

**Independent Assessment Process (IAP) Oversight Committee (OC)
Meeting of November 6, 2018
Toronto, ON
APPROVED MINUTES OF THE OVERSIGHT COMMITTEE MEETING**

Members present

Mayo Moran	Chair
Juliet Donnici	Government of Canada representative
Mitch Holash	Church representative (Catholic entities)—via teleconference
Lucy Kuptana	Inuit representative—via teleconference
Julie McGregor	Assembly of First Nations (AFN) representative
David Paterson	Claimant counsel representative (National Consortium)
Diane Soroka	Claimant counsel representative (Independent Counsel)
Karen Turcotte	Government of Canada representative

Also present

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

Absent

David Iverson	Church representative (Protestant Churches)
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1. Welcome

Chair Mayo Moran welcomed Julie McGregor, AFN representative, to her first in-person Oversight Committee meeting and shared David Iverson’s regrets for missing today’s meeting.

2. Approval of Minutes

The Committee approved the September 11, 2018 regular minutes before them, subject to minor changes.

3. Key Performance Indicators

Roger Tetreault presented some of the key statistical indicators as of October 9, 2018:

- 224 claims are currently in progress, a decrease of 48% since the last report;
- Since April 1, 2018, the beginning of the fiscal year, 379 claims have been resolved;
- 99.4% of the claims received have been resolved;
- Of the claims in progress, 87 are unheard and broken down as follows:

- 31 admitted moving to have a hearing set;
- 10 admitted claims in the hearing scheduling queue;
- 3 admitted claims have a hearing date; and,
- 43 admitted claims are expected to proceed to resolution without hearing.
- The remaining 137 claims in progress have been heard;
- There are 39 claims in various post-decision activities:
 - 10 reviews and 3 re-reviews issued since the last report; and,
 - 26 claims awaiting a legal fee ruling.
- As of today, there are no remaining Estate Pre-Hearing Teleconferences, a result of the Chief Adjudicator's September 30, 2018, deadline;
- Within the in-progress claims there are 61 Deceased/Estate claims and 71 Student on Student (SOS) claims, 9 of which fall in both the Deceased/Estate claims and SOS caseloads.

Asked why there would be 43 cases that would be resolved without hearing, Roger replied that these include claims potentially resolved through the Negotiated Settlement Process, claims expected to be withdrawn, as well as other claims that are expected to be resolved without a hearing.

4. Executive Director's Report

Roger Tetreault provided his observations on the following activities:

Notice Program/Records Disposition:

On October 6, 2017, the Supreme Court of Canada upheld a destruction order of all non-'retained' documents and specific claimant related information specifically generated for the IAP as well as documents generated specifically for ADR process.

In order to comply with the order issued by the Superior Court of Ontario, Canada and the Secretariat are required to delete documents and personal information related to the IAP and ADR.

Work on the Notice Program continues. Staff have completed a video to explain claimant's rights per their documents and is currently being translated. A dedicated website—MyRecordsMyChoice.ca (part of the OC packaged) has been created where the extensive information and forms will be available. The launch date is set for early January 2019. Members noted that they liked the website and requested that they also view the video, if possible. Russell Vallee will circulate a link to members of the video once created.

Canada, through CIRNAC, is also responsible to transfer ADR documents to the Secretariat in order to carry out the implementation of the Notice Program and Records Disposition.

Staff from both CIRNAC and the Secretariat have been meeting to discuss the transfer of ADR documents to the Secretariat in an orderly fashion. A transfer agreement is in its final stages of development outlining the responsibilities for the transfer of ADR documents, timelines, and protocols.

The transfer agreement covers nearly 7,700 ADR files.

The Secretariat appreciates the efforts by Canada in scanning the physical files and uploading them electronically in preparation for transfer to the Secretariat. It is recognized that this has been a time-consuming task in this time of depleting resources.

Group IAP:

A Call for Proposals is currently underway; it was launched in August this year on the [IAP website](#) and concludes on November 30, 2018. The 2019-2020 fiscal year is expected to be the last for Group IAP contribution funding.

Following the completion of a Call for Proposals process for the current fiscal year, 12 groups were selected to receive Group IAP funding totaling \$700,000 with approved activities for 200 participating IAP claimants. The agreements are dispersed across Canada in Saskatchewan, Alberta, Ontario, Northwest Territories, Manitoba, and Nova Scotia.

The Secretariat has planned for the possibility of former students of Kivalliq Hall also applying for Group IAP funding pending the receipt of the Court Order and related information.

Asked to give a snapshot of what group activities claimants are participating in, Roger noted that most now are wellness and healing related. A member noted that the group activities that have occurred in her region also included cultural activities such as going back on the land.

5. Chief Adjudicator's Report

The Chief Adjudicator reported on the following:

Blott claims:

The Chief Adjudicator appreciates the work by senior staff and staff in the Admissions, Scheduling and Hearings Management Units within the Secretariat for their efforts on the Blott DNQ files. Despite greatly diminished staff numbers these claims were admitted and scheduled for hearing in record time.

Kivalliq Hall:

The Chief Adjudicator believes that the Secretariat is in good shape to receive and process Kivalliq Hall claims. A member noted their concern with the hearings being scheduled so soon after admissions and that the parties would be missing key documents in time for the hearings. As a result, the documents would come after the hearing in time for the decision. The Chief Adjudicator agreed and noted that the experience with the Blott DNQ claims would be a good learning opportunity in advance of the Kivalliq Hall claims.

6. Update on Blott DNQ claims

Roger Tetreault provided the following update on the Blott DNQ files:

- Of the 159 Blott DNQ files and other lost/deceased claims, a total of 56 claims were received;

- 46 were admitted;
 - 43 were new IAP claims;
 - 1 was a SOS re-opener;
 - 2 were denied admission;
- 3 of the admitted claims are in the Estate procedure;
- 37 claims are pre-hearing;
- 35 claims have a hearing date set. Of these:
 - 24 hearings are set in November;
 - 11 in December;
- 2 non-admit claims have appealed to the Chief Adjudicator;
- 2 claims proceeding to NSP;
- 3 have an Estate Dismissal decision pending;
- 4 claims are in the post-hearing stage awaiting outstanding mandatory documents or a legal fee ruling;
- 10 applications were not admitted; and,
- Staff at the Secretariat advised Canada that we could not meet the December 1, 2018, hearing deadline as represented by the Chief Adjudicator in his court documents. Canada did not object to these post-December 1, 2018 hearings proceeding as scheduled, mainly in December 2018. At the Chief Adjudicator’s request, Court Counsel was asked whether the courts have any objection with 11 claims not meeting the December 1, 2018, hearing deadline. Court Counsel had advised that Justice Brown does not see any difficulty in the plan outlined in our correspondence with Court Counsel.
- For the next meeting, an overall report on the DNQ files will be provided.

7. Update on Administrative Split

Karen Turcotte reported that out of 157 cases that have accepted offers, 25 were pre-decision and 132 were post-decision. To date a total of \$11.5M has been paid to such claimants.

8. Update on Estates Claims

Karen Turcotte reported that 10 estate claims remain to have an administrator appointed. She noted that one administrator appointed by Canada is lost. Based on these new figures, Canada believes that it has almost completed the required steps.

9. Update on SOS claims

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

SOS Post-decision Settlement Process Administered by Canada:

Work is underway for 242 claims identified by Canada for consideration and another 85 identified by claimants for consideration. 54 claims have been resolved. Asked if the claims considered “resolved” would mean some claims received compensation and some not, Karen replied that it could be both. Members asked if Canada could provide a breakdown of the claims for the next

meeting.

SOS Project:

Since the last meeting, there are 4 claims waiting for a decision which could potentially lead to admissions affecting 11 claims. Once these claims are completed, the project will be completed.