



Canada Agricultural  
Review Tribunal

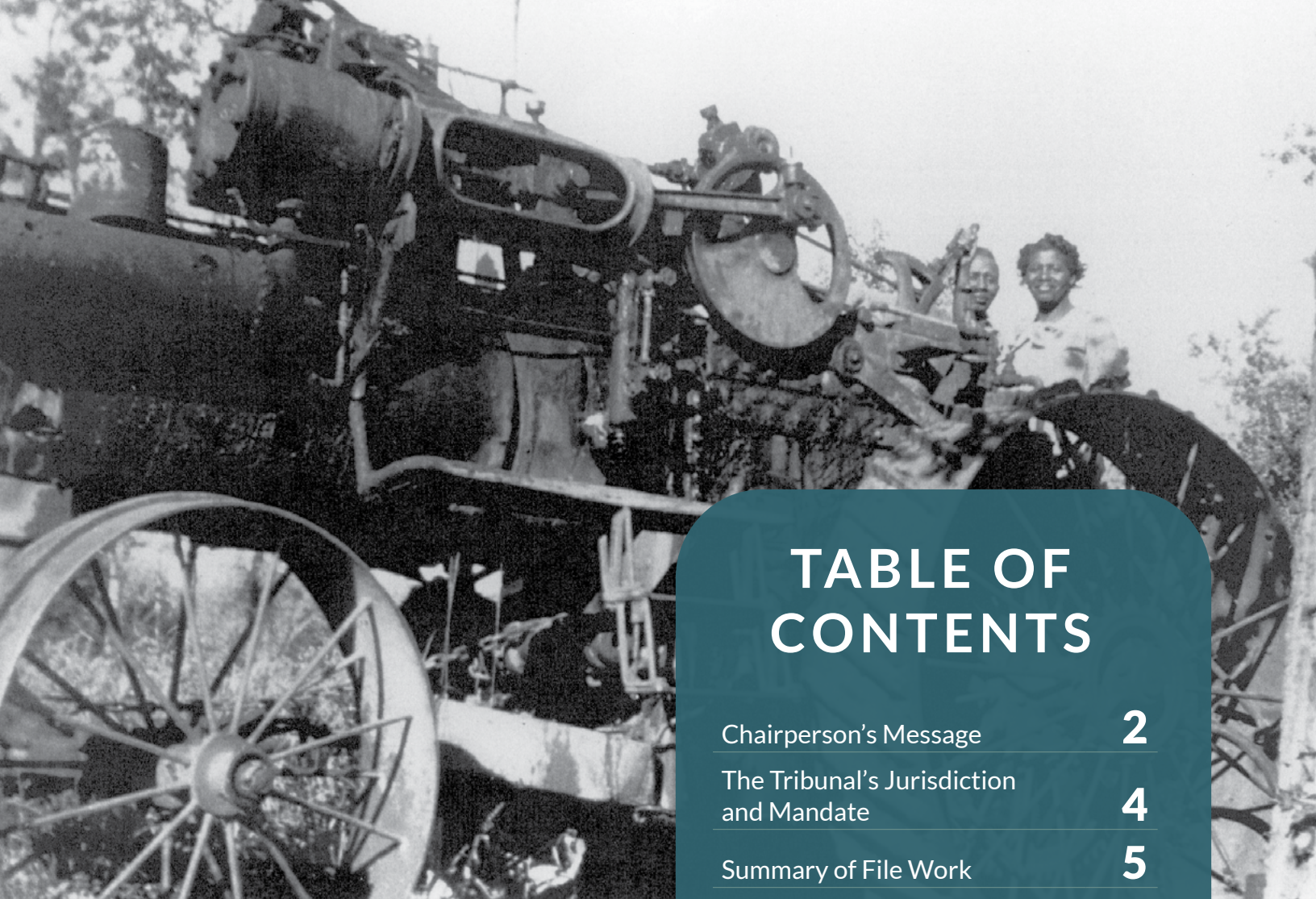
Commission de révision  
agricole du Canada

# 2022-2023 Annual Report

**CANADA AGRICULTURAL  
REVIEW TRIBUNAL**







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*Louise Hamilton and Sylvester Hinton in Amber Valley, Alberta. Athabasca Archives AA14375*



*Cover Photo: Quebec Apples, Abbotsford, Quebec. Department of the Interior fonds, accession number 1936-271, item number Q-1-8-4, reproduction number PA-044039, Library and Archives Canada*



*Canada. Dept. of Interior. Loading pigs, Havelock, N.B. Department of the Interior fonds, accession number 1936-271, reproduction number PA-047968, Library and Archives Canada*



# CHAIRPERSON'S MESSAGE

It's my pleasure to present the Annual Report for the Canada Agricultural Review Tribunal (CART or the Tribunal) for the fiscal year 2022-2023.

I started as Chairperson at CART in January of 2023 with two priorities: improving CART's efficiency and its accessibility. To reach these goals, we've started to change the Tribunal's operations.

Before I summarize this work, I want to thank CART's hardworking team.

To CART's adjudicators (Patricia Farnese, Geneviève Parent, and Marthanne Robson), executive director (Mijin Kim), registrar (Frédéric (Fred) Lapointe), senior counsel (Maria El Hachem), lawyers (Jean-François Cham, Mario Gosselin, Tamarah Nutik, and Princess Tino), and business administration officer (Claudia Larocque): Thank you so very much. Canadians are incredibly well served by your enthusiasm, skill, patience, and kindness! You have done, and continue to do, outstanding work.

## PRIORITY 1: IMPROVING EFFICIENCY

On average, the through-time for files at CART is more than a year. Because "justice delayed is justice denied", my top priority is to help the Tribunal become more efficient.

I believe we can improve the timeliness of our decision-making. Two of the ways we will do this is by simplifying our procedures and our decision-making.

## SIMPLIFYING PROCEDURES

Simplifying our procedures will help CART become more efficient. We have begun this process.

For example, we have reduced how many times the parties and Tribunal communicate with each other. We no longer write to the parties to tell them when we assign an adjudicator to a file. We no longer draft letters to accompany our decisions. We no longer need parties to tell us of their settlement discussions. Removing these steps allows our team to work on other tasks.

One major change to our process is that CART is now a virtual-first tribunal. This means that except in rare cases, we will hold our oral hearings by video conference call.

Being a virtual-first tribunal will allow us to hold our oral hearings much earlier. We won't have to search for dates when our team is available to travel. It also means that taxpayers will save money because they will no longer pay for CART's team to travel.

## SIMPLIFYING DECISION-MAKING

We have also simplified decision-making.

Our new [Reasons Review Guideline](#) prioritizes adjudicative independence and accountability. As a result, we no longer require draft decisions to go through a lengthy review process.

We are also creating a training manual for our adjudicators. It will cover basic administrative law principles and summarize the laws CART applies.

I believe that these changes will allow our decision-making to become timelier.



## PRIORITY 2: IMPROVING ACCESS TO JUSTICE

My second priority at CART is to improve the accessibility of our services.

As a result, shortly after I started, we completed the “[Access to Justice Index for Federal Administrative Bodies](#)” (A2J Index). The Department of Justice Canada created the A2J Index to help tribunals improve the accessibility of their services.

Unfortunately, the [A2J Index report](#) found that CART’s services are not very accessible.

### ADVISORY COMMITTEE

The A2J Index’s report noted that CART does not conduct regular outreach activities.

As a result, we created an [Advisory Committee](#) of the Tribunal’s external stakeholders. We will be consulting with the Advisory Committee to get its views on how to improve our accessibility.

### WRITING DOCUMENTS IN PLAIN LANGUAGE

We know that 83% of our applicants in 2022-2023 were self-represented. It can be difficult for these parties to understand CART’s procedures, or the laws CART applies.

And yet, our public documents are not written in plain language. As a result, we are rewriting our public documents so that more people can understand them.

## OTHER A2J INITIATIVES

We have many other A2J ideas in the works. For example, we are creating an Accessibility Plan. We are creating training and performance measures for our adjudicators on accessibility. We are updating the accessibility of our website. And we are creating new tools for self-represented people.

We look forward to reporting on these initiatives to you in next year’s Annual Report.

## CLOSING THOUGHTS

If you have ideas on how the Tribunal can become more efficient and accessible, please [contact us](#). The more ideas we have, the better!

I’m profoundly honoured to be the Tribunal’s Chairperson and I can’t wait to see where CART’s next chapter brings us.

Sincerely,



**Emily Crocco**  
Chairperson,  
Canada Agricultural Review Tribunal

P.S.

*We've used old photos throughout this year's report to honour Canada's agricultural and agri-food history. We hope you enjoy them!*

-E.C.

*Henry Joseph Woodside. Loading cattle. 1898, Teslin Bay. Henry Joseph Woodside fonds, accession number 1967-025, item number 197, reproduction number PA-016886, Library and Archives Canada*



## THE TRIBUNAL'S JURISDICTION AND MANDATE

The Canada Agricultural Review Tribunal (Tribunal or CART) determines the validity of administrative monetary penalties for violations of agriculture and agri-food laws.

The Tribunal is part of the Department of Agriculture and Agri-Food Canada's (AAFC's) portfolio. That said, CART is arm's length from the AAFC and the rest of the Federal government. This means that CART makes its decisions independently from the government.

CART currently has three part-time adjudicators and a full-time Chairperson. The Governor in Council appoints CART's adjudicators.

The Tribunal receives support from [Administrative Tribunals Support Service of Canada \(ATSSC\)](#). The ATSSC provides CART with registry, legal, and administrative support.

# SUMMARY OF FILE WORK

The Tribunal made significant progress in reducing its backlog this year, from 37 files at the start of the year to 20 files at the end of the year.

Recently, the Tribunal reviewed its statistics. During this time, we realized that the statistics we had previously reported were inaccurate. The chart below contains accurate numbers.

	2022-2023	2021-2022	2020-2021
<b>Total Open Files During Fiscal Year</b>	<b>72</b>	<b>75</b>	<b>72</b>
Existing Files at Start of Fiscal Year	37	38	51
New Files Received	35	37	21
<b>Files Closed During Fiscal Year</b>	<b>52</b>	<b>38</b>	<b>34</b>
Withdrawn (Including settlements)	15	5	17
Inadmissible	14	13	5
Decisions on Merits	23	20	12
<b>Hearings Held</b>	<b>23</b>	<b>20</b>	<b>13</b>
Written Hearings	14	8	7
Oral Hearings	9	12	6
<b>Open Files at End of Fiscal Year</b>	<b>20</b>	<b>37</b>	<b>38</b>



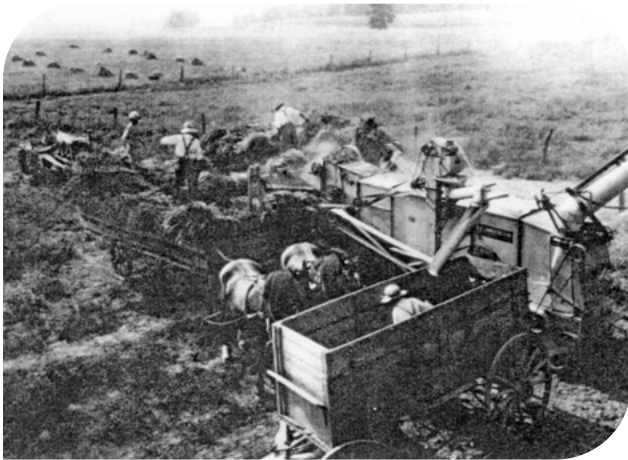
*B. Brooks. Judy Clark, 4-H member, and a calf. 1961, Canada. National Film Board of Canada fonds, accession number 1971-271, item number 98859, reproduction number e011177474, Library and Archives Canada*

## PARTIES' IDENTITIES

In 2022-2023, 83% (or 29 out of 35) of the applicants in new files were self-represented.

In 2022-2023, the respondents in the Tribunal's new files were:

- the Canada Border Services Agency in 13 files,
- the Canadian Food Inspection Agency in 12 files,
- the Minister of Public Safety and Emergency Preparedness in 8 files,
- the Minister of Health in 1 file, and
- the Minister of Agriculture and Agri-Food were respondents in one file.



*Threshing barley on the banks of Pine Creek (Amber Valley, Alberta area). C. 1940s. Athabasca Archives AA14377*

## TIMELINESS OF CART'S DECISION-MAKING

Of the 52 files we closed in 2022-2023, on average, it took:

- 371 total days for a file at CART to be processed (closed),
- 38 days to issue an admissibility decision,
- 433 days for CART to issue a decision when heard by written hearing,
- 650 days for CART to hold an oral hearing and another 139 days for a decision thereafter (for a total of 789 days), and
- 130 days to publish decisions online after they are issued.

## OUTCOMES

Of the 23 merit decisions it made in 2022-2023, the Tribunal:

- upheld the notice of violation in 19 files, and
- set aside the notice of violation in 4 files.

Please click [here](#) to read the Tribunal's decisions.

*Kinamore horses raised on the farms of Athabasca and Amber Valley, ND. Athabasca Archives AA14376*



# INITIATIVES

The Tribunal commits to improving the accessibility and timeliness of its services. In next year's report, we will assess how the initiatives we describe below have met these goals.

## CREATION OF ADVISORY COMMITTEE

In early 2023, we created an [Advisory Committee](#) for our stakeholders' perspectives on how CART can work more efficiently and fairly.

The stakeholder members of the Advisory Committee for the 2023-2025 period are:

- **Pierre Lampron**, Chair of the Advisory Committee, President of the Dairy Farmers of Canada and Second Vice-President of the Canadian Federation of Agriculture,
- **Robin Horel**, Advisor of the Canadian Poultry and Egg Processing Council,
- **Jorge Correa**, Vice-President of Market Access and Technical Affairs of the Canadian Meat Council,
- **Moya McAlister**, Communications Manager of the *National Self-Represented Litigants Project*,
- **Russell Reitsema**, Vice-President of *BC Young Farmers*,
- **Sherri-Lynn Foran**, Director of Enforcement Appeals and Litigation Division at Canada Border Services Agency, and
- **Melanie Nobre**, Manager of National Enforcement and Investigations Office at Canadian Food Inspection Agency.



*Rosemary Gilliat Eaton. [Margaret Michel, a Dene woman of Fort Simpson, N.W.T., hoes her flourishing crop of potatoes]. Between 1955-1963, Fort Simpson (N.W.T.). Department of Indian Affairs and Northern Development fonds, accession number 1976-281, item number 3842, reproduction number e011306818, Library and Archives Canada*

*Topley Studio. Cutting, Stooking wheat, showing wheat fields & homestead. Topley Studio fonds, accession number 1936-270, item number H 000000000201, reproduction number PA-011577, Library and Archives Canada*



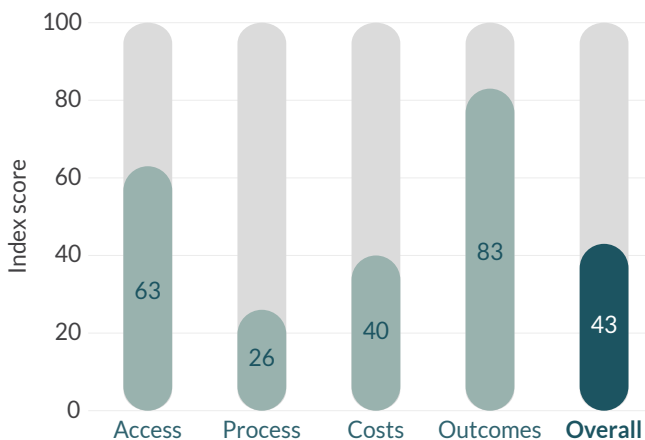


Poultry farm. Ca. 1920-1930, Wetaskiwin, Alberta (vicin.). Department of the Interior fonds, accession number 1936-271, item number A-1-12-1, reproduction number PA-040592, Library and Archives Canada

## COMPLETION OF ACCESS TO JUSTICE INDEX

In early 2023, the Tribunal took a survey called the “[Access to Justice Index for Federal Administrative Bodies](#)” (“A2J Index”). The A2J Index helps tribunals find areas where they can improve their accessibility.

The [Tribunal’s results](#) on the A2J Index were disappointing. Overall, CART received an accessibility score of 43%.



Categories and Overall Total

Some of the report’s key findings included the following.

### Access to Administrative Body (score of 63%):

- CART’s website:
  - » is not written in plain language,
  - » does not contain audio or visual presentations, and
  - » does not meet government standards for Canadians with disabilities.

### Processes (score of 26%):

- There is no dispute mechanism for complaints about CART’s services.
- Adjudicators and staff do not receive training on how to accommodate parties.
- CART does not refer self-represented parties to external support resources.

### Costs (score of 40%):

- CART does not provide access to free public education and information material.
- CART does not provide mental health support or referrals.

### Outcomes (score of 83%):

- CART does not request feedback.
- CART does not seek to improve the relationship damaged during the dispute.

Given this information, we are committed to improving CART’s accessibility.

## A VIRTUAL-FIRST TRIBUNAL

In February 2023, the Tribunal became a [virtual-first tribunal](#). This means that with very few exceptions, CART's oral hearings will now be heard by video conference call.

As a virtual-first tribunal, CART will be able to hold its oral hearings much earlier. We will also save thousands of dollars each year by not having to pay for CART's team to travel across the country.

## NEW REASONS REVIEW GUIDELINE

The Tribunal has begun a review of its internal policies and practices. We want to make sure our policies encourage timely, independent, and reasonable decision-making.

One change we made during the 2022-2023 year related to how we make, write, and communicate our decisions. Previously, every draft decision went to a committee for comprehensive feedback.

Not only did this significantly delay the timeliness of CART's decision-making. It also threatened, at least in appearance, the independence of CART's adjudicators.

As a result, in March 2023, the Tribunal created its [Reasons Review Guideline](#). This Guideline protects the independence of adjudicators, who are no longer required to submit their drafts for feedback. We also expect that this will help CART make timelier decisions.



*A vineyard in Southern Ontario. Ca. 1920-1925, Ontario. Department of the Interior fonds, accession number 1936-271, item number 1-8-15B, reproduction number PA-048033, Library and Archives Canada*

## CREATION OF COMPREHENSIVE TRAINING MATERIALS

CART's lawyers created training this year on the *Safe Food for Canadians Act* and the *Health of Animals Regulations*.

Training materials are especially important now that draft decisions are not sent to a committee for feedback.

As a result, CART's lawyers are creating comprehensive training materials for CART's adjudicators. For example, they are creating training about each penalty CART reviews. They are also drafting training for adjudicators on general topics like how to weigh evidence and how to run a fair hearing.

## DEVELOPING ONLINE TOOLS

Modernizing its technology is another way the Tribunal will increase efficiency and access to justice.

To do so, the Tribunal had previously identified the following key activities:

- complete the full implementation of the Tribunal's electronic case management system (CMS);
- create an e-filing system for applicants to submit their requests for review; and
- create an online space where parties can exchange electronic documents.

We re-commit to finalizing these projects.

# FINANCIAL INFORMATION

As previously mentioned, CART receives administrative support from the ATSSC.

During the 2021-2022 fiscal year, the ATSSC combined the secretariats of several of the Federal tribunals it supports. Along with four other tribunals, the ATSSC assigned CART to “Integrated Secretariat One”.

Because of this, most CART-specific financial data is no longer monitored separately. However, CART’s adjudicators’ salaries continue to be tracked separately.

The chart below shows the salaries of CART’s four adjudicators (including one full-time Chairperson and three part-time adjudicators).

	2022-2023	2021-2022	2020-2021
Adjudicators’ Salaries	\$305,696.00	\$313,845.00	\$280,036.00

For information on the ATSSC’s expenses, please see its [financial reports](#) or [contact the ATSSC directly](#).



Near Victoria (Fruit Exhibit-Victoria). Victoria, B.C. Topley Studio fonds, accession number 1936-270, item number H 000000000181, reproduction number PA-011558, Library and Archives Canada



# CONTACT INFORMATION

You can reach the Tribunal at the following coordinates:

Our website	<a href="http://cart-crac.gc.ca">cart-crac.gc.ca</a>
By email	<a href="mailto:infotribunal@cart-crac.gc.ca">infotribunal@cart-crac.gc.ca</a>
By telephone	613-943-6405
By fax	613-943-6429
By mail	Canada Agricultural Review Tribunal 344 Slater Street, 15 <sup>th</sup> Floor, Suite 300 Ottawa, Ontario, K1A 0B7
Our decisions	<a href="http://decisions.cart-crac.gc.ca/cart-crac/en/nav.do">decisions.cart-crac.gc.ca/cart-crac/en/nav.do</a>
RSS Feed	<a href="http://decisions.cart-crac.gc.ca/cart-crac/en/rss/index.do">decisions.cart-crac.gc.ca/cart-crac/en/rss/index.do</a>

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*Harry Rowed. Cattle en route to summer pastures across the Milk River. March 1944, Alberta. National Film Board of Canada fonds, accession number 1971-271, item number WR-4521, reproduction number PA-133638, Library and Archives Canada*