



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

**Minutes of the Closing Plenary Session
Held in Victoria, BC
On Thursday August 15, 2013 at 11:30am**

Opening Remarks

The meeting was called to order at 11:45am with President Nancy Irving as Chair and Marie Bordeleau as Secretary. N Irving thanked the delegates for attending the Closing Session and expressed the hope that all delegates enjoyed the warm welcome we received from our BC hosts as well as the lively, yet collegial, debates during our sessions. There were high level discussions, the weather cooperated and the Annual Meeting was a success.

Report from the Criminal Section

Lane Wiegers reported that it has been a pleasure to serve as Chair for the Criminal Section. It was an interesting, enjoyable and productive week for the Criminal Section. There were 31 delegates from 11 jurisdictions, and 26 resolutions were submitted for debate, including two from the floor. Of these, 21 were carried, one was defeated and four were withdrawn.

The resolutions that were carried touched on a variety of issues and concerns, including a resolution that would modernize a harassment provision of the Criminal Code, a resolution to amend the Criminal Code so that the fault requirement for the offence of abandoning or exposing a child to harm is one of penal negligence, and a resolution that would see an increase to the maximum penalty under the Criminal Code for the offence of breach of trust by a public officer.

Five working groups reported to the Criminal Section. Four of the groups have completed their work; one group will report at next year's meeting. Notably, the Criminal Section passed working group resolutions to invite the Civil Section to join it in forming a working group to develop model provincial legislation to facilitate the execution of extra-provincial search warrants to support provincial offence investigations; and that Justice Canada, in consultation with the Provinces and Territories, study the report of the working group on mandatory minimum penalties and consider whether a statutory exemption should be enacted. The Criminal Section also received a Justice Canada presentation on the proposed bill of victims' rights that drew great interest from the group and led to a very quality debate.

L Wiegers thanked Anny Bernier, the Criminal Secretary, for her advice and assistance throughout this week and the past year, and the ULCC Executive, saying he had enjoyed working with them throughout the year. L Wiegers also thanked the host jurisdiction for all their efforts in doing all that they could to ensure the meetings ran smoothly and that delegates were thoroughly entertained during the week.

Report from the Civil Section

I Rennie thanked the delegates for their hard work and said that this week saw the adoption of Model Election Amendment and Commentaries under the leadership of Darcy McGovern. This project has its origins in 2010 and was initially under the leadership of David Nurse. Consultations with all of the chief electoral officers in Canada were undertaken this year, generating a great deal of interest from those officers, even in the Northwest Territories. No doubt this will improve the situation that absentee voters such as students and members of the Canadian Forces face when called away and undo what might have been essentially a disenfranchisement.

Two uniform Acts were also adopted, both subject to the November 30th Rule. That rule authorizes modifications to the uniform Acts presented at this meeting and, so long as there is not more than one objection, the modified Acts are adopted. The Acts were the *Uniform Interprovincial Subpoena Act* led by Greg Steele and the *Uniform International Commercial Arbitration Act*, led by Gerald Ghikas and Angus Gunn. In each case a number of interesting comments from the jurisdictional representatives that have given the presenters and their working groups food for thought.

This week saw a number of reports presented. A number of ULCC projects continue to progress and some will be ready in 2014 for the presentation of Uniform Acts: *UN Convention on Independent Guarantees and Stand-by Letters of Credit*; *Uniform Wills Act*; *Uniform Vital Statistics Act*; and *Uniform Drafting Conventions for the Implementation of International Conventions*. Other projects continue and in 2014 we will hear of their progress.

The APCDM has also identified a number of new projects and we will look forward to working on them and hearing of their progress at the next Annual Meeting. The Joint Criminal and Civil Sections report is always interesting and a special thanks to Clark Dalton for its production. This table is always of interest to policy makers involved in federal, provincial and territorial (FPT) joint projects. In GNWT this table is of great interest.

A number of special reports were also heard including from the Uniform Law Commission and Mexican Centre for Uniform Law. An exciting joint project seems to be well underway with the project on substitute decision making documents. This is a topic of great interest in both jurisdictions as each jurisdiction faces the effects of a retiring baby-boomer generation and the challenges posed by uncertain laws in respect of elders and the protection of their estates and welfare. I Rennie noted that he had to deal with this very matter about two weeks ago from Yellowknife involving the recognition in Scotland of a Representation Agreement executed in BC (the Hague Convention).

I Rennie thanked Russell Getz and his team for organizing this venue, and all those in the Civil Section and the Conference generally for all of their hard work. I Rennie made a special note of thanks to Clark Dalton and Gail Mildren for their support in the past year. I Rennie announced that Manon Dostie will be the new Chair of the Civil Section for 2013-2014 and said he looks forward to working with her in the coming months.

N Irving asked the delegates to join her in acknowledging Lane Wiegers and Ian Rennie for their successful work on a wide range of subjects this week.

Report from the Nominating Committee

Nominating Committee Chair Darcy McGovern reported that he struck a committee comprised of long-time delegates and past presidents, including: Kathryn Sabo, Greg Steele, Russell Getz and Dean Sinclair. The result of their deliberations being unanimous, D McGovern presented the following motion on behalf of the committee:

THAT Lynn Romeo, currently Vice-President, be nominated for President of the ULCC, and **THAT** Luc Labonté be nominated for Vice-President of the ULCC. Seconded by Richard de Boer. The motion carried unanimously.

Outgoing President's Report

N Irving thanked the organizing committee for a truly exceptional week in Victoria and expressed her deep appreciation to Russell Getz, Richard De Boer and Samantha Hulme, as well as many others who have assisted during the week. N Irving said she was pleased to propose the following Resolution:

BE IT RESOLVED THAT the Uniform Law Conference of Canada (ULCC) express its appreciation by way of letters from the Executive Director to:

1. The Government of British Columbia, which hosted the 95th annual meeting of the ULCC and the Honourable Robert J Bauman, Chief Justice of British Columbia; Mr Justice Paul Pearlman of the British Columbia Supreme Court; His Honour, Chief Judge Crabtree of the British Columbia Provincial Court; Ms Nancy Merrill, Benchers for Nanaimo County and representative of the Law Society of British Columbia; Anne Pappas, Interim Dean at the Faculty of Law at Thompson Rivers University; Professor Robert Howell of the Faculty of Law at the University of Victoria; Eugene Raponi, QC, Governor of the Law Foundation of British Columbia; and Darren Williams, President of the Victoria Bar Association for graciously receiving us at the welcoming reception;
2. BC Justice, the Canadian Bar Association and the Victoria Bar Association for hosting the welcoming reception at the amazing Maritime Museum which was so appreciated by the delegates;
3. Deputy Attorney General Richard Fyfe, QC and Ms Kerry Simmons, President of the Canadian Bar Association's BC Branch for their kind welcoming remarks at the reception;
4. Attorney General Suzanne Anton, QC, Assistant Deputy Attorney General Joyce Dewitt-Van Oosten, QC and former Lieutenant-Governor Steven Point, for attending our gala dinner;
5. The Organizing Committee that worked so hard and so efficiently, Richard de Boer, Tino Di Bella, Russell Getz, Samantha Hulme, Rhonda Mead, Nicole Perrin, Treena Watters and last but not least, Ed Wright;
6. Our very competent Secretariat staff, Nicole Perrin and Treena Watters;
7. Our esteemed colleagues from the US Uniform Law Commission, Michael Houghton, Harriet Lansing and Bob Stein;
8. Immediate Past President Darcy McGovern, now leaving the Executive Committee;
9. Lane Wiegiers, Chair of the Criminal Section and Anny Bernier, Secretary to the Criminal Section for the exemplary work accomplished in chairing that Section's debates;
10. Ian Rennie, Chair of the Civil Section for the work done and the smooth running of our sessions;
11. Our presenters, David English, Gerald Ghikas, QC, Angus Gunn, QC, Jacquelyn Nelson, PhD, Sharon Bristow, Richard Olson and the Honourable Judge Ernest Quantz;
12. Russell Getz for preparing the minutes of the Civil Section;

13. Peter Lown, QC, Chair of the Advisory Committee on Program Development and Management and Chair of the International Committee for all the work he accomplishes every year;
14. Clark Dalton, QC, our Projects Coordinator who works so hard for this conference;
15. Our Executive Director, Marie Bordeleau;
16. The staff of the Inn at Laurel Point;
17. The interpreters in each Section: Josée Beaudoin, Dorothy Charbonneau, Peter Douglas, Jean-Pierre Lessard, Hélène Regimbald and Carole Savard for their competence and commitment;
18. The audio-visual technicians, Tyler McAlear and Glenn Kruger, for ensuring the smooth running of the meetings; and
19. Our intrepid and fair umpire, Mr Steve Fudge.

The resolution was approved unanimously.

The President presented baskets of plants and flowers to the above-named members of the host committee and secretariat staff for their excellent work in the secretariat office throughout the week.

Richard De Boer presented Marie Bordeleau with a thank-you gift, expressing appreciation for all the work she has done to help keep the host committee on track for the planning of the Annual Meeting.

Closing Comments – Outgoing President

It was terrific that our US guests could join us this week; thank you so much for joining us, coming as you did right from the American Bar Association conference in San Francisco, and also for your very valuable contributions to the discussions in both Sections. It means a great deal to the Uniform Law Conference of Canada to know how much you appreciate working and collaborating with us. We are so excited that that you were able to join us and look forward to many long years of further work with your organization.

It has been a great honour for me to serve as your President this past year; it has been very rewarding on both a personal and professional level, and I want to congratulate the members of this organization on their wise choice in selecting Lynn Romeo as President for 2013-2014. I know that the conference will be very well served with Lynn at the helm. Congratulations, Lynn.

This year brings to a successful conclusion Darcy McGovern's outstanding service on the Executive Committee. As Immediate Past President, Darcy was a great source of friendly and knowledgeable advice and support to me in the last year and I thank you Darcy for all you have done and will continue to do as an active participant in the work of this Conference.

I have singled out Lynn and Darcy, but I also want to thank all the members of the Executive Committee for their dedication and assistance to me this year.

Lastly I come to Marie Bordeleau, our Executive Director. Marie has been absolutely fabulous to work with this year. We've been in touch weekly, daily, more so in the last couple of months. I have so much confidence in our Executive Director and I wish that you would join me now in thanking her for all that she does for this organization.

And now, I pass the gavel on to our new President, Lynn Romeo.

Incoming President's Remarks

Thank you, and let me start off first by expressing all of our thanks to Nancy for a great year. You've done an excellent job, and on behalf of all of us, thank you so much and congratulations. I am deeply honoured and really excited to have been elected President of the Uniform Law Conference of Canada.

I attended my first ULCC Conference in Winnipeg in 1999 and since that time have had the good fortune to participate in many working groups and to serve as Chair of the Civil Section... even though I didn't make it to the Meeting that year and Darcy had to bail me out – thanks again, Darcy!

Having experienced firsthand the long tradition of excellent leadership in our organization, frankly I am a little daunted by the prospect of having to step into the shoes of the likes of Nancy Irving, Darcy McGovern,. Thank you for placing your confidence in me this year – I will do my level best to live up the tradition of excellence established by my predecessors.

My first step in fulfilling that commitment was to attend a few of the Criminal Section meetings this past week. The calibre of discussion and advocacy was impressive to say the least and the discussions were lively and interesting for an old corporate commercial lawyer like me. I plan to learn a lot more about the work of the Criminal Section this coming year and who knows, Kusham may even let me present and argue in favour of one of Manitoba's motions next year – hell is more likely to freeze over but I get to dream big today.

Over the last number of years much progress has been made in building strong relationships with our colleagues in the United States and Mexico and I welcome the opportunity to continue our cooperative and collaborative efforts. I am very much looking forward to going to Seattle next year to the ULC conference.

I also welcome the opportunity to work with our Executive Committee – congratulations to our new member, Vice President Luc Labonté (I'm really looking forward to working with you, Luc), Manon Dostie, incoming Chair of the Civil Section and Cathy Cooper incoming Chair of the Criminal Section, as well as continuing my work with the ACPDM under Peter Lown's dedicated leadership and with Clark Dalton and Marie Bordeleau.

Before wrapping up, I'd like to say a few words about how much I have enjoyed working with Nancy, Darcy, Clark and Marie this past year. Nancy has a measured, no nonsense approach to moving matters forward that I respect – I expect I will be calling on you regularly Nancy, and of course on Darcy. Congratulations on completing a very successful year as President.

In addition to leaning on Nancy, Clark and Marie, I am comforted to know I can rely on the advice and support of my many trusted friends and colleagues in ULCC, and most especially Gail Mildren from Manitoba. While the ULCC is strong and our work is well respected, we have much to do to ensure that it remains so. With that in mind, I invite you to contact me about matters of interest and with suggestions on how we can advance the work of our organization. I believe we will have great meeting next year in Toronto and with that, I thank you again and call upon Earl Fruchtman and John Lee for a report from the host jurisdiction for 2014.

Host Jurisdiction's Report – Toronto, ON 2014

John Lee said that the Ontario Jurisdictional Representatives are very excited to be hosting the annual meeting in Toronto next year. The event will be held at the Eaton Chelsea Toronto, formerly known as the Delta Chelsea. It is walking distance to the Eaton Centre, which responds to the requests to access to shopping from some delegates. The room rate is only \$139, thanks to Marie Bordeleau who secured that rate for us. The printed cards say that the event will be held from August 9th to the 14th, but while the hotel will be making guestrooms available as of the Saturday night, meetings will begin on Sunday the 10th. J Lee noted that the BC host committee has been very generous in offering their support and advice to the Ontario team as we plan the next Annual Meeting. Ideas and requests about potential activities are welcome, so please feel free to contact J Lee or E Fruchtman.

Host Jurisdiction's Report – Yellowknife, NT 2015

I Rennie said that Yellowknife will be the location for the 2015 annual meeting. An organizing committee has been established (so far there is one person on it), and I Rennie said that he is looking forward to working with M Bordeleau in planning the event.

Other Business

There being no further business, L Romeo thanked our BC hosts and the meeting was adjourned at 12:15pm.