



**Truth and
Reconciliation**
Commission of Canada

Performance Report

For the period ending March 31, 2010

The Honourable Mr. Justice Murray Sinclair
Chair, Truth and Reconciliation Commission of Canada



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OVERVIEW

Chairperson's Message

I am pleased to present the Truth and Reconciliation Commission of Canada's (the Commission) 2009-10 Departmental Performance Report (DPR). This is the first time that the Commission has presented a DPR.

The mandate of the Commission is without precedent in Canadian history. It starts from a recognition that the negative impact of the residential school system continues into the present, harming not only those who attended the schools, but also their families, communities and the relationship between Aboriginal and non-Aboriginal peoples in Canada.

The Commission's mandate is vast. The mandate requires the Commission to tell Canadians about the history of the residential schools; to give an opportunity to all former students, staff and all those affected by the schools to participate in the telling of that history through national and community events and statement gathering, to collect all records relevant to the history of more than 100 years and its impact; to conduct original research that builds upon previous research efforts; to help commemorate this history; to establish a National Research Centre; and to write reports about this history.

In this way, the Commission is intended to play an important role in truth-telling, as well as healing and reconciliation within Aboriginal families and between Aboriginal people and non-Aboriginal communities, churches, governments and Canadians generally.

Fiscal year 2009-10 did not begin for the new Commissioners until our appointments July 1, 2009. We spent the next several months becoming acquainted with our mandate, with the decisions and plans that had been made by the previous Commissioners, with the staff who had been hired before we were appointed, with the Parties to the Settlement Agreement, and with the administrative realities of being a federal government department, subject to all federal statutes and policies, very unlike any commission of inquiry created under the *Inquiries Act*.

During 2009-10, we met with all Parties to the Settlement Agreement and with the TRC Survivor Committee on a number of occasions, held a ceremony to relaunch the Commission which was hosted by the Governor General at Rideau Hall, planned our new internal administrative structure, recruited and hired senior staff, convened a national conference of academics with particular insights into research needs relating to residential schools, moved the head office of the Commission from Ottawa to Winnipeg and began planning the first National Event, that was held in Winnipeg in June 2010.

During this entire period, the Commissioners travelled the country, meeting and listening to survivors, attending annual general meetings of major Aboriginal organizations, and speaking at numerous venues.

As the Commission moves forward, it continues its planning for the duration of the Commission and especially planning its schedule of future national and community events; creating the TRC's Inuit Subcommission; hiring staff including Regional Liaisons; and publishing a variety of key documents relating to the TRC.

Those key documents include: brochures and frequently asked questions about the Commission and providing statements to the Commission; our consent form for statement gathering; our Call for Artistic Submissions; Call for Submissions on research relevant to residential schools; a guide for Community Events; preparing our Call for Submissions for Commemoration projects; a major Request for Proposals relating to the collection, digitization and indexing of all records relevant to the residential schools; and our Call for Submissions by organizations wishing to become the National Research Centre once the Commission's mandate has expired. In addition, we refreshed the Commission's logo and website.

The Commission faces challenges in dealing with some of the administrative requirements associated with being a federal government department and the Commission is carefully considering budgetary needs through to the end of the Commission's mandate. It is to be expected that the original amount set aside in the Settlement Agreement may need to be revisited in the future given that this is a unique mandate in Canadian history; the scope of time, places and people affected by residential schools, including many of the most remote communities in Canada; the number of records to be collected from approximately 100 or more separate archives; and the costs of holding community and national events.

The Commissioners continue to travel across Canada extensively, meeting and listening to survivors, youth, Elders, faith communities, academics and many others who seek to inform the Commissioners and the Canadian public, or who seek to learn about the history and impact of the residential schools, and who are striving to find their own paths to healing and reconciliation.

The Commissioners invite all Canadians to find ways to join this unique journey.

The Honourable Mr. Justice Murray Sinclair
Chair, Truth and Reconciliation Commission of Canada

1.1 Summary Information

Raison d'être

The main functions of the Commission are to:

- acknowledge and record the experiences, impacts and consequences of the residential school system on former students, their families and communities, former staff and administrators, and on the broader religious, government and other parts of Canadian society;
- provide a holistic, culturally appropriate and safe setting for former students, their families and communities as they come forward to the Commission to share their experiences;
- witness, support, promote and facilitate truth and reconciliation events at both the national and community levels;
- promote awareness and public education of Canadians about the residential school system and its impacts;
- identify sources and create as complete a historical record as possible of the residential school system and legacy and preserve it and make it publicly accessible, including through conducting research and establishing a National Research Centre;
- produce a report, including any recommendations to government, and submit it to the parties to the Agreement; and
- support commemoration projects as set out in Schedule J to the Settlement Agreement.

Responsibilities

The Truth and Reconciliation Commission was one of the elements included in the Indian Residential Schools Settlement Agreement negotiated by the parties associated with the residential schools. The mandate of the Commission is set out in the Agreement, and particularly Schedule N. The mandate can be found on the Commission's web site www.trc.ca.

The signatories to the Settlement Agreement are: the Government of Canada; the General Synod of the Anglican Church of Canada; the Presbyterian Church of Canada; the United Church of Canada; Roman Catholic Entities; former students who attended the residential schools as represented by the National Consortium, the Merchant Law Group or independent counsel; the Assembly of First Nations; and Inuit representatives.

The Settlement Agreement was approved by court judgments of provincial and territorial courts as of March 2007. The establishment of the Commission was therefore the product of a court order. The Government of Canada is one of the Parties to the Settlement Agreement. The Commission is separate from the Parties and is required to comply with and discharge its mandate as found in the court-administered Settlement Agreement, and is accountable to and must treat all Parties to the Settlement Agreement in an equitable manner. In this way, the creation of the Commission and the decision-making of the Commissioners is not a discretionary governmental activity subject to Government direction.

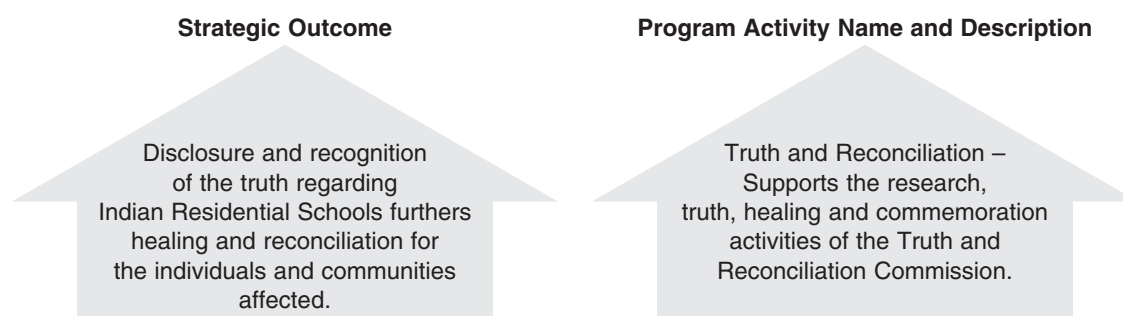
The Commission became a legal entity when it was established as a federal government department by Government of Canada Order-in-Council on June 1, 2008, originally as a Secretariat separate from the Commissioners. By Order-in-Council on July 1, 2009, the Secretariat was removed as a separate entity. As a result, there is no longer a separate Secretariat and Commission. The current Commissioners were appointed, with the Chair also serving as the Deputy Head of the Commission, by Order-in-Council on July 1, 2009. Although the Commission is independent of the Government of Canada, as a federal department, the Commission is subject to federal statutes and Treasury Board policies.

In the Settlement Agreement, the Government of Canada agreed to a legal obligation to provide \$60 million to the TRC, of which \$2 million was for start-up costs incurred by the Government of Canada in advance of the establishment of the Commission. This amount was provided to and spent by the former Department of Indian Residential Schools Resolution Canada. The \$60 million amount is an amount that is part of the legal payment to settle the residential schools class action lawsuit. To state it differently, the amount of \$60 million may be considered to be the amount that the former students agreed to set aside for the TRC from the funds owing to them under the Settlement Agreement.

Separately from the Settlement Agreement, the Department of Indian and Northern Affairs agreed to provide up to \$1 million of “in-kind” support to the TRC for each of the five years of the Commission’s mandate. Further and separately from the Settlement Agreement, the Government of Canada agreed to provide an additional amount totaling \$8 million in recognition of costs associated with compliance with various Government of Canada reporting requirements. Thus, Parliament was asked for and did approve \$68 million, commencing in 2008-09 and ending in 2012-13. Unlike ordinary departments, none of this funding lapses at the end of any of the fiscal years within this period, but carries forward to the next fiscal year. At the present time, the funding approved for the Commission ends on March 31, 2013, while the appointments of the new Commissioners ends on July 1, 2014.

Strategic Outcome and Program Activity Architecture

The Commission has one Strategic Outcome and one Program Activity.



1.2 Summary of Performance

2009-10 Financial Resources (\$ million)			2009-10 Human Resources (FTEs)		
Planned Spending	Total Authorities	Actual Spending	Planned	Actual	Difference
18,585	23,104	6,447	58	26	32

The total authorities above represent the funding authorized by Parliament for 2009-10, plus the carry-over from 2008-09. As can be seen from the actual spending, the actual spending is considerably lower than the planned or authorized spending.

As noted in the Commission’s Main Estimates for 2010-11, the above figures represent the spending authorities obtained before the current Commissioners were appointed. The previous Commissioners had submitted an original plan that estimated a rapid escalation of spending in the early years of the Commission, followed by a sharp decline in spending towards the end of the Commission’s mandate.

This pattern is not occurring for various reasons, especially given a lack of spending activity between the resignation of the previous Commissioners and appointment of new Commissioners.

The start-up for the Commission is taking a significant amount of time, again for a variety of reasons such as the physical relocation of the head office but primarily due to time required by the new Commissioners to review what was already in place upon their appointment, time required for recruitment of the Commission's senior management team, and delays inherent in the Government of Canada's staffing and procurement processes.

The Parties to the Settlement Agreement agreed to spread out the Commission's national events over the five year duration of the Commission instead of within the first two years, as called for in the mandate.

As a result, the original plan of rapid escalation of spending followed by a relatively sharp reduction in spending will not occur.

The Commission is currently reviewing its mandate and costs associated with the various mandate items. This is the first time there has been a national Truth and Reconciliation Commission in Canadian history. Given that the Commission is expected to hear from people and communities across the country, including many of the most remote communities in Canada, in a variety of different languages; given that the scope, location and volume of documents relevant to residential schools is not known; and generally given the extraordinary length of time and number of people affected by the residential school system; it should be expected that the budgetary requirements of the Commission will be reviewed and potentially revisited, in close consultation with the Parties to the Settlement Agreement.

Strategic Outcome: Disclosure and recognition of the truth regarding Indian Residential Schools furthers healing and reconciliation for the individuals and communities affected.	
Performance Indicators	Targets
(i) research papers and reports;	Eight national events are planned, including a closing ceremony In recognition of the unique mandate of the Commission, defined performance targets for most of its activities, such as the number of people who will volunteer to provide statements, the number of people who will choose to attend Commission events, the number of documents that will ultimately be collected, the number of organizations who will apply to hold community events and to undertake commemoration projects, are not considered appropriate due to the spirit and intent of the Settlement Agreement, which seeks to bring about a fair and lasting resolution in an informal manner that accommodates sensitivities.
(ii) number of participants and meetings concerning truth taking and sharing activities;	
(iii) survivor statements;	
(iv) number and type of healing and commemoration activities;	
(v) media reports, press releases and information materials; and	
(vi) number of national and community events.	

Performance Summary

(\$ thousands)

Program Activity	2008-09 Actual Spending	2009-10*			
		Main Estimates	Planned Spending	Total Authorities**	Actual Spending
Support the research, truth, healing and commemoration activities of the TRC	2,718	16,425	16,425	19,604	3,030
Internal Services*	N/A	2,160	2,160	3,500	3,417
TOTAL	2,718	18,585	18,585	23,104	6,447

* 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.

** The amounts displayed for "Total Authorities" differ slightly from the "Authorities available for use" as reported in the Public Accounts. These amounts were subsequently revised to reflect the authorities used during 2009-10.

The important discrepancy between the "Total Authorities" and the "Actual Spending" is mostly due to the fact that TRC was in a startup phase in 2008-09 and has also experienced important organization changes during the 2009-10 fiscal year. This has considerably delayed the Commission in the start of its program activities. However we are very confident that we will use all the funds available before the end of our mandate.

Contribution of Priorities to Strategic Outcome

Operational Priorities	Priority Type	Links to Strategic Outcome*	Description
Developing administrative and financial systems and processes.	Ongoing	Internal Services	(i) Continuing to develop and administer financial, and administrative systems, policies and procedures such as travel, procurement and security; (ii) Prepare Sustainable Development Strategy and Green Procurement Approach.
Conduct statement taking and truth sharing activities and sessions.	Ongoing	Truth, Healing and Reconciliation	(i) Organize session schedule and conduct truth taking sessions; (ii) Prepare and preserve records.
Conduct national events and support community events.	Ongoing	Truth, Healing and Reconciliation	(i) Plan, organize and conduct eight national events in recognition of the Indian Residential Schools experience and legacy; (ii) Review applications for commemoration funding from communities; (iii) Coordinate the timing of national and community events.
Plan and conduct research.	Ongoing	Truth, Healing and Reconciliation	(i) Develop research plan and conduct research and analysis activities; (ii) Prepare research reports and preserve them.
Promote awareness and conduct public education.	Ongoing	Truth, Healing and Reconciliation	(i) Develop information materials and implement public education initiatives; (ii) Establish and foster media awareness and coverage of the Commission's activities.
Produce report to the Parties to the Settlement Agreement.	Ongoing	Truth, Healing and Reconciliation	Produce and submit to the Parties to the Indian Residential Schools Settlement Agreement two reports and recommendations to the Government of Canada concerning the Indian Residential Schools system and experience.
Staffing of vacant positions.	Ongoing	Internal Services	(i) Complete integrated business and human resources plan; (ii) Developing human resources policies; (iii) Ongoing staffing of all vacant positions.

* The Commission has one Strategic Outcome: (1) Disclosure and recognition of the truth regarding Indian Residential Schools furthers healing and reconciliation for the individuals and communities affected.

Risk Analysis

The Commission faces a number of operational risks that could impact achievement of planned results. The principle risks identified are:

1. Recruiting and retaining qualified staff for the TRC.

The TRC has developed an Integrated Business and Human Resources plan and is actively recruiting and implementing an employment equity strategy that incorporates an emphasis on the recruitment of Aboriginal personnel. Requirements that the TRC comply with Public Service Commission requirements have led to significant delays in the hiring process. As a result, most of the senior staff were not in place until early 2010 and the TRC continues to experience the significant delays its ongoing staffing. These delays may affect the TRC's ability to meet its deadlines in the Court settlement.

2. Developing systems and processes that support the Commissioners in fulfilling their mandate.

The TRC has organized itself to work in a manner that respects the financial and administrative policies of the federal government while operating in a manner that allows it to function at arms length from government in order to foster the trust and respect of those most impacted by the residential schools system. Requirements that the Commission comply with staffing and other processes that are not normally applicable to federal commissions or special investigations have led to delays. These delays may affect the Commission's ability to meet its deadlines in the Court settlement. The requirement to create an entire federal department, subject to and accountable for the complete range of federal government statutes, regulations, policies, directives and guidelines, with a very limited staffing complement and with significant budget limitations, poses considerable challenges.

3. Establishing safe and secure opportunities in which former students and others associated with the residential schools system can come forward to tell their stories and be acknowledged.

The Commission is liaising with Health Canada and community based support networks to ensure that health-related supports are available to those participating in statement gathering and truth sharing sessions, during and afterwards.

4. Collecting, classifying and preserving records and archival materials of the residential schools system.

The Commission has recruited staff with specialized archival expertise and is identifying best practices for collecting, preserving and accessing archival, library and museum materials. Potential sources of delay and additional expense (which was not contemplated in the initial Commission budget) in this process include:

- disagreement or misunderstanding of the meaning of “relevant documents”;
- lack of existing capacity within government and church organizations to search for and compile documents;
- the high resource requirements of making documents easily accessible to a variety of audiences;
- the need for management policies and operational capacity to preserve electronic records and prevent the loss of information over the long term; and
- the significant number of relevant documents outside the Settlement Agreement held by organizations that are not parties to the Agreement (universities, museums, provincial and community archives).

5. Ensuring the protection and security of personal information collected by or on behalf of the TRC.

All statements given to the Commission will be collected with the informed consent of the participant. Statements and documents containing personal information will be stored in a secure environment in accordance with federal *Access to Information Act*, *Privacy Act* and Policy on Government Security. The Commission is undertaking a Privacy Impact Assessment to identify and mitigate potential risks.

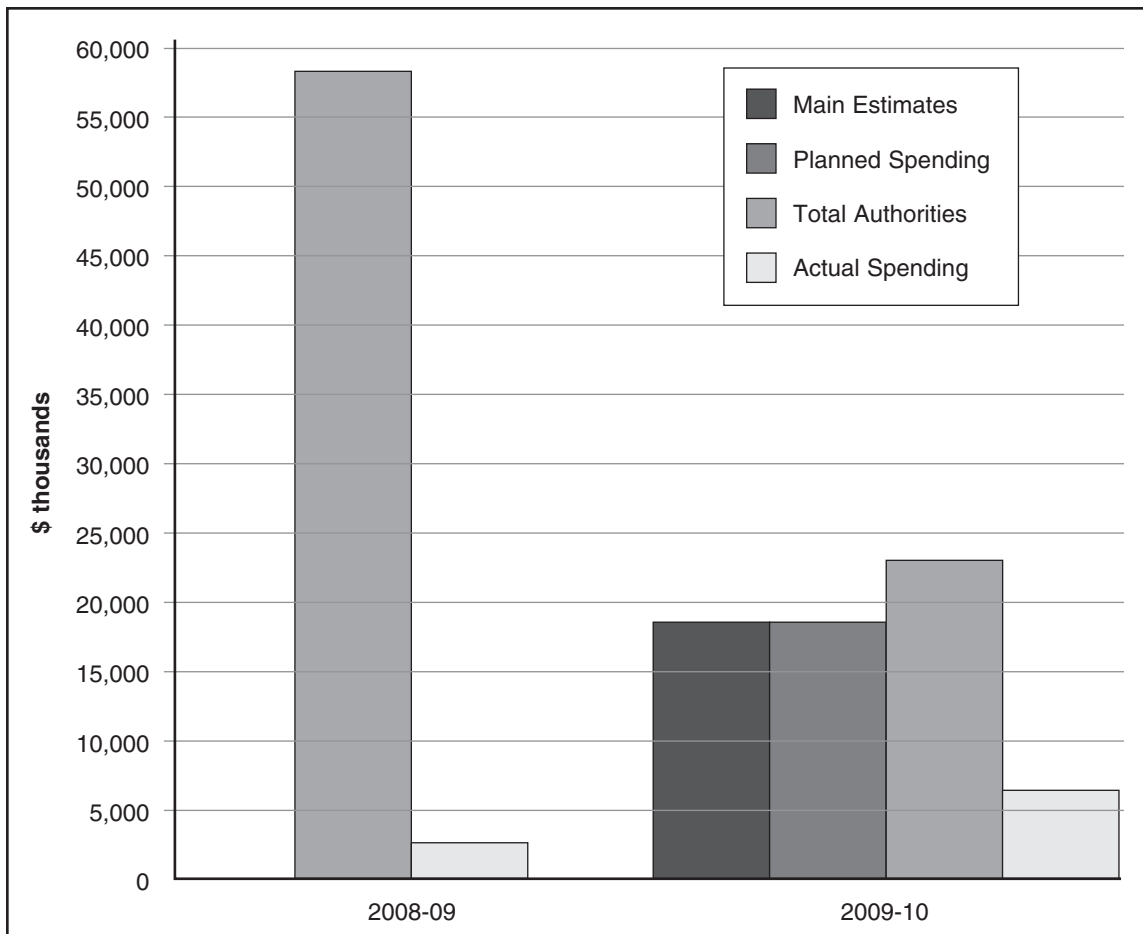
6. Carrying out the program activities within the established budget.

The overall Commission budget was developed without a full costing of the program activities and without input from the new Commissioners or their new senior staff. The addition of the responsibility to carry out research into the children who never returned from residential schools and whose living relatives were never informed of their fate (Missing Children and Unmarked Graves) to the Commission mandate in April 2007 was made without any additional increase in funding.

Expenditure Profile

Commission Spending Trend

The figure below illustrates Commission's spending trend from 2008-09 to 2012-13.



For the 2008-09 year the total spending includes all Parliamentary appropriations: Main Estimates, Supplementary Estimates, and Treasury Board Vote 50. It also includes carry forward adjustments. For the 2010-11 to 2012-13 periods, the total spending corresponds to the planned spending. Supplementary funding and carry forward adjustments are unknown at this time and are therefore not reflected.

The fiscal profile over the next three years indicates that almost 55% of the Commission's expenditures are forecast to occur during this period due to the timing of the work to be accomplished. Recall that this is the fiscal profile of the spending authorities that were originally provided. It is now clear that this is not an accurate representation of what the Commission's fiscal profile will be. The Commission is much more likely to have a relatively slow build-up to full capacity, which will remain in place for a number of years, before wind-down in the final year of the Commission's mandate.

Voted and Statutory Items Listed in Main Estimates

The table below provides information about resources provided for the Commission through the government's budgetary planning process.

Voted and Statutory Items

(\$ thousands)

Vote # or Statutory Item (S)	Vote Wording	2009-10 Main Estimates	2010-11 Main Estimates
50	Operating Expenditures	18,075	14,805
(S)	Contributions to Employee Benefit Plans	510	510
	Total Commission	18,585	15,315



ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

2.1 Strategic Outcome

The Commission has one Strategic Outcome: Disclosure and recognition of the truth regarding Indian Residential Schools in order to further healing and reconciliation for the individuals and communities affected. In 2008-09 the Truth and Reconciliation Commission Secretariat received approval to spend \$64,388,000 over the next five years. The following tables profile the Commission's funding for the next three fiscal years as approved before the appointment of the new Commissioners.

Support the research, truth, healing and commemoration activities of the TRC

Human Resources (FTEs) and Planned Spending (\$ thousands)					
2010-11		2011-12		2012-13	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
46	13,955	46	11,045	46	6,335

Internal Services

Human Resources (FTEs) and Planned Spending (\$ thousands)					
2010-11		2011-12		2012-13	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
12	1,360	12	1,360	12	1,360

Program Activity Expected Results	Performance Indicators	Targets
(i) information about the Indian Residential Schools legacy.	(i) research papers and reports.	Seven national events are planned with an additional closing event planned for the final year of the Commission's operations. In recognition of the unique mandate of the Commission, defined performance targets for most of its activities (e.g. truth taking and sharing) are not considered appropriate due to the spirit and intent of the Indian Residential Schools Settlement Agreement, which seeks to bring about a fair and lasting resolution in an informal manner that accommodates sensitivities.
(ii) - understanding of and appreciation for the experiences of former students of Indian Residential School.	(ii) number of participants and meetings concerning truth taking and sharing activities. (iii) survivor statements.	
(iv) - participation in commemoration, healing and reconciliation events. (v)	(iv) number and type of healing and commemoration activities. (v) number of national and community events.	
(vi) public awareness and recognition of the impacts of Indian Residential Schools on Aboriginal people, their communities, and their relationships.	(i) research papers and reports. (vi) media reports, press releases and information materials.	

Benefits for Canadians

The 2007 Settlement Agreement provides an opportunity for all the stakeholders to renew their relationships, move forward together to find the truth, promote healing, and achieve reconciliation. The Truth and Reconciliation Commission, through the activities and events it undertakes or supports will make a central contribution to the development of a renewed relationship.

The activities and events that will be carried out are expected to provide the following benefits to Aboriginal, as well as non-Aboriginal, people, their families and communities:

- culturally appropriate and safe settings in which former students, staff, their families and members of their communities can come forward and participate in truth finding/sharing, healing and reconciliation activities that acknowledge their residential school experiences, impacts and consequences;
- common understanding of the residential school system and legacy that is based on the information and data contained in the historical report produced by the Commission;
- enhanced awareness of the truth and reconciliation process that the Commission is fostering; and
- support and participation of former residential school students, senior government and church officials, and other stakeholders and beneficiaries in processes and events related to residential school experiences.

Ultimately, it is hoped that a greater understanding and appreciation of the experiences of former students, their families and their communities will improve individual and family well-being, encourage healing and achieve reconciliation.

Lessons Learned

Given that the new Commissioners were not appointed until July 1 and that most of 2009-10 was dedicated to various start-up activities, it is premature to draw lessons learned. The year has been one with a considerable learning curve into the intricacies and delays inherent in federal government procedures. Fundamentally, we question whether a court-supervised, party-supervised commission with a vast mandate and a short, fixed time period is a good fit for government policies. At a minimum, we believe the Commission should have the same administrative powers and freedoms as commissions that are established under the *Inquiries Act*.

In 2010-11, we will have put in place most and perhaps all of our key plans and activities. We will be able to begin forecasting various participation rates in our activities. We will have begun to be able to accurately forecast the actual costs of various aspects of the mandate we have been tasked to fulfill.

It has already become clear that having individual compensation proceed simultaneously with the Commission creates a variety of challenges. The existence of separate offices and procedures for Common Experience Payments, Independent Assessment Process Payments and the activities of the Truth and Reconciliation Commission creates a very confusing context for former students to understand and access. These processes create concerns for many, especially around the issue of repetitive statement giving and confusion over the TRC's jurisdiction. There may be nothing that can be done about the simultaneous similar but different processes, but it is a lesson learned for all of us.



SUPPLEMENTARY INFORMATION

3.1. Financial Tables

With the exception of the Green Procurement and Sustainable Development Strategy tables that the Commission is planning to develop in 2010-11, there are no other tables applicable to the operations of the Commission, in particular Transfer Payment Programs, Up-Front Multi-Year Funding (formerly conditional grants to Foundations), Summary of Capital Spending by Program Activity, and User Fees.

Condensed Statement of Financial Position

as at March 31

(\$ thousands)	% change	2010	2009
ASSETS			
Financial Assets	410%	410	0
Non-Financial Assets	1873%	1,184	60
TOTAL ASSETS	2,557%	1,594	60
LIABILITIES	960%	1,399	132
EQUITY OF CANADA	-371%	195	(72)
TOTAL LIABILITIES AND EQUITY OF CANADA	2,557%	1,594	60

Total assets were \$1.6 million at the end of 2009-10, an increase of \$1.5 million (2,557 percent) over the previous year's total assets of \$0.1 million. Tangible capital assets (i.e. Informatics software & hardware) comprised 75 percent of total assets at \$1.2 million. The increase in capital assets is explained by the fact the Commission was in its start up phase in 2009-10. In order to operate, the Commission had to fit-up its office space, and purchase furniture and informatic hardware and software.

Total liabilities were \$1.4 million at the end of 2009-10, an increase of \$1.3 million (960 percent) over the previous year's total liabilities of \$0.1 million. These liabilities represent accounts payable (\$1.2 million), employee severance benefits (\$0.1 million) and vacation pay & compensatory leave (\$0.1 million).

Condensed Statement of Operations

for the year ended March 31

(\$ thousands)	% change	2010	2009
OPERATING EXPENSES			
Total Operating Expenses	82%	6,884	3,773
REVENUES			
Total Revenues	0%	0	0
NET COST OF OPERATIONS		6,884	3,773

Total expenses for the Commission were \$7 million in 2009-10. The majority of funds, \$4.4 million or 64 percent, were spent in supporting the research, truth, healing and commemoration activities program; while the balance of funds were spent in internal services (\$2.5 million or 36 percent). The increase in operating expenses is due to the fact that being in its start up phase, the Commission started to hire employees and to do more program activities than in the previous year.

3.2 Contacts

Truth and Reconciliation Commission of Canada

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