funds are from the Consolidated Fund<sup>1521</sup>. Decisions on allocations to the NICTS rest with the Department<sup>1522</sup>.

The NICTS Board develops the budget and supporting plans for the NICTS, and finalises it following the financial allocation<sup>1523</sup>. The process of allocating funding to the NICTS is conducted as follows:

- The NICTS Board prepares a bid for resources which is submitted to the Department;
- The Department scrutinises the bid and negotiates with the Director, who is to keep the Board informed;

- The Minister and the Department's officials (with the support and involvement of the NICTS as necessary) negotiate with DFP (Department of Finance and Personnel) until the departmental settlement is reached;
- The Minister conveys the final departmental settlement to the Permanent Secretary, who conveys the final departmental settlement to the Director, who advises the Board.<sup>1524</sup>

Following the funding settlement, the budgetary allocation is reviewed in-year and, if necessary, adjusted annually between the NICTS Board and the Department.<sup>1525</sup> Funding is allocated as formal budgets to the heads of the business units concerned, who are personally responsible for ensuring that their expenditure is consistent with the policies of the NICTS and within the ambit of the Department's allocation.<sup>1526</sup>

The Director is designated as Agency Accounting Officer for the NICTS by the Principal Accounting Officer, i.e. the Permanent Secretary of the Department<sup>1527</sup>. He thus accounts for NICTS expenditures and consults and advises the Board through its Finance Committee on how the allocation will be spent<sup>1528</sup>. He is supported in this function by the Board's Audit and Risk Committee<sup>1529</sup>. The Permanent Secretary is the Principal Officer of the Department for the purposes of Public Accounts Committee (PAC) referrals, but he delegates responsibility for reporting and replying on matters concerning the NICTS to the Director<sup>1530</sup>. The latter reports PAC referrals that raise significant issues to the Board and keeps it informed about the action being taken<sup>1531</sup>. Both the Director and the Permanent Secretary may be asked to appear before the Public Accounts Committee concerning their respective Accounting Officer responsibilities<sup>1532</sup>. While the Director may be asked to appear before the Justice Committee to give evidence on the work of the NICTS, he may not be required to answer any question relating to a specific case or any judicial decision or any matter falling within the responsibility of the Lord Chief Justice for the judiciary<sup>1533</sup>.

The Director is further responsible for ensuring that the NICTS management information and accounting systems allow for effective control over its use of resources<sup>1534</sup>. He is also responsible for making arrangements for the provision of internal audit services within the NICTS<sup>1535</sup>.

Where appropriate, finance systems are provided to the NICTS under an agreed framework and Service Level Agreement.<sup>1536</sup>

The Comptroller and Auditor General for Northern Ireland audits NICTS expenditure and income, examines their regularity and propriety and certifies and reports on the NICTS Statement of Accounts<sup>1537</sup>.

## Human Resources

The NICTS staff are members of the Northern Ireland Civil Service and staff of the Department of Justice<sup>1538</sup>. The Department works in partnership with NICTS managers in the formulation and delivery of the Human Resource (HR) policy<sup>1539</sup>, while the Business Development & Services Division of the NICTS Management Board is in charge of Human Resources Services.<sup>1540</sup>

The Director is responsible for the leadership and management of NICTS staff<sup>1541</sup>. Staff are nonetheless subject to the direction of the judiciary when they are supporting it in the conduct of the business of the courts and tribunals<sup>1542</sup>. The Director has full powers in matters relating to the conduct, discipline and inefficiency of all employees, in accordance with the NICS code<sup>1543</sup>. He is also in charge of the performance of NICTS staff<sup>1544</sup> as well as the establishment of the NICTS staffing levels<sup>1545</sup>.

## Buildings, Fixtures and Furnishings

The NICTS provides, manages and maintains court and tribunals buildings<sup>1546</sup>. The NICTS separately controls a significant estate for the purposes of court and tribunal administration and accommodation<sup>1547</sup>. Nonetheless, the Minister takes the final decisions on the location and closure of courts, after appropriate consultation and having taken into account advice from the NICTS Board<sup>1548</sup>. The management and oversight of the NICTS' capital investment strategy, including the court estate, is carried out by the NICTS Finance Division<sup>1549</sup>.

Most support functions are provided to the NICTS via in-house or contracted out arrangements; others are provided by the Department. The Department provides support services in accordance with any service level agreements and other arrangements between the Department and the NICTS.<sup>1550</sup>

Procurement services are provided to the NICTS via in-house resources for all activities under £10,000 or where the nature of the procurement is such that it can only be delivered by the in-house resource. All other procurement is provided by the Department or by the Central Procurement Directorate of DFP (Department of Finance and Personnel). The NICTS in-house resources are responsible for day-to-day contract governance.<sup>1551</sup>

The Director establishes appropriate policies and practices for the NICTS purchasing arrangements, in accordance with Departmental and DFP (Department of Finance and Personnel) guidelines.<sup>1552</sup>

## Support Systems

Where appropriate, IT systems are provided to the NICTS under an agreed framework and Service Level Agreement.<sup>1553</sup>

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# REPUBLIC OF IRELAND – ALL COURTS

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## Model of Court Administration

Partnership Model

## Organization or Person(s) in Charge of Court Administration

Court administration is provided by the Courts Service of Ireland (the “Service”), an independent body corporate<sup>1554</sup>. The Service is governed by a Board of 17 members, 9 of which are members of the judiciary (including the Chairman, who is the Chief Justice of Ireland), the remaining 8 being representatives of the Department of Justice, each branch of the legal profession, court staff, court users, business, and the trade unions<sup>1555</sup>. According to the Service however, “the Judiciary has never found it necessary to rely on its majority, matters of policy being determined by the Board largely by consensus and in a spirit of collaboration”<sup>1556</sup>. Moreover, the Service is of the view that

“[t]he Irish courts governance model combines a strong combination of judicial and non judicial involvement in the setting of policy on the management and administration of the courts. The effective resourcing of the courts depends heavily on a successful partnership with the Executive (The Department of Justice, Equality and Law Reform). The partnership, as it has evolved in Ireland since 1998, has, it is fair to say, worked very well.”<sup>1557</sup>

The Board considers and determines policy in relation to the Service, and oversees the implementation of that policy by the Chief Executive Officer (CEO)<sup>1558</sup>. The CEO, who is appointed by the Board<sup>1559</sup> and is responsible to it<sup>1560</sup>, “manages and controls generally the staff, administration and business of the Service”<sup>1561</sup>. A Framework Document<sup>1562</sup> sets out which of the Service’s functions and powers are to be exercised by the Board itself, and which of these functions and powers are to be delegated to, or carried out by, the CEO.

The Service is accountable to the Minister for Justice, Equality and Law Reform, and through the Minister, to the Government<sup>1563</sup>. It therefore submits to the Ministry an annual report each year, and a strategic plan every three years<sup>1564</sup>. The Minister lays a copy of these annual reports and strategic plans (when approved) before the Oireachtas (the Parliament)<sup>1565</sup>.

The CEO, if requested to do so by an Oireachtas Committee, attends before it to give account for the general administration of the Service, including the 3 year strategic plans laid before the Houses of the Oireachtas<sup>1566</sup>. However, that obligation “is qualified, in that the CEO cannot be requested to give account for any matter relating to the exercise by a judge of his or her judicial functions, or the exercise by a person other than a judge of limited jurisdiction of a judicial nature”<sup>1567</sup>.

## Budget and Financial Accounting

Funding is negotiated through the Department of Justice, Equality and Law Reform<sup>1568</sup>. The Department retains responsibility for securing the annual vote of funds from the Oireachtas<sup>1569</sup>. The bulk of funding for the Service is thus provided by the State<sup>1570</sup>. The Service manages court funds in a trustee capacity<sup>1571</sup>.

The CEO is the accounting officer for the appropriation accounts of the Service<sup>1572</sup>, and attends before Oireachtas Committees including the Public Accounts Committee<sup>1573</sup>. As Accounting Officer, the CEO prepares a statement of internal financial controls to accompany the annual financial statements. The statement addresses the internal control environment within the Service<sup>1574</sup>.

The Service's Audit Committee advise the Board on internal audit policies and the management of risk. It also advises the CEO in the discharge of his responsibility for the internal financial control system<sup>1575</sup>. The Internal Audit Unit operates in accordance with a charter approved by the CEO.

## Human Resources

The Service resources the courts with staff<sup>1576</sup>. The Board may only appoint such number of persons to be members of staff as may be approved by the Minister for Justice, Equality and Law Reform with the consent of the Minister for Finance<sup>1577</sup>.

The Board has delegated its power to appoint staff members of Principal Officer grade and above to the CEO<sup>1578</sup>. It has also delegated to the CEO its power to determine the grades of staff of the Service and the numbers of staff in each grade as may be approved by the Minister with the consent of the Minister for Finance<sup>1579</sup>.

A member of the Service's staff is a civil servant in the Civil Service of the State<sup>1580</sup>. Such a member answers to the Board, its "appropriate authority"<sup>1581</sup>. However, when the staff member is of Principal Officer grade and above, the CEO is the appropriate authority in relation to the management of performance on a day to day basis, and the taking of disciplinary action<sup>1582</sup>. This disciplinary action includes termination of probation, but excludes suspension and dismissal of staff (at Principal Officer grade and above), which are functions reserved to the Board<sup>1583</sup>.

## Buildings, Fixtures and Furnishings

The Service, and more precisely the CEO<sup>1584</sup>, provides, manages and maintains court buildings<sup>1585</sup>, and provides facilities for users of the courts<sup>1586</sup>. Modern accommodation for court users is provided through the Capital Building programme implemented by the Service's Building Committee<sup>1587</sup>. Powers ancillary to the Courts Service's functions include the power to acquire, hold and dispose of land or any other property<sup>1588</sup>, and to designate court venues<sup>1589</sup>. The Service adheres to guidelines issued by the Department of Finance for the appraisal and management of capital expenditure proposals<sup>1590</sup>.

The Service, and more precisely the CEO<sup>1591</sup>, provides support services for the judges<sup>1592</sup> through the Judicial Support Unit<sup>1593</sup>. It has a comprehensive procurement policy to ensure that all procurements are conducted honestly, fairly and in a manner which secures best value for money while complying with national and European Union regulations<sup>1594</sup>.

## Support Systems

Through the Judicial Support Unit<sup>1595</sup>, judges are provided with laptop/tablet computers and blackberry devices, and judges' chambers are equipped with desktop personal computers. Digital dictation software is provided to High Court and Supreme Court judges and their secretaries with voice recognition software available to a number of judges Courts<sup>1596</sup>.

Service providers hired by the Service provide expertise in specialised areas including information technology.<sup>1597</sup>



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# SCOTLAND – UK SUPREME COURT

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*See above under England and Wales – UK Supreme Court*

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# SCOTLAND – OTHER COURTS

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## Model of Court Administration

Limited Autonomy Model

## Organization or Person(s) in Charge of Court Administration

The Scottish Court Service (SCS) provides, or ensures the provision of, services required for the purposes of the Scottish courts<sup>1598</sup> and the judiciary of those courts<sup>1599</sup>. The SCS was established by the *Judiciary and Courts (Scotland) Act*<sup>1600</sup>, by way of which it underwent a change in status with effect from April 1st, 2010: it went from an Executive Agency of the Scottish Government, accountable to Scottish Ministers, to an independent public body, accountable to a Board chaired by the Lord President<sup>1601</sup>.

While the SCS, as an independent body corporate, is not part of the Scottish Government, it is nevertheless part of the Scottish Administration<sup>1602</sup>. In carrying out its functions, the SCS must also have regard to any guidance issued by the Scottish Ministers<sup>1603</sup>, and must provide these ministers with the information they require<sup>1604</sup>. The SCS further has to ensure that it consults the ministers on any strategic or operational proposals that might have an impact for the wider administration of justice<sup>1605</sup>. A Framework Document sets out the terms of an agreement between the SCS and the Scottish Ministers in relation to the governance, financing and operation of the SCS<sup>1606</sup>.

The SCS' leadership and broad direction is entrusted to a Board chaired by the Lord President (Scotland's most senior judge), and consisting of a majority of judicial members (7 out of 13)<sup>1607</sup>. This majority of judicial members shall be maintained by way of the *Judiciary and Courts (Scotland) Act*<sup>1608</sup>. The Chief Executive (CEO) is responsible for the day-to-day running of the SCS. He is appointed by the SCS<sup>1609</sup>, his appointment being conducted in line with the Civil Service Commissioners' Recruitment Principles as they apply to Senior Civil Servants in Scotland<sup>1610</sup>. The CEO works under the general direction of the SCS Board<sup>1611</sup> and in accordance with the Framework Document<sup>1612</sup>.

The SCS submits a Corporate Plan to the Scottish Ministers for approval. Once approved, the plan is laid before the Scottish Parliament<sup>1613</sup>. The SCS also prepares and publishes an Annual Report to which it appends its annual accounts. A copy of these documents is sent to Scottish Ministers as well as laid before the Scottish Parliament.<sup>1614</sup>

The Scottish Parliament has the power to require the attendance of any non-judicial member or officer of the SCS<sup>1615</sup>. The SCS has the right to make representations and proposals to the Scottish Parliament on matters relating to the functions of the SCS or the administration of justice in Scotland, either at the invitation of Parliament or through the Scottish Ministers<sup>1616</sup>. However, section 23 of the *Scotland Act* 1998 provides that neither the Lord President nor other members of the judiciary can be required to appear before the Scottish Parliament, and this restriction applies in relation to their respective roles as members of the SCS as well as to their judicial function<sup>1617</sup>. Nevertheless, the Framework Document specifies that the "Lord President will consider invitations received from the Parliament relating to judicial members of the SCS, and, in consultation with other judicial members of the SCS and the relevant Committee of the Parliament will decide whether it is appropriate for a judicial member to attend, consistent with their responsibilities within the SCS"<sup>1618</sup>.

The Framework Document further provides that Scottish Ministers are not accountable through Parliamentary Questions (PQs) for the operations of the SCS. However, PQs to Ministers may seek information about matters for which the Scottish Government has a general responsibility, which Ministers cannot provide without assistance from the SCS<sup>1619</sup>. The Parliament can also ask Ministers about their own relations with the SCS<sup>1620</sup>.

## Budget and Financial Accounting

The SCS is responsible for preparing a budget for each financial year which enables the SCS to meet its statutory obligations and for ensuring that expenditure is in line with the budget<sup>1621</sup>. The agreed net cost of running the SCS is funded by the Scottish Parliament and covered by a separate line in the annual Budget Act<sup>1622</sup>.

The SCS, as a non-Ministerial entity, has a separate budget distinct from the Justice portfolio budget which appears separately in the Budget Bill. It is for Scottish Ministers to determine the budget proposals to be submitted to Parliament within the Budget Bill, including the proposed budget for the SCS. The Scottish Government liaises with the SCS to identify its budgetary requirements that are reflected in the Budget Bill which Ministers present to the Scottish Parliament<sup>1623</sup>.

When setting budgets in a Spending Review, the SCS is invited to identify its resource needs. The Scottish Ministers consider the SCS' resource needs alongside those of the rest of the justice system and consider how to allocate resources in order to ensure the SCS has sufficient resources to meet its statutory obligations.<sup>1624</sup>

Where agreement for the SCS budget cannot be reached between the parties, there is a right of representation<sup>1625</sup>. It is ultimately for Scottish Ministers to determine the budget allocations within the Budget Bill<sup>1626</sup>.

Subject to the limits imposed by the budget allocated to the SCS and other applicable guidance issued by the Scottish Ministers to the SCS, the SCS has full authority to incur expenditure on individual items<sup>1627</sup>.

The SCS is corporately accountable to the Scottish Parliament for the efficient use of public resources, mainly through the CEO as Accountable Officer<sup>1628</sup>. The CEO is designated as the Accountable Officer by the Principal Accountable Officer for the Scottish Administration<sup>1629</sup>, and is personally responsible for safeguarding the public funds for which he has charge and for ensuring propriety and regularity in the handling of those public funds<sup>1630</sup>. He may delegate the day-to-day administration of the Accountable Officer responsibilities to other employees of the SCS<sup>1631</sup>.

The SCS utilises the services of an internal auditor (as is required by the Principal Accountable Officer) to make sure that Scottish Administration resources are used properly<sup>1632</sup>. Internal Audit also submits to the SCS's Audit Committee regular reports<sup>1633</sup>. The SCS is also subject to external audit by the Auditor General for Scotland<sup>1634</sup>.

## Human Resources

The SCS provides, or ensures the provision of, officers and other staff required for the purposes of the Scottish courts and for those of the judiciary of these courts<sup>1635</sup>. Human resources are overseen by an Executive Director, Corporate Services, who answers to the Chief Executive<sup>1636</sup>.

Staff members of the SCS are civil servants, but are appointed by and accountable to the SCS<sup>1637</sup>. The CEO provides leadership and broad direction to the staff<sup>1638</sup>. Staff members are nonetheless subject to the direction of the judiciary when supporting it in the conduct of the business of the courts<sup>1639</sup>.

The SCS is responsible for determining its management structure and the number and levels of staff below the level of the Senior Civil Service. The creation of Senior Civil Servant posts, and their reward, is part of a UK-wide scheme, and the SCS is required to agree with Scottish Government for the creation of these posts, the means of recruitment, and the levels of reward.<sup>1640</sup>

## Buildings, Fixtures and Furnishings

The SCS provides, or ensures the provision of, property required for the purposes of the Scottish courts and the judiciary of those courts<sup>1641</sup>. The SCS also has the obligation to maintain such court buildings and accommodation<sup>1642</sup>. The Executive Director, Corporate Services oversees Property Services<sup>1643</sup>.

The SCS manages and maintains its estate through a total facilities management contract with an external provider<sup>1644</sup>.

In carrying out its functions, the SCS may acquire and dispose of land and other property as well as enter into contracts<sup>1645</sup>. Furthermore, it may require a local authority to let (or sub-let) premises it controls to it, or to make such premises available for use for its purposes<sup>1646</sup>.

The SCS adopts its own procurement policy using Scottish Government procurement guidance and other best practice principles<sup>1647</sup>. Furthermore, the SCS and the Scottish Ministers are committed to identifying opportunities for shared services. The SCS continues to make use of Scottish Government negotiated contracts, where the SCS and the Accountable Officer consider this to be the option that delivers “Best Value” in meeting the SCS’ business requirements and statutory responsibilities. SCS may enter into contracts on its own behalf if that would be more efficient, effective and economical<sup>1648</sup>.

## Support Systems

Among the corporate services provided by SCS are information and communication technology (ICT) services/resources<sup>1649</sup>. The Executive Director, Corporate Services, oversees ICT<sup>1650</sup>.

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# ENDNOTES

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- <sup>1</sup> See for a development on this international trend the Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, pages 57 and 66.
- <sup>2</sup> Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, pages 61 and 62; see also page 105.
- <sup>3</sup> Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 62.
- <sup>4</sup> Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 106.
- <sup>5</sup> See page 18 of the Report.
- <sup>6</sup> See pages 12 and 15 of the Report.
- <sup>7</sup> See page 10 of the Report.
- <sup>8</sup> See pages 10, 13, 15 and 16 of the Report.
- <sup>9</sup> See page 27 of the Report.
- <sup>10</sup> See letter to Karim Benyekhlef from Mr. Phelan dated December 23, 2010, at page 6.
- <sup>11</sup> See page 121 of the Report.
- <sup>12</sup> See page 110 of the Report.
- <sup>13</sup> See page 112 of the Report.
- <sup>14</sup> See page 118 of the Report.
- <sup>15</sup> Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, pages 106-107; references omitted.
- <sup>16</sup> Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 57.
- <sup>17</sup> Apart from Nova Scotia, for which we received documentation for the province as a whole and thus refer to some of these specialized courts.
- <sup>18</sup> This is the percentage as of February 10<sup>th</sup>, 2011, when the initial version of the report was submitted. Let us mention also that the percentage of 41% does not take into account the fact that England and Wales (excluding the UK Supreme Court) and Scotland, while they did not formally answer our letter, did send us some documents beforehand (by way of an informal email) at the time they were contacted with respect to our enquiry on person(s) to be approached to obtain the documentation needed. Should we include these two additional jurisdictions, the percentage is augmented to 43%.
- <sup>19</sup> Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 1.
- <sup>20</sup> Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 12.
- <sup>21</sup> Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 110.
- <sup>22</sup> Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 110.
- <sup>23</sup> Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, pages 95-96.
- <sup>24</sup> Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 99.
- <sup>25</sup> Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 99.
- <sup>26</sup> Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 100.
- <sup>27</sup> Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 100.
- <sup>28</sup> Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 102.
- <sup>29</sup> Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 99.
- <sup>30</sup> Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 104.
- <sup>31</sup> Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 104.
- <sup>32</sup> Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 108.
- <sup>33</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 71.

- <sup>34</sup> As was the case in the Canadian Judicial Council's 2006 report; see page 77.
- <sup>35</sup> See *Valente v. The Queen*, [1985] 2 S.C.R. 673.
- <sup>36</sup> The Honourable Chief Justice Michael E J BLACK AC, "The Federal Court of Australia: The First 30 Years – A Survey on the Occasion of Two Anniversaries", (2010) 31 *Melbourne University Law Review* 1017, 1048. See also the letter to Karim Benyekhleif from Mr. Andrew Phelan, Chief Executive and Principal Registrar of the High Court of Australia, dated December 23, 2010 (hereinafter the "letter from the Chief Executive and Principal Registrar of the High Court of Australia"), at page 6.
- <sup>37</sup> *Federal Magistrates Act 1999* (Cth.), Section 89(1). See also Section 12(1) of this Act, under which the Chief Federal Magistrate is responsible for ensuring the orderly and expeditious discharge of the business of the Court. The Chief Federal Magistrates may delegate all or any of his powers under Section 89 to any one or more of the Federal Magistrates (Section 117A).
- <sup>38</sup> *Federal Magistrates Act 1999* (Cth.), Section 96(1). The CEO may act on behalf of the Chief Federal Magistrate in relation to the administrative affairs of the Federal Magistrates Court (Section 96(3)).
- <sup>39</sup> Meaning that the Chief Federal Magistrate may give him directions relating to the exercise of his powers (*Federal Magistrates Act 1999* (Cth.), Section 96(4)). The Deputy CEO is responsible for the delivery of court services and administrative functions (Federal Magistrates Court of Australia Annual Report 2009-2010 (hereinafter the "Federal Magistrates Court of Australia Annual Report"), page 66).
- <sup>40</sup> *Federal Magistrates Act 1999* (Cth.), Schedule 2, Section 1.
- <sup>41</sup> Family Court of Australia Annual Report 2009-2010 (hereinafter the "Family Court Annual Report"), page 102.
- <sup>42</sup> "National Support Office", online, Family Court of Australia: <http://www.familycourt.gov.au/wps/wcm/connect/FCOA/home/about/Court/Admin/NSO/>. See also National Support Office Business Plan, page 2.
- <sup>43</sup> Family Court Annual Report, page 11. See also "Family Law Courts single administration", online, Family Law Courts: [http://www.familylawcourts.gov.au/wps/wcm/connect/FLC/Home/About+Us/About+the+Family+Law+Courts/FLC\\_single\\_admin](http://www.familylawcourts.gov.au/wps/wcm/connect/FLC/Home/About+Us/About+the+Family+Law+Courts/FLC_single_admin). The CEO's Management Advisory Group provides operational and policy advice on key areas that affect the administration of the Family Court and the Federal Magistrates Court (Family Court Annual Report, page 109). The CEO of the Family Court is CEO of the Federal Magistrates Court on an acting basis, under powers of the Chief Federal Magistrate to appoint a CEO (letter from the Chief Executive and Principal Registrar of the High Court of Australia, page 6).
- <sup>44</sup> Family Court Annual Report, page 109. The group endorsed a plan to integrate the administrative structures of the courts and will oversee the plan's implementation. See also Federal Magistrates Court of Australia Annual Report, pages 7 and 68.
- <sup>45</sup> Federal Magistrates Court of Australia Annual Report, pages 7 and 12. Let us mention however that, at the time of publication of the Federal Magistrates Court Annual Report, Parliament had been prorogued and the Bills as introduced have lapsed (page 12).
- <sup>46</sup> *Federal Magistrates Act 1999* (Cth.), Section 117.
- <sup>47</sup> But that was not the case in 2009-2010 (Federal Magistrates Court of Australia Annual Report, page 73).
- <sup>48</sup> In 2009-2010, 13 Senate estimate questions on notice were received and answered (Federal Magistrates Court of Australia Annual Report, page 74).
- <sup>49</sup> Federal Magistrates Court of Australia Annual Report, page 107.
- <sup>50</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 3 and 117.
- <sup>51</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 38. At 119-120, the authors express the view that even though the CEO is legally responsible for the budget under the *Financial Management and Accountability Act*, the Chief Federal Magistrate is still responsible for management of the budget.
- <sup>52</sup> Federal Magistrates Court of Australia Annual Report, page 85.
- <sup>53</sup> Federal Magistrates Court of Australia Annual Report, page 64. The *Financial Management and Accountability Act* imposes obligations on the Chief Executive Officer to manage the affairs of the Court in a way which promotes the efficient, effective and ethical use of Commonwealth resources (page 64).
- <sup>54</sup> Federal Magistrates Court of Australia Annual Report, page 67. This senior management committee supports the CEO to ensure that the Court's financial accounts are in accordance with the Finance Minister's Orders and provide a true and accurate description of the Court's financial position (page 67).
- <sup>55</sup> Federal Magistrates Court of Australia Annual Report, page 71.
- <sup>56</sup> *Federal Magistrates Act 1999* (Cth.), Section 117(2); Federal Magistrates Court of Australia Annual Report, page 94.

- 57 Federal Magistrates Court of Australia Annual Report, page 94.
- 58 Federal Magistrates Court of Australia Annual Report, page 66.
- 59 *Federal Magistrates Act 1999* (Cth.), Section 99(7).
- 60 *Federal Magistrates Act 1999* (Cth.), Section 112(2). See also Section 101 (Registrars), 106 (Sheriff), 109 (Marshal), 111A (Family consultants).
- 61 *Federal Magistrates Act 1999* (Cth.), Section 97(1); Federal Magistrates Court of Australia Annual Report, page 64.
- 62 John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 56 and 111.
- 63 *Review of Courts Administration, Court and Tribunal Services* (DRAFT), Department of the Attorney General. Government of Western Australia, page 10; John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 56.
- 64 *Federal Magistrates Act 1999* (Cth.), Section 100.
- 65 Memorandum of Understanding between the Family Court of Australia and Federal Magistrates Court for the Provision of Services, 1 July 2004, Attachment D ("Section 100 Agreement"), page 45.
- 66 MOU between the Federal Magistrates Service and the Federal Court of Australia (the "courts") in relation to co-operation and service support arrangements (hereinafter the "MOU between the Federal Magistrates Court and the Federal Court") signed between the CEO of the Federal Magistrates Court and the Registrar of the Federal Court and commencing on July 2000, page 2.
- 67 Under the terms set out at page 6 of the MOU between the Federal Magistrates Court and the Federal Court. See also page 12 of this MOU, providing this time that the Federal Court shall arrange for a court officer to be present when a federal magistrate sits in areas of concurrent jurisdiction between the two courts. Costs occasioned by this provision of court officers are assumed by the Federal Magistrates Court.
- 68 *Federal Magistrates Act 1999* (Cth.), Section 4 and Sections 99(2) and (4).
- 69 Federal Magistrates Court of Australia Annual Report, page 87.
- 70 Any decision to construct a new building will thus need to be made first by the Executive (John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 64).
- 71 *Federal Magistrates Act 1999* (Cth.), Section 98.
- 72 Federal Magistrates Court of Australia Annual Report, page 68.
- 73 *Federal Magistrates Act 1999* (Cth.), Section 89(3)(b).
- 74 *Federal Magistrates Act 1999* (Cth.), Section 92.
- 75 A Section 92 agreement was signed in July 2000 between the Chief Federal Magistrate and the Chief Justice of the Family Court of Australia (Memorandum of Understanding between the Family Court of Australia and Federal Magistrates Court for the Provision of Services, 1 July 2004, Attachment B ("Section 92 Agreement"), page 43).
- 76 An arrangement under section 92 between the Federal Magistrates Court and the Federal Court is yet to be formally signed, but its terms are already set out in the MOU between the Federal Magistrates Court and the Federal Court (at pages 8 to 12).
- 77 These MOUs aim at providing additional information to supplement the formal arrangements made by heads of jurisdiction under Section 92. They cover a wide range of accommodation related services and issues, among which are use of chambers, building management, office support services, etc.
- 78 Under Section 90 of the *Federal Magistrates Act 1999* (Cth.).
- 79 Federal Court of Australia, Section 90 Arrangement signed in July 2000 between the Chief Federal Magistrate and the Chief Justice of the Family Court of Australia; see also the Federal Magistrates Court of Australia, Section 90 Arrangement signed in September 2006 between the Chief Federal Magistrate and the Acting Chief Justice of the Federal Court of Australia.
- 80 Federal Magistrates Court of Australia Annual Report, page 88.
- 81 These services include electronic mail, file and print, remote access, internet access, intranet hosting and access, helpdesk, Casetrack, backups of data stored on network, Standard Operating Environment (SOE), etc. (MOU between the Family Court and the Federal Magistrates Court, pages 24 to 27). The MOU between the Federal Magistrates Court and the Federal Court acknowledges that no desktop services or support are to be furnished by the Federal Court, since they are already provided for by the Family Court. However, the Federal Court has agreed to the installation, by the Federal Magistrates Court and at its charge, of connecting lines between the Federal Court and the Family Court (page 13).



- <sup>82</sup> MOU between the Family Court and the Federal Magistrates Court, page 27. Other knowledge management services dealt with in the MOU include library print collection, research, reference work, literature searches, training, attendance at conferences, electronic resources, etc.
- <sup>83</sup> MOU between the Federal Magistrates Court and the Federal Court, page 7. The Federal Court monitors usage of library services by the Federal Magistrates Court in terms of a workload schedule provided by letter dated 21 June 2000. This letter, which also details the services provided, is attached to the MOU (attachment B).
- <sup>84</sup> The Honourable Chief Justice Michael E J BLACK AC, "The Federal Court of Australia: The First 30 Years – A Survey on the Occasion of Two Anniversaries", (2010) 31 *Melbourne University Law Review*, 1044. See also the letter from the Chief Executive and Principal Registrar of the High Court of Australia, at page 5.
- <sup>85</sup> Family Court Annual Report, page 97.
- <sup>86</sup> It is to be noted that if the *Family Law Act 1975* refers to a "Chief Judge", the Court's Annual Report rather mentions a "Chief Justice" (see for instance Family Court Annual Report, page 97).
- <sup>87</sup> *Family Law Act 1975* (Cth.), Section 38A(1). See also Section 21B(1), stating that the Chief Judge is responsible for ensuring the orderly and expeditious discharge of the business of the Court. He is assisted in this matter by the Deputy Chief Judge (Section 21B(2)) and the Judge Administrator (Section 21B(3)). See also page 5 of the letter from the Chief Executive and Principal Registrar of the High Court of Australia, on the fact that the Chief Justice of the High Court does not have such a role.
- <sup>88</sup> *Family Law Act 1975* (Cth.), Section 38B.
- <sup>89</sup> *Family Law Act 1975* (Cth.), Section 38C.
- <sup>90</sup> *Family Law Act 1975* (Cth.), Section 38D(2).
- <sup>91</sup> *Family Law Act 1975* (Cth.), Section 38D(3).
- <sup>92</sup> Family Court Annual Report, page 102.
- <sup>93</sup> "National Support Office", online, Family Court of Australia: <http://www.familycourt.gov.au/wps/wcm/connect/FCOA/home/about/Court/Admin/NSO/>. See also National Support Office Business Plan, page 2.
- <sup>94</sup> Family Court Annual Report, page 104. The Chief Justice chairs this committee (page 104).
- <sup>95</sup> *Family Law Act 1975* (Cth.), Section 38S(1).
- <sup>96</sup> *Family Law Act 1975* (Cth.), Section 38S(3).
- <sup>97</sup> In 2009–10, more than 25 Senate estimate questions on notice were received and answered (Family Court Annual Report, page 117).
- <sup>98</sup> Family Court Annual Report, page 11. See also "Family Law Courts single administration", online, Family Law Courts: [http://www.familylawcourts.gov.au/wps/wcm/connect/FLC/Home/About+Us/About+the+Family+Law+Courts/FLC\\_single\\_admin](http://www.familylawcourts.gov.au/wps/wcm/connect/FLC/Home/About+Us/About+the+Family+Law+Courts/FLC_single_admin). The CEO's Management Advisory Group provides operational and policy advice on key areas that affect the administration of the Family Court and the Federal Magistrates Court (Family Court Annual Report, page 109).
- <sup>99</sup> Family Court Annual Report, page 109. The group endorsed a plan to integrate the administrative structures of the courts and will oversee the plan's implementation (page 109).
- <sup>100</sup> Family Court Annual Report, page 142; John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 3 and 117.
- <sup>101</sup> Family Court Annual Report, page 151.
- <sup>102</sup> Chief Justice R.S. FRENCH, "Boundary Conditions – The Funding of Courts Within a Constitutional Framework", Australian Institute of Judicial Administration, Australian Court Administrators' Group Conference, Melbourne, May 15<sup>th</sup>, 2009, page 26. According to Alford, Gustavson and Williams, the Chief Judge (assisted by the CEO) is responsible for the management of the Court's budget, even though the CEO is legally responsible for the budget under the *Financial Management and Accountability Act* (page 119-120 of John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration).
- <sup>103</sup> Family Court of Australia Chief Executive Officer's Report 2009-10 (hereinafter "Family Court of Australia Chief Executive Officer's Report"), page 49.
- <sup>104</sup> *Family Law Act 1975*, Section 38S(2).
- <sup>105</sup> Family Court Annual Report, page 128.
- <sup>106</sup> Family Court Annual Report, page 97.
- <sup>107</sup> See page 6 of the letter from the Chief Executive and Principal Registrar of the High Court of Australia.



- <sup>108</sup> Family Court Annual Report, page 104.
- <sup>109</sup> Family Court Annual Report, page 110.
- <sup>110</sup> Family Court Annual Report, page 112. See page 210 of the Annual Report for other functions of this committee.
- <sup>111</sup> *Review of Courts Administration, Court and Tribunal Services (DRAFT)*, Department of the Attorney General. Government of Western Australia, page 10; see also John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 84.
- <sup>112</sup> *Family Law Act 1975* (Cth.), Section 38n(1). They include the Principal Registrar, Registrars and Deputy Registrars, Registry Managers, court counsellors, a Principal Mediator, Managers Mediation, mediators, the Marshal and Deputy Marshals.
- <sup>113</sup> *Family Law Act 1975* (Cth.), Section 38N(3).
- <sup>114</sup> Except for the CEO and the Deputy Marshals (*Family Law Act 1975* (Cth.), Section 38N(4)). The Deputy Marshals may (rather than shall) be engaged under the *Public Service Act 1999* (Cth.) (Section 38N(5)). As for staff of the Registries, see Section 38N(8). For the purposes of the *Public Service Act 1999* (Cth.), the CEO and the APS employees assisting the CEO together constitute a Statutory Agency, the CEO being the Head of that Statutory Agency (Section 38Q).
- <sup>115</sup> Family Court Annual Report, page 97.
- <sup>116</sup> *Family Law Act 1975* (Cth.), Section 38N(2). This is also true in relation to a proceeding under the *Family Law Act 1975* (Section 37(1)).
- <sup>117</sup> *Family Law Act 1975* (Cth.), Section 37(2). Subject to the *Family Law Act*, the regulations, the standard Rules of Court and any directions of the Chief Judge.
- <sup>118</sup> Notwithstanding any provision of the *Family Law Act 1975* (Cth.) other than subsection (3), and any provision of the *Public Service Act 1999* (Cth.) or any other law, in the performance of a function or the exercise of a power under the *Family Law Act 1975*, under the regulations or under the standard Rules of Court (other than a power delegated by standard Rules of Court under subsection 37A(1)) (*Family Law Act 1975* (Cth.), Section 37B(1)(a)).
- <sup>119</sup> *Family Law Act 1975*, Section 37B(1)(b). And they are not subject to the direction or control of any other person or body.
- <sup>120</sup> *Family Law Act 1975* (Cth.), Section 37B(1)(c). And they are not subject to the direction or control of any other person or body.
- <sup>121</sup> *Family Law Act 1975* (Cth.), Section 37(3).
- <sup>122</sup> *Family Law Act 1975* (Cth.), Section 26A.
- <sup>123</sup> *Family Law Act 1975* (Cth.), Section 26F.
- <sup>124</sup> *Family Law Act 1975* (Cth.), Section 38N(6).
- <sup>125</sup> *Family Law Act 1975* (Cth.), Section 122B(2). See definition of "relevant authority".
- <sup>126</sup> Including the holder of a judicial office (*Family Law Act 1975* (Cth.), Section 122B(2)).
- <sup>127</sup> *Family Law Act 1975* (Cth.), Section 122B(1).
- <sup>128</sup> Family Court Annual Report, page 104.
- <sup>129</sup> Family Court Annual Report, page 133.
- <sup>130</sup> Any decision to construct a new building will thus need to be made first by the Executive (John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 64).
- <sup>131</sup> *Family Law Act 1975* (Cth.), Section 36(1).
- <sup>132</sup> *Family Law Act 1975* (Cth.), Section 38A(2). However, the Chief Judge cannot enter into a contract under which the Commonwealth is to pay or receive an amount exceeding \$250,000 (AU) or, if a higher amount is prescribed, that higher amount, except with the approval of the Attorney-General (*Family Law Act 1975* (Cth.), Section 38A(4)(b)).
- <sup>133</sup> Family Court Annual Report, page 104.
- <sup>134</sup> Family Court Annual Report, pages 106 and 208.
- <sup>135</sup> Family Court Annual Report, page 130.
- <sup>136</sup> Family Court Annual Report, page 104.
- <sup>137</sup> Family Court Annual Report, page 105.
- <sup>138</sup> The Honourable Chief Justice Michael E J BLACK AC, "The Federal Court of Australia: The First 30 Years – A Survey on the Occasion of Two Anniversaries", (2010) 31 *Melbourne University Law Review*, 1044. See also the letter from the Chief Executive and Principal Registrar of the High Court of Australia, at page 5.

- <sup>139</sup> The Honorable Justice Michael F. MOORE, "Institutional Judicial Independence. Judicial Independence – Breaking Free from the Executive Branch", paper delivered at the 19<sup>th</sup> Pacific Regional Judicial Conference, Tumon, Guam, November 8<sup>th</sup>, 2010, page 14. The *Federal Court of Australia Act 1976* was amended in 1989 by Section 15 of the *Courts and Tribunals Administration Amendment Act 1989*, which added Sections 18A and 18B and thus conferred self-administration to the Court (BLACK, 1045).
- <sup>140</sup> *Federal Court of Australia Act 1976* (Cth.), Sections 18A(1) and 18B. The Chief Justice is also responsible for ensuring the effective, orderly and expeditious discharge of the business of the Court (Section 15(1)). See also page 5 of the letter from the Chief Executive and Principal Registrar of the High Court of Australia, on the fact that the Chief Justice of the High Court does not have such a role.
- <sup>141</sup> *Federal Court of Australia Act 1976* (Cth.), Section 18C.
- <sup>142</sup> *Federal Court of Australia Act 1976* (Cth.), Sections 18D(2) and (3).
- <sup>143</sup> This committee advises the Chief Justice on finance, audit, enterprise bargaining steering committee, etc. (The Honourable Chief Justice Michael E J BLACK AC, "The Federal Court of Australia: The First 30 Years – A Survey on the Occasion of Two Anniversaries", (2010) 31 *Melbourne University Law Review*, 1045; *Federal Court of Australia Guidelines for the Operation of Committees as at March 2008*, page 1).
- <sup>144</sup> The Honourable Chief Justice Michael E J BLACK AC, "The Federal Court of Australia: The First 30 Years – A Survey on the Occasion of Two Anniversaries", (2010) 31 *Melbourne University Law Review*, 1045. The 2009-2010 Annual Report states that "In practice, the Court's governance involves two distinct structure: the management of the Court through its registry structure; and the judges' committee structure which facilitates the collegiate involvement of the judges of the Court" (*Federal Court of Australia Annual Report 2009-2010* (hereinafter the "Federal Court of Australia Annual Report"), page 54).
- <sup>145</sup> The Honorable Justice Michael F. MOORE, "Institutional Judicial Independence. Judicial Independence – Breaking Free from the Executive Branch", paper delivered at the 19<sup>th</sup> Pacific Regional Judicial Conference, Tumon, Guam, November 8<sup>th</sup>, 2010, page 13.
- <sup>146</sup> *Federal Court of Australia Act 1976* (Cth.), Section 18S; The Honourable Chief Justice Michael E J BLACK AC, "The Federal Court of Australia: The First 30 Years – A Survey on the Occasion of Two Anniversaries", (2010) 31 *Melbourne University Law Review*, 1047. The Annual Report prepared by the Chief Justice and given to the Attorney General must include the financial statements and accompanying audit report required under Sections 49 and 57 of the *Financial Management and Accountability Act 1997* (See *Federal Court of Australia Act 1976* (Cth.), Section 18S(2)).
- <sup>147</sup> The Honourable Chief Justice Michael E J BLACK AC, "The Federal Court of Australia: The First 30 Years – A Survey on the Occasion of Two Anniversaries", (2010) 31 *Melbourne University Law Review*, 1047.
- <sup>148</sup> The Honorable Justice Michael F. MOORE, "Institutional Judicial Independence. Judicial Independence – Breaking Free from the Executive Branch", paper delivered at the 19<sup>th</sup> Pacific Regional Judicial Conference, Tumon, Guam, November 8<sup>th</sup>, 2010, page 21. On this matter, see also the Honourable Chief Justice Michael E J BLACK AC, "The Federal Court of Australia: The First 30 Years – A Survey on the Occasion of Two Anniversaries", (2010) 31 *Melbourne University Law Review*, at 1047: "The legislative and executive branches observe the boundaries of administrative accountability and have not sought to enter inappropriately into the core areas of judicial accountability. The view taken by the Registrar, with which I agree, is that appearances before the Senate Estimates Committee should be seen as a valuable opportunity to explain any aspects of the Court's administration that may require clarification".
- <sup>149</sup> As we were told by Warwick Soden, Federal Court Registrar and Chief Executive, in his letter to Karim Benyekhlef dated December 3<sup>rd</sup>, 2010.
- <sup>150</sup> The Honorable Justice Michael F. MOORE, "Institutional Judicial Independence. Judicial Independence – Breaking Free from the Executive Branch", paper delivered at the 19<sup>th</sup> Pacific Regional Judicial Conference, Tumon, Guam, November 8<sup>th</sup>, 2010, page 19.
- <sup>151</sup> The Honourable Chief Justice Michael E J BLACK AC, "The Federal Court of Australia: The First 30 Years – A Survey on the Occasion of Two Anniversaries", (2010) 31 *Melbourne University Law Review*, 1046. The Court can apply for additional funding for additional costs that result from new government policy or additional jurisdictions, by preparing a New Policy Proposal, in conjunction with the Attorney General's Department (The Honorable Justice Michael F. MOORE, "Institutional Judicial Independence. Judicial Independence – Breaking Free from the Executive Branch", paper delivered at the 19<sup>th</sup> Pacific Regional Judicial Conference, Tumon, Guam, November 8<sup>th</sup>, 2010, page 19).
- <sup>152</sup> The Honorable Justice Michael F. MOORE, "Institutional Judicial Independence. Judicial Independence – Breaking Free from the Executive Branch", paper delivered at the 19<sup>th</sup> Pacific Regional Judicial Conference, Tumon, Guam, November 8<sup>th</sup>, 2010, page 21.
- <sup>153</sup> Chief Justice R.S. FRENCH, "Boundary Conditions – The Funding of Courts Within a Constitutional Framework", Australian Institute of Judicial Administration, Australian Court Administrators' Group Conference, Melbourne, May 15<sup>th</sup>, 2009, page 26.

- <sup>154</sup> The Registrar's responsibilities arise under the *Financial Management and Accountability Act 1997*, under which he is the chief executive (see page 6 of the letter from the Chief Executive and Principal Registrar of the High Court of Australia). This Act provides the framework for the proper management of public money and public property by agencies of the Commonwealth (the Court being a 'prescribed agency' for the purposes of this Act). The Chief Justice's responsibilities are broadly conferred to him under Section 18A of the *Federal Court of Australia Act 1976* (Cth.) (The Honourable Chief Justice Michael E J BLACK AC, "The Federal Court of Australia: The First 30 Years – A Survey on the Occasion of Two Anniversaries", (2010) 31 *Melbourne University Law Review*, 1046). Detailed internal financial management practices of the Court can be found in the Chief Executive's Instructions (CEI), which are essentially the instructions given by the Chief Executive to the Court's officials on any matter necessary or convenient for carrying out the *Financial Management and Accountability Act* (Cth.) (as we were told by Warwick Soden, Federal Court Registrar and Chief Executive, in his letter to Karim Benyekhlef dated December 3<sup>rd</sup>, 2010).
- <sup>155</sup> The Honourable Chief Justice Michael E J BLACK AC, "The Federal Court of Australia: The First 30 Years – A Survey on the Occasion of Two Anniversaries", (2010) 31 *Melbourne University Law Review*, 1046. The Corporate Services Branch of the Court's Principal Registry supports the Committee (Federal Court of Australia Annual Report, page 55).
- <sup>156</sup> The Honorable Justice Michael F. MOORE, "Institutional Judicial Independence. Judicial Independence – Breaking Free from the Executive Branch", paper delivered at the 19<sup>th</sup> Pacific Regional Judicial Conference, Tumon, Guam, November 8<sup>th</sup>, 2010, page 18. This Committee consists of an independent chairperson, two judges, the Registrar and the NSW District Registrar.
- <sup>157</sup> Federal Court of Australia Annual Report, page 56.
- <sup>158</sup> Federal Court of Australia Annual Report; *Federal Court of Australia Portfolio Budget Statement*, pages 329-330.
- <sup>159</sup> The Registrar is not employed under the *Public Service Act 1999* (Cth.), but the Marshals and Deputy Sheriffs may be (*Federal Court of Australia Act 1976* (Cth.), Section 18N(3), (4) and (5)).
- <sup>160</sup> Or by the *Federal Court of Australia Act 1976* (Cth.) (*Federal Court of Australia Act 1976* (Cth.), Section 18N(2)). In relation to a proceeding under the *Federal Court of Australia Act*, the officers of the Court have such duties, powers and functions as are given by the Act, the Rules of Court or by the Chief Justice (Section 35).
- <sup>161</sup> *Federal Court of Australia Act 1976* (Cth.), Section 18Q; Federal Court of Australia Annual Report, page 8.
- <sup>162</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 111.
- <sup>163</sup> *Federal Court of Australia Act 1976*, Section 18N(6).
- <sup>164</sup> The services provided by these employees under this arrangement encompass the receipt of documents to be lodged or filed with the Court, or the performance of other non-judicial function on behalf of the Court (*Federal Court of Australia Act 1976* (Cth.), Section 18BA(1)(c) and (d)).
- <sup>165</sup> Federal Court of Australia Annual Report, page 8; see also document entitled *Federal Court Management Structure*. In addition to the Principal Registry (the national registry), District Registries (one in each states and territories) support the work of the Court at a local level (Federal Court of Australia Annual Report, page 54).
- <sup>166</sup> Federal Court of Australia Annual Report, page 62. Local Building Management Committees also manage the day-to-day operations of each building.
- <sup>167</sup> Any decision to construct a new building will thus need to be made first by the Executive (John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 64).
- <sup>168</sup> *Federal Court of Australia Act 1976* (Cth.), Section 34(1). But so that at least one Registry shall be established in each State, in the Australian Capital Territory and in the Northern Territory.
- <sup>169</sup> *Federal Court of Australia Act 1976* (Cth.), Section 12. But the Court may sit at any place in Australia or in a Territory.
- <sup>170</sup> Family Court Annual Report, page 129.
- <sup>171</sup> Federal Court of Australia Annual Report, page 8; document entitled *Federal Court Management Structure*.
- <sup>172</sup> Federal Court of Australia Annual Report, page 62.
- <sup>173</sup> *Federal Court of Australia Act 1976* (Cth.), Section 18A(2).
- <sup>174</sup> *Federal Court of Australia Act 1976* (Cth.), Section 18A(2)(b) and (4). The Chief Justice can enter into contracts exceeding this amount if it obtains the approval of the Attorney-General.
- <sup>175</sup> Federal Court of Australia Annual Report, page 56. These policies and procedures are expressed in the Court's Chief Executive's Instructions.
- <sup>176</sup> Letter from the Chief Executive and Principal Registrar of the High Court of Australia, page 6.
- <sup>177</sup> Federal Court of Australia Annual Report, pages 63 and 65.
- <sup>178</sup> *Federal Court of Australia Guidelines for the Operation of Committees as at March 2008*, pages 2 and 3.

- <sup>179</sup> Federal Court of Australia Annual Report, page 8; document entitled *Federal Court Management Structure*.
- <sup>180</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 64.
- <sup>181</sup> Section 17(1) explicitly states that "The High Court shall administer its own affairs subject to, and in accordance with, this Act"; see also the High Court of Australia Annual Report 2009-2010 (hereinafter the "High Court Annual Report"), page 19. See also the *High Court of Australia Bill 1979*, Second Readings (Senate), 14 November 1979, Thirty-First Parliament, First Session, Fourth Period, which states that "The occasion for the transfer has been taken to accord to the High Court a measure of independence from departmental control (...). The Bill accordingly makes provision for the Court to manage its own affairs and to be responsible for its building, its staff and its financial arrangements" (page 2289) (same mention at page 2500 of the readings in the House of Representatives (*High Court of Australia Bill 1979*, Second Reading (House of Representatives), 25 October 1979, Thirty-First Parliament, First Session, Fourth Period)).
- <sup>182</sup> *High Court of Australia Act 1979* (Cth.), Section 46(1); The Honorable Justice Michael F. MOORE, "Institutional Judicial Independence. Judicial Independence – Breaking Free from the Executive Branch", paper delivered at the 19<sup>th</sup> Pacific Regional Judicial Conference, Tumon, Guam, November 8<sup>th</sup>, 2010, page 14.
- <sup>183</sup> *High Court of Australia Act 1979* (Cth.), Section 46(2).
- <sup>184</sup> Letter from the Chief Executive and Principal Registrar of the High Court of Australia, page 1.
- <sup>185</sup> *High Court of Australia Act 1979* (Cth.), Section 18. As with all staff of the Court, the CE&PR is not subject to the *Public Service Act* (*High Court of Australia Bill 1979* (Cth.), Second Readings (Senate), 14 November 1979, Thirty-First Parliament, First Session, Fourth Period, page 2290; see also *High Court of Australia Bill 1979* (Cth.), Second Reading (House of Representatives), 25 October 1979, Thirty-First Parliament, First Session, Fourth Period, page 2501). The *High Court of Australia Act* does not specify the qualifications or other capabilities of the office of CE&PR; it is for the Court to decide the human capabilities required in the office (page 5 of the letter from the Chief Executive and Principal Registrar of the High Court of Australia).
- <sup>186</sup> *High Court of Australia Act 1979* (Cth.), Section 19(1). See also letter from the Chief Executive and Principal Registrar of the High Court of Australia, page 2.
- <sup>187</sup> *High Court of Australia Act 1979* (Cth.), Section 19(7).
- <sup>188</sup> The Honorable Justice Michael F. MOORE, "Institutional Judicial Independence. Judicial Independence – Breaking Free from the Executive Branch", paper delivered at the 19<sup>th</sup> Pacific Regional Judicial Conference, Tumon, Guam, November 8<sup>th</sup>, 2010, page 14.
- <sup>189</sup> Letter from the Chief Executive and Principal Registrar of the High Court of Australia, page 2.
- <sup>190</sup> Letter from the Chief Executive and Principal Registrar of the High Court of Australia, page 2.
- <sup>191</sup> Letter from the Chief Executive and Principal Registrar of the High Court of Australia, page 2.
- <sup>192</sup> Letter from the Chief Executive and Principal Registrar of the High Court of Australia, page 2.
- <sup>193</sup> *High Court of Australia Act 1979* (Cth.), Section 47.
- <sup>194</sup> The Court's annual budget thus depends on Parliament (Chief Justice R.S. FRENCH, "Boundary Conditions – The Funding of Courts Within a Constitutional Framework", Australian Institute of Judicial Administration, Australian Court Administrators' Group Conference, Melbourne, May 15<sup>th</sup>, 2009, page 23; *High Court of Australia Act 1979* (Cth.), Section 35).
- <sup>195</sup> Letter from the Chief Executive and Principal Registrar of the High Court of Australia, page 3. See section 56 of the Constitution.
- <sup>196</sup> Letter from the Chief Executive and Principal Registrar of the High Court of Australia, page 3. Inclusive of the rules set by the Finance Minister for costing agency outputs and any proposed new initiatives.
- <sup>197</sup> Letter from the Chief Executive and Principal Registrar of the High Court of Australia, page 3.
- <sup>198</sup> Letter from the Chief Executive and Principal Registrar of the High Court of Australia, page 3. Regarding the current level of annual appropriations for the High Court, Mr. Phelan comments that it "owes more to history than any assessment of current need. It comprises a build-up of previous decisions by governments, overlaid by discounted, formulaic increases for cost increases and the effects of the efficiency dividend. As with other Commonwealth courts and agencies, apart from the general public sector discounted wage cost indices there is no specific funding to meet actual increases in employee remuneration or other cost increases." (Letter from the Chief Executive and Principal Registrar of the High Court of Australia, page 4).
- <sup>199</sup> *High Court of Australia Act 1979* (Cth.), Section 35. See also page 3 of the letter from the Chief Executive and Principal Registrar of the High Court of Australia.
- <sup>200</sup> Letter from the Chief Executive and Principal Registrar of the High Court of Australia, page 3.

- 201 Chief Justice R.S. FRENCH, “Boundary Conditions – The Funding of Courts Within a Constitutional Framework”, Australian Institute of Judicial Administration, Australian Court Administrators’ Group Conference, Melbourne, May 15<sup>th</sup>, 2009, page 26.
- 202 *High Court of Australia Act 1979* (Cth.), Section 42.
- 203 *High Court of Australia Act 1979* (Cth.), Section 36(1). Letter from the Chief Executive and Principal Registrar of the High Court of Australia, page 4.
- 204 *High Court of Australia Act 1979* (Cth.), Section 36(2). Letter from the Chief Executive and Principal Registrar of the High Court of Australia, page 4.
- 205 Letter from the Chief Executive and Principal Registrar of the High Court of Australia, page 4.
- 206 Letter from the Chief Executive and Principal Registrar of the High Court of Australia, page 4. See Sections 17, 37 and 39 of the *High Court of Australia Act 1979* (Cth.).
- 207 *High Court of Australia Act 1979* (Cth.), Section 47. The Auditor-General inspects and audits the accounts and records of financial transactions relating to the administration of the affairs of the Court (*High Court of Australia Act 1979* (Cth.), Section 43).
- 208 *High Court of Australia Act 1979* (Cth.), Section 47.
- 209 Other members are two justices and the CE&PR (High Court Annual Report, page 36).
- 210 The Honorable Justice Michael F. MOORE, “Institutional Judicial Independence. Judicial Independence – Breaking Free from the Executive Branch”, paper delivered at the 19<sup>th</sup> Pacific Regional Judicial Conference, Tumon, Guam, November 8<sup>th</sup>, 2010, page 14.
- 211 The Honorable Justice Michael F. MOORE, “Institutional Judicial Independence. Judicial Independence – Breaking Free from the Executive Branch”, paper delivered at the 19<sup>th</sup> Pacific Regional Judicial Conference, Tumon, Guam, November 8<sup>th</sup>, 2010, page 15. See also page 3 of the letter from the Chief Executive and Principal Registrar of the High Court of Australia.
- 212 *High Court of Australia Bill 1979* (Cth.), Second Readings, 14 November 1979, Thirty-First Parliament, First Session, Fourth Period, page 2290.
- 213 *High Court of Australia Act 1979* (Cth.), Section 26(1) and (3).
- 214 Unlike in other Commonwealth courts and most other Commonwealth agencies (Letter from the Chief Executive and Principal Registrar of the High Court of Australia, page 3). See High Court Annual Report, page 26. Moreover, an appointment as officer of the court is not a public office for the purposes of the *Remuneration Tribunal Act 1973* (*High Court of Australia Act 1979* (Cth.), Section 26(5)). Andrew Phelan mentions that the laws governing employment in the Commonwealth public service uniquely do not apply to the HCA (page 3 of the letter from the Chief Executive and Principal Registrar of the High Court of Australia).
- 215 *High Court of Australia Act 1979* (Cth.), Section 26 (4). However, these terms and conditions are generally similar to those applying in the Australian Public Service (High Court Annual Report, page 38).
- 216 Letter from the Chief Executive and Principal Registrar of the High Court of Australia, page 3.
- 217 *High Court of Australia Act 1979* (Cth.), Section 19(2). The CE&PR has power, on behalf of the Court, to give directions in writing for the purpose of regulating the conduct of persons.
- 218 *High Court of Australia Act 1979* (Cth.), Section 26(7). They as well perform duties in respect of proceedings as are assigned to them by Rules of Court or by an order of the Court.
- 219 *High Court of Australia Act 1979* (Cth.), Section 26(6).
- 220 As specified in Section 30(6) of the *High Court of Australia Act 1979* (Cth.).
- 221 *High Court of Australia Act 1979* (Cth.), Section 30(5).
- 222 High Court Annual Report, page 28.
- 223 *High Court of Australia Act 1979* (Cth.), Section 17, as declared by Proclamation. The management of property under the control of the Court is entrusted to the CEO (*High Court of Australia Bill 1979* (Cth.), Second Readings, 14 November 1979, Thirty-First Parliament, First Session, Fourth Period, page 2290).
- 224 *High Court of Australia Act 1979* (Cth.), Section 17(3).
- 225 *High Court of Australia Act 1979* (Cth.), Section 15; *High Court of Australia Bill 1979* (Cth.), Second Readings (Senate), 14 November 1979, Thirty-First Parliament, First Session, Fourth Period, page 2289; *High Court of Australia Bill 1979* (Cth.), Second Reading (House of Representatives), 25 October 1979, Thirty-First Parliament, First Session, Fourth Period, page 2500).
- 226 High Court Annual Report, page 15.
- 227 High Court Annual Report, pages 10, 15 and 39.



- <sup>228</sup> A company, Law Courts Limited, owns and manages the Sydney Law Courts Building, which accommodates the High Court, the Federal Court and the New South Wales Supreme Court. The High Court's CE&PR is a Director and Company Secretary of Law Courts Limited, as nominee of the Commonwealth Attorney-General (High Court Annual Report, page 17).
- <sup>229</sup> High Court Annual Report, page 20.
- <sup>230</sup> Any decision to construct a new building will thus need to be made first by the Executive (John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 64).
- <sup>231</sup> *High Court of Australia Act 1979* (Cth.), Section 17.
- <sup>232</sup> Section 40 of the *High Court of Australia Act* initially set a limit of \$250,000 (AU) and was increased by regulation 4 *High Court of Australia Regulations 2000* (page 4 of the letter from the Chief Executive and Principal Registrar of the High Court of Australia).
- <sup>233</sup> Letter from the Chief Executive and Principal Registrar of the High Court of Australia, page 3.
- <sup>234</sup> High Court Annual Report, page 39.
- <sup>235</sup> High Court Annual Report, page 34.
- <sup>236</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 64.
- <sup>237</sup> "Administering the Courts", online, Department of Justice and Attorney General: [http://www.lawlink.nsw.gov.au/Lawlink/Corporate/ll\\_corporate.nsf/pages/attorney\\_generals\\_department\\_administering\\_courts](http://www.lawlink.nsw.gov.au/Lawlink/Corporate/ll_corporate.nsf/pages/attorney_generals_department_administering_courts). NSW formed a separate department for the courts in 1991 – the NSW Department of Courts Administration – but abandoned the reform shortly afterwards, returning to a traditional executive government administration model (The Honorable Justice Michael F. MOORE, "Institutional Judicial Independence. Judicial Independence – Breaking Free from the Executive Branch", paper delivered at the 19<sup>th</sup> Pacific Regional Judicial Conference, Tumon, Guam, November 8<sup>th</sup>, 2010, page 7).
- <sup>238</sup> As we were told by Erika Stockdale, Executive Officer, Supreme Court of New South Wales, in her response to Karim Benyekhlef dated November 29<sup>th</sup>, 2010. Mrs. Stockdale also mentioned that the Court's involvement is obviously greater in those aspects of court administration that impact upon judicial functions or activities, such as case management practices. Moreover, the financial and client service policies are generally set by the Department's senior court administrator, but he would still consult with the Court on these matters. Let us mention also that the Chief Justice's Policy and Planning Committee (comprised of judges) determines strategic policy to be adopted by the Court in relation to administrative changes likely to affect the Court. This Committee is one of only two Court Committees with decision-making responsibilities, the other being the Rule Committee (Supreme Court of New South Wales Annual Review 2009 (hereinafter the "Supreme Court Annual Review"), page 62).
- <sup>239</sup> *Supreme Court Act 1970* (N.S.W), Section 22.
- <sup>240</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, page 71.
- <sup>241</sup> Supreme Court Annual Review, page 12.
- <sup>242</sup> *Public Sector Employment and Management Act 2002* (N.S.W), Section 17(1); John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 130. Tenure, remuneration and duties of the CEO are determined by the Department (John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, page 57).
- <sup>243</sup> As well as with representatives from key professional bodies and other Court users (Supreme Court Annual Review, page 12).
- <sup>244</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 130.
- <sup>245</sup> Attorney General's Department Annual Report 2008-2009 (hereinafter the "Attorney General Annual Report"), page 15.
- <sup>246</sup> The Annual Report is prepared in accordance with the *Annual Reports (Departments) Act 1985* (N.S.W) and the *Public Finance and Audit Act 1893* (N.S.W.) (Attorney General Annual Report, page 1). The Supreme Court Annual Review is not a statutory requirement (John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 139).
- <sup>247</sup> Attorney General Annual Report, pages 14, 15 and 20.

- 248 The Honorable Justice Michael F. MOORE, "Institutional Judicial Independence. Judicial Independence – Breaking Free from the Executive Branch", paper delivered at the 19<sup>th</sup> Pacific Regional Judicial Conference, Tumon, Guam, November 8<sup>th</sup>, 2010, pages 7 and 8; "Financial Statements", Attorney General Annual Report, page 1.
- 249 Attorney General Annual Report, page 14.
- 250 Attorney General Annual Report, page 15.
- 251 "Financial Statements", Attorney General Annual Report, page 1.
- 252 John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 83.
- 253 *Supreme Court Act 1970* (N.S.W), Sections 119 and 120; John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 131.
- 254 As we were told by Erika Stockdale, Executive Officer, Supreme Court of New South Wales, in her response to Karim Benyekhlef dated November 29<sup>th</sup>, 2010.
- 255 Attorney General Annual Report, page 14.
- 256 John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 57.
- 256 Supreme Court Annual Review, page 58.
- 257 John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 57.
- 258 Supreme Court Annual Review, page 12.
- 259 *Supreme Court Act 1970* (N.S.W), Section 120A(1).
- 260 Attorney General Annual Report, page 138.
- 261 As we were told by Erika Stockdale, Executive Officer, Supreme Court of New South Wales, in her response to Karim Benyekhlef dated November 29<sup>th</sup>, 2010. See also pages 2, 20 and 30 of the Attorney General Annual Report.
- 262 Any decision to construct a new building will thus need to be made first by the Executive (John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 64; see also 83).
- 263 Attorney General Annual Report, page 137. Both governments have equal representation on the Board of Directors and in the membership of Law Courts Limited, with all decisions requiring unanimous consent. The NSW's Government investment comprises 52.5% of the net assets of Law Courts Limited.
- 264 Attorney General Annual Report, page 137.
- 265 Attorney General Annual Report, page 160.
- 266 Supreme Court Annual Review, page 68. This Committee comprises a majority of judicial representatives, but a number of them are retired judges (page 68).
- 267 Supreme Court Annual Review, page 63. The other members are the Court's CEO, the Court's Manager, Support Services, and DJAG's Director, Asset Management Branch.
- 268 Supreme Court Annual Review, page 63.
- 269 The Honorable Justice Michael F. MOORE, "Institutional Judicial Independence. Judicial Independence – Breaking Free from the Executive Branch", paper delivered at the 19<sup>th</sup> Pacific Regional Judicial Conference, Tumon, Guam, November 8<sup>th</sup>, 2010, page 8.
- 270 Supreme Court Annual Review, page 63. The other members are the Court's CEO, the Court's Manager, Support Services, and a representative of the Law Courts Library.
- 271 Supreme Court Annual Review, page 63.
- 272 The Honorable Justice Michael F. MOORE, "Institutional Judicial Independence. Judicial Independence – Breaking Free from the Executive Branch", paper delivered at the 19<sup>th</sup> Pacific Regional Judicial Conference, Tumon, Guam, November 8<sup>th</sup>, 2010, page 8.
- 273 Attorney General Annual Report, page 14.
- 274 Supreme Court Annual Review, page 34. A Supreme Court Library Committee further provides advice on the management of the Judges' Chambers Collections and Supreme Court Floor Collection (Supreme Court Annual Review, page 64).
- 275 Attorney General Annual Report, pages 19 and 29.

- <sup>276</sup> Department of Justice and Attorney-General Annual Report 2009-2010 (hereinafter the “Department Annual Report”), pages 10 and 15. The Department is comprised in the portfolio of the Attorney-General and Minister for Industrial Relations (page 4).
- <sup>277</sup> As we were told by Ken Wells, Executive Officer to the Director of Courts, Supreme and District Courts, in his email to Karim Benyekhlef dated December 24<sup>th</sup>, 2010. An enumeration of the services provided is included in the *Queensland Courts Services 2010-14 Strategic Plan*.
- <sup>278</sup> As we were told by Ken Wells, Executive Officer to the Director of Courts, Supreme and District Courts, in his email to Karim Benyekhlef dated December 24<sup>th</sup>, 2010.
- <sup>279</sup> *Supreme Court of Queensland Act 1991* (Qld.), Mock Reprint No. 7F incorporating the Justice and Other Legislation Amendment Bill 2010 and the Civil Proceedings Bill 2010, version 21 (B03\_0461) (hereinafter the “*Supreme Court of Queensland Act 1991*”), Section 15(1).
- <sup>280</sup> *Supreme Court of Queensland Act 1991* (Qld.), Section 32(1).
- <sup>281</sup> *Supreme Court of Queensland Act 1991* (Qld.), Section 60(1). The President of the Court of Appeal and the Senior Judge Administrator prepare and give to the Chief Justice a written report about the operation of their respective division during the year (Sections 32A(1) and 61(1) of the *Supreme Court of Queensland Act*).
- <sup>282</sup> Supreme Court of Queensland Annual Report 2008-2009 (hereinafter the “Supreme Court Annual Report”), page 37.
- <sup>283</sup> *Supreme Court of Queensland Act 1991* (Qld.), Section 70J(1). Such an appointment is made after consultation with judges and the department head (John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 57).
- <sup>284</sup> *Supreme Court of Queensland Act 1991* (Qld.), Section 70J(3).
- <sup>285</sup> *Supreme Court of Queensland Act 1991* (Qld.), Section 70H.
- <sup>286</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 57.
- <sup>287</sup> *Supreme Court of Queensland Act 1991* (Qld.), Section 19.
- <sup>288</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 157.
- <sup>289</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 158.
- <sup>290</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 3 and 158.
- <sup>291</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 3. See also Department Annual Report, pages 105 and 106.
- <sup>292</sup> *Supreme Court of Queensland Act 1991*, Section 119A.
- <sup>293</sup> Department Annual Report, page 106; see Section 77 of the *Financial Accountability Act 2009*.
- <sup>294</sup> *Financial Instrument of Delegation issued under the Financial Accountability Act 2009* (Qld.), Department of Justice and Attorney-General, first page and page 23.
- <sup>295</sup> *Financial Instrument of Delegation issued under the Financial Accountability Act 2009* (Qld.), Department of Justice and Attorney-General. See also the email dated December 24<sup>th</sup>, 2010 to Karim Benyekhlef from Ken Wells, Executive Officer to the Director of Courts, Supreme and District Courts.
- <sup>296</sup> As we were told by Ken Wells, Executive Officer to the Director of Courts, Supreme and District Courts, in his email to Karim Benyekhlef dated December 24<sup>th</sup>, 2010.
- <sup>297</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 83.
- <sup>298</sup> *Supreme Court of Queensland Act 1991* (Qld.), Section 70J(2). The Director-General detains this power as chief executive of the Department (section 70J(2); see also *Supreme Court Act 1995*, Section 210A). He also appoints the Sheriff of Queensland as well as deputy sheriffs and bailiffs, all under the *Public Service Act 2008* (Section 70N; See also *Supreme Court Act 1995*, Sections 212 and 213 (sheriffs and deputy sheriffs) and 232 (bailiffs)). The responsibility for appointments as registrars or bailiffs was transferred from Governor in Council to the Chief Executive of the Department of Justice and Attorney-General in 2009 (Supreme Court Annual Report, page 8). The latter has sub-delegated this responsibility, as is shown by page 9 of the *Human Resources Management Delegations*, Department of Justice and Attorney-General, November 2010.
- <sup>299</sup> *Supreme Court of Queensland Act 1991* (Qld.), Section 70J(3).
- <sup>300</sup> *Supreme Court of Queensland Act 1991* (Qld.), Section 70L.



- <sup>301</sup> *Supreme Court of Queensland Act 1991* (Qld.), Section 700(1); *Supreme Court Act 1995* (Qld.), Section 210(2).
- <sup>302</sup> *Supreme Court of Queensland Act 1991* (Qld.), Section 700(2); *Supreme Court Act 1995* (Qld.), Section 210(3).
- <sup>303</sup> *Supreme Court of Queensland Act 1991* (Qld.), Section 700(3); *Supreme Court Act 1995* (Qld.), Section 210(4).
- <sup>304</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 58 and 149.
- <sup>305</sup> *Human Resources Management Delegations*, Department of Justice and Attorney-General, November 2010. This document specifies which responsibilities remain within the authority of the Director-General and of other senior management members, and which are rather to be delegated, and to whom.
- <sup>306</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 83.
- <sup>307</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 64.
- <sup>308</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 161.
- <sup>309</sup> Department Annual Report, pages 45, 46 and 98. In 2008-2009, it oversaw the commencement of the construction of the new Brisbane Supreme Court and District Court complex (page 46).
- <sup>310</sup> Department Annual Report, pages 8 and 10.
- <sup>311</sup> *Supreme Court of Queensland Act 1991* (Qld.), Section 18. This includes the power to obtain, grant, prohibit or limit access to and from the precincts or part of the precincts.
- <sup>312</sup> *Supreme Court of Queensland Act 1991* (Qld.), Section 16.
- <sup>313</sup> *Judicial Remuneration Act 2007* (Qld.), Section 21(5)(b).
- <sup>314</sup> *Judicial Remuneration Act 2007* (Qld.), Section 21(5)(d).
- <sup>315</sup> Supreme Court Annual Report, pages 37 and 42.
- <sup>316</sup> Department Annual Report, page 10 and 100. On the Information Management Committee's role, see also John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective* 2004, Melbourne, Australian Institute of Judicial Administration, at 64.
- <sup>317</sup> Queensland Courts Services 2010-14 Strategic Plan, page 1.
- <sup>318</sup> *Supreme Court Library Act 1968* (Qld.), Section 10.
- <sup>319</sup> *Supreme Court Library Act 1968* (Qld.), Sections 3(2) and 9(1). As a body corporate, the Committee can acquire, hold, alienate and dispose of the property vested in it pursuant to Section 7 of the *Supreme Court Library Act 1968* (*Supreme Court Library Act 1968* (Qld.), Section 3(2)).
- <sup>320</sup> "About SCQL", online, Supreme Court of Queensland Library: <http://www.sclqld.org.au/about/>; See also *Supreme Court Library Act 1968* (Qld.), Section 4(2).
- <sup>321</sup> *Supreme Court Library Act 1968* (Qld.), Section 4.
- <sup>322</sup> Supreme Court Annual Report, pages 45 to 47.
- <sup>323</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 16.
- <sup>324</sup> *Courts Administration Act 1993* (S.A.), section 3(a). Section 6(1) of the Courts Administration Act establishes the State Courts Administration Council as the Judicial Council. This Act, which puts forward a "judiciary based administration legally and practically independent of the political arms of the State", is a "recognition of the truth that in a modern court system the judicial and administrative functions are so intertwined as to make it necessary that the judiciary which performs the judicial function has the control and direction of the administrative function." (Courts Administration Authority Annual Report 1993-1994 (hereinafter the "1993-1994 Annual Report"), page 3).
- <sup>325</sup> Each member of the Council may appoint a judicial officer of the relevant court to be an associate member of the Council (*Courts Administration Act 1993*, Section 7). The Chief Justice of the Supreme Court, Chairman of the Council, has a power of veto (John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 87; The Honorable Justice Michael F. MOORE, "Institutional Judicial Independence. Judicial Independence – Breaking Free from the Executive Branch", paper delivered at the 19<sup>th</sup> Pacific Regional Judicial Conference, Tumon, Guam, November 8<sup>th</sup>, 2010, page 16).
- <sup>326</sup> *Courts Administration Act 1993*, Section 6(2).
- <sup>327</sup> *Courts Administration Act 1993*, Section 10(1).

- <sup>328</sup> The Council may establish administrative policies and guidelines to be observed by participating courts in the exercise of their administrative responsibilities (*Courts Administration Act 1993*, Section 10(2) and (3)). In providing strategic leadership and governance to the Court Administration Act, the Council provides a link between the participating courts and encourages consistency in the areas of process and administration where appropriate (“State Courts Administration Council Corporate Governance Statement” (hereinafter the “CAA Governance Statement”), page 2.
- <sup>329</sup> 1993-1994 Annual Report, pages 3 and 4.
- <sup>330</sup> Courts Administration Authority Annual Report 2009-2010 (hereinafter the “2009-2010 Annual Report”), page 12. See also Section 9A(2) of the *Supreme Court Act 1935* (S.A.), stating that the Chief Justice is responsible for the administration of the Supreme Court. Let us also mention that the Supreme Court judges assemble once at least every year for the purpose of considering, amongst other things, the operation of the *Supreme Court Act* and the arrangements relative to the duties of the officers of the Court. This council of judges reports annually to the Attorney General on these issues or administration of justice in general (*Supreme Court Act 1935* (S.A.), Section 16).
- <sup>331</sup> *Courts Administration Act 1993*, Section 17.
- <sup>332</sup> *Courts Administration Act 1993*, Section
- <sup>333</sup> *Courts Administration Act 1993*, Section 16(4).
- <sup>334</sup> *Courts Administration Act 1993*, Section 5.
- <sup>335</sup> CAA Governance Statement, page 1.
- <sup>336</sup> Section 13 states that the Council provides an Annual Report on administration of justice in participating courts to the Attorney General each year. The latter lays a copy of this report before both Houses of Parliament. The Council must make further reports to the AG as may be necessary to keep him properly informed (Section 14(1)), and the AG may request the Council to report to him on any matter relevant to the administration of a participating court (Section 14(2)). John Alford, Royston Gustavson and Philip Williams (*The Governance of Australia’s Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration) express the view that since this Annual Report is tabled in Parliament, it is also an “avenue by which the Chief Justice can argue to Parliament for appropriate funding for the courts” (p. 88).
- <sup>337</sup> *Courts Administration Act 1993*, Section 29.
- <sup>338</sup> *Courts Administration Act 1993*, Section 24.
- <sup>339</sup> 1993-1994 Annual Report, page 4.
- <sup>340</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia’s Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 174
- <sup>341</sup> Or for some other period determined by the Attorney-General (*Court Administration Act*, Section 25(1)). The budget must conform to any requirements of the Attorney-General as to its form and the information that it is to contain (*Court Administration Act*, Section 25(2)).
- <sup>342</sup> CAA Governance Statement, page 1.
- <sup>343</sup> *Courts Administration Act 1993*, Section 25(3).
- <sup>344</sup> *Courts Administration Act 1993*, Section 25(4).
- <sup>345</sup> CAA Governance Statement, page 2.
- <sup>346</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia’s Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 38.
- <sup>347</sup> *Court Administration Act 1993*, Section 26(1). These accounting records must conform with any applicable instructions issued by the Treasurer under section 41 of the *Public Finance and Audit Act 1987* (*Courts Administration Act 1993*, Section 26(2)).
- <sup>348</sup> *Courts Administration Act 1993*, Section 26(3).
- <sup>349</sup> CAA Governance Statement, page 2. See also page 68 of the 2009-2010 Annual Report.
- <sup>350</sup> *Courts Administration Act 1993*, Section 27.
- <sup>351</sup> *Review of Courts Administration, Court and Tribunal Services* (DRAFT), Department of the Attorney General, Government of Western Australia, page 10.
- <sup>352</sup> *Courts Administration Act 1993*, Sections 18 and 21.
- <sup>353</sup> *Courts Administration Act 1993*, Section 22.
- <sup>354</sup> *Courts Administration Act 1993*, Section 17(2)(a).

- 355 *Courts Administration Act 1993*, Section 21B. The Administrator is not a member of the Public Service or an employee for the purposes of the *Public Sector Management Act 1995* (other than Part 2 of the Act) [This Act was replaced by the *Public Sector Act 2009* on February 1<sup>st</sup>, 2010].
- 356 CAA Governance Statement, page 3.
- 357 *Supreme Court Act 1935* (S.A.), Section 110A(2).
- 358 *Supreme Court Act 1935* (S.A.), Section 110B.
- 359 *Supreme Court Act 1935* (S.A.), Sections 82(1) and (3).
- 360 *Supreme Court Act 1935* (S.A.), Section 82(2).
- 361 *Supreme Court Act 1935* (S.A.), Section 82(4).
- 362 As well as duties and functions specified in the *Supreme Court Act* or any other act and the rules of court under the *Supreme Court Act* or any other act (*Supreme Court Act 1935* (S.A.), Sections 82(3a)).
- 363 *Supreme Court Act 1935* (S.A.), Section 109(2).
- 364 *Supreme Court Act 1935* (S.A.), Section 106(2).
- 365 *Supreme Court Act 1935* (S.A.), Section 110A(2).
- 366 Any decision to construct a new building will need to be first made by the Executive (Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 64).
- 367 *Courts Administration Act 1993*, Section 15(4). A courthouse or other building will also be taken to have been set apart for the use of participating courts if it is dedicated or reserved for use as a courthouse under a law governing the administration or use of Crown property (Section 15(3)).
- 368 *Review of Courts Administration, Court and Tribunal Services* (DRAFT), Department of the Attorney General, Government of Western Australia, page 10. See also Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 56.
- 369 *Courts Administration Act 1993*, Section 15(1).
- 370 *Courts Administration Act 1993*, Section 15(2).
- 371 *Courts Administration Act 1993*, Section 17(2)(b); The Honorable Justice Michael F. MOORE, "Institutional Judicial Independence. Judicial Independence – Breaking Free from the Executive Branch", paper delivered at the 19<sup>th</sup> Pacific Regional Judicial Conference, Tumon, Guam, November 8<sup>th</sup>, 2010, page 16.
- 372 CAA Governance Statement, page 3.
- 373 *Supreme Court Act 1935* (S.A.), Sections 45(3) and (4).
- 374 CAA Governance Statement, pages 2 and 3. The Library Advisory Committee is chaired by a Judicial Officer, while the Information Technology Committee is chaired by the State Courts Administrator. Both committees include a Supreme Court Judge, a District Court Judge, a Magistrate and Authority staff (page 3).
- 375 2009-2010 Annual Report, page 58.
- 376 2009-2010 Annual Report, page 64.
- 377 Department of Justice Annual Report 2009-2010 (hereinafter the "Tasmania DoJ Annual Report"), page 1. Notwithstanding this support, the Court is said to be an "independent statutory body" in the Department's Annual Report (Tasmania DoJ Annual Report, page 8).
- 378 *Supreme Court Civil Procedure Act 1932* (Tas.), Section 19(1).
- 379 John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 188.
- 380 John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 189.
- 381 John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 71.
- 382 John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 194.
- 383 *Supreme Court Civil Procedure Act 1932* (Tas.), Section 194H.
- 384 In accordance with Section 36 of the *State Service Act 2000*, Section 27 of the *Financial Management and Audit Act 1990* and Section 52 of the *Workplace Health and Safety Act 1995* (Tasmania DoJ Annual Report, first page).
- 385 Supreme Court of Tasmania Annual Report 2009-2010 (hereinafter the "Supreme Court Annual Report"), page 9.

- <sup>386</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 192; see also page 3.
- <sup>387</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 192.
- <sup>388</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 192.
- <sup>389</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 193.
- <sup>390</sup> Tasmania DoJ Annual Report, page 89.
- <sup>391</sup> Tasmania DoJ Annual Report, page 89.
- <sup>392</sup> Tasmania DoJ Annual Report, pages 203 and 204.
- <sup>393</sup> Tasmania DoJ Annual Report, page 204.
- <sup>394</sup> Tasmania DoJ Annual Report, page 205.
- <sup>395</sup> *Review of Courts Administration, Court and Tribunal Services* (DRAFT), Department of the Attorney General, Government of Western Australia, page 10; see to the same effect John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 83.
- <sup>396</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 57.
- <sup>397</sup> Tasmania DoJ Annual Report, page 17.
- <sup>398</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 184.
- <sup>399</sup> *Supreme Court Act 1959* (Tas.), Section 5J(1); John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 185.
- <sup>400</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 185.
- <sup>401</sup> Tasmania DoJ Annual Report, page 110.
- <sup>402</sup> *Supreme Court Act 1959* (Tas.), Section 5J(2).
- <sup>403</sup> Supreme Court Annual Report, page 13.
- <sup>404</sup> *Supreme Court Act 1959* (Tas.), Section 5G.
- <sup>405</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 184.
- <sup>406</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 184.
- <sup>407</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 187.
- <sup>408</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 186.
- <sup>409</sup> Tasmania DoJ Annual Report, page 90.
- <sup>410</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 64.
- <sup>411</sup> *Review of Courts Administration, Court and Tribunal Services* (DRAFT), Department of the Attorney General, Government of Western Australia, page 10; see to the same effect John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 83.
- <sup>412</sup> Supreme Court Annual Report, page 8; See also Tasmania DoJ Annual Report, page 17.
- <sup>413</sup> Tasmania DoJ Annual Report, page 75.
- <sup>414</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 195.
- <sup>415</sup> Tasmania DoJ Annual Report, page 89.
- <sup>416</sup> *Supreme Court Civil Procedure Act 1932* (Tas.), Section 19(2).
- <sup>417</sup> Tasmania DoJ Annual Report, page 17.

- 418 John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 196.
- 419 Tasmania DoJ Annual Report, page 89.
- 420 The central service point for the ILLS is the Andrew Inglis Clark Law Library in Hobart ("Law Libraries"), online, Supreme Court of Tasmania: <http://www.supremecourt.tas.gov.au/libraries>).
- 421 "About the Integrated Law Library Service", online, Andrew Inglis Clark Law Library: [http://www.lawlibrary.tas.gov.au/about\\_us](http://www.lawlibrary.tas.gov.au/about_us)
- 422 Tasmania DoJ Annual Report, page 90, information services at the Departmental level are provided by the Library Services Branch of the Department's Corporate Services Division.
- 423 The other members are the Chief Magistrate or his nominee, the Secretary of the Department or his nominee, the President of the Law Society or his nominee, a member of the Law Society from either northern Tasmania or north-western Tasmania, and finally the Library Manager. ("About the Integrated Law Library Service", online, Andrew Inglis Clark Law Library: [http://www.lawlibrary.tas.gov.au/about\\_us](http://www.lawlibrary.tas.gov.au/about_us))
- 424 "About the Department of Justice", online, Department of Justice: <http://www.justice.vic.gov.au/wps/wcm/connect/justlib/DOJ+Internet/Home/About+Us/>; See also Department of Justice Annual Report 2009-2010 (hereinafter the "DoJ Annual Report"), page 49.
- 425 DoJ Annual Report, page 129.
- 426 "Courts and Tribunals Unit", online, Department of Justice: <http://www.justice.vic.gov.au/wps/wcm/connect/justlib/doj+internet/home/about+us/our+organisation/business+area+profiles/justice++courts+and+tribunals+unit>
- 427 *Supreme Court Act 1986* (Vic.), Section 28.
- 428 *Supreme Court Act 1986* (Vic.), Section 28. All Judges of the Supreme Court sit on the Council; the Chairperson is chosen by Parliament (Chief Justice *ex officio*) (John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 205; see also page 71 for the fact that judges as a whole are responsible for the administration of the Court).
- 429 John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 205.
- 430 *Supreme Court Act 1986* (Vic.), Section 16. See the *Constitution Act 1975* (Vic.), Section 75A(1) for the Supreme Court's Trial Division and Appeal Division).
- 431 John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 202. The Judges make a recommendation on that matter (page 202).
- 432 *Supreme Court Act 1986* (Vic.), Section 106.
- 433 DoJ Annual Report, page 129.
- 434 Supreme Court of Victoria 2009-2010 Annual Report (hereinafter the "Supreme Court Annual Report"), page 56.
- 435 "Officers of the Court", online, Supreme Court of Victoria: <http://www.supremecourt.vic.gov.au/wps/wcm/connect/justlib/Supreme+Court/Home/About+the+Court/Court+Structure/Officers+of+the+Court/>
- 436 Supreme Court Annual Report, page 59.
- 437 Supreme Court Annual Report, page 56.
- 438 Supreme Court Annual Report, page 13.
- 439 *Supreme Court Act 1986* (Vic.), Section 111A. The Registrar of the Court of Appeal position will be filled by a judicial registrar appointed by statute commencing January 1<sup>st</sup>, 2011. The government has adopted this proposal and implemented it in the *Courts Legislation Miscellaneous Amendments Act 2010*, which received Royal Assent on June 15<sup>th</sup>, 2010 and is required to commence by January 1<sup>st</sup>, 2011 (Supreme Court Annual Report, page 13).
- 440 *Supreme Court Act 1986* (Vic.), Section 111(a).
- 441 *Supreme Court Act 1986* (Vic.), Section 109A.
- 442 *Supreme Court Act 1986* (Vic.), Section 28. At the request of the Judges, the Governor tables the report in both Houses of Parliament (John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 210).
- 443 I.e. the Attorney-General, the Minister for Police and Emergency Services and Minister for Bushfire Response, the Minister for Corrections, Minister for Crime Prevention, and Minister responsible for the establishment of an anti-corruption commission, the Minister for Gaming and Minister for Consumer Affairs and finally the Minister for Racing ("Our Ministers", online, Department of Justice: <http://www.justice.vic.gov.au/wps/wcm/connect/justlib/DOJ+Internet/Home/About+Us/Our+Ministers/>)



- <sup>444</sup> In accordance with the *Financial Management Act 1994* (DoJ Annual Report, page 1).
- <sup>445</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 208. See also DoJ Annual Report, page 15. Financial resources necessarily are provided by Parliament from consolidated revenue; however, these funds are requested by the Executive and their use is monitored by the Executive (John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 3).
- <sup>446</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 208.
- <sup>447</sup> And more precisely its Strategic Projects and Planning Division (headed by an Executive Director) which leads strategic and business planning ("Gail Moody, Executive Director, Strategic Projects and Planning Division", online, Department of Justice: <http://www.justice.vic.gov.au/wps/wcm/connect/justlib/doj+internet/home/about+us/our+organisation/our+executive/justice+-+gail+moody+executive+director+strategic+projects+and+planning>).
- <sup>448</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 209; see also DoJ Annual Report, page 68.
- <sup>449</sup> DoJ Annual Report, pages 128 and 131.
- <sup>450</sup> DoJ Annual Report, pages 61 and 124.
- <sup>451</sup> DoJ Annual Report, page 124.
- <sup>452</sup> Supreme Court Annual Report, page 56.
- <sup>453</sup> *Review of Courts Administration, Court and Tribunal Services* (DRAFT), Department of the Attorney General, Government of Western Australia, page 10; see to the same effect John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 83.
- <sup>454</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 57.
- <sup>455</sup> The Governor in Council may declare the person for the time being carrying out the duties of any office in the public service to be a deputy prothonotary (*Supreme Court Act 1986* (Vic.), Section 107(1)).
- <sup>456</sup> *Supreme Court Act 1986* (Vic.), Section 106. They are also appointed under the *Extended and Varied Victorian Public Service Agreement 2006* (Supreme Court Annual Report, page 56).
- <sup>457</sup> The Honorable Justice Michael F. MOORE, "Institutional Judicial Independence. Judicial Independence – Breaking Free from the Executive Branch", paper delivered at the 19<sup>th</sup> Pacific Regional Judicial Conference, Tumon, Guam, November 8<sup>th</sup>, 2010, page 9.
- <sup>458</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 58.
- <sup>459</sup> The Honorable Justice Michael F. MOORE, "Institutional Judicial Independence. Judicial Independence – Breaking Free from the Executive Branch", paper delivered at the 19<sup>th</sup> Pacific Regional Judicial Conference, Tumon, Guam, November 8<sup>th</sup>, 2010, page 9.
- <sup>460</sup> Supreme Court Annual Report, page 56.
- <sup>461</sup> *Supreme Court Act 1986* (Vic.), Section 28.
- <sup>462</sup> DoJ Annual Report, page 131.
- <sup>463</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 64.
- <sup>464</sup> *Review of Courts Administration, Court and Tribunal Services* (DRAFT), Department of the Attorney General, Government of Western Australia, page 10; see to the same effect John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 83.
- <sup>465</sup> by Order published in the Government Gazette (*Supreme Court Act 1986* (Vic.), Section 6(1)).
- <sup>466</sup> Supreme Court Annual Report, page 3; DoJ Annual Report, pages 15 and 128.
- <sup>467</sup> DoJ Annual Report, page 131.
- <sup>468</sup> Subject to the Rules (*Supreme Court Act 1986* (Vic.), Section 7).
- <sup>469</sup> The Honorable Justice Michael F. MOORE, "Institutional Judicial Independence. Judicial Independence – Breaking Free from the Executive Branch", paper delivered at the 19<sup>th</sup> Pacific Regional Judicial Conference, Tumon, Guam, November 8<sup>th</sup>, 2010, page 9.

- <sup>470</sup> Supreme Court Annual Report, pages 2 and 3; DoJ Annual Report, page 128.
- <sup>471</sup> *Court and Tribunal Services Division Strategic Plan 2010-2013* (hereinafter the “Courts and Tribunal Services Division Strategic Plan”), page 2.
- <sup>472</sup> *Review of Courts Administration, Court and Tribunal Services* (DRAFT), Department of the Attorney General, Government of Western Australia (hereinafter the “Review of Courts Administration”), pages 14 and 15.
- <sup>473</sup> *Review of Courts Administration*, pages 14 and 15; *Heads of Jurisdiction Board, Terms of Reference*, Department of the Attorney General, Government of Western Australia, September 2007, page 2. The Attorney General is ultimately responsible for the expenditure of public funds in relation to Court and Tribunal Services (*Review of Courts Administration*, page 19). The Director General is the CEO of the Department and is appointed by the Attorney General (John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia’s Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 220).
- <sup>474</sup> *Review of Courts Administration*, pages 4 and 8.
- <sup>475</sup> *Review of Courts Administration*, pages 4 and 41.
- <sup>476</sup> *Heads of Jurisdiction Board, Terms of Reference*, Department of the Attorney General, Government of Western Australia, September 2007, page 1. Other core members are the Chief Judge of the Family Court, the President of the State Administrative Tribunal, the Chief Judge of the District Court, the Chief Magistrate of the Magistrates Court, the Director General and the Executive Director, Court and Tribunal Services.
- <sup>477</sup> *Heads of Jurisdiction Board, Terms of Reference*, Department of the Attorney General, Government of Western Australia, September 2007, page 1. It is to be noted however that the future of this Board is subject to the outcome of discussions on the establishment of a Courts Administration Authority in Western Australia (page 1; see also in general the *Review of Courts Administration*).
- <sup>478</sup> The “Review of Courts Administration” document states that the expansion of the Heads of Jurisdiction meetings to a decision making forum would progress Western Australia courts from the executive model to the partnership model, as defined in the Canadian Judicial Council’s *Alternative Models of Court Administration*, September 2006, page 99 (*Review of Courts Administration*, page 22).
- <sup>479</sup> *Heads of Jurisdiction Board, Terms of Reference*, Department of the Attorney General, Government of Western Australia, September 2007, page 1. See also page 2, which states the Board will “participate in the development of divisional goals and strategic directions for the managements of courts and tribunals, consistent with the government’s and DotAG’s strategic directions and priorities”.
- <sup>480</sup> “About the General Division”, online, Supreme Court of Western Australia : <http://www.supremecourt.wa.gov.au/content/procedure/general.aspx>
- <sup>481</sup> *Supreme Court Act 1935* (W.A.), Section 7(6). See also page 71 of John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia’s Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration. At the departmental level, an Executive Manager, Supreme Court is responsible to the Director, Higher Courts, and through the latter, to the Executive Director, Court and Tribunal (*Review of Courts Administration*, page 14).
- <sup>482</sup> *Review of Courts Administration*, pages 10 and 18. Financial resources of the Court are provided by Parliament from Consolidated Revenue. If technically, the total amount of the Court’s budget is decided upon by the Parliament, in practice, this decision rests with the Executive (John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia’s Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 3, 227 and 228).
- <sup>483</sup> *Review of Courts Administration*, page 15.
- <sup>484</sup> *Review of Courts Administration*, pages 15 and 16.
- <sup>485</sup> *Review of Courts Administration*, page 16.
- <sup>486</sup> *Review of Courts Administration*, page 18.
- <sup>487</sup> *Heads of Jurisdiction Board, Terms of Reference*, Department of the Attorney General, Government of Western Australia, September 2007, page 2.
- <sup>488</sup> As we were told by Ray Warnes, Executive Director, Court and Tribunal Services in his response to Karim Benyekhlef dated November 17<sup>th</sup>, 2010 (page 2).
- <sup>489</sup> *Review of Courts Administration*, page 16.
- <sup>490</sup> *Review of Courts Administration*, page 16.
- <sup>491</sup> *Review of Courts Administration*, page 20.
- <sup>492</sup> *Review of Courts Administration*, page 16.
- <sup>493</sup> *Review of Courts Administration*, page 20.

- <sup>494</sup> Chart of the Western Australian Government, produced by the Public Sector Management Division of the Department of the Premier and Cabinet – as at August 1<sup>st</sup>, 2007 (Review of Courts Administration, page 24).
- <sup>495</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 229
- <sup>496</sup> Review of Courts Administration, page 15.
- <sup>497</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 229
- <sup>498</sup> Review of Courts Administration, page 10; Courts and Tribunals Services Division Strategic Plan, page 2.
- <sup>499</sup> "Department Structure", online, Department of the Attorney General:  
[http://www.department.dotag.wa.gov.au/C/corporate\\_structure.aspx?uid=7758-4778-9101-3976](http://www.department.dotag.wa.gov.au/C/corporate_structure.aspx?uid=7758-4778-9101-3976)
- <sup>500</sup> Review of Courts Administration, page 15.
- <sup>501</sup> Review of Courts Administration, page 15.
- <sup>502</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 57.
- <sup>503</sup> *Heads of Jurisdiction Board, Terms of Reference*, Department of the Attorney General, Government of Western Australia, September 2007, page 2.
- <sup>504</sup> Review of Courts Administration, page 10; Courts and Tribunals Services Division Strategic Plan, page 2.
- <sup>505</sup> *Heads of Jurisdiction Board, Terms of Reference*, Department of the Attorney General, Government of Western Australia, September 2007, page 2.
- <sup>506</sup> *Supreme Court Act 1935* (W.A.), Section 38(1).
- <sup>507</sup> Courts and Tribunals Services Division Strategic Plan, page 2.
- <sup>508</sup> "Department Structure", online, Department of the Attorney General:  
[http://www.department.dotag.wa.gov.au/C/corporate\\_structure.aspx?uid=7758-4778-9101-3976](http://www.department.dotag.wa.gov.au/C/corporate_structure.aspx?uid=7758-4778-9101-3976)
- <sup>509</sup> *Court and Tribunal Technology Committee. Terms of Reference*, Department of the Attorney General, Government of Western Australia, page 1. This same page also details the specific responsibilities incumbent upon the Committee. The other core members of the Committee are the Executive Director, Court and Tribunal Services (Convenor), a District Court Judge (or alternate), the State Administrative Tribunal Deputy President (or alternate), a Magistrate (or alternate), the Director, Strategic Business Development and the Director, Shared Information Services (page 2).
- <sup>510</sup> Review of Courts Administration, page 16.
- <sup>511</sup> ACT Department of Justice and Community Safety Annual Report 2009-2010, Volume 1 (hereinafter the "ACT Department Annual Report (vol. 1)"), page 3.
- <sup>512</sup> The Honorable Justice Michael F. MOORE, "Institutional Judicial Independence. Judicial Independence – Breaking Free from the Executive Branch", paper delivered at the 19<sup>th</sup> Pacific Regional Judicial Conference, Tumon, Guam, November 8<sup>th</sup>, 2010, page 10; ACT Department Annual Report (vol. 1), page 5.
- <sup>513</sup> Subject to section 37G (Arrangement of business of Court of Appeal) (*Supreme Court Act 1933*, Section 7).
- <sup>514</sup> When exercising its appellate jurisdiction, the Supreme Court is known as the Court of Appeal; *Supreme Court Act 1933*, Section 37E.
- <sup>515</sup> *Supreme Court Act 1933*, Section 37G.
- <sup>516</sup> "The Court Today", online, the Supreme Court of the Australian Capital Territory:  
[http://www.courts.act.gov.au/supreme/content/about\\_us\\_history.asp?textonly=no](http://www.courts.act.gov.au/supreme/content/about_us_history.asp?textonly=no)
- <sup>517</sup> ACT Department Annual Report (vol. 1), page 106.
- <sup>518</sup> ACT Department Annual Report (vol. 1), page 106.
- <sup>519</sup> The report has been prepared under Section 5(1) of the *Annual Reports (Government Agencies) Act 2004* (ACT Department Annual Report (vol. 1), page v).
- <sup>520</sup> ACT Department Annual Report (vol. 1), page v. As required by Section 13 of the *Annual Reports (Government Agencies) Act 2004*.
- <sup>521</sup> ACT Department of Justice and Community Safety Annual Report 2009-2010, Volume 2 (hereinafter the "ACT Department Annual Report (vol. 2)"), page 26.
- <sup>522</sup> ACT Department Annual Report (vol. 2), page 12.
- <sup>523</sup> ACT Department Annual Report (vol. 1), page 105.
- <sup>524</sup> ACT Department Annual Report (vol. 1), page 3.



- 525 ACT Department Annual Report (vol. 1), page 98. The Audit and Performance Improvement Committee provides independent advice to the Chief Executive on internal control processes including internal and external audit functions, governance structure, risk management and fraud control (page 105).
- 526 ACT Department Annual Report (vol. 1), page 82; ACT Department Annual Report (vol. 2), page 12.
- 527 *Supreme Court Act 1933*, Section 46(2).
- 528 *Supreme Court Act 1933*, Section 46(3).
- 529 *Supreme Court Act 1933*, Section 46(4). The Sheriff may as well appoint public servants to assist in the exercise of his functions (Section 53(1)).
- 530 *Supreme Court Act 1933*, Section 46(5). The status of public servant is a condition of employment as deputy registrar, deputy sheriff or officer.
- 531 *Supreme Court Act 1933*, Section 46B(1).
- 532 *Supreme Court Act 1933*, Section 46B(2).
- 533 I.e. the Commonwealth, a State or another country if under the law of that jurisdiction a judicial exchange arrangement may be entered into with the Attorney- General of this jurisdiction (*Supreme Court Act 1933*, Section 69A).
- 534 I.e. a judge or other person who, whether alone or together with others, constitutes a court, but does not include a lay member of a court (*Supreme Court Act 1933*, Section 69A).
- 535 I.e. the Federal Court of Australia or the Supreme Court of any State other than Queensland (*Supreme Court Act 1933*, Section 69A and Schedule 2).
- 536 I.e. an arrangement under Section 69B of the *Supreme Court Act 1933*.
- 537 *Supreme Court Act 1933*, Section 69C(2).
- 538 ACT Department Annual Report (vol. 1), page 3.
- 539 ACT Department Annual Report (vol. 1), page 123.
- 540 ACT Department Annual Report (vol. 1), page 3.
- 541 ACT Department Annual Report (vol. 1), page 59.
- 542 *Supreme Court Act 1933*, Section 18(1).
- 543 ACT Department Annual Report (vol. 1), page 54.
- 544 ACT Department Annual Report (vol. 1), page 57.
- 545 "Administration", in "The History of the NT Supreme Court", online, Supreme Court of the Northern Territory: <http://www.supremecourt.nt.gov.au/about/history/index.htm>; Northern Territory Government Department of Justice Annual Report 2009-2010 (hereinafter the "NT Department of Justice Annual Report"), pages 12 to 16 and 144.
- 546 *Supreme Court Act* (N.T.), Section 34.
- 547 In accordance with the provisions of Section 28 of the *Public Sector Employment and Management Act* and Section 12 of the *Financial Management Act* (NT Department of Justice Annual Report, page 4).
- 548 As well as to the Minister for Racing, Gaming, Licensing and Alcohol Policy and the Minister for Correctional Services (NT Department of Justice Annual Report, page 4). The Department of Justice responds to these two ministers (page 10).
- 549 "Administration", in "The History of the NT Supreme Court", online, Supreme Court of the Northern Territory: <http://www.supremecourt.nt.gov.au/about/history/index.htm>
- 550 NT Department of Justice Annual Report, page 144.
- 551 NT Department of Justice Annual Report, page 4.
- 552 NT Department of Justice Annual Report, page 59.
- 553 NT Department of Justice Annual Report, page 54.
- 554 *Supreme Court Act* (N.T.), Section 48.
- 555 *Supreme Court Act* (N.T.), Section 50.
- 556 "Administration", in "The History of the NT Supreme Court", online, Supreme Court of the Northern Territory: <http://www.supremecourt.nt.gov.au/about/history/index.htm>
- 557 *Supreme Court Act* (N.T.), Section 49A. This independence is also recognized to the Court's Master: "Except to the extent otherwise provided by or under this Act, the Master and a Registrar, in the exercise of their jurisdiction and powers and the performance of their functions under this Act, are not subject to the direction or control of any person or body".

- 558 "Administration", in "The History of the NT Supreme Court", online, Supreme Court of the Northern Territory: <http://www.supremecourt.nt.gov.au/about/history/index.htm>; NT Department of Justice Annual Report, page 58.
- 559 NT Department of Justice Annual Report, page 58.
- 560 NT Department of Justice Annual Report, page 98.
- 561 *Supreme Court Act* (N.T.), Section 13(2).
- 562 *Supreme Court Act* (N.T.), Section 42(2).
- 563 NT Department of Justice Annual Report, page 54.
- 564 NT Department of Justice Annual Report, page 56. Information services are also provided by the Department's Corporate and Services Division (page 58).
- 565 "Library Committee including membership", online, Supreme Court of the Northern Territory: <http://www.supremecourt.nt.gov.au/library/committee.htm>
- 566 Roger Bilodeau, "Supreme Court of Canada – structure, status and challenges", (2010) 36-3 Commonwealth Law Bulletin 421, 423.
- 567 Roger Bilodeau, "Supreme Court of Canada – structure, status and challenges", (2010) 36-3 Commonwealth Law Bulletin, 429.
- 568 Roger Bilodeau, "Supreme Court of Canada – structure, status and challenges", (2010) 36-3 Commonwealth Law Bulletin, 421. The Office's strategic outcome is to ensure that "the administration of Canada's final court of appeal is effective and independent" (we emphasize) (R. BILODEAU, 422).
- 569 The Executive Committee is supported by the Extended Management Committee (Roger Bilodeau, "Supreme Court of Canada – structure, status and challenges", (2010) 36-3 Commonwealth Law Bulletin, 436).
- 570 Roger Bilodeau, "Supreme Court of Canada – structure, status and challenges", (2010) 36-3 Commonwealth Law Bulletin, 429; "About the Court; The Administration of the Court", online, Supreme Court of Canada: <http://www.scc-csc.gc.ca/court-cour/administration/index-eng.asp>.
- 571 Roger Bilodeau, "Supreme Court of Canada – structure, status and challenges", (2010) 36-3 Commonwealth Law Bulletin, 429.
- 572 *Supreme Court Act*, R.S.C. 1985, c. S-26, Section 12(1).
- 573 Roger Bilodeau, "Supreme Court of Canada – structure, status and challenges", (2010) 36-3 Commonwealth Law Bulletin, 429; see also Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 14.
- 574 Roger Bilodeau, "Supreme Court of Canada – structure, status and challenges", (2010) 36-3 Commonwealth Law Bulletin, 438.
- 575 It is to be noted that we classify the court administration structure in place in the Supreme Court as a "limited autonomy model" because the administrative functions entrusted to the Registrar derive from a combination of both statutory and administrative measures, and thus are not only the result of informal understandings (see Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 14).
- 576 Roger Bilodeau, "Supreme Court of Canada – structure, status and challenges", (2010) 36-3 Commonwealth Law Bulletin, 438, citing on that matter the federal Deputy Minister of Justice, according to whom the Registry operates "at arm's length from the Executive in terms of (...) day to day operations".
- 577 "About the Court; The Administration of the Court", online, Supreme Court of Canada: <http://www.scc-csc.gc.ca/court-cour/administration/index-eng.asp>. See also Roger Bilodeau, "Supreme Court of Canada – structure, status and challenges", (2010) 36-3 Commonwealth Law Bulletin, 436.
- 578 Roger Bilodeau, "Supreme Court of Canada – structure, status and challenges", (2010) 36-3 Commonwealth Law Bulletin, 430.
- 579 Roger Bilodeau, "Supreme Court of Canada – structure, status and challenges", (2010) 36-3 Commonwealth Law Bulletin, 438.
- 580 Pursuant to the *Judges Act*, R.S.C. 1985, c. J-1.
- 581 Roger Bilodeau, "Supreme Court of Canada – structure, status and challenges", (2010) 36-3 Commonwealth Law Bulletin, 427.
- 582 Roger Bilodeau, "Supreme Court of Canada – structure, status and challenges", (2010) 36-3 Commonwealth Law Bulletin, 427.
- 583 I.e. the Annual Reference Level Update, the Main Estimates (supported by the Report on Plans and Priorities), the Departmental Performance Report, and finally the Public Accounts of Canada (Roger Bilodeau, "Supreme Court of Canada – structure, status and challenges", (2010) 36-3 Commonwealth Law Bulletin, 427). The Court's Estimates are tabled by the Minister of Justice in the House of Commons; the executive branch thus recommends to Parliament a vote which appropriates funds for the administration of the Court (Roger Bilodeau, "Supreme Court of Canada – structure, status and challenges", (2010) 36-3 Commonwealth Law Bulletin, 438).

- <sup>584</sup> Roger Bilodeau, "Supreme Court of Canada – structure, status and challenges", (2010) 36-3 Commonwealth Law Bulletin, 438. The Office's Management as well as Corporate Services Sector are responsible for financial management, internal controls and strategic planning ("About the Court; The Administration of the Court", online, Supreme Court of Canada: <http://www.scc-csc.gc.ca/court-cour/administration/index-eng.asp>; see also Office of the Registrar Financial Statements, online, Supreme Court of Canada : <http://www.scc-csc.gc.ca/fin/2009-10-eng.asp#fs1>).
- <sup>585</sup> Audits – on finance, contracting and procurement, information management, IT infrastructure, library, etc. – may therefore be conducted by Consulting and Audit Canada as well as independent external audit firms ("About the Court. Audits", online, Supreme Court of Canada: <http://www.scc-csc.gc.ca/court-cour/aud-ver/index-eng.asp>).
- <sup>586</sup> Roger Bilodeau, "Supreme Court of Canada – structure, status and challenges", (2010) 36-3 Commonwealth Law Bulletin, 438.
- <sup>587</sup> *Supreme Court Act*, R.S.C. 1985, c. S-26, Section 12(2). The Registrar and Deputy Registrar are also public servants (Roger Bilodeau, "Supreme Court of Canada – structure, status and challenges", (2010) 36-3 Commonwealth Law Bulletin, 425), the *Public Service Employment Act* and the *Public Service Superannuation Act* thus extending and applying to them (in so far as applicable) (*Supreme Court Act*, R.S.C. 1985, c. S-26, Section 20). Under the *Public Service Employment Act*, S.C. 2003, c. 22, the Public Service Commission can delegate powers of appointment to deputy heads (Roger Bilodeau, "Supreme Court of Canada – structure, status and challenges", (2010) 36-3 Commonwealth Law Bulletin, 434).
- <sup>588</sup> Roger Bilodeau, "Supreme Court of Canada – structure, status and challenges", (2010) 36-3 Commonwealth Law Bulletin, 436.
- <sup>589</sup> *Supreme Court Act*, R.S.C. 1985, c. S-26, Section 15.
- <sup>590</sup> Through its Human Resources Branch (Roger Bilodeau, "Supreme Court of Canada – structure, status and challenges", (2010) 36-3 Commonwealth Law Bulletin, 430).
- <sup>591</sup> Roger Bilodeau, "Supreme Court of Canada – structure, status and challenges", (2010) 36-3 Commonwealth Law Bulletin, 426. Longer term projects are identified as part of the building's asset management plan.
- <sup>592</sup> Roger Bilodeau, "Supreme Court of Canada – structure, status and challenges", (2010) 36-3 Commonwealth Law Bulletin, 430.
- <sup>593</sup> "About the Court; The Administration of the Court", online, Supreme Court of Canada: <http://www.scc-csc.gc.ca/court-cour/administration/index-eng.asp>; Roger Bilodeau, "Supreme Court of Canada – structure, status and challenges", (2010) 36-3 Commonwealth Law Bulletin, 430.
- <sup>594</sup> Roger Bilodeau, "Supreme Court of Canada – structure, status and challenges", (2010) 36-3 Commonwealth Law Bulletin, 430.
- <sup>595</sup> Roger Bilodeau, "Supreme Court of Canada – structure, status and challenges", (2010) 36-3 Commonwealth Law Bulletin, 429 and 430.
- <sup>596</sup> *Supreme Court Act*, R.S.C. 1985, c. S-26, Section 16.
- <sup>597</sup> These administrative services encompass registry, judicial and corporate services (Courts Administration Service 2010-2011 Report on Plans and Priorities, page 4).
- <sup>598</sup> *Courts Administration Service Act*, S.C. 2002, c. 8, Section 2(a) and (b). A third purpose of the creation of the Service is to enhance accountability for the use of public money in support of court administration while safeguarding the independence of the judiciary (Section 2(c)). The Service is a portion of the federal public administration (Section 3).
- <sup>599</sup> *Courts Administration Service Act*, S.C. 2002, c. 8, Sections 7(1) and (2), and 5(4).
- <sup>600</sup> *Courts Administration Service Act*, S.C. 2002, c. 8, Sections 5(1) and (3).
- <sup>601</sup> *Courts Administration Service Act*, S.C. 2002, c. 8, Section 9(1). According to Alford, Gustavson and Williams, in the Canadian federal model, even though court administration is independent from the executive, the judiciary only has the control over court administrative functions to the extent that each Chief Justice claims it by issuing directives to the Chief Administrator (John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 89).
- <sup>602</sup> Courts Administration Service Annual Report 2009-2010 (hereinafter the "Service's Annual Report"), page 3.
- <sup>603</sup> *Federal Courts Act*, R.S.C. 1985, c. F-7, Section 14; *Tax Court of Canada Act*, R.S.C. 1985, c. T-2, Section 23.
- <sup>604</sup> *Courts Administration Service Act*, S.C. 2002, c. 8, Section 12.
- <sup>605</sup> John Alford, Royston Gustavson and Philip Williams, *The Governance of Australia's Courts: A Managerial Perspective*, 2004, Melbourne, Australian Institute of Judicial Administration, at 88.
- <sup>606</sup> Service's Annual Report, page 20.
- <sup>607</sup> See for instance pages 11, 13 and 22 of the Service's Annual Report.

- 608 *Courts Administration Service Act*, S.C. 2002, c. 8, Section 7(3).
- 609 Service's Annual Report, page 12.
- 610 *Courts Administration Service Act*, S.C. 2002, c. 8, Section 10.
- 611 *Courts Administration Service Act*, S.C. 2002, c. 8, Section 7(1).
- 612 *Courts Administration Service Act*, S.C. 2002, c. 8, Section 8(3).
- 613 Service's Annual Report, page 12.
- 614 for the purposes of the *Public Service Superannuation Act* and to be employed in the federal public administration for the purposes of the *Government Employees Compensation Act* and any regulations made under section 9 of the *Aeronautics Act* (*Courts Administration Service Act*, Section 6(2)).
- 615 Service's Annual Report, page 15.
- 616 *Courts Administration Service Act*, S.C. 2002, c. 8, Section 7(2).
- 617 Service's Annual Report, page 12.
- 618 *Courts Administration Service Act*, S.C. 2002, c. 8, Sections 7(2) and 11.
- 619 Service's Annual Report, page 12.
- 620 "History and Mandate", online, Courts Administration Service: [http://cas-ncr-nter03.cas-satj.gc.ca/portal/page/portal/CAS/mandate-mandat\\_eng](http://cas-ncr-nter03.cas-satj.gc.ca/portal/page/portal/CAS/mandate-mandat_eng). The Library Services Division provides a full range of professional law library services; administrative assistance is also provided to Chief Justices through the Offices of Chief Justices, Law Clerk Program, and Judicial Assistants Division (Service's Annual Report, page 10).
- 621 *Courts Administration Service Act*, S.C. 2002, c. 8, Section 7(2).
- 622 Alberta Justice Annual Report 2009-2010 (hereinafter the "Ministry's Annual Report"), page 7.
- 623 *Provincial Court Act*, R.S.A. 2000, c. P-31, Section 9.1(3).
- 624 *Provincial Court Act*, R.S.A. 2000, c. P-31, Section 9.1(7).
- 625 Government of Alberta, Budget 2010, Justice Business Plan 2010-13 (hereinafter the "Ministry's Business Plan"), page 191; Ministry's Annual Report, page 1.
- 626 *Moving Towards a Planned Future*, Court Services' Annual Report 2008-2009 (hereinafter the "Court Services Annual Report 2008-2009"), page 5.
- 627 *Provincial Court Act*, R.S.A. 2000, c. P-31, Section 9.1(6).
- 628 *Provincial Court Act*, R.S.A. 2000, c. P-31, Section 9(2)(a).
- 629 Ministry's Annual Report, page 1. The Ministry's Corporate Services Division also provides strategic advice and services to the Ministry in the areas of business and financial planning and reporting and risk management (page 7).
- 630 Ministry's Annual Report, page 1.
- 631 Ministry's Annual Report, page 33.
- 632 Ministry's Annual Report, page 1.
- 633 *Provincial Court Act*, R.S.A. 2000, c. P-31, Section 3(1).
- 634 *Provincial Court Act*, R.S.A. 2000, c. P-31, Section 3(2).
- 635 *Provincial Court Act*, R.S.A. 2000, c. P-31, Section 5.
- 636 *Provincial Court Act*, R.S.A. 2000, c. P-31, Section 7.
- 637 Court Services Annual Report 2008-2009, page 5.
- 638 Ministry's Annual Report, page 8.
- 639 Court Services Annual Report 2008-2009, page 14.
- 640 For instance, Courts representatives may be directly involved in committee work encompassing larger projects (major renovations, new facilities, etc.). On the other hand, they may be consulted only on an ad hoc basis in relation to minor renovations or facility upgrades (Court Operations and Administration, Alberta Court of Appeal (hereinafter the "Court Operations and Administration Report, Alberta Court of Appeal", page 5).
- 641 Ministry's Annual Report, page 7.
- 642 Court Operations and Administration Report, Alberta Court of Appeal, page 3.
- 643 Court Operations and Administration Report, Alberta Court of Appeal, pages 5 and 6.
- 644 Court Operations and Administration Report, Alberta Court of Appeal, page 6.
- 645 Court Operations and Administration Report, Alberta Court of Appeal, page 6.

- <sup>646</sup> Court Operations and Administration Report, Alberta Court of Appeal, page 6.
- <sup>647</sup> As mentioned in the revised text of the Alberta Court of Appeal section sent by Mrs. Diane Boisvert, Executive Officer to the Chief Justice of Alberta, to professor Nicolas Vermeys on February 7<sup>th</sup>, 2011.
- <sup>648</sup> As mentioned in the revised text of the Alberta Court of Appeal section sent by Mrs. Diane Boisvert, Executive Officer to the Chief Justice of Alberta, to professor Nicolas Vermeys on February 7<sup>th</sup>, 2011.
- <sup>649</sup> As mentioned in the revised text of the of the Alberta Court of Appeal section sent by Mrs. Diane Boisvert, Executive Officer to the Chief Justice of Alberta, to professor Nicolas Vermeys on February 7<sup>th</sup>, 2011.
- <sup>650</sup> As we were told by the Honorable Neil C. Wittmann, Chief Justice of the Alberta Court of Queen's Bench, in his letter to Caroline Collard dated December 1, 2010 (first page).
- <sup>651</sup> Court of Queen's Bench Annual Business Plan 2010-2011 (hereinafter the "Court's Business Plan"), page 10.
- <sup>652</sup> *Court of Queen's Bench Act*, R.S.A. 2000, c. C-31, Section 24.
- <sup>653</sup> Government of Alberta, Budget 2010, Justice Business Plan 2010-13 (hereinafter the "Ministry's Business Plan"), page 191; Ministry's Annual Report, page 1.
- <sup>654</sup> As we were told by the Honorable Neil C. Wittmann, Chief Justice of the Alberta Court of Queen's Bench, in his letter to Caroline Collard dated December 1, 2010 (first page).
- <sup>655</sup> As we were told by the Honorable Neil C. Wittmann, Chief Justice of the Alberta Court of Queen's Bench, in his letter to Caroline Collard dated December 1, 2010 (page 2). See also page 2 of the Court's Business Plan. The same page states that the Court proposes that it be given the same budgetary autonomy as the Court of Appeal of Alberta; see also page 7.
- <sup>656</sup> Court's Business Plan, page 7. Court Services oversees financial and business planning for the Court (Court Services' Annual Report 2008-2009, page 5).
- <sup>657</sup> As we were told by the Honorable Neil C. Wittmann, Chief Justice of the Alberta Court of Queen's Bench, in his letter to Caroline Collard dated December 1, 2010 (page 2).
- <sup>658</sup> As we were told by the Honorable Neil C. Wittmann, Chief Justice of the Alberta Court of Queen's Bench, in his letter to Caroline Collard dated December 1, 2010 (page 2).
- <sup>659</sup> As it appears from the Court's Business Plan (see letter from the Honorable Neil C. Wittmann, Chief Justice of the Alberta Court of Queen's Bench, to Caroline Collard dated December 1, 2010, page 2).
- <sup>660</sup> *Court of Queen's Bench Act*, R.S.A. 2000, c. C-31, Section 22.
- <sup>661</sup> Ministry's Annual Report, page 1. The Ministry's Corporate Services Division also provides strategic advice and services to the Ministry in the areas of business and financial planning and reporting and risk management (page 7).
- <sup>662</sup> Ministry's Annual Report, page 1.
- <sup>663</sup> Ministry's Annual Report, page 33.
- <sup>664</sup> Ministry's Annual Report, page 1.
- <sup>665</sup> As we were told by the Honorable Neil C. Wittmann, Chief Justice of the Alberta Court of Queen's Bench, in his letter to Caroline Collard dated December 1, 2010 (first page). See also *Court of Queen's Bench Act*, R.S.A. 2000, c. C-31, Sections 18 and 19.
- <sup>666</sup> As we were told by the Honorable Neil C. Wittmann, Chief Justice of the Alberta Court of Queen's Bench, in his letter to Caroline Collard dated December 1, 2010 (first page).
- <sup>667</sup> *Court of Queen's Bench Act*, R.S.A. 2000, c. C-31, Section 17.
- <sup>668</sup> *Court of Queen's Bench Act*, R.S.A. 2000, c. C-31, Section 8.2. See for instance the Chief Justice's powers regarding a master in chambers' reappointment.
- <sup>669</sup> As we were told by the Honorable Neil C. Wittmann, Chief Justice of the Alberta Court of Queen's Bench, in his letter to Caroline Collard dated December 1, 2010 (first page).
- <sup>670</sup> Court Services Annual Report 2008-2009, page 14.
- <sup>671</sup> For instance, Courts representatives may be directly involved in committee work encompassing larger projects (major renovations, new facilities, etc.). On the other hand, they may be consulted on an ad hoc basis only in relation to minor renovations or facility upgrades (Court Operations and Administration Report, Alberta Court of Appeal, page 5).
- <sup>672</sup> Ministry's Annual Report, page 7.
- <sup>673</sup> Court Operations and Administration Report, Alberta Court of Appeal, page 3.
- <sup>674</sup> Court Operations and Administration Report, Alberta Court of Appeal, pages 5 and 6.
- <sup>675</sup> Court Operations and Administration Report, Alberta Court of Appeal, page 6.



- <sup>676</sup> Court Operations and Administration Report, Alberta Court of Appeal, page 6.
- <sup>677</sup> Court Operations and Administration Report, Alberta Court of Appeal, page 6.
- <sup>678</sup> As mentioned in the revised text of the Alberta Court of Appeal section sent by Mrs. Diane Boisvert, Executive Officer to the Chief Justice of Alberta, to professor Nicolas Vermeys on February 7<sup>th</sup>, 2011.
- <sup>679</sup> As mentioned in the revised text of the Alberta Court of Appeal section sent by Mrs. Diane Boisvert, Executive Officer to the Chief Justice of Alberta, to professor Nicolas Vermeys on February 7<sup>th</sup>, 2011.
- <sup>680</sup> As mentioned in the revised text of the of the Alberta Court of Appeal section sent by Mrs. Diane Boisvert, Executive Officer to the Chief Justice of Alberta, to professor Nicolas Vermeys on February 7<sup>th</sup>, 2011.
- <sup>681</sup> Court of Appeal of Alberta Three-Year Operational Plan 2009-2012 (hereinafter the “Court of Appeal Operational Plan”), page ii. See also Court Operations and Administration Report, Alberta Court of Appeal, page 1.
- <sup>682</sup> Court Operations and Administration Report, Alberta Court of Appeal, page 1. As well, the Chief Justice of Alberta, who is also the Chief Justice of the Court of Appeal, participates in “Think Tank” brainstorming sessions with the Minister and Deputy Minister of Justice as well as Chief Justices of other Alberta Courts to discuss and resolve issues of mutual concern (Court Operations and Administration Report, Alberta Court of Appeal, page 8).
- <sup>683</sup> Court of Appeal Operational Plan, page 1.
- <sup>684</sup> *Court of Appeal Act*, R.S.A. 2000, c. C-30, Section 18. In addition to this mechanism for reporting, the Court is able to communicate with the government through annual reports as well as operational plans (Court Operations and Administration Report, Alberta Court of Appeal, page 4).
- <sup>685</sup> Court of Appeal Operational Plan, page 2.
- <sup>686</sup> Court Operations and Administration Report, Alberta Court of Appeal, page 1.
- <sup>687</sup> General operational issues for Court Services are discussed in these meetings (Court Operations and Administration Report, Alberta Court of Appeal, page 5).
- <sup>688</sup> Court Operations and Administration Report, Alberta Court of Appeal, page 3. Depending on circumstances, requests for additional funds for the Court’s budget are made directly to the Minister of Justice by the Chief Justice or by the Registrar to the Assistant Deputy Minister (Court Operations and Administration Report, Alberta Court of Appeal, page 3).
- <sup>689</sup> Court Operations and Administration Report, Alberta Court of Appeal, page 3.
- <sup>690</sup> Court Operations and Administration Report, Alberta Court of Appeal, pages 1 and 2.
- <sup>691</sup> Court Operations and Administration Report, Alberta Court of Appeal, page 2. Subject to the approval of the Ministry’s Contract Review Committee, as an approved expenditure officer, the Registrar has authority to incur expenses up to government approved limits (e.g. \$100,000 for contract execution). Other approved expenditure officers (having lesser spending designations) include the Director of Operations, Deputy Registrars and Office Manager (Court Operations and Administration Report, Alberta Court of Appeal, page 3).
- <sup>692</sup> E.g. *Financial Administration Act*, Manual of Financial Management, Treasury Board Directives, Personnel Administration Office Directives, Direct Purchase Administrative Policies, Ministry Purchasing Guidelines and Policies (Court Operations and Administration Report, Alberta Court of Appeal, page 2).
- <sup>693</sup> *Court of Appeal Act*, R.S.A. 2000, c. C-30, Section 13.
- <sup>694</sup> Court Operations and Administration Report, Alberta Court of Appeal, page 2. The Court of Appeal staff are also part of the overall staffing resources of Court Services (Court Operations and Administration Report, Alberta Court of Appeal, page 2).
- <sup>695</sup> Court Operations and Administration Report, Alberta Court of Appeal, page 2.
- <sup>696</sup> Court of Appeal Operational Plan, page 2.
- <sup>697</sup> Court Operations and Administration Report, Alberta Court of Appeal, page 1. See also *Court of Appeal Act*, R.S.A. 2000, c. C-30, Sections 14(2) and 15.
- <sup>698</sup> Court Operations and Administration Report, Alberta Court of Appeal, page 1.
- <sup>699</sup> For instance, Courts’ representatives may be directly involved in committee work encompassing larger projects (major renovations, new facilities, etc.). On the other hand, they may be consulted on an ad hoc basis only in relation to minor renovations or facility upgrades (Court Operations and Administration Report, Alberta Court of Appeal, page 5).
- <sup>700</sup> Court Operations and Administration Report, Alberta Court of Appeal, page 3.
- <sup>701</sup> Court Operations and Administration Report, Alberta Court of Appeal, page 3.
- <sup>702</sup> Court Operations and Administration Report, Alberta Court of Appeal, page 3.
- <sup>703</sup> Court Operations and Administration Report, Alberta Court of Appeal, pages 5 and 6.

- 704 Court Operations and Administration Report, Alberta Court of Appeal, page 6.
- 705 Court Operations and Administration Report, Alberta Court of Appeal, page 6.
- 706 Court Operations and Administration Report, Alberta Court of Appeal, page 6.
- 707 As mentioned in the revised text of the Alberta Court of Appeal section sent by Mrs. Diane Boisvert, Executive Officer to the Chief Justice of Alberta, to professor Nicolas Vermeys on February 7<sup>th</sup>, 2011.
- 708 As mentioned in the revised text of the Alberta Court of Appeal section sent by Mrs. Diane Boisvert, Executive Officer to the Chief Justice of Alberta, to professor Nicolas Vermeys on February 7<sup>th</sup>, 2011.
- 709 As mentioned in the revised text of the Alberta Court of Appeal section sent by Mrs. Diane Boisvert, Executive Officer to the Chief Justice of Alberta, to professor Nicolas Vermeys on February 7<sup>th</sup>, 2011.
- 710 Ministry of the Attorney General 2010/11-2012/13 Service Plan, March 2010, pages 6 and 7; “Court Services Branch”, online, Ministry of the Attorney General: <http://www.ag.gov.bc.ca/courts/>.
- 711 *Provincial Court Act*, RSBC 1996, c. 379, Section 41(1). The Attorney General may make regulations respecting the operation and maintenance of court facilities and services (Section 41(4)).
- 712 *Provincial Court Act*, RSBC 1996, c. 379, Section 41(2).
- 713 Paragraph B.7. of the *Protocol Between : Ministry of Attorney General and Provincial Court Judiciary* signed on April 19<sup>th</sup>, 2002 by the Honourable Geoff Plant, Attorney General, and the Honourable Chief Judge Carol Baird Ellan (hereinafter the “2002 Protocol”).
- 714 *Provincial Court Act*, RSBC 1996, c. 379, Section 10(1).
- 715 Provincial Court of British Columbia Annual Report 2008-2009 (hereinafter the “Provincial Court Annual Report”), page 29.
- 716 Provincial Court Annual Report, page 29.
- 717 Provincial Court Annual Report, page 5.
- 718 Provincial Court Annual Report, page 6.
- 719 *Provincial Court Act*, RSBC 1996, c. 379, Section 10(3).
- 720 Provincial Court Annual Report, pages 5 and 6.
- 721 2002 Protocol, Paragraph A. See also Paragraph C8. Paragraph B1 states that the Attorney General has the constitutional responsibility for the administration of justice in the province (as codified in the *Attorney General Act*), whereas Paragraph B3 provides that the Provincial Court Judiciary oversees matters of judicial administration under the principle of judicial independence.
- 722 Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 13. Paragraph 8 of the Protocol states that the document “will be revisited by the Ministry and the Provincial Court Judiciary from time to time with reference to the prevailing case law relating to judicial administration and judicial independence and the responsibility of the Attorney General for the administration of justice in the Province”.
- 723 2002 Protocol, Paragraph B9. Paragraph B8 indeed states that decisions made by the Attorney General may affect matters of judicial administration, while decisions of the Provincial Court Judiciary relating to judicial administration may affect the administration of justice in the province.
- 724 2002 Protocol, Paragraphs C1 and C2. These meetings shall be initially held quarterly and, at a minimum, twice a year (Paragraph C3). The Protocol further provides for extraordinary meetings to be held in case of matters arising in between meetings that have a significant impact on court administration (Paragraph C5).
- 725 Ministry of the Attorney General 2010/11-2012/13 Service Plan, March 2010, page 4.
- 726 As we were told by Frank C. Kraemer, QC, Executive Director & Senior Counsel, Judicial Administration, Superior Courts Judiciary, in his response to Karim Benyekhlef dated December 6<sup>th</sup>, 2010.
- 727 Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 13.
- 728 Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 13.
- 729 As we were told by Frank C. Kraemer, QC, Executive Director & Senior Counsel, Judicial Administration, Superior Courts Judiciary, in his response to Karim Benyekhlef dated December 6<sup>th</sup>, 2010.
- 730 Provincial Court Annual Report, page 29.
- 731 “Judicial Administration”, online, Provincial Court of British Columbia: <http://www.provincialcourt.bc.ca/judicialadministration/index.html>.
- 732 *Provincial Court Act*, RSBC 1996, c. 379, Section 41(3).
- 733 *Provincial Court Act*, RSBC 1996, c. 379, Section 41(3.1).

- 734 The exact senior judicial administrative positions to which the Protocol apply are listed in the Protocol's Appendix. With regards to the Provincial Court, they are the Director of Judicial Administration, the Law Officer, and the Executive Assistant (Appendix to the *Protocol. Appointment of Senior Judicial Administrative Staff* signed on March 25, 2009 between the Deputy Attorney General and the Head of BC Public Service Agency).
- 735 *Protocol. Appointment of Senior Judicial Administrative Staff* signed on March 25, 2009 between the Deputy Attorney General and the Head of BC Public Service Agency, page 1.
- 736 *Provincial Court Act*, RSBC 1996, c. 379, Section 11; See also "Judicial Officers", online, Provincial Court of British Columbia: <http://www.provincialcourt.bc.ca/judicialofficers/index.html>.
- 737 "Judicial Officers", online, Provincial Court of British Columbia: <http://www.provincialcourt.bc.ca/judicialofficers/index.html>.
- 738 "Judicial Administration", online, Provincial Court of British Columbia: <http://www.provincialcourt.bc.ca/judicialadministration/index.html>.
- 739 2002 Protocol, Paragraph B4.
- 740 Provincial Court Annual Report, page 29.
- 741 "Judicial Administration", online, Provincial Court of British Columbia: <http://www.provincialcourt.bc.ca/judicialadministration/index.html>.
- 742 *Provincial Court Act*, RSBC 1996, c. 379, Section 41(1).
- 743 *Provincial Court Act*, RSBC 1996, c. 379, Section 41(2).
- 744 Provincial Court Annual Report, page 29.
- 745 "Judicial Administration", online, Provincial Court of British Columbia: <http://www.provincialcourt.bc.ca/judicialadministration/index.html>.
- 746 Provincial Court Annual Report, page 29.
- 747 "Judicial Administration", online, Provincial Court of British Columbia: <http://www.provincialcourt.bc.ca/judicialadministration/index.html>.
- 748 "Judicial Administration", online, Provincial Court of British Columbia: <http://www.provincialcourt.bc.ca/judicialadministration/index.html>.
- 749 "Judicial Administration", online, Provincial Court of British Columbia: <http://www.provincialcourt.bc.ca/judicialadministration/index.html>.
- 750 Paragraph 2 of the *British Columbia Courthouse Library Society Constitution (Society Act, R.S.B.C. 1979, c. 390 and amendments thereto)*, online, Courthouse Libraries BC: <http://www.courthouselibrary.ca/about/Constitution.aspx>.
- 751 "Board of Directors 2010", online, Courthouse Libraries BC: <http://www.courthouselibrary.ca/about/BoardOfDirectors.aspx>.
- 752 Ministry of the Attorney General 2010/11-2012/13 Service Plan, March 2010, pages 6 and 7; "Court Services Branch", online, Ministry of the Attorney General: <http://www.ag.gov.bc.ca/courts/>.
- 753 *Supreme Court Act*, RSBC 1996, c. 443, Section 10(1).
- 754 *Supreme Court Act*, RSBC 1996, c. 443, Section 10(3).
- 755 *Supreme Court Act*, RSBC 1996, c. 443, Section 10(2).
- 756 *Supreme Court Act*, RSBC 1996, c. 443, Section 2(3).
- 757 Ministry of the Attorney General 2010/11-2012/13 Service Plan, March 2010, page 4.
- 758 As we were told by Frank C. Kraemer, QC, Executive Director & Senior Counsel, Judicial Administration, Superior Courts Judiciary, in his response to Karim Benyekhlef dated December 6<sup>th</sup>, 2010.
- 759 *Supreme Court Act*, RSBC 1996, c. 443, Section 10(2).
- 760 *Supreme Court Act*, RSBC 1996, c. 443, Section 13(1).
- 761 The exact senior judicial administrative positions to which the Protocol applies are listed in the Protocol's Appendix. With regards to the Supreme Court, they are the Executive Director and Senior Counsel, Judicial Administration, the Registrar and District Registrars, the Director of Scheduling, the Law Officers, Executive Coordinator and Executive Assistant to the Chief Justice, and finally the Executive Coordinator and Executive Assistant to the Associate Chief Justice (Appendix to the *Protocol. Appointment of Senior Judicial Administrative Staff*, signed on March 25, 2009 between the Deputy Attorney General and the Head of BC Public Service Agency).
- 762 *Protocol. Appointment of Senior Judicial Administrative Staff*, signed on March 25, 2009 between the Deputy Attorney General and the Head of BC Public Service Agency, page 1.
- 763 *Supreme Court Act*, RSBC 1996, c. 443, Section 11(1).



- 764 *Supreme Court Act*, RSBC 1996, c. 443, Section 9(2).
- 765 *Supreme Court Act*, RSBC 1996, c. 443, Section 9(4).
- 766 *Provincial Court Act*, RSBC 1996, c. 379, Section 4(1).
- 767 *Supreme Court Act*, RSBC 1996, c. 443, Section 10(1).
- 768 *Supreme Court Act*, RSBC 1996, c. 443, Section 10(3).
- 769 Paragraph 2 of the *British Columbia Courthouse Library Society Constitution (Society Act, R.S.B.C. 1979, c. 390 and amendments thereto)*, online, Courthouse Libraries BC: <http://www.courthouselibrary.ca/about/Constitution.aspx> .
- 770 "Board of Directors 2010", online, Courthouse Libraries BC: <http://www.courthouselibrary.ca/about/BoardOfDirectors.aspx> .
- 771 Ministry of the Attorney General 2010/11-2012/13 Service Plan, March 2010, pages 6 and 7; "Court Services Branch", online, Ministry of the Attorney General: <http://www.ag.gov.bc.ca/courts/>.
- 772 *Court of Appeal Act*, RSBC 1996, c. 77, Section 11(1).
- 773 *Court of Appeal Act*, RSBC 1996, c. 77, Section 32(1)(a).
- 774 *Court of Appeal Act*, RSBC 1996, c. 77, Section 32(2).
- 775 Ministry of the Attorney General 2010/11-2012/13 Service Plan, March 2010, page 4.
- 776 As we were told by Frank C. Kraemer, QC, Executive Director & Senior Counsel, Judicial Administration, Superior Courts Judiciary, in his response to Karim Benyekhlef dated December 6<sup>th</sup>, 2010.
- 777 *Court of Appeal Act*, RSBC 1996, c. 77, Section 32(1).
- 778 *Court of Appeal Act*, RSBC 1996, c. 77, Section 32(3).
- 779 *Court of Appeal Act*, RSBC 1996, c. 77, Section 32(4).
- 780 The exact senior judicial administrative positions to which the Protocol apply are listed in the Protocol's Appendix. With regards to the Court of Appeal, they are the Executive Director and Senior Counsel, Judicial Administration, the Registrar and Associate Registrar, as well as the Executive Coordinator, the Executive Assistant, the Senior Executive Secretary and the Law Officers to the Chief Justice (Appendix to the *Protocol. Appointment of Senior Judicial Administrative Staff* signed on March 25, 2009 between the Deputy Attorney General and the Head of BC Public Service Agency).
- 781 *Protocol. Appointment of Senior Judicial Administrative Staff* signed on March 25, 2009 between the Deputy Attorney General and the Head of BC Public Service Agency, page 1.
- 782 *Court of Appeal Act*, RSBC 1996, c. 77, Section 31(1).
- 783 *Court of Appeal Act*, RSBC 1996, c. 77, Section 32(2).
- 784 Paragraph 2 of the *British Columbia Courthouse Library Society Constitution (Society Act, R.S.B.C. 1979, c. 390 and amendments thereto)*, online, Courthouse Libraries BC: <http://www.courthouselibrary.ca/about/Constitution.aspx> .
- 785 "Board of Directors 2010", online, Courthouse Libraries BC: <http://www.courthouselibrary.ca/about/BoardOfDirectors.aspx> .
- 786 Manitoba Ministry of Justice Annual Report 2008-2009 (hereinafter "Manitoba Justice Annual Report 2008-2009"), pages 7 and 36. See also "About Us", online, Manitoba Justice: <http://www.gov.mb.ca/justice/about/index.html>
- 787 *Provincial Court Act*, C.C.S.M. c. C275, Section 8(1)(a), which states that the Chief Judge has "general supervisory powers in respect of judges, magistrates, justices of the peace and other staff in matters that are assigned by law to the court". See also the Provincial Court of Manitoba 1st Annual Report (2002-2003), page 44, on the fact that this section allows the Chief Judge to lead the management of the Court.
- 788 *Provincial Court Act*, C.C.S.M. c. C275, Section 11.3
- 789 *Provincial Court Act*, C.C.S.M. c. C275, Section 11.2(1).
- 790 *Provincial Court Act*, C.C.S.M. c. C275, Section 11.2(3).
- 791 As we were told by Karen Fulham, Executive Director, Judicial Services, Courts Division, Manitoba Justice, in her email to Karim Benyekhlef dated November 2<sup>nd</sup>, 2010.
- 792 As we were told by Karen Fulham, Executive Director, Judicial Services, Courts Division, Manitoba Justice, in her email to Karim Benyekhlef dated November 2<sup>nd</sup>, 2010, the Board is composed of the three Chief Justices/Chief Judge of the three levels of court in Manitoba, the Deputy Minister of Justice and the Assistant Deputy Minister of the Courts Division of Manitoba Justice.
- 793 Provincial Court of Manitoba 1st Annual Report (2002-2003), p. 19.
- 794 Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 13.
- 795 Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 13.

- 796 Manitoba Justice Annual Report 2008-2009, page 1.
- 797 Manitoba Justice Annual Report 2008-2009, page 7.
- 798 Manitoba Justice Annual Report 2008-2009, page 12.
- 799 Manitoba Justice Annual Report 2008-2009, page 12.
- 800 Manitoba Justice Annual Report 2008-2009, page 37.
- 801 "About Us", online, Manitoba Justice: <http://www.gov.mb.ca/justice/about/index.html>.
- 802 Manitoba Justice Annual Report 2008-2009, page 40.
- 803 Major responsibilities include recruitment, selection and retention of employees, job development and organizational planning, employee and labour relations, contract and policy interpretation, pay and benefits, staff development, diversity/employment equity consulting, human resource planning, career counseling, supportive employment, as well as consultation on a wide variety of human resource initiatives and issues (Manitoba Justice Annual Report 2008-2009, page 13).
- 804 *Provincial Court Act*, C.C.S.M. c. C275, Section 8(1)(a).
- 805 *Provincial Court Act*, C.C.S.M. c. C275, Section 12(1)(a).
- 806 Manitoba Justice Annual Report 2008-2009, page 37.
- 807 Manitoba Justice Annual Report 2008-2009, page 12.
- 808 Manitoba Justice Annual Report 2008-2009, page 14.
- 809 Manitoba Justice Annual Report 2008-2009, page 37.
- 810 "Manitoba Law Libraries", online, Law Society of Manitoba: <http://www.lawsociety.mb.ca/news/aggregator/manitoba-law-libraries>.
- 811 Manitoba Justice Annual Report 2009-2010, pages 9 and 38.; See also "About Us", online, Manitoba Justice: <http://www.gov.mb.ca/justice/about/index.html>
- 812 *Court of Queen's Bench Act*, C.C.S.M. c. C280, Section 19.
- 813 *Court of Queen's Bench Act*, C.C.S.M. c. C280, Section 24(1).
- 814 *Court of Queen's Bench Act*, C.C.S.M. c. C280, Section 24(2).
- 815 As we were told by Karen Fulham, Executive Director, Judicial Services, Courts Division, Manitoba Justice, in her email to Karim Benyekhlef dated November 2<sup>nd</sup>, 2010, the Board is composed of the three Chief Justices/Chief Judge of the three levels of court in Manitoba, the Deputy Minister of Justice and the Assistant Deputy Minister of the Courts Division of Manitoba Justice.
- 816 Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 13.
- 817 Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 13.
- 818 Manitoba Justice Annual Report 2009-2010, page 1.
- 819 Manitoba Justice Annual Report 2009-2010, page 9.
- 820 Manitoba Justice Annual Report 2009-2010, page 14.
- 821 Manitoba Justice Annual Report 2009-2010, page 14.
- 822 Manitoba Justice Annual Report 2009-2010, page 39.
- 823 "About us", online, Manitoba Justice – Courts Division: <http://www.gov.mb.ca/justice/about/index.html>.
- 824 Manitoba Justice Annual Report 2009-2010, page 42.
- 825 *Court of Queen's Bench Act*, C.C.S.M. c. C280, Sections 12(1), 12(2), 12(3).
- 826 *Court of Queen's Bench Act*, C.C.S.M. c. C280, Section 11.1.
- 827 *Court of Queen's Bench Act*, C.C.S.M. c. C280, Section 11.3(1).
- 828 *Court of Queen's Bench Act*, C.C.S.M. c. C280, Section 11.3(2).
- 829 *Court of Queen's Bench Act*, C.C.S.M. c. C280, Section 11.6(1). When this person is not a master, he is also appointed as such from a list of candidates that is recommended by a nominating committee convened under subsection 11.3(3) of the *Court of Queen's Bench Act* (Section 11.6(1)).
- 830 *Court of Queen's Bench Act*, C.C.S.M. c. C280, Section 20(1).
- 831 Major responsibilities include recruitment, selection and retention of employees, job development and organizational planning, employee and labor relations, contract and policy interpretation, pay and benefits, staff development, diversity/employment equity consulting, human resource planning, career counseling, supportive employment, as well as consultation on a wide variety of human resource initiatives and issues (Manitoba Justice Annual Report 2009-2010, page 15).

- 832 *Court of Queen's Bench Act*, C.C.S.M. c. C280, Section 17(1)(a).
- 833 *Court of Queen's Bench Act*, C.C.S.M. c. C280, Section 17(1)(b).
- 834 *Court of Queen's Bench Act*, C.C.S.M. c. C280, Section 17(2).
- 835 Manitoba Justice Annual Report 2009-2010, page 39.
- 836 Manitoba Justice Annual Report 2009-2010, page 14.
- 837 Manitoba Justice Annual Report 2009-2010, page 15.
- 838 Manitoba Justice Annual Report 2009-2010, page 39.
- 839 "Manitoba Law Libraries", online, Law Society of Manitoba:  
<http://www.lawsociety.mb.ca/news/aggregator/manitoba-law-libraries>.
- 840 Manitoba Justice Annual Report 2009-2010, pages 9 and 38. See also "About us", online, Manitoba Justice – Courts Division: <http://www.gov.mb.ca/justice/about/index.html>
- 841 As we were told by Karen Fulham, Executive Director, Judicial Services, Courts Division, Manitoba Justice, in her email to Karim Benyekhlef dated November 2<sup>nd</sup>, 2010. The Board is composed of the three Chief Justices/Chief Judge of the three levels of court in Manitoba, the Deputy Minister of Justice and the Assistant Deputy Minister of the Courts Division of Manitoba Justice.
- 842 Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 13.
- 843 Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 13.
- 844 Manitoba Justice Annual Report 2009-2010, page 1.
- 845 Manitoba Justice Annual Report 2009-2010, page 9.
- 846 Manitoba Justice Annual Report 2009-2010, page 14.
- 847 Manitoba Justice Annual Report 2009-2010, page 14.
- 848 Manitoba Justice Annual Report 2009-2010, page 39.
- 849 "About us", online, Manitoba Justice – Courts Division: <http://www.gov.mb.ca/justice/about/index.html>.
- 850 Manitoba Justice Annual Report 2009-2010, page 42.
- 851 *Court of Appeal Act*, C.C.S.M. c. C240, Section 9(1).
- 852 *Court of Appeal Act*, C.C.S.M. c. C240, Section 9(1.1).
- 853 Major responsibilities include recruitment, selection and retention of employees, job development and organizational planning, employee and labor relations, contract and policy interpretation, pay and benefits, staff development, diversity/employment equity consulting, human resource planning, career counseling, supportive employment, as well as consultation on a wide variety of human resource initiatives and issues (Manitoba Justice Annual Report 2009-2010, page 15).
- 854 Manitoba Justice Annual Report 2009-2010, page 39.
- 855 Manitoba Justice Annual Report 2009-2010, page 14.
- 856 Manitoba Justice Annual Report 2009-2010, page 15.
- 857 Manitoba Justice Annual Report 2009-2010, page 39.
- 858 "Manitoba Law Libraries", online, Law Society of Manitoba:  
<http://www.lawsociety.mb.ca/news/aggregator/manitoba-law-libraries> .
- 859 New Brunswick Department of Justice and Consumer Affairs Annual Report 2008-2009 (hereinafter the "Department Annual Report"), page 11.
- 860 Department Annual Report, page 8.
- 861 Department Annual Report, page 3. Let us mention also that the Canadian Judicial Council's "Alternative Models of Court Administration" report refers to a "New Brunswick Liaison Committee, composed of judicial, executive and bar representatives, which has been in existence for several years, but does not meet on a regular basis and does not make budgetary allocations, and the Court" (Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 100, footnote 216).
- 862 Department Annual Report, page 45.
- 863 Department Annual Report, page 48.
- 864 Department Annual Report, page 45.
- 865 Department Annual Report, page 49.
- 866 Department Annual Report, page 45.

- 867 Department Annual Report, page 45.
- 868 Department Annual Report, page 48.
- 869 Department Annual Report, page 6.
- 870 *Provincial Court Act*, R.S.N.B. 1973, c. P-21, Section 10(1)(b).
- 871 *Provincial Court Act*, R.S.N.B. 1973, c. P-21, Section 10(1)(b).
- 872 Department Annual Report, page 45.
- 873 Department Annual Report, page 49.
- 874 Department Annual Report, page 17.
- 875 "Welcome to the Law Society of New Brunswick Libraries On-Line Catalogue", online, Law Society of New Brunswick Libraries: <http://www.nblawlib-bib.ca/library/index.asp>.
- 876 Department Annual Report, page 11.
- 877 Department Annual Report, page 8.
- 878 Department Annual Report, page 3. Let us mention also that the Canadian Judicial Council's "Alternative Models of Court Administration" report refers to a "New Brunswick Liaison Committee, composed of judicial, executive and bar representatives, which has been in existence for several years, but does not meet on a regular basis and does not make budgetary allocations, and the Court" (Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 100, footnote 216).
- 879 Department Annual Report, page 45.
- 880 Department Annual Report, page 48.
- 881 *Judicature Act*, R.S.N.B. 1973, c. J-2, Section 57(1).
- 882 *Judicature Act*, R.S.N.B. 1973, c. J-2, Section 60.1.
- 883 *Judicature Act*, R.S.N.B. 1973, c. J-2, Section 60.1. Section 73(2) states that the Lieutenant-Governor in Council may make regulations prescribing the duties, powers and authority of the Registrar, clerks and other officers.
- 884 *Judicature Act*, R.S.N.B. 1973, c. J-2, Section 60(5).
- 885 *Judicature Act*, R.S.N.B. 1973, c. J-2, Section 68(1) and (2).
- 886 *Judicature Act*, R.S.N.B. 1973, c. J-2, Section 61.
- 887 *Judicature Act*, R.S.N.B. 1973, c. J-2, Sections 69(1) and (2).
- 888 Department Annual Report, page 45.
- 889 Department Annual Report, page 49.
- 890 Department Annual Report, page 12.
- 891 Department Annual Report, page 45.
- 892 Department Annual Report, page 48.
- 893 *Judicature Act*, R.S.N.B. 1973, c. J-2, Section 10(2).
- 894 *Judicature Act*, R.S.N.B. 1973, c. J-2, Section 12.01(2)(e).
- 895 Department Annual Report, page 6.
- 896 Department Annual Report, page 45.
- 897 Department Annual Report, page 49.
- 898 Department Annual Report, page 17.
- 899 "Welcome to the Law Society of New Brunswick Libraries On-Line Catalogue", online, Law Society of New Brunswick Libraries: <http://www.nblawlib-bib.ca/library/index.asp>.
- 900 Department Annual Report, page 11.
- 901 Department Annual Report, page 8.
- 902 Department Annual Report, page 3.
- 903 "The Court of Appeal of New Brunswick", online, New Brunswick Courts: <http://www.gnb.ca/cour/03COA1/index-e.asp>
- 904 "The Chief Justice of New Brunswick", online, New Brunswick Courts: <http://www.gnb.ca/cour/02chiefjustice/history-e.asp>

- 905 “The Chief Justice of New Brunswick”, online, New Brunswick courts: <http://www.gnb.ca/cour/02chiefjustice/history-e.asp>. Let us mention also that the Canadian Judicial Council’s “Alternative Models of Court Administration” report refers to a “New Brunswick Liaison Committee, composed of judicial, executive and bar representatives, which has been in existence for several years, but does not meet on a regular basis and does not make budgetary allocations, and the Court” (Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 100, footnote 216).
- 906 Department Annual Report, page 45.
- 907 Department Annual Report, page 45.
- 908 *Judicature Act*, R.S.N.B. 1973, c. J-2, Section 57(1).
- 909 *Judicature Act*, R.S.N.B. 1973, c. J-2, Section 60.1
- 910 *Judicature Act*, R.S.N.B. 1973, c. J-2, Section 60.1
- 911 *Judicature Act*, R.S.N.B. 1973, c. J-2, Section 63.
- 912 *Judicature Act*, R.S.N.B. 1973, c. J-2, Section 67.
- 913 *Judicature Act*, R.S.N.B. 1973, c. J-2, Section 67.
- 914 *Judicature Act*, R.S.N.B. 1973, c. J-2, Section 61.
- 915 Department Annual Report, page 45.
- 916 Department Annual Report, page 49.
- 917 *Judicature Act*, R.S.N.B. 1973, c. J-2, Section 8(4).
- 918 Department Annual Report, page 45.
- 919 Department Annual Report, page 45.
- 920 Department Annual Report, page 48.
- 921 Department Annual Report, page 45.
- 922 Department Annual Report, page 49.
- 923 Department Annual Report, page 17.
- 924 “Welcome to the Law Society of New Brunswick Libraries On-Line Catalogue”, online, Law Society of New Brunswick Libraries: <http://www.nblawlib-bib.ca/library/index.asp>.
- 925 “About the Department”, online, Newfoundland and Labrador Department of Justice: <http://www.justice.gov.nl.ca/just/departement/index.html>.
- 926 “About the Department – Lines of Business”, online, Newfoundland and Labrador Department of Justice: <http://www.justice.gov.nl.ca/just/departement/index.html#lines>.
- 927 “Court Profile – Staff of the Provincial Court”, online, Provincial Court of Newfoundland and Labrador: [http://www.court.nl.ca/provincial/profile.htm#STAFF\\_OF\\_THE\\_PROVINCIAL\\_COURT](http://www.court.nl.ca/provincial/profile.htm#STAFF_OF_THE_PROVINCIAL_COURT).
- 928 “Court Profile – Judges of the Provincial Court”, online, Provincial Court of Newfoundland and Labrador: [http://www.court.nl.ca/provincial/profile.htm#JUDGES\\_OF\\_THE\\_PROVINCIAL\\_COURT](http://www.court.nl.ca/provincial/profile.htm#JUDGES_OF_THE_PROVINCIAL_COURT).
- 929 *Provincial Court Act*, S.N.L. 1991, c. 15, Section 8(1)(f). According to the Canadian Judicial Council, Newfoundland also has in place a court management council comprised of judges as well as government officials (among whom the Minister), who consult on shared concerns relating to court administration (Canadian Judicial Council, *Administering Justice for the Public*, November 2007, page 2; Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 13; see also page 100, footnote 216, which mentions the “Court Advisory Board established by the Minister of Justice in Newfoundland in September of 2004 composed of the Minister of Justice and Attorney General, the three Chief Justices of Newfoundland’s courts, the Deputy Minister of Justice and the Assistant Deputy Minister. The participation of the Minister on the advisory board in Newfoundland is a novel approach. The Newfoundland Court Advisory Board is not conceived as a decision-making body but rather as a forum for discussion, exchange of information and planning”).
- 930 The Law Courts of Newfoundland and Labrador, Provincial Court Annual Report 2008-2009 (hereinafter the “Annual Report of the Court”), page 1.
- 931 Department of Justice Annual Report 2009-2010 (hereinafter the “Annual Report of the Ministry”), page i.
- 932 Annual Report of the Ministry, pages 3 and 41.
- 933 “Finance and General Operations”, online, Newfoundland and Labrador Department of Justice: [http://www.justice.gov.nl.ca/just/departement/branches/division/division\\_fgo.html](http://www.justice.gov.nl.ca/just/departement/branches/division/division_fgo.html).
- 934 Department of Justice Strategic Plan 2008-2011, pages 1 and 2.
- 935 *Provincial Court Act*, S.N.L. 1991, c. 15, Sections 26(1), 27(5).

- 936 *Provincial Court Act*, S.N.L. 1991, c. 15, Section 27(5).
- 937 "Human Resources", online, Newfoundland and Labrador Department of Justice: [http://www.justice.gov.nl.ca/just/departement/branches/division/division\\_hr.html](http://www.justice.gov.nl.ca/just/departement/branches/division/division_hr.html).
- 938 *Provincial Court Act*, S.N.L. 1991, c. 15, Section 27(1).
- 939 *Provincial Court Act*, S.N.L. 1991, c. 15, Section 27(2).
- 940 *Provincial Court Act*, S.N.L. 1991, c. 15, Section 29.1(c).
- 941 "About the Department - Lines of Business", online, Newfoundland and Labrador Department of Justice: <http://www.justice.gov.nl.ca/just/departement/index.html#lines>.
- 942 *Provincial Court Act*, S.N.L. 1991, c. 15, Section 4(2).
- 943 "Provincial Court of Newfoundland and Labrador : Committed to Continuous Improvement", Strategic Plan 2007-2009, page 29.
- 944 "Legal Information Services", online, Newfoundland and Labrador Department of Justice: [http://www.justice.gov.nl.ca/just/departement/branches/division/division\\_lis.html](http://www.justice.gov.nl.ca/just/departement/branches/division/division_lis.html).
- 945 "Law Library", online, Law Society Library of Newfoundland and Labrador: <http://www.lslibrary.ca/>.
- 946 Annual Report of the Court, page 30.
- 947 "About the Department", online, Newfoundland and Labrador Department of Justice: <http://www.justice.gov.nl.ca/just/departement/index.html>.
- 948 According to the Canadian Judicial Council, Newfoundland also has in place a court management council comprised of judges as well as government officials (among whom the Minister), who consult on shared concerns relating to court administration (Canadian Judicial Council, *Administering Justice for the Public*, November 2007, page 2; Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 13; see also page 100, footnote 216, which mentions the "Court Advisory Board established by the Minister of Justice in Newfoundland in September of 2004 composed of the Minister of Justice and Attorney General, the three Chief Justices of Newfoundland's courts, the Deputy Minister of Justice and the Assistant Deputy Minister. The participation of the Minister on the advisory board in Newfoundland is a novel approach. The Newfoundland Court Advisory Board is not conceived of as a decision-making body but rather as a forum for discussion, exchange of information and planning."). In practice, however, the Board has not met in the last four years (information provided by Chief Justice Green).
- 949 Annual Report of the Ministry, pages 3 and 41.
- 950 Department of Justice Strategic Plan 2008-2011, pages 1 and 2.
- 951 *Judicature Act*, R.S.N.L. 1990, c. J-4, Section 60(1).
- 952 *Judicature Act*, R.S.N.L. 1990, c. J-4, Section 62(1).
- 953 R.S.N.L. 1990, c P-43.
- 954 *Judicature Act*, R.S.N.L. 1990, c. J-4, Section 76(1).
- 955 "Human Resources", online, Newfoundland and Labrador Department of Justice: [http://www.justice.gov.nl.ca/just/departement/branches/division/division\\_hr.html](http://www.justice.gov.nl.ca/just/departement/branches/division/division_hr.html).
- 956 "About the Department - Lines of Business", online, Newfoundland and Labrador Department of Justice: <http://www.justice.gov.nl.ca/just/departement/index.html#lines>.
- 957 "Legal Information Services", online, Newfoundland and Labrador Department of Justice: [http://www.justice.gov.nl.ca/just/departement/branches/division/division\\_lis.html](http://www.justice.gov.nl.ca/just/departement/branches/division/division_lis.html) .
- 958 "Law Library", online, Law Society Library of Newfoundland and Labrador: <http://www.lslibrary.ca/>.
- 959 "About the Department", online, Newfoundland and Labrador Department of Justice: <http://www.justice.gov.nl.ca/just/departement/index.html> .
- 960 According to the Canadian Judicial Council, Newfoundland also has in place a court management council comprised of judges as well as government officials (among whom the Minister), who consult on shared concerns relating to court administration (Canadian Judicial Council, *Administering Justice for the Public*, November 2007, page 2; Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 13; see also page 100, footnote 216, which mentions the "Court Advisory Board established by the Minister of Justice in Newfoundland in September of 2004 composed of the Minister of Justice and Attorney General, the three Chief Justices of Newfoundland's courts, the Deputy Minister of Justice and the Assistant Deputy Minister. The participation of the Minister on the advisory board in Newfoundland is a novel approach. The Newfoundland Court Advisory Board is not conceived of as a decision-making body but rather as a forum for discussion, exchange of information and planning."). In practice, however, the Board has not met in the last four years (information provided by Chief Justice Green).



- 961 As we were told by Patricia Doyle (on behalf of Chief Justice Green), email sent to Caroline Collard on November 24, 2010.
- 962 Annual Report of the Ministry, pages 3 and 41.
- 963 Department of Justice Strategic Plan 2008-2011, pages 1 and 2.
- 964 *Judicature Act*, R.S.N.L. 1990, c. J-4, Section 60(1).
- 965 *Judicature Act*, R.S.N.L. 1990, c. J-4, Section 62(1).
- 966 R.S.N.L. 1990, c P-43.
- 967 *Judicature Act*, R.S.N.L. 1990, c. J-4, Section 76(1).
- 968 "Human Resources", online, Newfoundland and Labrador Department of Justice: [http://www.justice.gov.nl.ca/just/departement/branches/division/division\\_hr.html](http://www.justice.gov.nl.ca/just/departement/branches/division/division_hr.html) .
- 969 "About the Department - Lines of Business", online, Newfoundland and Labrador Department of Justice : <http://www.justice.gov.nl.ca/just/departement/index.html#lines> .
- 970 "Legal Information Services", online, Newfoundland and Labrador Department of Justice: [http://www.justice.gov.nl.ca/just/departement/branches/division/division\\_lis.html](http://www.justice.gov.nl.ca/just/departement/branches/division/division_lis.html) .
- 971 "Law Library", online, Law Society Library of Newfoundland and Labrador: <http://www.lslibrary.ca/>.
- 972 "Court Services", online, Department of Justice: <http://www.justice.gov.nt.ca/CourtServices/courtservices.shtml> .
- 973 *Territorial Court Act*, R.S.N.W.T. 1988, c. T-2, Section 5(1).
- 974 "Territorial Court of the Northwest Territories", online, Northwest Territories Courts: <http://www.nwtcourts.ca/Courts/tc.htm> .
- 975 "Finance", online, Department of Justice: <http://www.justice.gov.nt.ca/Finance/finance.shtml> .
- 976 "Finance", online, Department of Justice: <http://www.justice.gov.nt.ca/Finance/finance.shtml> .
- 977 *Territorial Court Act*, R.S.N.W.T. 1988, c. T-2, Section 27(1).
- 978 *Territorial Court Act*, R.S.N.W.T. 1988, c. T-2, Section 27(2).
- 979 "Court Registry – Office of the Clerk", online, Northwest Territories Courts: <http://www.nwtcourts.ca/Registry/clerk.htm> .
- 980 *Territorial Court Act*, R.S.N.W.T. 1988, c. T-2, Section 5(5).
- 981 *Territorial Court Act*, R.S.N.W.T. 1988, c. T-2, Section 5(6).
- 982 *Territorial Court Act*, R.S.N.W.T. 1988, c. T-2, Section 32(1)(f).
- 983 "NWT Court Library System", online, Department of Justice: <http://www.justice.gov.nt.ca/CourtLibrary/library.shtml> .
- 984 "NWT Court Library System – Current Operations", online, Department of Justice: [http://www.justice.gov.nt.ca/CourtLibrary/library\\_about.shtml#operations](http://www.justice.gov.nt.ca/CourtLibrary/library_about.shtml#operations) .
- 985 "Court Services", online, Department of Justice: <http://www.justice.gov.nt.ca/CourtServices/courtservices.shtml> .
- 986 "The Supreme Court of NWT", online, Northwest Territories Courts: <http://www.nwtcourts.ca/Courts/sc.htm> .
- 987 *Judicature Act*, R.S.N.W.T. 1988, c. J-1, Section 8.1.
- 988 "Finance", online, Department of Justice : <http://www.justice.gov.nt.ca/Finance/finance.shtml>
- 989 "Finance", online, Department of Justice : <http://www.justice.gov.nt.ca/Finance/finance.shtml>
- 990 *Judicature Act*, R.S.N.W.T. 1988, c. J-1, Section 61.
- 991 *Judicature Act*, R.S.N.W.T. 1988, c. J-1, Section 67.
- 992 *Judicature Act*, R.S.N.W.T. 1988, c. J-1, Section 80.
- 993 *Judicature Act*, R.S.N.W.T. 1988, c. J-1, Section 80.
- 994 "Court Registry – Office of the Clerk", online, Northwest Territories Courts: <http://www.nwtcourts.ca/Registry/clerk.htm> .
- 995 "NWT Court Library System", online, Department of Justice: <http://www.justice.gov.nt.ca/CourtLibrary/library.shtml> .
- 996 "NWT Court Library System – Current Operations", online, Department of Justice: [http://www.justice.gov.nt.ca/CourtLibrary/library\\_about.shtml#operations](http://www.justice.gov.nt.ca/CourtLibrary/library_about.shtml#operations) .
- 997 "Court Services", online, Department of Justice: <http://www.justice.gov.nt.ca/CourtServices/courtservices.shtml> .
- 998 Court of Appeal of Alberta Three-Year Operational Plan 2009-2012, page 1.
- 999 *Judicature Act*, R.S.N.W.T. 1988, c. J-1, Section 16.1.
- 1000 "Finance", online, Department of Justice: <http://www.justice.gov.nt.ca/Finance/finance.shtml> .
- 1001 "Finance", online, Department of Justice: <http://www.justice.gov.nt.ca/Finance/finance.shtml> .

- <sup>1002</sup> *Judicature Act*, R.S.N.W.T. 1988, c. J-1, Section 18(1). The Commissioner shall also appoint other officers that are necessary for the due administration of justice and the dispatch of business of the court and determine their duties and fix their remuneration and expenses incurred in the performance of their duties (Section 80).
- <sup>1003</sup> *Judicature Act*, R.S.N.W.T. 1988, c. J-1, Section 18(2).
- <sup>1004</sup> "Court Registry – Office of the Clerk", online, Northwest Territories Courts: <http://www.nwtcourts.ca/Registry/clerk.htm> .
- <sup>1005</sup> "NWT Court Library System", online, Department of Justice: <http://www.justice.gov.nt.ca/CourtLibrary/library.shtml> .
- <sup>1006</sup> "NWT Court Library System – Current Operations", online, Department of Justice: [http://www.justice.gov.nt.ca/CourtLibrary/library\\_about.shtml#operations](http://www.justice.gov.nt.ca/CourtLibrary/library_about.shtml#operations) .
- <sup>1007</sup> *Nova Scotia Department of Justice Business Plan 2009-2010*, September 18, 2009 (hereinafter the "DOJ Business Plan"), pages 7 and 8; *Department of Justice 2010-2011 Statement of Mandate* (hereinafter "DOJ Statement of Mandate"), page 4.
- <sup>1008</sup> *Department of Justice Annual Accountability Report for the Fiscal Year 2009-2010*, July 23, 2010 (hereinafter the "DOJ Accountability Report"), page 7.
- <sup>1009</sup> Even though no formal agreement or memorandum of understanding is in place between the government and the Executive Office, "initiatives pursued by the Executive Office have lead to its becoming a respected member and key element the justice system in Nova Scotia" (*The Executive Office of the Nova Scotia Judiciary – Structure and Function. A Briefing Note for the Canadian Judicial Council's Administration of Justice Committee* (hereinafter the "Executive Office Briefing Note"), page 1). Let us mention also that on the call of either the Chief Justice of Nova Scotia or the Chief Justice of the Supreme Court, the judges of the Supreme Court and the Court of Appeal can attend meetings for the purpose of considering the operation of the *Judicature Act* or any other matters relating to the administration of justice (*Judicature Act*, R.S.N.S. 1989, c. 240, Section 24).
- <sup>1010</sup> Particularly in the areas of communications, media relations, technology, liaison with other institutional members of the justice community, protocol services and space management services for the judicial community (Executive Office Briefing Note, page 1). See also Canadian Judicial Council's *Alternative Models of Court Administration* report, dated September 2006, which states that this office "was established to coordinate joint administrative policies and provide policy and media services to the Nova Scotia Courts. It (...) is seen as a first step toward building the capacities of the Court to undertake a greater role in court administration. While this office has a small budget and no formal decision-making role in the budgetary or administrative process, it was designed to overcome the tendency for Superior Courts and Provincial Courts to maintain entirely separate relationships with the executive." (page 14).
- <sup>1011</sup> The Executive Director reports to the Board on a monthly basis, and to the Chief Justice on matters arising in the interim (Executive Office Briefing Note, page 1). The other members of the Executive Office are the Director of Communications, the Administrative Assistant, the Publications Manager and the Judicial IT Analyst (Executive Office Briefing Note, page 1).
- <sup>1012</sup> *Provincial Court Act*, R.S.N.S. 1989, c. 238, Section 18(1); *Small Claims Court Act*, R.S.N.S. 1989, c. 430, Section 7(1).
- <sup>1013</sup> Duties of Chief Judge and Administrator of the Provincial Court Regulations made under Section 20 of the *Provincial Court Act*, R.S.N.S. 1989, c. 238. O.I.C. 83-1337 (November 15, 1983), N.S. Reg. 250/83 (hereinafter the "Provincial Court Regulations")
- <sup>1014</sup> *Provincial Court Act*, R.S.N.S. 1989, c. 238, Section 18. These regulations prescribe that the Administrator shall communicate to the Chief Judge such matters of administrative nature in respect to the Provincial Court as he requests (Provincial Court Regulations).
- <sup>1015</sup> *Small Claims Court Act*, R.S.N.S. 1989, c. 430, Section 7(2).
- <sup>1016</sup> DOJ Statement of Mandate, page 5. For instance, expenses of the Family Court that are approved by the Minister are paid out of the Consolidated Fund (*Family Court Act*, R.S.N.S. 1989, c. 159, Section 17).
- <sup>1017</sup> DOJ Business Plan, page 14.
- <sup>1018</sup> DOJ Business Plan, page 12.
- <sup>1019</sup> Executive Office Briefing Note, page 1.
- <sup>1020</sup> DOJ Business Plan, page 10.
- <sup>1021</sup> DOJ Accountability Report, page 3.
- <sup>1022</sup> *Court Officials Act*, R.S.N.S. 1989, c. 373, Section 2.
- <sup>1023</sup> *Court Officials Act*, R.S.N.S. 1989, c. 373, Section 3.
- <sup>1024</sup> *Court Officials Act*, R.S.N.S. 1989, c. 373, Section 7.
- <sup>1025</sup> For instance, the Chief Judge advises the Attorney General with regards to the determination of the duties of the Justices of the Peace when acting as support staff to the Court (Provincial Court Regulations).



- 1026 Provincial Court Regulations.
- 1027 Provincial Court Regulations.
- 1028 *Provincial Court Act*, R.S.N.S. 1989, c. 238, Section 20(1)(c).
- 1029 *Small Claims Court Act*, R.S.N.S. 1989, c. 430, Section 8.
- 1030 As well as financial support for this program (Executive Office Briefing Note, page 1).
- 1031 Human Resources advises and supports recruitment and retention, labor relations, occupational health and safety, wellness, compensation/classification, payroll/benefits administration, and in partnership with the Justice Learning Center, staff training and development needs (DOJ Business Plan, page 8).
- 1032 DOJ Business Plan, page 8; DOJ Accountability Report, page 5. The Minister of Justice establishes justice centers and designates the areas they serve (*Judicature Act*, R.S.N.S. 1989, c. 240, Section 26).
- 1033 DOJ Business Plan, page 8.
- 1034 Executive Office Briefing Note, page 2.
- 1035 Or for the discharge of any duty which by any statute or otherwise is required to be discharged (*Judicature Act*, R.S.N.S. 1989, c. 240, Section 28).
- 1036 But not so as to interfere with the ordinary use of the court room or town hall for other courts or other purposes for which the same is maintained (*Provincial Court Act*, R.S.N.S. 1989, c. 238, Section 12).
- 1037 Provincial Court Regulations.
- 1038 Provincial Court Regulations.
- 1039 Provincial Court Regulations.
- 1040 *Small Claims Court Act*, R.S.N.S. 1989, c. 430, Section 3(2).
- 1041 *Small Claims Court Act*, R.S.N.S. 1989, c. 430, Section 21(4)(b).
- 1042 DOJ Business Plan, page 10.
- 1043 Executive Office Briefing Note, page 1.
- 1044 Executive Office Briefing Note, page 2.
- 1045 Provincial Court Regulations.
- 1046 "Welcome to the Department of Justice", online, Nunavut Department of Justice: <http://www.justice.gov.nu.ca/apps/authoring/dspPage.aspx?page=home> .
- 1047 "Court Services", online, Department of Justice: <http://www.justice.gov.nu.ca/i18n/english/courtserv.shtm>.
- 1048 Court of Appeal of Alberta Three-Year Operational Plan 2009-2012, page 1.
- 1049 *Judicature Act*, S.N.W.T. 1998, c. 34 s. 1, Section 18(3).
- 1050 "Corporate Services", online, Department of Justice: <http://www.justice.gov.nu.ca/i18n/english/corpserv.shtm> .
- 1051 *Judicature Act*, S.N.W.T. 1998, c. 34 s. 1, Section 61(1).
- 1052 *Judicature Act*, S.N.W.T. 1998, c. 34 s. 1, Section 79(1).
- 1053 *Judicature Act*, S.N.W.T. 1998, c. 34 s. 1, Sections 78 and 79(1).
- 1054 *Judicature Act*, S.N.W.T. 1998, c. 34 s. 1, Section 61(3).
- 1055 *Judicature Act*, S.N.W.T. 1998, c. 34 s. 1, Section 79(2).
- 1056 *Judicature Act*, S.N.W.T. 1998, c. 34 s. 1, Section 67.
- 1057 "About the Nunavut Court of Justice – What is Circuit Court?", online, Nunavut Court of Justice: <http://www.nucj.ca/unifiedcourt.htm#Circuit>
- 1058 Nunavut Court of Justice 2008 Annual Report (hereinafter the "Annual report of the Court"), page 18; See also "Law Library: Our Mission", online, Nunavut Court of Justice: <http://www.nucj.ca/library/library.htm> .
- 1059 Annual report of the Court, page 18.
- 1060 Ministry of the Attorney General, Court Services Division Annual Report 2009-2010 (hereinafter the "Annual Report of the Ministry, Court Services Division"), page 1.
- 1061 In accordance with Section 72 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, i.e. on matters other than the ones that are assigned by law to the judiciary, that are related to the education, conduct and discipline of judges and justices of the peace, or that are assigned to the judiciary by a memorandum of understanding.
- 1062 *Courts of Justice Act*, R.S.O. 1990, c. C.43, Section 71(b).

<sup>1063</sup> As is permitted under Section 77(3) of the *Courts of Justice Act*, R.S.O. 1990, c. C. 43; Memorandum of Understanding between the Attorney General of Ontario (the “Minister”), and the Chief Justice of the Ontario Court of Justice (the “Chief Justice”) (hereinafter the “MOU”). We refer to the amended version of the MOU dated at the City of Toronto on December 16, 2004, and signed by The Honourable Michael J. Bryant, Attorney General, and the Honourable Brian W. Lennox, Chief Justice of the Ontario Court of Justice. Paragraph 1.5 of the MOU establishes processes for review and amendment:

“This Memorandum will be reviewed by the Minister and the Chief Justice upon the appointment of either a new Attorney General or a new Chief Justice. If the new incumbent agrees with the content of this Memorandum, both the Minister and the Chief Justice will initial it. If there is disagreement by the new incumbent with the content of this Memorandum, it shall continue in effect until amended in writing with joint agreement by both parties.

This Memorandum may be reviewed at any time by the parties upon the request of either the Minister or the Chief Justice.

This Memorandum shall be reviewed from time to time for the purpose of determining whether any exclusive responsibilities should be added to or removed from the scope of paragraph 2.4. If, as a result of this review, it is determined that the scope of paragraph 2.4 should be altered, this Memorandum shall be amended to reflect any such changes.”

<sup>1064</sup> Paragraph 2.2 of MOU. The purpose of this MOU is to “define the financial and administrative authority and responsibility of the Office of the Chief Justice and to clarify the operational and administrative relationships between the Ministry and the Office of the Chief Justice” (paragraph 1.1 of the MOU). According to the Ontario Court of Justice Biennial Report 2006-2007, this agreement, which establishes clear and distinct divisions of responsibility between the Ministry of the Attorney General and the Office of the Chief Justice, confers a high degree of administrative independence and autonomy to the Ontario Court of Justice (pages 2 and 3). The Court, through the MOU, is therefore able to control its internal administrative structure within its budget, and within the parameters and constraints identified (Ontario Court of Justice Biennial Report 2006-2007, page 3). It is also worth mentioning that paragraph 2.4 of the MOU acknowledges that certain support services to judges and justices of the peace are currently being provided by the Ministry, but may more appropriately be the responsibility of the Office of the Chief Justice. The review of these support services by the Implementation Committee of the MOU is still to come, since this committee has not been active yet (Ontario Court of Justice Biennial Report 2006-2007, page 4; see Paragraphs 6.1 and 6.2 of the MOU for the proposed mandate and functioning of the Implementation Committee).

<sup>1065</sup> The Executive Coordinator is responsible for providing executive staff leadership to the Chief Justice, the Associate Chief Justice, and Associate Chief Justice-Coordinator of Justices of the Peace, as well as to the Chief Justice’s Executive Committee and the Justices of the Peace Executive Committee (Ontario Court of Justice Biennial Report 2006-2007, page 17). His duties extend to both the Office of the Chief Justice in Toronto and to each of the offices of the regional senior judges and regional senior justices of the peace within the seven regions of the Court (Ontario Court of Justice Biennial Report 2006-2007, page 3).

<sup>1066</sup> Paragraph 2.2 of the MOU. The Chief Justice is responsible for policy directives for all Court functions, including administration. He is assisted in this matter by the Associate Chief Justice and the Associate Chief Justice-Coordinator of Justices of the Peace (Ontario Court of Justice Biennial Report 2006-2007, pages 7 and 8).

<sup>1067</sup> Paragraph 2.2 of the MOU. On meetings, see also Paragraph 2.7 of the MOU: “The Office of the Chief Justice will be invited to attend and participate in formal inter-ministry meetings and presentations that directly affect the operations of the Office of the Chief Justice and the Ministry will ensure that the results of any such meetings and presentations are delivered to the Office of the Chief Justice. The Office of the Chief Justice will also be invited to participate on any intra-ministry committees involved with functions that affect the operation of the Office”. Paragraph 3.5 further states that some functions are currently managed by the Courts Services Division of the Ministry for the Ontario Court of Justice; the carrying out of these functions requires close cooperation between the Ministry and the judiciary.

<sup>1068</sup> Paragraphs 3.1 b) and c) of the MOU. Also, financial and administrative policies and procedures of the Office of the Chief Justice shall correspond with Management Board of Cabinet Directives and Guidelines and the Ministry’s support services policies and procedures (paragraph 2.5 of the MOU).

<sup>1069</sup> MOU, Paragraph 3.2 a).

<sup>1070</sup> *Courts of Justice Act*, R.S.O. 1990, c. C.43, Section 78(3). This Committee is comprised of the Chief Justice of Ontario, who presides, and the Associate Chief Justice of Ontario, the Chief Justice and the Associate Chief Justice of the Superior Court of Justice and the Senior Judge of the Family Court, the Chief Justice and the associate chief justices of the Ontario Court of Justice; and the regional senior judges of the Superior Court of Justice and of the Ontario Court of Justice (Section 78(2)).

- <sup>1071</sup> *Courts of Justice Act*, R.S.O. 1990, c. C.43, Section 79(4). This Committee is composed of Chief Justice and Associate Chief Justice of Ontario, the Chief Justice and Associate Chief Justice of the Superior Court of Justice, the Senior Judge of the Family Court and the Chief Justice and associate chief justices of the Ontario Court of Justice; the Attorney General, the Deputy Attorney General, the Assistant Deputy Attorney General responsible for courts administration, the Assistant Deputy Attorney General responsible for criminal law and two other public servants chosen by the Attorney General; three lawyers appointed by The Law Society of Upper Canada and three lawyers appointed by the County and District Law Presidents' Association; and not more than six other persons, appointed by the Attorney General with the concurrence of the judges mentioned in clause (a) and the lawyers appointed under clause (c) of Section 79(2) (Section 79(2)).
- <sup>1072</sup> *Courts of Justice Act*, R.S.O. 1990, c. C.43, Section 79.3.
- <sup>1073</sup> *Ministry of the Attorney General Act*, R.S.O. 1990, c. M.17, Section 7.
- <sup>1074</sup> MOU, paragraph 2.1.
- <sup>1075</sup> MOU, paragraph 2.3. The Financial Analyst provides financial planning, support, and advice to the Office of the Chief Justice, including financial estimates, allocations, planning, monitoring, reporting, and analysis. The holder of this position develops and prepares the Office of the Chief Justice's budget plan submission and ongoing monthly forecast submissions to the Ministry of the Attorney General (Ontario Court of Justice Biennial Report 2006-2007, page 17).
- <sup>1076</sup> The Attorney General is accountable to the Legislative Assembly of Ontario for the proper use of public funds allocated to the administration of justice in Ontario (MOU, paragraph 3.1a)).
- <sup>1077</sup> MOU, paragraph 2.3.
- <sup>1078</sup> Through the Audit Services Branch (paragraph 2.8 d) of the MOU).
- <sup>1079</sup> MOU, paragraph 5.1.
- <sup>1080</sup> Annual Report of the Ministry, Court Services Division, page 20.
- <sup>1081</sup> "Organization Chart", online, Ministry of the Attorney General: <http://www.attorneygeneral.jus.gov.on.ca/english/about/default.asp> .
- <sup>1082</sup> Annual Report of the Ministry, Court Services Division, page 2.
- <sup>1083</sup> Annual Report of the Ministry, Court Services Division, page 2.
- <sup>1084</sup> MOU, paragraph 2.4; this includes salaries and benefits (with the exception of pension benefits as noted above), transportation and communications, training and education, furniture, furnishings, supplies and equipment (with the exception of computers, printers, computer peripherals and computer ports). The Office of the Chief Justice is further responsible for managing all human resource functions for employees of the head Office of the Chief Justice, the Offices of the Regional Senior Judges, the Offices of Regional Senior Justices of the Peace and any other employees assigned to the Office of the Chief Justice as a result of the implementation of the MOU (Paragraph 3.2 c) of the MOU).
- <sup>1085</sup> MOU, paragraph 4.1. See also Section 73 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43.
- <sup>1086</sup> MOU, paragraph 4.1.
- <sup>1087</sup> *Courts of Justice Act*, R.S.O. 1990, c. C.43, Section 76.
- <sup>1088</sup> MOU, paragraph 3.4. A regional senior judge exercises the powers and perform the duties of the Chief Justice in his region (p. 9 of the Ontario Court of Justice Biennial Report 2006-2007).
- <sup>1089</sup> The Ministry provides this through its Centre for Leadership and Human Resource Management (paragraph 2.8 b) of the MOU). The Divisional Support Branch of Court Services is responsible for leading workforce planning and providing human resources and labour relations implementation support (Annual Report of the Ministry, Court Services Division, page 20).
- <sup>1090</sup> And more precisely its Divisional Support Branch (Annual Report of the Ministry, Court Services Division, page 20).
- <sup>1091</sup> Annual Report of the Ministry, Court Services Division, page 52. The ministry, in partnership with the Ministry of Energy and Infrastructure and Infrastructure Ontario, is delivering a number of new courthouse projects using the Alternative Financing and Procurement process, which uses private sector expertise and financing to build infrastructure, such as courthouses (page 52).
- <sup>1092</sup> The Ministry provides this through the Facilities Group of the Corporate Planning Branch of the Court Services Division, as well as the MAG (Ministry and Attorney General) Facilities Management Branch and the Ontario Realty Corporation (Paragraph 2.8 e) of the MOU).
- <sup>1093</sup> The CJEC establishes province-wide policies within the Court. Subcommittees of CJEC are established to examine current issues and to formulate draft policies, which are submitted to CJEC and, if endorsed, will become the policy of the Court. (Ontario Court of Justice Biennial Report 2006-2007, page 15).

- <sup>1094</sup> Ontario Court of Justice Biennial Report 2006-2007, page 15.
- <sup>1095</sup> The Design Standards Committee is composed of the Associate Chief Justice-Coordinator of Justices of the Peace, one regional senior judge, two judges of the Ontario Court of Justice, one regional senior justice of the peace, and the senior advisory justice of the peace (Ontario Court of Justice Biennial Report 2006-2007, page 15).
- <sup>1096</sup> MOU, paragraph 2.4.
- <sup>1097</sup> MOU, paragraph 2.4.
- <sup>1098</sup> Through the Corporate Planning Branch of the Court Services Division and also the Shared Services Bureau of Management Board Secretariat (paragraph 2.8 h) of the MOU).
- <sup>1099</sup> Annual Report of the Ministry, Court Services Division, page 20.
- <sup>1100</sup> Through the Business Solutions Branch of the Court Services Division and the Justice Technology Services Division, reporting to the Office of the Corporate Chief Information Officer (paragraph 2.8 c) of the MOU).
- <sup>1101</sup> Ontario Court of Justice Biennial Report 2006-2007, page 18.
- <sup>1102</sup> Court of Appeal for Ontario Annual Report 2009, page 14.
- <sup>1103</sup> Ontario Court of Justice Biennial Report 2006-2007, pages 16-17. This Committee includes the Chief Justice of Ontario (or delegate); the Chief Justice of the Superior Court of Justice (or delegate); the Chief Justice of the Ontario Court of Justice (or delegate); up to two judges from each of the three courts; the Chief Information Officer, Justice Technology Services; the Assistant Deputy Attorney General, Court Services Division; the Director, Corporate Planning Branch, Court Services Division; the Director, Business Solutions Branch, Court Services Division; and the Secretariat, Business Solutions Branch, Court Services Division (page 17).
- <sup>1104</sup> The Associate Chief Justice chairs the Library Committee, which is composed of five other judges of the Court, two justices of the peace, the Executive Coordinator, and the Ontario Court of Justice Library Technician (Ontario Court of Justice Biennial Report 2006-2007, page 16).
- <sup>1105</sup> Ministry of the Attorney General, Court Services Division Annual Report 2009-2010 (hereinafter the "Annual Report of the Ministry, Court Services Division"), page 1.
- <sup>1106</sup> In accordance with Section 72 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, i.e. on matters other than the ones that are assigned by law to the judiciary, that relate to the education, conduct and discipline of judges and justices of the peace, or that are assigned to the judiciary by a memorandum of understanding.
- <sup>1107</sup> "Memorandum of Understanding between the Superior Court of Justice of Ontario and the Ministry of Attorney General", May 2008, (hereinafter the "MOU"), page 1. See also Section 71(b) of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, which states that the administration of justice shall be carried on so as to recognize the respective roles and responsibilities of the Attorney General and the judiciary in the administration of justice.
- <sup>1108</sup> MOU, page 1. The AG and Chief Justice may enter into such a memorandum by way of Section 77(2) of the *Courts of Justice Act*, R.S.O. 1990, c. C.43. This memorandum may deal with the respective roles and responsibilities of the Attorney General and the judiciary in the administration of justice, but not with any matter assigned by law to the judiciary (Section 77(4) of the *Courts of Justice Act*, R.S.O. 1990, c. C.43). This MOU serves as a "foundational document to guide the interpretation of [the Attorney General's and Chief Justice's] appropriate roles in and the proper support for courts administration" (Superior Court of Justice of Ontario 2007-2008 Annual Report (hereinafter the "Annual Report of the Court"), page 14). The MOU recognizes and formalizes existing arrangements as well as creates a framework for future agreements between the parties (Annual Report of the Court, page 14). On review and amendment, page 2 of the MOU states that the document "continues in effect until termination by either the Attorney General or the Chief Justice by written notice at any time", and that it "is subject to amendment by mutual agreement in writing between the Attorney General and the Chief Justice at any time". The same page further mentions that the Attorney General and the Chief Justice (or their respective designates) shall meet at least annually to review the MOU, and, "on an ongoing basis, use their best efforts to address concerns raised by either of them regarding the contents of this MOU".
- <sup>1109</sup> MOU, page 5.
- <sup>1110</sup> MOU, pages 4 and 5. See page 5 on good communications between the Attorney General and the Chief Justice.
- <sup>1111</sup> *Courts of Justice Act*, R.S.O. 1990, c. C.43, Section 78(3). This Committee is comprised of the Chief Justice of Ontario, who presides, and the Associate Chief Justice of Ontario, the Chief Justice and the Associate Chief Justice of the Superior Court of Justice and the Senior Judge of the Family Court, the Chief Justice and the associate chief justices of the Ontario Court of Justice; and the regional senior judges of the Superior Court of Justice and of the Ontario Court of Justice (Section 78(2)).

- <sup>1112</sup> *Courts of Justice Act*, R.S.O. 1990, c. C.43, Section 79(4). This Committee is composed of Chief Justice and Associate Chief Justice of Ontario, the Chief Justice and Associate Chief Justice of the Superior Court of Justice, the Senior Judge of the Family Court and the Chief Justice and associate chief justices of the Ontario Court of Justice; the Attorney General, the Deputy Attorney General, the Assistant Deputy Attorney General responsible for courts administration, the Assistant Deputy Attorney General responsible for criminal law and two other public servants chosen by the Attorney General; three lawyers appointed by The Law Society of Upper Canada and three lawyers appointed by the County and District Law Presidents' Association; and not more than six other persons, appointed by the Attorney General with the concurrence of the judges mentioned in clause (a) and the lawyers appointed under clause (c) of Section 79(2) (Section 79(2)).
- <sup>1113</sup> *Courts of Justice Act*, R.S.O. 1990, c. C.43, Section 79.3.
- <sup>1114</sup> *Ministry of the Attorney General Act*, R.S.O. 1990, c. M.17, Section 7.
- <sup>1115</sup> MOU, page 8. The Attorney General includes the budget of the Office of the Chief Justice as part of the overall Judicial Services allocation through the annual planning cycle, within the overall Ministry Estimates submission (MOU, page 4).
- <sup>1116</sup> MOU, page 8.
- <sup>1117</sup> Annual Report of the Court, page 20. The ELO acts as a liaison between the judicial and executive branches of government, and reports through the Assistant Deputy Attorney General – Court Services Division, subject to the authority of the Chief Justice under Section 76 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43. As for financial responsibilities, the ELO takes direction from the Chief Justice subject to his appropriate authority and responsibility as delegated under the Ministry's delegation framework (MOU, pages 7 and 8).
- <sup>1118</sup> MOU, page 1.
- <sup>1119</sup> In accordance with the Ministry's internal audit plan (MOU, page 8).
- <sup>1120</sup> Annual Report of the Ministry, Court Services Division, page 20.
- <sup>1121</sup> "Organization Chart", online, Ministry of the Attorney General: <http://www.attorneygeneral.jus.gov.on.ca/english/about/default.asp> .
- <sup>1122</sup> Public service staffing policies, superannuation and other employee benefits and conditions of employment, and collective agreements consequently apply to them (MOU, page 7). See also Section 73 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43.
- <sup>1123</sup> I.e. provincially-appointed judicial and quasi judicial officials in the Superior Court of Justice, including case management masters, deputy judges of the Small Claims Court, registrars in bankruptcy and assessment officers (MOU, page 10).
- <sup>1124</sup> In accordance with Section 76 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43 (MOU, page 3).
- <sup>1125</sup> This management is consistent with policies and collective agreements applicable to the Ontario Public Service (MOU, page 5).
- <sup>1126</sup> Including benefits administration for staff, classification advice and consultation regarding redeployment, recruitment and staff relations (MOU, page 5). The Divisional Support Branch of Court Services is responsible for leading workforce planning and providing human resources and labour relations implementation support (Annual Report of the Ministry, Court Services Division, page 20).
- <sup>1127</sup> The Division also provides administrative support to all judges of Superior Court of Justice, and courtroom support through court clerk and registrars, court reporters, court monitors, court services officers and interpreters (Annual Report of the Ministry, Court Services Division, page 2).
- <sup>1128</sup> And more precisely its Divisional Support Branch (Annual Report of the Ministry, Court Services Division, page 20).
- <sup>1129</sup> Annual Report of the Ministry, Court Services Division, page 52. The ministry, in partnership with the Ministry of Energy and Infrastructure and Infrastructure Ontario, is delivering a number of new courthouse projects using the Alternative Financing and Procurement process, which uses private sector expertise and financing to build infrastructure, such as courthouses (page 52).
- <sup>1130</sup> MOU, page 8.
- <sup>1131</sup> MOU, page 7. The capital planning process involves a direct liaison between officials of the Ministry and designated judges or staff of the Office of the Chief Justice, and takes into account considerations relevant to provincial architectural principles and standards for courthouses (MOU, page 7).
- <sup>1132</sup> MOU, page 7.
- <sup>1133</sup> In 2008, this Committee was chaired by a regional senior judge, and comprised three additional judges (Annual Report of the Court, page 19).

- <sup>1134</sup> In accordance with Court Services Division Directive “Judicial Support Standards for Federally-Appointed Judges of the Superior Court of Justice”, dated December 30, 2002 (MOU, page 6).
- <sup>1135</sup> MOU, page 6.
- <sup>1136</sup> MOU, page 9.
- <sup>1137</sup> Annual Report of the Ministry, Court Services Division, page 20.
- <sup>1138</sup> MOU, page 8.
- <sup>1139</sup> Court of Appeal for Ontario Annual Report 2009, page 14.
- <sup>1140</sup> Ontario Court of Justice Biennial Report 2006-2007, pages 16-17. This Committee includes the Chief Justice of Ontario (or delegate); the Chief Justice of the Superior Court of Justice (or delegate); the Chief Justice of the Court of Justice (or delegate); up to two judges from each of the three courts; the Chief Information Officer, Justice Technology Services; the Assistant Deputy Attorney General, Court Services Division; the Director, Corporate Planning Branch, Court Services Division; the Director, Business Solutions Branch, Court Services Division; and the Secretariat, Business Solutions Branch, Court Services Division (page 17).
- <sup>1141</sup> This Committee advises the Chief Justice on judicial libraries, consults with and advises the Manager of Judicial Library Services on the Court’s library needs, and acts as a liaison between the Chief Justice and the Manager. In 2007-2008, this Committee was chaired by a regional senior judge, and comprised three additional justices (Annual Report of the Court, page 19).
- <sup>1142</sup> MOU, page 9.
- <sup>1143</sup> MOU, page 9.
- <sup>1144</sup> Annual Report of the Ministry, Court Services Division, page 1.
- <sup>1145</sup> In accordance with Section 72 of the *Courts of Justice Act* (R.S.O. 1990, c. C.43), i.e. on matters other than the ones that are assigned by law to the judiciary, that relate to the education, conduct and discipline of judges and justices of the peace, or that are assigned to the judiciary by a memorandum of understanding.
- <sup>1146</sup> *Courts of Justice Act*, R.S.O. 1990, c. C.43, Section 71(b).
- <sup>1147</sup> *Courts of Justice Act*, R.S.O. 1990, c. C.43, Section 77(1) and (4).
- <sup>1148</sup> *Courts of Justice Act*, R.S.O. 1990, c. C.43, Section 78(3). This Committee is comprised of the Chief Justice of Ontario, who presides, and the Associate Chief Justice of Ontario, the Chief Justice and the Associate Chief Justice of the Superior Court of Justice and the Senior Judge of the Family Court, the Chief Justice and the associate chief justices of the Ontario Court of Justice; and the regional senior judges of the Superior Court of Justice and of the Ontario Court of Justice (Section 78(2)).
- <sup>1149</sup> *Courts of Justice Act*, R.S.O. 1990, c. C.43, Section 79(4). This Committee is composed of Chief Justice and Associate Chief Justice of Ontario, the Chief Justice and Associate Chief Justice of the Superior Court of Justice, the Senior Judge of the Family Court and the Chief Justice and associate chief justices of the Ontario Court of Justice; the Attorney General, the Deputy Attorney General, the Assistant Deputy Attorney General responsible for courts administration, the Assistant Deputy Attorney General responsible for criminal law and two other public servants chosen by the Attorney General; three lawyers appointed by The Law Society of Upper Canada and three lawyers appointed by the County and District Law Presidents’ Association; and not more than six other persons, appointed by the Attorney General with the concurrence of the judges mentioned in clause (a) and the lawyers appointed under clause (c) of Section 79(2) (Section 79(2)).
- <sup>1150</sup> *Courts of Justice Act*, R.S.O. 1990, c. C.43, Section 9(1).
- <sup>1151</sup> *Courts of Justice Act*, R.S.O. 1990, c. C.43, Section 79.3.
- <sup>1152</sup> *Ministry of the Attorney General Act*, R.S.O. 1990, c. M.17, Section 7.
- <sup>1153</sup> “Memorandum of Understanding between the Superior Court of Justice of Ontario and the Ministry of Attorney General”, May 2008, page 1.
- <sup>1154</sup> Annual Report of the Ministry, Court Services Division, page 20.
- <sup>1155</sup> “Organization Chart”, online, Ministry of the Attorney General: <http://www.attorneygeneral.jus.gov.on.ca/english/about/default.asp> .
- <sup>1156</sup> Annual Report of the Ministry, Court Services Division, page 2.
- <sup>1157</sup> Annual Report of the Ministry, Court Services Division, page 2.
- <sup>1158</sup> Annual Report of the Ministry, Court Services Division, page 20.
- <sup>1159</sup> *Courts of Justice Act*, R.S.O. 1990, c. C.43, Section 73.
- <sup>1160</sup> *Courts of Justice Act*, R.S.O. 1990, c. C.43, Section 76.
- <sup>1161</sup> Court of Appeal for Ontario Annual Report 2009 (hereinafter the “Court’s Annual Report”), page 9.



- <sup>1162</sup> And more precisely its Divisional Support Branch (Annual Report of the Ministry, Court Services Division, page 20).
- <sup>1163</sup> Annual Report of the Ministry, Court Services Division, page 52. The ministry, in partnership with the Ministry of Energy and Infrastructure and Infrastructure Ontario, is delivering a number of new courthouse projects using the Alternative Financing and Procurement process, which uses private sector expertise and financing to build infrastructure, such as courthouses (page 52).
- <sup>1164</sup> Annual Report of the Ministry, Court Services Division, page 2.
- <sup>1165</sup> Annual Report of the Ministry, Court Services Division, page 20.
- <sup>1166</sup> Court's Annual Report, page 14.
- <sup>1167</sup> Ontario Court of Justice Biennial Report 2006-2007, pages 16-17. This Committee includes the Chief Justice of Ontario (or delegate); the Chief Justice of the Superior Court of Justice (or delegate); the Chief Justice of the Court of Justice (or delegate); up to two judges from each of the three courts; the Chief Information Officer, Justice Technology Services; the Assistant Deputy Attorney General, Court Services Division; the Director, Corporate Planning Branch, Court Services Division; the Director, Business Solutions Branch, Court Services Division; and the Secretariat, Business Solutions Branch, Court Services Division (page 17).
- <sup>1168</sup> As is mentioned in the response to the comparative analysis from the Honourable Jacqueline R. Matheson, Chief Justice of the Supreme Court (dated May 24<sup>th</sup>, 2011).
- <sup>1169</sup> *Provincial Court Act*, R.S.P.E.I. 1988, c. P-25, Section 2(1).
- <sup>1170</sup> *Provincial Court Act*, R.S.P.E.I. 1988, c. P-25, Section 17(b).
- <sup>1171</sup> *Provincial Court Act*, R.S.P.E.I. 1988, c. P-25, Section 4(1).
- <sup>1172</sup> Office of the Attorney General Annual Report 2008-2009 (hereinafter the "Office of the AG Annual Report"). first page.
- <sup>1173</sup> As we were told by the Honourable Jacqueline R. Matheson, Chief Justice of the Supreme Court, in her email to Caroline Collard dated December 13<sup>th</sup>, 2010.
- <sup>1174</sup> Office of the Attorney General Annual Report 2008-2009 (hereinafter the "Office of the AG Annual Report"), page 57.
- <sup>1175</sup> "Legal and Court Services", online, Department of Justice and Public Safety: <http://www.gov.pe.ca/jps/lacs-info/dg.inc.php3> .
- <sup>1176</sup> Office of the AG Annual Report, page 57.
- <sup>1177</sup> *General Regulations*, P.E.I. Reg. EC946/76, Section 2(1).
- <sup>1178</sup> "Law Library", online, Law Society of Prince Edward Island: [http://www.lspei.pe.ca/law\\_library.php](http://www.lspei.pe.ca/law_library.php).
- <sup>1179</sup> As is mentioned in the response to the comparative analysis from the Honourable Jacqueline R. Matheson, Chief Justice of the Supreme Court (dated May 24<sup>th</sup>, 2011).
- <sup>1180</sup> Including the authority to direct and supervise the sittings of the Court and the assignment of the duties of the judges (*Judicature Act*, R.S.P.E.I. 1988, c. J-2.1, Section 36 (a)).
- <sup>1181</sup> And that are governed by the *Judicature Act* or any other enactment of the Parliament or the Legislative Assembly (*Judicature Act*, R.S.P.E.I. 1988, c. J-2.1, Section 36 (b)).
- <sup>1182</sup> *Judicature Act*, R.S.P.E.I. 1988, c. J-2.1, Section 36 (c). The Chief Justice of Prince Edward Island or the Chief Justice of the Supreme Court may call meetings of the judges of their respective courts, or joint meetings, for the purpose of considering the operation of the *Judicature Act* or any other matters relating to the administration of justice (*Judicature Act*, R.S.P.E.I. 1988, c. J-2.1, Section 25).
- <sup>1183</sup> Who is the Chief Justice of the Court of Appeal (*Judicature Act*, R.S.P.E.I. 1988, c. J-2.1, Section 4(1)(a)).
- <sup>1184</sup> *Judicature Act*, R.S.P.E.I. 1988, c. J-2.1, Section 37(3).
- <sup>1185</sup> As we were told by the Honourable Jacqueline R. Matheson, Chief Justice of the Supreme Court, in her email to Caroline Collard dated December 13<sup>th</sup>, 2010.
- <sup>1186</sup> As we were told by the Honourable Jacqueline R. Matheson, Chief Justice of the Supreme Court, in her email to Caroline Collard dated December 13<sup>th</sup>, 2010.
- <sup>1187</sup> "Legal and Court Services Division", online, PEI Department of Justice and Public Safety, <http://www.gov.pe.ca/jps/lacs-info/dg.inc.php3>
- <sup>1188</sup> As we were told by the Honourable Jacqueline R. Matheson, Chief Justice of the Supreme Court, in her email to Caroline Collard dated December 13<sup>th</sup>, 2010.
- <sup>1189</sup> Office of the AG Annual Report, page 1.
- <sup>1190</sup> As we were told by the Honourable Jacqueline R. Matheson, Chief Justice of the Supreme Court, in her email to Caroline Collard dated December 13<sup>th</sup>, 2010.

- <sup>1191</sup> Office of the AG Annual Report, page 57.
- <sup>1192</sup> *Judicature Act*, R.S.P.E.I. 1988, c. J-2.1, Section 38(1). Although the Department of the Attorney General hires Court staff, the Chief Justice of the Supreme Court mentioned in her email to Caroline Collard dated December 13<sup>th</sup>, 2010 that she did sit on the Board which hired the current Trial Coordinator.
- <sup>1193</sup> R.S.P.E.I. 1988, c. C-8 (*Judicature Act*, R.S.P.E.I. 1988, c. J-2.1, Section 38(2)).
- <sup>1194</sup> *Judicature Act*, R.S.P.E.I. 1988, c. J-2.1, Section 28(1). The Registrar shall perform all such duties as may be imposed under an Act, by direction of the Court of Appeal or the Supreme Court, or as may be prescribed by the rules (Section 28(2)).
- <sup>1195</sup> *Judicature Act*, R.S.P.E.I. 1988, c. J-2.1, Section 29(1).
- <sup>1196</sup> *Judicature Act*, R.S.P.E.I. 1988, c. J-2.1, Section 27(2). The Prothonotary shall perform all such duties as may be imposed upon him under an Act or by a direction of the Court of Appeal or the Supreme Court, or as may be prescribed by the rules (Section 27(5)). The *Civil Service Act* also applies to the Prothonotary (Section 27(6)).
- <sup>1197</sup> *Judicature Act*, R.S.P.E.I. 1988, c. J-2.1, Section 38(5).
- <sup>1198</sup> As we were told by the Honourable Jacqueline R. Matheson, Chief Justice of the Supreme Court, in her email to Caroline Collard dated December 13<sup>th</sup>, 2010.
- <sup>1199</sup> "Legal and Court Services", online, Department of Justice and Public Safety: <http://www.gov.pe.ca/jps/lacs-info/dg.inc.php3> .
- <sup>1200</sup> *Judicature Act*, R.S.P.E.I. 1988, c. J-2.1, Section 38(3).
- <sup>1201</sup> *Judicature Act*, R.S.P.E.I. 1988, c. J-2.1, Section 38(4).
- <sup>1202</sup> Office of the AG Annual Report, page 57.
- <sup>1203</sup> *Judicature Act*, R.S.P.E.I. 1988, c. J-2.1, Section 38(1).
- <sup>1204</sup> *Judicature Act*, R.S.P.E.I. 1988, c. J-2.1, Section 18(3).
- <sup>1205</sup> "Law Library", online, Law Society of Prince Edward Island: [http://www.lspei.pe.ca/law\\_library.php](http://www.lspei.pe.ca/law_library.php).
- <sup>1206</sup> "Ministère de la Justice: Mission, Vision, Values and Mandates", online, Justice Québec: <http://www.justice.gouv.qc.ca/english/ministere/organisation/minister-a.htm> .
- <sup>1207</sup> "Administrative Structure", online, Justice Québec: <http://www.justice.gouv.qc.ca/english/ministere/organisation/structure-a.htm> .
- <sup>1208</sup> "Administrative Structure", online, Justice Québec: <http://www.justice.gouv.qc.ca/english/ministere/organisation/structure-a.htm> .
- <sup>1209</sup> *Courts of Justice Act*, R.S.Q. c. T-16, Section 96.
- <sup>1210</sup> "The Court of Québec" brochure, online, Court of Québec: [http://www.tribunaux.qc.ca/mjq\\_en/c-quebec/Communiqués/fs\\_communiqués.html](http://www.tribunaux.qc.ca/mjq_en/c-quebec/Communiqués/fs_communiqués.html) .
- <sup>1211</sup> Page 12 of the "Court of Québec" brochure, online, Court of Québec : [http://www.tribunaux.qc.ca/mjq\\_en/c-quebec/Communiqués/fs\\_communiqués.html](http://www.tribunaux.qc.ca/mjq_en/c-quebec/Communiqués/fs_communiqués.html) .
- <sup>1212</sup> Page 14 of the "Court of Québec" brochure, online, Court of Québec : [http://www.tribunaux.qc.ca/mjq\\_en/c-quebec/Communiqués/fs\\_communiqués.html](http://www.tribunaux.qc.ca/mjq_en/c-quebec/Communiqués/fs_communiqués.html); See also: "The Bureau de la juge en chef", online, Court of Québec: [http://www.tribunaux.qc.ca/mjq\\_en/c-quebec/fs\\_autorite.html](http://www.tribunaux.qc.ca/mjq_en/c-quebec/fs_autorite.html)
- <sup>1213</sup> Other members include, among others, the Senior Associate Chief Judge of the Court of Québec, the four Associate Chief Judges of the Court of Québec, and two judges chosen among the judges of the Court of Québec (*Courts of Justice Act*, R.S.Q. c. T-16, Section 248).
- <sup>1214</sup> *Courts of Justice Act*, R.S.Q. c. T-16, Section 256(e).
- <sup>1215</sup> Ministère de la Justice du Québec, Rapport annuel de gestion 2009-2010 (hereinafter the "Ministry's Annual Report"), pages v and vii.
- <sup>1216</sup> Ministry's Annual Report, page 12.
- <sup>1217</sup> "Administrative Structure", online, Justice Québec: <http://www.justice.gouv.qc.ca/english/ministere/organisation/structure-a.htm> .
- <sup>1218</sup> "The Bureau de la juge en chef", online, Court of Québec: [http://www.tribunaux.qc.ca/mjq\\_en/c-quebec/fs\\_autorite.html](http://www.tribunaux.qc.ca/mjq_en/c-quebec/fs_autorite.html) .
- <sup>1219</sup> Ministry's Annual Report, page xvii.
- <sup>1220</sup> "Administrative Structure", online, Justice Québec: <http://www.justice.gouv.qc.ca/english/ministere/organisation/structure-a.htm> .
- <sup>1221</sup> *Courts of Justice Act*, R.S.Q. c. T-16, Section 4.



- 1222 *Courts of Justice Act*, R.S.Q. c. T-16, Section 139.
- 1223 “Administrative Structure”, online, Justice Québec: <http://www.justice.gouv.qc.ca/english/ministere/organisation/structure-a.htm> .
- 1224 Page 14 of the “Court of Québec” brochure, online, Court of Québec : [http://www.tribunaux.qc.ca/mjq\\_en/c-quebec/Communiqués/fs\\_communiqués.html](http://www.tribunaux.qc.ca/mjq_en/c-quebec/Communiqués/fs_communiqués.html).
- 1225 “Administrative Structure”, online, Justice Québec: <http://www.justice.gouv.qc.ca/english/ministere/organisation/structure-a.htm> .
- 1226 Page 14 of the “Court of Québec” brochure, online, Court of Québec : [http://www.tribunaux.qc.ca/mjq\\_en/c-quebec/Communiqués/fs\\_communiqués.html](http://www.tribunaux.qc.ca/mjq_en/c-quebec/Communiqués/fs_communiqués.html); “The Bureau de la juge en chef”, online, Court of Québec: [http://www.tribunaux.qc.ca/mjq\\_en/c-quebec/fs\\_autorité.html](http://www.tribunaux.qc.ca/mjq_en/c-quebec/fs_autorité.html) .
- 1227 Page 14 of the “Court of Québec” brochure, online, Court of Québec : [http://www.tribunaux.qc.ca/mjq\\_en/c-quebec/Communiqués/fs\\_communiqués.html](http://www.tribunaux.qc.ca/mjq_en/c-quebec/Communiqués/fs_communiqués.html).
- 1228 “Ministère de la Justice: Mission, Vision, Values and Mandates”, online, Justice Québec: <http://www.justice.gouv.qc.ca/english/ministere/organisation/minister-a.htm> .
- 1229 “Administrative Structure”, online, Justice Québec: <http://www.justice.gouv.qc.ca/english/ministere/organisation/structure-a.htm> .
- 1230 “Administrative Structure”, online, Justice Québec: <http://www.justice.gouv.qc.ca/english/ministere/organisation/structure-a.htm> .
- 1231 Ministry’s Annual Report, pages v and vii.
- 1232 Ministry’s Annual Report, page 12.
- 1233 “Administrative Structure”, online, Justice Québec: <http://www.justice.gouv.qc.ca/english/ministere/organisation/structure-a.htm> .
- 1234 Ministry’s Annual Report, page xvii.
- 1235 “Administrative Structure”, online, Justice Québec: <http://www.justice.gouv.qc.ca/english/ministere/organisation/structure-a.htm> .
- 1236 *Courts of Justice Act*, R.S.Q. c. T-16, Section 4.
- 1237 *Courts of Justice Act*, R.S.Q. c. T-16, Sections 55 and 56; *An Act Respecting the Salaries of Officers of Justice*, R.S.Q. c. S-2, Section 2.
- 1238 *Courts of Justice Act*, R.S.Q. c. T-16, Section 54.
- 1239 “Administrative Structure”, online, Justice Québec: <http://www.justice.gouv.qc.ca/english/ministere/organisation/structure-a.htm> .
- 1240 “Access to justice. Striving to do better”, Activity Report, Superior Court of Québec, June 2010, page 8.
- 1241 “Administrative Structure”, online, Justice Québec: <http://www.justice.gouv.qc.ca/english/ministere/organisation/structure-a.htm> .
- 1242 “Ministère de la Justice: Mission, Vision, Values and Mandates”, online, Justice Québec : <http://www.justice.gouv.qc.ca/english/ministere/organisation/minister-a.htm> .
- 1243 “Administrative Structure”, online, Justice Québec: <http://www.justice.gouv.qc.ca/english/ministere/organisation/structure-a.htm> .
- 1244 “Administrative Structure”, online, Justice Québec: <http://www.justice.gouv.qc.ca/english/ministere/organisation/structure-a.htm> .
- 1245 “Agreement regarding the framework for the allocation and management of the human, financial and material resources of the Court of Appeal established between the Minister of Justice, Mr. Yvon Marcoux and the Chief Justice of the Court of Appeal, the Honourable J.J. Michel Robert”, June 2005 (hereinafter the “Agreement”). Clause 6 states that the Agreement shall be renewed from year to year for a period of twelve months, while clause 7 provides that it can be terminated with the mutual consent of the parties or when one party requests it three months prior to the end of its term.
- 1246 Clause 1.1 of the Agreement. See also clause 1.3: “in particular, [the object of the agreement] is to specify the terms and conditions according to which the allocation of the resources necessary for the operation of the Court, along with the management of certain courts, shall be supervised by the Chief Justice”.
- 1247 Clause 1.2 of the Agreement. According to page 1 of a document entitled “Administrative Autonomy of the Court of Appeal of Quebec”, the Court of Appeal benefits from “partial administrative autonomy” by virtue of this Agreement. See also page 2 of this document, where the Chief Justice is said to have control over the administration of the Court.
- 1248 “Administrative Autonomy of the Court of Appeal of Quebec” document, page 1.

- 1249 *Courts of Justice Act*, R.S.Q. c. T-16, Section 11.
- 1250 “Administrative Autonomy of the Court of Appeal of Quebec” document, page 2.
- 1251 Ministry’s Annual Report, pages v and vii.
- 1252 Ministry’s Annual Report, page 12.
- 1253 “Administrative Structure”, online, Justice Québec:  
<http://www.justice.gouv.qc.ca/english/ministere/organisation/structure-a.htm> .
- 1254 Clause 2.1 of the Agreement.
- 1255 The Treasury Board takes into account, in particular, adjustments to collective agreements and other work conditions of the personnel outlined in the Agreement (Clause 2.2 of the Agreement).
- 1256 “Administrative Autonomy of the Court of Appeal of Quebec” document, page 2.
- 1257 Clause 2.3 of the Agreement.
- 1258 Clause 2.4 of the Agreement.
- 1259 Clause 2.5 of the Agreement.
- 1260 Clause 3.1 and Appendix A of the Agreement.
- 1261 Clause 5.5 of the Agreement. See also “Administrative Autonomy of the Court of Appeal of Quebec” document, page 2.
- 1262 Clause 3.2 and Appendix B of the Agreement.
- 1263 Clause 3.2 and Appendix B of the Agreement.
- 1264 Clause 3.2 and Appendix B of the Agreement.
- 1265 Ministry’s Annual Report, page xvii.
- 1266 “Administrative Structure”, online, Justice Québec:  
<http://www.justice.gouv.qc.ca/english/ministere/organisation/structure-a.htm> .
- 1267 *Courts of Justice Act*, R.S.Q. c. T-16, Section 4.
- 1268 *Courts of Justice Act*, R.S.Q. c. T-16, Sections 5 and 15(1).
- 1269 *Courts of Justice Act*, R.S.Q. c. T-16, Section 15(2).
- 1270 Clauses 3.1 and 4 of the Agreement.
- 1271 Clause 5.2 of the Agreement.
- 1272 Clause 3.2 and Appendix B of the Agreement.
- 1273 “Administrative Structure”, online, Justice Québec:  
<http://www.justice.gouv.qc.ca/english/ministere/organisation/structure-a.htm> .
- 1274 “Administrative Autonomy of the Court of Appeal of Quebec” document, page 2.
- 1275 Clause 3.2 and Appendix B of the Agreement.
- 1276 Excluding computer, office, electronic and audiovisual equipment.
- 1277 Clause 3.1 and Appendix A of the Agreement.
- 1278 Clause 3.1 and Appendix A of the Agreement.
- 1279 “Administrative Structure”, online, Justice Québec:  
<http://www.justice.gouv.qc.ca/english/ministere/organisation/structure-a.htm> .
- 1280 Clause 3.2 and Appendix B of the Agreement.
- 1281 Clause 3.1 and Appendix A of the Agreement.
- 1282 I.e. the Automated Roll System of the Court of Appeal (SIRCAQ), the Management System for the Assignment of the Court of Appeal Judges (SAJCAQ), the Management Information System of the Ministry of Justice of Quebec (SIG – Court of Appeal Division) (Clause 3.1 and Appendix A of the Agreement).
- 1283 Clause 3.1 and Appendix A of the Agreement.
- 1284 Ministry of Justice and Attorney General Annual Report 2009-2010 (hereinafter “Ministry’s Annual Report”), page 8.
- 1285 The Chief Judge consults with the Associate Chief Judges and Administrative Judges when establishing protocols and procedures, prior to presenting them to Court Services (*Court Administration Provincial Court of Saskatchewan Report*, page 3).
- 1286 *Provincial Court Act 1988*, S.S. 1998, c. P-30.11, Section 8(f).
- 1287 *Provincial Court Act 1988*, S.S. 1998, c. P-30.11, Section 8.1(7).
- 1288 Ministry’s Annual Report, page 3.

- <sup>1289</sup> As we were told by the Honourable Carol A. Snell, Chief Judge of the Provincial Court of Saskatchewan, in her email to Cléa Iavarone-Turcotte dated May 24<sup>th</sup>, 2011.
- <sup>1290</sup> *Court Administration Provincial Court of Saskatchewan Report*, page 1.
- <sup>1291</sup> As we were told by the Honourable Carol A. Snell, Chief Judge of the Provincial Court of Saskatchewan, in her email to Cléa Iavarone-Turcotte dated May 24<sup>th</sup>, 2011.
- <sup>1292</sup> As we were told by the Honourable Carol A. Snell, Chief Judge of the Provincial Court of Saskatchewan, in her email to Cléa Iavarone-Turcotte dated May 24<sup>th</sup>, 2011.
- <sup>1293</sup> Ministry's Annual Report, page 5.
- <sup>1294</sup> Ministry's Annual Report, page 7.
- <sup>1295</sup> *Court Administration Provincial Court of Saskatchewan Report*, page 1.
- <sup>1296</sup> The support staff in the Chief Judge's Office has been expanded over the past three years to include a Librarian, an Executive Assistant, and an Executive Legal Assistant/Registrar. These additions were approved and made, but the Librarian and the Executive Legal Assistant have not been added to the budget, their salaries thus showing as an over-expenditure (*Court Administration Provincial Court of Saskatchewan Report*, page 1).
- <sup>1297</sup> *Court Administration Provincial Court of Saskatchewan Report*, page 1.
- <sup>1298</sup> *Court Administration Provincial Court of Saskatchewan Report*, page 1.
- <sup>1299</sup> *The Court Officials Act, 1984*, S.S. 1984-85-86, c. C-43.1, Section 3(2)(g).
- <sup>1300</sup> *Provincial Court Act 1988*, S.S. 1998, c. P-30.11, Section 65(h).
- <sup>1301</sup> This Commission consists of one member appointed by the Minister, one member appointed by the Saskatchewan Provincial Court Judges' Association, and one member appointed by these two previous members (*Provincial Court Act 1988*, S.S. 1998, c. P-30.11, Sections 36(2) and (5)).
- <sup>1302</sup> *Provincial Court Act 1988*, S.S. 1998, c. P-30.11, Section 38(2)(a)).
- <sup>1303</sup> Ministry's Annual Report, pages 16 and 17.
- <sup>1304</sup> This Commission consists of one member appointed by the Minister, one member appointed by the Saskatchewan Provincial Court Judges' Association, and one member appointed by these two previous members (*Provincial Court Act 1988*, S.S. 1998, c. P-30.11, Sections 36(2) and (5)).
- <sup>1305</sup> *Provincial Court Act 1988*, S.S. 1998, c. P-30.11, Section 38(2)(a)).
- <sup>1306</sup> See Section 8(b) of the *Provincial Court Act 1988*, S.S. 1998, c. P-30.11, which states that "the Chief Judge may, after consultation with the minister, designate court facilities at which the court shall sit".
- <sup>1307</sup> *Court Administration Provincial Court of Saskatchewan Report*, page 3.
- <sup>1308</sup> Requests are received from various sources which include, apart from the Government, R.C.M.P., community officials, and the Provincial Court itself (*Protocol. Establishing New Court Location*, November 2006, page 1).
- <sup>1309</sup> These requests should provide as much information as possible to the Chief Judge, and specify 1) what is the nearest court point to the new court location; 2) whether the court should be moved from that point or split between the two locations; 3) whether there is proper facility to hold court; 4) what consultations have taken place; etc. (*Protocol. Establishing New Court Location*, November 2006, page 1).
- <sup>1310</sup> This Protocol provides that the Chief Judge consults with (in that order): 1) the Executive Director of Court Services; 2) judges affected by the establishment of a new court location; 3) legal aid, prosecutions, R.C.M.P., and Aboriginal Courtworker Program; 4) the community that will be either losing some court days or losing their court point; 5) appropriate community officials and the Court Facilities Committee; and 6) the Minister of Justice. In the end of this process, the Chief Judge informs these various stakeholders of his decision (*Protocol. Establishing New Court Location*, November 2006, pages 1 to 3).
- <sup>1311</sup> As we were told by the Honourable Carol A. Snell, Chief Judge of the Provincial Court of Saskatchewan, in her email to Cléa Iavarone-Turcotte dated May 24<sup>th</sup>, 2011.
- <sup>1312</sup> *Budget Allocation For Provincial Court Judges' Furnishings Letter of Understanding* (hereinafter the "Furnishing Letter of Understanding"), dated March 24, 2009 and signed between the Chief Judge of the Provincial Court and the Ministry of Justice Attorney General.
- <sup>1313</sup> These terms and conditions regard items to be purchased, approved suppliers, refurbishment, expenditures not covered, etc. (see *Furnishing Letter of Understanding*). The Office of the Chief Judge can authorize up to \$15,000 worth of expenditures per year for furniture for judges' offices. This avoids the necessity of having to communicate with Court Services to authorize the expenditure of small amounts of money covering for things such as computer tables or desk chairs (as we were told by the Honourable Carol A. Snell, Chief Judge of the Provincial Court of Saskatchewan, in her email to Cléa Iavarone-Turcotte dated May 24<sup>th</sup>, 2011).

- 1314 Furnishing Letter of Understanding, page 2.
- 1315 See the Furnishing Letter of Understanding.
- 1316 Ministry's Annual Report, page 9.
- 1317 *Provincial Court of Saskatchewan Professional Allowance Protocol*, April 2007, pages 3 and 6.
- 1318 "Access to the Law Policy", online, Law Society of Saskatchewan Library : <http://www.lawsociety.sk.ca/newlook/Library/accesstolaw.htm>.
- 1319 Ministry's Annual Report, page 8.
- 1320 *The Queen's Bench Act, 1998*, S.S. 1998, c. Q-1.01, Section 14.
- 1321 Ministry's Annual Report, page 3.
- 1322 Ministry's Annual Report , page 5.
- 1323 Ministry's Annual Report , page 7.
- 1324 *The Court Officials Act, 1984*, S.S. 1984-85-86, c. C-43.1, Section 3(1).
- 1325 *The Court Officials Act, 1984*, S.S. 1984-85-86, c. C-43.1, Section 3(2).
- 1326 *The Court Officials Act, 1984*, S.S. 1984-85-86, c. C-43.1, Section 3(3).
- 1327 *The Court Officials Act, 1984*, S.S. 1984-85-86, c. C-43.1, Section 9.
- 1328 *The Court Officials Act, 1984*, S.S. 1984-85-86, c. C-43.1, Section 6.
- 1329 *The Court Officials Act, 1984*, S.S. 1984-85-86, c. C-43.1, Section 20(1)(e).
- 1330 *The Court Officials Act, 1984*, S.S. 1984-85-86, c. C-43.1, Section 8(2)(b).
- 1331 *The Court Officials Act, 1984*, S.S. 1984-85-86, c. C-43.1, Section 8(4).
- 1332 Ministry's Annual Report, pages 16 and 17.
- 1333 *The Queen's Bench Act, 1998*, S.S. 1998, c. Q-1.01, Section 109(1)(c).
- 1334 *The Queen's Bench Act, 1998*, S.S. 1998, c. Q-1.01, Section 16.
- 1335 Ministry's Annual Report, page 9.
- 1336 "Access to the Law Policy", online, Law Society of Saskatchewan Library: <http://www.lawsociety.sk.ca/newlook/Library/accesstolaw.htm>.
- 1337 "Court Services", online, Yukon Department of Justice: <http://www.justice.gov.yk.ca/prog/cs/csindex.html> .
- 1338 "Director's Office", online, Yukon Department of Justice: <http://www.justice.gov.yk.ca/prog/cs/director.html> .
- 1339 *Territorial Court Act*, R.S.Y. 2002, c. 217, Section 66.
- 1340 *Territorial Court Act*, R.S.Y. 2002, c. 217, Section 71.
- 1341 *Territorial Court Act*, R.S.Y. 2002, c. 217, Section 69(2)(a).
- 1342 *Territorial Court Act*, R.S.Y. 2002, c. 217, Section 73(d).
- 1343 "Finance, Systems and Administration", online, Yukon Department of Justice: <http://www.justice.gov.yk.ca/prog/ms/fsa/index.html> .
- 1344 "Human Resources", online, Yukon Department of Justice: <http://www.justice.gov.yk.ca/prog/ms/hr/index.html> .
- 1345 *Territorial Court Act*, R.S.Y. 2002, c. 217, Section 67.
- 1346 *Territorial Court Act*, R.S.Y. 2002, c. 217, Section 69(2)(e).
- 1347 *Territorial Court Act*, R.S.Y. 2002, c. 217, Section 69(1)(h) and (i).
- 1348 *Territorial Court Act*, R.S.Y. 2002, c. 217, Section 66; See also "Court Services", online, Yukon Department of Justice: <http://www.justice.gov.yk.ca/prog/cs/csindex.html> .
- 1349 *Territorial Court Act*, R.S.Y. 2002, c. 217, Section 69(2)(b).
- 1350 *Territorial Court Act*, R.S.Y. 2002, c. 217, Section 68(1). If there is a dispute between the chief judge and the Minister about the need for a court sitting at a particular place, the matter shall be referred to the Judicial Council for resolution (Section 68(2)).
- 1351 "Finance, Systems and Administration", online, Yukon Department of Justice: <http://www.justice.gov.yk.ca/prog/ms/fsa/index.html> .
- 1352 "Yukon Public Law Library", online, Yukon Department of Justice: <http://www.justice.gov.yk.ca/prog/cs/library.html> .
- 1353 "Court Services", online, Yukon Department of Justice: <http://www.justice.gov.yk.ca/prog/cs/csindex.html> .
- 1354 "Director's Office", online, Yukon Department of Justice: <http://www.justice.gov.yk.ca/prog/cs/director.html> .

- 1355 "Finance, Systems and Administration", online, Yukon Department of Justice: <http://www.justice.gov.yk.ca/prog/ms/fsa/index.html> .
- 1356 "Human Resources", online, Yukon Department of Justice: <http://www.justice.gov.yk.ca/prog/ms/hr/index.html> .
- 1357 *Supreme Court Act*, R.S.Y. 2002, c. 211, Section 8.
- 1358 "Court Services", online, Yukon Department of Justice: <http://www.justice.gov.yk.ca/prog/cs/csindex.html> .
- 1359 *Judicature Act*, R.S.Y. 2002, c. 128, Section 3(1).
- 1360 *Supreme Court Act*, R.S.Y. 2002, c. 211, Section 5(1).
- 1361 "Finance, Systems and Administration", online, Yukon Department of Justice: <http://www.justice.gov.yk.ca/prog/ms/fsa/index.html> .
- 1362 "Yukon Public Law Library", online, Yukon Department of Justice: <http://www.justice.gov.yk.ca/prog/cs/library.html> .
- 1363 "Court Services", online, Yukon Department of Justice: <http://www.justice.gov.yk.ca/prog/cs/csindex.html> .
- 1364 "Director's Office", online, Yukon Department of Justice: <http://www.justice.gov.yk.ca/prog/cs/director.html> .
- 1365 "Finance, Systems and Administration", online, Yukon Department of Justice: <http://www.justice.gov.yk.ca/prog/ms/fsa/index.html> .
- 1366 "Human Resources", online, Yukon Department of Justice: <http://www.justice.gov.yk.ca/prog/ms/hr/index.html> .
- 1367 *Court of Appeal Act*, R.S.Y. 2002, c. 47, Section 9(2).
- 1368 *Court of Appeal Act*, R.S.Y. 2002, c. 47, Section 9(1).
- 1369 *Court of Appeal Act*, R.S.Y. 2002, c. 47, Section 9(3).
- 1370 "Court Services", online, Yukon Department of Justice: <http://www.justice.gov.yk.ca/prog/cs/csindex.html> .
- 1371 "Finance, Systems and Administration", online, Yukon Department of Justice: <http://www.justice.gov.yk.ca/prog/ms/fsa/index.html> .
- 1372 "Yukon Public Law Library", online, Yukon Department of Justice: <http://www.justice.gov.yk.ca/prog/cs/library.html> .
- 1373 The Supreme Court Annual Report and Accounts 2009-2010 (hereinafter the "UKSC Annual Report"), page 43. During the passage of the Bill for the *Constitutional Reform Act 2005*, the Government gave repeated assurances to Parliament that the UKSC would be independent of Government (see page 1 of the "Constitutional Position of the UK Supreme Court", a statement attached to the letter dated January 24, 2011 to Karim Benyekhlef from Jenny Rowe, Chief Executive of the UK Supreme Court (hereinafter the "Letter from the UK Supreme Court Chief Executive")).
- 1374 It is also independent from the separate court services in England & Wales (Her Majesty's Courts Service), Scotland (Scottish Court Service) and Northern Ireland (Northern Ireland Court Service) (The Supreme Court of the United Kingdom Business Plan, 1 April 2010 – 31 March 2011 (hereinafter the "UKSC Business Plan"), page 4; see also the Constitutional Position of the UK Supreme Court, at page 1).
- 1375 Constitutional Position of the UK Supreme Court, page 1. It is to be noted however that under Section 54(1) of the *Constitutional Reform Act 2005*, the Chief Executive must prepare an annual report about the business of the Court and give a copy of that report to the Lord Chancellor. Paragraph (2) further states that the Lord Chancellor must lay a copy of the report before each house of Parliament.
- 1376 *Constitutional Reform Act 2005* (U.K.), c. 4, Section 48(2).
- 1377 *Constitutional Reform Act 2005* (U.K.), c. 4, Section 48(4); See also UKSC Annual Report, page 43.
- 1378 UKSC Annual Report, page 43.
- 1379 UKSC Annual Report, page 44. The Management Board comprises, apart from the CEO, a Director for Corporate Services, the Registrar, a Finance Director, a Building/Health and Safety Manager, a Head of Human Resources, a Head of Communications, a Records Manager, and two non-executive directors (UKSC Annual Report, page 44).
- 1380 *Constitutional Reform Act 2005* (U.K.), c. 4, Section 5(1).
- 1381 Letter from the UK Supreme Court Chief Executive, page 1.
- 1382 UKSC Annual Report, page 53.
- 1383 UKSC Annual Report, page 53.
- 1384 UKSC Annual Report, page 54.
- 1385 Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 59.
- 1386 UKSC Annual Report, page 54.

- 1387 Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 59. When approved by the House of Commons, Supply Estimates form the basis of the statutory authority for the appropriation of funds and for the Treasury to make issues from the Consolidated Fund. Statutory authority is provided annually by means of Consolidated Fund Acts and by an Appropriation Act. These arrangements are known as the 'Supply Procedure' of the House of Commons (UKSC Annual Report, page 53).
- 1388 Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006, page 60.
- 1389 UKSC Annual Report, page 63.
- 1390 As appointed by HM Treasury (UKSC Annual Report, page 62). The responsibilities of an Accounting Officer (including responsibility for the propriety and regularity of the public finances, for keeping proper records and for safeguarding the Department's assets) are set out in the Accounting Officer's Memorandum issued by HM Treasury and published in *Managing Public Money* (UKSC Annual Report, page 62).
- 1391 UKSC Annual Report, page 43.
- 1392 UKSC Annual Report, page 62.
- 1393 UKSC Annual Report, page 63.
- 1394 In compliance with the Financial Reporting Manual prepared by HM Treasury (UKSC Annual Report, page 62).
- 1395 The Comptroller and Auditor General is Head of the National Audit Office. He and his staff are wholly independent of the Court, and he reports his findings to Parliament (UKSC Annual Report, page 55).
- 1396 UKSC Business Plan, page 17.
- 1397 Letter from the UK Supreme Court Chief Executive, page 1.
- 1398 The appointment of officers and staff is a function of the President of the Court pursuant to section 49(1) of the *Constitutional Reform Act 2005* (U.K.), c. 4. The President has nonetheless delegated this function – as well as all other non-judicial functions – to the Chief Executive, as is permitted under section 48(3)(a) and (b) (UKSC Annual Report, pages 43 and 62).
- 1399 UKSC Annual Report, page 45.
- 1400 *Constitutional Reform Act 2005* (U.K.), c. 4, Section 49(2)(a).
- 1401 *Constitutional Reform Act 2005* (U.K.), c. 4, Section 49(2)(b).
- 1402 UKSC Annual Report, page 44.
- 1403 UKSC Annual Report, page 43.
- 1404 UKSC Business Plan, page 19.
- 1405 UKSC Annual Report, page 45.
- 1406 *Constitutional Reform Act 2005* (U.K.), c. 4, Section 50(1)
- 1407 *Constitutional Reform Act 2005* (U.K.), c. 4, Section 50(2).
- 1408 *Constitutional Reform Act 2005* (U.K.), c. 4, Section 51(1).
- 1409 Responsibility for maintenance of the building's fabric has passed entirely to the Court (UKSC Annual Report, page 50).
- 1410 *Constitutional Reform Act 2005* (U.K.), c. 4, Section 52(2). According to the Court's Annual Report, that parallel statutory duty of the Chief Executive explains why the administration of the Court is a non-ministerial Department (page 43).
- 1411 Letter from the UK Supreme Court Chief Executive, page 1.
- 1412 UKSC Annual Report, page 50.
- 1413 UKSC Annual Report, page 44.
- 1414 UKSC Annual Report, pages 44 and 45.
- 1415 For instance, The Court's IT infrastructure and application services are provided by Atos Origin and Logica CMG under Ministry of Justice contract (UKSC Annual Report, page 64). These arrangements will be reviewed to see if they offer value for money (UKSC Annual Report, page 45).
- 1416 His accountability to Parliament includes ensuring that there is an efficient and effective system to support the carrying on of the business of the courts (Section 1 of the *Courts Act 2003*), resourcing the courts adequately, and ensuring that the judiciary is supported in undertaking its function to deliver justice independently (Her Majesty's Courts Service Framework Document, April 2008 (hereinafter "HMCS Framework Document"), page 4).
- 1417 The Ministry of Justice (MoJ) was created in May 2007, and brings responsibility for the administration of the justice system under one Government Department (Her Majesty's Courts Service Annual Report and Accounts 2009-2010 (hereinafter the "HMCS Annual Report", page 17).



- <sup>1418</sup> HMCS Framework Document, page 1. HMCS is responsible for managing the administration of the courts across England and Wales, with the exception of the Supreme Court. It works in a co-operative and consultative manner with all bodies, including other government departments, that have an interest in its work and with which it can engage to deliver an efficient and effective service (HMCS Framework Document, page 26). It is to be noted that a new integrated courts and tribunals service is due to launch in April 2011. The new agency will bring together courts and tribunals into a single organization ("2010 News", online, HMCS website : <http://www.hmcourts-ervice.gov.uk/cms/news.htm>).
- <sup>1419</sup> Under the general direction of the Board (HMCS Framework Document, page 21).
- <sup>1420</sup> The principles of the partnership between them set out in this Framework Document govern relations between HMCS on the one hand and the Lord Chancellor and the judiciary on the other (HMCS Framework Document, page 1). Further measures agreed upon by the Lord Chancellor and Lord Chief Justice to support the achievement of HMCS aim and objectives are published in the strategic and business plans for HMCS (HMCS Framework Document, page 3). On termination, page 28 of the Framework Document provides that if, after discussion and negotiation, the Lord Chancellor and the Lord Chief Justice are unable to agree on a matter that requires their joint approval under the provisions of the Framework Document, the Lord Chancellor will be entitled to make whatever decision about that specific matter he considers appropriate in order that he might meet his statutory duty under section 1 of the *Courts Act 2003*. The Lord Chancellor and the Lord Chief Justice would then agree whether their partnership should continue and, if so, on what basis both during the review and subsequently. If the Lord Chancellor and the Lord Chief Justice are unable so to agree, the partnership will be terminated. Moreover, it is mentioned that the Lord Chief Justice is entitled to terminate the partnership if he concludes that it is no longer compatible with his constitutional position or the independence of the judiciary. If the partnership is terminated for whatever reason, the governance of HMCS will revert to a conventional agency model reporting directly to the Lord Chancellor unless and until a new model is agreed between the Lord Chancellor and Lord Chief Justice or a different legislative framework is put in place. The Lord Chancellor and the Lord Chief Justice will, as soon as reasonably practicable, notify both Houses of Parliament if the partnership is terminated, and copies of amendments will be laid before both Houses of Parliament.
- <sup>1421</sup> On review and interpretation, the Framework Document provides that it will be reviewed formally every three years and may be reviewed at any other time if either the Lord Chancellor or the Lord Chief Justice so wish. Any amendments must be agreed by the Lord Chancellor and the Lord Chief Justice, and by an HMT minister. Similarly, any departure from the provisions of the Framework Document must be agreed in writing on a case-by-case basis between the Lord Chancellor and the Lord Chief Justice, or their delegates, and an HMT minister if appropriate. The Lord Chancellor and the Lord Chief Justice will, as soon as reasonably practicable, notify both Houses of Parliament if there are amendments to the Framework Document, and copies of these amendments will be laid before both Houses of Parliament. Regarding interpretation of the Framework Document, it is stated that any questions on this matter will be resolved if possible by agreement between the Chair of the HMCS Board, the Senior Presiding Judge, the Chief Executive and the representative of the Department, and, in default of agreement, will be referred for decision to the Lord Chancellor and the Lord Chief Justice (HMCS Framework Document, page 28).
- <sup>1422</sup> HMCS Framework Document, page 6.
- <sup>1423</sup> HMCS Framework Document, pages 7 and 8.
- <sup>1424</sup> HMCS Framework Document, page 1. The Lord Chancellor and the Lord Chief Justice do not intervene, whether directly or indirectly, in the day-to-day operational decision making of HMCS. However, The Board reports to them on the performance of its functions, and consults them on the handling of operational matters which could give rise to substantial public, parliamentary, judicial or ministerial concern. The Lord Chancellor or the Lord Chief Justice may also raise such matters directly with the Board and ask it to advise on or take forward a solution. The Board responds to requests for information and assistance from either the Lord Chancellor or the Lord Chief Justice or others acting on their behalf (HMCS Framework Document, pages 6 and 8).
- <sup>1425</sup> HMCS Framework Document, page 8.
- <sup>1426</sup> He is held to account by the Board, in particular for the delivery of the HMCS budget and plans and the efficient and effective delivery of HMCS business (HMCS Framework Document, page 10).
- <sup>1427</sup> HMCS Framework Document, page 10.
- <sup>1428</sup> HMCS Framework Document, page 10. The Chief Executive is the principal advisor to the HMCS Board and through it, to Justice Ministers (HMCS Annual Report, page 14).
- <sup>1429</sup> Under section 110(2) of the *Courts and Legal Services Act 1990*, work done by HMCS at the direction or on the authority (whether express or implied) of a judge or a person acting in a judicial capacity is not, however, subject to the PCA's jurisdiction (HMCS Framework Document, page 12).



- <sup>1430</sup> This responsibility has been delegated to the Chief Executive by the Permanent Secretary, the Principal Officer of the Department for the purposes of PCA referrals. The Chief Executive reports PCA referrals that raise significant issues to the Board and keeps it informed about the action being taken (HMCS Framework Document, page 12).
- <sup>1431</sup> If the question or correspondence relates to matters solely within the responsibility of the Lord Chief Justice, it is referred to the Lord Chief Justice in accordance with the written memorandum between the Lord Chancellor and the Lord Chief Justice (HMCS Framework Document, page 12). Let us also mention that the Lord Chancellor and other members of the departmental ministerial team normally respond personally to parliamentary questions or correspondence addressed to them by a Member of Parliament (MP) or peer. If the question or correspondence relates to the day-to-day operation of HMCS, the executive directors may be consulted on the response. In providing information or assisting in responses, HMCS staff act in accordance with their joint duty (page 12).
- <sup>1432</sup> HMCS Framework Document, page 17.
- <sup>1433</sup> HMCS Framework Document, page 15.
- <sup>1434</sup> HMCS Framework Document, page 16.
- <sup>1435</sup> HMCS Annual Report, page 52.
- <sup>1436</sup> The Public Expenditure Allocation (PEA) process is conducted as follows : (1) HMCS staff prepare a bid for resources for consideration by the Board; when the Board approves the bid, it is submitted to the Department; (2) The Department scrutinises and negotiates the bid with the HMCS Board representative(s); (3) The Lord Chancellor and the Lord Chief Justice consider and, where possible, agree the elements of the Department's PEA bid which relate to HMCS; (4) The Lord Chief Justice writes to the Lord Chancellor representing the views of the judiciary on these elements, and the Lord Chancellor encloses this letter with his bid to HMT; (5) The Lord Chancellor and the Department's officials (with the support and involvement of HMCS officials and judges as necessary) negotiate with HMT until the departmental settlement is reached; and (6) The Lord Chancellor conveys the final departmental settlement to the HMCS Board and to the Lord Chief Justice, along with any response from HMT to the Lord Chief Justice's letter (HMCS Framework Document, page 14).
- <sup>1437</sup> The process for the allocation of resources from the Department to HMCS is conducted as follows : (1) The allocation for HMCS for the spending review period is negotiated as necessary between the HMCS Board representative(s) and the Department; (2) The Lord Chancellor and the Lord Chief Justice consider this allocation; (3) The Lord Chancellor decides the allocation; and (4) If the Lord Chief Justice has concerns about the allocation to HMCS, he may record his position in writing to the Lord Chancellor and, if he so wishes, to Parliament (HMCS Framework Document, pages 14 and 15).
- <sup>1438</sup> HMCS Framework Document, page 14.
- <sup>1439</sup> HMCS Framework Document, page 15.
- <sup>1440</sup> HMCS Framework Document, page 16.
- <sup>1441</sup> HMCS Framework Document, page 24.
- <sup>1442</sup> HMCS Framework Document, page 24.
- <sup>1443</sup> HMCS Annual Report, page 52.
- <sup>1444</sup> HMCS Framework Document, page 16.
- <sup>1445</sup> HMCS Framework Document, page 5. HMCS is subject to the rules and policies laid down by HMT in *Managing Public Money, Financial Reporting Manual* and other accounting instructions that are issued from time to time (HMCS Framework Document, page 17).
- <sup>1446</sup> HMCS Framework Document, page 10. As the Agency Accounting Officer, the Chief Executive has the right to approve all items of expenditure, use receipts, let contracts, write off losses and make special payments which are within the provision of the Framework Document and consistent with the strategic and business plans (HMCS Framework Document, page 16). The responsibilities of an Accounting Officer (including responsibility for the propriety and regularity of public finances for which the Accounting Officer is answerable, for keeping proper records and for safeguarding HMCS's assets and preparing HMCS Annual Accounts) are set out in the Accounting Officers' Memorandum issued by HM Treasury and published in *Managing Public Money* (HMCS Annual Report, page 54).
- <sup>1447</sup> Subject to standard government supply procedures and the financial delegation authority, the Chief Executive has authority to approve all expenditure within the Departmental Expenditure Limit and the delegated authority which is consistent with the strategic and business plans for HMCS (HMCS Framework Document, page 16).
- <sup>1448</sup> He is responsible for making arrangements for the provision of internal audit services within HMCS (HMCS Framework Document, page 22), and delivers the annual statement of internal control (HMCS Annual Report, page 55).

- 1449 The Audit Committee is chaired by a non-executive director. It advises on HMCS corporate governance, risk and control systems and is supported by Regional Audit Committees in each of the six regions and in Wales (HMCS Framework Document, page 22).
- 1450 HMCS Framework Document, page 12. The Lord Chancellor and the Lord Chief Justice discuss invitations received from other parliamentary committees relating to HMCS and decide, in consultation with those committees as necessary, who is most appropriate to attend consistent with their responsibilities (page 12).
- 1451 HMCS Framework Document, page 23.
- 1452 Under sections 58 to 61 *Courts Act 2003* (U.K.), c. 39 (HMCS Framework Document, page 23).
- 1453 Section 2 of the *Courts Act 2003* (U.K.), c. 39.
- 1454 This authority is delegated from the Permanent Secretary (HMCS Framework Document, page 25).
- 1455 HMCS Framework Document, page 24. The Department may also provide services to HMCS at a local and regional level, within a national framework (HMCS Framework Document, page 24). These services include human resources (HMCS Annual Report, page 52).
- 1456 In the following areas: conduct, discipline and grievance procedures, reward management (including pay, grading and benefits), management of organisational change, management of attendance, employee relations, learning and development, and workplace support (HMCS Framework Document, page 25).
- 1457 HMCS Framework Document, page 1. The extent to which staff fulfills this joint duty is reflected in the annual appraisal reports of all HMCS senior civil servants and those in the courts who work most closely with the judiciary, particularly the court managers, listing officers and legal advisers (HMCS Framework Document, page 11).
- 1458 HMCS Framework Document, page 10.
- 1459 HMCS Framework Document, page 10.
- 1460 In matters such as listing, case allocation and case management in accordance with existing Crown, county and magistrates' courts processes (HMCS Framework Document, page 10).
- 1461 *Courts Act 2003* (U.K.), 2003, c. 39, s. 3
- 1462 The Lord Chancellor has specific statutory duties under the *Supreme Court Act 1981*, the *County Courts Act 1984* and the *Courts Act 2003* in relation to the location and closure of courts (HMCS Framework Document, page 24).
- 1463 HMCS Framework Document, page 24.
- 1464 HMCS Framework Document, page 24.
- 1465 HMCS Framework Document, page 24.
- 1466 HMCS Framework Document, page 24.
- 1467 HMCS Framework Document, page 24.
- 1468 HMCS Annual Report, page 52.
- 1469 HMCS Framework Document, page 17.
- 1470 HMCS Framework Document, page 25.
- 1471 Ministry of Justice Annual Report, 1 July 2009 – 30 June 2010 (hereinafter the "Ministry's Annual Report"), pages 3 and 4. See also "What we do", online, Ministry of Justice: <http://www.justice.govt.nz/about-the-ministry/what-we-do>.
- 1472 "What we do", online, Ministry of Justice: <http://www.justice.govt.nz/about-the-ministry/what-we-do>.
- 1473 As described in the *Judicature Act* ("The Role of the Chief Justice", online, Courts of New Zealand: <http://www.courtsofnz.govt.nz/about/judges/role-chief>).
- 1474 "The Relationship Between Courts and Other Branches of Government", online, Courts of New Zealand: <http://www.courtsofnz.govt.nz/about/system/role/government>.
- 1475 "The Role of the Chief Justice", online, Courts of New Zealand: <http://www.courtsofnz.govt.nz/about/judges/role-chief>). See also "The Relationship Between Courts and Other Branches of Government", online, Courts of New Zealand: <http://www.courtsofnz.govt.nz/about/system/role/government>. However, "Judges do not as a general rule comment on the policy that the Executive wishes to pursue because policy is for the Executive to decide. There can, however, be practical issues where the perspective of judges can be of help to the Executive." (<http://www.courtsofnz.govt.nz/about/system/role/government>).
- 1476 *Supreme Court Act 2003* (N.Z.), 2003/53, Section 29(1).
- 1477 "The Role of the Chief Justice", online, Courts of New Zealand: <http://www.courtsofnz.govt.nz/about/judges/role-chief>.

- 1478 *Judicature Act 1908* (N.Z.), 1908/89, Section 4B(1); see also “The Role of the Chief Justice”, online, Courts of New Zealand: <http://www.courtsofnz.govt.nz/about/judges/role-chief> ). The highest court in New Zealand is the Supreme Court, followed by the Court of Appeal, the High Court, and finally the Districts Court (see “Diagram of the Courts Structure, online, Courts of New Zealand: <http://www.courtsofnz.govt.nz/about/system/structure/diagram> ).
- 1479 “The Role of the Heads of Bench”, online, Courts of New Zealand: <http://www.courtsofnz.govt.nz/about/judges/role-heads>
- 1480 *District Courts Act 1947* (N.Z.), 1947/16, Section 9(1).
- 1481 “Role of the Heads of Bench”, online, Courts of New Zealand: <http://www.courtsofnz.govt.nz/about/judges/role-heads>; “Judicial Committees”, online, Courts of New Zealand: <http://www.courtsofnz.govt.nz/about/system/judicial-committees/#intro> .
- 1482 “Judicial Committees”, online, Courts of New Zealand: <http://www.courtsofnz.govt.nz/about/system/judicial-committees/#courts-executive-council> .
- 1483 “Judicial Committees”, online, Courts of New Zealand: <http://www.courtsofnz.govt.nz/about/system/judicial-committees/#courts-executive-council> .
- 1484 “Judicial Committees”, online, Courts of New Zealand: <http://www.courtsofnz.govt.nz/about/system/judicial-committees/#supreme> .
- 1485 Ministry’s Annual Report, page 3.
- 1486 Ministry’s Annual Report, page 24.
- 1487 Ministry’s Annual Report, page 25.
- 1488 Ministry’s Annual Report, page 3; See also “Organizational Chart”, online, Ministry of Justice: <http://www.justice.govt.nz/about-the-ministry/organisational-chart>
- 1489 “What we do”, online, Ministry of Justice: <http://www.justice.govt.nz/about-the-ministry/what-we-do> .
- 1490 “What we do”, online, Ministry of Justice: <http://www.justice.govt.nz/about-the-ministry/what-we-do> .
- 1491 *Supreme Court Act 2003* (N.Z.), 2003/53, Section 36; *Judicature Act 1908* (N.Z.), 1908/89, Sections 27 (High Court) and 72 (Court of Appeal).
- 1492 *Supreme Court Act 2003* (N.Z.), 2003/53, Sections 37 (Supreme Court); *Judicature Act 1908* (N.Z.), 1908/89, Section 73 (Court of Appeal).
- 1493 Ministry’s Annual Report, page 15.
- 1494 “What we do”, online, Ministry of Justice: <http://www.justice.govt.nz/about-the-ministry/what-we-do>; “Judicial Committees”, online, Courts of New Zealand: <http://www.courtsofnz.govt.nz/about/system/judicial-committees/#higher> .
- 1495 “Judicial Support”. online, Ministry of Justice: <http://www.courtsofnz.govt.nz/about/judges/support> .
- 1496 “Judicial Committees”, online, Courts of New Zealand: <http://www.courtsofnz.govt.nz/about/system/judicial-committees/#higher> ).
- 1497 “Judicial Support”. online, Ministry of Justice: <http://www.courtsofnz.govt.nz/about/judges/support> .
- 1498 “What we do”, online, Ministry of Justice: <http://www.justice.govt.nz/about-the-ministry/what-we-do> .
- 1499 “Judicial Committees”, online, Courts of New Zealand: <http://www.courtsofnz.govt.nz/about/system/judicial-committees/#higher>
- 1500 “Judicial Committees”, online, Courts of New Zealand: <http://www.courtsofnz.govt.nz/about/system/judicial-committees/#standing-committee-on-courthouse>
- 1501 *Judicature Act 1908* (N.Z.), 1908/89, Section 23A(1).
- 1502 *Judicature Act 1908* (N.Z.), 1908/89, Section 52(1).
- 1503 “What we do”, online, Ministry of Justice: <http://www.justice.govt.nz/about-the-ministry/what-we-do> .
- 1504 “Judicial Committees”, online, Courts of New Zealand: <http://www.courtsofnz.govt.nz/about/system/judicial-committees/#higher>
- 1505 “Judicial Committees”, online, Courts of New Zealand: <http://www.courtsofnz.govt.nz/about/system/judicial-committees/#judicial>
- 1506 On April 12, 2010, policing and justice functions (including courts) in Northern Ireland were devolved to the Northern Ireland Assembly, and the Department of Justice came into existence as a new Northern Ireland Department by virtue of the *Department of Justice Act (Northern Ireland) 2010* (Northern Ireland Court Service Annual Report and Resource Accounts 2009-2010 (hereinafter the “NICS Annual Report”, pages 13 and 33). The Department of Justice in Northern Ireland has a statutory duty to ensure that there is an efficient and effective system to support the business of Northern Ireland’s courts (Northern Ireland Courts and Tribunals Service Business Plan 2010-2011, page 1).

- 1507 "Northern Ireland Courts and Tribunals Service Framework Document" (hereinafter the "NICTS Framework Document"), draft version, authored by NICTS and issued on 23/6/2010, pages 9 and 10. The NICTS carries out the court administrative functions previously undertaken by the Northern Ireland Court Service (NICS), the Lord Chancellor's Department in Northern Ireland (NICS Annual Report, page 2; Framework Document, page 5). The Framework Document sets out the arrangements for the effective governance, financing and operation of the NICTS (NICTS Framework Document, page 5). It is to be noted that this document is in draft and still awaiting approval, due to the fact that the devolution of responsibility is so recent (as we were told by Angela Barratt, Corporate Secretariat, NICTS, in her email to Karim Benyekhlef dated November 5, 2010).
- 1508 NICS Annual Report, page 2. The NICTS has lead responsibility for the development and implementation of policy and legislation concerning the operation of the courts (NICTS Framework Document, page 28). It works in a co-operative and consultative manner with all bodies, including other government departments that have an interest in the work of the courts and tribunals (NICTS Framework Document, pages 15 and 28).
- 1509 NICTS Framework Document, page 5.
- 1510 NICTS Framework Document, page 8. The Board is responsible for NICTS business and corporate planning and reporting and the discharge of the NICTS executive functions (NICTS Framework Document, page 12). A summary of its functions is at Annex E of the Framework Document, and its Standing Orders are at Annex F.
- 1511 The Director is also a member of the Department's Board (NICTS Framework Document, page 10).
- 1512 NICTS Framework Document, page 8.
- 1513 NICTS Framework Document, page 10. According to its clause 10.1, the Framework Document will be reviewed formally after 12 months, and before the end of the transitional arrangements for the Department of Justice on May 1st, 2012. The Framework Document will also be reviewed earlier « if the Minister or the Board so wish" (clause 10.1).
- 1514 NICTS Framework Document, page 9. The Director thus ensures that the Minister is provided with "high quality, impartial, transparent, independent and honest advice on all areas of the Agency's responsibilities", and notifies him of novel or contentious issues (NICTS Framework Document, page 11).
- 1515 NICTS Framework Document, pages 12, 13 and 14.
- 1516 NICTS Framework Document, page 11.
- 1517 NICTS Framework Document, page 11. The Director is also in charge of submitting to the Minister the NICTS Business Plan (Framework Document, pages 11 and 23-24). The NICTS submits to the Department a draft of its Corporate Plan covering three years ahead (NICTS Framework Document, page 23).
- 1518 As required by Section 68(A) of the *Judicature (Northern Ireland) Act* (NICTS Framework Document, pages 13, 24 and 25).
- 1519 NICTS Framework Document, page 17.
- 1520 NICTS Framework Document, page 18. Members of the Assembly are encouraged to deal directly with the Director on matters which are the responsibility of the NICTS. If the question or correspondence relates to matters solely or substantially within the responsibility of the Lord Chief Justice or a tribunal President, it is referred to the office of that office holder (NICTS Framework Document, page 18).
- 1521 NICS Annual Report, page 9.
- 1522 NICTS Framework Document, page 19.
- 1523 NICTS Framework Document, page 19. The Director is accountable for the delivery of the NICTS budget (Framework Document, page 10).
- 1524 NICTS Framework Document, pages 19 and 20.
- 1525 NICTS Framework Document, page 20.
- 1526 NICTS Framework Document, page 20.
- 1527 As the Agency Accounting Officer, the Director has the right to approve all items of expenditure, use receipts, award contracts, write off losses and make special payments which are within the provision of this Framework Document and consistent with the strategic and business plans (NICTS Framework Document, page 22). The Director is accountable to the Permanent Secretary and to the Assembly for those responsibilities (NICTS Framework Document, page 12).
- 1528 The Terms of Reference for the Finance Committee are at Annex G of the Framework Document (NICTS Framework Document, page 19). This committee reports to the Board and to the Director, and is chaired by the Director (NICTS Framework Document, page 12; NICS Annual Report, page 4). A judicial representative sits on this committee (NICTS Framework Document, page 53). Apart from the Finance Committee, the management and oversight of the NICTS's finances is incumbent upon the Management Board's Finance Division (NICS Annual Report, page 3).

- 1529 This standing committee is chaired by a non-executive director who is a member of the Department's Corporate Audit Committee (NICTS Framework Document, pages 29 and 31). For a list of the topics on which the Committee advises the Board and Director, see page 29 of the NICTS Framework Document. The Terms of Reference for the Committee are set out at Annex I of the Framework Document. Audit and risk management is also carried out by the NICTS's Finance Division (NICS Annual Report, page 3).
- 1530 NICTS Framework Document, page 17. See also, on delegations from the Permanent Secretary to the Director, page 21. The NICTS delegated authorities – financial and non-financial – are set out at Annex H of the Framework Document. Some matters are simply delegated by the Department, while others still require the Department's approval (Annex H of the NICTS Framework Document).
- 1531 NICTS Framework Document, page 17.
- 1532 NICTS Framework Document, page 17.
- 1533 NICTS Framework Document, page 17.
- 1534 NICTS Framework Document, page 20. NICTS is subject to the rules and policies laid down by HM Treasury in *Managing Public Money*, and other accounting instructions that are issued from time to time by the Department of Finance and Personnel (DFP) or the Department. The Annual Accounts are prepared in accordance with the provisions of the Government Financial Reporting Manual (NICTS Framework Document, page 23). The NICTS maintains the necessary interfaces with the Department's financial and accounting systems, and supplies the Departmental Accounts Branch with such summarised information as is necessary for resource accounting purposes (NICTS Framework Document, page 20).
- 1535 NICTS Framework Document, page 29.
- 1536 NICTS Framework Document, page 32.
- 1537 NICTS Framework Document, page 31. The Comptroller and Auditor General is head of the National Audit Office. He is wholly independent from the NICTS and reports his findings to the Parliament. His audit takes place in accordance with the *Government Resources and Accounts Act 2000* (NICS Annual Report, page 10). NICTS is also inspected by the Chief Inspector of Criminal Justice for Northern Ireland under sections 45-49 of the *Justice (Northern Ireland) Act 2002*.
- 1538 NICTS Framework Document, page 33.
- 1539 I.e. performance management, recruitment and mobility, conduct, discipline and grievance procedures, reward management (including pay, grading and benefits), management of organisational change, management of attendance, employee relations, learning and development; and workplace support (NICTS Framework Document, page 33).
- 1540 NICS Annual Report, page 3.
- 1541 NICTS Framework Document, page 10.
- 1542 In matters such as listing, case allocation and case management (NICTS Framework Document, page 33). The NICTS staff who are working in the Office of the Lord Chief Justice carry out their functions and responsibilities in accordance with his directions (NICTS Framework Document, page 34).
- 1543 NICTS Framework Document, page 34.
- 1544 NICTS Framework Document, pages 11 and 35.
- 1545 In consultation with the Department (page 34 of the NICTS Framework Document).
- 1546 NICTS Framework Document, page 5.
- 1547 NICTS Framework Document, page 32.
- 1548 NICTS Framework Document, page 32.
- 1549 NICS Annual Report, page 3.
- 1550 NICTS Framework Document, page 32.
- 1551 NICTS Framework Document, page 32. The Finance Division is generally responsible for the procurement services (NICS Annual Report, page 3).
- 1552 NICTS Framework Document, page 22.
- 1553 NICTS Framework Document, page 32.
- 1554 The Courts Service was established following the enactment of the *Courts Service Act (Ireland)*, 1998, c. 8 in 1999. On the independence of the agency, see section 4 of the Act; on its management of courts function, see section 5(a).
- 1555 *Courts Service Act (Ireland)*, 1998, c. 8, section 11.
- 1556 "Establishment of the Irish Courts Service", page 5.



- 1557 "Establishment of the Irish Courts Service", page 10.
- 1558 *Courts Service Act (Ireland)*, 1998, c. 8, section 13(1).
- 1559 *Courts Service Act (Ireland)*, 1998, c. 8, section 17.
- 1560 *Courts Service Act (Ireland)*, 1998, c. 8, section 20(2).
- 1561 *Courts Service Act (Ireland)*, 1998, c. 8, section 20(1).
- 1562 Courts Service Governance Framework Document (hereinafter the "Service Framework Document"), December 2009. The Board reserves the right, consistent with the 1998 Act, to amend, revoke or alter in whole or in part the functions reserved to itself and the functions delegated to the Chief Executive Officer at any time ("Service Framework Document", page 14).
- 1563 Courts Service Annual Report 2009, page 78. See also "Establishment of the Irish Courts Service", page 7. The Service Framework Document specifies that " (...) because of the Minister for Justice, Equality and Law Reform's continuing accountability to the Oireachtas it is necessary to have in place, in consultation between the Courts Service and the Department of Justice, Equality and Law Reform, a reporting relationship which will satisfy all relevant information requirements for the management of the administration of the courts which has been transferred to the Courts Service. The transfer of such information will be by the Chief Executive under the general authority of the Board" (page 13).
- 1564 *Courts Service Act (Ireland)*, 1998, c. 8, sections 7 and 8. These documents are prepared by the CEO, and approved by the Board (Service Framework Document, page 6).
- 1565 "Establishment of the Irish Courts Service", page 7.
- 1566 *Courts Service Act (Ireland)*, 1998, c. 8, section 21(1).
- 1567 "Establishment of the Irish Courts Service", page 8; *Courts Service Act (Ireland)*, 1998, c. 8, section 21(2). Where the CEO is of the opinion that a matter falls within these categories, he or she must inform the committee giving reasons and, should the committee not withdraw the request, the CEO or the committee chairperson may apply to the High Court for a ruling on whether the matter is excluded from inquiry. If the High Court does so determine, the Committee must withdraw the request. If the High Court determines that it is not a matter falling within the area of judicial functions, the CEO must attend before the committee to give account for it ("Establishment of the Irish Courts Service", page 8; *Courts Service Act (Ireland)*, 1998, c. 8, section 21(3) to (7)).
- 1568 Service Framework Document, page 7.
- 1569 Service Framework Document, page 4.
- 1570 Service Framework Document, page 8.
- 1571 Service Framework Document, page 8.
- 1572 For the purposes of the *Exchequer and Audit Departments Acts*, 1866 and 1921, and the *Comptroller and Auditor General (Amendment) Act*, 1993 (*Courts Service Act (Ireland)*, 1998, c. 8, section 19). According to page 8 of the Service Framework Document, "The Chief Executive Officer shall arrange that both the Annual Statement of Account by the Accountant of the Courts of Justice and the Annual Financial Statements/Appropriation Accounts for the Service for each year shall be presented for discussion and approval by the Finance Committee and that the approval of the Finance Committee shall be reported to the Board for noting".
- 1573 *Courts Service Act (Ireland)*, 1998, c. 8, sections 19 and 20. See also p. 82 of the Courts Service Annual Report 2009: "The Appropriation Account is the annual published financial accounts of the Service. It is furnished to the Comptroller and Auditor General on or before 31st March each year. It is compiled on foot of the approved Estimates by the Oireachtas and prepared by the Accounting Officer to meet his statutory requirements to specify how the amount voted was spent in the financial year".
- 1574 Courts Service Annual Report 2009, page 78.
- 1575 Courts Service Annual Report 2009, page 79. Two members of the Audit Committee out of 5 are judicial members (page 12). Another standing committee of the Board is the Finance Committee, comprised of a majority of judicial members (page 12).
- 1576 Courts Service Annual Report 2009, page 26.
- 1577 *Courts Service Act (Ireland)*, 1998, c. 8, section 23.
- 1578 Service Framework Document, page 8.
- 1579 Service Framework Document. This power is enunciated in section 23(2). On that matter, the Service Framework Document specifies that there is a "significant delegation provided to the Chief Executive Officer by the Ministers for Justice, Equality and Law Reform and the Minister for Finance under Administrative Budget Agreement".
- 1580 *Courts Service Act (Ireland)*, 1998, c. 8, section 23 (3) and (5).

- 1581 Within the meaning of the *Civil Service Commissioners Act, 1956*, and the *Civil Service Regulation Acts, 1956 and 1996 (Courts Service Act (Ireland), 1998, c. 8, section 23 (4))*.
- 1582 Service Framework Document, page 8.
- 1583 Service Framework Document, page 9.
- 1584 According to page 4 of the Service Framework Document, the Board determined that these functions are to be performed by the CEO.
- 1585 *Courts Service Act (Ireland), 1998, c. 8, section 5 (d)*.
- 1586 *Courts Service Act (Ireland), 1998, c. 8, section 5 (e)*.
- 1587 Courts Service Annual Report 2009, pages 28 and 34. The Building Committee is comprised of a majority of judicial members (page 12).
- 1588 *Courts Service Act (Ireland), 1998, c. 8, section 6(2)(a) and (b)*. The Board has the power to acquire or dispose of any interest in land on/or property with a value in excess of €5m, and can approve proposals for leases for period in excess of 4 years and 9 months, irrespective of value (Service Framework Document, page 4). Rather, this power is to be performed by the Service's Finance Committee where the value at stake is between €1m and €5m, and by the CEO, when it is of €1m or less (page 5 of the Service Framework Document).
- 1589 *Courts Service Act (Ireland), 1998, c. 8, section 6(2)(j)*. According to page 4 of Service Framework Document, the designation of court venues is incumbent upon the Board.
- 1590 Courts Service Annual Report 2009, page 79.
- 1591 According to page 4 of the Service Framework Document, the Board determined that this function is to be performed by the CEO.
- 1592 *Courts Service Act (Ireland), 1998, c. 8, section 5(b)*.
- 1593 "Establishment of the Irish Courts Service", page 8.
- 1594 Courts Service Annual Report 2009, page 79. The approved limits contained in the Service Framework Document in relation to Section 6 of the *Courts Service Act (Ireland), 1998, c. 8* also apply to the implementation of the Service procurement policy (Service Framework Document, page 5).
- 1595 "Establishment of the Irish Courts Service", page 8.
- 1596 Service Annual Report 2009, page 28.
- 1597 Courts Service Annual Report 2009, page 79.
- 1598 *Judiciary and Courts (Scotland) Act, A.S.P. 2008, c. 6, Section 61*. See definition of "Scottish courts" at Section 2(6).
- 1599 *Judiciary and Courts (Scotland) Act, A.S.P. 2008, c. 6, Section 61*. See definition of "Scottish courts" at Section 2(6). Section 62 states that the SCS also provides services required for the purposes of the Lord President in carrying out functions as Head of the Scottish Judiciary, among which is the efficient disposal of business in the Scottish courts (Section 2(2) of the *Judiciary and Courts (Scotland) Act, A.S.P. 2008, c. 6*). The SCS also supports the Lord President in his other non-judicial functions, in addition to supporting any judicial office holder in carrying out of functions delegated to the office holder by the Lord President, the sheriffs principal in carrying out their statutory functions, the Public Guardian, and the Court of Session, Criminal Courts and Sheriff Court Rules Councils (Section 62).
- 1600 *Judiciary and Courts (Scotland) Act, A.S.P. 2008, c. 6, Section 60(1)*.
- 1601 Scottish Court Service Framework Document, *Agreement Between the Scottish Ministers and the Scottish Court Service*, July 2010 (hereinafter the "SCS Framework Document"), page 1.
- 1602 SCS Framework Document, page 1.
- 1603 *Judiciary and Courts (Scotland) Act, A.S.P. 2008, c. 6, Section 69*. Section 70 further states that if the Ministers consider that the SCS fails to carry out its functions appropriately (to such an extent that there is a significant risk to the functioning of courts), they may by order provide for the functions of the SCS to be carried out instead by them.
- 1604 As long as this information relates to the carrying out of the SCS functions (*Judiciary and Courts (Scotland) Act, A.S.P. 2008, c. 6, Section 68*). See also Section 65 of the *Judiciary and Courts (Scotland) Act, A.S.P. 2008, c. 6*, pursuant to which the SCS may give information or advice, or make proposals to the Scottish Ministers on matters relating to the functions of SCS and the administration of justice in Scotland.
- 1605 SCS Framework Document, page 14. The Scottish Government consults the SCS on all policy and legislative proposals which it is developing that may have an operational impact on the courts (SCS Framework Document, page 14). The Scottish Government and SCS also seek to ensure the appropriate exchange of relevant information to help fulfill their respective functions in relation to the judiciary and the courts (SCS Framework Document, page 15; see also the "shared principles" that govern their relation at page 4).



- <sup>1606</sup> The Framework Document is a statement of intent, agreed jointly. It does not create legal obligations (SCS Framework Document, page 1). On review and interpretation, page 16 specifies that the Framework Document “will be reviewed in consultation with the Scottish Ministers after 3 years and at least every 5 years thereafter”, and “may be reviewed at any other time if either the Scottish Ministers or the SCS so wish, on the basis of arrangements that they will agree in writing at that time”. The same page states that amendments will be laid before the Scottish Parliament.
- <sup>1607</sup> Apart from the Lord President, membership of the SCS consists of the Lord Justice Clerk, the CEO, and ten other persons of different judicial and non-judicial categories (*Judiciary and Courts (Scotland) Act*, A.S.P. 2008, c. 6, Schedule 3 (introduced by Section 60(2)), Section 2). It is for the Lord President to appoint the members of the SCS (other than the Lord Justice Clerk and the Chief Executive) following a selection process outlined in regulations made by Scottish Ministers (*Judiciary and Courts (Scotland) Act* 2008, Schedule 3 (introduced by Section 60(2)), Sections 3(1) and (2)). Scottish Ministers must nevertheless consult the Lord President before making these regulations (Section 3(4)). The Board ensures that SCS carries out its functions effectively and efficiently, and that it meets the aims and objectives agreed between the SCS and the Scottish Ministers and recorded in the SCS Corporate Plan (SCS Framework Document, page 5).
- <sup>1608</sup> *Judiciary and Courts (Scotland) Act*, A.S.P. 2008, c. 6, Schedule 3 (introduced by Section 60(2)), Section 2(6).
- <sup>1609</sup> *Judiciary and Courts (Scotland) Act*, A.S.P. 2008, c. 6, Schedule 3 (introduced by Section 60(2), Section 14(1)).
- <sup>1610</sup> SCS Framework Document, page 7.
- <sup>1611</sup> The Board holds the Chief Executive to account for the performance of the SCS, in particular for the management of the SCS budget and business plans and the efficient and effective delivery of SCS business (SCS Framework Document, pages 1 and 6; see also SCS Business Plan 2010-2011 (hereinafter the “SCS Business Plan”), page 5).
- <sup>1612</sup> SCS Framework Document, pages 1 and 6.
- <sup>1613</sup> The plan describes how the SCS proposes to carry out its functions during the planning period, and is in a form and contains such information as Scottish Ministers direct (*Judiciary and Courts (Scotland) Act*, A.S.P. 2008, c. 6, Section 66).
- <sup>1614</sup> It is for the SCS to determine the form and content of the report and how it is published (*Judiciary and Courts (Scotland) Act*, A.S.P. 2008, c. 6, Section 67(2)). As a matter of courtesy, the SCS provides Scottish Government with copies of the Annual Report and Accounts ahead of their publication (SCS Framework Document, pages 8 and 13).
- <sup>1615</sup> SCS Framework Document, page 10. When Members of the Parliament seek information from the SCS on matters for which it is responsible, such correspondence will be responded to by the CEO or a senior officer acting on his or her behalf, normally within 20 working days of receipt. Responses will be made publicly available on the SCS website except where inappropriate e.g. in relation to confidential matters (SCS Framework Document, page 11).
- <sup>1616</sup> Neither the exercise nor the non-exercise of this right precludes expression of SCS views on these matters in correspondence with individual or representative parliamentarians (SCS Framework Document, page 10).
- <sup>1617</sup> The Framework Document further states that “judicial members would not answer questions about the exercise of their judicial functions, for which they are constitutionally not accountable to the Scottish Parliament” (SCS Framework Document, page 10).
- <sup>1618</sup> SCS Framework Document, page 10.
- <sup>1619</sup> In particular, PQs may seek statistical information from the Scottish Ministers about the performance of the justice system, and Ministers may seek information from the SCS to enable them to respond to such questions. Section 68 of the *Judiciary and Courts (Scotland) Act* requires the SCS to provide the Scottish Ministers with such information. As far as is practicable, the SCS will seek to provide such information timeously (SCS Framework Document, page 10).
- <sup>1620</sup> e.g. about what Ministers have specified should be included in the SCS Corporate Plan, what guidance Ministers have issued to the SCS, and whether Ministers are considering using their default power to take back the functions of the SCS (SCS Framework Document, page 10).
- <sup>1621</sup> SCS Framework Document, page 12.
- <sup>1622</sup> SCS Framework Document, page 12.
- <sup>1623</sup> SCS Framework Document, page 12.
- <sup>1624</sup> SCS Framework Document, page 12.
- <sup>1625</sup> In the first instance, this is between the CEO, as Accountable Officer, and the Director General for Justice and Communities. Failing the reach of an agreement at official level, there is a right of representation between the Lord President and the Cabinet Secretary for Finance and Sustainable Growth (SCS Framework Document, page 12).
- <sup>1626</sup> SCS Framework Document, page 12.
- <sup>1627</sup> SCS Framework Document, page 13.

- <sup>1628</sup> SCS Framework Document, page 10. Under section 19(4) of the *Public Finance and Accountability (Scotland) Act*, A.S.P. 2000, c. 1, the Scottish Ministers have directed the Scottish Court Service to prepare a statement of accounts for each financial year (Scottish Court Service Annual Report and Accounts 2009-2010 (hereinafter "SCS Annual Report"), page 32). The 2009-2010 financial statements have been prepared in accordance with the 2009/10 Government Financial Reporting Manual (FRoM) issued by HM Treasury (SCS Annual Report, page 44).
- <sup>1629</sup> In accordance with Sections 14 and 15 of the *Public Finance and Accountability (Scotland) Act*, A.S.P. 2000, c. 1 (SCS Framework Document, page 6).
- <sup>1630</sup> SCS Framework Document, page 6. The relevant responsibilities as Accountable Officer are set out in the Accountable Officers' Memorandum issued by the Principal Accountable Officer of the Scottish Administration (SCS Annual Report, page 32).
- <sup>1631</sup> SCS Framework Document, page 6. The CEO also acts and takes steps necessary to ensure that the SCS corporately acts in accordance with the terms of relevant guidance in the Scottish Public Finance Manual and other financial instructions and guidance issued by the Scottish Ministers (SCS Framework Document, page 6).
- <sup>1632</sup> SCS Framework Document, page 13. The Accountable Officer has the responsibility to maintain a sound system of internal control, and delivers the annual statement of internal control (SCS Annual Report, page 32).
- <sup>1633</sup> SCS Annual Report, page 35.
- <sup>1634</sup> SCS Framework Document, page 13.
- <sup>1635</sup> *Judiciary and Courts (Scotland) Act*, A.S.P. 2008, c. 6, Section 61. See definition of "Scottish courts" at Section 2(6). Section 62 states that the SCS also provides staff required for the purposes of the Lord President in carrying out functions as Head of the Scottish Judiciary and other non-judicial functions, any judicial office holder in carrying out of functions delegated to the office holder by the Lord President, the sheriffs principal in carrying out their statutory functions, the Public Guardian, and the Court of Session, Criminal Courts and Sheriff Court Rules Councils.
- <sup>1636</sup> SCS Business Plan, page 5.
- <sup>1637</sup> SCS Framework Document, pages 1 and 8.
- <sup>1638</sup> SCS Framework Document, page 6.
- <sup>1639</sup> In matters such as case allocation and case management, and in accordance with existing court processes. Such direction is however always subject to administrative directions issued by either the relevant sheriff principal, the Lord President or any other judicial office holder to whom the Lord President has lawfully delegated part of his functions (SCS Framework Document, page 8).
- <sup>1640</sup> SCS Framework Document, page 9.
- <sup>1641</sup> *Judiciary and Courts (Scotland) Act*, A.S.P. 2008, c. 6, Section 61. See definition of "Scottish courts" at Section 2(6). Section 62 states that the SCS also provides property required for the purposes of the Lord President in carrying out functions as Head of the Scottish Judiciary and other non-judicial functions, any judicial office holder in carrying out of functions delegated to the office holder by the Lord President, the sheriffs principal in carrying out their statutory functions, the Public Guardian, and the Court of Session, Criminal Courts and Sheriff Court Rules Councils.
- <sup>1642</sup> SCS Corporate Plan, page 19.
- <sup>1643</sup> SCS Business Plan, page 5.
- <sup>1644</sup> The SCS will be re-tendering this contract (which is now in its fifth year) during 2010/11 and thus reviewing performance and ensuring value for money (SCS Annual Report, page 13; see also SCS Business Plan, page 12).
- <sup>1645</sup> *Judiciary and Courts (Scotland) Act*, A.S.P. 2008, c. 6, Schedule 3 (introduced by Section 60(2)), Section 15(2).
- <sup>1646</sup> *Judiciary and Courts (Scotland) Act*, A.S.P. 2008, c. 6, Schedule 3(introduced by Section 60(2)), Section 16(1).
- <sup>1647</sup> SCS Framework Document, page 13.
- <sup>1648</sup> SCS Framework Document, page 13.
- <sup>1649</sup> Scottish Court Service Corporate Plan 2010-2011, page 18.
- <sup>1650</sup> SCS Business Plan, page 5.

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# SCHEDULE I

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## Documents and sources used for the preparation of this report<sup>†</sup>

### 1. AUSTRALIA – FEDERAL LEVEL

#### 1. Federal Magistrates Court *(no documentation was provided)*

1. *Federal Magistrates Court Act 1999* (Cth)
2. Federal Magistrates Court of Australia Annual Report 2009-2010
3. Federal Magistrates Court of Australia, Chief Executive Officer's Report 2009-2010
4. Federal Magistrates Court of Australia 2010-2011 Portfolio Budget Statement
5. Family Court of Australia Annual Report 2009-2010
6. Family Court of Australia website
7. National Support Office Business Plan
8. Family Law Courts website
9. Memorandum of Understanding (MOU) between the Federal Magistrates Service and the Federal Court of Australia (the 'courts') in relation to co-operation and service support arrangements, signed between the CEO of the Federal Magistrates Service and the Registrar of the Federal Court and commencing on July 2000
10. Memorandum of Understanding (MOU) between the Federal Magistrates Service and the Federal Court of Australia (the 'courts') in relation to co-operation and service support arrangements, signed between the CEO of the Federal Magistrates Service and the Registrar of the Federal Court and commencing on July 2000, Attachment B (letter dated June 2000)
11. Memorandum of Understanding between the Family Court of Australia and Federal Magistrates Court for the Provision of Services, 1 July 2004
12. Memorandum of Understanding between the Family Court of Australia and Federal Magistrates Court for the Provision of Services, 1 July 2004, Attachment B ("Section 92 Agreement")
13. Memorandum of Understanding between the Family Court of Australia and Federal Magistrates Court for the Provision of Services, 1 July 2004, Attachment D ("Section 100 Agreement")
14. Federal Court of Australia, Section 90 Arrangement signed in July 2000 between the Chief Federal Magistrate and the Chief Justice of the Family Court of Australia
15. Federal Magistrates Court of Australia, Section 90 Arrangement signed in September 2006 between the Chief Federal Magistrate and the Acting Chief Justice of the Federal Court of Australia

#### 2. Family Court *(no documentation was provided)*

1. *Family Law Act 1975* (Cth.)
2. Family Court of Australia Annual Report 2009-2010

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<sup>†</sup> When a document was provided with regards to one court, but was in fact used in respect to other courts as well, we do not list such a document under these other courts.

3. Family Court of Australia website
4. National Support Office Business Plan
5. Family Law Courts website
6. Family Court of Australia Chief Executive Officer's Report 2009-2010
7. *Public Service Act 1999* (Cth.)

### 3. Federal Court

#### Documentation provided by the Court:

1. The Honourable Chief Justice Michael E J BLACK AC, "The Federal Court of Australia: The First 30 Years – A Survey on the Occasion of Two Anniversaries", (2010) 31 *Melbourne University Law Review* 1017
2. The Honourable Justice Michael F. MOORE, "Institutional Judicial Independence. Judicial Independence – Breaking Free from the Executive Branch", paper delivered at the 19<sup>th</sup> Pacific Regional Judicial Conference, Tumon, Guam, November 8<sup>th</sup>, 2010
3. Extract from the *Federal Court of Australia Act 1976*
4. Copy of the *Financial Management and Accountability Act 1997*
5. Copy of the *Financial Management and Accountability Regulations 1997*
6. Copy of the contents pages for the Federal Court of Australia Chief Executive Instructions
7. Federal Court of Australia Annual Report 2009-2010
8. Copy of the Federal Court of Australia management structure
9. Federal Court of Australia Guidelines for the Operation of Committees as at March 2008
10. Copy of the Federal Court of Australia Judicial Committees structure
11. Copy of Federal Court of Australia Portfolio Budget Statement
12. Letter from Warwick Soden, Federal Court Registrar and Chief Executive, to Karim Benyekhlef, dated December 3<sup>rd</sup>, 2010

#### Other documentation:

1. *Federal Court of Australia Act 1976* (extract provided – rest of act analysed)
2. Additional information taken from documents provided to us with regards to another court

### 4. High Court

#### Documentation provided by the Court:

1. Chief Justice R.S. FRENCH, "Boundary Conditions – The Funding of Courts Within a Constitutional Framework", Australian Institute of Judicial Administration, Australian Court Administrators' Group Conference, Melbourne, May 15<sup>th</sup>, 2009
2. *High Court of Australia Act 1979*
3. *High Court of Australia Bill 1979*, Second Readings (Senate), 14 November 1979, Thirty-First Parliament, First Session, Fourth Period
4. *High Court of Australia Bill 1979*, Second Reading (House of Representatives), 25 October 1979, Thirty-First Parliament, First Session, Fourth Period
5. *Commonwealth of Australia Constitution Act*
6. Letter from Mr. Andrew Phelan, Chief Executive and Principal Registrar of the High Court of Australia, to Karim Benyekhlef, dated December 23, 2010
7. Link to the High Court of Australia Annual Report 2009-2010

#### Other documentation:

1. Additional information taken from documents provided to us with regards to another court

## 2. AUSTRALIAN STATES

### 1. New South Wales Supreme Court

#### Documentation provided by the Court:

1. Supreme Court Annual Review 2009
2. Department of Justice & Attorney General Annual Report 2008-2009
3. Supreme Court and Department websites
4. Australasian Institute of Judicial Administration (AIJA) website
5. Email from Erika Stockdale, Executive Officer, Supreme Court of New South Wales, dated November 29<sup>th</sup>, 2010

#### Other documentation:

1. *Supreme Court Act 1970*
2. Additional information taken from documents provided to us with regards to another court

### 2. Queensland Supreme Court

#### Documentation provided by the Court:

1. Rules Committee – Draft Advice to the Minister – Civil Proceedings Bill 2010
2. *Supreme Court Act 1995* – provisions to be repealed – summary of advice of the Rules Committee
3. *Supreme Court of Queensland Act 1991* – mock reprint for consultation
4. Civil Proceedings Bill consultation draft
5. Civil Proceedings Bill 2010 consultation – website
6. Civil Proceedings Bill 2010 consultation – website (2)
7. (*District Court Act 1967* (mock reprint)) (*not analyzed because not regarding the Supreme Court*)
8. Queensland courts supreme district court Brisbane registry operation plan
9. *Financial Instrument of Delegation issued under the Financial Accountability Act 2009* (Qld.), Department of Justice and Attorney-General
10. *Human Resources Management Delegations*, Department of Justice and Attorney-General, November 2010
11. Queensland Court Services Strategic Plan 2010-2014
12. *Public Service Act 2008*
13. *Justice Act 1886*
14. Practice Directions issued by the Chief Justice and Chief Judge regarding the Principal Registrar delegation
15. Email from Ken Wells, Executive Officer to the Director of Courts, Supreme and District Courts, to Karim Benyekhlef, dated December 24<sup>th</sup>, 2010

#### Other documentation:

1. Department of Justice and Attorney General Annual Report 2009-2010
2. Supreme Court of Queensland Annual Report 2008-2009
3. *Supreme Court Library Act 1968* (Qld.)
4. Supreme Court of Queensland Library website
5. Queensland Courts website
6. Additional information taken from documents provided to us with regards to another court

### 3. South Australia Supreme Court

#### Documentation provided by the Court:

1. *Courts Administration Act 1993*
2. Courts Administration Authority Annual Report 1993-1994
3. Courts Administration Authority Annual Report 2009-10
4. Mention of the book *The Governance of Australia's Courts: A Managerial Perspective*

#### Other documentation:

1. *Supreme Court Act 1935* (S.A.)
2. State Courts Administration Council (CAA) Corporate Governance Statement
3. Additional information taken from documents provided to us with regards to another court

### 4. Tasmania Supreme Court (*no documentation was provided*)

1. Department of Justice Annual Report 2009-2010
2. Department of Justice website
3. *Supreme Court Civil Procedure Act 1932* (Tas.)
4. Supreme Court of Tasmania Annual Report 2009-2010
5. *Supreme Court Act 1959* (Tas.)
6. Andrew Inglis Clark Law Library website
7. Supreme Court of Tasmania website
8. Additional information taken from documents provided to us with regards to another court

### 5. Victoria Supreme Court (*no documentation was provided*)

1. Department of Justice website
2. Department of Justice Annual Report 2009-2010
3. *Supreme Court Act 1986* (Vic.)
4. *Constitution Act 1975* (Vic.)
5. Supreme Court of Victoria 2009-2010 Annual Report
6. Supreme Court of Victoria website
7. Additional information taken from documents provided to us with regards to another court

### 6. Western Australia Supreme Court

#### Documentation provided by the Court:

1. Letter from Ray Warnes, Executive Director, Court and Tribunal Services, to Karim Benyekhlef, dated November 17<sup>th</sup>, 2010 contains some information
2. Court and Tribunal Services Division (Department of the Attorney General) Strategic Plan 2010-2013
3. "Review of Courts Administration", Court and Tribunal Services, Department of the Attorney General
4. Heads of Jurisdiction Board – Terms of Reference
5. Court and Tribunal Technology Committee – Terms of Reference
6. Mention of the book *The Governance of Australia's Courts: A Managerial Perspective*
7. Website of the Department of the Attorney General

**Other documentation:**

1. *Supreme Court Act 1935* (W.A.)
2. Supreme Court website

**3. AUSTRALIAN MAINLAND TERRITORIES****1. Australian Capital Territory (ACT) Supreme Court** *(no documentation was provided)*

1. ACT Department of Justice and Community Safety Annual Report 2009-2010, Volume 1
2. ACT Department of Justice and Community Safety Annual Report 2009-2010, volume 2
3. ACT Department of Justice and Community Safety website
4. *Supreme Court Act 1933*
5. Supreme Court of the Australian Capital Territory website
6. Additional information taken from documents provided to us with regards to another court

**2. Northern Territory Supreme Court****Documentation provided by the Court:**

1. *Supreme Court Act* (link)
2. Northern Territory Government Department of Justice Annual Report 2009-2010 (link)
3. Department of Justice Strategic Plan 2009-2012 (link)

**Other documentation:**

1. Northern Territory Supreme Court website
2. Additional information taken from documents provided to us with regards to another court

**4. CANADA****1. Supreme Court****Documentation provided by the Court:**

1. Rapport sur le rendement 2009-2010
2. Roger BILODEAU, "Supreme Court of Canada – structure, status and challenges", (2010) 36-3 Commonwealth Law Bulletin 421

**Other documentation:**

1. *Supreme Court Act*, R.S.C. 1985, c. S-26
2. Website of the Supreme Court of Canada
3. Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006

**2. Federal Court of Appeal, Federal Court, Court Martial Appeal Court and Tax Court of Canada** *(no documentation was provided)*

1. Courts Administration Service 2010-2011 Report on Plans and Priorities
2. *Courts Administration Service Act*, S.C. 2002, c. 8
3. Courts Administration Service Annual Report 2009-2010
4. *Federal Courts Act*, R.S.C. 1985
5. *Tax Court of Canada Act*, R.S.C. 1985, c. T-2
6. Courts Administration Service website
7. Additional information taken from documents provided to us with regards to another court



### 3. Alberta

1. **Provincial Court** (*no documentation was provided*)
  1. *Provincial Court Act*, R.S.A. 2000, c. P-31
  2. *Judicature Act*, R.S.A. 2000, c. J-2
  3. Ministry of Justice and Attorney General website
  4. Alberta Courts website
  5. Alberta Law Society Libraries website
  6. Additional information taken from documents provided to us with regards to another court
2. **Court of Queen's Bench**

**Documentation provided by the Court:**

  1. Court of Queen's Bench Annual Business Plan 2010-2011
  2. Court Services' Annual Report 2008-2009 (Justice and Attorney General)
  3. Court Services' Strategic Plan 2009-2013 (Justice and Attorney General)
  4. Budget 2010 (Justice Business Plan 2010-2013)
  5. Alberta Justice Annual Report 2009-2010
  6. Letter from the Honourable Neil C. Wittmann, Chief Justice of the Alberta Court of Queen's Bench, to Caroline Collard, dated December 1, 2010

**Other documentation:**

  1. *Court of Queen's Bench Act*, R.S.A. 2000, c. C-31
  2. Alberta Law Society Libraries website
  3. Additional information taken from documents provided to us with regards to another court
3. **Court of Appeal**

**Documentation provided by the Court:**

  1. Court Operations and Administration Report, Alberta Court of Appeal
  2. Court of Appeal of Alberta Three-Year Operational Plan 2009-2012
  3. Email containing a revised text of the Alberta Court of Appeal section from Mrs. Diane Boisvert, Executive Officer to the Chief Justice of Alberta, to Nicolas Vermeys, dated February 7<sup>th</sup>, 2011

**Other documentation:**

  1. *Court of Appeal Act*, R.S.A. 2000, c. C-30

### 4. British Columbia

1. **Provincial Court** (*no documentation was provided*)
  1. Ministry of the Attorney General 2010/11-2012/13 Service Plan, March 2010
  2. Ministry of the Attorney General website
  3. *Provincial Court Act*, RSBC 1996, c. 379
  4. Provincial Court of British Columbia Annual Report 2008-2009
  5. Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006
  6. Provincial Court of British Columbia website
  7. Courthouse Libraries BC website
  8. *British Columbia Courthouse Library Society Constitution (Society Act)*, R.S.B.C. 1979, c. 390 and amendments thereto)
  9. Additional information taken from documents provided to us with regards to another court
2. **Supreme Court**

**Documentation provided by the Court:**

  1. *Protocol. Appointment of Senior Judicial Administrative Staff*, signed on March 25, 2009 between the Deputy Attorney General and the Head of BC Public Service Agency

2. List of Senior Judiciary Staff Eligible for Direct Appointment (appendix to the Protocol)
3. Letter from Frank C. Kraemer, QC, Executive Director & Senior Counsel, Judicial Administration, Superior Courts Judiciary, to Karim Benyekhlef, dated December 6<sup>th</sup>, 2010

**Other documentation:**

1. Ministry of the Attorney General 2010/11-2012/13 Service Plan, March 2010
2. Ministry of the Attorney General website
3. *Supreme Court Act*, RSBC 1996, c. 443 (one article provided – rest of act analysed)
4. Courthouse Libraries BC website
5. *British Columbia Courthouse Library Society Constitution (Society Act, R.S.B.C. 1979, c. 390 and amendments thereto)*

3. **Court of Appeal**

**Documentation provided by the Court:**

1. *Protocol. Appointment of Senior Judicial Administrative Staff*, signed on March 25, 2009 between the Deputy Attorney General and the Head of BC Public Service Agency
2. List of Senior Judiciary Staff Eligible for Direct Appointment (appendix to the Protocol)
3. Letter from Frank C. Kraemer, QC, Executive Director & Senior Counsel, Judicial Administration, Superior Courts Judiciary, to Karim Benyekhlef, dated December 6<sup>th</sup>, 2010

**Other documentation:**

1. Ministry of the Attorney General 2010/11-2012/13 Service Plan, March 2010
2. Ministry of the Attorney General website
3. *Court of Appeal Act*, RSBC 1996, c. 77 (one article provided – rest of act analysed)
4. Courthouse Libraries BC website
5. *British Columbia Courthouse Library Society Constitution (Society Act, R.S.B.C. 1979, c. 390 and amendments thereto)*

5. **Manitoba**

1. **Provincial Court**

**Documents provided by the Court:**

1. *Provincial Court Act of Manitoba*
2. Provincial Court of Manitoba Annual Report 2007-2008
3. Email from Karen Fulham, Executive Director, Judicial Services, Courts Division, Manitoba Justice, to Karim Benyekhlef, dated November 2<sup>nd</sup>, 2010

**Other documents:**

1. Manitoba Justice Annual Report 2008-2009
2. Manitoba Justice website
3. Provincial Court of Manitoba 1st Annual Report (2002-2003)
4. Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006
5. Law Society of Manitoba website

2. **Court of Queen's Bench** (no documentation was provided)

1. Manitoba Justice Annual Report 2009-2010
2. Manitoba Justice website
3. Manitoba Courts website
4. *Court of Queen's Bench Act*, C.C.S.M. c. C280
5. Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006
6. Law Society of Manitoba website
7. Additional information taken from documents provided to us with regards to another court

3. **Court of Appeal** (*no documentation was provided*)
  1. Manitoba Justice Annual Report 2009-2010
  2. Manitoba Justice website
  3. Manitoba Courts website
  4. *Court of Appeal Act*, C.C.S.M. c. C240
  5. Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006
  6. Law Society of Manitoba website
  7. Additional information taken from documents provided to us with regards to another court
  
6. **New Brunswick**
  1. **Provincial Court** (*no documentation was provided*)
    1. Department of Justice and Consumer Affairs Annual Report 2008-2009
    2. Department of Justice and Consumer Affairs website
    3. Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006
    4. *Provincial Court Act*, R.S.N.B. 1973, c. P-21
    5. New Brunswick Courts website
    6. Law Society of New Brunswick Libraries website
  2. **Court of Queen's Bench** (*no documentation was provided*)
    1. Department of Justice and Consumer Affairs Annual Report 2008-2009
    2. Department of Justice and Consumer Affairs website
    3. Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006
    4. *Judicature Act*, R.S.N.B. 1973, c. J-2
    5. New Brunswick Courts website
    6. Law Society of New Brunswick Libraries website
  3. **Court of Appeal** (*no documentation was provided*)
    1. Department of Justice and Consumer Affairs Annual Report 2008-2009
    2. Department of Justice and Consumer Affairs website
    3. Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006
    4. *Judicature Act*, R.S.N.B. 1973, c. J-2
    5. New Brunswick Courts website
    6. Law Society of New Brunswick Libraries website
  
7. **Newfoundland and Labrador**
  1. **Provincial Court**

**Documentation provided by the Court:**

    1. Links to the Provincial Court website
    2. Links to the Small Claims Rules and Criminal Rules

**Other documentation:**

    1. Department of Justice website
    2. Canadian Judicial Council, *Administering Justice for the Public*, November 2007
    3. Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006
    4. Department of Justice Annual Report 2009-2010
    5. Department of Justice Strategic Plan 2008-2011
    6. Law Society Library of Newfoundland and Labrador website
  2. **Supreme Court – Trial Division** (*text of the section provided directly by the Court*)
    1. Department of Justice website
    2. Canadian Judicial Council, *Administering Justice for the Public*, November 2007
    3. Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006

4. Department of Justice Annual Report 2009-2010
  5. Department of Justice Strategic Plan 2008-2011
  6. *Judicature Act*, R.S.N.L. 1990, c. J-4
  7. The Law Courts of Newfoundland and Labrador website
  8. Law Society Library of Newfoundland and Labrador website
3. **Supreme Court – Appeal Division** (*text of the section provided directly by the Court*)
    1. Department of Justice website
    2. Canadian Judicial Council, *Administering Justice for the Public*, November 2007
    3. Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006
    4. Department of Justice Annual Report 2009-2010
    5. Department of Justice Strategic Plan 2008-2011
    6. *Judicature Act*, R.S.N.L. 1990, c. J-4
    7. The Law Courts of Newfoundland and Labrador website
    8. Law Society Library of Newfoundland and Labrador website
8. **Northwest Territories**
    1. **Territorial Court** (*no documentation was provided*)
      1. Department of Justice website
      2. *Territorial Court Act*, R.S.N.W.T. 1988, c. T-2
      3. Northwest Territories Courts website
      4. *Northwest Territories Act*, R.S.C. 1985, c. N-27
    2. **Supreme Court** (*no documentation was provided*)
      1. Department of Justice website
      2. Northwest Territories Courts website
      3. *Judicature Act*, R.S.N.W.T. 1988, c. J-1
      4. *Northwest Territories Act*, R.S.C. 1985, c. N-27
      5. Information provided by the Honourable Chief Justice Catherine Fraser, Chief Justice of Alberta
    3. **Court of Appeal** (*no documentation was provided*)
      1. Department of Justice website
      2. *Judicature Act*, R.S.N.W.T. 1988, c. J-1
      3. Northwest Territories Courts website
      4. *Northwest Territories Act*, R.S.C. 1985, c. N-27
      5. Additional information taken from documents provided to us with regards to another court
      6. Information provided by the Honourable Chief Justice Catherine Fraser, Chief Justice of Alberta
9. **Nova Scotia**
    1. **All Courts**

**Documentation provided by the Court:**

      1. *The Executive Office of the Nova Scotia Judiciary – Structure and Function. A Briefing Note for the Canadian Judicial Council’s Administration of Justice Committee*
      2. Nova Scotia’s Legislative Framework Synopsis 2010
      3. *Court Officials Act*
      4. *Judicature Act*
      5. *Provincial Court Act*
      6. Regulations – Provincial Court
      7. *Family Court Act*

8. *Court Security Act*
9. *Costs and Fees Act*
10. *Justices of the Peace Act*
11. Regulations – Justices of the Peace Act
12. *Probate Act*
13. *Small Claims Court Act*
14. Department of Justice Statement of Mandate 2010-2011
15. Department of Justice Accountability Report 2009-10
16. Department of Justice Business Plan 2009-10

**Other documentation:**

1. Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006

**10. Nunavut**

1. **Court of Justice and Court of Appeal** (*no documentation was provided*)
  1. *Judicature Act*, S.N.W.T. 1998, c. 34, s. 1
  2. *Nunavut Act*, S.C. 1993, c. 28
  3. Nunavut Department of Justice website
  4. Nunavut Court of Justice website
  5. Nunavut Court of Justice 2008 Annual Report
  6. Information provided by the Honourable Chief Justice Catherine Fraser, Chief Justice of Alberta
  7. Additional information taken from documents provided to us with regards to another court

**11. Ontario**

1. **Court of Justice**

**Documentation provided by the Court:**

  1. Memorandum of Understanding between the Attorney General of Ontario and the Chief Justice, Ontario Court of Justice (2004)
  2. Ontario Court of Justice Biennial Report 2006-2007
  3. Ministry of the Attorney General Court Services Division Annual Report 2009-2010

**Other documentation:**

  1. *Courts of Justice Act*, R.S.O. 1990, c. C. 43
  2. *Ministry of the Attorney General Act*, R.S.O. 1990, c. M.17
  3. Court of Appeal for Ontario Annual Report 2009
  4. Ministry of the Attorney General website
  5. Ontario Courts website
2. **Superior Court of Justice**

**Documentation provided by the Court:**

  1. Superior Court of Justice Annual Report 2007-2008
  2. Memorandum of Understanding between the Superior Court and the Ministry of Attorney General (May 2008)
  3. *Courts of Justice Act*, Section 77

**Other documentation:**

  1. *Courts of Justice Act*, R.S.O. 1990, c. C. 43 (section 77 provided – rest of act analysed)
  2. *Ministry of the Attorney General Act*, R.S.O. 1990, c. M.17
  3. Court of Appeal for Ontario Annual Report 2009
  4. Ministry of the Attorney General website

5. Ontario Courts website
6. Additional information taken from documents provided to us with regards to another court
3. **Court of Appeal** (*no documentation was provided*)
  1. *Courts of Justice Act*, R.S.O. 1990, c. C. 43
  2. *Ministry of the Attorney General Act*, R.S.O. 1990, c. M.17
  3. Court of Appeal for Ontario Annual Report 2009
  4. Ministry of the Attorney General website
  5. Ontario Courts website
  6. Additional information taken from documents provided to us with regards to another court

## 12. Prince Edward Island

1. **Provincial Court** (*no documentation was provided*)
  1. Prince Edward Island Department of Justice and Public Safety website
  2. Prince Edward Island Courts website
  3. *Provincial Court Act*, R.S.P.E.I. 1988, c. P-25
  4. Office of the Attorney General Annual Report 2008-2009
  5. *General Regulations*, P.E.I. Reg. EC946/76
  6. Law Society of Prince Edward Island website
2. **Supreme Court and Court of Appeal**

**Documentation provided by the Court:**

  1. *Judicature Act*
  2. Email from the Honourable Jacqueline R. Matheson, Chief Justice of the Supreme Court, to Caroline Collard, dated December 13<sup>th</sup>, 2010
  3. Response to the comparative analysis from the Honourable Jacqueline R. Matheson, Chief Justice of the Supreme Court, dated May 24<sup>th</sup>, 2011

**Other documentation:**

  1. Prince Edward Island Department of Justice and Public Safety website
  2. Office of the Attorney General Annual Report 2008-2009
  3. Law Society of Prince Edward Island website

## 13. Québec

1. **Court of Québec** (*no documentation was provided*)
  1. *Ministère de la Justice du Québec* website
  2. *Courts of Justice Act*, R.S.Q. c. T-16
  3. "The Court of Québec" brochure (Court of Québec website)
  4. Court of Québec website
  5. *Ministère de la Justice du Québec, Rapport annuel de gestion 2009-2010*
  6. *Ministère de la Justice du Québec, Plan stratégique 2007-2010*
2. **Superior Court** (*no documentation was provided*)
  1. *Ministère de la Justice du Québec* website
  2. *Courts of Justice Act*, R.S.Q. c. T-16
  3. *An Act Respecting the Salaries of Officers of Justice*, R.S.Q. c. S-2
  4. *Ministère de la Justice du Québec, Rapport annuel de gestion 2009-2010*
  5. *Ministère de la Justice du Québec, Plan stratégique 2007-2010*
  6. "Access to Justice. Striving to do better", Activity Report, Superior Court of Québec, June 2010
  7. Superior Court website

### 3. Court of Appeal

#### Documentation provided by the Court:

1. "Agreement regarding the framework for the allocation and management of the human, financial and material resources of the Court of Appeal", June 2005
2. "Administrative Autonomy of the Court of Appeal of Quebec" (document attached to the Agreement)

#### Other documentation:

1. *Ministère de la Justice du Québec* website
2. *Courts of Justice Act*, R.S.Q. c. T-16
3. *Ministère de la Justice du Québec, Rapport annuel de gestion 2009-2010*
4. *Ministère de la Justice du Québec, Plan stratégique 2007-2010*
5. Court of Appeal website

## 14. Saskatchewan

### 1. Provincial Court

#### Documentation provided by the Court:

1. Budget Allocation for Provincial Court Judges' Furniture Letter of Understanding
2. Changes to Court sitting protocol
3. Court Administration Provincial Court of Saskatchewan Report
4. Deputy Judges Appointment Protocol
5. Establishing New Court Location Protocol
6. Temporary Judges Compensation Protocol
7. Professional Allowance Protocol
8. Pressing Necessity Guidelines Memorandum
9. Judges Trading Places Memorandum
10. Independence Legal Services for Judges Protocol
11. Email from the Honourable Carol A. Snell, Chief Judge of the Provincial Court of Saskatchewan, to Cléa Iavarone-Turcotte, dated May 24<sup>th</sup>, 2011

#### Other documentation:

1. *The Provincial Court Act 1998*, S.S. 1998, c. P-30.11
2. Ministry of Justice and Attorney General Annual Report 2009-2010
3. *The Court Officials Act*, 1984, S.S. 1984-85-86, c. C-43.1
4. Law Society of Saskatchewan Library website
5. Ministry of Justice and Attorney General Plan for 2010-2011
6. Ministry of Justice and Attorney General website
7. Saskatchewan Courts website

### 2. Court of Queen's Bench (*no documentation was provided*)

1. Ministry of Justice and Attorney General Annual Report 2009-2010
2. *The Queen's Bench Act*, 1998, S.S. 1998, c. Q-1.01
3. *The Court Officials Act*, 1984, S.S. 1984-85-86, c. C-43.1
4. Ministry of Justice and Attorney General Plan for 2010-2011
5. Law Society of Saskatchewan Library website
6. Ministry of Justice and Attorney General website
7. Saskatchewan Courts website

### 3. Court of Appeal (*text of the section provided directly by the Court*)

1. Ministry of Justice and Attorney General Annual Report 2009-2010
2. *The Court of Appeal Act*, 2000, S.S. 2000, c. C-42.1
3. *The Court Officials Act*, 1984, S.S. 1984-85-86, c. C-43.1



4. Ministry of Justice and Attorney General Plan for 2010-2011
5. Law Society of Saskatchewan Library website
6. Ministry of Justice and Attorney General website
7. Saskatchewan Courts website

## 15. Yukon

1. **Territorial Court** (*no documentation was provided*)
  1. Department of Justice website
  2. Yukon Courts website
  3. *Territorial Court Act*, R.S.Y. 2002, c. 217
  4. *Yukon Act*, S.C. 2002, c. 7
2. **Supreme Court** (*no documentation was provided*)
  1. Department of Justice website
  2. Yukon Courts website
  3. *Supreme Court Act*, R.S.Y. 2002, c. 211
  4. *Judicature Act*, R.S.Y. 2002, c. 128
  5. *Yukon Act*, S.C. 2002, c. 7
3. **Court of appeal** (*no documentation was provided*)
  1. Department of Justice website
  2. Yukon Courts website
  3. *Court of Appeal Act*, R.S.Y. 2002, c. 47
  4. *Yukon Act*, S.C. 2002, c. 7

## 5. ENGLAND AND WALES

### 1. UK Supreme Court

#### Documentation provided by the Court:

1. Letter from Jenny Rowe, Chief Executive
2. *Constitutional Reform Act 2005*
3. "Constitutional Position of the UK Supreme Court" (statement)
4. Mention of the website of the Court to obtain the annual report, business plan, etc.

#### Other documentation:

1. Canadian Judicial Council, *Alternative Models of Court Administration*, September 2006

### 2. Other courts (*no documentation was provided*)

1. Her Majesty's Courts Service website
2. Her Majesty's Courts Service Framework Document, April 2008
3. Her Majesty's Courts Service Annual Report and Accounts 2009-2010
4. Her Majesty's Courts Service Business Plan 2009-2010
5. Majesty's Courts Service Business Strategy
6. *Courts Act 2003* (UK)

## 6. NEW ZEALAND – ALL COURTS (*no documentation was provided*)

1. Ministry of Justice Annual Report, 1 July 2009 – 30 June 2010
2. Ministry of Justice website

3. Courts of New Zealand website
4. *Supreme Court Act 2003* (N.Z.)
5. *Judicature Act 1908* (N.Z.)
6. *District Courts Act 1947* (N.Z.)

## 7. NORTHERN IRELAND

### 1. UK Supreme Court

*See above under England and Wales – UK Supreme Court*

### 2. Other courts

#### Documentation provided by the Court:

1. Northern Ireland Courts and Tribunals Service Framework Document, draft version, authored by NICTS and issued on 23/6/2010
2. Northern Ireland Court Service Annual Report and Resource Accounts 2009-2010
3. Northern Ireland Court Service Corporate Plan 2008-2011
4. Northern Ireland Courts and Tribunals Service Business Plan 2010-2011
5. Email from Angela Barratt, Corporate Secretariat, NICTS, to Karim Benyekhlef, dated November 5, 2010

## 8. REPUBLIC OF IRELAND – ALL COURTS

#### Documentation provided by the Court:

1. *Courts Service Act 1998*
2. Courts Service Governance Framework Document, December 2009
3. "Establishment of the Irish Courts Service" (management of the courts briefing document)
4. Courts Service Management Structure
5. Mention of the website of Courts Service, on which to find Annual Reports and other relevant publications

## 9. SCOTLAND

### 1. UK Supreme Court

*See above under England and Wales – UK Supreme Court*

### 2. Other courts (no documentation was provided)

1. *Judiciary and Courts (Scotland) Act*, A.S.P. 2008, c. 6
2. Scottish Court Service Framework Document, *Agreement Between the Scottish Ministers and the Scottish Court Service*, July 2010
3. *Public Finance and Accountability (Scotland) Act*, A.S.P. 2000, c. 1
4. Scottish Court Service Annual Report and Accounts 2009-2010
5. Scottish Court Service Business Plan 2010-2011
6. Scottish Court Service Corporate Plan 2010-2011
7. Scottish Court Service website

# SUMMARY CHART

| Jurisdiction         | Court                     | Model                  | Organization or Person(s) in Charge of Court Administration  | Budget and Financial Accounting  | Human Resources  | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)   |
|----------------------|---------------------------|------------------------|--|--|--|---|--|
| <b>AUSTRALIA</b>     |                           |                        |  |  |  |   |  |
| <b>FEDERAL LEVEL</b> | Federal Magistrates Court | Limited Autonomy Model | <ul style="list-style-type: none"> <li>• Court is self-administered</li> <li>• Chief Federal Magistrate responsible for managing the Court's administrative affairs, assisted by the Chief Executive Officer ("CEO"), who works under his direction</li> <li>• CEO appointed by the Governor General</li> <li>• CEO serves both Federal Magistrates Court and Family Court (joint administration); Chief Justice of the Family Court and Chief Federal Magistrate of the Federal Magistrates Court sit on the Family Law Courts Advisory Group, a cross-agency governance arrangement</li> </ul> | <ul style="list-style-type: none"> <li>• Court funded mainly through direct appropriations from Parliament (funds nonetheless requested by the Executive)</li> <li>• Allocation of the budget (once provided) by the judiciary</li> <li>• CEO oversees financial management</li> </ul> | <ul style="list-style-type: none"> <li>• Staff appointed by the CEO and employed under the <i>Public Service Act 1999</i></li> <li>• Staff accountable to the CEO</li> <li>• Registrars, deputy registrars and marshal of the Family Court and registrars of the Federal Court serve the Federal Magistrates Court under arrangements made by the CEO on behalf of the Chief Federal Magistrate</li> </ul> | <ul style="list-style-type: none"> <li>• Court located in shared Commonwealth-owned facilities and privately leased facilities</li> <li>• Accommodation otherwise provided by the Executive</li> <li>• Property Management Committee, a joint Federal Magistrates Court/Family Court committee, oversees property management</li> <li>• Arrangements in place with the Family Court and the Federal Court in order to share courtrooms, registries and other facilities</li> <li>• Procurement and corporate contract management by the Family Court Procurement and Risk Management Section</li> </ul> | <ul style="list-style-type: none"> <li>• IT services as well as information and library services and resources provided by the Family Court pursuant to a MOU</li> <li>• Provision for certain library services and materials ensured by the Federal Court according to a MOU</li> </ul> |

| Jurisdiction         | Court        | Model                  | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting   | Human Resources   | Buildings, Fixtures and Furnishings  | Support Systems (IT and library)   |
|----------------------|--------------|------------------------|---|---|---|--|--|
| <b>AUSTRALIA</b>     |              |                        |   |   |   |  |  |
| <b>FEDERAL LEVEL</b> | Family Court | Limited Autonomy Model | <ul style="list-style-type: none"> <li>• Court is self-administered</li> <li>• Chief Judge (or Chief Justice) responsible for managing the Court's administrative affairs, assisted by the Chief Executive Officer ("CEO"), who works under his direction</li> <li>• CEO appointed by the Governor-General on the nomination of the Chief Judge</li> <li>• CEO serves both Federal Magistrates Court and Family Court (joint administration); Chief Justice of the Family Court and Chief Federal Magistrate of the Federal Magistrates Court sit on the Family Law Courts Advisory Group, a cross-agency governance arrangement</li> </ul> | <ul style="list-style-type: none"> <li>• Court funded mainly through direct appropriations from Parliament (funds nonetheless requested by the Executive)</li> <li>• Court administers its own budget</li> <li>• CEO oversees financial management</li> </ul> | <ul style="list-style-type: none"> <li>• Staff appointed by the CEO and employed under the <i>Public Service Act 1999</i></li> <li>• Staff are public servants accountable to the executive government through the CEO</li> <li>• Governor-General may appoint one or more Judicial Registrars</li> </ul> | <ul style="list-style-type: none"> <li>• Court located in shared Commonwealth-owned facilities and privately leased facilities</li> <li>• Accommodation otherwise provided by the Executive</li> <li>• Executive Director Corporate provides leadership and management of the Court's property and contracts as well as procurement (together with the Property Management Committee and the Procurement and Risk Management section)</li> </ul> | <ul style="list-style-type: none"> <li>• Executive Director Information, Communication and Technology Services provides leadership and management of the Court's applications, information management and infrastructure</li> <li>• Executive Director Information, Communication and Technology Services assisted at the policy-setting level by the Court's Information and Communication Technology Committee (a judicial committee)</li> </ul> |

| Jurisdiction         | Court         | Model                  | Organization or Person(s) in Charge of Court Administration  | Budget and Financial Accounting   | Human Resources  | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)   |
|----------------------|---------------|------------------------|--|---|--|---|--|
| <b>AUSTRALIA</b>     |               |                        |  |   |  |   |  |
| <b>FEDERAL LEVEL</b> | Federal Court | Limited Autonomy Model | <ul style="list-style-type: none"> <li>• Court is self-administered</li> <li>• Chief Justice responsible for managing the administrative affairs of the Court, assisted by the Registrar, who acts under his directions</li> <li>• Registrar appointed by the Governor-General on the Chief Justice's nomination</li> <li>• Judges involve in the Court's administration through committees</li> </ul> | <ul style="list-style-type: none"> <li>• Court financed through a separate Parliamentary budget appropriation process</li> <li>• Court prepares estimates of income and expenditure for the current year and forward estimates for the next three years</li> <li>• budget allocation is implemented by the Chief Justice, assisted by the Registrar and committees</li> <li>• Financial management is the direct responsibility of the Registrar and, ultimately, the Chief Justice</li> <li>• judicial involvement through a Finance Committee and an Audit Committee</li> </ul> | <ul style="list-style-type: none"> <li>• Staff appointed by the Registrar and employed under the <i>Public Service Act 1999</i></li> <li>• Staff accountable to the CEO</li> </ul> | <ul style="list-style-type: none"> <li>• Court's facilities mainly located in Commonwealth-owned buildings, which are co-managed by senior representatives of all federal jurisdictions through the National Law Courts Building Management Committee</li> <li>• Accommodation otherwise provided by the Executive</li> <li>• Property management provided by the Court's Principal Registry, Corporate Services Branch</li> <li>• Registrar accountable to the government for the adoption and implementation of policies on expenditure and purchasing</li> </ul> | <ul style="list-style-type: none"> <li>• Library and information services provided by the judges' Library Committee as well as the Court's Principal Registry, Corporate Services Branch</li> <li>• Technology services provided by the Judges' Information Technology Committee as well as the Court's Principal Registry, Corporate Services Branch</li> </ul> |

| Jurisdiction         | Court             | Model                         | Organization or Person(s) in Charge of Court Administration  | Budget and Financial Accounting  | Human Resources  | Buildings, Fixtures and Furnishings  | Support Systems (IT and library)  |
|----------------------|-------------------|-------------------------------|--|--|--|--|---|
| <b>AUSTRALIA</b>     |                   |                               |  |  |  |  |   |
| <b>FEDERAL LEVEL</b> | <b>High Court</b> | <b>Limited Autonomy Model</b> | <ul style="list-style-type: none"> <li>• Court is self-administering</li> <li>• Justices collectively act as the administrative decision making authority</li> <li>• Chief Executive Officer and Principal Registrar (the “CE&amp;PR”) has the function of acting on behalf of, and assisting the Justices in the administration of the Court</li> <li>• CE&amp;PR appointed by the Governor-General upon the nomination of the Court</li> <li>• CE&amp;PR complies with directions of the Court; responsible to the Court as a whole</li> </ul> | <ul style="list-style-type: none"> <li>• Court mainly financed through appropriations by Parliament</li> <li>• Court subject to the processes determined by government for setting the amounts of moneys to be appropriated; Finance Minister may give directions as to the amounts in which, and the times at which, moneys are to be paid to the Court</li> <li>• Court otherwise not subject to the financial controls exercised by the Finance Minister over all other Commonwealth courts</li> <li>• Court administers its own budget; apart from estimates approval requirements, Court controls the expenditure of the appropriated and other moneys it receives</li> </ul> | <ul style="list-style-type: none"> <li>• Staff appointed by the CE&amp;PR and managed by him</li> <li>• Neither the CE&amp;PR nor the staff covered by the <i>Public Service Act 1999</i>; the Court determines staff members’ terms and conditions of employment, including remuneration and allowances</li> <li>• Some registry functions performed by officers of the Supreme Court of Tasmania under ministerial arrangements, while other performed by officers of the Federal Court of Australia by arrangement between the Chief Justices of the respective Courts</li> </ul> | <ul style="list-style-type: none"> <li>• Court controls and manages land or building it occupies as well as adjacent land or building that is part of its precincts</li> <li>• Court otherwise uses Commonwealth Law Courts buildings as well as facilities provided with the cooperation of the Tasmanian Supreme Court</li> <li>• Court not bound by government policies on expenditure and purchasing, but guided by best practice</li> </ul> | <ul style="list-style-type: none"> <li>• Library facilities and services provided by the Court’s Library and Research Branch and its Library Committee</li> <li>• Information Technology overseen by the Court’s Information Technology Section and IT Committee</li> <li>• Judicial representation on both Library Committee and IT Committee</li> </ul> |

| Jurisdiction             | Court                         | Model           | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting   | Human Resources   | Buildings, Fixtures and Furnishings  | Support Systems (IT and library)   |
|--------------------------|-------------------------------|-----------------|---|---|---|--|--|
| <b>AUSTRALIA</b>         |                               |                 |   |   |   |  |  |
| <b>AUSTRALIAN STATES</b> | New South Wales Supreme Court | Executive Model | <ul style="list-style-type: none"> <li>• Department of Justice &amp; Attorney General (“DJAG”)</li> <li>• Judicial involvement at a policy-setting level</li> <li>• Resources provided to the Court by DJAG are secured and managed by the Chief Executive Officer and Principal Registrar (CEO)</li> <li>• CEO appointed by the Department Head under the <i>Public Sector Employment and Management Act 2002</i></li> <li>• CEO accountable to the Department Head as well as to the Chief Justice</li> </ul> | <ul style="list-style-type: none"> <li>• Budget submitted by the Executive to Parliament, and is only part of the overall budget allocated to DJAG</li> <li>• DJAG decides which initiatives will be funded</li> <li>• Application of budget resources once allocated made by the Department and the Chief Justice with input by the Resources Committee</li> </ul> | <ul style="list-style-type: none"> <li>• Staff (senior court administrators, managers and court registry staff) employed by DJAG</li> <li>• Staff accountable to the CEO (but Chief Justice of the Supreme Court directs the priorities to be pursued by the Registry)</li> <li>• Human Resources overseen by the Department’s Corporate Services Division</li> </ul> | <ul style="list-style-type: none"> <li>• Accommodation services and courtroom furniture provided by DJAG</li> <li>• Law Courts Limited provides accommodation for courts, court registries and support services</li> <li>• Judiciary involved in matters concerning heritage, maintenance and renovation work through the Court’s Heritage Committee and Building Committee</li> </ul> | <ul style="list-style-type: none"> <li>• DJAG and the Federal Court of Australia jointly fund and operate the Law Courts Library</li> <li>• Library services provided by DJAG; judiciary’s involvement through the Law Courts Library’ Advisory Committee and the Supreme Court’s Library Committee</li> <li>• Information technology services provided by DJAG; judiciary involvement through the Information Technology Committee</li> </ul> |



| Jurisdiction      | Court                    | Model           | Organization or Person(s) in Charge of Court Administration  | Budget and Financial Accounting   | Human Resources   | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)   |
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| <b>AUSTRALIA</b>  |                          |                 |  |   |   |   |  |
| AUSTRALIAN STATES | Queensland Supreme Court | Executive Model | <ul style="list-style-type: none"> <li>• Department of Justice and Attorney-General</li> <li>• Queensland Courts Services Executive (QCSE) oversees provision of court services</li> <li>• Chief Justice responsible for the overall administration of the Supreme Court and its divisions (Trial Division and Court of Appeal Division)</li> <li>• Supreme Court's Office of Director of Courts, headed by a Principal Registrar and Director of Courts, provides administrative support to the Court</li> <li>• Principal Registrar appointed by the Governor-in-Council; has control of the Supreme Court Registry</li> </ul> | <ul style="list-style-type: none"> <li>• Funding provided by Parliament from Consolidated Revenue</li> <li>• Executive requests funds and decides which new initiatives will be funded, in addition to deciding to what activities the budget is to be allocated</li> <li>• Department's Executive Director, Financial Services is Chief Financial Officer, responsible for the financial administration of the Department</li> <li>• Financial delegations from the Department's Director-General to the Executive Director, Financial Services and to the Principal Registrar and Director of Courts</li> </ul> | <ul style="list-style-type: none"> <li>• Court registrars (apart from the Principal Registrar) and other officers appointed by the Department's Director-General under the <i>Public Service Act 2008</i></li> <li>• Principal Registrar may give directions to the registrars and other officers employed in any office of the Supreme Court Registry</li> <li>• Chief Justice appoints a person nominated by a judge as his associate; judges' associates appointed under the <i>Supreme Court of Queensland Act 1991</i></li> <li>• Human resources management functions have been delegated to, amongst others, the Principal Registrar and Director of Courts</li> </ul> | <ul style="list-style-type: none"> <li>• Department's Asset Management Committee oversees the design, construction, upgrade and management of courthouses throughout Queensland, including the Supreme Court</li> <li>• Other facilities and property services as well as procurement provided by the Department's Corporate Services Branch</li> <li>• Chief Justice has power to do all things necessary or convenient to be done for the control and management of the Supreme Court precincts</li> <li>• Chief Justice decides where the Supreme Court is to sit</li> </ul> | <ul style="list-style-type: none"> <li>• Court's Office of Director of Courts coordinates and oversees information management and technology through its Courts Information Services Branch</li> <li>• At the Departmental level, information and communication technology management are responsibilities of the Information Management Committee as well as the Corporate Services Branch</li> <li>• Information management and information technology services are also delivered by the Queensland Courts Services</li> <li>• Library administered by the Library Committee, a body corporate chaired by a Supreme Court Judge appointed by the Chief Justice</li> </ul> |

| Jurisdiction             | Court                         | Model                  | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting  | Human Resources  | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)   |
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| <b>AUSTRALIA</b>         |                               |                        |   |  |  |   |  |
| <b>AUSTRALIAN STATES</b> | South Australia Supreme Court | Limited Autonomy Model | <ul style="list-style-type: none"> <li>• Courts Administration Authority (CAA), governed by the State Courts Administration Council, (the “Council”), a judicial statutory authority independent of executive government control</li> <li>• While the Council provides participating courts with services and facilities, each court remains responsible for its own internal administration; Chief Justice of the Supreme Court thus in charge of Supreme Court’s administration</li> <li>• State Courts Administrator (the “Administrator”) appointed by the Governor, on nomination by the Council</li> <li>• Administrator is the Council’s Chief Executive Officer, subject to control and direction by the Council</li> </ul> | <ul style="list-style-type: none"> <li>• CAA funded through money appropriated by Parliament</li> <li>• Council prepares and submits to the Attorney-General a budget showing estimates of its receipts and expenditures for the next financial year</li> <li>• Attorney-General approves this budget with or without modification for presentation to Parliament</li> <li>• Council ensures that proper accounting records are kept of its receipts and expenditures, and that expenditures are not made without proper administrative authorization. Other financial accounting mechanisms in place include the CAA Risk and Audit Management Committee’s quarterly reports</li> </ul> | <ul style="list-style-type: none"> <li>• Staff of the Council appointed by the Administrator, with the approval of the Council for senior staff</li> <li>• Staff of the Council answerable to the Administrator, and, if the position relates to a particular participating court, to the judicial head of that court</li> <li>• Administrator and staff of the Council are not Public Service Employees</li> <li>• Supreme Court’s administrative and ancillary staff (other than judges’ associates) appointed under the <i>CAA Act</i>; such staff responsible to the Chief Justice (through administrative superior)</li> <li>• Other Supreme Court’s officers appointed on the recommendation of the Chief Justice (judges’ associates appointed by the Chief Justice)</li> </ul> | <ul style="list-style-type: none"> <li>• Accommodation for the Court provided by the Executive</li> <li>• Council is responsible for the care, control and management of courthouses and other real and personal property of the Crown set apart by the Governor for the use of participating courts</li> <li>• Administrator is responsible for the control and management of Council’s property (including courthouses)</li> <li>• The Executive Management Committee (EMC) is responsible for the day to day management of the CAA’s resources and operational issues</li> </ul> | <ul style="list-style-type: none"> <li>• CAA provides technology services (through its ITS Branch and Information Technology Committee)</li> <li>• CAA provides library services (through its Court Library Service and Library Advisory Committee)</li> </ul> |

| Jurisdiction             | Court                  | Model           | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting   | Human Resources   | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)   |
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| <b>AUSTRALIA</b>         |                        |                 |   |   |   |   |  |
| <b>AUSTRALIAN STATES</b> | Tasmania Supreme Court | Executive Model | <ul style="list-style-type: none"> <li>• Department of Justice provides administrative support to the Court</li> <li>• Chief Justice responsible for ensuring the orderly and expeditious discharge of the business of the Court</li> <li>• Administrative forum by which decisions are taken is the Judges' Committee, chaired by the Chief Justice; judges as a whole responsible for the administration</li> </ul> | <ul style="list-style-type: none"> <li>• Court funded by government; total amount of the budget decided upon by the Treasury and the Department of Justice, while the source of funding remains Parliamentary appropriations</li> <li>• Department, together with the judges and the Registrar, decide to what activities the budget is allocated</li> <li>• Registrar manages the budget on behalf of the Court</li> <li>• Finance Branch of the Department's Corporate Services Division provides financial, budgeting and accounting services</li> </ul> | <ul style="list-style-type: none"> <li>• Department provides funding for the Associate Judge and judicial support staff including associates, attendants and secretarial support; judicial officers consulted on appointment of personal staff</li> <li>• Registrar, Deputy Registrars and Assistant Deputy Registrars employed under the <i>State Service Act</i></li> <li>• Registrar selected by a panel including a representative of the Chief Justice</li> <li>• Senior Counsels appointed by the Chief Justice</li> <li>• Human Resources Branch of the Department's Corporate Services Division provides human resource services</li> </ul> | <ul style="list-style-type: none"> <li>• Court facilities provided by the Department</li> <li>• Control over infrastructure is shared between the Executive and the Judiciary</li> <li>• Registrar and Court Manager control the Court's buildings; Finance Branch of the Department's Corporate Services Division provides facilities management services</li> </ul> | <ul style="list-style-type: none"> <li>• IT is provided by and managed by the Information Technology Services Branch of the Department's Corporate Services Division</li> <li>• Library services provided by the Integrated Law Library Service (ILLS), administered according to a partnership agreement between the Crown and the Law Society of Tasmania (day-to-day management provided by the Department of Justice)</li> <li>• Chief Justice sits on the Management Committee, which determines budget and policies of the integrated libraries</li> </ul> |

| Jurisdiction             | Court                  | Model           | Organization or Person(s) in Charge of Court Administration  | Budget and Financial Accounting  | Human Resources  | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)  |
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| <b>AUSTRALIA</b>         |                        |                 |  |  |  |   |   |
| <b>AUSTRALIAN STATES</b> | Victoria Supreme Court | Executive Model | <ul style="list-style-type: none"> <li>• Department of Justice, Courts Division, Courts and Tribunals Unit</li> <li>• At the Court's level, Council of Judges is in charge of overall management</li> <li>• President of the Court of Appeal oversees administration of the Court of Appeal Division</li> <li>• CEO, appointed by the Department, is responsible for the effective administration of the Court</li> <li>• CEO answers to the Director, Courts and Tribunals Unit, and to the Executive Director, Courts, as well as to the Court's Chief Justice and President of the Court of Appeal</li> </ul> | <ul style="list-style-type: none"> <li>• Total amount of the Court's budget decided upon by the Department of Justice (source of funding remains Parliamentary appropriations)</li> <li>• Department of Justice decides which new initiatives will be funded as well as to what activities the budget is allocated</li> <li>• Financial management entrusted to the Executive Committee, the Strategic Projects and Planning Division, the Finance Committee and Audit and Risk Management Committee (Department level);</li> <li>• Financial Management at the Court's level ensured by the Planning and Strategy as well as Finance Departments, under the leadership of the CEO</li> <li>• Secretary of the Department of Justice is Accountable Officer</li> </ul> | <ul style="list-style-type: none"> <li>• CEO and staff appointed under Part 3 of the <i>Public Administration Act 2004</i>; judges' personal staff (i.e. associates and tipstaves) also employees of the Department</li> <li>• Centralization of personnel management in government, while CEO still manages staff at the Court's level</li> </ul> | <ul style="list-style-type: none"> <li>• Court is held at such places as the Governor in Council directs</li> <li>• Building and accommodation provided by the Department and managed by its Strategic Projects &amp; Planning Division</li> <li>• Accommodation Planning Committee as well as Asset Committee advise the Department's Executive Committee</li> </ul> | <ul style="list-style-type: none"> <li>• IT System provided and controlled by the Department, Strategic Projects &amp; Planning Division</li> </ul> |

| Jurisdiction             | Court                           | Model           | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting  | Human Resources   | Buildings, Fixtures and Furnishings  | Support Systems (IT and library)   |
|--------------------------|---------------------------------|-----------------|---|--|---|--|--|
| <b>AUSTRALIA</b>         |                                 |                 |   |  |   |  |  |
| <b>AUSTRALIAN STATES</b> | Western Australia Supreme Court | Executive Model | <ul style="list-style-type: none"> <li>• Department of the Attorney General, Court and Tribunal Services (CTS) Division</li> <li>• CTS Division headed by an Executive Director, who answers to the Director General of the Department</li> <li>• Judicial involvement in administration matters through the Heads of Jurisdiction Board, chaired by the Chief Justice of Western Australia and composed of a majority of judges</li> <li>• Supreme Court in charge of its own internal administration, which is overseen by the Chief Justice</li> </ul> | <ul style="list-style-type: none"> <li>• Funding controlled by the Executive, subject to approval by Parliament</li> <li>• Judicial involvement through “judicial bids” made during the budgetary process as well as participation of the Heads of Jurisdiction Board</li> <li>• Once approved by the Parliament, budget allocated to sub-services and cost-centers by the Finance area of Court and Tribunal Services; judiciary not consulted at this stage</li> <li>• Department obligated to report under the <i>Financial Management Act 2006</i>, but the Supreme Court is currently exempt</li> </ul> | <ul style="list-style-type: none"> <li>• Court staffing (other than judicial staff) provided by the Department</li> <li>• Department’s Corporate Services Division in charge of Human Resources</li> <li>• Staff report through various lines of management to a Director, who in turns report to the Executive Director, Court and Tribunal Services</li> <li>• Heads of Jurisdiction Board participates in the development and maintenance of human resource and workforce plans</li> </ul> | <ul style="list-style-type: none"> <li>• Court buildings and accommodation provided by the Department</li> <li>• Department’s Corporate Services Division in charge of asset and contract management</li> <li>• Heads of Jurisdiction Board participates in the development, implementation and maintenance of infrastructure, asset and capital investment plans</li> </ul> | <ul style="list-style-type: none"> <li>• Technology services provided by the Department</li> <li>• Department’s Corporate Services Division in charge of information services</li> <li>• Judicial decision-making authority over issues related to the Court’s technology through the Court and Tribunal Technology Committee, a sub-committee of the Heads of Jurisdiction Board</li> </ul> |

| Jurisdiction                           | Court                                      | Model           | Organization or Person(s) in Charge of Court Administration  | Budget and Financial Accounting  | Human Resources   | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)  |
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| <b>AUSTRALIA</b>                       |  |                 |  |  |   |   |   |
| <b>AUSTRALIAN MAINLAND TERRITORIES</b> | Australian Capital Territory Supreme Court | Executive Model | <ul style="list-style-type: none"> <li>• ACT Department of Justice and Community Safety, ACT Law Courts and Tribunal Unit</li> <li>• ACT Law Courts and Tribunal Unit headed by the Courts Administrator, to which the Court's administrative units answer</li> <li>• Chief Justice responsible for ensuring the orderly and expeditious discharge of the business of the court (original jurisdiction), while the President responsible for that of the Court of Appeal (appellate jurisdiction)</li> <li>• Judiciary consulted in administrative matters through the ACT Courts Governance Committee, on which sit, among others, the Chief Justice and President</li> </ul> | <ul style="list-style-type: none"> <li>• Funding from government</li> <li>• Financial management incumbent upon the Department through the Finance Committee, the Corporate Support division, the Internal Audit team, the Audit and Performance Improvement Committee, and finally the Chief Executive</li> </ul> | <ul style="list-style-type: none"> <li>• Registrar and Sheriff appointed by the Attorney-General</li> <li>• Deputy registrars and other officers appointed by the Registrar</li> <li>• Deputy sheriffs appointed by the Sheriff</li> <li>• Deputy registrars, deputy sheriffs and other officers are public servants</li> <li>• Management of staff assisting the Registrar regulated by the <i>Public Sector Management Act 1994</i></li> <li>• Department's Corporate Support, People and Workforce Strategy provides human resource management services</li> </ul> | <ul style="list-style-type: none"> <li>• Supreme Court facilities managed by the Department</li> <li>• Department's Corporate Support, Capital Works and Infrastructure delivers capital and infrastructure projects, as well as provides accommodation and fleet management services</li> <li>• Maintenance works also entrusted to the Department's Law Courts and Tribunal Unit</li> </ul> | <ul style="list-style-type: none"> <li>• Library services provided by the Russell Fox Library</li> <li>• Library management system shared between the Russell Fox Library, the Department Library and the ACT Department of Public Prosecution Library</li> </ul> |

| Jurisdiction                           | Court                                   | Model                  | Organization or Person(s) in Charge of Court Administration  | Budget and Financial Accounting   | Human Resources  | Buildings, Fixtures and Furnishings  | Support Systems (IT and library)  |
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| <b>AUSTRALIA</b>                       |   |                        |  |   |  |  |   |
| <b>AUSTRALIAN MAINLAND TERRITORIES</b> | <b>Northern Territory Supreme Court</b> | <b>Executive Model</b> | <ul style="list-style-type: none"> <li>• Department of Justice, Court Support Services Division</li> <li>• Court Support Services Executive Director is responsible to both the Department's CEO and the judges with regards to the administration of the Supreme Court</li> <li>• Chief Justice is responsible for ensuring the orderly and expeditious discharge of the business of the Court</li> </ul> | <ul style="list-style-type: none"> <li>• Court does not set its own budget; provision of the financial resources ensured by Court Support Services</li> <li>• Court Support Services is predominantly funded by, and dependent on the receipt of Parliamentary appropriations</li> <li>• Department's Chief Executive Officer is Accountable Officer, assisted by the Internal Audit Committee and the Chief Finance Officer</li> </ul> | <ul style="list-style-type: none"> <li>• Registrar and court officers appointed by the Attorney General</li> <li>• Judges' staff under the immediate control of their individual judge, although employed by the Ministry and subject to public sector regulations</li> <li>• Department's Corporate and Strategic Services Division oversees human resources</li> </ul> | <ul style="list-style-type: none"> <li>• Infrastructure and general services broadly overseen by the Department's Corporate and Strategic Services Division</li> <li>• Court Support Services involved in the construction and renovation of court facilities and the provision of equipment</li> <li>• Attorney-General may authorize the establishment of additional Registries of the Court at such places in the Territory as he determines</li> </ul> | <ul style="list-style-type: none"> <li>• Information and technology management entrusted to the Department's Chief Information Officer and Information Management Committee</li> <li>• The Supreme Court has its Library Committee, chaired by a judge</li> </ul> |



| Jurisdiction         | Court                | Model                         | Organization or Person(s) in Charge of Court Administration  | Budget and Financial Accounting   | Human Resources  | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)  |
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| <b>CANADA</b>        |                      |                               |  |   |  |   |   |
| <b>FEDERAL LEVEL</b> | <b>Supreme Court</b> | <b>Limited Autonomy Model</b> | <ul style="list-style-type: none"> <li>• Office of the Registrar (the “Office”), a federal government institution headed by the Registrar</li> <li>• Registrar, Deputy Head of the Court, appointed by the Governor in Council</li> <li>• Registrar answers directly to the Chief Justice</li> <li>• Minister of Justice directly responsible and personally answerable to Parliament for the administration of the Supreme Court</li> </ul> | <ul style="list-style-type: none"> <li>• Court’s statutory funding covers items previously approved by Parliament (i.e. judges’ salaries and allowances, pension and benefits plans for staff members); no budgetary control over these statutory amounts;</li> <li>• Remainder of Court’s funding provided by way of a voted expenditure, which requires annual parliamentary authority and is obtained through an appropriation bill</li> <li>• Office is in charge of budget management</li> </ul> | <ul style="list-style-type: none"> <li>• Staff are members of the federal public service, appointed by the Registrar</li> <li>• Registrar superintends Court staff, subject to the direction of the Chief Justice</li> <li>• Final decision for the selection of Judicial Assistants and Court Attendants rests with Judges</li> </ul> | <ul style="list-style-type: none"> <li>• Supreme Court building owned by the Department of Public Works and Government Services Canada</li> <li>• Court has input in terms of priority-setting for longer term projects, such as capital improvements or renovations</li> <li>• Office’s Corporate Services Sector responsible for accommodation and procurement</li> <li>• - Office’s Judicial Support Services and Protocol Branch responsible for management support for judges’ chambers and dining room</li> </ul> | <ul style="list-style-type: none"> <li>• Registrar manages and controls the library and the purchase of books under the supervision of the Chief Justice</li> <li>• Deputy Registrar oversees the Court Operations Sector (comprising the Library and Information Management Branch) and the IT Solutions and Development Sector</li> </ul> |

| Jurisdiction         | Court   | Model                           | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting  | Human Resources  | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)   |
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| <b>CANADA</b>        |   |                                 |   |  |  |   |  |
| <b>FEDERAL LEVEL</b> | <b>Federal Court of Appeal • Federal Court • Court Martial Appeal Court • Tax Court</b> | <b>Executive/Guardian Model</b> | <ul style="list-style-type: none"> <li>• Courts Administration Service (the “Service”), a statutory body part of the federal public administration</li> <li>• Service headed by the Chief Administrator (the CEO), appointed by the Governor in Council after consultation with the courts’ Chief Justices</li> <li>• Chief justices may issue binding directions to the Chief Administrator with respect to any matter within his authority</li> <li>• Chief justices may also designate an employee of the Service as Judicial Administrator to perform any non-judicial work delegated to him</li> </ul> | <ul style="list-style-type: none"> <li>• Service funded by parliamentary appropriations</li> <li>• Use of resources decided upon by the Service</li> <li>• Chief Administrator prepares budgetary submissions for the requirements of the courts and for the related needs of the Service</li> <li>• Financial and budget management as well as accounting operations is ensured by the Service</li> </ul> | <ul style="list-style-type: none"> <li>• Staff of the Service are public servants, working under the supervision of the Chief Administrator</li> <li>• Staff act at the direction of a chief justice in matters that are assigned by law to the judiciary</li> <li>• Human resources services provided by the Service</li> </ul> | <ul style="list-style-type: none"> <li>• Service provides accommodation for the courts, judicial officers and employees</li> <li>• Chief Administrator in charge of the overall management and administration of court facilities</li> <li>• Contracting (acquisition of goods) and material management services provided by the Service</li> </ul> | <ul style="list-style-type: none"> <li>• Service in charge of library services</li> <li>• Chief Administrator in charge of the overall management and administration of libraries</li> <li>• Information management and information technology services provided by the Service</li> </ul> |

| Jurisdiction   | Court            | Model           | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting  | Human Resources  | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)  |
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| <b>CANADA</b>  |                  |                 |   |  |  |   |   |
| <b>ALBERTA</b> | Provincial Court | Executive Model | <ul style="list-style-type: none"> <li>Ministry of Justice and Attorney General, Court Services Division (“Court Services”)</li> <li>Decisions or actions of the Chief Judge regarding the Court’s administration not subject to judicial review (unless patently unreasonable or not within his powers, duties or jurisdiction)</li> </ul> | <ul style="list-style-type: none"> <li>Court Services oversees financial and business planning and services for the Court</li> <li>Deputy Minister of Justice and Deputy Attorney General establishes and maintains the Ministry’s financial administration and reporting functions</li> <li>Under the direction of the Minister of Justice, Deputy Minister oversees the preparation of the Ministry’s financial statements</li> <li>Responsibility for the integrity and objectivity of these financial statements rests with the Minister of Justice</li> </ul> | <ul style="list-style-type: none"> <li>Court officers and employees appointed in accordance with the <i>Public Service Act</i></li> <li>Minister designates, among them, the Court’s clerks or deputy clerks and assigns some of their duties</li> <li>Court Services oversees human resource planning and strategies for the Court</li> <li>Ministry’s Human Resource Services Division provides advisory services and support</li> </ul> | <ul style="list-style-type: none"> <li>Alberta Infrastructure, “landlord” for Albertan courthouses, responsible for courthouses’ funding and maintenance as well as short-term initiatives and long-term planning</li> <li>Court Services addresses facility requirements</li> <li>Consultation with the Court on infrastructure is undefined and dependent on the nature of the project</li> </ul> | <ul style="list-style-type: none"> <li>Director of Court Technology Services (CTS) reports functionally to the Chiefs of all three Courts of Alberta on technology impacting courts</li> <li>Judges also involved in technology matters through attendance at meetings of the Alberta Courts Technology Committee and through the Chief Judge’s seat on the Justice Innovation and Modernization of Services (JIMS) Courts Program Board</li> <li>Separate judicial libraries managed and administered through the Alberta Law Libraries, Court Services; Court represented on the Judicial Library Committee</li> <li>Library services also provided by the Alberta Law Society Libraries</li> </ul> |

| Jurisdiction   | Court                  | Model           | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting   | Human Resources  | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)  |
|----------------|------------------------|-----------------|---|---|--|---|---|
| <b>CANADA</b>  |                        |                 |   |   |  |   |   |
| <b>ALBERTA</b> | Court of Queen's Bench | Executive Model | <ul style="list-style-type: none"> <li>Ministry of Justice and Attorney General, Court Services Division ("Court Services")</li> <li>Chief Justice leads the day to day operations of the Court</li> <li>Arrangements relating to court administration between the Court and the Ministry are largely informal</li> </ul> | <ul style="list-style-type: none"> <li>Court funded by the Government</li> <li>Operating budget administered entirely by Court Services (i.e. no control by the Court on the way resources are allocated)</li> <li>Court's requests outlined in an Annual Business Plan submitted to the Ministry; actual impact of this document on government decisions "not clear"</li> <li>Deputy Minister of Justice and Deputy Attorney General establishes and maintains the Ministry's financial administration and reporting functions</li> <li>Under the direction of the Minister of Justice, Deputy Minister oversees the preparation of the Ministry's financial statements</li> </ul> | <ul style="list-style-type: none"> <li>Staff selected and hired by Court Services managers in accordance with the <i>Public Service Act</i></li> <li>Judicial involvement in the hiring process only for judicial staff</li> <li>Input of the Chief and Associate Chief Justices in the selection of the Assistant Deputy Minister for Court Services and the Executive Directors of Court Services</li> <li>All staff of the Court (judicial and administrative) report operationally to the Government through various levels of Court Services Management</li> <li>Administrative staff report functionally to the Government, while judicial staff report functionally to the Judiciary</li> </ul> | <ul style="list-style-type: none"> <li>Alberta Infrastructure, "landlord" for Albertan courthouses, responsible for courthouses' funding and maintenance as well as short-term initiatives and long-term planning</li> <li>Court Services addresses facility requirements</li> <li>Consultation with the Court on infrastructure is undefined and dependent on the nature of the project</li> </ul> | <ul style="list-style-type: none"> <li>Director of Court Technology Services (CTS) reports functionally to the Chiefs of all three Courts of Alberta on technology impacting courts</li> <li>Judges also involved in technology matters through attendance at meetings of the Alberta Courts Technology Committee and through the Chief Justice's seat on the Justice Innovation and Modernization of Services (JIMS) Courts Program Board</li> <li>Separate judicial libraries managed and administered through the Alberta Law Libraries, Court Services; Court represented on the Judicial Library Committee</li> <li>Library services also provided by the Alberta Law Society Libraries</li> </ul> |

| Jurisdiction   | Court                  | Model                  | Organization or Person(s) in Charge of Court Administration  | Budget and Financial Accounting   | Human Resources   | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)  |
|----------------|------------------------|------------------------|--|---|---|---|---|
| <b>CANADA</b>  |                        |                        |  |   |   |   |   |
| <b>ALBERTA</b> | <b>Court of Appeal</b> | <b>Executive Model</b> | <ul style="list-style-type: none"> <li>• Ministry of Justice and Attorney General, Court Services Division (“Court Services”)</li> <li>• Chief Justice has overall responsibility for administering the Court and liaises with the government</li> <li>• Registrar is the Chief Administrative Officer for the Court and reports functionally to the Chief Justice and administratively to the Assistant Deputy Minister, Court Services</li> <li>• Judges involvement through committee work</li> </ul> | <ul style="list-style-type: none"> <li>• Budget allocation obtained from Court Services as part of the overall divisional budget</li> <li>• Court administers its own budget according to an agreement with the government of Alberta</li> <li>• Registrar has primary responsibility for expending the budget in accordance with the Court’s priorities and the rules established by the government</li> <li>• Court considered a government department and part of Court Services Division for the purpose of financial administration, and thus subject to regular financial audits and governed by various financial rules</li> </ul> | <ul style="list-style-type: none"> <li>• Staff members employed by the government</li> <li>• Recruitment and hiring subject to government policy, but judges routinely participate in hiring panels and hiring decisions (e.g. for legal counsel, judicial assistants and case management officers)</li> <li>• Court directs key court staff according to historical practice</li> <li>• Director of Operations (who oversees certain aspects of HR management) reports administratively and functionally to the Registrar</li> <li>• Staff of the Office of the Chief Justice, legal counsel, case management officers and judicial assistants report administratively to the Registrar, but functionally to judges</li> </ul> | <ul style="list-style-type: none"> <li>• Alberta Infrastructure responsible for funding and maintenance of courthouses as well as short-term initiatives and long-term planning</li> <li>• Consultation with the Court on infrastructure is undefined and dependent on the personalities involved and the nature of the project</li> <li>• Procurement of goods by the Court governed by Alberta’s Justice’s Contract Policy</li> </ul> | <ul style="list-style-type: none"> <li>• Director of Court Technology Services (CTS) reports functionally to the Chiefs of all three Courts of Alberta on technology impacting courts</li> <li>• Court also involved in technology matters through attendance of its Registrar and Chief Justice at meetings of the Alberta Courts Information Technology Committee and through the Chief Justice’s seat on the Justice Innovation and Modernization of Services (JIMS) Courts Program Board</li> <li>• Separate judicial libraries managed and administered through the Alberta Law Libraries, Court Services; Court represented on the Judicial Library Committee</li> <li>• Library services also provided by the Alberta Law Society Libraries</li> </ul> |

| Jurisdiction            | Court            | Model                  | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting   | Human Resources   | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)   |
|-------------------------|------------------|------------------------|---|---|---|---|--|
| <b>CANADA</b>           |                  |                        |   |   |   |   |  |
| <b>BRITISH COLUMBIA</b> | Provincial Court | Limited Autonomy Model | <ul style="list-style-type: none"> <li>Ministry of the Attorney General, Court Services Branch</li> <li>At the Court’s level, administration overseen by the Chief Judge, who chairs both Executive Committee and Management Committee</li> <li>Ministry and Chief Judge have agreed to cooperate by way of a protocol</li> <li>Chief Administrator of Court Services (the Assistant Deputy Minister, Court Services Branch) is subject to the direction of the Attorney General and to the direction of the Chief Judge in matters of judicial administration</li> </ul> | <ul style="list-style-type: none"> <li>Budget is approved in a separate vote within the budget of the Ministry of the Attorney General</li> <li>Chief Judge has budgetary control as delegated by the Attorney General; has discretion in allocating the budget once it is set by government</li> </ul> | <ul style="list-style-type: none"> <li>Attorney General appoints, under the <i>Public Service Act</i>, persons necessary to carry out the <i>Provincial Court Act</i></li> <li>Appointment of senior judicial administrative staff on the recommendation of the judiciary</li> <li>Chief Judge supervises judicial officers, Office of the Chief Judge staff and judicial administrative assistants</li> <li>Administrative staff engaged in carrying out judicial functions directed by the judiciary</li> <li>Office of the Chief Judge staff works with other agencies in providing human resource services</li> </ul> | <ul style="list-style-type: none"> <li>Attorney General responsible for the provision, operation and maintenance of court facilities</li> <li>Chief Administrator of court services directs and supervises facilities and registries of the court subject to the direction of the Attorney General, and to the direction of the Chief Judge in matters of judicial administration</li> <li><i>Office of the Chief Judge’s Purchase Clerk</i> in charge of purchasing equipment and supplies for judges</li> </ul> | <ul style="list-style-type: none"> <li>Office of the Chief Judge staff provides information technology planning and services and management information analysis</li> <li>Law library services and collections for the Judiciary provided by the British Columbia Courthouse Library Society</li> <li>Vice Chair of the British Columbia Courthouse Library Society’s Board of Directors represents the Chief Judge</li> </ul> |

| Jurisdiction            | Court           | Model           | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting   | Human Resources  | Buildings, Fixtures and Furnishings  | Support Systems (IT and library)   |
|-------------------------|-----------------|-----------------|---|---|--|--|--|
| <b>CANADA</b>           |                 |                 |   |   |  |  |  |
| <b>BRITISH COLUMBIA</b> | Supreme Court   | Executive Model | <ul style="list-style-type: none"> <li>Ministry of the Attorney General, Court Services Branch</li> <li>Chief Justice has responsibility for the administration of the judges</li> <li>Chief administrator of court services, appointed under the <i>Public Service Act</i>, is subject to the direction of the Attorney General, and to the direction of the Chief Justice in matters of judicial administration and the use of court room facilities</li> </ul> | <ul style="list-style-type: none"> <li>Budget is approved in a separate vote within the budget of the Ministry of the Attorney General</li> <li>The budget, once approved, is recognized within the Ministry as a block budget, and as such budget dollars can be moved among budget lines without government consultation or approval</li> </ul> | <ul style="list-style-type: none"> <li>Court administrators, registrars, district registrars and deputy registrars (and their assistants) appointed under the <i>Public Service Act</i></li> <li>Appointment of senior judicial administrative staff on the recommendation of the judiciary</li> <li>Appointment of masters on the recommendation of the Attorney General after consultation with the Chief Justice</li> </ul> | <ul style="list-style-type: none"> <li>Attorney General responsible for the provision, operation and maintenance of court facilities and registries</li> <li>Direction and supervision of registries ensured by the chief administrator of court services, subject to the direction of the Attorney General, and to the direction of the Chief Justice in matters of judicial administration and the use of court room facilities</li> </ul> | <ul style="list-style-type: none"> <li>Law library services and collections for the Judiciary provided by the British Columbia Courthouse Library Society</li> <li>Representatives of the Chief Justice on the British Columbia Courthouse Library Society's Board of Directors</li> </ul> |
|                         | Court of Appeal | Executive Model | <ul style="list-style-type: none"> <li>Ministry of the Attorney General, Court Services Branch</li> <li>At the Court's level, the Chief Justice is the administrative head of the court</li> <li>Chief administrator of court services, appointed under the <i>Public Service Act</i>, is subject to the direction of the chief justice in matters of judicial administration and to the direction of the Attorney General in other matters</li> </ul>            | <ul style="list-style-type: none"> <li>Budget is approved in a separate vote within the budget of the Ministry of the Attorney General</li> <li>The budget, once approved, is recognized within the Ministry as a block budget, and as such budget dollars can be moved among budget lines without government consultation or approval</li> </ul> | <ul style="list-style-type: none"> <li>Court administrators and officers appointed under the <i>Public Service Act</i></li> <li>Appointment of senior judicial administrative staff on the recommendation of the judiciary</li> </ul>  | <ul style="list-style-type: none"> <li>Attorney General establishes Court of Appeal registries after consultation with the Chief Justice</li> <li>Court facilities and registries directed and supervised by the chief administrator of court services, subject to the direction of the Chief Justice in matters of judicial administration and to the direction of the Attorney General in other matters</li> </ul>                         | <ul style="list-style-type: none"> <li>Law library services and collections for the Judiciary provided by the British Columbia Courthouse Library Society</li> <li>Representatives of the Chief Justice on the British Columbia Courthouse Library Society's Board of Directors</li> </ul> |



| Jurisdiction    | Court            | Model           | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting   | Human Resources  | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)   |
|-----------------|------------------|-----------------|---|---|--|---|--|
| <b>CANADA</b>   |                  |                 |   |   |  |   |  |
| <b>MANITOBA</b> | Provincial Court | Executive Model | <ul style="list-style-type: none"> <li>Manitoba Department of Justice (Manitoba Justice), Courts Division</li> <li>Chief Judge nonetheless in charge of day-to-day operations of the Court</li> <li>Manitoba Courts Executive Board provides a forum for the judiciary to be consulted regularly on court administration</li> </ul> | <ul style="list-style-type: none"> <li>Department as a whole funded by way of appropriations voted by the Legislative Assembly of Manitoba</li> <li>Administration and Finance Division of Manitoba Justice, and more precisely its Financial and Administrative Services Branch, assembles and co-ordinates the department's budget; it is also in charge of financial accounting</li> <li>Court Services Branch of the Courts Division provides expertise in financial management, governance, and project reviews</li> </ul> | <ul style="list-style-type: none"> <li>Courts Division provides staff, such as court clerks and sheriffs</li> <li>Judicial Services Branch of the Courts Division provides judicial support staff</li> <li>Chief Judge has general supervisory powers in respect of judges, justices of the peace and staff in matters that are assigned by law to the court</li> <li>HR Services Branch of the Administration and Finance Division, Manitoba Justice provides human resource management and consultation service</li> </ul> | <ul style="list-style-type: none"> <li>Minister, after consultation with the Chief Judge, designates places where the court sits</li> <li>Court Services Branch of the Courts Division provides expertise in facilities design and use</li> <li>Financial and Administrative Services Branch of the Administration and Finance Division oversees procurement in general, leases for space and equipment, fleet vehicles, physical assets inventories, accommodations and capital project requests, and staff parking</li> </ul> | <ul style="list-style-type: none"> <li>Computer Services (Information Systems) Branch of the Administration and Finance Division identifies, develops, implements and maintains technology solutions for the delivery of services</li> <li>Court Services Branch of the Courts Division provides expertise in management information systems</li> <li>Manitoba Law Libraries provide legal information services</li> </ul> |

| Jurisdiction    | Court                  | Model           | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting   | Human Resources  | Buildings, Fixtures and Furnishings  | Support Systems (IT and library)   |
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| <b>CANADA</b>   |                        |                 |   |   |  |  |  |
| <b>MANITOBA</b> | Court of Queen's Bench | Executive Model | <ul style="list-style-type: none"> <li>• Manitoba Department of Justice (Manitoba Justice), Courts Division</li> <li>• Minister of Justice supervises all matters connected with the provision and management of court services</li> <li>• Chief Justice may assign to the judges duties relating to the administration of justice</li> <li>• - Manitoba Courts Executive Board provides a forum for the judiciary to be consulted regularly on court administration</li> </ul> | <ul style="list-style-type: none"> <li>• Department as a whole funded by way of appropriations voted by the Legislative Assembly of Manitoba</li> <li>• Administration and Finance Division of Manitoba Justice, and more precisely its Financial and Administrative Services Branch, assembles and co-ordinates the department's budget; it is also in charge of financial accounting</li> <li>• Court Services Branch of the Courts Division provides expertise in financial management, governance, and project reviews</li> </ul> | <ul style="list-style-type: none"> <li>• Courts Division provides court staff, such as court clerks and sheriffs</li> <li>• Court's Registrar(s), Deputy Registrar(s), Masters and Senior Master appointed by the Lieutenant Governor in Council</li> <li>• Appointments of Masters made from a list of candidates recommended by the Masters Nominating Committee, on which sits the Chief Justice (or his designate)</li> <li>• Judicial Services Branch of the Courts Division provides judicial support staff</li> <li>• Staff acts under the direction of the Chief Justice in matters that are assigned by law to the judiciary</li> </ul> | <ul style="list-style-type: none"> <li>• Lieutenant Governor in Council designates administrative and judicial centres of the Court (upon recommendation of the Minister of Justice after consultation with the Chief Justice)</li> <li>• Lieutenant Governor in Council establishes the administrative office for the Court at administrative centres (upon recommendation of the Minister of Justice after consultation with the Chief Justice)</li> <li>• Court Services Branch of the Courts Division provides expertise in facilities design and use</li> <li>• Financial and Administrative Services Branch of the Administration and Finance Division oversees procurement in general, leases for space and equipment, fleet vehicles, physical assets inventories, accommodations and capital project requests, and staff parking</li> </ul> | <ul style="list-style-type: none"> <li>• Computer Services (Information Systems) Branch of the Administration and Finance Division identifies, develops, implements and maintains technology solutions for the delivery of services</li> <li>• - Court Services Branch of the Courts Division provides expertise in management information systems</li> <li>• Manitoba Law Libraries provide legal information services</li> </ul> |

| Jurisdiction    | Court                  | Model                  | Organization or Person(s) in Charge of Court Administration  | Budget and Financial Accounting   | Human Resources  | Buildings, Fixtures and Furnishings  | Support Systems (IT and library)   |
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| <b>CANADA</b>   |                        |                        |  |   |  |  |  |
| <b>MANITOBA</b> | <b>Court of Appeal</b> | <b>Executive Model</b> | <ul style="list-style-type: none"> <li>Manitoba Department of Justice (Manitoba Justice), Courts Division</li> <li>Manitoba Courts Executive Board provides a forum for the judiciary to be consulted regularly on court administration</li> </ul> | <ul style="list-style-type: none"> <li>Department as a whole funded by way of appropriations voted by the Legislative Assembly of Manitoba</li> <li>Administration and Finance Division of Manitoba Justice, and more precisely its Financial and Administrative Services Branch, assembles and co-ordinates the department's budget; it is also in charge of financial accounting</li> <li>Court Services Branch of the Courts Division provides expertise in financial management, governance, and project reviews</li> </ul> | <ul style="list-style-type: none"> <li>Courts Division provides court staff, such as court clerks and sheriffs</li> <li>Court staff appointed as provided in the <i>Civil Service Act</i></li> <li>Lieutenant Governor in Council appoints the Court's Registrar and one or more Deputy Registrars</li> <li>Judicial Services Branch of the Courts Division provides judicial support staff</li> </ul> | <ul style="list-style-type: none"> <li>Court Services Branch of the Courts Division provides expertise in facilities design and use</li> <li>Financial and Administrative Services Branch of the Administration and Finance Division oversees procurement in general, leases for space and equipment, fleet vehicles, physical assets inventories, accommodations and capital project requests, and staff parking</li> </ul> | <ul style="list-style-type: none"> <li>Computer Services (Information Systems) Branch of the Administration and Finance Division identifies, develops, implements and maintains technology solutions for the delivery of services</li> <li>Court Services Branch of the Courts Division provides expertise in management information systems</li> <li>Manitoba Law Libraries provide legal information services</li> </ul> |

| Jurisdiction         | Court            | Model           | Organization or Person(s) in Charge of Court Administration  | Budget and Financial Accounting   | Human Resources   | Buildings, Fixtures and Furnishings  | Support Systems (IT and library)   |
|----------------------|------------------|-----------------|--|---|---|--|--|
| <b>CANADA</b>        |                  |                 |  |   |   |  |  |
| <b>NEW BRUNSWICK</b> | Provincial Court | Executive Model | <ul style="list-style-type: none"> <li>• Department of Justice and Consumer Affairs, Courts Services Division</li> </ul> | <ul style="list-style-type: none"> <li>• Administrative Services Division of the Department in charge of financial services</li> <li>• Financial Services Branch of the Administrative Services Division prepares Public Accounts, Main Estimates, and Budget, and maintains the operational accounting function</li> </ul> | <ul style="list-style-type: none"> <li>• Administrative Services Division, Human Resource Services Branch in charge of human resources (including recruitment)</li> </ul> | <ul style="list-style-type: none"> <li>• Facilities Management Branch of the Administrative Services Division responsible for management of court facilities as well as planning, coordinating, budgeting and implementing major capital projects and capital improvement projects</li> <li>• Departmental Services Unit in charge of inventory management of office furniture and equipment, telephone systems and general services (e.g. parking)</li> </ul> | <ul style="list-style-type: none"> <li>• Administrative Services Division, Information Management and Technology Branch provides information management and technology services</li> <li>• Law Society of New Brunswick libraries, funded by the Law Society of New Brunswick and the New Brunswick Law Foundation, serve the judiciary</li> </ul> |

| Jurisdiction         | Court                  | Model           | Organization or Person(s) in Charge of Court Administration  | Budget and Financial Accounting   | Human Resources   | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)   |
|----------------------|------------------------|-----------------|--|---|---|---|--|
| <b>CANADA</b>        |                        |                 |  |   |   |   |  |
| <b>NEW BRUNSWICK</b> | Court of Queen's Bench | Executive Model | <ul style="list-style-type: none"> <li>• Department of Justice and Consumer Affairs, Courts Services Division</li> </ul> | <ul style="list-style-type: none"> <li>• Administrative Services Division of the Department in charge of financial services</li> <li>• Financial Services Branch of the Administrative Services Division prepares Public Accounts, Main Estimates, and Budget, and maintains the operational accounting function</li> </ul> | <ul style="list-style-type: none"> <li>• Registrar, deputy registrars, clerks, administrators and other officers appointed by the Lieutenant-Governor in Council</li> <li>• Deputy clerks and deputy administrators appointed by the Attorney General</li> <li>• Administrative Services Division, Human Resource Services Branch in charge of human resources</li> </ul> | <ul style="list-style-type: none"> <li>• Court facilities provided by the Department</li> <li>• Facilities Management Branch of the Administrative Services Division responsible for management of court facilities as well as planning, coordinating, budgeting and implementing major capital projects and capital improvement projects</li> <li>• Departmental Services Unit in charge of inventory management of office furniture and equipment, telephone systems and general services (e.g. parking)</li> </ul> | <ul style="list-style-type: none"> <li>• Administrative Services Division, Information Management and Technology Branch provides information management and technology services</li> <li>• Law Society of New Brunswick libraries, funded by the Law Society of New Brunswick and the New Brunswick Law Foundation, serve the judiciary</li> </ul> |

| Jurisdiction         | Court                  | Model                  | Organization or Person(s) in Charge of Court Administration  | Budget and Financial Accounting   | Human Resources  | Buildings, Fixtures and Furnishings  | Support Systems (IT and library)   |
|----------------------|------------------------|------------------------|--|---|--|--|--|
| <b>CANADA</b>        |                        |                        |  |   |  |  |  |
| <b>NEW BRUNSWICK</b> | <b>Court of Appeal</b> | <b>Executive Model</b> | <ul style="list-style-type: none"> <li>• Department of Justice and Consumer Affairs, Courts Services Division</li> <li>• At the Court's level, the Chief Justice has the responsibility of administering the Court of Appeal</li> <li>• Traditionally, Chief Justice consulted by government before any decision is taken that might significantly affect the administration of justice</li> </ul> | <ul style="list-style-type: none"> <li>• Administrative Services Division of the Department in charge of financial services</li> <li>• Financial Services Branch of the Administrative Services Division prepares Public Accounts, Main Estimates, and Budget, and maintains the operational accounting function</li> </ul> | <ul style="list-style-type: none"> <li>• Registrar, deputy registrars, reporters, ushers, messenger and other officers appointed by the Lieutenant-Governor in Council</li> <li>• Administrative Services Division, Human Resource Services Branch in charge of human resources (including recruitment)</li> </ul> | <ul style="list-style-type: none"> <li>• Facilities Management Branch of the Administrative Services Division responsible for management of court facilities as well as planning, coordinating, budgeting and implementing major capital projects and capital improvement projects</li> <li>• Departmental Services Unit in charge of inventory management of office furniture and equipment, telephone systems and general services (e.g. parking)</li> </ul> | <ul style="list-style-type: none"> <li>• Administrative Services Division, Information Management and Technology Branch provides information management and technology services</li> <li>• Law Society of New Brunswick libraries, funded by the Law Society of New Brunswick and the New Brunswick Law Foundation, serve the judiciary</li> </ul> |

| Jurisdiction                     | Court                   | Model                  | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting  | Human Resources  | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)   |
|----------------------------------|-------------------------|------------------------|---|--|--|---|--|
| <b>CANADA</b>                    |                         |                        |   |  |  |   |  |
| <b>NEWFOUNDLAND AND LABRADOR</b> | <b>Provincial Court</b> | <b>Executive Model</b> | <ul style="list-style-type: none"> <li>• Department of Justice and Attorney General, Court Services Division (“Court Services”)</li> <li>• Court Services headed by a Director, who reports to the Deputy Minister and the Chief Judge</li> <li>• Chief Judge has statutory responsibility to administratively direct the judges</li> <li>• Chief Judge makes recommendations to the Minister of Justice and Attorney General respecting all matters affecting the general administration of the Court</li> </ul> | <ul style="list-style-type: none"> <li>• Court funded through the amounts received for the whole of Department</li> <li>• Finance and General Operations Division of the Department’s Strategic and Corporate Services Branch in charge of finance management, including coordination of the annual budget submission for the Department, monitoring of expenditures and financial controls</li> </ul> | <ul style="list-style-type: none"> <li>• Court officers are civil servants and employees of the Department of Justice</li> <li>• Court officers work under the direction of the Director in non-judicial matters and under the direction of judges in judicial matters</li> <li>• Human Resources Division of the Department’s Strategic and Corporate Services Branch oversees HR relations and services</li> </ul> | <ul style="list-style-type: none"> <li>• Infrastructure provided by Court Services</li> </ul> | <ul style="list-style-type: none"> <li>• Legal Information Management Division of the Department responsible for law libraries as well as information management (as internal services)</li> <li>• Information management at the Court’s level overseen by the Information Management Analyst</li> <li>• Newfoundland and Labrador Law Society Library provides legal materials, reference and research assistance to the judiciary</li> </ul> |



| Jurisdiction                     | Court                          | Model           | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting  | Human Resources  | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)  |
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| <b>CANADA</b>                    |                                |                 |   |  |  |   |   |
| <b>NEWFOUNDLAND AND LABRADOR</b> | Supreme Court – Trial Division | Executive Model | <ul style="list-style-type: none"> <li>• Department of Justice and Attorney General through an Assistant Deputy Minister</li> <li>• Courts Services headed by a Director</li> </ul> | <ul style="list-style-type: none"> <li>• Court funded through the amounts received for the whole of Department</li> <li>• - Finance and General Operations Division of the Department's Strategic and Corporate Services Branch in charge of finance management, including coordination of the annual budget submission for the Department, monitoring of expenditures and financial controls</li> </ul> | <ul style="list-style-type: none"> <li>• Court clerks (i.e. the Registrar, associate registrar, deputy registrars, assistant deputy registrars and other clerks that the business of the Supreme Court requires) appointed by the Lieutenant-Governor in Council</li> <li>• Associate registrar, deputy registrars, assistant deputy registrars and other clerks and officers are under the direction of the Registrar</li> <li>• Human Resources Division of the Department's Strategic and Corporate Services Branch oversees HR relations and services</li> </ul> | <ul style="list-style-type: none"> <li>• Infrastructure provided by Court Services</li> <li>• Lieutenant-Governor in Council may by order establish judicial centres</li> </ul> | <ul style="list-style-type: none"> <li>• Legal Information Management Division of the Department is responsible for law libraries as well as information management (as internal services)</li> <li>• Newfoundland and Labrador Law Society Library provides legal materials, reference and research assistance to the judiciary</li> </ul> |

| Jurisdiction                     | Court                           | Model           | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting  | Human Resources  | Buildings, Fixtures and Furnishings  | Support Systems (IT and library)  |
|----------------------------------|---------------------------------|-----------------|---|--|--|--|---|
| <b>CANADA</b>                    |                                 |                 |   |  |  |  |   |
| <b>NEWFOUNDLAND AND LABRADOR</b> | Supreme Court – Court of Appeal | Executive Model | <ul style="list-style-type: none"> <li>• Department of Justice and Attorney General through an Assistant Deputy Minister</li> </ul> | <ul style="list-style-type: none"> <li>• Court funded through the amounts received for the whole of Department</li> <li>• Department of Justice in charge of finance management, including coordination of the annual budget submission for the Department, monitoring of expenditures and financial controls</li> </ul> | <ul style="list-style-type: none"> <li>• Court clerks (i.e. the Registrar, associate registrar, deputy registrars, assistant deputy registrars and other clerks that the business of the Supreme Court requires) appointed by the Lieutenant-Governor in Council</li> <li>• Associate registrar, deputy registrars, assistant deputy registrars and other clerks and officers are under the direction of the Registrar</li> <li>• Human Resources Division of the Department's Strategic and Corporate Services Branch oversees HR relations and services</li> </ul> | <ul style="list-style-type: none"> <li>• Infrastructure provided by the Department of Justice</li> </ul> | <ul style="list-style-type: none"> <li>• Legal Information Management Division of the Department is responsible for law libraries as well as information management (as internal services)</li> <li>• Newfoundland and Labrador Law Society Library provides legal materials, reference and research assistance to the judiciary</li> </ul> |

| Jurisdiction                 | Court                    | Model                  | Organization or Person(s) in Charge of Court Administration  | Budget and Financial Accounting  | Human Resources  | Buildings, Fixtures and Furnishings  | Support Systems (IT and library)   |
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| <b>CANADA</b>                |                          |                        |  |  |  |  |  |
| <b>NORTHWEST TERRITORIES</b> | <b>Territorial Court</b> | <b>Executive Model</b> | <ul style="list-style-type: none"> <li>• Department of Justice, Courts Services Division</li> <li>• Chief Judge in charge of the general supervision and direction of the Court</li> </ul> | <ul style="list-style-type: none"> <li>• Department's Finance Division, under the guidance of a Director, provides leadership and services in financial planning and analysis, budgeting and financial management</li> <li>• Director is the senior financial officer and is responsible for the administration of the <i>Financial Administration Act</i> as it applies to the Department</li> <li>• Many Department's programs dependent on third party funding, especially with Justice Canada; Finance Division participates in financial negotiations for that funding and oversees the administration of those agreements</li> </ul> | <ul style="list-style-type: none"> <li>• Clerk of the Territorial Court as well as deputy clerks, judicial clerks and other officers necessary for the administration of justice appointed by the Commissioner of the Northwest Territories</li> <li>• Clerk of the Territorial Court is part of the Office of the Clerk, which is mandated by legislation and also comprises the Registrar of the Court of Appeal and the Clerk of the Supreme Court</li> </ul> | <ul style="list-style-type: none"> <li>• Chief Judge has general supervision and direction over arranging the sittings of the Court (in consultation with other territorial judges)</li> <li>• Commissioner, on the recommendation of the Minister, may make regulations establishing and defining judicial centres</li> </ul> | <ul style="list-style-type: none"> <li>• Legal resource materials and library services provided by the NWT Court Library System</li> </ul> |

| Jurisdiction                 | Court                | Model                  | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting  | Human Resources  | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)   |
|------------------------------|----------------------|------------------------|---|--|--|---|--|
| <b>CANADA</b>                |                      |                        |   |  |  |   |  |
| <b>NORTHWEST TERRITORIES</b> | <b>Supreme Court</b> | <b>Executive Model</b> | <ul style="list-style-type: none"> <li>• Department of Justice, Courts Services Division</li> <li>• Supreme Court's senior judge, by date of appointment, has overall responsibility for the Court's administration</li> <li>• Judges may meet to consider administration of justice</li> </ul> | <ul style="list-style-type: none"> <li>• Department's Finance Division, under the guidance of a Director, provides leadership and services in financial planning and analysis, budgeting and financial management</li> <li>• Director is the senior financial officer and is responsible for the administration of the <i>Financial Administration Act</i> as it applies to the Department</li> <li>• Many Department's programs dependent on third party funding, especially with Justice Canada; Finance Division participates in financial negotiations for that funding and oversees the administration of those agreements</li> </ul> | <ul style="list-style-type: none"> <li>• Clerk, Sheriff as well as other officers necessary for the due administration of justice and the dispatch of business of the court appointed by the Commissioner of the Northwest Territories</li> <li>• Commissioner may, subject to the Rules of the Supreme Court, determine court officers' duties</li> <li>• Clerk of the Supreme Court is part of the Office of the Clerk, which is mandated by legislation and also comprises the Registrar of the Court of Appeal and the Clerk of the Territorial Court</li> </ul> | <ul style="list-style-type: none"> <li>• Information not available</li> </ul> | <ul style="list-style-type: none"> <li>• Legal resource materials and library services provided by the NWT Court Library System</li> </ul> |

| Jurisdiction                 | Court                  | Model                  | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting  | Human Resources  | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)   |
|------------------------------|------------------------|------------------------|---|--|--|---|--|
| <b>CANADA</b>                |                        |                        |   |  |  |   |  |
| <b>NORTHWEST TERRITORIES</b> | <b>Court of Appeal</b> | <b>Executive Model</b> | <ul style="list-style-type: none"> <li>• Department of Justice, Courts Services Division</li> <li>• Chief Justice of Alberta has overall responsibility for administering the Court</li> <li>• Judges may meet to consider administration of justice</li> </ul> | <ul style="list-style-type: none"> <li>• Department's Finance Division, under the guidance of a Director, provides leadership and services in financial planning and analysis, budgeting and financial management</li> <li>• Director is the senior financial officer and is responsible for the administration of the <i>Financial Administration Act</i> as it applies to the Department</li> <li>• Many Department's programs dependent on third party funding, especially with Justice Canada; Finance Division participates in financial negotiations for that funding and oversees the administration of those agreements</li> </ul> | <ul style="list-style-type: none"> <li>• Registrar, Sheriff and any other officers, clerks and employees necessary for the operation of the Court appointed by the Commissioner of the Northwest Territories</li> <li>• Commissioner may determine court officers' duties</li> <li>• Clerk of the Supreme Court is ex officio a Deputy Registrar of the Court and may exercise and perform the powers and functions that may be determined by the Chief Justice</li> <li>• Registrar of the Court of Appeal is part of the Office of the Clerk, which is mandated by legislation and also comprises the Clerk of the Territorial Court and the Clerk of the Supreme Court</li> </ul> | <ul style="list-style-type: none"> <li>• Information not available</li> </ul> | <ul style="list-style-type: none"> <li>• Legal resource materials and library services provided by the NWT Court Library System</li> </ul> |

| Jurisdiction       | Court             | Model                  | Organization or Person(s) in Charge of Court Administration  | Budget and Financial Accounting   | Human Resources  | Buildings, Fixtures and Furnishings  | Support Systems (IT and library)  |
|--------------------|-------------------|------------------------|--|---|--|--|---|
| <b>CANADA</b>      |                   |                        |  |   |  |  |   |
| <b>NOVA SCOTIA</b> | <b>All courts</b> | <b>Executive Model</b> | <ul style="list-style-type: none"> <li>• Department of Justice, Court Services Division</li> <li>• Judiciary involved through the Executive Office of the Nova Scotia Judiciary (the “Executive Office”), headed by an Executive Director</li> <li>• Provincial Court and Small Claims Court both have an Administrator, member of the public service and appointed by the Attorney-General</li> </ul> | <ul style="list-style-type: none"> <li>• Courts mainly funded by the Department</li> <li>• Department receives moneys from the Federal government in order to fund federally-partnered initiatives (such as the expansion of the Supreme Court (Family Division))</li> <li>• Budget for the Executive Office is a component of the Department’s Court Services Division budget</li> <li>• Department’s Finance and Administration Division provides strategic financial leadership and expertise and oversees accounting/ budgeting/ procurement functions</li> </ul> | <ul style="list-style-type: none"> <li>• Court administrators, officers and employees appointed in accordance with the <i>Civil Service Act</i></li> <li>• Court administrators and officers perform duties set out in their appointment or, for court administrators, prescribed by the Minister of Justice</li> <li>• Court administrators and officers and employees obey the orders of the court and of a judge of the court</li> <li>• Department’s Human Resources Division provides human resources services</li> </ul> | <ul style="list-style-type: none"> <li>• Department in charge of court facilities (courthouses and justice centers)</li> <li>• Executive Director of the Executive Office sits on the Nova Scotia Courthouses Standards Committee</li> </ul> | <ul style="list-style-type: none"> <li>• Department’s Policy and Information Management Division oversees information services</li> <li>• Communications Director and Judicial IT Analyst provides report to the Executive Office’s Board of Directors</li> <li>• Executive Director of the Executive Office sits on the All Courts Technology Committee</li> </ul> |

| Jurisdiction   | Court                              | Model           | Organization or Person(s) in Charge of Court Administration  | Budget and Financial Accounting  | Human Resources  | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)  |
|----------------|------------------------------------|-----------------|--|--|--|---|---|
| <b>CANADA</b>  |                                    |                 |  |  |  |   |   |
| <b>NUNAVUT</b> | Court of Justice • Court of Appeal | Executive Model | <ul style="list-style-type: none"> <li>• Department of Justice, Court Services Division</li> <li>• Chief Justice of Alberta has overall responsibility for administering the Nunavut Court of Appeal</li> <li>• Court of Appeal judges may meet to consider administration of justice</li> </ul> | <ul style="list-style-type: none"> <li>• Corporate Services Division provides financial support services to the Department of Justice</li> </ul> | <ul style="list-style-type: none"> <li>• Clerk of the Court of Justice , Registrar of the Court of Appeal, Sheriff and other officers and employees necessary for the operation of the courts appointed by the Commissioner</li> <li>• Clerk of the Court of Justice is <i>ex officio</i> a Deputy Registrar of the Court of Appeal; in this capacity, may exercise and perform the powers and functions determined by the Chief Justice of the Court of Appeal</li> </ul> | <ul style="list-style-type: none"> <li>• When traveling as a circuit court, Court of Justice sits in community halls, school gyms, and in other conference facilities as available</li> </ul> | <ul style="list-style-type: none"> <li>• Court of Justice’s law library provides for the legal information needs of the Court, judiciary, Department of Justice, legal community and general public</li> <li>• Court of Justice website maintained by the Court of Justice’s librarian</li> </ul> |



| Jurisdiction   | Court            | Model                  | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting  | Human Resources  | Buildings, Fixtures and Furnishings  | Support Systems (IT and library)  |
|----------------|------------------|------------------------|---|--|--|--|---|
| <b>CANADA</b>  |                  |                        |   |  |  |  |   |
| <b>ONTARIO</b> | Court of Justice | Limited Autonomy Model | <ul style="list-style-type: none"> <li>• Ministry of the Attorney General, Court Services Division</li> <li>• <i>Courts of Justice Act</i> nonetheless recognizes the roles and responsibilities played by the judiciary with respect to the administration of justice</li> <li>• Administration of the Court entrusted by way of a MOU to the Office of the Chief Justice, headed by an Executive Coordinator (a public service position)</li> <li>• Executive Coordinator takes direction from the Chief Justice; meets on a regular basis with the Deputy Attorney General and the Assistant Deputy Attorney General for Courts Services</li> <li>• Chief Justice and Associate Chief Justice sit on the Ontario Courts Advisory Council and the Ontario Courts Management Advisory Committee</li> </ul> | <ul style="list-style-type: none"> <li>• Office of the Chief Justice funded by the Consolidated Revenue Fund for the province of Ontario through the annual estimates process</li> <li>• Office of the Chief Justice prepares an operating budget in accordance with the Ministry of the Attorney General's budget planning cycle</li> <li>• The Minister is responsible for presenting the budget of the Office of the Chief Justice as part of the Ministry's estimates</li> </ul> | <ul style="list-style-type: none"> <li>• Staff in charge of courtroom support and court office services provided by Court Services</li> <li>• Staff members of the Office of the Chief Justice are public servants</li> <li>• Office of the Chief Justice has exclusive responsibility to provide support staff in the Offices of the Chief Justice, Centre for Judicial Research and Education (CJRE), Regional Senior Judges, and Regional Senior Justices of the Peace</li> <li>• In matters that are assigned by law to the judiciary, registrars, court clerks, court reporters, interpreters and other court staff act at the direction of the Chief Justice</li> <li>• Ministry of the Attorney General provides the Office of the Chief Justice with human resources services</li> </ul> | <ul style="list-style-type: none"> <li>• Ministry in charge of capital/ accommodation planning, project management, courthouse facilities management and relocation services</li> <li>• Judicial involvement in courthouse facility issues through the Ontario Court of Justice Design Standards Committee</li> <li>• Office of the Chief Justice has the exclusive responsibility to provide furniture, furnishings, supplies and equipment and judicial attire for the Offices of the Chief Justice, Associate Chief Justices, Regional Senior Judges, and Regional Senior Justices of the Peace (<u>with the exceptions of computer equipment, computer peripherals and computer ports</u>)</li> <li>• Ministry of the Attorney General provides judicial support services which are not allocated to the Chief Justice by the MOU</li> </ul> | <ul style="list-style-type: none"> <li>• Court Business Solutions Branch of Court Services in charge of information management and technology</li> <li>• At the Court's level, Information Technology group provides technical advice and consultative support to staff</li> <li>• Court has its own judicial information technology organization that reports directly to the judiciary</li> <li>• Chief Justice (or delegate) sits on the Chief Justices' Information Technology Committee</li> <li>• Judicial involvement in library matters through the Ontario Court of Justice Library Committee</li> </ul> |

| Jurisdiction   | Court                     | Model           | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting   | Human Resources   | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)  |
|----------------|---------------------------|-----------------|---|---|---|---|---|
| <b>CANADA</b>  |                           |                 |   |   |   |   |   |
| <b>ONTARIO</b> | Superior Court of Justice | Executive Model | <ul style="list-style-type: none"> <li>Ministry of the Attorney General, Court Services Division</li> <li><i>Courts of Justice Act</i> nonetheless recognizes the roles and responsibilities played by the judiciary with respect to the administration of justice</li> <li>Respective roles and responsibilities of the Attorney General and of the Office of the Chief Justice set out in a MOU</li> <li>Chief Justice and Associate Chief Justice sit on the Ontario Courts Advisory Council and the Ontario Courts Management Advisory Committee</li> </ul> | <ul style="list-style-type: none"> <li>Office of the Chief Justice funded through the overall Ministry allocation</li> <li>Financial responsibilities of the Office of the Chief Justice exercised by the Executive Legal Officer (ELO), a public service position</li> </ul> | <ul style="list-style-type: none"> <li>Staff in charge of courtroom support and court office services provided by Court Services</li> <li>Staff members of the Office of the Chief Justice are public servants</li> <li>Attorney General and Chief Justice work together to appoint provincial judicial officials</li> <li>Court staff act at the direction of the Chief Justice in matters that are assigned by law to the judiciary</li> <li>Human resource services for the Office provided by the Ministry of the Attorney General</li> </ul> | <ul style="list-style-type: none"> <li>Ministry in charge of capital/ accommodation planning, project management, courthouse facilities management and relocation services</li> <li>Consultation process in place between the Attorney General and the Chief Justice regarding facilities initiatives</li> <li>Ministry and the Chief Justice work collaboratively with respect to judicial support standards for federally-appointed judges</li> <li>Judicial support services not assigned to the Chief Justice under the MOU provided by the Ministry</li> </ul> | <ul style="list-style-type: none"> <li>Court Business Solutions Branch of Court Services in charge of information management and technology</li> <li>Court has its own judicial information technology organization that reports directly to the judiciary</li> <li>Chief Justice (or delegate) sits on the Chief Justices' Information Technology Committee</li> <li>In consultation with the Chief Justice's Library Committee, Ministry funds and manages the judicial libraries (central and courthouse libraries, and chambers collections)</li> </ul> |

| Jurisdiction   | Court           | Model           | Organization or Person(s) in Charge of Court Administration  | Budget and Financial Accounting  | Human Resources  | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)  |
|----------------|-----------------|-----------------|--|--|--|---|---|
| <b>CANADA</b>  |                 |                 |  |  |  |   |   |
| <b>ONTARIO</b> | Court of Appeal | Executive Model | <ul style="list-style-type: none"> <li>Ministry of the Attorney General, Court Services Division</li> <li><i>Courts of Justice Act</i> nonetheless recognizes the roles and responsibilities played by the judiciary with respect to the administration of justice</li> <li>Chief Justice and Associate Chief Justice sit on the Ontario Courts Advisory Council and the Ontario Courts Management Advisory Committee</li> </ul> | <ul style="list-style-type: none"> <li>Divisional Support Branch of Court Services responsible for financial planning</li> <li>Financial management for the whole of Ministry provided by the Corporate Services Management Division, Business and Fiscal Planning Branch and Audit Services Branch</li> </ul> | <ul style="list-style-type: none"> <li>Staff in charge of courtroom support and court office services provided by Court Services</li> <li>Registrars, sheriffs, court clerks, assessment officers and any other administrative officers and employees are public servants</li> <li>Court staff act at the direction of the Chief Justice in matters that are assigned by law to the judiciary</li> </ul> | <ul style="list-style-type: none"> <li>Capital planning and project management overseen by the Corporate Services Management Division, Facilities Management Branch</li> <li>Court Services (Divisional Support Branch) work in partnership with the Facilities Management Branch to manage courthouse facilities issues</li> <li>Court Services provides administrative support to judges</li> </ul> | <ul style="list-style-type: none"> <li>Court Business Solutions Branch of Court Services in charge of information management and technology</li> <li>Court has its own judicial information technology organization that reports directly to the judiciary</li> <li>Chief Justice (or delegate) sits on the Chief Justices' Information Technology Committee</li> </ul> |
|                |                 |                 | Provincial Court   | Executive Model  | <ul style="list-style-type: none"> <li>Department of Justice and Public Safety, Legal and Court Services Division</li> <li>Judicial Services Section of the Legal and Court Services Division provides for the operation and maintenance of administrative services</li> <li>Chief Judge has the power and duty to administer the Provincial Court</li> </ul>  | <ul style="list-style-type: none"> <li>Chief Judge or the Court has no real authority in terms of budgetary decisions</li> <li>Financial administration services for the Department (i.e. fiscal management and budgetary control, financial reporting and analysis, financial administration and accounting services) provided by the Policy and Administration Division</li> </ul>                  | <ul style="list-style-type: none"> <li>Legal and Court Services Division administers all court personnel</li> <li>Human resources management services for the Department provided by the Policy and Administration Division</li> <li>Judges may appoint Justices of the Peace as clerks</li> </ul>  |

| Jurisdiction         | Court                             | Model           | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting   | Human Resources  | Buildings, Fixtures and Furnishings  | Support Systems (IT and library)  |
|----------------------|-----------------------------------|-----------------|---|---|--|--|---|
| <b>CANADA</b>        |                                   |                 |   |   |  |  |   |
| PRINCE EDWARD ISLAND | Supreme Court and Court of Appeal | Executive Model | <ul style="list-style-type: none"> <li>• Department of Justice and Public Safety, Legal and Court Services Division</li> <li>• Attorney General has statutory duty to superintend all matters connected with the administration of the Court</li> <li>• Formal administration entrusted to the Department's Court Services Manager</li> <li>• Court has no real authority in terms of administrative decisions</li> </ul> | <ul style="list-style-type: none"> <li>• The Chief Justices have no direct input into the budgetary process</li> <li>• Deputy Minister has agreed the Chief Justices may discuss the court budget with the Court Services Manager and the departmental budgetary officer during the drafting process</li> <li>• Financial administration services for the Department (i.e. fiscal management and budgetary control, financial reporting and analysis, financial administration and accounting services) provided by the Policy and Administration Division</li> </ul> | <ul style="list-style-type: none"> <li>• Attorney General appoints Court staff under the <i>Civil Service Act</i></li> <li>• Court Services Manager is the Court representative in the hiring processes, but Chief Justices may provide an opinion on the suitability of candidates</li> <li>• In consultation with the Chief Justices, Attorney General appoints the Registrar and deputy registrars</li> <li>• A judge may direct a temporary appointment of staff where he thinks such appointment is required for the proper administration of the court</li> <li>• Legal and Court Services Division administers all court personnel, except in matters that are assigned by law to the judges</li> </ul> | <ul style="list-style-type: none"> <li>• Attorney General provides court facilities</li> </ul> | <ul style="list-style-type: none"> <li>• Library services provided to judges and court staff by the Law Society of Prince Edward Island, which owns and operates libraries</li> </ul> |

| Jurisdiction  | Court           | Model                  | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting  | Human Resources   | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)   |
|---------------|-----------------|------------------------|---|--|---|---|--|
| <b>CANADA</b> |                 |                        |   |  |   |   |  |
| <b>QUÉBEC</b> | Court of Québec | Limited Autonomy Model | <ul style="list-style-type: none"> <li>• <i>Ministère de la Justice du Québec, Direction générale des services de justice et des registres</i></li> <li>• Administration of the Court entrusted by way of an agreement to the Office of the Chief Judge, managed by the Administrative Director</li> <li>• Administrative Director reports to the Chief Judge, who has the direction of the Court</li> <li>• Chief Judge chairs the <i>Conseil de la magistrature</i>, which makes recommendations to the Minister in terms of administration of justice</li> </ul> | <ul style="list-style-type: none"> <li>• Ministry (and through it the Court) mainly funded through credits voted by the National Assembly as well as permanent credits</li> <li>• Ministry's <i>Direction générale des services à l'organisation</i> responsible for planning and harmonizing the allocation and use of financial resources within the Department</li> <li>• Office of the Chief Judge responsible for managing budgets relating to the performance of judges' and justices of the peace's responsibilities</li> </ul> | <ul style="list-style-type: none"> <li>• Ministry's <i>Direction générale des services à l'organisation</i>, and more precisely its <i>Direction du personnel et de l'administration</i>, oversees the allocation and use of human resources within the Department</li> <li>• Clerk, sheriff and all other officers of justice appointed by order of the Minister of Justice</li> <li>• Clerk and deputy clerks selected from among the persons appointed in accordance with the <i>Public Service Act</i></li> </ul> | <ul style="list-style-type: none"> <li>• Ministry's <i>Direction générale des services à l'organisation</i> oversees the allocation and use of material resources within the Department</li> <li>• Office of the Chief Judge controls expenses related to furnishings, personalized stationery, and supplies and services for the Court judges, the Presiding Justices of the Peace and the Office's staff</li> </ul> | <ul style="list-style-type: none"> <li>• Ministry's <i>Direction générale des services à l'organisation</i>, and more precisely its <i>Direction des ressources informationnelles</i>, oversees the allocation and use of information resources within the Department</li> <li>• Deputy Minister of Justice manages the integrated justice information system (SIJ)</li> <li>• Office of the Chief Judge in charge of coordinating the activities related to the Research Department, updating the judiciary's Intranet and the Court's website and updating and maintaining the Court's management information system</li> <li>• Management of the Court's libraries is ensured by the Court's Research Department</li> </ul> |

| Jurisdiction  | Court          | Model           | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting  | Human Resources  | Buildings, Fixtures and Furnishings  | Support Systems (IT and library)   |
|---------------|----------------|-----------------|---|--|--|--|--|
| <b>CANADA</b> |                |                 |   |  |  |  |  |
| <b>QUÉBEC</b> | Superior Court | Executive Model | <ul style="list-style-type: none"> <li>• <i>Ministère de la Justice du Québec, Direction générale des services de justice et des registres</i></li> </ul> | <ul style="list-style-type: none"> <li>• Ministry (and through it the Court) mainly funded through credits voted by the National Assembly as well as permanent credits</li> <li>• Ministry's <i>Direction générale des services à l'organisation</i> responsible for planning and harmonizing the allocation and use of financial resources within the Department</li> </ul> | <ul style="list-style-type: none"> <li>• Ministry's <i>Direction générale des services à l'organisation</i>, and more precisely its <i>Direction du personnel et de l'administration</i>, oversees the allocation and use of human resources within the Department</li> <li>• Clerk, sheriff, deputy clerks, deputy sheriffs, and all other officers of justice appointed by the Minister of Justice</li> <li>• Sheriffs and clerks obey the orders of the court and the judges thereof</li> </ul> | <ul style="list-style-type: none"> <li>• Ministry's <i>Direction générale des services à l'organisation</i> oversees the allocation and use of material resources within the Department</li> <li>• Technological equipment provided by the Ministry</li> </ul> | <ul style="list-style-type: none"> <li>• Ministry's <i>Direction générale des services à l'organisation</i>, and more precisely its <i>Direction des ressources informationnelles</i>, oversees the allocation and use of information resources within the Department</li> <li>• Deputy Minister of Justice manages the integrated justice information system (SIJ)</li> </ul> |

| Jurisdiction  | Court           | Model                  | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting  | Human Resources  | Buildings, Fixtures and Furnishings  | Support Systems (IT and library)   |
|---------------|-----------------|------------------------|---|--|--|--|--|
| <b>CANADA</b> |                 |                        |   |  |  |  |  |
| <b>QUÉBEC</b> | Court of Appeal | Limited Autonomy Model | <ul style="list-style-type: none"> <li>• <i>Ministère de la Justice du Québec, Direction générale des services de justice et des registres</i></li> <li>• Administration of the Court entrusted by way of an agreement to the Executive Director of the Court of Appeal, who answers administratively to the Deputy Minister of Justice, but who is under the supervision of the Chief Justice of the Court of Appeal</li> <li>• Choice of Executive Director made by the Chief Justice of the Court of Appeal, rather than by the <i>Direction des services judiciaires</i></li> </ul> | <ul style="list-style-type: none"> <li>• Chief Justice prepares the annual budget projections and submits them for approval to the Deputy Minister of Justice; budget granted at 100%;</li> <li>• Chief Justice transmits to the Deputy Minister his projections of the expenditures with respect to the allotted budget, in view of preparation of the consolidated budget follow-up and performance reporting</li> <li>• Executive Director in charge of the management of the budget and budget follow-ups</li> </ul> | <ul style="list-style-type: none"> <li>• Ministry's <i>Direction générale des services à l'organisation</i>, and more precisely its <i>Direction du personnel et de l'administration</i>, oversees the allocation and use of human resources within the Department</li> <li>• Human resources management services (remuneration, benefits, work relations, etc) ensured by the personnel authorized by the Ministry of Justice</li> <li>• Management of staff outlined at Clause 4 of the Agreement ensured by the Executive Director</li> </ul> | <ul style="list-style-type: none"> <li>• Maintenance and utilization of premises and parking lots is the responsibility of the Ministry's <i>Direction des services judiciaires</i></li> <li>• Sum (in addition to the budget) granted to the Court for small real estate projects</li> <li>• Executive Director in charge of the acquisition and maintenance of furniture and equipment as well as expenses related to professional services, operation, and messenger services and supplies</li> <li>• Executive Director also in charge of the acquisition of personalized stationery and bench books for judges</li> </ul> | <ul style="list-style-type: none"> <li>• Ministry in charge of the telephone, telecommunication, standardization, support, counselling, acquisition of computer, office automation, electronic and audiovisual equipment, development, utilization and maintenance of computer and office automation systems</li> <li>• Executive Director in charge of the purchase of books and subscriptions as well as management of libraries ; also oversees the recording and updating of data entered in information management systems</li> </ul> |

| Jurisdiction        | Court            | Model           | Organization or Person(s) in Charge of Court Administration  | Budget and Financial Accounting   | Human Resources   | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)   |
|---------------------|------------------|-----------------|--|---|---|---|--|
| <b>CANADA</b>       |                  |                 |  |   |   |   |  |
| <b>SASKATCHEWAN</b> | Provincial Court | Executive Model | <ul style="list-style-type: none"> <li>• Ministry of Justice and Attorney General, Court Services</li> <li>• Chief Judge may assign administrative duties to another judge</li> <li>• Protocols and Memoranda of Understanding in place between the Provincial Court (Chief Judge) and Court Services on certain administrative matters</li> </ul> | <ul style="list-style-type: none"> <li>• Provincial Court financed by Court Services, which controls its budget (approves all expenditures)</li> <li>• Court Services sets a budget amount for the Chief Judge's Office to allocate to predetermined categories (i.e. support staff salaries, judges' operating expenses, out-of-province travel, Provincial Court conferences and french language training, and finally judges salaries and allowances)</li> <li>• Court does not have the ability to allocate money saved from one budget area to new projects</li> </ul> | <ul style="list-style-type: none"> <li>• Certain support staff positions funded by Court Services</li> <li>• Chief Judge can request that positions be added to the support staff, subject to Court Services approval</li> <li>• Interview and hiring for the Provincial Court Clerk positions and the Provincial Court Office support staff done by Court Services</li> <li>• Interview and hiring for positions in the Chief Judge's Office, Judges' Chambers in Saskatoon, and Judges' Chambers in Prince Albert done without the participation of Court Services</li> </ul> | <ul style="list-style-type: none"> <li>• Planning and design, construction and renovation of courthouses ensured by the Ministry</li> <li>• Chief Judge has complete autonomy (conferred by legislation) regarding the establishment of new court locations and the closing of existing points</li> <li>• Before reaching a decision on court locations, Chief Judge follows a consultation process detailed in a Protocol signed between the Court and Court Services</li> <li>• Budget for acquiring office furniture for the Provincial Court Judges is allocated by Court Services, but administered by the Office of the Chief Judge, under the terms and conditions specified in a Letter of Understanding</li> </ul> | <ul style="list-style-type: none"> <li>• Ministry's Regulatory Services Division provides information management services (including IT) to the Ministry through the Information Management Branch</li> <li>• Computers and black ink cartridges provided by the Department of Justice; other computer-related equipment and supplies covered under the judges' professional allowance</li> <li>• Legal information services provided to the judiciary by the Law Society of Saskatchewan Libraries</li> </ul> |



| Jurisdiction        | Court                         | Model                  | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting  | Human Resources   | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)   |
|---------------------|-------------------------------|------------------------|---|--|---|---|--|
| <b>CANADA</b>       |                               |                        |   |  |   |   |  |
| <b>SASKATCHEWAN</b> | <b>Court of Queen's Bench</b> | <b>Executive Model</b> | <ul style="list-style-type: none"> <li>• Ministry of Justice and Attorney General, Court Services</li> <li>• Chief Justice co-ordinates and apportions the business of the Court</li> </ul> | <ul style="list-style-type: none"> <li>• Deputy Minister of Justice and Deputy Attorney General accountable for the financial administration and management control of the Ministry</li> <li>• Financial support provided by the Ministry's Corporate Services Branch</li> </ul> | <ul style="list-style-type: none"> <li>• Registrar appointed by the Lieutenant Governor in Council ; other court officials appointed by the Minister or designate</li> <li>• Registrar advises and directs court officials, who further obey the orders of the court and of its judges</li> <li>• Inspector of Legal Offices, appointed by the Lieutenant Governor in Council, inspects the court officials' offices and inquires into the maintenance, management and affairs of those offices ; reports findings to the Minister</li> </ul> | <ul style="list-style-type: none"> <li>• Planning and design, construction and renovation of courthouses ensured by the Ministry</li> <li>• Lieutenant Governor in Council may make regulations establishing or disestablishing judicial centres</li> </ul> | <ul style="list-style-type: none"> <li>• Ministry's Regulatory Services Division provides information management services (including IT) to the Ministry through the Information Management Branch</li> <li>• Legal information services provided to the judiciary by the Law Society of Saskatchewan Libraries</li> </ul> |

| Jurisdiction        | Court                  | Model                  | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting   | Human Resources  | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)  |
|---------------------|------------------------|------------------------|---|---|--|---|---|
| <b>CANADA</b>       |                        |                        |   |   |  |   |   |
| <b>SASKATCHEWAN</b> | <b>Court of Appeal</b> | <b>Executive Model</b> | <ul style="list-style-type: none"> <li>• Ministry of Justice and Attorney General, Court Services subdivision provides operational support to the court system</li> <li>• Chief Justice of Saskatchewan, or his designate, has overall responsibility for administering the Court of Appeal (judicial and registry side), most often in consultation with the Ministry</li> </ul> | <ul style="list-style-type: none"> <li>• Deputy Minister of Justice and Deputy Attorney General accountable for the financial administration and management control of the Ministry</li> <li>• The Ministry's Court Services Branch provides a budget to the court for staff and general operational items</li> <li>• The Executive Officer manages the budget</li> </ul> | <ul style="list-style-type: none"> <li>• Court Services, in consultation with the Chief Justice, hires by Order-in-Council a Registrar of Courts to act as the Registrar of the Court of Appeal</li> <li>• Court Services, in consultation with the Registrar, hires deputy registrars and administration staff in the office of the Registry</li> <li>• Executive Officer to the Chief Justice hires all judicial support staff and, through Court Services Branch, arranges for their appointment by Order-in-Council</li> <li>• Executive Officer to the Chief Justice has general supervision and direction over administrative staff carrying out the functions related to the Court</li> <li>• Registrar has general supervision and direction over court officials and administration staff carrying out the functions in the Registry</li> </ul> | <ul style="list-style-type: none"> <li>• Planning and design, construction and renovation of courthouses ensured by the Ministry</li> <li>• Apart from Regina and Saskatoon, the Court may sit at any other place that the Chief Justice considers appropriate</li> </ul> | <ul style="list-style-type: none"> <li>• Court of Appeal's Information Technology is independent from both the Government's Information Technology Operations and the two Trial Courts Technology Units</li> <li>• Court of Appeal manages its own servers which are on-site. These servers house all information technology associated with the Court of Appeal and the Court of Appeal Registry</li> <li>• Services are provided by staff who report directly to the Chief Justice or his Executive Officer</li> <li>• Court of Appeal judiciary is provided legal information services through a private library; library services and research are provided by staff who report directly to the Chief Justice or his designate</li> </ul> |

| Jurisdiction  | Court             | Model           | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting  | Human Resources  | Buildings, Fixtures and Furnishings  | Support Systems (IT and library)  |
|---------------|-------------------|-----------------|---|--|--|--|---|
| <b>CANADA</b> |                   |                 |   |  |  |  |   |
| <b>YUKON</b>  | Territorial Court | Executive Model | <ul style="list-style-type: none"> <li>• Department of Justice, Court Services Branch (“Court Services”)</li> <li>• Court Services headed by a Director, who reports to both the Deputy Minister of Justice and to the judiciary</li> <li>• Chief Judge may make recommendations to the Minister respecting any matter affecting the administration of the Court</li> </ul> | <ul style="list-style-type: none"> <li>• Department’s Management Services Branch, and more precisely its Finance, Systems and Administration Program, provides financial management and support</li> </ul> | <ul style="list-style-type: none"> <li>• Clerk of the Court and other employees appointed pursuant to the <i>Public Service Act</i></li> <li>• After consultation with the Chief Judge and on his recommendation, Minister may make regulations prescribing the duties of clerks and other employees</li> <li>• Human Resources Unit in the Department of Justice oversees staffing needs</li> </ul> | <ul style="list-style-type: none"> <li>• Through Court Services, Minister responsible for the provision, operation, and maintenance of court facilities</li> <li>• After consultation with the Chief Judge and on his recommendation, the Minister may make regulations prescribing the locations for court facilities, or the facilities that may be used by the court</li> </ul> | <ul style="list-style-type: none"> <li>• Department’s Management Services Branch, and more precisely its Finance, Systems and Administration Program, provides computer and systems maintenance and support</li> <li>• Library services provided by the Yukon Public Law Library</li> </ul> |
|               | Supreme Court     | Executive Model | <ul style="list-style-type: none"> <li>• Department of Justice, Court Services Branch (“Court Services”)</li> <li>• Court Services headed by a Director, who reports to both the Deputy Minister of Justice and to the judiciary</li> </ul>   | <ul style="list-style-type: none"> <li>• Department’s Management Services Branch, and more precisely its Finance, Systems and Administration Program, provides financial management and support</li> </ul> | <ul style="list-style-type: none"> <li>• Clerk of the Court, Sheriff and other officers appointed by the Commissioner of Yukon in Executive Council</li> <li>• Human Resources Unit in the Department of Justice oversees staffing needs</li> </ul>  | <ul style="list-style-type: none"> <li>• Court facilities provided by Court Services</li> <li>• Commissioner in Executive Council designates the place in each judicial district where the Clerk shall have his office</li> </ul>  | <ul style="list-style-type: none"> <li>• Department’s Management Services Branch, and more precisely its Finance, Systems and Administration Program, provides computer and systems maintenance and support</li> <li>• Library services provided by the Yukon Public Law Library</li> </ul> |

| Jurisdiction  | Court           | Model           | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting  | Human Resources  | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)  |
|---------------|-----------------|-----------------|---|--|--|---|---|
| <b>CANADA</b> |                 |                 |   |  |  |   |   |
| <b>YUKON</b>  | Court of Appeal | Executive Model | <ul style="list-style-type: none"> <li>• Department of Justice, Court Services Branch (“Court Services”)</li> <li>• Court Services headed by a Director, who reports to both the Deputy Minister of Justice and to the judiciary</li> </ul> | <ul style="list-style-type: none"> <li>• Department’s Management Services Branch, and more precisely its Finance, Systems and Administration Program, provides financial management and support</li> </ul> | <ul style="list-style-type: none"> <li>• Registrar of the Court of Appeal and other officers, clerks and employees appointed by the Commissioner of Yukon in Executive Council</li> <li>• Registrar performs functions and exercise powers determined by the Chief Justice</li> <li>• Clerk of the Supreme Court is <i>ex officio</i> a Deputy Registrar of the Court of Appeal and may exercise and perform powers and functions determined by the Chief Justice of the Court of Appeal</li> <li>• Human Resources Unit in the Department of Justice oversees staffing needs</li> </ul> | <ul style="list-style-type: none"> <li>• Court facilities provided by Court Services</li> </ul> | <ul style="list-style-type: none"> <li>• Department’s Management Services Branch, and more precisely its Finance, Systems and Administration Program, provides computer and systems maintenance and support</li> <li>• Library services provided by the Yukon Public Law Library</li> </ul> |

| Jurisdiction             | Court            | Model                  | Organization or Person(s) in Charge of Court Administration  | Budget and Financial Accounting  | Human Resources  | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)   |
|--------------------------|------------------|------------------------|--|--|--|---|--|
| <b>ENGLAND AND WALES</b> |                  |                        |  |  |  |   |  |
|                          | UK Supreme Court | Limited Autonomy Model | <ul style="list-style-type: none"> <li>Administration of the Supreme Court is a non-ministerial Department headed by a Chief Executive</li> <li>Chief Executive appointed by the Lord Chancellor, after consultation with the President of the Court</li> <li>Chief Executive carries out his functions in accordance with any directions given by the President of the Court, to whom he reports</li> <li>A MOU between the Court and the Lord Chancellor (and to a certain extent the Ministry of Justice) is currently being drafted to make clear respective responsibilities</li> </ul> | <ul style="list-style-type: none"> <li>Court’s activities financed mainly by Supply voted by Parliament and direct financing from the Consolidated Fund</li> <li>Lord Chancellor deals directly with the Treasury to secure resources for the Court</li> <li>Court is accountable to Parliament for its expenditure; parliamentary approval for its spending plans sought through Supply Estimates presented to the House of Commons</li> <li>Chief Executive is Principal Accounting Officer</li> </ul> | <ul style="list-style-type: none"> <li>Chief Executive, officers and staff of the Court are all civil servants</li> <li>- Chief Executive appoints officers and staff of the Court, who report to him</li> <li>- Court’s Registrar (a Chief Executive Deputy) has management responsibility for the Justices’ personal support staff</li> <li>- HR services and payroll provided via service level agreements and detailed memoranda of understanding with the Ministry of Justice (currently under revision)</li> </ul> | <ul style="list-style-type: none"> <li>Lord Chancellor ensures the Court is provided with court-houses, offices, accommodation and other resources as he thinks are appropriate for the Court to carry on its business</li> <li>Chief Executive ensures accommodation provided by the Lord Chancellor is appropriately equipped, maintained and managed</li> <li>Certain essential services (e.g. cleaning) provided via Ministry of Justice contracts</li> </ul> | <ul style="list-style-type: none"> <li>Court’s Corporate Services Division oversees IT and library services</li> <li>Corporate Services are headed by a Director who sits on the Court’s Management Board</li> <li>- IT Services provided via service level agreements and detailed memoranda of understanding with the Ministry of Justice</li> </ul> |

| Jurisdiction             | Court               | Model                    | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting   | Human Resources   | Buildings, Fixtures and Furnishings  | Support Systems (IT and library)  |
|--------------------------|---------------------|--------------------------|---|---|---|--|---|
| <b>ENGLAND AND WALES</b> |                     |                          |   |   |   |  |   |
|                          | <b>Other Courts</b> | <b>Partnership Model</b> | <ul style="list-style-type: none"> <li>• Her Majesty's Courts Service (HMCS), an agency within the Ministry of Justice (the "Department")</li> <li>• HMCS governance entrusted to a Board on which sit judicial and ministry representatives (as the Lord Chancellor and Lord Chief Justice have agreed by way of a Framework Document)</li> <li>• Chief Executive responsible for the day-to-day running of HMCS; works under the general direction of HMCS Board and is accountable to both Lord Chancellor and the Lord Chief Justice</li> </ul> | <ul style="list-style-type: none"> <li>• The Board initiates and develops the budget and plans for HMCS, and finalises them following the financial allocation</li> <li>• The Lord Chancellor and the Lord Chief Justice approve the budget and plans for HMCS</li> <li>• Financing of HMCS is met by budget allocations from the Department voted on by Parliament annually</li> <li>• Chief Executive is designated as Agency Accounting Officer by the Permanent Secretary (the Principal Accounting Officer) and is supported as such by the Board's Audit Committee</li> </ul> | <ul style="list-style-type: none"> <li>• Lord Chancellor may appoint officers and staff or enter into contracts for the provision of such officers and staff</li> <li>• Chief Executive has authority for the creation and management of posts beneath SCS level</li> <li>• Chief Executive ensures day-to-day leadership (unless the staff is supporting the judiciary in the conduct of the business of the courts)</li> <li>• Department works in partnership with HMCS managers to deliver human resource services, and consults the Chief Executive to set common HR policy</li> </ul> | <ul style="list-style-type: none"> <li>• Lord Chancellor may equip, maintain and manage court-houses, offices, and other accommodation or enter into arrangements for such provision, equipment, maintenance or management</li> <li>• Department provides facilities for HMCS headquarters; HMCS separately controls estate provided for court accommodation</li> <li>• Lord Chancellor takes the final decisions on the location and closure of courts, after the appropriate public and judicial consultation and on advice approved by the HMCS Board</li> <li>• Some procurement provided by the Department</li> </ul> | <ul style="list-style-type: none"> <li>• Information technology services (i.e. Infrastructure, including desktop and mobile computing as well as support for business applications) provided by the Department</li> </ul> |

| Jurisdiction       | Court      | Model           | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting   | Human Resources  | Buildings, Fixtures and Furnishings  | Support Systems (IT and library)  |
|--------------------|------------|-----------------|---|---|--|--|---|
| <b>NEW ZEALAND</b> |            |                 |   |   |  |  |   |
|                    | All Courts | Executive Model | <ul style="list-style-type: none"> <li>Ministry of Justice, which however seeks judicial input through:               <ol style="list-style-type: none"> <li>liaising with the Chief Justice of New Zealand as well as with other Heads of Bench (senior judges)</li> <li>the Courts Executive Council (CEC), a forum of exchange between the Ministry and the Judiciary</li> <li>Management Committees (for the Higher Courts)</li> </ol> </li> <li>Chief Justice has statutory administrative responsibilities for the Supreme Court and, through the Chief High Court Judge, for the High Court</li> <li>President of the Court of Appeal has statutory administrative responsibilities for the Court of Appeal</li> <li>Chief District Court Judge responsible for ensuring the orderly and expeditious discharge of the business of District Courts</li> </ul> | <ul style="list-style-type: none"> <li>Ministry's Secretary for Justice and Chief Executive has financial responsibilities such as the preparation of the Ministry's financial statements</li> <li>Audit and Risk Committee provides advice to assist the Chief Executive in the discharge of his financial responsibilities</li> <li>Risk and business assurance, project management, finance, planning and reporting otherwise broadly overseen by the Ministry's Corporate Services Group, and more precisely its Chief Financial Officer</li> </ul> | <ul style="list-style-type: none"> <li>Registrars, Deputy Registrars, and other officers of the Supreme Court, the Court of Appeal and the High Court are Ministry employees appointed under the <i>State Sector Act 1988</i></li> <li>Court staff nonetheless remain under the direction and control of judges when exercising judicial functions</li> <li>Judges' administrative staff (clerks, associates, etc.) are Ministry employees, although reporting directly to them as their personal staff</li> <li>Higher Courts Judicial Support Committee keeps human resources support under review for the Supreme Court, Court of Appeal and High Court judges</li> </ul> | <ul style="list-style-type: none"> <li>Property management services as well as facilities and office management overseen by the Ministry's Corporate Services Group</li> <li>Higher Courts Judicial Support Committee keeps the provision of building services under review for the Supreme Court, Court of Appeal and High Court judges</li> <li>Judicial involvement in the setting of design standards for courthouses through the Standing Committee on Courthouse Design</li> </ul> | <ul style="list-style-type: none"> <li>Information technology as well as knowledge information services provided to courts and the judiciary by the Ministry's Corporate Services Group</li> <li>Higher Courts Judicial Support Committee keeps the provision of information technology services under review for the Supreme Court, Court of Appeal and High Court judges</li> <li>Judicial Libraries Management Board (JLMB), which liaises and negotiates with the Ministry, is the strategic and advisory body responsible for overseeing and managing the development of information and library services</li> </ul> |

| Jurisdiction | Court            | Model   | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting   | Human Resources   | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)  |
|--------------|------------------|---|---|---|---|---|---|
|              | NORTHERN IRELAND |   |   |   |   |   |   |
|              | UK Supreme Court | <i>See above under England and Wales – UK Supreme Court</i> | <i>See above under England and Wales – UK Supreme Court</i>   | <i>See above under England and Wales – UK Supreme Court</i>   | <i>See above under England and Wales – UK Supreme Court</i>   | <i>See above under England and Wales – UK Supreme Court</i>   | <i>See above under England and Wales – UK Supreme Court</i>   |
|              | Other Courts     | Limited / Symbolic Partnership Model                        | <ul style="list-style-type: none"> <li>Northern Ireland Courts and Tribunals Service (NICTS), an agency within the Northern Ireland Department of Justice</li> <li>Chief Executive (Director), chair of the NICTS Board, is responsible for the day-to-day running of the NICTS</li> <li>Director works under the direction of the Minister for Justice, and in accordance with the Framework Document</li> </ul> | <ul style="list-style-type: none"> <li>NICTS financed mainly by Supply voted by Parliament and financing from the Consolidated Fund</li> <li>Decisions on allocations to the NICTS rest with the Department</li> <li>NICTS Board develops the budget and supporting plans</li> <li>The Director is Agency Accounting Officer for the NICTS, supported in this function by the Board's Audit and Risk Committee and Finance Committee</li> </ul> | <ul style="list-style-type: none"> <li>NICTS staff are members of the Northern Ireland Civil Service and staff of the Department of Justice</li> <li>Director is responsible for the leadership and management of NICTS staff (unless the latter is supporting the judiciary)</li> <li>HR policy delivered by the Department in partnership with NICTS managers</li> <li>Business Development &amp; Services Division of the NICTS Management Board in charge of HR Services</li> </ul> | <ul style="list-style-type: none"> <li>NICTS provides, manages and maintains court and tribunals buildings</li> <li>- Minister takes the final decisions on the location and closure of courts</li> <li>- Procurement services provided via in-house resources for activities under £10,000 or where the nature of the procurement is such that it can only be delivered by the in-house resource. All other procurement provided by the Department or by the Central Procurement Directorate of the Department of Finance and Personnel</li> </ul> | <ul style="list-style-type: none"> <li>Where appropriate, IT systems provided under an agreed framework and Service Level Agreement.</li> </ul> |



| Jurisdiction               | Court      | Model             | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting  | Human Resources   | Buildings, Fixtures and Furnishings   | Support Systems (IT and library)  |
|----------------------------|------------|-------------------|---|--|---|---|---|
| <b>REPUBLIC OF IRELAND</b> |            |                   |   |  |   |   |   |
|                            | All Courts | Partnership Model | <ul style="list-style-type: none"> <li>Courts Service of Ireland (the "Service"), an independent body corporate</li> <li>Service governed by a Board, on which sit members of the judiciary as well as representatives of the Department of Justice</li> <li>Board appoints a Chief Executive Officer (CEO) for its day-to-day running</li> <li>CEO responsible to the Board</li> </ul> | <ul style="list-style-type: none"> <li>Funding negotiated through the Department of Justice, Equality and Law Reform; Department retains responsibility for securing the annual vote of funds from the Oireachtas (The Parliament)</li> <li>Bulk of funding for the Service provided by the State</li> <li>CEO is the accounting officer for the Services, and as such, oversees the work of the Internal Audit Unit; CEO also advised by the Audit Committee</li> </ul> | <ul style="list-style-type: none"> <li>Service resources courts with staff, who are appointed by the Board (with approbation by the Minister for Justice and Minister for Finance)</li> <li>Board has delegated its power to appoint staff of principal officer grade and above to the CEO</li> <li>Service's staff members are civil servants in the Civil Service of the State</li> <li>Staff members answer to the Board, or, if of principal officer grade and above, to the CEO</li> </ul> | <ul style="list-style-type: none"> <li>Service (CEO) provides, manages and maintains court buildings, and provides facilities for users of the courts</li> <li>Powers ancillary to the Courts Service's functions include the power to acquire, hold and dispose of land or any other property, and to designate court venues.</li> <li>Service in charge of procurement</li> </ul> | <ul style="list-style-type: none"> <li>Service (CEO) provides judges with computers (laptop/tablet and desktop) and blackberry devices</li> <li>Service providers engaged by the Service provide expertise in specialised areas including information technology</li> </ul> |

| Jurisdiction | Court            | Model  | Organization or Person(s) in Charge of Court Administration   | Budget and Financial Accounting  | Human Resources   | Buildings, Fixtures and Furnishings  | Support Systems (IT and library)  |
|--------------|------------------|--|---|--|---|--|---|
|              | SCOTLAND         |  |   |  |   |  |   |
|              | UK Supreme Court | See above under England and Wales – UK Supreme Court | • See above under England and Wales – UK Supreme Court  | • See above under England and Wales – UK Supreme Court   | • See above under England and Wales – UK Supreme Court  | • See above under England and Wales – UK Supreme Court   | • See above under England and Wales – UK Supreme Court  |
|              | Other Courts     | Limited Autonomy Model                               | <ul style="list-style-type: none"> <li>• Scottish Court Service (SCS), an independent body corporate part of the Scottish Administration, but not part of the Scottish Government</li> <li>• SCS Board chaired by the Lord President (Scotland's most senior judge), and consists of a majority of judicial members (7 out of 13)</li> <li>• SCS appoints a Chief Executive (CEO) who is responsible for the day-to-day running of the SCS</li> <li>• CEO works under the general direction of the SCS Board</li> </ul> | <ul style="list-style-type: none"> <li>• SCS, as a non-Ministerial entity, has a separate budget distinct from the Justice portfolio budget</li> <li>• SCS prepares a budget for each financial year, but Scottish Ministers determine the budget proposals to be submitted to Parliament; agreed net cost of running the SCS funded by the Parliament</li> <li>• SCS has full authority to incur expenditure on individual items</li> <li>• CEO is Accountable Officer</li> </ul> | <ul style="list-style-type: none"> <li>• SCS provides officers and staff for the courts and for the judiciary</li> <li>• Staff members of SCS are civil servants, but are appointed by and accountable to the SCS</li> <li>• CEO provides leadership and broad direction to the staff</li> <li>• - Staff subject to the direction of the judiciary when supporting it in the conduct of the business of the courts</li> </ul> | <ul style="list-style-type: none"> <li>• SCS provides and maintains court buildings and accommodation</li> <li>• SCS manages and maintains its estate through a total facilities management contract with an external provider</li> <li>• SCS adopts its own procurement policy using Scottish Government procurement guidance and other best practice principles</li> </ul> | <ul style="list-style-type: none"> <li>• SCS provides information technology (ICT) services/resources</li> <li>• ICT overseen by the Executive Director, Corporate Services, who answer to the Chief Executive</li> </ul> |