

OVERSIGHT COMMITTEE
JANUARY 26, 2010
Ottawa, ON

Mayo Moran	Chairperson
Dan Ish	Chief Adjudicator
David Iverson	Church Representative
Mitch Holash	Church Representative
Luc Dumont	Canada's Representative
Alison Molloy	Canada's Representative
William Wuttunee	AFN Representative
Les Carpenter	Inuit Representative
Len Marchand	Claimant Counsel Representative
David Paterson	Claimant Counsel Representative
Jeffery Hutchinson	Adjudication Secretariat
Irene Fraser	Adjudication Secretariat (recorder)

1. Additions to and Approval of the Agenda

Additions:

- New Application Forms – Jeff Hutchinson
- Interpretation of Provision from the Settlement Agreement – Len Marchand
- Letter from Adjudicator Kelly MacDonald – Len Marchand

2. Technical Sub-Committee

Deputy Chief Adjudicator Dan Shapiro reported for the Technical Sub-Committee.

- The short form decision is in use.
- The existing Chief Adjudicator's Directive number six (CAD 6) on Hearings for Alleged Perpetrators was revised.

Decision: The revised CAD was accepted. It will be posted on the website as CAD 6 Rev-1 as soon as it is translated. Canada will revise its letter to the alleged perpetrator to include necessary changes.

3. Review of Decisions Database Recommendations

Dan Ish thanked the Technical Sub-Committee for the work on the Short Form Decisions.

Prior to the meeting a memo, *Re: Decision Database*, was distributed by email from Dan Ish to members.

The memo addressed three main elements.

1. Content – The point is not to identify people but to see the reasoning of the adjudicator in reaching his/her decision.
2. Redaction Policy – Great care must be taken to not name or otherwise identify individuals.
3. Translation – Cost and practicality must be considered.

Many points of discussion followed.

Decision: The decision database is approved in principle subject to suggestions from the discussion being incorporated into a policy. The Chief Adjudicator will redraft the document into a policy.

4. Matters for Decision

- a) The appointments of Peter Burns, Dennis Callihoo and Yvon Roberge as adjudicators were ratified.

It was noted that we continue to have a shortage of French female adjudicators. Jeff Hutchinson is seeking information on the issue.

Note: From Dec 23, 2009 In-Camera Minutes:

If there are no issues with their security clearance, the following people are to be offered contracts.

Patrice Valeriano
Kibir Ravindra
Terianne Mosher
Vivienne Beisel
Marie Henheffer
James Posynick
Wesley Marsden
Catherine Zuck
Angela Zborosky
Jean Pierre Beauchesne
Karen Snowshoe

John Hillson
Paul London
Scott Gray
Lore Marie Mirwaldt
John Moreau
Jane Morley
Kevin Ball
Richard Grounds
Lois Figg
Ian Sziazak

5. Matters Carried Over

- a) Framework for Psychological/Psychiatric Assessments
 - The letter of instruction to the adjudicators is outstanding but being prepared.
 - The fee schedule will include all the experts who have a rate up to \$300.

- A complete package will go out by email to OC members.

6. Key Performance Indicators

Current statistics such as provided on the *IRSAS Dashboard as of January 17, 2010* and others were circulated.

Decision: Future statistics are to include a summary on short form decisions.

A letter will go to counsel who have documents outstanding for 18 months or more. Dan Ish will include the concern regarding counsel and outstanding documents in his quarterly report to the Courts.

Decision: Counsel David Blott will be asked for a file summary of how the firm will be moving forward on the approximately 1000 outstanding claims he holds.

7. Truth and Reconciliation Canada (TRC)

The TRC was to operate along side the IAP and, therefore, would have been an information conduit in line with the same years of the claims process. Given the late start of the TRC, it will be helpful if the TRC holds events in areas where there are fewer claims.

Decision: A meeting of OC members with the TRC prior to the TRC's meeting on June 14 in Winnipeg is desired. Jeff Hutchinson will move forward with making arrangements.

8. Executive Director's Report

- Hearings Management is receiving assistance with payments from teams from Ottawa and Vancouver.
- Three sets of changes have been identified to the online application form which do not appear to have been approved. A briefing note from Jeff Hutchinson will be tabled at the next meeting.

9. Outreach Strategy

Leah Kraft, Acting Director of Client Services, joined Jeff Hutchinson to present an Outreach Strategy for the Secretariat.

- A gap analysis provided information on regions where there has been a lot of activity in terms of CEP and IAP applications. There is less need for a proactive approach in these regions. The focus will be on Saskatchewan, Ontario, Quebec, Northwest Territories and Nunavut.
- The strategy will include working with INAC, regional groups such as FSIN and AMC, and local groups such as Alcohol and Drug Education and Treatment organizations, and active claimant counsel to disseminate information.

- Evaluation of the strategy is under discussion within the Secretariat.

10. Assistant Deputy Minister

The Assistant Deputy Minister, Elisabeth Chatillon, introduced herself to the OC. She is new to the job, previously with Service Canada. She expressed respect for the mandate and the long term legacy of the work of the IRSAS and noted that the word reconciliation is not just for the term of the IAP but to mean forever.

11. Chief Adjudicator's Report

- There has been significant improvement in the CAO with staffing and setting and meeting service standards.
- The twenty-four new adjudicators will put an extra load on the Deputy Chief Adjudicators, especially with review of decisions. A solution is under discussion.
- The Quebec court action is proceeding.
- The legal fee review court action was appealed and there is a request for a judicial review. The courts will have to decide whether they will hear judicial reviews.
- A Request for Directions has also been submitted by the CA to the courts to receive clarification on the payments to the Consortium and Merchant Law Group.

12. Registration for the Experts

Decision: Psychologists who are on the Roster of Experts must be registered with their association. Irene Fraser will inform Craig Dempsey.

13. Adjudicator Training

The agenda for the upcoming training of new adjudicators was approved.

Irene Fraser is to send Luc Dumont a training manual.

14. Approval of Minutes

a) Dec 15, 2009

- Page 2, item 3 third bullet, should be "on track".
- Page 1, third bullet re: short form decision. Change line to "format for short form decisions will be posted."
- Page 2, re: database, second bullet to read "where knowledge is actual or constructed knowledge is established."
- Key Performance Indicators, capitalize admissions.
- 2nd last page, Item 10, last bullet, remove "whether" and replace with "if there was".
- Last page d) 2nd bullet, replace "not finished" with "it is not heard."
- Correct the spelling of Alison.

Approved subject to changes.

b) December 15, 2009 In-Camera

OC asked that the in-camera minutes be moved into the regular minutes for December.
Approved pending changes.

c) Dec 23, 2009. In-Camera
Approved.

d) Jan 8, 2010 In-Camera
Approved.

15. New Business

a) Interpretation of Provision of the Agreement

Claimant counsel raised an issue with the definition of “on the premises”.

Decision: The item is referred to the Technical Sub-Committee.

b) Resignation of Len Marchand

It was noted that this was the last meeting for Len Marchand who resigned as a member of the Oversight Committee. Len was thanked for his generous contribution over many years.

16. Acceptance of the Award of the Decision

A letter from, Luc Dumont, Director General, Dispute Resolution Operations, to claimant counsel was circulated. An award package will no longer be going out and an acceptance letter will not be necessary. Also, the service standard established for the release of the cheque is sixty days after the Notice of Decision from the Secretariat.

Note: The next meeting will be in Winnipeg on March 1 & 2.