

Independent Assessment Process (IAP) Oversight Committee (OC)
Meeting of September 11, 2018
Vancouver, BC
APPROVED MINUTES OF THE OVERSIGHT COMMITTEE MEETING

Members present

Mayo Moran	Chair
Juliet Donnici	Government of Canada representative
Mitch Holash	Church representative (Catholic entities)
David Iverson	Church representative (Protestant Churches)
Lucy Kuptana	Inuit representative—via teleconference
David Paterson	Claimant counsel representative (National Consortium)
Karen Turcotte	Government of Canada representative
Diane Soroka	Claimant counsel representative (Independent Counsel)

Also present

Daniel Shapiro	Chief Adjudicator
Roger Tetreault	Executive Director, Indian Residential Schools Adjudication Secretariat (IRSAS)
Russell Vallee	Recorder, IRSAS

Absent

Assembly of First Nations (AFN) position vacated with appointment of Paul Favel to Federal Court. A new AFN representative has been appointed but could not be in attendance.

1. Welcome

Chair Mayo Moran welcomed everyone to the meeting and introduced Lucy Kuptana, newest member of the Committee, replacing Les Carpenter as the Inuit representative. Ms. Kuptana is the Director of Operations, Culture & Communications with the Inuvialuit Regional Corporation.

Mayo Moran noted that General Counsel Stuart Wuttke had that morning provided her with the name of AFN's new representative on the Oversight Committee.

OC members welcomed Ms. Kuptana on the Committee and noted their appreciation that there would soon be full survivor representation at the table once again.

Prior to commencing the items on the agenda before the committee, Mayo Moran asked David Iverson to share a few words in honour of Les Carpenter who died at his home in Yellowknife on July 3 at the age of 61. Les was one of the longest serving members on the committee and remembered as a longtime northern broadcaster and advocate for Indigenous peoples. Oversight Committee members express their condolences to Les' family and friends.

3. Approval of Minutes

The Committee approved the June 26, 2018 regular minutes before them, subject to minor changes.

4. Key Performance Indicators

Roger Tetreault presented some of the key statistical indicators as of August 13, 2018:

- Nearly 99% of all claims have been resolved either through an adjudicator decision, negotiated settlement, withdrawal from the process or ineligible;
- Since April 1, 2018, 173 claims have been resolved. Of these, 89% were decisions rendered by adjudicators and 6% through negotiated settlement;
- There are 429 claims in progress. The increase since the June 26, 2018 OC meeting was due to the Blott Do Not Qualify (DNQ) files;
- Approximately 56% of the remaining claims are awaiting an admission decision or may resolve without a hearing;
- Five hearings are scheduled or expected;
- There are 13 claims in the review stage;
- The Secretariat has received 4 Blott DNQ applications, of which 3 have been admitted. Counsel has advised that they are working on 4 applications. If current trends remain the way they are, we anticipate approximately 10 applications in total by the application deadline of September 14, 2018.

Asked if the Secretariat is tracking both the Admin Split and Student on Student (SOS) cases identified as part of the Negotiated Settlement Process (NSP) external to the IAP, Canada agreed that this would be a conversation between the Secretariat and Canada.

5. Executive Director's Report

Roger Tetreault provided his observations on the following activities:

Records Disposition

Staff at the Secretariat disposed of 400 physical non-retained documents to date and approximately 2,500 set for disposition later this month.

Notice Program

The plan, as approved by the Court, will roll out in January 2019 and conclude in December 2020. So far, everything is on schedule. A video to describe information about claimants' options will be shot by the end of September.

6. Chief Adjudicator's Report

The Chief Adjudicator reported on the following:

General Observations

As noted at the last few meetings, the volume of decisions continues to decline as have the legal fee rulings. There are 13 decision reviews in progress (11 reviews, 2 re-reviews), 23 legal fee rulings in progress, with no legal fee appeals.

Non-Claimant Records

The Oversight Committee will need to determine how to manage its documents, such as the regular and in-camera minutes and the documents provided to members. The Secretariat is currently planning for how to dispose of any of its documentation that is not covered by the IAP Records Disposition decision. A professional archivist will be contracted shortly to evaluate and determine information with archival value for permanent retention. Any approved disposition of documents of no business value is likely to be done during the final years of operations; however, transferring retained documentation will occur upon closure. The Secretariat must identify who owns this segment of documents, plan for how to dispose of the documents, implement the plan and determine what to do with all other Secretariat information, documents, and records upon closure. It is possible that the Secretariat will recommend certain documents (policies, the IAP external website) for donation to the National Centre for Truth Reconciliation. Some records have a longer shelf life, such as financial records. It is anticipated that the IRSAS will ask Canada to store the remaining financial records, as well as perhaps others.

IAP Sunset

The Chief Adjudicator reminded members that during the May 1, 2018 Oversight Committee meeting Court Counsel shared that the Supervising Courts asked that no entities created by the Settlement Agreement have their existence prolonged because of the Notice Program. It was understood that Court Counsel was suggesting that after consultation with the Oversight Committee, the Chief Adjudicator bring a Request for Direction (RFD) forward on the IAP Sunset date in about a year's time. The Chief Adjudicator noted that the RFD could include the Committee's recommendations on non-claimant records and other issues like how to address post-IAP Sunset issues. The Chief Adjudicator will come back to the Oversight Committee with recommendations on the Sunset date and options for dealing with related issues.

9. Update on Administrative Split

Karen Turcotte reported that out of 216 identified files, 152 have accepted offers. To date a total of \$11M has been paid to such claimants.

10. Update on Estates Claims

Karen Turcotte reported that of the approximately 305 pre-admit/non-admit estate claims, 66 were not eligible, and 239 have or will have an administrator appointed. She noted that resolution of estate claims is dependent on establishing jurisdiction.

11. Update on SOS Claims

Karen Turcotte provided an update on the various projects involving SOS claims.

SOS Post-decision Settlement Process Administered by Canada

Presently 323 claims under consideration as potentially undercompensated or not compensated due to a lack of admissions.

SOS Project

Since the last meeting, there were 17 new admissions arising from 9 decisions. Of the more than 2,700 SOS claims that entered the project, 107 remain (of which potentially five could lead to an admission), 32 are active, and of these, 21 are currently adjourned.

12. IAP Final Report

Due the lack of time remaining, it was agreed that Oversight Committee members will reconvene via conference call with Akivah Starkman to provide their feedback on the draft chapters. Russ Vallee will work with Mayo Moran and Akivah to arrange a date and time in the not too distant future.

13. Future OC Meeting Dates

Russ Vallee will work with Mayo Moran to look into a later date for the proposed January 2020, Oversight Committee meeting.