

ULCC | CHLC

UNIFORM LAW CONFERENCE OF CANADA

**REPORT OF THE ADVISORY COMMITTEE ON PROGRAM
DEVELOPMENT AND MANAGEMENT (ACPDM)
(2023)**

**Presented by
Peter J. M. Lown, K.C.
ULCC**

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 Minutes and the Resolutions on this topic as adopted by the Conference at the Annual meeting.

**Charlottetown, Prince Edward Island
August 2023**

This document is a publication of
the Uniform Law Conference of Canada.
For more information, please contact
info@ulcc-chlc.ca

Report of the Advisory Committee on Program Development and Management (ACPDM) (2023)

[1] It is my pleasure to present this report on behalf of the Advisory Committee on Program Development and Management (ACPDM).

[2] I first want to express my sincere appreciation to all the members of the ACPDM listed at the end of this report for their attendance at our monthly meetings, and for their work between meetings. In particular, I would like to acknowledge the active assistance of my Vice-Chair, Christine Badcock, who has capably filled in and taken on tasks to lighten my load.

[3] The work of the ACPDM falls into a number of cycles, often overlapping but discrete in function. Our review of existing and possible projects is initiated in September/October – cleaning up projects that have been finalised at the annual meeting and setting a course on existing projects for the next annual meeting. In addition, we try to identify any possible projects that have been suggested.

[4] The first screen is our selection criteria. The second step is to ensure we have enough knowledge to make an informed decision. A suggested project may appear interesting, but we may not have a sufficient understanding of the area. In this case, we may contract for a “landscape” document to tell us what is happening in the area and describe the current state of legislation across the country. The second variation is where the topic is interesting, we have a modicum of knowledge, but we need to identify the issues, the constituents impacted by them, and the likelihood of implementation. In this case, we may contract for a feasibility study.

[5] Having identified the topics and engaged the researcher to provide the background, the evaluation process continues throughout the year.

[6] November/December is occupied mainly by budget considerations. Identified costs for existing projects, and anticipated costs for others, are plugged into a three-year budgeting cycle. This requires close coordination between the ACPDM Chair, the Project Coordinator, and the Executive Director. The complete ACPDM budget is presented in mid-January to the Budget and Finance Committee.

[7] The last but crucial element of the Budget is a February review of current-year costs through to year end. This year was a very hard-nosed review to attempt to contribute to a reduction in the expected deficit. We were able to postpone some project costs to help reduce the overall ULCC budget deficit.

[8] February through March represents a time when all working groups prepare for presentations to the August annual meeting. If policy questions are to be put to the Sections, then materials must be circulated at least two months in advance of the annual meeting. Working back from that date, most groups must have their materials finalised by May 15 at the latest. This allows time for formatting, translation, and final review by subject matter experts. The timeframe is very tight, and any last-minute issues have to be dealt with very expeditiously. One issue we

face regularly relative to commentary: when the French review is completed, there are often areas where the English commentary requires clarification.

[9] This year, the ACPDM identified two projects where a waiver was necessary in order to tidy up issues that arose only just before the two-month submission deadline. I would like to acknowledge the many volunteers who performed additional review and translation in a very short timeframe.

[10] The topic generation and project selection processes have been refined and implemented. When we approve a project, we have a good knowledge base and an appreciation for the issues that will be addressed.

[11] However, we still face two particular problems. The first is to find working group members willing to meet the time demands of monthly meetings (and the “homework assignments” often imposed by the Chair!). The second is to find leadership and subject matter expertise. Often, we have relied on the network and contacts of the Chair of the ACPDM, or the tasks have defaulted to the Chair. Meeting and overcoming these problems will be crucial to the ULCC’s ability to produce cogent uniform legislation for presentation to the jurisdictions. Each year, we have a mix of proposals that are in different stages of completion. This year, three projects will be completed, and we will have to look closely at our ongoing project inventory.

[12] There was one event this year that no one foresaw – the untimely passing of our Project Coordinator, Clark Dalton, K.C. Clark and I worked closely as a team. His support to the ACPDM was substantial and invaluable. Sometimes, since February, something will happen or be said that just brings home all that Clark did for and contributed to the ULCC. I sorely miss my friend and colleague.

[13] It has been my pleasure and privilege to serve as Chair of the ACPDM and contribute to the ULCC. My particular thanks to my Vice-Chair and the Executive Director for their support and assistance.

Respectfully submitted,

Peter J M Lown, K.C.
Chair, ACPDM

[14] Inventory of Projects and expected completion dates:

- Canadian Judgments August 2023
- Drafting Conventions August 2023
- Crowdfunding update August 2023
- Non-Disclosure Agreements August 2024
- Joint Ventures August 2024
- Partnerships Ongoing
- Class Proceedings Ongoing

- | | |
|-----------------------------|----------------|
| • Private International Law | Ongoing |
| • Franchises | Not Proceeding |
| • Online Defamation | Under Review |
| • Remote Execution | Under Review |
| • Intestate Succession | Under Review |
| • Treatment of Animals | Under Review |

[15] Members of the ACPDM for 2022-23:

- Peter Lown, K.C., (Chair) (AB)
- Sarah Dafoe (President) (AB)
- Matthew Hinshaw (Vice-President) (AB)
- Christine Badcock (Chair, Civil Section) (YT)
- Anny Bernier (Chair, Criminal Section) (QC)
- Laurence Bergeron (representative from the Government of Quebec) (QC)
- Kathryn Sabo (representative from the Government of Canada; expert in private international law) (CA)
- Michelle Cumyn (QC)
- Kathleen Cunningham (BC)
- Michel Deschamps (QC)
- Manon Dostie (CA)
- Maria Markatos (SK)
- Darcy McGovern, K.C. (SK)
- Valérie Simard (CA)
- Elizabeth Strange (NB)
- Clark Dalton, K.C. (Project Coordinator – until February 15, 2023) (AB)
- Michelle Lemieux (Executive Director) (ON)