

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

**Minutes of the Closing Plenary Session of the 101<sup>st</sup> Annual Meeting  
of the Uniform Law Conference of Canada  
Held in St. John's, NL  
on Thursday August 22, 2019 at 11am**

**Opening Remarks**

The meeting was called to order at 11:05am with President Lee Kirkpatrick as Chair and Executive Director Marie Bordeleau as Secretary.

Ms Kirkpatrick advised that it had been her great pleasure to work with all the delegates in person over the past week and thanked them for their cooperation and support. She characterized the week in St. John's as wonderful, characterized by lively debates, passionate interventions and thought-provoking presentations. Ms Kirkpatrick said that there was little left for her to do but pass the baton to her successor, John Lee.

Ms Kirkpatrick said that she was pleased to propose the following Resolution:

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

1. The Government of Newfoundland and Labrador, and the Department of Justice & Public Safety for hosting the Annual Meeting of the Uniform Law Conference of Canada;
2. Chief Justice Deborah Fry for her warm welcome to the delegates and Deputy Minister Jennifer Mercer for her kind words of welcome on her own behalf and on behalf of the Honourable Andrew Parsons at the welcome reception;
3. Chief Justice Pamela Goulding for her keynote address at the closing banquet last night and Donna Ballard, displaced Yukoner, who acted as emcee;
4. The Organizing Committee that worked so hard to host our Annual Meeting: Kim Cooper, Donna Ballard, Lisa Stead, Madeleine White, Kendra Wright and Marie Bordeleau;
5. Our outstanding Secretariat staff: Kim Cooper, Emilie Bordeleau McCallum, Florentina Stroia and Stefan Brunet;
6. To the Executive Committee:
  - Vice President John Lee who graciously agreed to take on my duties while I was absent on leave and fulfilled those duties better than I could have hoped to have done myself. We are all most fortunate to have him as our incoming President and to have the benefit of his wisdom, his calm dignity and his experience this upcoming year;

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- Immediate Past President Manon Dostie who has so graciously done far more than she signed up for and who has shepherded the SPOC Committee to places where no SPOC committee has gone before in addition to acting as my wonderful mentor;
  - Thomas Ahlfors, who took on the chairmanship of the Civil Section but was prevented by circumstances beyond his control from continuing in that role;
  - Maria Markatos, who stepped in as Chair, once again, of the Civil Section, for her exemplary work this week and throughout the year, and to Madeleine White for acting as Secretary of the Civil Section this week;
  - Matthew Hinshaw, Chair of the Criminal Section, and Caroline Quesnel, Secretary of the Criminal Section;
  - Joanne Klineberg, Catherine Cooper, Dean Sinclair, Chloe Rousselle and Samantha Hume for so ably taking the helm and steering the Criminal Section through sometimes uncharted waters;
  - Peter Lown, QC, Chair of the Advisory Committee on Program Development and Management and Chair of the International Committee who taught me the meaning of ACPDM and the amazing work of this committee.
7. Clark Dalton, QC, our Projects Coordinator, historian and heart;
  8. Our unflappable and most adaptable Executive Director, Marie Bordeleau;
  9. Elizabeth Strange, for chairing the website committee and the committee members, Sarah Dafoe, Clark Dalton, Manon Dostie, Caroline Quesnel, Ian Rennie and Marie Bordeleau;
  10. Members of the Strategic Plan Oversight Committee, consisting of Manon Dostie, Elizabeth Strange, Russell Getz, Cathy Cooper, Clark Dalton, QC, Lucie Angers, Stephanie O'Connor, Peter Lown, QC, as well as the SPOC's many subgroups for their commitment and enthusiasm;
  11. The members of the Finance and Budget Committee, consisting of John Lee, Manon Dostie, Peter Lown, QC, Kathryn Sabo, Clark Dalton, QC, Maria Markatos, Matthew Hinshaw and Marie Bordeleau;
  12. Our esteemed colleagues from the US Uniform Law Commission, President Carl Lisman and Past President Rich Cassidy;
  13. The interpreters in each Section, Myriam Bureau, Peter Douglas, Dominique Mamet, Krissi Michaud, Kathleen Ratel and Sara Vafai;
  14. The audio-visual technicians from LMB Systems, Ryan Nesbitt and Jordan Boyde;

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15. The staff of the Delta Hotel St. John's Conference Centre;
16. Jurisdictional Representatives, delegates, presenters, Chairs, Working Group members and presenters for your work and dedication throughout the year and at this meeting.
17. Last of all, my personal thanks to all of you for bearing with me and for forgiving me my trespasses throughout his past five days and for the kindness, consideration and respect you have shown to one another in keeping with the very best traditions of our profession and our conference.

Seconded by Samantha Hulme. The resolution was approved unanimously. The President presented gift cards to the above-named members of the host committee and Secretariat staff for their excellent work in the Secretariat office throughout the week.

**Report from the Nominating Committee**

The Nominating Committee was struck earlier this week, comprised of Immediate Past President Manon Dostie as Chair and long-time delegates and past presidents, Darcy McGovern, Kathryn Sabo, Russell Getz, Dean Sinclair and Elizabeth Strange. The result of their deliberations being unanimous, Ms Dostie presented the following motion on behalf of the committee:

**THAT** John Lee, currently Vice-President, be nominated for President of the ULCC, and **THAT** Laura Pitcairn be nominated for Vice-President of the Uniform Law Conference of Canada. Seconded by Russell Getz. Motion carried.

**Report from the Criminal Section**

Joanne Klineberg reported that the 75<sup>th</sup> meeting of the Criminal Section was very successful. New Rules of Procedure were approved, three status reports were received from working groups and 24 resolutions were debated, 17 of which were adopted either in full or with amendments. Several of the resolutions challenged the Section with regard to the scope of their mandate, relating to issues such as recommendations to Attorney Generals to adopt prosecution policies, the direct consequences of a criminal conviction such as prison conditions and discipline in prisons, as well as more ancillary consequences such as appeal rights for permanent residents who are convicted of criminal offences and subject to deportation. Ultimately these resolutions were not adopted but they gave Criminal Section delegates the opportunity to have an in-depth discussion on the Section's mandate, and the importance of having the correct expertise around the table and enough information to debate these issues, as well as possible linkages to the Civil Section, and overall concern for the legitimacy and credibility of the Section and the resolution it adopts. The Steering Committee will continue to explore these issues over the coming year.

Ms Klineberg said that she will chair the Criminal Section for 2019-2020 and announced that the 2020-2021 Chair of the Criminal Section will be Chloé Rousselle from Québec.

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Ms Klineberg thanked Kathryn Sabo for complementing the Newfoundland mitts with a ULCC t-shirt and a ULCC baseball cap; the cap was awarded to Christopher Samuel of the Canadian bar Association, the t-shirt went to Professor Anne-Marie Boisvert of Université de Montréal, and the mittens were given to Denise Lightning of the Indigenous Bar Association.

**Report from the Civil Section**

Maria Markatos said the Civil Section has concluded another successful week of meetings, with participation from provincial, territorial and federal justice departments, law reform bodies and members of the practicing bar, and academia, as well as delegates from the Uniform Law Commission. Our delegates are annually called upon to become experts in a short time frame and in a wide variety of topics and once again they rose to the challenge.

This week the Civil section adopted *Guidelines for Drafting Uniform Legislation Giving Force of Law to an International Convention* as well as 7 Uniform Acts implementing International Conventions, which were revised based on the *Guidelines*. The Civil Section also adopted in principle a Revised *Uniform Testamentary Additions to Trusts Act* to address pour over wills. The Civil Section considered reports on e-wills and the enforcement of judgments and court jurisdiction. Updated reports are expected on these topics in 2020.

The Civil Section also received reports on a Revised *Uniform Informal Public Appeals Act*, the United Nations Convention on Independent Guarantees and Stand-by Letters of Credit and the Convention on the Law Applicable to Certain Rights in Respect of Securities held with an Intermediary. It is anticipated that in 2020, the Civil Section will be asked to adopt Acts with commentaries on these three projects.

The Civil Section was delighted to hear from ULC President Carl Lisman on the work of the Uniform Law Commission and thank him and Rich Cassidy for joining us this week and participating in our meetings.

The joint session received a report on the non-consensual disclosure of intimate images and a draft Act is anticipated for consideration in 2020.

Kathleen Cunningham from the British Columbia delegation is the incoming Chair for the Civil Section for 2019-2020. A selection committee has been struck to find a chair for the year 2020-2021. The Mitt Wit prize was awarded to Arthur Close, Christine Morin received the t-shirt and the cap went to Charles-Henri Laurier.

Ms Markatos thanked all the working groups, working group chairs and everyone that presented this week for all their efforts; Clark Dalton, our project coordinator, for assisting me through this second term; the Executive Committee and ACPDM; the host committee; and all the delegates of the Civil Section for their collegiality and continued enthusiasm for the work of the ULCC.

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**Incoming President's Remarks**

Ms Kirkpatrick said it was her pleasure to pass the baton to John Lee. Mr Lee said that he was excited to take over as head of the ULCC because of the people who make up the organization. He has always believed that what The ULCC produces is immensely important, but just as important is how it develops these products, and that cannot happen without the diversity of views and experience that each delegate brings to the table and the hard work they do throughout the year.

Mr Lee said he was immensely proud of the work accomplished this year and honoured to be President for the next year. In terms of what to expect for the coming year, Mr Lee noted that more resolutions and more Uniform Acts will be prepared, and that the ULCC will continue to update its policy guides and manuals.

Most importantly, 2020 will be an historic year for the ULCC. In a year's time, the ULCC will be meeting for the first time in Nunavut. Meeting in Nunavut will be challenging for everyone, but it will serve to demonstrate the ULCC's commitment to diversity and inclusiveness. As a national organization, the ULCC's goal is to meet in every province and territory it should not postpone holding the Annual Meeting in Nunavut further. Mr Lee concluded by expressing confidence that the ULCC's best days lie ahead of it.

**Host Jurisdiction's Report – Iqaluit, NU 2020**

Thomas Ahlfors said that the Annual Meeting will be held from Sunday August 9<sup>th</sup> to Thursday the 13<sup>th</sup> at the Frobisher Inn in Iqaluit, NU. The hotel is a sister property to the Explorer Inn in Yellowknife, where we held the 2015 Annual Meeting. The hotel's room rate is \$245/night, which is the government rate in Nunavut. The Host Committee will start meeting next month to plan all the details of the activities. Mr Ahlfors encouraged delegates to visit Nunavut early or stay after the Annual Meeting to explore the Territory. August is a beautiful time to visit Iqaluit and tends to have temperatures in the mid-teens at that time of year.

There being no further business, Mr Lee thanked our Newfoundland and Labrador hosts and the meeting was adjourned at 11:25am.