

COMMUNIQUÉ

Spring 2017



Report of ULCC President 2016 – 2017 Josh Hawkes, Q.C. – Alberta

It continues to be a great, and very busy, privilege to serve as the President of the ULCC this year. Although I have attempted to keep abreast of the work of the Criminal and Civil Sections, and the continuing work of the Advisory Committee on Program Management and Development as time permits, my primary focus has been on the continuing work on strategic review.

The Strategic Review initiative is intended to achieve two results. First, as endorsed by the ULCC in Fredericton in August 2016, work on identified priority areas of renewal. Second, put in place structures, and a culture that enables and fosters an ongoing focus on strategic renewal. I am very happy to report that with the amazing and dedicated work of the Executive, members of the Strategic Program Oversight Committee, and several subgroups, that sustained progress has been made on many fronts.

As reported in the Fall 2016 *Communiqué*, we have been able to refresh and formalize our relationship and reporting process for law reform and other initiatives to the Federal, Provincial and Territorial Ministers responsible for Justice and Public Safety. The continued support of this group, and their interest in our law reform work, is significant. We have also made significant progress on updating the Constitution and By-Laws of the ULCC. The dedicated work and consultations undertaken by the Constitution and By-Laws subgroup will produce updated and revised versions of these documents for initial consideration at the Annual Meeting in Regina this August. We will be dedicating significant time at our Opening and Closing Plenaries and throughout the meeting for deliberation and discussion of these important documents, and we will be well positioned to have versions of these documents ready for final formal approval at our 100th anniversary meeting in Québec City in 2018. I anticipate that we will also be able to discuss modernization of other key issues including the name of the organization together with a process to update our website and public communications efforts.

This is an exciting time for the ULCC. I believe that as a result of the continuing efforts of an amazing core of volunteers we will have accomplished both of these goals this year. With strategic renewal firmly established in the structure and processes of the organization, we look forward with confidence and anticipation to the Annual Meetings in Regina and Québec City, and to continuing at the forefront of law reform in Canada for the next 100 years.



Report of the 2016 – 2017 Criminal Section Chair Laura Pitcairn – Canada

Plans are well underway for this year's Annual Meeting in Regina and preparations for the Criminal Section meeting are as well. It appears we will have a very busy agenda this August with a number of joint projects in progress, including working groups on Charter costs awards and civil charter damages, Criminal Records Checks, and Complementary Provincial/Territorial Legislation.

Aside from these joint working groups, the Criminal Section has a working group on Telewarrants that has been meeting regularly by conference call. The Telewarrants working group has discussed a number of issues, including recent SCC authority on the subject, and has also received helpful comments about the current Telewarrant scheme as a result of questionnaires sent to the police and a few members of the judiciary. The working group anticipates that it will be providing a status report at this summer's meeting.

Jurisdictions are also busy preparing their resolutions, probably the most important work the Criminal Section does, as it ensures that the criminal law continues to progress in order to keep up with the ever-evolving world we live in. No matter the subject, the deliberations in the Criminal Section are always lively, informative and of the highest quality. We have tackled some very difficult topics over the last few years and this year is anticipated to be no different. I look forward to facilitating these important and thought-provoking discussions.

The Criminal Section Steering Committee had its first teleconference in late February and another in late March, and has commenced the work of planning the agenda for this year's Section meeting.

The Steering Committee also discussed plans for the inaugural Earl Fruchtman Memorial Seminar, to be held during the Criminal Section meetings this summer. In 2011, the Criminal Section created an "Open Forum" session within their Annual Meeting agenda to allow for a free flowing discussion on issues of concern or interest to participants, particularly the defense bar. This session evolved over the years into an exchanging of information and perspectives on a number of issues of concern to the Section, including issues of local interest in the jurisdictions where the Annual Meeting is being held. The Open Forum has now been renamed the Earl Fruchtman Memorial Seminar in order to commemorate the enormous contributions to the ULCC of a cherished colleague who is greatly missed by all.

Criminal Section delegates are reminded of the timelines for submissions for the upcoming Annual Meeting. We ask that all resolutions be submitted to us in both official languages ***by April 30, 2017***, and reports from working groups received ***by June 1, 2017***.

If you have any questions or concerns in the meantime, don't hesitate to contact me at laura.pitcairn@ppsc-sppc.gc.ca or 1-613-952-5035, 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 Regina!

Remembering Gregory Steele, Q.C.

It was with great sorrow that the Uniform Law Conference of Canada learned of the passing of Gregory Steele, Q.C. of Vancouver B.C. in January of 2017. Greg had long been associated with the ULCC and assumed many roles with our organization, including Chair of the Civil Section and ULCC President. Greg was a true gentleman and we all appreciated his deep insight, together with his typical candor, his collegial countenance and his sense of fairness.

He was a private member of the bar appointed to the B.C. delegation in 1994 and he continued, even up until his death, to contribute on a high level and with the respect and admiration of his colleagues. Greg had a place in his heart for the ULCC and was a strong advocate for what it stands for. The Uniform Law Conference of Canada has lost a dear friend but his legacy will live on.



Report of the 2016 – 2017 Civil Section Chair Sarah Dafoe – Alberta

The Civil Section Steering Committee has been meeting monthly since August to discuss the progress and expectations for our upcoming meeting in Regina this August. Since we last met in person in Fredericton, the *Uniform Arbitration Act* was adopted pursuant to the November 30th rule. This newest Uniform Act is a significant addition to the body of work of the Uniform Law Conference of Canada, and as we all know, is the result of a substantial amount of work by the working group over a number of years. My thanks go out to everyone who was involved in bringing this project to a successful finish.

In addition, the *Uniform Recognition of Substitute Decision-Making Documents Act*, the *Uniform Access to Digital Assets by Fiduciaries Act* and the *Uniform Wills Act* all received minor adjustments to reflect the directions of the Civil Section that had been provided last August. After review by the Jurisdictional Representatives, each of those Acts received final approval, bringing the number of new Uniform Acts approved in 2016 up to four. There may be a fifth Uniform Act passed before we next meet: the *Uniform Protection of Public Participation Act* is currently under review by Jurisdictional Representatives, pursuant to a variation of the November 30th rule that requires decision by April 30th. I hope to be able to report good news on this front at our meeting in Regina. The working groups for the *Uniform Commercial Tenancies Act* project and the *Uniform Vital Statistics Act* renewal continue to develop proposed policies and legislative provisions for consideration at our August meeting. I'm looking forward to the lively debate and engaged discussions that will doubtlessly ensue on these two significant projects.

Delegates may recall that at the meeting in Fredericton, the Civil Section agreed to undertake a project on electronic document rules. The project team, encompassing both a working group and an advisory group, is developing proposed harmonized electronic document rules for civil and administrative legal proceedings. We can expect to receive a progress report from the team in August.

In addition, the Civil Section's newest project is on the interjurisdictional enforcement of tax judgments. A working group has been established and includes tax specialists, practitioners and ULCC jurisdictional representatives. The hope is that ultimately the working group will develop amendments to the *Uniform Enforcement of Canadian Judgments Act* that will address issues related to the efficient and effective collection of tax debts as between Canadian provinces and territories.

Finally, I'm happy to report that the joint projects undertaken with our Criminal Section colleagues are also proceeding apace. In Regina, we can expect to receive an updated report on Complementary Provincial Legislation as well as a report on developments in case law addressing *Charter* costs awards and civil *Charter* damages. In addition, the working group established to develop uniform legislation related to Criminal Records Checks will provide a progress report at our 2017 Annual Meeting.

As is evident from this report, the work of the Civil Section continues throughout the year. I'd like to communicate my sincere thanks to Clark Dalton, QC, our Project Coordinator, and to the Jurisdictional Representatives for their valuable participation on our monthly conference calls. I'm truly impressed by the good-natured dedication and support provided by my colleagues across the country. Similarly, many thanks to the Chairs and members of the working groups for their generous donation of time, efforts and wisdom. Without their involvement, the Civil Section would be lost.

I look forward to seeing everyone this summer in Regina, to debate, discuss and learn more about our ongoing projects, and to celebrate the 99th Annual Meeting of the ULCC.



Remembering Claudette Racette

The ULCC was deeply saddened to learn of the recent passing of Claudette Racette on Friday March 31, 2017. As many of you will remember, Claudette was Executive Director of the ULCC 1992 to 2010.

Peter Lown, former ULCC President and current Chair of the Advisory Committee on Project Development and Management, shared these words about Claudette: "I first met Claudette in the mid 80's through the Canadian Law Information Council. I was a little taken aback by her directness and detailed organisation. Oh my, how first impressions can be deceiving - not that Claudette wasn't direct, organised and ready to give direction - we all experienced that at some time!! But there was so much more than first impressions – loyalty to the organisation she served, total dedication to the organisation and its people, and a devotion to doing the

best for all concerned. If you got hung up on the "protocol/rules Claudette" you missed the very best parts - the caring, thoughtful, concerned and perceptive Claudette who valued the contributions of others, held us to high standards but supported us along the way."

Uniform Law Conference of Canada

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Plan to Attend the 2017 ULCC Annual Meeting

The 99th Annual Meeting of the Uniform Law Conference of Canada will be held from August 13 -17, 2017 in Regina, Saskatchewan. The meeting will take place at the Hotel Saskatchewan.



A block of rooms has been reserved at the preferred rate of \$159/night until **July 27, 2017**. To make a reservation, go to **Book your group rate for Uniform Law Conference of Canada** or call the hotel at 1-844-324-1672 and advise the reservations agent that you are with the Uniform Law Conference of Canada. Please note that you must reserve before the July 27th deadline to ensure you get this special ULCC rate.

The Welcome Reception will be held Sunday August 13th at the Hotel Saskatchewan's Blue Room. The reception will begin at 5:00 p.m. to give delegates the opportunity to attend some events around the city. The Saskatchewan Roughriders are playing the BC Lions at 9:00 p.m. at the new Mosaic Stadium.

Our annual softball game will be held on Tuesday August 15th at the RCMP grounds, followed by the BBQ at the Officers' Mess. Delegates and guests not participating in the ballgame are welcome to attend to the RCMP Heritage Museum prior to the BBQ at a cost of \$10/pp, to be paid at the door. The closing banquet will be held at the historical Government House on Wednesday August 16th, where the restored former residence of the Lieutenant Governor and grounds will be open for delegates to explore.

For those who may be interested in extending their stay, the 46th annual Regina Folk Festival is taking place across the street from the hotel in Victoria Park from August 11th through 13th. The recently released line-up includes Tegan and Sara, Coeur du pirate, Natalie Macmaster and the legendary Buffy Sainte-Marie. The three-day festival includes an Arts Market, Food Court and Beer Garden with all day music on the secondary stages, and on Saturday morning is preceded by the Farmer's Market. More information is available at <http://reginafolkfestival.com/>.

For more information on the Annual Meeting, please contact the ULCC's Executive Director at marie.bordeleau@ulcc.ca.

We are looking forward to seeing you this summer in the Queen City!