

# Metis Settlements Appeal Tribunal

BUSINESS PLAN 2013 – 2016

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## ACCOUNTABILITY STATEMENT

This business plan was prepared under my direction, taking into consideration applicable policies and direction from the Metis Settlements Appeal Tribunal Board as of February 14, 2013.

*Original Signed By:* \_\_\_\_\_

Don Cunningham, Chair

February 14, 2013

## THE METIS SETTLEMENTS APPEAL TRIBUNAL

The Appeal Tribunal was established by the *Alberta Metis Settlements Act* in 1990. It is a quasi-judicial agency and its core business is to resolve disputes involving the Metis Settlements of Alberta, their members and business partners. The Appeal Tribunal may act when it is named as the dispute resolution body in a provincial statute, Metis Settlements General Council policy, Settlement Council by-law, contract, or if all the parties involved in the dispute agree in writing that the Appeal Tribunal should decide the matter.

The Appeal Tribunal consists of seven Tribunal members/decision makers, and seven staff members who support the Appeal Tribunal's dispute resolution processes.

The Appeal Tribunal Chair has the power to act on behalf of the Tribunal in respect of anything relating to its administrative affairs, subject to any direction or decision that is made by the Tribunal.

The Appeal Tribunal's mission is to exercise its powers and carry out its duties 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.

A more detailed description of the Appeal Tribunal can be found at [www.msat.gov.ab.ca](http://www.msat.gov.ab.ca).

## GOALS, PRIORITY INITIATIVES AND PERFORMANCE MEASURES

The goals, priority initiatives and performance measures identified in this business plan come from the Appeal Tribunal's review of the current environment, opportunities and challenges.

**Goal One: The Appeal Tribunal resolves all disputes before it in a fair, timely, and cost-effective manner**

The Appeal Tribunal is a quasi-judicial body. As a legislated alternative to court, the Appeal Tribunal strives to resolve disputes in a manner that is fair, timely and cost-effective.

In this regard, the Appeal Tribunal is a leader in developing culturally appropriate and legally sound procedures that are easy to access and understand. The Appeal Tribunal also works to ensure that all parties before it are heard and valued; with a particular focus on working with parties to

resolve disputes without going to a hearing. Finally, the Appeal Tribunal ensures that its processes are free of bias and that its decisions contain reasons that are comprehensive and clear and that stand up to judicial scrutiny and to scrutiny by its stakeholders.

**Priority Initiatives:**

- 1.1 Review Appeal Tribunal’s Code of Conduct and adjust as necessary to meet new or emerging standards and best practices.
- 1.2 Whenever practicable, go to Metis Settlements and facilitate timely, local solutions to disputes.
- 1.3 Evaluate and develop capacity of Tribunal members and staff to resolve disputes in accordance with the Appeal Tribunal’s mission and in accordance with the standards of review for quasi-judicial tribunals.

Performance Measures	Last Actual 2011-12 <sup>1</sup>	Target 2013 - 14	Target 2014 - 15	Target 2015-16
1.a Percentage of decisions that include the Tribunal’s reasons for judgement	100%	100%	100%	100%
1.b Percentage of appeals resolved within 6 months from receipt of appeal <sup>2</sup>	52%	55%	60%	65%
1.c Percentage of Tribunal members and staff who participate in annual self-evaluation exercises and who take courses to enhance their capacity to resolve disputes <sup>3</sup>	90%	92%	95%	100%

**Goal Two: Settlement members and stakeholders are informed about Tribunal processes and decisions**

The Appeal Tribunal ensures that all parties to dispute are given timely notice of matters affecting them and a fair opportunity to participate in all stages of the dispute resolution process. The Appeal Tribunal also ensures that all parties receive copies of mediated agreements and decisions, and that parties are aware of their right to apply for leave to appeal Tribunal decisions on questions of law or jurisdiction.

Through the release of its decisions, the Appeal Tribunal helps Settlement members and other stakeholders understand the laws and regulations that apply on the Metis Settlements. The Appeal Tribunal builds on this understanding by reaching out to Settlement schools/youth, elders, members, councils and others through community workshops and by periodically lecturing at different institutions, including the University of Alberta.

<sup>1</sup> As required under the *Metis Settlements Act*, the Appeal Tribunal summarizes its activities and outcomes based on the calendar year, not the fiscal year. Our statistics are therefore based on work from January to December in any given year.

<sup>2</sup> The Appeal Tribunal’s actual target for 2012 was to resolve/conclude appeals within 9 months, on average, from their receipt. In this regard, the average time to resolve disputes was reduced from 10.1 months in 2011 to 8.96 months in 2012.

<sup>3</sup> The Appeal Tribunal has set aside approximately 4% of its budget for training initiatives. Tribunal members and staff must work within the budgeted amount and prioritize their capacity-building plans accordingly.

**Priority Initiatives:**

- 2.1 Prepare and distribute hearing packages in accordance with the Appeal Tribunal's notice requirements.
- 2.2 Prepare and distribute decisions within 60 days of hearing and send to parties along with notice of rights to apply for leave to appeal to Alberta Court of Appeal
- 2.3 Revamp community workshop materials with focus on Tribunal decisions and emerging issues, and also offer U of A students opportunity to study Tribunal issues for their Native Studies capstone project.

<b>Performance Measures</b>	<b>Last Actual 2011-12</b>	<b>Target 2013 - 14</b>	<b>Target 2014 - 15</b>	<b>Target 2015-16</b>
2.a Percentage of hearing packages sent out in compliance with notice requirements	100%	100%	100%	100%
2.b Percentage of decisions sent to parties within 60 days of hearing	69%	75%	80%	85%
2.c Percentage of workshop participants who feel that the workshops are well-organized, well-taught, and meaningful to them <sup>4</sup>	--	75%	77%	80%

**Goal Three: The Appeal Tribunal is a leader in transparency and accountability**

The Appeal Tribunal works with the Government of Alberta (GOA) and the Metis Settlements General Council (GC) to clarify roles and responsibilities. The Appeal Tribunal also actively monitors and applies all applicable GOA management and administrative standards and practices.

**Priority Initiatives:**

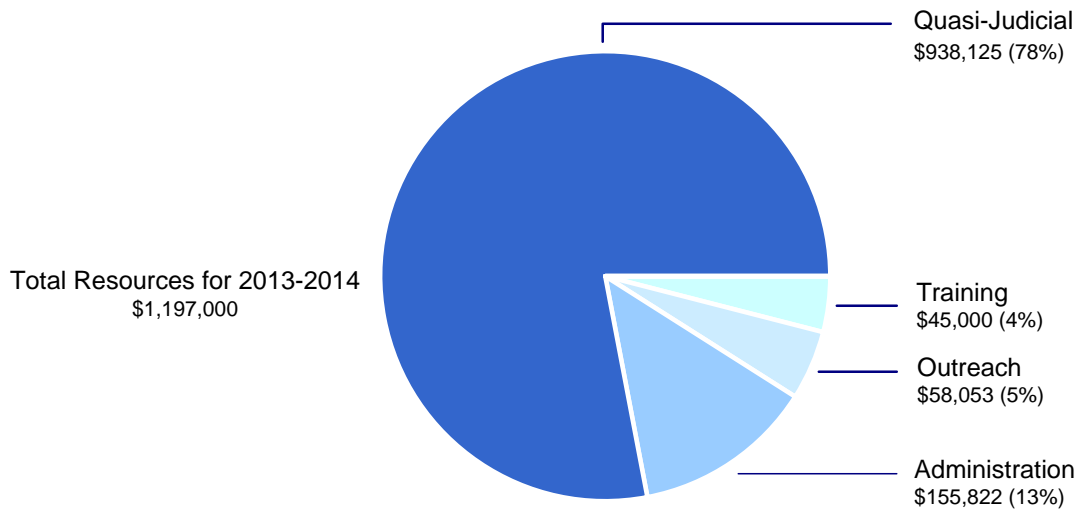
- 3.1 Work with GOA, GC and Alberta Agency Governance Secretariat to finalize Mandate and Roles Document (MRD) by September 2013.
- 3.2 Provide timely/quarterly administrative updates to Tribunal Chair and Board, and also to GOA and GC in relation to respective areas of responsibility.

<b>Performance Measures</b>	<b>Last Actual 2011-12</b>	<b>Target 2013 - 14</b>	<b>Target 2014 - 15</b>	<b>Target 2015-16</b>
3.a Percentage of budget updates given within 10 days of due date	100%	100%	100%	100%
3.b Percentage of staff performance agreements and performance reviews completed each year	100%	100%	100%	100%

<sup>4</sup> The Appeal Tribunal has not formally tracked the satisfaction rates of workshop participants in the past. The targets for next year and the years that follow are inspirational. These will be adjusted as baseline measures are made available and averaged over the next three years.

## 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.



Quasi-judicial includes: manpower at \$447,843, employer contribution at \$107,482, staff travel at \$12,000, Board honoraria & travel at \$317,300, legal contract at \$40,000, general office expenses (postage, rental, telephone, hosting, office supplies etc.) at \$13,500

Training includes: Honoraria and travel at \$25,000, staff training fee at \$20,000

Outreach/Communication includes: Honoraria and travel at \$22,200, manpower & travel at \$34,053, general office expenses at \$1,800

Administration includes: manpower at \$92,034, employer contribution at \$22,088, staff travel at \$1,500, Board honoraria and travel - \$32,500, other contract at \$1000, general office expenses at \$6,700



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