

OVERSIGHT COMMITTEE
Minutes

Toronto, ON
Sept 21, 2010

Chair	Mayo Moran
David Iverson	Church Representative
Mitch Holash	Church Representative
Kerry O'Shea	Claimant Counsel Representative
David Paterson	Claimant Counsel Representative
Luc Dumont	Government of Canada Representative
Les Carpenter	Inuit Representative
Paul Favel	Assembly of First Nations Representative
Dan Ish	Chief Adjudicator
Akivah Starkman	IRSAS
Jeffery Hutchinson	IRSAS
Irene Fraser	IRSAS (recorder)

Regrets: Alison Molloy, Government of Canada Representative

Guests: Kerry Eaton, Crawford Class Action Services; Deputy Chief Adjudicator Dan Shapiro

1. Introduction of Akivah Starkman

Dan Ish introduced Akivah Starkman who has assumed the position of Executive Director of Indian Residential Schools Adjudication Secretariat. He has over twenty years experience in labour relations, mediation and alternative dispute resolution and is a past Executive Director of the Canadian Industrial Relations Board.

Jeff Hutchinson will be leaving Sept 28th to take a position with Treasury Board.

2. Technical Sub-Committee (TSC)

Dan Shapiro reported for the TSC. He tabled two documents for discussion, a draft resolution and a draft Chief Adjudicator Directive (CAD-8), *Canada's Admissions of Staff Knowledge/Supervision in Cases of Allegations of Student on Student Abuse*.

Decisions:

- CAD-8 was adopted as put forward by the Technical
- Sub-Committee on Sept. 20, 2010, with revisions.

- The parties committed to further discussion towards the resolution of issues related to student on student knowledge / supervision admissions made after the release of a decision or the entering into of a negotiated settlement (NSP).

- On September 20, 2012 (after the expiration of the time for filing applications under the IAP), Canada will provide the Chief Adjudicator with a Master List containing a complete list of such admissions made to that date, and will update that list monthly until the conclusion of the IAP. The Chief Adjudicator may release information from such Master List to Claimant Counsel on such terms as in his discretion he deems appropriate.
- Dan Shapiro will incorporate suggestions from the discussion into the draft CAD-8 and have it recirculated to members.

3. Approval of the Minutes

- a) July 27 and 28 meeting minutes.

Decision: Approved.

- b) In-camera Minutes

Decision: Approved.

4. Key Performance Indicators

Jeff Hutchinson distributed statistical reports for information.

Decisions:

- i) There was agreement to let stakeholders know that the Secretariat recognizes that it will not conclude all claims within 12 months following the application deadline of Sept 19, 2012.
- ii) Jeff Hutchinson will have the Secretariat prepare a plain language communication suitable for anyone to release.

5. Meeting with Truth and Reconciliation Commission (TRC)

A meeting will be held on Oct 18 from 4:00 to 5:30 between the OC and the TRC.

6. Claimant Counsel Documents

There continues to be a problem with claimant counsel getting documents in on time. Possible strategies were discussed.

Kerry Eaton is working on a system where counsel will indicate what stage they are in the collection of the documents. Reliance on third parties is problematic but an explanation of the absence of documents is helpful. Counsel whose documents are most overdue will be contacted first.

The object is to keep the claims moving through the process. Ultimately the court may have to decide what to do with those who do not bring forward documents.

7. Scheduling Strategy

Jeff Hutchinson presented *Hearing Location [draft]* for discussion.

Decisions:

- i. 5b) will be redrafted to indicate that either counsel or the Secretariat may suggest blocks outside of focus cities.
- ii. Jeff Hutchinson will distribute the revised version. This is to be on next agenda.

It was noted that over 80% of hearings will not be affected by this policy since they already are “blocked” in major centers.

8. Transcription Policy

An administrative decision was made to eliminate producing a transcript for every hearing. Transcripts will only be provided according to the policy and will be transmitted primarily through the EDI (electronic distribution information) system.

9. Request for Proposal (RFP) Briefing Note

Jeff Hutchinson presented a draft document, *Request for Proposal of Adjudicator Services, Batch 4 Strategy*.

The RFP will be to retain up to twenty more adjudicators.

Decision:

- i. The results that are presented to the Oversight Committee will not be final as suggested in the document.
- ii. There were suggestions for the point system to be better balanced, particularly in the areas of RT2, knowledge of Aboriginal history, and RT3, knowledge and sensitivity regarding sexual and physical abuse.
- iii. A revised version of the report and a timeline is to come back to the next meeting.

10. Chief Adjudicator’s Report

- There continues to be considerable legal action on legal fees.
- Two court decisions have been appealed by claimant counsel.

11. IAP Student on Student Concern

The naming of the former residential school students, claimants and alleged perpetrators, has a potential to create serious harm, especially when both are living in the same community.

Decision: Luc Dumont is to bring a proposal which addresses the issue of student-on-student concern to the next meeting.

12. Executive Director Report

- Database implementation is moving forward. It is to be in place by Oct 2, 2010.
- The EDI is in place for adjudicators. The roll-out for other parties will happen later in October.
- Jeff Hutchinson gave a handout on the proposed dates for outreach meetings.
- A study is being done of the templates for application forms.
- Statistics are being collected on reasons for adjournments.

13. Psychologist

Decision: Nicole Smith Bringsli, a psychologist from Whitehorse, has been approved as an addition to the Roster of Experts.

14. Legal Opinion on Ownership and Management

A legal opinion from Thomas Dastrous on collection and disposal of claimant information and storage and protection of information by adjudicators was made available to members prior to the meeting

- Ownership of the documents and the trust issue is not addressed.
- The impact of redaction on the consent of individuals to whom the person information relates needs to be addressed.

The opinion is at an intermediate stage.

15. Jeffery Hutchinson

The dedication and contribution of Jeff Hutchinson as executive director of the Secretariat for the past almost three years was gratefully acknowledged.

16. Next Meeting

The next meeting is October 19 in Toronto. The meeting with the TRC will be on October 18.