

# Legislative Bulletin

Policy and Advocacy Report – Credit Union Central of Canada

Oct, 2009 – Vol. 5

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 resumed on September 14, 2009

## New This Issue

### **Bill C-51 An Act to implement certain provisions of the budget tabled in Parliament on January 27, 2009 and to implement other measures**

Bill C-51 was introduced by the Minister of Finance on September 30, 2009. The purpose of the Act is to implement certain provisions of the budget tabled in Parliament on January 27, 2009 including the temporary Home Renovation Tax Credit, the First-time Home Buyers' Tax Credit, as well as enhanced tax relief provided by the Working Income Tax Benefit. Also included in Part 1 of this Bill is the extension of the existing tax deferral available to farmers in prescribed drought regions.

Part 2 authorizes payments to be made out of the Consolidated Revenue Fund for multilateral debt relief and in relation to offshore petroleum resources. Also included are amendments to the Bretton Woods and Related Agreements Act to implement amendments proposed by the Board of Governors of the International Monetary Fund. Part 2 of the bill also amends the Bankruptcy and Insolvency Act and chapter 36 of the Statutes of Canada, 2007 to correct unintended consequences resulting from the inaccurate coordination of two amending Acts.

#### **Legislative Progress:**

<b>1<sup>st</sup> Reading in the House of Commons</b>	September 30, 2009
<b>2<sup>nd</sup> Reading and referred to the Finance Committee</b>	October 7, 2009

### **Bill C- 457 An Act respecting the Insurance Business (Banks and Bank Holding Companies) Regulations**

Bill C-457 This enactment requires the Governor in Council to amend the *Insurance Business (Banks and Bank Holding Companies) Regulations* to clearly prohibit banks from providing their customers with access to insurance providers even via the internet. It should be noted that this is a private members bill that is unlikely to proceed further through the legislative process.

#### **Legislative Progress:**

<b>1<sup>st</sup> Reading in the House of Commons</b>	October 7, 2009
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## Government Bills Being Monitored

### 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:

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

#### Credit Union System Activity:

Progress of Bill being monitored by CUCC Staff	Currently
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### 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 Protection 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 “cell phone 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:

1 <sup>st</sup> Reading in the House of Commons	April 24, 2009
2 <sup>nd</sup> Reading in the House of Commons and referred to Committee	May 8, 2009
Most recent Committee hearing on this Bill	September 28, 2009

**Credit Union System Activity:**

<b>CUCC Staff have reviewed the Bill and are preparing a submission to the Industry, Science &amp; Technology Committee.</b>	Currently
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**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:**

<b>1<sup>st</sup> Reading in House of Commons</b>	June 18, 2009
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**Credit Union System Activity:**

<b>CUCC Staff will review the Bills for potential implications to the credit union system.</b>	Currently
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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:**

<b>Former Bill C-27 reintroduced in Senate (1<sup>st</sup> Reading) as Bill S-4</b>	March 31, 2009
<b>2<sup>nd</sup> Reading in the Senate and referred to Committee</b>	May 5, 2009
<b>Committee Report provided to the Senate</b>	June 9, 2009
<b>3<sup>rd</sup> Reading in the Senate</b>	June 11, 2009
<b>1<sup>st</sup> Reading in the House of Commons</b>	June 15, 2009
<b>2<sup>nd</sup> Reading in the House of Commons and referred to Committee</b>	June 17, 2009
<b>Committee Report tabled in the House of Commons</b>	October 8, 2009

**Credit Union System Activity:**

<p>Submission made to government on former Bill C-27  <a href="http://www.cucentral.com/Letter_IDTheft_3june08">http://www.cucentral.com/Letter_IDTheft_3june08</a></p>	<p>March 2008</p>
<p>Progress of Bill S-4 being monitored by CUCC Staff</p>	<p>Currently</p>

**Legislative Bulletin** is published by  
 Credit Union Central of Canada  
 For editorial or general enquires please contact:

Brigitte Goulard, Vice President, Policy  
[goulardb@cucentral.com](mailto:goulardb@cucentral.com)  
 Tel: (613) 238-6747

Credit Union Central of Canada  
 300 The East Mall, Suite 500, Toronto, ON M9B  
 6B7  
 Tel: (416) 232-1262  
[www.cucentral.ca](http://www.cucentral.ca)