



**Symposium 2017 – At a Glance**  
**Jointly presented by CCAT and BCCAT**

This year’s program spanning 3 days includes distinguished speakers from the US as well as well-known speakers from across Canada. Consult our Symposium Program At a Glance below and then join us in beautiful British Columbia for this BCCAT/CCAT event.



**“On the Edge between Sea and Sky, New Horizons for Administrative Justice”**

*We are pleased to promote the Pre-Symposium Session  
CIAJ Roundtable on Administrative Law:*

**“These are the Principles, If You Don’t Like Them, We’ve Got Others”  
Saturday May, 27, 2017**

*For more information and to Register go to:  
<https://ciaj-icaj.ca/en/events/2017-national-roundtable-administrative-law/>*

TIME	EVENT	SPEAKERS
<b>Sunday, May 28</b>		
9:00-11:00	<b>Meeting of CCAT Board</b>	
10:00-5:00	<b>Registration</b>	
11:30-12:30	<b>Luncheon &amp; Networking</b>	
12:30-12:45	<b>Welcome &amp; Opening Remarks</b>	<p><b>Don Buckingham</b>, Chairperson, Canada Agricultural Review Tribunal/Chairperson, Council of Canadian Administrative Tribunals, ON and <b>Emily C. Drown</b>, Chair, Safety Standards Appeal Board/Chair, British Columbia Council of Administrative Tribunals (BCCAT)</p> <p><i>Symposium Co-Chairs:</i>  <b>Marilyn McNamara</b>, Chair, Employment and Assistance Tribunal, BC/ Vice Chair CCAT;  <b>David Thomas</b>, Chairperson Canadian Human Rights Tribunal, ON  <b>Debe Simpson</b>, Vice Chair, Workers’ Compensation Appeal Tribunal, BC</p>



12:45-1:15	<p><b>Keynote Address: “Separate but Cohesive: Navigating the Separation of Powers in Promoting Access to Justice”</b></p>	<p><b>The Honourable Robert Bauman</b> , Chief Justice of British Columbia, BC</p> <p><i>Moderator: David Thomas</i>, Chairperson, Canadian Human Rights Tribunal, ON</p>
1:30–2:45	<p><b>Plenary A: Justice by Design – Building better Tribunals</b></p> <p>Tribunals by Design: Building better Tribunals -Does form follow function? - Aligning tribunal process and design with tribunal objectives and community needs - revisiting established traditions – embedding proportionality principles - customizing case management style and options - adapting the mode &amp; nature of hearings - matching tribunal member skill-sets to party needs – institutional relationships with stakeholders - public accessibility of case documents - user feedback - avoiding the “law of unintended consequences.”</p> <p><i>“If the process is disproportionate to the nature of the dispute and the interests involved, then it will not achieve a fair and just result.” Hryniak v. Mauldin, [2014] 1 SCR 87, 2014 SCC 7 (CanLII)</i></p>	<p><b>Mark Underhill</b>, Partner, Underhill, Boies, Parker, Gage &amp; Latimer, LLP, BC</p> <p><b>Adele Adamic</b>, Labour, Employment and Human Rights Law Group, Ministry of Justice, BC</p> <p><b>Margaret Hagan</b>, Fellow, Stanford Law’s Center and Lecturer, Stanford Institute of Design, CA</p> <p><i>Moderator: Lorne Sossin</i>, Dean, Osgoode Law School, York University, ON</p>
2:45–3:15	<p><b>Break</b></p>	
<p><b>3:15–4:45 Simultaneous Sessions</b></p>		
	<p><b>Session 1: Online Dispute Resolution</b> (presentation)</p> <p>The Civil Resolution Tribunal (CRT) is Canada’s first online tribunal, and currently the only ODR system in the world that is fully integrated into the justice system. This session will demonstrate how the online tool, Solution Explorer, uses guided pathways to help a person learn more about their dispute so that they can make informed choices about how to resolve it.</p>	<p><b>Shannon Salter</b>, Chair, Civil Resolution Tribunal, BC</p> <p><i>Moderator: Marilyn McNamara</i>, Chair, Employment and Assistance Tribunal, BC/Vice Chair CCAT</p>
	<p><b>Session 2: Indigenous People and Tribunal Proceedings</b> (workshop)</p> <p>The Truth and Reconciliation Commission emphasized that reconciliation requires constructive action in addressing the ongoing impact of colonialism. This session is an introduction for administrative decision makers to indigenous peoples' culture; history in Canada and experiences with the justice system. It will introduce skills for responding to the unique needs of indigenous participants in administrative tribunal proceedings.</p>	<p><b>David A. Wright</b>, Chair, Law Society Tribunal, ON</p> <p><b>Pam Chapman</b>, Legal Educator and Consultant, ON</p> <p><i>Moderator: David A. Wright</i>, Chair, Law Society Tribunal, ON</p>
	<p><b>Session 3: Unique Design: Multipurpose Board</b> (presentation)</p> <p>BC’s Forest Practices Board is a unique form of quasi-judicial tribunal. A hybrid of an Auditor General and Ombudsperson, the board provides independent</p>	<p><b>Tim Ryan</b>, Chair, BC Forest Practices Board</p> <p><b>Mark Haddock</b>, General Counsel, BC Forest Practices Board</p> <p><b>Dave Clarke</b>, Executive Director, BC Forest Practices Board</p>



	oversight of forestry and range operations and government enforcement. It audits industry and government activities, investigates public complaints, initiates and participates in appeals of administrative determinations and issues public reports and makes recommendations to industry and government.	<b>Darlene Oman</b> , Director, Corporate Performance and Communications, BC Forest Practices Board  <i>Moderator: Tim Ryan</i> , Chair, BC Forest Practices Board
5:30–7:30	<b>CCAT Chair's Tapas at the Vancouver Courthouse</b>  <b>CCAT Medal 2017</b> Every year CCAT honours an individual who has made an exceptional contribution to administrative law in Canada. Join us to honour this year's recipient.  <b>Student Essay Award</b>	Hosted by <b>Don Buckingham</b> , Chairperson, Canada Agricultural Review Tribunal/Chairperson, Council of Canadian Administrative Tribunals, ON  <b>The Honourable Chief Justice Robert Bauman of British Columbia</b>  <b>Cecilia Low</b> , Chair, CCAT Outreach Committee/Commissioner, Alberta Energy Regulator, AB with Gerald Heckman/Margaret Leighton
<b>Monday, May 29</b>		
8:00-9:00	<b>Registration / Breakfast</b>	
9:00-10:15	<b>Plenary B: Administrative Decision-Making and Procedural Fairness: Views from the Edge from Judges and Practical Practitioners</b> This session will focus on the issue of what is procedural fairness and when will it be exceeded or denied in the administrative justice context. The question what is "fair", will be examined, not by administrative decision-makers this time, but by lawyers who appear before tribunals of the first instance and before courts hearing judicial review cases and by judges who sit on cases involving judicial review of administrative decisions.	<b>The Honourable Donald H. Layh</b> , Court of Queen's Bench for Saskatchewan <b>The Honourable Harvey M. Groberman</b> , BC Court of Appeal <b>Guy Régimbald</b> , Gowlings WLG, ON  <i>Moderator: Don Buckingham</i> , Chairperson, Canada Agricultural Review Tribunal/ Chairperson, Council of Canadian Administrative Tribunals, ON
10:15-10:45	<b>Break</b>	
<b>10:45–12:15 Simultaneous Sessions</b>		
	<b>Session 4: Procedural Fairness</b> (presentation) This presentation explores fairness. Rigorous processes help tribunals to achieve efficiencies. At times, that rigour leads to procedural restrictions that may limit a party's ability to fully and fairly make submissions. Selected examples, of processes that we have encountered, that tribunals can learn from when developing streamlined processes.	<b>Jay Chalke</b> , Ombudsperson, BC  <i>Moderator: David Paradiso</i> , Deputy Ombudsperson, BC



	<p><b>Session 5: Performance Assessment for members – Why and How?</b> (workshop) Performance assessment for adjudicators is essential for advancing adjudicative excellence. It is a necessary tool for individualized professional development and to make evidence-based decisions about reappointments. Merit-based reappointment for adjudicative tribunals is now the law in jurisdictions such as Ontario and B.C. This session will hear from representatives from three different tribunals about how they have addressed member performance assessment and provide practical tools for performance assessment, including policies, procedures, criteria and forms.</p>	<p><b>Paul Aterman</b>, Deputy Chairperson, Immigration Appeal Division, Immigration and Refugee Board of Canada, ON <b>Me Lucie Nadeau</b>, Vice-President, Tribunal administrative du travail, QC <b>Andrew Pendray</b>, Chair, Workers Compensation Appeal Tribunal of BC  <i>Moderator: Gary Yee</i>, Associate Chair, Licence Appeal Tribunal, SLASTO, ON</p>
	<p><b>Session 6: Administrative Law in a Nutshell – “Peeling the Onion: Administrative Law from the outside in”</b>(workshop) An interactive session for new or returning tribunal/regulatory decision makers and/or staff with or without previous legal experience or training who wish to refresh their knowledge or learn more about the principles of administrative law. Bring your questions and your experiences to the table as we delve into jurisdiction, judicial fairness, bias, the right to be heard, adequacy of reasons, confidentiality and conflict of interest. Where does your organization get its authority? What is a conflict of interest and how should it be addressed? What is an apprehension of bias and real bias? Part lecture, part interactive exercise, this session will consider how fairness principles actually apply.</p>	<p><b>Voy Stelmaszynski</b>, President SOAR, Board Solicitor, Ontario Labour Relations Board, ON <b>John Mayr</b>, Chair, BCCAT Education Committee, BC  <i>Moderator: Debe Simpson</i>, Vice Chair, Workers’ Compensation Appeal Tribunal, BC</p>
12:15-1:15	<b>Lunch</b>	
1:15-2:00	<p><b>Annual General Meeting</b> As a member of CCAT, this is your opportunity to receive an update on the activities of the CCAT Board of Directors and its Committees for this past year. It is your organization and so you should have a say in what is going on. Join us, ask some questions and even volunteer to get involved in a CCAT Committee.</p>	<p><b>Don Buckingham</b>, Chairperson, Canada Agricultural Review Tribunal/Chairperson, Council of Canadian Administrative Tribunals, ON</p>
2:00-3:00	<p><b>Plenary C: A Question of Ethics – Exploring Ethical Dimensions of Administrative Decision-Making</b> This panel will discuss some of the ethical issues encountered by administrative tribunals and their legal counsel. For example, the panel will discuss the ethical issues that legal counsel face on a daily basis, such as when communicating with the parties and drafting tribunal decisions, as well as when dealing with parties that are self-represented. The panel will also discuss the ethical issues that administrative</p>	<p><b>Jeremy Gellis</b>, Manager of Litigation, Enforcement Division of the BC Securities Commission <b>David Bursey</b>, Partner at Bennett Jones LLP and former counsel for the National Energy Board, BC <b>Meg Gaily</b>, Member, Lawson Lundell’s Research &amp; Opinions Group, BC  <i>Moderator: Brandon Mewhort</i>, Associate, Bennett Jones LLP, BC</p>



	tribunals face when their decisions are appealed or when judicial review is sought.	
3:00–3:30	<b>Break</b>	
<b>3:30–5:00 Simultaneous Sessions</b>		
	<p><b>Session 7: The Diverse Litigant – Litigating with Disabilities before Administrative Tribunals</b> (presentation)</p> <p>This session is a powerful presentation with Ms. Fischer presenting her personal and professional encounters with litigants with disabilities and the struggles of trying to manoeuvre through an administrative justice system which is not designed to deal with persons with disabilities, particularly mental disabilities. Her guest, Connie, co-teaches this session. This session will bring participants to a deeper appreciation of the obstacles disabled litigants face before administrative tribunals.</p>	<p><b>Sonya Fischer</b>, Attorney, Fischer Family Law, Oregon, USA <b>Guest: Connie</b></p> <p><i>Moderator: Don Buckingham</i>, Chairperson, Canada Agricultural Review Tribunal/Chairperson, Council of Canadian Administrative Tribunals, ON</p>
	<p><b>Session 8: Balancing Empathy and Assertion as a Tribunal Decision-Maker</b> (workshop)</p> <p>Tribunal members demonstrate professionalism, impartiality, discretion, neutrality and critical thinking in the execution of their duties and responsibilities. And while applicants certainly want and expect these qualities, they also want decision-makers to hear and recognize them as “people”. In this interactive session you will be introduced to the “why” and “how” of balancing empathic listening with assertive communication.</p>	<p><b>Sharon Sutherland</b>, Mediator and Dispute Management Consultant, BC <b>Kent Highnam</b>, Program Director, Justice Institute of BC</p> <p><i>Moderator: Simmi Sandhu</i>, Chair, Property Assessment Appeal Board of BC</p>
	<p><b>Session 9: Social Media</b> (presentation)</p> <p>Cheryl Vickers will present the Canadian Centre for Court Technology's paper on Social Media Use for Judges in the context of social media use for administrative decision makers. She will discuss the do's and don'ts of personal social media use by administrative decision makers. Retired Judge Ann Rounthwaite, who spearheaded the BC Provincial Court's use of social media as an access to justice initiative, will present on the use of various social media platforms by tribunals themselves.</p>	<p><b>Cheryl Vickers</b>, Chair of the Surface Rights Board and member of the working group of the Canadian Centre for Court, BC <b>Ann Rounthwaite</b>, Retired Judge of the Provincial Court of BC</p> <p><i>Moderator: Emily C. Drown</i>, Chair, Safety Standards Appeal Board/Chair BCCAT, BC</p>
5:45-10:00	<p><b>Networking Dinner: Steel Toad Brewpub &amp; Dining</b></p> <p><b>Shuttle Bus service begins at 5:45 pm</b></p>	<p>Hosted by <b>Don Buckingham</b>, Chairperson, Canada Agricultural Review Tribunal/Chairperson, Council of Canadian Administrative Tribunals, ON and <b>Emily C. Drown</b>, Chair, Safety Standards Appeal Board/Chair, British Columbia Council of Administrative Tribunals (BCCAT)</p>



<b>Tuesday, May 30</b>		
8:00-8:45	<b>Registration / Breakfast</b>	
8:45-9:45	<p><b>Keynote Address: “Correct or Reasonable”? Living on the Edge: Reviewing Reviews of Standard of Review</b></p> <p>Marshall Rothstein, QC and former Supreme Court Judge is a well-known and dynamic speaker. In his address, he will outline the need for a judicial clean-up of the current confusion surrounding standards of review of administrative decisions.</p>	<p><b>The Honourable Marshall Rothstein, Q.C.</b>, Hunter Litigation Chambers, BC , and former Supreme Court Judge of Canada</p> <p><i>Moderator: Don Buckingham</i>, Chairperson, Canada Agricultural Review Tribunal/Chairperson, Council of Canadian Administrative Tribunals, ON</p>
9:45-10:00	<b>Break</b>	
<b>10:00 – 11:15 Simultaneous Sessions</b>		
	<p><b>Session 10: Tribunal Excellence</b> (workshop)</p> <p>This workshop around tribunal excellence will be rooted in the tested model of the COAT framework of tribunal excellence. Eight areas have been identified as pillars of measurement for tribunal excellence and the appropriate modification and improvement for a Canadian perspective and the sharing of experience of expertise will be explored. The end result is a Canadian framework that could be used by the Canadian administrative community to measure tribunal excellence yet allows for suitable tailoring for various sectors.</p>	<p><b>Lilian Ma</b>, Chair of the AJAEC of CCAT, ON <b>Andrée Gosselin</b>, Administrative Judge, Tribunal administrative du travail, QC</p> <p><i>Moderator: Athanasios Hadjis</i>, Senior Counsel, Public Service Labour Relations and Employment Board, Administrative Tribunals Support Service of Canada, ON</p>
	<p><b>Session 11: Administrative Law Update</b> (presentation)</p> <p>This lively and interactive presentation will provide an update on developments in administrative law over the past year.</p>	<p><b>Michelle Flaherty</b>, Assistant Professor, University of Ottawa, and Arbitrator and Mediator, ON <b>Margaret Leighton</b>, Counsel to the Executive Chair/Manager Legal Services, Social Justice Tribunals Ontario and Editor-in-Chief, Journal of Canadian Administrative Law and Practice, ON <b>David A. Wright</b>, Chair, Law Society Tribunal, ON</p> <p><i>Moderator: David A. Wright</i>, Chair, Law Society Tribunal, ON</p>
	<p><b>Session 12: Promoting Tribunal Neutrality in an Integrated Regulatory Model</b> (roundtable discussion)</p> <p>Our panelists will provide personal insight into the challenges they face in maintaining neutrality in the regulatory adjudicative process as they lead a roundtable discussion where participants will be encouraged to ask questions and share their own experiences, tips, tricks, difficulties and frustrations that are encountered when maintaining the neutrality of the board or tribunal.</p>	<p><b>Lisa M. Thiele</b>, General Counsel at the Canadian Nuclear Safety Commission, ON <b>Mark Guiton</b>, Director of Legal Services, British Columbia Safety Authority, BC</p> <p><i>Moderator: Emily C. Drown</i>, Chair, Safety Standards Appeal Board/Chair, British Columbia Council of Administrative Tribunals (BCCAT)</p>



11:30-12:30	<p><b>Plenary D: Tribunal Processes: Innovations for Efficiencies</b></p> <p>Many tribunals use innovative tools to improve their efficiency, a few of which will be presented as examples that may inspire you.</p> <p>The IRB will present the signatures and the use of "collaborative work space" using SharePoint to deal with witnesses who can be testifying from all parts of the world. The Property Assessment Appeal Board of B.C uses technology to enhance the resolution of disputes and appeals. The Health Professions Review Board (BC) will share its implementation of a process that has increased its efficiency by 33 % by remitting matters to Stage 1 hearings without requiring a response from colleges whose decisions are under review. 'Hot Tubbing' during preparatory conferences and hearings at the Immoveable property division (SAI) of the Tribunal administratif du Québec (TAQ) is a source of fruitful exchanges between experts.</p>	<p><b>Ken Sandhu</b>, Deputy Chairperson Refugee Appeal Division, Immigration and Refugee Board of Canada, ON</p> <p><b>Simmi Sandhu</b>, Chair, Property Assessment Appeal Board, BC</p> <p><b>Tom English</b>, Chair, Health Professions Review Board, BC</p> <p><b>Marie Charest</b>, Judge, Tribunal administratif du Québec, QC</p> <p><i>Moderator: Marilyn McNamara</i>, Chair, Employment and Assistance Tribunal, BC/Vice Chair CCAT</p>
12:30	<p><b>Closing Remarks and Thanks - Video Presentation and Announcement for Symposium 34 in 2018</b></p> <p>Next year, CCAT will be venturing East and it will be a symposium not to miss.</p>	<p><b>Emily C. Drown</b>, Chair, Safety Standards Appeal Board/Chair, British Columbia Council of Administrative Tribunals (BCCAT) and</p> <p><b>Don Buckingham</b>, Chairperson, Canada Agricultural Review Tribunal/Chairperson, Council of Canadian Administrative Tribunals, ON</p>
12:35-1:30	<b>Lunch</b>	
1:30-3:30	<p><b>CCAT Board of Directors Meeting</b></p> <p>CCAT is pleased to welcome new and returning Board Members to chart our course for the coming year.</p>	<p><b>Don Buckingham</b>, Chairperson, Canada Agricultural Review Tribunal/Past Chairperson, Council of Canadian Administrative Tribunals, ON</p>