

# Legislative Bulletin

Policy and Advocacy Report – Credit Union Central of Canada

August, 2009 Vol.4

The *Legislative Bulletin* reports on federal legislative developments of possible interest to Centrals and their credit unions. The descriptions of legislation in the Legislative Bulletin are necessarily brief and may not address all issues that might affect the credit union system. Please contact Jan Hopper ([hopperj@cucentral.com](mailto:hopperj@cucentral.com)) at Credit Union Central of Canada should you have any questions about the federal legislation or wish further information. Copies of the legislation mentioned in the Bulletin are available at the parliamentary website: [www.parl.gc.ca](http://www.parl.gc.ca).

Note: Parliament has recessed for the summer and will resume sitting on September 14, 2009

## Bills receiving Royal Assent - June 2009

### Bill C-4 An Act respecting not-for-profit corporations and certain other corporations (also known as the Canada Not-for-profit Corporations Act (NPCA))

Bill C-4's primary purposes are to modernize and improve corporate governance in non-profit corporations (NPCs), eliminate unnecessary regulation, and offer flexibility to meet the needs of the non-profit sector. The new corporate governance provisions found in the NPCA, as well as many other provisions contained in the bill, are modelled on the corporate governance provisions contained in the *Canada Business Corporations Act*, the statute that regulates federally incorporated for-profit corporations (business corporations).

#### Legislative Progress

Royal Assent

June 23, 2009

### Bill C-29 - An Act to increase the availability of agricultural loans and to repeal the Farm Improvement Loans Act.

Bill C-29 amends the Farm Improvement and Marketing Cooperatives Loans Act (FIMCLA) to provide eligibility for loans for new farmers; producers taking over their family farm; and agricultural co-operatives. The bill also amends FIMCLA to allow for intergenerational farm transfers through a loan guarantee program; to allow for the adjustment, by regulation, of amounts and percentages set out in the Act; and repeal the Farm Improvement Loans Act. Note: The Policy and Advocacy Report attached to this Bulletin includes a more in-depth article on this legislation.

#### Legislative Status:

Royal Assent  
Came into Force

June 18, 2009  
June 18, 2009

## Status of Bills at End of Session

Below is an overview of the status of the various Bills that were being monitored through the legislative process during the last session of Parliament. It is expected that activities related to the individual Bills will resume when Parliament reconvenes in September. Likewise, Canadian Central's staff will resume the monitoring, review and assessment of these Bills and associated reports as government committee activity commences in the Fall.

### **Bill C-8 An Act respecting family homes situated on First Nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves**

Bill C-8 addresses issues relating to family real property on reserves by providing that a First Nation has the power to enact laws relating to “the use, occupation and possession of family homes on its reserves and the division of the value of any interests or rights held by spouses or common-law partners in or to structures and lands on its reserves” (clause 7(1)). Where a First Nation does not have such laws in force, whether established under the bill, under the *First Nations Land Management Act*, or under a self-government agreement, provisional federal rules established in the bill will apply.

#### Legislative Progress:

<b>1<sup>st</sup> Reading in the House of Commons</b>	February 2, 2009
<b>Most recent debate in the House of Commons</b>	May 25, 2009

### **Bill C-27 An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information and Electronic Documents Act and the Telecommunications Act (Electronic Commerce Protection Act)**

Bill C-27 proposes a private right of action, which would allow businesses and consumers to take civil action against anyone who violates the *Electronic Commerce Protection Act* (ECPA). The proposed ECPA's technology-neutral approach allows all forms of commercial electronic messages to be treated the same way. This means that the proposed bill would also address unsolicited text messages, or “cellphone spam,” as a form of “unsolicited commercial electronic message.”

The proposed ECPA would enable the Canadian Radio-television and Telecommunications Commission (CRTC) to impose administrative monetary penalties (AMPS) of up to \$1 million for individuals and \$10 million in all other cases. The Competition Bureau would use a similar AMPS regime already provided for in the Competition Act, and the Office of the Privacy Commissioner would use its existing tools and enforcement framework to enforce the provisions of this legislation. The bill also proposes that the Privacy Commissioner's powers to cooperate and exchange information with her counterparts be expanded, in respect of the *Personal Information Protection and Electronic Documents Act*.

#### Legislative Progress:

<b>1<sup>st</sup> Reading in the House of Commons</b>	April 24, 2009
<b>2<sup>nd</sup> Reading in the House of Commons and referred to Committee</b>	May 8, 2009
<b>Most recent discussion at Committee</b>	June 11, 2009

- Bill C-46** An Act to amend the Criminal Code, the Competition Act and the Mutual Legal Assistance in Criminal Matters Act
- Bill C-47** An Act regulating telecommunications facilities to support investigations

Bill C-46 - entitled the *Investigative Powers for the 21st Century (IP21C) Act* introduces legislative changes geared to aid law enforcement in fighting crime in today's modern electronic environment. This act will work together with Bill C-47 the *Technical Assistance for Law Enforcement in the 21st Century Act* to provide law enforcement officials with the tools they need by updating certain existing offences as well as creating new investigative powers to effectively deal with crime in today's computer and telecommunications environment. The two acts are purported to strike an appropriate balance between the need to protect the safety and security of Canada, the competitiveness of the telecommunications industry, and the privacy rights of Canadians.

**Legislative Progress:**

1 <sup>st</sup> Reading in House of Commons	June 19, 2009
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**Bill C-426** -An Act to amend the Bank Act and other Acts (cost of borrowing for credit cards)

Private Member's Bill C-426 was introduced in the House of Commons on June 18, 2009. This proposed legislation would amend the *Bank Act*, the *Cooperative Credit Associations Act*, the *Insurance Companies Act* and the *Trust and Loan Companies Act* to set the maximum rate that may be charged for the cost of borrowing in respect of credit cards. The proposed amendment sets the annual cost of borrowing rate at a maximum of 5% above the Bank of Canada overnight rate. This Bill is noted for informational purposes as such Bills do not usually progress through the legislative process.

**Legislative Progress:**

1 <sup>st</sup> Reading in House of Commons	June 18, 2009
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**Bill S-4** An Act to amend the Criminal Code (identity theft and related misconduct)

Bill S-4 will create several new Criminal Code offences specifically targeting those aspects of identity theft that are not already covered by existing provisions. Essentially, the bill will focus on the preparatory stages of identity theft by making it an offence to obtain, possess, transfer or sell the identity documents of another person.

The April 2009 Policy Advocacy Report includes a more in-depth review of this Bill and an Issues Summary on the subject of Identity Theft is also available on Canadian Central's internet site at

[http://www.cucentral.ca/IdentityTheft\\_14aug09](http://www.cucentral.ca/IdentityTheft_14aug09)

**Legislative Progress:**

Former Bill C-27 reintroduced in Senate (1 <sup>st</sup> Reading) as Bill S-4	March 31, 2009
2 <sup>nd</sup> Reading in the Senate and referred to Committee	May 5, 2009
Committee Report provided to the Senate	June 9, 2009
3 <sup>rd</sup> Reading in the Senate	June 11, 2009
1 <sup>st</sup> Reading in the House of Commons	June 15, 2009
2 <sup>nd</sup> Reading in the House of Commons and referred to Committee	June 18, 2009