

Legislative Bulletin

Policy Division – Credit Union Central of Canada

May 25, 2009

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) 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.

Government Bills

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).

Status

1st Reading in the Senate

May 5, 2009

Bill C-5 An Act to amend the Indian Oil and Gas Act

Bill C-5, An Act to amend the Indian Oil and Gas Act, is identical to Bill C-5, which was introduced in the previous session of Parliament but died on the Order Paper when Parliament was prorogued on December 4, 2008.

Bill C-5 replaces almost all of the provisions of the six-section *Indian Oil and Gas Act* and includes a number of matters that are currently provided for in the *Indian Oil and Gas Regulations, 1995*. The *Indian Oil and Gas Act* and *Indian Oil and Gas Regulations, 1995* provide the legislative framework for the management of oil and gas on First Nation lands. Introduced in 1974, the *Indian Oil and Gas Act* has remained largely unchanged since that time. Bill C-5 is meant to modernize this framework.

Status

Received Royal Assent

May 14, 2009

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.

Status

Last debated in the House of Commons	May 15, 2009
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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*.

Status

2nd Reading in the House of Commons and referred to Committee	May 8, 2009
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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.

Status

2nd Reading in the House of Commons and referred to Committee	May 11, 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 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.

Status**2nd Reading in the Senate and referred to Committee**

May 5, 2009

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