

# **The Registry of the Specific Claims Tribunal**

**2010–11**

## **Departmental Performance Report**

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The Honourable John Duncan  
Minister of Aboriginal Affairs and Northern Development  
Canada



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## **Deputy Head's Message**

It is my pleasure to present the 2010–11 Departmental Performance Report for the Registry of the Specific Claims Tribunal. The Registry's role is to provide services for the efficient and effective administration of the Specific Claims Tribunal, while protecting the Tribunal's independence.

The Registry continued its effort to complete work to establish the administrative services needed to support Tribunal activities and to ensure transparency, accountability and fairness in Registry operations. Support also continued to be provided to the Tribunal in the development of its Rules of Procedure and Practice Directions.

The Registry now has the basic infrastructure in place to provide the support required by Tribunal members and First Nations to accept the filings of claims. As soon as the Rules of Procedure and Practice Directions are established, the Registry will communicate them to all interested parties, and First Nations will then be able to start filing claims.

The financial and human resources allocated to the Registry were adequate for this year but there is a high probability that they will not be enough to support the processing of many claims in future years. The Registry will have to wait until the Tribunal has processed a number of claims before it can prepare an informed assessment of the resources and time required to process an average claim.

A number of challenges remain but activities undertaken over the year ensure the Registry is well placed to deliver on its core mandate of providing administrative services to support the Specific Claims Tribunal in the disposition of specific claims.

Raynald Chartrand  
Deputy Head and Registrar



## Section I: Organizational Overview

### Raison d'être

The Specific Claims Tribunal is an independent tribunal established under the *Specific Claims Tribunal Act* (which came into force October 16, 2008) to adjudicate First Nations grievances against the Crown. The purpose of the Act is not only to resolve outstanding grievances, but also to encourage reconciliation between First Nations and the Crown. The Tribunal has the express mandate of deciding specific claims, including claims related to the non-fulfilment of treaties, fraud, illegal leases and dispositions, or inadequate compensation for reserve lands or other assets.

The *Specific Claims Tribunal Act* provides for an administrative infrastructure, the Registry of the Specific Claims Tribunal, to support the work of the Tribunal.

The Registry is designated as a government department under Schedule I.1 of the *Financial Administration Act*, and therefore must adhere to federal public administration policies. Those policies include the preparation of this report, which pertains to the activities of the Registry in support of the Tribunal, and not to the Tribunal itself.

### Responsibilities

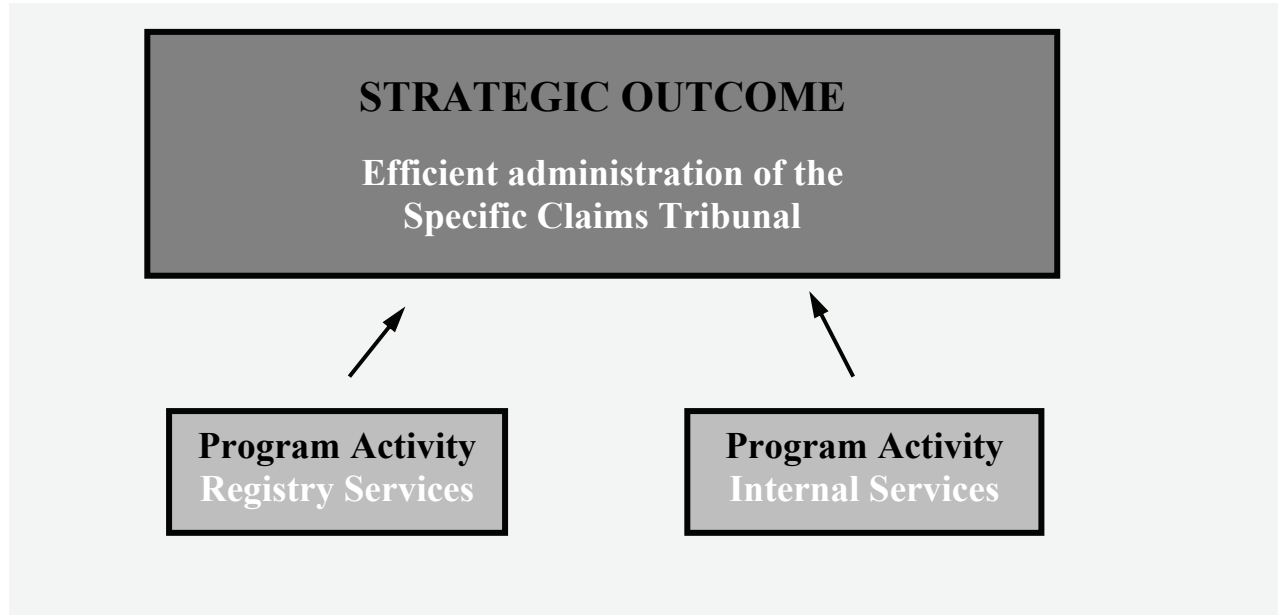
The Registry of the Specific Claims Tribunal supports all aspects of the Tribunal's work to ensure that the Tribunal can hold hearings. As the repository for filing claims and for all documents and orders for all claims brought before the Tribunal, the Registry is responsible for providing First Nations with efficient registry services:

- intake and tracking of submitted claims;
- managing the logistics of proceedings;
- processing warrants, subpoenas, and writs;
- managing information and records; and
- providing services to the public in both official languages.

These services support the independent resolution of claims fairly, without delay, and with an efficient, effective and economic application of resources. The Registry must exercise these functions in a manner that protects the administrative and adjudicative independence of the Specific Claims Tribunal. Independence is central to the role of the Specific Claims Tribunal and its ability to resolve claims fairly.

Although the Registry's offices are located in Ottawa, it provides services throughout Canada to Tribunal Members, First Nations, the Crown and the public.

## Strategic Outcome and Program Activity Architecture



### Program Activity Descriptions

#### **Registry Services**

These services facilitate timely access to the Specific Claims Tribunal through client service, quality of advice, efficient and timely processing of claims, and unbiased service delivery.

#### **Internal Services**

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization.



## Organizational Priorities

### Performance/Priority Status Legend

**Met all:** 100 per cent of the expected level of performance (as evidenced by the indicator and target or planned activities and expected outputs) for the expected result or priority identified in the corresponding Report on Plans and Priorities (RPP) was achieved during the fiscal year.

**Mostly met:** 80 to 99 per cent of the expected level of performance (as evidenced by the indicator and target or planned activities and expected outputs) for the expected result or priority identified in the corresponding RPP was achieved during the fiscal year.

Priority	Type <sup>1</sup>	Strategic Outcome
Implement and configure an electronic registry and case management system.	Previously committed to	Efficient administration of the Specific Claims Tribunal
<b>Status: Mostly met</b>		
The Registry acquired a records management system and narrowed down the concept of a case management module and an electronic registry. A major consideration in the decision is that claims can be filed from any part of the country and Tribunal members will probably be located in chambers provided by their provincial superior court. Staff members were trained on the records management portion of the project. A consultant is assisting with the final phase of the implementation of the system.		

Priority	Type <sup>1</sup>	Strategic Outcome
Support Tribunal Members in drafting rules of practice and procedure.	Previously committed to	Efficient administration of the Specific Claims Tribunal
<b>Status: Met all</b>		
A prerequisite for the proper operation of the Tribunal, official rules of procedure describe to the parties the steps to follow to file documents and the litigation process associated with the processing of a claim before the Tribunal. The Registry provided Tribunal members full support in terms of human and financial resources for the drafting of the Rules of Procedure and Practice Directions.		

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1. “Type” is categorized as follows: **Previously committed to**—committed to in the first or second fiscal year before the subject year of the report; **Ongoing**—committed to at least three fiscal years before the subject year of the report; and **New**—newly committed to in the reporting year of the Departmental Performance Report.

Priority	Type <sup>1</sup>	Strategic Outcome
Implement communication plan to increase awareness of the Tribunal and its activities and procedures.	Ongoing	Efficient administration of the Specific Claims Tribunal
<b>Status: Met all</b>		
The Registry used a number of communications media such as interviews with journalists, speaking engagements and an enhanced website to increase the awareness of the Tribunal. These activities were key in the early stages of the existence of the Tribunal because they answered a lot of questions and informed interested parties on developments at the Tribunal.		

Priority	Type <sup>1</sup>	Strategic Outcome
Development of work descriptions and staffing for Registry positions.	Ongoing	Efficient administration of the Specific Claims Tribunal
<b>Status: Met all</b>		
An adequate complement of staff was hired during the year. The Registry completed seven staffing processes and five job descriptions during the year.		

Priority	Type <sup>1</sup>	Strategic Outcome
Development of student work programs.	New	Efficient administration of the Specific Claims Tribunal
<b>Status: Met all</b>		
The organization has been hiring students for the last two years and is planning to continue doing so. Hiring students is an efficient way to identify potential indeterminate employees and ensure continuity in the level of service provided to the parties and Tribunal members.		

Priority	Type <sup>1</sup>	Strategic Outcome
Delivery of training including cultural, values and ethics, and professional developmental.	New	Efficient administration of the Specific Claims Tribunal
<b>Status: Met all</b>		
A well-trained workforce must be in place to support the work of the Tribunal when the doors officially open to accept filings. Training plans were developed at the beginning of the year and funding was set aside to support staff in the completion of their training.		

Priority	Type <sup>1</sup>	Strategic Outcome
Development of a succession plan to ensure that the Registry has a pool of qualified candidates to fill critical positions as they become vacant.	Ongoing	Efficient administration of the Specific Claims Tribunal
<b>Status: Mostly met</b>		
The Registry started discussions with some provincial court administration services to develop service-level agreements for them to provide services to Tribunal members working from their provincial superior court chambers. This initiative will expand the number of qualified employees who can provide assistance to the parties on various aspects of the claims process.		

Priority	Type <sup>1</sup>	Strategic Outcome
Completion of a business continuity plan to ensure that Registry services are not disrupted by unforeseen events.	Ongoing	Efficient administration of the Specific Claims Tribunal
<b>Status: Mostly met</b>		
To meet the requirements of Treasury Board's Management of Information Technology Security policies and establish a plan to support the work of the Tribunal in an emergency, an information technology back-up solution was implemented and short-term staffing strategies were identified in the Business and Human Resources Plan.		

## Risk Analysis

The workload of the Tribunal arises from the decisions and activities of other parties. Claims may be submitted to the Specific Claims Tribunal only after they have been submitted to the Specific Claims program at Aboriginal Affairs and Northern Development Canada.

Another risk that the Registry faces relates to the relative workload associated with processing claims. The Registry can only estimate how many claims will be brought to the Tribunal, the true number will depend on the prerogative of First Nations. This creates a risk that a substantially greater number of claims will be brought to the Registry than anticipated. This risk will be heightened until the Registry has baseline information for an accurate assessment of the resources and time required to process an average claim. A large volume of claims could deplete

Registry resources, and additional financial support may need to be sought to ensure claims are processed in a timely manner.

The small complement of the Registry also creates risks associated with continuity of operations should people in key positions leave the organization.

### Summary of Performance

#### 2010–11 Financial Resources (\$ thousands)

Planned Spending	Total Authorities	Actual Spending
2,840	2,871	2,165

#### 2010–11 Human Resources (full-time equivalents—FTEs)

Planned	Actual	Difference
17	9.2	7.8

#### Strategic Outcome: Efficient administration of the Specific Claims Tribunal

Performance Indicators	Targets	2010–11 Performance
A Registry that is staffed with qualified individuals capable of providing corporate and registry services in an efficient and effective manner.	<ul style="list-style-type: none"> <li>Completion of Registry staffing processes.</li> <li>Completion of business continuity and succession plans.</li> <li>Delivery of developmental staff training.</li> <li>Creation of student work programs.</li> <li>Administer Registry within financial allocation.</li> </ul>	In 2010–11, the Registry established operations—including staffing, information technology and administrative procedures—in preparation for the Tribunal opening its doors in June 2011. The financial and human resources allocated to the Registry were adequate for this year.
An electronic Registry that utilizes technology to introduce efficiencies and overcome logistical challenges associated with administering a national	<ul style="list-style-type: none"> <li>Operational electronic registry and case management system.</li> <li>Implementation of</li> </ul>	The website of the organization has been enhanced to become the main tool used to communicate with stakeholders. It also forms the basis of the case

Performance Indicators	Targets	2010–11 Performance
tribunal.	communications plan.	management system.
Engagement and outreach enabling clients and the public to have sufficient information—and input into—Tribunal activities, practices and procedures.	<ul style="list-style-type: none"> <li>Engage stakeholders in support of developing rules of practice and procedure.</li> <li>Informed and engaged clients and public.</li> </ul>	An advisory committee was created to provide advice and feedback on the draft Rules of procedure.

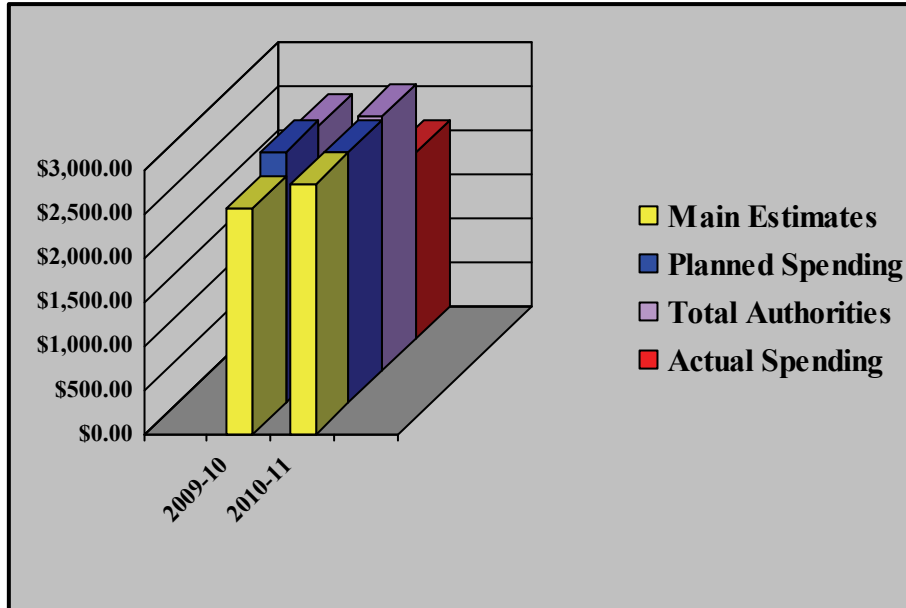
Program Activity	2009–10 Actual Spending (\$ thousands)	2010–11 <sup>2</sup> (\$ thousands)				Alignment to Government of Canada Outcome
		Main Estimates	Planned Spending	Total Authorities	Actual Spending	
Registry Services	881	1,250	1,250	1,263	1,392	A vibrant Canadian culture and heritage

Program Activity	2009–10 Actual Spending (\$ thousands)	2010–11 (\$ thousands)			
		Main Estimates	Planned Spending	Total Authorities	Actual Spending
Internal Services	1,121	1,590	1,590	1,608	773

2. Commencing in the 2009–10 Estimates cycle, the resources for the Internal Services program activity are displayed separately from other program activities; they are no longer distributed among the remaining program activities, as was the case in previous Main Estimates. This has affected the comparability of spending and FTE information by program activity between fiscal years.

## Expenditure Profile

### Departmental Spending Trend (\$ thousands)



Expenses in 2010–11 were slightly higher than 2009–10 but considerably lower than the total authorities allocated to the Registry for the fiscal year. The gap stems from the fact that no resources were required to process cases in 2010-11 because the Tribunal only began accepting cases in June 2011.

## **Estimates by Vote**

For information on the Registry's organizational votes and/or statutory expenditures, please see the 2010–11 Public Accounts of Canada (Volume II) publication. An electronic version of the Public Accounts is available on the Public Works and Government Services Canada website.<sup>3</sup>

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3. See 2010–11 Public Accounts of Canada at <http://www.tpsgc-pwgsc.gc.ca/recgen/txt/72-eng.html>.





## Section II: Analysis of Program Activities by Strategic Outcome

### Strategic Outcome: Efficient administration of the Specific Claims Tribunal

#### Program Activity: Registry Services

##### Program Activity Description

Facilitates timely access to the Specific Claims Tribunal through client service, quality of advice, efficient and timely processing of claims, and unbiased service delivery.

##### 2010–11 Financial Resources (\$ thousands)

Planned Spending	Total Authorities	Actual Spending
1,250	1,263	1,392

##### 2010–11 Human Resources (FTEs)

Planned	Actual	Difference
11	4.1	6.9

Expected Results	Performance Indicators	Targets	Performance Status
Facilitate timely access to the Tribunal across Canada through client service, quality of advice, efficient and timely processing, and unbiased service delivery.	A Registry that is staffed with qualified individuals capable of providing corporate and registry services in an efficient and effective manner.	<ul style="list-style-type: none"> <li>• Completion of Registry staffing processes.</li> <li>• Completion of business continuity and succession plans.</li> <li>• Delivery of developmental staff training.</li> <li>• Creation of student work programs.</li> <li>• Delivery of sufficient support for the development of Rules of practice and procedure.</li> <li>• Administration of Registry within financial</li> </ul>	<p><b>Mostly met</b></p> <ul style="list-style-type: none"> <li>• 7 staffing processes completed</li> <li>• 5 job descriptions developed</li> <li>• training plans developed and funded</li> <li>• information technology back-up solution implemented</li> <li>• staffing strategies identified in the Business and Human Resources Plan</li> <li>• hired students through the Federal Student Work Experience Program, as done the year before</li> </ul>

Expected Results	Performance Indicators	Targets	Performance Status
		allocation.	<ul style="list-style-type: none"> <li>operated within organization's reference level again this fiscal year</li> </ul>
	An electronic Registry that utilizes technology to introduce efficiencies and overcome logistical challenges associated with administering a national tribunal.	<ul style="list-style-type: none"> <li>Operational electronic registry and case management system.</li> <li>Electronic filing through the Registry's website.</li> <li>Electronic notification.</li> <li>Immediate access by Tribunal Members to Registry operations from their respective chambers across Canada.</li> <li>Efficient way to track claims and claim trends.</li> </ul>	<p><b>Mostly met</b></p> <ul style="list-style-type: none"> <li>acquired a records management system</li> <li>investigated options for a case management module and an electronic registry</li> <li>enhanced the Tribunal website</li> </ul>
	Engagement and outreach enabling clients and the public to have sufficient information and input into Tribunal activities, practices and procedures.	<ul style="list-style-type: none"> <li>Informed and engaged clients and public.</li> <li>Implementation of a communication plan.</li> <li>Engagement of stakeholders in support of developing rules of practice and procedure.</li> <li>Website information complete, accurate, and updated regularly.</li> <li>Attendance and participation in relevant tribunal administration and/or Aboriginal law conferences and meetings involving stakeholders and/or their counsel.</li> </ul>	<p><b>Met all</b></p> <ul style="list-style-type: none"> <li>created an advisory committee to provide feedback on the draft Rules of Procedure</li> <li>gave live interviews to journalists</li> <li>posted developments on the website to keep the public abreast of the developments of the rules of procedure.</li> <li>offered an electronic subscription for alerts when something new is posted on the website</li> </ul>

### Performance Summary and Analysis of Program Activity

In 2010–11 the Registry was active in building the infrastructure required to be ready once the Rules of Procedure were approved and First Nations could start filing claims. The lapse in

resources this year is not expected to happen next year because the Tribunal officially opened its doors in June 2011. Claims will be filed and case management conferences will be scheduled throughout the country, as required.

### Lessons Learned

Establishing operations for a new organization provides for great opportunities but also creates planning challenges. The requirements of the new Tribunal are not always clear as there is no basis to forecast the number of claims to be filed and the timing of those filings. Also, the drafting and approval process of the Rules of Procedure had a direct impact on other work of the Registry. Future amendments to the rules will benefit from the experience acquired through this first drafting project.

### Program Activity: Internal Services

#### Program Activity Description

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. These groups are: Management and Oversight Services; Communications Services; Legal Services; Human Resource Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Material Services; Acquisition Services; and Travel and Other Administrative Services. Internal Services include only those activities and resources that apply across an organization and not to those provided specifically to a program.

#### 2010–11 Financial Resources (\$ thousands)

Planned Spending	Total Authorities	Actual Spending
1,590	1,608	773

#### 2010–11 Human Resources (FTEs)

Planned	Actual	Difference
6.0	5.1	0.9

### **Performance Summary and Analysis of Program Activity**

The small size of the organization combined with the fact that it has been in operation for less than three years caused challenges atypical of a large organizations. To maintain an optimum level of service, the Registry must contract out many services such as staffing, compensation and the maintenance of its technology and financial systems.

### **Lessons Learned**

Staff turnover has been higher than expected for a small organization. The timing of hiring new staff should be aligned with Registry work in direct support of the processing of claims. Some employees felt unmotivated because they were eager to do the “real” Registry work of processing claims. A better alignment of the business requirements with the staffing processes will be more efficient financially and will help motivate new employees.

## Section III: Supplementary Information

### Financial Highlights

#### Condensed Statement of Financial Position

As at March 31, 2011 (\$ thousands)

	% Change	2010–11	2009–10
Total assets	(28%)	1,248	1,734
Total liabilities	(45%)	392	717
Equity of Canada	(16%)	856	1,017
Total	(28%)	1,248	1,734

#### Condensed Statement of Operations

For the year ended March 31, 2011 (\$ thousands)

	% Change	2010–11	2009–10
Total expenses	22%	2,535	2,076
Total revenues	-	-	-
Net cost of operations	22%	2,535	2,076

### Financial Highlights Charts and/or Graphs

No additional financial charts are necessary because the organization has been operating for less than three years.

### Financial Statements

The Registry of the Specific Claims Tribunal's financial statements can be found on the Tribunal's website: <http://www.sct-trp.ca>.



## **Section IV: Other Items of Interest**

### **Organizational Contact Information**

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