

## Policy on Reports Presented to the Civil Section Annual Meeting

### Authority

#### Bylaws

34(1) Subject to subsection (2), the Steering Committee of a Section may adopt rules of procedure and policies concerning that Section from time to time and may amend existing rules of procedure and policies.

34(2) A rule of procedure or policy or an amendment to a rule of procedure or policy shall cease to have effect if it is not approved in accordance with the Section's rules of procedure or policy governing approvals, at the next annual meeting held after its adoption or amendment.

### Proposed Policy

#### Purpose

The purpose of this policy is to assist working groups with the preparation of their reports to the Section by providing guidance on required content and format. Greater consistency in reporting and the clear articulation of decision points should enable delegates to review the issues and recommendations in the reports more effectively.

#### 1. Definitions

In this policy

*"Policy report"* means a report presented, in English and French, on behalf of a working group to the Civil Section at the Uniform Law Conference of Canada's (ULCC) annual meeting to seek policy guidance from the Civil Section.

*"Final report"* means a report presented, in English and French, on behalf of a working group to the Civil Section at the ULCC's annual meeting to recommend a uniform act, rule or model law for adoption by the Civil Section.

*"Draft uniform act, rule or model law"* means a draft uniform act, rule or model law presented in English and French to the Civil Section at the ULCC's annual meeting and proposed for adoption by the Civil Section.

#### 2. Formatting of policy reports, final reports and draft uniform acts

Policy reports, final reports and draft uniform acts must be formatted in accordance with any applicable ULCC guidelines on formatting (available at [link to website]).

#### 3. Content of policy reports

(1) Policy reports must include the following:

##### a. Title

- (i) Policy reports are to be titled: "[Insert project subject-matter] – Policy report"
- (ii) If one or more subsequent Policy Reports are presented to the Civil Section, the title should number the report: "[Insert project subject-matter]- Policy report #2" –
- (iii) All reports are to be subtitled: "Presented by the Working Group"

b. Table of contents, as appropriate.

(2) Policy reports are divided into the following sections:

##### a. Working Group membership and meeting report

- (i) Lists members of the working group and their affiliation (for example, "Jane Smith, working group chair, Ministry of Justice of X");
- (ii) Lists former members of the working group as appropriate;
- (iii) Lists drafters (if any) and their affiliation;

- (iv) Reports on the work of the working group since any previous report to the Civil Section.

b. Background

- (i) Provides an overview of the how the project emerged and when it was approved;
- (ii) Reviews any past work by the ULCC on the subject (for example, earlier draft act, preliminary study) and law reform agencies;
- (iii) Includes an overview of current law (common and civil) and the legal gaps that the project aims to resolve;
- (iv) For reports other than the first policy report, summarizes past resolutions of the Civil Section in relation to the project;
- (v) Where appropriate, provides an overview of the project's impact on the economy, government and specific populations.
- (vi) Cross-reference earlier policy reports if new background material is not included.

c. Application

- (i) Identifies whether the project is addressed at common law jurisdictions, Quebec or both; and
- (ii) If the project is not addressed at Quebec, identifies if a Quebec specific project is anticipated.

d. Consultations

- (i) Identifies any consultation undertaken and the results of such consultation.

e. Issue identification and analysis

- (i) Provides a detailed analysis of the issues sought to be addressed by the project.

f. Options for consideration

- (i) Identifies policy options for the Civil Section to consider, and identify legal and non-legal risks associated with each option;
- (ii) Identifies and explains any deviations from any previous direction of the Civil Section;
- (iii) Identifies the working group's recommended option for each policy issue identified;
- (iv) Notes any minority views expressed within the working group.

g. Next steps

- (i) Provides information on anticipated work to be undertaken by the working group ahead of the next ULCC annual meeting;
- (ii) Identifies the type of report (subsequent policy report or final report) that the working group anticipates presenting to the next ULCC annual meeting.

h. Draft Resolution

- (i) Annexes a draft resolution proposed by the working group to the Civil Section.

#### 4. Content of final reports

(1) Final reports must include the following:

a. Title

- (i) All reports are to be subtitled: "Presented by the Working Group"
- (ii) Final reports are to be titled: "Final report - [insert project subject-matter]"

b. Table of contents, as appropriate.

(2) Final reports are divided into the following sections:

- a. Working Group membership and meeting report
  - (i) Lists members of the working group and their affiliation (for example, “Jane Smith, working group chair, Ministry of Justice of X”);
  - (ii) Lists former members of the working group as appropriate;
  - (iii) Lists drafters (if any) and their affiliations;
  - (iv) Reports on the work of the working group since any previous report to the Civil Section.
  
- b. Background
  - (i) Provides an overview of the how the project emerged and when it was approved;
  - (ii) Reviews any past work by the ULCC on the subject (for example, earlier draft act, preliminary study) and law reform agencies;
  - (i) Provides overview of current law (common and civil) and the legal gaps that the project aims to resolve;
  - (ii) Includes a cross-jurisdictional scan, if relevant;
  - (iii) Summarizes past resolutions of the Civil Section in relation to the project;
  - (iv) Where appropriate, provides an overview of the project’s impact on the economy, government and specific populations.
  - (v) Cross-references earlier policy reports if new background material is not identified for inclusion in the final report.
  
- c. Application
  - (i) Identifies whether the project is addressed at common law jurisdictions, Quebec or both; and
  - (ii) If the project is not addressed at Quebec, identifies if a Quebec specific project is anticipated.
  
- d. Consultations
  - (i) Identifies any consultation undertaken and the results of such consultation.
  
- e. Overview of draft uniform act, rule or model law
  - (i) Provides an overview of the act, rule or model law being recommended to the Civil Section;
  - (ii) Identifies and explains any deviations from any previous direction of the Civil Section;
  - (iii) Notes any minority views expressed within the working group.
  
- f. Draft Resolution
  - (i) Annexes a draft resolution proposed by the working group to the Civil Section.

## 5. Draft uniform acts

(1) Draft uniform acts, rules or model laws are presented as a stand-alone document, not as part of a final report or as an annex to a final report.

(2) Draft uniform acts should be drafted having regard to drafting aids and policies adopted by the ULCC.

(3) Draft uniform acts, rules or model laws must include the following:

- a. Title
  - (i) The title of the act must include the words “draft uniform act”, “draft uniform rule”, or “draft model law” as appropriate.
  
- b. Commentary

- (i) Commentary is intended to explain the purpose of the provision and provide any background information that may be helpful to the reader and is intended to be a tool for the reader's assistance in understanding the provision.
- (ii) Commentary is included for substantive sections of the draft uniform act, rule or model law.