

**CITT / CBA Bench and Bar Committee**  
**May 9, 1996**  
**333 Laurier Avenue West**

**MINUTES**

I     Attendance:   A. Trudeau, R. Erdmann, S. Shainfarber, M. Granger, J. Archambault, G. Stobo, H. Cheetam, T. Akin, M. Ciavaglia, D. Kubesh, R. Cheng, P. Kirby, R. Dattu, P. MacPherson. Regrets: B. Swick-Martin.

II     Items

1.     G. Stobo reported that the Department of Finance was undertaking a review of the *Special Import Measures Act*. The Department of Finance was expecting to present a Discussion Paper to the Finance Committee of the House of Commons before the Summer.
2.     The CITT had issued a Discussion Paper on the SIMA Procedural Review, and that it had been circulated to stakeholders. Any items not addressed in the Discussion Paper should be brought to the attention of the Tribunal Research Staff as soon as possible. Decision on public consultations has yet to be taken, as this will partly depend on the comments received. A discussion ensued as to the issues raised in the Discussion Paper, including whether there should exist a formalized system for limiting time of hearings. The Tribunal Research Staff indicated that the average hearing time for anti-dumping and countervailing enquiries has been increasing, and many hearings now go beyond a period of one week. The Tribunal's Research and Legal Staff also noted that there has been an increased use of "legalistic tactics" including motions to remove counsel of record on the basis of "conflict of interest".
3.     The Research Staff reported on the revised Terms of Reference issued by the Minister of Finance on March 20, 1996 in relation to the Tribunal's mandate to conduct investigations into requests from Canadian producers for tariff relief on imported textile inputs. Also noted was the issuance of a Discussion Paper dated May 9, 1996 by the Tribunal on proposed changes to the investigation process for the Textile Reference. Copies of the Discussion Paper were provided to the members of the CBA. The Discussion Paper proposed changes in the following areas:

- framework for review of indeterminate relief;
- extension of scope of investigation;
- publicization of requests;
- distribution of samples;
- treatment of greige fabric; and
- preliminary submissions.

It was noted that May 24, 1996 had been set as the deadline for making submissions, and that tentatively, June 5, 1996 had been set down as the date for an oral hearing on the Discussion Paper. Thereafter, the revised set of Textile Guidelines were to be issued by the end of June, 1996.

4. M. Granger reported that the CITT would have a site on the Internet by the end of June, 1996. The new site will have search capabilities. Persons accessing the site will be able to read documents and extract portions of documents. All CITT guidelines such as the Textile Reference Guide will be available on the Internet. In addition, the Annual Reports, Bulletins, CITT brochures, etc. will also be on the Internet site. It is also expected that a schedule of upcoming hearings (up to three months) will be set out on the Internet site. In addition, decisions of the CITT as far back as April 1, 1995 will immediately be put on the Internet site, followed thereafter by a progressive "inputting" of decisions going back to 1988. The Internet site will have "hot links" to other government sites. The CITT is also planning to have a "fax link".
5. M. Granger also spoke on the matter of the automation of administrative records in various proceedings before the CITT, particularly anti-dumping and countervailing proceedings. In a recent case, corrosion resistant steel sheet, the record consisted of in excess of 30,000 pages. The plan is to have links with law firms, with coders and decoders to allow for transmission of confidential information. There are plans to eventually have CD ROMS containing protected and public documents in a particular enquiry. The CBA and consultants appearing before the CITT will be consulted on changes as they are made to the means for conveying information to counsel and their clients.
6. R. Wagner led the discussion on government procurement review. He indicated some concerns about the procedures being used to conduct government procurement reviews, particularly the inability to engage in discussions with lawyers acting for the Department of Public Works. R. Wagner suggested that the CITT should undertake a review of the procedures so as to encourage the settlement of cases prior to the unfolding of the full inquiry process. D. Kubesh expressed the view that he had found, in the cases he had been involved in, that sufficient opportunities existed for settlement of complaints before they were fully investigated by the Tribunal.
7. M. Granger noted that Practise Notes had been recently issued regarding two matters. First, in respect of the authority of the Chairman to designate one member as a single member panel to hear issues relating to customs classification and other matters arising out of the *Customs Act*. Secondly, there was a reference to the Practise Note issued in respect of return of confidential documents. The CITT has recently experienced some difficulties in receiving the full protected record from counsel, or in some cases, although the record is being returned in its entirety, it is not being provided in a manner whereby the contents of the record can be easily identified
8. The setting of the date for the next meeting was to be discussed as between G. Stobo and T. Akin.