

OVERSIGHT COMMITTEE

Greenwood Hotel, Calgary, Alberta

Nov 5, 2007

Attendance:

Chair: Jim Ehmann	Church Representative
Luc Dumont	IRSRC Representative
James Ward	IRSRC Representative
David Paterson	Guest
William Wuttunee	Guest
Dave Iverson	Church Representative
Carol Brzezecki	Aboriginal Representative
Bobby Joseph	Aboriginal Representative
Bill Percy	Claimant Counsel Representative
Len Marchand	Claimant Counsel Representative
Dan Ish	IAP Chief Adjudicator
Ted Hughes	ADR Chief Adjudicator
Brian Harris	IAP Secretariat
Irene Fraser	IAP Secretariat (Recorder)

Regrets: Monique Bond and Rosemarie Kuptana.

Item 1: Additions and Approval of the Agenda

Additions: Transcript Issue
Neutral Chair
Use of the POI Data Base
Technical Issues Sub-Committee on IAP matters

Remove: 3) f.

Item 2. Approval of the Minutes

a) August 2, 2007 Minutes

Approved with the one correction: Page 1, Item 1 Change AP to IAP.

a) August 15, 2007 Minutes

Approved with one correction: Page 2, Item 5 Strike the first bullet.

c) September 17 Minutes

Approved.

Item 3. Matters Arising From the Minutes

a) Draft of Instructions to ADR adjudicators re: Other Wrongful Acts

Received as information. All adjudicators received the information.

Decision: The attachment was not the final draft. Irene Fraser to send out final copy.

b) Approval/Adoption of CARG Policies and Decisions

Decision: Defer to the next meeting. Document to be attached to the next agenda.

c) Training Agenda

Decision: Consideration to be given to recording some of the training sessions which may be useful to staff.

Irene to send Bobby Joseph the discs of the History of Aboriginal People from previous training.

d) Case Law Inclusion in Training

Decision: A session on case law will be included.

e) Evaluation of Form Fillers

Contracts for form fillers expired Sept 30 and will not be renewed. The report on the evaluation of the form filler program will be shared with the Oversight Committee. The IAP-S will be responsible for supporting self-represented claimants. A proposal will be presented at a future meeting.

f) Transition Issue

Applications for leave to go to the court must come in the form of a letter to the IAP Chief Adjudicator. No special application form will be developed.

g) Negotiated Settlement Issue

The policy work on this issue is not complete yet.

h) Plain language Application

Decision: This item is deferred until Monique Bond can be present.

Item 4. New Business

a) Results of Interviews

One hundred applications were received. Sixty –seven people were interviewed, fifty-three accepted. Fourteen are of Aboriginal ancestry. There are sixteen brand new adjudicators. Thirty-seven of the ADR adjudicators will be staying on. Publicity of the RFP was not very broad. The current RFP will be reviewed. Criteria for the RFP is on page 24 of the IAP. No decision on the RFP date will be made until spring but the groundwork can begin now.

Decision: Dan Ish will review the RFP and bring it back to the Oversight Committee for approval before it goes on to PWGSC.

b) IAP Issues from Len Marchand

i) Conflict between the Guide and the IAP Application

The definition of income loss in the Guide is narrower than the IAP. This will be a concern for self-represented claimants.

Decision: The wording on page 17 & 18, section 5 of the IAP Guide and page 16 of the IAP application needs to be included for comparison in the material for the meeting on Dec 4th.

ii) Problems with the IAP On-line Application forms

Decision: Len Marchand will send Brian Harris some suggestions and Brian will follow up.

iii) Where to send Documents for IAP Claims

187 IAP applications have been received. Claimant counsel are not clear on where to send the documentation which is to accompany the application.

Decision: Brian Harris will follow-up and distribute.

Decision: The adjudicator list for the IAP is to be distributed.

iv) Multiple Forms of Abuse

Even though OWA may be subsumed the claim has to go through the complex track.

v) Adopting the Roster of Experts

Decision: Agreed that the ADR Roster of Experts and accompanying protocol are accepted into IAP.

vi.) Standard Proof for Causation of Consequential Harms for SL1 and PL Claims

Seventy-five percent of the cases that have come forward are income loss claims. These are complex track cases that will require the proof of causation standard. A discussion occurred concerning whether the adjudicator for preliminary assessment of the complex track will be different than the one for the hearing. Dan Ish commented on the resource implications of having a separate adjudicator assigned for preliminary case assessments and the ultimate hearing. Dan Ish will report back to the Oversight Committee on this matter.

c) Appointment of a 5th Aboriginal Deputy Chief

Decision: The recommendation for an RFP for a 5th Aboriginal Deputy Chief is accepted. Dan Ish will provide the Oversight Committee with an RFP draft. The posting can proceed internally without going to PWGSC.

d) Conditions of Appointment of Si Halyk as an Adjudicator

Si Halyk is with a firm which represents one of the defendants.

Decision: Irene Fraser is to send out the previous CARG policy on this same issue for discussion at the next meeting.

Is there a conflict of interest issue to be considered for adjudicators who are former residential school students? A conflict of interest policy was never approved. A copy of it is to come back to the next meeting.

e) Appointment of the Neutral Chair

Mayo Moran was named. Her appointment by the NAC has not received approval yet. Dan Ish has been in touch with her office. Ms. Moran is available for meetings on Dec 4 and Jan 15. The December 4 meeting will be in Winnipeg. The January 15 meeting will be in Vancouver.

Decision: Dan Ish will contact Randy Bennett with NAC to express our concern that the appointment has not happened yet.

f) Transcript Issue

Decision: In circumstances where counsel request a transcript for the purposes of determining whether a claim might move from ADR to IAP, the transcript will be released.

g) Next Meeting

December 4, 2007 in Winnipeg. The Oversight Committee agenda will be addressed first.

Chairperson

Date