

**Uniform Law Conference of Canada****Victoria, British Columbia****August 11-15, 2013****Civil Section Minutes****ADVISORY COMMITTEE ON PROGRAM DEVELOPMENT AND MANAGEMENT – Report**

Presenter: Peter Lown, Q.C., Alberta Law Reform Institute

Peter Lown presented the report of the Advisory Committee on Program Development and Management. Mr. Lown indicated that there would be a discussion at the end of the annual meeting to consider the planning of future activities of the Uniform Law Conference. He referred to two attached charts setting out the four year plan and an inventory of potential projects, and invited members to consider the matters raised in this report over the next several days to facilitate the discussion later in the week.

Mr. Lown indicated the need to develop criteria for project selection. These would entail a process to identify the scope and potential impact of a proposed project. ‘Consumer’ input should be sought with regard to setting priorities. As it is seldom possible for the Uniform Law Conference to complete a project in less than 24 months, the timeframe allocated for a project must be adequate.

Sources of project selections include the legal profession, and in particular the CBA and national CBA sections. Mr. Lown invited delegates to think of additional sources and to suggest them in the discussion to follow on the final day of the annual meeting.

Mr. Lown also sought the views of delegates on what factors make a difference in their jurisdictions in relation to the implementation of uniform legislation. As legislative calendars are generally two to three years in length, access to the legislative calendar in a particular jurisdiction could aid in timing the advocacy for implementation of a given uniform statute.

Mr. Lown addressed leadership of projects by first noting that the Uniform Law Conference is a volunteer organization. There is a need to go beyond the collegial long-standing relationships that exist between participants. This will not happen unless active steps are taken to ensure it. It is also vital to acknowledge the contributions of individuals, which would assist in attracting academic contributors. The Uniform Law Conference process subjects an academic’s work to peer review at least as rigorous as that received by an article submitted to a law journal. Academic credit should be available for work done with the Uniform Law Conference.

The kind of consultation required by a project should be considered, including the need to distinguish between those needing input from government departments and those needing input from practitioners. Consideration also needs to be given to how the source of a project, the composition of its working group, and its packaging all affect implementation. Our website needs to be a means of communication, and not only a compendium of uniform acts and other publications.

The strengths of the Uniform Law Conference include the dedication of the participants and its cost effectiveness. It also enjoys a good working relationship with the US Uniform Law Commission. Its weaknesses include underfunding, a low profile, repeated reliance on the same pool of volunteers, and a lack of succession planning. A closer working relationship with the CBA is also needed.

Mr. Lown invited members to consider:

- project selection criteria
- appropriate project leadership and acknowledgment of same
- factors influencing implementation of uniform legislation, and
- a revenue stream that might result from packaging our products in a manner that could persuade users to compensate the providers of the content.

Lastly, it was reported that a suggestion had been advanced from Dr. Donovan Waters, QC and Professor Albert Oosterhoff for a project to reform the law of charity. It would be aimed at modernizing the archaic body of law relating to charitable objects.

**RESOLVED:**

**THAT** the Report of the Advisory Committee on Program Development and Management be accepted.

**UNIFORM COMMERCIAL TENANCIES – Report**

Presenters: Reche McKeague, Law Reform Commission of Saskatchewan

Richard Olson, McKechnie and Company, Vancouver, BC

Reche McKeague and Richard Olson presented the second progress report of the working group, which was established in 2011 to prepare a *Uniform Commercial Tenancies Act* based on the British Columbia Law Institute (BCLI) 2009 *Report on Proposals for a New Commercial Tenancy Act*. The working group presented its first progress report in 2012.

Most of the common law jurisdictions have legislation copied from 18<sup>th</sup> and 19<sup>th</sup> century English statutes, and no common law province or territory has enacted a modern statute. Provisions bearing on commercial tenancies are scattered through numerous statutes. A uniform act is desirable for the common law jurisdictions as it would gather commercial tenancy provisions in one place. It would serve small tenants better than present law, and also provide cross-jurisdictional standardization attractive to larger retail chains.

The law reform agencies of British Columbia, Manitoba, Ontario and Saskatchewan have all recommended reform, but thus far no common law jurisdiction has enacted a modern statute. The Quebec Civil Code, by contrast to the law in the common law jurisdictions, is a modern, comprehensive statement of private law, including the articles dealing with commercial tenancy. The working group stated that the proposed uniform act would be designed for adoption in the common law jurisdictions, but that the working group will consider the extent to which it may be advisable to harmonize the law of Quebec with that of the common law jurisdictions.

The working group recommends that the uniform act should imply certain terms into every lease, subject to being displaced or superseded by an express term of the lease. The implied terms would be:

- a covenant for quiet enjoyment, conditional on the payment of rent and performance of other lease obligations by the tenant
- a covenant for non-derogation of grant
- a covenant to pay rent
- a power of re-entry on non-payment or non-performance of covenant
- a requirement that the landlord act reasonably in considering a request to assign the lease or sublet.

These recommendations on the content of the statutorily implied terms coincide with those set out in the BC Law Institute's report.

The working group did not reach consensus on an implied obligation to repair and proposes to consult on whether only the tenant should be subject to such an implied obligation, whether it should rest on both the landlord and the tenant, or whether there should be no implied obligation to repair.

The working group recommends a provision to allow parties to opt out of the statutory implied terms. This reflects the purpose of the uniform act as filling in the gaps in leases rather than altering contract relationships.

The commentary to the Act should urge that jurisdictions consider revising or repealing short form of leases statutes, which have little practical use under contemporary circumstances. Such legislation tends to create opacity and to create traps as parties are not aware of the effect of incorporated terms.

With respect to assignment and subletting, the act should:

- imply a term requiring landlords to act reasonably in approving or disapproving a request to assign or sublet a tenancy, which term the parties may override by an express term in the lease;
- provide that consent to the transfer of shares of a tenant should not be unreasonably withheld by the landlord;
- require a landlord to respond within a reasonable time after receiving a request for consent to an assignment or subletting;
- provide a remedy for breach of the duty to act reasonably respecting assignment and subletting in the summary dispute resolution procedure of the Act.

The Act should provide that lease covenants should be fully enforceable by and against assignees of a lease and the reversion, regardless of whether they 'touch and concern the land' or relate to a matter in existence at the time of the lease. This recommendation is similar to those made by the BC, Manitoba and Ontario law reform agencies.

The working group will be consulting on the issue of whether there should be a change to the current law respecting the continuing liability of an assigning tenant for breaches of the lease following assignment. The BC and Ontario law reform agencies did not recommend change. Under the Quebec Civil Code, the liability of a lessee of a commercial lease ends on assignment, unless the parties agree otherwise.

The working group is leaning to a view similar to that of the Manitoba Law Reform Commission, which would assimilate the continuing liability of the original tenant to that of a guarantor, and only persist for the original or extended term to which the original tenant agreed. The consultation document will ask whether it would be feasible to provide for an end to an assigning tenant's liability under the lease, and if so, when liability should end.

In discussion, the need for adequate consultation with landlords and tenants was emphasized as an important factor influencing the likelihood of implementation. A suggestion was made to canvass chambers of commerce in order to reach commercial landlords and tenants simultaneously.

The presenters were asked if consideration had been given to the possibility of allowing large landlords and tenants full freedom of contract to negotiate lease terms, while protecting the position of smaller parties by prohibiting certain terms. This had indeed been considered, but it was concluded that it is too difficult to define who is a 'small' landlord or tenant.

A question was asked about the possible reaction of the courts to a summary dispute resolution procedure. It was observed that the proposed summary dispute resolution procedure would be an expansion of the procedures that already exist for certain issues in commercial tenancy acts. Reference was made to the procedure described in the 2009 BC Law Institute *Report on Proposals for a New Commercial Tenancy Act*.

It is hoped that a consultation document will be issued by the summer of 2014.

**RESOLVED:**

**THAT** the Report of the working group be accepted; and

**THAT** the working group continue its work and that it report back to the Conference at the 2014 meeting.

**UN CONVENTION ON INDEPENDENT GUARANTEES AND STAND-BY LETTERS OF  
CREDIT - Report**

Presenter: Kathryn Sabo, Justice Canada

Kathryn Sabo presented the report of the working group, which was established in 2006. The purpose of the project is to prepare a uniform act to implement the UN Convention and also to provide uniform domestic rules to govern independent guarantees and stand-by letters of credit that do not fall within the scope of the Convention. Part 1 of the draft uniform act consists of the domestic provisions, and draws upon Article 5 of the US Uniform Commercial Code. Part 2 would implement the Convention. There is presently no domestic legislation dealing specifically with these instruments. The existing law has been developed by the courts. The principles governing the interpretation of letters of credit in Quebec are consistent with international standards and with those applied in the common law jurisdictions.

The Canadian drafters have suggested significant changes to the wording employed by the Convention in order to meet Canadian legislative drafting standards. The draft legislation is being reviewed by jurilinguists and editors.

Ms. Sabo indicated that there is presently a debate between the working group and the drafters on certain drafting issues, although there is no disagreement on any matters of policy. One example of debate is whether a reference to writing is sufficient to import electronic equivalents to writing under federal e-commerce legislation, as the drafters contend, or whether this too opaque. This debate raises the further question of whether signature is required. Part 2 requires review, not only in light of Canadian drafting standards, but also in light of the work being done by the ULCC working group on standardizing principles for the implementation of international conventions.

It is important for the working group to obtain comments from users and issuers of independent guarantees and stand-by letters of credit, and in particular from the Canadian Bankers Association.

In discussion, clarification was sought as to why s. 30(3)(b) required reference to the law of the issuing jurisdiction, when letters of credit are typically intended for use in another jurisdiction. Ms. Sabo indicated that this point had been raised previously, and that the exceptions to the choice of law rules in s. 30 will be reviewed.

In discussion about the need to emphasize the benefits to Canadian business in promoting implementation, it was noted that compatibility with US law on letters of credit should also be emphasized as a reason to adopt the uniform act.

It was noted that the commentaries to the Uniform Act should clarify the background of generally accepted international practices surrounding letters of credit.

It was also observed that it would be very important to ensure that the uniform act be acceptable under the law of Quebec.

The drafting will continue over the next year, and the working group hopes to have a completed draft act and commentaries to present to the 2014 ULCC Annual Meeting.

**RESOLVED:**

**THAT** the Report of the working group be accepted; and

**THAT** the working group continue its work and that it:

- a. prepare uniform legislation and commentaries in accordance with the recommendations contained in the Report and the directions of the Conference; and
- b. report back to the Conference at the 2014 meeting.

**UNIFORM WILLS ACT RENEWAL – Report**

Presenters: Peter Lown, Q.C., Alberta Law Reform Institute

Sandra Petersson, Alberta Law reform Institute

Peter Lown and Sandra Petersson presented the report of the working group which was established in 2009. English and French language drafts are being reviewed by a jurilinguist. The draft presented contains 13 of 18 expected sections of the proposed uniform act.

The revised *Uniform Wills Act* will continue to have provisions on holographic wills and holographic amendments, but they are not intended for adoption in an enacting jurisdiction unless that jurisdiction already recognizes holographic wills and amendments.

The provisions of s. 19 of the current uniform act regarding electronic wills are addressed in the draft.

A new s. 9.2 will be added, dealing with alterations after the testator has become incompetent following execution of the will.

A standard of ‘clear and convincing evidence’ for the validation of a formally defective testamentary instrument has been added.

The presenters indicated that the working group is approaching the development of a new act in the light of the reality that informal distribution of estates is the norm and that obtaining probate is the exception.

In discussion, it was suggested that the provisions on attestation defects should be gathered in one location in the uniform act.

A question was raised as to whether a disposition to a beneficiary who attests the will would be valid if there were a sufficient number of attesting witnesses other than the attesting beneficiary. The provisions on void dispositions will be clarified.

There was discussion concerning the consistency of ss. 6 (1) and (2), and regarding the ability to rebut the presumption under s. 6(2) that a testator is presumed not to give effect to writing appearing below the testator’s signature. The situation these provisions are intended to address is one in which a signature is two thirds from the top of the page. These provisions would save the clauses appearing above the signature, but not below it. The provisions they will replace would have invalidated the entire will.

**RESOLVED:**

**THAT** the Report of the working group be accepted; and

**THAT** the working group continue its work and that it:

- a. prepare uniform legislation and commentaries in accordance with the recommendations contained in the Report and the directions of the Conference; and
- b. report back to the Conference at the 2014 meeting.

**MODEL ELECTION AMENDMENT ACT – Act and Commentaries**

Presenter: Darcy McGovern, Saskatchewan Justice

Darcy McGovern presented the *Model Election Amendment Act* and commentaries for consideration and adoption.

The proposed act would:

1. remove minimum residency requirements to provide uniform general rules for voter residency;
2. provide special residency rules for students; and
3. provide special residency rules for members of the Canadian Forces.

Given the lack of uniformity amongst election legislation in the provinces and territories, the proposed act is not a uniform act, but rather a model amendment act. The model amendment act addresses the unique mobility challenges faced by student and military voters. The amendments can be included with local amendments to provincial and territorial election legislation, should jurisdictions so wish.

Pursuant to direction at the 2013 annual meeting, a consultation paper was sent to the Chief Electoral Officers of Canada and the provinces and territories and to the Judge Advocate General of the Canadian Forces. The Judge Advocate General was strongly in favour of the legislative proposals set out in the paper. Response from the Chief Electoral Officers was limited, as some took the position that they should not comment on the merits of the proposed legislation.

As previously noted, it was not the purpose of the project to develop a new uniform act, but rather model amendments to existing election statutes.

Mr. McGovern indicated that in the opinion of the working group, the general community is not ready for electronic voting. Voter identification requirements are being strengthened in several jurisdictions, and this militates against the introduction of electronic voting. In the armed forces, electronic voting may be more feasible, as the forces have rigorous identification procedures.

The direction of uniformity points away from voter residence rules. The federal government and Ontario have relaxed residency requirements. The approach followed in the proposed model amendment act is to extend to the armed forces the relaxation of residency requirements already in place in some jurisdictions with respect to students. The provisions on voter qualification in Section 1 impose no requirement for duration of residence.

**RESOLVED:**

**THAT** the Report of the working group and the draft *Model Election Amendment Act* and commentaries be accepted; and

**THAT** the *Model Election Amendment Act* and commentaries be adopted.

**UNIFORM VITAL STATISTICS ACT RENEWAL – Oral Report**

Presenter: Lynn Romeo, Manitoba Justice

Lynn Romeo presented the report on the project respecting a new *Uniform Vital Statistics Act*.

A working group has been formed. The Vital Statistics Council is most interested in this project. Registrars of Vital Statistics face challenges in recording data respecting transgendered persons and births following the death of a parent who donated genetic material. There is an updated model vital statistics statute and regulations in the US.

Ms. Romeo indicated that among the issues identified are assisted reproduction, registration of adoptions by same-sex couples, including out of province adoptions, access to pre-adoption birth registration, the implications of sex change surgery, the effect of personal information protection legislation, and changes of name.

The working group will be holding a conference call in the autumn of 2013 to settle on a work plan and assignments. Ms. Romeo added that the participation of additional members would be welcomed. A co-chair of the working group is also being sought. Ms. Romeo said that the project would probably occupy a three year period.

Delegates referred to the preliminary work being carried out by the Hague Conference on Private International Law on the status of children, including the implications of surrogacy arrangements, and to the fact that the federal government is examining the vital statistics legislation of all the provinces in order to provide a Canadian response to the Hague Conference. It was observed that the federal government's contribution to the Uniform Law Conference project would likely consist of keeping the Conference and the working group informed of international developments regarding the relevant issues.

**RESOLVED:**

**THAT** the Oral Report be accepted; and

**THAT** the working group continue its work and that it:

- a. prepare uniform legislation and commentaries in accordance with the directions of the Conference; and
- b. report back to the Conference at the 2014 meeting.

**PRINCIPLES FOR DRAFTING UNIFORM LEGISLATION FOR THE IMPLEMENTATION  
OF INTERNATIONAL CONVENTIONS – Report**

Presenter: Kathryn Sabo, Justice Canada

Kathryn Sabo presented the report of the working group. At the annual meeting in 2010, the Conference decided to establish a working group to examine the possibility of preparing uniform legislation and commentaries respecting the implementation of international conventions. Justice Canada undertook preliminary work on the project and presented progress reports in 2011 and 2012. From March 2013, the working group has met on a bi-weekly basis, and has prepared a draft text of Principles for Drafting Uniform Legislation for the Implementation of International Conventions and commentaries, on which the working group invites comments from members of the Conference.

The Principles would apply to the drafting of uniform legislation to implement international conventions on international private law matters. The principles would complement the more general Uniform Law Conference of Canada Drafting Conventions that provide general rules for drafting uniform legislation. Ms. Sabo summarized the attached draft principles, and noted that a particularly complex issue is the timing of bringing a convention into force of law in a jurisdiction. The principles will provide several options for this matter, the choice of which will depend on the circumstances and policies of jurisdictions.

In discussion it was noted that the working group does not recommend that preamble and purpose statements be included in an implementing act, and that a commentary may be added to explain why these are not considered to be good practice.

It was noted that as the Principles document will not be listed as a uniform act on the Uniform Law Conference of Canada website, it will be important to ensure that it be published in such a way that it not be overlooked or forgotten. It was indicated that it could be posted on the website under the heading ‘Uniform Drafting Conventions’.

There was discussion about alternative methods of implementing international conventions, which may be indicated in particular circumstances. It was suggested that the introduction to the principles could indicate the various methods of implementation and state that the options depend on the circumstances.

It was suggested that it might be useful for the project on the *Uniform Interpretation Act* to be asked to consider the extent to which principles of domestic statutory interpretation differ from those respecting international conventions.

Another issue raised is whether a convention must be attached as a schedule to an implementing act, or whether the convention in question can be referred to in the act by cross reference. Given the judicial notice requirement in some jurisdictions’ evidence statutes, the cross referencing approach may not work.

Ms. Sabo indicated that the working group would consider all these issues and comments.

**RESOLVED:**

**THAT** the Report of the working group be accepted; and

**THAT** the working group continue its work and that it:

- a. prepare uniform principles for drafting uniform legislation for the implementation of international conventions in accordance with the recommendations contained in the Report and the directions of the Conference; and
- b. report back to the Conference at the 2014 meeting.

**UNIFORM RULES TO IMPLEMENT THE HAGUE CONVENTION ON THE SERVICE  
ABROAD OF JUDICIAL AND EXTRAJUDICIAL DOCUMENTS IN CIVIL OR  
COMMERCIAL MATTERS – Report**

Presenter: Manon Dostie, Justice Canada

Manon Dostie presented the report of the working group which was formed in June 2013 when the Conference accepted a project proposal from Justice Canada, which was also supported by the Justice Canada Advisory Group on Private International Law.

The purpose of the project is to identify any gaps in the implementation of the *Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters* (Service Convention). The project will draft uniform rules to clarify the application of the Service Convention. The issue is that the implementation of the Service Convention is not uniform across all Canadian jurisdictions. Some court decisions are out of alignment with the application and interpretation of the Convention that has been agreed to by the Contracting States. This situation puts Canada at risk of not meeting its international obligations under the Convention.

The Convention is in force in 68 countries. Canada has been a party to the Convention since 1989. It is aimed at facilitating the service of documents through Central Authorities established in each contracting State. The Convention allows service to be effected by other methods such as through postal channels in Contracting States that have not objected to their use. The implementing legislation for this Convention was not prepared by the Uniform Law Conference of Canada. Rather, the Convention was implemented federally and provincially and territorially by court rules of civil procedure. The rules implementing the Convention are similar, but not uniform, in some jurisdictions. Some rules provide that service must be as prescribed by the Convention while others enumerate service under the Convention as one possible way, among others, of effecting service.

The working group will be consulting and liaising with rules of court committees in the various jurisdictions. The working group plans to develop recommendations and drafting instructions for the 2014 annual meeting.

In discussion, it was noted that the rate for the service of documents has increased. Ms. Dostie indicated that there had been support for the increase from many jurisdictions. There would be consultations with the jurisdictions respecting timing of implementation.

**RESOLVED:**

**THAT** the Report of the working group be accepted; and

**THAT** the working group continue work on the project as follows:

- a. prepare recommendations and instructions for drafting uniform rules; and
- b. report back to the Conference at the 2014 meeting.

**COMPLEMENTARY PROVINCIAL AND TERRITORIAL LEGISLATION TO THE  
CRIMINAL CODE – Report**

**Joint Session of the Civil and Criminal Sections**

Presenter: Clark Dalton, Q.C., Uniform Law Conference of Canada

Clark Dalton gave an oral report and presented the 2013 updated Chart of Complementary Provincial/Territorial Legislation. It is an information document that lists provincial and territorial legislation that intersects with the criminal law. This ongoing project was established in 2009 following the decision of the Supreme Court of Canada in *Chatterjee v. Ontario (Attorney General)*. In that decision, the court recognized that there can be two levels of government operating co-operatively in relation to criminal law matters. The project is an effort to note those provincial and territorial legislative initiatives with a criminal law impact and which may indicate the possibility of harmonization. The chart has been updated annually since the first chart in 2010. Changes from the previous year's chart are highlighted in yellow.

Mr. Dalton indicated that Item 10, entitled 'Enforcement of Court Orders' will be renamed 'Enforcement of Court Orders through Motor Vehicle Licensing Regimes'; and that Item 13, 'Identification of Criminals' would be re-designated 'Identifying Existence of Criminal Record during Change of Name Process'.

In discussion, it was observed that the title of Item 17, 'Guns and Ammunition Control' does not clearly indicate what the listed legislation relates to. Mr. Dalton agreed that a new title may be needed. With respect to Item 21, 'Application of Extra-Provincial Warrants to Support Investigations into Provincial Offence Allegations', the Criminal Section working group on extra-provincial search warrants is interested in uniform legislation on the inter-jurisdictional execution of search warrants. Mr. Dalton will refer this to the Advisory Committee on Program Development and Management for consideration. He is also seeking more information from Prince Edward Island regarding Item 22, 'Narcotics Safety and Awareness'.

With respect to Item 23, 'Cyberbullying' Genevieve Harvey described the background and content of the new Nova Scotia legislation. It has four aspects: (1) it allows victims, their parents or other designated persons to apply to court for a protection order; (2) it creates the tort of cyberbullying and allows victims thereof to sue for damages or an injunction, and a parent of a minor may be jointly and severally liable if they have not made efforts to prevent the cyberbullying; (3) it authorizes an appointed official to investigate complaints (including obtaining personal information about internet users); and (4) it authorizes an appointed official to apply for a prevention order or to confiscate property used in cyberbullying. It also amends the *Education Act* to provide additional authority to school principals.

In discussion, it was noted that this is a very topical issue on which different jurisdictions may swiftly enact similar legislation, and as such may not be suitable for a Uniform Law Conference of Canada project.

It was suggested that a potential issue of interest to both civil and criminal sections is the gathering and protection of evidence for subsequent use in a criminal proceeding.

It was also suggested that there may be a joint project on the enforcement of protection orders between provinces and territories.

### **MISSING PERSONS LEGISLATION – Oral Report**

### **Joint Session of the Civil and Criminal Sections**

Presenter: Nolan Steed, Q.C., Alberta Justice

Nolan Steed gave an oral report on the origins and nature of this project. The Federal-Provincial – Territorial Deputy Ministers Responsible for Justice asked the Uniform Law Conference of Canada to undertake a project on uniform missing persons legislation. The Conference approved the project last year and a working group was established.

The problem that the legislation is intended to address is that the police cannot access private information, such as bank account records or credit card statements, of a missing person who is not a minor unless there is evidence of a crime having been committed. The legislation would provide for this. There is presently missing persons legislation in Alberta, Manitoba, Nova Scotia and Saskatchewan. The working group is using the Manitoba Act as its starting point.

The basic elements of the legislation are:

A justice of the peace may order that the police be given access to the information if the court is satisfied that it will assist the police in locating the missing person; or in locating a person accompanying the missing person if the missing person is a minor or is a vulnerable person.

A justice of the peace may order third party search warrants if the missing person is a minor or is a vulnerable person.

There are certain limitations: the justice of the peace can limit the records that are to be disclosed; and the police may only use the information to locate the missing person.

In discussion it was clarified that evidence of a crime found in the information obtained may be used in a criminal prosecution.

The working group will also consider the question of whether evidence that a missing person is dead would affect the classification of that person as missing.

Mr. Steed indicated that emergency orders would also be provided for where time is of the essence. In the case of persons who choose to be missing, the police have discretion in disclosing what they have learned.

### **THE HAGUE CONVENTION ON THE LAW APPLICABLE TO CERTAIN RIGHTS IN RESPECT OF SECURITIES HELD WITH AN INTERMEDIARY – Report**

Presenter: Manon Dostie, Justice Canada

Manon Dostie presented the progress report of the working group, which the Conference established in 2011, to consider and develop uniform implementing legislation respecting the *Hague Convention on the Law Applicable to Certain Rights in Respect of Securities Held with an Intermediary*.

The objective of the Convention is to determine the law applicable to a number of issues relating to securities held with an intermediary. The Convention is a conflict of laws instrument and does not propose substantive law changes.

The implementation of the Convention would impact the *Uniform Securities Transfer Act* (STA), which has been enacted in all Canadian jurisdictions except Prince Edward Island. The working group discussed changes that would be required to the STA and also to provincial and territorial Personal Property Security Acts and the Quebec Civil Code. The working group gave particular consideration to the relative benefits of the current Canadian rules over those in the Convention, and also considered the Convention in the light of the benefit of harmonised conflict of laws rules with the United States.

The working group is of the view that it would be premature to proceed with adoption of the Convention for two reasons. First, Canadian laws are clearer and simpler, and therefore better equipped to respond adequately to business and legal needs than any other legal system, including the Convention. Second, Canada would likely benefit from considering implementing techniques used by foreign jurisdictions as part of its analysis for recommending uniform legislation.

Accordingly the working group recommends that it be tasked with monitoring developments, and that this position be reviewed if and when the U.S. ratifies the Convention, in which event the working group would likely recommend uniform legislation to implement the Convention.

**RESOLVED:**

**THAT** the Report of the working group be accepted; and

**THAT** the working group:

- a. continue to monitor developments in respect of the Convention and its possible adoption by the United States; and
- b. report back to the Conference when developments so require.

**UNIFORM INTERPRETATION ACT RENEWAL - Report**

Presenter: Peter Pagano, Q.C., Alberta Justice

Peter Pagano presented the interim report of the working group. The goal of the project, requested by the federal government, is to review and renew the current *Uniform Interpretation Act* and other related acts. The *Uniform Interpretation Act* was first adopted in 1938. There have been four subsequent revisions, the last in 1984.

The working group has decided to follow Ontario's 2006 approach in enacting a comprehensive *Legislation Act*, which addresses not only interpretation of statutes, but also the filing and publication of regulations, as typically found in Regulation Acts; the consolidation and revision of statutes, as typically found in Statute Revision Acts; and provisions relating to Ontario's e-laws, or the official version of laws in electronic format.

The working group has divided the project into at least two phases, starting with provisions relating to interpretation of legislation, to be followed by the other components referred to above. The working group has compared and analysed the uniform statutes, the legislation in each Canadian jurisdiction, as well as the UK, Australia and New Zealand legislation, against the Ontario Act. While most jurisdictions have similar provisions, they are not identical, and there are instances where the approaches taken to a subject differ amongst the jurisdictions. In analysing and selecting amongst the various alternative provisions, the working group has sometimes provided options. The working group is sensitive to the question of whether a new approach to an interpretation rule might inadvertently change the law of a jurisdiction that has been using a particular rule for some time. Transitional provisions may be required.

A draft is being prepared and the group's decisions will likely be revisited during that process. A draft will also be circulated to legislative counsel in the various jurisdictions for comment before being brought back to the Conference.

In discussion, Mr. Pagano noted that it will be useful to look at different approaches taken in Regulations Acts to determining when an instrument is a regulation for the purposes of the statute.

There was agreement that it would be beneficial to have the comparison chart, minutes of the working group and other background material made available to delegates.

The working draft with commentaries will be provided to the Conference at the 2014 meeting, at which time policy directions can be given by the Conference.

In response to a question, Mr. Pagano indicated that the working group would consider the issue of a provision respecting non-derogation of aboriginal and treaty rights.

It was noted that in the project on Drafting Principles for the Implementation of International Conventions, there is the question of possible differences in rules of interpretation between international instruments and domestic legislation. Mr. Pagano said that the working group would consider if any of their recommendations would conflict with a interpretative rule respecting international conventions.

**RESOLVED:**

**THAT** the Report of the working group be accepted; and

**THAT** the working group:

- a. continue its work on the *Uniform Interpretation Act* and related provisions in accordance with the directions of the Conference; and
- b. report back to the Conference at the 2014 meeting.

**UNIFORM INTERJURISDICTIONAL SUBPOENA ACT – Act and Commentaries**

PRESENTER: Greg Steele, Q.C., British Columbia

Greg Steele presented the *Uniform Interjurisdictional Subpoena Act* and commentaries for consideration and adoption.

The predecessor uniform act, the *Uniform Interprovincial Subpoena Act* was adopted by the Conference in 1974. In their 1973 report, the Manitoba commissioners identified the issue that the Act sought to address as securing the attendance of witnesses from outside the province in question in civil suits, but not exclusively so. The solution was to establish a court process for issuance and certification of an extra-provincial subpoena based on a common set of requirements. Where such a certification has been obtained in the jurisdiction in which the subpoena was issued, the court of the jurisdiction in which the witness was found would be required to receive and adopt the subpoena as an order of that court.

In 1998 the Uniform Act was amended to enable subpoenas issued by boards and commissions. While all 12 of Canada's common law jurisdictions have legislation based on the 1974 Act, not all of them have amended their legislation to encompass subpoenas issued by bodies other than courts.

In April 2013, the New Code of Civil Procedure was introduced in the Quebec National Assembly. Article 497 provides that a person resident in another province or territory of Canada may be called to attend court as a witness. Article 498 provides that a subpoena issued by an authority in another province or territory will be confirmed in Quebec if it is endorsed with a special order and accompanied by an advance on the witness indemnity and allowances. Consultations on the draft legislation are scheduled for September, 2013.

This project was established in 2011 when the Conference approved a proposal from the Nunavut delegate that the Conference undertake a review and revision of the Uniform Act. In 2012, the working group reported preliminary recommendations to the Conference and received direction on certain issues. The working group now recommends to the Conference a new Uniform Act that would replace the current Uniform Interprovincial Subpoena Act.

The proposed new Uniform Act defines 'subpoena' to include subpoenas issued by bodies other than courts and subpoenas requiring a person to attend for an examination. It also relates to subpoenas for production of documents in the possession or control of a third party, but in that case, is limited to subpoenas requiring a person to testify and to bring to the hearing at which they are to testify any documents or other items which are or may be relevant to their testimony.

The 1973 Uniform Act covered only two situations in each jurisdiction:

- a subpoena from another jurisdiction requiring a witness residing in the enacting jurisdiction to testify at a place located in that other jurisdiction; and
- a subpoena from the enacting jurisdiction requiring a witness residing in another jurisdiction to testify in the enacting jurisdiction.

Because technical advances now make it possible for a person to testify without being physically present, the draft new Uniform Act provides for two additional situations:

- a subpoena from another jurisdiction requiring a witness to testify at a place located in the jurisdiction in which the witness resides; and
- a subpoena from the enacting jurisdiction requiring a witness in another jurisdiction to testify at a place located in the jurisdiction in which the witness resides.

The draft new Uniform Act clarifies that it is not necessary to apply to a court for adoption of an interjurisdictional subpoena and that a non-judicial court officer may receive, register and adopt a subpoena. It also simplifies the test for certification in the jurisdiction in which the subpoena is issued. The new Act would provide that the certifying authority is a judge if personal attendance is required, or if personal attendance is not required, then it may be a judge of the court or a presiding officer of the tribunal that is seized of the proceeding in which the witness is required to testify, or a judge of a superior, county or district court.

The draft new Uniform Act does not include a recommended schedule of witness fees and expenses, as does the schedule of the current Act. The new Act would provide that witnesses be paid fees based on the regular tariff of fees for court proceedings, and that a witness should be entitled to the higher of tariff rates in the issuing jurisdiction or the jurisdiction in which the witness resides. The new Act would provide for reimbursement of expenses, and authorizes the court to order additional witness fees and expenses to be paid.

In discussion it was clarified that Section 6 is a transitional provision intended to apply if one jurisdiction implements the new Uniform Act and the other jurisdiction still has the current Uniform Act. Section 6 is the old Section 5 modified such that resort to it would be needed only in those cases where the intended receiving jurisdiction required such a process as a condition of reception and adoption of an interjurisdictional subpoena.

In response to a question as to whether the working group had considered the possibility of amending the current Uniform Act rather than replacing it with a new Uniform Act, members of the working group indicated that the advice of legislative counsel was that there were so many changes that an amending act would have been both longer and more complicated, and that it made sense to have a new act. Although it would be possible for a jurisdiction to amend its existing act, it would have to be done with great care.

There was a question as to whether the Act should try to address the question of potential breach of confidentiality by a witness. Following a discussion, it was concluded that while confidentiality issues are undoubtedly important, they are not fundamental to the nature of this Act, the purpose of which is to facilitate the giving of testimony, including remotely. Issues of confidentiality could arise in the giving of testimony without a subpoena.

**RESOLVED:**

**THAT** the Report of the working group and the draft *Uniform Interjurisdictional Subpoena Act* and commentaries be accepted; and

**THAT** the *Uniform Interjurisdictional Subpoena Act* and commentaries be circulated to the jurisdictional representatives, possibly with amendments to the draft Act or commentaries in accordance with the discussions at this meeting. Unless two or more objections are received by the Projects Coordinator of the Conference by November 30, 2013, the draft Act and commentaries should be taken as adopted by the Conference and recommended to the jurisdictions for enactment.

## **UNIFORM INTERNATIONAL COMMERCIAL ARBITRATION ACT RENEWAL – Act and Commentaries**

Presenters: Gerald Ghikas, Q.C., Vancouver, British Columbia

Angus Gunn, Q.C., Vancouver, British Columbia

Gerald Ghikas and Angus Gunn presented the draft *Uniform International Commercial Arbitration Act* and commentaries for consideration and adoption.

The working group was established in 2011 to modernize the current *Uniform International Commercial Arbitration Act* (UICAA), which had been adopted by the Conference in 1986 to implement the United Nations Commission on International Trade Law Model Law on International Commercial Arbitration (UNCITRAL Model Law), and the 1958 United Nations *Convention on the Recognition and Enforcement of Foreign Arbitral Awards* (New York Convention).

Mr. Ghikas and Mr. Gunn reiterated that the modernization of the UICAA is Phase One of the project. Phase Two of the project will begin in 2013-14, when the working group will submit a proposal to the ULCC Advisory Committee on Program Development and Management to address the modernization of the uniform act respecting domestic commercial arbitration.

The modernization of the UICAA is important as there have been significant changes in international arbitration laws and practices since the UICAA was adopted. The UN Model Law was amended by UNCITRAL in 2006, and these amendments are not embodied in the current UICAA. In addition, some anomalies in implementing legislation in Canadian jurisdictions have been identified.

In January 2013, the working group circulated a discussion paper to the working group's advisory board, arbitral organizations, academic institutions and other potentially interested parties. The paper was based on the five guiding principles adopted by the Conference at its 2012 meeting. Based on the responses from the consultation, the working group formulated recommendations on twenty-three issues, which are reflected in the draft Uniform Act and commentaries. It was noted that paragraphs 34 to 36 of the report were included in error. The French language version of the draft Uniform Act and commentaries is still in preparation.

The draft Uniform Act follows the same approach as the current Uniform Act, building upon and scheduling the UNCITRAL Model Law, as amended by UNCITRAL in 2006, and the New York Convention. As a result of discussions, the working group decided to recommend adoption of all the 2006 amendments to the UNCITRAL Model Law.

There was discussion regarding the proposed provision that the length of the limitation period should be 6 years with the possibility of extension to 10 years. The working group thought that this would be a time period in line with the range of limitation periods for foreign arbitral awards in many of Canada's major trading partners. However, members thought that because the limitation period in question is with respect to enforcement of awards, a 10 year limitation period would be best, as it would be consistent with the 10 year limitation period for enforcement of court judgments in limitation statutes. It would be less complicated than 6 years with the possibility of extension to 10 years and would provide a better foundation for transition between the old and new acts.

The issue of providing that a court order recognizing or enforcing an arbitral award in one Canadian jurisdiction should be enforced in other Canadian jurisdictions was discussed. This is often known as ‘chain recognition’ and is intended to enable parties seeking to execute against assets in multiple provinces or territories from having to bring *de novo* proceedings in each jurisdiction. There was discussion of such a provision as reflecting the ‘full faith and credit’ principle of judgment recognition between Canadian jurisdictions on the one hand, and the different treatment that is accorded to enforcement of foreign judgments on the other. Individual jurisdictions may or may not wish to adopt it.

The working group will prepare a final version of the Act and commentaries in both official languages in accordance with the results of the discussion.

**RESOLVED:**

**THAT** the Report of the working group and the draft *Uniform International Commercial Arbitration Act* and commentaries be accepted; and

**THAT**

- (a) the directions of the Conference be incorporated into the *Uniform International Commercial Arbitration Act* and commentaries; and
- (b) the *Uniform International Commercial Arbitration Act* and commentaries, in English and French, be circulated to the jurisdictional representatives. Unless two or more objections are received by the Projects Coordinator of the Conference by November 30, 2013, the draft *Uniform International Commercial Arbitration Act* and commentaries should be taken as adopted by the Conference and recommended to the jurisdictions for enactment.

**AMERICAN UNIFORM LAW COMMISSION – Oral Report**

Presenters: Harriet Lansing, President, Uniform Law Commission

Michael Houghton, Immediate Past President, Uniform Law Commission

Robert A. Stein, Chair, International Committee, Uniform Law Commission

President Harriet Lansing provided information on a number of current projects of the Uniform Law Commission (ULC). The Project on the Recognition of Substitute Decision Making Documents is a joint project of the Uniform Law Commission and the Uniform Law Conference of Canada (ULCC), which will develop a report that will be the basis for Canadian and US legislation providing for cross-border recognition of documents such as powers of attorney and health care directives. It is expected to be approved at the ULC annual meeting in July, 2014. The ULC is continuing work on the recognition and enforcement of foreign domestic violence protection orders as a result of amendments to the *Uniform Enforcement of Canadian Judgments and Decrees Act* respecting Foreign Civil Protection Orders adopted by the ULCC in 2011. Also of significance are amendments to the *Uniform Fraudulent Transfers Act*, and the projects respecting fiduciary access to digital assets, the Hague Choice of Court Convention and the UN Convention on Independent Guarantees and Stand-by Letters of Credit, the Hague Convention on

Intermediated Securities. President Lansing also provided a brief report on several harmonization initiatives with Caribbean nations.

Michael Houghton reported on work respecting a Uniform Human Trafficking Act to encompass both prevention and remedies arising from the request of the American Bar Association for a new inter-jurisdictional act. This is a matter relevant to both Canada and the US and as a matter of legal policy it is at the leading edge of public interest concern, and will involve work with the International Bar Association as well.

Robert Stein reported on the international work of the ULC. He spoke of the Caribbean initiative. It is anticipated that a member of the ULCC will join the ULC study committee on recognition of foreign judgments. The enforcement of child support orders is a significant problem in the Caribbean, and that a study committee will be approved, hopefully with Canadian representation. Mr. Stein noted that the ULC had initiated three projects to preserve the history of the ULC: a video, a series of oral histories of individual members, and a new published history of the ULC, authored by Mr. Stein.

**RESOLVED:**

**THAT** the Conference expresses its thanks to: Harriet Lansing, President of the Uniform Law Commission; Michael Houghton, Immediate Past President of the Uniform Law Commission; and Robert A. Stein, Chair of the International Committee of the Uniform Law Commission for their interesting and informative presentation.

**JOINT UNIFORM LAW CONFERENCE OF CANADA AND UNIFORM LAW COMMISSION  
PROJECT ON SUBSTITUTE DECISION MAKING DOCUMENTS – Report**

Presenters: David English, Faculty of Law, University of Missouri

Peter Lown, QC, Alberta Law Reform Institute

David English and Peter Lown presented an interim report on a working draft act respecting inter-jurisdictional recognition of substitute decision making documents. The Act would provide for recognition of validity in the implementing jurisdiction. There is a need for a choice of law provision to address the issue of implementation of documents. The requirement is for third parties, such as banks and hospitals, to rely on the document in question. The outstanding drafting issues are: (1) to work well, the Act must apply to all documents (2) there is a need for a universal, consistent rule of recognition of documents, and (3) there are public policy restrictions in each jurisdiction, such as rules respecting the cessation of medical treatment. The challenge is to harmonize a uniform act with already existing law. Canadian and U.S. jurisdictions are at different stages respecting the Hague Convention on the Protection of Adults, Canada being much closer to adoption. The members of the project have concluded that, unlike The Hague Convention, the Act should carefully distinguish between formal and essential validity. The Act would not encompass guardianship or trusteeship, which are quite separate areas. The Act would deal rather with self created documents and not court ordered documents.

**RESOLVED:**

**THAT** the Report of the working group be accepted; and

**THAT** the Joint Uniform Law Conference of Canada and Uniform Law Commission working group:

- a. continue its work on an Interjurisdictional Recognition of Substitute Decision Making Documents Act and related provisions in accordance with the directions of the Conference; and
- b. report back to the Conference at the 2014 meeting.

### **MEXICAN CENTRE FOR UNIFORM LAW – Oral Report**

Ian Rennie, Chair of the Civil Section, read a letter from Dr. Jorge Sánchez Cordero Dávilla, President of the Mexican Centre for Uniform Law, in which Dr. Jorge Sánchez Cordero Dávilla expressed his regret that he was unable to attend the 2013 annual meeting of the Uniform Law Conference of Canada. In his letter, Dr. Jorge Sánchez Cordero Dávilla reported on activities of the Centre. These include projects respecting a new federal labour statute and reform of the penal law system. New agenda items include legislation respecting the petroleum and telecommunications industries, the tax code and the protection of intangible cultural heritage.

#### **RESOLVED:**

**THAT** the Conference express its thanks to Dr. Jorge Sánchez Cordero Dávilla, Director of the Mexican Centre for Uniform Law for his report on amendments made by the Mexican states in the recent past and for the highlights of the agenda of the Mexican Congress.

### **PRIVATE INTERNATIONAL LAW – Status Report**

Presenter: Kathryn Sabo, Justice Canada

Kathryn Sabo presented an overview of the activities and priorities of Justice Canada respecting international private law. A written report was also provided to delegates outlining the Department's work in the areas of International Commercial Law, Judicial Cooperation and Enforcement of Judgments, Family Law and Protection of Property.

In the International Commercial Law category, highlights of the past year include the *Convention on International Interests in Mobile Equipment and Aircraft Protocol* (Unidroit/ICAO). Canada ratified the Convention and Protocol in December, 2012 and both instruments came into force for Canada on April 1, 2013. The application of the Convention and Protocol apply at the federal level and to the enacting provinces and territories.

The top priorities are the Uncitral Project on Online Dispute Resolution and the *Convention on the Settlement of Investment Disputes between States Nationals of Other States* (World Bank). Medium priorities include The Hague Conference project on choice of law in international contracts, the Uncitral projects on electronic transferable records and security interests in movable assets.

In the Judicial Cooperation and Enforcement of Judgments category, a high priority has been consultations by Justice Canada with the governments of the provinces and territories with respect to the *Convention Abolishing the Requirement of Legalisation for Foreign Public Documents* (Hague Conference) to ascertain their interest in the Convention and their views on potential approaches for implementing it in Canada.

Ms. Sabo reminded delegates that the International Private Law Section of the federal Department of Justice is always welcomes questions and is happy to provide information on any international private law instrument or project.

**PLANNING, DEVELOPMENT AND MANAGEMENT REPORT ON WORKING GROUP  
LEADERSHIP, IMPLEMENTATION OF UNIFORM ACTS, COMMUNICATIONS, AND ULCC  
PROJECT EVERGREENING**

Presenters: Members of the Advisory Committee on Program Development and Management

Peter Lown, QC introduced a series of reports intended to foster discussion that would contribute to the ULCC planning process. He referred to issues described in the Advisory Committee Report on Sunday and referred to the attached documents, the Potential Projects Inventory and the Four Year Plan.

Nolan Steed, QC and Manon Dostie reported on a proposed Project Flow Chart describing the various steps required in a project from proposal through to implementation. The chart would assist new project participants and would be linked to the Project Template describing a project and would be available on the website, where it could be periodically updated.

Points raised in discussion noted the importance of time lines, clear responsibilities, noting the project originators and any related previous projects, the possibility of using core and advisory groups within a project, identifying potential resources in jurisdictions to assist with research, who are affected parties who might be sources of assistance, electronic collection and sharing of documents and project tracking, the importance of the early involvement of drafters, and ascertaining whether face to face meetings would be required, the public character of the proposal and the internal character of the tracking function.

Greg Steele, QC reported on Project Selection Criteria. These potentially include whether uniform legislation is desirable, whether there is similar uniform legislation elsewhere in the form of a model law or international work, whether issues cross provincial/territorial boundaries, whether the ministers or deputy ministers of justice have requested the ULCC to undertake a project, whether it involves an issue for which there is a current demand or on which work is being done in one or more jurisdictions, the likelihood of adoption, past consideration by the ULCC, whether the policy issues are well defined, whether the ULCC has the expertise and resources, whether another group is undertaking the work, and if so, that the ULCC is well positioned to add value to that work and would not duplicate it.

There was discussion on whether the list of criteria was correct or complete, and whether the criteria can be prioritized. For example, should a request from the ministers or deputy ministers trump the other criteria? It was noted that while a request might raise considerations of time, resources or feasibility, the importance to the jurisdictions of the subject of such a request and the likelihood of implementation all

indicate the importance of being forthcoming and cooperative. Significant examples are the *Uniform Enforcement of Canadian Judgments and Decrees Act* and the *Uniform Cost of Consumer Credit Disclosure Act*. It was noted that it is important that the Project Selection Criteria provide information that meshes with the Project Template.

Russell Getz reported on the Leadership of ULCC Projects: the challenges and potential means of improving the recruitment of leaders and experts. The ULCC has a comparatively small pool of volunteers from which to draw and limited financial resources for research and honoraria. Responsibilities of project leadership are demanding and encompass a significant suite of responsibilities and expectations respecting issues of management and substantive subject-matter. These include recruitment of experts, chairing the working group, preparing policy papers and reports, and presentation of the proposed uniform act to the Conference. When we examine our experience, we see that projects that originate from or entail collaboration with a particular jurisdiction, law reform agency or other body, or which originate from an international instrument often have broader access to leadership and expertise. When the Conference carries on a project in conjunction with some other organization, it is important to require that both groups contribute expertise and that an experienced Conference member be chair or co-chair. Useful processes from successful projects could be put into a 'best practices toolbox' for the guidance of future working groups.

Potential practices and methods of improving recruitment would include: publicizing the ULCC's work and products outside government circles, and improving liaison with the CBA and with law faculties. A CBA representative could be invited to attend Advisory Committee meetings. We could build an inventory of potential academic experts and their areas of scholarly interest. Experts in academia and in private practice need sufficient lead time to plan and to integrate their participation in the Conference's projects with their work. It is important that the Conference ensure that legal scholars and law faculties are aware of the rigorous scrutiny and peer review that policy papers and uniform acts receive, and the potential value to their scholarship and reputations as subject matter experts. The role of expert reporters in the US Uniform Law Commission's projects is a model for us to be aware of. Experts should be recognized to benefit their professional and scholarly reputations, including on the Conference website and in letters of commendation and appreciation to law faculties, law firms and the CBA. One suggested possibility is that we explore convening an editorial board to elevate the Conference's published Proceedings to a scholarly journal, and the CBA could annually highlight ULCC papers in their journal.

Lynn Romeo reported on Implementation of Uniform Acts. Implementation is a continuing challenge for the Conference and for jurisdictional representatives charged with advancing implementation in their jurisdictions. Failure to implement tends not to be due to disagreement, but rather because of one or more of lack of resources, lack of time on busy legislative agendas, or an absence of stakeholders advocating for enactment. Implementation is made more difficult when a uniform act does not fall within a given ministry of justice's or attorney general's field of responsibility. How can the Conference assist jurisdictional representatives? There are certain options to consider: When the Conference adopts a uniform act, each jurisdictional representative should be tasked with providing the Advisory Committee and the chair of the project working group with contact information on the name of the responsible ministry and senior official. At the same time the Advisory Committee and jurisdictional representatives could identify stakeholders. The chair of the working group would be responsible for preparing a briefing note that would be suitable to be shared with the responsible officials and stakeholders.

In discussion, it was noted that non-governmental working group chairs may require assistance on how to frame a briefing note in a way useful to governments. It was also pointed out that it is important to make FPT ministers and deputies aware of our products and developing a priorities list could be useful. The example of the US Uniform Law Commission in pursuing implementation was highlighted. The value of ease of access to complete background material on the ULCC website was stressed.

Kathryn Sabo reported on Communications. It is an issue that cuts across the issues of leadership and implementation, and which involves issues both for the Uniform Law Conference generally and for the development and implementation of specific projects. The objectives of a communications strategy are increasing the commitment of resources, generating good project ideas, attracting participants and leaders for projects, improving the implementation of uniform acts, and raising the profile of the Conference. Our stakeholders are many: the jurisdictions themselves and the ministers and deputies, the provincial bar associations and the Chambre des notaires du Quebec, the CBA, the law reform institutes, the judiciary, universities, and our US and Mexican colleagues. Our tools of communication include the newsletter and the website. We should also explore the possibilities of outreach to the CBA and meetings of deans, and of other forms such as participation in conferences (for example, senior's issues) and at universities (for example, teaching a class component on the Uniform Law Conference).

Peter Lown closed by thanking everyone for their most helpful participation and asking members to advise of any comments or suggestions regarding the Potential Projects Inventory and the Four Year Plan document.

**RESOLVED:**

**THAT** the planning, development and management report of the Advisory Committee on Program Development and Management, and the direction undertaken by the Advisory Committee, be accepted.

**General Resolution respecting Appearance of Reports in the Proceedings**

**RESOLVED:**

**THAT** the written reports presented to the Civil Section and to the joint session of the Civil and Criminal Sections appear in the 2013 Proceedings of the Conference; and

**THAT** a summary of the oral reports presented to the Civil Section and to the joint session of the Civil and Criminal Sections appear in the 2013 Proceedings of the Conference.