



Specific Claims Tribunal Canada

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2012-13

Departmental Performance Reports

Registry of the Specific Claims Tribunal

Honourable Bernard Valcourt

Minister of Aboriginal Affairs and Northern Development Canada

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Deputy Head's Message

Our *2012-13 Departmental Performance Report* illustrates significant milestones and accomplishments attained over the course of the reporting period.

Since our doors first opened in 2011, both the Registry and the Specific Claims Tribunal have moved forward from a design and development mode to a full operational mode. Claims are being filed, case management conferences are being scheduled and hearings on the validity of claims have started to take place. The number of claims filed has been persistently climbing, and the Registry continues to operate in an environment where it does not have influence over its volume of work and can only react to the number of claims filed by claimants.

The Registry continued to enhance its registry procedures and secure a solid infrastructure. New technologies and practices were implemented, including video-conference enhancements to act as an alternative to incurring travel expenses for Tribunal Members and parties by reducing the requirement to travel for case management conferences and short hearings.

The Registry also concentrated on staffing key positions while focusing on the training and retention of qualified employees. Some resources were shared with other organizations as a means for fostering career development and for better aligning our level of human resources with our business requirements. We also gave all employees the opportunity to participate in cultural training in relation to Aboriginals and First Nations.

The Registry worked in collaboration with Central Agencies, to secure funding for future years in order to fulfill its mandate as part of the *Justice at Last* initiative.

The accomplishments of the Registry during the fiscal year clearly demonstrated its dedication to delivering on its core mandate of providing support to the Specific Claims Tribunal in the disposition of specific claims.

It is my pleasure to present this year's *Departmental Performance Report* for the Registry of the Specific Claims Tribunal.

Raynald Chartrand, CMA
Deputy Head and Registrar
Registry of the Specific Claims Tribunal of Canada

Section I: Departmental Overview

Raison d'être

The Specific Claims Tribunal (the Tribunal) is an independent tribunal established under the *Specific Claims Tribunal Act* (which came into force on October 16, 2008) to adjudicate First Nations' grievances against 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, and inadequate compensation for reserve lands or other assets. The purpose of the *Specific Claims Tribunal Act* is to resolve outstanding grievances and to encourage reconciliation between First Nations and the Crown.

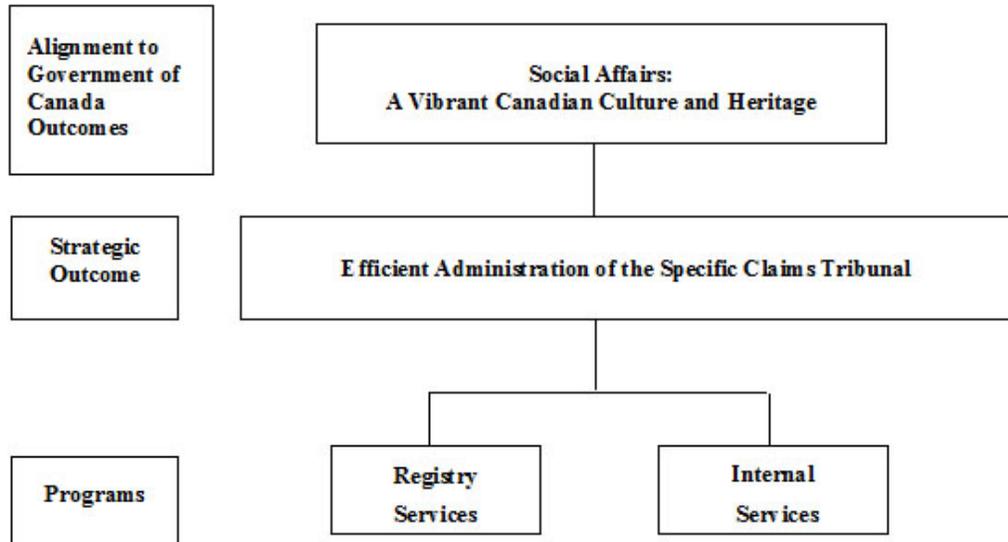
Responsibilities

The *Specific Claims Tribunal Act* provides for an administrative infrastructure in support of the work of the Specific Claims Tribunal through the Registry of the Specific Claims Tribunal (the Registry). 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 including the preparation of this *Departmental Performance Report*. This Report pertains to the activities of the Registry in support to the Tribunal, not to the Tribunal claims themselves.

The Registry of the Specific Claims Tribunal supports all aspects of the Tribunal's work to ensure that the Tribunal can hold hearings. The Registry is also the repository for filing claims and all documents and orders for all claims brought before the Tribunal.

Strategic Outcome and Program Activity Architecture

The chart below illustrates the Registry of the Specific Claims Tribunal's framework for how its program activities contribute towards its strategic outcome.



[text version]

Organizational Priorities

Summary of Progress Against Priorities

Priority	Type ¹	Strategic Outcome
Provide the Tribunal with the infrastructure required to hear claims in a timely and cost-effective manner	Previously committed to	Efficient administration of the Specific Claims Tribunal
Summary of Progress		
What progress has been made towards this priority?		
<p>The staffing of two key positions with seconded employees, as well as filling the void of three other positions by either staffing on a part-time basis or continuing to share resources with other organizations, has strengthened the level of support available to Tribunal Members and has aligned the level of human resources with the business requirements of the Registry. The utilization of videoconferences and teleconferences has provided solid, efficient cost-saving alternatives to in-person hearings, mainly for case management conferences and short hearings.</p>		

Priority	Type	Strategic Outcome
Implement and continue to upgrade an electronic registry	Ongoing	Efficient administration of the Specific Claims Tribunal
Summary of Progress		
What progress has been made towards this priority?		
<p>Significant emphasis has been placed on improving the remote access technology available to Tribunal Members, and additional improvements are already scheduled for</p>		

2013-14. There are great benefits to hearing claims close to the claimants' communities, but this added to the challenges of providing reliable connectivity with the Registry's document management system. The website has continued to be a very efficient and reliable communication tool with our stakeholders and the public.

Priority	Type	Strategic Outcome
Work with Central Agencies to secure the level of funding required to support the work of the Tribunal	New	Efficient administration of the Specific Claims Tribunal
Summary of Progress		
What progress has been made towards this priority?		
<p>The Registry worked closely with Central Agencies and the Minister's Office to obtain funding to continue to process claims efficiently. A Treasury Board submission requesting funding for another three years was developed by the Registry and is expected to be considered in 2013-14 as part of the Supplementary Estimates exercise.</p>		

Priority	Type	Strategic Outcome
Delivery of training including: cultural, values and ethics training, and professional development	Ongoing	Efficient administration of the Specific Claims Tribunal
Summary of Progress		
What progress has been made towards this priority?		
<p>A one-day cultural awareness workshop was delivered to all staff early in the fiscal year, and four employees had the opportunity to attend Tribunal hearings held in First Nations' communities. The assignment of staff to support the Tribunal during the hearing of cases in the claimants' communities complemented the cultural awareness workshop and enriched their understanding and the importance of taking into consideration cultural diversity related to the protocol and decorum during at Tribunal hearings. Registry staff also had the opportunity to take part in a hearing at the Specific Claims Tribunal in Ottawa. Employee learning plans were developed and monitored to assist staff in achieving their career objectives.</p>		

Risk Analysis

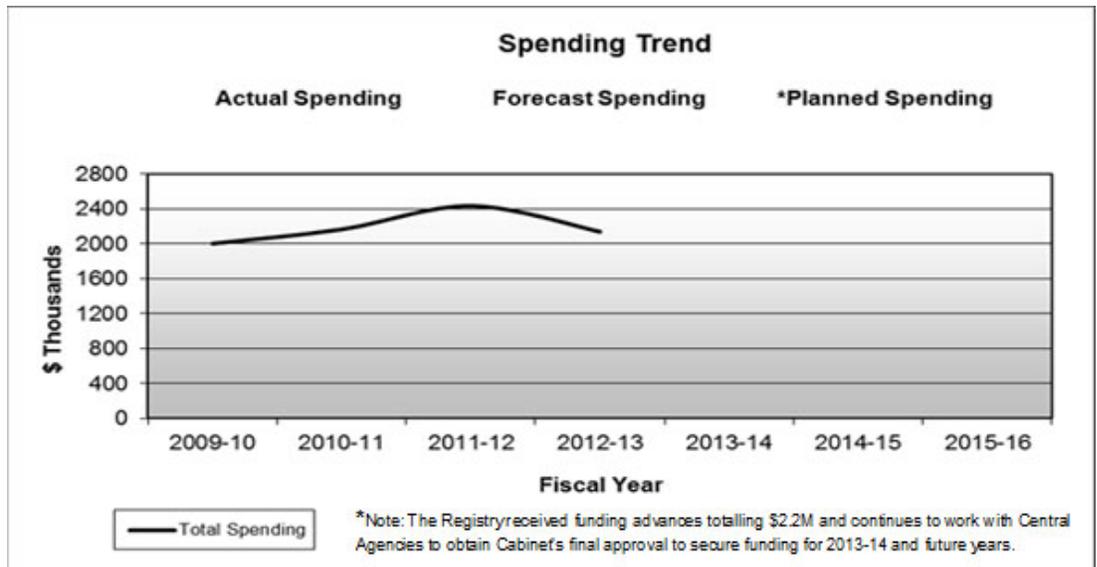
Risk	Risk Response Strategy	Link to Program Alignment Architecture	Link to Organizational Priorities
The Registry has an ongoing major planning challenge as its activities are driven by external demands that it can only react to rather than plan for. The decision to file a claim rests entirely with First Nations.	<ul style="list-style-type: none"> The Registry must be in a state of readiness to support the work of the Tribunal. Staffing with seconded and part-time employees as well as sharing resources with other organizations provided the appropriate level of resources for hearings and for the completion of short-term projects. This risk was identified in the <i>2012-13 Report on Plans and Priorities</i>. 	<ul style="list-style-type: none"> Registry Services 	Provide the Tribunal with the infrastructure required to hear claims in a timely and cost-effective manner
Securing the funding to continue to support the operational requirements without being able to predict, with any degree of certainty, the level of resources required is a major challenge for the organization.	<ul style="list-style-type: none"> Close monitoring of the intake of claims, of the cost of processing claims already filed, and of the milestones in the life cycle of a claim being processed by the Tribunal provided a basic forecasting tool to mitigate the risk involved in securing the proper level of funding for the organization in a timely manner. 	<ul style="list-style-type: none"> Registry Services Internal Services 	Delivery of training including: cultural, values and ethics training, and professional development

Strategic Outcome and Internal Services	Total Budgetary Expenditures (Main Estimates) 2012-13	Planned Spending			Total Authorities (available for use) 2012-13	Actual Spending (authorities used)		
		2012-13	2013-14	2014-15		2012-13	2011-12	2010-11
	2,847	2,847	See note ⁴	See note ⁵	2,925	2,138	2,434	2,165
Total	2,847	2,847	See note ⁴	See note ⁵	2,925	2,138	2,434	2,165

The variance between the planned spending for the year and the actual spending is mainly due to the intake of new claims, which has been lower than expected, and an increase in the utilization of videoconferences and teleconferences for short hearings

Expenditure Profile

Departmental Spending Trend



[[text version](#)]

The lower-than-expected use of funds is likely temporary as the Registry does not have any control over the number of claims filed. The lower-than-expected use of financial resources is merely a deferral of expenses and not necessarily a savings because significant expenses will be incurred as claims go through the judicial process at the Tribunal

Estimates by Vote

For information on the Registry of the Specific Claims Tribunal's organizational Votes and/or statutory expenditures, please see the *Public Accounts of Canada 2013 (Volume II)*. An electronic version of the Public Accounts 2013ⁱ is available on the Public Works Government Services website.

Section II: Analysis of Program Activities by Strategic Outcome

Strategic Outcome:

Efficient administration of the Specific Claims Tribunal.

Programs:

- Registry Services
- Internal Services

Strategic Outcome: Efficient Administration of the Specific Claims Tribunal.		
Performance Indicators	Targets	Actual Results
Client level of satisfaction regarding quality of service	80% satisfaction	Our measure of client satisfaction is based on feedback obtained from parties to claims filed at the Tribunal. We reached a 91% level of satisfaction this year, and no negative feedback was received through our website.
Tribunal's Members' level of satisfaction regarding quality of service	80% satisfaction	Feedback on the quality of services provided by the Registry was obtained from Tribunal Members throughout the year. We reached an 88% level of satisfaction this year.

Fiscal year 2012-13 was the first complete fiscal year where the Tribunal was operational to file specific claims as it officially started to accept filings of claims in June 2011. Key positions within the Registry were staffed, and employees received training on the case management system and the digital audio recording technology. Registry procedures were developed, and Tribunal Members provided ongoing interpretation of the Rules of Practice and Procedureⁱⁱ as specific questions arose from the parties. This enabled the Registry to provide the parties with timely, complete, and accurate information on the interpretation of the *Rules*. The initiative and pro-activeness of the Registry staff also contributed significantly to the high level of satisfaction reported by the parties and Tribunal Members.

Programs

Registry Services

Financial Resources – For Program Level (\$ thousands)

Total Budgetary Expenditures (Main Estimates) 2012-13	Planned Spending 2012-13	Total Authorities (available for use) 2012-13	Actual Spending (authorities used) 2012-13	Difference (Planned vs. Actual Spending)
2,278	2,278	2,340	1,605	673

Human Resources (Full-Time Equivalents—FTEs) – For Program Level

Planned 2012-13	Actual 2012-13	Difference 2012-13
11.5	7.4	4.1

Program Activity Performance Summary

Expected Results	Performance Indicators	Targets	Actual Results
Facilitate timely access to the Specific Claims Tribunal through excellent client service, efficient and timely processing of claims and unbiased service delivery	<p>A Registry staffed with qualified individuals capable of providing corporate and registry services in an efficient and effective manner.</p> <p>An electronic registry that utilizes technology to introduce efficiencies and overcome logistical challenges associated with administering a national tribunal.</p>	Completion of Registry staffing processes	<p>Staffing processes have been completed, and the <i>Integrated Business and Human Resources Plan</i> for the organization has been shared with the staff. A combination of staffing processes such as secondments and part-time employees as well as the sharing of resources with other organizations provided the flexibility needed to meet the fluctuating workload of the organization.</p> <p>Learning plans were developed by all staff, and the required financial resources were committed to assist employees in attaining their career objectives. Retaining staff in a micro- organization is often a challenge; therefore we provided developmental opportunities to some employees and gave them the opportunity to share their expertise with other organizations to help make</p>

	Delivery of developmental staff training	their work more interesting and provide motivating challenges.
	Operational electronic registry and case management system	The file structure within the case management system has been enhanced, and the digital audio recording system has been upgraded to a more user-friendly version. Significant emphasis has been placed on improving the remote access technology available to Tribunal Members, with additional improvements already scheduled for 2013-14. The utilization of videoconferences and teleconferences has provided solid, efficient alternatives to in-person hearings mainly for case management conferences and hearings of applications.
	Immediate access by Tribunal Members to claim documents from their respective chambers across Canada	

Performance Analysis and Lessons Learned

The Registry has been fully operational this year, processing new claims and supporting the Tribunal in scheduling case management conferences, hearing applications and holding some final hearings on the validity of claims. The planning and utilization of human resources was fully integrated with the fluctuating workload of the organization. As a fairly new organization, we must ensure that internal processes are dynamic to accommodate the interpretation of our *Rules of Practice and Procedure* and integrate the concept of cultural diversity in the delivery of registry services to the parties. Improvements to our new internal procedures and processes have already been identified for 2013-14.

Internal Services

Financial Resources – For Program Level (\$ thousands)

Total Budgetary Expenditures (Main Estimates) 2012-13	Planned Spending 2012-13	Total Authorities (available for use) 2012-13	Actual Spending (authorities used) 2012-13	Difference 2012-13
569	569	585	533	36

Human Resources (Full-Time Equivalents—FTEs) – For Program Level

Planned 2012-13	Actual 2012-13	Difference 2012-13
5.5	3.8	1.7

Performance Analysis and Lessons Learned

Employee turnover was fairly low this year. This provided better continuity of operations and enabled the organization to continue to incorporate the benefits of technology in the day-to-day provision of services. The sharing of resources between organizations has been a solid option for attracting qualified staff and mitigating the risk resulting from significant

fluctuations in workload. These opportunities will continue to be assessed on a case-by-case basis, taking into consideration the number of new claims.

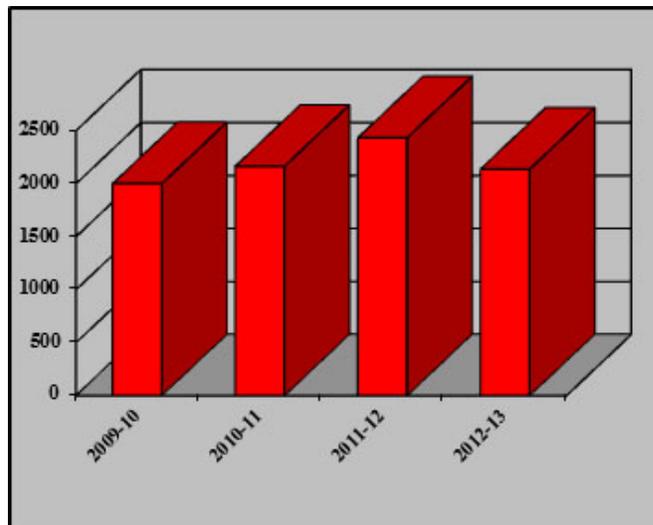
Section III: Supplementary Information

Financial Statements Highlights

Registry of the Specific Claims Tribunal Condensed Statement of Operations and Departmental Net Financial Position (Unaudited) For the Year Ended March 31, 2013 (\$ thousands)					
	2012-13 Planned Results	2012-13 Actual	2011-12 Actual	\$ Change (2012-13 Planned vs. Actual	\$ Change (2012-13 Actual vs. 2011-12 Actual
Total expenses	3,430	2,410	2,620	1,020	(210)
Total revenues	-	-	-	-	-
Net cost of operations before government funding and transfers	3,430	2,410	2,620	1,020	(210)
Departmental net financial position	N/A	831	885	N/A	(54)

The variance between the actual expenditures of 2011-12 and 2012-13 is due to a reduction of the office space, as well as an increase in the utilization of videoconferences and teleconferences for short hearings.

Actual Spending Chart



[text version]

There have been marginal variances between the actual expenses of the last four fiscal years, and they were always maintained within our spending authority. The sharing of resources between organizations and the lower-than-expected volume of new claims filed explain the variance. This could well be very temporary, as the Registry does not have control over the number of claims filed by First Nations.

Condensed Statement of Financial Position

Registry of the Specific Claims Tribunal			
Condensed Statement of Financial Position (Unaudited)			
As at March 31, 2013			
(\$ thousands)			
	2012-13	2012-13	\$ Change
Total net liabilities	301	547	(246)
Total net financial assets	131	327	(196)
Departmental net debt	170	220	(50)
Total non-financial assets	1,001	1,105	(104)
Departmental net financial position	831	885	(54)

The Registry of the Specific Claims Tribunal's assets and liabilities have changed slightly over the last two fiscal years. The fluctuations are mainly due to a decrease in the accounts payable as well as in the accounts receivable.

Financial Statements

The Registry of the Specific Claims Tribunal's financial statements can be found on the Tribunal's Website.ⁱⁱⁱ

Tax Expenditures and Evaluations Report

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals, and credits. The Department of Finance publishes cost estimates and projections for these measures annually in the Tax Expenditures and Evaluations ^{iv} publication. The tax measures presented in the Tax Expenditures and Evaluations publication are the sole responsibility of the Minister of Finance.

Section IV: Other Items of Interest

Organizational Contact Information

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Telephone: 613-947-0751

Website: <http://www.sct-trp.ca>

Endnotes

ⁱ Public Accounts of Canada, <http://www.tpsgc-pwgsc.gc.ca/recgen/cpc-pac/index-eng.html>

ⁱⁱ *Rules of Practice and Procedure* of the Specific Claims Tribunal, http://www.sct-trp.ca/rules/index_e.htm

ⁱⁱⁱ Financial Statements of the Specific Claims Tribunal, http://sct-trp.ca/repor/FS-EF/FS-EF_e.htm

^{iv} *Tax Expenditures and Evaluations*, <http://www.fin.gc.ca/purl/taxexp-eng.asp>

1: Type is defined as follows: **previously committed to**—committed to in the first or second fiscal year prior to the subject year of the report; **ongoing**—committed to at least three fiscal years prior to the subject year of the report; and **new**—newly committed to in the reporting year of the RPP or DPR. If another type that is specific to the department is introduced, an explanation of its meaning must be provided.

Note²: The Registry received funding advances totaling \$2.2M and continues to work with Central Agencies to obtain Cabinet’s final approval to secure funding for 2013-14 and future years.

Note³: Work is underway with Central Agencies to secure funding for 2013-14 and future years.

Note⁴: The Registry received funding advances totaling \$2.2M and continues to work with Central Agencies to obtain Cabinet’s final approval to secure funding for 2013-14 and future years.

Note⁵: Work in underway with Central Agencies to secure funding for 2013-14 and future years.