

CLOSING PLENARY SESSION

MINUTES

Opening of Meeting

The Chair, Arthur Close, called the meeting to order.

Report from the Criminal Section

The Chair, Rob Finlayson reported that the Criminal Section dealt with 35 Resolutions relating to a variety of amendments and changes aimed at improving the criminal law in Canada. A few Resolutions in particular led to very lengthy and valuable discussions, which saw the Criminal Section, agree on the following:

- That we require a more principled and consistent approach in the manner in which the Criminal Justice System deals with and affords protection to witnesses. For example, complainants such as children.
- The Section also agreed that it needed to examine the whole area of *Sentencing*, particularly as it relates to when sentences of imprisonment commence, so that there is a consistent approach to dealing with the issue of pre-trial detention or dead time as it is commonly referred to. On this issue, the Section is hopeful to have a background and options paper prepared for next year's conference.
- The Section also had time to discuss a paper on *Interlocutory and Third Party Appeals*. This is an area, which the Federal Department of Justice will be doing more work over the next period of time.
- The new Chair of the Criminal Section is Daniel Grégoire from Québec.

He then thanked the Government of the Northwest Territories for the facility that the Criminal Section had for the debate of its Resolutions. It was an absolutely phenomenal location and certainly assisted in the quality of discussions, which the Section enjoyed this year. He thanked the interpreters for providing their usual excellent translation, Catherine Kane, Secretary to the Criminal Section for her invaluable assistance, and all of the Commissioners in the Criminal Section for their very timely and thoughtful interventions.

Report from the Civil Section

The Chair, Susan Amrud, reported that the Civil Section worked its way through all of its Agenda. The Section received a report on the progress of the *Commercial Law Strategy*, updates respecting progress on the finalization of three Uniform Acts: *The Unclaimed Intangible Property Act*, *The Securities Transfer Act* and *Amendments to the Uniform Wills Act*.

Progress reports were received respecting several projects: *Security Interests in Intellectual Property, Jurisdiction and Consumer Protection in Electronic Commerce; Reform of Canadian Secured Transactions Law*, including *Bank Act Security, Civil Enforcement of Judgments, Amendments to the Uniform Vital Statistics Act*, proposals for reform of *Section 347 of the Criminal Code* and *Uniform Franchises Act*. The Section also discussed an amendment to the *Uniform Arbitration Act*. Significant progress was made on a number of these projects over the past year and the Section expects to see Uniform Acts on four of them next year.

An annual report was received on *Private International Law* from Justice Canada, and on the work of the National Conference of Commissioners on Uniform State Laws from their President, King Burnett.

In joint session with the Criminal Section, the Section discussed the *Extrajurisdictional Authority of Provincially Appointed Police Officers* and *Bill C17, the Blood Samples Act*. Since the Resolution on Bill C17 was not finalized during the joint session, delegates now had a new resolution before them which she would ask them to approve at the conclusion of her remarks.

The Section finished its discussion with a very interesting paper and discussion respecting *The Role of the Uniform Law Conference in relation to Aboriginal Laws*.

The Nominating Committee has chosen Frédérique Sabourin from Québec, as successor to Chris Curran, the new Chair of the Civil Section.

Delegates were then referred to the Resolution on the *Blood Samples Act*. **MOVED** by Susan Amrud, seconded by Earl Fruchtmann **THAT** the Resolution as presented be adopted. Catherine Kane requested an amendment to Section 2A to include the word “provincial” before the words “legislation should be developed” since the Resolution is meant to talk about uniform legislation in the provinces. In the French version the words “pour les provinces” would be added after the word “l’opportunité”. The motion, as amended was carried.

The Chair expressed her gratitude for the support she received from all of the members of the Civil Section over the past two years and to the presenters of the papers, and to the translators of the papers, which was a major undertaking. She wished Chris Curran good luck in his year as Chair.

The President complimented the Chairs of both sections on what had obviously been a most productive week, stating that the work that was carried out certainly reflects well on the Conference.

Report from the Nominating Committee

Earl Fruchtmann presented the report on behalf of the Nominating Committee. Glen Abbott from New Brunswick was nominated to be President, and Gregory Steele from British Columbia, to be Vice President. Both positions were filled by acclamation.

Since this was Earl Fruchtmann's final act as a member of the Executive Committee, the President, thanked him on behalf of the Conference for the contribution that he has made over his four year term on the Executive.

Comments from the President

Before turning the meeting over to the new President, Arthur Close wanted to express his gratitude to a number of individuals:

- Claudette Racette, our Executive Director, who knows what has to be done, when it has to be done and how to do it. Claudette really is the glue that holds the Conference together.
- Glen Abbott, Q.C. for the support and advice that he provided during the past year as Vice President. It was always a great source of comfort to know that Glen was there to lean on when help and advice were needed.
- The two Section Chairs, Rob Finlayson and Susan Amrud, Q.C., with a special word about Susan's contribution. Everyone should know that the position of Chair of the Civil Section has to be the single most demanding position in our organization. Susan has carried on in that role for two years. The fact that it is so demanding is why the Conference has gone to a one year term for the future. He thanked Susan for the two years she has served as Chair of the Civil Section. It is important to remember as well that Susan played a less visible, but extremely important role in assisting Doug Moen during his term as President as well. Her report as Section Chair was her last official act as a member of the Executive. Susan has given long and faithful service to the Section and we owe her an important vote of thanks.
- The three people who have been key to the Commercial Law Strategy over the past year: Ken Morlock, the Past Chair of the Steering Committee, Jennifer Babe who has succeeded him in that position and H  l  ne Yaremko-Jarvis, National Coordinator for the Strategy.
- The individual delegates around the table, and those who are not here, who take the time off their busy schedule to attend the conference. That includes in particular, the Jurisdictional Representatives who play a very special role and also the large numbers of people, who although they are not delegates, make a very large and significant contribution to our work. These are people like the members of our working groups and various steering committees.
- All the people who have assisted in putting together the Yellowknife conference who are locally based: The local organizing committee, Margo Nightingale, Rebecca Veinott, Dawn McInnis, Mark Aitken. The two people who assisted in our secretariat, Meghan Stewart and Alastair Gamble, our Guest Speaker at the banquet, The Honourable Mr. Justice Vertes, and a number of other people, Benoit Brouillard,

Shirley Kemeys-Jones, Reg Tolton, the Dettah Drummers who gave us a rousing introduction at the Opening Plenary, Bev Cameron, Janice Laycock, Glen Ruthland, Ilona Legler, Candace Boylan, Don Smith, Glen Horncastle, Rasi Nashalik, Brett McDonald, Charlotte Digness, The Young Turks: Martin Goldney; Darren Proctor; Brad Patzer and Gary McDougall, Brian Thagard, John Anderson, the individual at the Legislative Building who was central to assisting us in getting the space where the Criminal Section met. A very special thanks to him and his staff. David Hamilton and Adrean Tount; local suppliers and their staff - the Explorer Hotel, Our Place Restaurant, the Canadian Forces Northern Area Headquarters and Yellowknife Cabs.

- Our presenters: Lyman Robinson, Norman Siebrasse, John Sotos, Eric Spink, Mary Anne Waldron and Frank Zaid.
- Our translators, Dorothy Charbonneau, H el ene R egimbald, Liliane Ferragut, Karen Weiss, Claire Caldwell and Karine Rossbach; our technician, Jeff Ray, with a very special thanks to him for putting together the telephone link with Professor Waldron in Victoria on very short notice and which worked extremely well.
- The Canadian Bar Association and the Law Society of the Northwest Territories for co-hosting the welcoming reception and the Northwest Territories Government for hosting the banquet dinner and other hospitality events

Commenting that this was his 24th year with the Uniform Law Conference, he gave special thanks to all of his friends, past and present, who have been attached to the Conference over the years and who made his time as rewarding as it has been.

He then passed the gavel to the new President.

Word from the New President

Glen Abbott stated that it is very much an honour to take over as President and that he looked forward to the next year. He wanted to take a few minutes to thank Arthur Close, stating that last year as Vice President was an interesting process for him. He was able to watch Arthur deal with the issues that the Conference presented. He commented that every year the President has to deal with separate issues, but last year there were special matters with which Arthur had to deal. He complimented the Past President on his dedication and devotion to the Conference over 24 years, his analytical ability and the solid decisions he made during the course of last year. Touching on a few important items that Arthur dealt with last year, he mentioned the significant developments to the ULCC Website. As well, Arthur was able to finalize with the Federal Government the contribution agreement for the Strategy. He asked the delegates to join him in thanking Arthur Close.

He thanked the outgoing members of the Executive that he worked with last year and hoped that Rob Finlayson, Susan Amrud and Earl Fruchtmann will join the Executive again at a future date in other capacities. He thanked the Northwest Territories and the Organizing Committee for a great time in Yellowknife. He believes that New Brunswick will have its hands full to compete with the very fine time that we had here this week.

Report from the Host Jurisdiction for the 2003 Conference

Tim Rattenbury was pleased to welcome everyone to New Brunswick next year for the 85th Annual Conference. This will be the first time that the Conference will meet in Fredericton.

The Conference will take place at the Beaverbrook Hotel, which is very conveniently located in the centre of Fredericton. A very reasonable room rate, plus a special deal for families have been negotiated.

The Ministry has retained the services of Sandra Reed to help with the administrative and organizational aspects of the Conference. The Planning Committee consists of Tim Rattenbury, Glen Abbott, Sandra Reed and Elizabeth Strange.

Delegates were encouraged to come one, come all, come early, and they will try to live up to the excellent standard set this year by the Northwest Territories.

Location of the Annual Conference in 2004

Susan Amrud stated that Saskatchewan is looking forward to welcoming everyone in 2004. The Planning Committee has been struck and she plans to get the Committee together in early Fall to get the planning process underway. No firm decisions have been made at this time, but they are thinking that the conference will likely take place in Regina. She will keep the President advised of progress during the year.

Adjournment

The President commented that he was pleased to have the new Executive Committee of Arthur Close as the Immediate Past President, Chris Curran as Chair of the Civil Section, Daniel Grégoire as Chair of the Criminal Section and Gregory Steele as Vice President. He stated that the first meeting of the new Executive would take place immediately following the Closing Plenary.

There being no further business, the meeting was adjourned.