

OVERSIGHT COMMITTEE (OC)
November 3, 2009
Winnipeg, MN

Chair: Mayo Moran

Dave Iverson	Church Representative
Mitch Holash	Church Representative
Luc Dumont	Government Representative
Les Carpenter	Inuit Representative
William Wuttunee	AFN Representative (Arrival: 11:15 a.m.)
Len Marchand	Claimant Counsel Representative
David Paterson	Claimant Counsel Representative
Jeffery Hutchinson	IRS Adjudication Secretariat
Dan Ish	Chief Adjudicator
Irene Fraser	IRSAS, recorder

Guests: Kerry Eaton; Daniel Shapiro was present for the TSC report; Violet Paul was present for a short report from AFN.

1. Approval and Additions to the Agenda

Add:

- a) In-camera Session
- b) Referencing Decisions in Hearings
- c) Update of Future Care Plan
- d) Update on 2010 plans
- e) Security of Teleconference Calls
- f) Publication of Admissions Regarding Student on Student Abuse
- g) Oversight Committee Governance

2. Technical Sub-Committee Report

Dan Shapiro reported for the TSC.

- Consensus was reached on a format and uptake for a short form decision.
- Use of the short form decision will necessitate the digital card coming in very quickly after the hearing. The TSC asks that the cover letter which accompanies the short form explain the urgency of this and that the time between the hearing and receipt of the digital card at the Secretariat be tracked.
- The right to review the short form decision is retained. The thirty day period stands.
- To avoid a perception of undue influence in the absence of legal advice, the short form decision will initially be an option only for those with counsel.
- Final decision on use of the short form decision at the hearing will still be the adjudicator's call.

- Everything, including all submissions leading to the short form decision, must be on record.
- The word “unduly” is to be inserted in the appropriate place on Page 3 of the draft Practice Direction – 2.

Decision:

1) The short form decision was approved with no negative votes. It is anticipated that it will be implemented in January and reviewed in April 2010.

2) Dan Shapiro will circulate a copy of the short form decision, with changes as discussed, to OC members. See attached.

- There was discussion but no agreement on redaction of decisions on the pending data base. Discussion will continue.
- Draft revisions are being considered by the TSC to Chief Adjudicator Directive #6 on Hearings for Alleged Perpetrators.

3. Assembly of First Nations (AFN)

Violet Paul, Senior Advisor, AFN presented brief comments on the recent changes in leadership and structure within the AFN. She also asked for and received clarification on the role of the representatives on OC.

4. Executive Director’s Report

- The IRSAS Dashboard report as of October 18, summaries of statistics on claims, etc. were circulated.
- The deck of material which was presented to the National Administration Committee was distributed.
- The Winnipeg Hearing Centre is now open.
- Alleged perpetrators are now being offered three possible hearing dates and asked to pick one. This is working well.
- There will be a reduction in the number of hearings in the last two quarters of the fiscal year so that staff and adjudicators can catch up.

5. Chief Adjudicator’s Report

- Following the last OC meeting, the Chief Adjudicator met with the Deputy Minister and laid out issues with respect to administration and support from Canada to the Secretariat.
- Adjudicators are being leaned on to be timely with legal fee reviews.
- Michel Landry is now in place as a Deputy Chief Adjudicator.
- In terms of full time equivalents, there are currently about 50 adjudicators. Thus, the RFP target for adjudicators was increased from 20 to 40.
- Dan Ish attended an impressive celebration on October 15th at Rideau Hall honoring the Truth and Reconciliation Commission.
- Adjudicator evaluations are underway.

- Jeff Hutchinson and Dan Ish had a useful and positive meeting with the National Administration Committee. The deck which Jeff delivered was excellent and well received.

6. Roster of Experts

Irene Fraser will circulate the protocol for adding and removing persons from the roster.

The document circulated on potential experts was discussed.

Decision: Those that have been recommended are accepted as additions to the roster. Number 6 is subject to confirmation; number 7 is on hold until his interest can be determined; number 10 was not approved; number 17 needs to be confirmed. Numbers 14 and 20 (a) need more information to come forward.

7. Procurement of Experts

A *Briefing Note* for discussion on measures with respect to retention and payment of experts for the roster was distributed. An accountability framework is required. The discussion paper sets out a proposed framework.

Decision: This is to be developed further and brought forward at the December meeting.

8. Screening and Interview Timelines

Decision: Jeff Hutchinson will send out a revised RFP screening and interview timeline as soon as possible.

9. Future Meeting Dates

Decision: The December 15 meeting will be in Toronto. The January meeting will be in Ottawa.

10. Canada's Quarterly Report

Luc Dumont distributed updated statistics on NSP, compensation steps and attendance by Canada at hearings, progress on closing ADR files, etc.

- The toll free telephone numbers for claimants seeking information on their compensation is to be incorporated into the letter from the Secretariat which goes to the claimant with the decision.
- The acceptance of the decision letter will go only to self-represented claimants. Claimant counsel can respond for their claimants. A target is set to have the compensation cheques go out within thirty days of notification to Canada of the

acceptance of the decision. The Secretariat's list of counsel can be used to inform claimant counsel of the change in process.

- It is helpful if adjudicators explain to claimants that a cheque will not immediately follow the hearing or the decision. Dan Ish will remind adjudicators.

11. Telephone Security

There is a need to increase in the number of security codes for conference calls and the calls need to be scheduled further apart. Currently there are occasions when the security of the call is compromised because another call overlaps one in progress. The feature of announcing the participants entering the call seems to have disappeared. It would be helpful to have that feature back.

12. Database Plan

Jeff Hutchinson distributed a report, *Decisions Database Implementation Plan*. The intent is to have redacted decisions available in both languages to adjudicators, claimant counsel, Canada's representatives and the churches. This will require a third party contract to create and maintain the database and clarify that the information on the data base is not government information. A court order is necessary to put this in place. Secure electronic transfer of documents would be a part of the court order.

Decision: OC members are to read the report and a conference call is to be convened to discuss it further. Implementation of the database pending further discussion by the OC.

13. Claimant Counsel Performance

Canada reported inadequate representation by a particular counsel. Reporting of poor representation by counsel to the law society of a province is not restrictive in terms of who can report. It can be done by Canada or an adjudicator. Collaboration is an option.

Next meeting: December 15 in Toronto.