

**ACTION PLAN IMPLEMENTATION STATUS UPDATE
REPORT TO THE EVALUATION, PERFORMANCE MEASUREMENT AND REVIEW COMMITTEE
AS OF SEPTEMBER 30, 2009**

POLICY AND STRATEGIC DIRECTION - BRANCH			
Evaluation of the Test Case Funding Program (200767) AEC APPROVAL DATE: 26/FEB/2009			
PROJECT RECOMMENDATIONS	ACTION PLAN	EXPECTED COMPLETION DATE	PROGRAM RESPONSE
1. The evidence presented in this evaluation supports continued funding of the Test Case Funding Program.	No action required	N/A	Status: N/A Update/Rationale: As of 30/09/2009: N/A
2. Evidence indicates that the eligibility conditions for funding relating to the 1985 amendments to the Indian Act (Bill C-31) should remain in the Program criteria.	The eligibility conditions will be reviewed and recommendations formulated on whether they should be retained, modified or eliminated in light of the Supreme Court of Canada decision in Jules v. The Queen (2002).	31/01/2010	Status: Not yet addressed. Update/Rationale: As of 30/09/2009:
3. Enhance program transparency by: a) placing information on the Program on the Department's website; and b) better documenting files.	a) The desirability of placing program information on the Departmental website will be analysed and recommendations formulated. b) The feasibility of preparing ongoing/final case summaries for program files will be analysed and recommendations formulated.	31/03/2010 31/03/2010	Status: Not yet addressed. Update/Rationale: As of 30/09/2009:
4. As part of the program renewing process, INAC should review and update the current program's terms and conditions to establish clearer funding parameters.	In connection with recommendation 2, and the possible preparation of program renewal documents on the renewal or not of the Test Case Funding Program (currently to terminate March 31, 2010), the program will review all program terms and conditions for legal/policy	31/01/2010	Status: Not yet addressed. Update/Rationale: As of 30/09/2009:

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	feasibility, relevance and clarity, and make recommendations		
5. Given the current program budget of \$750,000/annum, funding should be restricted to test cases at the appeal level.	As with actions pursuant to recommendation 4, the program will analyse and formulate recommendations on the desirability/feasibility of restricting funding to appeal level cases.	31/01/2010	Status: Not yet addressed. Update/Rationale: As of 30/09/2009:
6. Any future renewal of the TCFP should consider indexing the hourly rates paid to legal counsel to inflation.	As with actions pursuant to recommendations 4 and 5, the program will analyse and make recommendations on the desirability/feasibility of indexing the hourly rates paid to legal counsel to inflation.	31/03/2010	Status: Not yet addressed. Update/Rationale: As of 30/09/2009: