



[2022] 3 F.C.R. D-17

## CUSTOMS AND EXCISE

### CUSTOMS ACT

Appeal from Federal Court decision (*Kilgour v. Canada (Attorney General)*, 2022 FC 472, [2021] 4 F.C.R. D-4) dismissing appellants' judicial review application seeking to set aside Canada Border Services Agency (CBSA) decision rejecting their request to prohibit importation of goods produced in China — Alleged decision in this case email written by CBSA official to appellants, in response to email sent by appellants to CBSA alleging those goods produced wholly or in part by forced labour — Federal Court held that (1) email not matter amenable to judicial review under *Federal Courts Act*, R.S.C., 1985, c. F-7; (2) appellants lacked standing as private litigants, did not meet criteria for granting public interest standing; (3) CBSA's interpretation of *Customs Tariff*, S.C. 1997, c. 36, related legislation, regulations reasonable — CBSA email in question not matter amenable to judicial review — Under *Federal Courts Act*, judicial review available in respect of a wide range of matters, including orders, decisions issued by federal decision makers — However, case law recognizing that such matters do not include situations where conduct at issue in judicial review application failing to affect legal rights, impose legal obligations, or cause prejudicial effects — Appellants having no right to request or obtain ruling from CBSA on their request — Right to request advance ruling under *Customs Act*, R.S.C., 1985 (2nd Supp.), c. 1, s. 43.1 limited to specific goods, may be made only by designated members of prescribed class — CBSA email in question not deciding anything at all in respect of importation of goods from China — Rather, email merely courtesy reply — Appeal dismissed.

REISDORF V. CANADA (ATTORNEY GENERAL) (A-102-22, 2023 FCA 188, Gleason J.A., reasons for judgment dated September 14, 2023, 4 pp.)