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EXTERNAL AFFAIRS
Domestic Legal Services
1991
Annual Report

**Department of Justice
Departmental Legal Services Sector**

**EXTERNAL AFFAIRS
Domestic Legal Services
(JDS)**

1991

ANNUAL REPORT

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1 - CLIENT SERVICES INITIATIVE

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1 - CLIENT SERVICES INITIATIVES

1.1 The Legal Awareness Resources

The Legal Awareness Program is delivered through Legal Service Units in government institutions. From the opening of the program on Law Day, April 17, 1991 until October 1991, Legal Service Units have delivered 31 seminars in 14 different government institutions. Of 24 reported evaluations, the unanimous result was that the participants found the seminars very good and recommended them to colleagues.

The program has been a novel collaborative effort between Justice lawyers who provided the legal content and adult education specialists from Training and Development Canada, Public Service Commission, who designed the program materials and trained the lawyers in adult education techniques.

The program is intended to be a practical program in "preventive law" designed to sensitize public servants, managers and others, to common legal problems and generally to further the rapport between Justice lawyers and the clients they serve. This program may have the effect of "demystifying" the law and the role of lawyers.

The program consists of 14 seminars of a half to a full day's duration on legal topics including administrative law, contracts, human rights, ethics and conflict of interest, the legislative and regulatory processes, environmental law, employment and labour relations law and the role of Justice lawyers. The seminars, including case studies, are presented to groups of approximately 20 participants by Justice lawyers.

Course participants, in addition to learning in stimulating, interactive legal awareness sessions, obtain a handy reference package. In the end, not only will lawyers and public servants be able to talk to each other about legal issues, public administrators will be more likely to identify potential legal issues and seek legal advice at the earliest possible moment.

The overall result of the Legal Awareness Program will be "preventive law".

Presently, the program materials are being considered as a partial source for legal courses being developed by Justice at the Canadian Centre for Management Development.



1.2 Cabinet Support System

On June 21, 1991, the Clerk of the Privy Council wrote all Deputy Ministers to institute a systematic approach to the analysis of the Constitutional implications of new policy proposals. The system is designed to ensure that Charter and other constitutional implications of new policy proposals are identified and assessed before they are considered by Ministers in Cabinet committee.

Under the new system, analyses of the significant constitutional (including Charter) implications of proposals to Cabinet are to be undertaken and included in Memoranda to Cabinet. The analyses are to include an assessment of the risk of successful challenge in the courts, the impact of an adverse decision, and possible costs of litigation. Mr. Tellier's letter indicated that in the many cases where the Charter and other constitutional implications of the proposals are insignificant, a statement to this effect in the text of the Memorandum to Cabinet would suffice.

Legal Services Units are ready to assist departments in giving effect to the new system and in preparing these analyses. They will be supported by the appropriate units in Justice Headquarters, including the Human Rights Law Section.

In order that Legal Services Units may assist departments most effectively and identify significant constitutional implications in a timely manner (i.e. in a way that avoid major surprises after decisions are taken) Mr. Tellier's letter noted that it is important that departments involve their legal advisors early in the policy development process, to the extent that this is not already the case. The job of Legal Services is not to intrude upon the policy responsibilities of their clients but to ensure that as their legal advisors, they are as supportive of client objectives as the law and sound legal policy will allow.

The new system is a recognition of the increasingly policy-oriented nature of court decisions in the Charter era. Just as the role of law in government policy is increasing, so too is the role of policy in government law. The Department of Justice is determined to reflect these two tendencies in all its work, as illustrated by its role under the new system.



1.3 Justice Echo

As part of a comprehensive program evaluation of Departmental Legal Services and its desire to further enhance the level and quality of service to the clients, the Departmental Legal Services Senior Management Committee adopted, in 1988, its Client Relation Program. The Program includes initiatives such as Client Training & Development - Legal Awareness and Newsletters on Legal trends.

In December 1988, the first issue of Justice Echo was published and released to several departments to reach some 1500 senior public officials.

As clearly set out in the message of members of the Justice Departmental Legal Services Senior Committee accompanying the first issue:

"The aim of this publication is to complement the day-to-day work of our Departmental Legal Services Units by highlighting legal topics and emerging developments that are likely to have widespread impact across the government. The articles contained in **Justice Echo** are meant to provide an overview of trends, rather than specific legal advice. They are intended to stimulate discussion between you and your Departmental Legal services on points that are of particular interest to you."

The passage of time has proven the success of the decision and the desire of senior public managers to be well informed not only about modern management techniques but also about the current legal trends that often influence their management decisions. Justice Echo is now received by some 50 federal departments and agencies and some 3000 senior public officials as well as by provincial governments and private sector institutions. It was recently agreed that Justice Echo articles or extracts thereof would be put on the Senior Executive Network system which reaches over 800 senior managers with a capacity to extend to the regional offices of the public service.

1.4 Strategic Planning

Towards the end of 1990, the Executive Committee of the Department of Justice developed the Department's Strategic Directions and distributed them to all employees in January of 1991. These Strategic Directions reflect the three principal roles of the Department: as a service agency increasingly involving the Department by virtue of the litigation, legal services and counsel roles in all the business of the Government of Canada; as a central agency requiring high quality and expeditious advice to Cabinet; and as a policy Department where it has become one of the most active of all government policy departments.



The Departmental Legal Services Sector moved rapidly, in February of 1991, to develop and put in place its Strategic and Operational Directions in line with the corporate process. Workshops were held with all Departmental Legal Services Managers. From these workshops a Strategic Directions Document was developed and was subsequently approved by the Senior Management Committee of the Departmental Legal Services. This document specifically focuses on three of the Departmental Strategic Directions, as follows:

- i) Provide to the government and our individual clients policy and legal advice that is clear, strategic, helpful and based on a multi-disciplinary approach;
- ii) Communicate, consult, and co-operate with all others in the national system of justice;
- iii) Develop and implement human resource.

Throughout the summer, workshops were held with the lawyers in every Legal Services Unit to develop discrete Action Plans for each Legal Services Unit to give effect to the three enunciated Departmental Strategic Directions.

These Action Plans now form part of each Legal Services Unit's Annual Report. Each plan is updated from time to time throughout the year as environment changes. They are but one of the tools of good management employed within the Departmental Legal Service Units.



**2 - OUR SPECIFIC
LEGAL ENVIRONMENT**



2 - OUR SPECIFIC LEGAL ENVIRONMENT

2.1 Developments to look for in 1992

CHARTER -
TRADE

The trend of increased litigation against government departments based on alleged contravention of the Canadian Charter of Rights and Freedoms will likely continue in 1992. For External Affairs and International Trade Canada ("EAITC"), there are two important cases in which an appeal will be heard in 1992. The first is R v. Martin in which an accused, charged with exporting polar bear hides from Canada without an export permit, contrary to the Export and Import Permits Act ("EIPA"), is arguing that the relevant offence section of that Act is contrary to the Charter. This argument succeeded in the lower court but was rejected in the Ontario Court of Appeal. The accused has appealed to the Supreme Court of Canada; should the offence section be struck down as invalid, there would be no basis for laying charges under the EIPA and controls of exports and imports under the Act would be lost. This "open border" situation would continue until corrective amendments to the legislation are passed.

CHARTER -
GENERAL

The second case is Ruparel in which the Federal Court - Appeal Division may determine that the Charter may be invoked before Canadian courts by non-Canadians residing outside of Canada. The repercussions for EAITC of such a determination could be significant; for eg., it would increase the range of legal arguments available to unsuccessful visa applicants, it may also impact on the policies and specific actions of EAITC in respect of locally engaged staff.

PERSONNEL
MATTERS

Implementation of the recommendations of PS 2000 will have an impact on every government department, generally in respect of government operations and especially in respect of personnel matters. The proposed Public Service Reform Act was introduced in parliament in 1991 and with or without amendments, may become law in 1992.

A proposed amendment to the Canadian Human Rights Act, resulting from a recent Ontario court decision, will add "sexual orientation" to the list of proscribed grounds of discrimination in section 3 of that Act and will have to be considered in respect of EAITC's posting and other policies.



It is expected that in 1992, the Supreme Court of Canada will deal with the government's appeal of the PSAC decision (discussed under b) Personnel in Section 3.4 of this Annual Report). It is hoped that the court will clarify the government's legal responsibilities with respect to "contracting out" and its Workforce Adjustment Policy.

IMMIGRATION

In immigration matters, should the Canadian Human Rights Tribunal decide, in Menghani, that the Canadian Human Rights Commission has jurisdiction to handle complaints stemming from EAITC's refusal to issue visas to sponsored persons or persons abroad wishing to visit Canada, there may be a rapid increase in complaints to the Commission in respect of EAITC. This could have significant resource implications for EAITC.

TRADE -
GENERAL

In trade matters, if member countries reach agreement in the Uruguay round of GATT negotiations, amendments to the EIPA are anticipated. The Import Control List contains numerous goods the import of which is controlled to support domestic supply management programs. Changes in respect of controls on textiles are also anticipated. If Canada, USA and Mexico reach an agreement in the NAFTA negotiations, some amendments to the EIPA and its Control Lists are anticipated. The recommendations of the CITT inquiry (referred to under c) Trade Law in Section 3.4 of this Report), may, if implemented, have significant impact on the manner in which quota for agricultural products is administered by EAITC under the EIPA.



3 - DOMESTIC LEGAL SERVICES -

EXTERNAL AFFAIRS



3 - DOMESTIC LEGAL SERVICES - EXTERNAL AFFAIRS

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3.1 Resources

a) Human Resources

This Departmental Legal Services Unit is currently comprised of 8 LA positions, 6 of which are Department of Justice PYs and 2 of which are PYs which have been provided to Justice for use in respect of EAITC, pursuant to a Memorandum of Understanding (MOU). All 8 lawyers are employed by Justice.

Our Unit and EAITC are in the process of finalizing a second MOU which would provide Justice with 2 additional PYs for a short term so that replacements can be hired for 2 lawyers who will be assigned to work on the revision of the Export and Import Permits Act, a matter of high priority to the Special Trade Relations Bureau.

The human resource situation in respect of support staff is not satisfactory but is improving. There is an insufficient number of properly trained and classified support personnel. At the end of 1990 there were serious deficiencies in our Unit with respect to records management, correspondence tracking and the maintenance of resource materials. At the end of 1991, the situation is somewhat better and should improve dramatically by mid 1992. In 1991 there were 3 staffing actions completed in respect of our support positions, including the hiring of an SI. Two staffing actions are underway and it is hoped that 2 non SCY personnel will join the unit in early 1992. Augmentation of support services for our satellite office in Place Vanier continues to be of concern.

b) Budget

The problems experienced in 1990 because of budgetary reductions, were less of a problem in 1991, mainly because some but not all of the computer hardware for our Unit was provided by MSS rather than being obtained using the limited funds of our Unit. The second major improvement results from the fact that the 2 PYs added to our Unit in 1991 are accompanied by an increase in our Unit's budget.

It is desirable that funds for professional services be provided for the Export and Import Permits Act revision project so that the Unit may engage the services of researchers and others for the short term. As mentioned in our last Annual Report, lack of resources has contributed to the slow progress of this project.

As a result of a mid term infusion of funds, budgetary amounts provided by EAITC for the day-to-day operations of our Unit were generally adequate.



Office accommodation continues to be a concern. The following are being examined for resolution in 1992: inadequate space; lack of a meeting room; conversion of records room with 37 cabinets with individual locks into a "safe" room with no combination locks; walls and common areas badly in need of paint and repairs; disruptive common area (xerox machine area) immediately in front of lawyers' offices; and lack of security for shelved resource materials.

c) **Technology**

One of the most significant developments in 1991 was the acquisition of computer workstations for the lawyers. This has greatly increased the efficiency of the office. Concerns remain concerning the hardware in our satellite office in Place Vanier and the difficulties in communicating by e-mail with that office.

Our Unit has acquire RIMS software which will allow us to automate our information systems. This is a very high priority initiative and it is hoped that by mid 1992, the staff in the Unit will be able to easily retrieve legal opinions and other stored information. This important initiative is being hampered by delays in the classification and staffing of support personnel positions.

In early 1992, our Unit will begin using the "Work Profiling System" of Justice. This automated system will record the number of hours expended by the lawyers on identified projects. Each project will have a "profile" or number identifying its level of importance. It is anticipated that no new hardware will be required but both the lawyers and support personnel will require systems training.

d) **Training and Development**

The training received by our Unit's lawyers from our Justice colleagues included:

- orientation for new lawyers (3 lawyers)
- a seminar on environmental law (1 lawyer)
- conference on administrative law (2 lawyers)
- conference on the Charter and Human Rights (1 lawyer)
- commercial law for non-commercial lawyers (2 lawyers)
- performance review process (1 lawyer)
- immigration law (1 lawyer)
- access to information and privacy (3 lawyers)
- management training (1 lawyer)
- conference on women lawyers (3 lawyers)
- seminar on user fees and the Financial Administration Act (1 lawyer)
- public service strike debriefing (1 lawyer)



The training received by the lawyers from other departments and organizations outside the government included:

- practising law in the federal court under the new rules (4 lawyers) (CBA/Justice program)
- Immigration Law (2 lawyers) (CBA)
- construction law: bids and tendering (1 lawyer) (Insight)
- seminar on contracting (2 lawyers) (Treasury Board)
- seminar on construction law (2 lawyers) (Insight)
- international commercial contracts (1 lawyer) (the Canadian Institute)
- microcomputers (1 lawyer) (Algonquin Management)
- wordperfect (1 lawyer) (Ottawa Bd. of Education)

The training provided by Justice to our Unit's support staff included a course on contract law (1 paralegal)

The training received by the support staff from EAITC and organizations outside the government included:

- Records Management (2 secretaries)
- french language training (2 secretaries)
- finex (1 secretary)
- effectiveness training (1 secretary)

The lawyers did not receive training from EAITC.

A retreat involving our Unit and one or more units of the Legal Services Sector and/or the Regional Offices and/or Headquarters of the Department of Justice, which was to be held in 1991 was originally postponed because of budgetary restraints and now will not take place until the various staffing actions in process are completed. Once the new employees of our Unit are in place, a retreat will be scheduled if workloads and the budget allow.



3.2 Mandate

a) Objectives for 1991

The following is a list of the objectives for our Unit for 1991:

- (1) to generally fulfil the mandate of our Unit;
- (2) to significantly advance the process of substantial amendment or replacement of the Export and Import Permits Act;
- (3) to further contribute to the process of reform of the legislative and regulatory regime in respect of public lands, as it relates to lands outside Canada;
- (4) to complete the process of office automation in respect of personal computers for all of the staff in the Unit;
- (5) to complete a file-closing project in respect of dormant files in the Unit;
- (6) to complete a project for the publication of a guide for prosecutions under the Export and Import Permits Act including vetting by prosecutors and distribution to all Regional Offices of Justice;
- (7) to deliver at least two modules of the Justice Legal Awareness Program to the EAITC;
- (8) to expand the Litigation Report to include significant prosecutions under the EIPA and to prepare and publish said Report at least twice yearly;
- (9) to prepare and publish the JDSC bulletin, which is comprised of articles on legal issues frequently arising in the work of the Physical Resources Bureau;
- (10) to assist in organizing and deliver a paper at the May 1991 Immigration Conference to be attended by lawyers from our Unit, CEIC, Justice Headquarters and Regional Offices and the Immigration and Refugee Appeals Tribunal;
- (11) to develop and maintain a system of notification regarding criminal prosecutions under the EIPA, which system will allow for fuller participation by our Unit and the Special Trade Relations Bureau in such prosecutions and will lead to more meaningful support for the prosecutors;
- (12) to engage a consultant to review our records management and information management needs, to review software utilized in DLSUs and elsewhere, to propose options and finally to implement an automated system which meets our needs;



- (13) to modernize our office systems: including converting our records management system, introducing key word indexing, completing an inventory of mini-library and seminar materials, to complete and index a compendium of child abduction materials;
- (14) to organize and participate in a retreat with one or more units in the Legal Services Sector and/or Justice Headquarters and/or Justice Regional Offices;
- (15) to position our Unit to more efficiently and effectively deal with its commercial/property law work by implementing systems for notification of Treasury Board submissions and lease expiry dates; and
- (16) to continue training sessions for EAITC including numerous sessions to support officers implementing the immigration program and those involved in property and commercial law.



b) **Performance as measured against 1991 objectives**

Our Unit did not achieve all of these objectives; however, when the extent to which the Unit achieved its objectives is viewed in the context of the tumultuous events of 1991, the achievements are significant.

The objectives can be grouped as follows:

1. Those related to the Export and Import Permits Act (EIPA)

- a significant accomplishment was the preparation and publication of a Prosecutors Guide. This comprehensive outline of the EIPA will greatly assist prosecutors and civil litigators who cannot be expected to have an indepth knowledge of the Act. Work on an abridged\edited version for distribution to the Regional offices of Justice is scheduled to start in 1992.
- related to the Prosecutors Guide is a Legislative History of the EIPA. This will assist prosecutors and civil litigators generally but most particularly in respect of Charter challenges. The legislative history requires editing and organization.
- the Litigation Report of our Unit was expanded to include significant prosecutions under the EIPA, including the case now before the Supreme Court of Canada: R.v. Martin.
- ways of improving the system of notification of criminal prosecutions under the EIPA have been explored but no comprehensive solutions have been found. Consultations with the Special Trade Relations Bureau, Revenue Canada - Custom and Excise, the RCMP, Environment Canada and the Regional Offices of Justice will continue in 1992.
- for reasons beyond the control of our Unit, progress with respect to the revision of the EIPA has been slow. An MOU between Justice and EAITC dealing specifically with this project should be signed in the first days of 1992. With the hiring of staff to replace those to be devoted full time to this project, the rate of progress on this initiative should increase dramatically.

2. Office Systems

- 5 of the objectives of 1991 focused on the creation and implementation of systems aimed at improving the efficiency of the office and reducing the risk of error. This number reflects the sorry state of our information systems at the start of 1991; by year's end significant progress has been made - all lawyers are equipped with computer workstations, a file closing project was completed, an inventory of our mini-library has been completed, systems have been put in place for notification of initiatives of the Physical Resources Bureau, a consultants



report was purchased and its recommendations implemented and records management software has been purchased. The objective regarding a compendium of child abduction materials has not been met. The conversion of our records managements system and the introduction of key work indexes has been hampered by delays in receiving authority to purchase software and engage qualified support personnel and significant delays in staffing.

3. Client Services

- Our Unit has continued to offer training sessions for EAITC personnel with numerous sessions being given to support officers implementing the immigration program. In addition, our Unit assisted in organizing the Immigration Conference held in Toronto and attended by lawyers from our Unit, CEIC, Justice Headquarters and the Immigration and Refugee Appeals Tribunal. Delivery of the Legal Awareness Program in 1991 was rendered impossible by turnovers in staff and lengthy periods in which the Unit was short staffed. Preparation and publication of a JDSC bulletin has been put aside because of other pressing priorities. Training in the area of commercial/real property law has been postponed from 1991 to fixed dates in February 1992.

4. Other

- Objective (3) relating to the Federal Real Property Act was met, in part; the Bill was introduced in 1991 and was passed in November. That part of the objective which relates to making a significant contribution to the drafting of a new set of regulations was not met. A proposed retreat (objective 14) has been postponed for reasons explained elsewhere in this Report.



c) **Profile of the DLSU Practice**

The following is a list of the areas of practice of our Unit and the approximate percentage of the practice corresponding to each of those areas:

<u>Areas of Practice</u>	<u>Percentage of Practice</u>
Commercial/Property Law	23
<u>Immigration Law (Administrative law, exclusive of litigation)</u>	20
<u>Trade Law (Administrative Law, exclusive of legislative drafting, litigation, and criminal prosecutions)</u>	17
Labour Law (Administrative law, PSEA, PSSRA, LES Regulations etc.)	10
Access to Information and Privacy Law	3
Legislative Drafting (statutes and regulations)	7
Litigation (ie. Instructing Solicitor Role in Civil Matters)	7
Family Law	4
Criminal Prosecutions (ie. Litigation Support)	3
Environmental Law	3
Financial Administration Law	1
International Law	1
Other	1
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Notable Changes in the Law Practice

The work of our Unit increased in the areas of human rights law, environmental law, Charter issues particularly as they relate to personnel policies and litigation support. Much of the increase in litigation support relates to our increased involvement in the prosecution of offenses under the Export and Import Permits Act.

d) Provision of Legal Services

For the most part, legal services for which our Unit is responsible are provided to the EAITC by lawyers in the Unit itself. Litigators at the headquarters and regional offices of Justice represent EAITC in various types of litigation; the majority of the litigious matters involve immigration, collections and cases under the Export and Import Permits Act. Agents of the Minister of Justice are used occasionally for litigation in Canada relating to EAITC but more often for litigation abroad. Contracts for legal services with lawyers outside Canada are also used to obtain advice on foreign law as it relates to EAITC's activities outside Canada.

A review of the consultations between Justice Headquarters and the Legal Bureau of EAITC on international law issues is outside the scope of this Report.

3.3 Major Sources of Legal Work

Requests for legal advice are received in our Unit from officers at virtually all levels of EAITC and responses are provided directly to those officers, with the Legal Advisor (JFB) being kept informed by means of our Unit's diary of outgoing correspondence and by means of meetings held as the need arises. Requests for assistance under the Hague Convention on the Civil Aspects of International Child Abduction are received from provincial central authorities, the central authorities of the 19 ratifying countries and directly from the public.

All branches and offices of EAITC are potential sources of legal work for our Unit. We do not yet have systems in place which would enable us to provide accurate statistics regarding the percentage of our work which is generated by each branch of EAITC. Many of the legal issues addressed by our Unit, involve two or more branches of EAITC.



3.4 Specific Activities

a) Bills and Draft Regulations

The work of our Unit in respect of draft legislation and regulations included:

- (a) regarding the export and import of automatic weapons: drafting amendments to the Criminal Code and the Export and Import Permits Act, and in relation thereto drafting amendments to the Export Control List, Import Control List, and creating the Automatic Firearms Country Control List;
- (b) drafting various amendments to the Export Control List (ECL), Import Control List (ICL), Area Control List (ACL) and Automatic Firearms Country Control List (AFCCL) and amendments to several General Export Permits (GEP), including:
 - Addition of chemical precursors on the ECL
 - Removal of sugar from the ECL
 - Amendment to CITES Appendices to the ECL and the ICL
 - Addition of controls on goods of Haitian origin on the ICL
 - Addition of Haiti and Yugoslavia on the ACL
 - Addition of a country to the AFCCL
 - Addition of aircraft to the GEP No. 11 - Libya
 - Various amendments to GEP No. 12 - U.S. Origin Goods (re Haiti and Yugoslavia)
 - Various amendments to GEP No. 21- COCOM Member countries
 - Creation of GEP No. 22 - Haiti
 - Creation of GEP No. 23 - Yugoslavia
- (c) drafting amendments to the United Nations Iraq Regulations;
- (d) drafting amendments to the Passport Services Fees Regulations increasing fees for passports and travel documents pursuant to the cost recovery initiative;
- (e) participating in the drafting of the Diplomatic and Consular Privileges, Immunities and Benefits Act;
- (f) reviewing the Federal Real Property Act and the Real Property Regulations which govern all federal property including that managed by EAITC;
- (g) reviewing the proposed Special Economic Measures Act;
- (h) reviewing the proposed amendments to the Canadian Human Rights Act;



- (i) reviewing the proposed amendments to the Farm Products Marketing Agencies Act;
- (j) reviewing the Wild Animal and Plant Protection Act (which proposes to discontinue the use of the EIPA for implementation of CITES);
- (k) reviewing the proposed Canadian Environmental Assessment Act.

b) **Personnel Matters**

In 1991, our Unit was more involved in labour law issues than in previous years. The advice given in respect of developments in the jurisprudence and in legislation and advice in respect of the strike, deserve special mention:

1. **Developments in the jurisprudence**

The PSAC decision (currently on appeal to the Supreme Court of Canada) limits the ability of the government to reduce the number of person years by contracting out to the private sector work traditionally performed by civil servants. Legal advice was given to EAITC in respect of the impact of this decision on the department's program realignment and resource allocation exercise. In the PSAC decision, the Court held that it would be a breach of the spirit and letter of the Workforce Adjustment Policy to act as if the services of an employee, whose job has been contracted out, are not required because of lack of work or discontinuance of a function.

In the Econosult case, the issue was whether individuals employed by a private company, who were performing the same duties as they formerly did as civil servants, could become employees of the Crown and PSAC members for purposes of collective bargaining. The Supreme Court of Canada found that these individuals were not employees within the meaning of the Public Service Staff Relations Act. This case does not substantially reduce the risk of EAITC or other government departments attracting the onerous responsibilities of an employer in respect of individuals whose services are engaged by contract. These responsibilities include potential liability for unemployment insurance and Canada Pension Plan premiums, vicarious liability for the individual's negligent or tortious behaviour etc. The case does however, provide limited comfort in respect of services contracts entered into between the government and incorporated entities.



2. **Developments in the statute law**

In June, 1991, the President of the Treasury Board introduced into the House of Commons the Bill to establish the Public Service Reform Act. The Bill is aimed at significantly reducing red tape and modernizing the way in which the public service operates. It is just one step in the implementation of the recommendations of PS 2000.

This Bill, if passed into law, would among other things, streamline procedures for settling disputes between the government and its employees and provide for a wider range of acceptable solutions; major changes would occur with respect to the recruitment, deployment, promotion and release of civil servants. Amendments to the Bill have been suggested with respect to the classification of government positions.

In addition to this legislative initiative, other PS 2000 generated changes are being introduced in the public service. The current practice of splitting budgets into three: one for person years, one for operations and one for capital expenditures, may be replaced by one operating budget to cover salaries, operational and minor capital expenditures. In this new system, person year controls would be removed and managers would have more flexibility but also more accountability for making expenditures necessary for the delivery of the government programs for which they are responsible.

3. **The Strike**

Our Unit advised the EAITC Strike Committee on a variety of legal matters arising from the public service strike in September, 1991. Advice was given on limits to picketing on government premises and on the documentary requirements that must be met in the event that injunctions were required to restrain picketers.

Our Unit was in daily contact with our sister legal services unit at Treasury Board and the Justice objective of providing consistent legal advice across the government on the strike was achieved. This was in large measure due to good preparation: weeks in advance of the strike, the relevant law was reviewed, briefings were held, precedents and checklists were prepared and lines of communication were set.



4. **EAITC Policy**

Our unit continued to be of assistance in respect of EAITC's formulation of policy on personnel matters. Legal issues in respect of the following were examined in 1991:

- sexual and other harassment in the workplace
- the posting abroad of homosexuals
- whether a mandatory retirement policy in respect of locally engaged staff infringes the Charter
- consideration of Societal Limitations and Conflict of Interest in respect of posting decisions
- area of competition in staffing/promotion
- employment abroad of spouses of foreign service officers

5. **General**

In 1991, our Unit was engaged to a greater extent in providing legal advice in personnel matters, possibly because of the more litigious nature of the bureaucracy, including Canada-based and locally engaged staff. For example, advice was given on:

- threatened legal action related to the alleged unfair application of the cash-out policy
- complaint by an employee, through his legal counsel, of religious discrimination and mental harassment
- interpretation of the terms of an agreement settling a harassment case
- final settlement of a complaint before the Human Rights Commission in respect of the posting of an individual
- nullification of an accepted offer to resign from the public service on the basis that the employee was mentally incapable at the time of making the offer
- legal consequences of requiring a reinstated employee to undergo an additional medical evaluation
- settlement of a potential action for discharge of an employee on the basis of incompetence
- what information is appropriate for consideration by a Promotion Board
- procedure and options with respect to the release of an employee

6. **Litigation**

Much of the advice was given in instances where legal proceedings had been commenced or where a court action might soon be instituted. With respect to cases now before the Courts, details may be obtained by reading the Litigation Report distributed by our Unit several times per year. Other cases include:



- advice in respect of misconduct and possible fraud in the filing of travel claims under the foreign service directives
- advice in respect of allegedly corrupt actions of locally engaged staff in the issuance of visas
- conviction of a Canada based employee for wrongdoing in the issuance of visas
- advice in respect of a sexual discrimination complaint filed with a State Human Rights Commission
- advice re threatened lawsuit over the non-renewal of term employment of a locally engaged employee

c) **Trade Law Issues**

Our Unit was very much engaged in trade law issues in 1991. The work in respect of prohibited weapons, the Prosecutors Guide, Iraq and Sanctions deserves special mention:

1. **Prohibited Weapons -**

Much effort was expended in relation to the drafting of amendments to the Criminal Code and the Export and Import Permits Act (EIPA) regarding controls on the export and import of automatic weapons and components thereof, particularly those sections which relate to defining what is to be prohibited. In addition, our Unit was involved in adding the Automatic Firearms Country Control List to the legislative framework and making consequential amendments to the ECL and ICL.

2. **Prosecutors Guide -**

In 1991, more attention was given to the prosecution of offenses under the EIPA. In this connection, our Unit prepared a Prosecutors Guide, which is a comprehensive review of the EIPA for the benefit of those who conduct prosecutions under the Act. In a related initiative, our Unit prepared a first draft of a legislative history of the EIPA together with a list of criminal cases under the Act noting the verdict and the sentence. The former will greatly assist our litigators in both civil and criminal cases, particularly in respect of Charter challenges. The latter is an incomplete list of cases as there is no system in place requiring Revenue Canada - Customs and Excise, the RCMP, Environment Canada and the Regional Offices of Justice to deposit this information with a designated office. The EAITC records are incomplete. If the problems encountered in staffing our support staff positions are resolved in 1992, this information management problem will be corrected.



3. Iraq -

Our Unit started 1991 continuing the concentration on legal issues flowing from the Persian Gulf War. In addition to participating throughout the war, in various co-ordinating committee's at the PCO and in Justice, our Unit prepared the amendments to the United Nations Iraq Regulations removing Kuwait from the scope of sanctions and gave advice on certificates authorizing the sale of certain goods to Iraq. Our Unit gave advice on a myriad of issues related to the war including such things as the remission of GST to Iraqi nationals and diplomats.

4. Sanctions

Work was done in relation to the developments in Haiti and Yugoslavia including the addition to the ICL of goods of Haitian origin, the addition to the ACL of Haiti and Yugoslavia, and amendments to the GEP no. 12 - US Origin Goods (re Haiti and Yugoslavia) and creation of GEPs 22 and 23 for Haiti and Yugoslavia respectively.

In respect of the proposed Special Economic Measures Act, advice was given on such issues as:

- the liability of the government to pay compensation for losses
- the controls on transfers of technology in intangible form
- the designation of responsibilities to the Minister of International Trade

5. EIPA Revision -

As mentioned elsewhere in this Report, progress in respect of the proposed revision of the EIPA was slow. In respect of the thorny issue of how quota should be treated, our Unit began research into quota schemes in other legislation. A survey of the Canadian (federal and provincial) and American statutes was completed. The Unit also advised on a variety of issues arising from the reference to the Canadian International Trade Tribunal pursuant to section 18 of the Canadian International Trade Tribunal Act, of an inquiry into current methods of import quota allocation for agricultural products and alternatives thereto.



6. Litigation -

There were several important cases in 1991 in which EAITC was successful for the most part. For a full explanation of these cases, please see our Litigation Report which is distributed by our Unit several times per year. Deserving special merit are the CARI case (civil) and the MARTIN case (criminal), in which the validity of the Act and the quota schemes used in its administration are challenged and the ANTRIM YARDS case, in which the Softwood Lumber Products Export Charge Exemption Order was challenged under the Charter.

7. Other -

In the Bills and Draft Regulations section of this Annual Report, there is a list of numerous statutory instruments that were handled by our Unit in 1991, most of which deal with trade law issues. In addition, our Unit was engaged in providing advice on the day to day administration of the EIPA including legal advice related to the following:

- the controls on exports of red cedar logs from Indian reserves and the obvious Charter issues that flow from the issuance of permits to Indians only
- the loss of eligibility for supplementary import permits due to under utilization of quota
- enforcement problems flowing from the enforcement sections in EIPA and the Customs Act (involving consultations with Revenue Canada -- Customs and Excise and the RCMP)
- the effect of the expiry of the Multifibre Arrangement on the enforcement of bilateral agreements in Canada
- the power of the Minister to delegate her functions under EIPA to the MINT
- the transfer of poultry import quotas in alleged violation of EIPA
- the re-export of ex-quota imports of restrained textile fabrics
- the issuance of import permits for goods on condition that they enter a public bonded warehouse
- the controls in respect of goods exported to the USA for further manufacture and resale
- the statutory requirement to table intergovernmental arrangements before Parliament and whether the requirement is fulfilled by Minister's announcement
- the possible ban on trade with Thailand of species listed in CITES Appendices
- revision to General Import Permits no: 4 and 10 (textiles and clothing)



d) Environmental Law Issues

The work of our Unit in respect of environmental law issues included:

- providing comments to the Justice Environmental Issues Secretariat on the draft memorandum to Cabinet concerning the guidelines for the environmental assessment of policy and programs proposals; concerns were raised that environmental assessment of policy in the foreign affairs area could give rise to difficulties for Canada in its relations with other countries and with international organizations;
- providing comments on the proposed Canadian Environmental Assessment Act (formerly Bill C-78 now Bill C-13);
- providing advice on federal legislation that may trigger the Environmental Assessment Process (for eg., the Immigration Regulations, the International Boundary Water Treaty Act)
- assisting our sister legal service unit at the Department of Fisheries and Oceans on an issue related to the Order made by the Governor in Council on October 30, 1991, authorizing the transit of Dixon Entrance by U.S. nuclear submarines;
- assisting the Vancouver Regional Office and the headquarters divisions of Justice in the preparation of the defence in the matter of Vancouver Island Peace Society et al. v. Her Majesty the Queen; the applicants are seeking, inter alia, to compel the Minister of Defence, the Secretary of State for External Affairs and the Minister of Transport to conduct an environmental screening or initial assessment to determine whether there may be potentially adverse environmental effects from the visits of nuclear powered and nuclear armed warships to Canadian Ports and to have the proposed visits publicly reviewed by a panel pursuant to the provisions of the Environmental Assessment and Review Process Guidelines Order (EARPGO) (SOR/84-467);
- participating in a project with respect to contaminated federal Crown lands. The Department of the Environment (DOE) commissioned an agent to prepare, under the direction and supervision of Justice, a study examining the roles and responsibilities of the DOE in the management of contaminated federal lands.

Our Unit participated, along with members of the Justice Steering Committee, in a meeting the Physical Resources Bureau of EAITC to discuss these responsibilities in the context of the acquisition, management and disposal of real property in foreign jurisdictions.



e) **Commercial and Property Law Issues**

The work of our Unit in respect of commercial and property law issues can be divided roughly into two categories: real property work and other legal work of a general commercial nature.

Advice was given on the Crown law requirements imposed by the provisions of the Financial Administration Act ("FAA"), the Government Contract Regulations, the Vienna Conventions on Diplomatic and Consular Relations ("VCDRC"), the Public Lands Grant Act, the Surplus Crown Assets Act, the Public Lands Leasing and Licensing Regulations and the Government Land Purchase Regulations.

1. **Real Property Law** advice was provided in respect of:

- contracts for the construction or renovation of accommodations for missions outside Canada. A substantial amount of effort was expended in connection with the modification of an international construction contract form for use in the contractual arrangements for the building of the Canadian Diplomatic Complex in Algiers.
- contracts for architectural services relating to the fit up of premises in East Berlin and Guatemala and on the legal implications of the Prime Consultant Agreements in place with respect to the chanceries in Washington, Buenos Aires and Algiers.
- agreements for the acquisition, disposition or lease of accommodations for missions outside Canada including:
 - * an innovative acquisition scheme for the new chancery in Sydney, Australia under the Australian Strata Titles Act.
 - * unique property rights issues arising from the dramatic political developments in Eastern Europe with purchases in Warsaw, Berlin and Kiev
 - * the legal issues remaining in the Tokyo Redevelopment Project
 - * purchase of 3 staff quarters in Nairobi and a chancery in Lusaka
 - * a sale of Crown property in Chile
 - * 24 proposed property sales in 7 different jurisdictions
 - * numerous Crown leases including problems with a diplomatic break clause in respect of the residence of our representative at GATT, a renewal in Iraq and a renewal in Tel Aviv



2. **Litigation support** was provided in connection with 2 court actions against EAITC, the first in Saudi Arabia (Laing Wimpey case) and the second in Israel (Reinhold case). Foreign counsel have been appointed agents of the Minister of Justice and instructions are provided through our Unit. These are complicated cases with various proceedings in various fora (including the religious court in Riyadh). For a detailed summary of the litigation see the Litigation Report prepared and distributed by our Unit several times per year. That Report summarizes a third property related case, namely the National Capital Commission v the Kingdom of Saudi Arabia, in which our Unit is involved with others in developing the position to be taken in this litigation, which is in the superior court of the province in which the land, which is the subject of the dispute, is situate, i.e. Ontario.

3. In 1991, our Unit concentrated on improving the way in which our legal services in respect of property/commercial law are organized and delivered. Time has been spent in examining recurring legal issues and the problems they present with a view to developing legislative proposals or other solutions that will help EAITC deliver its programs in an efficient and effective way. Developing trends and legislative proposals have also been analyzed so that our Unit will be able to assist EAITC in formulating positions and policies in respect of these developments. Examples of matters which were studied in 1991 include:

- legal implications of the provisions of s. 90 of the FAA on purchases by EAITC of share interests in condominium and similarly structured corporations
- advantages and disadvantages of various choice of law and choice of forum clauses in EAITC's leases and other real property related agreements
- title insurance in respect of EAITC's various transactions in the USA and developments in Canadian law and practice re title insurance
- review of various drafts of the Federal Real Property Act and advice on the provisions of this Act as recently passed
- review of various drafts of the proposed Real Property Regulations
- review of proposed changes to the disposal practice recommended by PS 2000 and proposed amendments to the Surplus Crown Assets Act.

Also, in an effort to better utilize our limited resources, effort was expended in putting **systems** in place for:

- early notification of EAITC's TB submissions in respect of property matters



- an automated schedule of all transactions in which our Unit is involved noting the location of the land, the name of the assigned lawyer and other key information
- a list of EAITC's leases noting expiry dates and rents allowing for scheduling of the legal work in relation to renewals and new leases where significant rent monies are involved.

The training for the personnel of the Physical Resources Bureau and others involved in property matters that was given by our Unit in 1990, was not repeated in 1991, due to a short staffed situation in our Unit. The training has been rescheduled for fixed dates in February 1992.

4. The work of our Unit in respect of other commercial work included advice on:

- complex contract negotiations with Nabisco Brands, Bill Reid and their counsel in relation to the donation by Nabisco of the Spirit of Haida Gwaii sculpture now installed in Canada's embassy in Washington, including advice in respect of a possible lien by the foundry, in respect of the Cultural Property Export and Import Act, rights of the architect of the embassy in relation to the positioning of the sculpture, copyright and proposed licensing of various rights of reproduction of the sculpture to Bill Reid, an associated corporation and the sublicensing or assignment of those rights to others;
- PEMD actions (eg. Fishery Products Inter'l; Connors Bros.)
- collections (eg. recovering outstanding advances, repatriation loans)
- agreements for major contributions and grants (Expo 1996, Toronto 2000)
- contracts for services (including opinions on employer-employee relationships and attending at DEA's Contract Review Board)
- drafting specific clauses (eg. copyright clauses in departmental publications and contracts)
- ex gratia payments (i.e. determining there is no legal liability)
- legal aspects of Canada's participation in Seville 1992, Hanover 2000; advice was given in respect of international exhibition rules and regulations and memoranda of understanding with provinces re participation in exhibitions



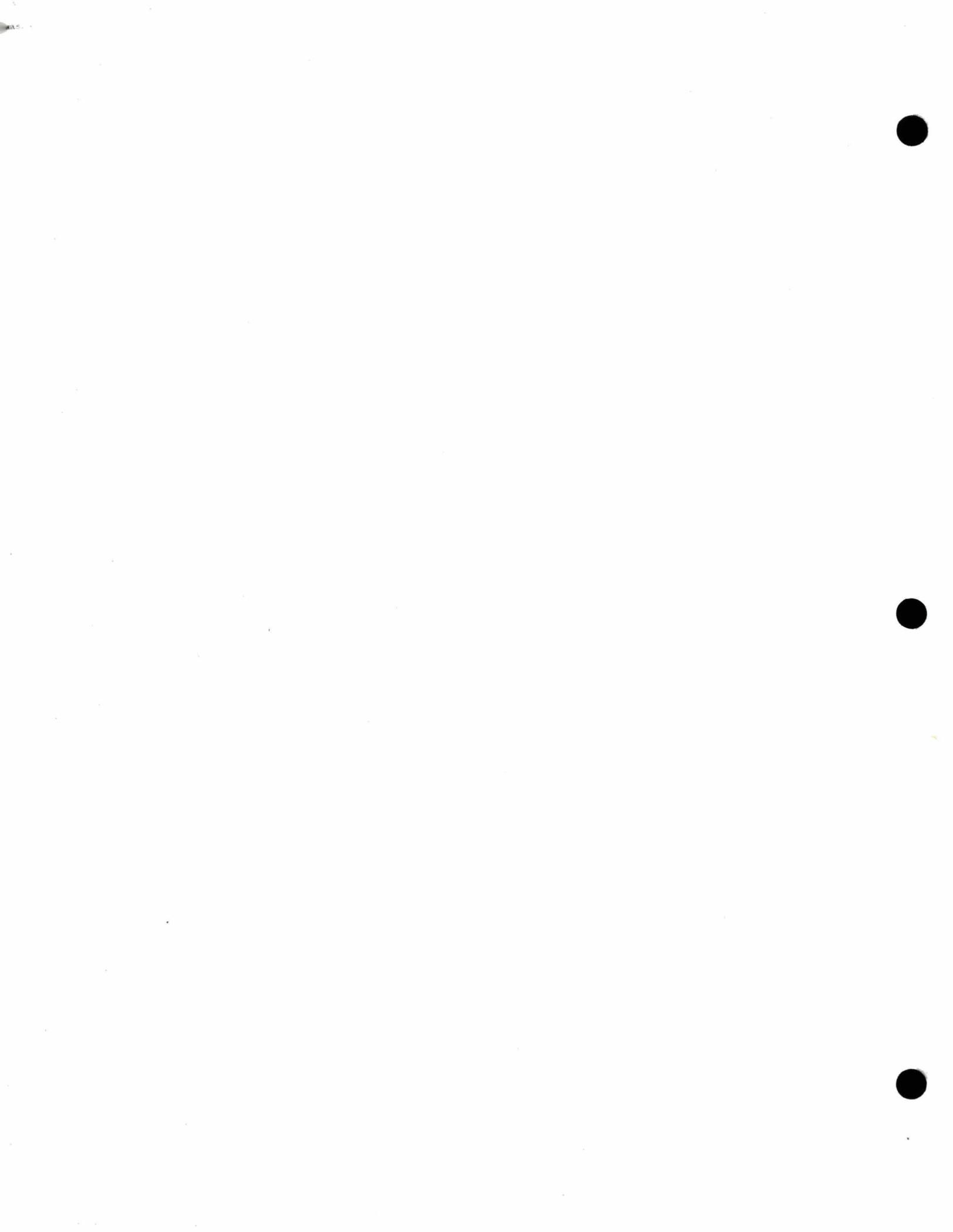
- the GST and other tax issues such as whether donations made in Canada to settle Jews in the occupied territories qualify as charitable donations under the Income Tax Act and those arising from the application of the VCDCR
- drafting and review of interdepartmental MOUs (eg. loan of gas masks from DND to EAITC during Gulf war, Japan Science and Technology Fund)
- Interchange Canada agreements
- Interpretation of arrangements with sculptor for Tokyo Embassy pieces
- copyright, trademarks, tendering process.

f) **Issues relating to Immigration, Consular and Passport Activities**

In 1991, our Unit was very much involved in immigration matters, providing litigation support for all certiorari and mandamus motions in the Federal Court which challenge decisions to refuse visas. The number of cases has steadily risen; there were usually no more than 6 of these cases at any point in time in 1988, by mid 1991 there were 35 cases including 6 in the court of appeal. Our Litigation Report, which is distributed several times per year, contains notes on each of these cases.

While EAITC's success rate in these cases has been improving in recent years, there are three 1991 Federal Court cases decided against EAITC which are worthy of special mention. In the cases of Mangat and Chen, the Federal Court held in May, 1991, that the discretion of visa officers as contemplated in section 11(3) of the Immigration Regulations can only be exercised in relation to economic factors. These two judicial decisions make it more difficult for visa officers to exercise discretion, both positively and negatively, when considering whether or not to issue a visa when, in the visa officer's opinion, the units of assessment awarded do not accurately reflect the chances of an applicant becoming successfully established in Canada.

In Lam, decided in late November, the court held that a visa officer is required to personally interview visa applicants even in situations where the maximum number of points which could be awarded on the basis of information that is the subject matter of the interview, would be insufficient to allow issuance of a visa. The ramifications of such a requirement on the delivery abroad of the immigration program could be very significant.



Another preoccupation for our Unit in 1991 was the work associated with the 20 complaints under the Canadian Human Rights Act by sponsors or persons to be visited, who allege that they are victims, as that term is defined in the Act, of discrimination due to EAITC's refusal to issue a visa to the person abroad. EAITC is challenging the jurisdiction of the Human Rights Commission in relation to these cases. The first of these cases, Menghani, is now before the Canadian Human Rights Tribunal.

In addition to providing general advice and litigation support in respect of immigration matters, our Unit is very much involved in training visa officers and immigration program officers. In 1991, our Unit provided the following training:

- February 6 and August 6: Legal Issues for Officers Undertaking their first Immigration assignment. 2 one day courses. These courses dealt with procedural fairness in the overseas immigration context, the impact of the Charter and the Canadian Human Rights Act and the treatment of personal information.
- March 6: Legal aspects of the immigration liaison function abroad. Half day course. This course covered the role of officers in determining the validity of documents and the relationship between officers and airlines flying to Canada.
- March 20: Legal Issues Regarding the Processing of Refugee Applications abroad. Half day course. This course dealt with the legal requirements of the treatment of refugee applicants as well as general procedural fairness questions.
- March 21: Briefing of U.S. Immigration Program Managers. Half day course. This course provided managers with the latest developments in the administrative law field having an impact on the delivery of the immigration program.
- May 29: Visa Officer Refresher Course. One day course. This course dealt in an advanced fashion with procedural fairness in the overseas context and the impact of the Charter and the Canadian Human Rights Act. In addition, a large portion of the time was spent answering questions concerning the meaning of various provisions in the Immigration Act and Regulations.
- Nov. 21 & 22: Briefing of Visiting Immigration Program Officers. Two days course. This covered all of the issues mentioned above.

The work of our Unit in respect of **consular activities** included participation in the drafting of a new Diplomatic and Consular Privileges, Immunities and Benefits Act and the drafting of a contribution agreement with the CBC relating to Radio Canada International. The Unit also provided advice on various issues flowing from the Gulf war, in particular, liability questions relating to the evacuation of Canadians from Iraq and Kuwait.



The work of our Unit in respect of EAITC's passport function included providing advice on the interpretation of the Passport Order and drafting amendments to the Passport Services Fees Regulations increasing fees for passports and travel documents pursuant to the cost recovery initiative. In addition, legal advice has been given in respect of several cases involving passports for children who are the subject of custody or access disputes.

g) **Hague Convention on the Civil Aspects of International Child Abduction**

The work of our Unit in respect to the Hague Convention included:

- (a) assisting in obtaining the return of children to Canada and assisting foreign central authorities in the return of children abducted to or retained in Canada in accordance with the Convention; and
- (b) assisting generally in the implementation of the Hague Convention, as the Central Authority for Canada.

In 1991, a significant number of countries either ratified or acceded to the Convention. Six states ratified the Convention, which had the affect of bringing the Convention into force (in 1991) between the ratifying state and all the ratifying member states. In addition, two states, Mexico and Yugoslavia, sought accession to the Convention. Our unit, acting in its role as Federal Central Authority, consults with the provinces/territories with respect to whether there are any objections regarding a state's accession. In 1991, Canada formally accepted the accession of Belize.

Our Unit also provides updated information charts designating new member countries, dates of entry into force, contact persons, and other important information to provincial/territorial central authorities, police forces, children protection groups and other organizations. This facilitates expeditious contact between the parties in emergency cases.

In addition to assisting in obtaining the return of children pursuant to the Hague Convention, our Unit also assists the Consular Operations Division with respect to the provision of advice in non-Hague Convention child abductions and generally, in matters relating to Canadians involved in family related legal issues.

h) **Access to Information and Privacy Issues**

Our Unit gives advice to EAITC with respect to the numerous requests it receives under the Access to Information Act for access to its records and with respect to the application of the provisions of the Privacy Act to EAITC's use of personal information.



For details of the information and privacy litigation directly involving EAITC, please consult the Litigation Report prepared and distributed by our Unit several times per year.

For 1991, the work related to the Al-Mashat inquiry and the Access Commissioner's investigation of EAITC's handling of a particular request, deserves highlighting:

- our Unit provided advice with respect to the law governing the disclosure of documents to the Parliamentary Committee investigating the Al-Mashat affair, the rules governing the appearance of civil servants before the Committee and with respect to the series of requests for access to records related to the affair
- our Unit provided advice with respect to an investigation by the Information Commissioner of a complaint filed about the handling of a request for records related to a trip abroad by the Prime Minister. In 1991, the Commissioner released his long awaited report and EAITC responded in writing to the contents of the report, specifically its recommendations.

3.5 Objectives for 1992

In 1991 the Departmental Legal Services Sector of the Department of Justice carried out a strategic planning exercise which resulted in the development of "strategic directions" under the headings "CLIENT SERVICES", "HUMAN RESOURCE MANAGEMENT", "WORKLOAD RESOURCING", "GENERAL MANAGEMENT" AND "MANAGEMENT OF THE LAW". The text of the sector objectives and goals has not been included in this Annual Report. Reproduced below are the sector objectives which are particularly pertinent for our Unit in 1992 and our Unit's goals and "plans of action" in respect of each objective. The Performance Review Appraisal form of each lawyer contains his/her objectives for 1992 which reflect our Unit's overall objectives which in turn reflect the strategic directions of the sector in which we work.

OBJECTIVE #1

To sensitize the client to the legal consequences of departmental decisions by communicating basic notions of law.

(See DLS Strategic Direction
1.1 Client Awareness: Priority A)

Goals

- i) training sessions for the personnel of the Physical Resources Bureau and others involved in real property and commercial work

Performance Indicator:

Seminars



Timeframe:

First seminar scheduled for February 1992; subsequently, sessions to be held according to demand.

Accountability:

Sandra Zed Finless, Richard Fiutowski and Gregory Newman acting in concert

- ii) training sessions for EAITC in support of its immigration program

Performance Indicator:

Numerous sessions scheduled by responsible division of EAITC

Timeframe:

Ongoing

Accountability:

Jonathan Keene

- iii) communicating recent developments and decisions which concern the client directly

Performance Indicator:

Publication of Annual Report with pertinent sections on recent developments

Trends and impact analysis in Litigation Report

Note to missions abroad and selected divisions in HQ of EAITC highlighting and promoting Justice Echo

Timeframe:

Ongoing

Accountability:

Manager of DLSU with assistance of other lawyers

OBJECTIVE #2

To ensure that the Legal Services Sector has the appropriate legal resources to deliver a high quality legal service.

(See DLS Strategic Direction

2.3 Resource Mix and Allocation: Priority B)



Goals

- i) Comparing existing skills levels of the lawyers with existing and projected requirements and recruiting as required

Performance Indicator:

Staffing of legal positions (identified as JUS-1666 and JUS-3482) with lawyers possessing requisite skills and aptitudes

Timeframe:

ASAP

Accountability:

Manager of DLSU

- ii) Comparing existing skills levels of support personnel and projected requirements and recruiting/training as required

(A) **Performance Indicator:**

Staffing of support position EXT2666 with person possessing requisite records management skills and aptitudes

Timeframe:

By February 15, 1992

Accountability:

Richard Fiutowski

(B) **Performance Indicator:**

Reclassification and staffing of support position EXT1559N

Timeframe:

February 29, 1992

Accountability:

Richard Fiutowski with assistance of Manager of DLSU

(C) **Performance Indicator:**

Completion of skills training for support and legal personnel

Timeframe:

Ongoing



Accountability:

Each member of the DLSU

OBJECTIVE #3

To obtain the necessary technology to support the DLSU.

(See DLS Strategic Direction

4.1 Improvement in Work Instruments: Priority A)

Goals

- i) Implementation of RIMS software including keyword indexing for at least the "subject identifier" for each file regardless of when created and the subject and keyword indexing of all correspondence received or sent on January 2, 1992 and thereafter

Performance Indicator:

Automation of information management

Timeframe:

Ongoing

Accountability:

Kinga Nogrady and Sandra Zed Finless with the active assistance of each member of the DLSU

- ii) Implementation of Work Profiling

Performance Indicator:

Submission of suggested refinements, completion of training and implementation of automated system

Timeframe:

as established by the Work Profiling group

Accountability:

Richard Fiutowski (with assistance of J. Keene and G. Newman) for refinements and each member of the DLSU for training and implementation

- iii) Automation of the database of EIPA opinions to allow full text searching of all opinions including those currently existing only in hard copy



(A) **Performance Indicator:**

Collection of all EIPA opinions in hardcopy

Timeframe:

February 29 for all pre 1992 opinions

Accountability:

Ferne Peever, Micheline Laviolette and Kinga Nogrady

(B) **Performance Indicator:**

Purchase of requisite technology and consulting services.

Timeframe:

February 17th for decision on cost proposal submitted by "Network Support Inc.", March 31 for execution of contract

Accountability:

Sandra Zed Finless and Ginette Collin acting in concert

OBJECTIVE #4

To identify new trends in the law in our client's field of expertise and to transmit information on other important legal trends to our clients.

(See DLS Strategic Direction
5.1 Information and Trend Gathering: Priority A1)

Goals

- i) Completion of the significant work commenced in 1991 with respect to the problems presented by recurring legal issues in the property/commercial work including: recommendation of legislative amendments, precedent books and other solutions to these problems

(A) **Performance Indicator:**

Options paper to ADM Property & Commercial Law re. S.90 of FAA on purchase of share interests in condominium and similar corporations

Timeframe:

July 1992

Accountability:



Sandra Zed Finless

(B) Performance Indicator:

Completion of a database of various alternative clauses appropriate for use in EAITC's leases.

Timeframe:

July 1992

Accountability:

Richard Fiutowski with assistance of Gregory Newman

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