

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

**Minutes of the Closing Plenary Session of the 105th Annual Meeting
Of the Uniform Law Conference of Canada
The Rodd Charlottetown
In Charlottetown, Prince Edward Island
On Friday, August 25, 2023, at 10:45 AM ADT**

Called to order at 11:07 AM ADT.

Opening Remarks

ULCC President Sarah Dafoe welcomed everyone to the last session of the 2023 annual meeting. She reflected on the very busy and productive week and hoped that everyone enjoyed and benefited from discussions at the meetings as well as the breaks and social events. Ms Dafoe noted that the speakers educated, illuminated, and often challenged our ways of thinking. She congratulated the East team for its victory at the traditional softball game. Ms Dafoe thanked the organizing team from Prince Edward Island for putting together a very fun event the night before at the Confederation Centre of the Arts, noting that there was a lot of laughter in the room thanks to the engaging comedy of local comedian Patrick Ledwell.

Ms Dafoe turned the floor over to the Section chairs to talk about their work during the week, stating that Criminal Section Chair Anny Bernier had been called away and that Craig Savage, incoming chair, would present the Criminal Section report.

Reports from the Section Chairs

i. Criminal Section

Incoming Chair Craig Savage said that Chair Anny Bernier had asked him to read the following report in her absence:

“I apologize for having to leave this morning. I reassure you, everything is fine; however, my presence is required in Quebec City on a personal matter. I would like to take this opportunity to thank Craig Savage, our new Criminal Section Chair, for kindly agreeing to take my place this morning.

I would first like to emphasize that this has been a very rewarding week for the Criminal Section. We debated 33 resolutions and, after very constructive exchanges and several amendments, 29 were adopted. A wide range of criminal justice topics, including the possibility of establishing a working group related to the severity of punishments for murder committed against an intimate partner were examined. Amongst others, the Section adopted resolutions proposing to increase the maximum penalty for voyeurism and non-consensual distribution of intimate images; to have first-degree murder by imputation in home invasion cases; and to examine Part XX.1 of the *Criminal Code* to allow the court to consider the issue of fitness of the accused to stand trial at any stage of the proceedings.

Further, the Section received the final report of the Working Group on the search warrant regime under section 487 of the *Criminal Code*. It also received progress reports from three working groups regarding section 672.26 of the *Criminal Code* concerning juries and fitness to stand trial, detention of seized property under section 490 of the *Criminal Code*, and examining the treatment of animals in the *Criminal Code*.

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The Criminal Section is also very pleased with the election of the next Chair, Craig Savage, the jurisdictional representative from Manitoba, and to announce the appointment of the 2025 Chair, who is the jurisdictional representative from Saskatchewan, Andrew Davis.

As usual, the week spent with you, dear colleagues and friends of the ULCC, has been truly enjoyable, productive and particularly enriching in terms of the exchanges we've had. In closing, I cannot complete my mandate as Chair of the Criminal Section without warmly thanking Sarah Dafoe, Michelle Lemieux, and Christine Badcock for their invaluable collaboration, as well as all the members of the Criminal Section Steering Committee, and particularly our new Section Secretary, Mr. Aleksander Godlewski, who has done an incredible job since his appointment at the beginning of the year. Thank you all for your confidence, and I look forward to seeing you all next year.”

ii. Civil Section

Chair Christine Badcock was pleased to report that the Civil Section also had a busy and productive week. The Section adopted the *Uniform Enforcement of Canadian Judgments Act* and the renewed Drafting Conventions and heard from Professors Stephen Pitel and John Mark Keyes respectively on those projects. The Section was fortunate to have these projects led by recognized experts in their fields. That morning, the Section also adopted, in principle, amendments to the common law version of the *Uniform Benevolent and Community Crowdfunding Act*, which, it is hoped, will be adopted subject to the November 30 rule. It also received a number of progress reports on projects such as non-disclosure agreements, joint ventures, and charitable organizations. Ms Badcock thanked the working group chairs, Jennifer Khor, Professor Cachecho, and Peter Lown, K.C., respectively for their leadership on those projects, indicating that it was very much appreciated.

Ms Badcock said that the Section also received a report from international colleague Mr Carl Lisman, from the Uniform Law Commission in the United States, as well as reports from Professor Catherine Walsh and from Kathryn Sabo of the federal delegation with updates on private international law. Finally, Valérie Simard presented the report of the Civil Section’s Subcommittee on the Rules of Procedure, and the Section adopted the Policy on the Distribution of Materials to the Civil Section for its Annual Meeting.

The Section had a busy week and Ms Badcock concluded by thanking the host jurisdiction and the ULCC’s Executive Director for their hard work, welcoming the ULCC’s incoming Legal Project and Research Coordinator, thanking the Chair of the ACPDM, and thanking all of the delegates to the Civil Section. It was a pleasure for her to chair the meeting this year and she is very much looking forward to next year.

Thank-You Resolution

Ms Dafoe proposed the following Resolution:

BE IT RESOLVED THAT the Uniform Law Conference of Canada express its thanks to:

1. The Government of Prince Edward Island, and the Prince Edward Island Department of Justice and Public Safety for hosting the 2023 (105th) annual meeting of the Uniform Law Conference of Canada;
2. The Honourable Bloyce Thompson, Prince Edward Island Minister of Justice and Public Safety and Attorney General; Loretta Coady MacAulay, K.C., with the Prince Edward Island Department of Justice and Public Safety; and Cindy Cameron, President of the Law Society of Prince Edward Island, for speaking at the ULCC’s inaugural Clark W. Dalton, K.C. Reception;

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3. John Diamond, K.C., Director of Prosecution, Prince Edward Island Department of Justice and Public Safety, for his presentation at the Earl Fruchtmann Memorial Seminar;
4. Carl Lisman, former President of the Uniform Law Commission of the United States, for his presentation to the Civil Section and for his ongoing support and collegiality;
5. The annual meeting planning committee for creating such a comfortable and friendly environment for all our discussions and social events: From our host jurisdiction, Blair Barbour, Katherine Charles, Madelyn Driscoll, Loretta Coady MacAulay, K.C., Jeffrey S. MacDonald, and Andrea Matters. As well, from the ULCC, Matthew Hinshaw, Michelle Lemieux, and Sarah Dafoe;
6. The secretariat staff for being on call to help us as needed this week: Katherine Charles, Andrea Matters, and Stéphanie Guindon;
7. The 2022-2023 Executive Committee, whose members have met every month for the last year, to manage organizational, policy and strategic issues that arose throughout the year. They did so with dedication, attention, and wisdom: Vice-President Matthew Hinshaw; Immediate Past President Laura Pitcairn; Civil Section Chair Christine Badcock; Criminal Section Chair Anny Bernier; Criminal Section Secretary Aleksander Godlewski; Communications Committee Chair Tyler Nyvall; the Chair of the Advisory Committee on Program Development and Management, Peter Lown, K.C.; and members-at-large Manon Dostie, Maria Markatos, Chloé Rousselle, Lisa Stead, K.C., and, until December 2022, Dorette Pollard;
8. The Budget and Finance Committee, chaired by Matthew Hinshaw who was very willing to offer his time, his perspectives and his wisdom to Ms Dafoe throughout the year. To the members of the Budget and Finance Committee who worked through the spreadsheets and financial reports with aplomb: Laura Pitcairn, Christine Badcock, Anny Bernier, Peter Lown, K.C., Aleksander Godlewski, Maria Markatos, Elizabeth Strange, Craig Savage, and Sarah Dafoe;
9. The members of the Roles Review Committee who had their timelines and the priorities adjusted throughout the year. They have been working hard to ensure the ongoing stability and effectiveness of our organization: Laura Pitcairn (Co-chair), Valérie Simard (Co-chair), Christine Badcock, Catherine Cooper, Manon Dostie, Matthew Hinshaw, John Lee, Maria Markatos, Elizabeth Strange, Michelle Lemieux, Sarah Dafoe; and with appreciation to Laurence Bergeron for her assistance with recruitment this year.
10. The law firm of Lawson Lundell LLP for their sponsorship of the Clark W. Dalton, K.C. Reception;
11. Peter Lown, K.C., Chair of the Advisory Committee on Program Development and Management and Chair of the International Committee, and Michelle Lemieux, Executive Director, who are on call all the time to help with whatever issue may arise; and in fond memory of Clark Dalton, K.C., our Project Coordinator until February 2023;
12. The interpreters, Romina Cousineau, Karine Doiron, Laura Garfinkel, Michele Glazebrook, Krissi Michaud, Émilie Rochon-Gruselle;
13. The audio-visual team from Encore, Larry Fairweather and James Quackenbush, for making sure we could communicate with each other;
14. From the Rodd Charlottetown Hotel, Janet Higgins, Tricia Carragher and all of the wonderful staff onsite this week for making a comfortable space for us;

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15. The jurisdictional representatives, delegates, presenters, working group and committee chairs, and our members;

thank you very much.

Moved by Valérie Simard. Seconded Tyler Nyvall. Motion carried.

Report from the Nomination Committee

Nomination Committee Chair Laura Pitcairn announced that the Committee composed of herself and Manon Dostie, Elizabeth Strange, Catherine Cooper, and Chloé Rousselle met and approached Maria Markatos to be the incoming Vice-President of the ULCC, and that Ms Markatos has graciously accepted the nomination.

Ms Pitcairn indicated that Ms Markatos is on the Saskatchewan delegation and is Counsel in the Legislative Services Branch at the Ministry of Justice and Attorney General, working with Justice legislation. Her first ULCC annual meeting was in Winnipeg in 2011. Subsequently, she chaired the Civil Section meeting in 2018 in Quebec City and in 2019 in St. John's, Newfoundland and Labrador, where she took over midway through the year when the incoming chair was unable to attend. Ms Pitcairn congratulated Ms Markatos and welcomed her aboard.

Ms Pitcairn stated that, at last year's meeting, Matthew Hinshaw was nominated Vice-President, to be President this year, and she presented the following motion on behalf of the Nomination Committee:

THAT Matthew Hinshaw, currently Vice-President, and Maria Markatos, currently member-at-large of the Executive Committee, be nominated for President and Vice-President respectively of the ULCC for 2023-2024. Seconded by Julie Roy. Motion carried.

With this, Sarah Dafoe stated that it was her pleasure to pass the baton to her successor, Matthew Hinshaw.

Incoming President's Remarks

Matthew Hinshaw started by saying that he is very excited to have the opportunity to be President of the ULCC, which is a group that he has come to really enjoy and value; the relationships, the work, and everything about the commitment of the people who, year after year, come back and do this work. He stated that it truly is an honour to be in the position of President.

Mr Hinshaw said he is very pleased to be working this year with the two incoming Chairs of the Sections: Christine Badcock of Yukon, returning as Chair the Civil Section for a second year; and Craig Savage from Manitoba, in the role of Criminal Section Chair for the coming year. He introduced the members of the Executive Committee who will be assisting him throughout the year in the business of the ULCC. Mr Hinshaw stated that, as always, an attempt is made to balance out the representation on the Committee based on geography, anglophones and francophones, and between the Civil and Criminal Sections, to help ensure that all areas and interests are represented. In addition to Ms Badcock and Mr Savage as Section Chairs, the Executive Committee members include Maria Markatos as Vice-President from Saskatchewan; Sarah Dafoe, Immediate Past President from Alberta; and Peter Lown, K.C., Chair of the ACPDM and the International Committee, from Alberta. A number of members-at-large will be joining the Committee as well: Tyler Nyvall from British Columbia, Laura Pitcairn from the Canada delegation, Anny Bernier from Quebec, and Manon Dostie and Aleksander Godlewski, both from the Canada delegation; ably supported by Executive Director Michelle Lemieux and Legal Project and Research

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Coordinator Christina Croteau. Mr Hinshaw indicated that he is very much looking forward to working with the Executive Committee over the next 12 months.

Mr Hinshaw provided an overview of his three main priorities for the coming year. Firstly, he will work with the Executive Committee and the Budget and Finance Committee to take a close look at the finances of the ULCC going forward. As discussed at the meeting of the jurisdictional representatives earlier in the week, although the ULCC is currently in excellent financial shape, this year marks the second consecutive year with deficit budgets. While there is no immediate concern, his goal is to identify the specific reasons for the deficits and set out a roadmap to ensure ongoing fiscal stability and sustainability. This will require discussions with the jurisdictions as both the sole funders and the main beneficiaries of the work of the ULCC.

Secondly, Mr Hinshaw said that he looks forward to supporting the ongoing work of the Roles Review Committee as it continues to examine the structure of the ACPDM and consider the role and responsibilities of the Chair going forward. This is a key role that has been very important to the ULCC historically and one that is essential for ensuring success into the future. He indicated that more work remains to be done but that he is confident in the creativity and dedication of the members of the Roles Review Committee and that they will be able to identify a good solution to support the work of the ACPDM.

Thirdly, Mr Hinshaw said that he plans to focus on furthering the goals of increasing diversity and inclusion within the ULCC. Indicating that the Diversity and Inclusion Committee has produced a report that will be delivered to the Executive Committee and that sets out a number of recommendations, he stated that he will work to implement as many of those recommendations as possible. He took the opportunity to reiterate his remarks from earlier in the week in relation to the important role that individual jurisdictions and delegations play in ensuring diversity and inclusion within the ULCC. He encouraged all delegates to reflect on how they can support this initiative going forward and to complete the diversity and inclusion survey if they have yet done so.

In conclusion, Mr Hinshaw restated that it is an honour and a privilege to take on the role of President and that he looks forward to serving the ULCC over the next 12 months. He thanked everyone for their time.

2024 Annual Meeting

Kathryn Sabo from the Canada delegation said that, as agreed by the jurisdictional representatives at their meeting earlier in the week, the federal delegation, Canada, is very happy to announce that the 2024 annual meeting will take place in Ottawa. While the hotel has yet to be selected, the dates being considered are the week of August 12 to 16. All additional information will be sent to delegates throughout the year. Ms Sabo said that they look forward to welcoming all delegates to Ottawa next August.

Following the playing of a short video, Mr Hinshaw thanked Ms Sabo, indicating that it promises to be a fabulous meeting.

Other Business

There was no other business.

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Adjournment

There being no further business, Mr Hinshaw adjourned the meeting at 11:32 AM ADT and thanked everyone for their participation during their week.