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1. No absolute Privilege on Case Conference Communications: QB

In *Southam v. Southam*, 2006 MBQB 96 the court decides whether a case conference memorandum is binding on the parties (no finding made) and whether communications held at a case conference are privileged. In answer to the latter question, the court quotes with approval the comments of the Saskatchewan Court of Appeal in *Comrie v. Roy* 2001 SKCA 33:

As has been said on occasion "The Rules are the servants, not the masters of the Court"... "Rules are meant to facilitate, not obstruct the administration of justice" ... and "There is no general rule with respect to the practice of this Court that will not yield to the demands of justice."

2. Spouse Sues for Tortious Deceit: B.C.S.C.

An article in April 7, 2006 issue of The Lawyers Weekly, [Spouses can sue each other for tortious deceit](#) describes the decision of the British Columbia Supreme Court in *Kumar v. Raju*, 2006 BCSC 439 in which a wife was awarded damages in tort on the basis of the husband's deceit. The court reviews the elements of the tort of deceit and finds that

the defendant misrepresented his true feelings towards the plaintiff and his true motive for marrying her [sic] order to induce her to marry him so he could emigrate to Canada....The defendant's misrepresentations entitle the plaintiff to damages resulting from her reliance on them.

3. Federal Budget Highlights

The [2006 Federal Budget](#) contained the following items of interest to family law practitioners:

- The Universal Child Care Benefit will be introduced July 1, 2006, providing all families with \$100 per month for each child under the age of 6 years. The benefit will be taxable to the lower-income spouse or common law partner;
- Parents can claim a non-refundable tax credit (up to \$500) for eligible fees related to physical activity programs for a child under 16, effective for 2007 and subsequent years;
- Introduction of a non-refundable textbook tax credit in addition to the education tax credit effective for 2006 and subsequent years;

Full exemption from taxation for scholarships, fellowships and bursary income that enable a student to attend programs that would entitle the student to claim the education tax credit, effective for 2006 and subsequent years;

- Providing a non-refundable tax credit for monthly public transit passes effective July 1, 2006.

4. SCC to Decide if Religious Obligation is Justiciable

The Supreme Court of Canada has granted leave to appeal in [Bruker v. Marcovitz](#) a [2005 decision of the Quebec Court of Appeal](#). At the appellate level, the court ruled that the clause in their separation agreement requiring the parties "to appear before the Rabbinical authorities...for the purposes of obtaining the traditional religious Get, immediately upon a Decree Nisi of Divorce being granted" created at most a moral obligation and held that "civil courts should refuse to become involved in assessing whether there has been a breach of the obligation. If there is any relief available to Ms. Bruker, it is in a religious forum, not a secular one."

5. CBA Family Law Newsletter

The May 2006 issue of [The Family Way](#), a newsletter produced by the CBA's National Family Law Section is available online now. The newsletter contains a number of interesting articles and links to further information and includes an article on the spousal support guidelines by Rollie Thompson and Carol Rogerson, entitled *The advisory guidelines: Cases, criticisms and responses, revision*.

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