

# **BENCH AND BAR COMMITTEE MEETING**

November 18, 1998

from 12:00 p.m. to 2:00 p.m.

in the offices of the CITT  
333 Laurier Avenue West  
17<sup>th</sup> floor, Large Boardroom  
Ottawa, Ontario

## **MINUTES**

### **1. In Attendance**

#### **CITT**

Pierre Gosselin  
Patricia Close  
Ron Erdmann  
Michel Granger  
Gerry H. Stobo  
Peter Welsh  
Hugh Cheetham

#### **BAR**

Tom Aiken  
Riyaz Dattu  
Rick Dearden  
Anne Turley  
Patt MacPherson  
Paul Lalonde  
Randall Hofley  
Ron Cheng  
Greg Tereposky  
Denis Gascon

### **2. Minutes of June 3, 1998 approved.**

### **3. SIMA update:**

Gerry Stobo discussed the most recent developments regarding SIMA legislative and regulatory changes. Third reading expected by November 24, 1998, and Senate approval early in 1999. A date has not been fixed for proclamation into force. Revised regulations to be available soon for comments. Regulations will deal with, inter alia, non-exhaustive set of factors to be considered by Revenue Canada (on propensity to dump) and the Tribunal (on likelihood of injury) in sunset reviews. Peter Welsh and Hugh Cheetham discussed procedural issues under consideration by the Tribunal relating to preliminary determination of injury, expiry reviews and public interest inquiries. Discussion ensued on the likely impact of those procedural changes including likelihood of more public interest inquiries by the Tribunal in the future, the preliminary injury process and grounds for so finding, the procedure for the bifurcated sunset reviews.

**4. Hearing room issues and Requests for Information:**

Pierre Gosselin stated the Tribunal's intent to tighten up the hearings by keeping counsel focused on relevant issues and ensuring they abide by time estimates. Increasing disclosure and/or exchange of information prior to the hearing will reduce the cost and time required for the hearing itself. Rick Dearden suggested that panels should be more vocal about the areas they want counsel to focus on. Anne Turley reminded everyone that the efficiency steps taken with regard to SIMA should also, as appropriate, be considered for appeals. In particular she noted that pre-hearing disclosure of all documents should be a routine occurrence in appeal cases under the Customs Act. This will be considered by the Tribunal in the Rules review currently underway. The Bar was invited to provide further input in how the hearing process may be made more efficient.

**5. Confidentiality:**

Ron Erdmann summarized the consultations undertaken by the Tribunal regarding confidentiality issues. General consensus that fax is not sufficiently secure to transmit confidential information. After discussing some of the concerns and comments received from those consulted, Ron indicated that the draft Guideline would be circulated for comment before implementation.

**6. Information Technology:**

Pierre Gosselin and Michel Granger discussed future plans for the use of electronic filing and record management. Generally, electronic distribution through the website bulletin board is preferred by the CITT. Minutes of the Bench and Bar Committee meetings will be made available on the CITT website.

**7. Adjournment:**

Next meeting date to be discussed between Tom Aiken, Riyaz Dattu and Gerry Stobo.