

Metis Settlements Appeal Tribunal

BUSINESS PLAN 2016 – 2018

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 18, 2016.

Original signed by:

Lorne Dustow, Chair

February 18, 2016

THE METIS SETTLEMENTS APPEAL TRIBUNAL

The Appeal Tribunal operates within the Metis self-governance framework envisioned through the Alberta-Metis Settlements Accord in 1989 and enacted through the *Metis Settlements Act* in 1990. It is a quasi-judicial agency that preserves and enhances Metis culture and identity and strengthens self-governance through adjudication, 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 *Public Agencies Governance Act* and *Results-based Budgeting Act*. In addition to this, the Appeal Tribunal will be participating in a comprehensive review of Alberta's public agencies, boards, and commissions to ensure that public agencies continue to be accountable, transparent, effective, and efficient. The review will focus on roles and mandates to ensure that governance systems are in line with best practices.

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 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, 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.

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.

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

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 (for example, 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 2014 ²	Target 2015	Current 2015	Target 2016	Target 2017	Target 2018
1.a Percentage of decisions made within 60 days of hearing	50% (5/10)	60%	77.8% (14/18)	65%	70%	75%
1.b Percentage of appeals going to a hearing resolved within 9 months from receipt of appeal	53% (8/15) ³	50%	61% (11/18)	60%	65%	70%
1.c Percentage of Tribunal members who take courses to enhance their capacity to resolve disputes	57% ⁴	100%	100%	100%	86%	86%

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

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.

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. These statistics are therefore based on work from January to December in any given year.

³ In 2014, MSAT issued 10 decisions following a hearing, which in turn resolved 15 appeals.

⁴ This low number is largely due to Tribunal members nearing the end of their terms and requiring less training.

Priority Initiatives:

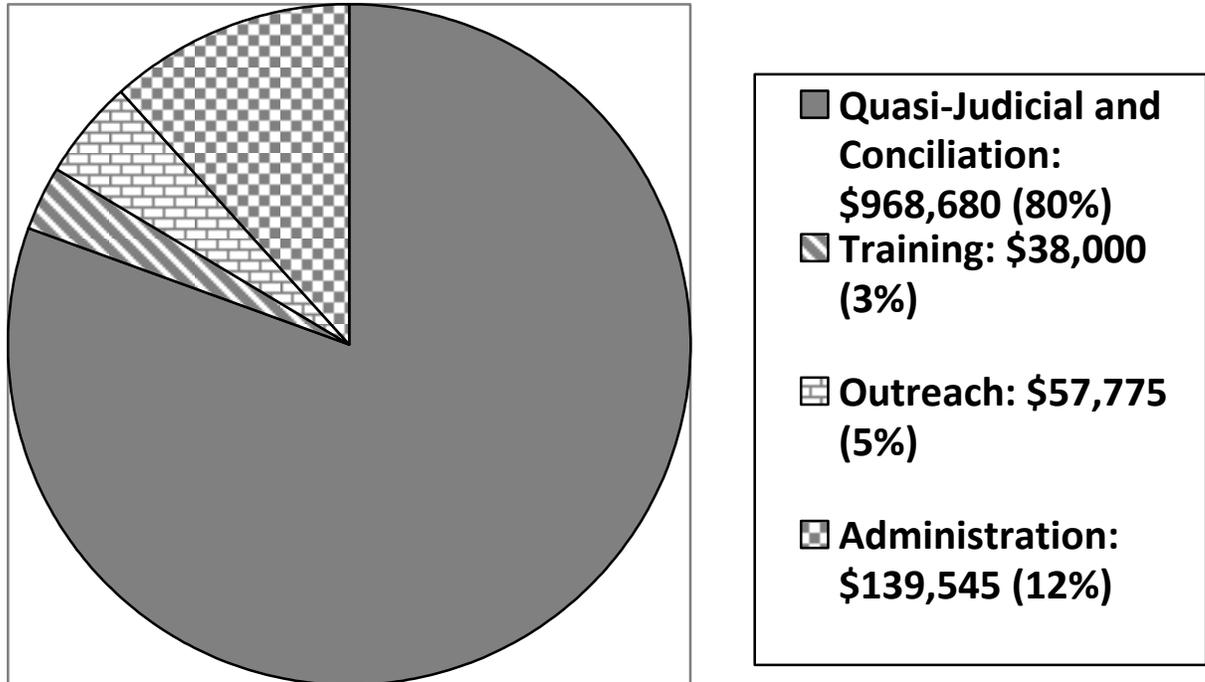
- 2.1 Reduce costs associated with Board member travel by employing greater use of conference calls to manage administrative matters and appeals.
- 2.2 Work with Agency Governance Secretariat to improve internal processes that support information sharing, and create common orientation and training for Alberta's agencies, boards, and commissions
- 2.3 Provide timely/quarterly administrative updates to Tribunal Chair and Board, and also to GoA and MSGC in relation to respective areas of responsibility.

Performance Measures	Last Actual 2014	Current 2015	Target 2016	Target 2017	Target 2018
2.a Percentage of budget updates given within 10 days of due date	100%	100%	100%	100%	100%
2.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 2016 – 2018 \$1,204,000



Quasi-judicial includes: manpower at \$481,175, employer contribution at \$108,605, staff travel at \$12,000, Board honoraria, travel and legal costs at \$348,750, general office expenses (postage, rental, telephone, hosting, office supplies, etc.) at \$18,150.

Training includes: Honoraria, travel and board training fee at \$24,000, staff training & development \$13,400, and hosting expenses \$600.

Outreach/Communication includes: Honoraria and travel at \$16,250, manpower & travel at \$37,425, general office expenses at \$4,100.

Administration includes: manpower at \$98,325, employer contribution at \$29,620, allowance and benefits at \$5,450, staff travel at \$1,000, general office expenses at \$5,150.



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