

OVERSIGHT COMMITTEE (OC)

Oct 19, 2010

Metropolitan Hotel, Toronto, ON

Mayo Moran	Chairperson
David Iverson	Church Representative
Mitch Holash	Church Representative
Luc Dumont	Government Representative
Alison Molloy	Government Representative
Les Carpenter	Inuit Representative
Paul Favel	AFN Representative
David Paterson	Claimant Counsel Representative
Kerry O'Shea	Claimant Counsel Representative
Akivah Starkman	IRSAS
Dan Ish	Chief Adjudicator
Irene Fraser	IRSAS (Recorder)

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

1. Technical Sub-Committee (TSC) – Dan Shapiro

a) Short Form Decision

There is significant take-up of short form decisions, almost fifty percent in the last quarter, and the turn around time from hearing to decision has decreased from an average of 64 days for a regular decision to 11 days for the short form.

Canada is concerned that there is not enough detail/analysis on the short form decision.

Decision: Luc Dumont is going to discuss this internally and arrange a conference call with the TSC and Kerry Eaton.

2. Approval of the Minutes, September 21, 2010

a) Regular minutes

Decision: Approved subject to one change.

b) In-camera minutes

Decision: Approved.

3. Matters for Decision – Akivah Starkman

a) Request for Proposal for Adjudicators

Decision: Request for Proposal approved.

b) Timeline

A timeline was circulated. The target for posting is December 6th, screening February 2011, training of new adjudicators in April or May 2011.

Decision: A date for candidate interviews is to be set prior to the next meeting.

Decision: Stakeholders are to submit candidate interview questions to Irene Fraser by Dec. 1st.

c) Hearing Location Policy

A draft hearing location policy from Akivah Starkman was circulated on October 14. The policy was discussed but no decision was taken with respect to it.

4. Review of Key Performance Indicators – Akivah Starkman

A package of statistics was discussed. Over 18,000 IAP cases have been received; almost 7,000 cases have been heard. The scheduling target for the next quarter is to be 1000 cases. Cases on hold continue to be a challenge.

5. Chief Adjudicator's Report – Dan Ish

- A committee has been struck to assess document management.
- Reviews, both on merits and legal fee reviews, have become a significant amount of the work of the CAO. The numbers of reviews have increased although they have not increased as a percentage of overall cases.
- Four regional meetings of adjudicators will take place in the fall, the first on October 26 in Quebec City.
- The review of legal fee rulings continues to be a major task for Deputy Chief Adjudicators and the Chief Adjudicator. A guideline for adjudicators for legal fees has been distributed. It is hoped that this will assist with consistency among adjudicators.
- Court actions:
 - There are two court actions in Quebec, both related to the rights of alleged perpetrators. They are to be moved into the supervising court.
 - There is another court action in Ontario. This involves a bias challenge against an adjudicator. It is before the supervising court. A guidance paper for adjudicators on conflict of interest and bias is being prepared.
 - There are two court actions in Manitoba related to legal fees. A request for direction was made.

- An appeal has been filed of the decision given of Judge Brown of British Columbia with respect to legal fees paid under the IRSSA for work done prior to November 20, 2005
- Dan Ish will provide a written report to the OC for the next meeting on the ongoing court actions in Quebec.

6. Executive Director's Report – Akivah Starkman

- Strategic priorities:
 - Wind-down strategy;
 - Communications: outreach activities; client relations; communications about what we do, who we are, and interaction with people;
 - Case management time lines and backlog;
 - Human resources;
 - Outreach target streams:
 - Eligible former residential school students;
 - Aboriginal organizations;
 - Legal community;
 - Requests from communities.
 - The independence of the Secretariat
- Determining a fair process for connecting former students in remote areas with legal counsel was discussed but no conclusion was reached.
- Four Aboriginal groups are prepared to undertake the work of form fillers. The work description is being finalized.
- A communication regarding the deadline for applications is being prepared.

7. Meeting with the Truth and Reconciliation Commission (TRC)

The OC met with the TRC on October 18 from 4:30 until 6:00. The clarity of respective positions was helpful.

Decisions:

1. Organize a series of formal meetings between the TRC and OC.
2. Go forward with a consent form for claimants who wish to share their information with the TRC.
3. Develop a protocol for going forward.
4. Dan Ish to meet with Justice Sinclair.

5. Akivah Starkman to meet with Kim Murray.
6. An inventory of information which can be shared now will be undertaken.
7. Place the TRC on the next agenda.

Next meeting: December 14 in Vancouver.