

August 20 to 24, 2006

## **A. General Resolution respecting Appearance of Reports in the Proceedings**

### **RESOLVED:**

**THAT** the written reports presented to the Civil Section and to the joint session of the Civil and Criminal Sections appear in the 2006 Proceedings; and

**THAT** a summary of the oral reports presented to the Civil Section and to the joint session of the Civil and Criminal Sections appear in the 2006 Proceedings.

## **B. Resolutions respecting Individual Reports**

### **1. Uniform Trade Secrets Act**

#### **RESOLVED:**

**THAT** the recommendations in the report be adopted.

### **2. Faith Based Family Arbitration**

#### **RESOLVED:**

**THAT** the Civil Section Steering Committee continue to monitor the issues and matters addressed in the Report and continue to liaise with the Coordinating Committee of Senior Officials, Family Law respecting the potential for uniform legislation in this field.

### **3. Income Trusts**

#### **RESOLVED:**

**THAT** a Working Group be established to consider the relation of the recommendations in the report and the directions of the Conference to Quebec law, and that this Working Group report its conclusions and recommendations to the Drafting Group described below as soon as possible, but no later than December 31<sup>st</sup>, 2006; and

**THAT** a Drafting Group be established to prepare a uniform act and commentaries based on the recommendations in the Report and in

accordance with the directions of the Conference, including any recommendations received from the Working Group described above, for consideration at the 2007 meeting.

#### **4. Multi-Jurisdictional Class Proceedings**

##### **RESOLVED:**

**THAT** the recommendations in the Supplementary Report regarding a definition of "national class action" be adopted.

**THAT** the recommendations in the Supplementary Report respecting *res judicata* be adopted.

**THAT** the legislative recommendations in the Supplementary Report, as amended by direction from the Civil Law Section, be adopted and amendments to the *Uniform Class Proceedings Act* be drafted in accordance with the recommendations and directions of the Conference and circulated to the jurisdictional representatives. Unless two or more objections are received by the Executive Director of the Conference by a date to be determined by the Civil Section Steering Committee, but not later than November 30<sup>th</sup>, 2006, the amendments to the *Uniform Class Proceedings Act* should be taken as adopted and recommended to the jurisdictions for enactment.

**THAT** the Conference endorse and pursue the creation of the Canadian Class Proceedings Registry, to be operated by an appropriate national body. The Registry will include all class action filings and annotation of any other subsequent material events. Counsel applying for certification of an action will be responsible for providing the relevant information at the time the statement of claim is filed and for updating the information at certification, and/or when other material events occur.

**THAT** the recommendations in the Supplementary Report relating to the Guidelines Applicable to Court to Court Communications in Cross Border Cases where multiple class actions are certified in relation to the same issues, be recommended to the Class Action Committee of the Canadian Judicial Council.

## **5. Certificate of Title Systems for Motor Vehicles in Canada**

### **RESOLVED:**

**THAT** the recommendation in the Report be adopted.

## **6. Issues Relating to Mortgage Fraud and Discharge of Mortgages**

### **RESOLVED**

**THAT** the recommendation in the Report be adopted.

## **7. Limitation Periods and Other Issues in Insurance Statutes**

### **RESOLVED:**

**THAT** the Civil Section Steering Committee continue to monitor developments respecting the issues raised in the Report and continue to work with the Canadian Council of Insurance Regulators to address these issues.

## **8. Fraudulent Conveyances and Preferences**

### **RESOLVED:**

**THAT** a Working Group be established to prepare a working paper respecting issues, options, and possible recommendations for consideration at the 2007 meeting.

## **9. Report of the Chair of the Drafting Section**

### **RESOLVED:**

**THAT** The Conference express its thanks to Brian Greer for his report and his contribution as Chair of the Drafting Section.

## **10. Partnership Law**

### **RESOLVED:**

**THAT** a Working Group be established to prepare, in accordance with the directions of the Conference, a study paper examining the merits of the options set out in the Report, and containing legislative recommendations for consideration at the 2007 meeting.

## **11. Inter-Jurisdictional Enforcement of Tax Judgments**

### **RESOLVED:**

**THAT** the Working Group continue, and consider the issues raised in the Report and the directions of the Conference, and prepare a draft act and commentaries for consideration at the 2007 meeting.

## **12. Inter-Jurisdictional Enforcement of Employment Standards Orders**

### **RESOLVED:**

**THAT** the Civil Section Steering Committee determine, upon consultation with the Conference of Administrators of Labour Laws, whether it is possible and appropriate to pursue uniform legislation in this field.

## **13. National Conference of Commissioners on Uniform State Laws and Mexican Uniform Law Centre**

### **RESOLVED:**

**THAT** the Uniform Law Conference express its thanks to Mr. Howard W. Swibel, President of the National Conference of Commissioners on Uniform State Laws, and to Dr. Jorge Sanchez Cordero, Director of the Mexican Uniform Law Centre, for their enlightening presentations.

## **14. UN Convention on the Assignment of Receivables in International Trade**

### **RESOLVED:**

**THAT** the *Uniform Assignment of Receivables in International Trade Act* and commentaries be approved in principle; and

**THAT** following a joint meeting of the Working Group with representatives of the National Conference of Commissioners on Uniform State Laws and the Mexican Uniform Law Centre to consider the results of industry consultation and, should no changes to the Uniform Act and commentaries as considered by the Conference be required and should the Civil Section Steering Committee deem it appropriate; that the *Uniform Assignment of Receivables in International Trade Act* and commentaries be

circulated to the jurisdictional representatives, together with a supplementary report summarizing the result of the joint meeting. Unless two or more objections are received by the Executive Director of the Conference by a date to be determined by the Civil Section Steering Committee, but not later than December 31<sup>st</sup>, 2006, the *Uniform Assignment of Receivables in International Trade Act* and commentaries should be taken as adopted and recommended to the jurisdictions for enactment; and

**THAT** the Civil Section Steering Committee continue to have under consideration the reforms to secured transactions legislation contemplated in the Report of the Working Group and that they be addressed in connection with any project undertaken respecting secured transactions legislation.

## **15. UN Convention on Independent Guarantees and Stand-by Letters of Credit**

### **RESOLVED:**

**THAT** a Working Group be established to prepare, in accordance with the directions of the Conference, a uniform act and commentaries to implement the Convention for consideration at the 2007 meeting; and to report on the desirability of any other legislative recommendations; and to work in co-operation with the National Conference of Commissioners on Uniform State Laws and the Mexican Uniform Law Centre, should those organizations so desire.

## **16. First Nations and Commercial Law**

### **RESOLVED:**

**THAT** the Civil Section Steering Committee continue to have under consideration the development of a process for the enactment of uniform commercial acts within Aboriginal jurisdictions.

## **17. Unincorporated Associations**

### **RESOLVED:**

**THAT** the joint ULCC, NCCUSL, and MULC Working Group continue its work to address the issues described in the Report, taking into consideration any discussion at the Conference, and report on the results thereof to the 2007 meeting.