

**UNIFORM LAW CONFERENCE OF CANADA
CONFÉRENCE POUR L'HARMONISATION DES LOIS AU CANADA**

**Minutes of the Closing Plenary Session
Held in Toronto, ON
On Thursday August 14, 2014 at 11:30 a.m.**

Opening Remarks

The meeting was called to order at 11:45am with President Lynn Romeo as Chair and Marie Bordeleau as Secretary.

L Romeo expressed the hope that everyone enjoyed the warm welcome and hospitality of our Ontario hosts, as well as all the lively discussions during our sessions. L Romeo thanked Earl Fruchtmann, John Lee, Cathy Cooper, Abiodun Lewis and Kate O'Toole as well as the members of their committee for successfully hosting the Annual Meeting.

Report from the Criminal Section

C Cooper reported that the Section got through all of its resolutions and that there was time to consider a so-called "late resolution" add-on, and a follow-up discussion of the Supreme Court's decision in *R vs Spencer*, which had started earlier in the week and which the delegates were able to return to today.

The Section considered 27 resolutions from the jurisdictions. Nine were carried without amendment, seven were carried with amendment, two were defeated and four were withdrawn without any discussion (for example there was a Supreme Court decision that obviated the need to pursue that resolution), and five, perhaps as a testament to the quality of the interventions in the Section, were withdrawn by the moving jurisdiction after debate. It was a very cordial meeting and there were no jurisdictional votes this year so it went smoothly, although at times the debate was colourful, with passing references to everything, from "Fifty Shades of Gray" to colonoscopies.

In addition to the jurisdictions resolutions, Justice Canada gave a presentation on the issue of the endorsement of interprovincial warrants, orders and authorizations. There was a lot of interest in that issue and the Section decided to strike a working group who will report back at next year's meeting.

Also, in response to a resolution from the Public Prosecution Service of Canada, the Section voted to create a second working group to study the development of a legislative framework for the litigation of informer privilege issues that arise in the course of a criminal trial. Justice Canada and the PPSC will co-chair that working group. However, the working group on the Modernization of Notice Provisions, which was established two years ago, lost its two co-chairs not long after last year's meeting through retirement and reassignment, so as a matter of competing priorities and limited resources, the Section voted to suspend the work of that working group indefinitely. That does not preclude individual jurisdictions from bringing specific resolutions on specific notice provisions at a future time.

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C Cooper announced that the formal election of the incoming Chair of the Criminal Law Section was held this morning and was pleased to announce that Kusham Sharma of Manitoba will succeed her for the upcoming year. It was a busy week but an enjoyable one C Cooper expressed her gratitude to all the delegates for their hard work. C Cooper thanked the Secretary of the Section, Dorette Pollard, who was tremendous, having taken on the role mid-year when Anny Bernier was not able to continue in that role. It was as if Dorette already had several years' experience in that role and kept her on track during the Annual Meeting.

C Cooper thanked Earl Fruchtman, John Lee and Abiodun Lewis for doing the lion's share of the work in planning the Annual Meeting so that she could focus on her chairing duties.

Report from the Civil Section

Manon Dostie reported that this whole year has been a great experience and that she has enjoyed being Chair of the Civil Section, in great part due to Clark's guidance and the support from her colleagues, as well as from Lynn Romeo, Marie Bordeleau and Peter Lown. The week was a great success.

During the meeting, we adopted the *Uniform Missing Persons Act*, and on November 30, 2014, we will adopt three other pieces of legislation, including the *Harmonization of Powers of Attorney Act*, the *Uniform Wills Act* and the *Principles for Drafting Uniform Legislation for the Implementation of International Conventions*.

There were continued discussions on commercial tenancies, rules to implement The Hague Service Convention, as well as on the Interpretation Act. For the first time, and for the next couple of years, the Civil Section will be examining issues of elder financial abuse and powers of attorney legislation, a project on domestic arbitration, the renewal of Vital Statistics, and our joint project on the enforcement of extraprovincial search warrants. There is no lack of work ahead of us and M Dostie noted that chairs and working groups work year round so we can come to this meeting with products of very high quality.

M Dostie extended her thanks to all the Ontario delegates who worked so hard to create a successful Annual meeting this week and said it was a pleasure to be in Toronto this year, as the last Toronto meeting was her first meeting of the ULCC, and coming full circle was a nice way to end her tenure as Chair of the Civil Section. M Dostie announced that Genevieve Harvey of Nova Scotia will be the Chair of the Section for the coming year.

Report from the Nominating Committee

On behalf of Immediate Past President Nancy Irving, who had to return home early for some family matters, Darcy McGovern reported that the Nominating Committee was struck earlier this week, comprised of long-time delegates and past presidents. The result of their deliberations being unanimous, D McGovern presented the following motion on behalf of the committee:

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THAT Luc Labonté, currently Vice-President, be nominated for President of the ULCC, and **THAT** Elizabeth Strange be nominated for Vice-President of the ULCC. Seconded by Russell Getz. The motion carried unanimously.

Host Jurisdiction's Report – Yellowknife, NT 2015

Ian Rennie noted that planning and preparations for the 2015 Annual Meeting continue. There is strong support from the Government of the Northwest Territories Department of Justice, the Law Society of the Northwest Territories, as well as from Industry and Tourism. Negotiations continue with the primary hotel and should be completed within a month. We are also about to seek a travel discount from the airlines. Details will be posted on the website and made known in due course. Yellowknife is about 1.5 hours by plane from Edmonton and there are direct flights from Edmonton, Whitehorse and Ottawa. It is a 10-hour drive from Edmonton through scenic Northern Alberta and the South Slave Region of the Northwest Territories.

Yellowknife may only have a population of about 18,000 but it is a capital city with a very interesting history. It is a frontier town and one can see nature in its purest form – be that wild animals, subarctic flora or the aurora borealis. Yellowknife is a family friendly location and there is much to do for all, including those who accompany delegates. Yellowknife is the sunniest city in Canada. One can fish in Great Slave Lake or just kayak through its pristine waters. You can hunt in the Barrens if you so inclined. The Sissons legal art collection, comprised of native art related to the cases Judge Sissons presided over, is available for viewing. One can also trace the northern aviation pioneers, shop for Canadian diamonds, gold or native art. Bicycles can be borrowed for free, camping is available and one can extend their stay and adventure through Nahanni National Park, check out Wood Bison National Park and follow in the footsteps of famous expeditions by Sir John Franklin and Dr. John Rae (Aglooka), have some muskox steak... but be warned...you may like it so much that you might not return home! Brochures promoting the venue are available at the Secretariat.

Host Jurisdiction's Report – New Brunswick 2016

L Labonté reported that the 2016 Annual Meeting will be held in New Brunswick but no venue has been selected yet. L Labonté noted that the upcoming election in his province may influence that decision and that information will be made available as soon as possible.

Outgoing President's Report

L Romeo said she 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 Ontario, which hosted the 96th Annual Meeting of the Uniform Law Conference of Canada, in particular Assistant Deputy Attorney General (Criminal Section) James Cornish and Assistant Deputy Attorney General (Policy Section) Irwin Glasberg;

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2. Orlando da Silva, incoming President of the Ontario Bar Association, Doug Downey, Public Affairs Liaison to the OBA Board, Elisabeth Hall, Director of Policy and Public Affairs for the OBA and Christopher Cheung, Associate Director of Policy and Public Affairs for the OBA for graciously receiving us at the welcoming reception, which was so appreciated by our delegates;
3. The Organizing Committee who worked so hard to host our Annual Meeting, John Lee, Earl Fruchtmann, Cathy Cooper, Abi Lewis and Kate O'Toole;
4. Our very competent secretariat staff, Kate O'Toole, Annamarie Grant and Maggie Chen, as well as the support staff at the Ontario Ministry of the Attorney General, Pat Foster and Ryan Field;
5. Our esteemed colleagues from the US Uniform Law Commission, Michael Houghton, Harriet Lansing, Bob Stein, Rich Cassidy and David English;
6. Immediate Past President Nancy Irving, now leaving the Executive Committee;
7. Cathy Cooper, Chair of the Criminal Section and Dorette Pollard, Secretary to the Criminal Section for the exemplary work accomplished in chairing that Section's debates;
8. Manon Dostie, Chair of the Civil Section for the work done and the smooth running of our sessions;
9. Our presenters, Brennan M. Carroll, Kim Nayyer, David English, Gerald Ghikas, QC, Dr Michael Pollanen, Mark Sandler and Jennifer Woolcombe;
10. Abiodun Lewis for preparing the minutes of the Civil Section;
11. Peter Lown, QC, Chair of the Advisory Committee on Program Development and Management and Chair of the International Committee for all the work he accomplishes every year;
12. Clark Dalton, QC, our Projects Coordinator who works so hard for the conference;
13. Our Executive Director, Marie Bordeleau;
14. The staff of the Eaton Chelsea Toronto;
15. The interpreters in each Section: Jacques Audet, Emmanuelle Dubois, Anaïs Haynes, Justine Bret, Dorothy Charbonneau and Hélène Regimbald for their competence and commitment;
16. The audio-visual technicians, Peter Boyle and Matthew Anthony, for ensuring the smooth running of the meetings; and last but not least,
17. Our intrepid yet fair umpire, John Gregory.

The resolution was approved unanimously.

The President presented gift cards to the above-named members of the host committee and secretariat staff for their excellent work in the secretariat office throughout the week.

Closing Comments – Outgoing President

Serving as President has been a wonderful experience, very rewarding personally and professionally. I can't thank you enough for having entrusted me with this important role and for having supported me throughout the year. I want to congratulate the members of this organization on choosing Luc Labonté to serve as President. Luc brings an energetic and practical strength to this role and I know the Conference will be very well served with him at the helm. Congratulations, Luc.

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This year Nancy Irving completed her outstanding service on the Executive Committee. As I mentioned earlier, Nancy retired from Justice Canada partway through the year but she continued to fulfil her duties as Immediate Past President and provided helpful and friendly advice and support to me and other members of the Executive. Nancy has agreed to assist with the planning of our Centennial celebrations, and although she wasn't able to stay for our Closing Plenary I thank Nancy for her many contributions to the work of the Conference.

I'd also like to thank all the members of the Executive and Clark Dalton for their assistance and dedication throughout the year; you made my work much easier and a lot of fun. I have been fortunate to work with you. I also acknowledge the achievements and contributions of the Chairs of the Civil and Criminal Law Sections, Manon Dostie and Cathy Cooper for their successful work, as well as our Ontario hosts; because our organization loves its baseball, I think you all hit it out of the park this year, well done. It was great that our American guests could join us; we appreciate that they came in directly from Boston where the American Bar Association held its annual conference. We appreciate their valuable contributions to our discussions and look forward to our future work with them.

And lastly I come to Marie. Marie and I have been in constant touch over the past year and pretty much on a daily basis in the last few months, and I would ask that you please join me in thanking her for all that she does for the organization.

It is now my pleasure to pass the gavel on to our new President, Luc Labonté.

Incoming President's Remarks

It is with humility and honor that I begin my term as President of the ULCC. There have been so many competent people that have preceded me and I admit certain unease. I don't want to muck it up.

My first task, and a very pleasant one, is to thank our outgoing President, Lynn Romeo. Not only do I get to thank her, but I also get to present a plaque on behalf of the Conference, and I have asked Darcy to say a few words.

Darcy McGovern said that like any organization, from a federal or provincial cabinet to the Blue Jays, the ULCC is an organization that has stars and heroes, and for his money Lynn Romeo was certainly one of our stars. Over a number of years he has been lucky enough to benefit from and enjoy Lynn's savvy and effective type of quiet and careful interventions and backroom comments during the day, with her ability to carry a table or an entire room with her great good humour in the evenings. For this organization she has carried a number of projects over the years, has served with distinction as a project leader, the Chair of the Civil Section, and now as our President. It's noteworthy that even with a change of careers to a demanding new deputy position, she has continued her commitment to the ULCC this year. D Mc Govern said it would be difficult for him personally not to hear about her daughter and her husband in the future, and comparing notes every year on changes in their personal and professional lives with family and friends. Lynn's tenure at the ULCC has benefitted us all greatly and she will be sorely missed as a mentor to the new delegates, as a leader and as a star of the Uniform Law Conference

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of Canada, and as a great good friend to us all. D McGovern thanked L Romeo for her commitment and dedication.

Lynn's work in the last year was outstanding. I am very fortunate that she will be close by to guide and counsel me in the next year. The work of the President is not done in isolation. The Executive Committee provides guidance and sound counsel. I look forward to working with this Committee in the coming months.

Kind words were already said about Marie Bordeleau but I expect she will have to hold my hand, and I hope she doesn't slap it too often.

I think my biggest challenge will be to learn what happens in the Civil Section. Although I have a general idea of the work of this Section, to an awesome job, I already noticed that I have a lot to learn.

You all know that the Conference will soon celebrate its 100th anniversary. Canadian citizens have received exceptional service during this period. This conference allows the advancement of law in a unique way and we should be proud of the work of the delegates over the years.

I suggest, however, that we need to assess how we are going to survive for another 100 years. We need to look at what we do, how we do it, how we generate funds, how we spend those funds. To remain viable, sustainable, to ensure the relevancy of this Conference is not lost to some bureaucratic fiscally motivated decision, we will need to take a hard introspective look at what we do. In that vein I hope that a strategic plan will assist us. It's my goal that in the coming year we will strike a committee to move this forward and hopefully present you with a plan for the next five years at the next Annual Meeting to show that we are viable because I know that we are relevant and that the work that is done here is important to the advancement of the law. Thankfully, as past president, Lynn will also ensure continuity of the excellent work she has undertaken with the budget exercise. I strongly believe the ULCC will continue for many years to come. I am proud and honoured to serve as President.

Other Business

There being no further business, L Labonté thanked our Ontario hosts and the meeting was adjourned at 12nn.