

APPENDIX A - ACTIVE PROJECTS

UNIFORM LAW CONFERENCE OF CANADA

Project	Leaders	Description and Resolutions	Current Status	Timing	Drafting needed	Next Steps
CURRENT CIVIL SECTION PROJECTS						
ONGOING PROJECTS						
Uniform Prevention of Abuse of Process Act (SLAPP)	Russell Getz and John Gregory	<p>The <i>Uniform Act on Abuse of Process</i> and commentaries approved in principle – August 2009.</p> <p>Resolution – 2009</p> <p>Following a review of the Uniform Act, should no substantive change to the <i>Uniform Act on Abuse of Process</i> and commentaries as considered by the Conference be required and should the Civil Section Steering Committee consider it appropriate; that the Uniform Act and commentaries be</p>				There will be a resolution at the August 2010 meeting confirming the adoption of the Act.

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		circulated to the jurisdictional representatives. Unless two or more objections are received by the Executive Director of the Conference by January 31, 2010, the draft Act should be taken as adopted as a Uniform Act and recommended to the jurisdictions for enactment.				
Hague Convention on Choice of Courts Agreements	Kathryn Sabo	<p>Uniform implementing Act and Commentaries approved in principle - August 2009</p> <p>Resolution – 2009</p> <p>Following a review of the uniform implementing Act, should no substantive change to the uniform implementing Act and commentaries as considered by the</p>				<p>It was not possible for a draft of the Hague Convention on Choice of Courts Agreements to be circulated prior to the April 30th deadline. This matter will now be circulated prior to the August 2010 annual meeting and a resolution will be proposed at the annual</p>

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		conference be required and should the Civil Section Steering Committee consider it appropriate; that the uniform implementing Act and commentaries be circulated to the jurisdictional representatives. Unless two or more objections are received by the Executive Director of the Conference by January 31, 2010, the draft Act should be taken as adopted as a uniform implementing Act and recommended to the jurisdictions for enactment.				meeting.
Assisted Human Reproduction	Elizabeth Strange	Resolution – 2009 The Working Group be directed to continue to consider the issues raised in the Report and the directions of the Conference and that it prepare a				Project Report and Draft Statute for the 2010 Meeting

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		uniform Act and commentaries for consideration at the 2010 meeting.				
Interest Act Review	Lisa Peters	<p>Resolution – 2009</p> <p>The Working Group be directed to:</p> <ul style="list-style-type: none"> a. continue its work based on the Report and discussion at the Conference; b. carry out consultations with stakeholder groups; and c. prepare final recommendations for consideration at the 2010 meeting. 	<p>Consolation memoranda were sent out to stakeholders. Very little response was received.</p> <p>Four sections of the Act were identified for amendment.</p> <p>Recommendations could be sent to Federal Finance after August 2010.</p>	August 2010 Final Report with Draft Amendments		Project Report and Draft recommendations for the August 2010 Meeting
Transactions at Undervalue and Preferential Transfers	Tamara Buckwold	<p>Resolution - 2009</p> <p>The Working Group be directed to:</p>	Will continue past Aug 2010 with Principles for Part 2: Preferential Transfers and a	August 2010 Final Report on Part 1: Fraudulent Conveyances		Final Report on Part 1 for the August 2010 meeting.

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(Fraudulent Conveyances and Preferences)		<ul style="list-style-type: none"> a. continue its work based on the Report and discussions at the Conference; b. finalize policy recommendations on Part I: Fraudulent Conveyances/Transfers at Undervalue; and report back to the Conference at the 2010 meeting. 	Draft Uniform Act for 2011.	/ Transfers at Undervalue		
UN Convention on Independent Guarantees and Stand-by Letters of Credit	Mireille-France LeBlanc	<p>Resolution – 2009</p> <p>The Working Group be directed to continue to consider the issues raised in the Report and the directions of the Conference and that it prepare a uniform Act and commentaries for consideration at the 2010 meeting.</p>	The Working Group has completed its draft uniform act in two parts (part 1 to codify existing common law and civil law rules and part 2 to implement the Convention) but there have been some challenges in the drafting of the Uniform Act.	Draft Report and Uniform Legislation for 2011.	To be done by Justice Canada	A brief Report is to be provided in August 2010 due to drafting difficulties.

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Uniform Trustee Act	Russell Getz and Peter Lown	<p>Resolution – 2009</p> <p>The Working Group be directed to consider the issues raised in the Report and the directions of the Conference and that it prepare a uniform Act and commentaries for consideration at the 2010 meeting.</p>				Interim Report to be provided to the August 2010 meeting.
Identity Theft – Breach Notification	John Gregory	<p>Resolution – 2009</p> <p>The Working Group be directed to:</p> <ul style="list-style-type: none"> a. continue its work based upon the Report and discussion at the Conference b. carry out consultations with stakeholder groups; and prepare a uniform Act and commentaries for 				<p>Gail Mildren has agreed to present this topic.</p> <p>Draft Report and Legislation to be provided in August 2010</p>

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		consideration at the 2010 meeting.				
Wills and Succession Conflict Provisions	Peter Lown	Resolution – 2009 The paper be received and a Working Group be established and directed to consider the paper and report back to the Conference in 2010.				Report with Recommendations for the August 2010 meeting.
NEW PROJECTS						
Informal Public Appeals	Arthur Close	When a disaster strikes a community, group or individual there is often a very generous response from members of the public who wish to help through making donations. There is a lack of legal structure that creates problems it becomes impossible to carry out the objects for which the money was collected or where the	A working group was established and has been looking at the BC material and determining if it covers all the issues.			A Draft interim Report will be provided to the August 2010 meeting. . A Consultation Document had also been circulated to the JR's.

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		<p>amount collected is surplus to the needs.</p> <p>The need for a legal framework that would provide some default rules in relation to informal public appeals was explored by the British Columbia Law Reform Commission which made recommendations in that regard</p>				
Uniform Wills Act	Peter Lown Clark Dalton	The ULCC has over time recommended several uniform pieces of legislation related to wills but has never done a consolidated Wills Act. B.C. has recently completed a new Wills Act and Alberta will be producing soon a new Will Act.	First step would be a version comparing all existing Wills Acts and Recommended changes in various jurisdictions. As well the existing Uniform Will recommendations by the ULCC need to be drawn together.			Potential issues for consideration by the Conference will be brought forward in a Chart for the August 2010 meeting.
Protection Orders	Darcy McGovern	Proposed amendments to the existing uniform				A Report, with proposed

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		Act to allow for international recognition. .				legislative changes will be considered at the August 2010 meeting.
Trust Indenture Provisions	Philippe Tardif	<p>Proposed at the August 2009 meeting by Wayne Gray.</p> <p>Canada has different statutory models that govern trust indentures.</p> <p>The proposed project includes 2 phases:</p> <p>Phase 1 would involve compiling a set of recommendations on an appropriate uniform legislative model that could be adopted federally and in all provinces and territories either as stand-alone legislation or as a discrete component of each jurisdiction's general corporate legislation.</p> <p>Phase 2 would involve developing a Uniform</p>				An interim report from the Working Group for August 2010.

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		Act (or Uniform set of provisions) implementing the recommendations from Phase 1.				
Convention on the Use of Electronic Communications in International Contracts	John Gregory	<p>DESCRIPTION:</p> <p>The <i>United Nations Convention on the Use of Electronic Communications in International Contracts</i> (the “Convention”) was adopted by the U.N. General Assembly in 2005. The objective of the Convention is “to establish uniform rules intended to remove obstacles to the use of electronic communications in international contracts (...), with a view to enhancing legal certainty and commercial predictability.”</p> <p>RESOLUTIONS:</p>				<p>John Lee will present this Report.</p> <p>A Report with Draft Legislation will be considered at the August 2010 meeting.</p>

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		<p>Resolution - 2008:</p> <p>The Civil Section Steering Committee continue to monitor developments in the area of Electronic Commerce in International Contracts and, if appropriate, make recommendations to the New Projects Committee.</p> <p>Resolution - 2009:</p> <p>The report be considered and, if appropriate, a Working Group be established and directed to report back to the Conference in 2010.</p>				
Partnerships	N/A	<p>DESCRIPTION:</p> <p>The ULCC wants to consider whether we should continue with this initiative and press ahead with looking at the aggregate vs. the</p>		N/A	N/A	An opinion should be expected now before the end of 2010.

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		<p>entity approach to partnerships. It is desirable to have a tax opinion in order for us to consider our net steps.</p> <p>There are still some minor amendments that were identified in 2006.</p> <p>RESOLUTIONS:</p> <p>Resolution – 2006</p> <p>A Working Group be established to prepare, in accordance with the directions of the Conference, a study paper examining the merits of the options set out in the Report, and containing legislative recommendations for consideration at the 2007 meeting.</p>				
Voter Residency and Identification		At present, there is a notable lack of uniformity in voter				A preliminary Report is to be provided for the

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Requirements and Absentee Military Voting		<p>residency requirements across Canada. Although all jurisdictions require that an elector be domiciled, resident, or ordinarily resident in the jurisdiction to vote, the time of residence required before being eligible to vote and the rules for determining if or where one is resident are not uniform.</p> <p>Rules for determining where a person is resident or ordinarily resident are equally varied.</p> <p>Voter identification requirements are relevant in two circumstances: first, when an individual is seeking to be placed on the voter's list and second, when a voter arrives at a poll to vote. There are numerous differences in the voter identification</p>				August 2010 meeting.

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		requirements across Canada				
Uniform Legislation for the Implementation of International Conventions	Kathryn Sabo	This Project is to attempt to develop Uniform or Model legislative forms for the implementation of Private International Conventions in the jurisdictions.	This Project has not yet begun.	August 2011 at the earliest		Formation of a Working Group
Uniform Interpretation Act	Edgar Schmidt General Counsel Advisory and Development Services Legislative Services Justice Canada	Revision of the Uniform Interpretation Act.	This Project is in its early stages of development. Preliminary discussions have been held on the formation of a Working Group.	Interim Report for August 2010 and a finished product next August 2011.		Focus document on scope of the project has been circulated to the ACPDM. Formation of a Working Group
JOINT CIVIL SECTION AND CRIMINAL SECTION PROJECTS						
Collateral use of Crown Brief Disclosure –	Greg Steele	Resolution – 2009 The Joint Civil/Criminal				Final Report, with Legislation, for the August 2010

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Joint	(Chair lead is Nolan Steed)	Section Working Group be directed to continue to consider the issues raised in the Report and the directions of the Conference and that it prepare a uniform Act and commentaries for consideration at the 2010 meeting.				meeting.
Malicious Prosecution - Joint	W. Dean Sinclair	Resolution - 2009 The Joint Civil/Criminal Section Working Group be directed to: <ul style="list-style-type: none"> a. continue its work on the issues raised in the Report in accordance with the direction of the Conference; b. monitor the results of the <i>Miazga</i> appeal and its impact on the recommendations of the Working 				W. Dean Sinclair will present a short Final Report to the August 2010 meeting.

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		Group; and c. report back to the Conference at the 2010 meeting.				
Mailing Provincial Offence Notices to Effect Service	Lee Kirkpatrick	Resolution - 2009 The Joint Civil/Criminal Section Working Group be directed to consider the issues raised in the Report and the directions of the Conference and report back to the Conference at the 2010 meeting.				A short Final Report will be presented to the August 2009 meeting by Clark Dalton.
Provincial Complementary Legislation	Josh Hawkes	Provincial governments have enacted a wide range of legislation which operates in conjunction with, or complementary to, federal criminal legislation. This is not a new development. For example, provincial licence suspension regimes triggered as a result of specified <i>Criminal Code</i> convictions date back				A short overview will be provided to the August 2010 meeting indicating some of the major themes in the case law relating to the division of legislative authority in the constitution is intended to provide some context and background to the

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		to at least 1936. The recent decision of the Supreme Court of Canada in <i>Chatterjee v. Ontario (Attorney General)</i> may provide renewed impetus for that trend.				decision of the Court in <i>Chatterjee</i> will be presented to the August 2010 meeting.