

Metis Settlements Appeal Tribunal

Business Plan for 2011 to 2014

Purpose

The purpose of this Business Plan is to inform readers about the Metis Settlements Appeal Tribunal's history, mandate, priorities, and strategies for doing its work.

The Appeal Tribunal's Origins & Structure

The Government of the Metis Settlements of Alberta (later named the Metis Settlements General Council) and the Government of Alberta reached an *Accord*¹ in 1989 that established the framework for Metis self-government in Alberta. The goals of the Accord were to develop systems to protect Settlement lands, and to establish local and collective Metis governments responsible for building and governing viable, vibrant, Metis communities in Alberta.

The Appeal Tribunal was formally established by statute in 1990. Its statutory mandate is to resolve disputes that would otherwise inhibit progress under the *Alberta-Metis Settlements Accord*.

Dispute resolution services are provided by seven Board members. Three of the Board members are appointed by the Metis Settlements General Council (General Council). Another three are appointed by the Minister responsible for the Accord. The seventh member, the Chair, is appointed by the Minister from a list of nominees provided by General Council. The Chair is responsible for the Appeal Tribunal's administrative affairs.

The Board and Chair are supported by a Tribunal Secretary and six staff. Board members and staff work together as a team to develop and implement effective dispute resolution systems and planning frameworks.

Mandate

As set out in the *Metis Settlements Act* [RSA 2000], the Appeal Tribunal may act when named in provincial statutes, General Council Policies, Settlement Bylaws, Contracts, and when disputants agree in writing for the Tribunal to resolve their dispute.

The Appeal Tribunal currently enjoys jurisdiction in over 23 different areas of governance, including authority over land disputes, right of entry orders, election of General Council officers, timber disputes, membership disputes, and oil and gas matters. The Appeal

¹ Signed in 1989, the *Alberta-Metis Settlements Accord* ushered in a new era. The Accord called for joint action by Alberta and the Metis Settlements General Council to protect Settlement lands and to build viable and vibrant Metis communities with good local and collective governance systems. The Accord provided tools for developing a full body of Metis Settlement law through General Council Policies, local by-laws, and judicial (Appeal Tribunal) decisions.

Tribunal's authority grows, or shrinks, depending on the introduction of new laws and contracts that name it as the dispute resolution body of choice.

Vision

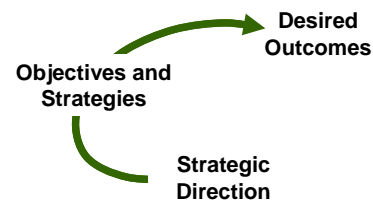
The Appeal Tribunal's vision is of viable, vibrant, Metis Settlements with access by all members and stakeholders to fair and effective dispute resolution systems that preserves and enhances Metis culture, identity and self-governance under the laws of Alberta.

Mission

The Appeal Tribunal's mission is to strengthen Metis self-governance and to preserve and enhance Metis culture and identity by resolving disputes through effective, fair, culturally appropriate mediation, adjudication, and education initiatives.

Strategic Objectives for 2011-2014

The Appeal Tribunal's strategic objectives comes from its mandate to resolve disputes with a view to preserving and enhancing Metis culture and identity and furthering the attainment of self-governance by Metis Settlements under the laws of Alberta.



Given its strategic/mandated direction, the Appeal Tribunal has identified three key strategic objectives. These objectives are:

1. **Good Governance:** the Appeal Tribunal will resolve all disputes before it in a timely, cost-effective, fair and independent manner;
2. **Increased Presence:** the Appeal Tribunal will be accessible to all stakeholders; and
3. **Transparency:** the Appeal Tribunal will meet its statutory obligations, as well as other obligations set out by agreement of the General Council and Government of Alberta.

Properly resourced and executed, the Appeal Tribunal's strategic objectives will produce the following outcomes:

- ▶ **Knowledge:** Those who use or follow the Appeal Tribunal's decisions or mediated agreements, or participate in the Appeal Tribunal's outreach initiatives, will better understand key laws, procedures, and cultural imperatives within the Metis Settlements self-governance framework.

- ▶ *Increased usage:* As awareness and confidence builds in the Appeal Tribunal's services and record of resolving disputes, the Appeal Tribunal will become the dispute resolution body of first choice for the Metis Settlements and their partners/stakeholders.
- ▶ *Respect:* the Appeal Tribunal will continue to be highly valued for the transparency and integrity of its management and reporting systems that meet all statutory obligations, and any other obligations imposed by agreement between the General Council and Government of Alberta.

Strategic Objective 1: Good Governance

The Appeal Tribunal will resolve all disputes before it in a timely, cost-effective, fair and independent manner.

The Appeal Tribunal is a legislated alternative to court. As such, it is meant to avoid the cost, legalities, and time it takes to resolve a matter in court. While the Appeal Tribunal is bound by the same standards of administrative fairness expected of all adjudicative bodies, it is also empowered to set rules and procedures that promote community and culturally based solutions to disputes.

The Appeal Tribunal made significant changes to its Rules of Procedure in 2007 with a view to simplifying them and streamlining its processes. These changes led to significant increases in productivity and decreases in the time it takes to resolve disputes. With the appointment of a new Board in late 2010, now is an opportune time to once again review the Rules of Procedure with the goal of further clarifying and improving the Tribunal's processes and the timeliness of our dispute resolution systems.

As the Appeal Tribunal reviews its procedures, it will stay true to its key principle promoting Metis culture and history and facilitating community-based resolutions to disputes. In short, the Appeal Tribunal recognizes the value and necessity of having its Dispute Resolution/Investigation Officers go to the Settlements and meet with members, staff, and Councillors to discuss the issues in dispute and, whenever appropriate, encouraging all parties to resolve their disputes without going to a hearing.

The Appeal Tribunal is also committed to ensuring that justice is not only done, but seen to be done in the Metis Settlements. This means that whenever practicable, the Appeal Tribunal will allocate its resources to ensure mediations and hearings are held in the Metis Settlements.

The Appeal Tribunal is also committed to evaluating and improving the core competencies of Tribunal members and staff. Board members are expected to participate in an annual

evaluation exercise to identify areas of strength and need in relation to the administrative and training services available to them.

The Appeal Tribunal’s Board—which includes four “new” members—and staff are committed to developing training/education plans that name and prioritize their training goals over the next four years.

The ultimate goal of improving the Appeal Tribunal’s efficiency is to enable it to effectively and fairly deal with a greater number and variety of disputes involving the Metis Settlements of Alberta. By positioning itself this way, the Appeal Tribunal will continue to expand its catalogue of decisions, which can then be used by all Settlement members and stakeholders to expand their knowledge of key issues, laws, processes, and Metis culture and history.

Objective 1: Good Governance -- Strategies and Performance Measures

	2011 - 2012	2011 - 2014
Good Governance	Objective 1 The Appeal Tribunal will resolve all disputes in a timely, cost-effective, fair and independent manner.	Outcomes Timely decisions, mediated agreements, and resolutions that enhance <i>knowledge</i> of Settlement laws and Metis culture and identity.
Key Strategies	<ul style="list-style-type: none"> ii Develop and apply rules and procedures that enhance efficiency of decision-making processes while promoting Metis culture and administrative fairness. ii Employ community-based approaches that promote conciliation and mediation of disputes. ii Evaluation of core competencies and training to improve competencies. 	
Performance Measures	<ul style="list-style-type: none"> ii Disputes are routinely resolved without having to go to a hearing. ii Metis culture and history is respected and preserved while questions of law and jurisdictional issues are dealt with fairly and efficiently. ii Core competencies of Board and staff are enhanced. 	

Strategic Objective 2: Increased Presence

The Appeal Tribunal will be accessible to all stakeholders

Settlement members and other stakeholders must know when and how to access the Appeal Tribunal’s services. To accomplish this, information about the Appeal Tribunal, including its Code of Conduct, Rules of Procedure and its decisions must be made available to all Tribunal stakeholders.

In addition to physically distributing decisions to affected parties, including the General Council and the Minister, the Appeal Tribunal has a dedicated website upon which it posts its decisions, and relevant information about the Appeal Tribunal, such as its application

forms for those who want to file an appeal or request an amendment to right of entry orders. The Appeal Tribunal continues to monitor and review its website to ensure it meets all FOIP requirements and to improve its presence and usability. For example, the Appeal Tribunal will launch a *Facebook* page in the near future, and continue exploring other social media platforms to broaden its audience base.

The Appeal Tribunal sees great value in outreach initiatives. Resources will be allocated to convene community information sessions in the Metis Settlements and to meet and engage Settlement youth and elders in a dialogue about the Appeal Tribunal’s mandate and processes. The Appeal Tribunal Chair and Board will also continue to meet with the General Council and the Minister to fulfil its reporting requirements and to discuss any emerging issues affecting the Tribunal’s operations.

The Appeal Tribunal will also work with the Accord partners to identify a suitable new location for its offices in Edmonton that is more accessible to its stakeholders.

Finally, with improved access and awareness of the Tribunal’s mandate and processes, it is reasonable to suggest that as statutes, General Council Policies, Settlement Bylaws and contracts are developed, the Appeal Tribunal will be actively considered as the dispute resolution body of choice for the Metis Settlements.

Objective 2: Increased Presence -- Strategies and Performance Measures

	2011 - 2012	2011 - 2014
Increased Presence	Objective 2 The Appeal Tribunal will be accessible to all stakeholders.	Outcomes The Appeal Tribunal will be the dispute resolution body of first choice for the Metis Settlements and their stakeholders.
Key Strategies	<ul style="list-style-type: none"> ii Continue to use plain language principles to make the Tribunal's Rules of Procedure, Code of Conduct, decisions and other documents easy to understand and use. ii Meet with key stakeholders, and conduct community tours on at least four Metis Settlements to inform Settlement youth, elders, leaders and members about the Appeal Tribunal's mandate and processes. ii Work with the Accord partners to identify a suitable location for the Appeal Tribunal's offices. 	
Performance Measures	<ul style="list-style-type: none"> ii The Appeal Tribunal's key documents are easy to understand and use. ii Settlement members and other stakeholders are better informed about the Appeal Tribunal's mandate and processes. ii The Appeal Tribunal's offices are accessible and suit the needs of its stakeholders, Board members and staff. 	

Strategic Objective 3: Transparency

The Appeal Tribunal will meet all statutory and other obligations jointly set out by the General Council and the Government of Alberta.

The Appeal Tribunal greatly values transparency and accountability and will continue to meet all statutory planning and reporting requirements. This includes being aware of and abiding by the terms of the Mandate and Roles Document (MRD), which was approved by Alberta, General Council, and the Appeal Tribunal in July 2010.

The Appeal Tribunal will also continue working with the Alberta Agencies and Governance Secretariat as it moves to standardize the categorization and remuneration of agencies and Tribunals in Alberta.

Objective 3: Transparency -- Strategies and Performance Measures

	2011 - 2011	2011 - 2014
Transparency	Objective 3 The Appeal Tribunal will meet all statutory obligations and other obligations set out in the Mandate and Roles Document.	Outcome The Appeal Tribunal will continue to be respected and highly valued for the integrity of its management and reporting systems.
Key Strategies	<ul style="list-style-type: none"> ii Issue business plan and annual report in timely fashion and meet ongoing management and related reporting requirements for publicly funded institutions, including adhering to the terms of the <i>Mandate and Roles Document</i>. ii Assist the Alberta Agency Governance Secretariat to properly classify the Appeal Tribunal with other tribunals that make binding decisions. 	
Performance Measures	<ul style="list-style-type: none"> ii Management and reporting requirements are met. ii The Appeal Tribunal is recognized and respected as a key quasi-judicial institution on par with other tribunals in Alberta. 	

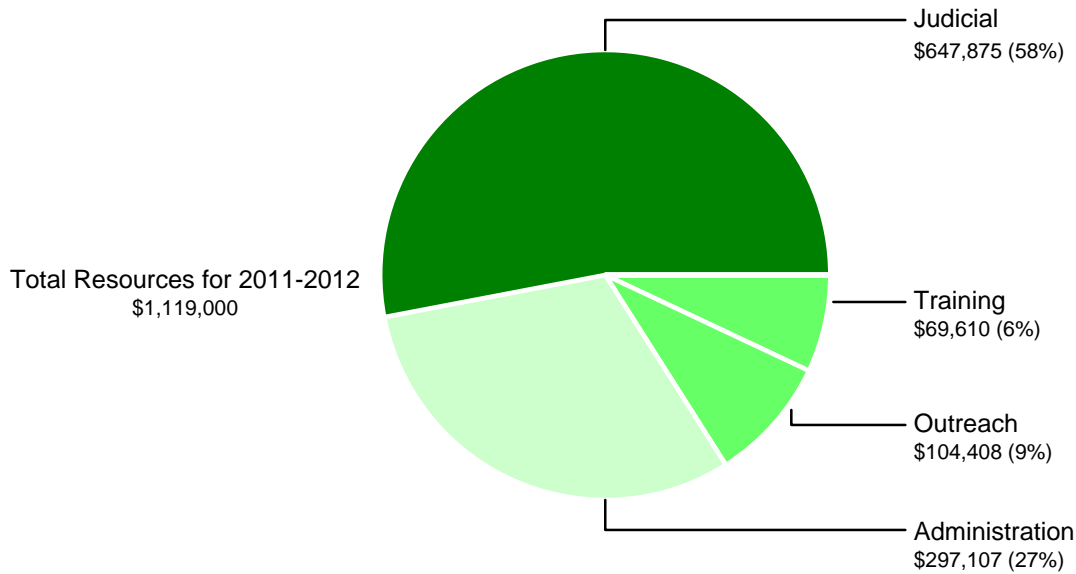
Financial Resources

The Appeal Tribunal will continue to operate within its allocated budget. As always, the Appeal Tribunal is committed to managing its allocated resources in a strategic, workmanlike, and accountable manner. Should funding pressures emerge that threaten to impede the Appeal Tribunal's core functions or mandate, the Tribunal will work with the appropriate authorities to address those pressures.

For the purposes of this plan, *Judicial* expenditures include hearings, mediations, investigations, and conciliation activities (both by the Board and staff) that lead to the resolution of disputes. *Training* includes money spent to improve mediation, adjudicative, and investigative capacities of Appeal Tribunal Board members and staff. *Outreach* and communications includes the costs of running community information sessions, developing and offering information sessions to industry, hosting government leaders and other stakeholders and open house sessions. *Administration* expenditures include monies spent

to coordinate the judicial, training, and outreach initiatives and to ensure good and timely oversight and reporting on all Appeal Tribunal activities.

The Appeal Tribunal’s challenge is to allocate its resources to meet its mandate and to achieve its objectives of resolving disputes in a fair and timely manner, becoming the dispute resolution of first choice for Settlement members and other stakeholders, and continuing to be transparent and accountable in the way we manage our resources. We believe the following distribution of resources meets the challenge.



Judicial includes: manpower costs at \$255,333, employer contribution at \$45,592, staff travel at \$9,000, office supplies at \$7,000, Rentals at \$600, Hosting at \$1,000, Board honoraria & travel at \$264,000, postage at \$3,000, tel. & comm. at \$2,350, legal fees of \$50,000 and other contracts at \$10,000

Training includes: Board honoraria & travel at \$33,000, Board training at \$25,000, and staff training at \$10,610, Travel at \$1,000

Outreach/Communications includes: manpower at \$53,770, employer contribution at \$10,638, staff travel at \$3,000, office supplies at \$1,000, hosting at \$1,000, Board honoraria & travel at \$33,000, advertising at \$2,000

Administration includes: manpower at \$228,605, employer contribution at \$50,152, travel at \$2,000, office supplies at \$7,000, advertising at \$1,000, tel. & comm. at \$2,350, rentals & repairs at \$500, Freight and postage at \$500, Contracts (other) at \$2,000 and Hosting at \$3,000



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