



Indian Residential Schools Resolution Canada

Performance Report

For the period ending
March 31, 2002

Canada

The Estimates Documents

Each year, the government prepares Estimates in support of its request to Parliament for authority to spend public monies. This request is formalized through the tabling of appropriation bills in Parliament.

The Estimates of the Government of Canada are structured in several parts. Beginning with an overview of total government spending in Part I, the documents become increasingly more specific. Part II outlines spending according to departments, agencies and programs and contains the proposed wording of the conditions governing spending which Parliament will be asked to approve.

The *Report on Plans and Priorities* provides additional detail on each department and its programs primarily in terms of more strategically oriented planning and results information with a focus on outcomes.

The *Departmental Performance Report* provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the spring *Report on Plans and Priorities*.

The Estimates, along with the Minister of Finance's Budget, reflect the government's annual budget planning and resource allocation priorities. In combination with the subsequent reporting of financial results in the Public Accounts and of accomplishments achieved in Departmental Performance Reports, this material helps Parliament hold the government to account for the allocation and management of funds.

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Foreword

In the spring of 2000, the President of the Treasury Board tabled in Parliament the document “Results for Canadians: A Management Framework for the Government of Canada”. This document sets a clear agenda for improving and modernising management practices in federal departments and agencies.

Four key management commitments form the basis for this vision of how the Government will deliver their services and benefits to Canadians in the new millennium. In this vision, departments and agencies recognise that they exist to serve Canadians and that a “citizen focus” shapes all activities, programs and services. This vision commits the Government of Canada to manage its business by the highest public service values. Responsible spending means spending wisely on the things that matter to Canadians. And finally, this vision sets a clear focus on results – the impact and effects of programs.

Departmental performance reports play a key role in the cycle of planning, monitoring, evaluating, and reporting of results through ministers to Parliament and citizens. Departments and agencies are encouraged to prepare their reports following certain principles. Based on these principles, an effective report provides a coherent and balanced picture of performance that is brief and to the point. It focuses on outcomes - benefits to Canadians and Canadian society - and describes the contribution the organisation has made toward those outcomes. It sets the department’s performance in context and discusses risks and challenges faced by the organisation in delivering its commitments. The report also associates performance with earlier commitments as well as achievements realised in partnership with other governmental and non-governmental organisations. Supporting the need for responsible spending, it links resources to results. Finally, the report is credible because it substantiates the performance information with appropriate methodologies and relevant data.

In performance reports, departments and agencies strive to respond to the ongoing and evolving information needs of parliamentarians and Canadians. The input of parliamentarians and other readers can do much to improve these reports over time. The reader is encouraged to assess the performance of the organisation according to the principles outlined above, and provide comments to the department or agency that will help it in the next cycle of planning and reporting.

This report is accessible electronically from the Treasury Board of Canada Secretariat Internet site:
<http://www.tbs-sct.gc.ca/rma/dpr/dpre.asp>

Comments or questions can be directed to:

Results-based Management Directorate
Treasury Board of Canada Secretariat
L’Esplanade Laurier
Ottawa, Ontario K1A 0R5

OR to this Internet address: rma-mrr@tbs-sct.gc.ca

Indian Residential Schools Resolution Canada

Performance Report

For the period ending
March 31, 2002

The Honourable Ralph Goodale
Minister responsible for Indian Residential Schools Resolution Canada

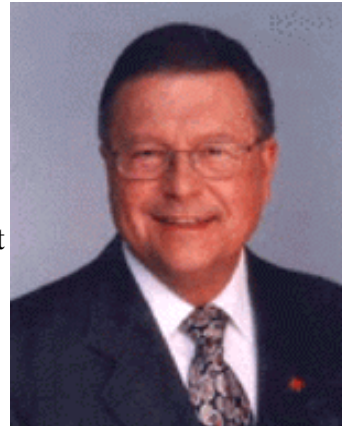
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Section I - Minister's Message

Finding long-term, comprehensive solutions to the grievances of former Indian residential schools students who suffered abuse is a critical component to building a better future for First Nations, Métis and Inuit.

During its first ten months of existence, Indian Residential Schools Resolution Canada transformed itself from a small unit to an autonomous federal department. Throughout this transition, the Department strived to manage and respond equitably to the more than 10,000 claimants who had filed claims of abuse against the Government of Canada. As of March 31, 2002, the Government of Canada had achieved out-of-court settlements with 493 plaintiffs for validated claims of abuse, 204 of which were settled during 2001-2002.



Ralph Goodale

In an effort to accelerate the settlement of abuse claims with former residential school students, on October 29, 2001, the Government of Canada announced an expedited settlement process for those claims in which a church organization is also involved. This process was implemented to ensure that claimants' issues are not set aside during negotiations between the Government of Canada and the churches on the apportionment of compensation.

The Department's accomplishments are also a credit to its many partners. Former residential school students, Aboriginal organizations, Justice Canada, Canadian Heritage, Health Canada and Indian and Northern Affairs Canada partnered with us to address issues related to healing and reconciliation within Aboriginal communities.

Despite the complex and sensitive nature of the residential schools issue, I want to assure Canadians that we are committed to finding a solution that is equitable to former students, church organizations and Canadian taxpayers.

Additionally, the Government of Canada is committed to strengthening its partnership with Aboriginal people, a critical component of which is addressing the legacy of Indian residential schools. To this end, one of my Department's priorities over the next year is to develop and implement a national resolution framework that will significantly expedite claim settlements outside the court.

Section II - Context

History of the Department

Indian residential schools were boarding schools for Aboriginal children between the ages of 5 and 16 years which operated throughout Canada for well over a century.



Courtesy of National Archives of Canada/PA-203105

The earliest residential schools predate Confederation and were run by church missionaries. The Government of Canada began to play a role in the development and administration of this system as early as 1874, as part of its federal responsibility under the *Indian Act*, to provide education to Status Indians.

More than 130 residential schools operated over time throughout Canada. The schools were located in every province and territory, except Newfoundland, New Brunswick and Prince Edward Island. Of the 130 schools that existed, up to 100 of these may be

named in litigation.

The Government of Canada operated nearly every school in partnership with various church organizations. On April 1, 1969, the Government of Canada assumed administrative responsibility for the residential school system, although in many instances church organizations remained involved in administering the schools. The majority of these schools ceased to operate by the mid-1970s and the last federally-run residential school in Canada closed in Saskatchewan in 1996.

In 1991, the Royal Commission on Aboriginal Peoples (RCAP) was created to improve relationships between Aboriginal and non-Aboriginal people in Canada.

The Commission held 178 days of public hearings, visited 96 communities, consulted dozens of experts, commissioned scores of research studies and reviewed numerous past inquiries and reports for its final report which was issued in 1996. Among other things,

the RCAP report outlined for the first time, in a comprehensive manner, the impacts that the Indian residential school system had, and continues to have, on Aboriginal people. The RCAP report is available at the following Web site:

http://www.ainc-inac.gc.ca/ch/rcap/index_e.html

In 1998, the Government of Canada issued its response to the RCAP report called *Gathering Strength - Canada's Aboriginal Action Plan*. Amongst other issues, this plan outlined a four-part strategy for addressing residential schools' issues – Government apology; healing; dispute resolution; and litigation strategies:

Apology: The Government of Canada delivered a *Statement of Reconciliation* to all Aboriginal peoples which includes an apology to those people who experienced sexual and physical abuse while attending residential schools. This statement is available at the following Web site:

<http://www.irsr-rqpi.gc.ca/english/reconciliation.html>. It also states that the Government of Canada regrets the treatment of Aboriginal people. “*As a country, we are burdened by past actions that resulted in weakening the identity of Aboriginal peoples, suppressing their languages and cultures, and outlawing spiritual practices.*”

Healing: The Government of Canada provided \$350 million to the Aboriginal Healing Foundation – an organization set up at arms-length from the Government of Canada to provide funding for community-based healing projects.

Dispute Resolution: The Government of Canada sponsored nine Exploratory Dialogues across Canada in 1998-99 which provided former students, the Government of Canada and church representatives with the opportunity to sit down and jointly develop solutions to resolve residential schools' issues. This marked the first time the three parties were able to sit together and constructively discuss these issues. In response to the dialogues, the Government of Canada established a number of Alternative Dispute Resolution Pilot Projects. As of March 31, 2002, ten of these projects were underway across the country.

Litigation Strategies: In instances where claims proceed to court, government lawyers, working on behalf of Indian Residential Schools Resolution Canada, represent the interests of the Crown and contribute to the management of the Government of Canada's response to the litigation. Where feasible, we are working to move as many cases as possible away from the court and into faster and more compassionate processes for the plaintiffs.

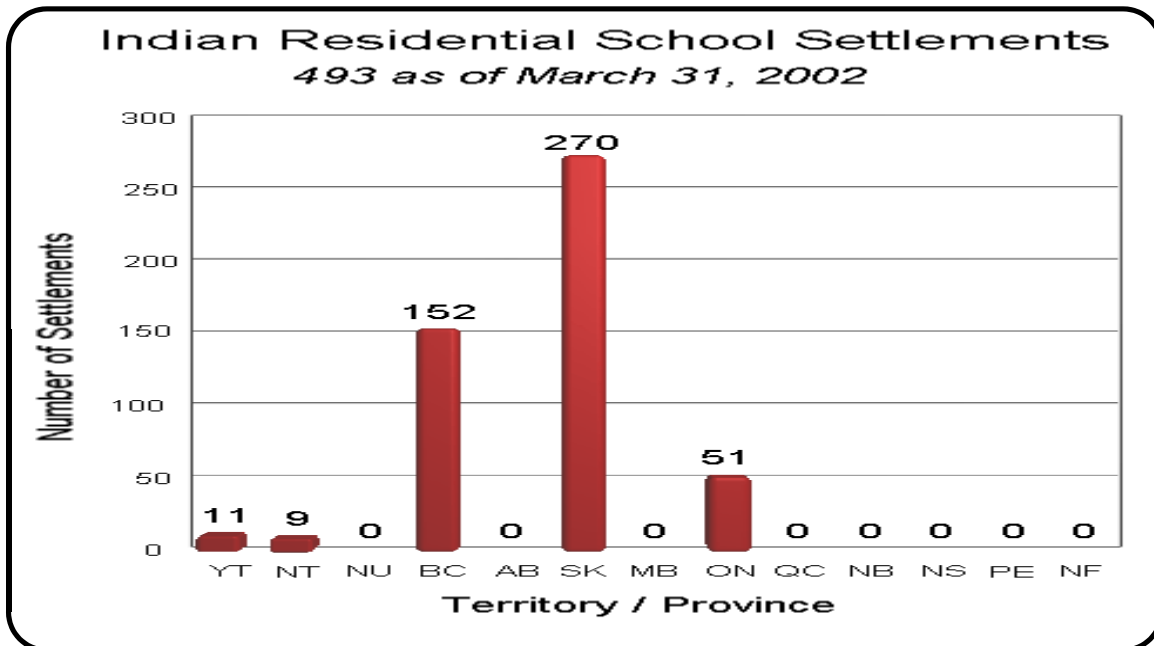
Gathering Strength - Canada's Aboriginal Action Plan is available at the following Web site: http://www.ainc-inac.gc.ca/gs/chg_e.html.

In recognition of the importance of the residential schools issue, in September 2000 the Deputy Prime Minister was given the responsibility of coordinating all such initiatives on behalf of the Government of Canada. To this end, the residential school file was moved from Indian and Northern Affairs Canada to a new department, Indian Residential Schools Resolution Canada. This new department was created on June 4, 2001, to centralize federal resources and efforts dedicated to addressing the legacy of Indian residential schools.

In August 2002, the Honourable Ralph Goodale, Minister of Public Works and Government Services Canada and also Federal Interlocutor for Métis and Non-Status Indians, assumed responsibility for Indian Residential Schools Resolution Canada.

Current Situation

As of March 31, 2002, more than 10,000 former Indian residential school students had filed claims against the Government of Canada, 493 of which had been settled. While the vast majority of these claims are for physical and sexual abuse, ninety percent also claim loss of language and culture. However, the Government of Canada does not compensate for loss of language and culture as the Canadian courts do not recognize language and culture as a compensable cause of action.



The Government of Canada commenced formal negotiations with the Anglican, Catholic, Presbyterian and United Churches in June 2001 on the financial apportionment of compensation of residential school claims. While our attempt at a collective settlement with all four churches was unsuccessful, the Anglican Church returned to the table in December 2001. Bilateral negotiations continue with the Anglican Church and the Government of Canada has remained in contact with the Presbyterian and United Churches.

In an effort to accelerate the settlement of abuse claims with former residential school students, the Government of Canada announced an expedited settlement process on October 29, 2001. This process offers federal remuneration of 70 per cent of agreed-upon compensation to plaintiffs with validated claims of recognized causes of action in instances where both the Government of Canada and a church organization were involved in the school. The Government of Canada initiated this process to ensure that claimants' needs and interests are not set aside during negotiations between the Government of Canada and the churches on the apportionment of compensation.

With respect to those claimants where the Government of Canada was found to be solely responsible, the Government of Canada continues to compensate 100 per cent of agreed-upon compensation for validated claims of recognized causes of action.

Furthermore, we worked in close partnership with Justice Canada to move as many cases as possible away from the courts and into alternative methods of resolution. One

example is the federal alternative dispute resolution pilot projects which move a group of plaintiffs, the church organization and the Government of Canada outside the courtroom and have them collaborate to find the most appropriate resolution to the claims.

This alternative method resolves claims away from the courts while validating each claim in a more efficient, safe and sensitive manner. Where abuse is established, the outcome will include elements of healing and reconciliation as well as monetary compensation. There were ten alternative dispute resolution pilot projects, in various stages, set up across the country at the end of March 2002. These pilots include more than 400 participants whose input and feedback will provide us with lessons learned that we will incorporate into a national framework to expeditiously settle valid claims out of court.

Under the general theme of “Healing and Reconciliation”, Indian Residential Schools Resolution Canada is engaging Aboriginal people and other Canadians to create initiatives which commemorate those who attended these schools and provides funding for some of the projects.

These initiatives build a foundation upon which healing and reconciliation can take place and further assist former students and their families to enjoy new beginnings. Examples include the Aboriginal Healing Charitable Association, which developed an Indian residential school photo exhibit entitled “*Where Are the Children*”, and the Indian Residential Schools Survivors’ Society in British Columbia.

Link to Government Priorities

In the *2001 Speech from the Throne*, the Government of Canada reaffirmed its commitment to strengthening its relationship with Aboriginal people:

“The Government is committed to strengthening its relationship with Aboriginal people. It will support First Nations communities in strengthening governance, including implementing more effective and transparent administrative practices. And it will work to ensure that basic needs are met for jobs, health, education, housing and infrastructure. This commitment will be reflected in all the Government’s priorities.”

This department’s mandate to resolve claims associated with the legacy of the Indian residential school system in a fair and equitable manner is a critical step toward meeting this federal commitment. By addressing these grievances from the past, we will strengthen our relationship with Aboriginal people by creating a new foundation based upon trust and cooperation.

Section III - Performance Discussion

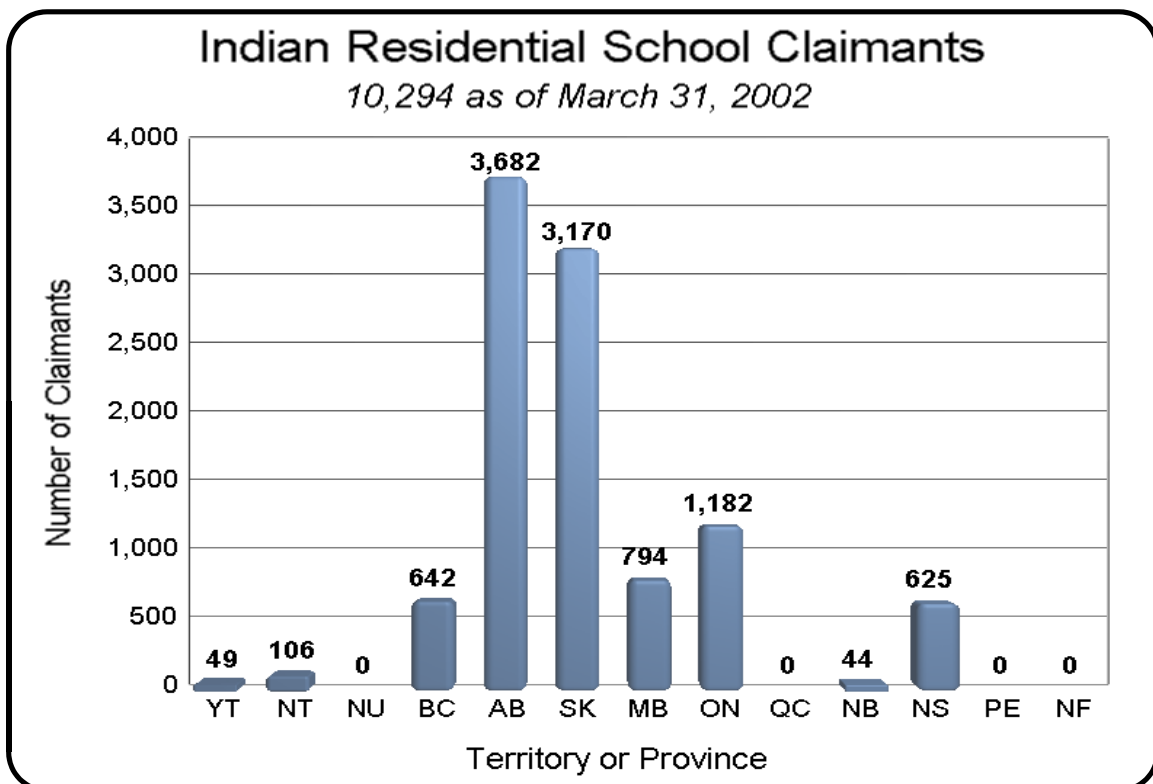
Strategic Outcome

Indian Residential Schools Resolution Canada seeks to enhance residential school survivor well-being by addressing and resolving issues arising from the legacy of the Indian residential school system.

To accomplish this, the Department will strengthen its partnerships within Government and with Aboriginal organizations, religious denominations and other citizens.

Challenges and Opportunities

One of the biggest challenges facing the Department is finding the most effective process to manage and respond fairly and swiftly to the more than 10,000 claimants who have to date filed claims of abuse, while at the same time remaining accountable to Canadians.



Indian residential school claims are extremely sensitive and complex and must be addressed appropriately and equitably. By embracing the opportunity to move as many cases as possible away from the courts and into faster and more compassionate processes for plaintiffs, we are better able to address issues related to the needs of the individual.

As the Government of Canada is both guided by the law and committed to fairness, the validation process is paradoxical. It must be vigorous enough to be upheld in the court of law, yet flexible enough to not re-victimize the claimants.

Another of our challenges is the negotiation with the churches on the issue of apportionment of financial compensation. Although all parties are seeking a comprehensive and long-term solution for the individuals who suffered abuse, only the Anglican Church of Canada was negotiating bilaterally with us at the end of March 2002.

On the opportunity side, resolving Indian residential school claims will help to strengthen the economic, political, cultural and social aspects of Aboriginal communities. Likewise, intergenerational impacts such as addictions and abuse will be curtailed.

Also, as we address the legacy of the residential school system, we will begin to create a climate of trust and cooperation that will lead to healing, reconciliation and harmony between Aboriginal and non-Aboriginal Canadians. This foundation of trust and cooperation will also contribute to strengthening the federal relationship with Aboriginal people.

Risks

By committing to address and resolve issues arising from the legacy of the residential school system, the Government of Canada faces risks.

First and foremost, we run the risk of further alienating Aboriginal people in general and residential school survivors in particular. If we are unable to resolve these issues in a manner that is perceived by the claimants to be equitable, we will further weaken the federal relationship with Aboriginal people. As well, unless we address the issues arising from the legacy of the residential school system, intergenerational impacts such as addictions and abuse will not cease.

An inherent risk that the Government of Canada faces in attempting to resolve these claims is the very real possibility that claimants could be re-victimized during the validation process. While we are sensitive to this possibility, we strive to balance this risk with the requirement to validate claims in order to ensure fairness to the claimants and accountability to Canadians.

Managing the Risks

The Government of Canada is seeking to resolve as many cases as possible outside the courts as litigation is confrontational and expensive. By moving to less adversarial environments and reducing legal costs, we expect to resolve claims in a manner that former students perceive to be more compassionate and equitable.

With respect to the risk of re-victimizing claimants, we are using third-party fact finders and placing counsellors on-site to further reduce the traumatic effects of the validation process.

How Much Did it Cost in 2001-2002?

Out-of-Court Settlements	\$13,029,865.
Alternative Dispute Resolution Contributions	2,625,763.
Court Awards	282,097.
Salaries and Wages	9,985,396.
Operations	15,945,355.
Capital Equipment	72,387.
Employee Benefits *	563,495.
Services Provided by Other Departments	<u>665,599.</u>
Total Cost of the Program	<u>\$43,169,957.</u>

* Estimated cost based on 2001-2002 staff salary costs. As the Department was only created on June 4, 2001, there was no funding allocated for it via the Estimates Part II 2001-2002. Therefore, the Department was not directly charged for any 2001-2002 Employee Benefit Plan costs.

What did we promise to achieve?

In 2001-2002, we committed to:

- Manage the growing caseload of residential school claims;
- Achieve agreement with the churches regarding apportionment of each party's share of the liability;
- Implement alternative dispute resolution processes;

- Resolve as many claims as possible outside of the courts, through other methods of dispute resolution;
- Create new partnerships with Aboriginals organizations, federal departments, provincial governments, churches and other interested groups to implement the Government of Canada's wider objectives of healing and reconciliation.

What did we deliver in 2001-2002?

During its first ten months of existence, Indian Residential Schools Resolution Canada transformed itself from a small residential school unit within the Department of Indian and Northern Affairs to a new, autonomous federal department. This significant transition meant that the Department had to undertake to construct an effective organization, attract and hire critical corporate staff, establish policies, processes and procedures, develop and implement systems and accountability frameworks, etc.

Administratively and operationally, the Department came together expeditiously and effectively, implemented the new expedited settlement process, and was still able to improve the rate of settlements.

- During 2001-2002, the Department achieved settlements with 204 claimants.
- Also in 2001-2002, the Department designed and, for the most part, developed a comprehensive database to manage the growing caseload of residential school claims. Full implementation is expected by the second quarter of 2002-03.
- In the summer of 2001, the Department commenced negotiations with an Ecumenical Group which represented the Anglican, Catholic, Presbyterian and United Churches. While this collective attempt to settle the issue of financial apportionment proved to be unsuccessful, the Anglican Church has since returned to the negotiating table with us and bilateral talks are progressing.
- In partnership with Justice Canada, we commenced discussions on the development of a national resolution framework. This framework will allow individual claims to be resolved at a rate that is faster than litigation and than the existing alternative dispute resolution pilot projects. During the year, we also held preliminary consultations with a group of residential school survivors and with groups of plaintiffs' counsel on various aspects of this framework.
- We also partnered with Canadian Heritage and Indian and Northern Affairs Canada with respect to appropriate responses in the area of language and culture.

- In our continued efforts to move claims away from the courts, two additional alternative dispute resolution pilot projects were created. These pilot projects provide a forum to allow all parties to work together to build the best process for resolving residential school claims. As of March 31, 2002, there were more than 400 participants in ten locations across the country involved in this alternative method of resolution.
- In addition to creating a National Survivors Coalition, the Department met with various Aboriginal groups and federal officials and attended gatherings and ceremonies to better understand the impacts of these schools and how to best resolve them.

Summary

While my Department's inaugural results directly contribute to our strategic outcome of enhancing residential school survivor well-being, a substantial amount of work is still ahead of us.

Unfortunately, we were unable to reach an agreement with the Ecumenical Group on the issue of apportionment of financial compensation for those claims for which the Government of Canada shares liability with a church organization. However, the Government of Canada did expedite residential school settlements by offering to pay 70 per cent of agreed-upon compensation for valid claims where both the Government of Canada and a church are involved. Meanwhile, bilateral negotiations on this issue were underway between the Anglican Church and the Government of Canada at the date of this report.

The national resolution framework which we are developing in partnership with Justice Canada will provide a faster, safer and more supportive environment for former residential school students.

As a result of the Department's and its partners' efforts in 2001-2002, the Government of Canada is beginning to create a climate of trust and cooperation with Aboriginal people. This is a small but critical step toward meeting the Government of Canada's goal of full Aboriginal participation in the economic, political, cultural and social life of Canada in a manner which preserves and enhances the collective identities of Aboriginal communities while allowing them to evolve and flourish in the future.

Indian Residential Schools Resolution Canada will continue to work in partnership with former residential school students, Aboriginal organizations and other federal entities to meet the Government of Canada's commitment to strengthen its relationship with Aboriginal people.

Annexes

Annex A - Financial Performance Overview

For the 2001-2002 fiscal year, Indian Residential Schools Resolution Canada received authority for program expenditures through the 2001-2002 Supplementary Estimates as a result of the Department's creation on June 4, 2001. Its authorities were delineated as follows:

Program Expenditures for Out-of-Court Settlements	\$20.0M
Operating Expenditures	28.4M
Capital Expenditures	2.5M
Grants and Contributions	2.1M

While the Department made considerable progress during its inaugural year in terms of addressing the legacy of Indian residential schools, it did not expend all of its allocation, due principally to staffing delays. The Department lapsed as follows:

Program Expenditures for Out-of-Court Settlements	\$7.0M
Operating Expenditures	2.0M
Capital Expenditures	2.4M
Grants and Contributions	0.0M

Annex B - Financial Tables

The following tables are an account of the financial performance of Indian Residential Schools Resolution Canada:

Table 1 – Summary of Voted Appropriations

Table 2 – Comparison of Total Planned to Actual Spending

Table 3 – Historical Comparison of Total Planned Spending to Actual Spending

Table 4 – Statutory Payments

Table 5 – Transfer Payments

Table 6 – Contingent Liabilities

Table 1 - Summary of Voted Appropriations

Financial Requirements by Authority (\$ millions)				
		2001-2002		
Vote		Planned Spending *	Total Authorities	Actual Spending
Indian Residential Schools Resolution				
41	Program Expenditures	–	53.0	41.7
(S)	Statutory Payments (see Table 4)	–	0.3	0.9
Total Department		–	53.3	42.6

* As the Department was only created on June 4, 2001, there were no Planned Spending figures included in the Estimates Part II 2001-2002 for the Department. Likewise, a departmental Report on Plans and Priorities was not prepared for 2001-2002. The Department's funding was subsequently allocated via the 2001-2002 Supplementary Estimates.

Table 2 - Comparison of Total Planned Spending to Actual Spending

Departmental Planned versus Actual Spending (\$ millions, except FTEs)			
Indian Residential Schools Resolution	2001-2002		
	Planned Spending *	Total Authorities	Actual Spending
FTEs	–	72.0	41.6
Operating	–	28.4	25.9
Out-of-Court Settlements	–	20.0	13.0
Capital	–	2.5	0.1
Grants and Contributions	–	2.2	2.6
Court Awards (S)	–	0.3	0.3
Contributions to Employee Benefit Plans (S) **	–	0.0	0.6
<i>Total Gross Expenditures</i>	–	<i>53.4</i>	<i>42.5</i>
Less: Respendable Revenues	–	0.0	0.0
<i>Total Net Expenditures</i>	–	<i>53.4</i>	<i>42.5</i>
Other Revenues and Expenditures			
Non-respendable Revenues	–	0.0	0.0
Cost of Services Provided by Other Departments	–	1.3	0.7
Net Cost of the Program	–	54.7	43.2

* As the Department was only created on June 4, 2001, there were no Planned Spending figures included in the Estimates Part II 2001-2002 for the Department. Likewise, a departmental Report on Plans and Priorities was not prepared for 2001-2002. The Department's funding was subsequently allocated via the 2001-2002 Supplementary Estimates.

** Estimated cost based on 2001-2002 staff salary costs. As the Department was only created on June 4, 2001, there was no funding allocated for the Department via the 2001-2002 Estimates Part II. Therefore, the Department was not directly charged for any 2001-2002 Employee Benefit Plan costs.

Table 3 - Historical Comparison of Total Planned Spending to Actual Spending

As Indian Residential Schools Resolution Canada only became a department on June 4, 2001, an historical perspective on how resources are used by the Department in a standardized fashion year over year is not available. The residential school file was previously a component of the Indian and Inuit Affairs Program of Indian and Northern Affairs Canada (see **History of the Department, Section II**).

Table 4 - Statutory Payments

Statutory Payments (\$ millions)			
	2001-2002		
	Planned Spending *	Total Authorities	Actual Spending
Indian Residential Schools Resolution			
Court Awards	–	0.3	0.3
Contributions to Employee Benefit Plans **	–	0.0	0.6
Total Statutory Payments	–	0.3	0.9

* As the Department was only created on June 4, 2001, there were no Planned Spending figures included in the Estimates Part II 2001-2002 for the Department. Likewise, a departmental Report on Plans and Priorities was not prepared for 2001-2002. The Department's funding was subsequently allocated via the 2001-2002 Supplementary Estimates.

** Estimated cost based on 2001-2002 staff salary costs. As the Department was only created on June 4, 2001, there was no funding allocated for the Department via the 2001-2002 Estimates Part II. Therefore, the Department was not directly charged for any 2001-2002 Employee Benefit Plan costs.

Table 5 - Transfer Payments

Transfer Payments (\$ millions)			
	2001-2002		
	Planned Spending *	Total Authorities	Actual Spending
Indian Residential Schools Resolution			
Grants to Individuals in Respect of Indian Residential Schools	–	0.4	0.0
Contributions for the Purpose of Consultation and Policy Development	–	1.8	2.6
Total Transfer Payments	–	2.2	2.6

* As the Department was only created on June 4, 2001, there were no Planned Spending figures included in the Estimates Part II 2001-2002 for the Department. Likewise, a departmental Report on Plans and Priorities was not prepared for 2001-2002. The Department's funding was subsequently allocated via the 2001-2002 Supplementary Estimates.

Table 6 - Contingent Liabilities

Contingent Liabilities (\$ millions)		
List of Contingent Liabilities	Amount of Contingent Liability	
	March 31, 2001	Current as of March 31, 2002
Indian Residential Schools Resolution		
Litigations	659.4	659.4
Total	659.4	659.4

Annex C - Other Information

Contacts for Further Information

Indian Residential Schools Resolution Canada

Internet
<http://www.irsr-rqpi.gc.ca>

General Inquiries (we accept collect calls):

- **Residents of British Columbia, Alberta or the North**

Telephone: (604) 775-6400

Mailing address: 1138 Melville Street
Suite 400
Vancouver BC V6E 4S3

- **Residents of Saskatchewan and East thereof**

Telephone: (613) 996-2686

Mailing address: 90 Sparks Street
Room 304
Ottawa ON K1A 0H4