

Court File No. T-2013-08

FEDERAL COURT

BETWEEN:

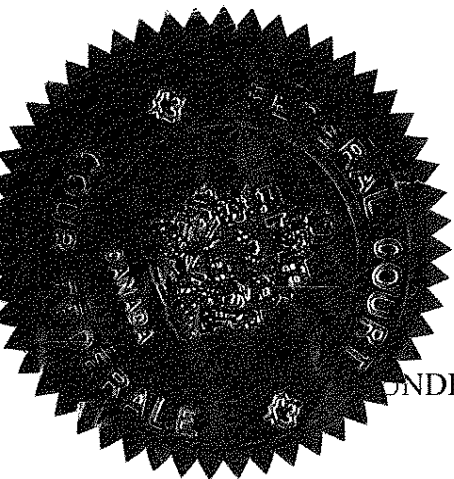
PROFESSIONAL INSTITUTE OF THE PUBLIC SERVICE OF CANADA

Applicant

- and -

CANADIAN FOOD INSPECTION AGENCY

Respondent



UNDER S. 18.1 OF THE FEDERAL COURTS ACT

NOTICE OF APPLICATION

TO THE RESPONDENT:

A PROCEEDING HAS BEEN COMMENCED by the applicant. The relief claimed by the applicant appears on the following page.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicant. The applicant requests that this application be heard at Ottawa, Ontario.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must prepare a notice of appearance in Form 305 prescribed by the Federal Court Rules, 1998 and serve it on the applicant's solicitor, or where the applicant is self-represented, on the applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the Federal Court Rules, 1998, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Date: 30-12-08

Issued by Audrey Bonner
REGISTRY CLERK
AGENT DU GREFFE

Address of local office:

90 Elgin Street / 90, rue Elgin
Ottawa, Ontario / Ottawa (Ontario)
K1A 0H9

TO: Canadian Food Inspection Agency
59 Camelot Drive
Ottawa, Ontario K1A 0Y9

AND TO: John H. Sims, Q.C.
Deputy Attorney General of Canada
Department of Justice
Civil Litigation Department
234 Wellington Street East Tower
Ottawa, ON K1A 0H8

APPLICATION

This is an application for judicial review in respect of the Respondent's introduction of the "Poultry Rejection Program" through amendments to the Meat Program Manual of Procedure.

The Applicant makes application for:

- (a) a declaration that the "Poultry Rejection Program" and the amendments to the Meat Program Manual of Procedures to implement the "Poultry Rejection Program" are invalid and of no force or effect; and
- (b) costs.

The grounds of the application are:

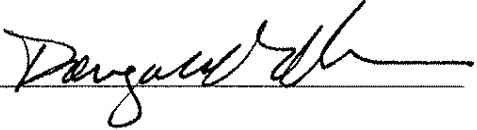
1. the Respondent is without lawful authority to establish policies or programs that conflict with or derogate from regulations made pursuant to an express grant of authority under the *Meat Inspection Act*, R.S.C. 1985 c.25, (1st Supp.);
2. subsection 83(2) of the *Meat Inspection Regulations*, 1990, SOR/90-288 establishes a mandatory procedure to be followed when a post-mortem examination of a food animal shows a deviation from normal appearance;
3. the "Poultry Rejection Program" purports to establish through amendments to the Meat Program Manual of Procedures a regime that is different from the procedure provided for in the *Meat Inspection Regulations* in circumstances where post-mortem examination shows a deviation from normal appearance;

4. the "Poultry Rejection Program" purports to eliminate the duty set out in the *Meat Inspection Regulations* to refer the carcass of a food animal that shows a deviation from normal appearance to an official veterinarian for detailed inspection and for instructions for disposition;
5. the "Poultry Rejection Program" purports to replace the procedures set out in the *Meat Inspection Regulations* for condemnation of carcasses of food animals by an official veterinarian by a procedure involving rejection of carcasses by persons who are employed by operators of poultry slaughter facilities and who are not veterinarians;
6. the "Poultry Rejection Program" purports to replace the issuance of condemnation certificates by official veterinarians by a process in which information concerning rejection of carcasses is proprietary information under the control of operators of poultry slaughter facilities;
7. the requirements under the *Meat Inspection Regulations* are intended to protect public health and to promote public confidence in the safety of poultry products through inspection by qualified independent veterinarians. It is contrary to the public interest to displace these regulatory requirements by procedures conducted by persons who are not qualified or independent veterinarians and whose activities are not subject to public scrutiny;
8. s. 18.1(4)(a) of the *Federal Courts Act*.

The application will be supported by the following material:

1. The Affidavit of Valérie Coupal;
2. Such other material as the Applicant may advise and the Court permit.

Date: December 30, 2008



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