

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

**Minutes of the Opening Plenary Session of the 98th Annual Meeting
of the Uniform Law Conference of Canada
Held in Fredericton, NB
on Sunday August 7, 2016 at 1pm**

Opening Remarks

The meeting was called to order at 1:15pm on Sunday August 7, 2016, at the Delta Fredericton in Fredericton, NB, with President Elizabeth Strange as Chair and Marie Bordeleau as Secretary. The President welcomed the delegates and guests to the 98th Annual Meeting of the Uniform Law Conference of Canada.

Introduction of the Executive Committee

President Strange introduced the members of the Executive Committee: Luc Labonté, QC, Immediate Past President; Josh Hawkes, QC Vice-President; Eric Gottardi, Chair of the Criminal Section; John Lee, Chair of the Civil Section; Genevieve Harvey, Past Civil Section Chair and Chair of the Communications Committee; Kusham Sharma, Past Criminal Chair (who could not be here this week); Peter Lown, QC, Chair of the International Committee and the Advisory Committee on Program Development & Management; our Program Director, Clark Dalton, QC; and Marie Bordeleau, Executive Director.

Introduction of Commissioners

The Senior Delegate from each jurisdiction introduced the members of his or her respective delegation. Ms. Strange noted that we will be joined later this week by Richard Cassidy, President of the Uniform Law Commission of the United States, and Bob Stein, former President of the ULC. Unfortunately, Dr. Jorge Sánchez Cordero Dávila, President of the Mexican Uniform Law Centre, is unable to attend this year.

Welcome from Host Government & Overview of the Week to Come

Luc Labonté welcomed delegates to Fredericton and said the weather is expected to be nice all week. Mr. Labonté noted that the social events are identified in yellow on the Meeting-at-a-Glance spreadsheet and invited delegates to consult the document frequently to ensure they don't miss anything. The welcome reception will be held at Government House this evening and it is within walking distance of the hotel. Tomorrow night is free. On Tuesday, sessions will end at 4pm so we can take a bus to Oromocto for the ball game at 5:15pm. Following the game, a BBQ will be held at the hotel followed by casual drinks on the upper level of DJ Purdy's. On Wednesday, rather than a formal banquet, the event will be casual as we are having a lobster dinner, complete with bib and crackers. Mr. Labonté said that Ms. Strange will host a casual reception afterwards in her suite. Ms. Strange invited delegates to contact her, the Secretariat or anyone from the New Brunswick delegation for information about what to see and do while in Fredericton.

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President's Report

Ms. Strange said that the Honourable Jody Wilson-Raybould, the federal Attorney General and Minister of Justice, would unfortunately not be able to attend the Opening Plenary due to an unavoidable last minute scheduling conflict. Ms. Strange read a letter sent by Attorney General Wilson-Raybould conveying her regrets and acknowledging the important work done by the ULCC (see addendum to the Minutes). Ms. Strange was honoured to accept the letter on behalf of the ULCC.

Ms. Strange highlighted that during her year as President she had the opportunity to speak to the Senate Committee on Legal and Constitutional Affairs about the ULCC in order to familiarize them with who we are, what we do, what processes we follow, etc. Ms. Strange thanked everyone who provided assistance, particularly those from the Criminal Section, as the focus of her remarks was the work of the Criminal Section. Ms. Strange noted that she had received positive feedback on the presentation. Ms. Strange reminded delegates that it is up to all of us to keep the momentum going and noted that the New Brunswick Attorney General is well acquainted with the work of the ULCC, as New Brunswick consistently considers the work of the ULCC when undertaking legislative reform.

Ms. Strange was pleased to report that she attended the US Uniform Law Commission's annual meeting in beautiful Vermont last month where she had the opportunity to address Commissioners and convey the strong sense of cooperation that exists between the two organizations. A representative of the European Law Institute was also in attendance which provided another opportunity to talk about the work of the ULCC.

Ms. Strange held a mid-year conference call with the JRs to keep them updated on the work of the ULCC, particularly on the strategic plan. In part, the strategic plan was undertaken as a review of where we are and where we want to go, given that we are coming up to our 100th anniversary in 2018. As part of this exercise, existing committees have been reinvigorated and new committees have been struck. At present we have the following committees working to improve and promote the ULCC: the Executive Committee, the Finance Committee, the Advisory Committee on Project Development & Management, the International Committee, the Communications Committee and the Strategic Plan Oversight Committee (SPOC), in addition to the Steering Committees of the Civil Section and the Criminal Section. We are preparing to launch a 100th Anniversary Committee and will be looking for volunteers.

Ms. Strange expressed her thanks to all volunteers who have previously been or are currently members of ULCC committees. She encouraged new attendees to get involved and speak with Committee Chairs, the Executive and delegates to learn more, and she asked that long-term delegates take the time to make new attendees feel welcome.

As mentioned, one of the major undertakings this year was the creation of SPOC (a name which lends itself to going boldly where no one has gone before to ensure that the ULCC lives long and prospers), and the working group has been developing a list of topics and issues we should address going forward. Ms. Strange thanked all members of the committee, particularly Josh Hawkes, QC, for preparing the

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document that was circulated earlier. There will be subcommittees to discuss each issue, and Ms. Strange again invited all delegates to volunteer and have their say.

Ms. Strange said that financial matters have dominated our discussions over the last few years and will likely continue to do so in the coming years. She said that most of the jurisdictions have paid their contributions for this fiscal year and gently nudged those who may be late with their payments to send a cheque in the near future.

Ms. Strange noted that every jurisdiction is represented in the Civil Section this year, although that is not the case in the Criminal Section, and she asked all JRs to encourage their governments to send representatives to both sections at our annual meetings. It is of the utmost importance that the jurisdictions continue to support the ULCC by paying their annual assessments, sending JRs to annual meetings and through in-kind contributions such as translation and simultaneous interpretation. One of the most expensive line items on the budget every year is the Annual Meeting, and last year because our destination was Yellowknife, it was extremely expensive. This year should be somewhat more affordable in Fredericton. The reinvigorated Finance Committee has budgeted very carefully and there should be a surplus of \$37 at the end of the fiscal year.

Ms. Strange acknowledged that one of the ULCC's strongest voices has been silenced with the untimely passing in January of former ULCC President Earl Fruchtman. Ms. Strange said that she had not directly worked with Mr. Fruchtman but felt like she knew him, as he was always friendly and approachable. Earl Fruchtman was well regarded by everyone at the ULCC. As a Past President of the ULCC, a leader and an advocate, he will be missed at this and future annual meetings.

Ms. Strange said she wanted to keep her remarks brief as there are a number of speakers on the agenda but did note that she has been in the unique position over the last year of serving as President in her own jurisdiction, as well as co-chairing the Host Committee for this year's Annual Meeting. Ms. Strange said she looks forward to bragging about New Brunswick and Fredericton in particular over the coming week, and she wished everyone a good week.

Financial Resolutions

a. Approval of Audited Statements

MOVED by John Lee, seconded by Kathryn Sabo, **THAT** the audited financial statements for the fiscal period ending March 31, 2016 be received as presented. Motion carried.

b. Approval of the Auditors

MOVED by Luc Labonté, QC, seconded by Darcy McGovern, QC, **THAT** the firm McCay Duff LLP Chartered Accountants be appointed as Auditors for the Uniform Law Conference of Canada for the fiscal period from April 1, 2016 to March 31, 2017. Motion carried.

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c. Banking Resolution

MOVED by Eric Gottardi, seconded by Russell Getz, **THAT** for amounts over \$5,000, two members of the Executive Committee or a member of the Executive Committee and the Executive Director be given signing authority as officers for all banking matters of the ULCC, **AND THAT** for amounts up to \$5,000 and for the purpose of purchasing GICs and term deposits, and for the purpose of transferring funds from the research account to the general account and vice versa, the signature of the Executive Director alone will suffice. Motion carried.

d. Approval of the Budget for the Fiscal Period 2016-2017

J Hawkes noted that the budget for 2016-2017 was circulated and that it shows the actuals against budget for the 2015-2016 fiscal year, which underscores how varying locations for our Annual Meeting impact our finances.

MOVED by Josh Hawkes, QC, seconded by Peter Lown, QC, **THAT** the budget for the fiscal period 2016-2017 be approved, subject to amendments if deemed necessary, following the meeting of the Executive Committee in November 2016. It was noted that funds for unrestricted line items can be moved within the budget based on the Executive Committee's approval. Motion carried.

Confirmation of the Nominating Committee

Luc Labonté, QC, as the Immediate Past President present, was appointed Chair of the Nominating Committee and said that he has already invited four Past Presidents who are present to serve on the with him. Mr. Labonté said a recommendation will be made on Thursday morning.

Outline of the Business of the Week

a. Criminal Section

Section Chair Eric Gottardi said he wasn't sure how the Section would get through all the work; there are 38 resolutions, which add up to about 19 minutes per resolution in the allotted time for debates. There are some developments from the Supreme Court of Canada to discuss and a number of working group reports to receive and debate. Sadly, valued colleague Earl Fruchtman is no longer with us and the first order of business for the Criminal Section will be to name the annual Open Forum session after him to recognize his contributions to the Criminal Section in particular, and to the ULCC in general. His guidance over the course of the week will be missed.

b. Civil Section

Section Chair John Lee noted that the Civil Section will be facing a busy week ahead. The Civil Section will be asked to adopt three new uniform acts (the Uniform Access to Digital Assets by Fiduciaries Act, the Uniform Arbitration Act and the Uniform Protection of Public Participation Act) as well as

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amendments to the Uniform Wills Act. The Section will also receive project reports on the Uniform Vital Statistics Act and the Uniform Commercial Tenancies Act. In addition, it will be revisiting the Uniform Recognition of Substitute Decision-Making Documents Act to ensure that the Act is consistent with Canadian bijuralism, and the annual report from Justice Canada on Private International Law will be provided to the delegates.

Continuing with the tradition of working closely with the Criminal Section, the Civil Section and the Criminal Section will be meeting jointly on Wednesday morning to deal with issues related to cost awards made against the Crown in criminal proceedings, criminal records checks and complementary provincial and territorial legislation. Finally, it will hear from Rich Cassidy and Bob Stein, of the American Uniform Law Commission, who will speak on the latest work of the Commission.

While serving as Chair of the Civil Section in the past year, the Section Chair noted how very impressed he was by the amount of work that is required to keep an organization such as the ULCC moving forward. Clark Dalton, Projects Manager, had been critical in supporting the Section's operations and special thanks were given to him for his support. Thanks were also given to JRs for their participation as members of the Civil Section Steering Committee, and especially to Manon Dostie for assisting in the preparation of the minutes of the Steering Committee's monthly conference calls. The Section Chair also acknowledged that he had a chance to work closely with the members of the Advisory Committee on Program Development and Management, chaired by Peter Lown, and he also thanked the Committee for its assistance during his term chair.

Report from the ACPDM & International Committee

Peter Lown, QC said that he was delighted to be in Fredericton and to be seeing his colleagues again. The ACPDM has met on a monthly basis by teleconference, and looks at the medium and long-term of projects on the Civil side, but that some joint work with the Criminal Section is always welcome. Bi-annually the ACPDM also meets face-to-face, which has been very useful. This year's meeting was rather introspective, considering the value of the ACPDM, how to deal with succession planning, etc. It was very helpful that Josh Hawkes joined the meeting and where the discussion exceeded the ACPDM's scope, ideas and thoughts were passed on to the Strategic Planning Oversight Committee (SPOC). Mr. Lown thanked the committee for their hard work throughout the year, as well as Clark Dalton, QC, who does a lot of the heavy lifting on behalf of the ACPDM.

Elizabeth Strange echoed the thanks to everyone who makes the ULCC work and noted that she will give a more formal thank you at the Closing Plenary. There being no other business, the meeting was adjourned at 2pm.