

Bench & Bar Committee
November 16, 1995
333 Laurier Avenue West

MINUTES

I Attendance : A. Eyton, R. Erdmann, S. Shainfarber, M. Granger, G. Stobo, T. Akin, R. Wagner, G. Cranker, B. Swick-Martin, R. Cheng

II Items

1. The use of COMPAS by CITT - Concern expressed on behalf of other members of the CBA regarding the use of COMPAS. Many of the concerns paralleled concerns raised in Sugar. R. Erdmann discussed the rationale behind its use in general. Discussion was limited as the use of COMPAS was to be considered in the Sugar reasons, which at the time of the meeting, had not yet been issued.
2. Concern was expressed by R. Wagner about the extensive exchange of pre-hearing questions between parties on antidumping and countervail cases. In particular, it was felt that these requests were chaotic and that no regime exists to introduce discipline into this exchange. The CITT indicated that this issue will form part of the SIMA Review Project currently underway. This project will soon be ready for external consultation. Tom Akin indicated he would act as the CBA's point of contact for this external consultation.
3. R. Wagner discussed a concern about information of little value being circulated in antidumping and subsidy cases. It was felt that some of the extensive case filings were not necessary, or of marginal utility. The CITT indicated that production of the administrative record would be considered during its consultations on the SIMA Review Project. There was some discussion about the usefulness of exchanging information by electronic means.
4. The CITT informed the Committee of its intention to introduce procedures to expedite dealing with *Customs Act* and *Excise Act* cases filed by appellants out of time. The CBA shared its experiences with the Tax Court who dismisses these cases immediately, leaving open the possibility of reinstatement upon application by the applicant.
5. The CBA discussed the value of having standardized rules for all references conducted by the CITT. While this would foster consistency, the CITT felt that the differing types of references did not lend itself to a standardized regime of rules.
6. The CITT indicated that it had received a number of very helpful suggestions regarding its Rules. These are now being considered by Tribunal staff and a consultation document is expected to be circulated to external stakeholders early in 1996. Tom Akin has volunteered to be the point person for the CBA in this consultation process.

7. There was approval for the electronic bulletin board (BBS) initiative by the CITT. It has been extensively used by external parties, nationally and internationally. It was suggested that past decisions also be loaded onto the BBS and this is being considered now by the CITT. Mr. Granger indicated that the CITT will soon be on the Internet. This should allow for more users to access CITT information. It was suggested that the CITT database have a free text search capacity. This will be considered by the CITT.
8. The CITT informed the committee that video conferencing will be tried by the CITT for selected *Custom Act* cases outside the NCR.
9. In other business, the CITT informed the committee that its annual report on the standing textile reference is about to be sent to the Minister of Finance. Copies will be provided to members of the committee and who ever else requests one.

Next meeting May 9, 1996, at a location and time to be set by the CBA.