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FILE NO.:

CAN1753 - LBH51

REPLY TO:

L.B. Huestis

DIRECT LINE:

February 8, 1990

Toby Vigod

To: Commentators, Sustainable Development Law Reform Topics

From: Lynne Huestis, Research Director

Re: Canadian Bar Association Sustainable Development Action Plan - Federal Law Reform Proposals

I am pleased to confirm your participation in this project to address legal issues at the provincial level. Attached is a list of assigned topics. Please check and ensure that your name appears correctly on this list.

As you know, at its annual general meeting in Vancouver in August 1989, the CBA affirmed a strong commitment to promoting sustainable development in Canada. CBA President, John Jennings, Q.C. called upon the National Environmental Law Section to coordinate the task of making a contribution to the environmental debate during his mandate.

This led to the development of a CBA Sustainable Development Action Plan which was approved by the CBA's National Executive Committee in December 1989. The Plan addresses both:

- (1) encouragement of recycling and use of recycled paper by lawyers, and
- (2) development of law reform proposals.

The key objective of the law reform portion of the project is to provide the CBA with a series of law reform issues and recommendations toward promoting sustainable development. A report on *federal* and *international* level sustainable development law reform proposals will be presented by CBA President, John Jennings, Q.C. at the CBA's Annual General Meeting in London, England in September 1990.

The project relies mainly on lawyers across Canada who have volunteered their time to

REPRESENTATIVE OFFICE:

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provide research and writing on key law reform issues at the provincial, national and international levels.

In terms of the format of your paper, we ask that you provide the following:

- (a) a description of the environmental/sustainable development problem;
- (b) a statement of the legal issues or problems. Here you need to make a strong argument that there is a need for law reform in your subject area;
- (c) suggestions for law reform (international instruments, statutes, regulations or policies) together with identification of responsible parties/agencies. In outlining your suggestions for law reform we ask that you think in broad terms, setting out principles rather than specific proposals. We are asking that each paper present a concise statement of the principles that should be reflected in the particular regulatory program. In many instances it will be easy, having identified fundamental principles, to go one step further and suggest immediate or specific reforms that should be taken. In other cases, a more fundamental re-thinking of the entire regulatory approach may be indicated. It would be appropriate to indicate which course of action is appropriate in your view.

The recommendations must be concise and to the point. You may find it useful to make point-form recommendations. This last point is important since it is this summary of recommendations that will be incorporated into the report presented at the A.G.M. in September; the issue papers will appear in a separate accompanying volume where they can be used as a reference by delegates in reviewing and voting on issues.

We would also remind you that the area assigned to you may overlap with other assigned areas, and we would ask you to coordinate your efforts with persons in these other areas. In order to facilitate this coordination you should refer to the attached telephone list.

Each paper should be approximately 10 pages in length (double spaced), although this should be regarded as only a general guideline. References and citations should be provided, as well as copies of relevant articles or other background materials on which you have relied. A style guide is attached for your reference.

Deadlines for the papers are the following:

Draft issue papers due	March 15
Review by working groups	April 30
Preparation of draft report	May 31

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Finalize report for annual general meeting

June 30

These deadlines are very important since we need time to fully review the issue papers and prepare the overview report. If you have any difficulty in meeting the deadline for your paper, please advise me as soon as possible.

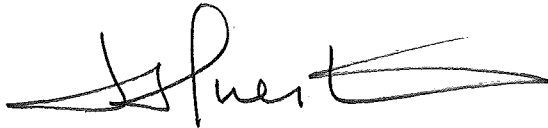
In order to facilitate publication of these papers, it is critically important to keep costs down. It has been suggested that people writing an issue paper submit both a hard copy of the paper and a copy on disk. The disk should be a 3 1/2" hard disk using the latest version of Wordperfect; Word or ASCII (unformatted) for IBM could be used in the alternative. If you have any difficulty with this, please advise me.

Please do not hesitate to contact me if you have any questions, or if you require assistance in any way.

Yours truly

SWINTON & COMPANY

Per:



Lynne B. Huestis

LBH/fcd

LBH51

Enclosure

PS. Please don't forget about Stuart Hill's paper on sustainable agriculture - it sounded very interesting.

Thanks



**STEERING COMMITTEE
CBA SUSTAINABLE DEVELOPMENT LAW REFORM ACTION PLAN**

Chair	Tim MacKenzie
Executive Coordinator	Roger Cotton
Research Director	Lynne Huestis
Chair, Federal Issues Sub-Committee	Bill Andrews
Chair, International Issues Sub-Committee	Goeff Thompson
Coordinator, Funding and Report Production	Stephen Hanson
Liaison, Legislation and Law Reform Committee	Terry Wade
Members at large	Franklin Gertler
	Andrew Roman
	David VanderZwaag

NOTES ON STYLE

Legal materials should be cited in the style set out in the McGill Law Journal, Canadian Guide to Uniform Legal Citation (2nd edition, 1988). In summary, legal materials are cited as follows:

- *A.G. Canada v Lavell* (1973), [1974] S.C.R. 1349 at 1388, per . . . (S.C.C.)
- *Lightburn v Belmont Sales Ltd.* (1969), 6 D.L.R. (3d) 692, 69 W.W.R. 734 (B.C.S.C.)
- *British Columbia Waste Management Act*, S.B.C. 1982, c.41, section 34, as am. S.B.C. 1989, c.62, section 9
- *Special Waste Regulation*, B.C. Reg. 63/88, section 1, as am. B.C. Reg. 10/89, section 1(e)
- J.G. Fleming, *The Law of Torts*, 5th ed. (Sydney: Law Book, 1977) at 104
- R. Murray, "The Heresay Maze: A Glimpse at Some Possible Exits" (1972) 50 Can. B. Rev. I at 5

Also note the following abbreviations used in text and footnotes:

- judge is J
- judge of a court of appeal is J.A.
- chief justice of Canada is C.J.C.
- *supra*:
 - 1 M.P. Catala, "La Transformation du patrimoine dans le droit civil moderne" (1966) R.T.D.C. 185.
 - 2 *Ibid.* at 187.
 - 5 Catal, *supra*, note 1, no.20ff
 - 5 *Ibid.* no.1. See also . . .
- *infra*:
 - 22 See *infra*, note 17 and accompanying text.

KEY FEDERAL LAW REFORM ISSUES

Issue	Commentator
1. Global warming	Geoff Thompson phone: 604-687-5744 fax: 604-687-1415
2. Toxic contamination	Paul Muldoon phone: 416-923-3529 fax: 416-960-9392
(a) Pesticide Regulation	Toby Vigod phone: 416-960-2284 fax: 416-960-9392
(b) Federal Regulation of Solid Waste	Steven Shrybman phone: 416-960-2284 fax: 416-960-9392
3. Federal spending	Ted Schrecker phone: 519-236-4494
4. Federal legislative/ proprietary jurisdiction	
(a) (Arctic)	Steven Hazel phone: 613-236-7379
(b) Native Jurisdiction to Regulate the Environment	Tim MacKenzie phone: 604-688-3411 fax: 604-689-7503
5. Endangered species	Ron Orenstein phone: 416-368-4661 fax: 416-362-9649
6. Migratory Birds	Andrew Thompson and Nancy Morgan phone: 604-687-3216 fax: 604-683-2780
7. Export/diversion of water	J. Owen Saunders phone: 403-220-3972 fax: 403-282-6182

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| 8. Marine environmental quality | David Vanderzwaag and
Moira McConnell
phone: 902-424-3495
fax: 902-424-1316 |
| 9. Enforcement of Environmental Laws | Linda Duncan (to be confirmed) |
| 10. Access to Environmental Justice | Franklin Gertler
phone: 514-849-2403
fax: 514-849-4907

Paul Muldoon (supra) |
| 11. Environmental Emergency Response | David Anderson
phone: 604-873-4351
fax: 604-721-2911 |
| 12. Alternative Dispute Resolution | Jeffrey Grenville Woods
phone: 613-232-2688
fax: 613-232-2680 |
| 13. Sustainable Forestry | Monique Ross
phone: 403-220-3973
fax: 403-282-6182 |