



JOBS GROWTH AND LONG-TERM PROSPERITY

ECONOMIC ACTION PLAN 2013

Tabled in the House of Commons
By the Honourable
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CANADA'S ECONOMIC

**ACTION
PLAN**



#eap13





Aerospace and Space Sectors	111
Improving the Strategic Aerospace and Defence Initiative	113
Creation of an Aerospace Technology Demonstration Program	115
Enhancing Access to Aircraft Safety Certification	116
Supporting Canada’s Leadership in Space and Space-Related Technologies	116
Supporting a Strong and Innovative Automotive Sector	117
Supporting Forestry Innovation and Market Development.....	118
Supporting Small Businesses.....	120
Expanded Support for Small Businesses	122
Extension and Expansion of the Hiring Credit for Small Business	122
Increasing and Indexing the Lifetime Capital Gains Exemption	123
Improving Conditions for New and Growing Small Businesses	124
Canada Revenue Agency Delivers on the Needs of Small Businesses.....	126
Code of Conduct for the Credit and Debit Card Industry in Canada	128
Growing Trade and Investment.....	129
Canada’s Trade Agenda.....	129
Canada-United States Beyond the Border Action Plan and Regulatory Cooperation Council	131
Beyond the Border Action Plan	131
Regulatory Cooperation Council Joint Action Plan.....	132
Strengthening Canada’s Foreign Trade Zone Advantage	133
Export Development Canada.....	134
Modernizing Canada’s General Preferential Tariff Regime for Developing Countries.....	134
Ensuring an Effective Trade Policy and Remedy System	135
Responsible Resource Development.....	136
Supporting Junior Mineral Exploration	137
Improving the Conditions for a Sustainable Aquaculture Sector.....	137
Supporting First Nations Fishing Enterprises	138
Supporting Farmers.....	138
Increasing the Restricted Farm Loss Deduction Limit	139
Building on Canada’s Financial Sector Advantage.....	140
Ensuring That Our Financial System Remains Strong	141
Reinforcing the Housing Finance Framework	141
Strengthening the Regulation of Capital Markets	142
Furthering Over-the-Counter Derivatives Reform.....	143
Streamlining Conflict of Interest Provisions.....	144
Establishing a Risk Management Framework for Domestic Systemically Important Banks.....	144



Strengthening the Regulation of Capital Markets

The Government's preferred approach to improving the regulation of Canada's capital markets is through a common securities regulator established cooperatively with provinces and territories. If a timely agreement cannot be reached on a common regulator, the Government will propose legislation to carry out its regulatory responsibilities consistent with the decision rendered by the Supreme Court of Canada.

In the *Reference re Securities Act* of December 2011, the Supreme Court of Canada found that Parliament has a role in securities regulation regarding matters of genuine national importance and scope, including maintaining the integrity and stability of the financial system, preserving fair, efficient and competitive national capital markets, and preventing and responding to systemic risks, such as those posed by over-the-counter derivatives.

In its decision, the Supreme Court indicated that “each level of government has jurisdiction over some aspects of the regulation of securities and each can work in collaboration with the other to carry out its responsibilities.” Since the Reference, the Government has consulted with provinces and territories on establishing a common securities regulator on a cooperative basis as outlined by the Court.

The Government would be prepared to delegate the administration of its own securities legislation to a common securities regulator if a critical mass of provinces and territories were willing to do the same. The Government would support an agreement with willing provinces and territories to establish a common regulator with the following elements:

- The common regulator should administer a single set of rules.
- It should be operationally independent and self-funded through a single, simplified set of fees.
- It should be directed by a professional board of directors with broad capital markets-related expertise.
- A common regulator would also preserve the elements of the current system that work well, such as maintaining regulatory offices in each participating jurisdiction, with the capacity and resources to serve market participants locally.



Canada is the only industrialized country without a national securities regulator. By pooling provincial, territorial and federal jurisdiction and expertise, Canada could have a world-leading securities regulatory regime that contributes to a stronger national economy and allows Canada to better compete in global capital markets. Canadian businesses would be able to raise funds throughout Canada more quickly and at lower cost, which would stimulate investment. Businesses would also benefit from more expedited regulatory decisions.

The Government's preferred approach is to improve the regulation of Canada's capital markets through a cooperatively established common securities regulator. If a timely agreement cannot be reached, the Government will propose legislation to ensure that it can carry out its regulatory responsibilities for capital markets consistent with the decision of the Supreme Court of Canada. This will include the capacity to monitor, prevent and respond to systemic risks emerging from capital markets. A federal capital markets regulatory framework would be applied consistently on a national basis and would not displace provincial securities commissions, which would still manage the day-to-day regulation of securities activities.

The Government proposes to extend the mandate of the Canadian Securities Transition Office to ensure that its resources remain available as work continues to strengthen the regulation of Canada's capital markets.

Furthering Over-the-Counter Derivatives Reform

The Government will continue to review federal legislation and, where appropriate, introduce further changes to support the over-the-counter derivatives reform agenda.

The Government has taken a number of actions to support the stability of the Canadian financial system and has been an early implementer of the G-20 financial reform agenda. In Economic Action Plan 2012, the Government brought forward measures to support central clearing of standardized over-the-counter derivatives transactions—a key G-20 commitment—and to reinforce Canada's financial stability framework. On January 1, 2013, Canada implemented Basel III capital requirements, among the first jurisdictions to do so. The Government will continue to review federal legislation and, where appropriate, introduce further changes to support the over-the-counter derivatives reform agenda.