



**Canada Agricultural Review Tribunal (CART)
Stakeholders' Advisory Committee (AC)
Meeting Held on September 19, 2023, at 11:00 a.m. ET via Zoom**

MINUTES

Members in Attendance:

Emily Crocco, Chairperson of CART
Pierre Lampron, Chair of the Advisory Committee
Jorge Correa
Maria Hachem
Robin Horel
Frédéric Lapointe
Claudia Larocque
Marie-Hélène Lavoie (for Sherri-Lynn Foran)
Moya McAlister
Melanie Nobre
Geneviève Parent
Russell Reitsema

Observer

Ryan Wilkes

1 Welcome

Mr. Lampron thanked and welcomed participants to the Advisory Committee (AC) meeting.

Mr. Lampron welcomed Ryan Wilkes, the Deputy Director of Portfolio Coordination in the Deputy Minister's Office at Agriculture and Agri-Food Canada, who will be an observer on the AC.

Ms. Crocco welcomed the newest AC member, Robin Horel, who is an advisor for the Canadian Poultry and Egg Processors Council.

2 Federal Identity Program

Ms. Crocco explained that the Federal Identity Program (FIP) is a Government of Canada (GOC) policy of requiring its departments to have a “common look and feel” in their communications (i.e., on government websites). It may be a requirement for some Federal tribunals to adhere to the FIP, and this has caused some debate about whether this would undermine the appearance that these tribunals are arms’ length from the GOC. Ms. Crocco sought the AC’s thoughts on this potential development.

Mr. Horel said that the big value of CART is that it is seen to be independent, therefore his preference would be that CART not adopt the GOC’s common look and feel requirement.

Ms. Parent said that as an adjudicator, she can understand that the stakeholders might have concerns seeing “Government of Canada” posted on CART’s website.

Ms. McAlister said that when dealing with self-represented persons, there is a lack of trust when it comes to a government that is involved in their legal matters. They might feel uncomfortable going to a website and having those images at the forefront. Ms. McAlister suggested that CART could add an explanation to its website explaining the requirement to follow GOC communications guidelines, while also underlining its independence from the GOC in its decision-making.

Mr. Lampron said that while there may be concerns about the program, CART is an organization that is part of the GOC.

3 Next Steps on Access to Justice (A2J) Index Report

Mr. Lampron suggested that it might be a good idea to strike a sub-committee to address the accessibility issues raised in the Access to Justice (A2J) Index Report. Ms. Crocco said she thought that was a good idea.

Ms. Crocco asked the committee members which suggestions from the A2J Index Report (as summarized in the Annual Report and in the backgrounder document provided before this meeting) they think are most important.

Mr. Correa stated that accelerating the processing times for parties through an e-filing system is a great idea. The Canadian Meat Council has undergone that process, and while it had its challenges, the results were mainly positive.

Ms. McAlister reported that the National Self-Represented Litigants Project (NSRLP) had a study done last year about accommodations processes throughout the legal systems for persons with disabilities. From this experience, she recommended having people with disabilities as part of the review process. Ms. McAlister added that people with cognitive disabilities have a harder time informing judges and lawyers of their disability.

Ms. Parent agreed with Ms. McAlister and added that it would also be a good idea to have an audit open to the Canadian public (including persons with disabilities) in order to receive advice and feedback on the accessibility of the information on the CART website.

Ms. Nobre added that CART has already started to make strides on the organization of the information on their website, the topics are well organized and easier to search (for example, its references to Federal Court of Appeal caselaw). Continuing to move toward simplifying its information would be great.

To Ms. Nobre's comment, Ms. Crocco acknowledged the great work done on the website from Ms. Hachem and her legal team.

Mr. Reitsema mentioned that when you are dealing with farmers, they want the process to be as simple as possible. Farmers often give up at the sight of too much paperwork, therefore streamlining the process would be an excellent way to keep moving forward. Mr. Reitsema suggested that adding quick how-to videos and plain language can help make farmers more comfortable.

Ms. Crocco said that she will talk to her team about the next steps and will come back to the committee. She said that if there is anyone on the committee that is interested in the subject, to please reach out to her.

4 Requirement that Electronically Submitted Applications Also Be Sent by Registered Mail or Courier

Ms. Crocco explained that the CART regulations require that electronically submitted applications also be sent by registered mail or courier. She said that this can create stress for applicants, and that this requirement can create barriers for applicants due to the additional expenses.

Ms. McAlister agreed with Ms. Crocco's concerns, and noted that in 2023, there are many other ways to obtain signatures (i.e., e-signatures). Removing the requirement for couriered copies will remove unnecessary frustrations for applicants.

Ms. Lavoie said that from a Canada Border Services Agency (CBSA) perspective, they will have similar changes coming soon. It would be helpful if applicants could submit an electronic request only and not have to follow up by registered mail. She recommended leaving an option of sending an application by registered mail or courier, so that people have choices.

The committee members were unanimous that the two-step process should be eliminated from electronically submitted requests for review.

Ms. Crocco thanked the committee members and said that this recommendation will be shared with the AAFC.

5 Next Meeting Dates

Ms. Crocco reminded the committee members that the next meeting dates are January 23rd and April 23rd, 2024. Members will continue to meet every few months.

Ms. Crocco said that going forward, the meetings will be held by Microsoft Teams. This will help the CBSA (and possible CFIA) members in participating since they have some security barriers to accessing meetings on Zoom.

Ms. Crocco extended her thanks and encouraged the committee members to reach out to her or Mr. Lampron should they have any ideas or suggestions.

Ms. Nobre suggested to have a round table at the end of each meeting to share ideas. As there was time left in the meeting, Mr. Lampron invited participants to participate in a roundtable.

6 Roundtable

Mr. Horel stated that he will most likely only be part of the committee for the next three months as he is currently helping out the Canadian Poultry and Egg Processors Council while they look for a new CEO.

Mr. Reitsema said that he is excited to be working with everyone on the committee and that it already seems very informative.

Ms. Nobre mentioned that in the interest of the CFIA when speaking to moving everything electronically following the COVID-19 pandemic, one of the aspects that has been found to be more difficult is the ability to cross-train and attend hearings, as was done pre-pandemic.

In response to this, Ms. Crocco said that all CART hearings are open to the public and that anyone is welcome to call in and observe the hearings. There

might be a way for this to be signaled on the CART website, so that the public knows that CART's hearings remain publicly accessible.

Mr. Correa stated that he is in favour of trying to reduce how much time the respondents have to issue notices of violation. He suggested that there should be ways to problem-solve and be more efficient in this manner.

Ms. Lavoie stated that the CBSA posts its current estimated processing time (relating to Enforcement and Trusted Traveler Appeals) on its website. She suggested that this kind of information might be useful to be added to CART's website.

Ms. Parent added that these kinds of timelines could be considered internally to give CART a sense of where the delays arise.

Ms. McAlister mentioned that the NSRLP received funding for a study about self-litigants and their experience with virtual hearings. There has been a large amount of data collected for this; stay tuned for the results of the study which will most likely be published by the end of February. If anyone has feedback on the topic, do not hesitate to reach out to Ms. McAlister.

Mr. Lampron concluded the meeting and thanked everyone for their participation.
