

# Legislative Bulletin

Policy and Advocacy Report

June, 2009 – Vol. 3

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).

## New This Issue

**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 the House of Commons	June 19, 2009
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### Credit Union System Activity

CUCC Staff reviewing the Bills for potential implications for the credit union system.	Currently ongoing
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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 by NDP MP Glenn Thibeault (Sudbury). If passed, this proposed enactment 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 would set the annual cost of borrowing rate at a maximum of 5% above the Bank of Canada overnight rate. Note: C-426 is a Private Members Bill. It exists along with several hundred other such Private Members Bills on the Order Paper of the House of Commons. Few of these bills ever pass into legislation and most do not even come to a vote.

### Legislative Progress

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

Noted for informational purposes – such Bills do not typically progress through the legislative process.
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## Government Bills Being Monitored

### 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

1 <sup>st</sup> Reading in House of Commons	January 28, 2009
2 <sup>nd</sup> Reading and passed by the House of Commons & referred to Committee	February 12, 2009
3 <sup>rd</sup> Reading in the House of Commons, and 1 <sup>st</sup> Reading in the Senate	May 5, 2009
2 <sup>nd</sup> Reading in the Senate, and referred to Committee	June 10, 2009
Most recent discussion at Committee	June 18, 2009

#### Credit Union System Activity

Progress of Bill being monitored by CUCC Staff	Currently ongoing
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### 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 ongoing
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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 "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

#### Credit Union System Activity

<b>CUCC Staff is reviewing the Bill with the intention of potentially preparing a submission to the Committee.</b>	Currently ongoing
<b>Related to Bill C-27, CUCC Staff to meet with CRTC together with the CBA regarding the burden of providing information for "Do Not Call List" investigations.</b>	Summer 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 to repeal the Farm Improvement Loans Act.

#### Legislative Progress

<b>1<sup>st</sup> Reading in House of Commons</b>	May 4, 2009
<b>2<sup>nd</sup> Reading in House of Commons</b>	May 11, 2009
<b>3<sup>rd</sup> Reading in House of Commons</b>	May 26, 2009

<b>1<sup>st</sup> Reading in the Senate</b>	May 27, 2009
<b>2<sup>nd</sup> Reading in the Senate &amp; referred to Committee</b>	June 9, 2009
<b>3<sup>rd</sup> Reading in the Senate</b>	June 16, 2009
<b>Royal Assent</b>	June 18, 2009
<b>Coming into Force</b>	June 18, 2009

#### Credit Union System Activity

<b>Submissions were made to the Government in 2005 and 2006.</b> <a href="http://www.cucentral.com/2005Agric_nov07">http://www.cucentral.com/2005Agric_nov07</a>	December 2005 July 2006
<b>Letter submitted to Government Committee expressing support for the legislation.</b>	May 13, 2009

#### 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 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 Policy Advocacy Report attached to this Bulletin 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/ID\\_9feb09](http://www.cucentral.ca/ID_9feb09).

#### 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 18, 2009

#### Credit Union System Activity

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