

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

COMMUNIQUÉ

Fall 2023

Report of ULCC Past President

Sarah Dafoe, Alberta



And just like that, the ULCC's 105th annual meeting has come and gone. Delegates to the annual meeting were warmly welcomed in Charlottetown, PEI, and as you'll see in the reports from Christine Badcock and Annie Bernier, a considerable amount of work was

completed by both the Criminal Section and the Civil Section. In addition to the Sections' work, attendees received updates from the ULCC's Roles Review Committee, Diversity and Inclusion Committee, Communications Committee, and Environment and Climate Crisis Committee.

Our week in Charlottetown was a success, thanks to engaged and enthusiastic delegates and presenters, and also because of the thoughtful and diligent preparations of our Island hosts, the Section chairs, the Executive Committee and, in particular, our Executive Director, Michelle Lemieux. In addition to our productive daily meetings, delegates were able to catch up with their colleagues on a social basis at the various evening events. At our opening reception, we were honoured to be welcomed by the Honourable Bloyce Thompson, PEI's Minister of Justice and Public Safety and Attorney General, as well as by Loretta Coady MacAulay, K.C., from PEI's Department of Justice and Public Safety. In addition, Cindy Cameron provided greetings on behalf of the Law Society of PEI. This traditional event was renamed this year: it's now called the Clark W. Dalton, K.C. Reception, in honour of our former Project Coordinator and long-

standing colleague who passed away unexpectedly earlier this year. Clark played many roles with the ULCC over his almost 40 years of involvement with this organization. While his primary focus was to support the work of the Civil Section, he was devoted to the whole of ULCC. He was involved in everything from website renewal to constitutional and bylaw amendments, and he wrote a first draft on the history of the ULCC going back to its formation in 1918. Most importantly, though, Clark enjoyed the informal hallway chats, connecting with people on an informal basis and learning about their lives. The Executive Committee thought that renaming the opening reception in Clark's memory was very appropriate. He was one of a kind and we miss him.

Another longstanding tradition is the annual East versus West softball game, which this year was held in Victoria Park, near the harbour in Charlottetown. The host committee somehow arranged for gorgeous weather and a beautiful sunset to help the East team celebrate their victory while also soothing the spirits of the West team. Finally, our closing banquet was held at the Confederation Centre of the Arts, where delegates were treated to a delicious meal and an evening of laughter thanks to local comedian Patrick Ledwell. Patrick managed to keep us in stitches as he gently skewered the ULCC and the peculiar traits of each of our home jurisdictions.

I was honoured to be the ULCC's President over the last year. I was reminded on an almost-daily basis that the ULCC's greatest asset is the people that it engages. I've seen first-hand the dedication and hard work exhibited by our jurisdictional representatives, working group members, and project leaders and experts. Thanks to all of you who provide your talent and expertise, for your

willingness to collaborate and volunteer your valuable time to advance the goals of the ULCC. I see how much ULCC delegates care about this organization, and it warms my heart.

We must not take the ULCC for granted, though. We need to ensure that the ULCC is structurally sound: the addition last summer of Michelle Lemieux as our Executive Director was a stroke of luck for the ULCC, as Michelle brings incredible organizational skills to the table along with practical and creative ideas, an open mind, and great skills in diplomacy. This summer, we've also engaged Christina Croteau as the ULCC's Legal Project and Research Coordinator (LPRC). The LPRC position is a new one, replacing the Project Coordinator role that was held by our dear colleague Clark Dalton, K.C., until February 2023. The new role was developed and recommended by the ULCC's Roles Review Committee, after many months of hard work and reflection on what kind of support the ULCC needs to ensure that its work remains relevant, timely and professional. We're all looking forward to working with Christina as she settles into this new role. The work of the Roles Review Committee will continue into 2024, as it contemplates the role of the Advisory Committee on Program Development and Management (ACPDM) and its Chair on a go-forward basis, in the face of the eventual retirement of the ACPDM's long-standing an inimitable leader, Peter Lown, K.C.

My term as President is now complete, and I am delighted to turn the reins over to the new President, Matthew Hinshaw. The ULCC is in excellent and experienced hands with Matthew, and I know he will do a great job. As for myself, I look forward to continuing my work on a number of ULCC committees this coming year and to seeing everyone in Ottawa in 2024!



2023 Closing Banquet, Confederation Centre of the Arts

The ULCC 2024 annual meeting: in the nation's capital!

Plan to join us for the ULCC 2024 annual meeting, which will be held in beautiful downtown Ottawa, from August 12 to 16.

Mark your calendars! More information to come in the spring 2024 *Communiqué*.



Note: Only those invited can attend ULCC annual meetings.



**2022-2023
Criminal Section
Chair
Anny Bernier,
Québec**

It was a privilege to chair the Criminal Section meeting this past summer in Charlottetown. We had a full agenda this year and some very interesting presentations in our open forum, which I would like to highlight for everyone.

The Criminal Section had a very rewarding week of meetings and an excellent turnout of 36 delegates participating in the deliberations of the Criminal Section, coming from 12 provincial, territorial, and federal governments. The Section considered 33 resolutions on 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. Following very constructive discussions and several amendments, 29 resolutions were adopted, which included resolutions proposing to increase the maximum penalty for voyeurism and non-consensual distribution of intimate images; to have constructive first-degree murder 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.

During the week, the Criminal Section also received the final report of the working group on the search warrant

regime under section 487 of the *Criminal Code*. Progress reports were received by three other working groups, on section 672.26 of the *Criminal Code* regarding juries and fitness to stand trial; detention of seized property under section 490 of the *Criminal Code*; and examination of the treatment of animals in the *Criminal Code*. As well, a motion was passed to set up a joint working group for criminal and civil legislative recommendations on the treatment of animals.

This year, the Earl Fruchtman Memorial Seminar featured a presentation by John Diamond, K.C., the Director of Prosecution for Prince Edward Island, where Mr. Diamond spoke about a number of the province’s initiatives, including alternative measures. The dynamic session was attended by the delegates from both the Criminal and Civil Sections.

After what was a truly enjoyable, productive, and particularly enriching week, I completed my mandate as Chair of the Criminal Section by handing the torch over to Craig Savage. I know that Craig will do a great job as Section Chair for 2023-2024. I thank Aleksander Godlewski for his incredible support and outstanding work since his appointment as Criminal Section Secretary in early 2023. A warm thank you as well to 2022-2023 President Sarah Dafoe, Civil Section Chair Christine Badcock, Executive Director Michelle Lemieux, and the members of the Criminal Section Steering Committee for their invaluable assistance and collaboration throughout the year. I look forward to working with my successor and seeing everyone again next year!



**2022-2023 Civil Section Chair
Christine Badcock, Yukon**

The 105th annual meeting of the Civil Section was held in Charlottetown this past August. Meeting delegates from provincial, territorial and federal justice departments, academia and law reform bodies all attended. We were also pleased to be joined by Mr. Carl Lisman, Past President of the Law Reform Commission (ULC) in the US.

At the annual meeting, the Civil Section adopted the *Uniform Enforcement of Canadian Judgements Act*. Arising from the adoption of the new act, the former Act (the *Uniform Enforcement of Canadian Judgements and Decrees Act*) was withdrawn. The working group reviewing the Act was ably led by Professor Stephen Pitel and we thank all members of the working group for their hard work.

The Section also adopted new Drafting Conventions following a review led by Professor John Mark Keyes. The previous version of the Conventions had been adopted by the ULCC back in 1989, so their modernization was definitely in order. We are grateful to legislative drafting offices from around the country for their participation in the working group reviewing the Conventions.

The Section also adopted, in principle, a proposal to make amendments to the *Uniform Benevolent and Community Crowdfunding Act* (UBCCA). These minor amendments arise from a review conducted after the adoption, last year, of the *Uniform Gratuitous Crowdfunding Act* (UGCA), the civil law version of the UBCCA. The amendments aim to ensure harmonisation between the UBCCA and UGCA. The revised UBCCA will be circulated to the jurisdictional representatives by the end of October, and adopted if no objections are received by November 30, 2023.

As well as adopting these three projects, the Section received status reports on ongoing projects related to non-disclosure agreements, the reform of partnership law/joint ventures, and charitable organizations. The Section provided direction to the groups working on these projects and expects to receive further updates at the next annual meeting in August 2024.

Additionally, the Section received a pre-implementation report on the *Hague Convention on the Recognition and Enforcement of Foreign Judgements in Civil or Commercial Matters (2019)*, an update on private international law initiatives from Justice Canada, and an update from the ULC on its current projects.

The Section adopted a new policy tabled by the Civil Section Steering Committee's Sub-Committee on Rules of Procedure and Policies. The *Policy on the Distribution of Materials to the Civil Section for its Annual Meeting* is designed to ensure that delegates to our annual meetings have adequate time to consider, analyze and consult on materials that will be presented at the annual meeting. The Sub-Committee continues its work and expects to submit a policy concerning Reports Presented to the Annual Meeting at the next annual meeting.

The Section received a report from the Advisory Committee on Program Development and Management (ACPDM) setting out the work cycle of the ACPDM and identifying ongoing and possible future projects. As well, delegates shared updates on the implementation of ULCC uniform acts by their jurisdictions. Finally, in a joint session with the ULCC's Criminal Section, the ULCC

considered establishing a joint working group to review the treatment of animals in Canadian law.

The annual meeting also provided an opportunity for us to remember our colleague Clark Dalton, K.C., Project Coordinator, who passed away in February, and to celebrate his contributions to the ULCC.

It was a pleasure to serve as Civil Section Chair this past year and I am excited to have the opportunity to continue in the role for another year. The role is made easier with the support and assistance of Michelle Lemieux, Executive Director; Peter Lown K.C., Chair of ACPDM; and our Executive Committee and jurisdictional representatives. I look forward to working with them and Christina Croteau, our new Legal Project and Research Coordinator, over the coming year.

2023 annual meeting materials

Visit our [2023 annual meeting web page](#) for minutes, reports, uniform acts, resolutions, and other documents stemming from the meeting in Charlottetown this past August.



President's Report

**Matthew Hinshaw,
Alberta**

When I attended my first meeting of the Uniform Law Conference of Canada in 2014 in Toronto, I was relatively new to the world of federal/provincial/territorial law reform work and was uncertain about what to expect. I anticipated a very formal, rigid meeting with clear jurisdictional divides and positions dictating the outcomes of the discussions. What I discovered instead was a group of extraordinary individuals engaged in lively and collegial debate, driven by a shared passion for the law and a desire to improve it for all Canadians. Now, armed with almost a decade of experience with the ULCC, and with a much better understanding of its purpose, processes, and people, I can say that it is truly a humbling experience to

have the privilege of taking on the role of President for 2023-2024.

During my tenure as President, I look forward to continuing the important work started by my predecessors in a number of areas. First, I will continue to explore potential options for using technological solutions to enhance access to our annual meetings. This is a discussion that has been underway for a number of years, and one that remains a priority. Second, I look forward to supporting the ongoing work of the Roles Review Committee as it continues to examine the structure of the Advisory Committee on Program Development and Management (ACPDM) and considers the role and responsibilities of its Chair going forward. More work remains to be done, but I am confident that the creativity and dedication of the members of the Roles Review Committee will produce excellent suggestions to guide the ULCC into the future.

In addition to these ongoing priorities, I intend to focus on two additional main priorities in the coming year. First, I will work with the Executive Committee and the Budget and Finance Committee to take a close look at the ULCC's finances. Responsible stewardship of the financial support provided by provincial, territorial, and federal governments is essential, and I plan to focus on setting out a roadmap to ensure fiscal stability and sustainability going forward. Second, I plan to focus on the ongoing

goals of increasing diversity and inclusion within the ULCC. The Diversity and Inclusion Committee has produced a report setting out a number of recommendations, and I intend to work with the Executive Committee to implement as many of those recommendations as possible.

The ULCC has experienced a number of significant challenges over the past few years, weathering a global pandemic that resulted in two virtual annual meetings, experiencing turnover at the Executive Director level and, sadly, losing longtime Project Coordinator, Clark Dalton, K.C. While these events have been difficult, they demonstrate the resilience and adaptability of the ULCC as an organization. Recognizing all that has come before, and looking forward, it is a privilege and an honour to have the opportunity to lead the ULCC into the exciting year ahead.

In closing, I would like to extend a sincere thank you to everybody involved in the work of the ULCC. Whether you are a member of a committee, a jurisdictional representative, a delegate or a member of a working group, your ongoing support and involvement are very much appreciated. Nothing that the ULCC has accomplished in the past, or will no doubt accomplish in the future, would be possible without you.

The ULCC introduces 2023-2024 Executive members



Maria Markatos, Vice-President

Maria Markatos has served as a Saskatchewan delegate to the ULCC since 2011. She was the Chair of the Civil Section in 2017-2018 and chaired the 2019 annual meeting for the Civil Section. Maria previously led the Implementation Committee and has been on several working groups. She is currently a member of the Executive Committee, Budget and Finance Committee, and Roles Review Committee.

Maria has been a Crown Counsel with the Legislative Services Branch, Legal Services Division of the Saskatchewan Ministry of Justice and Attorney General since 2005.

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Craig Savage, Criminal Section Chair

At the last ULCC annual meeting, held in August 2023, Craig Savage agreed to serve as Chair of the Criminal Section for the coming year.

Craig graduated from law school at the University of Calgary in 1998. He was called to the Manitoba bar in 2002. From 2002 to 2005, he worked in Ottawa as an Intelligence Officer with the Canadian Security Intelligence Service. He returned to his hometown of Winnipeg and began working as a prosecutor with the Manitoba Prosecution Service in 2006. Over the past 17 years, Craig has experience prosecuting both adult and youth matters. He also served as Supervisor of the Training & Development Unit and leader of the Impaired Driving Working Group. He is currently in the Appeal Unit and has appeared in all levels of Court, including the Supreme Court of Canada.

Craig has served as Manitoba's Criminal Section jurisdictional representative to the ULCC since 2019.