

**UNIFORM LAW CONFERENCE OF CANADA**  
**CIVIL LAW SECTION**

**INTERIM REPORT TO UNIFORM LAW CONFERENCE OF CANADA  
RE: VITAL STATISTICS ACT PROJECT: 2014-2017**

*Readers are cautioned that the ideas or conclusions set forth in this paper, including any proposed statutory language and any comments or recommendations, may not have been adopted by the Uniform Law Conference of Canada. They may not necessarily reflect the views of the Conference and its Delegates. Please consult the Resolutions on this topic as adopted by the Conference at the Annual meeting.*

**Toronto, Ontario  
August 2014**

**INTERIM REPORT TO UNIFORM LAW CONFERENCE OF CANADA  
RE: VITAL STATISTICS ACT PROJECT: 2014-2017**

## **Introduction**

- [1] At the 2013 meeting of the Uniform Law Conference of Canada, Lynn Romeo provided a summary of the model Vital Statistics Act as a new project. Points in the summary included that:
  - Many societal changes have occurred in the last 25 years since the last update of the model Vital Statistics Act of 1987;
  - The Vital Statistics Council of Canada are committed to supporting legislative changes that result in a more harmonized approach and is willing to work with ULCC;
  - A number of members of a Vital Statistics Council and ULCC Working Group were identified;
  - An extensive list of issues was prepared; and
  - A ULCC person was sought to co-chair the joint working group.
- [2] Since August 2013, significant progress has been made in the early stages of the Project.

## **Project Organization**

- [3] Jim Emmerton is acting as co-chair of the ULCC Project. Three groups began initial work:
  - **Executive Committee** – co-chairs, Lynn Romeo and Jim Emmerton and participants, Josée Dube (New Brunswick) and Michelle MacFarlane (Nova Scotia). The Executive Committee directed the start-up of the Project work, then agreed to disband.
  - **Vital Statistics Committee (VS Committee)** – co-chairs Josée and Michelle MacFarlane and participants Jennifer Anawak (North West Territories), Ingrid Bloomfield (British Columbia), Valerie Gaston, (Statscan), Jenetta Day (North West Territories), Mona Bichai (Alberta), Linda Harlos (Manitoba), Alexandra Schmidt (Ontario), K Mullaly (Newfoundland and Labrador), Daphne Butt (Nova Scotia), Krista Dewey (Nova Scotia), and from BCLI, Jim Emmerton and Alexander Blondin.

This Committee has been meeting monthly and provides expert advice and support for the issues

- **ULCC Working Group (ULCWG)** – chair, Jim Emmerton and members Frédérique Sabourin (Québec), Andre Breton (Québec), Lonnie Stewardson (Alberta), Fiona Gow (British Columbia), Sherie Verhulst (British Columbia), Gail Mildren (Manitoba), Lynn Romeo (Manitoba), Clark Dalton, QC (Alberta) and from BCLI, Alexandre Blondin.

The Committee has been meeting monthly since December 2013 to review the issues and

## **UNIFORM LAW CONFERENCE OF CANADA**

make tentative reform recommendations.

### **Project Plan and Initial Meetings**

[4] A Project Plan has been developed and approved and regular meetings are scheduled to review the various topics.

### **Research, Writing and Funding**

[5] It was recognized early that the project requires significant research and writing. BCLI agreed to provide research and writing for \$15,000 annually.

[6] The Province of Nova Scotia generously provided \$4,000 in funding for the period January-March 2014;

[7] The Province of Manitoba generously provided \$4,000 toward funding for the fiscal 2015 period; and

[8] Ongoing fundraising continues.

[9] BCLI developed a first memorandum relating to the broad topic of sex assignment and change and the VS Committee and ULCWG have reviewed alternatives for reform on this topic.

[10] Discussions in the meetings have identified several themes:

- It is evident that a requirement for sex-change surgery as a prerequisite to an application for redesignation will no longer be appropriate;
- What, if any, sex designation will be appropriate on birth certificates is a complex question about which there may be opposing interests;
- Provincial and territorial jurisdictions are compelled to take new legislative or policy approaches due to various legal actions.

### **Rapidly Shifting Landscape**

[11] The project is in its initial stages and is expected to require approximately 3 years to complete. In the meantime, the landscape has been rapidly shifting in the areas of sex designation and reassignment.

[12] See the attached chart which provides a summary of the many recent changes to vital statistics legislation and policy.

[13] While some changes often occur in an area during the course of a ULCC project, the Committees will be especially challenged in this instance to develop new draft uniform

**INTERIM REPORT TO UNIFORM LAW CONFERENCE OF CANADA  
RE: VITAL STATISTICS ACT PROJECT: 2014-2017**

legislation that provides a sound roadmap for potential uniform legislation.

## **Outreach**

[14] During May and June, 2014, Jim Emmerton attended a telephone meeting of the Canadian Association of Statutory Human Rights Agencies (CASHRA) and the annual CASHRA conference to provide a summary of the ULCC Vital Statistics Project and obtain input from the human rights community.

## **Next Steps and Project Outlook**

[15] Requirements for the near future include:

- Raising additional funding to support legal research and writing;
- Continued research and memoranda summarizing the various issues and posing reform alternatives;
- Continued meetings of the Committees to review the research and reform alternatives and develop tentative recommendations for consideration by ULCC and inclusion in a new uniform ULCC Vital Statistics Act;
- A further update to the 2015 meeting of ULCC.

[16] On behalf of the ULCC Vital Statistics Project Working Group,

Jim Emmerton, Executive Director  
British Columbia Law Institute  
Tel. 604 822 0145  
Cell. 604 992 1744