Final Minutes - CITT/CBA Bench & Bar Committee April 27, 1995

I <u>In attendance</u>: CITT - Anthony Eyton, Chairman; Gerry Stobo, General Counsel;

Selik Shainfarber, Research Director;

CBA - Tom Akin, Glen Cranker, Jack Millar

II <u>Discussion</u>

Mr. Eyton opened the meeting by confirming the importance attached to this committee by the CITT.

The CITT is anxious to promote discussion on issues of importance with the Bar, one of its key stakeholders. Tom Akin stated that this committee is an offshoot of the Sales & Commodity Tax Section (which parallels a similar one for the Tax Court) and will give lawyers a forum for sharing the views of trade law lawyers and the CBA.

Mr. Akin made the point that private practitioners selected to represent the CBA will be chosen by them although they would welcome receiving suggested representatives from the CITT.

It was agreed to have Justice Lawyers represented on the committee depending on the nature of the issue being discussed. As well it may, from time to time, be appropriate to have non-legal representatives who appear before the CITT attend future meetings. Their attendance will be agreed upon in advance. (Mr. Stobo has already contacted Konrad von Finckenstein and Ted Thompson to receive the name of their representative - Michael Ciavaglia.)

There was discussion relating to the creation of a Rules Committee. Mr. Stobo indicated that the CITT intends to embark on a review of its rules of procedure and the creation of such a committee would be helpful. Representatives of the CBA will be included in the membership of the Committee.

Meetings of the committee as a whole will take place twice yearly unless circumstances warrant more. Meetings to discuss specific items such as Rules, or special projects undertaken by the CITT will take place as needed.

There was discussion about the reporting mechanism to be undertaken by the CBA representatives to its members. It was agreed that the minutes could be circulated to interested parties including non-CBA lawyers, non-legal counsel, Justice counsel and stakeholders (trade associations).

Mr. Eyton distributed a document outlining the CITT's electronic bulletin board soon to be available for external users. A copy of that document is attached. The bulletin board will allow external users to access, through modems, decisions and notices of the CITT. It will eventually replace the CITT's current practise of distributing hard copies.

Selik Shainfarber, CITT Research Director led a discussion on a major review underway in the CITT relating to the conduct of SIMA inquiries and reviews. The CITT is reviewing its procedures in order to simplify and expedite inquiries and reviews. Internal consultation has focused on pre-hearing activities, including the questionnaire, pre-hearing conferences and interrogatories. Hearing room activities have been reviewed to see if the present lengthy hearings can be shortened through the effective use of interrogatories, extensive "will-say" statements, etc. The CITT intends to begin consulting externally in late summer or early fall 1995. The CBA representatives expressed great interest in this review and encouraged the CITT to call upon the CBA's resources to provide input as soon as possible. It was acknowledged that the CITT would also contact the CBA as other initiatives are undertaken in order to keep the CBA apprised of such initiatives and to include representatives of the CBA where appropriate.

Mr. Eyton raised the issue of video conferencing for *Customs Act* and *Excise Tax Act* appeals and indicated that the CITT will be using this technology in some future regional hearings. The CBA representatives expressed support for this initiative.

Next meeting - October 19, 1995, Ottawa.