

UNIFORM LAW CONFERENCE OF CANADA
CONFÉRENCE POUR L'HARMONISATION DES LOIS AU CANADA

COMMUNIQUÉ
Spring 2015



Report from
Luc Labonté, QC,
President

I looked on a calendar and noticed it is spring. I looked outside and saw mounds of snow. Welcome to the maritime reality this year. Hopefully the snow will be gone by June. I trust the rest of you in our great country actually have signs of spring.

I am pleased to update you on the work of the Executive Committee of the Uniform Law Conference of Canada (ULCC) in preparation for the Annual Meeting which will take place in Yellowknife, NWT from August 9 to 13, 2015.

Since the publication of our fall *Communiqué*, the Executive has met by conference call and another call will be held in April to review our ongoing work and preparations for the upcoming Annual Meeting. The Executive also communicates regularly on various issues and members provide helpful input on an ongoing basis.

The annual requests for financial contributions for the new fiscal year have been sent to the jurisdictions. In these times of fiscal restraint, it is especially important that we acknowledge the important role played by all jurisdictions in funding the ongoing operations of ULCC and supporting its work.

It is also important to remind all stakeholders that jurisdictions receive significant benefits in return for their investment in ULCC. As evidenced in the reports from our Civil and Criminal sections, we continue to address a broad range of issues that are vitally important to governments and we do so efficiently and

effectively and thus provide real value for the support we receive.

I thank each of the jurisdictions for their ongoing support and encourage them to continue their investment in the work of ULCC into the future by way of financial contributions. Of course, as important as are these contributions, we cannot lose sight of the importance in ensuring that jurisdictions understand the importance in having their Civil and Criminal section representatives to attend our Annual Meeting in Yellowknife.

The work of ULCC is at its best when all jurisdictions participate in the research projects and working groups and attend the annual meeting. ULCC is most fortunate to have the support of a dedicated group of jurisdictional representatives and I thank each and every one of you for your continued contributions to the Conference – there is a lot of heavy lifting done each year and it is much appreciated.

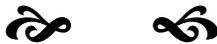
I am pleased to report that Kusham Sharma and Genevieve Harvey have done an excellent job of organizing the work of their sections. As you will see from their reports, we can expect an interesting and rewarding agenda in Yellowknife.

I also wish to acknowledge the valuable work of the Advisory Committee on Program Development and Management and the International Committee both under the leadership of Peter Lown, Q.C. Peter's report provides more detail on this ongoing work, however I wish to note that both he and our Project Coordinator, Clark Dalton, Q.C. continue to invest an extraordinary amount of time and energy on several projects and proposals. I thank them for their dedication and commitment. Peter has also continued to strengthen our relationship and joint work with our colleagues in the Uniform Law Commission of the United States.

As noted earlier, the members of the Executive have been very engaged and I wish to thank each of them as well as our Executive Director, Marie Bordeleau and our Project Coordinator Clark Dalton, Q.C. for their contributions and support. I strongly believe that they serve the interests of the Conference as a team.

Finally, I am advised that the preparations for this summer's Conference in Yellowknife are on track. The first ULCC I ever attended was in Yellowknife in 2002. That was a very memorable event and I look forward to returning. Thank you to the organizing committee, comprised of former Civil Section Chair Ian Rennie, Kelly McLaughlin, Janice Laycock, Ken Chutskoff, Jacques Roberge, Karen Lajoie, Sue Glowach, Mike Reddy and Roger Shepard.

I look forward to seeing all of you this summer in beautiful Yellowknife. I expect the East will once again defend its crown.



Report from
Kusham Sharma
Chair,
Criminal Section

Plans are well underway for this year's Annual Meeting in Yellowknife. Everyone is excited about coming together in the capital city of the Northwest Territories. I understand that our Meeting coincides with the ideal time to view the Northern Lights – just one of the many spectacular sights we will be lucky enough to enjoy this August.

Preparations for this year's Criminal Section are also in full swing. As I mentioned in the Fall Communiqué, we have two Working Groups this year. Both groups have held a number of meetings by teleconference and have done a considerable amount of work on their respective topics. The Working Group on Endorsement of Out-of-Province Warrants has discussed a number of issues including the scope of the work to be undertaken as well as legal and practical concerns associated with options for reform. The Group will be presenting its report to ULCC in 2016. The Working Group on developing a Legislative Framework for Litigating

Informer Privilege Issues that Arise in the Course of a Criminal Trial has prepared a background paper on the current state of the law and outlined a Status Report for the Criminal Section detailing the Working Group's findings, conclusions and/or recommendations. We look forward to discussing the insightful work of both these groups.

Jurisdictions are also busy preparing their resolutions, arguably the most important work of the Criminal Section as it ensures that the criminal law continues to evolve to keep step with the changing needs of its participants. Whatever the topic, the deliberations are always dynamic, educational and of the highest quality. We have tackled some difficult topics over the last few years, debating and determining the very core values that underlie our justice system. This year will be no different and I look forward to facilitating these important and interesting discussions.

The Criminal Section Steering Committee had its first teleconference in early February allowing us to discuss some procedural issues for this year's meeting. We are going to try a different approach by sending out resolutions and papers as we receive them rather than waiting until everything is ready before we send out a complete package. We hope this will allow jurisdictions to get a head start on their preparations for the August meeting. The Steering Committee also discussed how to keep the unique work of the ULCC at the forefront in these difficult fiscal times. We know that other important groups are always competing for valuable resources but we must remember the exceptional opportunity that ULCC provides. Our meeting allows diverse groups such as Crowns, defence counsel, justice officials, the judiciary and non-governmental organizations to come together to engage in essential debates on laws that shape the landscape of our country. This approach has repeatedly seen success given the impressive number of resolutions that have made their way into the *Criminal Code* in the past few years. We will continue to discuss the feasibility of recommended options at our next Steering Committee meeting in mid-April.

Our section's "Open Forum" started in 2011 as an opportunity to discuss issues of importance or interest to delegates. We have also used this platform to learn about initiatives or projects unique to the host jurisdiction. In this respect, Yellowknife provides the perfect opportunity to learn about innovative court initiatives that are responsive to the particular

challenges faced by this community. We look forward to this discussion contributing to an informative and exciting meeting this year.

I must also take this opportunity to remind everyone of the timelines for submissions. We ask that all resolutions be submitted to us in both official languages by April 30, 2015. Reports from the working groups must be received by June 1, 2015.

If you have any questions or concerns in the meantime, please don't hesitate to contact me at Kusham.Sharma@leg.gov.mb.ca or 1-(204) 945-0153, or our section's Secretary, Dorette Pollard at Dorette.Pollard@justice.gc.ca or 1-(613) 948-3478. I look forward to seeing you all in Yellowknife!



Report from
Genevieve Harvey
Chair,
Civil Section

I am pleased to provide an update on the work being conducted by the Civil Section. As we move closer to the Annual Meeting to be held in Yellowknife, we have a number of exciting multi-year projects underway.

Some of our projects are nearing the completion stage. Highlights of what we can expect to discuss at the Annual Meeting are a renewed *Uniform Interpretation Act*, a new *Uniform Commercial Tenancies Act*, and an approach to protecting against financial abuse of seniors through Powers of Attorney legislation.

We also can also expect lively and productive discussion of interim reports on a number of on-going projects. Highlights include the *Uniform Domestic Arbitration Act* project, the project on Access to Digital Information, and the project on renewal of the *Uniform Vital Statistics Act*. The input and direction of the Annual Meeting attendees will help to shape these projects as they move toward completion.

Although our focus is often on the Annual Meeting, it is worthwhile to note that the activities of the Civil Section run throughout the year. Jurisdictional

representatives participate in monthly teleconference meetings, which are valuable in keeping everyone up to date regarding on-going projects and developments relevant to the work of the Section.

As well, much of the "heavy-lifting" of the Civil Section is done by the Chairs of the various working groups and the working group members. These Chairs and working group members generously dedicate their time and talents to do the vast amount of research and analysis that our projects require. Their work is truly remarkable and we owe them much thanks.

Some of our other "heavy-lifters" are of course Executive Director Marie Bordeleau, Project Co-ordinator Clark Dalton, QC, and Peter Lown, QC, Chair of the International Committee and Chair of the Advisory Committee on Program Development and Management. Many thanks to Marie, Clark and Peter.



Report from
Peter Lown, QC
Chair, Int'l
Committee and
Chair, Advisory
Committee on
Program
Development &

Management

It is my pleasure to report on behalf of the Advisory Committee on Program Development and Management. Our monthly teleconference meetings have been well attended, full and productive. My thanks to all Committee members for playing the role envisaged for the Committee, that is, a knowledgeable group providing advice and direction to the medium and longer-term work of the Conference.

In late fall, our work was dominated by a comprehensive review of our project inventory – both projects underway and expected to be completed in the next 18 to 24 months; and, older project topics that had not been given priority status, as well as new topics and suggestions. This is not an easy process. It requires

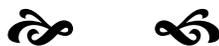
research and analysis, and several members provided background information or follow-up to allow the Committee to apply selection criteria in an informed and disciplined way. As a result, we have narrowed down the list of active or pending projects. A number of suggestions are on hold to provide for further input from interested groups. While not every suggestion is approved for further work, we encourage readers to make suggestions for topics that require harmonised treatment.

Several major projects are moving ahead: Elder Financial Abuse, assisted by a contract with Employment and Skills Development Canada; Domestic Arbitration under the guidance of Gerry Ghikas; Vital Statistics guided by Jim Emmerton; Access to Digital Assets, chaired by Donna Molzan; Interpretation Act chaired by Peter Pagano.

A joint planning meeting was held with the Executive of the Uniform Law Commission (U.S.) at the end of January. While we did not develop any formal joint projects, the level of planning and information sharing is significant and of benefit to both Conferences. Our cooperative work on Enforcement of Protective Orders, Asset Preservation Orders, Reviewable Transactions and Access to Digital Assets has been particularly important.

In addition to project selection and management, the Committee has spent some time over the last 2 1/2 years reviewing selection criteria, project description documents and working group processes. The structure developed through these reviews provides an important description and indicator of Conference work.

In the next few months, the Committee attention will turn to membership and leadership succession, all in the context of somewhat restrained resources. I continue to be both amazed and impressed by the volunteer value provided to the Conference. It is a hallmark of the Conference and the devotion of its delegates. It is my pleasure to serve as Chair of the Advisory Committee and of the International Committee.



Report from Ian Rennie, Chair of the 2015 Annual Meeting Organizing Committee

Go North Young Person...



R. v. Kaotak 1955 - Kaotak stands before the Judge (Allan Kaotak) - From the Sissons Collection

Planning for the 97th Annual Meeting of the Uniform Law Conference of Canada in Yellowknife, Northwest Territories, is underway. The Annual Meeting will be held at the Explorer Hotel, located in the downtown core of the City of Yellowknife. It will be held from Sunday, August 9 to Thursday, August 13, 2015. A block of rooms has been set aside for delegates at the Hotel at the government rate of \$159/night plus GST (there is no PST in the Northwest Territories). Please use booking code: **ULCC** to obtain the rate. This rate is fairly typical of Yellowknife and while there are other hotels, we have found that some are already booked up, suggesting that availability may be an issue. We encourage you to book early. You may book by phone at (867) 873-3531, by fax at (867) 873-2789 or by email at res2@explorerhotel.ca. The hotel website is at: <http://www.explorerhotel.ca/>.

Canadian North is offering a discount on airfare of 20% published fares at the time of booking for return travel on all Canadian North designated flights to Yellowknife. Please use convention code: **ULC15**. Canadian North's website is at: <http://www.canadiannorth.com/>. It flies direct from Edmonton. Air Canada, West Jet and Air North also fly to Yellowknife several times daily.

We anticipate most delegates will arrive on the Saturday, August 8. We are planning activities for the Saturday evening and the Sunday morning. The Welcome Reception will be held at the Explorer Hotel. On Monday, August 10, the first night of nautical twilight, there will be an opportunity to carry out an aurora watch from the grounds of the Legislative Assembly, led by me (all are welcome).



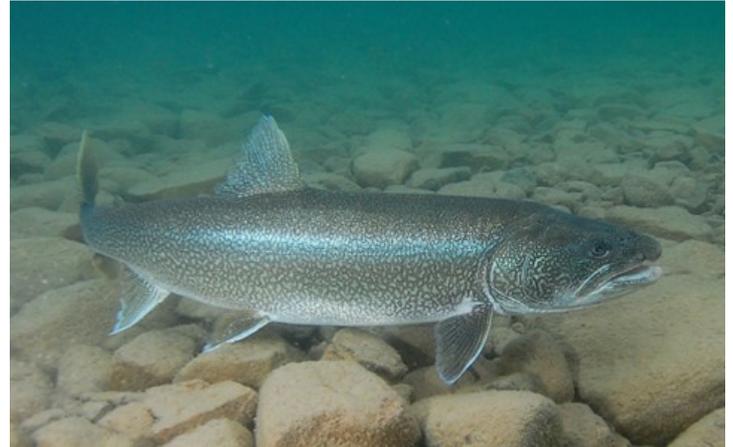
Aurora Yellowknife March 1, 2015 at 0035 MST (AuroraMax/Canadian Space Agency)

On Tuesday, August 11, national attention will be drawn to the *East v. West* ballgame, to be held in the afternoon at Fritz Thiel Baseball Field, only 5 minutes' walk from the Hotel. A BBQ at the Hotel will follow. The closing banquet will be held on Wednesday, August 12 at the Explorer with "surf and turf" northern-style: bison and char.

Speaking of bison, if you are driving up from Alberta or decide to take an excursion, ensure your vehicle is serviceable. Watch out for wood bison - they can jump in front of a moving car without warning and with unfortunate consequences. Keep in mind that the pace of life is a bit slower here than on Bay Street and wearing a sports jacket without a tie is considered rather formal. Cell phone service may be patchy outside of Yellowknife, and Rogers has no coverage in the Territory. We are below the tree line and there are trees. Polar bears do not exist in Yellowknife, unless they are stuffed or laid down as a rug. You will however be guaranteed to see at least one stuffed polar bear during your stay.

There is a great deal to do. Fishing in the lakes and rivers is phenomenal. One could sail on pristine Great Slave Lake, the deepest freshwater lake in North America. Buffalo Airways (of Ice Pilots fame) runs tours

of its hangar and aerial tours. For those who really want to get away from it all there are lodges and wilderness camps. You could extend your visit and check out Nahanni National Park or Wood Buffalo National Park, which straddles the border with Alberta. A bumper year of morel mushrooms is expected thanks to last year's widespread forest fires. See the waters of the largest river in Canada - the Mackenzie River (second in North America only to the Mississippi).



Lake Trout (<http://www.bentzenlab.ca/research-interests/lake-trout-ecotypes/>)

Within Yellowknife you can tour the Legislative Assembly and the famous collection of A.Y. Jackson paintings made in and around Yellowknife. At the Prince of Wales Northern Culture and Heritage Centre there are interesting displays of the culture of the Northwest Territories, the significance of the Mackenzie River and the Sissons Collection of aboriginal carvings (commissioned by Judge Sissons to commemorate court cases he heard on circuit). How about some rock-hounding for gold or diamonds? Be careful not to jump someone's staked claim. Organic 35 million year old wood? Care to kayak around the houseboats in Yellowknife Bay?

Summers are magical in the North and so will be your stay. Sit back and relax and take in all that Canada's rugged North has to offer. Savour the adventure. Bring your family. Enjoy our hospitality.

If you have any questions, please do not hesitate to contact me.

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