

COMMUNIQUÉ

Spring 2018



Report of ULCC the 2017-2018 President Manon Dostie, Canada

What a busy year it has been! It is great privilege to serve as the President of the Uniform Law Conference of Canada in the year leading up to the 100th Annual Meeting. My focus this year has been on continuing the work on the ULCC's strategic review and completing the work in priority areas of renewal identified last year by the Executive Committee and the Strategic Plan Oversight Committee under the leadership of Past President Josh Hawkes QC. None of this would have been possible without the dedication and hard work of a record number of volunteers. Highlights include the following:

- The Constitution and Bylaws working group continues its work of modernizing those fundamental documents. They have worked closely with drafters from New Brunswick to produce updated and complete Constitution and Bylaws. Time will be set aside at the Opening and the Closing Plenaries as well as throughout the Annual Meeting for a final review and adoption of these documents.
- The Communications and Publications Committee continues to streamline the ULCC's communications and has been working closely with the Executive Director on a new website which promises ease of navigation, improved functionality, search functions and more! The new website will be officially launched at the Annual Meeting.
- The Budget and Finance Committee examined how the ULCC is financed and made adjustments to ensure relevancy and viability. The Committee is also implementing most of the changes proposed in the Bylaws to ensure consistent practice from year to year.
- The Roles working group is examining how best to redefine and structure core roles in the organization to ensure that the ULCC continues to be administered in an efficient and sustainable manner.

To continue a practice established in 2016 by Past President Elizabeth Strange, a mid-year conference call with all Jurisdictional Representatives was held in April to give an opportunity to examine the revised draft of the Constitution and By-laws.

Throughout the year, I have had the opportunity to see firsthand the behind-the-scenes work undertaken by the Criminal and Civil Sections through my participation on their respective Steering Committees and the Advisory Committee on Project Development and Management. The breadth of work of the ULCC and the diversity of those involved with the organization clearly highlighted the unique nature of the ULCC and the value it brings the federal, provincial and territorial governments.

In July, I will represent the ULCC at the Uniform Law Commission's (ULC) Annual Meeting in Louisville, Kentucky, where I will have the opportunity to showcase the ULCC's work and continue discussing projects of shared interest.

As most of you know, the ULCC will be celebrating its 100th meeting in the province in which the ULCC held its very first meeting in 1918. The 100th Anniversary Committee and Host Committee are planning memorable celebrations to highlight the Conference's history and achievements and launch our second century. Planning is still underway and delegates are reminded to collect and send ULCC photos and any historical material of interest to Kathryn Sabo at kathryn.sabo@justice.gc.ca as soon as possible. I look forward to seeing you in Québec City.



Report of the 2017–2018 Criminal Section Chair Samantha Hulme, British Columbia

Greetings from the Criminal Section Steering Committee! We are excited to be planning for the ULCC's 100th Anniversary Annual Meeting in Québec City! As always, we'll have a busy agenda for both the joint sessions with the Civil Section and for our Criminal Section sessions.

As many of you have heard, Dorette Pollard, our Criminal Section Secretary, was appointed to the National Parole Board in December 2017. While we were very happy for Dorette, the ULCC delegates who have had the pleasure of working with her over the past number of years will miss her very much.

In February, the Criminal Section Steering Committee was very pleased to accept the nomination of Jean-Francois Noël from the federal Department of Justice as the incoming Criminal Section Secretary. Mr. Noël has been with the Criminal Law Policy Section of DOJ for over 10 years and has been lead counsel on several legislative initiatives. His main responsibilities include the coordination of international activities and representing Canada before the United Nations Commission on Crime Prevention and Criminal Justice in Vienna. Previously, Mr. Noël worked for ten years at the International Bureau for Children's Rights (IBCR) in Montreal, including as Director General (2001-2007). A member of the *Barreau du Québec*, Mr. Noël holds a law degree (LL.B.) and a master's degree in law (LL.M.) from the University of Montreal as well as a B.A. in criminology from the University of Ottawa. Welcome Jean-Francois!



The Criminal Section Steering Committee has been meeting monthly since November to plan the agenda for this year's Section meeting, including discussing topics for the Earl Fruchtmann Memorial Seminar. We're looking forward to reports from working groups on joint projects with the Civil Section, such as Criminal Records Checks, Charter Costs/Civil damages and Complementary Provincial/Territorial Legislation, as well as Criminal Section working group reports on Telewarrants, Section 9 of the *Canada Evidence Act* and Witness Confrontation, and Section 490 of the *Criminal Code*. We can also report that Samantha is progressing with her French lessons as promised!

As the Call for Resolutions went out in February, jurisdictions are busy preparing their submissions. The debate on resolutions is critical to the work of the ULCC. This is a unique opportunity for front line practitioners from across the country to raise criminal law and administration of justice issues for debate with members of prosecution services, the defence bar, the judiciary and academics. Resolutions passed by the ULCC Criminal Section are carefully considered by the federal Department of Justice ("DOJ") criminal law policy officials, several of whom attend as delegates. As the federal Government is currently reviewing the criminal justice

system, ULCC provides a perfect opportunity to help inform these reforms with experienced perspectives. We are asking that all resolutions be submitted to the Secretary of the Criminal Section, if possible in both official languages, **by Friday May 11, 2018**. We are also requesting working group reports be submitted as soon as possible, no later than **by June 1, 2018**. These deadlines are to facilitate translation and distribution of materials to delegates well in advance of summer holidays. If you have any questions or concerns in the meantime, don't hesitate to contact me at Samantha.Hulme@gov.bc.ca or 1-250-356-0137 or our Section's Secretary, Jean-Francois Noel at Jean-Francois.Noel@justice.gc.ca or 1-613-952-8355. We look forward to seeing you all in Québec City in August!



Report of the 2017–2018 Civil Section Chair Maria Markatos, Saskatchewan

It is my pleasure to serve as Chair of the Civil Section for 2017-2018 and at the upcoming 100th Annual Meeting of the ULCC. This significant event gives us the opportunity to reflect on the Uniform Acts that have been presented and adopted over the last 100 years by previous delegates of the Civil Section and the contribution these Uniform Acts have made to the development of legislation across Canada. The projects being worked on this year will be no different.

I am happy to report that the Civil Section Steering Committee has been meeting monthly to discuss the progress of projects for presentation in Québec City. Since its presentation in Regina last August, the working group on the Uniform Commercial Tenancies Act has been meeting regularly. Through the commitment of many dedicated working group members, this project, which has been ongoing since 2011, is now nearing completion. I anticipate a draft Act with commentaries will be presented at our next meeting, and am looking forward to constructive debates and comments on the materials presented.

In Regina, delegates received a report on the inter-provincial/territorial collection of tax debts and a further update will be provided at our next meeting. We also received a report on Electronic Document Rules. Work is steady on this project and I understand substantial progress is being made. An updated report will be presented at the annual meeting that may include draft rules and commentaries for consideration.

Together with our colleagues from the Criminal Section, work continues on two joint projects: *Charter* Costs Awards and Civil *Charter* Damages against the Crown and Criminal Record Checks. The Criminal Record Check working group is in the process of completing this project for our next meeting where I am hopeful they will present a draft Uniform Act with commentaries for consideration by the two sections. We will also receive an update on any developments in case law respecting *Charter* costs and damages.

Delegates will recall that efforts continue to be made towards updating the complementary chart of provincial and territorial legislation. In Regina it was resolved that the Chart be recognized as a living document and be updated throughout the year, and diligent efforts continue to be made on this project. The Civil Section is also watching the development across the country of legislation respecting intimate images, e-wills, and franchises, which may develop into future projects for the ULCC.

As always, many thanks to our Project Coordinator, Clark Dalton, QC, who has been an incredible resource and sounding board. I also appreciate the time and effort of all the jurisdictional representatives who continue to participate in our monthly calls and offer their opinions and expertise, and to all the working group members who keep driving our many projects to completion. Summer cannot come soon enough. I am looking forward to the meetings in Québec City and celebrating the 100th Annual Meeting of the ULCC with its many delegates and friends.

In the News

Kusham Sharma Appointed to the Bench in Manitoba



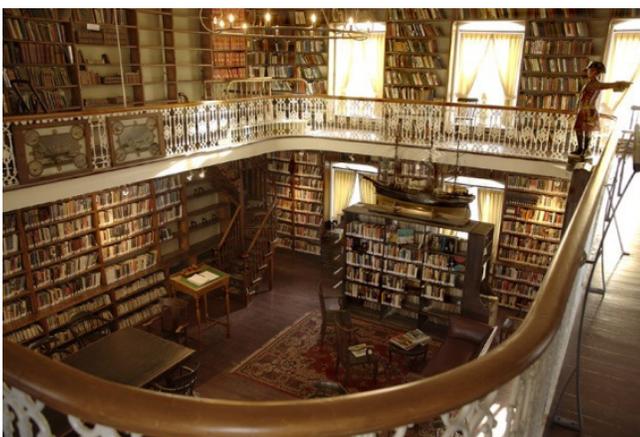
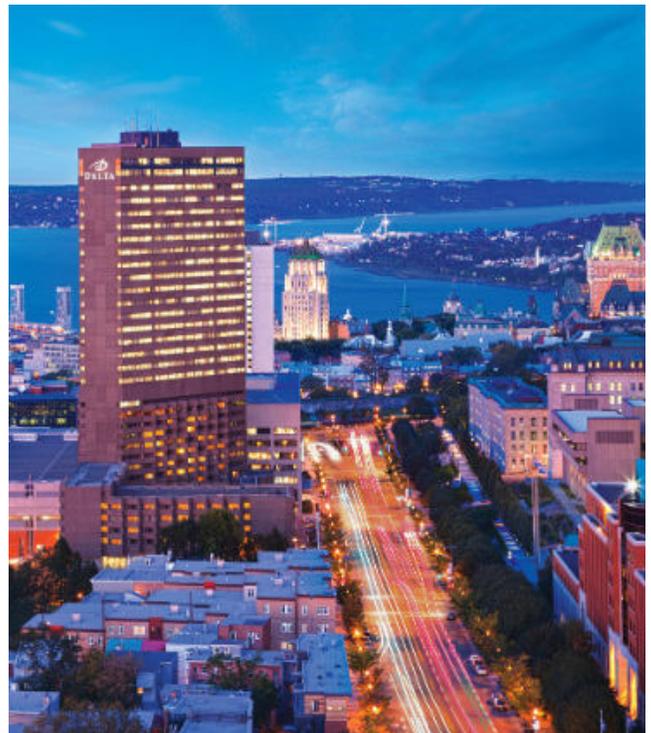
It is with pleasure and pride that we announce that Kusham Sharma has been appointed as provincial court judge in Manitoba. Kusham received her law degree from the University of Manitoba in 2002, then served as a Crown Attorney with the Manitoba Prosecution Service from 2003 to 2014. She later served as a senior advisor to the Deputy Minister of Justice and Deputy Attorney General of Manitoba, and then as the Executive Director of the innovation and restorative justice branch of Manitoba Justice. Kusham was a strong contributor to the ULCC and served as Chair of Criminal Section from August 2014 to August 2015. Congratulations Kusham!

Plan to Attend the 100th ULCC Annual Meeting

Dear colleagues,

It gives us great pleasure to invite you to the 100th Annual Assembly of the Uniform Law Conference of Canada, which will take place from Sunday, August 12, to Thursday, August 16, 2018, in Québec City, Québec. The Annual Meeting and all sessions will take place at the Delta Hotel on René Lévesque Boulevard East, close to Parliament Hill and the Grande Allée. The Delta Hotel has set aside a block of rooms for delegates and extended by one day before the Annual Meeting the special group rate of \$179 + tax, single or double occupancy. The deadline for the special rate is July 27, 2018. Reserve now, as the rate is subject to availability. When you make your reservation, please indicate that you will be attending the Annual Meeting of the Uniform Law Conference of Canada. To reserve, dial 1-888-884-7777 or 1-418-647-1717

Website: <http://www.marriott.com/hotels/hotel-photos/yqodr-delta-hotels-quebec>



The opening reception will be held on Sunday, August 12, at the Morrin Centre, an English-language cultural centre and historical interpretation site. The Centre is administered by the Literary and Historical Society of Québec (LHSQ), the oldest existing learned society Canada. Initially a prison, the building housed the first English-language higher education institution in Quebec. It is now home to a beautiful library, dating back to 1824.

The traditional softball game will be held on Tuesday, August 14, at CANAC stadium, home to the Capitales, a professional minor-league baseball team. It will celebrate its 80th anniversary in the summer of 2018. Its layout, atmosphere and history make the municipal stadium one of the most beautiful minor league baseball stadiums. The game will be followed by a barbecue beside third base at Terrasse Métro.



The closing banquet will take place on Wednesday, August 15, at the Le Parlementaire Restaurant. Located in the Parliament Building, across from the Delta, the restaurant offers a gourmet menu and Beaux-Arts décor. Reserved for parliamentarians from 1917 to 1968, it has been open to the public for over 40 years.

Don't hesitate to prolong your stay and bring your family. With its historic Old City, cultural events and nearby nature, Québec City has everything to please both young and old. The Loto-Québec Fireworks will take place on Saturday, August 11, and Thursday, August 16, 2018. Take the opportunity to see the new Place des canotiers and the Lassonde Pavilion at the Musée des Beaux-Arts.

To plan your trip and for additional tourism information:

<https://www.quebecregion.com/fr/>

<https://www.quebecregion.com/en/>

We look forward to celebrating our 100th anniversary with you!

Frédérique Sabourin

Uniform Law Conference of Canada

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