

SIXTH ANNUAL REPORT 1979

LAW REFORM COMMISSION OF SASKATCHEWAN
SASKATOON, SASKATCHEWAN

MARCH, 1980

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U.S. Department 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 Ritchie and Pat Harasymchuk.

The Commission offices are located at the Sturdy-Stone Centre, 122 Third Avenue North, Saskatoon, Saskatchewan, S7K 2H6.

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TABLE OF CONTENTS

Objectives of the Commission.....	4
Description of the Programs and Activities carried out during 1979	5
1. Family Law Project.....	5
2. Consumer Credit Project.....	5
3. Provincial Offences Project.....	5
4. Occupiers' Liability Project.....	6
5. Medical-Legal Project.....	6
6. Administrative Law Project.....	6
7. The Jury Act.....	6
8. The English Statutes Project.....	6
9. The Limitation of Actions Act Project.....	6
10. Frustrated Contracts Project.....	7
11. Sale of Goods Act Project.....	7
12. Other Projects.....	7
13. Other Activities.....	8
Final Reports to the Attorney General in 1979.....	9
1. Proposals for Reform of the Law Affecting Liability Between Husband and Wife and Related Insurance Contracts.....	9
2. Proposals for Reform of the Jury Act.....	9
Plans for the Year 1980.....	11
Personnel.....	12
Law Foundation.....	12
Other Law Reform Organizations.....	12
Publications.....	13
<i>The Law Reform Commission Act</i>	14

OBJECTIVES OF THE COMMISSION

The Law Reform Commission Act provides that:

"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." R.S.S. 1978, ch. L-8, s.6.

The basic objectives of the Commission are intended to provide a body that is in a position to review provincial law objectively for the government and the Legislature and that will be available to assess criticisms of a significant nature directed by the public from time to time against particular laws and legislation.

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. After 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 1979

The programs and activities carried out during 1979 to a very large extent are a continuation of projects commenced from time to time beginning in 1974. 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.

In 1975 the Commission issued a background paper entitled "Family Maintenance Between Husband and Wife." Shortly thereafter a background paper entitled "Children's Maintenance" was issued.

Two papers were completed in 1979: (1) Tentative Proposals for Custody Law Reform, Part I: Substantive Law and (2) Tentative Proposals Relating to the Civil Rights of Children.

Work in the area of maintenance is being continued by members of the Commission staff. As well, tentative arrangements have been made to engage a consultant to complete the work on illegitimacy which was commenced some time ago.

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.

A Bill entitled "An Act respecting Security Interests in Personal Property" was introduced into the Legislature in 1979. It is expected that it will be enacted in 1980.

The Consumer Credit Project is well underway and the following papers were drafted in 1979: (1) Background and Underlying Considerations; (2) A Statistical Description of Consumer Credit in Canada and Saskatchewan; and (3) Secured Consumer Credit Transactions. Further research is presently being considered for the following areas:

- 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, is in charge of this project and has been continuing work thereon throughout 1979. He is being assisted by Professor Russ Buglass, College of Law, University of Saskatchewan; Professor Bryon Henderson of the College of Law, University of Calgary; Professor Margaret Crowle, College of Home Economics, University of Saskatchewan; and Professor Rose Olfert, Department of Home Economics and Political Science, University of Saskatchewan. During the summer Ms. Donna Greschner, student at law also worked on the project.

3. Provincial Offences Project

In 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 considered statutes governing provincial offences and proposed tentative recommendations for non-custodial methods of enforcement. The paper set 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 were reviewed.

Consideration is now being given to the possibility of preparing reports on Provincial Summary Offences Procedures, the rationalization of penalties under provincial statutes, sentencing options including discharges and suspension of sentences under provincial law as well as the feasibility of gearing fines to income. A draft paper on the concept of strict liability has been prepared for review by the Commission staff.

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 Danial 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. The report has been prepared and is being considered by the Commission.

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. 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. There was considerable response from a number of groups, organizations and the general public. The final report has been prepared for release early in 1980.

Professor Peter McKinnon of the College of Law, University of Saskatchewan undertook a study of the law governing civil commitment. He has prepared a paper entitled "The Mental Health Act: Civil Commitment Criteria and Procedures — Tentative Proposals" which is being considered by the Commission.

Ms. Lise Taylor has been engaged as a consultant to work in the areas of definition of death and artificial insemination. In addition, research concerning the legal status of a dependent adult is being continued by the members of the Commission staff.

6. Administrative Law Project

Preliminary research was done on this project 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.

The project was in abeyance in 1979, however, the Law Foundation of Saskatchewan has provided funding for a consultant and it is expected that work on one or more aspects of the project will be undertaken in 1980.

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 was completed in 1979.

Tentative Proposals for Reform of the Jury Act were released in May. The final report entitled "Proposals for Reform of the Jury Act" was completed in December.

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 put their own houses in order in the interests of greater certainty. Dr. Winston McCalla of the College of Law, University of Saskatchewan has been acting as consultant. Dr. McCalla with the assistance of Mr. Mark Kindrachuk, student at law has done considerable research preparatory to the drafting of a preliminary report.

9. 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. Much preliminary research has been completed by Mr. Denis Pelletier student at law.

10. Frustrated Contracts Project

Saskatchewan is one of the few provinces that does not have legislation which regulates the rights of parties in cases where a frustrating event prevents or substantially affects performance of a contract. The common law rules dealing with frustration are generally unpredictable and unfair.

The Commission decided in 1979 to undertake a study of this area of law. The project consists of the following parts:

- (a) An analysis of the present common law of Saskatchewan applicable to frustration of contracts. This part will illustrate and discuss all the problems which have been covered by the frustrated contracts legislation.
- (b) An analysis of the common law and statutory provisions applicable to the frustration of contracts in the United States and the manner in which they deal with the problems which have been subjected to statutory regulation in commonwealth jurisdictions.

Under heading (a) and (b) two types of issues will be dealt with:

- (i) The circumstances in which the contract is deemed to be frustrated.
- (ii) The legal effects of frustration.
- (c) Reasons for legislation. This part will analyze the desirability of passing an Act regulating the substantive and/or the remedial law of frustration.
- (d) Evaluation of the different statutes enacted elsewhere and their effect on the common law. This part will also contain a summary of recommendations and a proposed statute.

Professor Louis J. Romero, College of Law, University of Saskatchewan is acting as the consultant on the project.

11. Sale of Goods Act Project

Saskatchewan's sale of goods law like that of all other common law provinces in Canada, is based almost entirely on the English *Sale of Goods Act* of 1893. While some areas of sales law have been subject to special legislative measures, the general law of sales has never been revised in Saskatchewan since its enactment. Veneration of nineteenth century English sales law by Canadians has not been shared by the English. Their statute has been amended four times. It would be inaccurate to conclude that existing sales law is totally out of touch with the realities of modern commercial activity. The basic concepts of the 1893 *Act* remain relevant. Judicial development of sales law has been substantial over the years and, generally has taken account of fundamental changes in sales practices. However, a strong case can be made for recodification and modernization of Canadian sales law.

In 1979, the Ontario Law Reform Commission released an extensive report on sale of goods law containing recommendations for extensive revision of the Ontario Sale of Goods Act. At the August meeting of the Uniform Law Conference held at Saskatoon, Saskatchewan, a motion was passed providing for the convening of a committee to examine the Ontario report and general sales law with a view to developing a uniform sale of goods act for all provinces in Canada.

In view of the fact that work in the area is to be carried out on a national level with the opportunity for co-operation among law reform agencies, the Commission decided that it should participate in the joint project under the auspices of the Uniform Law Conference.

The basic research in this project will be directed by the Chairman, Ronald C. C. Cuming, but due to the volume of work involved, outside research consultants will be required. The project is large and it is estimated that it would take two or three years to complete it.

12. 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.

In 1978 the concept of Interspousal Tort Immunity was reviewed and in March of 1979 "Tentative Proposals for Reform of the Law Affecting Liability between Husband and Wife and Related Insurance Contracts" were issued. The Final Report entitled "Proposals for Reform of the Law Affecting Liability Between Husband and Wife and Related Insurance Contracts" was released in November.

13. Other Activities

On occasion, representatives of the Commission have addressed or made presentations to service groups and other organizations and have explained the role of law reform to students in a number of collegiates in Saskatoon and Regina. When reports are released by way of tentative proposals, press releases are issued, press conferences held and appearances made on radio and television are required. 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.

FINAL REPORTS TO THE ATTORNEY GENERAL IN 1979

1. Proposals for Reform of the Law Affecting Liability Between Husband and Wife and Related Insurance Contracts.

These proposals recommend the abolition of two distinct but related rules of law in Saskatchewan: first, the common law rule of interspousal tort immunity which prevents a wife from successfully suing her husband for a civil wrong and a husband from doing likewise; second, the rule of insurance law that prevents a member of a family from recovering damages from an insurance company for personal injuries sustained as a passenger in an automobile negligently driven by the insurer or with his permission. Although fundamentally distinct, these two rules of law are related so that to abolish the one without the other would amount to very little reform.

Interspousal tort immunity expresses the common law rule which prevents a husband or wife recovering damages from the other for personal injuries sustained as the result of a civil wrong. The law provides punishment for a wrong between husband and wife which amounts to criminal conduct but does not permit the injured spouse to recover damages in a civil action. The effect of the immunity is that husbands and wives are denied recovery in exactly those circumstances in which strangers can sue and recover damages. The Commission is of the opinion that this old rule embodied in Saskatchewan legislation should be abolished.

A family member (daughter, son, husband or wife) who is injured or dies as a result of the driver's negligence while a passenger in an insured family member's automobile is barred by *The Saskatchewan Insurance Act* from recovering damages from the insurer. Since the greatest number of actions for damages by husbands and wives will no doubt arise as a result of automobile mishaps, the abolition of the interspousal tort immunity rule, if it is to be of any practical significance, must apply to automobile passengers.

The only apparent reason for the exclusion of family members from benefits as passengers is the fear that they will conspire or collude in order to defraud the insurer. This is unwarranted. The present legislation overcomes any problems of collusion at too great a price, namely, by barring insurance recovery in those cases where there is negligence and no collusion.

There will be those who say that to extend insurance recovery to family members as passengers will inevitably lead to an increase in insurance rates. This is most unlikely. In any event, the principle of insurance is to spread the loss and to minimize the damage done to individuals who suffer injury. The Commission is of the opinion that there is no social justification for laws which deny insurance recovery to persons merely because they are spouses or children of a negligent insured and recommends that the exclusion from coverage of family members as passengers be repealed.

In order to achieve these recommendations:

- (1) Section 8(2) of *The Married Person's Property Act*, R.S.S. 1978, c. M-6 should be repealed;
- (2) *The Married Persons' Property Act*, R.S.S. 1978, c. M-6 should state that husbands and wives shall have an equal right of action in tort against each other as if they were not married; and
- (3) Section 9 of *The Contributory Negligence Act*, R.S.S. 1978, c. C-31, should be repealed.
- (4) Section 200(b) (i) of *The Saskatchewan Insurance Act*, R.S.S. 1978, c. S-26 should be repealed.
- (5) Section 200(b) (ii) of *The Saskatchewan Insurance Act*, R.S.S. 1978, c. S-26 should be repealed.

2. Proposals for Reform of The Jury Act

The Report recommends a new *Jury Act* enacting provisions for, (1) the qualification and exclusion of persons as jurors, (2) the payment of jurors, and (3) the responsibility of bearing the costs of civil juries. As well, a completely new system for the selection and summoning of potential jurors is recommended.

The Commission recommends that every resident of Saskatchewan who is a Canadian citizen and who has reached the age of eighteen years should be qualified to serve as a juror in both civil and criminal proceedings in the province. The Chairman of the Commission, Professor Ronald C. C. Cuming, says that this represents a major change from the present legislation which does not allow persons over the age of sixty-five years to serve as jurors.

Under the Commission's proposals only a few categories of persons are excluded from jury service. Persons excluded would be:

- (1) persons elected to public office;
- (2) persons engaged in the administration of justice;
- (3) persons legally confined to an institution;

(4) persons legally incompetent; and

(5) persons unable to understand the language in which the trial is to be conducted.

This represents a major departure from existing law which exempts a wide range of persons from jury service including doctors, accountants, teachers, railroad employees, bank employees, nurses, undertakers, millers, ferrymen and mail carriers.

Since more people would be qualified to serve, the Commission proposes that where service as a juror would cause or result in serious or undue hardship, loss or inconvenience to the summoned juror, or to others or to the general public, the summoned person may apply to the sheriff to be excused from jury service.

After a careful study of existing practices, the Commission concluded that the present method of juror selection is cumbersome, outdated and inequitable relying as it does on manual labour and inadequate sources for the names of potential jurors. Accordingly, the Commission recommends that the central register maintained by the Saskatchewan Hospital Services Plan be used as a source of potential jurors and that such names be randomly selected from the Plan's computer. This method would spread the burden of jury duty more equitably among all Saskatchewan residents than at present. The Commission's proposals include safeguards to prevent disclosure of any information other than names and addresses of persons registered under the Plan.

The Report also recommends that civil juries consist of six persons rather than the present twelve, thereby bringing a civil jury more within the reach of the average person by reducing its cost. In certain circumstances, the party requesting the jury must bear the full costs; in other circumstances, such as libel or slander, the costs may be payable by either party. However, where the public interest would be better served by a trial with a jury than by judge alone, the court may order the jury costs to be borne by the province.

Finally, the Commission recommends the following scheme for the payment of jurors:

- (1) every juror should receive compensation based on the provincial minimum wage;
- (2) every employer should continue the salary or wages of an employee summoned as a juror for the full period of jury service; and
- (3) jurors who continue in receipt of salary or wages must assign their juror earnings to their employer so as to avoid double compensation for the juror and to provide partial, if not total reimbursement to the employer.

PLANS FOR THE YEAR 1980

1. Family Law Project

Tentative proposals in the area of maintenance will in all likelihood be published by the middle of 1980. A paper considering the position of the illegitimate child which was scheduled for release in 1979 should be available in 1980.

2. Consumer Credit Project

It is expected that during 1980 reports entitled "Background and Underlying Considerations", "A Statistical Description of Consumer Credit in Canada and Saskatchewan" and "Secured Consumer Credit Transactions" will be issued. Thereafter, the balance of the project will be released in a series of separate papers from time to time.

3. Provincial Offences Project

It is expected that a draft paper which has been prepared dealing with the concept of strict liability will be issued by the middle of 1980.

4. Occupiers' Liability Project

A paper containing tentative proposals for reform in the area of occupiers' liability will be made available to the public in 1980.

5. Medical-Legal Project

A Final Report on Proposals for a Consent of Minors to Health Care Act will be made to the Attorney General in February 1980.

It is expected that a paper entitled "The Mental Health Act: Civil Commitment Criteria and Procedures — Tentative Proposals for Reform" will be issued about the middle of 1980. Papers on Definition of Death and Artificial Insemination will also be issued during the year.

6. The English Statutes Project

It is expected that a preliminary paper will be available in 1980 for study and comments by members of the legal profession.

7. The Limitation of Actions Act Project

It is expected that a paper containing tentative proposals for reform in this area will be available during the latter part of 1980.

8. Frustrated Contracts Project

It is expected that research will be undertaken on this project in 1980 and perhaps a paper will be prepared and available towards the end of the year.

9. Sale of Goods Act Project

It is expected that basic research in this project will be carried on throughout 1980.

PERSONNEL

The Commission

The *Law Reform Commission Act* 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 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. On July 1, 1978, Professor Ronald C. C. Cuming of the College of Law, University of Saskatchewan was appointed Chairman.

The Staff

Mr. Kenneth P. R. Hodges is the Research Director having joined the Commission in October of 1976. The Research Officers are Mr. Harris Wineberg who joined the Commission in October of 1977 and Mr. Michael J. Finley who joined the Commission in March of 1977.

The Commission also retains the services of a number of people as part-time consultants. The Commission is 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. Apart from a number of projects which have been completed, the Law Foundation of Saskatchewan is making available to the Commission funding for the following projects: Consumer Credit, Occupiers' Liability, Medical-Legal, English Statutes, Limitation of Actions Act, Frustrated Contracts, Sale of Good Act and Administrative Law. The Commission wishes to express its appreciation to the Law Foundation of Saskatchewan for this important financial assistance.

OTHER LAW REFORM ORGANIZATIONS

The Commission has, during the course of the 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.

In order to maintain important contacts in areas of interest to the Commission and its research commitments, the Chairman, the Research Director and other members of the staff attended various meetings and conferences during the year. The Chairman and the Research director were delegates to the Uniform Law Conference. The Chairman was also Secretary, Committee on a Uniform Personal Property Security Act, Commercial Law Section, Canadian Bar Association.

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.
17. Fifth Annual Report 1978.
18. Tentative Proposals for Reform of the Law Affecting Liability Between Husband and Wife and Related Insurance Contracts, March 1979.
19. Tentative Proposals for Reform of the Jury Act, May 1979.
20. Tentative Proposals for Custody Law Reform, Part I: Substantive Law, August 1979.
21. Proposals for Reform of the Law Affecting Liability Between Husband and Wife and Related Insurance Contracts, November 1979.
22. Proposals for Reform of the Jury Act, December 1979.
23. Tentative Proposals Relating to the Civil Rights of Children, December 1979.

An Act to establish a Law Reform Commission.*

- Short title 1. This Act may be cited as *The Law Reform Commission Act*.
- Commission continued 2. The Law Reform Commission of Saskatchewan, herein referred to as the "commission", is continued. 1971, c. 21, s. 2.
- Membership 3.—(1) The commission shall be composed of not less than three members appointed by the 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. 1971, c. 21, s.3; 1973, c. 54, s. 1.
- 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. 1971, c. 21, s. 4.
- 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. 1971, c. 21 s. 5.
- 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;

* R.S.S. 1978, c. L-8.

- (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. 1971, c. 21, s. 6.

Legal research by commission

7. The commission may institute and direct legal research for the purpose of carrying out its functions. 1971, c. 21, s. 7.

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. 1971, c. 21, s.8.

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. 1971, c. 21, s. 9.

Publication of report by commission

10. The Attorney General may authorize the commission to publish any report submitted to him. 1971, c. 21, s. 10.

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, in accordance with *The Tabling of Documents Act*, be laid before the Legislative Assembly. 1971, c. 21, s. 11.

Appropriation

12. Sums required for the purposes of this Act may be paid out of moneys appropriated by the Legislature for the purpose. 1971, c. 21, s. 12.

END