

UNIFORM LAW CONFERENCE OF CANADA

COMMUNIQUÉ

Spring 2013



Report from Nancy Irving, President

I am pleased to report on the work of the Executive Committee of the ULCC in preparation for the Annual Meeting in Victoria, BC, from August 11 to 15, 2013. Before

doing so, I would like to take this opportunity to thank participants for their significant contributions to the work of the Conference since our last meeting in Whitehorse, and to underline again the value of those efforts to all jurisdictions.

As revealed in the accompanying reports from the Section heads, the ULCC is currently addressing a very broad range of issues that are of vital concern to governments and the Canadian legal community in general. I am pleased to note the progress achieved on many files since the Whitehorse meeting, and I thank all jurisdictional representatives for their contributions.

Our research projects and working groups benefit from the combined expertise, experience and unique perspectives of all jurisdictions. In return, all jurisdictions benefit from our collaborative and coordinated efforts. The process is not always fast and easy, but it remains absolutely crucial in a country like Canada where law-making is shared among so many governments. I think it's safe to say that if the ULCC did not exist, there would be calls across the land for its creation—as there were almost a century ago when the ULCC was first established. There is simply no better way to produce harmonized or uniform legislation on the civil side, and to achieve consensus on changes to the criminal law.

Our Executive Director, Marie Bordeleau, has sent out the annual financing requests to all jurisdictions for the new fiscal year. I would urge jurisdictional

representatives to remind their governments that they are receiving very good value for their relatively modest contributions. I thank the jurisdictions for their ongoing support and encourage them to maintain or renew their financial commitment to the Conference.

The Executive has met by conference call since the publication of our Communiqué last fall and is pleased with the progress that has been made in both the Criminal and Civil Sections and on preparations for the annual meeting in Victoria. I am very pleased to report that Lane Wieggers and Ian Rennie have done an excellent job of organizing their working groups in advance of the Victoria meeting. I am also very pleased with the ongoing work of the Advisory Committee on Program Development and Management, and the International Committee, as described in the report from Peter Lown, Q.C. Peter's leadership role as a past President and the current chair of both these Committees is invaluable to the ULCC. We are particularly indebted to him for his success in strengthening our relationship with the Uniform Law Commission of the United States.

I also have the great pleasure to report that the province of Quebec has agreed to host the 100th Anniversary meeting of the ULCC in Québec City in 2018. It's the fitting venue for our centennial celebration; the Conference met for the first time in that very city in 1918. Past President Michel Breton is already preparing the plans for this historic event, so mark your 2018 calendars now!

Finally, the report from Russell Getz and Richard de Boer on preparations for this summer's Conference has me pining for the West Coast already. I look forward to seeing you all in Victoria in August.





Report from Lane Wiegerts Chair, Criminal Section

Due to a record amount of snowfall and a persistent chill at my location, I am somewhat concerned that the Criminal Section's deadline for resolutions may pass before spring arrives. However, before I say more about this all-important deadline, I want to make some general comments regarding the Criminal Section.

Each summer, the Criminal Section gathers delegates from diverse criminal law perspectives to debate resolutions that are designed to improve our criminal justice system's fairness, efficiency, and effectiveness. Many recent criminal law amendments relate to issues previously considered by the Criminal Section. This forum also provides participants with an opportunity to learn best practices used in other jurisdictions as well as access to subject matter experts in numerous areas of criminal law. The Criminal Section's discussions have been lively, enriching and cordial and I anticipate this trend will continue in Victoria.

The majority of the Criminal Section's time at this summer's meeting will be spent debating the jurisdictions' resolutions and studying the Working Group reports. Presently, the Criminal Section has five Working Groups with the following subjects under consideration: possible exemptions to mandatory minimum penalties of imprisonment; the creation of extra-provincial search warrants to support provincial offence investigations; the adequacy of current criminal offences to address instances of recanted testimony; modernization of evidentiary notice provisions; and, reform of the Criminal Section's rules of procedure.

I would like to remind all jurisdictions that the **closing date to present resolutions** to the Criminal Section is **Friday, April 26, 2013**. Please send proposals by e-mail to Ms. Anny Bernier, Criminal Section Secretary, at anny.bernier@justice.gc.ca. The closing date must be observed to allow for the translation of the resolutions and their timely distribution to all delegates.

Thank you to the Working Group Chairs and Working Group members for the substantial effort they have

expended on their projects. As well, I acknowledge the important work the Jurisdictional Representatives are now performing in determining the resolutions they will advance at this summer's meeting. Finally, I welcome delegates who will be making their first appearance at ULCC. I trust you will find the experience rewarding and memorable. I look forward to seeing you all in beautiful Victoria.



Report from Ian Rennie Chair, Civil Section

The Civil Section continues to meet monthly via teleconference and its meetings are well attended by the jurisdictional representatives. A special note of thanks to Clark Dalton and Marie Bordeleau for their organizing and also to Manon Dostie for getting the minutes translated.

On-going projects include:

- Voter Residency and Identification Requirements and Absentee Military Voting;
- Hague Securities Convention, Implementation;
- United Nations Convention on Independent Guarantees and Stand-by Letters of Credit;
- Uniform Drafting Conventions for the Implementation of International Conventions;
- Wills Act;
- Commercial Tenancies;
- Interprovincial Subpoena Act Amendments;
- Interpretation Act; and
- Arbitration Law Project.

Papers and presentations are being prepared as we speak for the 2013 Annual Meeting. There is a need for participants on the working groups for these projects and in particular for persons to act as chairs (for example chair of the Interprovincial Subpoena Act project). This is due to people coming and going. If interested, please let Ian or Clark know.

Joint projects with the Criminal Section include a *Missing Persons Act*, largely emerging in the aftermath

of the *Picton* case in BC. There is a fair bit of excitement over some of these projects. There are a number of new projects being considered by the ACPDM but they are still very embryonic. There is great interest in a uniform Vital Statistics Act. Canada is interested in having ULCC study the possibility of a harmonization of national powers of attorney legislation.

Very soon we will be looking at the 2013 Annual Proceedings and in particular updating the tables of implementation of ULCC uniform acts. Would you please have a look at those tables and let us know of any changes that need to be made to keep those tables current.



Report from
Peter Lown, QC
Chair,
International
Committee and
Chair, Advisory
Committee on
Program

Development & Management

The Advisory Committee continues to meet on a monthly basis to develop and monitor the project activity of the ULCC. Meetings are conducted by a teleconference call of approximately one hour's duration. Members have become efficient at working through the agendas in that timeframe. Occasionally, however, it is necessary to take a broader look at the activities of the committee. The committee will do exactly that at a face-to-face meeting in June of this year in Ottawa. At that time the committee will concentrate on three general areas: evergreening the project inventory for the conference; development of an implementation strategy consisting of an information base and implementation points; addressing the challenge of providing project research and leadership for approved projects. Almost all of the work of the conference is carried out on a volunteer basis. The challenge is to maintain an adequate base of

volunteers without overloading willing participants. We have been fortunate that both the public and private sector place a value on harmonized or uniform legislation and have contributed significantly to a number of projects which we have completed over the last few years. In areas such as the Uniform Trustee Act, the Uniform Undervalued Transactions Act, Uniform Franchises Act and the Uniform Arbitration Act, we have been extremely well served by the contribution of our working groups.

We are also at the point of significant and beneficial cooperation with our colleagues in the Uniform Law Commission in the United States. Over the last few years we have tried to build on the solid relationship between the two conferences, while at the same time trying to make that relationship more a meaningful and practical one. The first level has been to ensure an active and comprehensive exchange of information between the two conferences. We are well aware of project suggestions and the project selection process. Information is shared routinely on both of those topics. In addition, we are alive to the benefits that can be obtained by sharing information and analysis on individual projects. Finally, where we have been able to identify projects on which we can work together, the process has been developed for doing just that. One way of ensuring that the lines of communication are open and effective, has been the creation of an international committee whose mandate is to monitor the relationship, and to develop potential joint or cooperative projects. The International Committees for the two conferences have met at least annually. In addition, last December senior leadership of the two conferences met in Minneapolis, to discuss both our progress in cooperative projects and how we might improve the product. At the present time we have one joint project dealing with the Portability Provisions Attaching to Substitute Decision-Making Documents; we have one project where we are actively monitoring a ULC project with a view to developing similar legislation in the area of Access to Digital Assets; we have several areas where existing work or legislation would help inform the other conference.

It is my pleasure to chair the International Committee. Any input you may have for suggestions would happily be communicated to the appropriate committee for discussion.



Report from
Russell Getz and Richard de Boer,
Co-Chairs of the 2013 Annual
Meeting Organizing Committee

Dear Colleagues,

We would like to invite you all to the 95th Annual Meeting of the Uniform Law Conference of Canada in Victoria, British Columbia, **Sunday August 11th to Thursday August 15th, 2013**. The Annual Meeting's business meetings will be held at the Laurel Point Inn, located on the beautiful Inner Harbour in the heart of downtown Victoria.



A block of rooms has been set aside for delegates at the Laurel Point Inn, and our special group rate of \$169.00 has been extended to three days before and after the Annual Meeting, subject to availability at the time of request. We would strongly encourage all delegates to stay at the conference hotel, as it would be of great assistance to us. Please note that the deadline for booking at the preferential rate (\$169 before tax for a single room) is **Friday, July 5, 2013**.

When making your reservation, please indicate that you will be attending the annual meeting of the Uniform Law Conference of Canada. Reservations may be made by the following means:

<http://www.laurelpoint.com/>

Email: guestservices@laurelpoint.com

Telephone: 250.386.8721 or 1.800.663.7667

Fax: 250.386.9547

Mail: Laurel Point Inn, 680 Montreal Street, Victoria, BC, V8V 1Z8



The opening reception will take place on Sunday, August 11th from 5:30 p.m. to 7:30 p.m. at the historic Maritime Museum.

Your calendar is clear for the evening of Monday, August 12th to take in one of the many attractions or summer events occurring in Victoria.

For those delegates and guests who may choose an excursion that evening to the world-famous Butchart Gardens, which offers both light and formal dining options and summer evening entertainment, a group trip will be available. Further information respecting the cost of admission and bus transportation will be distributed.



Butchart Gardens:

<http://www.butchartgardens.com>

The traditional East - West ball game and barbeque will be on Tuesday, August 13th, and the closing banquet will be held on Wednesday, August 14th (6:00–10:00 p.m.).

Victoria is very busy in the summer and transportation, car rentals and accommodations are often heavily subscribed. We therefore encourage you to make your hotel and transportation arrangements at your earliest opportunity.

Tourism information regarding amenities and events for Victoria and surrounding areas may be accessed at the following links:

Tourism Victoria:

<http://www.tourismvictoria.com/>

Hello BC:

<http://www.hellobc.com>

Maritime Museum

<http://mmbc.bc.ca>



We now welcome Anny Bernier as our new Criminal Section Secretary. Anny was an observer with Justice Canada’s delegation in Winnipeg and the inaugural winner of the Daniel Grégoire Most Valuable Player Award at the 2011 softball game. The ULCC Executive is looking forward to working with Anny in Victoria this summer and at subsequent annual meetings.

Anouk Desaulniers Named to the Bench in Québec



On April 11th, 2013, the Minister of Justice and Attorney General of Quebec, Mr. Bertrand St-Arnaud, announced the appointment of the Honourable Anouk Desaulniers to the Court of Quebec, Criminal Division, in

Gatineau (<http://communiqués.gouv.qc.ca/gouvqc/communiqués/GPQF/Avril2013/11/c4563.html>).

During her years with Justice Canada, Anouk was actively involved in various forums, including the Uniform Law Conference of Canada. Anouk participated as a member of the federal delegation since 2005 and contributed to the work of various working groups of the Criminal Section. During the 2012-2013 term, she also acted as Chair to the ULCC Criminal Section. All who had the pleasure of working with Anouk know her for her hard work and appreciated her leadership skills, her kindness and her good humour.

At the time of her appointment, Anouk Desaulniers was Acting General Counsel and Director in the Department’s Criminal Law Policy Section. I am sure you will join me in wishing Anouk the best success in this new phase of her career, and in thanking her for her great work for the Uniform Law Conference of Canada. Should you wish to congratulate Anouk personally, please forward your e-mail to the care of Anny Bernier at anny.bernier@justice.gc.ca.

We would ask that you convey this information to all others in your jurisdiction who will be attending the Annual Meeting. We look forward to welcoming you to Canada’s Pacific Coast this summer. If you have any questions, please don’t hesitate to contact either of us or Treena Watters.

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And in the news...

Anny Bernier Named Criminal Section Secretary

After three years as the ULCC’s Criminal Section Secretary, Joanne Dompierre has stepped down from this role in February 2013. Her tireless dedication and hard work contributed appreciably to the success of the annual meetings in Halifax (2010), Winnipeg (2011) and Whitehorse (2012). The ULCC Executive Committee is grateful for Joanne’s contributions and wishes her well in her new endeavours.

Uniform Law Conference of Canada
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