

Metis Settlements Appeal Tribunal

Business Plan for 2012 to 2015

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 Federation of the Metis Settlements Associations (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-governance in Alberta. Through the Accord, the two parties agreed to work together to develop new legislative frameworks to protect Settlement lands, establish local and collective Metis governance systems, and to develop new resource-generating frameworks to build vibrant, viable, 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 legislation. 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. This composition of membership of the Tribunal reflects the interests of Albertans generally and of the Metis Settlements community in particular.

The Board and Chair are supported by a Tribunal Secretary and six staff. Tribunal staff assist the Board and Chair by processing appeals, gathering information, and by facilitating dialogue. Tribunal staff do not make decisions affecting the rights of parties, but often help to facilitate understanding and the timely resolution of appeals.

Mandate

The Metis Settlements Appeal Tribunal is responsible for resolving disputes. As set out in the *Metis Settlements Act* [RSA 2000, c M-14], the Appeal Tribunal *must* hear disputes when named in provincial statutes, General Council Policies, Settlement Bylaws, contracts. The

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.

Appeal Tribunal *may* also act when disputants agree in writing that the Appeal Tribunal resolve their matter.

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, oil and gas matters, etc. The Appeal Tribunal's authority grows, or shrinks, depending on the introduction of new laws and contracts that name the Tribunal, or remove the Tribunal, 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 preserve and enhance Metis culture, identity and self-governance under the laws of Alberta.

Mission

The Appeal Tribunal's mission is to strengthen and preserve Metis self-governance, culture and identity, through its community outreach, conciliation, mediation and adjudication services.

Strategic Objectives & Desired Outcomes for 2012-2015

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. ***Fair and Effective Dispute Resolution:*** 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 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 desired outcomes:

- ▶ **Improved governance:** Those who use or follow the Appeal Tribunal's decisions or mediated agreements, or who participate in the Appeal Tribunal's education initiatives, will better understand and apply the laws, procedures, and cultural factors that influence and advance Metis Settlements governance.
- ▶ **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 valued for the integrity and transparency of its management practices and reporting systems.

Strategic Objective 1: Fair and Effective Dispute Resolution

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 for its dispute resolution systems that promote Metis culture and identity.

In this regard, the Appeal Tribunal made significant changes to its Rules of Procedure in 2011. The Appeal Tribunal's goal is to provide a credible and user-friendly manual that participants will use to understand and work their way through the Appeal Tribunal's dispute resolution processes. Furthermore, in keeping with its mandate to promote Metis culture and history, the Rules of Procedure now clarify how community-based systems such as *conciliation* (i.e. work done with parties to bring a disagreement to an end) and *mediation* (i.e. work done with parties to reach an agreement) can be used to resolve disputes.

The Appeal Tribunal will continue to monitor and assess the utility of the new Rules of Procedure. Appeal Tribunal members will monitor hearings and mediations to determine whether the Rules of Procedure are understood and being applied. Appeal Tribunal staff will do likewise when gathering information for hearings and mediations. Feedback will also be requested during the Appeal Tribunal's outreach/education sessions.

As feedback is received, and opportunities to improve the Rules of Procedure emerge, the Appeal Tribunal will take steps to amend and improve its Rules of Procedure.

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 ensure conciliation activities, mediations, and hearings take place in the Metis Settlement affected by the dispute.

With respect to the Appeal Tribunal’s core competencies, it will continue to evaluate and improve the general and specific “know-how” of Tribunal members and staff. Board members will participate in a confidential evaluation exercise once a year to identify areas of strength and areas of need and to develop learning plans that strengthen their abilities to resolve disputes.

The ultimate goal of improving the Appeal Tribunal’s services and general know-how 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 stakeholders to expand their knowledge of the laws, culture and history, concerning the Metis Settlements of Alberta.

Objective 1: Fair and Effective Dispute Resolution Services

	2012	2012 - 2015
Dispute Resolution	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 Use and evaluate new Rules of Procedure for hearings and other services. ii Continue promoting conciliation and mediation services to resolve disputes. ii Evaluate institutional and individual competencies and develop operational systems and training programs 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 promoted and preserved while questions of law and jurisdiction are dealt with fairly and efficiently. ii Institutional and individual competencies are enhanced. 	

Strategic Objective 2: Increased Presence

The Appeal Tribunal will be accessible to all stakeholders

Being accessible means that information about the Appeal Tribunal, including its Code of Conduct, new Rules of Procedure, and its decisions, must be easy to access, easy to read, and easy to understand. This means that the Appeal Tribunal will continue to use plain language principles to ensure its publications are easy to understand.

Being accessible also means that the Tribunal will ensure all stakeholders in a dispute are given timely notice of matters affecting them, and are given the opportunity to meaningfully participate in the resolution of those disputes.

The Appeal Tribunal is committed to distributing decisions to affected parties, including the General Council, the affected Settlement Council, and the Minister. Beginning in 2012, the Appeal Tribunal will expand the distribution of its decisions to include all Settlement Councils.

The Appeal Tribunal is also committed to ensuring other stakeholders have appropriate access to decisions and other publications (such as our Business Plan, Annual Report, Code of Conduct and Rules of Procedure). In this regard, the Appeal Tribunal has created and maintains a dedicated website upon which it posts and updates its publications. The Tribunal has also developed a *Facebook* page and will use this site for general notices of events, hearings, and other matters of interest to our stakeholders.

Improving accessibility also means ensuring that parties to a decision of the Appeal Tribunal are informed of their right to appeal that decision to the Alberta Court of Appeal (on a question of law or jurisdiction). That Appeal Tribunal's decisions may be appealed on questions of law or jurisdiction is really of great value. This means that from time-to-time, the Appeal Tribunal is afforded the opportunity to know whether its decisions stand up to scrutiny by Alberta's highest Court, or whether adjustments or other considerations need to be incorporated into its dispute resolution processes. It is therefore a key priority for the Appeal Tribunal that parties are properly informed of their right of appeal; as is determining the Tribunal's role with respect to the appeal, and managing resource demands related to the appeal.

The Appeal Tribunal also sees great value in outreach/education 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. In addition to meeting with stakeholders in person, the Appeal Tribunal will work with Alberta Education and others to develop an elementary school module about the Metis Settlements Appeal Tribunal.

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, including moving the Appeal Tribunal’s offices to a new location 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 first choice for the Metis Settlements.

Objective 2: Increased Presence

	2012	2012 - 2015
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 Use plain language principles to ensure publications are easy to understand. ii Maintain and update website to ensure information is current and correct. ii Continue outreach initiatives, including community information sessions, development of a learning module with Alberta Education, and meeting with the Metis Settlements General Council and the Minister to update them about the Appeal Tribunal’s strategic objectives and annual outcomes, and to discuss matters of mutual interest, including finalization of location of the Appeal Tribunal’s offices. 		
Performance Measures <ul style="list-style-type: none"> ii The Appeal Tribunal’s publications 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. The Appeal Tribunal will apply all applicable management and reporting standards set out in statute and policy, including meeting its statutory duty to provide the Minister (and General Council) with a report on or before March 31 showing the nature of its activities and the general manner in which the Appeal Tribunal dealt with matters coming before it. In addition, the Appeal Tribunal will also apply 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 Agency Governance Secretariat as it moves to categorize and set remuneration guidelines in place for agencies and Tribunals in Alberta.

Objective 3: Transparency

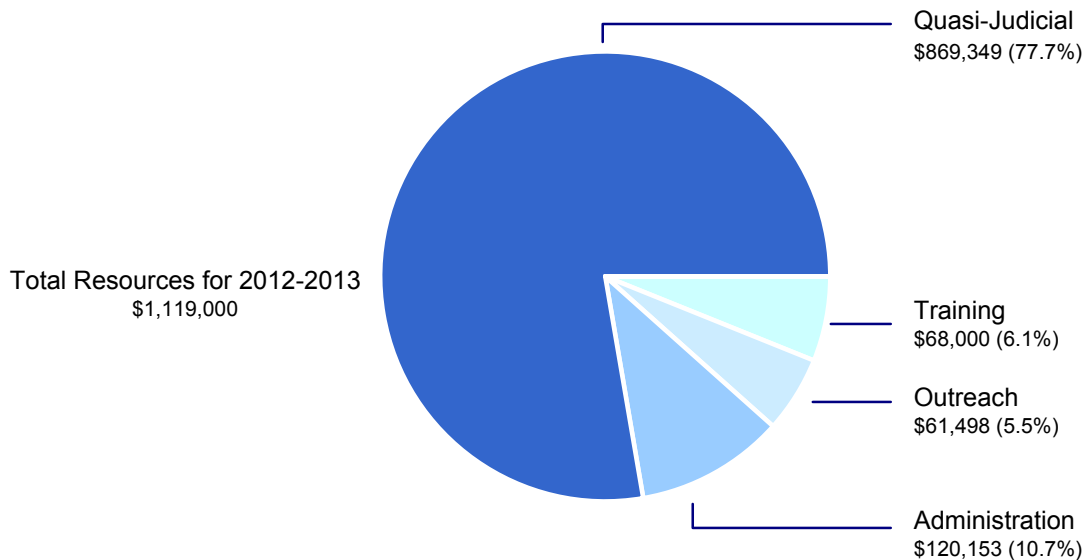
	2012	2012 - 2015
Transparency	<p>Objective 3 The Appeal Tribunal will meet all statutory obligations and other obligations set out in the Mandate and Roles Document.</p>	<p>Outcome The Appeal Tribunal will continue to be respected and valued for the integrity of its management and reporting systems.</p>
Key Strategies	<ul style="list-style-type: none"> ii Apply applicable management standards and meet all statutory and other reporting requirements. 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 resources in a strategic 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, *Quasi-Judicial* expenditures include hearings, mediations, legal research, investigations, and conciliation activities (both by the Board and staff) for the coordination and resolution of disputes. *Training* expenditures include 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 on office management and resources, oversight, and reporting 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 body 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.



Quasi-judicial includes: manpower at \$431,959, employer contribution at \$98,090, staff travel at \$7,000, Board honoraria & travel at \$272,000, legal fees and other contracts at \$42,000, office supplies & services cost at \$18,300

Training includes: Board honoraria, travel and training fees at \$58,000, staff training fees and travel at \$10,000

Outreach/Communication includes: Honoraria & travel at \$30,000, manpower & travel at \$27,898, office supplies and services cost at \$3,600

Administration includes: manpower at \$94,306, employer contribution at \$20,747, staff travel at \$1,000, office supplies & services at \$4,100



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