

## **Report on the National Section Executive Committee Meeting (Ottawa, April 10, 2010)**

The National Meeting of the *Constitutional & Human Rights Section* (“Section”) of *Canadian Bar Association* (“CBA”) was held in Ottawa on April 10, 2010. The meeting was attended by National Officers: Graeme Mitchell (Chair), Sheryl Beckford (Vice-Chair), Jamie Merrigan (Treasurer), and Art Grant (Secretary); Branch Chairs: Mark Toews from Manitoba, Shivani Chopra from New Brunswick, Farrah Carrim from Newfoundland & Labrador, Cheryl Milne from Ontario, and Mario Normandin from Quebec. Representatives from Alberta and Nova Scotia could not attend. Also in attendance were Executive Members: Philippe Dufresne, and Yvan Bloom (*via* telephone conference); CBA Staff Liaison, Rachelle Watson; and Kerri Froc in her capacity as Lawyer- Legislation and Law Reform.

Ms. Jennifer Lynch, QC Chair, Canadian Human Rights Commission (“CHRC”), was briefly in attendance to thank the Section on behalf of CHRC for submitting a brief to the Parliamentary Committee on CHRC’s mandate and powers. For those interested, the submission entitled “Hate Speech” is attached to this Report.

Following Ms. Lynch’s departure, Kerri Froc (Ms. Froc”) reported that she had forwarded two papers on the impact of the *Lobbying Act* to the National Officers. She advised that this legislation has made various changes to the rules governing lobbyists. For example, registration is required when an individual is paid to contact a public office holder on behalf of a person or organization in relation to the development of a legislative proposal. A detailed commentary on the legislation can be found at the website of the Office of the Commissioner of Lobbying of Canada.

Ms. Froc also noted that the government had brought forward two bills C-10 (*Constitution Act 2010 (Senate term limits)*) and C-12 (dealing with redistribution of House of Commons seats). The focus was on Bill C-10. Art Grant (Mr. Grant”) noted that an earlier paper had been prepared on a different bill which had expired upon prorogation of Parliament, the *Senate Electoral Consultation Act*. The government has clearly expressed its intention to bring such a bill back before the House. If so, the two bills taken together raise constitutional issues respecting the reform of the Senate. Mr. Grant agreed to prepare a draft submission respecting Bill C-10.

The various provincial Section Chairs proceeded to provide reports on their Section’s activities. No report was submitted by Alberta and New Brunswick.

The section in British Columbia held a joint meeting with the Social Justice Section in February 2010 respecting the “*Constitution and the Olympics*” featuring Michael Vonn of BCCLA, Craig Jones of the AGBC (Constitutional Section), and Ross Clark (counsel for the female ski jumpers). A meeting was being planned for May on the viability of national class actions.

Manitoba held a session on November 9, 2009, on Transgender Rights.

Nova Scotia has held two meetings since September 2009. The first included a presentation from the CEO of the Human Rights Commission, Ms. Krista Daley. This has become a yearly presentation from the CEO to the section and is very helpful and informative. The second meeting was a presentation by Darrel Pink, Executive Director of the Nova Scotia Barristers’ Society, speaking about his experiences in Tanzania where he is working with the CBA and the local law society to strengthen the rule of law in that region.

Québec held a CLE in October 2009 in which the recent SCC decisions on constitutional law and Charter rights were reviewed. In February 2010, a seminar on reasonable accommodation in the public sector workplace was conducted.

Saskatchewan conducted an annual review of important SCC and Saskatchewan Court of Appeal decisions for the Criminal Law Section.

The meeting then proceeded to discuss various topics for a CLE in August and Spring of 2011. The following proposals were submitted: “Reasonable Accommodation”, “Separation of Powers – and the issue of “Indianess”, “Constitutional conventions and Governance”, and Section 15 and the Indian Act”. It was decided that a proposal would be submitted for a stand-alone CLE before May 30, 2010 on the subject loosely termed “the unwritten constitution and the importance of constitutional conventions in democratic government”. It would be held in Ottawa.

***Shivani Chopra***