

Metis Settlements Appeal Tribunal

BUSINESS PLAN 2015 – 2017

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 March 19, 2015.

Lorne Dustow :
Lorne Dustow, Chair
March 19, 2015

THE METIS SETTLEMENTS APPEAL TRIBUNAL

The Appeal Tribunal was established by the *Alberta Metis Settlements Act* in 1990. It is a quasi-judicial agency that preserves and enhances Metis culture and identity and strengthens self-governance through adjudications, conciliation, mediation and education.

A more detailed description of the Appeal Tribunal can be found at www.msat.gov.ab.ca.

LINK TO THE GOVERNMENT OF ALBERTA STRATEGIC DIRECTION

Programs and services delivered by the Appeal Tribunal are reviewed for relevance, effectiveness and efficiency in accordance with the government of Alberta's *Results-based Budgeting Act*.

The desired outcomes and priority initiatives identified in this business plan are aligned with the strategic direction of the Government of Alberta and ministry mandates.

STRATEGIC CONTEXT

The Appeal Tribunal operates within a Metis self-governance framework envisioned through the Alberta-Metis Settlements Accord in 1989 and enacted through provincial legislation in 1990.

The Appeal Tribunal is uniquely positioned to clarify questions of law and culture relating to the governance of the Metis Settlements of Alberta.

With each dispute, the challenge is to resolve the matter before the Appeal Tribunal in a manner that is timely, clear and fair. It meets this challenge by applying the right tools and processes at the right time. In this regard,

- a) the quasi-judicial process sees disputes heard and resolved by a panel of Appeal Tribunal members. Appeal Tribunal members can also be called upon to mediate a dispute. Although mediation is rarely requested by parties, the Appeal Tribunal ensures that it maintains the capacity to conduct mediation when requested.
- b) the conciliation process often sees parties reach a resolution to their disputes on their own terms. Conciliation is facilitated by Appeal Tribunal staff, who investigate appeals and clarify the Metis Settlements' legal framework to the parties but do not, in any way, decide the final outcome of the appeals.

DESIRED OUTCOMES, 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. These goals reflect the Appeal Tribunal's two-pronged approach to resolving appeals:

Desired Outcome **Quasi-judicial – The Appeal Tribunal provides fair, timely, and cost-effective hearing and mediation services**

One:

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 open and easy to understand. The Appeal Tribunal also works to ensure that all parties before it are heard, valued, and informed of their rights (e.x. the right to apply for leave to appeal Tribunal decisions on questions of law or jurisdiction). 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 and update Appeal Tribunal's Code of Conduct and Rules of Procedure on an ongoing basis and adjust as necessary to meet new or emerging standards and best practices.
- 1.2 Evaluate and develop capacity of Tribunal members to resolve disputes in a timely manner.
- 1.3 Appoint decision-making panels within two weeks of receipt of appeal and ensure all matters affecting rights of participants are decided by the panel
- 1.4 Issue decisions within 60 days of a hearing¹ and send them to parties along with notice of rights to apply for leave to appeal to Alberta Court of Appeal
- 1.5 Resolve appeals within 9 months from receipt of appeal

Performance Measures	Last Actual 2013 ²	Current 2014	Target 2015	Target 2016	Target 2017
1.a Percentage of decisions made within 60 days of hearing	62.5% (5/8)	50% (5/10)	60%	65%	70%
1.b Percentage of appeals going to a hearing resolved within 9 months from receipt of appeal	43% (3/7) ³	30% (3/10)	50%	60%	65%
1.c Percentage of Tribunal members who take courses to enhance their capacity to resolve disputes ⁴	86%	57% ⁵	100% ⁶	86%	86%

¹ Hearings include in-person hearings and paper reviews of appeal forms and other written materials.

² 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.

³ In 2013, MSAT issued 8 decisions; however, one of these was a preliminary decision. Hence, it is not included in this calculation.

⁴ 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. For parts of 2012 and 2013, the Board was composed of 6 members.

⁵ This low number is largely due to Tribunal members nearing the end of their terms and requiring less training.

⁶ In 2015, MSAT will have newly appointed board members, all of whom will require training and orientation.

Desired Outcome **Conciliation – Settlement members and stakeholders are informed about Tribunal processes and are better able to resolve disputes through conciliation**

Two:

The Appeal Tribunal recognizes that conciliation is the best form of dispute resolution, as it allows parties to play an active role in resolving their cases and deciding on a solution. It also lets parties better understand the situation and the rules/laws that apply and to obtain more information. As facilitators, Appeal Tribunal staff aim to inform all stakeholders of the benefits of this approach through outreach to the Metis Settlements schools/youth, elders, members, councils and others through community workshops and by periodically lecturing at different institutions, including the University of Alberta.

Priority Initiatives:

- 2.1 Prepare and distribute hearing packages in accordance with the Appeal Tribunal’s notice requirements.
- 2.2 Facilitate conciliation and enable Settlement members/disputants to resolve disputes on their own terms.
- 2.3 Evaluate and develop capacity of staff members to process disputes and facilitate conciliation.

Performance Measures	Last Actual 2013	Current 2014	Target 2015	Target 2016	Target 2017
2.a Percentage of MSAT clients who feel that the outreach is well-organized, well-taught, and meaningful to them ⁷	--	--	80%	85%	85%
2.b Percentage of Tribunal staff who participate in annual self-evaluation exercises and who take courses to enhance their capacity to resolve disputes ⁸	71%	86%	86%	86%	86%

Desired Outcome **The Appeal Tribunal is transparent and accountable**

Three:

The Appeal Tribunal works with the Government of Alberta (GoA) and the Metis Settlements General Council (MSGC) 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 Reduce costs associated with Board member travel by employing greater use of conference calls to manage administrative matters and appeals.
- 3.2 Work with Agency Governance Secretariat to improve internal processes that support information sharing, and create common orientation and training for Alberta’s agencies, boards, and commissions
- 3.3 Provide timely/quarterly administrative updates to Tribunal Chair and Board, and also to GoA and MSGC in relation to respective areas of responsibility.

⁷ The Appeal Tribunal has not formally tracked the satisfaction rates of outreach 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.

⁸ 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. For parts of 2012 and 2013, the Board was composed of 6 members.

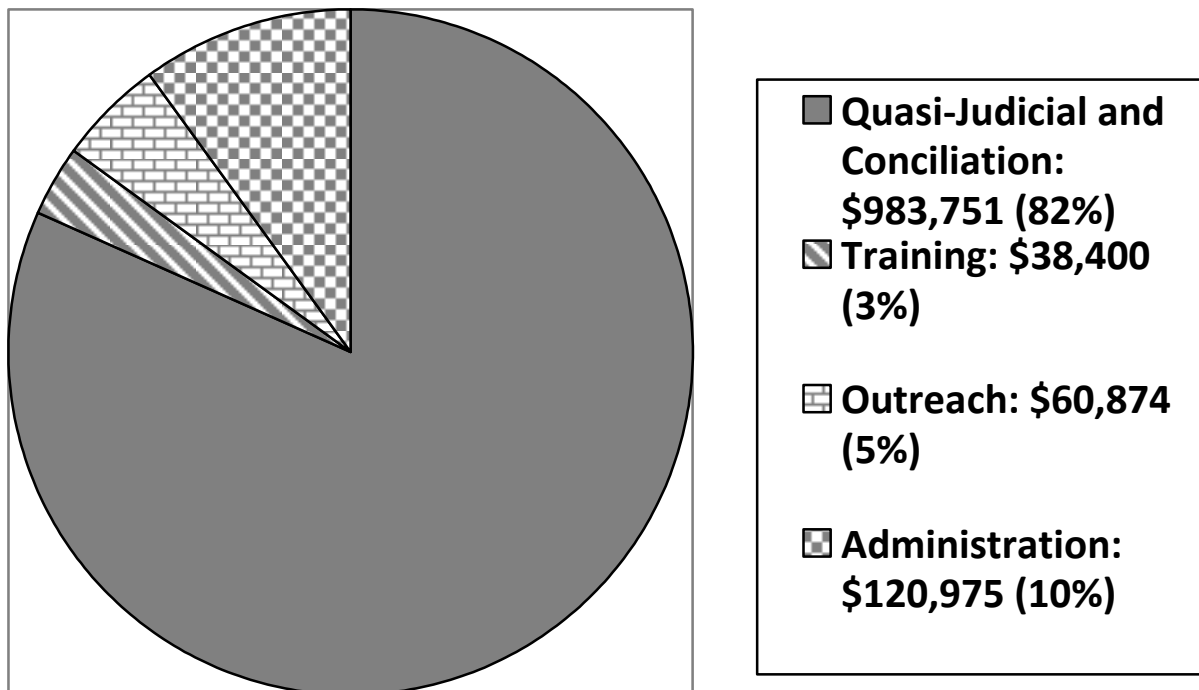
Performance Measures	Last Actual 2012	Current 2013	Target 2014	Target 2015	Target 2016
3.a Percentage of budget updates given within 10 days of due date	100%	100%	100%	100%	100%
3.b Percentage of staff performance agreements and performance reviews completed each year	100%	100%	100%	100%	100%

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.

Total Resources for 2014 – 2015

\$1,204,000



Quasi-judicial includes: manpower at \$451,093, employer contribution at \$109,298, staff travel at \$7,000, Board honoraria, travel and legal costs at \$397,750, general office expenses (postage, rental, telephone, hosting, office supplies, etc.) at \$18,610.

Training includes: Honoraria and travel at \$26,000, staff training fee at \$13,400.

Outreach/Communication includes: Honoraria and travel at \$22,250, manpower & travel at \$36,289, general office expenses at \$2,335.

Administration includes: manpower at \$90,250, employer contribution at \$19,855, allowance and benefits at \$5,450, staff travel at \$1,000, general office expenses at \$4,420.



For more information, contact us at:

Suite 200, 10335 – 172 Street

Edmonton, AB, T5S 1K9

780-422-1541, or

Toll Free 1-800-661-8864, or

Fax: 780-422-0019

www.msat.gov.ab.ca