

**SUBMISSION FOR 2015 REVIEW OF THE *FINANCIAL INSTITUTIONS ACT* AND
CREDIT UNION INCORPORATION ACT
from
COUNCIL TO REDUCE ELDER ABUSE**

Introduction

This letter is in response to the “Financial Institutions Act & Credit Union Incorporation Act Review Initial Public Consultation Paper” (Discussion Paper) issued by the Ministry of Finance for the decennial review of the *Financial Institutions Act* (B.C.) (“FIA”) and *Credit Union Incorporation Act* (B.C.) (“CUIA”). It represents the views of the Financial Abuse Prevention Action Group (“Action Group”) formed by the Council to Reduce Elder Abuse (“CREA”) (see attached Appendix A for members).

CREA is a multi-sector council, established in 2013 to facilitate the actions set out in the provincial plan “Together to Reduce Elder Abuse - B.C.'s Strategy”, as well as leverage resources between sectors, organizations, communities and individuals to better recognize, respond to and prevent elder abuse.

The skills, knowledge and experience represented on the Action Group include expertise from the financial, health care, public safety and community outreach sectors, as well as a variety of diverse communities and seniors themselves.

Consistent with our mandate to focus on the reduction of financial abuse of seniors, our recommendations touch on some but not all of the areas raised in the Discussion Paper.

Financial Literacy and Consumer Protection

The Action Group is supportive of financial institutions providing their clients with brochures and other information about the risks of financial abuse and ways to protect oneself. These brochures could be displayed in branches, mailed out with statements, or made available online. Action Group members believe tools such as the “[AccountSmart Tools for Seniors](#)” developed and promoted by the Bank of American Fork, and similar tools developed by Canadian financial institutions are good examples of helpful financial tools for older adults to mitigate risks of financial abuse and/or exploitation.

The Action Group is supportive of financial institutions and government promoting and supporting financial literacy. It is also supportive of the development of a market conduct code for provincially-regulated financial institutions, developed in partnership with industry.

Reporting Financial Abuse

The Action Group has discussed the recent federal legislative changes that broadened the powers of federally-regulated entities to disclose suspected financial abuse to a government institution, next of kin or authorized representative, without the knowledge and consent of the affected individual, where it is reasonable to expect that the knowledge and consent of the individual

would compromise the ability to prevent or investigate the abuse. The British Columbia *Adult Guardianship Act* permits and provides protections for any person to report suspected abuse or neglect to a designated agency (“DA”), but there is no parallel authority (under provincial or federal legislation) for credit unions to notify next of kin or other authorized representatives about suspected abuse.

In cases where fraud and abuse are clear credit unions have the tools needed to report to the DAs, the Public Guardian and Trustee and/or the police. However, in other suspicious cases, it may not be clear whether a client is actually experiencing abuse or not. The Action Group acknowledges that the provincial legislation is no longer consistent with federal legislation. We encourage the Ministry to examine this issue further with a view to determining whether a change to ensure consistency with federal legislation in reporting to next of kin outweighs the potential risks.

Unregulated Trust Companies

The Action Group is of the opinion that individuals offering trust services, who are not incorporated and are not regulated may pose a serious risk to older adults and, as such, we ask that the government further explore this issue.

The Action Group thanks the Ministry for the opportunity to respond to the Discussion Paper. Please do not hesitate to contact CREA for more information.

Thank you,



Barb MacLean
Chair, Council to Reduce Elder Abuse
Executive Director, Family Caregivers of BC



Kathleen Cunningham
Chair, Financial Abuse Prevention Action Group
British Columbia Law Institute

APPENDIX A

Members of the Council to Reduce Elder Abuse:

Barb MacLean (Chair) – Executive Director, Family Caregivers of BC
Sherry Baker – Executive Director, BC Association of Community Response Networks
Joy Anne (Joan) Braun – Lawyer and Mediator, Canadian Bar Association – BC Branch
Chief Mark Fisher – Superintendent, Officer in Charge, Nanaimo RCMP Detachment
Daniel Fontaine – CEO, BC Care Providers Association
Anna Hardy – Regional Director of Regulatory Affairs, Central 1 Credit Union
Doug Hughes - Assistant Deputy Minister, Health Services Policy Division, Ministry of Health
Darren Kopetsky - Regional Director, Client Relations and Risk Management, Vancouver Coastal Health
Alison Leaney – Provincial Coordinator for Vulnerable Adults, Public Guardian and Trustee of BC
Martha Jane Lewis – Executive Director, BC Centre for Elder Advocacy and Support
Rajeev Mohindru – Director of Care, Progressive Intercultural Community Services Society (PICS)
Sheila Pither – Secretary-Treasurer, Council of Senior Citizens Organizations of BC (COSCO)
Linda Routledge – Director of Consumer Affairs, Policy and Operations, Canadian Bankers Association

Members of the Financial Abuse Prevention Action Group:

Kathleen Cunningham (Chair) – Executive Director, British Columbia Law Institute
Linda Routledge – Director of Consumer Affairs, Policy and Operations, Canadian Bankers Association
Alison Leaney – Provincial Coordinator for Vulnerable Adults, Public Guardian and Trustee of BC
Martha Jane Lewis – Executive Director, BC Centre for Elder Advocacy and Support
Margaret Hall – Associate Professor, Thompson Rivers University
Anna Hardy – Regional Director of Regulatory Affairs, Central 1 Credit Union
Laurie Salvador – Notary Public, Partner, Salvador Davis & Co.
Steve Wilson – Detective / Constable, Delta Police Department
Margaret Easton – President, Meridian Aging Project