

**Uniform Law Conference of Canada
Minutes of the Closing Plenary Session
Held in Halifax, NS
On Thursday August 26, 2010 at 11:30am**

Opening Remarks

The meeting was called to order at 11:30 am with President Russell Getz as Chair and Marie Bordeleau as Secretary.

Report from the Criminal Section

Criminal Section Chair Luc Labonté reported that 29 resolutions were passed in the Criminal Section. A Nova Scotia resolution on *The Recovery of Relevant Accounting Costs as Part of Restitution in Cases involving Fraud* led to the Section striking a working group with the possible participation of the Civil Section to address these issues and with a view to drawing up a Uniform Act. The Chair reported that Josh Hawkes was selected as the 2010-2011 Chair. Luc Labonté also noted that the Nominating Committee plans on putting Anouk Desaulniers' name forward for 2012. The Chair expressed regret that Daniel Grégoire is no longer attending the Conference and said he hopes the Executive will find a way to honour him at next year's baseball game. Luc Labonté thanked the Nova Scotia Department of Justice for hosting the conference, as well as the interpreters, and the Executive for all their hard work. He also recognized Joanne Dompierre and Claudette Racette for their valuable assistance, and noted that the Department of Justice's presence is invaluable to these proceedings.

Report from the Civil Section

Civil Section Chair Nolan Steed noted that a number of civil law projects were approved, substantive and information reports were received, and said that several research projects are planned. The Civil Section accepted guiding policies on *Wills and Succession Conflicts*, adopted Uniform Acts, wrote commentaries on other acts and the Chair said that JRs should follow up on the Acts that were adopted to ensure that serious consideration is given to them in their respective jurisdictions. Working groups were struck to address new projects discussed by the Civil Section. The Joint Session resulted in a chart showing complementary legislation on the civil and criminal sides. Nolan Steed acknowledged the participation of our American colleagues and expressed appreciation for their active involvement in discussions. The Chair thanked outgoing President Russell Getz for his work on several projects over and above his work as President of the ULCC, Luc Labonté, Clark Dalton, Sarah Dafoe for taking the minutes, Claudette Racette for ensuring the Civil Section got the job done, the staff in the secretariat, David Nurse and the Nova Scotia Department of Justice for hosting the conference. Nolan Steed announced that the Civil Section has selected Abiodun Lewis as the 2011 Chair of the Civil Section, and that Gail Mildren's name will be put forward for 2012.

Report from the Nominating Committee

Committee Chair W. Dean Sinclair reported that he consulted with several senior members of the ULCC and his Committee, as well as Peter Lown, Catherine Kane, Earl Frutchman and Katherine Sabo. On behalf of the Committee, the Chair Sinclair presented the following motion:

THAT Michel Breton of Québec, currently Vice-President, be nominated for President, **THAT** Darcy McGovern of Saskatchewan be nominated for Vice-President of the ULCC. The motion was seconded by Katherine Sabo. The motion was carried unanimously.

Outgoing President's Report

The Chair stated that he was pleased to propose the following Resolution:

BE IT RESOLVED THAT the Uniform Law Conference of Canada (ULCC) express its appreciation by way of letters from the Executive Director to:

1. The Government of Nova Scotia as represented by the Honourable Ross Landry, Minister of Justice of Nova Scotia, which hosted the 92nd annual meeting of the ULCC;
2. Marian F. Tyson QC, Deputy Minister of Justice of Nova Scotia, who took time from her busy schedule to welcome the delegates with her gracious address;
3. The Nova Scotia Public Prosecution Service, which co-hosted the welcoming reception at Pier 21, and which was so appreciated by the delegates;
4. The Organizing Committee of David Nurse, Ronald J. MacDonald QC, and Tanya Hutchinson;
5. Our incoming Executive Director, Marie Bordeleau, for her excellent work at her first annual meeting;
6. Our very competent secretariat staff: Wanda Chezenko, Shauna Cornelius, Erin Cox, Kim Fleming, Rosemarie Johnson, Teri LeDrew, Katie Lister, Jane MacDonald, Tanya McCarthy, Laura Oickle, Chana Williams-Pickles, and Darlene Wilson.;
7. Our colleagues from the US Uniform Law Commission, Robert Stein and Michael Houghton;
8. Jennifer Gavin, of Nova Scotia Government Communications, for her assistance in the preparation and distribution of the News Release;
9. Luc Labonté, Chair of the Criminal Section and Joanne Dompierre, Secretary to the Criminal Section;
10. Nolan Steed QC, Chair of the Civil Section;
11. Our presenters, Tamara Buckwold, Lisa Hitch, Tom Telfer, and Greg Yost;
12. Sarah Dafoe, for preparing the minutes of the Civil Section;
13. Peter Lown QC, Chair of the Advisory Committee on Program Development and Management and Chair of the International Committee;
14. Clark Dalton QC, our Projects Co-ordinator;
15. Wenda Berkvens, Conference Service Manager of the Westin Nova Scotian Halifax;
16. The interpreters Linda Atkins, Matthew Ball, Emmanuelle Dubois, Olivier Beauchemin-Bonifacio, Dorothy Charonneau, and Krissi Michaud for their competence and commitment;
17. The technicians Ross Billard and Ryan Nesbitt for ensuring the smooth running of the meetings;
18. The Nova Scotia Department of Justice technician, Daniel Slaunwhite who set up the secretariat so well; and
19. Our intrepid umpire, Ronald J. MacDonald QC.

| The Resolution was approved unanimously.

The President then presented bouquets of flowers to the above named members of the secretariat staff for their excellent work in the secretariat office throughout the week.

Outgoing President's Closing Remarks

Being President has been a rich professional experience and a delightful personal one. I've had an unparalleled opportunity to see and experience the energy and generosity of all the individuals who compose and truly are the ULCC. I want to congratulate the members on their wise choice of Michel Breton as President for 2010-11. I know that the Conference will be immensely well served with Michel at the helm. Congratulations, Michel.

This year, W. Dean Sinclair brings to a successful conclusion his outstanding service on the Executive. Dean has been an unfailing source of friendly and knowledgeable advice and support to me. Fortunately for us, Dean will continue to provide leadership in many ways, including as Chair of the Publications Committee. Thank you Dean for all you have done and continue to do.

My thanks to all the members of the Executive, and to Peter Lown and Clark Dalton for their dedication and assistance of which I have been the fortunate beneficiary throughout the year. I want to acknowledge and recognize the achievement of the members and Chairs of the Criminal and Civil Sections, Luc Labonté and Nolan Steed, for their successful work on a truly remarkable array of subjects this week. Thank you also to our Nova Scotia hosts for their wonderful hospitality.

Lastly, I come to Madame Racette. Last evening we had the opportunity to express to Claudette the profound gratitude and admiration that we all have for her. As I said at that time, Claudette has been in so many ways the animating centre of the ULCC, and her work on behalf of the ULCC and all those who benefit by that work, has quite simply been of immeasurable value. Claudette, as we say au revoir, please know that we will dedicate ourselves to continue to build on your legacy of excellence and service to our fellow citizens. Accordingly, it is my privilege to propose the following Resolution:

BE IT RESOLVED THAT the Uniform Law Conference of Canada express and record its deep gratitude, esteem and appreciation to Claudette Racette for her peerless service, dedication and achievement as Executive Director of the Uniform Law Conference of Canada from 1992 to 2010.

The Resolution was seconded by Katherine Sabo and carried unanimously. Mr. Getz presented a bouquet of flowers to M^{me} Racette.

Incoming President's Report

Michel Breton thanked Russell Getz for his guidance over the year in preparation for his role as President and noted it was a pleasure to have worked with him. He also thanked M^{me} Racette for her assistance and devotion to the ULCC, and said she was the first person he was introduced to when he attended his first ULCC conference in Toronto eleven years ago. She has been the face of the conference, as well as the spirit and memory of the conference, and she will be sorely missed by all.

The President reported that Daniel Grégoire was deeply missed at the conference, particularly at the baseball game, and said that Mr. Grégoire has sent a letter to Claudette; Michel Breton requested that a copy of the letter be posted on our website and inserted in the minutes as follows:

Québec, le 19 août 2010

Homage à Madame Racette

Chers délégués à la Conférence pour l'harmonisation des lois au Canada, je desire joindre ma voix à la vôtre pour exprimer à Madame Racette toute ma reconnaissance pour son implication personnelle au sein de la Conférence au cours des vingt dernières années.

Elle a su s'imprégner de la mission de la Conférence pour apporter au Comité exécutif, aux délégations hôtes et à tous les participants le support nécessaire à la poursuite de nos objectifs et à la réalisation de nos travaux.

À cet égard je tiens à rappeler tout particulièrement qu'elle a non seulement pris fait et cause de l'importance du service d'interprètes dans nos sections respectives lors de nos délibérations annuelles mais qu'elle a milité activement pour le maintien de ce service. Elle a également été la "mémoire" de la Conférence pendant toutes ces années et un personnage clef pour en assurer la continuité.

Son dévouement et sa disponibilité indéfectibles, y compris pour supporter les équipes de balle, ont été très inspirants et ont contribué à maintenir un très bel esprit de collaboration parmi nous qui va lui manquer tout autant qu'à moi pour qui l'an dernier aura été ma dernière participation à la Conférence, à ma plus grande déception.

Depuis ma première participation en 1985 ici même à Halifax à l'époque où siégeaient encore simultanément les sections civile, pénale et rédaction législative, j'ai eu le privilège de travailler avec des personnes dévouées à l'amélioration du droit, qui y consacrent beaucoup de leur temps personnel et qui le font avec un respect mutuel constant quelque soit leur horizon.

Je partage avec Madame Racette un profond attachement à la Conférence, ainsi qu'à celles et ceux qui contribuent à la réalisation et à l'avancement de ses travaux.

Je remercie Madame Racette pour sa contribution et lui souhaite une très belle et très longue retraite, entourée de ses proches et petits-enfants.

Je vous remercie également tous et toutes, sans oublier les interprètes, qui avez rendu si agréable ma participation à la Conférence. Vous me manquez beaucoup et sachez que, à tout le moins, chaque année à cette période, peu importe où je serai physiquement, je serai encore un peu avec chacun de vous à la Conférence.

Veuillez agréer l'expression de ma plus haute considération et de mes sentiments les meilleurs.

*Daniel Grégoire
Procureur aux poursuites criminelles et pénales
Bureau des affaires criminelles et de jeunesse*

Michel Breton noted that by 6:30am on Wednesday he had already received an email from Daniel Grégoire asking whether the East had beaten “Dean’s team”. Mr. Breton noted that Daniel Grégoire is quoted this morning’s Globe & Mail in an article entitled “west isn’t best”.

The President recognized W. Dean Sinclair, who steps down from the Executive Committee today and expressed his gratitude at all the help he provided over the past year.

Incoming President’s Closing Remarks

C’est un grand honneur et un privilège de pouvoir présider la présente conférence. Avoir son nom à côté de ceux qui ont été les anciens présidents est quelque chose qui me touche profondément. J’ai eu l’occasion de regarder la liste et de voir surtout les anciens collègues du Québec, des gens qui étaient des professeurs de droit émérites; certains sont maintenant juges à la cour du Québec, d’autres ont pris leur retraite, mais de voir associer mon nom à ces collègues du Québec est un honneur qui me touche profondément. Le fait également d’avoir été suggéré et être élu à ce poste par les collègues de la conférence, que j’ai en très haute estime, est également un privilège qui me touche.

Honour and privilege, however, seem to come at a price, and in this case, I think, a very high price. The first price to pay, of course, is having to perform for the next year all those duties without the help and the guidance of Claudette. It has been said by many people but I join my voice: it will be difficult. However, I had the pleasure, and it was a pleasure, to conduct a jury selection to choose the new Executive Director. It is said that you don’t have a second chance to make a first good impression. Well, Marie Bordeleau, whom we had the pleasure to receive in an interview, has fully used her first sentence to make a good impression. I’m still learning at the present time, and during the last few days I had the chance to get to know her better and appreciate the great qualities that we’ve seen right from the beginning; I now look to the future with a bit more confidence than I did a few years ago. I welcome her to the Conference and look forward to prepare with her the next Conference which will be in Winnipeg next year. Thank you Marie, and welcome.

There’s also a second price to be paid to fulfill these duties for the coming year; as in all our jurisdictions it seems that hard times are here to stay for a while, at least budget-wise. In lots of jurisdictions cuts are being made, travel has been slashed and every high manager is looking into what they should cut. Of course the risk is always that our own travel expenses and budgets, or what should be paid to the Conference should be part of these cuts. You have noticed since the onset of this meeting that a deficit has now appeared in the budget. Times are hard. I understand that my main task for the next year will be to convince the higher authorities in each jurisdiction to keep supporting the ULCC. They have their own agenda and plans to reduce their own deficits; we will also have our own agenda. There are orientations that have to be kept, whatever the cost. The ULCC has to remain a bilingual organization, as it has been for a long time. The rotation from one jurisdiction to another, even though it may mean higher costs as it will in two years, also must be kept. There is a lot of value in meeting the authorities in each jurisdiction and to spread the good news about the value the ULCC brings to each of them across the country. Also, we have to keep in mind that this year we have convened for the 70th year in a row; for those who haven’t had time to review the Proceedings we publish every year, the first Conference was held in 1918 and we have met every year since except in 1940, which was cancelled due to the war effort and the hotels not being available and there being restrictions on travel. But we have convened every year since, and there are many reasons for this.

I am looking forward to undertaking the following tasks in the year to come: to ensure that the ULCC is again well-known to all Deputy Ministers of Justice and make them aware of our uniqueness (and we ARE unique, we should be proud of that), to make them aware of the value we bring to them at a cost that is minimal.

Afin de remplir ces fonctions, la qualité des personnes qui vont m'entourer au Comité exécutif pour la prochaine année est une source de réconfort. Russell va continuer, comme président sortant, à être membre de l'Exécutif, et j'attends bien d'utiliser ses connaissances et son expérience pour me faciliter le travail. Je suis également enchanté d'avoir la présence de Darcy McGovern, que j'ai appris à apprécier au cours des années, et pas seulement comme adversaire au baseball mais comme un collègue agréable, et j'ai bien hâte de travailler avec sa collaboration. Josh Hawkes, pour la Section pénale – que dire de Josh Hawkes? J'ai hâte de le voir à l'œuvre l'an prochain comme Chef de section; je pense que les délibérations vont être remarquables l'an prochain.

Abi Lewis will also be part of our Executive and I look forward to working with him, as well as with Valerie Perry of the Drafting Section and the other members of the Executive. We intend to work together to maintain the quality and the professionalism that has contributed to the work of the Conference.

Nous allons préparer tous ensemble, je pense, une réunion à laquelle il vous sera agréable de participer à Winnipeg l'an prochain, et comme mot de la fin, évidemment, j'anticipe le plaisir de revoir toutes les personnes qui sont ici au tour de la table à Winnipeg l'an prochain et je vous y donne rendez-vous. Merci.

Host Jurisdiction's Report – Winnipeg, MB 2011

Lynn Romeo introduced her planning committee and thanked the Nova Scotia Department of Justice for hosting a great conference. She noted that she and her committee are looking forward to hosting the group from August 7th to the 11th next year at The Fairmont Winnipeg. Lynn Romeo spoke to the promotional brochure that was distributed to all delegates and asked everyone to ensure that they book their guestroom early or advise of their absence in a timely fashion for financial and contractual reasons.

Host Jurisdiction's Report – Whitehorse, YK 2012

Lee Kirkpatrick reported that Whitehorse is looking forward to hosting in two years and noted that while flights might be more expensive, accommodation will be more affordable. As a cost-saving measure, the ULCC is investigating the possibility of booking interpretation services out of Vancouver rather than Ottawa. Lee Kirkpatrick said that the Yukon is a great destination and invited delegates to book family time or vacation either before or after the Conference. More details will follow as to the exact date, the host hotel, etc.

Other Business

David Nurse said that it is traditional for the host jurisdiction to welcome the Coordinating Committee of Senior Officials (CCSO_[rimr1]) for a meeting, to be held at 1:30 pm this afternoon.

Josh Hawkes noted that Judge David Orr will not be returning next year; another representative from the Canadian Association of Provincial Court Judges (CAPCJ) will be appointed in his stead, although it may well be impossible to replace him.

BE IT RESOLVED THAT the Uniform Law Conference of Canada express its gratitude to the Honourable Judge David Orr, representing the Canadian Association of Provincial Court Judges, for his unfailing courtesy and wise contributions to the Conference in general and the Criminal Section in particular.

The resolution was seconded by Ron McDonald and carried unanimously.

There being no further business, the meeting was adjourned.