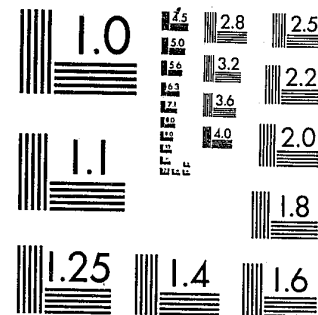


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**United States Department of Justice**  
**Washington, D. C. 20531**

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Anno decimo tertio ELIZABETHÆ. C.5. [1570.]  
CAP. V.

Act against fraudulent deeds, alienations, &c.  
FOR the amending and abolishing of

**F**OR the avoiding and abolishing of feigned, convins and fraudulent deeds made to avoid the debts, suits, judgments and executions, or others shall be void, and the penalties of the parties thereto shall be void, and the penalties of the parties thereto shall be void, and the penalties of the parties thereto shall be void.

damages, penalties, for the du-  
s, not only to the let or for the du-  
tion of law and justice, but also  
plain dealing; bargaining and cheating  
but the which 'no commonwealth or  
continued

[illegible]

The forfeiture  
of the parties  
to the contract  
deeds. C.  
pla. 164. 166.  
168.  
Dyer 335.  
E. 465.  
Cro. Jac. 120.

III. And be it further enacted by the authority aforesaid, that all every the parties to such feigned, covinous or fraudulent, gift, grant, alienation, bargain, conveyance, sales, judgments, executions and other things before said, being privy and knowing of the same, or any of them, shall at any time after the tenth day of June next coming willingly and lawfully put in, avow, maintain, justify or defend the same, or any of them, as lawfully, simply, and done, or made *bona fide*, and upon good considerations; (3) or shall alien or assign any the lands, tenements, goods, or other things before-mentioned, to him or them conveyed as is aforesaid, or any put thereof; (4) shall incur the penalty and forfeiture

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# FIFTH ANNUAL REPORT 1978

LAW REFORM COMMISSION OF SASKATCHEWAN  
SASKATOON, SASKATCHEWAN

MARCH, 1979

75864

U.S. Department of Justice  
National Institute of Justice

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ACQUISITIONS

The Law Reform Commission of Saskatchewan was established by *An Act to Establish a Law Reform Commission* proclaimed in November, 1973, and began functioning in February of 1974.

The Commissioners are:

PROFESSOR RONALD C. C. CUMING, B.A., LL.B., LL.M.,  
*Chairman*

MR. GEORGE J. D. TAYLOR, Q.C.

MS MARJORIE A. GERWING, B.A., LL.B.

Kenneth P. R. Hodges is the Research Director.

The Legal Research Officers are Harris Wineberg and Michael J. Finley. The secretaries are Sandra Hookway and Linda Mahl.

The Commission offices are located at Suite 1003 Canadian Imperial Bank of Commerce Building, 201 - 21st Street East, Saskatoon, Saskatchewan. S7K 0B8

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## OBJECTIVES OF THE COMMISSION

In the terms of *The Law Reform Commission Act, 1971*: The Commission shall take and keep under review all the law of the province, including statute law, common law and judicial decisions, with a view to its systematic development and reform, including the codification, elimination of anomalies, repeal of obsolete and unnecessary enactments, reduction in the number of separate enactments and generally the simplification and modernization of the law.

For the foregoing purpose the Commission shall:

- (a) receive and consider any proposals for the reform of the law that may be made to it by the Attorney General;
- (b) prepare and submit to the Attorney General from time to time programs for the examination of different branches of the law with a view to their reform and shall recommend that an agency, whether the Commission or a committee thereof or other body, carry out the examination;
- (c) undertake, at the request of the Attorney General or pursuant to recommendations of the Commission approved by the Attorney General, the examination of particular branches of the law and the formulation, by means of draft bills or otherwise, of proposals for reform therein;
- (d) enter into agreements, with the approval of the Attorney General, with other organizations for law reform for the purposes of attaining the aims of the Commission.

The basic objectives of the commission are intended to achieve the following advantages:

- (a) to provide the government and the Legislature with objectively-oriented machinery for the review of provincial law;
- (b) to provide a body that will be available to assess criticisms of a significant nature that are from time to time directed by the public against particular laws and legislation;
- (c) to provide the government and the Legislature with a means whereby they will be able to assess proposals for change in the law and for the enactment of new laws;
- (d) to provide a body which is charged with the obligation of reviewing the law and its application in Saskatchewan critically with scholarship and dispassion.

Suggested topics for the Commission's research program are brought before meetings of the Commission for consideration. These topics may originate on recommendation from the Attorney General, from the Commission and its staff, from the judiciary, from the legal profession, from other professional organizations, or from the public generally. If a proposal for law reform originates from sources other than the recommendation of the Attorney General, the Commission considers the proposal and, if it feels the proposal is one which requires research and report to the Attorney General, it will propose to the Attorney General that such research be undertaken. Once the consent of the Attorney General is obtained, a research program is instituted which culminates in a report to the Attorney General.

All research undertaken is closely supervised by the Chairman and Research Director. Ideally, much of the research should be done and is in fact done by the Commission's full-time staff. Many projects, however, require substantial outside consultation and expertise as a result of limited permanent staff resources. Consequently, the Commission relies to some extent for research personnel on the academic staff of the College of Law of the University of Saskatchewan and elsewhere. Legal practitioners also act as consultants from time to time and give to the Commission a practical sense of the implications of possible recommendations for legislative and procedural change. The participation of practising lawyers has been encouraged and is being further encouraged with the assistance of the Saskatchewan Branch of the Canadian Bar Association and the Law Foundation of Saskatchewan.

Once the research study in a particular project is completed, the matter is placed on the Commission agenda for discussion and consideration. The Commission may decide to prepare background papers, or more likely papers in the form of tentative proposals, for circulation to the public in order to obtain criticism and comment prior to the preparation of a final report. This may entail public meetings, hearings and workshops over a period of time. Once public comment has been assessed, the Commission's recommendations are embodied in a final report to the Attorney General. This report may contain general recommendations, specific legislation or drafting instructions suggesting the form of legislation which will best implement the recommendations of the final report.

## DESCRIPTION OF THE PROGRAMS AND ACTIVITIES CARRIED OUT DURING 1978

The programs and activities carried out during 1978 to a very large extent are a continuation of projects commenced in 1974, 1975, 1976 and 1977. Most of the projects are extensive in scope and that being so, specific areas are isolated for consideration and possible reform.

### 1. Family Law Project

The Commission, with the consent of the Attorney General, initiated a research project on family law in June of 1974. This is a mammoth project and includes the specific areas of (a) family maintenance, (b) laws pertaining to children, and (c) general questions dealing with marriage laws.

In the area of family maintenance, the Commission has been examining proposals with respect to maintenance between husband and wife and the right of children to maintenance from their parents. This involves, among other things, an examination of *The Deserted Wives' and Children's Maintenance Act*, *The Queen's Bench Act*, *The Children of Unmarried Parents Act* and sections of *The Infants Act*. Within this project, proposals with respect to the duty of children to maintain their parents will also be considered. This necessitates an examination of the little-used *Parents' Maintenance Act*. Substantial research time has also been spent examining the provision of more effective means for enforcing maintenance obligations between husband and wife. This requires an examination of *The Attachment of Debts Act* and *The Reciprocal Enforcement of Maintenance Orders Act*.

In 1975, the Commission issued a background paper entitled "Family Maintenance Between Husband and Wife" and shortly thereafter a background paper titled "Children's Maintenance". This paper looked at children's rights as part of the whole area of human rights. It dealt with questions such as the right of children to maintenance from their natural parents, adoptive parents, stepparents, legal guardians and foster parents. The paper outlined the need for reform in this area, emphasizing the present fragmented state of the law and its lack of clarity in a number of important areas. Some emphasis was placed on the problem relating to jurisdiction of our courts to award maintenance; problems specifically related to multiple jurisdiction and insufficient judicial powers. Since then, steps have been taken to meet these problems by the establishment on a trial basis of the Unified Family Court in Saskatoon. The question of the enforcement of maintenance orders was dealt with and tentative recommendations were made that would increase the efficiency of current mechanisms through the exploration of a variety of policy alternatives. In June of 1976, the two consultants who had been working on the Family Law Project resigned and ultimately left the province.

In November of 1976, another consultant was retained to continue with some aspects of the project. She began the consideration of the rights and obligations of stepparents, foster parents, and the fathers of children born out of wedlock. She was to consider two fundamental rights, child maintenance and the reciprocal right of the person maintaining to have the companionship of the child. The various roles were to be examined to consider the extent to which persons in those roles should have the rights and responsibilities which are now clearly granted to the natural mother of a child and the father of a child born in wedlock. After considering the theoretical extent of rights and responsibilities, the ways in which these rights and responsibilities might be brought into practical effect by way of procedural and enforcement practices have been examined. Before the work was completed, the consultant resigned and since then work on the project has been carried on by members of the Commission's staff. Criteria in determining custody disputes and the need for independent counsel for children involved in matrimonial disputes have also been considered.

The Commission has received considerable assistance from students who have worked on various projects. Mr. Ronald W. Hewitt contributed greatly to the research in the Family Law Project during the summer of 1977. In 1978, Miss Mary MacFadyen, Mr. Eric Cline and Mr. Bob Richards also did invaluable research work which will be of great assistance in the formulation of final reports.

### 2. Consumer Credit Project

The study of consumer credit law in Saskatchewan and proposals for reform of it is a part of the overall study of personal property security law in Saskatchewan. The Commission decided that proposals for the reform of basic chattel security law should be developed first, since the structure and terminology of a totally reformed personal property security law system would necessarily be part of the reform of consumer credit law. Pursuant to this approach, a final report titled "Proposals for a Saskatchewan Personal Property Security Act" was issued in July of 1977.



The study of consumer credit law is well under way. Secured consumer credit transactions are basically security agreements with special features which require additional regulation. Several working papers were prepared and additional information was sought from three sources: interviews with credit grantors, questionnaires administered through legal aid offices and examination of court records.

Further research in the consumer credit project is presently being considered for the following areas:

Background and Underlying Considerations;  
Secured Consumer Credit Transactions;  
Credit Grantor Responsibility for Defects in Merchants' Performance Obligations;  
Unsecured Collection Remedies;  
Extra-Judicial Debt Collection Practices;  
Credit Insurance;  
Enforcement of Credit Consumer Rights;  
Disclosure;  
Credit Reporting;  
Discrimination in Credit Granting;  
Consumer Education.

As the study progresses, it may be necessary to add to this list or consolidate two or more items into a single paper.

The Chairman of the Commission, Professor Ronald C. C. Cuming, assisted by Professor Russell Buglass of the College of Law, University of Saskatchewan, is in charge of this project and has been continuing work thereon throughout 1978.

### 3. The Collection and Analysis of Provincial Offences

The Commission, with the consent of the Attorney General, initiated research in the fall of 1975 into the collection and analysis of provincial offences. Provincial legislation was considered which contains offences that have quasi-criminal penalties or sanctions attached. All the sections and statutes within provincial legislation and selected municipal bylaws were surveyed with a view to (1) cataloguing these offences and penalties within appropriate categories of seriousness; (2) analysing the nature of these offences in order to determine whether present sanctions are appropriate to the legislation under consideration; (3) determining whether sanctioning sections ought to be handled through court procedures or whether alternative procedures ought to be developed for handling them outside the adversarial system; (4) determining whether sections containing provincial sanctions ought to be reduced or consolidated; and (5) examining the effects of criminal stigmatization where it exists under provincial laws.

Phase one of the project dealing with the collection and analysis of provincial offences was completed in September of 1976 and the data is collected in four separate volumes.

In April of 1977 a working paper titled "Provincial Offences: Tentative Recommendations for Reform" was circulated to professional and voluntary organizations as well as to interested members of the public. This working paper considers statutes governing provincial offences and proposes tentative recommendations for non-custodial methods of enforcement. The paper sets out a number of alternative approaches to the present provincial sanctioning system including diversion, cautions, community service orders, weekend custody and restitution orders. Similar developments in England and in other provincial jurisdictions are reviewed.

Consideration is now being given to the possibility of preparing reports on the concept of strict liability, the rationalization of penalties under provincial statutes, sentencing options including discharges and suspension of sentences under provincial law as well as the possibility of gearing fines to income.

### 4. Occupiers' Liability Project

In the fall of 1976 the Commission, with the consent of the Attorney General, initiated a study of occupiers' liability law in Saskatchewan with a view to reform. Professor Daniel Ish of the College of Law, University of Saskatchewan undertook to review the present law of occupiers' liability and to make proposals for its reform. Work on the project is nearing completion.

### 5. Medical-Legal Project

In the summer of 1977 the Commission, with the consent of the Attorney General, initiated a Medical-Legal Project with a view to reform. Unfortunately, before the project was well under way, the consultant who had been engaged by the Commission left the province. Originally the project included, among other issues, sterilization, artificial insemination, the consent of minors to medical treatment and definition of death. As a result of the efforts of a member of the Commission staff, a paper entitled "Tentative Proposals for a Consent of Minors to Health Care Act" was issued for public comment, criticism and discussion in November of 1978.

A considerable amount of research has also been done concerning the legal status of dependent adults. In addition to that, Professor Peter MacKinnon of the College of Law, University of Saskatchewan has undertaken a study of the law governing civil commitment.

### 6. Administrative Law Project

At the request of the Attorney General the Commission considered "A Study of the Procedural Law of Judicial Review and Standards for Administrative Agencies" prepared by Professor Ken Norman of the College of Law, University of Saskatchewan. The Commission invited Professor Norman and Professor D. H. Clark of the College (now Dean of the College) to meet with it to discuss this proposal. After some considerable discussion of the proposal by the Commission, Professor Norman and Professor Clark were requested to present a further proposal for review of the functioning of an administrative agency or agencies in Saskatchewan. It was felt by the Commission that a specific study of a particular agency would be required prior to the undertaking of a major study to devise statutory reforms for administrative agencies generally in the province.

The Commission staff prepared a submission recommending the following initial program of research:

- (1) Preparation of a catalogue of "statutory powers" presently found in Saskatchewan legislation as exercised by (a) tribunals, (b) agencies, and (c) individuals.
- (2) A catalogue of review and appellate procedures in the legislation from the decisions of the above.
- (3) A survey of the relevant case law interpreting the provisions referred to above.
- (4) The catalogue would be the first step toward formulation of appropriate distinctions between types of administrative decisions and evolution of principles of classification which would dictate appropriate procedures and remedies.

Preliminary research was done by two students, Messrs. Eric Cline and Bob Richards, during the summer of 1978 on (a) Statutory Powers of Decision in the Licensing/Inspection Category of the Statutes of Saskatchewan, and (b) A Review of Benefit/Compensation Statutes.

### 7. The Jury Act

At the request of the Attorney General, the Commission undertook to review *The Jury Act*. Work began in April of 1978 and the research is nearly complete. Initially, the scope of such research was directed to the criteria for jurors. On June 1, 1978, Mr. Harris Wineberg, Legal Research Officer with the Commission, met with Mr. C. Huggett, Director of Court Services, and the Sheriffs of Saskatchewan at their annual meeting, and as a result of the discussion which took place it became apparent that the project should include consideration of the administrative procedures for juror selection. This has involved a search for better information from which to select the names of prospective jurors. Tentative proposals have been drafted for consideration for the Commission early this year. Arrangements may also be made for a meeting with the Chief Justice of the Court of Queen's Bench and perhaps some of the other judges of that court to obtain their views and comments.

### 8. The English Statutes Project

This project involves consideration of the laws of England which are in force in this province. Too often lawyers are faced with the problem of determining whether or not an ancient English statute is or is not law in Saskatchewan. The British have been pruning and tidying their statutes for almost a century and it is time for the common law provinces, including Saskatchewan, to reorder their own houses in the interests of greater certainty. Dr. Winston McCalla of the Saskatoon Legal Assistance Clinic Society has agreed to act as consultant on this project.

### 9. Division of Matrimonial Property Project

As the first phase of reform, the Commission proposed that legislation be passed giving the court wide power to order division of matrimonial property between spouses upon application to the court. It was recommended that the court should be empowered to divide the property of married persons as it sees fit in order to provide a fair and just division, according to the circumstances of each case, regardless of how title to that property is held or when it was acquired.

In 1975, section 22 of *The Married Women's Property Act* was amended by the Legislature to allow wide judicial discretion to be exercised in any question regarding the ownership or possession of property of married persons. While this legislation was prepared prior to completion of the Commission's final proposals and was passed as an interim measure pending the report of the Commission, it does reflect in large measure the proposals of the Commission as they relate to judicial discretion.

The Commission is keeping itself informed with regard to the result of applications made under the amendment to *The Married Women's Property Act*\*. The Commission also wishes to review the general effect of that legislation upon settlements made out of court.

### 10. The Limitation of Actions Act Project

This project involves major policy issues including mandatory notices of claims within specific periods of time, commencing actions within specific periods of time and the categorization of various actions so as to determine the appropriate limitation period. Professor Clive Mostert of the College of Law, University of Saskatchewan has agreed to act as consultant.

### 11. Other Projects

Research on smaller areas of potential reform are carried out from time to time. Occasionally, such matters are referred to the Commission by the Attorney General but more often such matters come from legal practitioners and occasionally from citizens and organizations interested in specific legal issues. Such smaller areas of potential reform have touched on *The Homesteads Act*, *The Trust Companies Act*, *The Private Detectives Act*, *The Trustee Act*, *The Limitation of Actions Act* and *The Land Titles Act*, funeral industry legislation, Native rights, *The Wills Act* in light of divorce, *The Surrogate Court Act*, criminal conversation and the registration of contracts under *The Conditional Sales Act*, *The Bills of Sale Act* and *The Saskatchewan Insurance Act*. In 1978 a report was forwarded to the Attorney General on the procedure for cancelling an agreement for sale or foreclosing a mortgage under *The Land Contracts (Actions) Act*. In 1978 the concept of Interspousal Tort Immunity was reviewed.

### 12. Other Activities

On occasion, representatives of the commission have made presentations to the Saskatchewan Women's Institute, Farm and Home Week, seminars sponsored by community colleges in Prince Albert, Melville, North Battleford and Swift Current and have explained the role of law reform to high school students in a number of colleges such as Bedford Road, Mount Royal and Walter Murray in Saskatoon and Sheldon Williams in Regina. When reports are issued by way of tentative proposals, press releases are issued, press conferences held and appearances made on radio and television when required. Members of the staff also keep in close touch with various organizations such as the Saskatoon Society for the Prevention of Cruelty to Children, the Criminal Justice Co-ordinating Committee and the Saskatchewan Association for the Mentally Retarded. While law reform is a highly technical matter, nevertheless, law does not operate in a vacuum and, consequently, every effort is made to keep those interested in any of the Commission's activities fully informed. The Commission and its staff is always most receptive to comments from organizations and members of the public generally.

\*Effective May 26, 1978, the title to the Act was changed to *The Married Persons' Property Act*.

## GENERAL PLANS AND EVENTS FOR THE COMING YEAR

### 1. Family Law Project

Tentative proposals in the area of custody will in all likelihood be published early in 1979, followed by a second paper dealing with the right of a child to independent counsel and a third paper considering the position of the illegitimate child.

### 2. Consumer Credit Project

It is expected that during 1979 tentative proposals titled "Background and Other Considerations" and "Secured Consumer Credit Transactions" will be issued. Thereafter, the balance of the project will be released in a series of separate papers to be issued from time to time.

### 3. The Collection and Analysis of Provincial Offences

It is expected that a paper dealing with the concept of strict liability will be released during the latter part of 1979.

### 4. Occupiers' Liability Project

It is expected that a paper containing tentative proposals for reform in the area of occupiers' liability will be circulated to the public in 1979. Once public reaction and comment has been obtained, recommendations will be set out in a report to the Attorney General.

### 5. Medical-Legal Project

It is expected that a final report on proposals for a Consent of Minors to Health Care Act will be made to the Attorney General in 1979.

### 6. Administrative Law Project

It is expected that further basic research in this project will be carried on throughout 1979.

### 7. The Jury Act

It is expected that a paper titled "Tentative Proposals for Reform of The Jury Act" will be issued early in 1979.

### 8. The English Statutes Project

It is expected that basic research into this project will be carried on throughout 1979.

### 9. Division of Matrimonial Property Project

The Commission is continuing to assess both public and legislative response to its report on co-ownership of the matrimonial home. Such response will have a direct bearing on further recommendations, if any, in the area of matrimonial property.

### 10. The Limitation of Actions Act Project

It is expected that research into this project will be commenced early in 1979 and perhaps a report issued later in the year.

### 11. Other Projects

It is expected that a report titled "Tentative Proposals for Reform of the Law Affecting Liability Between Husband and Wife and Related Insurance Contracts" will be issued in February 1979.

## COMPLETED PROJECTS

### 1. Proposed Matrimonial Homes Act

As part of the Division of Matrimonial Property Project, the Commission considered co-ownership of the matrimonial home. In May, 1976, the Commission submitted its final proposals regarding the matrimonial home in a Report to the Attorney General entitled "Proposals for a Saskatchewan Matrimonial Homes Act".

### 2. Personal Property Security Law Project

The Commission commenced a study during the summer of 1974, which involved an examination of the law affecting consensual personal property security transactions at two levels: the consumer financing level and the wholesale financing level.

Personal property security law regulates credit and loan transactions such as chattel mortgages, conditional sales contracts, assignments of debts and floating charges. Under these agreements, the creditor is given the power to seize the property of the debtor in the event of default in payment by the debtor. The law affecting these agreements is designed to define and regulate the exercise of the creditor's powers so as to ensure fairness. In addition, personal property security law provides a registry system through which third persons who deal with the debtor are notified of the prior claims of creditors.

The study was primarily concerned with the advisability of adopting a modified form of the *Model Uniform Personal Property Security Act* prepared by the Canadian Bar Association. The Commission considered generally the form which applicable personal property security law should take in the light of business practices and social policies affecting secured transactions. Generally, the research involved an analysis of the proposals contained in the *Model Act* in the light of local Saskatchewan conditions and in the light of development in other jurisdictions since the *Model Act* was published. For comparative purposes, consideration was given to the American *Uniform Commercial Code*.

A number of internal study papers were prepared and thereafter a background paper was published entitled "Reform of Personal Property Security Law in Saskatchewan". Copies of this background paper were sent to each member of the Bar of Saskatchewan with a letter requesting comment and criticism. The paper also had a wide public distribution. The paper was designed to indicate to the public and the legal profession that the study was being undertaken and to solicit comments, criticism and suggestions. The paper also dealt with the consumer credit aspect of the study. Helpful comments were received from lawyers and financial institutions.

In March of 1976, the Commission released a paper entitled "Tentative Proposals for a Saskatchewan Personal Property Security Act". These proposals contained a comprehensive consideration of the law of secured personal property in Saskatchewan, developments in the United States and some jurisdictions within Canada, as well as specific proposals for change. The paper also contained draft legislation for a new Saskatchewan Personal Property Security Act. Copies of the proposals were also distributed widely for comment prior to finalization of the proposals. In July of 1977, a Final Report containing draft legislation was made to the Attorney General entitled "Proposals for a Saskatchewan Personal Property Security Act".

### 3. Conflict of Interest Project

Pursuant to section 6 of *The Law Reform Commission Act, 1971*, the Attorney General requested that the Commission initiate research into proposed conflict of interest legislation in order to prepare recommendations for reform.

This is a complex subject in which various legislative solutions have been put forward elsewhere in Canada, the United States, England and in other countries. The Government of Saskatchewan had tabled a white paper on "Members of the Legislative Assembly of Saskatchewan and Conflict of Interest" with a draft bill attached. These materials were referred to the Commission by the Attorney General for its consideration and report. The Commission, assisted by Dr. Norman Ward of the Economics and Political Science Department of the University of Saskatchewan and Professor Jeremy Williams formerly of the College of Law of the University of Saskatchewan began the research in the spring of 1976. Some months later, the present Research Director assumed some responsibility for final preparation of the report which was made to the Attorney General in March 1977. The report entitled "Conflict of Interest" includes recommendations dealing with conflict of interest and Members of the Legislative Assembly as well as conflict of interest and provincial civil servants. The report also contains draft legislation embodying the recommendations.

## PERSONNEL

### The Commission

*The Law Reform Commission Act, 1971* provides that the Commission shall be composed of not less than three members appointed by the Lieutenant Governor in Council and that one of the members shall be designated by the Lieutenant Governor in Council as chairman. Professor Brian A. Grosman was appointed first Chairman of the Commission by order in council dated December 4, 1973 and assumed his position as full-time Chairman on January 1, 1974. The remaining two members of the Commission who are part-time were originally Mr. Justice E. D. Bayda and Mr. George J. D. Taylor, Q.C. Mr. Justice E. D. Bayda resigned and was replaced by Miss Marjorie A. Gerwing effective November 15, 1976. Professor Grosman resigned as Chairman of the Commission effective December 31, 1977 and returned to the College of Law, University of Saskatchewan. Pending the appointment of his successor, Professor Grosman continued to serve in the capacity of Acting Chairman. The commission was well served from its inception by its first Chairman who brought to the Commission both a first-rate legal mind and the organizational abilities necessary to place the Commission on a firm foundation. On July 1, 1978, Professor Ronald C. C. Cuming of the College of Law, University of Saskatchewan, succeeded Professor Grosman as Chairman.

### The Staff

In October of 1976 Mr. Ken Hodges formerly City Clerk/City Solicitor of Moose Jaw, Saskatchewan, joined the Commission as Research Director. Mr. Hodges brought with him considerable administrative and legal background for the work of the Commission. On March 1, 1977, Mr. Michael J. Finley joined the commission as a Crown Solicitor and in October of the same year Mr. Harris Wineberg accepted the remaining Crown Solicitor position.

In addition, the commission has retained the services of a number of people as part-time research consultants. The commission is most pleased to be able to rely on these outside consultants and is obliged to them for their ongoing efforts which have helped to maintain a healthy level of law reform activity within the province.

### LAW FOUNDATION

The Law Foundation of Saskatchewan has provided funding for specific programs of law reform at the request of the Law Reform Commission. These projects are considered by the Foundation on an individual basis as they are received. Discussions have been held between the Chairman and Mr. Donald K. MacPherson, Q.C., Chairman of the Law Foundation, with regard to the continuing relationship between the Law Reform Commission and the Law Foundation.

Apart from a number of projects which have been completed, the Law Foundation of Saskatchewan is making available to the Commission funding for the Consumer Credit Project, the Occupiers' Liability Project, the Medical-Legal Project, the English Statutes Project and the Limitation of Actions Act Project.

The Commission wishes to express its appreciation to the Law Foundation of Saskatchewan for this important financial assistance. It is anticipated that the Law Foundation will, in the year 1979, provide on-going financial assistance to the Commission so that it can engage specialized services under contract which would not otherwise be available to the Commission.

### OTHER LAW REFORM ORGANIZATIONS

The Commission has, during the course of this year, continued to develop good liaison with other law reform agencies both in and outside Canada. This exchange of information is essential to the functioning of the Law Reform Commission of Saskatchewan. Such close liaison minimizes the replication of research and makes available to this Commission research papers, reports and proposals which can be adapted to the Saskatchewan legal environment without incurring the financial burden necessitated by initiating original legal research in each area undertaken. The Saskatchewan Commission has gained substantially from the research completed by other commissions in areas of mutual interest. An efficient system for sharing law reform information has not yet been developed. Sharing, at this stage, is carried out primarily on a personal contact basis.

In order to maintain important contacts in areas of interest to the Commission and its research commitments, the Acting Chairman and thereafter the Chairman, the Research Director and other members of the staff attended various meetings and conferences including those of the Canadian Human Rights Foundation, the Canadian Association of Law Guardians, the Uniform Law Conference, the Model Uniform Personal Property Security Act Committee and the Consumer and Commercial Law Conference. In addition, the Chairman and Research Director attended a two-day meeting of law reform agencies prior to the meeting of the Uniform Law Conference.

## PUBLICATIONS

1. First Mini-Working Paper, Division of Matrimonial Property, "Problems Within the Present Law", June 1974.
2. Second Mini-Working Paper, Division of Matrimonial Property, "Possible Solutions to Problems Within the Present Law", September 1974.
3. Third Working Paper, Division of Matrimonial Property, "Tentative Proposals for Reform of Matrimonial Property Law", October 1974.
- \*4. First Annual Report 1974.
5. Background Paper, "Reform of Personal Property Security Law in Saskatchewan", May 1975.
6. Background Paper, "Family Maintenance Between Husband and Wife", November 1975.
7. Background Paper, "Children's Maintenance", January 1976.
- \*8. Second Annual Report 1975.
- \*9. "Tentative Proposals for a Saskatchewan Personal Property Security Act", February 1976.
10. Report to the Attorney General, "Proposals for a Saskatchewan Matrimonial Homes Act", May 1976.
11. Report to the Attorney General, "Conflict of Interest", March 1977.
12. Third Annual Report 1976.
13. Working Paper, "Provincial Offences: Tentative Recommendations for Reform", April 1977.
14. Report to the Attorney General, "Proposals for a Saskatchewan Personal Property Security Act", July 1977.
15. Fourth Annual Report 1977.
16. "Tentative Proposals for a Consent of Minors to Health Care Act", November 1978.

\*Out of Print.

## 1971 CHAPTER 21

An Act to establish a Law Reform Commission.

[Assented to April 2, 1971.]

**H**ER Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1. This Act may be cited as *The Law Reform Commission Act*, 1971.

Commission constituted

2. There is hereby constituted a commission to be known as the "Law Reform Commission of Saskatchewan", herein referred to as the "commission".

Membership

3.—(1) The commission shall be composed of not less than three members appointed by Lieutenant Governor in Council and shall hold office during the pleasure of the Lieutenant Governor in Council.\*

(2) The Lieutenant Governor in Council shall designate one of the members as chairman.

(3) The chairman shall be the chief executive officer of the commission and shall preside at all meetings and hearings of the commission.

(4) In the absence or disability of the chairman or if the office of chairman is for any reason vacant another member of the commission, appointed by the members, shall act as chairman.

Remuneration

4. The members of the commission shall be paid such remuneration for their services and such allowances for travelling and other expenses as the Lieutenant Governor in Council may determine.

Staff

5. The Lieutenant Governor in Council may appoint such officers and employees of the commission as are required for the proper conduct of the business of the commission and for the purposes of this Act.

\* As amended by S.S. 1973, c. 54.



Duties of  
commission

6. The commission shall take and keep under review all the law of the province, including statute law, common law and judicial decisions, with a view to its systematic development and reform, including the codification, elimination of anomalies, repeal of obsolete and unnecessary enactments, reduction in the number of separate enactments and generally the simplification and modernization of the law, and for that purpose shall:

- (a) receive and consider any proposals for the reform of the law that may be made to it by the Attorney General;
- (b) prepare and submit to the Attorney General from time to time programs for the examination of different branches of the law with a view to their reform and shall recommend that an agency, whether the commission or a committee thereof or other body, carry out the examination;
- (c) undertake, at the request of the Attorney General or pursuant to recommendations of the commission approved by the Attorney General, the examination of particular branches of the law and the formulation, by means of draft bills or otherwise, of proposals for reform therein;
- (d) enter into agreements, with the approval of the Attorney General, with other organizations for law reform for the purposes of attaining the aims of the commission.

Legal  
research  
by com-  
mission

7. The commission may institute and direct legal research for the purpose of carrying out its functions.

Committees  
of commission

8.—(1) The commission may appoint committees, the members of which need not be members of the commission, and may refer any matter to the committees for consideration and report to the commission.

(2) Members of committees appointed under subsection (1) shall receive such remuneration for their services and such allowances for travelling and other expenses as the Lieutenant Governor in Council may determine.

Report by  
commission

9. The commission may report from time to time to the Attorney General and shall report to the Attorney General at any time upon his request, but shall report at least once yearly if no request is made.

Publication  
of report by  
commission

10. The Attorney General may authorize the commission to publish any report submitted to him.

Annual  
report by  
Attorney  
General

11. The Attorney General shall make and submit to the Lieutenant Governor in Council an annual report respecting any programs prepared by the commission and approved by him and any proposals for reform formulated by the commission pursuant to such programs, which report shall be laid before the Legislative Assembly within fifteen days from the commencement of the session next following the end of the year for which the report is made.

Appropriation

12. Sums required for the purposes of this Act may be paid out of moneys appropriated by the Legislature for the purpose.

Coming  
into force

13. This Act comes into force on a day to be fixed by proclamation of the Lieutenant Governor.

**END**