

## CLOSING PLENARY SESSION

August 17, 2000

### MINUTES

#### Opening of Meeting

The Chair, Jeff Schnoor, welcomed everyone to the closing plenary and commented that this had been a good week.

#### Report from the Criminal Section

The Chair, Lee Kirkpatrick, reported that the Section had discussed 54 Resolutions. In addition the Section dealt with several reports. They were pleased to have the assistance of Catherine Kane, who is the moving force behind the Criminal Section and provides all the support with respect to the debates and Resolutions. They were also pleased to have the participation of both Crown and defence, judges and academics in the course of the discussions.

She was pleased to announce that Glen Abbott of New Brunswick had been unanimously chosen to chair the Criminal Section for next year.

The Criminal Section Minutes appear on pages 81 to 109 of these Proceedings.

#### Report of the Civil Section

The Chair, Arthur Close was pleased to report that the Civil Section met in eight sessions spread over five days. During that time the Section considered 17 separate agenda items. Three of these items resulted in the adoption of uniform or model legislation. In particular, a model *Limited Liability Partnership Act* was adopted in final form. In addition, amending legislation was adopted in relation to two existing Uniform Acts. Those are the *Uniform Wills Act* and the *Uniform Liens Act*, and in both cases the amendment legislation was subject to the November 30<sup>th</sup> Rule.

Work in relation to the Commercial Law Strategy continues to move forward, both in the general sense of the overall project and in relation to particular topics. The Strategy continues to gain momentum through the active participation of the newly appointed National Coordinator, and just to give one example, a Press Release issued during the course of our proceedings resulted in two expressions of interest from the media. Press coverage is not the norm for the kinds of things we do.

A number of agenda items were reports that were presented for informational purposes. Arising out of one of these, substantial progress has been made in relation to the adoption of the *Uniform Electronic Commerce Act*, which the Civil Section promulgated only last year. A large number of provinces and territories have moved, or are in the process of moving toward the adoption of this Uniform Act. It is very nice to see such a swift reaction to the Section's work.

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Three new projects were considered for the coming years. Work will be starting towards the possible development of *Uniform Pension Benefits Standards Legislation*. The Conference has been approached by both The Canadian Association of Pension Supervisory Authorities and the Canadian Association of Pension Management to look into this. The Section was visited by Ms Sherallyn Miller, Chair of the CAPSA Committee that is working toward the development of a statement of a set of principles for uniform legislation. The Civil Section Steering Committee will be involved in working toward more detailed terms of reference for that project.

The second new project concerns the preparation of uniform implementing legislation to two international law conventions concerning the protection of adults and children. The final new item responds to concerns that the ULCC *Uniform Wills Act* should consider addressing issues that arise when a testator's wishes are recorded in whole or in part in what we might call the new media, either some sort of computer storage or information storage device, or perhaps on video tape. One jurisdiction has indicated a willingness to assist in the carriage of this project if appropriate terms of references can be developed.

The Steering Committee has been asked to work with this jurisdiction in developing an appropriate set of terms of reference, with the possibility of bringing materials before the Conference in 2001.

The Section's Committee nominated Susan Amrud as the new Chair of the Civil Section.

The Chair thanked the two section chairs, stating that the work of the Conference takes place substantially in the Sections. He commented that it is hard work to be a Section Chair and he wanted to express the Conference's gratitude to Lee Kirkpatrick for the work that she has done over the past year and, in the case of Arthur Close, over the past two years.

He then expressed the Conference's thanks to Catherine Kane, Secretary to the Criminal Section, who does an incredible amount of work for that Section over the course of the year.

The Civil Section Minutes appear on pages 42 to 96 of these Proceedings.

### **Report from the Resolutions Committee**

The Resolutions Committee consisting of Frédérique Sabourin, Chris Curran and Tim Rattenbury, were pleased to present the following Resolutions:

RESOLVED that the Conference express its appreciation by way of a letter from the Executive Director to:

## UNIFORM LAW CONFERENCE OF CANADA

The Ministry of the Attorney General, Government of British Columbia, for hosting the 82<sup>nd</sup> meeting of the Conference, during which we enjoyed fruitful and stimulating intellectual discussions and lively camaraderie and conviviality.

Ruth Rogers, Russell Getz and Ritva Saarikko, the Organizing Committee, with special thanks to Ritva Saarikko who performed the additional role of coordinator of the Conference on behalf of the B.C. government.

Express special thanks to Ritva Saarikko and Janet Lennox who assumed the responsibility of the secretariat along with Claudette Racette, our Executive Director.

Le gouvernement du Canada pour la traduction des documents de la section pénale.

Les différentes directions en charge de la législation au gouvernements du Canada, du Québec, de la Colombie-Britannique, du Nunavut, de la Saskatchewan, du Manitoba, et du Nouveau Brunswick pour la traduction des document de la section civile.

The Jurisdictional Representatives for the crucial role that they play in supporting the Conference throughout the year.

All those who prepared papers for the consideration of delegates and those who presented papers to the Civil Section.

All those who prepared resolutions and discussion papers for the Criminal Section.

Jeff Schnoor, our outgoing President for all his efforts on behalf of the Conference, both on substantive matters and in the promotion of the Conference and its products in the jurisdictions.

Nous souhaitons particulièrement remercier les interprètes : pour la section civile, Ron Dandenault, Jack Guthrie et Patrice Schmitt, pour la section pénale, Brenda Bullock, Jacqueline Golay et Salma Teijpar-Dang.

Special thanks to the technical personnel who contributed greatly to the efficient operation of the Conference: Kevin Terry for the Civil Section and Scott Nelson for the Criminal Section.

Special thanks to the umpire, Spencer Manning.

Special thanks to the Law Society of British Columbia for the reception on Sunday night.

Also special thanks to the Cowichan Native Centre for their hospitality and entertainment.

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Enfin, nous tenons à témoigner une grande appréciation pour le travail effectué au cours de l'année par Mme Claudette Racette, notre Directrice administrative qui participait pour la huitième fois à notre réunion annuelle.

### **Report from the Nominating Committee**

The immediate Past President, Paul Monty stated that: " A titre de président sortant, j'ai eu le plaisir de présider le comité des nominations, qui était composé des présidents sortants présents, c'est à dire Peter Lown, John Gregory, Richard Mosley, Doug Moen, et en plus, que s'est adjoint la présence du président actuel, Jeff Schnoor. Le comité des nominations a le plaisir de vous recommander la nomination, à titre de vice-président pour la prochaine année, de Arthur Close, président sortant de la section civile.

Le comité a également le plaisir de vous présenter, en simple formalité, mais il faut le faire, l'actuel vice-président en tant que président de la Conférence pour la prochaine année, Earl Fruchman."

The Chair took the liberty of declaring nominations for the two positions closed and congratulated both Arthur Close and Earl Fruchman.

Before passing the gavel to the new President, the Chair wanted to express a few words of thanks. He stated that most of what he would like to say is in the Resolutions Committee report. However, he wanted to give special thanks to the local Organizing Committee for an outstanding week and thanks also to the people who worked in the secretariat, the interpreters and the technical people.

He then went on to say: "Paul, je ne possède pas le vocabulaire nécessaire pour vous remercier, so I am not going to try in French because to really give you the depth of thanks that I owe you, I have to do this in English. You have been a great support to me. You truly have led and helped me by your example, by your care and commitment to the Conference. You have been a wise friend and I hope that you will continue to be coming for many years to come and continue to share your wisdom with the Conference. Thank you very much.

Paul and I are now members of a select group. I think that it was Lee who commented that there seems to be a little club of Past Presidents that have almost have a secret handshake, and I guess that there is some truth to that. Once you have gone through a year of working for the Conference, it changes you in some ways, mostly positive, and I am happy to be in that group. I would like to thank the past presidents, many of whom I consulted with over the past year, especially Doug Moen, who was a real support to me over the course of the year.