

**ULCC | CHLC**

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

**ULCC Guide**

**ORIENTATION FOR NEW DELEGATES TO  
THE ULCC ANNUAL MEETING**

## Orientation for New Delegates to the ULCC Annual Meeting

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### ***What is the Uniform Law Conference of Canada?***

The Uniform Law Conference of Canada (ULCC) is an independent national organization that develops uniform and model acts, statements of legal principles and other products and recommends them to its constituent jurisdictions for their consideration. It also recommends changes to the *Criminal Code of Canada* and other related criminal law statutes and provides a forum to study and consult on evolving criminal law issues.

The ULCC's constitution sets out that it is bijural and bilingual in its work.<sup>1</sup>

### ***When and how was the ULCC formed?***

Originally, the desire to promote uniformity of legislation throughout Canada, and to do so in a manner consistent with the preservation of the basic systems of law in the country, was one of the reasons for the formation of the Canadian Bar Association. For various reasons, the Canadian Bar Association found it difficult to accommodate that role and Canadian provincial governments suggested a new body be created. The ULCC was formed in 1918 and the first meeting of the ULCC took place in Montréal on September 2 of that year.

In 1943, the Criminal Justice Section of the Canadian Bar Association pointed out that no body existed in Canada with the proper personnel to study and recommend amendments to the *Criminal Code* and relevant statutes. This discussion resulted in a resolution of the Canadian Bar Association that the ULCC enlarge the scope of its work to encompass this field. At the 1944 meeting of the ULCC this resolution was acted upon, and the ULCC's Criminal Section was constituted for this purpose.

### ***What are the objectives and mandate of the ULCC?***

The Constitution of the ULCC states that the ULCC has been constituted by the federal, provincial, and territorial governments of Canada to provide independent and informed analysis and recommendations for the harmonization and reform of laws in Canada. It does so by developing and recommending to the constituent jurisdictions uniform and model acts, statements of legal principles and other documents and by recommending reforms to the criminal law of Canada.<sup>2</sup> It should, however, be noted that from the very beginning in 1918, it has been a primary principle of the organization that participation at the ULCC did not bind any jurisdiction to accept any conclusions arrived at by the ULCC. Uniformity of legislation would depend upon the subsequent voluntary acceptance by the various legislatures of the recommendations of the ULCC.

The ULCC is unique amongst legal organizations in Canada in that it:

- addresses both the civil law and the criminal law, and provides a joint forum for matters pertaining to both;
- is devoted both to the harmonization and to the substantive modernization and reform of law;
- is bijural and bilingual in its work; and

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<sup>1</sup> *ULCC Constitution, 2018, Statement of Purpose.*

<sup>2</sup> *ULCC Constitution, Statement of Purpose.*

- brings together people from across the national legal community, including lawyers from the federal, provincial and territorial governments and prosecution services, law reform agencies, the private bar, the Canadian Bar Association, la Chambre des notaires du Québec, legal academia and the judiciary.

These distinctive characteristics give the ULCC a breadth of expertise that is unique and allow it to provide independent expert research, analysis and advice that would be otherwise unavailable to individual jurisdictions.<sup>3</sup>

Today, Canada and each of its provinces and territories are the constituent jurisdictions of the ULCC.<sup>4</sup>

***What are the benefits to the jurisdictions in Canada?***

The federal, provincial and territorial governments have recognized the importance to all Canadians of the dedicated, non-partisan and principled harmonization and improvement of the law carried out by the ULCC since its establishment in 1918.

Uniform legislation lowers the cost of doing business and makes the law more predictable within each jurisdiction by allowing for the development of a body of dependable judicial precedents.

As the criminal justice system in Canada is a matter of shared constitutional responsibility between the federal, provincial, and territorial governments, the ULCC provides an opportunity for delegates to identify legal and operational issues that might benefit from legislative reform.

***How does the ULCC decide on law reform projects?***

The ULCC receives proposals/resolutions from participant jurisdictions, the Canadian Bar Association, individual lawyers, academics or members of the public. Both the Criminal and Civil Sections have a Steering Committee that plays a lead role in deciding what proposed projects should be considered by a Section. The Sections are assisted in this task by the Advisory Committee on Program Development and Management (ACPDM). ACPDM identifies, evaluates and recommends projects to the ULCC and manages ULCC's medium and long-term projects.<sup>5</sup>

The ULCC Criminal Section receives resolutions from the jurisdictions. The Chair of the Section may also confer with past Chairs to determine which criminal law issues should be brought to the attention of the delegates at an Annual Meeting. The agenda is then set by the Chair of the Criminal Section and the Section's Secretary. Resolutions that have been considered by the Section within the past five years may not be submitted for reconsideration without leave of the Chair. Some resolutions may recommend that a working group study a criminal law question and report back to the ULCC Annual Meeting.

***What is the composition of the ULCC?***

The ULCC consists of two principal sections, the Civil Section and the Criminal Section. The sections share certain interests but also have specific and independent mandates. To recognize and accommodate this fact,

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<sup>3</sup> *ULCC Constitution, Statement of Purpose.*

<sup>4</sup> *ULCC By-laws, 2018, Section 1(2), <https://www.ulcc-chlc.ca/About-ULCC/By-Laws>.*

<sup>5</sup> *ULCC By-laws, 2018, Section 27(3).*

the ULCC has a governing structure comparable to that of a federation. The authority to deal with substantive and procedural matters that are unique to one Section is vested in that Section's executive.

### The Civil Section

The Civil Section is authorized to carry out the mandate of the ULCC in relation to matters of civil law. It is made up of representatives appointed by the constituent jurisdictions to participate in the activities of the Section.<sup>6</sup>

The Civil Section receives reports or proposals on potential projects falling within the Civil Section's mandate. Upon receiving such a report or proposal, the Civil Section may decide to form a working group to consider the law reform issues raised and the potential for creation of a uniform or model statute. Typically, a working group will report at least once to the Annual Meeting with its findings prior to presenting a proposed uniform statute.

The Chair of the Civil Section is selected by a Selection Committee and holds office for a one-year term. They are also eligible to be selected for a term of one further year.<sup>7</sup> The Chair is responsible for overseeing the activities and affairs of the Civil Section.

The Chair of the Civil Section is also the Chair of the Steering Committee for the Civil Section. This Committee consists of the Chair of the Committee, the incoming Chair of the Section, the immediate past Chair of the Section and one member from each jurisdiction to ensure full regional representation. The Steering Committee has broad powers, within the constraints of the [Constitution](#), the [By-laws](#) and the policies of the ULCC, to do anything it considers appropriate to carry out the mandate of the Civil Section. Some examples of those powers include:<sup>8</sup>

- providing support to the Chair in planning and setting the agenda for the annual meeting;
- liaising with the constituent jurisdictions and any relevant committees and organizations concerning the activities of the Section;
- establishing the committees and working groups that it considers appropriate with the power in the Chair to invite any person to serve on a working group;
- adopting rules of procedure and policies governing the activities of the Section subject to confirmation of the rules at an annual meeting;
- amending uniform acts, model acts, statements of legal principles or documents setting out legislative proposals if amendments are required to remove ambiguities or to correct technical errors;
- providing instruction to the jurisdictional representatives of the Civil Section;
- if for some reason the Chair is unable to complete their term, the members of the Steering Committee may designate one of their number to serve as Chair for the remainder of that term.

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<sup>6</sup> *ULCC By-laws*, 2018, Section 2.

<sup>7</sup> *ULCC By-laws*, 2018, Sections 3, 4, 5.

<sup>8</sup> *ULCC By-laws*, 2018, Sections 4(3), 5, 34(2).

## The Criminal Section

The Criminal Section carries out the mandate of the ULCC in relation to matters of criminal law. It is made up of persons appointed by the constituent jurisdictions, which may include prosecutors, government lawyers, members of the defense bar, legal academics and members of the judiciary<sup>9</sup>

The work of the Criminal Section proceeds primarily by way of criminal law reform proposals made by resolution. Resolutions typically call for specific amendments to the *Criminal Code* or other related criminal law statutes, and if adopted at the annual meeting, are ultimately directed to the federal Department of Justice for further consideration. Alternatively, resolutions may suggest that a working group be created with the goal of conducting a more thorough review of a particular law reform issue. Working groups typically report back to the Criminal Section within a two-to-three-year period following their formation.

The Chair of the Criminal Section is selected by a selection committee and holds office for a one-year term. They are also eligible to be selected for a term of one further year.<sup>10</sup> The Chair is responsible for overseeing the activities and affairs of the Criminal Section.

The Chair of the Criminal Section is also the Chair of the Steering Committee for the Criminal Section. This Committee consists of the Chair of the Committee, the incoming Chair of the Criminal Section, the immediate past Chair of the Criminal Section, at least two members of the Criminal Section and the Secretary of the Criminal Section.<sup>11</sup> The Steering Committee has broad powers, within the constraints of the Constitution, the By-laws and the policies of the ULCC, to do anything it considers appropriate to carry out the mandate of the Criminal Section. Some examples of those powers include:<sup>12</sup>

- providing support to the Chair of the Criminal Section in planning the annual meeting of the Criminal Section and assisting the Chair in setting the agenda for that meeting;
- establishing the committees that it considers appropriate;
- subject to subsection 34(2), adopting rules of procedure and policies governing the activities of the Criminal Section;
- providing instruction to the jurisdictional representatives of the Criminal Section;
- if, for any reason, the Chair of the Criminal Section is unable to complete their term of office, the members of the Steering Committee for the Criminal Section shall designate a member from amongst themselves to serve as Chair of the Criminal Section for the remainder of the unexpired term of office.

### ***What is the format of the Annual Meeting?***

The ULCC's annual meeting is normally held in mid to late August of each year, with the host jurisdiction changing from year to year. The annual meeting is also held in both official languages with on-site oral translation facilities for the plenary and the Section meetings. All documentation is provided in both official languages.

There may also be provisions for observing the annual meeting remotely.

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<sup>9</sup> *ULCC By-laws*, 2018, Section 8.

<sup>10</sup> *ULCC By-laws*, 2018, Sections 9, 10.

<sup>11</sup> *ULCC By-laws*, 2018, Section 11.

<sup>12</sup> *ULCC By-laws*, 2018, Sections 10(3), 11.

The annual meeting usually commences with an Opening Plenary Session, where the Executive Committee is introduced, followed by the introduction of all of the delegates for each in attendance. Foreign guests are usually also introduced at this time.

The host government also provides words of welcome. Then, a number of resolutions are presented mainly relating to financial business of the ULCC together with a confirmation of a nomination committee for the Executive officers.

The Criminal Section and the Civil Section then outline the business for the week. There is also a report from the Chair of the Advisory Committee on Program Development and Management (ACPD) and from the Chair of the International Committee.

The Sections then break-out to separate meeting rooms to commence their deliberations.

Over the years a number of social activities associated with the annual meeting have become normal practices. There is usually an opening reception with speakers sponsored by the host jurisdiction. One evening mid-week, it is the tradition to play an East-West softball game with a barbeque held directly after the game in the evening. A formal dinner is usually held near the end of the week.

#### Proceedings of the Civil Section at the Annual Meeting

At the annual meeting, Civil Section engages in the review and debate of proposed policies, uniform acts and commentaries.<sup>13</sup> The Civil Section may also discuss, debate and adopt rules of procedure and policies. Items which were adopted by the Civil Section Steering Committee throughout the year must be adopted at the next annual meeting or they will cease to have effect.<sup>14</sup>

#### Proceedings of the Criminal Section at the Annual Meeting

At the annual meeting, the Criminal Section considers a number of resolutions from delegates proposing specific criminal law reforms, as well as reports from Criminal Section working groups on a variety of current criminal law issues. As the Criminal Section includes criminal law experts with wide-ranging experience in the criminal justice system, and across all jurisdictions, the Section also provides delegates with the opportunity to proactively consult on other issues. The Criminal Section is also provided with a yearly update on criminal law reform at the federal level. Finally, the Criminal Section works together with the Civil Section to study legal issues which involve both civil and criminal law.<sup>15</sup>

#### Proceedings of Joint Sessions of the Civil Section and the Criminal Section at the Annual Meeting

The Civil and Criminal Sections may work together on joint projects of mixed civil and criminal law.<sup>16</sup> Joint working groups may be co-chaired by an individual from each section, or by a single individual, and working

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<sup>13</sup> *Policy on the Distribution of Materials to the Civil Section for its Annual Meeting*, <http://www.ulcc-chlc.ca/ULCC/media/Civil-Section-documents/Policy-on-the-Distribution-of-Materials-to-the-Civil-Section-for-its-Annual-Meeting-Adopted-2023.pdf>

<sup>14</sup> *ULCC By-laws*, 2018, Section 34.

<sup>15</sup> "Criminal Section, Overview", ULCC Website, <https://www.ulcc-chlc.ca/Criminal-Section/Overview>

<sup>16</sup> *ULCC By-laws*, 2018, Section 14.

groups are made up of both Civil and Criminal representatives. Joint projects are presented to delegates at the Annual Meeting in a joint session, adopted by the ULCC and recommended to the jurisdictions for enactment in the same manner as Civil Section projects.

### ***Who can attend the Annual Meeting?***

To be eligible to attend a meeting of the ULCC or a Section, a person must be:<sup>17</sup>

- a jurisdictional representative or a delegate to the ULCC who has been appointed by a constituent jurisdiction. Each jurisdiction may appoint as many delegates as it wishes;
- a member of a working group attending the meeting in connection with the presentation of a report being made by that working group for that group's presentation only;
- a presenter, who may only attend during the presentation of the working group's report and during the discussions related to the report;
- a past President;
- the immediate past Vice-President;
- the immediate past Chairs of the Civil Section and Criminal Section;
- an international guest attending at the President's invitation;
- the President, Vice-President, ULCC staff persons and Chairs of ULCC committees; and
- a person invited to be an observer at the invitation of or with the approval of the Chair of a Section.

### ***Who can vote at the Annual Meeting?***

To be eligible to vote at an annual meeting, a person must be a delegate, a member of the Executive Committee, or a past President.

For many matters, a majority vote by show of hands for or against a resolution determines if it is carried or defeated. Abstentions through show of hands are also recorded. The Criminal Section has additional rules of procedure for voting, found in section 5 of the [Rules of Procedure of the Criminal Section](#).<sup>18</sup>

On occasion, there may be a need for a "jurisdictional vote".

- The Chair will decide when it is appropriate to hold a jurisdictional vote, but any jurisdiction may require as a matter of right that a jurisdictional vote be taken.
- A jurisdictional vote may be called for whether or not the motion has already been voted on.
- The representatives of each jurisdiction must designate one of their number to be the jurisdiction's spokesperson for the purpose of voting. The spokesperson for a jurisdiction may be a different representative for different votes.
- Each jurisdiction has three votes. The spokesperson for each jurisdiction must declare the allocation of its three votes as for or against the motion or as an abstention.
- The three votes may be apportioned as any combination of these. (The possible combinations are: 3 for; 2 for, 1 against; 2 for, 1 abstention; 1 for, 1 against, 1 abstention; 3 against; 2 against, 1 for; 2 against, 1 abstention; 1 against, 2 abstentions; 3 abstentions.)

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<sup>17</sup> ULCC By-laws, 2018, Section 29.

<sup>18</sup> Criminal Section Rules of Procedure – August 2022, Section 5, <https://www.ulcc-chlc.ca/Criminal-Section/Rules-of-Procedure>

- The jurisdiction casts the three votes regardless of the number of its representatives attending the meeting, that is, whether more or fewer than three.
- If none of the representatives of a jurisdiction are present at the time a vote-by-jurisdiction is taken or if the spokesperson for a jurisdiction declines to declare all or any of his jurisdiction's votes, the votes of that jurisdiction not so cast shall be counted as abstentions.
- The result of any vote shall be determined by a majority of the votes cast.<sup>19</sup>
- The proceedings will show only whether a motion was carried or defeated, without showing the number of jurisdictions voting for or against any motion or any breakdown of voting by jurisdictions.

A jurisdictional vote is required for the adoption or amendment of by-laws, rules of procedure or policies.

***Where can I find more information about the ULCC?***

The [ULCC website](#) is an excellent resource for learning more about the organization, its history and how it currently operates.

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<sup>19</sup> *ULCC By-laws*, 2018, Sections 32(2), 32(4), 33.