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1. Jurisdiction of the Master: C.A.

In [Zalizniak v. Zalizniak](#), 2007 MBCA 118 (CanLII), the court considered whether, in a reference from the Court of Queen's Bench in a marital property proceeding, the master had jurisdiction to determine issues of liability and damages arising from a delayed closing of a real property transaction. The court held that the order of the master was a nullity, and made the following additional comments:

As a final comment, I have two recommendations that I hope will be of assistance to judges, masters and lawyers when addressing whether a matter should be the subject of a reference.

First, the question of the Master's jurisdiction should always be addressed before the reference is ordered. Typically, this will be an obvious and straightforward consideration, which should start with identifying the specific subsection of the Queen's Bench Rules under which the reference is made. So identifying the subsection will require the judge to address the issue of jurisdiction.

Second, a master should carefully consider whether to decline proceeding if there is concern about a lack of jurisdiction. Obviously litigants will be better served if the matter is referred back to the judge for further consideration rather than putting at risk the proceeding. In *Maitre*, this court wrote favourably about the master declining jurisdiction and referring the matter back to the judge. Q.B. Rule 54.05(1) also contemplates this: "The master hearing the reference shall hear and dispose of any motion made in connection with the reference, but may refer any matter to be disposed of by a judge."

2. Strengthening the Child Support Recalculation Service

Bill 10, [The Family Maintenance Amendment and Inter-jurisdictional Support Orders Amendment Act](#), was introduced on September 27, 2007. The Bill enhances the ability to locate persons in cases of child support recalculation, maintenance enforcement and inter-jurisdictional support, and the ability to obtain financial information needed to recalculate or enforce support. Proposed amendments to [The Family Maintenance Act](#) would also allow recalculated child support payments to take effect on a set date after the recalculation process starts, to provide greater certainty and avoid delay when a parent does not provide the necessary financial disclosure in a timely manner. The Bill also clarifies the Manitoba court's jurisdiction to vary certain support orders in inter-jurisdictional cases.

3. Conflicts of Interest

The upcoming Law Society CLE program, [*Conflicts of Interest*](#) will provide valuable insights into the current law of conflicts, recently addressed by the Supreme Court in [*Strother v. 3464920 Canada Inc.*](#), 2007 SCC 24. The program takes place on October 31 from 12:00 - 1:30 p.m. and will provide practical advice from a panel of practitioners that includes family law practitioner [Patricia Lane](#). To register, [contact](#) The Law Society.

4. Upcoming Family Law Conference

Gaining an Edge is the upcoming family law conference presented by the [Saskatchewan Trial Lawyers Association](#), taking place in Regina on Friday, November 23. The agenda features Philip Epstein, Q.C. and Andrew Freedman. Visit the [STLA website](#) for complete details and to register.

5. Be a Better Lawyer (and more)

And finally, when you next have some downtime between client meetings, take the opportunity to take a look at:

- [*Be a better lawyer tomorrow*](#)
 - [*Dickie v. Dickie: contempt in family law proceedings*](#)
 - [*Judicial Treatment of the Undue Hardship Provisions of the Federal Child Support Guidelines*](#)
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