

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

Minutes of the Opening Plenary Session
Held in Yellowknife, NT
On Sunday August 9, 2015 at 1:30pm

Opening Remarks

The meeting was called to order at 1:40pm on Sunday August 9, 2015 at the Explorer Hotel in Yellowknife, NT, with President Luc Labonté, QC, as Chair and Marie Bordeleau as Secretary. The President welcomed the delegates and guests to the 97th Annual Meeting of the Uniform Law Conference of Canada.

Luc Labonté introduced Paul Andrew, and noted that he was born in the Mackenzie Mountains across from the community of Tulita, formerly called Fort Norman. His early years were spent learning Dene traditions and language before going to school the Northwest Territories. Mr Andrew has served Tulita as their Chief, taking part in every aspect of volunteer community service. His service continued in a variety of other positions with the Dene Nation, including Vice President.

Mr Andrew has had a very successful broadcasting career with CBC North working in the Slavey language radio program before moving to host the only television news show for northern Canada for many years. He took early retirement in 2012. He is a well-known and popular singer and musician, performing his own compositions in the Slavey language and is a member of the Tulita drummers. He has been honored as the NWT's literacy volunteer of the year and is the recipient of the 2008 National Aboriginal Achievement Award for media and communications.

Mr Andrew offered a drum prayer for the success of our work this week.

Luc Labonté noted that he attended his first ULCC Annual Meeting in Yellowknife in 2002, and said that he was pleased to see so many familiar faces as well as so many new ones around the room. He said he was overwhelmed and a bit intimidated at his first meeting, but said that this is a very collegial and welcoming group, and that its strength is being comprised of delegates from all areas of the law. There is acceptance here and all new delegates are as committed to the high quality of the ULCC's ongoing work as the veterans in the room. Luc Labonté asked that return delegates take a new one under their wing and help make this first experience a good one for each of them.

Luc Labonté said he has been very proud to serve as President of the ULCC and noted that this role cannot be undertaken successfully without Marie Bordeleau's support – she really is the one who runs the organization. However the Executive Committee is a source of support as well.

Introduction of the Executive Committee

Luc Labonté introduced the members of the Executive Committee: Lynn Romeo, Immediate Past President, was not able to attend this year, but with us today are Elizabeth Strange, Vice-President;

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Kusham Sharma, Chair of the Criminal Section; Genevieve Harvey, Chair of the Civil Section; Peter Lown, QC, Chair of the International Committee and the Advisory Committee on Program Development & Management; our Program Director, Clark Dalton, QC; and Marie Bordeleau, Executive Director. Luc Labonté reiterated that he could not have done his job without Marie Bordeleau, who kept him on the straight and narrow whenever he got distracted; she always took his calls, always replied promptly to email and all he can say to her is “thank you, thank you, thank you”.

Luc Labonté reported that Ian Rennie of the Northwest Territories, who chaired the host committee and worked diligently to organize all of this week’s events for over a year, sadly remains hospitalized in Edmonton. A get-well card is available for signature in the Secretariat. A group picture will be inserted in it before it is mailed out to Ian Rennie. His absence will be felt but Marie Bordeleau will step in this week to take on a number of Ian’s duties, as she has in the preceding weeks.

Luc Labonté also welcomed back Anny Bernier to the role of Criminal Section Secretary in Dorette Pollard’s stead during Ms Pollard’s recovery after a shoulder injury, and thanked her for stepping in at the last minute. Another loss to the Criminal Law Section is that the Honourable Jacques Ladouceur has been called to the Bench. He will be missed during the Criminal Section’s deliberations, not to mention on the soft ball field.

Introduction of Commissioners

The Senior Commissioner from each jurisdiction introduced the members of his or her respective delegation. Luc Labonté noted that unfortunately, Dr Jorge Sánchez Cordero Dávila, President of the Mexican Uniform Law Centre, is unable to attend this year, as the Mexican Congress is in session and his presence is required in Mexico City. However, we will be joined later this week by Richard Cassidy, President of the Uniform Law Commission of the United States, and Anita Ramasastry, Chair of its Executive Committee.

Welcome from Host Government & Overview of the Week to Come

Marie Bordeleau reported that the welcome reception, which is being hosted by the Law Society of the Northwest Territories in Katimavik A, will be held tonight from 6pm to 8:30pm. Delegates are free for dinner on Monday, as unfortunately the Aurora Watch has had to be cancelled in Mr Rennie’s absence. However, if anyone is interested in seeing the northern lights, Aurora Village is opening on Wednesday night for the season and if 20 ULCC guests are booked they will have a private teepee so they can observe the auroras between 11pm and 3:30am. The cost is \$120/pp and bookings can be made through the Secretariat. The walking tour on Monday night has been so successful that two outings have been planned – to book please visit the Secretariat. The annual soft ball game will be held at 5pm on Tuesday afternoon, and the field is booked for a very limited time, so please make every effort to end sessions no later than 4:30pm that afternoon. The BBQ will be held in Katimavik A after the game, as will the gala dinner on Wednesday night.

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Dean Sinclair said that changes have been made to Thursday morning's agenda which will allow delegates to see the northern lights until 3:30am and recover before sessions begin again. M Bordeleau said that an updated set of Civil and Criminal Section agendas as well as a Meeting-at-a-Glance spreadsheet will be circulated first thing in the morning.

President's Report

Luc Labonté said that our challenges continue; while Yellowknife is a great venue it is an expensive destination. It is important for all jurisdictions to continue to be represented. It's not sufficient for the jurisdictions to pay their annual contribution; both Sections must have representation so that each administration has a voice at our deliberations. For the work to be continued, Jurisdictional Representatives have to show the calibre of the work we do and promoted participation within their governments. In 2018 we will celebrate our 100th anniversary so the ULCC has survived economic downturns such as the Great Depression, as well as World War II and other challenges over the course of its lengthy history. JRs need to be advocates at all times, but more so during difficult economic times.

Luc Labonté had said at last year's meeting that he wanted to undertake strategic planning to ensure that the organization survives, but although he struck a committee he was not able to do any work due to the challenges of his work in New Brunswick. The Executive Committee has decided that the project should go forward, so Luc Labonté will continue the project with the Strategic Planning Committee. The Committee will study how the ULCC has evolved over the years and how it must continue to evolve to ensure its viability in the future.

Luc Labonté noted that the federal delegates are not permitted to participate fully in deliberations because of the ongoing federal election campaign. As a result the presentation on *Carter v Canada* and *Spencer v Canada* have been cancelled, and the Criminal Section and the Civil Section have reworked their agendas to help provide a successful environment for this week's work. Kathryn Sabo said that the federal delegates will participate in the discussions but that out of respect for the election process, they may not vote as they cannot opine on policy matters that would affect the new government in October. Lucie Angers noted that the delegates will indeed participate in discussions but will abstain from voting. Ms Anger said that while *Spencer v Canada* is a priority for the government that called the election, it may not be for a different government, which is why that presentation was cancelled. Hopefully it can be brought back for discussion next year. With regard to *Carter v Canada*, however, the Civil Section has expressed an interest in participating, and a consultation process has been given a three-person panel. If the panel publishes a consultation document on their website this week, it will be brought up for discussion in the Civil Section.

Financial Resolutions

Marie Bordeleau reported that the bottom line looks very exciting; she noted that this is due to the ULCC being paid for their work for the ESDC in the 2014-2015 fiscal year, but the related invoices not arriving until after the books had been closed on 2014-2015. In fact we were about \$3000 under budget for the fiscal year. The only line item that tends to fluctuate is the Annual Meeting expenses; it changes

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depending on location and the costs connected to going to more remote destinations versus central cities.

a. Approval of Audited Statements

MOVED by Peter Lown, QC, seconded by Kathryn Sabo, **THAT** the Audited Statements for the fiscal period ending March 31, 2014 be approved as presented. Motion carried.

b. Approval of the Auditors

MOVED by Genevieve Harvey, seconded by Darcy McGovern, QC, **THAT** the firm McCay Duff LLP Chartered Accountants, be appointed as Auditors for the Uniform Law Conference of Canada for the fiscal period from April 1, 2015 to March 31, 2016. Motion carried.

c. Banking Resolution

MOVED by Kusham Sharma, seconded by Doug Downey, **THAT** for amounts over \$5,000, two members of the Executive Committee or a member of the Executive Committee and the Executive Director be given signing authority as officers for all banking matters of the ULCC, **AND THAT** for amounts up to \$5,000 and for the purpose of purchasing GICs and term deposits, and for the purpose of transferring funds from the research account to the general account and vice versa, the signature of the Executive Director alone will suffice. Motion carried.

d. Approval of the Budget for the Fiscal Period 2015-2016

MOVED by Elizabeth Strange, seconded by Josh Hawkes, QC, **THAT** the budget for the fiscal period 2015-2016 be approved, subject to amendments if deemed necessary, following the meeting of the Executive Committee in November 2015. It was noted that funds for unrestricted line items can be moved within the budget based on the Executive Committee's approval. Motion carried.

Confirmation of the Nominating Committee

Darcy McGovern, QC, as the most recent Past President present, said that Past President Lynn Romeo was unable to attend the Annual Meeting and asked him to chair the Nominating Committee. Mr McGovern will strike a Committee of Past Presidents who are in Yellowknife and will report on their deliberations at the Closing Session on Thursday morning.

Outline of the Business of the Week

a. Criminal Section

Section Chair Kusham Sharma greeted everyone and said she was excited to be in the Northwest Territories for the first time. Ms Sharma noted that it is striking to see how many international tourists visit Northern Canada, noting that people all over the world know what a spectacular place the North is

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and yet it's still a well-kept secret for most Canadians. Its beauty, diversity and unique culture make this a perfect setting for this year's Annual Meeting. As preparations for this year's meeting were underway, there were concerns about jurisdictions being unable to send delegates to Yellowknife because of fiscal pressures affecting our entire country. It was decided to raise ULCC's profile at the annual Deputy Ministers' meeting held in June in Winnipeg. Immediate Past President Lynn Romeo and Ms Sharma attended the DM meeting and talked about all the benefits ULCC provides to jurisdictions. They were very well received, and Ms Sharma noted that the federal Deputy Minister and the Deputy Ministers from Saskatchewan, Ontario, Yukon, Northwest Territories and British Columbia all exalted the work of the ULCC. This positive reception may have led to a few more jurisdictions attending the Annual Meeting this year. Ms Sharma thanked Dorette Pollard, Lucie Angers, Genevieve Harvey and Lynn Romeo for all their assistance in making that presentation a success.

For this year's meeting, we are missing a few jurisdictions but we are extremely pleased to have seven provinces and two territories with us. There have been a few bumps with our agenda in the last week or so but there are 15 resolutions to discuss, 2 reports from our working committees and an Open Forum on initiatives and challenges about practising criminal law in a northern community. Ms Sharma said she was looking forward to a productive and always fascinating meeting this year again.

b. Civil Section

Section Chair Genevieve Harvey said the Annual Meeting is an opportunity for the Civil Section to review and discuss the work that goes on over the course of the year. Ms Harvey said that the Section is lucky to have a number of dedicated Working Groups working on several projects and whose Chairs are bringing the reports that will be discussed this week. Some of the projects are reaching their completion point and there should be several final products put forward for adoption, such as the Model Interpretation Act, The Uniform Recognition of Substitute Decision-makers Act, the Uniform Enduring Powers of Attorney Act, and the Uniform Rules for the Implementation of the Hague Convention. Other projects are at the early or mid-point in their development; they will be the subject of progress reports and there will be an opportunity for delegates to discuss issues related to them. Projects up for discussion will include the Domestic Arbitration Act, the project on Access to Digital Assets by Fiduciaries and the Vital Statistics Renewal project. There will be updates on the Commercial Tenancy project and on the International Wills project.

Ms Harvey noted that the Civil Section will be joined by representatives of the Uniform Law Commission in the United States and said that this is a great opportunity to share ideas and further develop the cooperation that exists between the two organizations. Ms Harvey said that Ian Rennie has been a most generous contributor to the Civil Section in the past year and said that delegates' best wishes are with him this week. Ms Harvey thanked the Host Committee and Marie Bordeleau for stepping up to ensure that the wonderful social program Mr Rennie had planned would be delivered. Ms Harvey said that the delegates are in very good hands and said she looked forward to the events of the coming week.

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Report from the ACPDM & International Committee

Peter Lown, QC said that a number of years ago the Civil Section determined that it should concentrate its efforts on certain aspects of Commercial Law, with the intent of creating as comprehensive as possible a virtual commercial code. The idea was to bring all of our commercial law together and harmonize it as much as possible. As the Section got to the end of this large project, it made sense to take the management experience acquired in during that work and apply it to project management; thus the Advisory Committee on Project Development and Management was struck. It is the bridge between the Steering Committee of the ULCC and Executive Committee and takes a longer-range view than what a one-year Committee can undertake.

The ACPDM has developed project selection criteria, a template so those who are suggesting projects can provide the necessary rationales and descriptions, a template for the description and promotion of a project once it has been completed, as well as time lines and expectations for project management. The ACPDM has also developed a set of responsibilities for Working Groups and particularly for their Chairs. Mr Lown acknowledged the work of the Committee in all of these aspects. The Committee is comprised of 18 people who have demonstrated a dedication to the work of the ULCC as well as a significant amount of wisdom they bring to its tasks. The group meets by conference call on a monthly basis and thanked all the participants for making themselves available, for their significant contributions and the quality of thought and assessment they provide.

The ACPDM will review its four-year rolling plan and Mr Lown noted that the pipeline is not as full as it has been in the past so the Committee will have to ensure it keeps the capacity up and that the Civil Section provides ideas for further projects.

Luc Labonté noted that he does not have a suite so he is not able to host receptions during the week, but looks forward to meeting up with people over the course of the week.

There being no other business, the meeting was adjourned at 2:45pm.