

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

**Minutes of the Opening Plenary Session of the 99th Annual Meeting
of the Uniform Law Conference of Canada
Held in Regina, SK
on Sunday August 13, 2017 at 1pm MT**

Opening Remarks

The meeting was called to order at 1:07pm on Sunday August 13, 2017 at the Hotel Saskatchewan in Regina, SK, with President Manon Dostie as Chair and Executive Director Marie Bordeleau as Secretary. The President welcomed the delegates and guests to the 99th Annual Meeting of the Uniform Law Conference of Canada and said that she was very happy to see all her colleagues. Ms Dostie said she had excellent memories of the last Annual Meeting held in Regina in 2004 and that she was looking forward to this year's event.

Ms Dostie noted that many delegates were expecting to see Josh Hawkes today, however, his term as President was cut short in May due to his very well-deserved appointment as a judge of the Provincial Criminal Court of Alberta (Criminal). He had been looking forward to attending this meeting and sends his regards. Ms Dostie said she wanted to underline Mr Hawkes' contributions to the ULCC and invited former Criminal Section Chair and former President Dean Sinclair to say a few words:

It is my pleasure to speak on behalf of the Criminal Section in recognition of the enormous contribution Josh made to the ULCC in general and the Criminal Section in particular. I believe Josh started attending our Annual Meetings as a member of the Alberta delegation in 1997. From the beginning, it was clear that he was a very special person. Over the years, in addition to presenting dozens of resolutions advocating criminal law reform, Josh chaired or co-chaired many working groups and usually did the lion's share of work on those projects. Some of the projects he worked on included:

- An examination of the probation provisions in the *Criminal Code*;
- An examination of whether the *Code* adequately responded to violent offence cases involving strangulation;
- The identification of provincial and territorial legislation complementing criminal law enforcement with a view to enabling provincial and territorial Ministers of Justice to be familiar with legislative initiatives in other provinces and territories;
- Identity theft; and
- Keeping tabs on the rising incidence of Charter based costs and damages awards being made against the Crown in criminal and civil courts.

Josh's contributions were obvious to anyone who attended Criminal Section meetings, but his contributions went beyond working on projects. He was always focused on things the ULCC could and should do to remain relevant. He wanted everyone, including Ministers of Justice, to appreciate the value of the ULCC's work and in that regard, was an important force behind the Strategic Plan

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

initiative that we will be discussing today. Those who had the good fortune to work with Josh came to admire his compassion for others, his knowledge of the law and wonderful sense of humor and wit. Josh made me laugh many times, and he was usually educating me as he did so.

I don't want this to sound like a eulogy, because, after all, Josh did not pass away, he was merely appointed to the Bench. But make no mistake about it, we are going to miss him dearly. So, on behalf of the Criminal Section, I want to wish Josh all the best in his new responsibilities and hope that members of the Alberta delegation will convey our sentiments to him.

M Dostie thanked Mr Sinclair for his remarks and went on to note that we lost two dear friends this year; Greg Steele QC, Chair of the Civil Section and former President of the ULCC, who passed away in January 2017, and Claudette Racette, our Executive Director from 1992 to 2010, who passed away in April 2017. Both were remarkable and contributed greatly to the ULCC.

Greg had long been associated with the ULCC and assumed many roles with our organization, including that of Chair of the Civil Section and ULCC President, and participated in many working groups. We will remember Greg was a true gentleman. We all appreciated his deep insight, together with his typical candor, his collegiality. He was a private member of the Bar appointed to the B.C. delegation in 1994 and he continued, even up until his passing, to contribute to the ULCC.

Ms Dostie said that Claudette's dedication to her work and her loyalty to the organisation and her very high standards stand out for her. She worked extremely hard to keep everyone on track. Ms Dostie recollected the to do lists that were drawn up rigorously when Ottawa hosted the Annual Meeting in 2009 and how, working on the same floor as Claudette meant that one had to be sure their list was up to date! Ms Dostie asked delegates to remember both of those colleagues in their interactions this week.

Ms Dostie also noted that this year marks the First Earl Fruchtmann Memorial Seminar (formerly known as the Open Forum), which is held each year by the Criminal Section. The Seminar remembers Mr Fruchtmann, a former President of the ULCC and dedicated participant in its projects and debates, who passed away in January 2016.

Introduction of the Executive Committee

M Dostie introduced the members of the Executive Committee: Elizabeth Strange, Immediate Past President, Laura Pitcairn, Chair of the Criminal Section; Sarah Dafoe, Chair of the Civil Section; Genevieve Harvey, Chair of the Communications Committee, 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.

Introduction of Commissioners

Ms Dostie invited the Senior Commissioner from each jurisdiction to introduce the members of his or her respective delegation.

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

Dorette Pollard, Secretary of the Criminal Section, introduced Mendicino, the federal Justice Minister's Parliamentary Secretary and Member of Parliament for the riding of Eglinton-Lawrence, who will address the Criminal Section delegates at the inaugural Earl Fruchtmann memorial Seminar on Monday. Mr Mendicino is a senior federal prosecutor who has fought against organized crime and terrorism for a decade. Ms Dostie welcomed him warmly to our Annual Meeting.

Ms Dostie said that we will be joined later today by Senator Denise Batters, who will present the Senate's report entitled "*Delaying Justice is Denying Justice*", which addresses court delays in Canada and potential solutions, to the Criminal Section later this afternoon. Ms Dostie noted that members of the Civil Section are welcome to attend both of these sessions.

Ms Dostie noted that unfortunately, Dr Jorge Sánchez Cordero Dávila, President of the Mexican Uniform Law Centre, is unable to attend this year. However, we are joined by former President of the Uniform Law Commission of the United States and retired judge Harriet Lansing. P Lown noted that Ms Lansing continues to contribute actively to a variety of projects with the ULC and expressed his delight in welcoming Ms Lansing to our Annual Meeting once again.

Ms Lansing brought greetings from ULC President Anita Ramasastry and Immediate Past President Rich Cassidy, as well as the Chairs of the International Committees, Bob Stein and Mike Houghton, all of whom are hoping to attend in Québec city next year for our centenary. Ms. Lansing expressed her pleasure at joining our Annual Meeting again this year and noted that organizations such as the ULCC and the ULC are particularly important in these troubled times, as they help to hold up the principles of governance.

Welcome from Host Government & Overview of the Week to Come

Darcy McGovern said that the historic Hotel Saskatchewan is in the centre of Regina. There will be a welcome reception at 5pm in the Regina Room, sponsored by the Law society of Saskatchewan. It will end at 6:30pm to allow delegates to attend the football game or the Folk Festival in the park across the street where Buffy Sainte Marie will perform. Monday is a free evening and there are a lot of restaurants with outdoor patios in Wascana Park or in the Cathedral area. Tuesday we are going to the F Division Depot of the RCMP, where every officer of the RCMP has been trained, for our annual ball game. The RCMP Heritage Museum will be open for those who don't play softball. The BBQ will be held at the Officers' Mess Hall. The ball players should be on the first bus so the game can start on time. On Wednesday we are going to Government House for the gala dinner and Mr McGovern noted that the museum, which predates the province itself, and grounds will be open for delegates to visit. Mr McGovern thanked all the delegates for attending and wished everyone a wonderful week.

President's Report

Ms Dostie said she wanted to keep this relatively short because delegates will have ample time to hear about the work of the SPOC after the Opening Plenary. It has been a very busy year, with particular focus on SPOC. The Strategic Review initiative is well underway. As endorsed by the ULCC in Fredericton

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

in August 2016, work on identified priority areas of renewal will be examined in further detail later this afternoon. Much progress has been made due to the dedicated work of many people such as the Executive, members of the Strategic Program Oversight Committee, and several subgroups, that sustained progress has been made on many fronts. We will be dedicating significant time at our Joint Plenaries, Civil Section and Criminal Section sessions and at other times for deliberation and discussion of these important documents. We are also actively recruiting so anyone interested in serving on a committee or working group is invited to touch base with Ms Dostie over the course of the week.

Our objective is to be positioned to have revised versions of the Constitution and By-laws ready for final formal approval at our 100th anniversary in Québec City in 2018. We also want to discuss the name of the organization and whether it should be changed.

We will hear progress reports from the Communications Committee, on the financial aspects of the ULCC, our relationships with FPT governments and with the CBA, law reform institutes, and other law bodies including notaries.

Financial Resolutions

Ms Dostie spoke to the four Auditor's recommendations the Executive Committee has opted to implement, including assessing whether an investment policy is required given our limited funds, having the Executive Committee and the Budget & Finance Committee review the financial statements on a quarterly basis, obtaining Directors' Liability insurance and getting the proposed budget approved by JRs through electronic means earlier in the fiscal year, which begins April 1st.

a. Approval of Audited Statements

MOVED by Elizabeth Strange, seconded by Darcy McGovern, **THAT** the Audited Statements for the fiscal period ending March 31, 2017 be received as presented. Motion carried.

b. Approval of the Auditors

MOVED by Peter Lown, seconded by Russell Getz, **THAT** the firm Hendry Warren LLP Chartered Accountants be appointed as Auditors for the Uniform Law Conference of Canada for the fiscal period from April 1, 2017 to March 31, 2018.

Mr Lown noted that the ULCC moved from McCay Duff to Hendry Warden because the individual performing our audits for the last few years moved to Hendry Warden. Todd Hamilton is fully knowledgeable in how our organization works, so we chose to stay loyal to the individual auditor. In ongoing discussions with him, we are considering moving from a formal audit to a review engagement, and the SPOC will assess whether that advice should be followed, based on the requirements from our funding jurisdictions. Motion carried.

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

c. Banking Resolution

MOVED by Sarah Dafoe, seconded by Kathryn Sabo, **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 2017-2018

This motion was postponed until the next joint session as the latest version of the budget was not circulated to JRs prior to the Opening Plenary.

Confirmation of the Nominating Committee

Elizabeth Strange, as the Immediate Past President, was appointed Chair of the Nominating Committee and said that she has invited four Past Presidents who are present to serve on the committee with her: Luc Labonté, Dean Sinclair, Kathryn Sabo and Russell Getz. Ms Strange said a recommendation will be made to the group at the Closing Plenary session on Thursday morning.

Outline of the Business of the Week

a. Criminal Section

Section Chair Laura Pitcairn said that it was an honour to serve as Chair this year. Unlike the Civil Section, the bulk of the work of the Criminal Section takes place during the week, and it will be very busy. Ms Pitcairn thanked Dorette Pollard for her great assistance as the Secretary of the Section, the Criminal Section Steering Committee, comprised of Luc Labonté, Samantha Hulme, Dean Sinclair, Lucie Angers and Cathy Cooper, as well as Executive Director Marie Bordeleau for their on-going support.

This year we have 31 delegates in attendance, 13 of whom are new members to their delegations. Among these delegates are stakeholders from various sectors of the criminal justice system, such as defence counsel, policy makers and members of the judiciary. This mix of delegates is one of the unique aspects of the ULCC's Criminal Section as compared to other FPT functions.

This year we have our first Earl Fruchtmann Memorial Seminar in honour of our former colleague who passed away very suddenly in January 2016. Earl was a very faithful and animated member of the Criminal Section, and this year's seminar will focus on Criminal Justice Review with a presentation by MP and Parliamentary Secretary of the Minister of Justice of Canada, Marco Mendicino. This is the first time an MP is presenting and that will be discussed later this week. We also have the honour having Senator Denise Batters of Regina with us and she will make a presentation on court delays to the Criminal Section later today.

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

Ms Pitcairn noted that most of the Criminal Section's time will be focused on the debate of the 27 resolutions currently before it, including four from the Canadian Association of Provincial Court Judges, which is unusual, and one from the CCCDL calling for a royal commission on the prosecution of sexual crimes. The resolutions are intended to recommend specific amendments to the Criminal Code or federal laws, such as the offence of bestiality, the reform of section 490 of the Criminal Code, which has been the subject of many resolutions in the past. There will also be a number of status reports from several working groups, as well as a discussion on SPOC.

b. Civil Section

Civil Section Chair Sarah Dafoe reported that the Civil Section would be asked to consider a range of legal issues, including amendments to the ULCC's existing *Uniform Vital Statistics Act*, a possible renewal of the *Uniform Franchises Act*, and issues related to the collection of interprovincial and interterritorial tax debt. A welcome was extended to the former President of the ULC.

Report from the ACPDM & International Committee

Peter Lown said that he has the pleasure of chairing the Advisory Committee on Project Development and Management and the International Committee and thanked the members of both committees for their hard work. The ACPDM meets on a monthly basis by phone and is strongly supported by Clark Dalton. The responsibility of this committee is to plan to plan the medium to longer term projects the working groups will undertake. The ACPDM mostly works on Civil Section projects but also promotes joint projects with the Criminal Section. Mr Lown said that the Committee has developed a set of criteria for project selection as well as a descriptive format for those proposing projects as well as protocols for project management and protocols for how the resulting Model or Uniform legislation might be described and publicized.

This year a number of projects came up for decision and were deferred so that there could be fuller discussions with the entire group about the desirability of taking on them. An email outlining four projects will be sent to Civil Section JRs in the next day. If these projects are viable and have the support of the jurisdictions, "worker bees" will have to be recruited for the work.

Mr Lown said that there is some overlap between the ACPDM and the International Committee. Our focus for international projects over the last few years has been the ULC in the United States because of our proximity and similarity of subject matter, such as in the case of substitute decision-making documents. There are a great many avenues for the sharing of information between the ULC and the ULCC, such as anti-SLAPP legislation, Canadian protection orders, and the unauthorized disclosure of intimate images. Mr Lown noted that there is a great deal of opportunity of exchange of ideas and exchange of analysis, and there is mutual benefit the open sharing of these ideas and analysis.

Mr Lown said that the ACPDM will be looking at its makeup to ensure it has good representation and that new ideas are circulated.

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

There being no other business, the meeting was adjourned at 2:05pm. M Dostie thanked all the members of the Executive Committee, particularly Peter Lown, Clark Dalton, Kathryn Sabo and Elizabeth Strange as well as Marie Bordeleau for their support when she had to take up the presidency when Josh Hawkes had to step down in May.