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LAW REFORM
COMMISSION
OF
NOVA SCOTIA



ELEVENTH ANNUAL REPORT

April 1, 2001 to March 31, 2002

The Law Reform Commission of Nova Scotia was established by the Government of Nova

Scotia under the Law Reform Commission Act, S.N.S. 1990, c.17. It began operation in 1991.

The Commissioners for 2001-2002 were:

David A. Cameron
Theresa Forgeron
Justice David MacAdam (until February 2002)
Gregory North, Q.C., Co-President
Dawn Russell, Q.C., Co-President
Justice Thomas Cromwell (from March 2002)
E. Arleen Paris (from January 2002)
Keith R. Evans (from January 2002)

The Commission staff in 2001-2002 were:

Anne Jackman, Executive Director (until May 2001)
John E.S. Briggs, Executive Director and General Counsel (from May 2001)
William H. Laurence, Legal Research Counsel
Franca Iussa, Administrative Assistant

The Commission offices are located at:

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The Commission's work is available on the Internet at www.lawreform.ns.ca .

The work of the Law Reform Commission of Nova Scotia for fiscal year April 1, 2001 - March 31, 2002 was supported by the Law Foundation of Nova Scotia.

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A. OVERVIEW OF THE LAW REFORM COMMISSION

The Law Reform Commission of Nova Scotia was created by the Government of Nova Scotia by the *Law Reform Commission Act*.¹ The Commission consists of between five and seven Commissioners (there are currently seven), an Executive Director and legal research and administrative staff. The Commission reports to the public and the elected representatives of Nova Scotia through the Attorney General of Nova Scotia. It is not, however, a government department, but an independent advisor to government. The Commissioners, whose appointment process is set out in the *Act*, currently serve part-time and come from different sectors of the community. One Commissioner is a judge appointed by the Governor in Council (provincial Cabinet) after consultation with the Chief Justice of Nova Scotia and the chief judge of the court of which the judge is a member; two are community representatives appointed by Cabinet; two are appointed by the Council of the Nova Scotia Barristers' Society; and one person represents the full-time members of the Faculty of Law, Dalhousie University. One of the Commissioners must not be a graduate in law.

The Commission's job is to review Nova Scotia law and to make recommendations for its improvement, modernization and reform. This may involve formulating new ideas and approaches to law, or proposing ways in which existing laws and the legal system can be made clearer or simpler to better serve the needs of the general public. The Commission may choose a topic for law reform based upon suggestions received from government, lawyers, judges, or the community. A project may also follow a government request, generally known as a reference. Since 1991, the Commission has received four references from the Government. The references related respectively to the administrative justice system, the probate system, mental health provisions of the *Hospitals Act*, and adoption information law.²

The Commission does not make law in Nova Scotia; that task is performed in part by the elected Members of the House of Assembly. The Commission's reports and recommendations are, however, formally presented to the Attorney General and may result in changes to the law. Law is also made through the decisions of judges and other appointed administrative decision-makers in cases that come before them.

A distinguishing characteristic of the Commission is its independence from government. Although in the past the Commission received a significant portion of funding from government, on average about one third of its money came from other sources. Government has a role in Commissioner selection, but does not choose all of the Commissioners, and no Commissioner is chosen to represent the Government. The Commission does undertake government requests for law reform projects, as far as is feasible, but apart from that requirement, is free to select the

¹ S.N.S. 1990, c.17, reproduced at **Appendix A**.

² The administrative justice, probate, and *Hospitals Act* projects have been completed. Following completion of background research, work on adoption information law was suspended after news of the loss of government funding. The project was subsequently referred to a committee formed by the Minister of Community Services.

work it undertakes. So long as done in compliance with its object and powers under the *Act*, the Commission enjoys a free hand in terms of its activities: it may conduct meetings, hire people, perform research, publish reports, enter into cooperative arrangements with other entities, and decide how its funds are to be spent.

The Commission usually prepares two publications during the course of a project. The first publication, the *Discussion Paper*, sets out the Commission's preliminary suggestions for reform. The purpose of the Discussion Paper is to encourage people to consider and comment on the Commission's preliminary suggestions, as well as any issues, principles, and assumptions identified as having influenced the Commission's proposals for reform.

As part of the preparations for a Discussion Paper, the Commission generally forms an *Advisory Group*. The Advisory Group usually consists of Commission legal staff, and a number of community members, including government representatives, the judiciary, lawyers and other professionals, as well as participants from groups with interest or expertise in the topic being studied. The Group meets to identify and discuss relevant issues, as well as to propose to the Commission what should be included in a Discussion Paper.

The second publication is a *Final Report*, which is submitted to the Attorney General, and which is widely distributed. It contains the final recommendations of the Commission and, in some cases, a draft law. The Commission makes its final recommendations after it takes into account the responses it receives to the Discussion Paper. A Final Report is intended to provide a basis for the Government to consider and adopt the recommended reforms. The process adopted by the Commission, of seeking expert advice, consulting widely, synthesizing feedback, deliberating and report writing, is a time-consuming one. It is a process, however, which is designed to give greater weight and credibility to the final recommendations which result. The Commission does not engage in active advocacy regarding implementation of its recommendations beyond providing the recommendations to the Government and members of the public. The Commission has produced 26 project reports and 10 annual reports, which are listed at **Appendix C**.

Recommendations in Commission Final Reports have been brought into effect in a number of ways. In 1994, a new *Maintenance Enforcement Act* (known since 2000 as the *Maintenance and Custody Act*) was created, to improve the province's system which enforces court orders for maintenance obligations. The 1994 statute was largely based on a draft *Act* contained in the Commission's Final Report on the enforcement of maintenance obligations in Nova Scotia. Both the 1998 *Juries Act* and the 2000 *Probate Act* were largely modelled on recommendations made in Commission Final Reports. In 1998, the *Intestate Succession Act* was amended, to end distinctions based upon whether or not a child was born outside of marriage. The Commission's 1995 Final Report, *The Legal Status of the Child Born Outside of Marriage in Nova Scotia*, had recommended such a change. Moreover, the Commission's 1997 Final Report, *Reform of the Law Dealing with Matrimonial Property in Nova Scotia*, recognized the need for reform of the law which governs the economic consequences of the ending of marriages or marriage-like relationships. In particular, the 1997 Report recommended that the relevant law should apply to both married and cohabiting couples, with no distinction based on the sex of the people involved.

Following the Nova Scotia Court of Appeal decision in *Walsh v. Bona*,³ which held the current law not to be consistent with the *Canadian Charter of Rights and Freedoms*, and which quoted at length from the 1997 Commission Report, the *Matrimonial Property Act* as well as other laws were changed in 2000 to extend certain rights and obligations to common law relationships, including same-sex couples.⁴

The influence of the Commission's work goes beyond legislation. Certain Final Report recommendations have been implemented through government policies or protocols. Further to the Commission's 1995 Report on ending domestic violence in Nova Scotia, the Government trained some 2000 of its personnel in appropriate responses to domestic violence and established a domestic violence monitoring committee. Following the Commission's Final Report on reforming Nova Scotia's administrative justice system, in 1998 the Government established a course, "Foundations of Administrative Justice," to train members of tribunals that conduct hearings.

Commission reports have also served an important educational function. Available for free, either in print or through the Internet, they have been used as a source of legal information, not only by lawyers, but by a wide range of community members. Commission reports have also been used as course materials at post-secondary institutions. Government, public interest groups, and other organizations have relied on Commission reports in order to develop awareness of issues and to focus discussions among interested people.

The contents of Commission reports have been referred to by a number of courts as part of their published case decisions. Commission reports have been mentioned by judges in the context of interim payment of damages, matrimonial property, administrative law, the jury system, and the legal status of the child born outside of marriage.

Nova Scotia House of Assembly members from the Liberal, New Democratic, and Progressive Conservative parties have referred with approval to Commission reports or to Commission work generally, during the course of legislative debates.

Most of the Commission's time is spent choosing, discussing, and researching law reform subjects, followed by report writing and communicating the conclusions reached. Another significant role of Commission staff is responding to inquiries about the law or about aspects of the Commission's work. The Commission does not provide legal advice, nor does it intervene in individual cases. Nonetheless, since 1991 Commission staff have responded to a large number of inquiries, which were made by telephone, by fax, by letter, by e-mail, or in person. In replying to inquiries, Commission staff have provided legal information, copies of Commission reports as well as other documents, and contact details for government departments and other relevant institutions.

³ (2000), 183 N.S.R. (2d) 74.

⁴ *Law Reform 2000 Act*, S.N.S. 2000, c. 29.

From 1991 to 2001, the Commission was funded jointly by the Nova Scotia Department of Justice and the Law Foundation of Nova Scotia. This funding covered all of the Commission's costs. Virtually all of the Commission's funding has taken the form of core or "block" funding, rather than money tied to the completion of particular work. The Law Foundation, which funds work relating to the law, legal education, and the administration of justice, obtains its funds from the interest on lawyers' general trust accounts. The Law Foundation's objects specifically include law reform.⁵ In April 2000, the Commission was informed that it would no longer be receiving government funding, beginning with fiscal year 2001-2002. Fortunately, in February 2001 the Commission received a three-year grant of \$250,000 per year from the Law Foundation of Nova Scotia. This funding has allowed the Commission to continue its law reform work.

B. THE YEAR IN REVIEW 2001-2002

► REPORTS:

During the past year the Commission completed and published two reports and drafted a third. A brief outline of some of the key features of those reports is set out below:

1. A Continuing Need for Law Reform: The Case For the Law Reform Commission of Nova Scotia

The Commission's three-year funding agreement with the Law Foundation of Nova Scotia required it to advance a proposal to the Law Foundation respecting the Commission's mission, governance, staffing arrangements and operations. The Commission took this as an opportunity to engage in a comprehensive self-examination of the Commission and its operations. This effort culminated in the Commission's Report entitled, *A Continuing Need for Law Reform: The Case For the Law Reform Commission of Nova Scotia*, which was published in December 2001 and distributed widely thereafter.

This Report represents the result of an extensive review of all aspects of the Commission's mandate, structure and operations. In carrying out the review, particular note was taken of the experience of the other law reform bodies in Canada and in a number of other jurisdictions throughout the world. The Report evaluates the position occupied in the legal and legislative landscape by the Commission, answering such questions as whether there is a need for such an entity, what have been its achievements, as well as what should be changed about the Commission. Also of note are the Report's appendices which contain such information as the names of the many organizations and individuals who have participated in the Commission's work, details about Commission's proposals put into effect, as well as references to the Commission's work in published case decisions and references to the Commission by all political parties in the House of Assembly debates.

⁵ *Barristers and Solicitors Act*, R.S.N.S. 1989, c. 30, s. 55.

The Report concludes that although most features relating to the current Commission have served Nova Scotians well and are not in need of change, a continuing weakness remains its long term funding arrangements. The Report further concludes that the key to the Commission's future viability is for the Government to recognize the benefits of a permanent full time and independent law reform body by restoring to the Commission sufficient and regular financial support.

In other parts of Canada, and indeed elsewhere in the world, where law reform bodies have been created, the important public nature of the service they provide has been acknowledged in the form of public funds, largely from government and, to a lesser extent, from local versions of law foundations. The Report argues that the situation in Nova Scotia should be no different as the Commission performs an essential public service, one which is not provided by any other entity. The Report concludes that the need for a permanent institution to carry out law reform activities is more compelling than ever.

2. Mental Health Provisions of the *Hospitals Act*

In February 2002, the Commission published its Final Report, *Mental Health Provisions of the Hospitals Act*. The *Hospitals Act* governs psychiatric facilities in Nova Scotia, and in particular, how people are admitted to psychiatric facilities, what rights and entitlements they have on admission, the conditions of their stay, and how they are discharged. In general, the Final Report recommendations, if adopted, will shorten detention periods under the *Act*, facilitate access to psychiatric treatment and care, strengthen procedural protections for patients and people detained under the *Act*, provide guidance for substitute decision-makers, and specify certain obligations of health care professionals. The Commission's project on the *Hospitals Act* was undertaken further to a reference from the Attorney General.

3. Joint Tortfeasors and the Common Law "Release Bar Rule"

During the reporting period a draft Issues Paper was completed with respect to this project. The project is concerned with an obscure distinction at common law between *a release of* and *a covenant not to sue* joint tortfeasors. The distinction, which is not widely known, has been described as creating a "trap for the unwary", without at the same time advancing any public good. During the reporting period a final decision had not yet been made on the future of this project and the Issues Paper.

▶ EXTERNAL ACTIVITIES AND RELATIONS:

During the course of the past year the Commission and its staff have attended and participated in a number of meetings and conferences and have attempted to maintain close liaison with the practicing bar, the judiciary, the legal academic community and the government. In particular the Commission's Executive Director participated in the Annual Meetings of the Nova Scotia Barristers' Society, the Federation of Law Reform Agencies of Canada, the Uniform Law Conference of Canada, the Canadian Institute for the Administration of Justice, and the Canadian Bar Association-Nova Scotia Committee and Council Meetings. In March 2002 he took part in a panel discussion at the IWK Hospital on proposed changes to mental health law.

The Commission has also continued to maintain and enhance its relations with sister law reform bodies, particularly elsewhere in Canada through the Federation of Law Reform Agencies of Canada as well as through various personal contacts.

As has been the case since its inception, Commission staff have devoted considerable time to answering questions from the media about Commission reports and responding to requests from members of the public for legal information.

The Commission's work has been mentioned in such publications as the *Daily News* (Halifax), *The Chronicle Herald* (Halifax), *The Lawyers Weekly*, and *Ad Hoc* (Canadian Bar Association), as well as on the Internet.

As part of its ongoing efforts to solicit new ideas for law reform, in March 2002 the Commission issued an invitation for project suggestions, which it distributed to the *Society Record* (Nova Scotia Barristers' Society), newspapers, radio stations and television stations throughout Nova Scotia, as well as to a number of national newspapers and magazines. A similar open invitation to the public is posted on the Commission's website.

► **INTERNAL ADMINISTRATION/ORGANIZATION:**

This past year saw the appointment of three new Commissioners in the fourth quarter of the fiscal year. Mr. Justice Thomas A. Cromwell, a member of the Court of Appeal of Nova Scotia, was appointed following the resignation of Justice MacAdam, who had served the Commission so ably since 1995. Mr. Keith R. Evans, an Associate Professor at the Faculty of Law, Dalhousie University, was appointed as one of the new community representatives. The second new community representative is Ms. E. Arleen Paris, a retired medical laboratory technologist from Truro. The Commission now has a full board of seven commissioners.

Mr. John E.S. Briggs became the Commission's Executive Director and General Counsel in May 2001.

In addition to the new faces, the Commission acquired and installed a completely new computer system which has greatly facilitated the work of the Commission and its staff. A new telephone/Internet system and new office equipment have similarly enhanced the capabilities of the Commission. The Commission's website has also been re-designed and made more functional and user friendly with documents now available in a more accessible format (portable document format or PDF).

► **FUNDING/FINANCES:**

This fiscal year was distinguished by the fact that the Commission received all of its funding from the Law Foundation of Nova Scotia by virtue of a three-year grant of core funding in the amount of \$250,000 dollars per annum.

The Commission is deeply appreciative of the foresight and support of the Law Foundation in awarding the Commission three years of funding. This has made it possible for the Law Reform Commission to continue to carry out the important law reform work, the need for which is ongoing.

Prior to 2001, the Commission received, on average, two-thirds of its funding from the Government of Nova Scotia. Law reform work fulfills a public need. The Commission takes the position that, given the need for law reform work, it is not merely appropriate but it is necessary that government participate in the funding of such initiatives.

A copy of the Commission's Financial Statement is attached to this report as **Appendix B**. The Commission has managed its finances with care and remains within budget, reducing costs in some cases and, in a number of instances, obtaining more service at less cost than had previously been the case.

C. THE FUTURE AND ITS CHALLENGES

There are three inter-connected, but distinct, challenges facing the Commission, all of which will impact significantly on its future:

1. Stable core funding:

While the Commission still has two years of core funding remaining from a three-year grant awarded by the Law Foundation, the march of time will soon take us to the final year. Stable core funding is essential to the healthy functioning of an independent law reform commission. As has been noted above, one of the key conclusions reached by the Commission in its Report, *A Continuing Need For Law Reform: The Case For the Law Reform Commission of Nova Scotia*, is that the Commission's long term future depends on the renewal of government funding.

The Commission is actively seeking ways and means of obtaining financial and related support from sources other than the Law Foundation and government. Although the Commission is cautiously optimistic that these efforts may produce some concrete results, it remains the Commission's position that the long term viability of the Commission will depend on a renewal of financial support from the Government.

2. Work Program:

Ultimately, the work that the Law Reform Commission does must be, and be seen to be, helpful. The Commission believes that it has completed a solid body of high quality and very credible work during its eleven years of existence. It must, however, continue to

demonstrate its usefulness. In order to do this, the Commission has sought views from far and wide as to what areas of the law are in need of reform and, specifically, what projects the Commission ought to undertake. As the year was coming to an end, the Commission was actively engaged in developing a long-term strategic work program reflective of and responsive to, the advice which it has received.

3. Support for the Law Reform Commission:

Another vitally important challenge for the Commission is to broaden and deepen its base of support. A great deal of our external relations have been devoted to increasing the understanding of what the Commission does and how it goes about its work. As a result of these and other efforts, we have received very positive and encouraging indications of support from the judiciary, the Canadian Bar Association-Nova Scotia, the Nova Scotia Barristers' Society, individual members of the practicing bar and the academic community. In addition, we have received moral support and excellent cooperation from the Attorney General, his Deputy and his various departmental officials. The challenge is to increase and strengthen this support so as to provide a more secure and stable footing for the future of the Law Reform Commission.

In summary, the 2001-2002 fiscal year was a positive one, during which the Commission enjoyed stable funding, completed a number of important projects, and enhanced its profile in the community.

It bears emphasis, however, that law reform remains an essential ingredient in the continued maintenance of the *rule of law*. The events of this past year have dramatically underscored the central importance of this principle to the well-being of all of us.

D. COMMISSIONERS AND STAFF

COMMISSIONERS:

David A. Cameron

Commissioner - (1997 -)

Mr. Cameron was appointed to the Commission by the Government in December 1997. He has a B.A. from St. Francis Xavier University and an LL.B. from the University of New Brunswick. He was admitted to the Nova Scotia Bar in 1988 and practices law with the Halifax office of the firm Patterson Palmer. He practices primarily in the administrative, civil litigation and employment and labour law areas.

Justice Thomas A. Cromwell

Commissioner - (2002 -)

Mr. Justice Cromwell was called to the Ontario Bar in 1979 and to the Nova Scotia Bar in 1984. In 1997, he was appointed to the Court of Appeal of Nova Scotia. Prior to his judicial appointment, he practiced law in Ontario and taught at the faculties of law at both Queen's and Dalhousie Universities.

Keith R. Evans

Commissioner - (2002 -)

Appointed to the Commission in January 2002, Mr. Evans is an associate professor at the Faculty of Law, Dalhousie University, where he specializes in corporate and commercial law. His extensive professional background includes work as a legal academic and practicing lawyer, both in Nova Scotia and overseas.

Theresa Forgeron

Commissioner - (1995 -)

Ms. Forgeron was nominated by the Nova Scotia Barristers' Society in February 1995. She is a resident of Sydney, Nova Scotia and practices law with the Sydney firm, H.F. MacIntyre and Associates. She has been involved in a number of community boards, a provincial government court reform study and has an extensive family law and civil litigation practice.

Justice David MacAdam

Commissioner - (1995 - February 2002)

Justice MacAdam was admitted to the Bar in 1966 and was appointed to the Supreme Court of Nova Scotia in 1992. Prior to his appointment to the bench he practiced law with the firm of Burchell MacAdam and Hayman in Halifax.

Gregory North, Q.C.

Co-President - (1996 -)

Mr. North was nominated by the Council of the Nova Scotia Barristers' Society in June 1996. He was admitted to the Nova Scotia Bar in 1974 and practices with North Arbitration & Mediation Services Inc. Mr. North has extensive experience as an arbitrator and lawyer in the fields of labour relations and employment law. He is also involved with a number of volunteer

community organizations. He became Co-President of the Commission in January 1998.

E. Arleen Paris

Commissioner - (2002 -)

Ms. Paris was appointed to the Commission in January 2002. She is a retired medical laboratory technologist, who worked with the Nova Scotia Department of Agriculture and Fisheries, as well as at hospitals in Nova Scotia and New Brunswick. A resident of Truro, Ms. Paris is involved in a number of community activities.

Dawn Russell, Q.C.

Co-President - (1994 -)

Dean Russell was appointed as the Dalhousie Law School representative and began serving on the Commission in August 1994. She is a full-time faculty member and Dean of the Faculty of Law, Dalhousie University. Dean Russell teaches in the fields of corporate, international and environmental law. She has served on numerous community and public service boards in Nova Scotia.

STAFF:

John E.S. Briggs

Executive Director & General Counsel

Mr. Briggs joined the Commission in May, 2001. He has extensive experience in the practice of law, both in the public and private sectors. He has been a practicing member of the Bar since 1974 and currently holds membership in the Nova Scotia Barristers' Society and the law societies of Ontario and the Territory of Nunavut.

He has previously acted as Director of Research to the Royal Commission on the Donald Marshall, Jr. Prosecution, Special Adviser to the Law Reform Commission of Canada, Special Counsel to the Assembly of First Nations, and Outside Counsel to the Federal Department of Justice. Mr. Briggs has also appeared in the Supreme Court of Canada on a number of constitutional cases, and most recently, has acted as Counsel to the Territorial Government of Nunavut.

William H. Laurence

Legal Research Counsel

Mr. Laurence joined the Commission in September, 1998. He has a B.A. (Hon.) from Carleton University, and LL.B. from McGill University as well as an LL.M. and M.L.I.S. from Dalhousie University. He worked as a legal researcher and practiced law before joining the Commission.

The Commission also employed a full time office administrator, **Franca Iussa**.

Appendix A.

The Law Reform Commission Act

CHAPTER 17 OF THE ACTS OF 1990

An Act to Establish an Independent Law Reform Commission

Short title

1 This Act may be cited as the *Law Reform Commission Act*. 1990, c.17, s.1.

Interpretation

2 In this Act, "Commission" means the Law Reform Commission of Nova Scotia. 1990, c.17, s.2.

Law Reform Commission of Nova Scotia

3 There is hereby established a body corporate to be known as the Law Reform Commission of Nova Scotia. 1990, c.17, s.3.

Object of Commission

4 The object of the Commission is to review the law of the Province and any matter relating to law in the Province and to make recommendations for improvement, modernization and reform including, without limiting the generality of the foregoing, recommendations for

- (a) development of new approaches to, and new concepts of, law that serve the changing needs of society and of individual members of society;
- (b) clarification and simplification of the law;
- (c) removal of provisions of the law that are outdated;
- (d) improvement of the administration of justice;
- (e) review of judicial and quasi-judicial procedures. 1990, c.17, s.4.

Composition of Commission

5 (1) The Commission shall be composed of not fewer than five nor more than seven commissioners who may be appointed, either on a full-time basis or a part-time basis, as follows:

- (a) two members of the Nova Scotia Barristers' Society appointed by the Council of the Society;

(b) a judge of a court of the Province, appointed by the Governor in Council after consultation with the Chief Justice of Nova Scotia and the chief judge of the court of which the judge is a member;

(c) a full-time member of the Faculty of Law of Dalhousie University appointed by the Governor in Council after consultation with the Dean of the Faculty;

(d) a person who is not a graduate in law appointed by the Governor in Council;

(e) where the Governor in Council determines that the Commission is to be composed of more than five commissioners, one or two persons appointed by the Governor in Council.

Term of office of commissioner

(2) Each commissioner holds office for a term of three years, except that one of the first commissioners appointed by the Council of the Nova Scotia Barristers' Society and one of the first commissioners appointed by the Governor in Council shall be appointed for a term of two years.

Ceasing to be a commissioner

(3) A person ceases to be a commissioner where

(a) that person fails to attend three consecutive regular meetings of the Commission, except where the Commission by resolution excuses the absences; or

(b) the composition of the Commission ceases to comply with this Act as a result of the person ceasing to be a person described in clause (a), (b), (c) or (d) of subsection (1).

Casual vacancies

(4) Where a person ceases to be a commissioner for any reason other than the expiration of that person's term of office, the Governor in Council or the Council of the Nova Scotia Barristers' Society, as the case may be, shall appoint a person for the unexpired portion of the term.

Re-appointment of commissioner

(5) A commissioner whose term of office has expired may be re-appointed.

Expiry of term of office

(6) A commissioner whose term of office expires continues to hold office until a successor is appointed.

Vacancy

(7) A vacancy in the membership of the Commission does not impair the ability of the remaining members to act. 1990, c.17, s.5.

President of Commission

6 The commissioners shall appoint one of the members of the Commission to be the President of the Commission. 1990, c.17, s.6.

Remuneration and expenses

7 The President and other members of the Commission may be paid such remuneration and shall be paid such travelling and living expenses as may be determined by the Governor in Council. 1990, c.17, s.7.

Powers of Commission

8 (1) The Commission may

(a) receive and consider any proposals for the reform of the law that may be made to it by any person;

(b) initiate, carry out and direct such studies and research as are necessary to properly carry out its object;

(c) publish papers, studies or other documents prepared by or for the Commission;

(d) co-operate or enter into agreements with any organization that undertakes projects relating to the object of the Commission within or outside the Province;

(e) with the concurrence of the Attorney General and to the extent that the Commission is able to do so without, in its opinion, impairing its ability to carry out its object or duties, provide information, research material and study results and make recommendations to departments, boards and agencies of the Government of the Province concerned with the improvement, modernization or reform of laws;

(f) regulate its proceedings and provide generally for the conduct and management of its affairs;

(g) do such things and take such measures as the

Commission considers advisable for the achievement of its object, including the making of by-laws.

Duties and further powers of Commission

(2) The Commission

(a) may make use of technical and other information, advice and assistance from departments, boards and agencies of the Government of the Province;

(b) shall undertake, at the request of the Attorney General, in a manner as determined by the Commission, the examination of particular laws or branches of the law and make recommendations for their improvement, modernization and reform. 1990, c.17, s.8.

Meetings of Commission

9 The Commission shall meet at least four times in each year. 1990, c.17, s.9.

Personnel

10 (1) An Executive Director and such persons as are required for the administration of this Act and the regulations shall be appointed by the Commission, in accordance with the *Civil Service Act*.

Function of Executive Director

(2) The Executive Director has the management, direction, control and administration of the day-to-day operations of the Commission.

Advisers

(3) Notwithstanding subsection (1), the Commission may engage, upon such terms and conditions as the Commission deems fit, the services of such professional persons, technical persons and experts to advise the Commission as the Commission deems necessary for the carrying out of its object. 1990, c.17, s.10.

Appropriation of money

11 (1) Money appropriated by the Legislature for the purpose of this Act shall be paid out by the Attorney General.

Law Reform Commission Fund

(2) The Commission shall maintain an account to be under the control and management of the Commission, to be known as the Law Reform Commission Fund, into which the Attorney General may pay from time to time any sum of money appropriated and into which may be paid any sum of money contributed as a grant or gift by any person, organization or body.

Use of money in Fund

(3) Except where a stipulation or condition is expressed in relation to a sum of money paid into the Law Reform Commission Fund, the money in the Fund may be used by the Commission for the purpose of this Act. 1990, c.17, s.11.

Annual report to Attorney General

12 (1) The Commission shall report from time to time to the Attorney General and shall make an annual report to the Attorney General on the activities of the Commission.

Tabling of annual report

(2) The Attorney General shall table the annual report of the Commission in the Assembly, if the Assembly is then sitting and, if the Assembly is not sitting, within fifteen days of its next sitting.

Other report

(3) Where the Commission reviews, considers or inquires into a matter, the Commission shall make a report to the Attorney General with respect to that matter at the conclusion of its deliberations.

Publication of report

(4) The Commission may publish a report made pursuant to this Section. 1990, c.17, s.12.

Repeal

13 Chapter 251 of the Revised Statutes, 1989, the *Law Reform Act*, is repealed. 1990, c.17, s.13.

Proclamation

14 This Act comes into force on and not before such days as the Governor in Council orders and declares by proclamation. 1990, c.17, s.14.

| | | |
|------------|---|------------------|
| Proclaimed | - | January 22, 1991 |
| In force | - | February 1, 1991 |

Appendix B.

Financial Report for the 2001-2002 Fiscal Year

LAW REFORM COMMISSION OF NOVA SCOTIA

Balance Sheet As at March 31/2002

ASSETS

CURRENT ASSETS

| | | |
|------------------------|------------------|-----------------|
| Petty Cash | | 25.00 |
| Bank Operating Account | 15,742.84 | |
| T-Bill Account | <u>20,722.60</u> | |
| Total Cash | | 36,465.44 |
| HST Receivable | | <u>5,108.75</u> |

TOTAL CURRENT ASSETS

41,599.19

FIXED ASSETS

| | | |
|--------------------------|-------------------|-------------|
| Computer Equipment | 19,059.16 | |
| Accum Computer Equipment | <u>-19,059.16</u> | |
| Net Office Equipment | | <u>0.00</u> |

TOTAL FIXED ASSETS

0.00

TOTAL ASSETS

41,599.19

LIABILITIES

CURRENT LIABILITIES

| | | |
|--------------------------|-------------|-------------|
| Accounts Payable | | 16,690.65 |
| EI Payable | 0.00 | |
| CPP Payable | 0.00 | |
| Income tax Payable | <u>0.00</u> | |
| Receiver General Payable | | <u>0.00</u> |

TOTAL CURRENT LIABILITIES

16,690.65

TOTAL LIABILITIES

16,690.65

EQUITY

SURPLUS

| | | |
|---------------------------|--|---------------|
| Surplus Beginning of Year | | 24,198.99 |
| Surplus Current Year | | <u>709.55</u> |

ACCUMULATED SURPLUS

24,908.54

TOTAL EQUITY

24,908.54

LIABILITIES AND EQUITY

41,599.19

LAW REFORM COMMISSION OF NOVA SCOTIA
Income Statement April 1, 2001 to March 31, 2002

REVENUE

OPERATING & PROJECT INCOME

| | |
|----------------------------|------------|
| Dept. of Justice | 0.00 |
| NS Law Foundation Contrib. | 250,000.00 |
| Interest Income | 1,226.65 |

TOTAL CONTRIBUTIONS 251,226.65

TOTAL REVENUE 251,226.65

EXPENSE

ADMINISTRATIVE EXPENSES

| | |
|-------------------------|-----------------|
| Wages | 150,525.72 |
| EI Expense | 4,270.40 |
| CPP Expense | 5,455.98 |
| Group Insurance Expense | <u>5,629.54</u> |

TOTAL PERSONNEL RELATED 165,881.64

| | |
|------------------------------------|---------------|
| Advertising | 340.20 |
| Non Legal Consultants Fees | 500.00 |
| Commissioners Fees & Expenses | 9,625.21 |
| Electrical Expense | 1,036.60 |
| Meeting Costs | 960.87 |
| Library | 1,173.00 |
| Accounting Fees | 150.00 |
| Membership Dues | 2,610.32 |
| Professional Fees | 2,500.00 |
| Computer Software/supplies/repairs | 13,150.95 |
| Internet | 978.28 |
| Staff Expenses | 227.81 |
| Rent | 18,712.56 |
| Office Equipment rental | 3,232.46 |
| Insurance | <u>585.00</u> |

TOTAL PREMISES RELATED 22,530.02

| | |
|----------------------------|-----------------|
| Office supplies | 5,695.14 |
| Parking | 75.70 |
| Photocopy/Printing | 10,120.69 |
| Postage/Courier | 3,130.80 |
| Telephone Expense | 2,789.98 |
| Travel/Conference/Workshop | <u>1,737.15</u> |

TOTAL OFFICE RELATED 23,549.46

| | |
|-----------------------|-------------|
| Bank charges | 176.36 |
| HST Paid on Purchases | 5,120.23 |
| GST Paid on Purchases | <u>6.15</u> |

TOTAL ADMINISTRATION 250,517.10

TOTAL EXPENSE 250,517.10

NET INCOME 709.55

Appendix C.

List of Publications (by project)

Law Reform Commission Publications

(As of March 31, 2002)

Administrative Justice System (Agencies, Boards and Commissions - ABC Report)

- *Agencies Boards and Commissions: The Administrative Justice System* (Discussion Paper, January 1996)
- *Reform of the Administrative Justice System in Nova Scotia* (Final Report, January 1997)

Adult Guardianship/Advance Health Care Directives

- *Adult Guardianship in Nova Scotia* (Discussion Paper, September 1993)
- *Living Wills in Nova Scotia* (Discussion Paper, November 1994)
- *Adult Guardianship and Personal Health Care Decisions* (Final Report, November 1995)

Domestic Violence

- *Violence in a Domestic Context* (Discussion Paper, March 1993)
- *From Rhetoric to Reality, Ending Domestic Violence in Nova Scotia* (Final Report, February 1995)

Enduring Powers of Attorney

- *Enduring Powers of Attorney in Nova Scotia* (Discussion Paper, June 1998)
- *Enduring Powers of Attorney in Nova Scotia* (Final Report, September 1999)

Enforcement of Maintenance Obligations

- *Enforcement of Maintenance Obligations* (Discussion Paper, July 1992)
- *Enforcement of Maintenance Obligations* (Final Report, November 1992)

Future of the Law Reform Commission

- *A Continuing Need for Law Reform: The Case for the Law Reform Commission of Nova Scotia* (Report, December 2001)

Interim Payment of Damages

- *Interim Payment of Damages* (Discussion Paper, January 2000)
- *Interim Payment of Damages* (Final Report, February 2001)

Jury System

- *Reform of the Jury System in Nova Scotia* (Discussion Paper, May 1993)
- *Reform of the Jury System in Nova Scotia* (Final Report, June 1994)

Matrimonial Property

- *Matrimonial Property in Nova Scotia: Suggestions for a New Family Law Act* (Discussion Paper, April 1996)
- *Reform of the Law Dealing with Matrimonial Property in Nova Scotia* (Final Report, March 1997)

Mental Health Provisions

- *Mental Health Provisions of the Hospitals Act* (Discussion Paper, September 2000)
- *Mental Health Provisions of the Hospitals Act* (Final Report, February 2002)

Mortgage Foreclosure and Sale

- *Mortgage Foreclosure and Sale* (Discussion Paper, July 1997)
- *Mortgage Foreclosure and Sale* (Final Report, September 1998)

Probate

- *Probate Reform in Nova Scotia* (Discussion Paper, March 1998)
- *Probate Reform in Nova Scotia* (Final Report, March 1999)

Status of the Child Born Outside Marriage

- *The Legal Status of the Child Born Outside of Marriage in Nova Scotia* (Discussion Paper, August 1993)
- *The Legal Status of the Child Born Outside of Marriage in Nova Scotia* (Final Report, March 1995)

Ten Annual Reports

- April 1, 1991 - March 31, 1992
- April 1, 1992 - March 31, 1993
- April 1, 1993 - March 31, 1994
- April 1, 1994 - March 31, 1995
- April 1, 1995 - March 31, 1996
- April 1, 1996 - March 31, 1997
- April 1, 1997 - March 31, 1998
- April 1, 1998 - March 31, 1999
- April 1, 1999 - March 31, 2000
- April 1, 2000 - March 31, 2001