

COMMUNIQUÉ

Spring 2022

Report of ULCC President Laura Pitcairn, Canada



It has certainly been a crazy couple of years, but I am very excited to announce that we are planning an in-person annual meeting of the Uniform Law Conference of Canada (ULCC)! On a personal note, I have truly missed the opportunity to travel these past few years, and in particular I've missed seeing

my wonderful ULCC colleagues in person every summer. The being said, planning for the first in-person ULCC meeting held since 2019 has not been without its challenges, especially since we have had to do so in a much shorter timeframe than usual. I am so grateful that Alberta stepped up and offered to host us in August of 2022. I know the event will be terrific and I'm honoured to be serving as President for this meeting, particularly as Edmonton is a city I once called home!

Aside from the annual meeting planning, my focus this year has been on continuing the great work my predecessor John Lee, whose vision included creating two new committees during his term: the Diversity and Inclusion Committee (chaired by Matthew Hinshaw) and the Environment and Climate Crisis Committee. These two committees have helped ensure that the ULCC is a socially and environmentally conscious organization. Many of you will have taken the time to fill out the diversity survey earlier this year, which is an important piece in ensuring the ULCC continues to meet the needs of its diverse membership. On the environmental side, that committee continues to study how the ULCC can

contribute to sustainability and reduce its carbon footprint.

There are also a number of other committees that have been hard at work this year, including the Civil Section Policies and Procedures Committee, chaired by Valerie Simard, which has been drafting a comprehensive set of written rules and procedures to supplement the ULCC bylaws. As well, the newly constituted Communications Committee began its work this year (thank you to Tyler Nyvall for taking on the role of chair), and with the launching of the new website last year, that committee will be hard at work keeping the website up to date and working on streamlining the ULCC's communications. Finally, the Executive Committee recently created a Recognition Committee, established to find ways of recognizing the contributions of long-serving members of the ULCC. I encourage anyone interested in volunteering for any of these committees to contact me or the committee chairs. We need you all in order to keep this organization running smoothly!

Another critical function the ULCC is undertaking this year is to revive the ULCC's Roles Review Committee. This committee will undertake what is essentially a "governance" review of the ULCC, and in particular will be examining the duties and responsibilities of the two ULCC paid positions of Executive Director and Project Coordinator, as well as the extensive volunteer time provided to the ULCC by Peter Lown. It will examine 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.

Throughout the year, I have had the opportunity to see firsthand the inner workings of the ULCC, from chairing the Executive Committee and Budget and Finance Committee, to participating in other committees such as the Advisory Committee on Project Development and Management, the Planning Committee and the Roles Review Committee. I also recently had the opportunity to meet with Jurisdictional Representatives, some new to the role and some long-serving, at the mid-year conference call held at the end of March, to discuss the 2022-23 budget and other important issues. In July, I hope to represent the ULCC at the American Uniform Law Commission's Annual Meeting in Philadelphia, Pennsylvania, where I will have the opportunity to showcase the ULCC's work and continue discussing projects of shared interest. What I have noticed during my term as President is that the breadth of work of the ULCC and the diversity of those involved with the organization clearly highlight the unique nature of the ULCC and the value it brings to the federal, provincial and territorial governments. It is truly an honour and a privilege to take my turn leading this organization this year and I look forward to seeing you all in Edmonton!



Photo of Fort Edmonton Park (supplied / used with permission)

Don't miss the 2022 Annual Meeting !

The Government of Alberta's Host Committee is excited to welcome ULCC delegates to Edmonton for its 104th annual meeting, now confirmed to take place from August 15-19, 2022. That's right, the annual meeting will run from Monday to Friday this year, instead of Sunday until Thursday!

The meetings will be held at the Westin Hotel, in the heart of Edmonton's downtown and also tantalizingly close to our beautiful river valley. Edmonton's river valley is the largest urban park in Canada, and is more than twenty times the size of New York's Central Park. With more than 160 kilometers of pathways and an area of more than 7,284 hectares, the river valley is a great place to get into nature without leaving the city. You can explore on foot or rent a canoe, paddleboard, bicycle, e-bike, scooter or Segway, all while enjoying the long summer evenings and beautiful prairie sky that Edmonton offers.

For those who want a cultural experience, the International Fringe Festival is taking place from August 11-21, and the newly-renamed Edmonton Elks are taking on everyone's second-favourite CFL team, the Saskatchewan Rough Riders on August 14. Also, it's just been announced that the World Junior Hockey Tournament will be held in Edmonton from August 9th to the 20th.

There are plenty of good reasons to visit Alberta's capital city. Edmonton's culinary scene has exploded in the last decade, and many great restaurants, cafes, pubs and bars are within easy walking distance of the hotel. Also nearby is the new ICE sports and entertainment district around the hockey arena, the Royal Albert Museum and the Art Gallery of Alberta.

For those who are willing to travel a bit further afield, there is a fantastic new interactive Indigenous Peoples Experience (iyiniwak okiskêyitamowiniwaw) at Fort Edmonton Park. Do you want to see a steely-eyed bison up close? There are generally about 400 plains bison and 300 wood bison living in Elk Island National Park, only a 40-minute drive from downtown. Finally, no promotion of our fair city is complete without reminding you of the opportunity to visit the shops, amusement park, waterpark and ice palace found in West Edmonton Mall, still the largest shopping centre in North America – and Alberta has no provincial sales tax.

Specific booking details, including information about accessing the special ULCC discounted rate, will be sent to ULCC's jurisdictional representatives shortly. Please watch your inbox!



**2021-2022
Criminal Section
Chair Report
Kevin Westell,
BC**

It's with both excitement and optimism that I write to you in advance of our annual meeting this August in Edmonton. It's been two long years since we've had the opportunity to meet in-person with our fellow delegates and guests from all over Canada to debate resolutions and participate in the other important work that the ULCC has carried out for over a century.

Due to covid-19, it was impossible for the ULCC to meet in-person in either 2020 or 2021. Regardless, with grit, aplomb and a 'show must go on' attitude, the ULCC's leadership converted the meeting to a virtual format so the meetings could continue in the midst of a once-in-a-lifetime global pandemic. The Criminal Section has been fortunate to receive such able leadership from my two predecessors, Chloe Rousselle and Joanne Klineberg. I'd like to take this opportunity to acknowledge their tremendous hard work and commitment over the past two in guiding the Criminal Section under such challenging circumstances.

This year's Criminal Section Steering Committee has been meeting regularly since the fall. It has been both demanding and time-consuming to prepare for our upcoming meeting and I simply can't over-emphasize the extent of my gratitude toward my fellow committee members. The support and assistance I've received from these outstanding individuals has been indispensable and I want to take this opportunity to acknowledge the 2021/22 committee membership: Chloe Rousselle, Lisa Stead, Matthew Hinshaw, Anny Bernier and our faithful and tireless Secretary, Dorette Pollard. Without their tireless work, this year's conference would simply not be possible.

As always, the section can look forward to updates from our four outstanding working groups. This year, we will hear from the Working Group on Section 490 of the *Criminal Code* chaired by Manon Lapointe, the Working Group on Section 487 of the *Criminal Code* chaired by Normand Wong, the Working Group on Section 672.26 of the *Criminal Code* (Juries Determining Fitness of the Accused) chaired by Joanna Wells and Rebecca Law, and the Working Group on the Use of Technology in Criminal Matters chaired By Mark Knox.

The highlight of this year's event will undoubtedly be the resumption of in-person debate over the carefully crafted resolutions put forward by our thoughtful delegates and their constituencies. This remains the core activity of the Section. And while the resolution debate that was conducted virtually last year was a success, it simply did not stack up to the usual in-person format. We have always enjoyed a high rate of resolution approval aided by the many small side discussions that take place face-to-face at coffee breaks and social events. Those invaluable interactions can finally resume this year and I expect the debate and discourse to be enhanced.

It is truly my honour to serve as Chair of the Criminal Section this year. I look forward to continuing the important work and long-standing traditions of our Section in August.



2021-2022 Civil Section Chair Report

Valérie Simard, Canada

It has been a great privilege to serve as Chair of the Civil Section for 2020-2021 and again for 2021-2022. My position as Chair has helped me gain a more profound appreciation for the important work we do as an organization for the benefit of Canadians.

We would not be who we are without the many dedicated individuals who contribute countless hours to ULCC work. The past few years have been challenging in many ways and many have experienced increasing demands on their time to help address pressing issues related to the pandemic. This has not however stopped ULCC members from contributing to ULCC projects and for jurisdictions to implement uniform acts. I would like to thank members for their continued commitment to our organization. In particular, I would like to thank Peter Lown, Q.C., ACPDM Chair and ULCC volunteer extraordinaire and Clark Dalton, Q.C., our project coordinator and ULCC encyclopedia for their support and encouragement throughout the past year.

I am pleased to report that since December 2021, several uniform acts adopted by the ULCC were enacted by jurisdictions on both sides and in the center of our country. On the eastern side, Prince Edward Island enacted three acts:

- the *Class Proceedings Act* [not proclaimed] 2021 c.30 which implements the *Uniform Class Proceedings (amendment multi-jurisdictional actions) 2007*;
- the *Access to Digital Assets Act* [not proclaimed] 2021 c.27 which implements the *Uniform Access to Digital Assets by Fiduciaries Act (2016)*; and
- the *Missing Persons Act* [not proclaimed] 2021 c.13 which implements the *Uniform Missing Persons Act, 2014*.

In addition, for the East, New Brunswick's new *Intimate Images Unlawful Distribution Act* based on the *Uniform Non-consensual Disclosure of Intimate Images Act (2021)* received Royal Assent and came into force on April 1, 2022.

In the center, Saskatchewan also implemented the *Uniform Non-consensual Disclosure of Intimate Images Act (2021)* by enacting *The Privacy (Intimate Images – Additional Remedies) Amendment Act, 2021*. The Act will come into force on Royal Assent. On the western side, British Columbia implemented

the *Amendments to the Uniform Wills Act (2015) Regarding Electronic Wills (2021)* by amending its *Wills, Estates and Succession Act*. In addition, Bill 11, *Commercial Liens Act* received first reading in British Columbia on March 7, 2022. This act implements the *Uniform Liens Act, 2000*. Finally, Alberta introduced Bill 12, the *Trustee Act* on March 29, 2022. The *Trustee Act* is based on the *Uniform Trustee Act, 2012* as adapted by the Alberta Law Reform Institute.

The Civil Section Steering Committee has been meeting monthly since September to discuss the progress of ongoing projects, many of which will be presented to the Civil Section at our upcoming annual meeting in Edmonton. For our first in-person meeting since 2019, we can expect reports from several working groups.

The working group on Drafting Conventions lead by Professor John Mark Keyes has been meeting periodically over the past two years to review and modernise the Drafting Conventions that were adopted by the Conference in 1989. The Civil Section is looking forward to receiving the working group's progress report and learning more about the evolution of drafting practices over the last three decades.

The Civil Section will also receive a pre-implementation report for the *Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters*. Canada participated in the negotiations that lead to the adoption of this Convention by Hague Conference on Private International Law in 2019.

The working groups preparing uniform acts on the enforcement of Canadian judgments and decrees, charities and joint ventures will also be presenting progress reports to the Civil Section. Finally, the Civil Section will be receiving a report from the working group preparing the civil law version of the *Uniform Benevolent and Community Crowdfunding Act*.

After two years of meeting virtually, I am looking forward to dressing up in business clothing from head to toe and meeting delegates in person in Edmonton in August 2022!