



Canada Agricultural
Review Tribunal
Ottawa, Canada
K1A 0B7

Commission de révision
agricole du Canada

**Canada Agricultural Review Tribunal (CART)
Stakeholders' Advisory Committee (AC)
Meeting Held on September 24, 2024, at 11:00 a.m. EDT via Teams**

MINUTES

Members in Attendance:

Emily Crocco, Chairperson of CART
Pierre Lampron, Chair of the Advisory Committee
Chris Araujo
Jorge Correa
Maria El-Hachem
Sherri-Lynn Foran
Jan Holmes
Mijin Kim
Frédéric Lapointe
Claudia Larocque
Marie-Hélène Lavoie
Melanie Nobre
Geneviève Parent
Robert Scriven
Skyler Veazey

Regrets

Moya McAlister
Russell Reitsema

1 Welcome

Mr. Lampron welcomed everyone to the Advisory Committee (AC).

2 New Items for Agenda

No new items were added to the agenda.

3 Review and approval of Draft Minutes from April 23, 2024, meeting

The AC unanimously approved the draft minutes from the April 23, 2024, meeting.

4 New Committee members

Ms. Holmes introduced herself and reported that she is acting for Ryan Wilkes from Agriculture and Agri-Food Canada.

Ms. Foran reported that she was joined by Marie-Anne Lavoie from Canada Border Services Agency. Ms. Foran stated that she will be taking on a new role and asked that Ms. Lavoie join the AC for continuity as she is unsure if she will be able to stay on the AC.

Ms. Crocco introduced two new AC members: Mr. Scriven, a lawyer who regularly represents applicants in front of CART; and Mr. Araujo, who is a lawyer for the Canadian Inspection Food Agency. Ms. Crocco reported that because both Mr. Scriven and Mr. Araujo have extensive knowledge of the Tribunal, their perspectives will be very helpful to the AC.

5 Proposed revisions of Committee's Terms of Reference

Ms. Crocco proposed two changes to the AC's Terms of Reference:

1. The language would allow for the inclusion of both respondent and applicant lawyers to join the committee.
2. There will no longer be a distinction between industry representatives as "members" of the AC and government representatives as "observers". All committee attendees will be classified as members.

The AC unanimously agreed to the proposed changes.

Ms. Crocco reported that the new Terms of Reference will be updated on the CART website along with the addition of the new members.

6 Chairperson's Updates

2023-2024 Annual Report highlights

Ms. Crocco informed the Committee that the Tribunal's 2023-2024 Annual Report will be shared with the AC within the next couple of weeks.

Ms. Crocco reported that the Tribunal has worked hard during the past year to become more efficient. Timeframes (i.e. admissibility determinations, Case Management Conference Calls, issuing decisions, etc.) have become shorter. This success was made possible by the Tribunal's adjudicators, lawyers and registry staff.

The 2023-2024 Annual Report summarizes some of the bigger and more notable cases; please stay tuned for its release and do not hesitate to contact us if you have any questions or comments.

Access to Justice Work

Ms. Crocco informed the AC that the ATSSC has found the funds to support the Tribunal's Access to Justice project.

The ATSSC will be hiring the National Self-Represented Litigants Project to do the project. Ms. Crocco hopes that the results of this study will help CART strengthen its accessibility and be helpful for other tribunals within the ATSSC. This project should be completed before the end of the fiscal year.

CART Members' Code of Conduct and Complaints Procedure

Draft Members' Code of Conduct and Complaints Procedure documents were shared with the AC prior to the meeting.

Ms. Nobre will share these documents with her colleagues and send any feedback she has to Mr. Lapointe within the next couple of weeks.

Ms. Crocco encouraged others to read over the documents and share their feedback.

Next Project: Updating Chairperson's Rules

Ms. Crocco is happy to report that the Tribunal will begin work on updating the Chairperson's Rules. Ms. Crocco stated that her priorities for the Chairperson's Rules are protecting procedural fairness, access to justice, and efficiency.

Ms. Crocco invited the AC to send feedback on the Chairperson's Rules to Mr. Lapointe. The topic will also be discussed at the next AC meeting in January.

On-Site Training

Ms. Crocco reported that CART's adjudicators would like to do some on-site training to further their knowledge and experience.

Ms. Crocco said that the Terms of Reference for this training are currently being drafted to ensure that CART maintains impartiality throughout this process. An important factor to note is that, to avoid bias, there would be a representative from both the industry and the agency present during these on-site training days. Once drafted, the Terms of Reference will be shared with the Committee.

Mr. Scriven, Mr. Correa, and Mr. Lampron offered to help arrange site visits.

Ms. Foran mentioned that there may also be some value in CART visiting an airport to get a better idea of what goes on behind the scenes.

Ms. Crocco added that locations in Montreal and Ottawa would be the most convenient for on-site training locations. This conversation will be continued but, in the meantime, Ms. Crocco encouraged the AC members to send any ideas to the Tribunal's registry e-mail address.

Ms. Nobre stated that she can then coordinate with her colleagues to ensure that a representative from the CFIA is present during the training.

Ms. Crocco thanked everyone for their advice and participation in this conversation.

7 Disclosure upon issuance of a Notice of Violation

Mr. Scriven asked if it would be possible for the CFIA to give applicants some disclosure so that they are better able to decide whether to bring a request to the Tribunal.

Mr. Araujo said that providing disclosure upon the issuance of a Notice of Violation (NOV) would be too big of an administrative burden for the CFIA.

Ms. Nobre said that a person who has been issued the NOV can always contact the CFIA inspector in charge of their case for further information.

Mr. Scriven thanked Mr. Araujo and Ms. Nobre for their insights and said that moving forward, he will advise his clients to call the CFIA.

Mr. Correa added that the time lapse between the time of the incident and the issuance of the NOV has been an issue for a long time and that it should be improved.

Ms. Crocco asked if it was possible to issue a notice of a potential NOV closer to the time of the incident in order to assist the alleged violator to preserve their evidence.

In reply, Ms. Nobre said that in some areas, the CFIA issues a Notice of Potential Enforcement Action (NPEA) to inform the party that they may be hearing from the CFIA in the future. Ms. Nobre believes it to be best practice and will take this issue back to her colleagues for further discussion about broader implementation.

Mr. Correa added that if CFIA uses NPEA, he can help spread information about the revised practice, as he has regional meetings with CFIA locals in every province.

Ms. Crocco reported that this item will be added to the agenda for the next AC meeting for further discussion.

8 Settlement Options

Mr. Scriven asked the group what their thoughts were on being more flexible when it comes to discussing settlement options.

Mr. Araujo said that having conversations between representatives is very important and allows to form working relationships. Across most provincial law societies, there is an obligation to bring up any reasonable offer of settlement to a client.

Mr. Scriven proposed that this could be added as an agenda item at the Case Management Conference Call during CART proceedings.

Ms. Crocco, Mr. Araujo, and Ms. Nobre agreed that having a settlement discussion at the CMCC is a good idea (not that the Tribunal would participate in these, but that the parties would be welcome to negotiate on their own if they want to).

Settlement option discussions will be added to the CMCC agenda as part of CART proceedings; it will also be added as an item to the AC agenda for our next meeting.

9 Roundtable

Ms. Veazey reported that the members of the Canadian Poultry and Egg Processors (CPEP) have asked for a review of the NOV process. Ms. Nobre will be presenting to CPEP later this week; this will give the CPEP the opportunity to ask more questions regarding things that were discussed during the AC meeting.

Ms. Crocco encouraged the AC to reach out to CART with any ideas and/or information from its meetings.

Mr. Lampron thanked everyone for their time and participation.

10 Next Meeting dates:

- January 21st, 2025
 - April 22nd, 2025
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11 Agenda Items for Next Meeting

- a) Draft updates to the Chairperson's Rules
- b) Proposed on-site Training Locations
- c) Draft On-site Training Terms of Reference
- d) Notice of Potential Notices of Violation
- e) Settlement Options