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C-231.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-231.

An Act to define and implement a national transportation policy for Canada, to amend the Railway Act and other Acts in consequence thereof and to enact other consequential provisions.

First reading, August 29, 1966.

THE MINISTER OF TRANSPORT.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

24890

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-231.

An Act to define and implement a national transportation policy for Canada, to amend the Railway Act and other Acts in consequence thereof and to enact other consequential provisions.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

National Transportation Policy.

**1.** It is hereby declared that an economic and efficient transportation system making the best use of all available modes of transportation at the lowest total cost is essential to the economic well-being and growth of Canada; and that these objectives are most likely to be achieved when all modes of transport are able to compete under conditions ensuring that, except in areas where any mode of transport exercises a monopoly,

(*a*) regulation of all modes of transport with due regard to the national interest will not be of such a nature as to restrict the ability of any mode of transport to compete freely with any other modes of transport;

(*b*) each mode of transport, so far as practicable, bears a fair proportion of the real costs of the resources, facilities and services provided that mode of transport at public expense; and

(*c*) each mode of transport, so far as practicable, receives compensation for the resources, facilities and services that it is required to provide as an imposed public duty;

and this Act is enacted in accordance with and for the attainment of so much of these objectives as fall within the purview of subject matters under the jurisdiction of Parliament relating to transportation.

## Explanatory Notes.

1. The Report of the Royal Commission on Transportation contained a number of recommendations with respect to the regulation of modes of transport in a competitive environment, the rationalization, in economic terms, of branch lines and passenger train services and the means of achieving that rationalization, the subsidization of the movement of grain to export positions, and the removal of imposed uneconomic functions of railways, all of which recommendations were made within the context of and premised upon a National Transportation Policy, which would alter the traditional functions of the Board of Transport Commissioners for Canada and the rate-making principles followed heretofore.

The purpose of this Bill is to define a national transportation policy, to spell out the objectives of that policy and provide the necessary statutory provisions for the achievement of these objectives.

2. Part I of this Bill deals with the proposed Canadian Transport Commission which would replace the present Board of Transport Commissioners for Canada, the Air Transport Board and the Canadian Maritime Commission. Parts II and III would make provision for two other modes of transport, namely, commodity pipelines and extra-provincial motor vehicle transport.

3. At the present time the safety of bridges under the jurisdiction of Parliament is the responsibility of the Board of Transport Commissioners for Canada. That matter is to be removed from the proposed transportation authority and assigned to the Minister of Public Works. Part IV deals with this subject.

4. In addition to the matters arising from the Report described in paragraph 1 above, which are provided for in Part V, ancillary amendments to the *Railway Act* are made in that Part in respect of international bridges and tunnels as well as railway bridge companies. These are necessary because at the present time the *Railway Act* regulates the tolls in these cases by reference to the rules applicable to railway freight rates. As it is not intended to alter the substantive provisions relating to such matters, as would be the case if the method of regulating them were continued by reference to the rules applicable to railway freight rates, certain clauses of the Bill are provided to retain the present rules for telegraph and telephone traffic and tolls, and bridge traffic and tolls on international bridges and tunnels. Part V of this Bill deals with this subject.

# PART I.

## CANADIAN TRANSPORT COMMISSION.

### *Short Title.*

Short title.

**2.** This Act may be cited as the *National Transportation Act*.

### *Interpretation.*

Definitions.

**3.** In this Act,

"Commission."

(*a*) "Commission" means the Canadian Transport Commission established by this Act;

"Commodity pipeline."

(*b*) "commodity pipeline" means a pipeline for the transmission of commodities and includes all branches, extensions, pumps, racks, compressors, loading facilities, storage facilities, reservoirs, tanks, interstation system of communication by telephone, telegraph or radio and real or personal, movable or immovable property and works connected therewith, but does not include a pipe line for the transmission of oil or gas within the purview of the *National Energy Board Act* otherwise than as an agent or medium for the transmission of other commodities by the pipeline;

"Minister."

(*c*) "Minister" means the Minister of Transport; and

"Motor vehicle undertaking."

(*d*) "motor vehicle undertaking" means a work or undertaking for the transport of passengers or goods by motor vehicle.

### *Application.*

Application.

**4.** This Act applies to the following modes of transport:

(*a*) transport by railways to which the *Railway Act* applies;

(*b*) transport by air to which the *Aeronautics Act* applies;

(*c*) transport by water to which the *Transport Act* applies;

(*d*) transport by a commodity pipeline connecting a province with any other or others of the provinces or extending beyond the limits of a province; and

(*e*) subject to Part III, transport by a motor vehicle undertaking connecting a province with any other or others of the provinces or extending beyond the limits of a province.

The considerations applicable to passenger tariffs are not the same as those applicable to freight tariffs; that is to say, the requirement that tolls be compensatory is not applicable in the case of passenger tolls. As a consequence special rules are required for passenger tariffs which are set out in Part V.

5. *Clause 1:* This clause sets out the National Transportation Policy on the basis of which the following clauses of the Bill are enacted.

*PART I:* This Part would establish the Canadian Transport Commission, define its functions and make the necessary changes of reference in other statutes.

Application of *Railway Act*.

**5.** (1) Except as otherwise expressly provided by this Act, the provisions of the *Railway Act* relating to sittings of the Commission and the disposal of business, witnesses and evidence, practice and procedure, orders and decisions of the Commission and review thereof and appeal therefrom apply in the case of every inquiry, complaint, application or other proceeding under this Act, the *Aeronautics Act* or the *Transport Act* or any other Act of the Parliament of Canada imposing any duty or function on the Commission; and the Commission shall exercise and enjoys the same jurisdiction and authority in matters under any such Acts as are vested in the Commission under the *Railway Act*.

Avoidance of doubt.

(2) For greater certainty and the avoidance of doubt, but without limiting the generality of subsection (1), it is declared that the following provisions of the *Railway Act*, namely sections 12, 13, 18 to 21, 30, 32 to 41, 43 to 72 apply *mutatis mutandis* in respect of any proceedings before the Commission pursuant to this Act, the *Aeronautics Act* or the *Transport Act*, and in the event of any conflict between those provisions of the *Railway Act* and the provisions of the *Aeronautics Act* or the *Transport Act* those provisions of the *Railway Act* prevail.

*Constitution of Commission.*

Commission established.

**6.** (1) There shall be a commission, to be known as the Canadian Transport Commission, consisting of not more than seventeen members appointed by the Governor in Council.

Court of record.

(2) The Commission is a court of record and shall have an official seal which shall be judicially noticed.

Tenure.

(3) Each commissioner holds office during good behaviour for the term of his appointment to the Commission which shall not exceed a period of ten years from the date of his appointment but he may be removed for cause by the Governor in Council at any time.

Retirement age.

(4) Notwithstanding anything in the *Public Service Superannuation Act*, a commissioner may continue to hold office upon attaining the age of sixty-five years but he ceases to hold office upon reaching the age of seventy years.

Reappointment.

(5) A commissioner on the expiration of his first or subsequent term of office on the Commission is, if not disqualified by age, eligible for reappointment for a period not exceeding ten years.

Remuneration of members.

(6) Each commissioner shall be paid such remuneration for his services as the Governor in Council may from time to time determine.

President and vice-presidents.

**7.** (1) One of the commissioners shall be appointed by the Governor in Council to be President of the Commission and two commissioners shall be appointed by the Governor in Council to be vice-presidents of the Commission.

Barrister or advocate.

(2) One of the persons appointed to be vice-president shall be a barrister or advocate of at least ten years' standing at the bar of any province of Canada.

Powers of vice-presidents.

(3) The vice-president who qualifies under subsection (2) has all the powers of the President, but those powers shall not be exercised by him except in the absence or disability of the President, and whenever he has acted it shall be conclusively presumed that he so acted in the absence or disability of the President within the meaning of this section.

Duty of one vice-president.

(4) One of the vice-presidents shall, under the general directions of the Commission, be charged with the superintendence of the programs of study and research necessary to achieve the objectives mentioned in section 1 and to the performance by the Commission of its duties under section 16.

Duty of other vice-president.

(5) The vice-president who qualifies under subsection (2) shall, under the general directions of the Commission, be charged with the superintendence of the work of the committees of the Commission.

Prohibited interests.

**8.** (1) No member or officer of the Commission shall, directly or indirectly,

(*a*) have any interest in, or in any undertaking of, any railway company, air transport company, commodity pipeline company, shipping company or motor vehicle undertaking or have any interest in the obligations of any such company or undertaking;

(*b*) engage in manufacturing or selling aircraft, ships, railway rolling stock, motor trucks, trailers or buses, or pipeline equipment, or in the transport of goods or passengers by any mode of transport for hire or reward; or

(*c*) have any interest in any device, appliance, machine, patented process or article, or any part thereof that may be required or used as part of the equipment of any railway or rolling stock thereof, aircraft, ship, pipeline, motor truck, trailer or bus, or of any work or undertaking subject to this Act, the *Railway Act*, the *Aeronautics Act* or the *Motor Vehicle Transport Act*.

Disposing of interest.

(2) Where any interest prohibited under subsection (1) vests in any member or officer of the Commission by will or succession for his own benefit, he shall, within three months thereafter, absolutely dispose of such interest.

*Staff, etc.*

Secretary.

**9.** There shall be a Secretary of the Commission who shall be appointed by the Governor in Council to hold office during pleasure, and who shall reside in the City of Ottawa.

Duties of Secretary.

**10.** (1) The Secretary of the Commission shall

(*a*) keep a record of all proceedings conducted before the Commission or any committee or commissioner;

(*b*) have the custody and care of all records and documents belonging or appertaining to the Commission or filed in the office of the Secretary;

(*c*) obey all rules and directions that may be made or given by the Commission, or the President, touching his duties or office, and in the event of a conflict of such rules or directions, those made or given by the Commission prevail; and

(*d*) have every regulation and order of the Commission drawn pursuant to the direction of the Commission, duly signed and sealed with the official seal of the Commission and filed in the office of the Secretary.

Record books.

(2) The Secretary shall keep in his office suitable books of record, in which he shall enter a true copy of every regulation and order of the Commission, and every other document that the Commission may require to be entered therein, and such entry constitutes and is the original record of any such regulation or order.

Certified copies.

(3) Upon application of any person, and on payment of such fees as the Commission may prescribe, the Secretary shall deliver to the applicant a certified copy of any regulation or order of the Commission.

Acting secretary.

**11.** In the absence of the Secretary from illness or any other cause, the Commission may appoint from its staff an acting secretary, who shall thereupon act in the place of the Secretary and exercise his powers.

Staff of Commission.

**12.** (1) Such other officers and employees as are necessary for the proper conduct of the business of the Commission may be appointed in the manner authorized by law.

Staff.

(2) The officers and employees attached to the Commission may be paid out of moneys appropriated by Parliament for the purpose.

Offices in Ottawa.

**13.** (1) The Governor in Council shall, upon the recommendation of the Minister, provide within the City of Ottawa, a suitable place in which the meetings of the Commission may be held, and also suitable offices for the commissioners, and for the Secretary, and the other officers and employees of the Commission, and all necessary furnishings, stationery and equipment for the conduct, maintenance and performance of the duties of the Commission.

Offices elsewhere than in Ottawa.

(2) The Governor in Council, upon the recommendation of the Minister, may establish at any place or places in Canada such office or offices as are required for the Commission, and may provide therefor the necessary accommodation, furnishings, stationery and equipment.

Paid monthly.

**14.** The salaries or other remuneration of all officers and employees of the Commission, and all the expenses of the Commission incidental to the carrying out of its duties and functions, including all actual and reasonable travelling expenses of the commissioners and the Secretary, and of such members of the staff of the Commission as may be required by the Commission to travel, necessarily incurred in attending to the duties of their office, shall be paid monthly out of moneys to be provided by Parliament.

*Powers and Duties.*

Interpretation of functions.

**15.** It is the duty of the Commission to perform the functions vested in the Commission by this Act, the *Railway Act*, the *Aeronautics Act* and the *Transport Act* with the object of co-ordinating and harmonizing the operations of all carriers engaged in transport by railways, water, aircraft, extra-provincial motor vehicle transport and commodity pipelines; and the Commission shall give to this Act, the *Railway Act*, the *Aeronautics Act* and the *Transport Act* such fair interpretation as will best attain that object.

Duties of the Commission.

**16.** (1) In addition to its powers, duties and functions under the *Railway Act*, the *Aeronautics Act* and the *Transport Act*, the Commission shall

(*a*) inquire into and report to the Minister upon measures to assist in a sound economic development of the various modes of transport over which Parliament has jurisdiction;

(*b*) undertake studies and research into the economic aspects of all modes of transport in Canada;

(*c*) inquire into and report to the Minister on the relationship between the various modes of transport in Canada and upon the measures

that should be adopted in order to achieve co-ordination in development, regulation and control of the various modes of transport;

(*d*) perform, in addition to its duties under this Act, such other duties as may, from time to time, be imposed by law on the Commission in respect of any mode of transport in Canada, including the regulation and licensing of any such mode of transport, control over rates and tariffs and the administration of subsidies voted by Parliament for any such mode of transport;

(*e*) inquire into and report to the Minister upon possible financial measures required for direct assistance to any mode of transport and the method of administration of any measures that may be approved;

(*f*) inquire into and recommend to the Minister from time to time such economic policies and measures as it considers necessary and desirable relating to the operation of the Canadian merchant marine, commensurate with Canadian maritime needs;

(*g*) establish general economic standards and criteria to be used in determination of federal investment in equipment and facilities as between various modes of transport and within individual modes of transport; and in determination of desirable financial returns required therefrom;

(*h*) inquire into and advise the government on the overall balance between expenditure programs of government departments or agencies for the provision of transport facilities and equipment in various modes of transport, and on measures to develop revenue from the use of transport facilities provided or operated by any government department or agency; and

(*i*) participate in the economic aspects of the work of intergovernmental, national or international organizations dealing with any form of transport under the jurisdiction of Parliament, and investigate, examine and report on the economic effects and requirements resulting from participation in or ratification of international agreements.

Powers in relation to shipping.

(2) The Commission may examine into, ascertain and keep records of, and make appropriate reports to the Minister on,

(*a*) the shipping services between Canadian ports and from ports in Canada to ports outside Canada that are required for the proper main-

tenance and furtherance of the domestic and external trade of Canada;

(*b*) the type, size, speed and other requirements of the vessels that are and in the opinion of the Commission should be employed in such services;

(*c*) the cost of marine insurance, maintenance and repairs, and wages and subsistence of officers and crews and all other items of expense in the operation of vessels under Canadian registry and the comparison thereof with similar vessels operated under other registry;

(*d*) the water transportation industry and undertakings and services directly related thereto;

(*e*) the terms, conditions and usages applying to transportation of goods and passengers by water in and from Canada;

(*f*) the work of international and intergovernmental organizations and agencies which concern themselves with the transportation of goods and passengers by water; and

(*g*) such other marine matters as the Minister may request or as the Commission may deem necessary for carrying out any of the provisions or purposes of this Act.

Idem. (3) The Commission shall

(*a*) exercise and perform on behalf of the Minister such powers, duties or functions of the Minister under the *Canada Shipping Act* as the Minister may require; and

(*b*) exercise and perform any other powers, duties or functions in relation to water transport conferred on or required to be performed by the Commission by or pursuant to any other Act or any order of the Governor in Council.

Committees. **17.** (1) For the purposes of performing its duties under this Act the Commission shall establish the following committees consisting of not less than three commissioners, exclusive of the President who shall be *ex officio* a member of every such committee:

(*a*) railway transport committee;

(*b*) air transport committee;

(*c*) water transport committee;

(*d*) motor vehicle transport committee;

(*e*) commodity pipeline transport committee; and

(*f*) such other committees as the Commission deems expedient.

24890—2

Chairmen of committees.

(2) In respect of each such committee the Commission shall appoint a commissioner to be chairman of the committee who shall be the chief executive officer of the committee and shall in the absence or disability of the President or a vice-president preside over all meetings of the committee and exercise all the powers of the President.

Effect of committee action.

(3) Notwithstanding anything in the *Railway Act* or the *National Energy Board Act* governing matters before the Commission, a committee of the Commission may, in accordance with the rules and regulations of the Commission, exercise all the powers and duties of the Commission and the orders, rules or directions made or issued by a committee of the Commission have effect, subject to subsection (4), as though they were made or issued by the Commission.

Appeal to Commission.

(4) Where,

(*a*) an order, rule or direction made by a committee of the Commission is objected to by a person interested in such order, rule or direction, or

(*b*) an order, rule or direction made by a committee of the Commission in respect of matters related to a particular mode of transport is objected to by an operator of another mode of transport on the ground that the order, rule or direction discriminates against or is otherwise unfair to his operations,

such person or operator may, in accordance with such rules as the Commission may make in that behalf, appeal to the Commission to rescind or vary the order, rule or direction of the committee.

How heard.

(5) An appeal under subsection (4) shall be heard by the Commission or, if the Commission has established an appeal committee, by the appeal committee, with the President or a vice-president presiding, and the order, rule or direction appealed from is stayed until the appeal is heard.

Members presiding.

(6) Notwithstanding anything in this section, the President and a vice-president shall not at the same time sit on any committee of the Commission or attend any meeting of any such committee.

Regulations.

**18.** (1) Without affecting its powers under any other Act to make regulations, the Commission may, with the approval of the Governor in Council, make rules and regulations for the attainment of the objects of this Act and in particular, but without limiting the generality of the foregoing, make rules and regulations

(*a*) respecting the manner in which any committees of the Commission shall perform their functions and the duties and functions to be performed by the committees of the Commission;

(*b*) respecting the manner in which the various functions of the committees of the Commission are to be co-ordinated;

(*c*) respecting the proceedings of the Commission and its committees in the performance of duties under this Act; and

(*d*) respecting the assignment of duties to officers of the Commission and the delegation of functions thereto.

Conflict of powers.

(2) Where there is any conflict between the powers of the Commission to make regulations in respect of a particular mode of transport under any other Act and the power to make regulations under this Act, the provisions of this Act prevail.

*Annual Report.*

Annual report to Governor in Council.

**19.** (1) The Commission shall, within two months after the 31st day of December in each year, make to the Governor in Council through the Minister, an annual report for the year to the 31st day of December, showing briefly,

(*a*) applications to the Commission and summaries of the findings thereon;

(*b*) summaries of the findings of the Commission in regard to any matter or thing respecting which the Commission has acted of its own motion, or upon the request of the Minister; and

(*c*) such other matters as appear to the Commission to be of public interest in connection with the persons, companies and modes of transport to which this Act applies.

Tabling report.

(2) The Minister shall, on or before the 30th day of March next following the making of the report to the Governor in Council or, if Parliament is not then sitting, on any of the first five days next thereafter that Parliament is sitting, submit to Parliament the report referred to in subsection (1).

*Consequential Amendments.*

Amendments and repeals.

**20.** The Acts and portions of Acts set out in the Schedule are repealed or amended in the manner and to the extent indicated in the Schedule.

## PART II.

### COMMODITY PIPELINES.

Definitions. "Company."

**21.** In this Part,

(*a*) "company" means a person

(i) named in an Act of the Parliament of Canada and having authority under that Act to construct or operate a commodity pipeline, or

(ii) authorized by an Act of the Parliament of Canada to construct or operate a commodity pipeline with respect to which such Act has special reference, and

"Certificate."

(*b*) "certificate" means a certificate of public convenience and necessity issued under section 24.

Construction and operation of commodity pipeline.

**22.** (1) No person, other than a company, shall construct or operate a commodity pipeline to which this Act applies.

Exception.

(2) Nothing in this section shall be construed to prohibit or prevent any person from operating or improving a commodity pipeline constructed before the commencement of this Act but every commodity pipeline shall be operated in accordance with this Part.

Powers of liquidators, etc.

(3) Notwithstanding subsection (1), for the purposes of this Part,

(*a*) a liquidator, receiver or manager of the property of a commodity pipeline company appointed by a court of competent jurisdiction to carry on the business of the company, or

(*b*) a trustee for the holders of bonds, debentures, debenture stock or other evidences of indebtedness of a commodity pipeline company, issued under a trust deed or other instrument and secured on or against the property of the company, if the trustee is authorized by the trust deed or other instrument to carry on the business of the company,

may construct and operate the commodity pipeline of such company.

Operating line.

**23.** (1) Subject to subsection (2), no company shall operate a commodity pipeline unless there is a certificate in force with respect to that pipeline.

Exception.

(2) Subsection (1) does not apply to a company that is operating a commodity pipeline upon the coming into force of this Part unless such company fails to apply to the Commission, within six months thereafter, for the issuance of a certificate under this Act.

*PART II:* At the present time commodity pipelines are not regulated by any federal agency. It is proposed to bring this mode of transport under the new Transport Commission and to provide the necessary regulatory powers.

Certificate for operating line.

(3) The Commission shall, upon the application of a company referred to in subsection (2), and without a hearing, issue a certificate containing appropriate terms and conditions if the application is made to the Commission within the time limited by subsection (2).

Issue of certificates.

**24.** Subject to subsection (3) of section 23, the Commission may, subject to the approval of the Governor in Council, issue a certificate in respect of a commodity pipeline if the Commission is satisfied that the pipeline is and will be required by reason of the present and future public convenience and necessity, and, in considering an application for a certificate, the Commission shall take into account such matters as to it appear to be relevant including, without limiting the generality of the foregoing, the following:

(*a*) the economic feasibility of the pipeline;

(*b*) the financial responsibility and financial structure of the applicant, the methods of financing the pipeline and the extent to which Canadians will have an opportunity of participating in the financing, engineering and construction of the pipeline; and

(*c*) any public interest that in the opinion of the Commission may be affected by the granting or refusing of the application.

Conditions.

**25.** Every certificate issued pursuant to section 24 is subject to the condition that the provisions of this Part and the regulations in force at the date of issue thereof and as subsequently enacted, made or amended, as well as every order made under the authority of this Part, will be complied with.

Carriage of commodities.

**26.** The Commission may, with the approval of the Governor in Council, by order, upon such terms and conditions as it considers advisable, require a company operating a commodity pipeline, according to its powers, without delay and with due care and diligence, to receive, transport and deliver through its pipeline any substance capable of being transmitted therein.

Tolls and tariffs.

**27.** (1) A company operating a commodity pipeline shall not charge any tolls except tolls specified in a tariff that has been filed with the Commission and is in effect.

Tariffs contrary to National Transportation Policy.

(2) The Commission may make orders with respect to all matters relating to traffic, tolls or tariffs of a commodity pipeline company, and may disallow any tariff of tolls, or any portion thereof,

(*a*) that the Commission considers to be not compensatory and not justified by the public interest; or

(*b*) where there is no alternative, effective and competitive service by a common carrier other than another commodity pipeline or combination of commodity pipeline carriers, that the Commission considers to be a tariff that unduly takes advantage of a monopoly situation favouring commodity pipeline carriers;

and may require the commodity pipeline company, within a prescribed time, to substitute a tariff of tolls satisfactory to the Commission in lieu thereof, or the Commission may prescribe other tariffs in lieu of the tariff or portion thereof so disallowed.

Parts III and IV of *National Energy Board Act.*

**28.** (1) The Commission has and shall exercise in respect of commodity pipelines the like jurisdiction, duties and powers as are vested in or exercisable by the National Energy Board under Parts III and IV of the *National Energy Board Act* in respect of pipelines under the jurisdiction of that Board; and to the extent that they are not inconsistent with this Part of this Act, Part III and sections 57 to 60 of the *National Energy Board Act* apply *mutatis mutandis* in respect of persons and companies and their works and undertakings that are subject to and governed by this Act.

Part V of the *National Energy Board Act.*

(2) Part V of the *National Energy Board Act* applies *mutatis mutandis* in respect of a commodity pipeline company and, in respect of any such company, the Commission has and may exercise the same jurisdiction, duties and powers as are vested in or exercisable by the National Energy Board under that Part in respect of a company to which the jurisdiction of that Board extends.

Regulations.

(3) The Commission may, in like manner, make like regulations in respect of commodity pipelines as the National Energy Board may make under section 88 of the *National Energy Board Act.*

Penalty.

(4) Every person who violates a regulation made under subsection (3) is guilty of an offence punishable on summary conviction.

Exemption.

**29.** (1) Where it appears to be in the public interest to do so, the Commission may, with the approval of the Governor in Council, make an order or orders exempting a commodity pipeline, or any part or parts thereof from all or any of the provisions of this Act.

Terms and conditions.

(2) In any order made under this section, the Commission may impose such terms and conditions as it considers advisable.

## PART III.

### Extra-provincial Motor Vehicle Transport.

Application of Part.

**30.** Notwithstanding section 4, this Part does not apply to a motor vehicle undertaking unless it is exempted by the Governor in Council from the provisions of the *Motor Vehicle Transport Act* under section 5 of that Act.

Licences.

**31.** (1) Subject to this Part, the Commission may issue to any person applying therefor a licence to operate a motor vehicle undertaking to which this Part applies.

Only in case of public convenience and necessity.

(2) The Commission shall not issue any such licence unless it is satisfied that the proposed motor vehicle undertaking is and will be required by the present and future public convenience and necessity.

Exemption.

(3) The Commission may exempt from the operation of the whole or any part of subsection (2), any motor vehicle undertaking or any class or group thereof, or the operator thereof, either generally or for a limited period or in respect of a limited area, if in the opinion of the Commission such exemption is in the public interest.

Routes and conditions.

(4) In issuing any licence, the Commission may prescribe the routes that may be followed or the areas to be served and may attach to the licence such conditions as the Commission may consider necessary or desirable in the public interest, and, without limiting the generality of the foregoing, the Commission may impose conditions respecting schedules, places of call, carriage of passengers and freight and insurance.

Suspension, cancellation or amendment.

(5) The Commission may issue a licence that differs from the licence applied for and may suspend, cancel or amend any licence or any part thereof where, in the opinion of the Commission, public convenience and necessity so requires.

Cancellation or suspension of licence.

(6) Where in the opinion of the Commission, the operator of a motor vehicle undertaking has violated any of the conditions attached to his licence, the Commission may cancel or suspend the licence.

No operation without licence.

**32.** (1) No person shall operate a motor vehicle undertaking to which this Part applies unless he holds a valid and subsisting licence issued under section 31.

Offence and penalty.

(2) Every person who violates subsection (1) is guilty of an offence and is liable upon summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both fine and imprisonment.

*PART III:* Extra-provincial motor vehicle transport is, at the present time, regulated by the Transport Board of each province under the authority of the *Motor Vehicle Transport Act*. If it becomes desirable, in terms of the objectives of the National Transportation Policy, to regulate extra-provincial transport at the federal level, the new Transport Commission would be the regulatory authority. The necessary regulatory powers would be provided by this Part.

Penalty to directors or officers of corporation.

(3) Where a corporation is guilty of an offence under subsection (2), every person who at the time of the commission of the offence was a director or officer of the corporation is guilty of the like offence unless he proves that the act or omission constituting the offence took place without his knowledge or consent, or that he exercised all due diligence to prevent the commission of such offence.

Tolls and tariffs.

**33.** (1) A person operating a motor vehicle undertaking to which this Part applies shall not charge any tolls except tolls specified in a tariff that has been filed with the Commission and is in effect.

Tariffs contrary to National Transportation Policy.

(2) The Commission may make orders with respect to all matters relating to traffic, tolls and tariffs of a motor vehicle undertaking to which this Part applies, and may disallow any tariff of tolls, or any portion thereof,

(*a*) that the Commission considers to be not compensatory and not justified by the public interest; or

(*b*) where there is no alternative, effective and competitive service by a common carrier other than another motor vehicle carrier or a combination of motor vehicle carriers, that the Commission considers to be a tariff that unduly takes advantage of a monopoly situation favouring motor vehicle carriers;

and may require the person operating the motor vehicle undertaking to substitute a tariff of tolls satisfactory to the Commission in lieu thereof, or the Commission may prescribe other tariffs in lieu of the tariff or portion thereof so disallowed.

Free and reduced rate transportation.

**34.** Notwithstanding any previous contract or commitment or any other general or special Act or provision, no person operating a motor vehicle undertaking to which this Part applies shall issue free or reduced rate transportation except with the approval in writing of the Commission and under such terms, conditions and forms as the Commission may direct.

Regulations.

**35.** Subject to the approval of the Governor in Council, the Commission may make regulations

(*a*) establishing the classification and form of licences to be issued under this Part, the terms upon which and the manner in which they shall

be issued and renewed, the conditions and restrictions to which they will be subject and the issue of duplicate licences;

(*b*) prescribing the terms and conditions to which licences issued under this Part shall be subject;

(*c*) respecting the safety, protection, comfort and convenience of the persons availing themselves of the services of a motor vehicle undertaking;

(*d*) respecting temporary permits authorizing seasonal, emergency or occasional operation of motor vehicles of a motor vehicle undertaking;

(*e*) prescribing forms of accounts and records to be kept by operators of motor vehicle undertakings, and providing for access by the Commission to such records;

(*f*) requiring the operators of motor vehicle undertakings to file with the Commission returns with respect to their assets, liabilities, capitalization, revenues, expenditures, equipment, traffic and employees and any other matters relating to the operation of the undertaking;

(*g*) requiring any person to furnish information respecting control, ownership, transfer, consolidation, merger or lease or any proposed control, transfer, consolidation, merger or lease of a motor vehicle undertaking;

(*h*) requiring copies of agreements respecting any such transfer, consolidation, merger or lease, copies of contracts and proposed contracts and copies of agreements affecting services to be filed with the Commission;

(*i*) excluding from the operation of the whole or any portion of this Part or any regulation, order or direction made or issued pursuant thereto, any motor vehicle undertaking or class or group of motor vehicle undertakings;

(*j*) prescribing fees for licences issued under this Part and requiring applicants for such licences to furnish information respecting their financial position, their relation to other common carriers, the nature of the proposed routes, the proposed tariffs of tolls and such other matters as the Commission may consider advisable;

(*k*) providing for uniform bills of lading and other documentation;

24890—3

(*l*) governing the filing of bonds and certificates of insurance;

(*m*) establishing classifications or groups of motor vehicle undertakings;

(*n*) prohibiting the transfer, consolidation, merger or lease of motor vehicle undertakings except subject to such conditions as may be prescribed by such regulations;

(*o*) prescribing penalties, enforceable on summary conviction, for

(i) contravention of or failure to comply with any regulations or any direction or order made by the Commission pursuant to this Act or such regulations,

(ii) making any false statement or furnishing false information to, or for the use or information of, the Commission, or

(iii) making any false statement or furnishing false information when required to make a statement or furnish information pursuant to any regulation, direction or order of the Commission,

but such penalties shall not exceed a fine of one thousand dollars or imprisonment for a term of twelve months, or both fine and imprisonment; and

(*p*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part.

## PART IV.

### Bridges.

R.S., c. 20.

**36.** (1) Paragraph (*a*) of section 2 of the *Bridges Act*, hereinafter referred to in this Part as the "said Act", is repealed.

(2) The said Act is further amended by substituting in sections 4, 5, 7, subsection (1) of section 8, sections 13, 16, 17, 18, 20, 22 and 23, a reference to the Minister of Public Works wherever in those sections the Board of Transport Commissioners for Canada is referred to.

*PART IV:* The purpose of this Part is to change all the references to the Board of Transport Commissioners for Canada in the *Bridges Act* to the Minister of Public Works. That Act is concerned with safety and specifications in respect of bridges under the jurisdiction of the Parliament of Canada.

**37.** (1) Subsection (2) of section 8 of the said Act is repealed and the following substituted therefor:

Changes or alterations.

"(2) The company to which such bridge belongs, or the company using or controlling the bridge, in case the bridge is in use or controlled by some other company, shall thereupon, upon notice from the Minister of Public Works, of any defect or insufficiency in such bridge or any portion thereof so reported, or of any requirement of the Minister under subsection (1), proceed to make good or remedy any such defect or insufficiency, and make the change, alteration, substitution or use of material specified as a requirement in such notice."

(2) Section 11 of the said Act is repealed and the following substituted therefor:

Evidence of authority.

"**11.** The production of instructions in writing signed by the Minister of Public Works is sufficient evidence of the authority of an inspecting engineer."

(3) Section 15 of the said Act is repealed and the following substituted therefor:

How orders notified.

"**15.** Every company shall be deemed to have received sufficient information of any order of the Minister of Public Works, if a notice thereof, signed by the Minister, is delivered to the president, vice-president, managing director, secretary or superintendent of the company, or at the office of the company; and every such company shall be deemed to have received sufficient information of any order of the inspecting engineer, if a notice thereof, signed by the engineer, is delivered as hereinbefore provided."

## PART V.

### Railways, Telegraphs and Telephones.

R.S., c. 234; 1955, cc. 41, 55; 1958, c. 40; 1960, c. 35; 1960-61, c. 54.

**38.** Section 42 of the *Railway Act*, hereinafter in this Part referred to as the "said Act", is repealed and the following substituted therefor:

Tolls on international bridges.

"**42.** (1) Notwithstanding anything in any special Act passed before the 14th day of June, 1929, the Commission has jurisdiction and control over tolls

*Clause 37*(1): Subsection (2) at present reads as follows:

"(2) The Company to which such bridge belongs, or the company using or controlling the bridge, in case the bridge is in use or controlled by some other company, shall thereupon, on notice from *the Board signed by the Chief Commissioner, and countersigned by the secretary*, of any defect or insufficiency in such bridge or any portion thereof so reported, or of any requirement of the *Board* under subsection (1), proceed to make good or remedy any such defect or insufficiency, and make the change, alteration, substitution or use of material specified as a requirement in such notice."

(2) Section 11 at present reads as follows:

"11. The production of instructions in writing signed by *the Chief Commissioner of the Board and countersigned by the secretary thereof*, is sufficient evidence of the authority of an inspecting engineer."

(3) Section 15 at present reads as follows:

"15. Every company shall be deemed to have received sufficient information of any order of the *Board*, if a notice thereof, signed by the *Chief Commissioner of the Board, and countersigned by the secretary of the Board*, is delivered to the president, vice-president, managing director, secretary or superintendent of the company, or at the office of the company, and every such company shall be deemed to have received sufficient information of any order of the inspecting engineer, if a notice thereof, signed by the engineer, is delivered as hereinbefore provided."

*PART V:*

*Clause 38:* Section 42 is re-enacted to preserve the substance of the present principles applicable to international bridge traffic. This is done by reference to telegraph and telephone provisions which replace the existing freight rate provisions for that purpose. The telegraph and telephone rules remain substantively the same as at present.

to be charged in respect of the use for pedestrian, vehicular, tramway, street railway, railway or other like traffic on, over, across or through any international bridge owned or operated by any company, and all the provisions of this Act relating to telegraph and telephone tolls and tariffs, in so far as the Commission deems them applicable, extend and apply to tolls charged in respect of such international bridge traffic except that subsection (2) of section 380 does not apply in respect of such tolls.

Authorizing by-laws to be submitted to the Commission.

(2) Any by-law of, or of the directors of, a company owning or operating an international bridge that relates to any tariffs or tolls to be charged by the company in respect of the international bridge shall be submitted to the Commission, and no tolls shall be charged pursuant to any such by-law in respect of the use for pedestrian, vehicular, tramway, street railway, railway or other like traffic on, over, across or through the international bridge owned or operated by the company until such by-law has been submitted to the Commission.

"International bridge" defined.

(3) For the purposes of this section, "international bridge" means a bridge or tunnel, (including the approaches or facilities connected therewith) over or under any waterway being or running along or across the boundary between Canada and any foreign country."

**39.** The said Act is further amended by adding thereto, immediately after section 45 thereof, the following section:

Appearance before Commission of other interests in Canada.

"**45A.** At any hearing of the Commission for the purposes of making any order or giving any direction, leave, sanction or approval in respect of any railway matter, the Commission may, notwithstanding any other provision of this Act or the *National Transportation Act*, permit the representative or agent of any provincial or municipal government or any association or other body representing the interests of shippers or consignees in Canada to appear and be heard before the Commission subject to such rules of procedure as the Commission with the approval of the Governor in Council may prescribe."

Section 42 at present reads as follows:

"42. (1) Notwithstanding anything in any special Act heretofore passed, the Board has jurisdiction and control over tolls to be charged in respect of the use for pedestrian, vehicular, tramway, street railway, railway or other like traffic on, over, across or through international bridges owned or operated by any company, and all the provisions of this Act relating to tolls and tariffs apply *mutatis mutandis*.

(2) For the purposes of this section, "international bridge", means bridges or tunnels (including the approaches or facilities connected therewith) over or under any waterway being or running along or across the boundary between Canada and any foreign country."

*Clause 39:* This new provision would permit representatives of provincial and municipal governments and specific interests to appear and be heard by the transportation authority on matters in which they might not, in a legal sense, be "interested" parties.

**40.** Subsection (1) of section 156 of the said Act is repealed and the following substituted therefor:

Directors may make traffic agreements.

"**156.** (1) The directors of the company may, at any time, make and enter into any agreement or arrangement, not inconsistent with the provisions of this or the Special Act, with any other transportation company operating as a common carrier either in Canada or elsewhere, for the interchange of traffic and for the division and apportionment of tolls in respect of such traffic."

**41.** (1) Subsection (6) of section 170 is repealed and the following substituted therefor:

Application of section.

"(6) The provisions of this section only apply to the main line, and to branch lines over twenty miles in length."

(2) Section 183 of the said Act is repealed and the following substituted therefor:

Power to construct.

"**183.** The company may, for the purposes of its undertaking, construct, maintain and operate branch lines, not exceeding in any one case twenty miles in length, from the main line of the railway or, except as hereinafter provided, from any branch thereof."

**42.** The said Act is further amended by adding thereto, immediately after section 314 thereof, the following headings and sections:

"ABANDONMENT AND RATIONALIZATION OF LINES OR OPERATIONS.

*Uneconomic Branch Lines.*

Definitions. "Actual loss."

**314A.** In this section and section 314B to 314G,

(*a*) "actual loss", in relation to any branch line means the excess of

(i) the costs incurred by the company in any financial year thereof in the operation of the line and in the movement of traffic originating or terminating on the line,

over

(ii) the revenues of the company for that year from the operation of the line and from the movement of traffic originating or terminating on the line;

*Clause 40:* Section 156(1) is widened to refer to all modes of transport. It reads at present as follows:

"156. (1) The directors of the company may, at any time, make and enter into any agreement or arrangement, not inconsistent with the provisions of this or the Special Act, with any other company, either in Canada or elsewhere, for the interchange of traffic between their railways or vessels, and for the division and apportionment of tolls in respect of such traffic."

*Clause 41(1):* This amendment is consequential upon the amendment proposed under subsclause (2) hereof.

(2): Section 183 at present reads as follows:

"183. The company may, for the purposes of its undertaking, construct, maintain and operate branch lines, not exceeding in any one case six miles in length, from the main line of the railway or, except as hereinafter provided, from any branch thereof."

*Clause 42:* This clause covers new sections 314A to 314J. Sections 314A to 314H provide for the rationalization of uneconomic branch lines; sections 314I and 314J provide for the rationalization of passenger services.

314A Definitions

"Branch line."

(*b*) "branch line" means a line of railway in Canada of a railway company that is subject to the jurisdiction of Parliament that, relative to a main line within the company's railway system in Canada of which it forms a part, is a subsidiary, secondary, local or feeder line of railway, and includes a part of any such subsidiary, secondary, local or feeder line of railway.

Designating area for abandonment applications.

**314B.** (1) The Commission may, from time to time, give public notice, by publication in the *Canada Gazette* and by such additional publication as it may consider expedient, of the periods during which applications by railway companies for the abandonment of branch lines in areas designated in the public notice will be dealt with by the Commission and of the dates for the filing of applications therefor with the Commission.

Application for abandonment.

(2) If a company desires to abandon the operation of a branch line, the company shall file an application to abandon the operation of that line with the Commission in accordance with the rules and regulations of the Commission and in accordance with any public notice that may have been given by the Commission pursuant to subsection (1).

Statement of cost and revenues and public notice.

(3) Concurrently with the filing of its application to abandon the operation of a branch line the company shall also submit to the Commission a statement of the costs and revenues of the company attributable to the line in each of such number of consecutive financial years of the company as the Commission may prescribe (hereinafter in this section and section 314c referred to as the "prescribed accounting years"); and the company shall forthwith thereafter post, in each station on the line in accordance with any regulation of the Commission in that behalf, a notice of the application to abandon the operation of the line.

Verification by Commission.

(4) If the Commission is satisfied that the application to abandon the operation of a branch line has been filed in accordance with the rules and regulations of the Commission, the Commission shall, after investigation, and whether or not it has afforded the company an opportunity to make further submissions, review the statement of costs and revenues referred to in subsection (3), together with all other documents, facts and figures that in its opinion are relevant, and shall prepare a report setting out the amounts, if any, that in its opinion constitute the actual loss of the branch line in each of the prescribed accounting years, and the

314B (1) The Commission may designate "areas" and give notice of the dates for receiving applications for abandonment of branch lines in those areas.

(2) A company wishing to abandon a branch line shall file an application with the Commission.

(3) An application is to be accompanied by a statement of revenues and losses.

(4) The Commission is to review and report upon the statement.

report shall be posted by the company in each station on the line in accordance with any regulation of the Commission in that behalf.

Action on application after verification of costs and revenues by Commission.

**314c.** (1) If the Commission finds that in its opinion the company, in the operation of the branch line with respect to which an application for the abandonment of its operation was made, has incurred actual loss in one or more of the prescribed accounting years including the last year thereof, the Commission shall, after such public hearings, if any, as it deems necessary or desirable and having regard to all matters that to it appear relevant, determine whether the branch line is likely to continue to be uneconomic and, if so, whether the line should be abandoned immediately or after a period allowing for adjustments in the area served by the line; but if the Commission finds that in its opinion the company has incurred no actual loss in the operation of such line in the last year of the prescribed accounting years, it shall reject the application for the abandonment of the operation of the line without prejudice to any application that may subsequently be made for abandonment of the operation of that line.

Grouping of applications.

(2) In carrying out the provisions of this section, the Commission

(*a*) may consider together all the applications filed with the Commission with respect to an area designated by the Commission pursuant to section 314B, and thereafter, on dates to be fixed by the Commission, may consider together as a group all additional applications for abandonment in that area or adjoining areas designated by the Commission;

(*b*) may require any company that operates one or more branch lines in an area that has been designated by the Commission and in which there is located at least one branch line with respect to which an application for abandonment of its operation has been filed with the Commission, to furnish to the Commission for such of its branch lines in the area as the Commission may specify, figures, for such a number of years and in such form as may be specified by the Commission, of the traffic moving over the lines whether originating or terminating at or moving between points on the lines, and all such figures, with the exception of

314c (1) If the company in the opinion of the Commission incurs losses from the operation of the branch line, the Commission may hold public hearings and determine whether the line is likely to continue to be uneconomic and if so, whether it should be abandoned immediately or after a period of time allowing for adjustments. If the company in the opinion of the Commission is not incurring losses, the application shall be rejected.

(2) The Commission may consider together all applications for abandonment in an area designated by the Commission; it may require all companies to furnish traffic figures for all lines in an area; and it may require a company that has filed more than one application to specify the order in which it wishes its applications to be heard but the order is not binding on the Commission.

those pertaining to branch lines for which applications for abandonment of operation have been filed with the Commission, shall be treated by the Commission as confidential; and

(*c*) may require any company, if it has filed applications for abandonment of the operation of more than one branch line with the Commission, to specify the order in which it desires the Commission to consider such applications; but nothing in this paragraph limits the power of the Commission to consider applications from any company in any order that the Commission considers expedient or desirable.

Matters to be considered by Commission.

(3) In determining whether an uneconomic branch line or parts thereof should be abandoned, the Commission shall consider all matters that in its opinion are relevant to the public interest including, without limiting the generality of the foregoing,

(*a*) the actual losses that are incurred in the operation of the branch line;

(*b*) the alternative transportation facilities available or likely to be available to the area served by the branch line;

(*c*) the period of time reasonably required for the purpose of adjusting any facilities, wholly or in part dependent on the services provided by the branch line, with the least disruption to the economy of the area served by the line;

(*d*) the probable effect on other lines or other carriers of the abandonment of the operation of the branch line or the abandonment of the operation of any segments of the branch line at different dates;

(*e*) the economic effects of the abandonment of the operation of the branch line on the communities and areas served by the branch line;

(*f*) the feasibility of maintaining the branch line or any segment thereof as an operating line by changes in the method of operation or by interconnection with other lines of the company;

(*g*) the feasibility of maintaining the branch line or any segment thereof as an operating line either jointly with or as part of the system of another railway company by the sale or lease of the line or segments thereof to another railway company or by the exchange of operating or running rights between companies or

(3) The Commission shall consider all matters that are relevant in deciding whether a branch line shall be abandoned, including the matters set out.

otherwise, including, where necessary, the construction of connecting lines with the lines of other companies, and

(*h*) the probable future transportation needs of the area served by the branch line.

Date of abandonment.

(4) If the Commission determines that the operation of an uneconomic branch line or segments thereof should be abandoned, the Commission shall by order fix such dates for the abandonment of the operation of the line or segments thereof as to the Commission appear to be in the public interest; but an abandonment date shall be

(*a*) not earlier than thirty days from the date of the order; and

(*b*) not later than five years from the date of the order.

Continuing operation of uneconomic branch line subject to review.

(5) If the Commission determines that the operation of an uneconomic branch line or segment thereof should not be abandoned, the Commission shall so order and thereafter shall reconsider the application for abandonment at intervals not exceeding five years from the date of the original application or last consideration thereof, as the case may be, for the purpose of determining whether the operation of the line should be abandoned; and

(*a*) if the Commission finds that the branch line or a segment thereof has, since the last consideration, become an economic line of railway, it shall reject the application for the abandonment of the line but without prejudice to any application that may subsequently be made for the abandonment of the operation of the line; or

(*b*) if the Commission finds that the branch line or a segment thereof continues to be an uneconomic line of railway, it shall determine whether the operation of the line or segment thereof should be abandoned as provided in subsection (4) or continued as provided by this subsection.

Posting of order or direction of the Commission.

(6) The company shall post in each station on the branch line to be abandoned under this section and keep so posted for such period as may be prescribed by the Commission a notice of any order or direction under subsection (4) or (5) made in respect of that line.

(4) If the Commission determines that a line should be abandoned, it shall order abandonment within five years of the date of the order.

(5) If the Commission determines that a line should not be abandoned, it shall reconsider the application at least once every five years. Upon reconsideration, if the Commission finds that the line has become economic, it shall reject the application; if it finds that the line continues to be uneconomic, it shall determine whether the line should be abandoned under (4) or continued under this subsection.

(6) The company shall post notices of all orders given under this section in all stations on the line.

Abandonment of line.

(7) Where any dates have been fixed by the Commission for the abandonment of the operation of a branch line or segments thereof, the company shall cease the operation of the line and each segment thereof on the date fixed therefor by the Commission unless before any such date the date is extended or the order fixing the date is rescinded by the Commission under subsection (8).

Extending date or rescinding order.

(8) The Commission may

(*a*) on its own motion or upon the application of any person extend the date upon which a branch line or any segment thereof is to be abandoned if the Commission is satisfied that the public interest requires such an extension, but no extension under this paragraph shall postpone the abandonment of the line or a segment thereof to a date later than five years from the date of the order fixing the earlier date; or

(*b*) with the concurrence of the company and on the Commission's own motion, or upon application by the company, rescind any order fixing the date or dates for the abandonment of a branch line if, after such investigation by the Commission as it may require, the Commission is satisfied that the branch line has become or is likely to become an economic line of railway.

Rationalization of line between systems.

**314**D. (1) In the exercise of its duties under section 314C the Commission may recommend to railway companies the exchange of branch lines between companies by lease, purchase or otherwise, the giving or exchanging between companies of operating rights or running rights over branch lines or other lines of railway, the connecting of branch lines thereof with other lines of the company or another company, and the abandonment of operation of branch lines in respect of which no applications for abandonment have been filed with the Commission.

Losses to be claimed by operating company.

(2) Where, pursuant to a recommendation made under subsection (1) by the Commission, a branch line is connected to the lines of another railway company, and the branch line is thereafter operated by the company operating the lines to which the branch line was connected, the operating company may claim under section 314E in respect of any losses attributable to such branch line; and any expenditures incurred by the company in connecting such line to its system shall be a cost of operating the branch line in the year in which the expenditure was incurred.

(7) The Company shall abandon the lines on the dates fixed.

(8) The Commission may on its own motion or under certain other circumstances, extend a date set for abandonment if the public interest requires it; or it may rescind an order for abandonment.

314D. (1) In dealing with abandonments, the Commission may recommend to railway companies the exchange of branch lines or of running rights, or the connection of branch lines with other lines of the company or with the lines of other companies.

(2) Costs of making recommended connections are operating expenses in the year the connection was made and company may claim for losses under 314E.

Reporting recommendations to Governor in Council.

(3) Where a recommendation made by the Commission under subsection (1) would involve one or more railway companies in costs or losses not recoverable under section 314E and is for that reason not acceptable to one or more of such companies, the Commission may, in its discretion, report its recommendation to the Governor in Council for such action as the Governor in Council may consider necessary in the public interest.

Reporting recommendations to local or other authorities.

(4) In the exercise of its duties under section 314C the Commission may also make recommendations not directly involving a railway company with respect to the orderly handling of traffic remaining to the branch line or any segment thereof for which the Commission has fixed a date for abandonment, and the recommendations may be referred to the appropriate authorities or to interested parties for such action as any or all of them may be prepared to take singly or collectively.

Publishing relevant traffic figures.

(5) Notwithstanding anything in subsection (2) of section 314C, the Commission may, in support of any recommendation made pursuant to subsection (1) or (4) of this section, publish any of the traffic figures furnished to the Commission pursuant to subsection (2) of section 314C, regardless of whether the figures pertain to branch lines for which applications for abandonment of operations have been filed with the Commission.

Definitions "Claim period."

**314E.** (1) In this section,

(*a*) "claim period" means, in relation to any uneconomic line of railway, the period

(i) beginning ninety days after the date the application to abandon the line has been filed with the Commission in accordance with the rules and regulations of the Commission, and

(ii) ending on

(A) the date fixed by the Commission, or as varied pursuant to section 53, for the abandonment of the branch line, or the last operated segment thereof, as the case may be, or

(B) the date upon which an order fixing a date or dates for the abandonment of the line is rescinded by the Commission under section 314C,

whichever date first occurs;

(3) If certain costs not recoverable under 314E and recommendation of Commission for this reason rejected, Commission may report its recommendation to the Governor in Council for any action considered in the public interest.

(4) The Commission may also make recommendations to other parties for handling traffic.

(5) The Commission may publish confidential figures in support of recommendations.

314E. (1) Definitions.

"Fiscal period."

(*b*) "fiscal period" means the period commencing on the 1st day of April in any year and ending on the 31st day of March in the following year; and

"Uneconomic line of railway."

(*c*) "uneconomic line of railway" means a branch line that has been determined to be uneconomic by the Commission under section 314c.

Right to claim.

(2) When an uneconomic line of railway, or any segment thereof, is being operated within a claim period, the company operating it may file a claim with the Commission for the amount of any actual loss of the company attributable to the line in any financial year of the company within the claim period, or, where only part of a financial year is within the claim period, in that part thereof within the claim period.

Time of claiming and determination of claim.

(3) A claim under this section shall be filed with the Commission not later than three months after the commencement of the fiscal period next following the financial year of the company in which the actual loss was incurred.

Payment of claim.

(4) The Commission shall examine the claim and shall certify the amount of the actual loss, if any, that in its opinion was attributable to the line and the Minister of Finance, on the recommendation of the Commission, may, in respect of the loss, pay to the company out of the Consolidated Revenue Fund an amount not exceeding the amount of the loss as certified by the Commission.

Certification and payment.

(5) Where any payment has been made under subsection (4), notice of the amount of the payment and of the total amount of all such payments in respect of the actual losses of the company attributable to the line in earlier years, if any, shall, in accordance with any regulation of the Commission in that behalf,

(*a*) be posted by the company in all stations on the branch line in respect of which the payment was made; and

(*b*) be published by the company in at least one newspaper circulating in the area served by that branch line.

Adjustments.

(6) The Commission may authorize and direct an adjustment to be made in any payment to a railway company in one fiscal period for or on account of an underpayment or overpayment made under this section to that company in an earlier fiscal period.

(2) The Company operating an uneconomic branch line may claim for losses 90 days after application for abandonment filed.

(3) Claims shall be filed within three months of end of company's financial year.

(4) The Commission shall examine claims and certify losses, if any; Minister of Finance may pay amounts not exceeding losses on recommendation of the Commission.

(5) Notices of payments under (4) to be posted in stations on lines affected and published in a local newspaper.

(6) This provision provides for adjustments to payments between years.

Costs and revenues determined by Commission.

(7) In the determination of any actual loss for the purposes of section 314B or this section,

(*a*) the Commission may, subject to paragraph (*b*), include therein or exclude therefrom such items and factors relating to costs and revenues as to the Commission seem proper; and

(*b*) the Commission shall, in determining for the purposes of this subsection the items and factors that may be taken into account by it relating to revenues, have regard to any payments received by the company under section 329 or 329A.

Commission not restricted.

(8) Nothing in paragraph (*b*) of subsection (7) shall be construed as restricting or otherwise limiting the Commission in determining, for any of the purposes of this Act, the items and factors that may be taken into account by it relating to revenues.

Applications pending under section 168.

**314F.** (1) Where on the commencement of section 314B an application for the abandonment of a line of railway is pending before the Commission for approval under section 168, the company making the application may, subject to subsection (2), elect by written notice to the Commission to have the application dealt with as an application for the abandonment of a branch line under section 314B; and upon receipt of such notice the Commission shall so deal with the application.

Election.

(2) The company may elect to transfer an application under subsection (1) only when an application to abandon the operation of the branch line could at the time be made to the Commission directly under section 314B.

Presumption of filing.

(3) Where an election has been made under this section, the application shall be deemed for the purposes of sections 314B to 314E to have been filed with the Commission on the date the notice of the election was given to the Commission, notwithstanding that it is not in the form prescribed for applications under section 314B by the rules and regulations of the Commission, but the Commission may require additional or other information or particulars to be filed with it by the company.

Prohibiting abandonments.

**314G.** (1) The Governor in Council may, from time to time, by order,

(*a*) designate areas within which branch lines shall not be abandoned notwithstanding anything in sections 314A to 314F, and

(7) The Commission is to determine factors to be considered in determining revenues and costs; in determining revenues, payments made to company to assist in meeting costs of grain movements are to be considered (Sections 329 and 329A).

(8) The reference to the grain assistance in paragraph (*b*) of subsection (7) is not to restrict or limit the items or factors relating to revenues for any of the purposes of the Act.

314F. This section is designed to provide for the handling of applications already filed with the Commission after the coming into force of the new procedures.

314G. This section is designed to permit the Governor in Council to designate areas and prescribe periods within which abandonments shall not take place under 314A to 314F; if such areas and periods are designated, losses of companies may nevertheless be paid on recommendation of Commission.

(*b*) prescribe periods during which branch lines shall not be abandoned notwithstanding anything in sections 314A to 314F,

and within such areas and during such periods no branch lines shall be approved for abandonment.

Special assistance.

(2) Where a branch line or any segment thereof is being operated after the coming into force of this section at an actual loss and the company operating that line or segment thereof is unable to make an application for abandonment under section 314B by virtue of an order under subsection (1), the company may claim for such loss and the Minister of Finance, on the recommendation of the Commission and in accordance with such regulations as the Governor in Council may make in that regard, may, out of the Consolidated Revenue Fund, pay the company an amount not exceeding the actual loss of the company, as determined by the Commission, attributable to the operation of that line or segment in the financial year of the company, or part thereof, for which the actual loss is claimed.

Commencement of ss. 314A to 314G.

**314H.** (1) Sections 314A to 314G shall come into force on a day to be fixed by proclamation of the Governor in Council.

Restriction on operation of section 168.

(2) After the coming into force of sections 314A to 314G no approval for the abandonment of the operations of any line of railway shall be given under section 168 except in accordance with such regulations as the Governor in Council may make in that regard.

Definitions.

**314I.** (1) In this section and section 314J,

"Passenger trains."

(*a*) "passenger trains" means such trains as the Commission declares by order to be passenger trains for the purposes of this section and section 314J;

"Passenger-train service."

(*b*) "passenger-train service" means a service provided by a company by means of the operation of one or more passenger trains;

"Actual loss."

(*c*) "actual loss" means the loss attributable to the carriage of passengers, mail or express or any combination of passengers, mail and express in passenger service equipment by a passenger-train service.

Application to discontinue service.

(2) If a company desires to discontinue a passenger-train service, the company shall, in accordance with the rules and regulations of the Commission in that regard, file with the Commission an application to discontinue that service.

314H. Sections 314A to 314G come into force on proclamation of Governor in Council; after they come into force, no abandonments may be approved under section 168 except under regulations to be made by Governor in Council.

314I. This section and section 314J provide a process for the discontinuance of passenger services that parallels that provided for abandonment of branch lines.

(1) Definitions.

(2) If company wishes to discontinue a passenger train service, it shall file an application with the Commission.

Statement of costs and revenues.

(3) Concurrently with the filing of the application to discontinue the passenger-train service, the company shall also submit to the Commission a statement of the costs and revenues of the company attributable to the service in each of such number of consecutive financial years of the company as the Commission may prescribe (hereinafter in this section referred to as the "prescribed accounting years"), and the company shall forthwith thereafter post, in each station served by the passenger-train service, in accordance with any regulations of the Commission in that behalf, a notice of the application to discontinue the service.

Determining actual loss.

(4) If the Commission is satisfied that the application to discontinue the passenger-train service has been filed in accordance with the rules and regulations of the Commission, the Commission shall, after investigation, and whether or not it has afforded the company an opportunity to make further submissions, review the statement of costs and revenues referred to in subsection (3) together with all other documents, facts and figures that in its opinion are relevant, and shall determine the actual loss, if any, attributable to the passenger-train service in each of the prescribed accounting years.

Determination of future status of service.

(5) If the Commission finds that in its opinion the company, in the operation of the passenger-train service with respect to which an application for discontinuance was made, has incurred actual loss in one or more of the prescribed accounting years including the last year thereof, the Commission shall, after such public hearings, if any, as it deems necessary or desirable and having regard to all matters that to it appear relevant, determine whether the passenger-train service is likely to continue to be uneconomic and, if so, whether the service should be discontinued immediately or after a period allowing for adjustments in the area served by the service; but if the Commission finds that in its opinion the company has incurred no actual loss in the operation of such service in the last year of the prescribed accounting years, it shall reject the application for the discontinuance of the service without prejudice to any application that may subsequently be made for discontinuance of that service.

Matters to be considered.

(6) In determining whether an uneconomic passenger-train service or parts thereof should be discontinued, the Commission shall consider all matters that in its opinion are relevant to the public interest including, without limiting the generality of the foregoing,

(3) At the same time, it must file a statement of the costs and revenues of the service.

(4) The Commission shall review the statement and determine the actual loss, if any, attributable to the passenger train service.

(5) If the Commission finds that actual losses have been incurred, the Commission may hold public hearings and determine whether the passenger service is likely to continue to be uneconomic and if so, whether it should be discontinued immediately or after a period allowing for adjustments; if the Commission finds that no losses have been incurred it shall reject the application.

(6) In determining whether an uneconomic passenger service should be discontinued, the Commission shall consider all relevant matters, including the matters set out.

(*a*) the actual losses that are incurred in the operation of the passenger-train service;

(*b*) the alternative transportation services, including any highway or highway system serving the principal points served by the passenger-train service, that are available or are likely to be available in the area served by the service;

(*c*) the probable effect on other passenger-train service or other passenger carriers of the discontinuance of the service, or of parts thereof; and

(*d*) the probable future passenger transportation needs of the area served by the service.

Date of discontinuance of service.

(7) If the Commission determines that the operation of an uneconomic passenger-train service should be discontinued, the Commission shall by order fix such date or dates for the discontinuance of the operation of the service or parts thereof as to the Commission appears to be in the public interest; but a discontinuance date shall be

(*a*) not earlier than thirty days from the date of the order; or

(*b*) not later than two years from the date of the order.

Disposal of application otherwise.

(8) If the Commission determines that the operation of an uneconomic passenger-train service should not be discontinued, the Commission shall so order, and thereafter shall reconsider the application for discontinuance at intervals not exceeding five years from the date of the original application or last consideration thereof, as the case may be, for the purpose of determining whether the passenger-train service should be discontinued, and if

(*a*) the Commission finds that the passenger-train service has, since the last consideration, become an economic passenger-train service, it shall reject the application for discontinuance of the passenger-train service without prejudice to any application that may subsequently be made for the discontinuance of that service; or

(*b*) the Commission finds that the passenger-train service continues to be an uneconomic service, it shall determine whether the service should be discontinued as provided in subsection (7) or continued as provided by this subsection.

Not applicable to commuter services.

(9) This section does not apply in respect of a passenger-train service accommodating principally persons who commute between points on the railway of the company providing the service.

(7) If the Commission determines the service should be discontinued, it shall order discontinuance within two years of the order.

(8) If the Commission determines that the service should not be discontinued, it shall so order and shall reconsider the application at intervals not exceeding five years. Upon reconsideration, if the service has become economic, the Commission shall reject the application; if it continues to be uneconomic, the Commission shall determine whether its operation shall be discontinued under (6) or continued under this subsection.

(9) This section is not applicable to commuter services.

Definitions. "Claim period."

**314J.** (1) In this section,

(*a*) "claim period" means, in relation to any uneconomic passenger-train service, the period

(i) beginning ninety days after the date the application to discontinue the service has been filed with the Commission in accordance with the rules and regulations of the Commission, and

(ii) ending on the date fixed by the Commission, or as varied pursuant to section 53, for the discontinuance of the service or part thereof;

"Fiscal period."

(*b*) "fiscal period" means the period commencing on the 1st day of April in any year and ending on the 31st day of March in the following year; and

"Uneconomic service."

(*c*) "uneconomic service" means a passenger-train service that has been determined to be uneconomic by the Commission under section 314I.

Filing claim for loss.

(2) When an uneconomic service is being operated within a claim period, the company operating it may file a claim with the Commission for the amount of any actual loss of the company attributable to the service in any financial year of the company within the claim period, or, where only a part of a financial year is within the claim period, in that part thereof within the claim period.

Time for filing claim.

(3) A claim under this section shall be filed with the Commission not later than three months after the commencement of the fiscal period next following the financial year of the company in which the actual loss was incurred.

Payment

(4) The Commission shall examine the claim and shall certify the amount of the actual loss, if any, that in its opinion was attributable to the service and the Minister of Finance, on the recommendation of the Commission, may, in respect of the loss, pay out of the Consolidated Revenue Fund an amount not exceeding eighty percent of the loss as certified by the Commission.

Publishing payments.

(5) The Commission may, in respect of any such payment, or the total of all such payments in respect of the actual losses of the company attributable to the passenger-train service in earlier years, make regulations requiring the company in respect of the amount of such payment or payments to

(*a*) post notices at stations served by the passenger-train service; and

(*b*) publish notices in any paper or papers circulating in the area served by the passenger-train service.

314J. (1) Definitions.

(2) The company operating an uneconomic passenger service may claim for losses 90 days after application for discontinuance filed.

(3) Claims must be filed within 3 months of end of company's financial year.

(4) The Commission shall examine the claims and certify losses, if any; and the Minister of Finance may pay amounts *not exceeding 80% of losses* on recommendation of Commission.

(5) The Commission *may* require that notices of payments be posted in stations and published in newspaper.

Adjustments.

(6) The Commission may authorize and direct an adjustment to be made in any payment to a railway company in one fiscal period for or on account of an underpayment or overpayment made under this section to that company in an earlier fiscal period.

Computing actual loss.

(7) In determining the amount of any actual loss for the purposes of section 314I or this section, the Commission may include therein or exclude therefrom such items and factors relating to costs and revenues as to the Commission seem proper."

**43.** Subsection (6) of section 315 of the said Act is repealed and the following substituted therefor:

Commission may order construction of specific works.

"(6) For the purposes of this section the Commission may order that specific works be constructed or carried out, or that property be acquired, or that cars, motive power or other equipment be allotted, distributed, used or moved as specified by the Commission, or that any specified steps, systems or methods be taken or followed by any particular company or companies, or by railway companies generally, and the Commission may in any such order specify the maximum charges that may be made by the company or companies in respect of any matter so ordered by the Commission."

**44.** The heading preceding section 317 and sections 317 and 318 of the said Act are repealed and the following substituted therefor:

Special appeal and investigation.

"**317.** (1) Any person, if he has reason to believe that any act or omission of one or more railway companies, or that the result of the making of rates pursuant to this Act after the commencement thereof, may prejudicially affect the public interest in respect of tolls or conditions of carriage of traffic, may apply to the Commission for leave to appeal the act, omission or result and the Commission, if it is satisfied that a *prima facie* case has been made, may grant leave to appeal and may make such investigation of the act, omission or result as in its opinion may be warranted.

(6) This provision provides for adjustments to payments between years.

(7) The Commission may determine the factors to be included in costs and revenues.

*Clause 43:* Section 315(6) at present reads as follows:

"(6) For the purposes of this section the Board may order that specific works be constructed or carried out, or that property be acquired, or that specified tolls be charged, or that cars, motive power or other equipment be allotted, distributed, used or moved as specified by the Board, or that any specified steps, systems, or methods be taken or followed by any particular company or companies, or by railway companies generally."

*Clause 44:* Section 317 requires that all tolls shall always under similar circumstances be charged equally to all persons and spells out this "equalization of rates" rule in some detail. This rule is being replaced by the compensatory rule under the new section 334 and the provision of a maximum rate for captive shippers under the new section 336. (See clause 53). The new section 317 would require a public inquiry to be held where the public interest may be prejudicially affected by the acts or omissions of railway companies or as a result of the new freedom in rate making.

Section 318 prohibits pooling of freights or tolls or the division of earnings between railway companies or a railway company and any common carrier, without the leave of the transportation authority.

Matters which may be considered.

(2) In conducting an investigation under this section the Commission shall have regard to all considerations that appear to it to be relevant including

(*a*) whether the tolls or conditions specified for the carriage of traffic under such tolls are such as to create an unfair disadvantage beyond that which may be deemed to be inherent in the location, scale of operation or volume and type of traffic; or

(*b*) whether control by, or the interests of a railway company in, another form of transportation service, or control of a railway company by, or the interest in the railway company of, any other transportation service may be involved.

Directing order.

(3) If the Commission, after a hearing, finds that the act, omission or result in respect of which the appeal is made is prejudicial to the public interest, it may make an order requiring the company to remove the prejudicial feature in the relevant tolls or conditions of carriage of traffic or such other order as in the circumstances the Commission considers proper, or it may report thereon to the Governor in Council for any action that is considered appropriate."

**45.** (1) Subsection (3) of section 319 of the said Act is repealed.

(2) Subsection (4) of section 319 of the said Act is repealed and the following substituted therefor:

Connecting railway to reasonable facility.

"(4) Every railway company that has or works a railway forming part of a continuous line of railway with or that intersects any other railway, or that has any termimus, station or wharf near to any terminus, station or wharf of any other railway, shall afford all due and reasonable facilities for delivering to such other railway, or for receiving from and forwarding by its railway, all the traffic arriving by such other railway without any unreasonable delay, and so that no obstruction is offered to the public desirous of using such railways as a continuous line of communication, and so that all reasonable accommodation, by means of the railways of the several companies, is, at all times, afforded to the public in that behalf."

(3) Section 319 of the said Act is further amended by adding thereto the following subsections:

*Clause 45(1):* Subsection (3) of section 319 prohibits the giving or making of any undue or unreasonable advantage or preference to or in favour of any person, through any method of handling traffic, distribution of cars, etc., and generally prohibits unjust discrimination.

(2) Section 319(4) at present reads as follows:

"(4) Every railway company that has or works a railway forming part of a continuous line of railway with or *which* intersects any other railway, or that has any terminus, station or wharf near to any terminus, station or wharf of any other railway, shall afford all due and reasonable facilities for delivering to such other railway, or for receiving from and forwarding by its railway, all the traffic arriving by such other railway without any unreasonable delay, *and without any such preference or advantage, or prejudice or disadvantage as aforesaid*, and so that no obstruction is offered to the public desirous of using such railways as a continuous line of communication, and so that all reasonable accommodation, by means of the railways of the several companies, is, at all times, afforded to the public fn that behalf."

(3): The proposed subsection (8) is taken from the present section 320(3) which reads as follows:

"(3) For the purposes of section 319, the Board may order that specific works be constructed or carried out, or that property be acquired, *or that specified tolls be charged*, or that cars, motive power or other equipment be allotted, distributed, used or moved as specified by the Board, or that any specified steps, systems, or methods be taken or followed by any particular company or companies, or by railway companies generally."

The proposed subsection (9) would require that railways afford to independent truckers the same facilities at the same rates as they afford to subsidiary trucking companies of the railways.

Commission may order specific works, charges, etc.

"(8) For the purposes of this section the Commission may order that specific works be constructed or carried out, or that property be acquired, or that cars, motive power or other equipment be allotted, distributed, used or moved as specified by the Commission, or that any specified steps, systems or methods be taken or followed by any particular company or companies, or by railway companies generally, and the Commission may in any such order specify the maximum charges that may be made by the company or companies in respect of any matter so ordered by the Commission.

Similar facilities for all truckers.

(9) If a railway company provides facilities for the transportation by rail of motor vehicles or trailers operated by any company under its control for the conveyance of goods for hire or reward, the railway company shall offer to all companies operating motor vehicles or trailers for the conveyance of goods for hire or reward similar facilities at the same rates and on the same terms and conditions as those applicable to the motor vehicles or trailers operated by the company under its control; and the Commission may disallow any rate or tariff not in compliance with this subsection and direct the company to substitute therefor a rate or tariff that complies with this subsection."

**46.** (1) Section 320 of the said Act is repealed.

(2) Sections 322 and 323 of the said Act are repealed.

**47.** Section 324 of the said Act is repealed and the following substituted therefor:

Apportionment of toll for carriage by rail and other mode of transport.

"**324.** When the toll charged by the company for the carriage, partly by rail and partly by any other mode of transport, is expressed in a single sum, the Commission, for the purpose of determining whether a toll charged is contrary in any way to the provisions of this Act, may require the company to declare forthwith to the Commission, or may determine, what portion of such single sum is charged in respect of the carriage by rail."

**48.** The heading preceding section 325 and subsections (1) to (3) of section 325 of the said Act are repealed and the following substituted therefor:

*Clause 46(1):* Section 320(1) at present permits the Board to determine as questions of fact for the purposes of sections 317 to 319 whether circumstances are similar, whether there is unjust discrimination or undue preference, etc.; while section 320(2) empowers the Board to declare what shall constitute similar circumstances, undue preference, unjust discrimination, etc., within the meaning of the *Railway Act.*

(2): Section 322 provides that the burden of proving that a lower toll, or a difference in treatment, does not amount to an undue preference or unjust discrimination lies upon the railway company.

Section 323 empowers the transportation authority, in deciding whether a lower toll or a difference in treatment amounts to undue preference or undue discrimination, to consider whether the toll or difference is necessary for the purpose of securing, in the interests of the public, the traffic in respect of which the toll or difference in treatment is made.

*Clause 47:* Section 324 at present reads as follows:

"324. *In any case in which* the toll charged by the company for carriage, partly by rail and partly by *water*, is expressed in a single sum, the Board, for the purpose of determining whether a toll charged is *discriminatory* or contrary in any way to the provisions of this Act, may require the company to declare forthwith to the *Board*, or may determine, what portion of such single sum is charged in respect of the carriage by rail."

*Clause 48:* The heading before section 325 and subsections (1) to (3) of that section at present read as follows:

*"Tariffs—General Provisions.*

To maintain tariffs of tolls by classification.

**325.** (1) Every company shall file with the Commission the freight classification that shall govern its tariffs of tolls and shall maintain such tariffs of tolls as will, in conjunction with a freight classification, provide published tolls applicable between any two points on its line in Canada."

**49.** (1) The heading preceding section 326 of the said Act is repealed.

(2) Subsections (3) to (6) of section 326 of the said Act are repealed and the following substituted therefor:

Filing with Commission.

"(3) A by-law mentioned in subsection (1) shall be filed with the Commission.

Tolls to be charged.

(4) Except as otherwise authorized by this Act, the company shall not charge any tolls except tolls specified in a tariff that has been filed with the Commission and is in effect.

Regulations as to tariffs filed with Commission.

(5) The Commission may, with respect to any tariff of tolls or classifications make regulations fixing and determining the time when, the place where, and the manner in which the tariff shall be filed, published, kept open for public inspection, and amended, consolidated, superseded or cancelled.

Power to make tolls not affected by special Act.

(6) Notwithstanding section 3, the power given by this Act to the company to fix, prepare and issue tariffs, tolls and rates, and to change and alter the same, is not limited or in any manner affected by the provisions of any Act of the Parliament of Canada or by any agreement made or entered into pursuant thereto, whether general in application or special and relating only to any specific railway or railways, except the *Maritime Freight Rates Act*, Term 32 of the Terms of Union of Newfoundland with Canada, and Part I of the *Transport Act*."

"*Freight Classification.*

325. (1) The tariffs of tolls for freight traffic shall be subject to and governed by that classification which the Board may *prescribe or authorize, and the Board shall endeavour to have such classification uniform throughout Canada, as far as may be, having due regard to all proper interests.*

(2) The Board may make any special regulations, terms and conditions or order or direction in connection with such classification, and as to the carriage of any particular commodity or commodities mentioned therein, as to it may seem expedient.

(3) The company may, from time to time, with the approval of the Board, and shall, when so directed by the Board, place any goods specified by the Board in any stated class, or remove them from any one class to any other, higher or lower, class but no goods shall be removed from a lower to a higher class until such notice as the Board determines has been given in the *Canada Gazette.*"

*Clause 49(1):* This heading will now appear before the amended section 325. (See clause 48.)

(2): Subsections (3) to (6) of section 326 at present read as follows:

"(3) All such by-laws shall be *submitted to and approved by the Board.*

(4) The Board may approve such by-laws in whole or in part, or change, alter or vary any of the provisions therein.

(5) No tolls shall be charged by the company or by any person in respect of a railway or any traffic thereon until a by-law authorizing the preparation and issue of tariffs of such tolls has been approved by the Board, nor, unless otherwise authorized by this Act, until a tariff of such tolls has been filed with, and, where such approval is required under this Act, approved by, the Board, nor until any other requirements necessary under this Act to bring such tariff into effect have been complied with; nor shall any tolls be charged under any tariff or portion thereof disallowed by the Board, or not in effect in accordance with the provisions of this Act; nor shall the company charge, levy or collect any toll or money for any service as a common carrier except under and in accordance with the provisions of this Act.

(6) The Board may, with respect to any tariff of tolls, make regulations fixing and determining the time when, the place where, and the manner in which, such tariffs shall be filed, published and kept open for public inspection."

The new subsection (6) re-enacts the substance of section 328(5) (which is repealed by clause 50) so far as the principle thereof is related to the power to make and issue tolls under the *Railway Act* as amended by this Bill. By section 328(5) the power of the transportation authority to prescribe rates is not overridden by other statutory provisions, particularly Special Acts, which would otherwise prevail, nor is any unjust discrimination justified by any statutory fixing of freight rates. The powers of the railway companies to make and issue tariffs and tolls would be subject to Special Acts if the principle of section 328(5) were not retained by being made applicable to the company's power to issue tariffs and tolls under the *Railway Act* as amended by this Bill.

**50.** Sections 328 and 329 of the said Act are repealed and the following substituted therefor:

Crows Nest Pass rates.

"**328.** (1) Rates on grain and flour moving from any point on any line of railway west of Fort William to Fort William or Port Arthur, over any line of railway now or hereafter constructed by any company that is subject to the jurisdiction of Parliament, shall be governed by the provisions of the agreement made pursuant to chapter 5 of the Statutes of Canada, 1897.

Rates on grain and flour for export through West Coast.

(2) Rates on grain and flour moving from any point on any line of railway west of Fort William to Vancouver or Prince Rupert for export over any line of railway now or hereafter constructed by any company that is subject to the jurisdiction of Parliament shall be governed by the provisions of paragraph 2 of General Order No. 448 of the Board of Railway Commissioners for Canada dated Friday the 26th day of August, 1927.

Non-application of section 3.

(3) Notwithstanding section 3, this section is not limited or in any manner affected by the provisions of any Act of the Parliament of Canada, or by any agreement made or entered into pursuant thereto, whether general in application or special or relating only to any specific railway or railways.

Review after three years.

**329.** (1) Not later than three years after the coming into force of this section, the Commission shall inquire into the revenues and costs of railway companies subject to the jurisdiction of Parliament that are attributable to the carriage of grain and grain products at the level of rates established or maintained pursuant to section 328 and at the level of rates referred to in subsection (2) and shall report such revenues and costs to the Governor in Council and the amount of payments necessary, in the opinion of the Commission, to assist such railway companies to meet the costs of operations in respect of the carriage of grain and grain products after the 31st day of December, 1969, at such level of rates; and the Governor in Council shall take such action as he deems necessary or desirable on the basis of that report to provide assistance to such railway companies.

Prevailing rates to be held.

(2) No action shall be taken under subsection (1) in respect of any railway company that has increased the level of rates prevailing on the 31st day of December, 1966,

*Clause 50:* At present section 328 gives the Board power to disallow freight rates that the Board considers unjust or unreasonable, to prescribe tolls in lieu thereof, to designate dates upon which tolls become effective, and to order a re-issue of amended tariffs, etc. It also fixes the Crows Nest Pass rates as statutory rates, and by a recent amendment includes rapeseed as a grain for the purposes of those rates.

Section 329 at present deals with the manner of referring to superseded tariffs in a superseding tariff, and provides for the manner of issuing a supplement to a cancelled tariff.

The new provisions substituted by this clause would fix the level of rates for grain and flour, and maintain the related rates in respect of grain and grain products (i.e. those rates that are not within the Crows Nest Pass agreement or Order 448 but are related thereto) at the level of rates in effect on January 1st, 1965.

Section 328(1): This re-enacts the substance of the present section 328(6).

Section 328(2): The rate for grain and flour moving for export through Vancouver and Prince Rupert is fixed at the level prescribed by the 1927 Order of the Board of Railway Commissioners.

Section 328(3): The rule under section 328(5) is retained with regard to Special Acts and other legislation.

Section 329(1): Within three years after this Part comes into force the transportation authority will inquire into the revenues and costs of moving grain and grain products at the levels prescribed under section 328 and the related levels under subsection (2) and recommend what assistance, if any, should be made to railway companies to meet the costs of that traffic. The Governor in Council would be required thereupon to take whatever action is necessary.

Section 329(2): No action flows from this section in respect of any railway company unless the "related" rates on grain and grain products for export have been maintained by the company at the level prevailing on December 31st, 1966.

(*a*) on grain products other than flour moving from any point west of Fort William to Fort William or to Port Arthur over any lines of railway of the company;

(*b*) on grain or grain products moving for export from any point west of Fort William or Armstrong to Churchill over any line of railway of the company;

(*c*) on grain or grain products moving for export from any point west of Fort William to a Canadian port on the Pacific coast, other than Vancouver or Prince Rupert, over any line of railway of the company;

(*d*) on grain products other than flour moving for export from any point west of Fort William to Vancouver or Prince Rupert over any line of railway of the company;

(*e*) on grain or grain products moving from any point west of Armstrong to Armstrong over any line of railway of the company.

Relevant factors.

(3) In making its report under subsection (1), the Commission shall have regard to all matters that in its opinion are relevant including any change that has been made by any railway company that is subject to the jurisdiction of Parliament in the equipment, methods of procedures used for the loading, carriage and unloading of grain and grain products.

Meaning of "grain products", and "grain."

(4) In this section "grain products" means any commodities to which, under the freight tariffs of the company in effect on the 1st day of January, 1966, the rates known as grain products rates, flaxseed products rates or rapeseed products rates applied on that date; and in section 328 and this section "grain" means any commodities to which under the freight tariffs of the company in effect on the 1st day of January, 1966, the rates known as grain rates, flaxseed rates or rapeseed rates applied on that date.

Presumption.

(5) Where, pursuant to any action taken by the Governor in Council under this section, financial assistance is provided a railway company in any year from moneys appropriated by Parliament therefor, the payment to such company of such assistance shall be deemed for the purposes of sections 314E, 469 and 470 to be a payment under this section.

Section 329(3): Relevant factors to be taken into consideration by the transportation authority would include changes made in equipment, methods, etc.

Section 329(4): "Grain products" and "grain" are defined for the purposes of this section and section 328.

Section 329(5): While no assistance is payable directly under this section, the assistance that may result therefrom by parliamentary action, for example, would be presumed for the purposes of the sections specified to be made under this section.

Definitions. "Eastern port."

**329A.** (1) In this section,

(*a*) "Eastern port" means any of the ports of Halifax, Saint John, West Saint John and Montreal and any of the ports on the St. Lawrence River to the east of Montreal;

"Eastern rates."

(*b*) "Eastern rates" means the freight rates applying on the 30th day of November, 1960, to the movement of grain in bulk for export from any inland point to an Eastern port;

"Inland point."

(*c*) "inland point" means any of the railway points along Georgian Bay, along Lake Huron or along any waterways directly or indirectly connecting with Lake Huron and not being farther east than Prescott, but including Prescott; and

"Grain." Maintaining existing effective rates.

(*d*) "grain" includes soya beans and flaxseed.

(2) For the purpose of encouraging the continued use of the Eastern ports for the export of grain, rates for grain moving in bulk for export to any Eastern port from any inland point over any line of a railway company subject to the jurisdiction of Parliament shall be maintained at the level of rates applying on the 30th day of November, 1960, to the movement of such grain to Eastern ports.

Determining rates for comparison.

(3) The Commission shall from time to time determine, in respect of the movement of grain in bulk for export by railway to an Eastern port from an inland point, a level of rates therefor consistent with section 334 and shall cause such rates to be published in the *Canada Gazette*.

Payment of assistance.

(4) The Governor in Council may, on the recommendation of the Commission, authorize the Minister of Finance to pay out of the Consolidated Revenue Fund to a railway company under the jurisdiction of Parliament that carries, at Eastern rates, grain moving in bulk for export to an Eastern port from an inland point, when the Eastern rates therefor are less than the rates determined and published by the Commission under subsection (3), an amount equal to the difference between the total amount received by the company in respect of that year for the carriage of such grain and the total amount that the company would have received in respect of that year had the grain been carried at the rates determined and published by the Commission under subsection (3) instead of at the Eastern rates.

Section 329A: The rates for grain moving by rail for export to Atlantic and Eastern ports from the inland points, as defined, are to be maintained at the level applicable thereto on the 30th day of November, 1960. What the compensatory rate would be for the movement of such grain to Atlantic ports would be determined by the transportation authority under the proposed subsection (3). The Minister of Finance, subject to regulations to be made by the Governor in Council, would be authorized, under the proposed subsection (4), to pay assistance to the railways for the carriage of grain for export to the ports designated from the inland points. This assistance would amount to the difference between the rates fixed under subsection (2) and the determined compensatory rate (subsection (5)). Until such compensatory rates are determined, the rates suspended by P.C. 1961/497 of March 30, 1961, and the rates related thereto would be deemed to be compensatory rates if such rates had been approved by the Board of Transport Commissioners.

Prevailing rates.

(5) Until such time as the Commission determines and publishes a level of rates under subsection (3), the railway proportions of rates for the movement of grain in bulk for export from an inland point to an Eastern port that have been filed by a railway company with the Board of Transport Commissioners for Canada in accordance with paragraph 2 of Order No. 103860 of that Board dated February 23rd, 1961, and that have been approved by that Board shall be deemed to be rates determined and published by the Commission under subsection (3)."

**51.** Section 332 of the said Act is repealed.

**52.** Subsections (2) to (5) of section 333 of the said Act are repealed and the following substituted therefor:

Tariff advancing tolls.

"(2) Unless otherwise ordered by the Commission, when any freight tariff advances any toll previously authorized to be charged under this Act, the company shall in like manner file and publish such tariff at least ten days before its effective date.

Tariff reducing tolls.

(3) A freight tariff that reduces any toll previously authorized to be charged under this Act may be acted upon and put into operation immediately on or after the issue of the tariff and before it is filed with the Commission.

Effective dates of tariffs.

(4) Where a freight tariff is filed and notice of issue is given in accordance with this Act and the regulations, orders and directions of the Commission, the tolls therein shall, unless and until they are disallowed by the Commission, be conclusively deemed to be the lawful tolls and shall take effect on the date stated in the tariff as the date on which it is to take effect, and the tariff supersedes any preceding tariff, or any portion thereof, in so far as it reduces or advances the tolls therein; and the company shall thereafter, until such tariff expires, or is disallowed by the Commission, or is superseded by a new tariff, charge the tolls as specified therein."

*Clause 51:* Section 332 at present reads as follows:

"332. Class rate tariffs

(*a*) shall specify class rates on a mileage basis for all distances covered by the company's railway, and such distances shall be expressed in blocks or groups and the blocks or groups shall include relatively greater distances for the longer than for the shorter hauls, and

(*b*) may, in addition, specify class rates between specified points on the railway and when rates are established in groups the rates to or from individual points in the groups may be higher or lower than the rates specified under paragraph (*a*)."

*Clause 52:* Subsections (2) to (5) of section 333 at present read as follows:

"(2) Unless otherwise ordered by the Board, when any freight tariff *other than a competitive* tariff *reduces* any toll previously authorized to be charged under this Act, the company shall file such tariff with the Board at least *three* days before its effective date.

(3) *Unless otherwise ordered by the Board*, when any freight tariff *other than a competitive tariff* advances any toll previously authorized to be charged under this Act, the company shall in like manner file and publish such tariff at least *thirty* days before its effective date.

(4) Competitive rate tariffs shall be filed by the company with the Board and every such tariff shall specify the date of the issue thereof and the date on which it is intended to take effect.

(5) Where a freight tariff is filed and notice of issue is given in accordance with this Act and regulations, orders and directions of the *Board*, the tolls therein shall, unless and until they are disallowed, *suspended or postponed* by the *Board*, be conclusively deemed to be the lawful tolls and shall take effect on the date stated in the tariff on which it is *intended* to take effect, and it shall supersede any preceding tariff, or any portion thereof, in so far as it reduces or advances the tolls therein, and the company shall thereafter, until such tariff expires or is disallowed or suspended by the Board or is superseded by a new tariff, charge the tolls as specified therein."

**53.** Sections 334 to 337 of the said Act are repealed and the following substituted therefor:

Rates to be compensatory.

**334.** (1) Except as otherwise provided by this Act all freight rates shall be compensatory; and the Board may require the company issuing a freight tariff to furnish to the Commission at the time of filing the tariff or at any time, any information required by the Commission to establish that the rates contained in the tariff are compensatory.

Determination of compensatory freight rate.

(2) A freight rate shall be deemed to be compensatory when it exceeds the variable cost of the movement of the traffic concerned as determined by the Commission.

Determination of variable cost.

(3) In determining for the purposes of this section the variable cost of any movement of traffic, the Commission shall

(*a*) have regard to all items and factors prescribed by regulations of the Commission as being relevant in the determination of variable costs; and

(*b*) compute the costs of capital in all cases by using the costs of capital approved by the Commission as proper for the Canadian Pacific Railway Company.

Disallowance of non-compensatory rate.

(4) The Commission may disallow any freight rate that after investigation the Commission determines is not compensatory.

Inquiry into rate.

(5) Where the Commission receives information by way of a complaint or otherwise containing *prima facie* evidence that a freight rate shown in a tariff filed with the Commission is not compensatory, the Commission shall conduct an investigation to determine if such rate is compensatory, and in any other case the Commission may, of its own motion, conduct such an investigation.

Stabilizing "select territory" rates.

**335.** (1) A rate that is for a movement between points in Canada one of which is, or both of which are, within the "select territory" as defined by sections 2, 7 and 12 of the *Maritime Freight Rates Act* and that, either,

(*a*) was reduced on or before the 30th day of April, 1962, by reason of any order of the Board of Transport Commissioners for Canada made pursuant to the *Freight Rates Reduction Act*, or

*Clause 53:* The present section 334 relates to competitive rates and prescribes rules in respect thereof; section 335 relates to the burden of proof placed on a company to justify an advance in rates other than a competitive rate, when an objection is made to the advance; section 336 sets out a national freight rates policy, and makes provision for implementing that policy by a revision of tariffs and by permitting the Board to disallow tariffs inconsistent with that policy; and section 337 deals with the matter of competitive tolls for transcontinental freight traffic and for traffic having its origin in intermediate territory.

The proposed section 334 would introduce, as the general rule for determination of the minimum rate for freight traffic, the compensatory rate, which at present applies only in the case of competitive tariffs.

Section 334(1): Freight rates are to be compensatory. Upon the issuance of a tariff the transportation authority may require information to be furnished to show that the rates under the tariff are compensatory.

Section 334(2): A compensatory rate is one that exceeds the variable cost of the movement of traffic, as determined by the transportation authority under the provisions of this section and section 387B.

Section 334(3): In determining variable costs to establish whether a rate is compensatory or not, the costs of capital are to be related to the costs of capital approved by the transportation authority for the Canadian Pacific Railway Company; in other respects the transportation authority will be guided by the relevant considerations bearing on variable costs.

Section 334(4): The transportation authority's power to disallow freight rates is retained for non-compensatory rates.

Section 334(5): The transportation authority is required to investigate a complaint that a freight rate is not compensatory if the complaint establishes *prima facie* evidence of such fact, but it may nevertheless investigate freight rates on its own initiative.

Section 335: For two years after the coming into force of this Part, the reduced freight rates described in this clause will continue in effect.

The proposed section 336 will provide a ceiling for freight rates where the competitive factor does not exist to limit such rates; that is, where a monopoly situation exists for rail transport.

(*b*) is in a tariff or a supplement thereto filed with the Board of Transport Commissioners for Canada after the 30th day of April, 1962, and is set at a level that would have satisfied the provisions of Order No. 101055, dated April 27th, 1960, of that Board had that Order been in force at the date the tariff or supplement was filed,

continues in effect notwithstanding anything in this Act or any other Act.

Limited period.

(2) Subsection (1) shall be in force during the two years after the coming into force of subsection (1) and expires at the end of that period.

Application to set range for fixed rate.

**336.** (1) A shipper of goods for which in respect of those goods there is no alternative, effective and competitive service by a common carrier other than a rail carrier or carriers or a combination of rail carriers may, if he is dissatisfied with the rate applicable to the carriage of those goods after negotiation with a rail carrier for an adjustment of the rate, apply to the Commission to have the probable range within which a fixed rate for the carriage of the goods would fall determined by the Commission; and the Commission shall inform the shipper of the range within which a fixed rate for the carriage of the goods would probably fall.

Fixing the rate.

(2) After being informed by the Commission of the probable range within which a fixed rate for the carriage of the goods would fall, the shipper may apply to the Commission to fix a rate for the carriage of the goods, and the Commission may after such investigation as it deems necessary fix a rate equal to the variable cost of the carriage of the goods and an amount equal to one hundred and fifty per cent of the variable cost, as the fixed rate applicable to the carriage of the goods in respect of which the application was made (hereinafter in this section referred to as the "goods concerned").

Determination of variable cost

(3) In determining the variable cost of the carriage of goods for the purposes of this section, the Commission shall

(*a*) have regard to all items and factors prescribed by regulations of the Commission as being relevant in the determination of variable costs;

(*b*) compute the costs of capital in all cases by using the costs of capital approved by the Commission as proper for the Canadian Pacific Railway Company;

Section 336(1): A shipper who has not competing transportation facilities available to him may, in the circumstance described, request the transportation authority to indicate to him the probable ceiling for the freight rate applicable to the shipment of his goods.

Section 336(2): If the shipper is still dissatisfied with the rate given him by the railway after being informed of the probable ceiling for the rate applicable to the shipment of his goods, he may formally apply to the transportation authority to fix a rate for his goods.

Section 336(3): In addition to the relevant factors and the costs of capital (both of which apply in computing variable costs in the determination of the compensatory or minimum rate level) two additional factors are to be considered in determining the fixed rate for a captive shipper.

(*c*) calculate the cost of carriage of the goods concerned on the basis of carloads of thirty thousand pounds in the standard railway equipment for such goods; and

(*d*) if the goods concerned may move between points in Canada by alternative routes of two or more railway companies, compute the variable cost on the basis of the costs of the lowest cost rail route.

Acceptance of fixed rate.

(4) Where a fixed rate is made under this section, the Commission shall forthwith notify the shipper of the rate so fixed, and if within thirty days of the mailing of the notice to the shipper by the Commission, the shipper enters into a written undertaking with a railway company, in a form satisfactory to the Commission, to ship the goods concerned by rail in accordance with this section, the company shall file and publish a tariff of the fixed rate which shall be effective upon such date as the Commission may, by order or regulation, direct.

Effect of accepting fixed rate.

(5) When a shipper enters into a written undertaking as provided in subsection (4),

(*a*) the shipper shall cause to be shipped by rail, for a period of one year from the date the fixed rate takes effect and for so long thereafter as the fixed rate as originally fixed or as altered under paragraph (*a*) of subsection (7) remains in force, all shipments of the goods concerned; and

(*b*) the charges for any shipments of the goods concerned in the standard railway equipment for goods of that type shall be

(i) except in any case coming under subparagraph (ii) or (iii), at the fixed rate on the basis of a minimum carload weight of thirty thousand pounds, and for shipments under thirty thousand pounds, at the prevailing rate under the tariffs of the company for goods of that type unless the shipper assumes the charges for a shipment of thirty thousand pounds at the fixed rate,

(ii) except in any case coming under subparagraph (iii), if the carload weight of a single shipment of the goods concerned is fifty thousand pounds or more, at a rate to be determined by deducting from the fixed rate an amount equal to one half the amount of the reduction in the variable

Section 336(4): A fixed rate is to be notified to the shipper, who may then enter into an undertaking to ship the goods by rail.

Section 336(5): Where a shipper has entered into an undertaking under subsection (4), the shipper must use railway facilities for the carriage of his goods for at least one year, at charges set by reference to the fixed rate or any lower rate negotiated with the company.

cost of the shipment of the goods concerned below the amount of the variable cost with reference to which the fixed rate was established, but rates need be determined under this subparagraph only as required and then for minimum carload weights based on units of twenty thousand added to thirty thousand and a rate for a carload weight in excess of fifty thousand pounds and between any two minimum carload weights so established shall be the rate for the lower of such minimum carload weights, or

(iii) at such rate less than the fixed rate, on the basis of such minimum carload weight, as the shipper may negotiate with a railway company at the time he enters into the written undertaking or at any time thereafter, and every such rate so negotiated shall be filed and published in accordance with regulations, orders or directions made by the Board.

Failure to ship goods by carrier.

(6) The Commission may require any shipper for whom a rate has been fixed under this section to supply any information to the Commission, or to make available for the inspection of the Commission, shipping books, shipping records and invoice records of every kind for the purpose of verifying that the shipper has complied with paragraph (*a*) of subsection (5); and where it is shown to the Commission that the shipper has contravened that paragraph, or where the shipper defaults in giving the Commission any information required by it, the Commission may authorize cancellation of the fixed rate in respect of the goods concerned.

Rights of company.

(7) Where a fixed rate has been cancelled pursuant to an authorization under subsection (6), the company may recover from the shipper for all goods shipped at the maximum rate the difference between charges at the maximum rate and charges based on the rate in effect on such goods immediately before the effective date of the maximum rate, and, in addition, the company is entitled to liquidated damages at the rate of ten per cent of the maximum rate on all goods shipped by the shipper otherwise than in accordance with the provisions of the written undertaking referred to in subsection (4).

Section 336(6): If information required by the transportation authority on shipments is not afforded to it by the shipper, or if the shipper contravenes paragraph (*a*) of subsection (5), the transportation authority may authorize the cancellation of the fixed rate.

Section 336(7): This section would provide a remedy to the railway company when the undertaking of a shipper is cancelled pursuant to subsection (6).

Termination or alteration of fixed rate.

(8) At any time after the expiration of one year from the date the fixed rate became effective in respect of the carriage by rail of the goods concerned,

(*a*) the Commission may, upon being satisfied of a change in the variable cost in relation to which a rate was fixed under this section, alter the fixed rate as the Commission may specify;

(*b*) the shipper may give notice in writing to the Commission and to any railway company with whom he had shipped the goods concerned that the shipper no longer desires to be bound by the written undertaking entered into in respect of the goods concerned on and after a date specified in the notice, not being earlier than ten days from the date of the notice, and thereupon his undertaking is terminated as of the date so specified, and the fixed rate shall be cancelled in respect of the goods concerned; and

(*c*) where the Commission is satisfied that there is available to the shipper in respect of the goods concerned an alternative, effective and competitive service by a common carrier other than a rail carrier or carriers or combination of rail carriers, the Commission by order may, upon the application of a railway company, authorize the cancellation of the fixed rate as originally fixed or as altered under paragraph (*a*) in respect of the goods concerned, upon such date, not being earlier than ten days from the date of the order, as is stated in the order.

Form and content of application.

(9) An application under this section shall be in such form and contain such information as the Commission may by regulation or otherwise require and without limiting the generality of the foregoing,

(*a*) an application under subsection (1) shall be accompanied by copies of all letters and documents exchanged between the shipper and any railway company in respect of the negotiations between the shipper and the rail carriers for an adjustment in the rate applicable to the goods to be shipped or received by the shipper; and

(*b*) in the case of an application under subsection (2) the shipper making the application shall pay to the Receiver General for the use of Her Majesty such fee, if any, as may be determined by the Commission but not exceeding in any event twenty-five dollars.

Section 336(8): A fixed rate may be cancelled or varied in the circumstances set out.

Section 336(9): The transportation authority may make regulations as to the form and content of applications under this section. A fee may be prescribed in respect of a formal application to fix a rate.

Application of *Maritime Freight Rates Act.*

(10) This section is subject to the *Maritime Freight Rates Act* and Term 32 of the Terms of Union of Newfoundland with Canada.

Existing level of rates prevails for fixed period.

(11) This section does not apply in respect of any freight rate in effect upon the 1st day of August, 1966, including any freight rate payable by a shipper at a level provided for on the principles of the *Freight Rates Reduction Act*, until that freight rate advances above the level payable by a shipper as of the 1st day of August, 1966.

Meaning of "company" in relation to rail route for goods of shipper.

(12) If the goods of a shipper pass over any continuous rail route in Canada operated by two or more railway companies, the expression "company" as used in this section shall be taken to mean each such company.

Meaning of "shipper."

(13) In this section "shipper" means a person sending or desiring to send goods between points in Canada or who receives or desires to receive goods shipped between points in Canada.

Advance in rates upon removal of "bridge toll."

(14) Notwithstanding subsection (11), where immediately before the coming into force of this section a reduced freight rate was in effect pursuant to section 468, an advance in that rate shall be deemed not to be an advance in the freight rate payable by a shipper until that freight rate advances to a level beyond any level authorized by the Commission under section 468 after the commencement of the *National Transportation Act.*

Expiration of subsection (11).

(15) Subsection (11) expires three years after the coming into force of this section unless, before that date, a later date is fixed for its expiration by proclamation of the Governor in Council in which case that subsection expires on such later date.

Report on operation of section.

(16) As soon as practicable after the expiration of five years from the coming into force of this section the Commission shall, after holding such public hearings as it may deem expedient and hearing the submissions of interested parties, report to the Governor in Council on the operation of this section and matters relevant thereto and, having regard to the national transportation policy, shall make such recommendations to the Governor in Council with respect to the operation of the section as the Commission considers desirable in the public interest.

Section 336(10): This section is not to affect the *Maritime Freight Rates Act* and the Terms of Union of Newfoundland with Canada.

Section 336(11): The provisions of this section are not operative until a freight rate rises above a rate payable by shippers on the 1st day of August, 1966. (An exception is contained in subsection (14)). Subsection (11) is intended to operate for a limited time only—see subsection (15).

Section 336(12): The companies concerned in one continuous rail route for goods of a shipper are to be taken as one company for the purposes of this section.

Section 336(13): "Shipper" defined for purposes of section 336.

Section 336(14): A freight rate at present reduced by virtue of the "bridge" subsidy under section 468 of the *Railway Act* must advance above a level that merely compensates for the removal of that subsidy before this section becomes operative in respect of such rate. (See clause 74 for disposal of the "bridge" subsidy).

Section 336(15): Subsection (11) which provides for the non-application of this section in respect of rates in effect on August 1st, 1966, is to continue for a period of three years or such later date as may be fixed by proclamation.

Section 336(16): Five years after the commencement of this section the transportation authority shall report to the Governor in Council on the operation of the section and make recommendations on the basis of the National Transportation Policy described in clause 1 of this Bill.

Exchange of information and common rates.

**337.** Railway companies shall exchange such information with respect to costs as may be required under this Act and may agree upon and charge common rates under and in accordance with regulations or orders made by the Commission."

**54.** (1) Paragraph (*a*) of subsection (1) of section 338 of the said Act is repealed and the following substituted therefor:

"(*a*) standard passenger tariffs; and"

(2) Subsection (2) of section 338 of the said Act is repealed and the following substituted therefor:

What standard passenger tariffs shall specify.

"(2) Standard passenger tariffs shall specify the maximum mileage toll or tolls to be charged for passengers for all distances covered by the company's railway."

(3) Section 338 of the said Act is further amended by adding thereto the following subsection:

Passenger tolls to be just and reasonable.

"(4) Where the Commission has reason to believe that

(*a*) in respect of any passenger-train service of the company that is serving areas the principal points of which are not, in the opinion of the Commission, connected by an adequate highway or adequate highway system, or

(*b*) in respect of any passenger-train service accommodating principally persons who commute between points on the railway of the company providing the service,

the passenger tariff or any portion thereof applying to such passenger-train service is unjust or unreasonable, or contrary to any of the provisions of this Act, the Commission may, notwithstanding any special Act or other Act, disallow the passenger tariff or any portion thereof that it finds unjust or unreasonable or contrary to the provisions of this Act, and upon such suspension or disallowance, the Commission may require the company to substitute within a prescribed time a tariff of tolls satisfactory to the Commission in lieu thereof, or may prescribe other tolls in lieu of the tolls so suspended or disallowed."

Section 337: The proposed section 337 would require railway companies to exchange information on costs where required under the Act and would permit such companies to agree upon and charge common rates.

*Clause 54(1):* This amendment would remove a grammatical inconsistency within the section.

Section 338(1): (*a*) at present reads:

"(*a*) the standard passenger *tariff;* and"

(2): Section 338(2) at present reads as follows:

"(2) *The* standard passenger *tariff or* tariffs, *where the company is allowed by the Board more than one standard passenger tariff*, shall specify the maximum mileage toll or tolls to be charged for passengers for all distances covered by the company's railway; *and such distances may be expressed in like manner as provided in paragraph (a) of section 332 for class rate freight tariffs.*"

Paragraph (*a*) of section 332 is repealed under clause 51 of the Bill.

(3): The new subsection (4) gives effect to a "just and reasonable" rule for passenger tariffs.

**55.** The said Act is further amended by adding thereto immediately after section 338 thereof the following section:

Special appeal and investigation.

"**338A.** (1) Any person, if he has reason to believe that a tariff of tolls for the carriage of passengers of a company, or the conditions attached to the carriage of passengers in such a tariff, are prejudicial to the public interest, may apply to the Commission for leave to appeal such a tariff or conditions, and the Commission, if it is satisfied that a *prima facie* case has been made, may grant leave to appeal and may make such investigation of such tariff or conditions as in its opinion may be warranted.

Matters which may be considered.

(2) In conducting an investigation under this section, the Commission shall have regard to all considerations that appear to it to be relevant including

(*a*) the effect of the tariff or conditions on the financial ability of the company and of other carriers of passengers to provide passenger services;

(*b*) the effect of the tariff or conditions on the variety and quality of passenger services available to the public; or

(*c*) whether control by, or the interest of a railway company in, another form of transportation service, or control of a railway company by, or the interest in the railway company of, any other transportation service may be involved.

Directing order.

(3) If the Commission, after a hearing, finds that the tariff or conditions in respect of which the appeal was made are prejudicial to the public interest, it may make an order requiring the company to remove the prejudicial feature of the relevant tariff or conditions, or such other order as in the circumstances the Commission considers proper, or it may report thereon to the Governor in Council for any action that is considered appropriate."

**56.** Subsections (1) and (2) of section 339 of the said Act are repealed and the following substituted therefor:

Standard passenger tariff.

"**339.** (1) A standard passenger tariff shall be filed and published, and amended or supplemented in accordance with regulations, orders or directions made by the Commission.

Tolls charged after filing.

(2) Until the company files its standard passenger tariff and such tariff is published, no passenger or related tolls shall be charged by the company."

*Clause 55:* The proposed new section would allow an appeal to the transportation authority with respect to passenger tolls that are believed to be prejudicial to the public interest.

*Clause 56:* Sections 339(1) and (2) at present read as follows:

"339. (1) A standard passenger tariff shall be filed, *approved* and published, and amended or supplemented, in accordance with regulations, orders or directions made by the *Board*.

(2) Until the company files its standard passenger tariff and such tariff is *so approved and* published *in the Canada Gazette*, no tolls shall be charged by the company."

**57.** (1) Subsection (1) of section 340 of the said Act is repealed and the following substituted therefor:

Special passenger tariffs.

"**340.** (1) The company shall file all special passenger tariffs with the Commission at least three days before the effective date and shall, for three days previous to the date on which any such tariff is intended to take effect, deposit and keep on file in a convenient place, open for the inspection of the public during office hours, a copy of each such tariff at every station or office of the company where passengers are received for carriage thereunder; but the Commission may, owing to the exigencies of competition or otherwise, notwithstanding anything in this section, determine the time or manner within and according to which publication of any such tariff is to be made."

(2) Subsection (3) of section 340 of the said Act is repealed and the following substituted therefor:

When tariff effective.

"(3) When the foregoing provisions have been complied with, any such tariff, unless suspended or disallowed by the Commission, shall take effect on the date stated therein as the date on which it is intended to take effect, and the company shall thereafter, until such tariff is suspended or disallowed by the Commission or expires or is superseded by a new tariff, charge the toll or tolls as specified therein, and such tariff shall supersede any preceding tariff or tariffs or any portion or portions thereof, in so far as it reduces or advances the tolls therein."

**58.** Subsection (4) of section 341 of the said Act is repealed.

**59.** Subsection (4) of section 342 of the said Act is repealed.

**60.** The heading preceding section 347 and section 347 of the said Act are repealed.

**61.** The heading preceding section 349 and section 349 of the said Act are repealed.

*Clause 57(1):* Section 340(1) at present reads as follows:

"**340.** (1) The company shall file all special passenger tariffs with the *Board* at least three days before the effective date and shall, for three days previous to the date on which any such tariff is intended to take effect, deposit and keep on file in a convenient place, open for the inspection of the public, during office hours, a copy of each such tariff, at every station or office of the company where passengers are received for carriage thereunder, *and also post up in a prominent place at each such office or station a notice in large type directing public attention to the place in such office or station where such tariff is so kept on file;* but the *Board* may, owing to the exigencies of competition or otherwise, notwithstanding anything in this section, determine the time or manner within and according to which publication of any such tariff is to be made."

(2): Section 340(3) at present reads as follows:

"(3) When the foregoing provisions have been complied with, any such tariff, unless suspended or *postponed* by the *Board*, shall take effect on the date stated therein as the date on which it is intended to take effect, and the company shall thereafter, until such tariff is disallowed or suspended by the *Board* or expires or is superseded by a new tariff, charge the toll or tolls as specified therein, and such tariff shall supersede any preceding tariff or tariffs or any portion or portions thereof, in so far as it reduces or advances the tolls therein."

*Clause 58:* Section 341(4) places the burden of proof upon the railway to establish that there are greater costs involved in a joint carriage than in a single-line carriage, where the rates in the joint tariff exceed the rates in the single-line tariff. It is only in such a case that the higher tariff is permitted.

*Clause 59:* Section 342(4) at present reads as follows:

"(4) The Board may decide that any proposed through rate is just and reasonable, notwithstanding that a less amount may be allotted to any company out of such through rate than the toll such company would otherwise be entitled to charge."

*Clause 60:* The heading preceding section 347 and section 347 at present read as follows:

"*Inspection of Freight Classifications.*

**347.** The company shall keep on file at its stations or office, where freight is received and delivered, a copy of the freight classification, or classifications, in force upon the railway, for inspection during business hours."

*Clause 61:* This section permits the Board to authorize special rates for specific shipments between points not being competitive points, to develop trade or to create business, or for the advantage of the public interest, if not otherwise contrary to the Act.

**62.** Section 356 of the said Act is repealed and the following substituted therefor:

Her Majesty's mail.

"**356.** (1) Her Majesty's mail shall, at all times, when required by the Postmaster General of Canada, be carried on the railway with the whole resources of the company, if required, at such rates consistent with section 334 as may be agreed upon by the company and the Postmaster General.

Canadian Forces and peace officers.

(2) Members of the Canadian Forces and all policemen, constables and others travelling on Her Majesty's service, shall, at all times, when required by the Minister of National Defence, or any person having the command of any police force, be carried on the railway, together with their baggage, equipment and stores, with the whole resources of the company, if required, at rates that are consistent with section 334."

**63.** The heading preceding section 364 and section 364 of the said Act are repealed.

**64.** Section 365 of the said Act is repealed and the following substituted therefor:

Powers of Commission as to express tolls.

"**365.** The Commission has and may exercise with respect to express tolls and express tariffs such powers as it has or may exercise under this Act with respect to freight tolls and freight tariffs; and all the provisions of this Act applicable to freight tolls and freight tariffs, in so far as such provisions are applicable and not inconsistent with the provisions of sections 366 to 368 and section 370, apply to express tolls and express tariffs."

**65.** Sections 367 and 368 of the said Act are repealed and the following substituted therefor:

No carriage by express until tariff filed.

"**367.** No company shall carry or transport any goods by express unless and until the tariff of express tolls therefor or in connection therewith has been filed with the Commission in the manner provided by section 366.

An unfiled toll not to be charged.

**368.** No express toll shall be charged in respect of which there is a default in filing with the Commission or that has been disallowed by the Commission."

*Clause 62:* Section 356 at present reads as follows:

"**365.** Her Majesty's mail, *Her Majesty's Forces and all artillery, ammunition, provisions or other stores for their use*, and all policemen, constables or others travelling on Her Majesty's service, shall, at all times, when required by the Postmaster General of Canada, the Minister or *Deputy Minister* of National Defence, or any person having the *superintendence and* command of any police force, *respectively*, be carried on the railway, and with the whole resources of the company if required, *on such terms and conditions and under such regulations as the Governor in Council makes.*"

*Clause 63:* The heading preceding section 364 and section 364 at present read as follows:

"*Tolls and Traffic on Bridges and Tunnels.*

**364.** The provisions of this Act in respect of tolls, tariffs and traffic, in so far as the Board deems them applicable, extend and apply to

(*a*) any company that has power under any Special Act to construct, maintain and operate any bridge or tunnel for railway purposes, or for railway and traffic purposes, and to charge tolls for traffic carried over, upon or through such structure by any railway, and

(*b*) the traffic so carried over, upon or through such structure."

This section does not now appear to have any practical application.

*Clause 64:* Section 365 at present reads as follows:

"**365.** (1) *All express tolls are subject to the approval of the Board.*

(2) The *Board may disallow any express tariff or any portion thereof that it considers unjust or unreasonable*, and has and may exercise *all such powers* with respect to express tolls and *such* tariffs as it has or may exercise under this Act with respect to freight tolls and freight tariffs; and all the provisions of this Act applicable to freight tolls and freight tariffs, in so far as such provisions are applicable and not inconsistent with the provisions of this section and sections 366 to 370. apply to express tolls and tariffs."

*Clause 65:* Sections 367 and 368 at present read as follows:

"**367.** No company shall carry or transport any goods by express, unless and until the tariff of express tolls therefor or in connection therewith has been *submitted to* and filed with the *Board* in the manner *hereinbefore* provided; *or in the case of competitive tariffs, unless such tariffs are filed in accordance with the rules and regulations of the Board made in relation thereto; or in any case where such express toll in any tariff has been disallowed or suspended by the Board.*

**368.** No express toll shall be charged in respect of which there is default in *such* filing, or *which is* disallowed *or suspended* by the *Board.*"

**66.** The heading preceding section 369 and section 369 of the said Act are repealed.

**67.** (1) Subsection (4) of section 380 of the said Act is repealed.

(2) All that portion of subsection (13) of section 380 of the said Act preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

Application of provisions of Act.

"(13) Without limitation of the generality of this subsection by anything contained in the preceding subsections or in section 381, the jurisdiction and powers of the Commission, and, in so far as reasonably applicable and not inconsistent with this section, section 381 or the Special Act, the provisions of this Act respecting such jurisdiction and powers, and respecting proceedings before the Commission and appeals to the Supreme Court or Governor in Council from the Commission, and respecting offences and penalties, and the other provisions of this Act except sections 73 to 273, 275 to 285, 290 to 317, 321, 324, 326, 328 to 329A, 332 to 340, 353 to 359, 363 to 371, 393 and 394, 397, 401 to 431, 439 to 443, 449, 456 to 464, extend and apply to all companies as in this section defined, and to all telegraph and telephone systems, lines and business of such companies within the legislative authority of the Parliament of Canada; and in and for the purposes of such application."

**68.** The heading preceding section 381 and section 381 of the said Act are repealed and the following substituted therefor:

"*Traffic, Tolls and Tariffs.*

Tolls to be just and reasonable.

**381.** (1) All tolls shall be just and reasonable, and shall always, under substantially similar circumstances and conditions with respect to all traffic of the same description carried over the same route, be charged equally to all persons at the same rate.

No unjust discrimination.

(2) A company shall not in respect of tolls

(*a*) make any unjust discrimination against any person or company;

(*b*) make or give any undue or unreasonable preference or advantage to or in favour of any particular person or company or any particular description of traffic, in any respect whatever; or

*Clause 66:* The heading referred to and section 369 at present read as follows:

*"Board may define Carriage by Express.*

**369.** The Board may by regulation, or in any particular case, prescribe what is carriage or transportation of goods by express, or whether goods are carried or transported by express within the meaning of this Act, and may order that all such goods as the Board may think proper shall be carried by express."

*Clause 67(1):* (See paragraph 4 of the general note opposite page 1 of this Bill).

Section 380(4) at present reads as follows:

"(4) Such telegraph and telephone tolls may be dealt with by the Board in the same manner as is provided by this Act with respect to freight tariffs, and all the provisions of this Act, except section 336, applicable to companies thereunder with respect to freight tariffs and tolls shall in so far as they are applicable, and not inconsistent with the provisions of this section, apply to the company with respect to such telephone and telegraph tariffs and tolls."

(2): The relevant portion of section 380(13) at present reads as follows:

"(13) Without limitation of the generality of this subsection by anything contained in the preceding subsections, the jurisdiction and powers of the *Board*, and, in so far as reasonably applicable and not inconsistent with this section or the Special Act, the provisions of this Act respecting such jurisdiction and powers and respecting proceedings before the *Board* and appeals to the Supreme Court or Governor in Council from the *Board*, and respecting offences and penalties, and the other provisions of this Act, except sections 73 to 273, 275 to 285, 290 to *316*, 326, 354 to 359, 365 to 371, 401 to 431, 456 to 464, extend and apply to all companies as in this section defined, and to all telegraph and telephone systems, lines and business of such companies within the legislative authority of the Parliament of Canada; and in and for the purposes of such application."

*Clause 68:* The present section 381 relating to Marine Electric Telegraphs and Cables was enacted in 1910, but has not been brought into force. Its operation was to be effected by proclamation upon the making of similar provisions by the United Kingdom.

The new section 381(1): The "just and reasonable" rule is retained for telegraph and telephone rates.

Section 381(2): The "non-discrimination" rule is retained for telegraph and telephone tolls.

(*c*) subject any particular person or company or any particular description of traffic to any undue or unreasonable prejudice or disadvantage, in any respect whatever;

and where it is shown that the company makes any discrimination or gives any preference or advantage, the burden of proving that the discrimination is not unjust or that the preference is not undue or unreasonable lies upon the company.

Commission may determine.

(3) The Commission may determine, as questions of fact, whether or not traffic is or has been carried under substantially similar circumstances and conditions, and whether there has, in any case, been unjust discrimination, or undue or unreasonable preference or advantage, or prejudice or disadvantage, within the meaning of this section, or whether in any case the company has or has not complied with the provisions of this section or section 380.

Power of Commission to suspend, postpone and disallow tolls.

(4) The Commission may

(*a*) suspend or postpone any tariff of tolls or any portion thereof that in its opinion may be contrary to section 380 or this section; and

(*b*) disallow any tariff of tolls or any portion thereof that it considers to be contrary to section 380 or this section and require the company to substitute a tariff satisfactory to the Commission in lieu thereof or prescribe other tolls in lieu of any tolls so disallowed.

General powers of Commission.

(5) In all other matters not expressly provided for in this section the Commission may make orders with respect to all matters relating to traffic, tolls and tariffs or any of them.

Definition of expressions.

(6) In this section and section 381A, the expressions "company", "Special Act", "toll" and "traffic" have the meanings assigned to them by section 380.

*Contracts, etc. Limiting Liability.*

Contracts, etc., impairing carrier's liability.

**381A.** (1) No contract, condition, by-law, regulation, declaration or notice made or given by the company, impairing, restricting or limiting its liability in respect of any traffic shall, except as hereinafter provided, relieve the company from such liability, unless the class of contract, condition, by-law, regulation, declaration or notice has been first authorized or approved by order or regulation of the Commission.

Section 381(3): The transportation authority will continue to determine as fact whether traffic has or has not been carried under similar conditions, and whether there has been unjust discrimination, as is the case at the present time under sections 320(1) and 380 of the *Railway Act*.

Section 381(4): This provision sets out the powers to suspend, postpone and disallow telegraph and telephone tolls.

Section 381(5): A general power is given to the transportation authority to make orders respecting such traffic, tolls and tariffs.

Section 381(6): Certain terms are to have the same meanings in both sections 380 and 381.

Section 381A: This section repeats for telegraph and telephone contracts the substance of section 353.

Power of Commission.

(2) The Commission may, in any case, or by regulation, determine the extent to which the liability of the company may be so impaired, restricted or limited.

Commission may prescribe terms.

(3) The Commission may by regulation prescribe the terms and conditions under which any traffic may be carried by the company."

**69.** Section 387 of the said Act is amended by adding thereto the following subsection:

Review of uniform classification of accounts.

"(7) The Commission shall review and revise as necessary the uniform classification of accounts, at intervals not longer than every two years, to ensure that railway companies maintain separate accounting

(*a*) of the assets and earnings of their rail and non-rail enterprises; and

(*b*) of their operations by modes of transport."

**70.** The said Act is further amended by adding thereto, immediately after section 387 thereof, the following sections:

Allowances included in "costs."

"**387A.** (1) In computing the costs of the undertaking of the company for the purposes of sections 314A to 314J, 329, 334, 387B and this section, there shall be included such allowance on a periodic basis

(*a*) for depreciation, and

(*b*) in respect of the cost of any money expended, whether or not the expenditure was made out of borrowed money,

as to the Commission seems reasonable in the circumstances.

Computation of costs of a portion of an undertaking.

(2) Without limiting the powers of the Commission under this Act to determine costs,

(*a*) if the costs of a portion of the undertaking of the company or of a particular operation of the company are to be computed for a particular period, such of the costs of the whole undertaking of the company or any other portion of such undertaking thereof as, in the opinion of the Commission, are reasonably attributable to that portion of the undertaking or to the particular operation, as the case may be, in respect of which the costs are being computed, may be included in such computation of costs, irrespective of when, or in what manner, or by whom such costs were incurred; and

*Clause 69:* The uniform classification of accounts of railway companies is to be reviewed to ensure that separate accounts are kept for the matters indicated.

*Clause 70:* Section 387A(1): Allowances on a periodic basis for depreciation and allowances in respect of the cost of money expended are to be included as costs in the determination of costs for the purposes of the provisions indicated.

Section 387A(2): Where the costs of a portion of an undertaking or of a particular operation are to be determined for a particular period, so much of the costs of the whole undertaking or parts thereof as are determined to be reasonably attributable thereto may be included. Where the computation of such costs is to be made with respect to a future operation, they shall be estimated on a basis deemed reasonable by the transportation authority.

(*b*) if the costs of a portion of the undertaking of the company or of a particular operation of the company are to be computed in respect of future operations of the company, they shall be determined in accordance with estimates made on such basis as to the Commission seems reasonable in the circumstances.

Effect of determination of costs.

(3) Any determination of costs by the Commission for any of the purposes of this Act is final and binding upon all parties interested or affected thereby.

Components of variable costs.

**387B.** (1) The Commission shall by regulation prescribe for any of the purposes of this Act the items and factors, including the factors of depreciation and the cost of capital as provided in subsection (1) of section 387A, which shall be relevant in the determination of costs, and, to the extent that the Commission deems it proper and relevant to do so, the Commission shall have regard to the principles of costing adopted by the Royal Commission on Transportation appointed by the Order-in-Council dated the 13th day of May, 1959, in arriving at the conclusions contained in the report thereof, and to later developments in railway costing methods and techniques and to current conditions of railway operations.

Notice of amendments.

(2) When the Commission proposes to amend any regulations made under subsection (1), the Commission shall give notice thereof in the *Canada Gazette* and a period of thirty days from the day of the publication of the notice shall be allowed for the making of written submissions to the Commission with respect to the proposed amendment.

Bringing amendments into force.

(3) Where no submissions seeking changes in a proposed amendment mentioned in subsection (2) are received by the Commission within the time limited therefor under subsection (2), the proposed amendment shall be brought into force on a day not earlier than sixty days from the day of the publication of the notice in the *Canada Gazette* of the proposed amendment.

Bringing amendments into force after submissions made.

(4) Where a submission seeking a change in a proposed amendment mentioned in subsection (2) is received by the Commission within the time limited therefor under subsection (2), the Commission shall allow a further period of thirty days for the circulation of the submission and the receipt of replies thereto; and after the expiration of the further period of

Section 387A(3): A determination of costs is to be final and binding on all parties concerned.

Section 387B(1): The components of costs shall be those that the transportation authority prescribes as being relevant.

Section 387B(2): A proposed regulation under this section is to be given prior publicity and submissions may be made to the transportation authority with respect thereto.

Section 387B(3): When no submissions are received the proposed regulation may be brought into force.

Section 387B(4): When a submission is received with regard to a proposed regulation under this section, the transportation authority shall allow a period for the circulation of the submission and the receipt of replies thereto, and may hold hearings on the proposed regulation.

thirty days the Commission may bring the proposed amendment into force on a day fixed by the Commission, or if it considers it desirable to do so, the Commission may hold hearings with respect to the proposed amendment and bring it into force, in the form originally proposed or as altered after the hearings thereon, with effect from a day, not earlier than thirty days following the day the hearings thereon were concluded.

Amendments proposed by a submission to the Commission.

(5) Where an amendment to the regulations made under this section is proposed by a person other than the Commission and in the opinion of the Commission the amendment so proposed merits it, the Commission shall allow such time as it considers adequate for the circulation of the proposal and replies thereto and, if the Commission considers it desirable to do so, for the holding of hearings with respect to the proposed amendment; and if the proposed amendment is accepted by the Commission, the Commission may bring it into force on a day fixed by the Commission or, if hearings were held thereon, the Commission may bring the proposed amendment into force in the form originally proposed or as altered after the hearings thereon, with effect from a day, not earlier than thirty days following the day the hearings thereon were concluded.

Information bearing on costs.

**387c.** Where information concerning the costs of a railway company or other information that is by its nature confidential is obtained from the company by the Commission in the course of any investigation under this Act, such information shall not be published or revealed in such a manner as to be available for the use of any other person."

**71.** Section 415 of the said Act is repealed and the following substituted therefor:

Trespass by foot.

"**415.** (1) Every person who without authority therefor from the company enters upon or trespasses upon the yard or track of the company, except where the same is laid across or along a highway, is liable on summary conviction to a penalty not exceeding twenty dollars.

Trespass by vehicle.

(2) Every person who without authority therefor from the company operates a vehicle upon the yard or right of way of the company, except where the same is laid across or along a highway, is liable on summary conviction to a penalty not exceeding one hundred dollars."

Section 387B(5): When an amendment to the regulations under this section is proposed by someone other than the transportation authority, the authority may circulate the submission and hold hearings with respect thereto, and bring the proposed amendment into force thereafter.

Section 387C: Confidential information obtained in the course of an investigation is not to be published or revealed.

*Clause 71:* Section 415 at present reads as follows:

"**415.** Every person, *not connected with the railway or employed by the company,* who trespasses upon the yard or track of the company, except where the same is laid across or along a highway, is liable on summary conviction to a penalty not exceeding ten dollars."

**72.** Subsection (1) of section 436 of the said Act is repealed and the following substituted therefor:

Unlawful rebates or concessions.

"**436.** (1) Any person or company or any officer or agent of any company who offers, grants or gives, or solicits, accepts or receives any rebate, concession or discrimination in respect of the transportation of any traffic by the company, whereby any such traffic is, by any device whatsoever, transported at a less rate than that named in the tariffs then in force, is for each offence liable to a penalty not exceeding one thousand dollars.

Unjust discrimination in telegraph and telephone traffic.

(1a) Any person or company or any officer or agent of a company

(*a*) for whom a company having power to carry telegraph or telephone traffic (in this subsection called a "telegraph or telephone company") or any of its officers or agents, is by any means or device whatever induced to transport such traffic at a less rate than that named in the tariffs then in force, and thereby to discriminate unjustly in favour of any person, company, officer or agent as against any other person or company, or

(*b*) who aids or abets a telegraph or telephone company in any unjust discrimination,

is for each offence liable to a penalty not exceeding one thousand dollars."

**73.** Paragraph (*b*) of section 443 of the said Act is repealed.

Cessation of "bridge subsidy".

**74.** (1) Section 468 of the said Act shall cease to have any force or effect in respect of any payments relating to any year after the year 1966.

(2) The said Act is further amended by adding thereto immediately after section 468 the following sections:

Reduced rates continued.

"**468A.** (1) A rate that, immediately before the coming into force of Part V of the *National Transportation Act*, was in force by virtue of section 468 continues in force subject to subsections (2) to (4).

First increase.

(2) The Commission shall, one year after the coming into force of Part V of the *National Transportation Act*, authorize such increases in the rates to which subsection (1) applies as in the opinion of the

*Clause 72:* Section 436(1) at present reads as follows:

"**436.** (1) Any person or company, or any officer or agent of any company

(*a*) who offers, grants or gives, or solicits, accepts or receives any rebate, concession, or discrimination in respect of the transportation of any traffic by the company, whereby any such traffic is, by any device whatsoever, transported at a less rate than that named in the tariffs then in force;

(*b*) for whom *the* company or any of its officers or agents, is by any such means induced to transport traffic, and thereby to discriminate unjustly in favour of any *such* person, company, officer or agent as against any other person or company; or

(*c*) who aids or abets the company in any unjust discrimination;

is for each offence liable to a penalty not exceeding one thousand dollars and *not less than one hundred dollars.*"

*Clause 73:* Section 443(*b*) at present reads as follows:

"(*b*) in the case of competitive tariffs, unless such tariffs are filed in accordance with the rules and regulations of the Board made in relation thereto; or"

*Clause 74:* Section 468 at present authorizes the payment of the subsidy known as the "bridge subsidy". After the enactment of this Part that subsidy will cease.

Commission would, if put wholly into effect, yield the Canadian National Railway Company and the Canadian Pacific Railway Company, combined, three million dollars, approximately, of additional annual revenues.

Second increase.

(3) The Commission shall, two years after the coming into force of Part V of the *National Transportation Act*, authorize such further increases in the rates to which this section applies as in the opinion of the Commission would, if put wholly into effect, yield the Canadian National Railway Company and the Canadian Pacific Railway Company, combined, two million dollars, approximately, of additional annual revenues.

Third increase.

(4) The Commission shall, three years after the coming into force of Part V of the *National Transportation Act*, authorize such further increases in the rates to which this section applies as in the opinion of the Commission would, if put wholly into effect, yield the Canadian National Railway Company and the Canadian Pacific Railway Company, combined, two million dollars, approximately, of additional annual revenues.

Expiration.

(5) This section expires four years after the coming into force of Part V of the *National Transportation Act*.

Definitions. "Eligible companies."

**469.** (1) In this section,

(*a*) "eligible companies" means the railway companies under the jurisdiction of Parliament that are subject to Order No. 93600 of the Board of Transport Commissioners for Canada dated November 17th, 1958, and that immediately before the coming into force of this section were maintaining a rate level for freight traffic that would have satisfied the provisions of Order No. 101055 of that Board dated April 27, 1960, had that Order been in force immediately before the coming into force of this section.

"Normal payment."

(*b*) "normal payment" means the payment that would have been made to a railway company for a year if the sum specified in subsection (2) for that year was available to be divided among the eligible companies as a Parliamentary appropriation to reimburse eligible companies for maintaining the level of rates for freight traffic at a level that would satisfy Order No. 101055 of the Board of Transport Commissioners for Canada, dated April 27, 1960.

Section 469: This section will authorize the payment of a "general subsidy" to ensure that the assistance otherwise provided by this Part, in the first years after it comes into force, will not leave the railway companies worse off than they would be under appropriated annual assistance to maintain reduced freight rates.

Normal payment to be calculated.

(2) For each of the years 1967 to 1974, inclusive, the Commission shall calculate the normal payment that would have been made to a railway company if the following sums were available to be divided among eligible companies, namely:

(*a*) for 1967, the sum of one hundred and ten million dollars;

(*b*) for 1968, the sum of ninety-six million dollars;

(*c*) for 1969, the sum of eighty-two million dollars;

(*d*) for 1970, the sum of sixty-eight million dollars;

(*e*) for 1971, the sum of fifty-four million dollars;

(*f*) for 1972, the sum of forty million dollars;

(*g*) for 1973, the sum of twenty-six million dollars; and

(*h*) for 1974, the sum of twelve million dollars.

Factors bearing on calculation.

(3) The method of calculating a normal payment shall be determined by the Commission but in making its calculation the Commission shall have regard to all factors that in its opinion are relevant, including the methods of allocating among eligible companies the sums provided before the coming into force of this section by Parliament to reimburse such companies for maintaining the level of rates for freight traffic at a level that satisfied or would have satisfied Order No. 101055 of the Board of Transport Commissioners for Canada dated April 27, 1960.

Equalization payment authorized.

(4) When the normal payment calculated in respect of a railway company for a year exceeds, or in the opinion of the Commission is likely to exceed, the aggregate of the amounts payable in respect of that year to a railway company under sections 314E, 314G, 314J, 329 and 329A, the Minister of Finance may, on the recommendation of the Commission, pay out of the Consolidated Revenue Fund to such railway company, at such times and by such instalments as the Governor in Council may prescribe, an amount equal to the amount by which the normal payment calculated in respect of such railway company exceeds the aggregate of the amounts paid or payable to such railway company under sections 314E, 314G, 314J, 329 and 329A in respect of that year.

Adjustments

(5) The Minister of Finance on the recommendation of the Commission may make an adjustment in any payment to a railway company under this section or sections 314E, 314G, 314J, 329 and 329A in or for one year for or on account of an underpayment or overpayment made under this section in an earlier year."

R.S., c. 271.

**75.** Section 34 of the *Transport Act* is repealed and the following substituted therefor:

Rights and obligations preserved.

"**34.** Nothing in this Part affects any right or obligation granted or imposed by the *Maritime Freight Rates Act* or by Term 32 of the Terms of Union of Newfoundland with Canada, or by section 328 or 329A of the *Railway Act*."

R.S., c. 39; 1955, c. 29, s. 47.

**76.** The *Canadian National—Canadian Pacific Act* is repealed.

1955, c. 29; 1960-61, c. 28.

**77.** (1) Paragraph (*a*) of subsection (1) of section 22 of the *Canadian National Railways Act* is repealed and the following substituted therefor:

"(*a*) if the line, branch or extension does not exceed twenty miles in length, and"

(2) Paragraph (*a*) of subsection (2) of section 39 of the *Canadian National Railways Act* is repealed.

**78.** Subsection (4) of section 1 of *An Act to amend the Railway Act*, chapter 40 of the Statutes of 1958, as amended by section 3 of *An Act to amend the Railway Act*, chapter 28 of the Statutes of 1963, is repealed and the following substituted therefor:

Special provisions for twelve years.

"(4) Notwithstanding subsection (2) of this section, with respect to any costs incurred in placing reflective markings on the sides of railway cars during the period of twelve years from the 31st day of January, 1958 and with respect to any work for the protection, safety and convenience of the public in respect of crossings ordered or authorized within that period under section 265 of the *Railway Act*, subsection (2) of section 265 of that Act shall be deemed to read as follows:

Limit on amounts.

"(2) The total amount that may be applied towards the cost of placing reflective markings on the sides of railway cars shall not exceed eighty per cent of such cost, and the total amount that may be applied towards the cost of work actually done in respect of any one crossing shall not exceed

(*a*) in the case of a crossing at rail level, the aggregate of

*Clauses 75 to 77* deal with amendments to other Acts that are consequential upon earlier clauses of this Part or that follow from specific recommendations of the Royal Commission on Transportation.

*Clause 75:* Section 34 of the *Transport Act* at present reads as follows:

"34. Nothing in this Part affects any right or obligation, granted or imposed, by the *Maritime Freight Rates Act* or by *paragraph (e) of section 1 of chapter 5 of the statutes of 1897, as extended and preserved by subsections (5) and (6) of* section 328 of the *Railway Act*."

*Clause 76:* Part I of the Act mentioned here was repealed in 1955 by Chapter 29 of the Statutes of that year. The rest of the Act is being repealed as recommended by the Royal Commission on Transportation.

*Clause 77(1):* This amendment is consequential upon the amendment proposed under clause 41(2). The relevant portion of subsection (1) of section 22 at present reads as follows:

"22. (1) With the approval of the Governor in Council and upon any location sanctioned by the Minister of Transport, the National Company may construct, maintain and operate railway lines, branches and extensions

(*a*) if the line, branch or extension does not exceed *six* miles in length, and"

(2) Section 39(2)(*a*) of the *Canadian National Railways Act* at present reads as follows:

"(2) The report shall contain a separate section giving in a summary manner information concerning:

(*a*) the results achieved and the economies effected under the *Canadian National–Canadian Pacific Act* during the immediately preceding financial year of National Railways;"

*Clause 78:* Section 3 of 1963, c. 28 at present reads as follows:

"**3.** Subsection (4) of section 1 of *An Act to amend the Railway Act*, chapter 40 of the statutes of 1958, as amended by section 1 of *An Act to amend An Act to amend the Railway Act*, chapter 35 of the statutes of 1960, is repealed and the following substituted therefor:

"(4) Notwithstanding subsection (2) of this section, with respect to any costs incurred in placing reflective markings on the sides of railway cars during the period of *nine* years from the 31st day of January, 1958, and with respect to any work for the protection, safety and convenience of the public in respect of crossings ordered or authorized by the Board of Transport Commissioners within that period, subsection (2) of section 265 of the *Railway Act* shall be deemed to read as follows:

"(2) The total amount that may be applied towards the cost of placing reflective markings on the sides of railway cars shall not exceed eighty per cent of such cost, and the total amount that may be applied towards the cost of work actually done in respect of any one crossing shall not exceed

(*a*) in the case of a crossing at rail level, the aggregate of

(i) eighty per cent of the cost of the work (except the relocation of a public utility plan that is part of the work) or five hundred thousand dollars, whichever is the lesser, and

(i) eighty per cent of the cost of the work (except the relocation of a public utility plan that is part of the work) or five hundred thousand dollars, whichever is the lesser, and

(ii) eighty per cent of the cost of such relocation, and

(*b*) in the case of reconstruction and improvement of a grade separation, the aggregate of

(i) fifty per cent of the cost of the work (except the relocation of a public utility plan that is part of the work) or two hundred and fifty thousand dollars, whichever is the lesser, and

(ii) fifty per cent of the cost of such relocation".".

rovision.

**79.** Notwithstanding anything in the *Railway Act* as amended by this Part, all tolls, rates, charges or tariffs and all regulations, rules, orders, directions and approvals of the Board of Transport Commissioners for Canada in effect immediately before the coming into force of this Part, except such regulations, rules, orders, directions and approvals as are inconsistent with the *Railway Act* as amended by this Part, continue in full force and effect until amended or replaced pursuant to the *Railway Act* as so amended.

## PART VI.

### Transitional Provisions.

*Board of Transport Commissioners.*

Members of Board of Transport Commissioners.

**80.** (1) Upon the coming into force of Part I, a person who, immediately before the coming into force of that Part, was a member of the Board of Transport Commissioners for Canada becomes a member of the Canadian Transport Commission with like effect as though he had been appointed thereto under Part I on the day that he was last appointed to the Board of Transport Commissioners for Canada.

Employees of Board of Transport Commissioners.

(2) Upon the coming into force of Part I, the officers and employees of the Board of Transport Commissioners for Canada, other than those officers and employees referred to in subsection (3), are transferred to the Canadian Transport Commission.

(*b*) in the case of reconstruction and improvement of a grade separation, the aggregate of

(i) fifty per cent of the cost of the work (except the relocation of a public utility plan that is part of the work) or two hundred and fifty thousand dollars, whichever is the lesser, and

(ii) fifty per cent of the cost of such relocation".

This clause extends the present levels of grants that may be made under the Grade Crossing Fund for a further three years after Jan. 31, 1966.

*Clause 79:* Existing tolls and tariffs, and existing rules, regulations and orders, except where in conflict with the *Railway Act*, as amended by this Part, are to remain as on commencement of this Part, until altered or replaced under the *Railway Act* as amended by this Part.

*PART VI:*

*Clause 80*(1): Members of the Board of Transport Commissioners for Canada automatically become members of the new transportation authority when Part I comes into force.

(2): The employees of the Board will be transferred to the new authority.

Chief Commissioner.

**81.** (1) Sections 23, 24, 27, 29 and 30 of the *Judges Act* apply in respect of the person who immediately before the coming into force of Part I held the office of Chief Commissioner of the Board of Transport Commissioners for Canada as though his service in that office and any subsequent service as a member of the Canadian Transport Commission were service in the office of a judge of the Exchequer Court, and notwithstanding anything in the *Public Service Superannuation Act* such person is not a member of the public service for the purposes of that Act.

May become judge of Exchequer Court.

(2) Where after the coming into force of Part I, the person referred to in subsection (1)

(*a*) resigns as a member of the Canadian Transport Commission before attaining the age of seventy-five years, or

(*b*) ceases to be a member of the Canadian Transport Commission by reason of the expiration of his term of office before he has attained the age of seventy-five years,

he becomes, at the time he resigns or at the time such term expires and without any appointment pursuant to the *Exchequer Court Act*, a puisne judge of the Exchequer Court, in addition to the number of judges of that Court provided for in the *Exchequer Court Act* and the *Judges Act*, with the same jurisdiction, tenure of office and salary as other puisne judges of the Exchequer Court; and for the purposes of sections 23 and 24 of the *Judges Act* his period of service as Chief Commissioner of the Board of Transport Commissioners for Canada and as a member of the Canadian Transport Commission shall be added to his period of service as judge of the Exchequer Court, and for the purposes of section 34 of the *Judges Act* his salary as a puisne judge of the Exchequer Court shall be deemed to be payable under that Act.

Idem.

(3) Notwithstanding the repeal of section 10 of the *Railway Act* by this Act, subsection (5) of that section continues to apply in respect of the person referred to in subsection (1) of this section.

Status of former Chief Commissioner.

(4) Notwithstanding any provision of Part I, the person referred to in subsection (1) shall, during his tenure of office as a member of the Canadian Transport Commission, if he is not appointed to hold the office of President or vice-president of that Commission, be appointed to and hold the office of Chairman of the Railway Transport Committee of the Commission and shall not during his tenure of office as a member of that Commission be paid any less salary than he received as Chief Commissioner of the Board of Transport Commissioners for Canada immediately before the coming into force of Part I.

*Clause 81:* (1) to (3): This clause preserves for the present Chief Commissioner of the Board of Transport Commissioners the rights arising out of subsections (3), (4) and (5) of section 10 of the *Railway Act.*

Subsections (3) to (5) of section 10 of the *Railway Act* at present reads as follows:

"(3) Sections 23, 24, 27, 29 and 30 of the *Judges Act* apply in respect of the Chief Commissioner as though his service in the office of Chief Commissioner were service in the office of a judge of the Exchequer Court, and notwithstanding anything in the *Civil Service Superannuation Act* the Chief Commissioner is not a civil servant for the purposes of that Act.

(4) Where the term of office of a Chief Commissioner expires before he has attained the age of seventy-five years and he has not, prior to the expiration of such term, been reappointed as Chief Commissioner for a further term, he becomes, at the time such term expires and without any appointment pursuant to the provisions of the *Exchequer Court Act*, a puisne judge of the Exchequer Court in addition to the number of judges of the Exchequer Court provided for in the *Exchequer Court Act* and the *Judges Act* and with the same jurisdiction, tenure of office and salary as other puisne judges of the Exchequer Court; and for the purposes of sections 23 and 24 of the *Judges Act* his period of service as Chief Commissioner shall be added to his period of service as judge of the Exchequer Court, and for the purposes of section 34 of the *Judges Act* his salary as a puisne judge of the Exchequer Court shall be deemed to be payable under that Act.

(5) Where a Chief Commissioner who made an election under section 27 of the *Judges Act* in respect of his office as Chief Commissioner becomes a puisne judge of the Exchequer Court pursuant to subsection (4), no further election under that section is necessary and the election he made in respect of his office as Chief Commissioner shall be deemed to have been made in respect of his office as a puisne judge of the Exchequer Court at the time he became such a judge."

(4): The status of the Chief Commissioner of the Board of Transport Commissioners as a member of the new authority would be at least that set out in this clause.

*Air Transport Board.*

Members of Air Transport Board.

**82.** (1) Upon the coming into force of Part I, a person who, immediately before the coming into force of that Part, was a member of the Air Transport Board becomes a member of the Canadian Transport Commission with like effect as though he had been appointed thereto under Part I on the day that he was last appointed to the Air Transport Board.

Employees of Air Transport Board.

(2) Upon the coming into force of Part I, the officers and employees of the Air Transport Board are transferred to the Canadian Transport Commission.

Status of former Chairman of Air Transport Board.

**83.** (1) Notwithstanding any provision of Part I, the person who immediately before the coming into force of that Part held the office of Chairman of the Air Transport Board shall, during his tenure of office as a member of the Canadian Transport Commission, if he is not appointed to hold the office of President or vice-president of that Commission, be appointed to and hold the office of Chairman of the Air Transport Committee of that Commission and shall not during his tenure of office as a member of that Commission be paid any less salary than he received as Chairman of the Air Transport Board immediately before the coming into force of Part I.

*Canadian Maritime Commission.*

Members of Canadian Maritime Commission.

**84.** (1) Upon the coming into force of Part I, a person who, immediately before the coming into force of that Part, was a member of the Canadian Maritime Commission becomes a member of the Canadian Transport Commission with like effect as though he had been appointed thereto under Part I on the day that he was last appointed to the Canadian Maritime Commission.

Status of former Chairman of Canadian Maritime Commission.

(2) Notwithstanding any provision of Part I, the person who immediately before the coming into force of that Part held the office of Chairman of the Canadian Maritime Commission shall, during his tenure of office as a member of the Canadian Transport Commission, if he is not appointed to hold the office of President or vice-president of that commission, be appointed to and hold the office of Chairman of the Water Transport Committee of that Commission and shall not during his tenure of office as a member of that Commission be paid any less salary than he received as Chairman of the Canadian Maritime Commission immediately before the coming into force of Part I.

*Clause 82:* Members of the Air Transport Board and its employees would become members and employees, respectively, of the new authority upon the coming into force of Part I.

*Clause 83:* The status of the Chairman of the Air Transport Board as a member of the new authority would be at least that set out in this clause.

*Clause 84:* Members of the Canadian Maritime Commission would become members of the new authority upon the coming into force of Part I, and the status of the Chairman of the Canadian Maritime Commission as a member of the new authority would be at least that set out in subclause (2).

Employees of Canadian Maritime Commission.

**85.** (1) Upon the coming into force of Part I, the officers and employees of the Canadian Maritime Commission, other than those officers and employees referred to in subsection (2), are transferred to the Canadian Transport Commission.

Designated personnel.

(2) The Governor in Council may by order designate persons who before the coming into force of Part I were employed by the Canadian Maritime Commission in duties related to matters assigned to the Minister of Industry to be members of the staff of the Department of Industry and, upon such designation, those persons shall be deemed to have been transferred to the Department of Industry on that date, but no person by reason only of such transfer is eligible to be certified as permanent by the Civil Service Commission.

*Offices generally.*

Saving of service periods.

**86.** Nothing in subsection (4) of section 6 shall be construed to require any person who becomes a member of the Commission by virtue of section 80, 82 or 84 to vacate his office on the Commission before he attains such age or completes such service therein as would have required his vacating his office on the Board of Transport Commissioners for Canada, the Air Transport Board or the Canadian Maritime Commission, as the case may be, under the Acts that governed those Boards and that Commission before the coming into force of Part I.

*Statutes.*

Powers and duties under *Appropriation Acts.*

**87.** Where pursuant to

(*a*) any *Appropriation Act* for the fiscal year ending the 31st day of March, 1967, based on estimates 1966–67, or

(*b*) any *Appropriation Act* passed before the coming into force of Part I,

any duty was imposed or any power was given to the Board of Transport Commissioners for Canada, the Air Transport Board or the Canadian Maritime Commission, that duty or power shall or may be exercised by the Canadian Transport Commission, unless the Governor in Council designates a member of the Queen's Privy Council for Canada to exercise such duty or power.

Other duties and powers.

**88.** Whenever under any Act not expressly amended by this Act, or under any order, rule or regulation or any contract, lease or other document, any power, duty or function is vested in or exercisable by the Board of Transport Commissioners for Canada, the Air Transport Board or

*Clause 85:* The employees of the Canadian Maritime Commission would become employees of the new authority except such of them as were concerned with the industrial operations of that body who would be transferred to the Department of Industry.

*Clause 86:* The retiring age and service periods for members of the authorities being absorbed in the new transportation authority are being preserved.

*Clause 87:* Duties or powers arising out of *Appropriation Acts* would be transferred from the existing authorities described to the new authority.

*Clause 88:* Residuary powers, duties and functions not elsewhere provided for in this Act would by this clause be assigned from the existing authorities described to the new authority or to the appropriate department of Government.

the Canadian Maritime Commission, or the Chief Commissioner, Chairman or other commissioner or member thereof or any officer thereof, that power, duty or function is vested in and shall or may be exercised by the Canadian Transport Commission, the President or other appropriate member or officer thereof, unless the Governor in Council by order designates a Minister of the Crown or Deputy Minister of a department of the public service of Canada to exercise any such power, duty or function.

*Matters Pending.*

Pending proceedings.

**89.** (1) Where on the day that Part I comes into force any proceedings were pending before the Board of Transport Commissioners for Canada, the Air Transport Board or the Canadian Maritime Commission, hereinafter in this section respectively referred to as the "former authority", the proceedings shall be taken up and continued under and in conformity with the provisions of Part I, so far as consistently may be; but where on the coming into force of Part I any matter was in course of being heard or investigated by the former authority or had been heard or investigated by the former authority but no order or decision had been rendered thereon, the former authority shall continue to exist, notwithstanding Part I, for the purpose of completing the hearing or investigation and making an order or rendering a decision, as the case may be.

Authority continued.

(2) For the purposes of completing a hearing or investigation before it, or making an order or rendering a decision on a matter heard or investigated before the coming into force of Part I, the former authority shall complete the hearing or investigation in accordance with the authority vested in it immediately before the coming into force of Part I and make such order, rule or direction as it could have made under the authority vested in it immediately before the coming into force of Part I.

Entering orders, etc.

(3) An order, rule or direction made or given by a former authority pursuant to this section shall be entered as an order, rule or direction of the Canadian Transport Commission and have the same force or effect as if it had been made or given by that Commission pursuant to the authority vested therein under Part I.

*Regulations, Rules, Orders and Directions.*

Continuation of orders, etc.

**90.** All regulations, rules, orders and directions made under the provisions of any Act of the Parliament of Canada by the Board of Transport Commissioners for Canada or the Air Transport Board and in force on the coming into force of Part I continue in force until repealed,

*Clause 89:* The purpose of this clause is to permit hearings or investigations by the Board of Transport Commissioners, Air Transport Board or Canadian Maritime Commission to be finished by the members thereof after the commencement of Part I.

*Clause 90:* Regulations, rules, orders and directions made by the Board of Transport Commissioners would be continued until replaced or varied by the new authority.

replaced or rescinded by, or as amended or varied by, the Canadian Transport Commission under the provisions of this Act, the *Railway Act*, the *Aeronautics Act* or any other Act of the Parliament of Canada.

Idem.

**91.** All regulations, rules, orders or directions of the Board of Transport Commissioners for Canada made under the *Bridges Act*, and in force on the coming into force of Part IV continue in force until repealed, replaced or rescinded by, or as amended or varied by, the Minister of Public Works under the *Bridges Act*.

*Special Transitional Provisions.*

Meaning of "Commission".

**92.** If Parts II, III, and V or any of those Parts come into force before the day that Part I comes into force, a reference in that Part that is so in force to the Canadian Transport Commission shall be deemed, until Part I comes into force, to be a reference to the Board of Transport Commissioners for Canada.

*Commencement.*

Coming into force.

**93.** (1) Except as otherwise expressly provided in this Act, the several Parts of this Act shall come into force on a day or days to be fixed by proclamation of the Governor in Council.

Sections 80 to 90.

(2) Sections 80 to 90 shall come into force on the day that Part I comes into force.

Other sections.

(3) Part IV and sections 1, 91 and 92 and this section shall come into force on the day that this Act is assented to.

*Clause 91:* Regulations, rules, orders and directions made under the *Bridges Act* would be continued in force until replaced or varied by the Minister of Public Works under that Act as amended.

*Clause 92:* This clause provides guidance for the different amending situations that would arise if the various Parts of this Bill are proclaimed to come into force at different times, which would be possible under clause 93.

## SCHEDULE.

*(Section 20)*

*Amendments and Repeals.*

| Act affected. | Repeal or amendment. |
|---|---|
| Aeronautics Act<br>R.S., c. 2 | 1. Paragraph (*k*) of subsection (1) of section 4 is amended by substituting the Canadian Transport Commission for the Air Transport Board.<br>2. Paragraph (*c*) of subsection (1) of section 6 is repealed and the following substituted therefor:<br>"(*c*) "Commission" means "the Canadian Transport Commission;"<br>3. Section 7, subsections (3) to (5) of section 8, sections 9, 19, 21 and 24 are repealed.<br>4. The word "Commission" is substituted for the word "Board" wherever that latter word occurs. |
| Canadian Maritime Commission Act<br>R.S., c. 38 | Repealed. |
| Canadian National Railways Act<br>1955, c. 29 | Paragraph (*a*) of section 2 is amended by substituting the Canadian Transport Commission for the Board of Transport Commissioners for Canada. |
| Corporations and Labour Unions Returns Act<br>1962, c. 26 | Paragraphs 14 and 15 of the Schedule are amended by substituting the Canadian Transport Commission for the Air Transport Board and the Board of Transport Commissioners for Canada, respectively. |
| Dominion Water Power Act<br>R.S., c. 90 | Subsection (1) of section 7 is amended by substituting the Canadian Transport Commission for the Board of Transport Commissioners for Canada. |
| Exchequer Court Act<br>R.S., c. 98 | Subsection (1) of section 26 is amended by substituting the Canadian Transport Commission for the Board of Transport Commissioners for Canada. |
| Government Railways Act<br>R.S., c. 136 | Section 15 is amended by substituting the Canadian Transport Commission for the Board of Transport Commissioners for Canada. |

SCHEDULE.—*Continued*

(*Section 20*)

*Amendments and Repeals.*

| Act affected. | Repeal or amendment. |
|---|---|
| Income Tax Act<br>R.S., c. 148 | Subsection (3) of section 84A is amended by substituting the Canadian Transport Commission for the Board of Transport Commissioners for Canada. |
| Lord's Day Act<br>R.S., c. 171 | Paragraph (*x*) of section 11 is amended by substituting the Canadian Transport Commission for the Board of Transport Commissioners for Canada. |
| National Energy Board Act<br>1959, c. 46 | Subsection (1) of section 76 is amended by substituting the Canadian Transport Commission for the Board of Transport Commissioners for Canada. |
| Railway Act<br>R.S., c. 234 | 1. Paragraph (1) of section 2 is repealed and the following substituted therefor:<br>"(1) "Commission" means the Canadian Transport Commission;"<br>2. Subsection (2) of section 12 is amended by substituting "the vice-president of the Commission who qualifies under subsection (2) of section 7," for "the Assistant Chief Commissioner".<br>3. Sections 9 to 11, 14 to 17, 22 to 29 and section 31 are repealed.<br>4. The word "Commission" is substituted for the word "Board" wherever that latter word occurs in any sections or parts thereof not expressly amended by Part V of this Act or this paragraph, unless in the context in which that word is used the former Board of Transport Commissioners for Canada is intended to be referred to.<br>5. The words "President" and "a vice-president" are substituted, respectively, for the words "Chief Commissioner" and "the Assistant Chief Commissioner" wherever these latter designations occur in any sections or parts thereof not expressly amended by Part V or this paragraph. |

SCHEDULE.—*Concluded*

(*Section 20*)

*Amendments and Repeals.*

| Act affected. | Repeal or amendment. |
|---|---|
| St. Lawrence Seaway Authority Act R.S., c. 242 | Section 15 is amended by substituting the Canadian Transport Commission for the Board of Transport Commissioners for Canada. |
| Telegraphs Act R.S., c. 262 | Sections 31, 32 and 33 are amended by substituting the Canadian Transport Commission for the Board of Transport Commissioners for Canada. |
| Transport Act R.S., c. 271 | 1. Subsection (1) of section 2 is amended by repealing paragraph (*b*) thereof and by substituting therefor the following:<br><br>"(*b*) "Commission" means the Canadian Transport Commission;"<br><br>2. The word "Commission" is substituted for the word "Board" wherever that latter word occurs. |

C-232.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-232.

An Act to amend the Supreme Court Act (Payment of Costs).

First reading, August 29, 1966.

MR. HERRIDGE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

24587

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-232.

An Act to amend the Supreme Court Act (Payment of Costs).

R.S., cc. 259, 335; 1956, c. 48.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

**1.** Section 48 of the *Supreme Court Act* is amended by adding thereto the following subsection:

Costs to person handling his own case.

"(2) When the Court, in its discretion, orders the payment of the costs to one party, that party, if he has handled his case personally, will be entitled to the costs that a lawyer acting in his behalf would have been entitled to."

## Explanatory Notes.

Under our system of law, every person has the right to appear in person before the courts of justice and tribunals and to handle his case personally.

However, if a decision is rendered in his favour, he may, perhaps, not be able to be reimbursed his costs, disbursements and reasonable expenses in the same manner as if he were a lawyer handling his own case.

The purpose of this Bill is to provide that in the Supreme Court of Canada, which is the keystone of our judicial system, the private individual who, after having pleaded his own case, is awarded his costs, will be entitled to the same costs as a lawyer handling his case.

C-233.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-233.

An Act to amend the Criminal Code
(Preventive Detention).

First reading, August 31, 1966.

Mr. ORLIKOW.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

24872

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-233.

An Act to amend the Criminal Code (Preventive Detention).

1953-54, cc. 51, 52; 1955, cc. 2, 45; 1956, c. 48, ss. 19, 20; 1957-58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, c. 37 and c. 45, s. 21; 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, c. 22, s. 10 and cc. 35, 53.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Repeal.

**1.** Section 660 of the *Criminal Code* is repealed.

**2.** Subsection (1) of section 662 is repealed and the following substituted therefor:

Notice of application.

"**662.** (1) The following provisions apply with respect to applications under this Part, namely, an application under subsection (1) of section 661 shall not be heard unless seven clear days' notice thereof has been given to the accused by the prosecutor either before or after conviction or sentence but within three months after the passing of sentence and before the sentence has expired, and a copy of the notice has been filed with the clerk of the court or with the magistrate, where the magistrate is acting under Part XVI."

## Explanatory Notes.

The purpose of this Bill is to delete a section of the *Criminal Code* which has led to a certain amount of abuse and misuse throughout Canada in that it is applied in ways never contemplated when it was enacted at the Session of 1960–61.

The finding that a person is an habitual criminal is not really a conviction for any offence since the proceeding is not a prosecution but an inquiry.

Section 660 at present reads as follows:

"660 (1) When an accused has been convicted of an indictable offence the court may, upon application, impose a sentence of preventive detention in lieu of any other sentence that might be imposed for the offence of which he was convicted or that was imposed for such offence, or in addition to any sentence that was imposed for such offence if the sentence has expired, if"

2. The amendment to subsection (1) of section 662 is consequential.

Subsection (1) of section 662 at present reads as follows

"662. (1) The following provisions apply with respect to applications under this Part, namely,

(*a*) an application under subsection (1) of section 660 shall not be heard unless

(i) the Attorney General of the province in which the accused is to be tried consents,

(ii) seven clear days' notice has been given to the accused by the prosecutor, either before or after conviction or sentence but within three months after the passing of sentence and before the sentence has expired, specifying the previous convictions and the other circumstances, if any, upon which it is intended to found the application, and

(iii) a copy of the notice has been filed with the clerk of the court or the magistrate, as the case may be; and

(*b*) an application under subsection (1) of section 661 shall not be heard unless seven clear days' notice thereof has been given to the accused by the prosecutor either before or after conviction or sentence but within three months after the passing of sentence and before the sentence has expired, and a copy of the notice has been filed with the clerk of the court or with the magistrate, where the magistrate is acting under Part XVI."

C-234.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-234.

An Act to amend the Criminal Code
(Elimination of premium stamps in food establishments).

First reading, October 11, 1966.

Mr. KLEIN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

24985

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-234.

1953-54, cc. 51, 52; 1955, cc. 2, 45; 1956, c. 48; ss. 19, 20; 1957-58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, c. 37 and c. 45, s. 21; 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, c. 22, s. 10 and cc. 35, 53; 1966, c. 23.

An Act to amend the Criminal Code (Elimination of premium stamps in food establishments).

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

**1.** The *Criminal Code* is amended by inserting immediately after section 369 the following section:

Premium stamps.

"**369A.** (1) No merchant or dealer in goods shall establish or deal directly or indirectly with a system or practice of issuing or offering stamps on the occasion of the sale of goods in any food establishment that are intended to be redeemable for premiums, gifts or other objects of the same nature.

Penalty.

(2) Everyone who fails to comply with this section is guilty of an offence punishable on summary conviction and is liable to a fine of not less than one hundred dollars for each day of default."

## Explanatory Note.

The object of this Bill is to eliminate the practice whereby super-markets issue stamps referred to in the trade as Gold Stamps, Green Stamps or Pink Stamps, redeemable in merchandise other than food-stuffs, which has for effect the elimination of competition of food prices between super-markets, makes for captive customers, and adds to the cost of food items, to the detriment of the public.

C-235.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-235.

An Act to amend the Criminal Code (Trading Stamps).

First reading, October 11, 1966.

Mr. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

25000

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-235.

1953-54, c. 51; 1955, cc. 2, 45; 1956, c. 48; 1957-58, c. 28; 1958, c. 18; 1959, c. 41; 1960, c. 37. 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, c. 22, s.10, cc. 35, 53; 1966, c. 23.

An Act to amend the Criminal Code (Trading Stamps).

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

**1.** Paragraph (*b*) of section 322 of the *Criminal Code* is repealed and the following substituted therefor:

"Trading Stamps."

"(*b*) "trading stamps" includes, besides trading stamps commonly so-called, any form of cash receipt, receipt, coupon, premium ticket or other device, designed or intended to be given to the purchaser of goods by the vendor thereof or on his behalf, and to represent a discount on the price of the goods or a premium to the purchaser thereof that may be redeemed."

## Explanatory Notes.

The present section 322 of the *Criminal Code* is as follows:

"322. In this Part,

(*a*) "goods" means anything that is the subject of trade or commerce; and

(*b*) "trading stamps" includes any form of cash receipt, receipt, coupon, premium ticket or other device, designed or intended to be given to the purchaser of goods by the vendor thereof or on his behalf, and to represent a discount on the price of the goods or a premium to the purchaser thereof

(i) that may be redeemed

(A) by any person other than the vendor, the person from whom the vendor purchased the goods, or the manufacturer of the goods,

(B) by the vendor, the person from whom the vendor purchased the goods, or the manufacturer of the goods in cash or in goods that are not his property in whole or in part, or

(C) by the vendor elsewhere than in the premises where the goods are purchased; or

(ii) that does not show upon its face the place where it is delivered and the merchantable value thereof; or

(iii) that may not be redeemed upon demand at any time, but an offer, endorsed by the manufacturer upon a wrapper or container in which goods are sold, of a premium or reward for the return of that wrapper or container to the manufacturer is not a trading stamp."

*Clause 1:* The proposed amended definition restores the phrase "besides trading stamps commonly so-called", which was deleted in the 1953-54 revision of the *Code*. Further, the proposed amendment broadens the definition by removing the qualifications, in subparagraphs (i), (ii) and (iii) of paragraph (*b*), upon the method of redemption and respecting information upon the face of the stamp and also by removing the exception in favor of a manufacturer's premium or reward for return of a wrapper or container.

The effect of this Bill, because of the provisions of section 369 of the *Criminal Code*, is to make it an offence to issue trading stamps and similar coupons. Because of the estimate that trading stamps add approximately three to four per cent to the cost of articles and commodities the expectation of the Bill would be a concomitant three to four per cent reduction in prices.

C-236.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-236.

An Act to amend the British North America Act, 1867 (Appointment of Judges).

First reading, October 12, 1966.

Mr. STANBURY.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

24940

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-236.

An Act to amend the British North America Act, 1867 (Appointment of Judges).

30 and 31 Vict., c. 3.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

**1.** Section 96 of the *British North America Act, 1867*, is repealed and the following substituted therefor:

Appointment of judges.

"**96.** (1) The Governor General shall appoint the Judges of the Superior, District, and County Courts in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick.

Consultation.

(2) Before proceeding to the appointment of any Judge, the Governor General shall consult the judiciary committee of the Canadian Bar Association."

**2.** Section 101 of the said Act is repealed and the following substituted therefor:

General Court of Appeal, etc.

"**101.** (1) The Parliament of Canada may, notwithstanding anything in this Act, from time to time, provide for the Constitution, Maintenance and Organization of a General Court of Appeal for Canada, and for the Establishment of any additional courts for the better Administration of the Laws of Canada.

Consultation.

(2) Before proceeding to the appointment of any Judge, the Governor General shall consult the judiciary committee of the Canadian Bar Association."

## Explanatory Notes.

At its 1966 annual meeting the Canadian Bar Association passed a resolution calling for the appointment of a committee of the Association to assist the Minister of Justice in the exercise of his authority and responsibility to make appointments to the Judiciary.

Accordingly it appears desirable before any appointment is made to the Bench that the federal authorities consult a committee of the Canadian Bar Association so that they may have the benefit of the opinion of legal profession on the suitability and qualifications of persons being considered for judicial appointment.

This proposition does not take away the prerogative of appointment which, under our Constitution, is vested in the Governor General.

The purpose of this bill is to give effect to the proposal of the Canadian Bar Association.

Short title and citation.

**3.** This Act may be cited as the *British North America Act, 1966*, and the British North America Acts, 1867 to 1965 and this Act may be cited together as the *British North America Acts, 1867 to 1966*.

C-237.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-237.

An Act to amend the Supreme Court Act.

First reading, October 21, 1966.

Mr. BELL (Carleton).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

24990

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-237.

An Act to amend the Supreme Court Act.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., cc. 259, 335; 1956, c. 48.

**1.** Section 7 of the *Supreme Court Act* is repealed and the following substituted therefor:

No other office to be held.

"**7.** No judge shall hold any other office of emolument either under the Government of Canada or under the government of any province of Canada, or act as a Commissioner under the *Inquiries Act* or under any other statute or law, and no judge shall have any occupation, perform any service or belong to any organization which might involve him in controversy of a political nature."

R.S., c. 154.

## Explanatory Note.

The purpose of this Bill is two-fold: first, to prohibit any justice of the Supreme Court of Canada from acting as a Commissioner under the *Inquiries Act;* and secondly, to prevent any such justice from undertaking any other service, unrelated to his judicial duties, as a result of which he might become involved in political controversy.

C-238.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-238.

An Act to secure freedom of choice in television viewing.

First reading, October 21, 1966.

Mr. McCleave.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

25036

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-238.

An Act to secure freedom of choice in television viewing.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Telecast of Grey Cup game.

**1.** The Board of Broadcast Governors shall direct that the Grey Cup football game shall be telecast live by only one of the national television networks in Canada.

Board to choose network.

**2.** The Board of Broadcast Governors shall convene a meeting of senior officials of all television networks operating within Canada, and shall choose the network which shall telecast live the Grey Cup football game after said meeting, the said decision to be based on the widest possible coverage.

Arrangements.

**3.** The Board of Broadcast Governors is hereby empowered to make arrangements on equitable terms whereby stations or satellites of stations belonging to the network which does not telecast live the Grey Cup football game shall become part of the network telecasting such game, during the period of such telecast, for the purpose of providing coverage for areas which would otherwise not receive the telecast of said game.

## Explanatory Notes.

The purpose of this Bill is to give millions of Canadians an alternative choice during the hours of telecasting of the Grey Cup football game.

In the past, there has been simultaneous telecasting on both the Canadian Broadcasting Corporation and the Canadian Television networks, involving the same announcers and camera shots, and the same commercials.

C-239.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-239.

An Act respecting The Bell Telephone Company of Canada.

First reading, October 26, 1966.

Mr. HONEY.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

25032

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-239.

An Act respecting The Bell Telephone Company of Canada.

Preamble.
1880, c. 67;
1882, c. 95;
1884, c. 88;
1892, c. 67;
1894, c. 108;
1902, c. 41;
1906, c. 61;
1920, c. 100;
1929, c. 93;
1948, c. 81;
1957, c. 39;
1965, c. 69.

WHEREAS The Bell Telephone Company of Canada has by its petition prayed that its Act of incorporation and the Acts in amendment thereof be amended as hereinafter provided, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Abbreviated name.

**1.** (1) The Company may, from time to time as it sees fit, use, and it may be legally designated by any one of the following names, "The Bell Telephone Company of Canada", "La Compagnie de Téléphone Bell du Canada", or "Bell Canada".

(2) The Company may sue or be sued in any of such names and any transaction, contract or obligation hereafter entered into or incurred by the Company in any of such names shall be valid and binding on the Company.

(3) Nothing contained in subsection (1) shall in any way impair, alter or affect the rights or liabilities of the Company, except as therein expressly provided, nor in any way affect any suit or proceeding now pending or judgment existing, either by or in favour of or against the Company, which, notwithstanding the provisions of subsection (1) may be prosecuted, continued, completed and enforced as if this Act had not been passed.

**2.** Section 1 of chapter 39 of the statutes of 1957 is repealed and the following substituted therefor:

Power to increase capital.

"**1.** The capital stock of the Company may be increased from time to time by such amounts as the shareholders may deem necessary for the purposes,

## Explanatory Notes.

*Clause 1:* The purpose of this amendment is to permit the use by the Company of the abbreviated bilingual form of its name "Bell Canada".

*Clause 2:* This proposed amendment dealing with the capital stock of the Company has two objects:

A—To increase the authorized capital from $1,000,000,000 to $1,750,000,000; and

B—To authorize the Company to issue preferred shares.

objects and undertaking of the Company, such increases to be effected by resolution of the Directors duly confirmed by a majority of the votes cast at any annual or special general meeting of the shareholders called for considering the resolution: Provided that the total capital stock of the Company, including the present authorized capital stock, shall not exceed one thousand seven hundred and fifty million dollars and shall be divided into common shares of the par value of twenty-five dollars each, and into preferred shares.

Proviso.

Preferred shares.

**3.** (1) The Directors of the Company may by by-law create and issue part of the capital stock as preferred shares and may by such by-law provide for the creation of classes of preferred shares with such preferences, privileges or other special rights, restrictions, conditions or limitations, whether with regard to dividends, capital or otherwise

A—*Increase of authorized capital*

Of the $1,000,000,000 presently authorized the Company has now issued or committed, based on the par value of $25.00 per share, approximately $875,000,000. The construction programme of 1967 and 1968 is estimated to cost $683,000,000. This sum will be provided by internal resources (depreciation and retained earnings), debt and equity financing. This indicates that before the end of 1968 the presently authorized capital will be virtually exhausted.

The Canadian public continues to demand better and broader services. The cost of the construction programme of the next decade will exceed $4,000,000,000. The magnitude of this capital expenditure may be compared with the $2,026,000,000 spent on the construction programme for the period 1956-1965.

Increases in authorized capital have been petitioned for and granted from time to time by Parliament as the demands for services augmented. Parliament increased the authorized capital from $150,000,000 to $500,000,000 in 1948. In 1957 authorization was received from Parliament to increase the capital to $1,000,000,000.

These increases were adequate for approximately ten years.

Present forecasts indicate that the requested increase of $750,000,000 will be sufficient for another decade on the assumption that the same capital structure is maintained.

B—*Preferred stock*

The Company's capital stock is now exclusively composed of common shares of the par value of $25.00 each. The conditions of the money markets change very rapidly. There are times when the issue of preferred stock might be advantageous for the subscribers and the shareholders alike.

The Company has no immediate plan to modify its present capital structure. It feels, however, that its capital structure should be more flexible to meet the challenges of the future.

*Clause 3:* Section 162 of the Canada Corporations Act provides three methods to create preference shares:

(*a*) unanimous sanction by a vote of the shareholders present in person or by proxy at a general meeting of the Company duly called for considering the same and representing $\frac{2}{3}$ of the issued capital stock; or

Validation of by-law.

as in the by-law may be declared; Provided that no such by-law shall be valid or acted upon until it has been sanctioned by at least two-thirds of the votes cast at a special general meeting of the common shareholders of the Company duly called for considering the same.

(2) The Directors may by resolution prescribe within the limits set forth in any by-law passed under subsection (1) the terms of issue and the precise preferences, privileges, rights, restrictions, conditions or limitations whether with regard to dividends, capital or otherwise, of any class of preferred shares.

Preferred shares voting when their rights affected.

(3) Notwithstanding the provisions of section 17 of chapter 67 of the statutes of 1880, the voting rights of the holders of any class of preferred shares, as such, including the right to receive notice of and to attend meetings of shareholders, shall be determined by by-law passed under subsection (1); but, the holders of a class of preferred shares shall in any event be entitled to receive notice of, to attend and to vote on the basis of one vote per share at general or special meetings at which any question, directly affecting the rights and privileges attached to such class of preferred shares, shall be discussed and submitted to the meetings and no change adversely affecting the rights and privileges of any class of preferred shares shall be valid unless sanctioned by at least two-thirds of the votes cast at a special general meeting of the holders of such class of issued and outstanding preferred shares duly called for considering the same.

1964-65, c. 52.

(4) Section 162 of the *Canada Corporations Act* does not apply to the Company.

Repeal. 1957, c. 39, s. 2.

**4.** Section 2 of chapter 39 of the statutes of 1957 is hereby repealed.

(*b*) unanimous sanction in writing by all shareholders of the Company; or

(*c*) by the sanction of $\frac{3}{4}$ in value of the shareholders and subsequent approval of the Governor-in-Council.

The Company has now more than 240,000 shareholders and no one shareholder holds more than 2.5% of the shares. Any one of these methods appears quite impracticable for a company having such a wide distribution of shares. Authority to create such preferred shares given to the Company by Parliament appears to be the only answer.

The proposed amendment also outlines the procedure to create such preferred shares. The rights and privileges of any class of preferred shares would be determined by the bylaw sanctioned by the holders of common shares.

*Clause 4:* The purpose of this amendment is to allow the Company to issue its capital stock without the approval of the Board of Transport Commissioners for Canada. Any issue of the capital stock of the Company is presently subject to the approval of the Board of Transport Commissioners.

The Board up to May 1966 allowed a permissive level of earnings in terms of dollars per share.

In May 1966 the Board changed the basis of regulation and stated that rates generating a rate of return not exceeding 6.6% on total invested capital were just and reasonable.

As long as the Company was only entitled to earnings in terms of dollars per share, the issue price of each share, and thereby the number of shares issued, was a matter of vital concern to the Board of Transport Commissioners. However, now that the level of earnings is related to the total invested capital the issue price becomes irrelevant.

**5.** Section 10 of chapter 67 of the statutes of 1880 is repealed and the following substituted therefor:

Stock books may be opened and stock sold for cash or subject to call.

"**10.** The Directors of the Company may, from time to time, open or cause to be opened stock books or registers for the subscription for shares by parties desiring to become shareholders or to increase their share holdings in the capital stock of the Company, in such places as they shall think fit, and all parties so subscribing shall pay the subscription price, either as a whole, or in instalments in such amounts, at such time or times, at such place or places, and in such manner as the Directors shall determine. When the subscription price for any such shares is not required to be paid in full at the time of subscription or allotment, or is not to be paid in full in specified instalments, the Directors may from time to time call in and demand from the subscribers thereof respectively all sums of money by them subscribed, at such times, in such amounts, at such places and in such manner as they shall from time to time determine."

**6.** Section 1 of chapter 100 of the statutes of 1920 is repealed and the following substituted therefor:

Bond issue authorization.

"**1.** (1) Notwithstanding the provisions of chapter 67 of the statutes of 1880, incorporating the Company, and of the Acts in amendment thereof, the Directors of the Company, when authorized by by-law for that purpose passed and approved by not less than two-thirds of the votes cast at a special general meeting of the shareholders duly called for the purpose of considering the same, may issue bonds, debentures or debenture stock from time to time for such amounts as may be approved by the shareholders, and secure the same by one or more deeds of trust creating such mortgages, charges or encumbrances upon the whole or any part of the property of the Company, present and future, as may be described therein.

(2) Nothing herein contained shall authorize the issue of any such bonds, debentures or debenture stock ranking in priority to any of the bonds of the Company heretofore issued."

*Clause 5:* This clause is to replace section 10 of chapter 67 of the statutes of 1880. The present enactment is as follows:—

"**10.** The Directors of the said Company for the time being may open or cause to be opened stock-books for the subscription of parties desiring to become shareholders in the capital stock of the said Company in such places as they shall think fit, and all parties so subscribing shall pay ten per cent on allotment; and the Directors may, from time to time, make calls on such shares payable at such times, in such amounts, at such places, and in such manner as they shall, from time to time, determine; but no call shall exceed ten per cent, and an interval of at least thirty days shall intervene between the time fixed for the payment of any one call and that fixed for the payment of the succeeding call."

The purpose of this clause is to clarify the powers of the Company to offer its shares upon terms whereby the subscription price is to be paid in full at the time of subscription or on allotment or in specified instalments and that the Company is not required to issue its shares subject to call. The directors would determine the terms and conditions of any such call. The amendment would make clear that the existing shareholders can also subscribe for new stock.

*Clause 6:* This clause re-enacts section 1 of chapter 100 of the statutes of 1920. The present section is as follows:—

"**1.** (1) Notwithstanding the provisions of chapter sixty-seven of the statutes of 1880, incorporating The Bell Telephone Company of Canada, hereinafter called "the Company", and of the Acts in amendment thereof, the directors of the Company, when authorized by by-law for that purpose passed and approved by the votes of not less than two-thirds in value of the subscribed stock of the Company represented at a special general meeting duly called for the purpose of considering the same, may issue bonds, debentures or debenture stock from time to time for such amounts as may be approved by the shareholders, and secure the same by one or more deeds of trust creating such mortgages, charges or encumbrances upon the whole or any part of the property of the Company, present and future, as may be described therein.

(2) Nothing herein contained shall authorize the issue of any such bonds, debentures or debenture stock, ranking in priority to, or pari passu with, any of the bonds of the Company heretofore issued."

The wording is identical except as indicated by the underlining. The purpose of the changes in wording in sub-clause (1) is to make it clear that it is the vote of two-thirds of the shares represented at the meeting and not the votes of two-thirds of the total outstanding stock that is required to authorize such borrowing.

The omission of the words "or *pari passu* with" from sub-clause 2 is to give effect to the principal Trust Indenture and Mortgage securing the Company's bonds. This Trust Indenture provides for the issue of bonds thereunder from time to time in series and that all bonds so issued shall rank *pari passu* with all other bonds issued thereunder.

**7.** Section 5 of chapter 81 of the statutes of 1948 is hereby repealed and the following substituted therefor:

Power to operate communication system. R.S., c. 233; 1952-53, c. 48; 1953-54, c. 31; 1955, c. 57.

"**5.** It is hereby declared that subject to the provisions of the *Radio Act*, and of any other statutes of Canada relating to radio and radio broadcasting and to the regulations made thereunder, the Company has the power to transmit, emit or receive and to provide services and facilities for the transmission, emission or reception of signs, signals, writing, images or sounds or intelligence of any nature by wire, radio, visual or other electromagnetic system and in connection therewith to build, establish, maintain and operate, in Canada or elsewhere, alone or in conjunction with others, either on its own behalf or as agent for others all services and facilities which the Company may deem expedient or useful for such purposes, using and adapting any improvement or invention for communicating with others, and any other means of communicating that may, in the opinion of the Board of Directors, be deemed to be in the interest of the Company."

Power to invest.

**8.** For the purpose of carrying out its corporate powers the Company is empowered to purchase or otherwise acquire, and to hold shares, bonds, debentures or other securities in any other Company having objects in whole or in part similar to those of this Company or in any Company engaged in research and development work in areas of inquiry that relate to the objects of this Company and to sell or otherwise deal with the same.

*Clause 7:* The purpose of this clause is to clarify section 5 of chapter 81 of the statutes of Canada 1948.

The revolution in communication techniques has demonstrated that the Company can no longer be considered exclusively as a telephone company. In order to remain strong and competitive and thus be an asset to the Canadian economy, it is compelled to meet the demands of Canadians and to supply them with the widest possible range of telecommunication services. Thus the need to update its powers.

The *Criminal Code* enacted in 1955 has recognized the evolution of the industry. Section 273 which used to refer to theft of telephone service now refers to theft to telecommunication service.

The word "telecommunication" has been repeatedly defined by Parliament in various statutes such as the *Radio Act* (1952 R.S.C. chapter 233) the *Canadian Overseas Telecommunication Corporation Act* (1952 R.S.C. chapter 42), the *Criminal Code*, as:

> "Any transmission, emission or reception of signs, signals, writing, images or sounds or intelligence of any nature by wire, radio, visual or other electromagnetic system". (C.O.T.C. Act)

These words have been adapted and incorporated into the proposed clause.

The Company, being unable to forecast all possible technological changes, proposes an amendment which would permit the Company to use and adapt any improvement or invention for communicating with others and any other means for communicating that may, in the opinion of the Board of the Directors of the Company, be deemed to be in the interest of the Company.

Finally, the proposed amendment would permit the Company to enjoy these powers in Canada or elsewhere, alone or in conjunction with others, either on its own behalf or as agent for others.

*Clause 8:* This clause is new.

The proposed amendment is designed:

To broaden the Company's power to invest in other companies having objects in whole or in part similar to those of the Company and calculated to advance the objects of the Company; and

To enable the Company to invest in organizations carrying on research and development work related to the Company's objects.

At the present time the Company may purchase shares in other companies only when such companies possess as proprietor a line of telegraphic or telephonic communication or when such companies have a power or right to use

Executive Committee of Directors.

**9.** The Board of Directors of the Company, may, if authorized by by-law duly passed by the Directors and confirmed by at least two-thirds of the votes cast at any annual or special general meeting of the shareholders called for considering the by-law, elect from its number an executive committee of not less than five, which executive committee may exercise such powers of the Board as are delegated to it by by-law, subject to any restrictions contained in any such by-law and to any regulations imposed from time to time by the Directors. Three members of the executive committee shall constitute a quorum.

communication by means of the telephone. This situation is governed by section 4 of chapter 67 of the statutes of 1880 which reads as follows:—

> "4. The said Company shall have power and authority to purchase or lease for any term of years any telephone line established or to be established, either in Canada or elsewhere, connecting or hereafter to be connected with the lines which the Company is authorized to construct, or to purchase or lease for any term of years the right of any company to construct any such telephone line; and shall also have power and authority to amalgamate with or to lease their line, or any portion or portions thereof, from time to time, to any company or person possessing as proprietor any line of telegraphic or telephonic communication connecting or to be connected with the Company's line, in Canada; and the Company shall also have power to enter into any arrangements with any person or company possessing, as proprietor, any line of telegraphic or telephonic communication, or any power or right to use communication by means of the telephone upon such terms and in such manner as the Board of Directors may, from time to time, deem expedient or advisable, or to become a shareholder in any such corporation."

By section 2 of chapter 67 of the statutes of 1880 as re-enacted by section 1 of chapter 95 of the statutes of 1882 the Company is given the "power to manufacture telephone and other apparatus connected therewith, and their appurtenances and other instruments, used in connection with the business of a telegraph or telephone company, and also such other electrical instruments and plant as the said Company may deem advisable . . . and to aid or advance money to build or work any such line to be used for telephone purposes."

The present high standards of telecommunications enjoyed by Canadians are the fruit, in no small measure, of foreign research and development. For many reasons these sources could be no longer available.

The most effective way to preserve the enviable position enjoyed by the Canadian telecommunication industry is to develop and support a strong research and development sector fully integrated with operations and manufacturing.

*Clause 9:* This clause is new.

Companies incorporated by Letters Patent have the power in their Boards of Directors to appoint an executive committee of the Board. This power is given to those companies by section 94 of the *Canada Corporations Act* which reads as follows:—

> "94. The board of directors of the company whenever it consists of more than six, may if authorized by by-law duly passed by the directors, and sanctioned by at least two-thirds of the votes cast at a special general meeting of shareholders duly called for considering the by-law, elect from its number an executive committee consisting of not less than three, which executive committee shall have power to fix its quorum at not less than a majority of its members and may exercise such powers of the board as are delegated by such by-law, subject to any restrictions contained in any such by-law and to any regulations imposed from time to time by the directors."

Since Bell Telephone has a Board of Directors of 18 members and is empowered to have twenty members, it requests the convenience of appointing an executive committee.

Director indemnified in suits respecting execution of his office.

**10.** Every Director of the Company, and his heirs, executors and administrators, and estate and effects, respectively, may, with the consent of the Company, given at any meeting of the shareholders thereof, from time to time and at all times, be indemnified and saved harmless out of the funds of the Company, from and against:

(*a*) all costs, charges and expenses whatsoever that such Director sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him, in or about the execution of the duties of his office; and

(*b*) all other costs, charges and expenses that he sustains or incurs, in or about or in relation to the affairs thereof: except such costs, charges or expenses as are occasioned by his own wilful neglect or default.

**11.** Section 5 of chapter 67 of the statutes of 1880 as amended by section 2 of chapter 95 of the statutes of 1882 is hereby repealed and the following substituted therefor:

Construction and maintenance of line.

"**3.** The said Company may construct, erect and maintain its line or lines of telecommunication along the sides of and across or under any public highways, streets, bridges, water courses or other such places, or across or under any navigable waters, either wholly in Canada or dividing Canada from any other country, provided the said Company shall not interfere with the public right of travelling on or using such highways, streets, bridges, water courses or navigable waters; and provided that in cities, towns and incorporated villages the Company shall not erect any pole higher than 40 feet above the surface of the street, nor affix and maintain any telecommunication wire below any minimum height that may be approved by the Board of Transport Commissioners for Canada or that may be established by any regulation or general order of said Board, nor carry more than one line of poles along any street without the consent of the municipal council having jurisdiction over the streets of the said city, town or village, and that in any city, town or incorporated village, the poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted if so required by any by-law of the council; and provided further that where lines of telegraph are already

Proviso: height of poles, & c.

*Clause 10:* This clause is new.

Section 91 of the *Canada Corporations Act* reads:

"**91.** Every director of the company, and his heirs, executors and administrators, and estate and effects, respectively, may, with the consent of the company, given at any meeting of the shareholders thereof, from time to time and at all times, be indemnified and saved harmless out of the funds of the company from and against,

(*a*) all costs, charges and expenses whatsoever that such director sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him, in or about the execution of the duties of his office, and

(*b*) all other costs, charges and expenses that he sustains, or incurs, in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by his own wilful neglect or default."
(1934, chapter 33, section 91)

The new section is identical to section 91 of the *Canada Corporations Act* and gives to Company directors the same protection that exists for all Letters Patent Companies directors. It is noted that indemnification is not included when loss is occasioned by a director's wilful neglect or default.

*Clause 11:* This clause amends section 3 of chapter 67 of the statutes of 1880 by:

(*a*) Substituting the word "telecommunication" for the word "telephone" wherever it appears.

Inasmuch as section 7 of this Bill shows the need to refer to the Company as a telecommunication company and not to a telephone company, for the sake of consistency, the proposed substitution appears necessary.

(*b*) Giving to the Board of Transport Commissioners for Canada jurisdiction to establish the height of the Company's wires.

Several rules and regulations make it impossible for the Company to establish and maintain its wires at the height of 22 feet specified in the incorporating provisions. By complying with these existing rules and regulations the Company is now forced to violate the provisions of its charter. The proposed amendment will eliminate this difficulty.

constructed, no poles shall be erected by the Company in any city, town or incorporated village along the same side of the street where such poles are already erected unless with the consent of the council having jurisdiction over the streets of such city, town or incorporated village; provided also, that in so doing the said Company shall not cut down or mutilate any tree, and provided that in cities, towns and incorporated villages, the location of the line or lines and the opening up of the street for the erection of poles or for carrying the wires under ground shall be done under the direction and supervision of the engineer or such other officer as the council may appoint, and in such manner as the council may direct, and that the surface of the street shall, in all cases, be restored to its former condition by and at the expense of the Company: Provided also, that no Act of Parliament requiring the Company (in case efficient means are devised for carrying telecommunication wires under ground) to adopt such means, and abrogating the right given by this section, to continue carrying lines on poles through cities, town or incorporated villages, shall be deemed an infringement of the privileges granted by this Act; and provided further that whenever in case of fire it becomes necessary for its extinction or the preservation of property that the telecommunication wires should be cut, the cutting under such circumstances of any of the wires of the Company under the direction of the chief engineer or other office in charge of the fire brigade, shall not entitle the Company to demand or claim compensation for any damages that might be so incurred.

Proviso as to trees.

Proviso as to cutting wires in case of fire.

**12.** Notwithstanding the provisions of section 193 of the *Canada Corporations Act*, the Company may make loans to any employee to assist him during a period of adversity or illness regardless of the fact that any such employee is a shareholder of the Company, and section 190 of the *Canada Corporations Act* shall not apply to any such loans.

Loans to employee-shareholders. 1964-65, c. 52.

*Clause 12:* This clause is new.

Sections 193 and 190 of the *Canada Corporations Act* referred to are as follows:

> **"193.** No company shall loan any of its funds to any shareholder.
>
> **190.** Where any loan is made by the company to any shareholder in violation of the provisions of this Part, all directors and other officers of the company who make the same or assent thereto are jointly and severally liable to the amount of such loan with interest to the company and also to creditors of the company, for all debts of the company then existing or contracted from the time of the making of such loan to that of the repayment thereof."

The Company has a Pension Plan and an Employees' Stock Savings Plan which in conjunction are designed to provide adequate post-retirement income to employees. The non-contributory pension plan in itself is not always adequate for this purpose. This clause is designed to prevent a temporary financial storm in an employee's affairs from forcing sale of his holdings of Company stock resulting in post-retirement income problems. Temporary loans to employee-shareholders to tide them over periods of illness or adversity would in many cases permit retention of savings held in the form of Company stock.

Housing plans.

**13.** The Directors of the Company are authorized to provide housing assistance to employees in the course of their employment and to establish plans in connection therewith.

Prospectus. 1964–65, c. 52.

**14.** Notwithstanding the provisions of subsection (1) of section 149 of the *Canada Corporations Act*, paragraphs (*m*) and (*n*) of subsection (1) of section 77 of the said Act shall not apply to the Company in respect of transactions entered into in the ordinary course of the business carried on or intended to be carried on by the Company or on the general credit of the Company, and to the extent aforesaid said paragraphs (*m*) and (*n*) shall not be incorporated with the Special Acts of the Company.

*Clause 13:* This clause is new.

Its purpose is to enable the Company to adequately man the organization. The nature of the business is such that maximum efficiency requires transfers of employees from place to place. This clause permits maintenance of a housing assistance plan so that such moves can be made without undue financial loss to employees. It will permit the Company to purchase or otherwise acquire residences from employees who have been transferred and have not otherwise disposed of their homes.

*Clause 14:* This clause is new.

Section 149 of the *Canada Corporations Act* makes the prospectus provisions contained in Part I of that Act applicable to the Company. Section 77 of said Act sets forth the requirements as to what a prospectus must state. Paragraph (*m*) of subsection (1) of section 77 is as follows:

> "77. (*m*) particulars of any property purchased or acquired by the company, or proposed to be purchased or acquired, the purchase price of which is to be defrayed in whole or in part out of the proceeds of the issue or has been paid within the last two preceding years or is to be paid in whole or in part in securities of the company, or the purchase or acquisition of which has not been completed at the date of issue of the prospectus and the nature of the title or interest therein acquired or to be acquired by the company;"

Paragraph (*n*) of subsection (1) of section 77 requires disclosure of the names and addresses of the vendors of any property under paragraph (*m*).

The purpose of this clause is to dispense with the necessity for the Company, which is continously engaged in a very large construction programme, having to detail in its prospectuses transactions entered into in the ordinary course of business or on the general credit of the Company and particularly such transactions as have not been completed at the date of the prospectus.

In its prospectuses filed under the said Act, the Company must normally give particulars of over 150 uncompleted contracts for the purchase or acquisition of property, the prices of which range as low as $100, which are insignificant in relation to the size of the Company's operations, and disclosure of which is not material to purchasers of the Company's securities.

Subsection (*s*) of section 77(1) of the *Canada Corporations Act* which requires disclosure of material contracts entered within the two preceding years contains the proviso:

> "but this requirement does not apply to a contract entered into in the ordinary course of business carried on or intended to be carried on by the company"

and has the same effect, as regards material contracts, as that sought by this clause.

The corresponding provision of the *Securities Act (Ontario)* (section 39(1) (21)) and of the regulations under the *Quebec Securities Act* (Order in Council No. 222, March

Record date for meetings. 1964-65, c. 52.

**15.** Notwithstanding the provisions of section 17 of chapter 67 of the statutes of 1880 and of section 181 of the *Canada Corporations Act*, the Directors may fix in advance a date preceding by not more than fifteen days the date of the holding of any meeting of shareholders as a record date for the determination of the shareholders entitled to attend and vote at such meeting, but any such record date shall be referred to in the notice calling such meeting of shareholders.

Repeal.

**16.** Chapter 88 of the statutes of 1884; chapter 67 of the statutes of 1892; chapter 108 of the statutes of 1894; sections 1, 3 and 4 of chapter 41 of the statutes of 1902 and chapter 61 of the statutes of 1906 are hereby repealed, but such repeal shall not affect increases in the Company's authorized capital stock effected under any such enactments.

14, 1956, Annex A, paragraph 21) which are identical, and are otherwise to all intents and purposes identical with clause (*m*) of the *Canadian Act* each contains the following proviso:

"provided that this clause shall not apply to transactions entered into in the ordinary course of operations or on the general credit of the company."

*Clause 15:* This clause is new.

As the law stands at this time all shareholders of the Company, even those who would become so on the day before a general or special meeting, are entitled to attend and vote at such meeting.

With more than 240,000 shareholders, it is extremely difficult if not impossible for the Company to advise those late shareholders of the meeting to be held, to receive their proxy and to try and figure out the number in value of the shareholders present or represented at such meeting. This clause permits a cutoff date to be set up to 15 days before a meeting. Persons becoming shareholders in the period between the cutoff date and the meeting will not have the right to attend and vote.

*Clause 16:* The chapters and sections repealed are:

(*a*) Chapter 88 of the statutes of 1884 which is as follows:

"**1.** The capital stock of the said Company may be increased to an amount not exceeding one million five hundred thousand dollars, in addition to the original capital stock, amounting to five hundred thousand dollars, authorized by section five of the Act passed in the forty-third year of the reign of Her Majesty, chapter sixty-seven; and such increase may be effected in the manner and shall be subject to the provisions contained in the said section."

This section has been superseded by subsequent Acts increasing the Company's capital.

(*b*) Chapter 67 of the statutes of 1892 which is as follows:

"**1.** The capital stock of the Bell Telephone Company of Canada may be increased to an amount not exceeding five million dollars, including the present authorized stock; and such increase may be effected in the manner provided by, and shall be subject to the provisions contained in, section five of chapter sixty-seven of the statutes of 1880.

**2.** Notwithstanding the provisions of the Act incorporating the Company and of the Acts amending the same, the power of the Company to issue bonds or debentures from time to time shall be limited to a sum not exceeding in the whole five hundred thousand dollars.

**3.** The existing rates shall not be increased without the consent of the Governor in Council."

Section 1 has been superseded by subsequent Acts increasing the Company's capital.

Section 2 was superseded by chapter 100 of the statutes of 1920 which removed all limitations as to the amount of money that the Company may borrow.

Section 3 was superseded by the provisions of the *Railway Act* empowering the Board of Transport Commissioners for Canada to regulate the Company's rates. Under the *Railway Act*, an appeal lies to the Governor in Council.

(*c*) Chapter 108 of the statutes of 1894 which is as follows:

"**1.** Notwithstanding the provisions of the Act incorporating the Bell Telephone Company of Canada, and of the Acts in amendment thereof, the directors of the Company may when authorized by a by-law for that purpose, passed and approved of by the votes of shareholders representing at least two-thirds in value of the subscribed stock of the Company, present or represented at a special general meeting duly called for the purpose of considering such by-law, issue bonds or debentures from time to time to the amount of seventy-five per cent of its actual paid-up capital stock."

This section was superseded by chapter 100 of the statutes of 1920 which removed all limitations as to the amount of money that the Company may borrow.

(*d*) Chapter 41 of the statutes of 1902, sections 1, 3 and 4 which are as follows:

"**1.** The capital stock of the Bell Telephone Company of Canada may be increased to an amount not exceeding ten million dollars, including the present authorized stock; and such increase may be effected in the manner provided by, and shall be subject to the provisions contained in, section 5 of chapter 67 of the statutes of 1880.

**3.** The rates for telephone service in any municipality may be increased or diminished by order of the Governor in Council upon the application of the Company or of any interested municipality, and thereafter the rates so ordered shall be the rates under this Act until again similarly adjusted by the Governor in Council.

(2) In increasing or diminishing said rates due regard shall be had to the principle embodied in section 3 of chapter 67 of the statutes of 1892 and to new conditions which have obtained since.

(3) In the case of any such application the Governor in Council may commission or empower any judge of the Supreme Court or Exchequer Court of Canada, or of any superior court in any province of Canada, to inquire in a summary way into, and report to the Governor in Council whether such increase or diminution should be made, and as to the expenses incurred in and about the application and inquiry.

(4) The Governor in Council may order the whole or any part of such expenses to be borne by the municipality or by the Company.

(5) The judge may compel the attendance of witnesses and examine them under oath and require the production of books and papers, and shall have such other necessary powers as are conferred upon him by the Governor in Council for the purposes of such inquiry.

(6) Any order made under this Act by the Governor in Council may be made an order of the Exchequer Court of Canada or of any superior court of any province of Canada, and shall be enforced in like manner as any rule or order of such court.

**4.** The word "rates" in this Act shall apply to all rates charged for the rental or use of telephones and telephone service, and also to charges for messages from any person in one municipality to any other person in another municipality, commonly known as long distance messages."

Section 1 has been superseded by subsequent Acts increasing the Company's capital.

Sections 3 and 4 were superseded by the provisions of the *Railway Act* empowering the Board of Transport Commissioners for Canada to regulate the Company's rates. Under the *Railway Act*, an appeal lies to the Governor in Council.

(*e*) Chapter 61 of the statutes of 1906. The only unrepealed provision of this Act is:

"**2.** This Act and the Bell Telephone Company of Canada and the exercise of the powers hereby conferred shall be subject to the provisions of the *Railway Act*, 1903, and amendments thereto."

This section is no longer necessary as the relevant provisions of the *Railway Act* are expressly made applicable to the Company by section 380 thereof.

C-240.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-240.

An Act to amend the Criminal Code
(control of motor vehicle).

First reading, October 27, 1966.

Mr. NESBITT.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

25005

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-240.

An Act to amend the Criminal Code
(control of motor vehicle)

1953-54, cc. 51, 52; 1955, cc. 2, 45; 1956, c. 48; ss. 19, 20; 1957-58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, c. 37 and c. 45, s. 21; 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, c. 22, s. 10 and cc. 35, 53; 1966, c. 23.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

**1.** The *Criminal Code* is amended by inserting immediately after section 223 thereof the following section:

"**223A.** Sections 222 and 223 shall not apply where the motor vehicle is not in motion and the driver, having realized that he was intoxicated or that his ability to drive was impaired, has, for that reason alone, refrained from putting his motor vehicle in motion or stopped the same, and is also in a position to establish that he had no intention of driving or continuing to drive, while intoxicated or while his ability to drive was impaired."

## Explanatory Note.

The purpose of this Bill is to amend the *Criminal Code* so as not to penalize drivers who, realizing that they are intoxicated or that their ability to drive is impaired, are wise enough not to drive or to stop their car immediately and refrain from continuing their journey in their present state.

"Sections 222 and 223 read as follows:

**222.** Every one who, while intoxicated or under the influence of a narcotic drug, drives a motor vehicle or has the care or control of a motor vehicle, whether it is in motion or not, is guilty of

(*a*) an indictable offence and is liable

(i) for a first offence, to imprisonment for not more than three months and not less than thirty days, and

(ii) for each subsequent offence, to imprisonment for not more than one year and not less than three months; or

(*b*) an offence punishable on summary conviction and is liable

(i) for a first offence, to imprisonment for not more than thirty days and not less than seven days,

(ii) for a second offence, to imprisonment for not more than three months and not less than one month, and

(iii) for each subsequent offence, to imprisonment for not more than one year and not less than three months.

**223.** Every one who, while his ability to drive a motor vehicle is impaired by alcohol or a drug, drives a motor vehicle or has the care or control of a motor vehicle, whether it is in motion or not, is guilty of an indictable offence or an offence punishable on summary conviction and is liable

(*a*) for a first offence, to a fine of not more than five hundred dollars and not less than fifty dollars or to imprisonment for three months or to both,

(*b*) for a second offence, to imprisonment for not more than three months and not less than fourteen days, and

(*c*) for each subsequent offence, to imprisonment for not more than one year and not less than three months."

C-241.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-241.

An Act to amend the National Housing Act, 1954.

First reading, October 27, 1966.

THE MINISTER OF LABOUR.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

24965

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-241.

An Act to amend the National Housing Act, 1954.

1953-54, c. 23; 1956, c. 9; 1957-58, c. 18; 1958, c. 3; 1959, c. 6; 1960, c. 10; 1960-61, cc. 1, 61; 1962-63, c. 17; 1964-65, c. 15; 1965, c. 3.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

**1.** All that portion of paragraph (*a*) of subsection (6) of section 6 of the *National Housing Act, 1954* preceding subparagraph (i) thereof is repealed and the following substituted therefor:

"(*a*) in respect of a loan to a home owner, to a builder who intends to sell the house to a home purchaser, to the person who owns the farm, to a co-operative housing association, or to a person who intends to purchase, improve and occupy an existing house,"

**2.** (1) Paragraph (*a*) of subsection (1) of section 7 of the said Act is amended by striking out the word "or" at the end of subparagraph (i) thereof, by adding the word "or" at the end of subparagraph (ii) thereof and by adding thereto the following subparagraph:

"(iii) for the purpose of assisting in the purchase and improvement of an existing house,"

(2) Paragraph (*b*) of subsection (1) of section 7 of the said Act is amended by striking out the word "or" at the end of subparagraph (iv) thereof, by adding the word "or" at the end of subparagraph (v) thereof and by adding thereto the following subparagraph:

"(vi) a person who intends to purchase, improve and occupy an existing house or one of the family housing units thereof;

## Explanatory Notes.

*Clause 1:* The relevant portion of subsection (6) at present reads as follows:

"(6) There shall be charged to the borrower at the time of the making of an approved loan or an instalment thereof an insurance fee, which shall be collected by the approved lender and, subject to subsection (7), remitted to the Corporation as follows:

(*a*) in respect of a loan to a home owner or to a builder who intends to sell the house to a home purchaser or to the person who owns the farm or to a co-operative housing association,

(i) if the loan is an instalment loan, a fee of two per cent of the amount of each instalment, and

(ii) if the loan is not an instalment loan, a fee of one and three-quarters per cent of the amount of the loan; and"

By the amendments contained in subclauses (1) and (2) of clause 2 it is proposed that loans made to persons who intend to purchase, improve and occupy existing housing be insurable on conditions similar to loans made for new housing. The purpose of this amendment is to provide that the insurance fee payable in respect of such loans be the same as is payable in respect of loans of the kind at present described in paragraph (*a*).

*Clause 2:* (1) and (2) The relevant portion of subsection (1) of section 7 at present reads as follows:

"7. (1) Subject to section 8, a loan is insurable if

(*a*) it was made by an approved lender

(i) for the purpose of assisting in the construction of a house, co-operative housing project or rental housing project, or

(ii) for the alteration of an existing residential structure to add one or more family housing units thereto,

according to sound standards of construction approved by the Corporation;

1960-61, c. 1, s. 2(4).

(3) Subparagraph (iii) of paragraph (*e*) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

"(iii) 90% of the other one-half of the lending value, and"

1960-61, c. 1, s. 2(5).

(4) Subparagraph (ii) of paragraph (*f*) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

"(ii) 90% of the other one-half of the lending value, and"

1960-61, c. 1, s. 2(8).

(5) Subparagraph (iii) of paragraph (*h*) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

"(iii) 90% of the other one-half of the lending value of each house, and"

1960-61, c. 1, s. 2(9).

(6) Subparagraph (i) of paragraph (*i*) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

"(i) 90% of the lending value of the multiple family dwellings, and"

1960-61, c. 1, s. 2(10).

(7) Subparagraph (i) of paragraph (*j*) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

"(i) 90% of the lending value of the project, and"

(8) Subsection (1) of section 7 of the said Act is further amended by adding thereto, immediately after paragraph (*l*) thereof, the following paragraph:

"(*la*) when made to assist in the purchase and improvement of an existing house, it did not exceed the aggregate of

(i) 95% of the lending value of the house as improved, and

(ii) the amount of the insurance fee paid in respect of the loan;"

(*b*) it was made to

(i) the person (in this Act called the "home owner") who owns the house and intends to occupy it or one of the family housing units thereof,

(ii) a builder who intends to sell the house to a person (in this Act called the "home purchaser") who will own and occupy the house or one of the family housing units thereof,

(iii) the person who owns the farm upon which the house has been built,

(iv) the co-operative housing association that owns the co-operative housing project, or

(v) the person who owns the rental housing project;"

New. The purpose of these amendments is to provide that a loan is insurable if it is made by an approved lender for the purpose of assisting in the purchase and improvement of an existing house and is made to a person who intends to purchase, improve and occupy an existing house or one of the family housing units thereof.

(3) to (7) The purpose of these amendments is to increase the ratio for rental housing loans from 85% of the lending value to 90% of the lending value.

(8) to (10) New. These amendments are consequential on the amendments contained in subclauses (1) and (2).

(9) Subsection (1) of section 7 of the said Act is further amended by adding thereto, immediately after paragraph (*q*) thereof, the following paragraph:

"(*qa*) when made to assist in the purchase and improvement of an existing house, it is
(i) for a term of at least twenty-five years but not more than thirty-five years, or
(ii) for a term less than twenty-five years if the useful life of the house as improved, as determined by the Corporation, is less than twenty-five years, or the borrower so requested in writing;"

(10) Paragraph (*s*) of subsection (1) of section 7 of the said Act is amended by striking out the word "or" at the end of subparagraph (ii) thereof, by adding the word "or" at the end of subparagraph (iii) thereof and by adding thereto the following subparagraph:

"(iv) in the case of a loan made to assist in the purchase and improvement of an existing house the instalments of which are insured, in such instalments as have been determined by the Corporation;"

**3.** Subsection (1) of section 12 of the said Act is amended by adding thereto, immediately after paragraph (*a*) thereof, the following paragraph:

"(*ab*) determine, in the case of any loan made to assist in the purchase and improvement of an existing house, the minimum amount of the loan that may be used for improvement of the house;"

1965, c. 3, s. 1.

**4.** Section 13 of the said Act is repealed and the following substituted therefor:

Aggregate maximum.

"**13.** Notwithstanding anything in this Act, the aggregate amount of all loans in respect of which insurance policies have been issued under this Act shall not exceed nine and one-half billion dollars."

*Clause 3:* New. The purpose of this amendment is to authorize the Governor in Council to make regulations to determine, in the case of any loan made to assist in the purchase and improvement of an existing house, the minimum amount of the loan that may be used for improvement of the house.

*Clause 4:* Section 13 at present reads as follows:

"**13.** Notwithstanding anything in this Act, the aggregate amount of all loans in respect of which insurance policies have been issued under this Act shall not exceed *eight* and one-half billion dollars."

The purpose of this amendment is to increase from eight and one-half billion dollars to nine and one-half billion dollars the aggregate amount of all loans that may be insured under the *National Housing Act, 1954*.

1965, c. 3, s. 2.

**5.** All that portion of subsection (1) of section 22 of the said Act preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

Advances out of C.R.F.

"**22.** (1) The Minister may, upon terms and conditions approved by the Governor in Council, out of the Consolidated Revenue Fund, not exceeding in the aggregate four billion dollars"

1960-61, c. 1, s. 7.

**6.** The heading to Part VIA of the said Act is repealed and the following substituted therefor:

"LOANS FOR STUDENT HOUSING PROJECTS."

1960-61, c. 1, s. 7.

**7.** Paragraph (*b*) of section 36A of the said Act is repealed and the following substituted therefor:

"Student housing project."

"(*b*) "student housing project" means a project undertaken to provide students and their families with housing accommodation of the hostel or dormitory type or in the form of a housing project, including such other facilities in connection therewith as are, in the opinion of the Corporation, necessary for the operation of the project."

1964-65, c. 15, s. 11.

**8.** Subsection (1) of section 36B of the said Act is repealed and the following substituted therefor:

Loans to student housing projects.

"**36B.** (1) Subject to subsection (1a), the Corporation may, with the approval of the Governor in Council, make a loan to a province or agency thereof, a municipality or agency thereof, a hospital, a school board, a university or college, a co-operative association or a charitable corporation for the purpose of assisting in the construction of a student housing project or the acquisition of existing buildings and their conversion into a student housing project.

Provincial approval.

(1a) No loan shall be made under subsection (1) except to a province unless the government of the province concerned has approved the making of the loan."

*Clause 5:* The relevant portion of subsection (1) at present reads as follows:

> "22. (1) The Minister may, upon terms and conditions approved by the Governor in Council, out of the Consolidated Revenue Fund, not exceeding in the aggregate *three and one-quarter* billion dollars"

The purpose of this amendment is to increase from three and one-quarter billion dollars to four billion dollars the maximum charge on the Consolidated Revenue Fund for lending by Central Mortgage and Housing Corporation.

*Clauses 6 to 8:* At present Part VIA of the *National Housing Act, 1954* authorizes the making of loans to universities, co-operative associations or charitable corporations for the purpose of assisting in the construction of university housing projects. The purpose of these amendments is to authorize the making of loans for housing projects that will not be restricted only to the accommodation of university students.

The new subsection (1a) would provide that such loans will not be made except to a province unless the government of the province concerned has approved the making of the loan.

1965, c. 3, s. 5.

**9.** All that portion of subsection (2) of section 36C of the said Act preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

Idem.

"(2) The amount of an advance or reimbursement under subsection (1) shall not be greater than the amount by which three hundred and fifty million dollars exceeds the aggregate of"

1964-65, c. 15, s. 14(1).

**10.** (1) All that portion of subsection (1) of section 36G of the said Act preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

Reduction of indebtedness where project completed on or before March 31, 1970.

"**36G.** (1) Where the construction of a sewage treatment project in respect of which a loan is made under the authority of this Part is completed to the satisfaction of the Corporation on or before the 31st day of March, 1970, the Corporation may forgive payment by the borrower of"

1964-65, c. 15, s. 14(2).

(2) Subsection (2) of section 36G of the said Act is repealed and the following substituted therefor:

Reduction of indebtedness where project completed after March 31, 1970.

"(2) Where the construction of a sewage treatment project in respect of which a loan is made under the authority of this Part is not completed on or before the 31st day of March, 1970, the Corporation may forgive payment by the borrower of

(*a*) 25% of that portion of the principal amount of the loan that has been advanced to the borrower as of the 31st day of March, 1970; and

(*b*) 25% of the interest that has accrued as of the 31st day of March, 1970, on the portion of the loan referred to in paragraph (*a*)."

*Clause 9:* Subsection (2) at present reads as follows:

"(2) The amount of an advance or reimbursement under subsection (1) shall not be greater than the amount by which *two* hundred million dollars exceeds the aggregate of

(*a*) the total amount of advances made under paragraph (*a*) of subsection (1); and

(*b*) the total amount of reimbursements made under paragraph (*b*) of subsection (1)."

The purpose of this amendment is to increase from two hundred million dollars to three hundred and fifty million dollars the amount that may be paid out of the Consolidated Revenue Fund as loans for student housing projects or reimbursement for losses sustained on loans for such projects.

*Clause 10:* (1) and (2) Section 36G at present reads as follows:

"36G. (1) Where the construction of a sewage treatment project in respect of which a loan is made under the authority of this Part is completed to the satisfaction of the Corporation on or before the 31st day of March, *1967*, the Corporation may forgive payment by the borrower of

(*a*) 25% of the principal amount of the loan; and

(*b*) 25% of the interest that has accrued in respect of the loan as of the date of completion of the project.

(2) Where the construction of a sewage treatment project in respect of which a loan is made under the authority of this Part is not completed on or before the 31st day of March, *1967*, the Corporation may forgive payment by the borrower of

(*a*) 25% of that portion of the principal amount of the loan that has been advanced to the borrower as of the 31st day of March, *1967*; and

(*b*) 25% of the interest that has accrued as of the 31st day of March, *1967*, on the portion of the loan referred to in paragraph (*a*)."

The purpose of these amendments is to extend for an additional three years the period within which the construction of a sewage treatment project in respect of which a loan has been or is to be made under Part VIB of the Act must be completed if the municipality or municipal sewerage corporation is to be forgiven payment of a part of the principal amount of the loan and of the accrued interest thereon.

C-242.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-242.

An Act concerning the labeling of hazardous household products.

First reading, October 28, 1966.

Mr. Howe (*Hamilton South*).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

25060

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-242.

An Act concerning the labeling of hazardous household products.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short title.

**1.** This Act may be cited as the *Hazardous Household Products Labeling Act.*

Interpretation.

**2.** In this Act,

(*a*) "household product" means a substance or mixture of substances in the nature of a detergent or other cleaning product intended to clean any object or thing in a house;

(*b*) "Minister" means the Minister of National Health and Welfare;

Imperative labeling.

**3.** No person shall sell, offer for sale, expose for sale, have in possession for sale, or distribute a household product that may be hazardous to health, if accidentally ingested or inhaled or misused or even if used for the purposes it is intended for, unless it is stated on a label fixed to the said household product that it is a potentially dangerous substance.

Administration and regulations.

**4.** The Minister shall be in charge of the administration of this Act and the Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect and, in particular, but not so as to restrict the generality of the foregoing, may make regulations declaring that a household product constitutes a danger for health.

## Explanatory Notes.

Many household products in the nature of detergents are used every day by housewives and many of them do constitute a danger to health if ingested or inhaled accidentally by children or even if used for the purposes they are intended for.

It is advisable, in the circumstances, that the said products be labeled as hazardous to health.

Penalty.

**5.** Every person who violates any of the provisions of this Act or the regulations made thereunder is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

C-243.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-243.

An Act to amend the National Defence Act and other Acts in consequence thereof.

First reading, November 4, 1966.

THE MINISTER OF NATIONAL DEFENCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

24951

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-243.

An Act to amend the National Defence Act and other Acts in consequence thereof.

R.S., cc. 184, 310; 1952-53, cc. 6, 24; 1953-54, cc. 13, 21, 40; 1955, c. 28; 1956, c. 18; 1959, c. 5; 1964-65, c. 21.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

## SHORT TITLE.

Short title.

**1.** This Act may be cited as the *Canadian Forces Reorganization Act.*

## PART I.

## STRUCTURE OF THE CANADIAN FORCES.

**2.** Sections 15 to 18 of the *National Defence Act* are repealed and the following substituted therefor:

Canadian Forces, Canadian Armed Forces.

"**15.** The Canadian Forces are the armed forces of Her Majesty raised by Canada and consist of one Service called the Canadian Armed Forces.

Regular force.

**16.** (1) There shall be a component of the Canadian Forces, referred to in this Act as the regular force, consisting of officers and men who are enrolled for continuing, full-time military service.

Composition.

(2) The maximum numbers of officers and men in the regular force shall be as from time to time authorized by the Governor in Council, and the regular force shall include such units and other elements as are embodied therein.

## Explanatory Notes.

The policy of the government that the three Services of the Canadian Forces be unified was stated in the White Paper on Defence tabled on March 27, 1964. Chapter 21 of the Statutes of 1964-65, which came into force on August 1, 1964, approved integration of control of the three Services in that it provided for the replacement of the former chiefs of staff of the individual Services and the Chairman of the Chiefs of Staff Committee by a single Chief of the Defence Staff. Since that time the planning required for the integration process has continued and it is now considered appropriate to proceed to the final goal of a unified defence force for Canada.

*Clause 2:* The purpose of the amendment to section 15 is to provide that the Canadian Forces will consist of one Service called the Canadian Armed Forces, rather than three Services as at present. The amendments to sections 16 and 17 would provide for components of the Canadian Forces to be called the regular force, the reserve force and the special force and would also remove unnecessary specific references to the United Nations Charter and the North Atlantic Treaty. The amendments to section 18 would provide for the organization of units and other elements of the Canadian Forces.

Sections 15 to 18 at present read as follows:

"**15.** The Canadian Forces are the *naval, army and air forces of Her Majesty* raised by Canada and consist of *three Services, namely, the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force.*

**16.** (1) There shall be a component of *each Service* of the Canadian Forces consisting of officers and men who are enrolled for continuing, full-time military service; *and those components are* referred to in this Act as the regular *forces.*

(2) The maximum numbers of officers and men in the regular *forces* shall be as from time to time authorized by the Governor in Council, and the regular *forces* shall include such units and other elements as are embodied therein.

Reserve force.

(3) There shall be a component of the Canadian Forces, referred to in this Act as the reserve force, consisting of officers and men who are enrolled for other than continuing, full-time military service when not on active service.

Composition.

(4) The maximum numbers of officers and men in the reserve force shall be as from time to time authorized by the Governor in Council, and the reserve force shall include such units and other elements as are embodied therein.

Special force.

**17.** (1) In an emergency, or if considered desirable in consequence of any action undertaken by Canada pursuant to any international arrangement for collective defence entered into by Canada, the Governor in Council may establish and authorize the maintenance of a component of the Canadian Forces, referred to in this Act as the special force, consisting of

(*a*) officers and men of the regular force who are placed in the special force under conditions prescribed in regulations;

(*b*) officers and men of the reserve force who, being on active service or having applied and been accepted for continuing, full-time military service, are placed in the special force under conditions prescribed in regulations; and

(*c*) officers and men not of the regular or the reserve force who are enrolled in the special force for continuing, full-time military service.

Composition.

(2) The maximum numbers of officers and men in the special force shall be as from time to time authorized by the Governor in Council, and the special force shall include such units and other elements as are embodied therein.

UNITS AND OTHER ELEMENTS.

Organization.

**18.** (1) The Canadian Forces shall consist of such units and other elements as are from time to time organized by or under the authority of the Minister.

Components.

(2) A unit or other element organized under subsection (1) shall from time to time be embodied in such component of the Canadian Forces as may be directed by or under the authority of the Minister."

(3) There shall be *components* of *each Service* of the Canadian Forces consisting of officers and men who are enrolled for other than continuing, full-time military service when not on active service; *and those components are* referred to in this Act as the reserve *forces*.

(4) The maximum numbers of officers and men in the reserve *forces* shall be as from time to time authorized by the Governor in Council, and the reserve *forces* shall include such units and other elements as are embodied therein.

(5) In an emergency or if considered desirable in consequence of any action undertaken by Canada *under the United Nations Charter, the North Atlantic Treaty or any other similar instrument* for collective defence that may be entered into by Canada, the Governor in Council may establish and authorize the maintenance of *components of the Services of* the Canadian Forces, referred to in this Act as the active service forces, consisting of

(*a*) officers and men of the regular *forces* and the *reserve forces* who are placed in the *active service forces* under conditions prescribed in regulations, and

(*b*) officers and men, not of the regular *forces* or the reserve *forces*, who are enrolled in the *active service forces* for continuing, full-time military service.

(6) The maximum numbers of officers and men in the *active service forces* shall be as from time to time authorized by the Governor in Council, and the *active service forces* shall include such units and other elements as are embodied therein.

**17.** (1) Subject to this Act, the Naval Service, including the Naval Forces, and the Canadian Army and the Royal Canadian Air Force continue as constituted immediately prior to the 7th day of August, 1950.

(2) On and after the 7th day of August, 1950, the Naval Service, including the Naval Forces, shall be designated as the Royal Canadian Navy.

**18.** (1) *The Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force* shall consist of such units and other elements as are from time to time organized by or under the authority of the Minister.

(2) A unit or other element organized under subsection (1) shall from time to time be embodied in such component of the *Service of which it forms a part* as the Minister may *direct*.

(3) The Minister may establish organizations to which units and other elements and officers and men of the Canadian Forces may, in accordance with regulations made by the Governor in Council, be attached."

1956, c. 18, s. 5.

**3.** Subsections (1) and (2) of section 21 of the said Act are repealed and the following substituted therefor:

Commissioned officers.

"**21.** (1) Commissions of officers in the Canadian Forces shall be granted by Her Majesty during pleasure.

Subordinate officers and men.

(2) Persons shall be enrolled as subordinate officers or men for indefinite or fixed periods of service as may be prescribed in regulations made by the Governor in Council."

**4.** Section 22 of the said Act is repealed and the following substituted therefor:

Ranks of officers.

"**22.** (1) The ranks that may be held by officers of the Canadian Forces shall be as follows:

1. General
2. Lieutenant-General
3. Major-General
4. Brigadier-General
5. Colonel
6. Lieutenant-Colonel
7. Major
8. Captain
9. Lieutenant
10. Second Lieutenant
11. Officer Cadet.

Ranks of men.

(2) The ranks that may be held by men of the Canadian Forces shall be as follows:

1. Chief Warrant Officer
2. Master Warrant Officer
3. Warrant Officer
4. Sergeant
5. Corporal
6. Private.

Use of other designations.

(3) The Minister may make regulations prescribing other designations for the titles of rank set forth in this section for officers and men of the Canadian Forces and prescribing the circumstances in which such other designations may be used or referred to."

Continuation.

**5.** (1) The Canadian Forces continue, as a single Service, the Services known before the coming into force of this Part as the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force.

*Clause 3:* Subsections (1) and (2) at present read as follows:

"**21.** (1) Commissions of officers in the *Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force* shall be granted by Her Majesty during pleasure.

(2) Persons shall be enrolled

(*a*) as subordinate officers for indefinite or fixed *terms* of service, *and*

(*b*) *as men for fixed terms of service,*

as may be prescribed in regulations made by the Governor in Council."

The amendment to subsection (1) is consequential on the amendments made in clause 2. At present men are enrolled in the Canadian Forces for fixed terms of service. The amendment to subsection (2) would authorize their enrolment for indefinite, as well as fixed, periods of service.

*Clause 4:* The purpose of this amendment is to establish the ranks that may be held by officers and men of the Canadian Forces.

Section 22 at present reads as follows:

"**22.** The *respective* ranks that may be held by officers *and men* of the Canadian Forces shall be *as from time to time prescribed in regulations made by the Governor in Council.*"

(3) While officers and men will hold the ranks set forth in subsections (1) and (2) of the new section 22, it is appropriate that in certain circumstances they should be permitted to use designations of rank that are traditional in the environment in which they are serving. The purpose of this amendment is to authorize the Minister to prescribe such designations of rank and prescribe the circumstances in which they may be used or referred to.

*Clause 5:* Transitional

Units and other elements continued.

(2) The units and other elements of the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force existing at the coming into force of this Part shall, subject to the provisions of the *National Defence Act*, continue to be the units and elements of the Canadian Forces.

Officers and men members of Canadian Forces.

**6.** (1) Officers and men who were members of the Royal Canadian Navy, the Canadian Army or the Royal Canadian Air Force immediately prior to the coming into force of this Part are, subject to the provisions of the *National Defence Act*, members of the Canadian Forces.

Continuation of commissions, etc.

(2) Every officer who immediately prior to the coming into force of this Part held a commission in the Royal Canadian Navy, the Canadian Army or the Royal Canadian Air Force shall be deemed to have been granted a commission in the Canadian Forces and, subject to the provisions of the *National Defence Act*, every officer and man who immediately prior to the coming into force of this Part held a rank in the Royal Canadian Navy, Canadian Army or Royal Canadian Air Force set out in Column I, II or III of Schedule A shall, on the coming into force of this Part, be deemed to hold the rank in the Canadian Forces set out opposite that rank in Column IV of the Schedule.

Restriction on employment.

**7.** Except in an emergency, no officer or man who was a member of the Royal Canadian Navy, the Canadian Army or the Royal Canadian Air Force immediately prior to the coming into force of this Part shall, without his consent, be required to perform any duty in the Canadian Forces that he could not have been required to perform as a member of such Service.

## PART II.

### Consequential and General.

**8.** (1) Paragraph (7) of section 2 of the said Act is repealed and the following substituted therefor:

"Court martial."

"(7) "court martial" includes a General Court Martial, a Special General Court Martial, a Disciplinary Court Martial and a Standing Court Martial;"

(2) Paragraph (11) of section 2 of the said Act is repealed and the following substituted therefor:

"Detention barrack."

"(11) "detention barrack" means a place designated as such under subsection (1) of section 169A;"

*Clause 6:* Transitional.

*Clause 7:* The purpose of this clause is to ensure that officers and men of any one of the present Services will not be required to perform, without their consent, duties that they could not have been required to perform as a member of that Service.

Part II of this Act contains amendments to the *National Defence Act*, some of which are consequential on the amendments contained in Part I and on other provisions of this Bill and some of which are of a general nature. Those amendments that are consequential only are so designated in the explanatory notes that follow.

*Clause 8:* (1) Consequential on the amendment contained in clause 40.

(2) to (7) Consequential.

(3) Paragraphs (15) to (17) of section 2 of the said Act are repealed and the following substituted therefor:

"Her Majesty's Canadian Ship."

"(15) "Her Majesty's Canadian Ship" means any vessel of the Canadian Forces commissioned as a vessel of war;

"Her Majesty's Forces."

(16) "Her Majesty's Forces" means the armed forces of Her Majesty wheresoever raised, and includes the Canadian Forces;

"Man."

(17) "man" means any person, other than an officer, who is enrolled in, or who pursuant to law is attached or seconded otherwise than as an officer to, the Canadian Forces;"

(4) Paragraph (19) of section 2 of the said Act is repealed and the following substituted therefor:

"Military."

"(19) "military" shall be construed as relating to all or any part of the Canadian Forces;"

(5) Paragraph (21) of section 2 of the said Act is repealed and the following substituted therefor:

"Mutiny."

"(21) "mutiny" means collective insubordination or a combination of two or more persons in the resistance of lawful authority in any of Her Majesty's Forces or in any forces co-operating therewith;"

(6) Paragraph (23) of section 2 of the said Act is repealed and the following substituted therefor:

"Officer."

"(23) "officer" means

(*a*) a person who holds Her Majesty's commission in the Canadian Forces,

(*b*) a subordinate officer in the Canadian Forces, and

(*c*) any person who pursuant to law is attached or seconded as an officer to the Canadian Forces;"

(7) Paragraph (34) of section 2 of the said Act is repealed and the following substituted therefor:

"Service prison."

"(34) "service prison" means a place designated as such under subsection (1) of section 169A;"

(8) Section 2 of the said Act is further amended by adding thereto, immediately after paragraph (36) thereof, the following paragraphs:

"Ship."

"(36*a*) "ship" means a unit that is a vessel of the Canadian Forces commissioned or ordered to be commissioned;

(8) *New.*

"Subordinate officer."

(36*b*) "subordinate officer" means a person who holds the rank of officer cadet;"

**9.** Section 13 of the said Act is amended by adding thereto the following subsection:

By Treasury Board.

"(3) The Treasury Board may make regulations prescribing the rates and conditions of issue of pay and allowances of officers and men and the forfeitures and deductions to which the pay and allowances of officers and men are subject."

**10.** Section 14 of the said Act is repealed and the following substituted therefor:

Limitation upon Minister's power.

"**14.** Where in any section of this Act, other than section 13 and this section, there is express reference to regulations made or prescribed by the Governor in Council or the Treasury Board in respect of any matter, the Minister does not have power to make regulations pertaining to that matter."

**11.** Section 26 of the said Act is repealed and the following substituted therefor:

Consent to transfer.

"**26.** No officer or man shall without his consent be transferred from the regular force to the reserve force or from the reserve force to the regular force."

**12.** Subsections (1) and (2) of section 27 of the said Act are repealed and the following substituted therefor:

Effect of receipt of pay if not enrolled.

"**27.** (1) Where, although not enrolled or re-engaged for service, a person has received pay as an officer or man, he is, until he claims his release and is released, deemed to be an officer or man, as the case may be, of the component of the Canadian Forces through which he received pay and to be subject to this Act as if he were such an officer or man duly enrolled or re-engaged for service.

Effect of receipt of pay if irregularly enrolled.

(2) Where, although there has been an error or irregularity in his enrolment or re-engagement, a person has received pay as an officer or man of that component of the Canadian Forces in which he was erroneously or irregularly enrolled or re-engaged, that person is deemed to be an officer or man, as the case may be, regularly enrolled or re-engaged, and is not, except as provided in subsection (3), entitled to be released on the ground of the error or irregularity."

*Clause 9:* The purpose of this amendment is to authorize the Treasury Board to make regulations respecting the pay and allowances of officers and men and the forfeitures and deductions to which their pay and allowances are subject. At present such regulations are made by the Governor in Council.

*Clause 10:* Consequential on the amendment contained in clause 9.

*Clause 11:* Consequential.

*Clause 12:* Consequential.

Subsections (1) and (2) of section 27 at present read as follows:

"27. (1) Where, although not enrolled or re-engaged for service, a person has received pay as an officer or man, he is, until he claims his release and is released, deemed to be an officer or man, as the case may be, *of the Service and* component of the Canadian Forces through which he received pay and to be subject to this Act as if he were such an officer or man duly enrolled or re-engaged for service.

(2) Where, although there has been an error or irregularity in his enrolment or re-engagement, a person has received pay as an officer or man of that *Service and* component of the Canadian Forces in which he was erroneously or irregularly enrolled or re-engaged, that person is deemed to be an officer or man, as the case may be, regularly enrolled or re-engaged, and is not, except as provided in subsection (3), entitled to be released on the ground of the error or irregularity."

**13.** Section 28 of the said Act is repealed and the following substituted therefor:

Out of Canadian Forces.

"**28.** (1) An officer or man may be attached or seconded to the armed forces of any state, any department or agency of government, any public or private institution, private industry or any other body in such manner and under such conditions as are prescribed in any other Act or in regulations.

To the Canadian Forces.

(2) An officer or man of the armed forces of any state may be attached or seconded to the Canadian Forces in such manner and under such conditions as are prescribed in any other Act or in regulations.

Provision regarding reserve force.

(3) No officer or man of the reserve force who is not serving on active service shall without his consent be attached or seconded pursuant to subsection (1)."

**14.** Sections 32 to 36 of the said Act are repealed and the following substituted therefor:

Placing Forces on active service.

"**32.** (1) The Governor in Council may place the Canadian Forces or any component, unit or other element thereof or any officer or man thereof on active service anywhere in or beyond Canada at any time when it appears advisable so to do

(*a*) by reason of an emergency, for the defence of Canada; or

(*b*) in consequence of any action undertaken by Canada pursuant to any international arrangement for collective defence entered into by Canada.

Effect on status of officers and men.

(2) An officer or man who is a member of, serving with, or attached or seconded to, a component, unit or other element of the Canadian Forces that has been placed on active service, or who has been placed on active service, or who pursuant to law has been attached or seconded to a portion of a force that has been placed on active service, shall be deemed to be on active service for all purposes.

Proclamation for meeting of Parliament.

**33.** Whenever the Governor in Council places the Canadian Forces or any component or unit thereof on active service, if Parliament is then separated by such adjournment or prorogation as will not expire within ten days, a proclamation shall be issued for the meeting of Parliament within ten days, and Parliament shall accordingly meet and sit upon the day appointed by such proclamation, and shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day.

*Clause 13:* Section 28 at present reads as follows:

"**28.** (1) An officer or man may be attached or seconded to another component of the Service of the Canadian Forces in which he is enrolled or to any component of any Service of the Canadian Forces, other than that in which he is enrolled, in such manner and under such conditions as are prescribed in regulations; and he has like powers of command and punishment over officers and men of the component and Service of the Canadian Forces to which he is attached or seconded as if he were an officer or man of that component and Service of equivalent rank, relative to the rank he holds.

(2) An officer or man may be attached or seconded to *any of Her Majesty's Forces*, any department or agency of government, any public or private institution, private industry or any other body in such manner and under such conditions as are prescribed in any other Act or in regulations.

(3) No officer or man of the reserve *forces* who is not serving on active service shall without his consent be attached or seconded pursuant to *this* section."

The repeal of the present subsection (1) is consequential on the amendments contained in Part I. The purpose of the other amendments is to authorize the attachment or secondment of officers and men to the armed forces of any state and for the attachment or secondment to the Canadian Forces of officers and men of the armed forces of any state.

*Clause 14:* Section 32 at present reads as follows:

"**32.** (1) The Governor in Council may place the Canadian Forces or any *Service*, component, unit or other element thereof or any officer or man thereof on active service anywhere in or beyond Canada at any time when it appears advisable so to do

(*a*) by reason of an emergency, for the defence of Canada, or

(*b*) in consequence of any action undertaken by Canada *under the United Nations Charter, the North Atlantic Treaty or any other similar instrument* for collective defence that may be entered into by Canada.

(2) An officer or man *of Her Majesty's Forces* who is a member of, serving with, or attached or seconded to a *Service*, component or unit of the Canadian Forces that has been placed on active service, or who has been placed on active service, or who pursuant to law has been attached or seconded to a portion of a force that has been placed on active service, shall be deemed to be on active service for all purposes.

(3) An officer or man on active service may for the period of such service, be transferred from the component of the Service of the Canadian Forces in which he has been enrolled to the same component of another Service of the Canadian Forces or from the reserve forces to the regular forces."

The amendment to paragraph (*b*) of subsection (1) is to remove unnecessary specific references to the United Nations Charter and the North Atlantic Treaty. The remaining amendments are consequential.

Sections 33 to 35 at present read as follows:

"**33.** Whenever the Governor in Council places the Canadian Forces or any *Service*, component or unit thereof on active service, if Parliament is then separated by such adjournment or prorogation as will not expire within ten days, a proclamation shall be issued for the meeting of Parliament within ten days, and Parliament shall accordingly meet and sit upon the day appointed by such proclamation, and shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day.

SERVICE.

Liability of regular force.

**34.** (1) The regular force, all units and other elements thereof and all officers and men thereof are at all times liable to perform any lawful duty.

Liability of reserve force.

(2) The reserve force, all units and other elements thereof and all officers and men thereof

(*a*) may be ordered to train for such periods as are prescribed in regulations made by the Governor in Council; and

(*b*) may be called out on service to perform any military duty other than training at such times and in such manner as by regulations or otherwise are prescribed by the Governor in Council.

Exception in case of reserve force.

(3) Nothing in subsection (2) shall be deemed to impose liability to serve as prescribed therein, without his consent, upon an officer or man of the reserve force who is, by virtue of the terms of his enrolment, liable to perform duty on active service only.

Special liability of regular force in national disaster.

**35.** (1) Where the Governor in Council has declared that a disaster exists or is imminent that is, or is likely to be, so serious as to be of national concern, the regular force or any unit or other element thereof or any officer or man thereof is liable to perform such services in respect of the disaster, existing or imminent, as the Minister may authorize, and the performance of such services shall be deemed to be military duty.

Special liability of reserve force in national disaster.

(2) Where the Governor in Council declares that a disaster as mentioned in subsection (1) exists or is imminent and that the services of the reserve force are required for the purpose of rendering assistance in respect of the disaster, existing or imminent, the Governor in Council may authorize the reserve force or any unit or other element thereof or any officer or man thereof to be called out on service for that purpose and all officers and men while so called out shall be deemed to be performing military duty.

Exception in case of reserve force.

(3) Nothing in subsection (2) shall be deemed to impose liability to serve as prescribed therein, without his consent, upon an officer or man of the reserve force who is, by virtue of the terms of his enrolment, liable to perform duty on active service only.

**34.** (1) The regular *forces*, all units and other elements thereof and all officers and men thereof are at all times liable to perform any lawful duty.

(2) The reserve *forces*, all units and other elements thereof and all officers and men thereof

(*a*) may be ordered to *drill or* train for such periods as are prescribed in regulations made by the Governor in Council, and

(*b*) may be called out on service to perform any *naval, army or air force* duty, *as the case may be*, other than *drill or* training at such times and in such manner as by regulations or otherwise are prescribed by the Governor in Council.

(3) Nothing in subsection (2) shall be deemed to impose liability to serve as prescribed therein, without his consent, upon an officer or man of the reserve *forces* who is, by virtue of the terms of his enrolment, liable to perform duty on active service only.

**35.** (1) Where the Governor in Council has declared that a disaster exists or is imminent that is, or is likely to be, so serious as to be of national concern, the regular *forces* or any unit or other element thereof or any officer or man thereof *are* liable to perform such services in respect of the disaster, existing or imminent, as the Minister may authorize, and the performance of such services shall be deemed to be *naval, army or air force* duty, *as the case may be.*

(2) Where the Governor in Council declares that a disaster as mentioned in subsection (1) exists or is imminent and that the services of the reserve *forces* are required for the purpose of rendering assistance in respect of the disaster, existing or imminent, the Governor in Council may authorize the reserve *forces* or any unit or other element thereof or any officer or man thereof to be called out on service for that purpose and all officers and men while so called out shall be deemed to be performing *naval, army or air force* duty, *as the case may be.*

(3) Nothing in subsection (2) shall be deemed to impose liability to serve as prescribed therein, without his consent, upon an officer or man of the reserve *forces* who is, by virtue of the terms of his enrolment, liable to perform duty on active service only."

PAY AND ALLOWANCES.

Rates, etc.

**36.** The pay and allowances of officers and men shall be at such rates, issued under such conditions and subject to such forfeitures and deductions as are prescribed in regulations made by the Treasury Board.

1964-65, c. 21, s. 2(1).

**15.** (1) Subsection (2) of section 39 of the said Act is repealed and the following substituted therefor:

Non-public property of unit.

"(2) The non-public property of every disbanded unit or other disbanded element of the Canadian Forces vested in the officer in command of that unit or other element shall pass to and vest in the Chief of the Defence Staff, and may be disposed of at his discretion and direction for the benefit of all or any officers and men or former officers and men, or their dependants."

1964-65, c. 21 s. 2(1).

(2) Subsection (4) of section 39 of the said Act is repealed and the following substituted therefor:

Other non-public property.

"(4) Non-public property acquired by contribution but not contributed to any specific unit or other element of the Canadian Forces shall vest in the Chief of the Defence Staff and, subject to any specific directions by the contributor as to its disposal, may be disposed of at his discretion and direction for the benefit of all or any officers and men or former officers and men, or their dependants."

**16.** Section 43 of the said Act is amended by adding thereto the following subsection:

Affidavits, etc.

"(2) A board of inquiry may administer oaths and take and receive affidavits, declarations and affirmations relating to any matter the board is convened to investigate."

**17.** Subsection (1) of section 44 of the said Act is repealed and the following substituted therefor:

Formation.

"**44.** (1) The Minister may authorize the formation of cadet organizations under the control and supervision of the Canadian Forces to consist of boys not less than twelve years of age and who have not attained the age of nineteen years."

Section 36 at present reads as follows:

"**36.** (1) The pay and allowances of officers and men shall be at such rates and issued under such conditions as are prescribed in regulations made by the Governor in Council.

(2) The pay and allowances of officers and men are subject to such forfeitures and deductions as are prescribed in regulations made by the *Governor in Council.*

(3) Unless made in accordance with regulations prescribed by the Governor in Council, an assignment of pay and allowances is void."

The purpose of this amendment is to authorize the Treasury Board, rather than the Governor in Council, to make regulations respecting the pay and allowances of officers and men. Subsection (3) is repealed since it conflicts with section 88c of the *Financial Administration Act.*

*Clause 15:* (1) and (2) Consequential.

The subsections being amended at present read as follows:

"(2) The non-public property of every disbanded unit or other disbanded element of the Canadian Forces, vested in the officer in command of that unit or other element shall pass to and vest in the Chief of the Defence Staff, and may be disposed of at his discretion and direction for the benefit of all or any officers and men or former officers and men, or their dependants, *of the Service of the Canadian Forces in which that unit or other element was comprised.*

(4) Non-public property acquired by contribution but not contributed to any specific unit or other element of the Canadian Forces shall vest in the Chief of the Defence Staff and, subject to any specific directions by the contributor as to its disposal, may be disposed of at his discretion and direction for the benefit of all or any officers and men or former officers and men, or their dependants, *of that Service of the Canadian Forces to which the non-public property was contributed.*"

*Clause 16:* New. The purpose of this amendment is to authorize a board of inquiry to administer oaths and take and receive affidavits, declarations and affirmations relating to any matter the Board is convened to investigate.

*Clause 17:* Consequential.

**18.** Subsection (2) of section 49 of the said Act is repealed and the following substituted therefor:

By mail.

"(2) All regulations and all orders and instructions relating to or in any way affecting an officer or man of the reserve force, other than an officer or man who is serving with a unit or other element, when sent to him by registered mail, addressed to his last known place of abode or business, shall be held to be sufficiently notified."

**19.** (1) Paragraphs (*a*) and (*b*) of subsection (1) of section 56 of the said Act are repealed and the following substituted therefor:

"(*a*) an officer or man of the regular force;
(*b*) an officer or man of the special force;"

(2) All that portion of paragraph (*c*) of subsection (1) of section 56 of the said Act preceding subparagraph (i) thereof is repealed and the following substituted therefor:

"(*c*) an officer or man of the reserve force when he is"

(3) Subparagraph (ix) of paragraph (*c*) of subsection (1) of section 56 of the said Act is repealed and the following substituted therefor:

"(ix) serving with any unit or other element of the regular force or the special force, or"

(4) Paragraph (*d*) of subsection (1) of section 56 of the said Act is repealed and the following substituted therefor:

"(*d*) subject to such exceptions, adaptations and modifications as the Governor in Council may by regulations prescribe, a person who, pursuant to law or pursuant to an agreement between Canada and the state in whose armed forces he is serving, is attached or seconded as an officer or man to the Canadian Forces;"

(5) Paragraph (*j*) of subsection (1) of section 56 of the said Act is repealed and the following substituted therefor:

"(*j*) a person, not otherwise subject to the Code of Service Discipline, while serving with the Canadian Forces under an engagement with the Minister whereby he agreed to be subject to that Code."

*Clause 18:* Consequential.

*Clause 19:* (1) to (3) Consequential.

(4) Consequential on the amendment to subsection (2) of section 28 contained in clause 13.

Paragraph (*d*) at present reads as follows:

"(*d*) subject to such exceptions, adaptations, and modifications as the Governor in Council may by regulations prescribe, a person who pursuant to law is attached or seconded as an officer or man to *a Service of* the Canadian Forces;"

(5) Consequential.

(6) The heading preceding subsection (4) and subsections (4) to (7) of section 56 of the said Act are repealed.

1953-54, c. 13, s. 10.

(7) Subsections (7b) to (13) of section 56 of the said Act are repealed and the following substituted therefor:

How persons accompanying Canadian Forces to be treated.

"(8) Every person mentioned in paragraph (*f*) of subsection (1) who, while accompanying any unit or other element of the Canadian Forces, is alleged to have committed a service offence, shall be treated as a man, unless he holds from the commanding officer of the unit or other element of the Canadian Forces that he accompanies or from any other officer prescribed by the Minister for that purpose, a certificate, revocable at the pleasure of the officer who issued it or of any other officer of equal or higher rank, entitling such person to be treated on the footing of an officer, in which case he shall be treated as an officer in respect of any offence alleged to have been committed by him while holding that certificate.

Command.

(9) Every person mentioned in subsection (8) shall, for the purposes of the Code of Service Discipline, be deemed to be under the command of the commanding officer of the unit or other element of the Canadian Forces that such person accompanies.

*Spies for the Enemy.*

Deemed under command of unit holding him.

(10) Every person mentioned in paragraph (*h*) of subsection (1) shall, for the purposes of the Code of Service Discipline, be deemed to be under the command of the commanding officer of the unit or other element of the Canadian Forces that may be holding him in custody from time to time.

*Released Persons Serving Sentence.*

Deemed under command of prison commander.

(11) Every person mentioned in paragraph (*i*) of subsection (1) who is alleged to have committed, during the currency of his imprisonment or detention, a service offence, shall, for the purposes of the Code of Service Discipline, be deemed to be under the command of the commanding officer of the service prison or detention barrack, as the case may be, in which he is imprisoned or detained.

*Persons under Special Engagement.*

How to be treated.

(12) Every person mentioned in paragraph (*j*) of subsection (1) who, while serving with the Canadian Forces, is alleged to have committed a service offence,

(6) Consequential.

The heading preceding subsection (4) and subsections (4) to (7) at present read as follows:

"PERSONS IN CANADIAN FORCES.

(4) Subject to subsections (5) and (6), every officer or man who is alleged to have committed a service offence may be charged, dealt with and tried only within the Service of the Canadian Forces in which he is enrolled.

(5) Every officer or man who, while attached or seconded to a Service of the Canadian Forces other than the Service in which he is enrolled, is alleged to have committed a service offence, may be charged, dealt with and tried either within that other Service, as if he were an officer or man thereof, or within the Service in which he is enrolled.

(6) Every officer or man who, while embarked on any vessel or aircraft of a Service of the Canadian Forces other than the Service in which he is enrolled, is alleged to have committed a service offence, may be charged, dealt with and tried either within that other Service, as if he were an officer or man thereof, or within the Service in which he is enrolled.

(7) Every person serving in the circumstances set forth in paragraph (*e*) of subsection (1) who, while so serving, is alleged to have committed a service offence, may be charged, dealt with and tried within that Service of the Canadian Forces in which his commanding officer is serving."

(7) Consequential. The present subsection (7b) is now included in the new section 149A contained in clause 40.

shall be treated as a man, unless the terms of the agreement under which he was engaged entitle him to be treated as an officer, in which case he shall be treated as an officer.

Command.

(13) Every person mentioned in subsection (12) shall, for the purposes of the Code of Service Discipline, be deemed to be under the command of the commanding officer of the unit or other element of the Canadian Forces in which that person is serving."

1956, c. 18, s. 6.

(8) Subsection (15) of section 56 of the said Act is repealed and the following substituted therefor:

*"Persons under Command of Superior Officer.*

Commanding officer deemed superior officer of certain persons.

(15) Every person subject to the Code of Service Discipline by virtue of paragraph (*f*), (*g*), (*i*) or (*j*) of subsection (1), shall, for the purposes of preparation, practise or execution of any plan, arrangement or manoeuvre for the defence or evacuation of any area in the event of attack, be under the command of the commanding officer of the unit or other element of the Canadian Forces that he is accompanying or with which he is serving or is in attendance and such commanding officer shall for such purposes be deemed to be a superior officer of such person, but nothing in this subsection shall be construed as requiring any such person to bear arms or to participate in any active operations against the enemy."

**20.** Subsections (2) and (3) of section 79 of the said Act are repealed and the following substituted therefor:

Definition.

"(2) A person deserts who

(*a*) being on or having been warned for active service, duty during an emergency or other important service, is absent without authority with the intention of avoiding that service or duty;

(*b*) having been warned that his vessel is under sailing orders, is absent without authority, with the intention of missing that vessel;

(*c*) absents himself without authority from his place of duty with the intention of remaining absent from his place of duty;

(*d*) is absent without authority from his place of duty and at any time during such absence forms the intention of remaining absent from his place of duty; or

(8) Consequential.

*Clause 20:* Subsections (2) and (3) of section 79 at present read as follows:

"(2) A person deserts who

(*a*) being on or having been warned for active service or other important service, is absent without authority with the intention of avoiding that service;

(*b*) having been warned that his vessel is under sailing orders, is absent without authority, with the intention of missing that vessel;

(*c*) absents himself without authority from *his unit or formation or from the place where his duty requires him to be*, with the intention of *not returning to that unit, formation or* place;

(*d*) is absent without authority from *his unit or formation or from the place where his duty requires him to be* and at any time during such abence forms the intention of *not returning to that unit, formation or* place; or

(*e*) while absent with authority *from his unit or formation or the place where his duty requires him to be*, with the intention of *not returning to that unit, formation or* place, does any act, or omits to do anything, the natural and probable consequence of which act or omission is to preclude *his return to that unit, formation or place* at the time required.

(3) A person who has been absent without authority for a continuous period of six months or more shall, unless the contrary is proved, be presumed to have had the intention of not returning to his *unit or formation or the place where his duty requires him to be.*"

The purpose of this amendment is to clarify the definition of "desertion".

(*e*) while absent with authority from his place of duty, with the intention of remaining absent from his place of duty, does any act, or omits to do anything, the natural and probable consequence of which act or omission is to preclude his being at his place of duty at the time required.

Presumption of desertion.

(3) A person who has been absent without authority for a continuous period of six months or more shall, unless the contrary is proved, be presumed to have had the intention of remaining absent from his place of duty."

**21.** Paragraph (*b*) of section 80 of the said Act is repealed and the following substituted therefor:

"(*b*) fails to take any steps in his power to cause the apprehension of a person known or suspected by him to be a deserter,"

**22.** Subsection (2) of section 81 of the said Act is repealed and the following substituted therefor:

Definition.

"(2) A person absents himself without leave who

(*a*) without authority leaves his place of duty;

(*b*) without authority is absent from his place of duty; or

(*c*) having been authorized to be absent from his place of duty, fails to return to his place of duty at the expiration of the period for which his absence was authorized."

**23.** Section 88 of the said Act is repealed and the following substituted therefor:

Drunkenness.

"**88.** (1) Drunkenness is an offence and every person convicted thereof is liable to imprisonment for less than two years or to less punishment, except that, where the offence is committed by a man who is not on active service or on duty or who has not been warned for duty, no punishment of imprisonment, and no punishment of detention for a term in excess of ninety days, shall be imposed.

When committed.

(2) For the purposes of subsection (1), the offence of drunkenness is committed where a person, owing to the influence of alcohol or a drug,

(*a*) is unfit to be entrusted with any duty he is or may be required to perform; or

(*b*) behaves in a disorderly manner or in a manner likely to bring discredit on Her Majesty's service."

*Clause 21:* Section 80 at present reads as follows:

"**80.** Every person who

(*a*) being aware of the desertion or intended desertion of a person from any of Her Majesty's Forces, does not without reasonable excuse inform his superior officer forthwith; or

(*b*) fails to take any steps in his power to cause the apprehension of a person known by him to be a deserter,

is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment."

The purpose of this amendment is to make it an offence for a person, subject to the Code of Service Discipline, to fail to take any steps in his power to cause the apprehension of a person suspected by him to be a deserter.

*Clause 22:* Subsection (2) at present reads as follows:

"(2) A person absents himself without leave who

(*a*) without authority leaves his *unit or formation or the place where his duty requires him to be;*

(*b*) without authority is absent from his *unit or formation or the place where his duty requires him to be;* or

(*c*) having been authorized to be absent from his *unit or formation or the place where his duty requires him to be*, fails to return to *that unit, formation or place* at the expiration of the period for which his absence was authorized."

The purpose of this amendment is to clarify the definition of "absence without leave".

*Clause 23:* Section 88 at present reads as follows:

"**88.** Drunkenness, *whether on duty or not on duty*, is an offence and every person convicted thereof is liable to imprisonment for less than two years or to less punishment, except that, where the offence is committed by a man who is neither on active service nor on duty, no punishment of imprisonment, and no punishment of detention for a term in excess of ninety days, shall be imposed."

The purpose of this amendment is to define the offence of drunkenness in accordance with established military law.

**24.** The said Act is further amended by adding thereto, immediately after section 96 thereof, the following section:

Disobedience of captain's orders.

"**96A.** (1) Every person who, when in a ship, disobeys any lawful command given by the captain of the ship in relation to the navigation or handling of the ship or affecting the safety of the ship, whether or not the captain is subject to the Code of Service Discipline, is guilty of an offence and on conviction is liable to imprisonment for life or to less punishment.

Command in ship.

(2) For the purposes of this section, every person whatever his rank shall, when he is in a ship, be under the command, as respects all matters relating to the navigation or handling of the ship or affecting the safety of the ship, of the captain of the ship, whether or not the latter is subject to the Code of Service Discipline."

**25.** Paragraph (*f*) of section 107 of the said Act is repealed and the following substituted therefor:

"(*f*) commits any act of a fraudulent nature not particularly specified in sections 64 to 117A."

1953-54, c. 13, s. 13.

**26.** (1) Paragraph (*b*) of subsection (3) of section 118 of the said Act is repealed and the following substituted therefor:

"(*b*) any regulations, orders or instructions published for the general information and guidance of the Canadian Forces or any part thereof; or"

(2) Subsection (4) of section 118 of the said Act is repealed and the following substituted therefor:

Attempt to commit offences.

"(4) An attempt to commit any of the offences prescribed in sections 64 to 117A is an act, conduct, disorder or neglect to the prejudice of good order and discipline."

**27.** Paragraph (*a*) of subsection (2) of section 119 of the said Act is repealed and the following substituted therefor:

"(*a*) if the conviction was in respect of an offence committed in Canada and under Part XII of this Act, the *Criminal Code* or other Act of the

*Clause 24:* New. The purpose of this amendment is to require every person in a ship, whatever his rank, to obey any lawful command given by the captain of the ship in relation to the navigation, handling or safety of the ship. Section 100 makes similar provision in respect of persons in an aircraft.

*Clause 25:* The relevant portion of section 107 at present reads as follows:

"**107.** Every person who

(*f*) commits any act of a fraudulent nature not particularly specified in *the Code of Service Discipline*,

is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment."

The purpose of this amendment is to specify more particularly the offences of a fraudulent nature that come within paragraph (*f*).

*Clause 26:* (1) Consequential.

(2) This amendment would make an attempt to commit a conspiracy punishable under this subsection.

*Clause 27:* Subsection (2) of section 119 at present reads as follows:

"(2) Subject to subsection (3), where a service tribunal convicts a person under subsection (1), the service tribunal shall,

(*a*) if under Part XII of this Act, the *Criminal Code* or other Act of the Parliament of Canada, a minimum penalty is prescribed, impose a penalty in accordance with the enactment prescribing that minimum penalty; or

(*b*) in any other case,

(i) impose the penalty prescribed for the offence by Part XII of this Act, the *Criminal Code* or that other Act, or

(ii) impose dismissal with disgrace from Her Majesty's service or less punishment."

Parliament of Canada, and a minimum penalty is prescribed, impose a penalty in accordance with the enactment prescribing that minimum penalty; or"

**28.** The said Act is further amended by adding thereto, immediately after section 120 thereof, the following sections:

Offence charged, attempt proved.

"**120A.** (1) Where the complete commission of an offence charged is not proved but the evidence establishes an attempt to commit the offence, the accused may be convicted of the attempt.

Attempt charged, full offence proved.

(2) Where an attempt to commit an offence is charged but the evidence establishes the commission of the complete offence, the accused is not entitled to be acquitted, but the service tribunal may convict him of the attempt unless

(*a*) in the case of a court martial, the officer who convened the court, in his discretion, discharges the court from making a finding on the charge and directs that the accused be charged with the complete offence; or

(*b*) in the case of a summary trial, the officer presiding at the trial, in his discretion, does not make a finding on the charge and directs that the accused be charged with the complete offence.

Conviction a bar.

(3) An accused who is convicted under subsection (2) of an attempt to commit an offence is not liable to be tried again for the offence that he was charged with attempting to commit.

Court may make special finding.

**120B.** Where a service tribunal concludes that

(*a*) the facts proved in respect of an offence being tried by it differ materially from the facts alleged in the statement of particulars, but are sufficient to establish the commission of the offence charged, and

(*b*) the difference between the facts proved and the facts alleged in the statement of particulars has not prejudiced the accused in his defence,

the court may, instead of making a finding of not guilty, make a special finding of guilty and in doing so shall state the differences between the facts proved and the facts alleged in the statement of particulars."

The purpose of this amendment is to provide that where a service tribunal convicts a person of an offence prescribed in any Act of Parliament and committed in Canada the tribunal shall, where a minimum penalty is prescribed in the Act, impose that penalty.

*Clause 28:* New.

Section 120A is similar to sections 567 and 568 of the *Criminal Code.*

Section 120B is similar in its purpose to section 704 of the *Criminal Code.*

**29.** (1) Paragraph (*i*) of subsection (1) of section 121 of the said Act is repealed.

(2) Paragraph (*f*) of subsection (4) of section 121 of the said Act is repealed and the following substituted therefor:

"(*f*) in the case of a man above the rank of private, a sentence that includes a punishment of imprisonment for two years or more or imprisonment for less than two years shall be deemed to include a punishment of reduction in rank to the lowest rank to which under regulations he can be reduced, whether or not the last mentioned punishment is specified in the sentence passed by the service tribunal; and"

(3) Paragraph (*c*) of subsection (7) of section 121 of the said Act is repealed and the following substituted therefor:

"(*c*) in the case of a man above the rank of private, a sentence that includes a punishment of detention shall be deemed to include a punishment of reduction in rank to the lowest rank to which under regulations he can be reduced, whether or not the last mentioned punishment is specified in the sentence passed by the service tribunal."

(4) Subsection (8) of section 121 of the said Act is repealed and the following substituted therefor:

Application.

"(8) The punishment of reduction in rank shall apply to officers above the rank of second lieutenant and to men above the rank of private."

(5) The heading preceding subsection (11) of section 121 and subsection (11) of the said Act are repealed.

(6) Subsection (12) of section 121 of the said Act is repealed and the following substituted therefor:

Conditions relating to fines.

"(12) A fine shall be imposed in a stated amount and shall not exceed, in the case of an officer or man, three months basic pay, and, in the case of any other person, the sum of five hundred dollars, and the terms of payment of a fine shall lie within the discretion of the commanding officer of the person so punished."

**30.** Subsection (3) of section 126 of the said Act is repealed.

*Clause 29:* (1) The relevant portion of subsection (1) of section 121 and the paragraph being repealed at present read as follows:

"**121.** (1) The following punishments may be imposed in respect of service offences:

(*i*) dismissal of an officer from the ship to which he belongs;"

The punishment being repealed has ceased to have practical effect.

(2) to (4) Consequential.

(5) Subsection (11) at present reads as follows:

"(11) The punishment of dismissal of an officer from the ship to which he belongs shall apply only to officers of the Royal Canadian Navy."

The repeal of this subsection is consequential on the amendment contained in subclause (1).

(6) This amendment would increase from two hundred dollars to five hundred dollars the maximum fine that may be imposed on a person, other than an officer or man, subject to the Code of Service Discipline.

*Clause 30:* The subsection being repealed at present reads as follows:

"(3) Every person shall be presumed to be sane at the time of doing or omitting to do any act until the contrary is proved."

The repeal of this subsection is consequential on the amendment contained in clause 31.

**31.** The said Act is further amended by adding thereto, immediately after section 126 thereof, the following heading and section:

"PRESUMPTION OF SANITY.

Presumption of sanity.

**126A.** Every person shall, until the contrary is proved, be presumed to be and to have been sane."

**32.** Subsection (3) of section 128 of the said Act is repealed.

**33.** (1) Subparagraph (i) of paragraph (*a*) of subsection (2) of section 136 of the said Act is repealed and the following substituted therefor:

"(i) a punishment of detention imposed by a commanding officer upon a man above the rank of private shall not be carried into effect until approved by an approving authority and only to the extent so approved, and"

R.S., c. 310, s. 2(7).

(2) Subsection (2a) of section 136 of the said Act is repealed and the following substituted therefor:

"Approving authority."

"(2a) In subsection (2) "approving authority" means

(*a*) any officer not below the rank of brigadier-general; or

(*b*) an officer not below the rank of colonel designated by the Minister as an approving authority for the purposes of this section."

**34.** Subsection (1) of section 137 of the said Act is repealed and the following substituted therefor:

Jurisdiction.

"**137.** (1) An officer of or above the rank of brigadier-general, or any other officer prescribed or appointed by the Minister for that purpose, referred to in this section as a "superior commander", may in his discretion try by summary trial an officer below the rank of lieutenant-colonel or a man above the rank of sergeant, charged with having committed a service

*Clause 31:* New. The purpose of this amendment is to provide for the presumption of sanity as is provided in section 16(4) of the *Criminal Code*.

*Clause 32:* Subsection (3) at present reads as follows:

(3) An order given under subsection (1) or subsection (2) shall be obeyed although the person giving the order and the person to whom and the person in respect of whom the order is given do not belong to the same Service, component, unit or other element of the Canadian Forces.

The establishment of one Service of the Canadian Forces would make this subsection unnecessary.

*Clause 33:* (1) Consequential. The relevant portion of subsection (2) of section 136 at present reads as follows:

"(2) Subject to the conditions set out in this section and in Part V relating to punishments, a commanding officer at a summary trial may pass a sentence in which any one or more of the following punishments may be included:

(*a*) detention for a period not exceeding ninety days subject to the following provisions:

(i) a punishment of detention imposed by a commanding officer upon *a chief petty officer, petty officer, non-commissioned officer or leading rating* shall not be carried into effect until approved by an approving authority and only to the extent so approved; and"

(2) Consequential.

*Clause 34:* Consequential in part. The amendment would also raise the rank of the officers who may be tried summarily by a superior commander from captain to major and, on the authority of the Governor in Council, to lieutenant-colonel.

offence, and the Governor in Council may extend the provisions of this section to cases where the accused person is of the rank of lieutenant-colonel."

**35.** Subsection (2) of section 138 of the said Act is repealed and the following substituted therefor:

Officers of other forces may be appointed.

"(2) An authority who convenes a court martial under subsection (1) may appoint, as members of the court martial, officers of the Canadian Forces or officers of any armed forces who are attached, seconded or loaned to the Canadian Forces."

**36.** Subsections (2) to (5) of section 140 of the said Act are repealed and the following substituted therefor:

Appointment of president.

"(2) The president of a General Court Martial shall be an officer of or above the rank of colonel and shall be appointed by the authority convening the General Court Martial or by an officer empowered by that authority to appoint the president.

Trial of brigadier-general or above.

(3) Where the accused person is of or above the rank of brigadier-general, the president of a General Court Martial shall be an officer of or above the rank of the accused person, and the other members of the court martial shall be of or above the rank of colonel.

Trial of a colonel.

(4) Where the accused person is of the rank of colonel, all of the members of a General Court Martial, other than the president, shall be of or above the rank of lieutenant-colonel.

Trial of a lieutenant-colonel.

(5) Where the accused person is a lieutenant-colonel, at least two of the members of a General Court Martial, exclusive of the president, shall be of or above the rank of the accused person."

**37.** Paragraph (*g*) of section 142 of the said Act is repealed and the following substituted therefor:

"(*g*) an officer below the rank of captain; or"

**38.** Subsection (2) of section 146 of the said Act is repealed and the following substituted therefor:

Rank of president.

"(2) The president of a Disciplinary Court Martial shall be an officer of or above the rank of major or of or above such higher rank as may be prescribed in regulations."

*Clause 35:* Consequential.

*Clause 36:* Consequential.

*Clause 37:* Consequential. The relevant portion of section 142 at present reads as follows:

"**142.** None of the following persons shall sit as a member of a General Court Martial:

...

(*g*) an officer below the *naval rank of lieutenant, the army* rank of captain *or the air force rank of flight lieutenant;* or"

...

*Clause 38:* Consequential.

**39.** Subsection (1) of section 149 of the said Act is repealed and the following substituted therefor:

Constitution.

"**149.** (1) The Governor in Council may establish Standing Courts Martial and each such court martial shall consist of one officer, to be called the president, who is or has been a barrister or advocate of more than three years' standing and who shall be appointed by or under the authority of the Minister."

**40.** The said Act is further amended by adding thereto, immediately after section 149 thereof, the following heading and section:

"Special General Courts Martial.

Special General Court Martial.

**149A.** Notwithstanding anything in this Act, where a person other than an officer or man is to be tried by a court martial, he may be tried by a Special General Court Martial consisting of a person, designated by the Minister, who is or has been a judge of a superior court in Canada, or is a barrister or advocate of at least ten years' standing and, subject to such modifications and additions as the Governor in Council may prescribe, the provisions of this Act and the regulations relating to trials of accused persons by General Courts Martial and to their conviction, sentence and punishment are applicable to trials by a Special General Court Martial established under this section, and to the conviction, sentence and punishment of persons so tried."

1955, c. 28, s. 7(2).

**41.** Subsection (4) of section 162 of the said Act is repealed and the following substituted therefor:

Questions of law.

"(4) Where a judge advocate has been appointed to officiate at a court martial, he may, in such circumstances and subject to such conditions and procedures as are prescribed in regulations made by the Governor in Council, determine questions of law or mixed law and fact arising before or after the commencement of the trial."

1955, c. 28, s. 9(1).

**42.** (1) Subsection (1) of section 172A is repealed and the following substituted therefor:

New trial.

"**172A.** (1) Where a service tribunal has found a person guilty of an offence and the Judge Advocate General certifies that in his opinion a new trial is

*Clause 39:* Subsection (1) of section 149 at present reads as follows:

"**149.** (1) The Governor in Council may *in an emergency* establish Standing Courts Martial and each such court martial shall consist of one officer, to be called the president, who is or has been a barrister or advocate of more than three years' standing and who shall be appointed by or under the authority of the Minister."

This amendment would remove the restriction that the Governor in Council may establish standing courts martial only in an emergency.

*Clause 40:* The purpose of this amendment is to provide that any person subject to the Code of Service Discipline, other than an officer or man, may be tried by a Special General Court Martial. At present only those persons described in section 56(7a) may be tried by a court martial of the kind described in this section. This amendment would further provide that dependants of officers and men serving out of Canada, who previously could be tried only by a court martial of the kind described in this section, may be tried by any type of court martial.

*Clause 41:* The purpose of this amendment is to authorize a judge advocate appointed to officiate at a court martial to determine not only questions of law but questions of mixed law and fact arising before or after the commencement of the trial.

*Clause 42:* (1) Subsection (1) of section 172A at present reads as follows:

"**172A.** (1) Where a service tribunal has found a person guilty of an offence and the Judge Advocate General certifies that in his opinion a new trial is advisable by reason of an irregularity in law in the proceedings before the service tribunal, the Minister may set aside the finding of guilty and direct a new trial, in which case that person shall be tried again for that offence as if no previous trial had been held."

advisable by reason of an irregularity in law in the proceedings before the service tribunal, the Minister may set aside the finding of guilty and direct a new trial, in which case that person shall be tried again on any appropriate charge as if no previous trial had been held."

1955, c. 28, s. 9(1).

(2) Subsection (3) of section 172A of the said Act is repealed and the following substituted therefor:

Minister may dispense with new trial.

"(3) The Minister may dispense with any new trial directed under this section or under section 191 or 196."

**43.** Section 180 of the said Act is repealed and the following substituted therefor:

Rules of penitentiaries and civil prisons to apply.

"**180.** (1) While a service convict is undergoing punishment in a penitentiary or a service prisoner is undergoing punishment in a civil prison, he shall be dealt with in the same manner as other prisoners in the place where he is undergoing punishment, and all rules applicable in respect of a person sentenced by a civil court to imprisonment in a penitentiary or civil prison, as the case may be, in so far as circumstances permit, apply accordingly.

Jurisdiction of National Parole Board.

(2) Where the punishment of a service convict undergoing punishment in a penitentiary or a service prisoner undergoing punishment in a civil prison is not suspended, mitigated, commuted or remitted under this Act within six months from the date of his committal to that penitentiary or civil prison, the National Parole Board has, notwithstanding anything in this Act but subject to the *Parole Act*, exclusive jurisdiction and absolute discretion to grant, refuse to grant or revoke the parole of that person."

**44.** Section 201 of the said Act is repealed and the following substituted therefor:

Oaths.

"**201.** Every person when required to give evidence on oath under this Act shall take his oath in the form prescribed in regulations and that oath, in respect of any prosecution under the *Criminal Code*, has the same force and effect as an oath taken before a civil court."

The purpose of this amendment is to authorize the re-trial of a person in the circumstances described, not only for the offence originally charged but on any appropriate charge.

(2) The purpose of this amendment is to authorize the Minister to dispense with any new trial directed by the Supreme Court of Canada. At present he may dispense only with a new trial directed by the Court Martial Appeal Court.

*Clause 43:* Section 180 at present reads as follows:

"180. While a service convict is undergoing punishment in a penitentiary or a service prisoner is undergoing punishment in a civil prison, he shall be dealt with in the same manner as other prisoners in the place where he is undergoing punishment, and all rules applicable in respect of a person sentenced by a civil court to imprisonment in a penitentiary or civil prison, as the case may be, in so far as circumstances permit, apply accordingly; *but a service convict undergoing punishment in a penitentiary or a service prisoner undergoing punishment in a civil prison shall not be discharged therefrom until the expiration of the term of his punishment, as reduced for good conduct by virtue of any rules in effect in that penitentiary or civil prison, unless an authority mentioned in section 174 or section 177 orders that he be discharged therefrom prior to the expiration of the term of his punishment.*"

The purpose of this amendment is to give the National Parole Board exclusive jurisdiction with respect to the parole of service convicts and service prisoners six months after they are committed to a penitentiary or a civil prison.

*Clause 44:* Section 201 at present reads as follows:

"201. Every person when required to give evidence on oath under this Act shall take his oath in the form prescribed in regulations and that oath, in respect of any prosecution *for perjury* under the *Criminal Code*, has the same force and effect as an oath taken before a civil court."

The purpose of this amendment is to provide that an oath taken in the form prescribed in the regulations has, in respect of any prosecution under the *Criminal Code*, the same force and effect as an oath taken before a civil court.

1956, c. 18, s. 13.

**45.** Subsection (1) of section 209 of the said Act is repealed and the following substituted therefor:

Duties or tolls on roads, bridges, etc.

"**209.** (1) No duties or tolls, otherwise payable by law in respect of the use of any pier, wharf, quay, landing-place, highway, road, right of way, bridge or canal, shall be paid by or demanded from any unit or other element of the Canadian Forces or any officer or man when on duty or any person under escort or in respect of the movement of any materiel, except that the Minister may authorize payment of duties and tolls in respect of such use."

**46.** Section 212 of the said Act is repealed and the following substituted therefor:

When applicable.

"**212.** Unless the Governor in Council otherwise directs, the *Government Vessels Discipline Act* does not apply to Her Majesty's Canadian ships or to any other ship or vessel of the Canadian Forces or to the officers, men or other persons serving or engaged for service therein, or to officers and men serving in the regular force, the special force, or the reserve force when on service or on active service."

**47.** Section 214 of the said Act is repealed and the following substituted therefor:

Exemption from jury service.

"**214.** Every officer and man of the reserve force on active service and every officer and man of the regular force and special force is exempt from serving on a jury."

1955, c. 28, s. 14.

**48.** Section 217B of the said Act is repealed and the following substituted therefor:

Offences committed outside Canada.

"**217B.** Where a person subject to the Code of Service Discipline does any act or omits to do anything while outside Canada which, if done or omitted in Canada by that person would be an offence punishable by a civil court, that offence is within the competence of, and may be tried and punished by, a civil court having jurisdiction in respect of such an offence in the place in Canada where that person is found in the same manner as if the offence had been committed in that place, or by any other court to which jurisdiction has been lawfully transferred."

*Clause 45:* The purpose of this amendment is to confer on the Minister the power presently exercisable by the Treasury Board to authorize the payment of duties or tolls.

*Clause 46:* Consequential.

*Clause 47:* Consequential.

*Clause 48:* The purpose of this amendment is to clarify the jurisdiction of civil courts in Canada to try offences under the *National Defence Act* committed outside Canada.

**49.** Section 218 of the said Act is repealed and the following substituted therefor:

"Attorney General" defined.

"**218.** For the purposes of this Part, "Attorney General" means the Attorney General of any province of Canada, or the acting Attorney General of a province, or any minister of a government of a province performing for the time being the duties of a provincial Attorney General."

**50.** Sections 220 to 223 of the said Act are repealed and the following substituted therefor:

Exception in case of certain reserves.

"**220.** Nothing in this Part shall be deemed to impose liability to serve in aid of the civil power, without his consent, upon an officer or man of the reserve force who is, by virtue of the terms of his enrolment, liable to perform duty on active service only.

Attorney General of province may requisition.

**221.** In any case where a riot or disturbance occurs, or is considered as likely to occur, the Attorney General of the province in which is situated the place where the riot or disturbance occurs, or is considered as likely to occur, on his own motion, or upon receiving notification from a judge of a superior, county or district court having jurisdiction in that place that the services of the Canadian Forces are required in aid of the civil power, may by requisition in writing addressed to the Chief of the Defence Staff require the Canadian Forces, or such part thereof as the Chief of the Defence Staff or such officer as he may designate considers necessary, to be called out on service in aid of the civil power.

Call out of Canadian Forces.

**222.** Upon receiving a requisition in writing made by an Attorney General under section 221, the Chief of the Defence Staff, or such officer as he may designate, shall call out such part of the Canadian Forces as he considers necessary for the purpose of suppressing or preventing any actual riot or disturbance, or any riot or disturbance that is considered as likely to occur.

Form of requisition.

**223.** A requisition of an Attorney General under this Part may be in the following form, or to the like effect, and the form may, subject to section 224, be varied to suit the facts of the case:

*Clause 49:* Consequential.

*Clause 50:* The amendment to section 221 would provide that a request for aid of the civil power be directed to the Chief of the Defence Staff. The remaining amendments are consequential.

Province of

To Wit

Whereas information has been received by me from responsible persons (or a notification has been received by me from a judge of a (superior) (county) (district) court having jurisdiction in ) that a riot or disturbance of the peace beyond the powers of the civil authorities to suppress (or to prevent or to deal with) and requiring the aid of the Canadian Forces to that end has occurred and is in progress (or is considered as likely to occur) at ;

And whereas it has been made to appear to my satisfaction that the Canadian Forces are required in aid of the civil power;

Now therefore I, ,

the Attorney General of ,
under and by virtue of the powers conferred by the *National Defence Act*, do hereby require you to call out the Canadian Forces or such part thereof as you consider necessary for the purpose of suppressing (or preventing or dealing with) the riot or disturbance;

And for and on behalf of the Province of , I the said , Attorney General, hereby undertake that all expenses and costs, incurred by Her Majesty by reason of the Canadian Forces or any part thereof being called out on service in aid of the civil power pursuant to this requisition, shall be paid to Her Majesty by the said Province.

Dated at , this

day of , 19 .

Attorney General. "

**51.** Subsection (5) of section 224 of the said Act is repealed and the following substituted therefor:

Statement not open to dispute.

"(5) A statement of fact contained in a requisition made under this Part is not open to dispute by the Chief of the Defence Staff."

1964-65, c. 21, s. 9.

**52.** Sections 226 and 227 of the said Act are repealed and the following substituted therefor:

Duration of aid of civil power.

"**226.** The Canadian Forces or any part thereof called out in aid of the civil power shall remain on duty in such strength as the Chief of the Defence Staff or such officer as he may designate deems necessary or orders, until notification is received from the Attorney General that the Canadian Forces are no longer required in aid of the civil power; and the Chief of the Defence Staff may, from time to time as in his opinion the exigencies of the situation require, increase or diminish the number of officers and men called out.

Province to pay expenses.

**227.** All expenses and costs incurred by Her Majesty by reason of the Canadian Forces or any part thereof being called out under this Part in aid of the civil power, shall be paid to Her Majesty by the province the Attorney General of which made the requisition requiring the Canadian Forces or any part thereof to be called out."

**53.** The said Act is further amended by adding thereto, immediately after section 233 thereof, the following section:

Unlawful use of names, etc.

"**233A.** (1) Every person who uses

(*a*) the words "Canadian Forces" or "Canadian Armed Forces" or the name of any component, unit or other element thereof or any abbreviation thereof or any words or letters likely to be mistaken therefor,

(*b*) any picture or other representation of a member of the Canadian Forces, or

(*c*) any uniform, mark, badge or insignia in use in the Canadian Forces,

in any advertising or in any trade or service, having been requested in writing by the Minister to cease such usage, is guilty of an offence punishable on summary conviction.

*Clause 51:* Consequential on the amendments contained in clause 50.

*Clause 52:* The amendment to section 226 is consequential on the amendment contained in clause 50. The amendment to section 227 is consequential on the amendments contained in Part I.

*Clause 53:* New.

Consent of Minister.

(2) No proceedings in respect of an offence under this section shall be instituted without the consent of the Minister."

**54.** Section 236 of the said Act is repealed and the following substituted therefor:

Failure to attend parade.

"**236.** (1) Every officer or man of the reserve force who without lawful excuse neglects or refuses to attend any parade or training at the place and hour appointed therefor is guilty of an offence and is liable on summary conviction for each offence, if an officer to a fine not exceeding fifty dollars, and if a man to a fine not exceeding twenty-five dollars.

Each absence an offence.

(2) Absence from any parade or training mentioned in subsection (1) is, in respect of each day on which such absence occurs, a separate offence."

**55.** Sections 237 to 239 of the said Act are repealed and the following substituted therefor:

Neglecting personal equipment.

"**237.** Every officer or man of the reserve force who fails to keep in proper order any personal equipment or who appears on parade or on any other occasion with his personal equipment out of proper order, unserviceable or deficient in any respect is guilty of an offence and is liable on summary conviction to a fine not exceeding forty dollars for each offence.

Interruption of training.

**238.** Every person who without reasonable excuse interrupts or hinders the Canadian Forces while training or while on the march is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars, and may be taken into custody and detained by any person by the order of an officer until such training or march is over for the day.

Hampering manoeuvres.

**239.** Every person who without reasonable excuse obstructs or interferes with manoeuvres authorized under section 205 is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars."

**56.** All that portion of subsection (1) of section 240 of the said Act following paragraph (*c*) thereof is repealed and the following substituted therefor:

*Clause 54:* The purpose of this amendment is to increase the maximum fine provided for offences under this section from ten dollars to fifty dollars in the case of an officer and from five dollars to twenty-five dollars in the case of a man.

*Clause 55:* The amendment to section 237 would increase from twenty-five dollars to forty dollars the maximum fine provided therein.

The amendments to sections 238 and 239 would increase from fifty dollars to one hundred dollars the maximum fines provided therein.

*Clause 56:* This amendment would increase from fifty dollars to one hundred dollars the maximum fine provided therein.

"is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars for each offence."

**57.** Sections 245 and 246 of the said Act are repealed and the following substituted therefor:

Failure to obey directions respecting property taken over, etc.

"**245.** Every person employed in connection with any property, control of which has been taken by Her Majesty under section 206, who does not obey the directions of the Minister or such person as is named in any warrant issued by the Minister is guilty of an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment.

Breach of regulations respecting billeting, etc.

**246.** Every person who contravenes regulations respecting the quartering, billeting and encamping of a unit or other element of the Canadian Forces, or of an officer or man is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars."

**58.** Section 248 of the said Act is repealed and the following substituted therefor:

Failure to comply with convoy orders.

"**248.** Every person who fails to comply with directions given under section 210 is guilty of an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment."

References.

**59.** Whenever in any regulation, rule or order, or in any contract, lease or other document,

(*a*) the "Royal Canadian Navy", "Canadian Army" or "Royal Canadian Air Force", is mentioned or referred to, such mention or reference shall be construed as including a mention of or reference to the "Canadian Forces", and

(*b*) the "regular forces", "reserve forces" or "active service forces" are mentioned or referred to, such mention or reference shall be construed as including a mention of or reference to the "regular force", "reserve force" or "special force", respectively.

*Clause 57:* The amendment to section 245 would increase from one thousand dollars to two thousand dollars the maximum fine provided therein.

The amendment to section 246 would increase from fifty dollars to one hundred dollars the maximum fine provided in that section.

*Clause 58:* The amendment to this section would increase from one thousand dollars to two thousand dollars the maximum fine provided in this section.

**60.** The Acts and portions of Acts set out in Schedule B are repealed or amended in the manner and to the extent indicated in that Schedule.

COMING INTO FORCE.

Coming into force.

**61.** This Act or any provision thereof shall come into force on a day or days to be fixed by proclamation of the Governor in Council.

# SCHEDULE A.

| I<br>NAVY | II<br>ARMY | III<br>AIR FORCE | IV<br>CANADIAN FORCES |
|---|---|---|---|
| | OFFICERS | | |
| 1. Admiral | General | Air Chief Marshal | General |
| 2. Vice-Admiral | Lieutenant-General | Air Marshal | Lieutenant-General |
| 3. Rear-Admiral | Major-General | Air Vice-Marshal | Major-General |
| 4. Commodore | Brigadier | Air Commodore | Brigadier-General |
| 5. Captain | Colonel | Group Captain | Colonel |
| 6. Commander | Lieutenant-Colonel | Wing Commander | Lieutenant-Colonel |
| 7. Lieutenant-Commander | Major | Squadron Leader | Major |
| 8. Lieutenant | Captain | Flight Lieutenant | Captain |
| 9. Sub-Lieutenant<br>Commissioned Officer | Lieutenant | Flying Officer | Lieutenant |
| 10. Acting Sub-Lieutenant | 2nd Lieutenant | Pilot Officer | Second Lieutenant |
| 11. Midshipman<br>Naval Cadet | Provisional 2nd Lieutenant<br>Officer Cadet | Officer Cadet | Officer Cadet |
| | MEN | | |
| 12. Chief Petty Officer, 1st Class | Warrant Officer, Class 1 | Warrant Officer, Class 1 | Chief Warrant Officer |
| 13. Chief Petty Officer, 2nd Class | Warrant Officer, Class 2 | Warrant Officer, Class 2 | Master Warrant Officer |
| 14. Petty Officer, 1st Class | Squadron-Quarter-master-Sergeant,<br>Battery-Quarter-master-Sergeant,<br>Company-Quarter-master-Sergeant,<br>Staff Sergeant | Flight Sergeant | Warrant Officer |
| 15. Petty Officer, 2nd Class | Sergeant | Sergeant | Sergeant |
| 16. Leading Seaman | Corporal<br>Bombardier | Corporal | Corporal |
| 17. Able Seaman<br>Ordinary Seaman | Trooper<br>Gunner<br>Sapper<br>Signalman<br>Private<br>Guardsman<br>Fusilier<br>Rifleman<br>Craftsman | Aircraftman | Private |

## SCHEDULE B.

*Amendments and Repeals.*

| Act affected. | Repeal or amendment. |
|---|---|
| Canada Elections Act, 1960, c. 39 | 1. Subsection (12) of section 16 is amended by substituting the words "Canadian Forces" for the words "naval, army or air forces of Canada." |
| | 2. Paragraph (*f*) of subsection (2) of section 20 is amended by substituting the words "reserve force" for the words "reserve forces." |
| | 3. Subsection (1) of section 27 of Schedule II is repealed and the following substituted therefor: |
| | "27. (1) As soon as possible after the general election has been ordered, the Chief Electoral Officer shall inform the Minister of National Defence of the names and addresses of the special returning officers appointed to superintend the taking, receiving, sorting, and counting of the votes of electors, setting out the voting territory assigned to each of them; in the case of each voting territory, the Minister shall designate one or more members of the Canadian Forces to act as liaison officers in connection with the taking of the votes of electors, and the Minister shall inform the Chief Electoral Officer of the name, rank, and post office address of each liaison officer so designated." |
| | 4. Whenever in Schedule II the terms "regular forces", "reserve forces", "active service forces" or "naval, army or air forces of Canada" are used there shall in each and every case be substituted the terms "regular force", "reserve force", "special force" and "Canadian Forces", respectively. |
| Canada Shipping Act R.S., c. 29 | 1. Subsection (3) of section 91 is repealed and the following substituted therefor: |
| | "(3) Any commissioned officer on full pay in the Canadian Forces or in the armed forces of Her Majesty other than the Canadian Forces or any officer of Customs in Her Majesty's dominions, or |

SCHEDULE B.—*Continued*

| Act affected. | Repeal or amendment. |
|---|---|
| | any consular officer, may board any ship or boat registered in Canada or owned by any resident of Canada on which any colours or pendant are hoisted contrary to this Act, and seize and take away the colours or pendant, and the colours or pendant shall be forfeited to Her Majesty." |
| | 2. Paragraph (*a*) of subsection (1) of section 93 is repealed and the following substituted therefor:<br><br>"(*a*) any commissioned officer on full pay in the Canadian Forces or in the armed forces of Her Majesty other than the Canadian Forces," |
| | 3. Subsection (1) of section 122 is repealed and the following substituted therefor:<br><br>"122. (1) A person who has attained the rank of captain in the Canadian Forces and who holds an upper deck watch-keeping certificate is entitled to receive from the Minister a certificate of service as master of a foreign-going steamship without examination." |
| | 4. Subsection (1) of section 508 is repealed and the following substituted therefor:<br><br>"508. (1) When a receiver is not present any chief officer of Customs, fishery officer, or stipendiary magistrate on board any vessel belonging to or in the service of the Government of Canada and employed in the service of protecting the fisheries, officer of Customs, sheriff, justice of the peace, officer of the regular force of the Canadian Forces or lighthouse keeper employed by the Government of Canada, may do all matters and things by this Part authorized to be done by the receiver, for the preservation of vessels, shipwrecked persons and wreck." |
| | 5. Subsection (4) of section 508 is repealed. |

SCHEDULE B.—*Continued*

| Act affected. | Repeal or amendment. |
|---|---|
| Canadian Forces Superannuation Act 1959, c. 21 | 1. Paragraph (*c*) of subsection (1) of section 2 is repealed and the following substituted therefor:<br><br>"(*c*) "forces" means the regular force of the Canadian Forces and includes<br>(i) the forces known before the coming into force of Part I of the *Canadian Forces Reorganization Act* as the regular forces of the Canadian Forces, and<br>(ii) the forces known before the coming into force of Part II of the *National Defence Act* as the Royal Canadian Navy, the Canadian Army Active Force, the Permanent Active Militia, the Permanent Militia Corps, the permanent staff of the Militia, the Royal Canadian Air Force (Regular) and the Permanent Active Air Force;"<br><br>2. Clauses (G) and (H) of subparagraph (ii) of paragraph (*b*) of section 5 are repealed and the following substituted therefor:<br><br>"(G) any continuous period of full-time service of six months or more in the Canadian Forces or in the naval, army or air forces of Her Majesty raised by Canada, other than the forces, if he elects, within one year of becoming a contributor under this Act, to pay for that service,<br>(H) one-fourth of any period of service in the Canadian Forces or in the naval, army or air forces of Her Majesty raised by Canada, other than the forces, during which he was liable to be called out for periodic training or duty by the Governor in Council otherwise than during an emergency (except any such service that may be counted by him under clause (C) or (G) of this subparagraph), if he elects, within one year of becoming a contributor under this Act to pay for that service, |

SCHEDULE B.—*Continued*

| Act affected. | Repeal or amendment. |
|---|---|

3. Subsection (4) of section 17 is repealed and the following substituted therefor:

"(4) For the purposes of this Act, where a person who has become entitled to an annuity under this Act or a pension under Part V of the former Act by virtue of having served in the forces is enrolled in any of the naval, army or air forces of Her Majesty raised by Canada or in the Canadian Forces, other than the forces, he shall, upon the expiration of any continuous period of full-time service therein of one year ending after the coming into force of this Act, be deemed to have become re-enrolled in the forces at the commencement of that period, and, in any such case, the provisions of section 4 shall be deemed to have applied in respect of that period whether that period commenced before or after the coming into force of this Act, but nothing in this section shall be held to require the repayment by him of such part of that annuity or pension as, during that period, he was entitled under subsection (2) of this section or subsection (1) of section 60 of the former Act to receive."

4. Paragraph (*da*) of subsection (1) of section 21 is repealed and the following substituted therefor:

"(*da*) specifying, notwithstanding anything in this Act, the extent to which and the circumstances under which any annuity or pension payable under this Act or the former Act to any person who holds any office or position or performs any services, the remuneration for which is payable out of the Consolidated Revenue Fund or by an agent of Her Majesty in right of Canada, shall be reduced or suspended;"

SCHEDULE B.—*Continued*

| Act affected. | Repeal or amendment. |
|---|---|
| | 5. Clause (B) of subparagraph (i) of paragraph (*f*) of subsection (1) of section 44 is repealed and the following substituted therefor:<br><br>"(B) three thousand dollars per annum if his rank is lower than chief petty officer in the Royal Canadian Navy, warrant officer in the Canadian Army or Royal Canadian Air Force or warrant officer in the Canadian Forces, or five thousand dollars per annum if his rank is chief petty officer or higher in the Royal Canadian Navy, warrant officer or higher in the Canadian Army or Royal Canadian Air Force or warrant officer or higher in the Canadian Forces, and" |
| | 6. Clause (B) of subparagraph (ii) of paragraph (*f*) of subsection (1) of section 44 is repealed and the following substituted therefor:<br><br>"(B) three thousand dollars per annum if his rank at the time he ceased to be a member of the regular forces was lower than chief petty officer in the Royal Canadian Navy, warrant officer in the Canadian Army or Royal Canadian Air Force or warrant officer in the Canadian Forces, or five thousand dollars per annum if his rank at that time was chief petty officer or higher in the Royal Canadian Navy, warrant officer or higher in the Canadian Army or Royal Canadian Air Force or warrant officer or higher in the Canadian Forces, and" |
| Civilian War Pensions and Allowances Act R.S., c. 51. | 1. All that portion of subsection (1) of section 7, preceding paragraph (*a*), is repealed and the following substituted therefor:<br><br>"7. (1) Subject to this Part, pensions shall be awarded in accordance with the rates set forth in Schedules A and B of the |

SCHEDULE B.—*Continued*

| Act affected. | Repeal or amendment. |
|---|---|

*Pension Act* for members of the naval forces of Canada or the Canadian Forces, to or in respect of,"

2. Section 8 is repealed and the following substituted therefor:

"8. The rate of pension to be awarded to or in respect of a person mentioned in section 7 shall be determined according to the rank or rating of the naval forces of Canada or the Canadian Forces assigned to such person's status by the following table:

TABLE

A. *Pensions for Personnel of Canadian Ships or Certified non-Canadian Ships*

| *Status* | *Rank or Rating* |
|---|---|
| (a) *Ship in Foreign Trade* | |
| (i) Master | Commander (Naval), Lieutenant-Colonel (Canadian Forces) |
| (ii) Chief Officer | Lieutenant-Commander (Naval), Major (Canadian Forces) |
| (iii) Chief Engineer | Commander (Naval), Lieutenant-Colonel, (Canadian Forces) |
| (iv) Second Engineer | Lieutenant-Commander (Naval), Major (Canadian Forces) |
| (v) Other Navigating and Engineer Officers<br>Purser<br>Surgeon<br>Chief Steward<br>Wireless<br>Officer of 10 years or more seniority | Lieutenant (Naval), Captain (Canadian Forces) |

SCHEDULE B.—*Continued*

| Act affected. | Repeal or amendment. |
|---|---|
| | (vi) All other Officers.....Sub-Lieutenant (Naval), Lieutenant (Canadian Forces) |
| | (*b*) *Ship in Home Trade* |
| | (i) Master.....Lieutenant (Naval), Captain (Canadian Forces) |
| | (ii) All other officers.....Sub-Lieutenant (Naval), Lieutenant (Canadian Forces) |
| | (*c*) *Ship in Inland and Minor Waters Trade* |
| | (i) Master.....Lieutenant (Naval), Captain (Canadian Forces) |
| | (ii) All other officers.....Sub-Lieutenant (Naval), Lieutenant (Canadian Forces) |
| | (*d*) *All trades* |
| | (i) All other members of the crew.....Able Seaman (Naval), Private (Canadian Forces) |
| | (*e*) *Pilots* |
| | (i) Licensed Pilots.....Lieutenant (Naval), Captain (Canadian Forces) |
| | (ii) Licensed Apprentice Pilots.....Sub-Lieutenant (Naval), Lieutenant (Canadian Forces) |
| | B. *Pensions for Canadian Salt-Water Fishermen.* |
| | (*a*) Master of fishing boats of 60 registered tons or over..Lieutenant (Naval), Captain (Canadian Forces) |

SCHEDULE B.—*Continued*

| Act affected. | Repeal or amendment. |
|---|---|
| | (*b*) Master of other fishing boats.....Sub-Lieutenant (Naval), Lieutenant (Canadian Forces) |
| | (*c*) Other members of the crew.....Able Seaman (Naval), Private (Canadian Forces)." |

3. Sections 18 and 21 are amended by substituting the words "Captain (Army) or Captain (Canadian Forces)" for the words "Captain (Army)".

4. Sections 19, 20, 46, 47, 55 and 60 are amended by substituting the words "Lieutenant (Army) or Lieutenant (Canadian Forces)" for the words "Lieutenant (Army)" wherever they occur.

5. Section 22 is amended by substituting the words "the army forces of Canada or the Canadian Forces" for the words "the army forces of Canada".

6. Section 23 is repealed and the following substituted therefor:

"23. The rate of pension to be awarded to or in respect of a member of the Corps of (Civilian) Canadian Fire Fighters for Service in the United Kingdom shall be determined according to the rank or rating of the army forces of Canada or the Canadian Forces assigned to such member's status by the following table:

TABLE

| *Status* | *Rank or Rating* |
|---|---|
| Commanding Officer..... | Lieutenant-Colonel (Army), Lieutenant-Colonel (Canadian Forces) |

SCHEDULE B.—*Continued*

| Act affected. | Repeal or amendment. |
|---|---|
| | Divisional Officer.. Major (Army), Major (Canadian Forces)<br>Column Officer.... Captain (Army), Captain (Canadian Forces)<br>Senior Company Officer..... / Company Officer.. / Section Leader, Leading Fireman, Senior Fireman, Fireman and Junior Fireman..... } Lieutenant (Army), Lieutenant (Canadian Forces)" |
| Coastal Fisheries Protection Act<br>1952–53, c. 15 | Subparagraph (iii) of paragraph (*i*) of section 2 is repealed. |
| Criminal Code<br>1953–54, c. 51 | Paragraph (4) of section 2 is repealed and the following substituted therefor:<br>"(4) "Canadian Forces" means the armed forces of Her Majesty raised by Canada;" |
| Defence Production Act<br>R.S., c. 62 | Paragraph (*e*) of section 2 is repealed and the following substituted therefor:<br>"(*e*) "defence projects" means buildings, aerodromes, airports, dockyards, roads, defence fortifications or other military works, or works required for the production, maintenance or storage of defence supplies;" |
| Defence Services Pension Continuation Act<br>R.S., c. 63 | The said Act is amended by adding thereto the following section:<br>"44F. The Governor in Council may make regulations<br>(*a*) providing for the counting as service under any of Parts I to III of service as a member of the Canadian Forces after the coming into force of Part I of the *Canadian Forces Reorganization Act* to the extent provided under this Act for |

SCHEDULE B.—*Continued*

| Act affected. | Repeal or amendment. |
|---|---|
| | the counting of service in the naval, army or air forces of Canada; and<br>(*b*) for the making of such other adaptations of any of the provisions of Parts I to IV as are necessary in order to give effect to those provisions in relation to Part I of the *Canadian Forces Reorganization Act*." |
| Department of Veterans Affairs Act R.S., c. 80 | 1. Section 5 is repealed and the following substituted therefor:<br>"5. The duties, powers and functions of the Minister extend and apply to the administration of statutes enacted by the Parliament of Canada, and of orders of the Governor in Council, as are not by law assigned to any other department of the Government of Canada or any Minister thereof, relating to the care, treatment, training or re-establishment in civil life, of any person who served in the Canadian Forces or in the naval, army or air forces of Her Majesty, of any person who has otherwise engaged in pursuits relating to war, and of any other person designated by the Governor in Council, and to the care of the dependants of any such person, and extend and apply as well to all such other matters and such boards and other public bodies, subjects, services and properties of the Crown as may be designated, or assigned to the Minister by the Governor in Council."<br>2. Paragraph (*a*) of subsection (1) of section 6 is repealed and the following substituted therefor:<br>"(*a*) for the control and management of any hospital, workshop, home, school or other institution, owned, acquired or used by Her Majesty for the care, treatment or training of persons who served with the Canadian Forces, the naval, army or air forces of Her Majesty or any of Her Majesty's allies and of the persons undergoing |

SCHEDULE B.—*Continued*

| Act affected. | Repeal or amendment. |
|---|---|
| | care, treatment or training therein, or who receive any benefit administered by the Minister;" |
| | 3. Paragraph (*g*) of subsection (1) of section 6 is repealed and the following substituted therefor: |
| | "(*g*) for the sheltered employment of former members of the Canadian Forces, the naval, army or air forces of Her Majesty or any of Her Majesty's allies, including after-care of the tuberculous, for the granting of free transportation in Canada to any former member of such forces who has been pensioned for total blindness or for a disability that necessitates an escort when travelling; for providing burial expenses for former members of such forces who die in destitute circumstances; for the treatment of former members of such forces classified as wholly incurable or chronically recurrent cases needing institutional care; for the provision of measures of unemployment relief to former members of such forces and their dependants; and for the payment of compensation in respect of industrial accidents; the whole subject to such appropriations as Parliament may provide;" |
| | 4. Subsections (2) and (3) of section 6 are repealed and the following substituted therefor: |
| | "(2) The Governor in Council may make regulations respecting the collection, administration and distribution of the service estates of former members of the Canadian Forces or the naval, army or air forces of Canada who die while receiving hospital treatment or institutional care under the control or direction of the Department on account of any disability suffered or incurred during their service as such members. |
| | (3) For the purposes of subsection (2), the expression "service estate" means that part of the personal estate of the deceased |

SCHEDULE B.—*Continued*

| Act affected. | Repeal or amendment. |
|---|---|
| | former member of the Canadian Forces or the naval, army or air forces of Canada mentioned in that subsection that consists of balance of pay and allowances, and all other emoluments emanating from the Crown, that at the date of death are due or otherwise payable, and all personal belongings found on the deceased or in the care or custody of the Department, including cash on hand and personal articles and effects." |
| Exchequer Court Act R.S., c. 98 | 1. Paragraph (*j*) of subsection (1) of Section 18 is repealed and the following substituted therefor:<br>"(*j*) every application for a writ of *habeas corpus ad subjiciendum* or a writ of *certiorari* or a writ of prohibition, or a writ of *mandamus*, in relation to any officer or man of the Canadian Forces serving outside of Canada, or in relation to any proceedings, or to any act or omission respecting any such officer or man, to the same extent as and under similar circumstances in which jurisdiction now exists in the Exchequer Court of Canada or in the courts or judges of the several provinces in respect of similar matters within Canada."<br>2. Section 50 is repealed and the following substituted therefor:<br>"50. For the purpose of determining liability in any action or other proceeding by or against Her Majesty, a person who was at any time since the 24th day of June, 1938, a member of the Canadian Forces or the naval, army or air forces of Her Majesty in right of Canada shall be deemed to have been at such time a servant of the Crown." |
| Family Allowances Act R.S., c. 109 | Subparagraph (iv) of paragraph (*b*) of section 2 is repealed and the following substituted therefor:<br>"(iv) who was born while his father or mother was a member of the Canadian Forces or the naval, |

SCHEDULE B.—*Continued*

| Act affected. | Repeal or amendment. |
|---|---|
| | army or air forces of Canada or within twelve months after his father or mother had ceased to be a member of the Canadian Forces or those forces." |
| Geneva Conventions Act 1964–65, c. 44 | Subsection (2) of section 7 is repealed and the following substituted therefor:<br>"(2) A prisoner of war described in subsection (1) may be charged and tried within the unit or other element of the Canadian Forces in which he is held in custody and, for the purposes of the Code of Service Discipline, he shall be deemed to be under the command of the commanding officer of such unit or other element of the Canadian Forces as may be holding him in custody." |
| Government Employees Compensation Act R.S., c. 134 | Subsection (2) of section 2 is repealed and the following substituted therefor:<br>"(2) This Act does not apply to any person who is a member of the regular force of the Canadian Forces or of the Royal Canadian Mounted Police." |
| Income Tax Act R.S., c. 148 | 1. Subparagraph (ii) of paragraph (*b*) of subsection (1) of section 5, subsections (1) and (3) of section 66, paragraph (*b*) of subsection (3) of section 139 are amended by substituting the words "Canadian Forces" for the words "naval, army or air forces of Canada".<br>2. Paragraph (*b*) of subsection (4a) of section 27 is amended by substituting the words "regular force" for the words "regular forces". |
| North Pacific Fisheries Convention Act 1952–53, c. 44 | Subparagraph (iii) of paragraph (*f*) of section 2 is repealed. |
| Northern Pacific Halibut Fishery Convention Act 1952–53, c. 43 | Subparagraph (iii) of paragraph (*g*) of section 2 is repealed. |

SCHEDULE B.—*Continued*

| Act affected. | Repeal or amendment. |
|---|---|
| Northwest Atlantic Fisheries Convention Act 1953–54, c. 18 | Subparagraph (iii) of paragraph (*e*) of section 2 is repealed. |
| Official Secrets Act R.S., c. 198 | 1. Paragraph (*d*) of section 2 is repealed and the following substituted therefor:<br>"(*d*) "munitions of war" means arms, ammunition, implements or munitions of war, military stores, or any articles deemed capable of being converted thereinto, or made useful in the production thereof;"<br>2. Subparagraph (i) of paragraph (*g*) of section 2 is repealed and the following substituted therefor:<br>"(i) any work of defence belonging to or occupied or used by or on behalf of Her Majesty including arsenals, armed forces establishments or stations, factories, dockyards, mines, minefields, camps, ships, aircraft, telegraph, telephone, wireless or signal stations or offices, and places used for the purpose of building, repairing, making or storing any munitions of war or any sketches, plans, models, or documents relating thereto, or for the purpose of getting any metals, oil or minerals of use in time of war,"<br>3. Paragraph (*a*) of subsection (1) of section 5 is repealed and the following substituted therefor:<br>"(*a*) uses or wears, without lawful authority, any military, police or other official uniform or any uniform so nearly resembling the same as to be calculated to deceive, or falsely represents himself to be a person who is or has been entitled to use or wear any such uniform;" |

SCHEDULE B.—*Continued*

| Act affected. | Repeal or amendment. |
|---|---|
| | 4. Paragraph (*c*) of subsection (1) of section 5 is repealed and the following substituted therefor:<br><br>"(*c*) forges, alters, or tampers with any passport or any military, police or official pass, permit, certificate, licence or other document of a similar character, (hereinafter in this section referred to as an official document), or uses or has in his possession any such forged, altered, or irregular official document;" |
| | 5. Paragraph (*e*) of subsection (1) of section 5 is repealed and the following substituted therefor:<br><br>"(*e*) uses, or has in his possession or under his control, without the authority of the Government department or the authority concerned, any die, seal, or stamp of or belonging to, or used, made, or provided by any Government department, or by any diplomatic or military authority appointed by or acting under the authority of Her Majesty, or any die, seal or stamp, so nearly resembling any such die, seal or stamp as to be calculated to deceive, or counterfeits any such die, seal or stamp, or uses, or has in his possession, or under his control, any such counterfeited die, seal or stamp;" |
| Pension Act<br>R.S., c. 207 | 1. Paragraphs (*n*) and (*o*) of section 2 are repealed and the following substituted therefor:<br><br>"(*n*) "member of the forces" means a person who has served in the Canadian Forces or in the naval, army or air forces of Canada since the commencement of World War I;<br>(*o*) "military service" or "service" means service in the Canadian Forces or in the naval, army or air forces of Canada since the commencement of World War I;" |

SCHEDULE B.—*Continued*

| Act affected. | Repeal or amendment. |
|---|---|
| | 2. Schedule A is amended by substituting the words<br>"Captain (Naval), Colonel (Army), Group Captain (Air), Colonel (Canadian Forces), and all ranks and ratings below"<br>and<br>"Commodore and higher ranks (Naval), Brigadier, Brigadier-General and higher ranks (Army), Air Commodore and higher ranks (Air), Brigadier-General and higher ranks (Canadian Forces)"<br>for the words<br>"Captain (Naval), Colonel (Army), Group Captain (Air), and all ranks and ratings below"<br>and<br>"Commodore and higher ranks (Naval), Brigadier, Brigadier-General and higher ranks (Army), Air Commodore and higher ranks (Air)",<br>respectively. |
| | 3. Schedule B is amended by substituting the words<br>"Commander (Naval), Lieutenant-Colonel (Army), Wing Commander (Air), Lieutenant-Colonel (Canadian Forces), and all ranks and ratings below"<br>and<br>"Captain (Naval), Colonel (Army), Group Captain (Air), Colonel (Canadian Forces)"<br>and<br>"Commodore and higher ranks (Naval), Brigadier, Brigadier-General and higher ranks (Army), Air Commodore and higher ranks (Air), Brigadier-General and higher ranks (Canadian Forces)"<br>for the words<br>"Commander (Naval), Lieutenant-Colonel (Army), Wing Commander (Air), and all ranks and ratings below"<br>and<br>"Captain (Naval), Colonel (Army), Group Captain (Air)"<br>and |

SCHEDULE B.—*Continued*

| Act affected. | Repeal or amendment. |
|---|---|
| | "Commodore and higher ranks (Naval), Brigadier, Brigadier-General and higher ranks (Army), Air Commodore and higher ranks (Air)", respectively. |
| Public Service Superannuation Act 1952-53, c. 47 | 1. Paragraph (*ja*) of subsection (1) of section 2 is repealed and the following substituted therefor:<br><br>"(*ja*) "regular forces" means the regular force of the Canadian Forces and includes<br>(i) the forces known before the coming into force of Part I of the *Canadian Forces Reorganization Act* as the regular forces of the Canadian Forces;<br>(ii) the forces known before the coming into force of Part II of the *National Defence Act* as the Royal Canadian Navy, the Canadian Army Active Force, the Permanent Active Militia, the Permanent Militia Corps, the permanent staff of the Militia, the Royal Canadian Air Force (Regular) and the Permanent Active Air Force;" |
| | 2. Clause (AB) of subparagraph (iii) of paragraph (*b*) of subsection (1) of section 5 is repealed and the following substituted therefor:<br><br>"(AB) any continuous period of full-time service of six months or more in the Canadian Forces or the naval, army or air forces of Her Majesty raised by Canada or as a special constable of the Force who ceased to be a special constable of the Force on or after the 1st day of March, 1949 (except any such period described in clause (A) or (C) of this subparagraph), if he elects, within one year of becoming a contributor under this Act, to pay for that period," |

SCHEDULE B.—*Continued*

| Act affected. | Repeal or amendment. |
|---|---|
| Royal Canadian Mounted Police Superannuation Act 1959, c. 34 | 1. Paragraph (*l*) of subsection (1) of section 2 is repealed and the following substituted therefor:<br><br>"(*l*) "regular forces" means the regular force of the Canadian Forces and includes<br>(i) the forces known before the coming into force of Part I of the *Canadian Forces Reorganization Act* as the regular forces of the Canadian Forces, and<br>(ii) the forces known before the coming into force of Part II of the *National Defence Act* as the Royal Canadian Navy, the Canadian Army Active Force, the Permanent Active Militia, the Permanent Militia Corps, the permanent staff of the Militia, the Royal Canadian Air Force (Regular) and the Permanent Active Air Force;"<br><br>2. Clause (E) of subparagraph (ii) of paragraph (*b*) of section 5 is repealed and the following substituted therefor:<br><br>"(E) any continuous period of full-time service of six months or more in the Canadian Forces other than the regular force or in the navy, army or air forces of Her Majesty raised by Canada other than the regular forces, if he elects within one year of becoming a contributor under this Part, to pay for that service,"<br><br>3. Subsection (3) of section 27 is repealed and the following substituted therefor:<br><br>"(3) In applying Schedules A and B of the *Pension Act* for the purposes of this Part, the ranks in the Force set out in the following table, and such prescribed classes in the Force of members not holding a rank in the Force as are specified in accordance with the regulations to be the |

SCHEDULE B.—*Continued*

| Act affected. | Repeal or amendment. |
|---|---|
| | classes corresponding to those ranks, shall be deemed to correspond to the ranks in the Canadian Forces set out as follows:<br><br>*Rank in Force* — *Canadian Forces Rank*<br><br>Commissioner, Deputy Commissioner or Assistant Commissioner..... Brigadier-General and higher ranks<br>Chief Superintendent..... Colonel<br>Superintendent and lower ranks. Lieutenant-Colonel and lower ranks." |
| Senate and House of Commons Act R.S., c. 249 | 1. Paragraph (*b*) of section 12 and section 37 are amended by substituting the words "reserve force" for the words "reserve forces". |
| | 2. Section 38 is repealed and the following substituted therefor:<br><br>"38. In the calculation of any deduction from any member's sessional allowance on account of absence, days which were spent by such member in the Canadian Forces or in any other armed forces of the Crown while such forces are on active service in consequence of any war shall not be computed." |
| Technical and Vocational Training Assistance Act 1960-61, c. 6 | Paragraph (*a*) of section 8 is repealed and the following substituted therefor:<br><br>"(*a*) for any person serving in the Canadian Forces and for any person who formerly served in such Forces or in the naval, army or air forces of Canada and who has been approved for such training by the Minister of Veterans Affairs; and" |
| Trade Marks Act 1952-53, c. 49 | Subparagraph (i) of paragraph (*n*) of subsection (1) of section 9 is repealed and the following substituted therefor:<br>"(i) adopted or used by any of Her Majesty's Forces as defined in the *National Defence Act*," |

SCHEDULE B.—*Concluded*

| Act affected. | Repeal or amendment. |
|---|---|
| Veterans Insurance Act R.S., c. 279 | Subparagraph (iii) of paragraph (*b*) of subsection (1) of section 3 is repealed and the following substituted therefor:<br><br>"(iii) a member of the regular force who has not been released from such force and who was engaged in service during the war," |
| Yukon Placer Mining Act R.S., c. 300 | Section 51 is repealed and the following substituted therefor:<br><br>"51. The Governor in Council may make regulations exempting members of the armed forces of Her Majesty or any of Her Majesty's allies, during the period of their service as such and one year thereafter, from the provisions of this Act respecting forfeiture of mineral claims held by them at the time of their enlistment, for non-performance of work or non-payment of assessments or rentals." |
| Yukon Quartz Mining Act R.S., c. 301 | Section 56 is repealed and the following substituted therefor:<br><br>"56. The Governor in Council may make regulations exempting members of the armed forces of Her Majesty or any of Her Majesty's allies, during the period of their service as such and one year thereafter, from the provisions of this Act respecting forfeiture, for non-performance of work or non-payment of assessments, or rentals, of mineral claims held by them at the time of their enlistment." |

C-244.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-244.

An Act to amend the Civil Service Act.

First reading, November 14, 1966.

Mr. BELL (Carleton).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

25184

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-244.

An Act to amend the Civil Service Act.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1960-61, c. 57.

**1.** The *Civil Service Act* is amended by inserting therein after section 65 the following section:

Employees' remuneration.

"**65A.** Notwithstanding anything in any other Act, if Parliament while in session should fail at any time to provide an appropriation for the remuneration to which employees are entitled pursuant to section 65, the Governor in Council may authorize such remuneration for the current pay period and the pay period next ensuing to be paid from the Consolidated Revenue Fund."

## Explanatory Note.

The *Civil Service Act* of 1961, for the first time, gave to all public servants a statutory right to receive pay determined in accordance with the Act.

This Bill is designed to make this statutory right to pay in fact effective and to relieve public servants of dependence upon the solution of Parliamentary crises.

The provision of authority covering two pay periods would conform to the existing rules of the House of Commons relating to the period for the voting of supply.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-245.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1967.

First reading, November 15, 1966.

THE PRESIDENT OF THE TREASURY BOARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

25206

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-245.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1967.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency, General Georges Philias Vanier, DSO., MC., Governor General of Canada and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1967, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Short title.

**1.** This Act may be cited as the *Appropriation Act. No. 8, 1966.*

$371,999,-867.43 granted for 1966–67.

**2.** From out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole three hundred and seventy-one million, nine hundred and ninety-nine thousand, eight hundred and sixty-seven dollars and forty-three cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1966 to the 31st day of March, 1967, not otherwise provided for, and being the aggregate of

(*a*) one-twelfth of the total of the amounts of the Items set forth in the Main Estimates for the fiscal year ending 31st day of March, 1967, as laid before the House of Commons at the present session of Parliament, *except* Agriculture Vote 35, Atomic Energy Vote 5, Dominion

Bureau of Statistics Vote 10, Finance Vote 15, Mines and Technical Surveys Votes 40 and 70, Transport Vote 103 and Loans, Investments and Advances Votes L40, L75, and L80 for which no proportion is granted hereby..... .....$309,794,765.50;

(*b*) three-twelfths of the amount of the Item in the said Main Estimates set forth in Schedule A.. .....$4,600,000.00;

(*c*) two-twelfths of the total of the amounts of the several Items in the said Main Estimates set forth in Schedule B.....$3,175,900.00;

(*d*) one-twelfth of the amount of the Item in the said Main Estimates set forth in Schedule C.. .....$9,166,666.67;

(*e*) one-twelfth of the total of the amounts set forth in the Supplementary Estimates A for the fiscal year ending the 31st day of March, 1967, as laid before the House of Commons at the present session of Parliament *except* Agriculture Vote 35a, Defence Production Vote 20a, Finance Vote 4a, Mines and Technical Surveys Vote 40a and Transport Votes 102a and 103a for which no proportion is granted hereby..... .....$26,276,101.92;

(*f*) three-twelfths of the total of the amounts of the several Items in the said Supplementary Estimates set forth in Schedule D..$11,304,250.00;

(*g*) two-twelfths of the amount of the Item in the said Supplementary Estimates set forth in Schedule E.....$713,266.67;

(*h*) one-twelfth of the total of the amounts of the several items in the said Supplementary Estimates set forth in Schedule F..$4,716,666.67;

(*i*) one-twelfth of the total of the amounts set forth in the Supplementary Estimates B for the fiscal year ending the 31st day of March, 1967, as laid before the House of Commons at the present session of Parliament *except* Loans, Investments and advances Vote L32b for which no proportion is granted hereby..... .....$2,252,250.00.

Purpose and effect of each item.

**3.** The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

Commitments.

**4.** Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Account to be rendered. R.S., c. 116.

**5.** Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

## SCHEDULE A

Based on the Main Estimates, 1966-67. The amount hereby granted is $4,600,000.00, being three-twelfths of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which it is granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | PUBLIC WORKS | | |
| | B—NATIONAL CAPITAL COMMISSION | | |
| 65 | Payment to the National Capital Fund..... | ..... | 18,400,000* |

*Net Total $4,600,000.00

# SCHEDULE B

Based on the Main Estimates, 1966-67. The amount hereby granted is $3,175,900.00, being two-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | NATIONAL DEFENCE | | |
| | DEFENCE RESEARCH | | |
| 35 | Research Satellite Program—To provide for the design and instrumentation of a series of satellites to carry out a scientific research program agreed upon jointly by the United States National Aeronautical and Space Administration and the Defence Research Board..... | 3,000,000 | |
| | NORTHERN AFFAIRS AND NATIONAL RESOURCES | | |
| | NATURAL AND HISTORIC RESOURCES | | |
| 20 | Construction or Acquisition of Buildings, Works, Land and Equipment including authority to make expenditures on the proposed new National Park in the area of Kejimkujik Lake in Nova Scotia and, in respect of National Parks and Historic Sites and Monuments, notwithstanding section 30 of the Financial Administration Act, authority to make commitments for the current fiscal year not to exceed a total amount of $17,170,700..... | 16,055,400 | |
| | | | 19,055,400* |

*Net Total $3,175,900.00

## SCHEDULE C

Based on the Main Estimates, 1966–67. The amount hereby granted is $9,166,666.67, being one-twelfth of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which it is granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | LOANS, INVESTMENTS AND ADVANCES | | |
| | FINANCE | | |
| L30 | To provide for the purchase, acquisition, and holding by the Minister of Finance of securities issued by the Canadian Corporation for the 1967 World Exhibition pursuant to subsection 1 of section 12 of the Canadian Corporation for the 1967 World Exhibition Act and to subsequently dispose thereof..... | ..... | 110,000,000* |

*Net Total $9,166,666.67

# SCHEDULE D

Based on the Supplementary Estimates (A), 1966–67. The amount hereby granted is $11,304,250.00, being three-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | EXTERNAL AFFAIRS | | |
| | A—DEPARTMENT | | |
| | EXTERNAL AID OFFICE | | |
| 35a | Economic, technical, educational and other assistance as detailed in the Estimates | 45,000,000 | |
| | LOANS, INVESTMENTS AND ADVANCES | | |
| | EXTERNAL AFFAIRS | | |
| L22a | Loans to the Government of India to finance the purchase in Canada of aircraft and associated spare parts and equipment in accordance with a financial agreement entered into between the Government of Canada and the Government of India | 217,000 | |
| | | | 45,217,000* |

*Net total $11,304,250.00

## SCHEDULE E

Based on the Supplementary Estimates (A), 1966–67. The amount hereby granted is $713,266.67 being two-twelfths of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which it is granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | SECRETARY OF STATE | | |
| | B—CENTENNIAL COMMISSION | | |
| 40a | Programs and Projects of National Significance, including grants towards such programs and projects..... | ..... | 4,279,600* |

*Net Total $713,266.67

# SCHEDULE F

Based on the Supplementary Estimates (A), 1966–67. The amount hereby granted is $4,716,666.67, being one-twelfth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | FINANCE | | |
| | GOVERNMENT ADMINISTRATION | | |
| 15a | Contingencies—To supplement other votes and to provide for miscellaneous minor and unforeseen expenses not otherwise provided for including awards under the Public Servants Inventions Act, subject to the approval of the Treasury Board, and authority to re-use any sums repaid to this appropriation from other appropriations..... | 45,000,000 | |
| | LOANS, INVESTMENTS AND ADVANCES | | |
| | MINES AND TECHNICAL SURVEYS | | |
| L40a | Advances in accordance with agreements entered into pursuant to the Atlantic Provinces Power Development Act..... | 11,600,000 | |
| | | | 56,600,000* |

*Net total $4,716,666.67

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-246.

An Act to provide for Consumer Protection throughout Canada.

First reading, November 21, 1966.

Mrs. MacInnis (Vancouver-Kingsway).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

25213

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-246.

An Act to provide for Consumer Protection throughout Canada.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

Short title.

**1.** This Act may be cited as the *Consumer Protection Act.*

DEPARTMENT OF CONSUMER AFFAIRS AND OF THE REGISTRAR GENERAL.

1966, c. 25.

**2.** The *Government Organization Act, 1966* is amended by substituting for the words "the Department of the Registrar General", "the Registrar General" and "the Deputy Registrar" the words "the Department of Consumer Affairs and of the Registrar General", "the Minister of Consumer Affairs and Registrar General" and "the Deputy Minister of Consumer Affairs and Deputy Registrar" respectively, wherever those words are found in the said Act.

**3.** Section 8 of the said Act is repealed and the following substituted therefor:

Duties of the Minister of Consumer Affairs and Registrar General.

"**8.** The duties, powers and functions of the Minister of Consumer Affairs and Registrar General of Canada extend to and include all matters over which the Parliament of Canada has jurisdiction not

EXPLANATORY NOTES.

The intention of this Bill is to create a Department of Consumer Affairs for the protection of consumers throughout Canada. The duties, powers and functions of the Minister of Consumer Affairs would extend to and include certain matters enumerated in the Bill, over which the Parliament of Canada has jurisdiction by virtue of the following classes of subjects enumerated in section 91 of the *British North America Act, 1867*, namely: the regulations of Trade and Commerce, Weights and Measures and the Criminal Law.

*Clause 3:* Section 8 of the *Government Organization Act, 1966*, at present reads as follows:

"8. The duties, powers and functions of the Registrar General of Canada extend to and include all matters over which the Parliament of Canada has jurisdiction not by law assigned to any other department, branch or agency of the Government of Canada, relating to

(*a*) combines, mergers, monopolies and restraint of trade;

(*b*) patents, copyrights and trade marks;

(*c*) bankruptcy and insolvency; and

(*d*) corporate affairs."

by law assigned to any other department, branch or agency of the Government of Canada, relating to

(*a*) consumer protection;

(*b*) combines, mergers, monopolies and restraint of trade;

(*c*) patents, copyrights and trade marks;

(*d*) bankruptcy and insolvency; and

(*e*) corporate affairs."

Regulations.

**4.** The Governor in Council may make regulations and provide penalties for carrying out the purposes and provisions of this Act into effect, more especially consumer protection and, without restricting the generality of the foregoing, may make regulations

(*a*) to abolish trading stamps and any form of cash receipt, receipt, coupon, premium ticket or other device designed or intended to be given to the purchaser of goods by the vendor thereof or on his behalf, and to represent a discount on the price of the goods or as a premium to the purchaser thereof that may be redeemed;

(*b*) to abolish the use of "cents-off" claims which offer no real value to the consumer and which do not relate to an established price;

(*c*) to eliminate the addition in packages of toys, towels and other gimmicks in packages;

(*d*) to abolish the practice of using packages unnecessarily larger than the contents require;

(*e*) to eliminate such size designations as "jumbo", "giant" and "family", substituting instead "small", "medium" and "large" subject to the establishment of standards to be fixed by the Department;

(*f*) to require net weight to be printed in ounces if the amount is under four pounds;

(*g*) to require a manufacturer claiming a certain amount of servings to designate the quantity of each serving in weight or measure; and

(*h*) to instruct industry to set up standard weights and measures in which product lines may be sold.

The words "consumer protection" underlined on the opposite page are new and would add to the functions of the Minister in charge of the Department the protection of consumers throughout Canada.

*Clause 4:* This section without limiting the general powers of the Minister, enumerates certain specific matters to be dealt with for the protection of consumers.

(*a*) The purpose of this paragraph is to eliminate the practice whereby supermarkets issue stamps redeemable in merchandise other than foodstuffs thus adding unduly to their cost;

(*b*) the designation of "cents-off" should relate to an established price and not be used to hide an actual rise in the price of the product when computed on a per-ounce basis;

(*c*) this paragraph is self-explanatory;

(*d*) this is a packaging provision that hits at the core of a great number of consumer complaints;

(*e*) in connection with this paragraph provision should be made in the Department for the establishment of standards so that "large" will not mean "small" and so that one manufacturer's "large" cannot be, for instance, "king size";

(*f*) this paragraph is self-explanatory;

(*g*) for example, a package labeling proclaiming "six servings" should also state its measure for a serving such as one cup or half a cup, or give the weight of each serving;

(*h*) for example, instant coffee might be sold in three or four standard sizes instead of the dozens now available.

C-247.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-247.

An Act to amend the Dominion Day Act.

First reading, November 24, 1966.

MR. ISABELLE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

24903

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-247.

An Act to amend the Dominion Day Act.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Repeal. R.S., c. 88.

**1.** Sections 2 and 3 of the *Dominion Day Act* are repealed and the following substituted therefor:

Dominion Day.

"**2.** Throughout Canada, in each and every year the 1st day of July shall be known as *Dominion Day*.

Observance.

"**3.** Throughout Canada, in each and every year, *Dominion Day* shall be kept and observed as a legal holiday on the first Monday of the month of July."

## Explanatory Notes.

The purpose of this Bill is to provide that the first day of July shall be known as *Dominion Day* but that the celebration of *Dominion Day* shall take place on the first Monday of the month of July.

The effect of the measure would be thus to make it certain that the holiday coming on a Monday would make for a longer week-end which seems to be more practical and advantageous. A holiday that falls, for instance, in the middle of the week is destructive to business and industry and does not bring the same pleasure and happiness to the ordinary employees who might otherwise make plans for a long week-end which would not be the case otherwise.

Sections 2 and 3 at present read as follows:

"**2.** Throughout Canada, in each and every year, the 1st day of July, not being a Sunday, shall be a legal holiday, and shall be kept and observed as such, under the name of *Dominion Day*.

**3.** When the 1st day of July is a Sunday, the 2nd day of July shall be, in lieu thereof, throughout Canada, a legal holiday, and shall be kept and observed as such under the name of *Dominion Day*."

C-248.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-248.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1967.

AS PASSED BY THE HOUSE OF COMMONS, 25th NOVEMBER, 1966.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

25223

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-248.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1967.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency, General Georges Philias Vanier, DSO., MC., Governor General of Canada and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1967, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Short title.

**1.** This Act may be cited as the *Appropriation Act No. 9, 1966.*

$1,542,982,-673.96 granted for 1966–67.

**2.** From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole one billion, five hundred and forty-two million, nine hundred and eighty-two thousand, six hundred and seventy-three dollars and ninety-six cents towards defraying the several charges and expenses of the public service, from the 1st day of April, 1966 to the 31st day of March, 1967, not otherwise provided for, and being the aggregate of

(*a*) the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1967, except items for departments already provided for in *Appropriation Act No. 6, 1966*, as contained in Schedule A, less the amounts voted on account

of the said items by the *Appropriation Act No. 3, 1966*, the *Appropriation Act No. 5, 1966*, the *Appropriation Act No. 7, 1966*, and the *Appropriation Act No. 8, 1966*.....
.....$1,133,906,436.98;

(*b*) the total of the amounts of the items set forth in the Supplementary Estimates (A) for the fiscal year ending the 31st day of March, 1967, as contained in Schedule B, less the amounts voted on account of the said items by the *Appropriation Act No. 7, 1966*, and the *Appropriation Act No. 8, 1966*.....$80,371,604.98;

(*c*) the total of the amounts of the items set forth in the Supplementary Estimates (B) for the fiscal year ending the 31st day of March, 1967, as contained in Schedule (C) less the amounts voted on account of the said items by the *Appropriation Act No. 7, 1966*, and the *Appropriation Act No. 8, 1966*.....$21,509,000.00;

(*d*) the total of the amounts of the items set forth in the Supplementary Estimates (C) for the fiscal year ending the 31st day of March, 1967, as contained in Schedule D.....
.....$307,195,632.00.

Purpose and effect of each item.

**3.** (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

(2) The provisions of each item in the Schedules shall be deemed to have been enacted by Parliament on the 1st day of April, 1966.

Commitments.

**4.** Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Account to be rendered R.S., c. 116.

**5.** Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

# SCHEDULE A.

Based on the Main Estimates, 1966–67. The amount hereby granted is $1,133,906,436.98, being the total of the amounts of the items in the said Estimates as contained in this Schedule, less the amounts voted on account of the said items by the *Appropriation Act No. 3, 1966*, the *Appropriation Act No. 5, 1966*, the *Appropriation Act No. 7, 1966*, and the *Appropriation Act No. 8, 1966*.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1967, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | AGRICULTURE | | |
| | ADMINISTRATION | | |
| 1 | Departmental Administration including the Canadian Agricultural Services Co-ordinating Committee, contributions to the Commonwealth Agricultural Bureaux and a special contribution not exceeding $20,000 to the Agricultural Economics Reseach Council, subject to approval by the Treasury Board | 4,750,800 | |
| | RESEARCH | | |
| 5 | Administration, Operation and Maintenance including Canada's fee for membership in the International Society for Horticultural Science, an amount of $450,000 for grants in aid of agricultural research in universities and other scientific organizations in Canada and the costs of publishing departmental research papers as supplements to the "Canadian Entomologist" | 27,973,500 | |
| 10 | Construction or Acquisition of Buildings, Works, Land and Equipment | 5,387,000 | |
| | PRODUCTION AND MARKETING | | |
| | Administration | | |
| 15 | Administration, Operation and Maintenance including the administration of the Agricultural Stabilization Act, and contributions to assist in the Marketing of Agricultural Products subject to the approval of Treasury Board | 2,506,300 | |
| | Animal and Animal Products | | |
| 20 | Administration, Operation and Maintenance including Canada's fee for membership in the International Dairy Federation. | 6,772,400 | |
| 25 | Grants, Contributions and Subsidies in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates | 12,882,100 | |
| | Plant and Plant Products | | |
| 30 | Administration, Operation and Maintenance | 6,562,300 | |
| 35 | Grants, Contributions and Subsidies as detailed in the Estimates | 8,148,900 | |

# SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | AGRICULTURE (Continued) | | |
| | HEALTH OF ANIMALS | | |
| 40 | Administration, Operation and Maintenance including Canada's fee for membership in the Office International des Epizooties, and authority, notwithstanding the *Financial Administration Act*, to spend revenue received during the year from packers requiring special services | 13,446,300 | |
| 45 | Grants, Contributions and Subsidies as detailed in the Estimates | 1,032,600 | |
| | BOARD OF GRAIN COMMISSIONERS | | |
| 50 | Administration, Operation and Maintenance including authority to purchase screenings | 8,302,200 | |
| | LAND REHABILITATION, IRRIGATION AND WATER STORAGE PROJECTS | | |
| | Irrigation and Water Storage Projects in the Western Provinces including the South Saskatchewan River Project, the *Prairie Farm Rehabilitation Act* Program, Land Protection, Reclamation and Development— | | |
| 55 | Administration, Operation and Maintenance including Canada's fee for membership in the International Commission on Irrigation and Drainage | 9,508,000 | |
| 60 | Construction or Acquisition of Buildings, Works, Land and Equipment | 19,761,000 | |
| | | | 127,033,400 |
| | ATOMIC ENERGY | | |
| | ATOMIC ENERGY CONTROL BOARD | | |
| 1 | Administration Expenses of the Atomic Energy Control Board | 215,500 | |
| 5 | Grants for Researches and Investigations with respect to Atomic Energy | 2,000,000 | |
| | ATOMIC ENERGY OF CANADA LIMITED (RESEARCH PROGRAM) | | |
| 10 | Current Operation and Maintenance, including expendable research equipment | 46,695,500 | |
| 15 | Construction or Acquisition of Buildings, Works, Land and Equipment and to authorize Central Mortgage and Housing Corporation to undertake construction of works near the Whiteshell Nuclear Research Establishment for Atomic Energy of Canada Limited | 10,292,200 | |
| | | | 59,203,200 |
| | AUDITOR GENERAL'S OFFICE | | |
| 1 | Salaries and Expenses of Office | | 1,804,000 |
| | BOARD OF BROADCAST GOVERNORS | | |
| 1 | Salaries and other Expenses | | 508,000 |

# SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | **CANADIAN BROADCASTING CORPORATION** | | |
| | CANADIAN BROADCASTING CORPORATION | | |
| 1 | Grant in respect of the net operating amount required to discharge the responsibilities of the national broadcasting service | 110,643,000 | |
| | INTERNATIONAL BROADCASTING SERVICE | | |
| 5 | International Broadcasting Service including authority to credit to the appropriation revenue from the rental of facilities in Montreal, Sackville and Vancouver to an amount of $468,000 and to re-expend these moneys for the purposes of the International Broadcasting Service | 2,841,000 | |
| | | | 113,484,000 |
| | **OFFICE OF THE CHIEF ELECTORAL OFFICER** | | |
| 1 | Salaries and Expenses of Office | | 112,000 |
| | **CIVIL SERVICE COMMISSION** | | |
| 1 | Salaries and Contingencies of the Commission including compensation in accordance with the Incentive Award Plan of the Public Service of Canada | | 8,087,900 |
| | **DOMINION BUREAU OF STATISTICS** | | |
| 1 | Administration and Operation including the fee for membership in the Inter-American Statistical Institute and a contribution of $500 to the International Statistical Institute | 16,904,500 | |
| 5 | 1961 Decennial Census of Canada | 221,700 | |
| 10 | 1966 Quinquennial Census of Canada | 9,000,000 | |
| | | | 26,126,200 |
| | **EXTERNAL AFFAIRS** | | |
| | A—DEPARTMENT | | |
| 1 | Administration, Operation and Maintenance including payment of remuneration, subject to the approval of the Governor in Council and notwithstanding the *Civil Service Act*, in connection with the assignment by the Canadian Government of Canadians to the staffs of the International Organizations detailed in the Estimates, and authority to make recoverable advances in amounts not exceeding in the aggregate the amounts of the shares of those Organizations of such expenses, and authority, notwithstanding the *Civil Service Act*, for the appointment and fixing of salaries of Commissioners (International Commissions for Supervision and Control in Indo-China), Secretaries and staff by the Governor in Council; assistance and repatriation of distressed Canadian citizens and persons of Canadian domicile abroad, including their dependents; payment to the Roosevelt Campobello International Park Commission for the purposes and subject to the provisions of the Act respecting the Commission established to administer the Roosevelt Campobello International Park; a cultural relations and academic exchange program with the French community; payment to the Gut Dam International Arbitral Tribunal, and grants as detailed in the Estimates | 15,403,400 | |

## SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | EXTERNAL AFFAIRS (Continued) | | |
| | A—DEPARTMENT (Continued) | | |
| 5 | Representation Abroad—Operational—including authority, notwithstanding the *Civil Service Act*, for the appointment and fixing of salaries of High Commissioners, Ambassadors, Ministers Plenipotentiary, Consuls, Secretaries and staff by the Governor in Council | 19,131,000 | |
| 10 | Representation Abroad—Construction, acquisition or improvement of Buildings, Works, Land, Equipment and Furnishings | 3,095,000 | |
| 15 | Assessments, contributions and other payments to International (including Commonwealth) Organizations and International Multilateral Economic and Special Aid Programs as detailed in the Estimates, including authority to make payments in the amounts and in the currencies in which they are levied, notwithstanding that the total of such payments may exceed the equivalent in Canadian dollars, estimated as of December, 1965, which is | 26,993,700 | |
| | EXTERNAL AID OFFICE | | |
| 30 | Salaries and Expenses | 1,660,200 | |
| 35 | Economic, technical, educational and other assistance as detailed in the Estimates including authority to credit the amount of the subvote for International Development Assistance to the special account in the Consolidated Revenue Fund established by External Affairs Vote 33d of *Appropriation Act No. 2, 1965* | 84,100,000 | |
| | | | 150,383,300 |
| | B—INTERNATIONAL JOINT COMMISSION | | |
| 40 | Salaries and Expenses of the Commission and Canada's share of the expenses of studies, surveys and investigations of the Commission | | 392,000 |
| | FINANCE | | |
| | ADMINISTRATION | | |
| 1 | Departmental Administration including administration of the *Guaranteed Loans Acts* and the Inspector General of Banks' Office, and payments to provinces and grants as detailed in the Estimates | 4,332,900 | |
| | SUBSIDIES AND OTHER PAYMENTS TO PROVINCES | | |
| 5 | Payments, computed in accordance with terms and conditions approved by the Governor in Council, to the Government of each Province, in respect of income tax paid by corporations whose main business is the distribution to or generation for distribution to the public of electrical energy, gas or steam; the said payments to be made in respect of such part of the income of the corporations for the taxation year ending in the calendar year 1964 (as determined under and for the purposes of the *Income Tax Act*) as is derived from the said distribution or generation in the Province to which payment is made and in respect of similar income of such corporations for any taxation year ending in a calendar year prior to 1964 that was not taken into account in computing payments made in respect of that taxation year | 7,300,000 | |

# SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | FINANCE (Continued) | | |
| | MUNICIPAL GRANTS | | |
| 10 | Grants to Municipalities in accordance with the *Municipal Grants Act* and Regulations made thereunder, and grants to municipalities in lieu of redevelopment charges in accordance with terms and conditions prescribed by the Governor in Council | 38,300,000 | |
| | GOVERNMENT ADMINISTRATION | | |
| 15 | Contingencies—To supplement other votes and to provide for miscellaneous minor and unforeseen expenses not otherwise provided for including awards under the *Public Servants Inventions Act*, subject to the approval of the Treasury Board, and authority to re-use any sums repaid to this appropriation from other appropriations | 15,000,000 | |
| 17 | Government's contribution as an employer under the *Canada Pension Plan* and the *Quebec Pension Plan* in respect of persons employed in the Public Service whose remuneration is payable out of the Consolidated Revenue Fund | 14,500,000 | |
| 20 | Government's share of surgical-medical insurance premiums and Government's contributions to pension plans and death benefit plans for employees engaged locally outside Canada who are excluded from the *Public Service Superannuation Act*, to the Unemployment Insurance Fund in respect of Government employees paid through the Central Pay Office and to the Hospital Insurance (Outside Canada) Plan | 11,575,000 | |
| | COMPTROLLER OF THE TREASURY | | |
| 25 | Administration, including the administration of the *Superannuation and Retirement Acts* and recoverable expenditures on behalf of the *Canada Pension Plan* | 25,505,300 | |
| | TARIFF BOARD | | |
| 30 | Administration | 322,100 | |
| | ROYAL CANADIAN MINT | | |
| 35 | Administration, Operation and Maintenance | 3,244,000 | |
| 40 | Construction or Acquisition of Equipment | 163,300 | |
| | MUNICIPAL DEVELOPMENT AND LOAN BOARD | | |
| 45 | Administration | 153,000 | |
| | | | 120,395,600 |
| | FISHERIES | | |
| 1 | Departmental Administration, including grants and contributions as detailed in the Estimates | 1,552,000 | |

# SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | FISHERIES (Continued) | | |
| | FISHERIES MANAGEMENT AND DEVELOPMENT | | |
| 5 | Operation and Maintenance, including Canada's share of the expenses of the International Commissions detailed in the Estimates and of the costs of programs and projects shared jointly with the Provinces and industry | 18,099,000 | |
| 10 | Construction or Acquisition of Buildings, Works, Land and Equipment, including acquisition of land for the International Pacific Salmon Fisheries Commission, as required by Article VIII of the Convention | 4,822,000 | |
| 15 | Grants, contributions and subsidies in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates | 3,025,000 | |
| | FISHERIES RESEARCH BOARD OF CANADA | | |
| 20 | Administration, Operation and Maintenance, including an amount of $265,000 for grants for Fisheries Research and for Scholarships and authority to make recoverable advances of amounts not exceeding in the aggregate the amount of the share of the International Great Lakes Fishery Commission of the cost of work on lamprey control and lamprey research | 8,770,000 | |
| 25 | Construction or Acquisition of Buildings, Works, Land and Equipment | 3,000,000 | |
| | | | 39,268,000 |
| | INSURANCE | | |
| 1 | Departmental Administration | | 992,700 |
| | JUSTICE | | |
| 1 | Administration including the Office of the Superintendent of Bankruptcy, grants and contributions as detailed in the Estimates, gratuities to the widows or such dependents as may be approved by Treasury Board of Judges who die while in office and authority to make recoverable advances for the administration of justice on behalf of the Governments of the Northwest Territories and the Yukon Territory | 2,719,950 | |
| 5 | *Combines Investigation Act*—Administration (control and supervision vested in the President of the Privy Council) | 903,200 | |
| | | | 3,623,150 |
| | LABOUR | | |
| 1 | General Administration, including grants as detailed in the Estimates; the expenses of the International Labour Conferences and the promotion of labour-management co-operation | 4,569,100 | |
| 5 | Payments of transitional assistance, in accordance with regulations approved by the Governor in Council, to workers in automotive manufacturing and parts industries who become unemployed as a result of the operation of the Canada-United States Agreement on Automotive Products | 1,500,000 | |

25223—2

## SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | LABOUR (Continued) | | |
| | ANNUITIES ACT | | |
| 10 | Administration and Government's Contribution to Annuities Agents Pension Account in accordance with Regulations made pursuant to Vote 181, Appropriation Act No. 5, 1961.. | 1,169,600 | |
| | GOVERNMENT EMPLOYEES AND MERCHANT SEAMEN COMPENSATION | | |
| 15 | Administration of the *Government Employees Compensation Act*..... | 147,700 | |
| | | | 7,386,400 |
| | MINES AND TECHNICAL SURVEYS | | |
| | A—DEPARTMENT | | |
| | ADMINISTRATION SERVICES | | |
| 1 | Departmental Administration including the administration of the *Explosives Act*, Canada's fee for membership in the Pan-American Institute of Geography and History and a grant of $10,000 to the Mining Association of British Columbia..... | 3,217,400 | |
| 5 | Construction or Acquisition of Buildings, Works, Land and Equipment including Common-use Field Survey Equipment..... | 513,000 | |
| 10 | Contributions to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council by Canada with the Provinces, to assist in the development of roads leading to resources..... | 4,527,500 | |
| 15 | Subventions in respect to Eastern Coal under Agreements entered into pursuant to the *Atlantic Provinces Power Development Act*..... | 2,000,000 | |
| | FIELD AND AIR SURVEYS, MAPPING AND AERONAUTICAL CHARTING | | |
| 20 | Administration, Operation and Maintenance including purchases of air photography, the expenses of the Interdepartmental Committee on Air Surveys, the expenses of the National Advisory Committee on Control Surveys and Mapping, authority to make recoverable advances not exceeding the amount of the share of the United States Government of the cost of binding annual reports and maintaining boundary range lights, and grants as detailed in the Estimates..... | 8,589,400 | |
| | MARINE SURVEYS AND RESEARCH | | |
| 25 | Administration, Operation and Maintenance including Canada's fee for membership in the International Hydrographic Bureau..... | 9,181,200 | |
| 30 | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 7,243,000 | |

## SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | MINES AND TECHNICAL SURVEYS (Continued) | | |
| | A—DEPARTMENT (Continued) | | |
| | GEOLOGICAL RESEARCH | | |
| 35 | Administration, Operation and Maintenance including the expenses of the National Advisory Committee on Research in Geological Sciences, Canada's share of the cost of the Geological Liaison Office, British Commonwealth Scientific Conference, London, England, Canada's fee for membership in the International Union of Geological Sciences and $150,000 for grants in aid of Geological Research in Canadian Universities | 6,927,000 | |
| 40 | Construction or Acquisition of Building, Works, Land and Equipment | 2,198,000 | |
| | MINING AND METALLURGICAL INVESTIGATIONS AND RESEARCH | | |
| 45 | Administration, Operation and Maintenance including the expenses of the National Advisory Committee on Research in Mining and Mineral Processing, Canada's share of the cost of the Commonwealth Committee on Mineral Processing and $100,000 for grants in aid of Mining and Mineral Processing Research in Canadian Universities | 5,640,700 | |
| 50 | Construction or Acquisition of Buildings, Works, Land and Equipment | 578,000 | |
| | GEOGRAPHICAL SURVEYS AND RESEARCH | | |
| 55 | Administration, Operation and Maintenance including the expenses of the Canadian Permanent Committee on Geographical Names, the National Advisory Committee on Geographical Research and the National Committee for Canada of the International Geographical Union, Canada's fee for membership in the International Geographical Union, and grants as detailed in the Estimates | 962,300 | |
| | RESEARCH IN ASTRONOMY AND GEOPHYSICS | | |
| 60 | Administration, Operation and Maintenance including the expenses of the National Committee for Canada of the International Astronomical Union, Canada's fee for membership in the International Astronomical Union, and grants and contributions as detailed in the Estimates | 2,638,000 | |
| 65 | Construction or Acquisition of Buildings, Works, Land and Equipment | 2,345,000 | |
| | RESEARCH AND INVESTIGATIONS ON WATER RESOURCES (formerly under Northern Affairs and National Resources) | | |
| 70 | Administration, Operation and Maintenance including Canada's share of the expenses of the International Executive Council, World Power Conference, authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the shares of the Province of Manitoba and of the Province of Ontario of the cost of regulating the levels of Lake of the Woods and Lac Seul and the amount of the shares of provincial and outside agencies of the cost of hydrometric surveys, and $50,000 for Grants to Universities for Hydrologic Research | 5,609,000 | |

## SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | MINES AND TECHNICAL SURVEYS (Continued) | | |
| | A—DEPARTMENT (Continued) | | |
| | RESEARCH AND INVESTIGATIONS ON WATER RESOURCES (formerly under Northern Affairs and National Resources) (Continued) | | |
| 75 | Construction or Acquisition of Buildings, Works, Land and Equipment including authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the shares of provincial and outside agencies of the cost of hydrometric surveys | 1,106,000 | |
| 80 | Contributions to the Provinces towards the construction of dams and other works to assist in the conservation and control of water resources in accordance with agreements entered into between Canada and the Provinces | 10,715,000 | |
| | GENERAL | | |
| 85 | Polar Continental Shelf Project | 1,695,000 | 75,685,500 |
| | B—DOMINION COAL BOARD | | |
| 100 | Administration and Investigations of the Dominion Coal Board | ..... | 185,400 |
| | C—NATIONAL ENERGY BOARD | | |
| 110 | Administration | ..... | 1,133,000 |
| | NATIONAL DEFENCE | | |
| 1 | Departmental Administration, including grants to Military Associations, Institutes and other organizations as detailed in the Estimates and authority, notwithstanding section 36 of the *Financial Administration Act*, and subject to allotment by the Treasury Board, for total commitments of $2,632,006,370 for the purposes of Votes 1, 15, 20, 25, 30, 35 and 45 of this Department regardless of the year in which such commitments will come in course of payment (of which it is estimated that $1,106,752,370 will come due for payment in future years) and authority to make recoverable advances under any of the said votes and, notwithstanding the *Financial Administration Act*, to spend revenue received during the year from the sale to military personnel of clothing and kit items and revenue received in respect of assistance rendered to the United Nations, any party of the North Atlantic Treaty Organization or any provincial or municipal government | 5,640,000 | |
| | DEFENCE SERVICES | | |
| 15 | Operation and Maintenance and Construction or Acquisition of Buildings, Works, Land and Major Equipment and Development for the Canadian Forces and $1,750,000 for Grants to the Town of Oromocto | 1,420,115,000 | |

# SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | NATIONAL DEFENCE (Continued) | | |
| | DEFENCE RESEARCH | | |
| | Defence Research Board— | | |
| 20 | Operation and Maintenance | 30,526,000 | |
| 25 | Construction or Acquisition of Buildings, Works, Land and Equipment | 4,828,000 | |
| 30 | To foster defence research in Canadian industry by supporting selected defence applied research programs, on terms and conditions approved by the Treasury Board | 5,800,000 | |
| 35 | Research Satellite Program—To provide for the design and instrumentation of a series of satellites to carry out a scientific research program agreed upon jointly by the United States National Aeronautical and Space Administration and the Defence Research Board | 3,000,000 | |
| | MUTUAL AID | | |
| 45 | Contributions to infrastructure and the military costs of the North Atlantic Treaty Organization and the transfer of defence equipment and supplies and the provision of services and facilities for defence purposes in accordance with Section 3 of the *Defence Appropriation Act, 1950*, not exceeding a total of $30,316,000 including the present value of defence equipment or supplies or the cost of services made available by the Canadian Forces estimated in the amount of $9,316,000 and provided by appropriations for those Forces in the current and former years in respect of which, notwithstanding sub-section (3) of section 3 of the said Act, no amount shall be charged to this appropriation or paid into a special account; Provided by this vote | 21,000,000 | |
| | GENERAL | | |
| 48 | To authorize, notwithstanding the *Financial Administration Act* and section 11 of the Surplus Crown Assets Act, the payment into the special account in the Consolidated Revenue Fund referred to in National Defence Vote 48 of the Main Estimates for 1965–66 of revenues received during the current and subsequent fiscal years from the sale during the current fiscal year of surplus buildings, works and land not exceeding an aggregate amount of $5,000,000 | 1 | |
| | PENSIONS AND OTHER BENEFITS | | |
| 50 | Civil Pensions as detailed in the Estimates and to authorize in respect of members of the Royal Canadian Air Force on leave without pay and serving as instructors with civilian training organizations operating under the British Commonwealth Air Training Plan who were killed, payments to their dependents of amounts equal to the amounts such dependents would have received under the *Pension Act*, as amended, had such service as instructors been military service in the armed forces of Canada, less the value of any benefits received by such dependents under insurance contracts which were effected on the lives of such members of the Royal Canadian Air Force by or at the expense of the civilian organization | 7,226 | |
| | DEFENCE CONSTRUCTION (1951) LIMITED | | |
| 55 | Expenses incurred by Defence Construction (1951) Limited in procuring the construction and maintenance of defence projects on behalf of the Department of National Defence and procuring the construction of such other projects as are approved by Treasury Board | 2,250,000 | |
| | | | 1,493,166,227 |

# SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | NATIONAL FILM BOARD | | |
| 1 | Administration, Production and Distribution of Films and Other Visual Materials | 6,781,500 | |
| 5 | Acquisition of Equipment | 507,700 | |
| | | | 7,289,200 |
| | NATIONAL GALLERY OF CANADA | | |
| 1 | Administration, Operation and Maintenance including the payment of $500,000 to the National Gallery Purchase Account for the purpose of acquiring works of art in conformity with section 8 of the *National Gallery Act*, and grants as detailed in the Estimates | ..... | 1,857,200 |
| | NATIONAL HEALTH AND WELFARE | | |
| | ADMINISTRATION | | |
| 1 | Departmental Administration including recoverable expenditures on behalf of the Canada Pension Plan | 2,495,800 | |
| | HEALTH SERVICES | | |
| 5 | Administration, Operation and Maintenance, including grants as detailed in the Estimates and authority, notwithstanding the *Financial Administration Act*, to spend revenue received during the year for prosthetic services | 9,309,200 | |
| 10 | To authorize General Health Grants to the Provinces, the Northwest Territories and the Yukon Territory upon the terms and in the amounts detailed in the Estimates and under terms and conditions approved by the Governor in Council including authority, notwithstanding section 30 of the *Financial Administration Act*, to make commitments for the current year not to exceed a total amount of $40,407,080 | 32,794,000 | |
| 15 | To authorize Hospital Construction Grants to the Provinces, the Northwest Territories and the Yukon Territory upon the terms and in the amounts detailed in the Estimates and under terms and conditions approved by the Governor in Council including authority, notwithstanding section 30 of the *Financial Administration Act*, to make commitments for the current year not to exceed a total amount of $26,959,631 | 20,000,000 | |
| | MEDICAL SERVICES | | |
| 20 | Administration, Operation and Maintenance, including authority to make recoverable advances in amounts not exceeding in the aggregate the total of all amounts to be paid by the Governments of the Provinces and Territories under agreements to be entered on terms approved by the Governor in Council with such Governments in respect of health assistance to persons residing on Indian Reserves other than Indians and to residents of the Territories other than Indians and Eskimos | 33,290,000 | |

## SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | NATIONAL HEALTH AND WELFARE (Continued) | | |
| | MEDICAL SERVICES (Continued) | | |
| 25 | Construction or Acquisition of Buildings, Works, Land and Equipment including payments to hospitals and other institutions which care for Indians and Eskimos as contributions toward the construction of hospitals and related facilities.. | 3,450,000 | |
| | FOOD AND DRUG SERVICES | | |
| 30 | Administration, Operation and Maintenance..... | 5,782,000 | |
| 35 | Construction or Acquisition of Equipment..... | 370,000 | |
| | WELFARE SERVICES | | |
| 40 | Administration, Operation and Maintenance, including recoverable expenditures on behalf of the *Canada Pension Plan*, and grants as detailed in the Estimates..... | 5,503,800 | |
| 41 | Family Assistance, under such terms and conditions as may be approved by the Treasury Board, in respect of children of immigrants and settlers..... | 3,550,000 | |
| 45 | National Welfare Grants—To authorize, on terms and conditions approved by the Governor in Council, National Welfare Grants to Provinces and Welfare Agencies including Schools of Social Work, and to individuals in the form of scholarships and fellowships..... | 2,000,000 | |
| | | | 118,544,800 |
| | NATIONAL RESEARCH COUNCIL, INCLUDING THE MEDICAL RESEARCH COUNCIL | | |
| 1 | Administration, Operation and Maintenance..... | 33,468,000 | |
| 5 | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 7,100,000 | |
| 10 | Scholarships and Grants in Aid of Research..... | 41,000,000 | |
| 15 | Assistance towards Research in Industry under terms and conditions approved by the Governor in Council including authority, notwithstanding section 30 of the *Financial Administration Act*, to make commitments for the current year not to exceed a total amount of $6,000,000..... | 4,500,000 | |
| | | | 86,068,000 |
| | NORTHERN AFFAIRS AND NATIONAL RESOURCES | | |
| | ADMINISTRATION | | |
| 1 | Departmental Administration, including grants as detailed in the Estimates..... | 2,196,100 | |
| | RESOURCE DEVELOPMENT | | |
| 3 | Administration, Operation and Maintenance including a contribution to the Canadian Council of Resource Ministers in an amount equal to one-third the aggregate contribution of the Provinces but not exceeding $84,000, and grants as detailed in the Estimates..... | 1,056,600 | |

# SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | NORTHERN AFFAIRS AND NATIONAL RESOURCES (Continued) | | |
| | NATURAL AND HISTORIC RESOURCES | | |
| 15 | Administration, Operation and Maintenance including wildlife resources conservation and development, administration of the *Migratory Birds Convention Act* and payments to land owners who maintain migratory bird habitat in accordance with agreements entered into on terms and conditions approved by the Governor in Council, payment to National Battlefields Commission for the purposes and subject to the provisions of an Act respecting the National Battlefields at Quebec, grants as detailed in the Estimates and authority to make expenditures on the proposed new National Park in the area of Kejimkujik Lake in Nova Scotia | 15,587,400 | |
| 20 | Construction or Acquisition of Buildings, Works, Land and Equipment including authority to make expenditures on the proposed new National Park in the area of Kejimkujik Lake in Nova Scotia and, in respect of National Parks and Historic Sites and Monuments, notwithstanding section 30 of the *Financial Administration Act*, authority to make commitments for the current fiscal year not to exceed a total amount of $17,170,700 | 16,055,400 | |
| | INDIAN AFFAIRS | | |
| | (formerly under Citizenship and Immigration) | | |
| 30 | Administration, Operation and Maintenance including expenditures on works on other than Federal property, grants, contributions and special payments including those specified in the sub-vote titles in the Estimates, recoverable expenditures under agreements entered into with the approval of the Governor in Council with the Governments of the Provinces and Territories and with local School Boards in respect of social assistance to persons residing on Indian reserves other than Indians and the education in Indian schools of children other than Indian children, authority to make grants and contributions pursuant to agreements entered into with the Governments of the Provinces or the Territories or other groups or authorities approved of by the Governor in Council for the provision of welfare and other services to Indians and to authorize the Minister of Northern Affairs and National Resources to provide, in respect of Indian commercial activities, for the instruction and supervision of Indians, the furnishing of materials, the purchase of finished goods and, notwithstanding any other Act, the sale of such finished goods | 72,749,500 | |
| 35 | Construction or Acquisition of Buildings, Works, Land and Equipment including construction or acquisition of works for Indian Bands, the operation and control of which may be transferred to the Indian Bands at the discretion of the Minister, expenditures on works on other than federal property, assistance to Indians and Indian Bands for the construction or acquisition of housing and other buildings and related works, land and equipment, and recoverable expenditures under agreements entered into with the approval of the Governor in Council with the Governments of the Provinces and the Territories and with local School Boards in respect of the education in Indian Schools of children other than Indian Children | 23,809,400 | |

## SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | NORTHERN AFFAIRS AND NATIONAL RESOURCES (Continued) | | |
| | NORTHERN ADMINISTRATION | | |
| 45 | Administration, Operation and Maintenance, including the expenses of the Advisory Commission on the Development of Government in the Northwest Territories, grants and contributions as detailed in the Estimates, authority to make recoverable advances for services performed on behalf of the Governments of the Northwest Territories and the Yukon Territory, authority to sell electric power and fuel oil (and to provide services in respect thereof), in accordance with terms and conditions approved by the Governor in Council, to private consumers in remote locations where alternative local sources of supply are not available, and to authorize the Minister of Northern Affairs and National Resources to provide in respect of Eskimo commercial activities for the instruction and supervision of Eskimos, the furnishing of materials, the purchase of finished goods and, notwithstanding any other Act, the sale of such finished goods, and to make payments to Eskimos under social assistance, welfare housing and child welfare programs | 27,757,200 | |
| 50 | Construction or Acquisition of Buildings, Works, Land and Equipment including authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the share of the Government of the Northwest Territories of expenditures on education and vocational training, authority to make recoverable advances in respect of services provided and work performed on other than federal property when only the Department is capable of performing such service or work, authority for a program of construction or acquisition of housing for Eskimos and the sale of houses to Eskimos on such terms and conditions and at such prices as the Governor in Council may approve including the sale to Eskimos at a price $1,000 less than the cost for one-room and one-bedroom houses and $2,000 less than the cost for larger houses, authority, notwithstanding section 30 of the *Financial Administration Act*, to make commitments for the current fiscal year not to exceed, for Education Division, a total amount of $5,867,600, for Welfare and Industrial Divisions, a total amount of $3,377,800, for the Yukon Territory, a total amount of $5,561,000 and for Northwest Territories and Other Field Services, a total amount of $9,242,900 | 18,746,000 | |
| | | | 177,957,600 |
| | PUBLIC ARCHIVES AND NATIONAL LIBRARY | | |
| | A—PUBLIC ARCHIVES | | |
| 1 | General Administration and Technical Services | | 1,341,000 |
| | B—NATIONAL LIBRARY | | |
| 5 | General Administration including a payment of $150,000 to the National Library Purchase Account for the purpose of acquiring books, in conformity with section 12 of the National Library Act | | 929,000 |

25223—3

## SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | PUBLIC PRINTING AND STATIONERY | | |
| 1 | Departmental Administration | 244,700 | |
| 5 | Printing, Binding and Distribution of Official Documents and Publications for sale and distribution to Departments and the Public including the *Canada Gazette* and the Annual Statutes, and the purchase for sale of such other publications and related material as the Treasury Board may approve | 4,439,500 | 4,684,200 |
| | PUBLIC WORKS | | |
| | A—DEPARTMENT | | |
| 1 | General Administration, including grants as detailed in the Estimates | 15,772,000 | |
| | ACCOMMODATION SERVICES | | |
| 5 | Maintenance and operation of public buildings and grounds, acquisition of furniture and furnishings for government departments, including the provision, on a recoverable basis, of accommodation and related services for *Canada Pension Plan* purposes, and authority to provide assistance to (a) the International Civil Aviation Organization in the form of office accommodation at less than commercial rates and (b) the Ottawa Civil Service Recreation Association in the form of maintenance services in respect of the W. Clifford Clark Memorial Centre in Ottawa | 69,317,000 | |
| 10 | Acquisition of equipment and furnishings other than office furnishings | 548,000 | |
| 15 | Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings (including expenditures on works on other than federal property); provided that no contract may be entered into for new construction with an estimated total cost of $50,000 or more unless the project is individually listed in the Details of Estimates | 32,250,000 | |
| | HARBOURS AND RIVERS ENGINEERING SERVICES | | |
| 20 | Operation and Maintenance | 7,380,000 | |
| 25 | Construction or Acquisition of Equipment | 1,050,000 | |
| 30 | Construction, acquisition, major repairs and improvements of, and plans and sites for, harbour and river works (including expenditures on works on other than federal property); provided that no contract may be entered into for new construction with an estimated total cost of $50,000 or more unless the project is individually listed in the Details of Estimates | 30,250,000 | |
| | ROADS, BRIDGES AND OTHER ENGINEERING SERVICES | | |
| 35 | Operation and Maintenance including authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the operating expenses of the New Westminster Bridge | 6,043,000 | |
| 40 | Construction, acquisition, major repairs and improvements of, and plans and sites for the roads, bridges and other engineering works listed in the Details of the Estimates, provided that the amounts within the Vote to be expended on individually listed projects may be increased or decreased subject to the approval of Treasury Board | 16,675,000 | |

# SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | PUBLIC WORKS (Continued) | | |
| | A—DEPARTMENT (Continued) | | |
| | ROADS, BRIDGES AND OTHER ENGINEERING SERVICES (Continued) | | |
| 50 | Trans-Canada Highway— Construction through National Parks | 1,175,000 | |
| | TESTING LABORATORIES | | |
| 55 | Operation and Maintenance | 1,244,000 | |
| | | | 181,704,000 |
| | B—NATIONAL CAPITAL COMMISSION | | |
| 60 | Operation and Maintenance, General Administration and interest charges on outstanding loans that were made for the purpose of acquiring property in the National Capital Region | 7,332,000 | |
| 65 | Payment to the National Capital Fund | 18,400,000 | |
| | | | 25,732,000 |
| | SECRETARY OF STATE | | |
| | A—DEPARTMENT | | |
| 1 | Departmental Administration including a grant of $100,000 to the Fathers of Confederation Memorial Trust, Charlottetown, P.E.I. | 743,600 | |
| 5 | Corporations Branch | 197,500 | |
| 10 | Translation Bureau | 2,998,600 | |
| | NATIONAL MUSEUM OF CANADA | | |
| 15 | Administration, Operation and Maintenance | 2,240,000 | |
| | PATENT AND COPYRIGHT | | |
| | (control and supervision vested in the President of the Privy Council) | | |
| 20 | Patent Division, Copyright and Industrial Designs Division and Trade Marks Office including contributions to the International Office for the Protection of Literary and Artistic Works and the International Office for the Protection of Industrial Property | 3,645,300 | |
| | NATIONAL ARTS CENTRE | | |
| 22 | Administrative expenses of the Office of the Co-ordinator of the National Centre for the Performing Arts | 199,100 | |
| 23 | Construction or Acquisition of Buildings, Works, Land and Equipment | 7,500,000 | |
| | | | 17,524,100 |

# SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | SECRETARY OF STATE (Continued) | | |
| | B—CENTENNIAL COMMISSION | | |
| 35 | General Administration, including the National Conference on the Centennial of Confederation | 3,278,000 | |
| 40 | Programs and projects of national significance including grants towards such programs and projects | 9,519,500 | |
| 45 | Payment to the Centennial of Confederation Fund to enable grants to be made to the Provinces for local projects of a lasting nature (the total of such grants made from the said Fund not to exceed $18,935,000) and to enable grants to be made to the Provinces for projects included in the Federal-Provincial Confederation Memorial Program | 13,000,000 | |
| | | | 25,797,500 |
| | SOLICITOR GENERAL | | |
| | A—OFFICE OF THE SOLICITOR GENERAL | | |
| 1 | Expenses of the Office of the Solicitor General including administrative expenses of the Committee on Corrections plus such fees, salaries and expenses as may be approved by Treasury Board for members and the panel of consultants and staff named by the Minister to advise and assist the Committee, and grants as detailed in the Estimates | ..... | 543,550 |
| | B—CORRECTIONAL SERVICES | | |
| 5 | Administration, Operation and Maintenance including compensation to discharged inmates permanently disabled while in Penitentiaries | 34,769,200 | |
| 10 | Construction or Acquisition of Buildings, Works, Land and Equipment | 28,970,000 | |
| | | | 63,739,200 |
| | C—ROYAL CANADIAN MOUNTED POLICE | | |
| | National Police Services, Federal Law Enforcement Duties and Provincial and Municipal Policing under contract— | | |
| 15 | Administration, Operation and Maintenance including grants as detailed in the Estimates | 71,612,300 | |
| 20 | Construction or Acquisition of Buildings, Works, Land and Equipment | 5,569,000 | |
| 25 | Payment in the current and subsequent fiscal years of a pension (*a*) to Mrs. Margaret Cox, Mrs. Victoria Desjardins, Mrs. Nora Jean Massan, Mrs. Margaret Nicholson, Mrs. Catherine Mildred Ralls, Mrs. Doris Freda Sampson, Mrs. Eunice Wainwright, Mrs. K. M. Cobble, Mrs. Robina Holman, Mrs. V. M. Rapeer, Mrs. E. M. Shaw, Mrs. A. A. Sander and Mrs. T. Reay, and to any widow of a former member of the R.C.M.Police who in the year is in receipt of a pension granted under section 78 of the *Royal Canadian Mounted Police Pension Continuation Act*, in an amount equal to the amount that would be payable in that year to each such person under Schedule B to the *Pension Act* if each of them were the widow of a Lt-Col. (Army) and entitled, pursuant to the *Pension Act*, to payment of a pension in that year at the rate set out in Schedule B to that Act minus any amount payable to such person in the year pursuant to any other statutory authority providing for the payment of a pension in respect of the loss of life while engaged in the performance of duty; and | | |

# SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | SOLICITOR GENERAL (Continued) | | |
| | C—ROYAL CANADIAN MOUNTED POLICE (Continued) | | |
| | (*b*) to Mrs. Georgina Harrison in an amount equal to the amount that would be payable in that year to her in accordance with Schedule B to the *Pension Act* if she were the dependent mother of a Lt-Col. (Army) and entitled, pursuant to the *Pension Act*, to payment of pension in that year at the rate set out in Schedule B to that Act minus any amount payable to her for the year pursuant to any other statutory authority providing for payment of a pension in respect of the loss of life while engaged in the performance of duty | 18,024 | |
| | | | 77,199,324 |
| | TRADE AND COMMERCE | | |
| | GENERAL ADMINISTRATION | | |
| 1 | Departmental Administration including fees for membership in the International Organizations listed in the Details of the Estimates | 6,664,500 | |
| | Trade Commissioner Service— | | |
| 5 | Administration, Operation and Maintenance | 8,179,000 | |
| 10 | Exhibitions Branch | 3,932,200 | |
| 15 | Canadian Government Travel Bureau—To assist in promoting the Tourist Business in Canada including a grant of $55,000 to the Canadian Tourist Association | 9,825,000 | |
| | STANDARDS BRANCH | | |
| 20 | Administration and Operation | 3,922,500 | |
| | 1967 WORLD EXHIBITION | | |
| 29 | Canadian Government Participation in the 1967 World Exhibition, Montreal | 8,672,000 | |
| | | | 41,195,200 |
| | TRANSPORT | | |
| | A—DEPARTMENT | | |
| 1 | Departmental Administration | 4,899,800 | |
| | MARINE SERVICES | | |
| 5 | Administration, Operation and Maintenance including fees for membership in the international organizations listed in the details of the Estimates, pensions, grants and contributions as detailed in the Estimates, the payment of expenses, including excepted expenses, incurred in respect of Canadian distressed seamen as defined in section 306 of the *Canada Shipping Act* and, in respect of the Canadian Coast Guard Service, authority to make recoverable advances for transportation, stevedoring and other shipping services performed on behalf of individuals, outside agencies and other governments and authority, notwithstanding section 30 of the *Financial Administration Act*, to make commitments for the current fiscal year not to exceed a total amount of $24,806,200 | 44,440,100 | |

# SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | TRANSPORT (Continued) | | |
| | A—DEPARTMENT (Continued) | | |
| | MARINE SERVICES (Continued) | | |
| 10 | Construction or Acquisition of Buildings, Works, Land, Vessels and Equipment including payments to Provinces or Municipalities as contributions towards construction done by those bodies and, in respect to Aids to Navigation, authority, notwithstanding section 30 of the *Financial Administration Act*, to make commitments for the current fiscal year not to exceed a total amount of $5,850,300 | 46,652,000 | |
| | RAILWAYS AND STEAMSHIPS | | |
| 15 | Payments to the Canadian National Railway Company (hereinafter called the Company) upon applications approved by the Minister of Transport made by the Company to the Minister of Finance, to be applied by the Company in payment of the deficits, certified by the auditors of the Company, arising in the operations in the calendar year 1966 in respect of the following services: Newfoundland Ferry and Terminals; Prince Edward Island Car Ferry and Terminals; Yarmouth, N.S.-Bar Harbour, Maine U.S.A., Ferry Service | 16,416,200 | |
| 20 | Construction or Acquisition of Buildings, Works and Land, Dock and Terminal Facilities, including improvements to Terminal Facilities owned by Newfoundland, and of Vessels and Related Equipment as listed in the Details of the Estimates provided that Treasury Board may increase or decrease the amounts within the Vote to be expended on individually listed projects | 27,683,500 | |
| 25 | Payments in respect of the *Maritime Freight Rates Act* and to Provinces as contributions, as detailed in the Estimates, to assist highway construction related to the abandonment of railway branch lines, $45,000 for grants in aid of transportation research in universities, and payments for supplemental pension allowances to railway employees in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates | 16,039,800 | |
| | AIR SERVICES | | |
| 30 | Administration, Operation and Maintenance including the administration of the *Aeronautics Act* and Regulations issued thereunder, the administration of the *Radio Act* and Regulations issued thereunder, Canada's share of the costs of the international radio, telegraph and telephone organizations listed in the Details of Estimates, Canada's assessment for membership in the World Meteorological Organization and grants as detailed in the Estimates | 103,875,000 | |
| 35 | Construction or Acquisition of Buildings, Works, Land and Equipment including national airports (as determined by the Minister of Transport) and related facilities, contributions towards construction done by local or private authorities with respect to such airports; amounts to be paid in settlement of claims for compensation by persons whose property is unjuriously affected by the operation of a zoning regulation made under authority of paragraph (j) of subsection (1) of section 4 of the *Aeronautics Act*, and authority, notwithstanding section 30 of the *Financial Administration Act*, to make commitments for the current fiscal year not to exceed, for Airports and other Ground Services a total amount of $30,342,900, for Radio Aids to Air and Marine Navigation a total amount of $15,645,620, and for Meteorological Services a total amount of $3,454,200 | 42,696,500 | |

# SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | TRANSPORT (Continued) | | |
| | A—DEPARTMENT (Continued) | | |
| | AIR SERVICES (Continued) | | |
| 40 | Contributions to assist in the establishment or improvement of local airports and related facilities, subsidies towards operation of municipal or other airports, payments to the other Governments or International Agencies that are detailed in the Estimates for the operation and maintenance of airports, air navigation and airways facilities, including authority to pay assessments in the amounts and in the currencies in which they are levied, notwithstanding that the total of such payments may exceed the estimated equivalent in Canadian dollars, grants as detailed in the Estimates for the development of civil aviation, and payments to the Canadian National Railway Company of the difference between revenues and expenses in the operation and maintenance of telecommunication facilities as detailed in the Estimates in accordance with agreements entered into with the Company with the approval of the Governor in Council | 2,426,300 | |
| | | | 305,129,200 |
| | B—AIR TRANSPORT BOARD | | |
| 75 | Salaries and Other Expenses | ..... | 872,800 |
| | C—BOARD OF TRANSPORT COMMISSIONERS FOR CANADA | | |
| 80 | Administration, Operation and Maintenance | 1,520,200 | |
| 82 | Amount to be credited to the Railway Grade Crossing Fund, in addition to the amount to be credited to the Fund under the *Railway Act* in the current fiscal year, for the general purposes of the Fund and, notwithstanding section 30 of the *Financial Administration Act*, to authorize the making of commitments totalling $34,967,000 (in addition to any commitments in respect of which amounts are appropriated under this or any other Act) in the current and subsequent fiscal years | 10,000,000 | |
| | | | 11,520,200 |
| | D—CANADIAN MARITIME COMMISSION | | |
| 85 | Administration of the Commission and the degaussing of Canadian Government Ships and Canadian-owned merchant ships, of 3,000 gross tons to 20,000 gross tons, of Canadian registry or of United Kingdom registry if subject to retransfer to Canadian registry under special inter-governmental arrangement | 466,000 | |
| 90 | Steamship Subventions for Coastal Services, as detailed in the Estimates | 8,705,835 | |
| 95 | Capital subsidies for the construction of commerical and fishing vessels in accordance with regulations of the Governor in Council | 22,000,000 | |
| | | | 31,171,835 |

# SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | TRANSPORT (Continued) | | |
| | E—NATIONAL HARBOURS BOARD | | |
| 100 | Advances to National Harbours Board, subject to the provisions of section 29 of the *National Harbours Board Act*, to meet reconstruction and capital expenditures during the calendar year 1966 as detailed in the Estimates | 5,138,200 | |
| 103 | To authorize expenditures by the National Harbours Board, either by itself or on behalf of or in cooperation with others for certain purposes relating to the Canadian Universal and International Exhibition, Montreal, 1967, and to provide, notwithstanding sections 28 and 29 of the *National Harbours Board Act*, for an absolute grant to the Board for such purposes to be credited to the National Harbours Board Special Account | 544,000 | |
| 104 | Payment to the National Harbours Board to be applied in payment of the deficit (exclusive of interest on advances authorized by Parliament and depreciation on capital structures) expected to be incurred in the calendar year 1966 in the operation of the Jacques Cartier Bridge, Montreal Harbour | 328,400 | |
| | | | 6,010,600 |
| | F—ST. LAWRENCE SEAWAY AUTHORITY | | |
| 105 | Operating deficit and capital requirements of Canals and Works entrusted to the St. Lawrence Seaway Authority with the approval of the Governor in Council, and to authorize, notwithstanding the *Financial Administration Act* or any other Act, the disbursement by the authority of revenues derived from the operation and management of such Canals and Works | ..... | 2,510,000 |
| | G—ATLANTIC DEVELOPMENT BOARD | | |
| 110 | Administration and Operation | ..... | 1,388,000 |
| | UNEMPLOYMENT INSURANCE COMMISSION | | |
| 1 | Administration of the *Unemployment Insurance Act* including recoverable expenditures on behalf of the *Canada Pension Plan* | ..... | 35,393,200 |
| | LOANS INVESTMENTS AND ADVANCES | | |
| | ATOMIC ENERGY OF CANADA LIMITED | | |
| L 5 | Advances to Atomic Energy of Canada Limited in such amounts and on such terms and conditions (including the delivery to Her Majesty, in satisfaction of the advances, of obligations or shares of the Company) as the Governor in Council may approve, to finance the construction of the Douglas Point Generating Station; to share in the construction of the Pickering Generating Station under agreement between the Federal Government, the Province of Ontario and the Hydro Electric Power Commission of Ontario; to finance the construction of an engineering design office at Sheridan Park; to finance the construction of housing and other works near the Whiteshell Nuclear Research Establishment; and to authorize Central Mortgage and Housing Corporation to undertake construction of the said housing and other works near the Whiteshell Nuclear Research Establishment for Atomic Energy of Canada Limited | 24,625,000 | |

## SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | LOANS INVESTMENTS AND ADVANCES (Continued) | | |
| | CANADIAN BROADCASTING CORPORATION | | |
| L10 | Loans to the Canadian Broadcasting Corporation for the purpose of capital expenditures subject to terms and conditions prescribed by the Governor in Council | 30,424,000 | |
| | EXTERNAL AFFAIRS | | |
| L20 | Additional advance to the Working Capital Fund of the World Health Organization in an amount of $27,180 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of December, 1965, which is | 29,400 | |
| | External Aid Office | | |
| L25 | Special loan assistance for developing countries in the current and subsequent fiscal years, subject to such terms and conditions as the Governor in Council may approve, for the purpose of undertaking such economic, educational and technical projects as may be agreed upon by Canada and the developing countries or recognized international development institutions | 50,000,000 | |
| | FINANCE | | |
| L30 | To provide for the purchase, acquisition, and holding by the Minister of Finance of securities issued by the Canadian Corporation for the 1967 World Exhibition pursuant to subsection 1 of section 12 of the *Canadian Corporation for the 1967 World Exhibition Act* and to subsequently dispose thereof | 110,000,000 | |
| | MINES AND TECHNICAL SURVEYS | | |
| L40 | Advances in accordance with agreements entered into pursuant to the *Atlantic Provinces Power Development Act* | 17,500,000 | |
| | NATIONAL DEFENCE | | |
| L45 | To authorize in the current and subsequent fiscal years, under such terms and conditions as the Governor in Council prescribes, a capital assistance loan to the Town of Oromocto, New Brunswick, to be covered by town debentures, for the purpose of assisting in completion of the physical development of municipal works and the further development of the Town's assets | 200,000 | |
| | NORTHERN AFFAIRS AND NATIONAL RESOURCES | | |
| | Northern Canada Power Commission | | |
| L50 | Advances to the Northern Canada Power Commission for the purpose of capital expenditures in accordance with section 15 of the *Northern Canada Power Commission Act* | 1,800,000 | |

25223—4

# SCHEDULE B.

Based on the Supplementary Estimates (A), 1966–67. The amount hereby granted is $80,371,604.98, being the total of the amounts of the items in the said Estimates as contained in this Schedule, less the amounts voted on account of the said items by the *Appropriation Act No. 7, 1966*, and the *Appropriation Act No. 8, 1966*.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | AGRICULTURE | | |
| | ADMINISTRATION | | |
| 1a | Departmental Administration | 35,800 | |
| | PRODUCTION AND MARKETING | | |
| | Administration | | |
| 15a | Administration, Operation and Maintenance | 22,500 | |
| 17a | Grants, Contributions and Subsidies in the amounts and subject to the terms specified in the subvote titles listed in the Details of Estimates | 1,813,500 | |
| | Animal and Animal Products | | |
| 20a | Administration, Operation and Maintenance | 130,000 | |
| 25a | Grants, Contributions and Subsidies in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates | 300,000 | |
| | Plant and Plant Products | | |
| 30a | Administration, Operation and Maintenance | 439,500 | |
| 35a | Grants, Contributions and Subsidies as detailed in the Estimates | 5,413,100 | |
| | HEALTH OF ANIMALS | | |
| 45a | Grants, Contributions and Subsidies as detailed in the Estimates | 16,000 | |
| | LAND REHABILITATION, IRRIGATION AND WATER STORAGE PROJECTS | | |
| 60a | Irrigation and Water Storage Projects in the Western Provinces including the South Saskatchewan River Project, the *Prairie Farm Rehabilitation Act* Program, Land Protection, Reclamation and Development—Construction or Acquisition of Buildings, Works, Land and Equipment | 3,200,000 | |
| | | | 11,370,400 |
| | CITIZENSHIP AND IMMIGRATION | | |
| | GENERAL ADMINISTRATION | | |
| 1a | General Administration including the promotion of a program for the employment of the older worker—To extend the purposes of Citizenship and Immigration Vote 1 of the Main Estimates for 1966–67 to include $50,000 for grants for Manpower Research and to provide a further amount of | 815,300 | |

# SCHEDULE B—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | CITIZENSHIP AND IMMIGRATION (Continued) | | |
| | TECHNICAL AND VOCATIONAL TRAINING ASSISTANCE | | |
| 15a | Payments to the provinces to carry out the purposes of the *Technical and Vocational Training Assistance Act* and agreements made thereunder—To extend the purposes of Citizenship and Immigration Vote 15 of the Main Estimates for 1966-67 to provide for payments to the provinces to carry out the purposes of the *Training Allowance Act, 1966* and agreements made thereunder, to authorize the Minister in accordance with agreements approved by the Governor in Council between the Minister and any province, agency or person to make payments up to 100% of the cost of carrying on research in connection with the utilization of manpower resources in Canada, including the development of experimental training methods and techniques, the payment of training allowances and related activities, and to provide that the contributions payable by Canada to a province pursuant to any agreement that may be entered into under section 4 of the *Technical and Vocational Training Assistance Act* shall, notwithstanding paragraph (b) of subsection (2) of section 4 of that Act, include an amount equal to 25% of the capital expenditures incurred by the province on training facilities before such date, not later than March 31, 1970, as may be specified in the said agreement and to provide a further amount of | 37,750,000 | |
| | CITIZENSHIP | | |
| 35a | Administration, Operation and Maintenance including grants and contributions for language instruction and citizenship promotion | 50,000 | |
| | | | 38,615,300 |
| | CIVIL SERVICE COMMISSION | | |
| 1a | Salaries and Contingencies of the Commission | | 2,482,700 |
| | DEFENCE PRODUCTION | | |
| | A—DEPARTMENT | | |
| 5a | Payments, subject to the approval of the Treasury Board, for certain programs carried out under the *Defence Production Act*, (*a*) to assist defence contractors with defence plant modernization, and in connection with the establishment of production capacity and qualified sources for production of component parts and materials; and (*b*) for capital assistance for the construction, acquisition, extension or improvement of capital equipment or works by private contractors engaged in defence contracts, by Crown plants operated on a management-fee basis or by Crown companies under the direction of the Minister of Defence Production | | 3,400,000 |
| | B—EMERGENCY MEASURES ORGANIZATION | | |
| 20a | Administration and Operation | | 400,000 |

## SCHEDULE B—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | EXTERNAL AFFAIRS | | |
| | A—DEPARTMENT | | |
| 1a | Administration, Operation and Maintenance—To extend the purposes of External Affairs Vote 1 of the Main Estimates for 1966-67 to include expenses related to the Canada-West Indies Prime Ministerial Conference, cultural relations and academic exchange programs with other countries, the grants detailed in these Estimates and to provide a further amount of | 351,700 | |
| 15a | Assessments, contributions and other payments to International (including Commonwealth) Organizations and International Multilateral Economic and Special Aid Programs as detailed in the Estimates, including authority to make payments in the amounts and in the currencies in which they are levied, notwithstanding that the total of such payments may exceed the equivalent in Canadian dollars, estimated as of May, 1966, which is | 6,245,000 | |
| | EXTERNAL AID OFFICE | | |
| 35a | Economic, technical, educational and other assistance as detailed in the Estimates | 45,000,000 | |
| 36a | To forgive payment by India to Canada of the total principal and interest accruing thereon under agreements related to purchase of Canadian wheat and flour between Canada and India dated February 20, 1958, October 22, 1958 and March 29, 1966, the principal amount being | 9,428,572 | |
| | | | 61,025,272 |
| | FINANCE | | |
| | ADMINISTRATION | | |
| 1a | Departmental Administration including administration of the *Guaranteed Loans Acts* and payments to provinces as detailed in the Estimates | 99,000 | |
| 3a | Grant to the Endowment Fund of the Vanier Institute of the Family—L'institut Vanier de la famille | 2,000,000 | |
| 4a | Contributions to the Government of Manitoba for assistance in meeting costs relating to the flooding of the Red River in 1966 in accordance with cost-sharing arrangements to be determined by Canada in consultation with Manitoba | 10,000,000 | |
| | GOVERNMENT ADMINISTRATION | | |
| 15a | Contingencies—To supplement other votes and to provide for miscellaneous minor and unforeseen expenses not otherwise provided for including awards under the *Public Servants Inventions Act*, subject to the approval of the Treasury Board, and authority to re-use any sums repaid to this appropriation from other appropriations | 45,000,000 | |
| 18a | To deem the expression "regulations made under the authority of paragraph (*ad*) of subsection (1) of section 30 of the *Public Service Superannuation Act*" in Vote 686 of the *Appropriation Act No. 2, 1961* to include regulations made under the *Financial Administration Act* | 1 | |

## SCHEDULE B—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | FINANCE (Continued) | | |
| | GOVERNMENT ADMINISTRATION (Continued) | | |
| 20a | Government's share of surgical-medical insurance premiums—To extend the purposes of Finance Vote 20 of the Main Estimates for 1966-67 to authorize in the current and subsequent fiscal years, on such terms and conditions as the Governor in Council may prescribe, advances to or in respect of employees who belong to a class of persons described in Vote 124 of *Appropriation Act No. 6, 1960*, as amended, and who are absent from their duties on sick leave without pay for the purpose of enabling such persons to pay surgical-medical insurance premiums when due, and to provide a further amount of | 3,500,000 | |
| 22a | To authorize the Minister of Finance to establish a special account in the Consolidated Revenue Fund to be known as the "Foreign Claims Fund" to which shall be credited,<br>(a) notwithstanding Vote 696 of *Appropriation Act No. 4, 1952*, such part of the money received by him from the Custodian of Enemy Property under paragraph (a) of that Vote, the proceeds of sale of property under paragraph (b) of that Vote and the earnings of property specified in paragraph (b) thereof, as the Governor in Council directs, and<br>(b) all amounts received from governments of other countries pursuant to agreements entered into after April 1, 1966 relating to the settlement of Canadian claims,<br>and, notwithstanding section 35 of the *Financial Administration Act*, to provide for payments out of the Foreign Claims Fund in the current and subsequent fiscal years in accordance with regulations of the Governor in Council which regulations may, *inter alia*, provide for the determination of the nature of claims for compensation that may be made, the persons to whom compensation may be paid, and the manner and time for the submission of claims, the calculation (including any weighted or pro rata distribution) of the amount of the payments by the Minister of Finance and the Secretary of State for External Affairs, and to authorize payment of the expenses incurred in investigating and reporting on such claims | 1,000 | |
| 23a | To authorize, notwithstanding the *Currency, Mint and Exchange Fund Act*, the transfer from the Exchange Fund Account to the Consolidated Revenue Fund of the profit for the calendar year 1964 and each subsequent calendar year from trading operations in foreign exchange, gold and securities, and from the net valuation adjustments on unmatched purchases or sales during each such year | 1 | |
| | ROYAL CANADIAN MINT | | |
| 35a | Administration, Operation and Maintenance | 434,000 | |
| 40a | Construction or Acquisition of Equipment | 115,000 | |
| | | | 61,149,002 |
| | FISHERIES | | |
| 1a | Departmental Administration—To extend the purposes of Fisheries Vote 1 of the Main Estimates for 1966-67 to include Canada's fee for membership in the International Council for the Exploration of the Sea and to provide a further amount of | 18,000 | |

## SCHEDULE B—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | FISHERIES (Continued) | | |
| | FISHERIES MANAGEMENT AND DEVELOPMENT | | |
| 5a | Operation and Maintenance including Canada's share of the expenses of the International Commissions detailed in the Estimates | 290,000 | |
| 10a | Construction or Acquisition of Buildings, Works, Land and Equipment | 824,000 | |
| 15a | Grants, Contributions and Subsidies in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates | 435,227 | |
| | FISHERIES RESEARCH BOARD OF CANADA | | |
| 20a | Administration, Operation and Maintenance | 135,000 | |
| | | | 1,702,227 |
| | FORESTRY | | |
| 23a | Contributions to the Provinces in the amounts and subject to the terms specified in the Details of Estimates | 750,000 | |
| | RURAL DEVELOPMENT | | |
| 30a | *Agricultural Rehabilitation and Development Act Program* and *Maritime Marshland Rehabilitation Act* Program—Construction or Acquisition of Buildings, Works, Land and Equipment | 200,000 | |
| | | | 950,000 |
| | JUSTICE | | |
| 1a | Administration including grants as detailed in the Estimates | | 31,000 |
| | LABOUR | | |
| 1a | General Administration | | 272,400 |
| | LEGISLATION | | |
| | HOUSE OF COMMONS | | |
| 20a | General Administration | | 117,000 |
| | MINES AND TECHNICAL SURVEYS | | |
| | A—DEPARTMENT | | |
| | ADMINISTRATION SERVICES | | |
| 1a | Departmental Administration | 29,000 | |

# SCHEDULE B—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | MINES AND TECHNICAL SURVEYS (Continued) | | |
| | A—DEPARTMENT (Continued) | | |
| | GEOLOGICAL RESEARCH | | |
| 40a | Construction or Acquisition of Buildings, Works, Land and Equipment | 246,000 | |
| | RESEARCH IN ASTRONOMY AND GEOPHYSICS | | |
| 65a | Construction or Acquisition of Buildings, Works, Land and Equipment | 1,255,700 | |
| | RESEARCH AND INVESTIGATIONS ON WATER RESOURCES | | |
| 70a | Administration, Operation and Maintenance—To extend the purposes of Mines and Technical Surveys Vote 70 of the Main Estimates for 1966-67 to include the expenses of the Saskatchewan-Nelson Basin Board and the Atlantic Tidal Power Programming Board as specified in the sub-vote titles in these Estimates and to provide a further amount of | 600,000 | |
| 75a | Construction or Acquisition of Buildings, Works, Land and Equipment | 256,000 | |
| | | | 2,386,700 |
| | NATIONAL HEALTH AND WELFARE | | |
| | HEALTH SERVICES | | |
| 17a | To establish a special account in the Consolidated Revenue Fund to be known as the "Hospital Insurance Supplementary Fund" to which shall be credited such amounts as may be contributed during the current and subsequent fiscal years by Canada and the provinces, the contribution by Canada for any fiscal year not to exceed the total contribution by all the provinces for such year, and to authorize, notwithstanding section 35 of the *Financial Administration Act*, payments out of the Fund in the current and subsequent fiscal years in respect of the cost of insured services, within the meaning of the *Hospital Insurance and Diagnostic Services Act*, incurred by a person who, through no fault of his own, ceased to be eligible for and entitled to insured services under that Act; amount required for the fiscal year 1966-67 | 20,000 | |
| | WELFARE SERVICES | | |
| 40a | Administration, Operation and Maintenance, including recoverable expenditures on behalf of the *Canada Pension Plan*, and grants as detailed in the Estimates | 15,000 | |
| 41a | Family Assistance, under such terms and conditions as may be approved by the Treasury Board, in respect of children of immigrants and settlers | 753,000 | |
| | | | 788,000 |
| | NATIONAL RESEARCH COUNCIL, INCLUDING THE MEDICAL RESEARCH COUNCIL | | |
| 10a | Scholarships and Grants in Aid of Research | | 5,500,000 |

## SCHEDULE B.—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | NATIONAL REVENUE | | |
| | CUSTOMS AND EXCISE | | |
| 1a | General Administration, Operation and Maintenance..... | ..... | 1,122,000 |
| | NORTHERN AFFAIRS AND NATIONAL RESOURCES | | |
| | RESOURCE DEVELOPMENT | | |
| 3a | Administration, Operation and Maintenance..... | 355,000 | |
| 7a | Northern Mineral Assistance Grants—To authorize in the current and subsequent fiscal years, in accordance with terms and conditions prescribed by the Governor in Council, northern mineral development assistance grants to individuals and corporations, in order to assist in the mineral and economic development of the Canadian north, and to authorize total commitments in respect of development assistance grants in the current and subsequent fiscal years not exceeding $9,000,000; estimated amount required in the current fiscal year..... | 3,000,000 | |
| | INDIAN AFFAIRS | | |
| 30a | Administration, Operation and Maintenance including grants as specified in the sub-vote titles in the Estimates—To extend the purposes of Northern Affairs and National Resources Vote 30 of the Main Estimates for 1966–67 to authorize special payments in respect of social assistance to persons other than Indians residing on Indian Reserves and to authorize special payments in respect of the education in Indian schools of children other than Indian children and to provide a further amount of..... | 702,000 | |
| | NORTHERN ADMINISTRATION | | |
| 45a | Administration, Operation and Maintenance including grants and contributions as detailed in the Estimates..... | 115,000 | |
| | | | 4,172,000 |
| | POST OFFICE | | |
| 1a | Postal Services..... | ..... | 1,950,000 |
| | PRIVY COUNCIL | | |
| | A—PRIVY COUNCIL | | |
| 10a | General Administration—To extend the purposes of Privy Council Vote 10 of the Main Estimates for 1966–67 to include the grant detailed in these Estimates and to provide a further amount of..... | 300,000 | |
| 15a | Expenses of the Royal Commissions listed in the Details of Estimates..... | 472,800 | |
| 17a | Expenses of the Science Council of Canada..... | 137,500 | |
| | | | 910,300 |
| | PUBLIC ARCHIVES AND NATIONAL LIBRARY | | |
| | A—PUBLIC ARCHIVES | | |
| 1a | General Administration and Technical Services..... | ..... | 25,000 |

25223—5

# SCHEDULE B—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | PUBLIC WORKS | | |
| | A—DEPARTMENT | | |
| 1a | General Administration, including grants as detailed in the Estimates | 13,200 | |
| | ACCOMMODATION SERVICES | | |
| 5a | Maintenance and Operation of public buildings and grounds, acquisition of furniture and furnishings for government departments | 4,500,000 | |
| 10a | Acquisition of equipment and furnishings other than office furnishings | 365,000 | |
| 15a | Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings (including expenditures on works on other than federal property); provided that no contract may be entered into for new construction with an estimated total cost of $50,000 or more unless the project is individually listed in the Details of Estimates | 1 | |
| | HARBOURS AND RIVERS ENGINEERING SERVICES | | |
| 30a | Construction, acquisition, major repairs and improvements of, and plans and sites for, harbour and river works (including expenditures on works on other than federal property); provided that no contract may be entered into for new construction with an estimated total cost of $50,000 or more unless the project is individually listed in the Details of Estimates | 1,830,000 | |
| | ROADS, BRIDGES AND OTHER ENGINEERING SERVICES | | |
| 40a | Construction, acquisition, major repairs and improvements of, and plans and sites for, roads, bridges and other engineering works—To extend the purposes of Public Works Vote 40 of the Main Estimates for 1966–67 to provide for the construction of a Causeway and associated structures across Northumberland Strait and to include the project detailed in these Estimates | 1 | |
| 57a | Trans-Canada Highway—To provide, notwithstanding any other Act, for the payment until May 31, 1971 by Canada to any Province with which Canada has entered into an agreement under the *Trans-Canada Highway Act* or *Appropriation Act No. 5, 1963*, of contributions in respect of the cost incurred by such Province prior to December 31, 1970, in construction of the Trans-Canada Highway; to provide notwithstanding any other Act, for the payment until May 31, 1971, to the Provinces of Newfoundland, Nova Scotia, Prince Edward Island and New Brunswick of contributions equal to ninety per cent of the cost incurred between April 1, 1963 and December 31, 1970 by each of those Provinces in construction of the Trans-Canada Highway; to provide, notwithstanding any other Act, that the aggregate of all expenditures under sections 4, 5 and 6 of the *Trans-Canada Highway Act* shall not exceed eight hundred and twenty-five million dollars, and to authorize the Minister of Public Works, with the approval of the Governor in Council, to enter into agreements with the Provinces to give effect to the foregoing provisions; additional amount required in the current fiscal year | 18,000,000 | |
| | | | 24,708,202 |

## SCHEDULE B—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | SECRETARY OF STATE | | |
| | A—DEPARTMENT | | |
| 1a | Departmental Administration—To extend the purposes of Secretary of State Vote 1 of the Main Estimates for 1966-67 to include the expenses of the Committee on Election Expenses, the grant detailed in these Estimates, and to provide a further amount of | 256,750 | |
| 5a | Corporations Branch | 6,000 | |
| | UNIVERSITY GRANTS | | |
| 27a | Payments to the Association of Universities and Colleges of Canada—To increase the payment of grants provided for in section 8A of the *Federal-Provincial Fiscal Arrangements Act* in respect of the academic year commencing in September, 1966, by making payments not exceeding $60,000,000 in the fiscal years 1966-67 and 1967-78<br>(a) to the Association of Universities and Colleges of Canada in an aggregate amount calculated by multiplying the population of each province, other than a province described in paragraph (b), for the calendar year ending in the fiscal year 1966-67 by $3, such aggregate amount and any amount paid to the Association pursuant to section 8A of the said Act, notwithstanding subsection (2) thereof, to be distributed amongst the institutions of higher learning in such province in accordance with an agreement to be entered into, with the approval of the Governor in Council, between the Secretary of State on behalf of Canada, and the Association of Universities and Colleges of Canada, and<br>(b) to a province that is a prescribed province for the purposes of section 8A of the said Act for the fiscal year 1966-67 in an aggregate amount calculated by multiplying the population of that province for the calendar year ending in that fiscal year by $3, and to provide that the Province of Quebec shall be deemed for purposes of section 8A of the *Federal-Provincial Fiscal Arrangements Act* to be a prescribed province for the fiscal year 1966-67; amount required for the fiscal year 1966-67 | 38,400,000 | |
| | | | 38,662,750 |
| | B—CENTENNIAL COMMISSION | | |
| 35a | General Administration | 1,865,500 | |
| 40a | Programs and Projects of National Significance, including grants towards such programs and projects | 4,279,600 | |
| | | | 6,145,100 |
| | SOLICITOR GENERAL | | |
| | A—OFFICE OF THE SOLICITOR GENERAL | | |
| 1a | Expenses of the Office of the Solicitor General and grants as detailed in the Estimates | ..... | 65,000 |
| | C—ROYAL CANADIAN MOUNTED POLICE | | |
| 15a | National Police Services, Federal Law Enforcement Duties and Provincial and Municipal Policing under Contract—Administration, Operation and Maintenance | 1,264,500 | |
| 20a | National Police Services, Federal Law Enforcement Duties and Provincial and Municipal Policing under Contract—Construction or Acquisition of Buildings, Works, Land and Equipment | 761,300 | |
| | | | 2,025,800 |

## SCHEDULE B—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | TRADE AND COMMERCE | | |
| | GENERAL ADMINISTRATION | | |
| 1a | Departmental Administration | 107,500 | |
| 5a | Trade Commissioner Service—Administration, Operation and Maintenance | 156,000 | |
| | | | 263,500 |
| | TRANSPORT | | |
| | A—DEPARTMENT | | |
| 2a | Acquisition of railway cars and other equipment | 610,000 | |
| | MARINE SERVICES | | |
| 5a | Administration, Operation and Maintenance including grants as detailed in the Estimates | 1 | |
| 10a | Construction or Acquisition of Buildings, Works, Land, Vessels and Equipment including payments to Provincial or Municipal Authorities as contributions towards construction done by those bodies including authority, notwithstanding section 30 of the *Financial Administration Act*, to increase to $8,175,300 the commitments for the current fiscal year for Aids to Navigation and to provide a further amount of | 4,855,300 | |
| | RAILWAYS AND STEAMSHIPS | | |
| 20a | Construction or Acquisition of Buildings, Works and Land, Dock and Terminal Facilities, including improvements to Terminal Facilities owned by Newfoundland, and of Vessels and Related Equipment as listed in the Details of the Estimates provided that Treasury Board may increase or decrease the amounts within the Vote to be expended on individually listed projects | 1 | |
| 25a | Payments in respect of the *Maritime Freight Rates Act* and to Provinces as contributions, as detailed in the Estimates, to assist highway construction related to the abandonment of railway branch lines—To increase to $95,000 the grants in aid of transportation research in universities and to provide a further amount of | 425,000 | |
| | AIR SERVICES | | |
| 35a | Construction or Acquisition of Buildings, Works, Land and Equipment including national airports (as determined by the Minister of Transport) and related facilities including authority, notwithstanding section 30 of the *Financial Administration Act*, to increase to $35,709,900 the commitments for the current fiscal year for Airports and other Ground Services and to provide a further amount of | 4,450,000 | |
| 40a | Contributions to assist in the establishment or improvement of local airports and related facilities | 353,000 | |
| | | | 10,693,302 |
| | B—AIR TRANSPORT BOARD | | |
| 77a | Balance of payment to Nordair Limited for operation of international charter flights undertaken but not completed by World Wide Airways Incorporated | 13,467 | |
| 78a | Subventions for Air Carriers as detailed in the Estimates | 313,300 | |
| | | | 326,767 |

## SCHEDULE B—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | TRANSPORT (Continued) | | |
| | C—BOARD OF TRANSPORT COMMISSIONERS FOR CANADA | | |
| 83a | Payments to the railway companies subject to paragraph No. 2 of Order No. 103860 dated February 23, 1961, of the Board of Transport Commissioners for Canada, which paragraph authorized the railways to increase freight rates on export bulk grain moving from certain ports located on Georgian Bay, the Great Lakes and the St. Lawrence River to Montreal and ports east thereof on the St. Lawrence River and on the Canadian Atlantic Coast and which paragraph has been suspended by Orders in Council, requiring the railways to continue in effect the rates which prevailed and were published on November 30, 1960, such payments to be the difference between those rates which were in effect on November 30, 1960 and compensatory rates as approved by the Board of Transport Commissioners for Canada..... | 3,000,000 | |
| 84a | To provide for balance of payments to companies subject to Order Number 96300, dated November 17, 1958, of the Board of Transport Commissioners for Canada in respect of the period April 1, 1965 to March 31, 1966, payable to said companies for such diminution in their aggregate gross revenues during the said period as in the opinion of the said Board is attributable to such companies maintaining the rate level for freight traffic at an 8% increase instead of 17% as authorized by the said Order..... | 600,000 | |
| | | | 3,600,000 |
| | D—CANADIAN MARITIME COMMISSION | | |
| 90a | Steamship Subventions for Coastal Services as detailed in the Estimates..... | 1 | |
| 95a | Capital subsidies for the construction of commercial and fishing vessels in accordance with regulations of the Governor in Council..... | 8,000,000 | |
| | (to be administered by the Department of Industry) | | 8,000,001 |
| | E—NATIONAL HARBOURS BOARD | | |
| 102a | To authorize, in accordance with terms and conditions approved by the Governor in Council, special assistance to firms displaced as a result of construction of the Saskatchewan Wheat Pool elevator in Vancouver Harbour, B.C..... | 188,468 | |
| 103a | To authorize expenditures by the National Harbours Board, either by itself or on behalf of or in co-operation with others, for certain purposes relating to the Canadian Universal and International Exhibition, Montreal, 1967, and to provide, notwithstanding Sections 28 and 29 of the *National Harbours Act*, for an absolute grant to the Board for such purposes to be credited to the National Harbours Board Special Account | 881,000 | |
| 104a | Payment to the National Harbours Board to be applied in payment of the balance of the deficit incurred in respect of the calendar year 1965 and the deficit expected to be incurred in the calendar year 1966 (exclusive of interest on advances authorized by Parliament and depreciation on capital structures) in the operation of the Jacques Cartier Bridge, Montreal Harbour..... | 737,600 | |
| | | | 1,807,068 |
| | G—ATLANTIC DEVELOPMENT BOARD | | |
| 110a | Administration and Operation..... | ..... | 800,000 |

## SCHEDULE B—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | LOANS, INVESTMENTS AND ADVANCES | | |
| | ATOMIC ENERGY OF CANADA LIMITED | | |
| L7a | Advances to Atomic Energy of Canada Limited, subject to such terms and conditions as the Governor in Council may approve, to finance the construction of transmission lines in connection with the Nelson River Power Project, to be undertaken in accordance with an agreement between Canada and Manitoba to be approved by the Governor in Council; to authorize Atomic Energy of Canada Limited to construct, control, lease and dispose of the said transmission lines | 2,000,000 | |
| | EXTERNAL AFFAIRS | | |
| L21a | To increase to $2,000,000 the amount that may be charged at any time to the special account mentioned in Vote L13a of the *Appropriation Act No. 6, 1964* that was established for the purpose of financing posts abroad, advances to personnel on posting and for medical expenses; additional amount required | 500,000 | |
| L22a | Loans to the Government of India to finance the purchase in Canada of aircraft and associated spare parts and equipment in accordance with a financial agreement entered into between the Government of Canada and the Government of India | 217,000 | |
| | FINANCE | | |
| L31a | Special accountable advances to or in respect of persons employed in the public service whose remuneration is payable out of the Consolidated Revenue Fund who are required to make contributions under<br>(*a*) the *Public Service Superannuation Act* or the *Diplomatic Service (Special) Superannuation Act*, and<br>(*b*) the *Canada Pension Plan* or the *Quebec Pension Plan*<br>in the amounts by which the combined contributions required from such persons in respect of remuneration to which an Act referred to in paragraph (*a*) and an Act referred to in paragraph (*b*) both apply exceed 6½ per cent of such remuneration in the case of males and 5 per cent of such remuneration in the case of females | 4,000,000 | |
| | FISHERIES | | |
| L34a | To extend the purposes of the revolving fund established pursuant to Vote 542 of the *Appropriation Act No. 3, 1953*, to include the financing of transportation, dressing and dyeing and other expenses incidental to receiving and disposing of fur seal skins accruing to Canada pursuant to the Interim Convention on Conservation of North Pacific Fur Seals entered into by Canada, the United States of America, Japan and the Union of Soviet Socialist Republics, dated at Washington, February 9, 1957; additional amount required | 200,000 | |

# SCHEDULE B—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | LOANS, INVESTMENTS AND ADVANCES (Continued) | | |
| | INDUSTRY | | |
| L35a | To extend the purposes of Vote L35 of the Main Estimates for 1966–67 to provide for assistance to Canadian materials suppliers and tooling manufacturers for the automotive industry by deeming such suppliers and manufacturers to be manufacturers of automotive products for the purpose of the Vote and to increase to $40,000,000 the authority to make commitments for the purposes of the Vote in the current and subsequent fiscal years; additional amount required | 6,400,000 | |
| | MINES AND TECHNICAL SURVEYS | | |
| L40a | Advances in accordance with agreements entered into pursuant to the *Atlantic Provinces Power Development Act* | 11,600,000 | |
| | NORTHERN AFFAIRS AND NATIONAL RESOURCES | | |
| | Indian Affairs | | |
| L51a | To authorize, in the current and subsequent fiscal years, in accordance with terms and conditions prescribed by the Governor in Council, loans to provide financial assistance to Indians for the construction of houses in areas other than Indian reserves; to authorize advances to cover construction costs of the houses; to authorize the Minister, in accordance with regulations approved by the Governor in Council, to forgive the repayment of a loan or any part thereof made to an Indian under this authority and to authorize a special account in the Consolidated Revenue Fund to be known as the Indian Housing Assistance Account<br>(*a*) to which all loans and advances made under this authority shall be charged; and<br>(*b*) to which shall be credited<br>(i) all repayments of principal amounts of loans,<br>(ii) all repayments of advances, and<br>(iii) all amounts the payment of which is forgiven by the Minister under this authority,<br>the total amount that may be charged to the account at any time, after deducting therefrom all outstanding advances, shall not exceed $1,000,000 | 1,000,000 | |
| | Northern Administration | | |
| L52a | Loans to the Government of the Northwest Territories for capital expenditures in accordance with terms and conditions prescribed by the Governor in Council which loans shall, for purposes of Northern Affairs and National Resources Vote 118 of *Special Appropriation Act 1963*, be deemed to be loans for capital expenditures in the Territories as provided for in the agreement entered into between the parties pursuant to that Vote | 2,700,000 | |
| L53a | Loans to the Government of the Northwest Territories, in the current and subsequent fiscal years, in accordance with terms and conditions prescribed by the Governor in Council, to assist in the design and construction of a water and sewer system at Hay River, Northwest Territories | 558,000 | |

# SCHEDULE B—*Concluded*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | LOANS, INVESTMENTS AND ADVANCES (Continued) | | |
| | NORTHERN AFFAIRS AND NATIONAL RESOURCES (Continued) | | |
| | Northern Administration (Continued) | | |
| L54a | Loans to the Government of the Northwest Territories, in the current and subsequent fiscal years, in accordance with terms and conditions prescribed by the Governor in Council for the development of a townsite at Pine Point, Northwest Territories | 500,000 | |
| | TRANSPORT | | |
| L81a | Loans to Canadian National Railways in such manner and subject to such terms and conditions as the Governor in Council may approve for maintenance, repair and acquisition of passenger equipment | 3,100,000 | |
| | National Harbours Board | | |
| L90a | Advances to National Harbours Board, subject to the provisions of Section 29 of the *National Harbours Board Act*, to meet expenditures applicable to the calendar year 1966 on the following account: | | |
| | Reconstruction and Capital Expenditures— | | |
| | Montreal ..... 7,200,000 | | |
| | Less: Amount to be expended from Replacement and Other Funds ($1,200,000) and provision in the Main Estimates for 1966-67 for Belledune ($1,800,000) and Vancouver ($1,500,000) ..... 4,500,000 | | |
| | | 2,700,000 | |
| | St. Lawrence Seaway Authority | | |
| L95a | Loans to the St. Lawrence Seaway Authority in such manner and subject to such terms and conditions as the Governor in Council may approve | 1,500,000 | |
| | | | 36,975,000 |
| | | | *332,441,791 |

* Net total $80,371,604.98.

# SCHEDULE C

Based on the Supplementary Estimates (B), 1966–67. The amount hereby granted is $21,509,000.00, being the total of the amounts of the items in the said Estimates as contained in this Schedule, less the amounts voted on account of the said items by the *Appropriation Act No. 7, 1966*, and the *Appropriation Act No. 8, 1966*.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | LOANS, INVESTMENTS AND ADVANCES | | |
| | EXTERNAL AFFAIRS | | |
| L23b | To authorize in the current and subsequent fiscal years the purchase of 2,500 shares of stock of the Asian Development Bank, being Canada's subscription as a member thereof, for the amount of $25,000,000 U.S., including authority in the current and subsequent fiscal years for the issue to the Bank, on behalf of the Government of Canada, as payment for the shares so purchased, pending cash requirements by the Bank, non-interest bearing non-negotiable demand notes in such form as may be determined by the Minister of Finance, notwithstanding that the payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of June, 1966, which is..... | 27,027,000 | |
| | FINANCE | | |
| L32b | To provide in the current and subsequent fiscal years for the purchase, acquisition, holding and disposition by .the Minister of Finance of securities issued by the International Bank for Reconstruction and Development, the total cost of such securities that may be held by the Minister at any one time not to exceed..... | 150,000,000 | |
| | | | *177,027,000 |

*Net total $21,509,000.00.

25223—6

# SCHEDULE D

Based on the Supplementary Estimates (C), 1966–67. The amount hereby granted is $307,195,632.00 being the total of the amounts of the items in the Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | AGRICULTURE | | |
| | PRODUCTION AND MARKETING | | |
| | Plant and Plant Products | | |
| 35c | Grants, Contributions and Subsidies as detailed in the Estimates | 1 | |
| | HEALTH OF ANIMALS | | |
| 40c | Administration, Operation and Maintenance | 365,000 | 365,001 |
| | BOARD OF BROADCAST GOVERNORS | | |
| 1c | Salaries and Other Expenses | | 200,000 |
| | CANADIAN BROADCASTING CORPORATION | | |
| 1c | Grant in respect of the net operating amount required to discharge the responsibilities of the national broadcasting service | | 1,000,000 |
| | CIVIL SERVICE COMMISSION | | |
| 1c | Salaries and Contingencies of the Commission | | 1,116,400 |
| | ENERGY, MINES AND RESOURCES | | |
| | A—DEPARTMENT | | |
| | ADMINISTRATION SERVICES | | |
| 15c | Subventions in respect to Eastern Coal under agreements entered into pursuant to the *Atlantic Provinces Power Development Act* | | 950,000 |
| | B—DOMINION COAL BOARD | | |
| 105c | Payments in connection with the movements of coal under conditions prescribed by the Governor in Council—To extend the authority granted by Mines and Technical Surveys Vote 75B, *Appropriation Act No. 10, 1964*, as amended by Mines and Technical Surveys Vote 75D, *Appropriation Act No. 2, 1966*, to increase to $33,146,225 the amount that may be spent pursuant thereto in the current fiscal year; additional amount required for 1966–67 | | 10,819,725 |

## SCHEDULE D—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | EXTERNAL AFFAIRS | | |
| 15c | Assessments, contributions and other payments to International Organizations and International Multilateral Economic and Special Aid Programs as detailed in the Estimates.... | ..... | 100,000 |
| | FINANCE | | |
| | ADMINISTRATION | | |
| 2c | Grant to the City of Ottawa toward the cost of the civic centre, the Government of Canada's share not to exceed $1,000,000; amount required for the current fiscal year..... | 600,000 | |
| | GOVERNMENT ADMINISTRATION | | |
| 15c | Contingencies—To supplement other votes and to provide for miscellaneous minor and unforeseen expenses not otherwise provided for including awards under the *Public Servants Inventions Act*, subject to the approval of the Treasury Board, and authority to re-use any sums repaid to this appropriation from other appropriations..... | 50,000,000 | |
| | (to be administered by the Treasury Board) | | |
| 20c | Government's share of surgical-medical insurance premiums—To extend the purposes of Finance Vote 20 of the Main Estimates for 1966-67 to provide for the Government's share of surgical-medical insurance premiums, determined on such basis and paid in respect of such persons (and their dependents) as the Governor in Council prescribes, who are members of the forces or members of the civilian component, serving in Canada, of States that are parties to the North Atlantic Treaty Status of Forces agreement, 1949, and to provide a further amount of..... | 150,000 | |
| | (to be administered by the Treasury Board) | | 50,750,000 |
| | FORESTRY AND RURAL DEVELOPMENT | | |
| 10c | Freight Assistance on Western Feed Grains including assistance in respect of grain storage costs in accordance with the terms and conditions prescribed by the Governor in Council..... | 2,500,000 | |
| | FORESTRY | | |
| 16c | To ratify and confirm the payment of grants in aid of forestry research in the amount of $3,490 during the 1965-66 fiscal year..... | 1 | |
| | | | 2,500,001 |
| | INDIAN AFFAIRS AND NORTHERN DEVELOPMENT | | |
| | NATURAL AND HISTORIC RESOURCES | | |
| 20c | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 1,746,000 | |

# SCHEDULE D—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | INDIAN AFFAIRS AND NORTHERN DEVELOPMENT (Continued) | | |
| | INDIAN AFFAIRS | | |
| 35c | Construction or Acquisition of Buildings, Works, Land and Equipment | 2,000,000 | |
| | | | 3,746,000 |
| | INDUSTRY | | |
| 15c | To authorize, notwithstanding section 30 of the *Financial Administration Act*, an increase to $125,000,000 in the total amount of commitments in the current and subsequent fiscal years for development grants under the *Area Development Incentives Act* | | 1 |
| | LABOUR | | |
| 1c | General Administration—To extend the purposes of Labour Vote 1 of the Main Estimates, 1966-67 to authorize payment during the current and subsequent fiscal years of all the actual and reasonable travelling and living expenses incurred by each member of a conciliation board in connection with the work of the board notwithstanding section 64(2) of the *Industrial Relations and Disputes Investigation Act* and to provide a further amount of | | 135,000 |
| | LEGISLATION | | |
| | HOUSE OF COMMONS | | |
| 15c | Expenses of the Canada-United States Inter-Parliamentary Group, of delegates attending other inter-parliamentary conferences, expenses connected with visits of delegates to and from other legislatures including the expenses of the Commonwealth Parliamentary Conference to be held in Ottawa in 1966, Canada's share of the expenses of the Commonwealth Parliamentary Association including the assessment for membership in the Association, and grants as detailed in the Estimates | 112,500 | |
| 20c | General Administration | 990,000 | |
| | | | 1,102,500 |
| | MANPOWER AND IMMIGRATION | | |
| | GENERAL ADMINISTRATION | | |
| 6c | Payments in accordance with terms and conditions approved by the Governor in Council to Provinces and in respect of Indian Bands under the Municipal Winter Works Incentive Program during the 1966-67 and 1967-68 fiscal years of amounts not exceeding fifty per cent of the cost of labour incurred in the period from November 1, 1966 to such day or days in the fiscal year 1967-68 as may be determined by the Governor in Council, and in the case of projects in designated areas within the meaning of the *Department of Industry Act* and in areas determined by the Minister of Manpower and Immigration to be areas of high winter unemployment, sixty per cent of such cost; and to authorize payments in those fiscal years to Provinces in respect of previous Municipal Winter Works Incentive Programs | 50,000,000 | |
| | IMMIGRATION | | |
| 32c | Construction or Acquisition of Buildings, Works, Land and Equipment | 1,830,000 | |
| | | | 51,830,000 |

## SCHEDULE D—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | NATIONAL DEFENCE | | |
| | DEFENCE SERVICES | | |
| 15c | Operation and Maintenance and Construction or Acquisition of Buildings, Works, Land and Major Equipment and Development for the Canadian Forces—To extend the purposes of National Defence Vote 15 of the Main Estimates, 1966-67 to authorize, notwithstanding the *Financial Administration Act*, the spending of revenue received during the year, subject to the direction of Treasury Board, in respect of charges made pursuant to regulations under the *National Defence Act* for the provision of (a) accommodation and food to members of the Canadian Forces, (b) food to messes and institutes of the Canadian Forces, and (c) medical and dental care to dependents of members of the Canadian Forces | ..... | 1 |
| | NATIONAL HEALTH AND WELFARE | | |
| | WELFARE SERVICES | | |
| 40c | Administration, Operation and Maintenance | ..... | 1,348,000 |
| | NATIONAL REVENUE | | |
| | TAXATION | | |
| 5c | General Administration and District Offices including recoverable expenditures on behalf of the *Canada Pension Plan* | ..... | 372,000 |
| | PRIVY COUNCIL | | |
| | A—PRIVY COUNCIL | | |
| 15c | Expenses of the Royal Commissions listed in the Details of Estimates | 908,000 | |
| 18c | Expenses related to the planning of the 1967 Visits of State | 265,000 | |
| | | | 1,173,000 |
| | PUBLIC WORKS | | |
| | B—NATIONAL CAPITAL COMMISSION | | |
| 65c | Payment to the National Capital Fund | ..... | 6,600,000 |
| | SECRETARY OF STATE | | |
| | A—DEPARTMENT | | |
| 3c | Special grant to the Fathers of Confederation Memorial Trust, Charlottetown, P.E.I. | ..... | 100,000 |
| | B—CENTENNIAL COMMISSION | | |
| 35c | General Administration, including the National Conference on the Centennial of Confederation | 342,000 | |
| 40c | Programs and Projects of National Significance, including grants towards such programs and projects | 996,300 | |
| | | | 1,338,300 |

# SCHEDULE D—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | **TRADE AND COMMERCE** | | |
| | GENERAL ADMINISTRATION | | |
| 1c | Departmental Administration—To extend the purposes of Trade and Commerce Vote 1 of the Main Estimates for 1966–67 to include the grants detailed in these Estimates... | 75,000 | |
| 10c | Canadian Government Exhibition Commission..... | 159,500 | |
| | SPECIAL | | |
| 32c | Grant to the Pacific National Exhibition, Vancouver toward the cost of constructing a trade fair and sports building at Exhibition Park, Vancouver, the Government of Canada's share not to exceed $2,000,000; amount required for 1966–67. | 1,200,000 | |
| | | | 1,434,500 |
| | **TRANSPORT** | | |
| | A—DEPARTMENT | | |
| 1c | Departmental Administration..... | 330,000 | |
| | MARINE SERVICES | | |
| 5c | Administration, Operation and Maintenance including authority, notwithstanding section 30 of the *Financial Administration Act*, to increase to $26,656,200 the commitments for the current fiscal year for the Canadian Coast Guard Service... | 2,233,000 | |
| 8c | Subject to such terms and conditions as the Governor in Council may prescribe, to authorize the transfer of the assets of the Sydney Pilots' Pension Fund to the Superannuation Account under the *Public Service Superannuation Act*, to deem that all licensed pilots of the Sydney Pilotage District who became employed in the Public Service on the first day of October, 1966 are required by subsection (1) of section 4 of the *Public Service Superannuation Act* to contribute to the Superannuation Account as of that date, to authorize the counting as pensionable service for the purposes of the *Public Service Superannuation Act* the service of such licensed pilots with the Sydney Pilotage District and to authorize the payment out of the Superannuation Account of any pensions which, prior to the transfer of assets were paid out of the Sydney Pilots' Pension Fund..... | 1 | |
| | RAILWAYS AND STEAMSHIPS | | |
| 20c | Construction or Acquisition of Buildings, Works and Land, Dock and Terminal Facilities, including improvements to Terminal Facilities owned by Newfoundland, and of Vessels and Related Equipment as listed in the Details of the Estimates provided that Treasury Board may increase or decrease the amounts within the Vote to be expended on individually listed projects..... | 2,716,200 | |
| 25c | Payments in respect of the *Maritime Freight Rates Act*—To extend the purposes of Transport Vote 25 of the Main Estimates, 1966–67 to include the grant detailed in these Estimates..... | 1 | |

# SCHEDULE D—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | TRANSPORT (Continued) | | |
| | A—DEPARTMENT (Continued) | | |
| | AIR SERVICES | | |
| 40c | Contributions to assist in the establishment or improvement of local airports and related facilities and grants as detailed in the Estimates for the development of Civil Aviation.... | 1 | 5,279,203 |
| | C—BOARD OF TRANSPORT COMMISSIONERS FOR CANADA | | |
| 84c | To provide payments to companies subject to Order Number 96300, dated November 17, 1958, of the Board of Transport Commissioners for Canada of an aggregate amount not exceeding $20,000,000 in respect of the period April 1, 1966 to March 31, 1967, to be paid in instalments at such times as may be determined by the said Board for the purpose of reimbursing the said companies for such diminution in their aggregate gross revenues during the said period as in the opinion of the said Board is attributable to such companies maintaining the rate level for freight traffic at an 8% increase instead of 17% as authorized by the said Order; to provide payments to the said companies of an aggregate amount in respect of the calendar year 1966 of $50,000,000 to be paid in instalments at such times and in accordance with such methods of allocation as may be determined by the said Board for the maintenance by such companies of the rates of freight traffic at the said reduced level; and to provide for additional payments to the said companies for the years 1964, 1965 and 1966 in an aggregate amount of $48,750,000 to be paid in instalments at such times and in accordance with such methods of allocation as may be determined by the said Board for the maintenance by such companies of the rates of freight traffic at said reduced level during such period..... | ..... | 118,750,000 |
| | D—CANADIAN MARITIME COMMISSION | | |
| 95c | Capital subsidies for the construction of commercial and fishing vessels in accordance with regulations of the Governor in Council..... (to be administered by the Department of Industry) | ..... | 6,000,000 |
| | G—ATLANTIC DEVELOPMENT BOARD | | |
| 110c | Administration and operation..... | ..... | 650,000 |
| | VETERANS AFFAIRS | | |
| | WELFARE SERVICES, ALLOWANCES AND OTHER BENEFITS | | |
| 10c | War Veterans Allowances—To provide effective the 1st day of September, 1966, that the *War Veterans Allowance Act*, 1952, be amended by repealing Schedule A to the said Act and substituting therefor the Schedule A set out in the details of the Estimates, and the rates mentioned in section 5 of the said Act are amended on the same basis..... | 7,500,000 | |

# SCHEDULE D—*Concluded*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | VETERANS AFFAIRS (Continued) | | |
| | PENSIONS | | |
| 25c | Pensions for Disability and Death—To provide effective the 1st day of September, 1966, that the *Pension Act* be amended by repealing Schedules A and B to the said Act and substituting therefor the Schedules A and B set out in the details of the Estimates | 14,600,000 | |
| | | | 22,100,000 |
| | LOANS, INVESTMENTS AND ADVANCES | | |
| | CANADIAN BROADCASTING CORPORATION | | |
| L12c | Advances to the Canadian Broadcasting Corporation, in such amounts and in accordance with such terms and conditions as the Governor in Council may approve, for the purpose of increasing working capital | 6,000,000 | |
| | ENERGY, MINES AND RESOURCES | | |
| L40c | Advances in accordance with agreements entered into pursuant to the *Atlantic Provinces Power Development Act* | 7,626,000 | |
| | INDIAN AFFAIRS AND NORTHERN DEVELOPMENT | | |
| L49c | To authorize the establishment of a special account in the Consolidated Revenue Fund from which may be advanced in the current and subsequent fiscal years, in accordance with regulations approved by the Governor in Council, to the Central Mortgage and Housing Corporation, amounts to cover the losses sustained by the said Corporation as a result of loans made to Indians pursuant to section 40A of the *National Housing Act, 1954* | 10,000 | |
| | Northern Canada Power Commission | | |
| L50c | Advances to the Northern Canada Power Commission for the purpose of capital expenditures in accordance with section 15 of the *Northern Canada Power Commission Act* | 300,000 | |
| | TRANSPORT | | |
| L82c | To increase to $13,500,000 the amount that may be charged at any time to Department of Transport Working Capital Advance (formerly the Revolving Fund mentioned in subsection (2) of section 101 of the *Financial Administration Act*, Chap. 12, Statutes of 1951, as amended); additional amount required | 3,500,000 | |
| | | | 17,436,000 |
| | | | 307,195,632 |

C-249.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-249.

An Act concerning reform of the bail system.

First reading, November 28, 1966.

Mr. MATHER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

25253

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-249.

An Act concerning reform of the bail system.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short title.

**1.** This Act may be cited as the *Bail Reform Act.*

Release in cases prior to trial.

**2.** Notwithstanding anything in the *Criminal Code* or any other Act or statute of the Parliament of Canada, any person charged with an offence under an Act of the Parliament of Canada, other than an offence punishable by death or imprisonment for life, shall, at his appearance in court, be ordered released pending trial on his personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the court, unless the judge determines, in the exercise of his discretion, that such a release will not reasonably assure the appearance of the person as required.

Conditions of release.

**3.** (1) When a judge makes such a determination, he shall, either in lieu of or in addition to the methods of release referred to in section 2, impose the first of the following conditions of release which will reasonably assure the appearance of the person for trial or, if no single condition gives that assurance, any of the combination of the following conditions:

(*a*) place the person in the custody of a designated person or organization agreeing to supervise him;

(*b*) place restrictions on the travel, association, or place of abode of the person during the period of release;

## Explanatory Notes.

The purpose of this Bill is to assure that all persons, regardless of their financial status, shall not needlessly be detained pending their appearance to answer charges under Acts of the Parliament of Canada, when detention serves neither the ends of justice nor the public interest.

This measure will permit poor people awaiting trial to be released without bond and will thus eliminate the arbitrary cruelty in the present bail system.

The no-bail release system established by this Bill is limited to instances where the offense is not punishable by death or life imprisonment and in which the judge deems the defendant trustworthy.

The Bill will also assure that persons convicted of crimes and infractions will receive credit for time spent in custody prior to trial against service of any sentence imposed by the court.

(*c*) require the execution of an appearance bond in a specified amount and the deposit in the registry of the court, in cash or other security as directed, of a sum not to exceed 10 per centum of the amount of the bond, such deposit to be returned upon the performance of the conditions of release;

(*d*) require the execution of a bail bond with sufficient solvent sureties, or the deposit of cash in lieu thereof; or

(*e*) impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody after specified hours.

Circumstances surrounding the case.

(2) In determining which conditions of release will reasonably assure appearance, the judge shall take into account the nature and circumstances of the offense charged, the weight of the evidence against the accused, the accused's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and his record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings.

Credit for time in custody.

**4.** Any time spent in custody at the prison, penitentiary, reformatory or jail previous to the pronouncing of the sentence shall be credited to any person convicted of an offence.

C-250.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-250.

An Act concerning the Weight and Price of Products.

First reading, December 2, 1966.

Mr. ASSELIN (Richmond-Wolfe).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

25303

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-250.

An Act concerning the Weight and Price of Products.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

## SHORT TITLE.

Short title.

**1.** This Act may be cited as the *Products Weight and Price Act.*

## INTERPRETATION.

Interpretation.

**2.** In this Act, the word "product" means food, cleaning product or other object of the same nature sold at retail for household consumption.

## WEIGHT AND PRICES.

Imperative labeling.

**3.** No person shall sell, offer for sale, expose for sale, have in possession for sale or distribute a product unless its weight in ounces and its price per ounce are clearly and legibly stated on a label affixed thereto.

## PENALTY.

Penalty.

**4.** Every person who violates the provisions of the preceding section is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding fifteen days or to both fine and imprisonment.

## Explanatory Notes.

The purpose of this Bill is to provide that in retail sales of household products as defined in this Bill the weight and price per ounce shall be indicated on a label affixed to the said product.

The consumer will then be in a position to compare the real prices of two similar products sold in different sizes.

C-251.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-251.

An Act to amend the Old Age Security Act.

First reading, December 5, 1966.

THE MINISTER OF NATIONAL HEALTH AND WELFARE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

25180

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-251.

An Act to amend the Old Age Security Act.

R. S., c. 200; 1957-58, c. 3; 1959, c. 14; 1960, c. 34; 1962, c. 5; 1963, c. 16; 1964-65, c. 51.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

**1.** Section 2 of the *Old Age Security Act* is repealed and the following substituted therefor:

Definitions.

"**2.** In this Act,

"Applicant." (*a*) "applicant" means a person who has applied for a benefit;

"Application." (*b*) "application" means an application for a benefit;

"Beneficiary." (*c*) "beneficiary" means a person to whom payment of a benefit has been approved;

"Benefit." (*d*) "benefit" means a pension or supplement;

"Cheque." (*e*) "cheque" means any instrument issued in payment of a benefit;

"Minister." (*f*) "Minister" means the Minister of National Health and Welfare;

"Pension." (*g*) "pension" means a monthly pension authorized to be paid under Part I;

"Pensioner." (*h*) "pensioner" means a person whose application for a pension has been approved; and

"Supplement." (*i*) "supplement" means a monthly guaranteed income supplement authorized to be paid under Part II."

## Explanatory Notes.

*Clauses 1 and 2:* The amendments set forth in these clauses are consequential on the new Part II proposed to be added to the *Old Age Security Act* by clause 3 of the Bill.

Section 2 at present reads as follows:

"**2.** In this Act,

(*a*) "application" means an application for *pension*;

(*b*) "cheque" means any instrument issued in payment of a *pension*;

(*c*) "pension" means *the* monthly pension authorized to be paid under *this Act*;

(*d*) "pensioner" means a person whose application has been approved."

**2.** The said Act is further amended by adding thereto, immediately after section 2 thereof, the following heading:

"PART I.

MONTHLY PENSION."

**3.** The said Act is further amended by adding thereto, immediately after section 5 thereof, the following headings and sections:

"PART II.

MONTHLY GUARANTEED INCOME SUPPLEMENT.

Definition of "year".

**6.** In this Part, "year" means a calendar year.

*Supplement Payable.*

Supplement payable.

**7.** (1) Subject to this Part and the regulations, for each month in any year commencing with the year 1967, a monthly guaranteed income supplement may be paid to every pensioner born on or before the 31st day of December, 1910.

Limitations.

(2) No supplement may be paid to any pensioner for a month in any year unless an application therefor has been made by him and payment of the supplement for months in that year has been approved under this Part, and no supplement may be paid to any pensioner pursuant to an application therefor for

(*a*) any month more than four months before the month in which the application is received;

(*b*) any month for which no pension may be paid to the pensioner; or

(*c*) any month throughout which the pensioner is absent from Canada having absented himself from Canada either before or after becoming a pensioner and having remained out of Canada before that month for six consecutive months, exclusive of the month in which he left Canada.

*Amount of Supplement.*

Amount of supplement.

**8.** (1) The amount of the supplement that may be paid to a pensioner for a month

(*a*) in the year 1967, is thirty dollars, and

(*b*) in any year after 1967, is forty per cent of the amount of the pension that may be paid to him for that month,

*Clause 3:* New. Sections 6 to 15 of the Act, as set out in this clause, relate to the monthly guaranteed income supplement for which provision is made by the new Part II. Sections 16 and 17 of the Act are of general application and are grouped under Part III along with the sections mentioned in clause 4 of the Bill, which are also of general application.

minus one dollar for each full two dollars of his monthly base income, being one-twelfth of his income for the preceding year.

Idem.

(2) For the purposes of subsection (1) and section 9, the amount of the pension that may be paid to a pensioner for any month is the amount thereof determined under section 3A without regard to any deduction therefrom or other adjustment thereof that may be made under this or any other Act.

*Calculation of Income.*

Calculation of income for preceding year.

**9.** For the purposes of this Part,

(*a*) the income for a year of a person, other than a person described in paragraph (*b*), is his income for that year computed in accordance with the *Income Tax Act*, minus

(i) the amount of any pension or supplement and the amount of any similar payment under a law of a provincial legislature, and

(ii) the amount of any benefit under the *Canada Pension Plan* or a provincial pension plan as defined in that Act,

included in computing that income, and plus the amount of any benefit described in subparagraph (ii) received by him in the following year; and

(*b*) the income for a year of a person who on the last day of that year was married is

(i) one-half of the aggregate of the incomes for that year of that person and his spouse calculated in each case as described in paragraph (*a*),

minus,

(ii) where the spouse of that person is at no time in the following year a pensioner, six times the amount of the pension that may be paid to a pensioner for any month in that year.

*Statement or Estimate of Income.*

Statement of income to be made.

**10.** (1) Every person by whom an application for a supplement in respect of any year is made shall, in his application, make a statement of his income for the preceding year.

Election to estimate income from prescribed sources for year following year of retirement.

(2) Where in any year for which a statement of his income is required by this section to be made by an applicant in his application, the applicant has ceased to hold an office or employment previously held by him or ceased to carry on a business previously carried on by him, if the applicant in his application so elects

he may, in addition to making the statement of his income for that year so required to be made in his application, file a statement of his estimated income from prescribed sources for the following year, in which case his income from those sources for the following year and not for that year shall be deemed to be his income from those sources for the year for which the statement of his income is so required to be made in his application.

Election to estimate income for part only of year of retirement.

(3) Where in any year in respect of which an application for a supplement is made by an applicant, the applicant has ceased to hold an office or employment previously held by him or ceased to carry on a business previously carried on by him, if the applicant in his application so elects he may, in addition to making the statement of his income for the preceding year required by this section to be made in his application, file a statement of his estimated income, other than his estimated income from that office or employment or from that business, as the case may be, for the year in respect of which the application is made, in which case

(*a*) his income for that year and not the preceding year, calculated as described in section 9 as though he had no income from that office or employment or from that business, as the case may be, and no private pension income for that year, and received no benefit under the *Canada Pension Plan* or a provincial pension plan as defined in that Act in the following year,

plus

(*b*) any private pension income and any benefit under the *Canada Pension Plan* or a provincial pension plan as defined in that Act, received by him in that year during or after the first month for which a supplement may be paid to him pursuant to his application, divided by the number of months in that year for which the supplement may be so paid and multiplied by twelve,

shall be deemed to be his income for the preceding year.

Where election under ss. (2) or (3) made.

(4) Where in an application for a supplement in respect of any year an election under subsection (2) or (3) is made by the applicant, the application shall be deemed not to have been received and shall not be

considered or dealt with until such time as the applicant has filed the statement of estimated income referred to in subsection (2) or (3), as the case may be, and where the election is an election under subsection (3) no supplement may be paid to him pursuant to the application for any month in that year preceding the month following the month stated in the application as the month in which the applicant ceased to hold the office or employment or ceased to carry on the business referred to in that subsection.

Limit on elections.

(5) No more than one election under subsection (2) and no more than one election under subsection (3) may be made by or on behalf of any one applicant.

*Married Applicants.*

Statement as to marital status.

**11.** (1) Every person by whom an application for a supplement in respect of any year is made shall, in his application, state whether on the last day of the preceding year he was married and, if so, the name and address of his spouse and whether to his knowledge his spouse is a pensioner.

Statement by spouse.

(2) Subject to subsection (3), where an application for a supplement in respect of any year is made by a person who on the last day of the preceding year was married, the application shall be deemed not to have been received and shall not be considered or dealt with until such time as

(*a*) the spouse of the applicant has filed a statement in prescribed form of the spouse's income for the preceding year; or

(*b*) an application for a supplement in respect of that year has been received from the spouse of the applicant.

Direction by Minister where no statement filed by spouse.

(3) Where an application for a supplement in respect of any year has been made by a person but no statement or application as described in subsection (2) has been filed by or received from his spouse, the Minister may, if requested to do so by the applicant and after such investigation of the circumstances of the case as he deems necessary, direct that the application be considered and dealt with as though the applicant had not been married on the last day of the preceding year and as though the application had been received at the time when in fact it was received.

Review of direction where statement subsequently filed by spouse.

(4) Where, after the Minister has made any direction under subsection (3) with respect to an application for a supplement in respect of any year, a statement or application as described in subsection

(2) is filed by or received from the spouse of the applicant, the Minister may review the direction previously made by him and may thereupon direct that any supplement paid to the applicant or his spouse for months in that year following the month in which the review is made be calculated either on the basis that the applicant and his spouse were in fact married on the last day of the preceding year or as though they had not been married on that day, accordingly as the direction may specify.

Direction by Minister where change in marital status after last day of preceding year.

(5) Where an application for a supplement in respect of any year is or has been made by a person and, at any time in that year, that person

(*a*) has married, or

(*b*) has ceased to be married whether as a result of the death of his spouse or otherwise,

the Minister may, if requested to do so by that person, direct that any supplement paid to that person or, except where paragraph (*b*) applies, to that person or his spouse for months in that year following the month in which the direction is made be calculated,

(*c*) where paragraph (*a*) applies, as though that person and his spouse had been married on the last day of the preceding year, and

(*d*) where paragraph (*b*) applies, as though that person had not been married on the last day of the preceding year.

Saving provision.

(6) Nothing in subsection (5) shall be construed to limit or restrict the authority of the Minister to make any direction under subsection (3) or (4).

*Payment of Supplement.*

Consideration of application and action by Minister.

**12.** (1) The Minister shall forthwith upon receiving an application for a supplement consider the application and may approve payment of a supplement and fix the amount thereof that may be paid to the applicant, or may determine that no supplement may be paid to him.

Notification of applicant.

(2) Where particulars of the basis on which the amount of any supplement that may be paid to an applicant was fixed by the Minister are requested by the applicant or where the Minister determines that no supplement may be paid to him, the Minister shall forthwith in writing notify the applicant of the basis upon which that amount was fixed or of his decision that no supplement may be paid to him and his reasons therefor, as the case may be.

Approval of interim supplement.

**13.** (1) Where

(*a*) an application for a supplement for months in any year has been received from a person and payment thereof would be approved except that the amount of the supplement cannot be fixed as required by section 12 at the time the approval would otherwise be given, or

(*b*) that person has notified the Minister in prescribed form of his intention to apply for a supplement for months in any year, having been in receipt of a supplement for a month or months in the preceding year and having so notified the Minister on or before the thirty-first day of December in that preceding year,

the Minister may approve payment to that person of an interim supplement for a maximum of four months in that year in such amount as he may fix, and payment of the interim supplement may be made in like manner as if an application for a supplement for months in that year had been made by that person and had been approved.

Adjustment to be made where supplement subsequently approved or no supplement approved.

(2) Where an interim supplement for one or more months in any year has been paid to a person under subsection (1),

(*a*) if the amount of the interim supplement paid to him is less than the amount of the supplement subsequently authorized to be paid to to him for those months, there shall be paid to him the additional amount that he would have received if payment of the supplement had been approved at the time payment of the interim supplement was approved; and

(*b*) if the amount of the interim supplement paid to him exceeds the amount of the supplement subsequently authorized to be paid to him for those months, or if no supplement is subsequently authorized to be so paid to him, the amount of the excess, or the amount of the interim supplement paid to him, as the case may be, shall be deducted and retained out of any subsequent payments of supplement or pension made to him, in such manner as may be prescribed.

Payment of supplement to be made in arrears.

**14.** Payment of a supplement for any month shall be made in arrears at the end of the month, except that where payment of a supplement in respect of any year is approved after the end of the month for which the first payment of the supplement may be

made, payments thereof for the month in which payment of the supplement is approved and for months preceding that month may be made at the end of that month or at the end of the following month.

*Adjustment of Payments.*

Adjustment of payments of supplement.

**15.** Where an application for a supplement in respect of any year has been approved, and it is subsequently determined that the income of the applicant for the preceding year calculated as required by this Part (hereinafter referred to as his "actual income") does not accord with his income (hereinafter referred to as his "shown income") calculated as required by this Part on the basis of the amount shown as his income or estimated income in the statement thereof required or permitted by section 10 to be made or filed by him, the following adjustments shall be made:

(*a*) if his actual income exceeds his shown income, any amount by which the supplement paid to him for months in that year exceeds the supplement that would have been paid to him for those months if his shown income had been equal to his actual income shall be deducted and retained out of any subsequent payments of supplement or pension made to him, in such manner as may be prescribed; and

(*b*) if his shown income exceeds his actual income, there shall be paid to him any amount by which the supplement that would have been paid to him for months in that year if his actual income had been equal to his shown income exceeds the supplement paid to him for those months.

## PART III.

### General.

Appeals.

**16.** (1) Where a person is dissatisfied with a decision or determination made under this Act that no pension may be paid to him or that no supplement may be paid to him, or as to the amount of any supplement that may be paid to him, he may appeal against such decision or determination to a tribunal to be established and conducted in accordance with the regulations, and the decision of such tribunal, subject only to variation by such tribunal upon application made to it by that person or the Minister based on evidence not previously considered by it, is final and binding and is not subject to appeal or review by any court.

25180—2

Reference as to income.

(2) Where on an appeal under this Act it is a ground of the appeal that a decision or determination made by the Minister as to the income or income from a particular source or sources of an applicant or beneficiary or of the spouse of such applicant or beneficiary was incorrectly made, the appeal on that ground shall in accordance with the regulations be referred for decision to the Tax Appeal Board constituted by the *Income Tax Act*, whose decision thereon, subject only to variation by the Tax Appeal Board in accordance with any decision on an appeal under that Act relevant to the appeal under this Act, is final and binding for all purposes of the appeal under this Act.

Communication of privileged information.

**17.** (1) Except as provided in this section, all information with respect to any individual applicant or beneficiary or the spouse of any applicant or beneficiary, obtained by an officer or employee of Her Majesty in the course of the administration of this Act is privileged, and no such officer or employee shall knowingly, except as provided in this Act, communicate or allow to be communicated to any person not legally entitled thereto any such information or allow any such person to inspect or have access to any statement or other writing containing any such information.

Exception re information obtained on behalf of Minister.

(2) Any information obtained by an officer or employee in the Department of National Health and Welfare pursuant to this Act or the regulations may be communicated to an officer or employee in the Department of National Revenue, the Department of Finance, the Department of Veterans Affairs, the Unemployment Insurance Commission or the Dominion Bureau of Statistics or, under conditions prescribed by the Governor in Council, to any provincial authority administering a program of assistance payments, where that information is information only as to whether a person is or has been in receipt of a benefit or as to the amount of that benefit or where such communication is necessary for the purposes of the administration of this Act.

Exception re information obtained under any other Act and as to Social Insurance Numbers.

(3) Notwithstanding any other Act or law,

(*a*) the Minister of National Revenue or any person designated by him for the purpose may, upon the request of the Minister, furnish to the Minister or to any officer or employee in the Department of National Health and Welfare designated by the Minister for the purpose, any information obtained pursuant to any other Act relating to the income or income from a particular source or sources of an applicant

or beneficiary or the spouse of such applicant or beneficiary or otherwise relating to any such applicant, beneficiary or spouse, for any purpose relating to the administration of this Act; and

(*b*) where Social Insurance Numbers have been assigned under the authority of any other Act, the Minister or other authority charged with the administration of that Act and the Minister may exchange any information contained in applications for such numbers and any numbers so assigned, and may make or cause to be made available any such information or numbers in such manner as may be authorized by that Act.

Evidence and production of documents.

(4) Notwithstanding any other Act or law, no officer or employee of Her Majesty shall be required, in connection with any legal proceedings, to give evidence relating to any information that is privileged under subsection (1) or to produce any statement or other writing containing any such information.

Application of ss. (1) and (4).

(5) Subsections (1) and (4) do not apply in respect of proceedings relating to the administration or enforcement of this Act."

**4.** (1) Sections 6 to 12 of the said Act, as in force immediately before the coming into force of this Act, are renumbered and amended in the manner and to the extent provided for in this section.

(2) Sections 6 to 8 of the said Act are respectively renumbered and amended as follows:

Regulations.

"**18.** The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect and, without restricting the generality of the foregoing, may make regulations

(*a*) prescribing the manner and form of making any application, statement or notification required or permitted by this Act, the information and evidence to be furnished in connection therewith and the procedure to be followed in dealing with and approving applications;

(*b*) prescribing sources of income of a person for a year for the purposes of any election under subsection (2) of section 10, and defining the expression "private pension income" for the purposes of any election under subsection (3) of section 10;

(*c*) prescribing the circumstances that shall be deemed to constitute, or prescribing what shall be or shall be deemed to be, an application by

*Clause 4:* The renumbering of sections 6 to 12 of the Act and the amendments thereto set forth in this clause are consequential on the new provisions proposed to be added to the Act by clause 3.

Section 6 at present reads as follows:

"**6.** The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect and, without restricting the generality of the foregoing, may make regulations

(*a*) prescribing the *time*, manner and form of making *applications*, and the information and evidence to be furnished in connection therewith and the procedure to be followed in dealing with and approving applications;

(*b*) prescribing the circumstances that shall be deemed to constitute, or prescribing what shall be or shall be deemed to be, an application by or on behalf of persons who are qualified for a pension under this Act and who, on or before the 31st day of December, 1951, applied for or were granted a pension as defined in the *Old Age Pensions Act*, chapter 156 of the Revised Statutes of Canada, 1927, and prescribing the time at which such applications shall be deemed to have been made or approved;

(*c*) prescribing the information and evidence to be furnished by *pensioners* and the circumstances *under* and *the* form in which such information or evidence shall be submitted;

(*d*) defining residence in Canada and defining intervals of absence from Canada *preceding an application* that shall be deemed not to have interrupted residence in Canada;

(*e*) providing for the suspension of *the* payment of a *pension* during an investigation into the eligibility of the *pensioner* and the reinstatement or resumption of the payment thereof; and

(*f*) providing for the making of an application by and the payment of a *pension* to any person or agency on behalf of any other person or *pensioner* where it is established in such manner and by such evidence as may be prescribed by the regulations that such other person or *pensioner* is by reason of infirmity, illness, insanity or other cause incapable of managing his own affairs, and prescribing the manner in which a *pension* authorized to be paid to any such person or agency *on behalf of a pensioner* shall be administered and expended for the benefit of the *pensioner* and accounted for."

or on behalf of persons who are qualified for a pension under this Act and who, on or before the 31st day of December, 1951, applied for or were granted a pension as defined in the *Old Age Pensions Act*, chapter 156 of the Revised Statutes of Canada, 1927, and prescribing the time at which such applications shall be deemed to have been made or approved;

(*d*) prescribing the information and evidence to be furnished by beneficiaries and the circumstances and form in which such information or evidence shall be submitted;

(*e*) providing for the assignment of Social Insurance Numbers by the Minister to applicants and beneficiaries, and to the spouses of such applicants and beneficiaries, to whom such numbers have not earlier been assigned;

(*f*) defining residence in Canada and defining intervals of absence from Canada that shall be deemed not to have interrupted residence in Canada;

(*g*) providing for the suspension of payment of a benefit during an investigation into the eligibility of the beneficiary and the reinstatement or resumption of the payment thereof;

(*h*) prescribing the manner in which any amount required by this Act to be deducted and retained out of any benefit payment shall be so deducted and retained;

(*i*) providing for the establishment and conduct of a tribunal for the hearing or determination of appeals under this Act and prescribing the procedure to be followed on such appeals and on any references under subsection (2) of section 16 in connection therewith; and

(*j*) providing for the making of any application, statement or election, or the doing of any other act or thing required or permitted by this Act, by any person or agency, and for the payment of a benefit to any person or agency, on behalf of any other person or beneficiary where it is established in such manner and by such evidence as may be prescribed by the regulations that such other person or beneficiary is by reason of infirmity, illness, insanity or other cause incapable of managing his own affairs, and prescribing the manner in which any benefit authorized to be paid to any such

person or agency shall be administered and expended for the benefit of the beneficiary and accounted for.

Benefit not assignable.

**19.** A benefit shall not be assigned, charged, attached, anticipated or given as security, and any transaction purporting to assign, charge, attach, anticipate or give as security a benefit is void.

Return of payment to which recipient not entitled.

**20.** (1) A person who has been paid or has obtained a benefit payment to which he was not entitled shall forthwith return the cheque or the amount thereof.

Recovery.

(2) Where a person receives or obtains a benefit payment to which he is not entitled, the amount thereof may be recovered at any time as a debt due to the Crown; and where that person is or subsequently becomes a beneficiary, the amount of any such indebtedness may be deducted and retained out of any benefit payable to him."

(3) Section 9 of the said Act is renumbered as section 21 and subsection (1) thereof is amended as follows:

Offences.

"**21.** (1) Every person who

(*a*) knowingly makes a false or misleading statement in any application or statement required or permitted by this Act or makes any such application or statement that by reason of any non-disclosure of facts is false or misleading or obtains any benefit payment by false pretences,

(*b*) being the payee thereof, negotiates or attempts to negotiate any cheque to which he is not entitled,

(*c*) fails to return a cheque or the amount thereof as required by section 20, or

(*d*) contravenes section 17,

is guilty of an offence punishable on summary conviction."

1959, c. 14, s. 1(1).

(4) Section 10 of the said Act is renumbered as section 22.

(5) Section 11 of the said Act is renumbered as section 23 and subsections (1) to (3) thereof are amended as follows:

## Section 7 at present reads as follows:

"**7.** A *pension* shall not be assigned, charged, attached, anticipated or given as security, and any transaction purporting to assign, charge, attach, anticipate or give as security a *pension* is void."

## Section 8 at present reads as follows:

"**8.** (1) A person who has been paid or has obtained a *pension* payment to which he was not entitled shall forthwith return the cheque or the amount thereof.

(2) Where a person receives or obtains a *pension* payment to which he is not entitled, the amount thereof may be recovered at any time as a debt due to the Crown; and where that person is or subsequently becomes a *pensioner*, the amount of any such indebtedness may be deducted and retained out of any *pension* payable to him."

## Subsection (1) of section 9 at present reads as follows:

"**9.** (1) Every person who

(*a*) knowingly makes a false or misleading statement in any application or makes *an* application that by reason of any non-disclosure of facts is false or misleading or obtains any *pension* payment by false pretences;

(*b*) being the payee thereof, negotiates or attempts to negotiate any cheque *for a pension* to which he is not entitled;

(*c*) fails to return a cheque or the amount thereof as required by *section 8*; or

(*d*) *discloses or communicates any information or evidence obtained under this Act or the regulations unless the disclosure or communication is necessary for the administration of this Act or the regulations or is required by law,*

is guilty of an offence *and is liable* on summary conviction *to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars or to both fine and imprisonment.*"

Old Age Security Fund.

"**23.** (1) There shall be established an account in the Consolidated Revenue Fund to be known as the Old Age Security Fund to which shall be credited from time to time in respect of each fiscal year

(*a*) an amount equal, in the opinion of the Minister of National Revenue, to

(i) the Old Age Security tax collected, in that year before the time of crediting, by virtue of section 22,

minus

(ii) the aggregate of

(A) amounts previously credited in respect of that year under this paragraph, and

(B) such amount as should be allowed for refunds that have been made or will have to be made; and

(*b*) the amount of each temporary loan made pursuant to this section.

Payment of benefits out of C.R.F.

(2) All benefits payable under this Act shall be paid out of the Consolidated Revenue Fund and charged to the Old Age Security Fund.

Temporary loans.

(3) If the Minister of Finance is of the opinion that the amount to the credit of the Old Age Security Fund is or will be less than the amount required to pay the benefits payable under this Act, he may from time to time direct that amounts be credited to the Fund by way of temporary loans and the amount of such loans shall be charged to the Fund by way of repayment at such time as the Minister of Finance may direct."

(6) Section 12 of the said Act is renumbered as section 24.

Subsections (1) to (3) of section 11 at present read as follows:

"**11.** (1) There shall be established an account in the Consolidated Revenue Fund to be known as the Old Age Security Fund to which shall be credited from time to time in respect of each fiscal year

(*a*) an amount equal, in the opinion of the Minister of National Revenue, to

(i) the Old Age Security tax collected, in that year before the time of crediting, by virtue of *section 10*,

minus

(ii) the aggregate of

(A) amounts previously credited in respect of that year under this paragraph, and

(B) such amount as should be allowed for refunds that have been made or will have to be made; and

(*b*) the amount of each temporary loan made pursuant to this section.

(2) All *pensions* payable under this Act shall be paid out of the Consolidated Revenue Fund and charged to the Old Age Security Fund.

(3) If the Minister of Finance is of opinion that the amount to the credit of the Old Age Security Fund is or will be less than the amount required to pay the *pensions* payable under this Act, he may from time to time direct that amounts be credited to the Fund by way of temporary loans and the amount of such loans shall be charged to the Fund by way of repayment at such time as the Minister of Finance may direct."

C-252.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-252.

An Act to provide general incentives to industry for the expansion of scientific research and development in Canada and to effect certain related amendments to the Income Tax Act.

First reading, December 6, 1966.

THE MINISTER OF INDUSTRY.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

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1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-252.

An Act to provide general incentives to industry for the expansion of scientific research and development in Canada and to effect certain related amendments to the Income Tax Act.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

Short title.

**1.** This Act may be cited as the *Industrial Research and Development Incentives Act.*

INTERPRETATION.

Definitions.

**2.** (1) In this Act,

"Applicant."

(*a*) "applicant" means a corporation that has applied for a grant;

"Application."

(*b*) "application" means an application for a grant;

"Approved."

(*c*) "approved" means approved by the Minister;

"Average of eligible current expenditures."

(*d*) "average of eligible current expenditures" by a corporation in its base period means an amount calculated in accordance with section 7;

"Base period."

(*e*) "base period" of a corporation has the meaning assigned by section 6;

"Corporation."

(*f*) "corporation" means a corporation incorporated in and carrying on business in Canada, other than a corporation that is exempt from tax under Part I of the *Income Tax Act* by section 62 of that Act;

"Eligible current expenditures."

(*g*) "eligible current expenditures" by a corporation in a fiscal period means an amount calculated in accordance with section 5;

"Fiscal period."

(*h*) "fiscal period" in respect of a corporation has the same meaning as in the *Income Tax Act;*

"Grant."

(*i*) "grant" means a scientific research and development grant under this Act;

"Grant period."

(*j*) "grant period" means the fiscal period of an applicant in respect of which an application is made;

"Minister."

(*k*) "Minister" means the Minister of Industry; and

"Regulation."

(*l*) "regulation" means a regulation made by the Governor in Council pursuant to section 14.

Associated corporations.

(2) For the purposes of this Act, two or more corporations shall be deemed to be or to have been associated with each other in a fiscal period if, for the purpose of section 39 of the *Income Tax Act*, the corporations are or were, as the case may be, associated with each other in that period.

Other expressions.

(3) A reference in this Act

(*a*) to a fiscal period or a grant period ending in a calendar year, means the fiscal period or the grant period, as the case may be, ending in or coinciding with that year;

(*b*) to a fiscal period ending in a grant period, means a fiscal period coinciding with that grant period or the fiscal period ending first in the same calendar year as that grant period; and

(*c*) to expenditures on or for scientific research and development, includes only expenditures incurred for and wholly attributable to the prosecution of or the provision of facilities for the prosecution of scientific research and development in Canada and such other expenditures attributable to the prosecution of or the provision of facilities for the prosecution of scientific research and development in Canada as may be prescribed by regulation.

SCIENTIFIC RESEARCH AND DEVELOPMENT GRANTS.

Scientific research and development grant authorized.

**3.** (1) Upon application therefor to the Minister by a corporation that has made expenditures in Canada on scientific research and development in a fiscal period of the corporation, the Minister may, subject to this Act and the regulations, authorize the payment to the corporation of a scientific research and development grant in respect of those expenditures.

Expenditures must be likely to benefit Canada.

(2) No grant shall be authorized under subsection (1) in respect of any expenditure made by an applicant unless the Minister, on the basis of such information as is contained in the application and such other information as the Minister considers relevant, is satisfied that the expenditure was made in respect of scientific research and development that is likely to result in benefit to Canada if it is successful.

Application.

(3) An application under subsection (1)

(*a*) shall be made within

(i) the six months next following the end of the applicant's grant period,

(ii) where the applicant was associated in its grant period with another corporation, the six months next following the end of the fiscal period of the other corporation ending in the grant period,

(iii) where the applicant was associated in its grant period with two or more other corporations, the six months next following the end of the last of the associated corporations' fiscal periods ending in the grant period, or

(iv) the six months next following the day on which this Act comes into force,

whichever period ends last;

(*b*) shall contain such information as is specified by a regulation made under paragraph (*c*) of section 14 and as may be prescribed by the Minister; and

(*c*) shall be in such form and be certified in such manner as may be prescribed by the Minister.

Extension of time.

(4) If the Minister is satisfied that circumstances not reasonably within the control of a corporation justify an extension of the period fixed by paragraph (*a*) of subsection (3) within which an application by the corporation shall be made, he may extend the period, either before or after the expiration thereof.

## Calculation of Grant.

Amount of grant.

**4.** (1) A grant authorized by the Minister to be paid to an applicant, other than an applicant referred to in subsection (2), shall be an amount equal to 25% of the aggregate of

(*a*) the capital expenditures by the applicant in Canada in its grant period on scientific research and development related to the business and directly undertaken by or on behalf of the applicant; and

(*b*) the amount by which the eligible current expenditures by the applicant in its grant period exceeds the average of eligible current expenditures by the applicant in its base period.

Associated corporations.

(2) Where an applicant was associated with one or more other corporations in the applicant's grant period, a grant authorized by the Minister to be paid to the applicant shall be an amount equal to 25% of the aggregate of

(*a*) the capital expenditures by the applicant in Canada in its grant period on scientific research and development related to the business and directly undertaken by or on behalf of the applicant; and

(*b*) where

(i) the eligible current expenditures by the applicant in its grant period exceed the average of eligible current expenditures by the applicant in its base period (the amount of which excess is hereinafter referred to as "the applicant's increase"), and

(ii) the aggregate of

(A) the eligible current expenditures by the applicant in its grant period, and

(B) the total of the eligible current expenditures by each of the corporations associated with the applicant in its grant period, in the fiscal periods of the associated corporations ending in the grant period,

exceeds the aggregate of

(C) the average of eligible current expenditures by the applicant in its base period, and

(D) the total of the averages of eligible current expenditures by each of the corporations whose eligible current expenditures are required to be included for the purposes of clause (B), in the base periods of those corporations

(the amount of which excess is hereinafter referred to as "the association's increase"),

that proportion of the association's increase that the applicant's increase is of the aggregate of

(iii) the applicant's increase, and

(iv) where the eligible current expenditures by any corporation associated with the applicant in its grant period, in the fiscal period of the associated corporation ending in the grant period, exceed the average of eligible current expenditures by the associated corporation in its base period, the total of the amounts of such excesses for each of the corporations associated with the applicant in its grant period.

Where associated in base period only.

(3) Notwithstanding subsection (1) or (2), where an applicant was associated in any fiscal period included in its base period with a corporation

(*a*) with which the applicant was not associated in its grant period, and

(*b*) in respect of which all or substantially all the business that was carried on by that corporation in its last fiscal period before such association ended was acquired in any manner whatever by

(i) the applicant,

(ii) one or more corporations associated with the applicant in the applicant's grant period, or

(iii) by the applicant and one or more corporations described in subparagraph (ii),

an amount equal to one-fifth of the eligible current expenditures by that corporation in any of its fiscal periods ending in any such fiscal period of the applicant in which the applicant and that corporation were associated shall be added,

(*c*) for the purposes of paragraph (*b*) of subsection (1), to the average of eligible current expenditures by the applicant in its base period, or

(*d*) for the purposes of subparagraph (ii) of paragraph (*b*) of subsection (2), to the aggregate of the amounts determined pursuant to clauses (C) and (D) of that subparagraph,

whichever is applicable.

Expenditures not included.

(4) No capital expenditure in respect of

(*a*) land upon which movable or immovable property is or may be situated,

(*b*) any property that is acquired by the applicant in its grant period and that

(i) is sold or otherwise disposed of by the applicant,

(ii) ceases to be used by the applicant for the purposes of scientific research and development, or

(iii) is lost or destroyed

in the grant period, or

(*c*) the replacement or repair of lost, damaged or destroyed property, other than property to which paragraph (*b*) applies, where an amount has been paid or is payable under a policy of insurance in respect of the loss, damage or destruction and no amount has become payable by the applicant to Her Majesty by virtue of section 10 in respect thereof,

shall be included for the purposes of this section, and no expenditure

(*d*) that in the opinion of the Minister is not reasonable in the circumstances, or

(*e*) that is made wholly or mainly to acquire rights in or arising out of scientific research,

shall be included for the purposes of this section or section 5.

DETERMINATION OF ELIGIBLE CURRENT EXPENDITURES.

Eligible current expenditures.

**5.** (1) The eligible current expenditures by a corporation in a fiscal period of the corporation is an amount equal to

(*a*) the aggregate of the current expenditures in Canada by the corporation in the fiscal period

(i) on scientific research and development related to the business and directly undertaken by or on behalf of the corporation,

(ii) by way of payments

(A) to an approved association, university, college, research institute or other similar institution,

(B) to a company incorporated in and resident in Canada and exempt from tax under Part I of the *Income Tax Act* by paragraph (*gc*) of subsection (1) of section 62 of that Act, or

(C) to another corporation,

for scientific research and development related to the class of business of the corporation, and

(iii) by way of repayments to Her Majesty of or on account of amounts paid to the corporation under an *Appropriation Act* and on terms and conditions approved by Treasury Board for the purpose of advancing or sustaining the technological capability of Canadian manufacturing or other industry,

minus the aggregate of

(*b*) any amount paid to the corporation in the fiscal period in respect of scientific research and development, other than an amount paid as a grant under this Act;

(*c*) subject to any regulation made under paragraph (*e*) of section 14, where property acquired by the corporation for the purposes of scientific research and development, and in respect of the acquisition of which a current expenditure was made by the corporation,

(i) is sold or otherwise disposed of by the corporation,

(ii) ceases to be used by the corporation for the purposes of scientific research and development, or

(iii) is lost or destroyed,

in the fiscal period, an amount prescribed by regulation; and

(*d*) subject to any regulation made under paragraph (*f*) of section 14, where the corporation in the fiscal period sells or otherwise disposes of goods or services in the production or performance of which property acquired by the corporation for the purposes of scientific research and development is utilized, an amount prescribed by regulation.

Idem.

(2) Notwithstanding subsection (1), where, in determining the eligible current expenditures by a corporation in a fiscal period in accordance with subsection (1), the aggregate of all amounts described in paragraphs (*b*) to (*d*) of that subsection exceeds the aggregate of the current expenditures described in paragraph (*a*) thereof,

(*a*) the eligible current expenditures by the corporation in that fiscal period shall be deemed to be zero; and

(*b*) where the eligible current expenditures by the corporation in that fiscal period are required to be included for the purposes of clause (B) of subparagraph (ii) of paragraph (*b*) of subsection (2) of section 4, the total referred to in the said clause (B) shall be reduced by the amount of such excess.

Scientific research and development related to a business.

(3) References in this section to scientific research and development relating to a business or class of business include any scientific research and development that may lead to or facilitate an extension of that business or business of that class.

BASE PERIOD.

Base period.

**6.** (1) Subject to this section, the base period

(*a*) of an applicant is the five fiscal periods of the applicant immediately preceding its grant period; and

(*b*) of a corporation associated with the applicant in its grant period is the five fiscal periods of the associated corporation immediately preceding its fiscal period ending in the grant period.

Base period fiscal periods less than 365.

(2) Where any of the five fiscal periods

(*a*) of an applicant, or

(*b*) of a corporation associated with the applicant in its grant period,

referred to in subsection (1) is less than 365 days, the base period of the applicant or the associated corporation, as the case may be, is the minimum number of consecutive fiscal periods thereof, immediately preceding the grant period or the fiscal period ending in the grant period, as the case may be, necessary to comprise at least 1,826 days.

Deemed to have fiscal periods.

(3) Where the applicant or a corporation associated with the applicant in its grant period has had no fiscal periods or an insufficient number of fiscal periods to constitute a base period within the meaning of subsection (1) or (2) the applicant or that corporation, as the case may be, shall be deemed to have had a number of added fiscal periods sufficient to constitute a base period within the meaning of subsection (1) or (2), but the eligible current expenditures of the applicant or that corporation, as the case may be, in any such added fiscal period shall be deemed to be zero.

DETERMINATION OF AVERAGE OF ELIGIBLE CURRENT EXPENDITURES IN BASE PERIOD.

Average of eligible current expenditures.

**7.** (1) Subject to this section, the average of eligible current expenditures by a corporation in its base period is an amount equal to one-fifth of the aggregate of the eligible current expenditures by the corporation in the fiscal periods of the corporation included in its base period.

Amount subtracted.

(2) Where the total number of days in the base period of a corporation is greater than 1,827, the amount determined under subsection (1) shall be reduced by an amount equal to one-fifth of that proportion of the eligible current expenditures by the corporation in the earliest fiscal period of the corporation included in its base period that the number of days in its base period in excess of 1,827 is of 365.

Grant period or fiscal period less than 365 days.

(3) Where an applicant's grant period or, in the case of a corporation associated with the applicant in its grant period, the fiscal period of such corporation ending in the grant period is less than 365 days, the average of eligible current expenditures, calculated in accordance with subsections (1) and (2), by the applicant or the associated corporation, as the case may be, shall be reduced by that proportion thereof that the number of days by which the grant period or the fiscal period, as the case may be, is less than 365 days is of 365 days.

PAYMENT OF GRANTS.

Payment out of Consolidated Revenue Fund.

**8.** (1) Subject to subsection (2), an amount authorized by the Minister to be paid to an applicant as a grant shall be paid to the applicant by the Minister of Finance out of the Consolidated Revenue Fund.

Payment on account of tax liability.

(2) Where an applicant, in the manner prescribed by the Minister, requests the Minister to credit towards the payment of income tax all or any part of any amount authorized to be paid to the applicant as a grant, that amount or that part thereof shall, on the requisition of the Minister and in lieu of the payment thereof to the applicant as provided under subsection (1), be paid to the Receiver General by the Minister of Finance as a payment on account of income tax that is or may become payable by the applicant under the *Income Tax Act*.

TAX PROVISIONS.

Grant exempt from income tax.

**9.** (1) An amount authorized to be paid to an applicant as a grant is exempt from income tax.

Grant does not reduce capital cost for tax purposes.

(2) Paragraph (*h*) of subsection (6) of section 20 of the *Income Tax Act* does not apply in respect of a grant authorized to be paid under this Act.

RECOVERY OF GRANT.

Recovery of grant by Crown in certain circumstances.

**10.** (1) Subject to subsection (2), where a grant has been authorized to be paid to a corporation in respect of a capital expenditure made in respect of the acquisition of property that

(*a*) is sold or otherwise disposed of by the corporation,

(*b*) is lost, damaged (by other than normal wear and tear) or destroyed, or

(*c*) ceases to be used by the corporation for the purposes of scientific research and development

within a period described in one of the following paragraphs that is applicable to that property, the amount specified in that paragraph immediately becomes payable by the corporation to Her Majesty, namely:

(*d*) within one year from the end of the fiscal period in which the property was acquired, an amount equal to 100% of the grant or grants authorized to be paid to the corporation in respect of all capital expenditures made by the corporation in respect of the acquisition of the property;

(*e*) in the case of equipment, after the termination of the year referred to in paragraph (*d*) but within five years from the end of the fiscal period in which it was acquired, an amount equal to

(i) the amount described in paragraph (*d*), minus

(ii) one-fifth of that amount for each full year or portion of a year that has elapsed since the end of the year referred to in paragraph (*d*); and

(*f*) in the case of property other than equipment, after the termination of the year referred to in paragraph (*d*) but within ten years from the end of the fiscal period in which it was acquired, an amount equal to

(i) the amount described in paragraph (*d*), minus

(ii) one-tenth of that amount for each full year or portion of a year that has elapsed since the end of the year referred to in paragraph (*d*).

**Idem.**

(2) Where the property described in subsection (1) is property that was lost, damaged (by other than normal wear and tear) or destroyed, no amount becomes payable to Her Majesty by virtue of subsection (1) unless an amount payable under a policy of insurance in respect of the loss, damage or destruction has not, within one year from the end of the fiscal period in which the property was lost, damaged or destroyed or such further period as the Minister may in writing allow, been expended on replacing or repairing the property and, in that case, an amount determined in accordance with subsection (1) becomes payable to Her Majesty immediately upon the termination of that year or any further period allowed in writing by the Minister.

**Manner of recovery of amounts owing.**

(3) Every amount

(*a*) that becomes payable by a corporation by virtue of this section, or

(*b*) that has been paid or credited to a corporation as or on account of a grant, and to which the corporation is not entitled,

may be recovered at any time as a debt due to Her Majesty or may be retained, in whole or in part, by the Minister of Finance out of any grant subsequently authorized to be paid to the corporation.

GENERAL.

Minister of National Revenue may give advice.

**11.** (1) Notwithstanding any provision of the *Income Tax Act*, the Minister of National Revenue or any person designated by him for the purpose may, upon the request of the Minister, advise the Minister

(*a*) whether an applicant is or was associated in its grant period or in its base period with any other corporation;

(*b*) whether any particular expenditure of a corporation is a capital or current expenditure;

(*c*) as to the duration of any fiscal period of a corporation; and

(*d*) whether a corporation is exempt from tax under Part I of the *Income Tax Act* by section 62 or any provision of section 62 of that Act;

and may give the Minister such information as is necessary for the purposes of any regulation made under paragraph (*h*) of section 14.

Advice may be given to designated employee.

(2) Any advice or information that may be given to the Minister pursuant to subsection (1) may be given to any officer or employee employed by Her Majesty in connection with the administration or enforcement of this Act who is designated by the Minister for the purpose.

Minister may obtain and give advice.

**12.** The Minister may

(*a*) obtain the advice of any agency or department of the Government of Canada carrying on activities in the field of scientific research and development on whether any particular activity constitutes scientific research and development;

(*b*) obtain the advice of the Department of Trade and Commerce on whether any particular scientific research and development is likely to result in benefit to Canada if it is successful; and

(*c*) advise the Minister of National Revenue as to whether a corporation has been authorized to be paid a grant in respect of expenditures on scientific research and development in a fiscal period.

Information privileged.

**13.** All information with respect to a corporation obtained by an officer or employee of Her Majesty in the course of the administration of this Act is privileged, and no such officer or employee shall knowingly, except as may be necessary for the purposes of sections 11 and 12 or in respect of proceedings relating to the administration or enforcement of this Act, communicate or allow to be communicated to any person not legally entitled thereto any

such information or allow any such person to inspect or have access to any application or other writing containing any such information.

REGULATIONS.

Regulations.

**14.** The Governor in Council may make regulations providing for any matters concerning which he deems regulations are necessary to carry out the purposes and provisions of this Act and, without limiting the generality of the foregoing, may make regulations

(*a*) prescribing or defining anything that by this Act is to be prescribed or defined by regulation;

(*b*) defining the expressions "capital expenditure", "current expenditure", "equipment" and "scientific research and development";

(*c*) specifying information that shall be provided by a corporation for the purposes of subsection (2) of section 3;

(*d*) prescribing factors that shall or shall not be taken into account by the Minister in deciding whether an expenditure was made in respect of scientific research and development that is likely to result in benefit to Canada if it is successful and the conclusions or inferences, if any, to be drawn from any particular factor;

(*e*) prescribing circumstances in which no amount need be subtracted pursuant to paragraph (*c*) of subsection (1) of section 5 where property described in that paragraph is sold or otherwise disposed of, ceases to be used for the purposes of scientific research and development or is lost or destroyed;

(*f*) prescribing circumstances in which no amount need be subtracted pursuant to paragraph (*d*) of subsection (1) of section 5 upon the sale or other disposition of goods or services described in that paragraph;

(*g*) prescribing the amounts that shall be subtracted pursuant to paragraph (*c*) or (*d*) of subsection (1) of section 5;

(*h*) prescribing, notwithstanding section 5, the circumstances and manner in which the eligible current expenditures of a corporation shall be determined only from information submitted to the Minister of National Revenue for the purposes of section 72 or 72A of the *Income Tax Act;*

(*i*) prescribing the books and records to be kept by any corporation that has applied for or received a grant and by any corporation associated with such corporation;

(*j*) providing for the examination, audit and copying of the books, records and property of any corporation that has applied for or received a grant and of any corporation associated with such corporation;

(*k*) providing for the disclosure to the Minister by a corporation by which an amount has become payable to Her Majesty by virtue of section 10 of such information as may be necessary for the enforcement of that section;

(*l*) specifying, either generally or in respect of a particular provision of this Act, the circumstances in which property shall be deemed to be or not to be acquired for the purposes of scientific research and development;

(*m*) specifying, either generally or in respect of a particular provision of this Act, the circumstances in which a corporation shall be deemed to cease or not to cease using property for the purposes of scientific research and development; and

(*n*) either generally or in respect of a particular provision of this Act, respecting the day on which any property in respect of the acquisition of which a capital or current expenditure has been made by a corporation shall be deemed to have been acquired by the corporation.

OFFENCES.

Offences.

**15.** (1) Every person who,

(*a*) in respect of an application for a grant, knowingly makes a false or misleading statement in or fails to disclose a material particular in any application or other document or wilfully furnishes any false or misleading information is guilty of

(i) an indictable offence and liable to imprisonment for a term not exceeding two years, or

(ii) an offence and liable on summary conviction to a fine not exceeding $5,000;

(*b*) contravenes or fails to comply with any regulation made under paragraph (*i*) or (*j*) of section 14 is guilty of an offence and liable on summary conviction to a fine not exceeding $1,000; and

(*c*) fails to comply with a regulation made under paragraph (*k*) of section 14 is guilty of an offence and liable on summary conviction to a fine not exceeding $100 for each day of default and not exceeding in all $5,000.

Idem.

(2) Every officer or employee of Her Majesty who contravenes section 13 is guilty of an offence punishable on summary conviction.

Institution of prosecution.

(3) A prosecution by way of summary conviction for an offence under subsection (1) may be instituted at any time within five years from the time when the subject matter of the complaint arose.

APPLICATION OF ACT.

Application of Act.

**16.** This Act is applicable to expenditures on scientific research and development in any fiscal period of a corporation ending in the calendar year 1966 or any subsequent calendar year.

ANNUAL REPORT.

Annual report to Parliament.

**17.** The Minister shall as soon as possible after the end of each fiscal year prepare a report on the administration of this Act during that fiscal year and shall cause such report to be laid before Parliament forthwith upon the completion thereof or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

AMENDMENTS TO INCOME TAX ACT.

**18.** (1) Subsection (2) of section 72 of the *Income Tax Act* is repealed and the following substituted therefor:

Minister may obtain advice.

"(2) The Minister may obtain the advice of the Department of Industry, the National Research Council, the Defence Research Board or any other agency or department of the Government of Canada carrying on activities in the field of scientific research as to whether any particular activity constitutes scientific research."

## Explanatory Notes.

*Clause 18:* Subsection (2) of section 72 and paragraph (*a*) of subsection (4) of section 72 of the *Income Tax Act* at present read as follows:

"(2) The Minister may obtain the advice of the National Research Council, the Defence Research Board or any other agency or department of the Government of Canada carrying on activities in the field of scientific research as to whether any particular activity constitutes scientific research."

"(4) In this section and in section 72A,

(*a*) "approved" means approved by the Minister after he has, if he considers it necessary, obtained the advice of the National Research Council."

The purpose of these amendments is to permit the Minister of National Revenue to obtain the advice of the Department of Industry in respect of the matters to which these provisions of the *Income Tax Act* relate.

(2) Paragraph (*a*) of subsection (4) of section 72 of the said Act is repealed and the following substituted therefor:

"(*a*) "approved" means approved by the Minister after he has, if he considers it necessary, obtained the advice of the Department of Industry or the National Research Council,"

(3) Subsections (1) and (2) are applicable to the 1966 and subsequent taxation years.

**19.** (1) Section 72A of the said Act is amended by adding thereto, immediately after subsection (4) thereof, the following subsection:

Idem.

"(4a) Notwithstanding subsection (4), where property described in subsection (4) has been disposed of by a corporation in a taxation year, the amount that the corporation is required by that subsection to include in computing its income for that year shall be reduced by one-fifth of that amount for that year and each previous taxation year of the corporation ending after its 1967 taxation year."

(2) Section 72A of the said Act is further amended by adding thereto the following subsection:

No deduction under this section.

"(7) Where a grant has been authorized to be paid to a corporation under the *Industrial Research and Development Incentives Act* in respect of expenditures on scientific research and development (as defined for the purposes of that Act) in a taxation year, the corporation is not, and shall be deemed never to have been, entitled to make any deduction under this section in computing its income for that year."

(3) Subsection (1) is applicable to the 1968 and subsequent taxation years and subsection (2) is applicable to the 1966 and subsequent taxation years.

*Clause 19:* (1) New. The purpose of this amendment is to reduce, for taxation years ending in 1968 and subsequent years, the amount that a corporation is required by subsection (4) of section 72A of the *Income Tax Act* to include in computing its income for a taxation year.

(2) New. The purpose of this subsection is to provide that a corporation that has been authorized to be paid a grant under this Act in respect of expenditures on research and development in a taxation year is not entitled to any deduction under section 72A of the *Income Tax Act* in computing its income for that year.

C-253.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-253.

An Act to amend the Export Credits Insurance Act.

First reading, December 6, 1966.

THE MINISTER OF TRADE AND COMMERCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

24849

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-253.

R.S. c. 105; 1953-54, c. 15; 1957, c. 8; 1957-58, c. 15; 1959, c. 24; 1960-61, c. 33; 1962, c. 14; 1962-63, c. 2; 1964-65, c. 18.

An Act to amend the Export Credits Insurance Act.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1964-65, c. 18, s. 3.

**1.** Subsections (2) and (3) of section 13 of the *Export Credits Insurance Act* are repealed and the following substituted therefor:

Contracts of insurance with an exporter.

"(2) For the purpose of facilitating and developing trade between Canada and any other country, the Corporation may

(*a*) enter into a contract of insurance with an exporter to insure him against any risk of loss

(i) by reason of the failure of the exporter, for any cause not avoidable by him or his affiliated importer, if any, to recover any amount payable to the exporter under or in respect of a transaction entered into between him and an importer,

(ii) by reason of the exporter's being deprived, for any cause not avoidable by him, of the use or ownership of any property employed or to be employed by him outside Canada in the rendering of services under a transaction entered into between him and an importer, or

(iii) from any cause not avoidable by him, arising out of the shipment of goods from Canada for exhibition purposes or on consignment for sale; and

## Explanatory Notes.

*Clause 1:* The purpose of this amendment is to authorize Export Credits Insurance Corporation to issue unconditional guarantees to banks in connection with transactions insured by the Corporation under section 13 of the Act.

Subsections (2) and (3) at present read as follows:

"(2) For the purpose of facilitating and developing trade between Canada and any other country, the Corporation may enter into a contract of insurance with an exporter to insure him against any risk of loss

(*a*) by reason of the failure of the exporter, for any cause not avoidable by him of his affiliated importer, if any, to recover any amount payable to the exporter under or in respect of a transaction entered into between him and an importer;

(*b*) by reason of the exporter's being deprived, for any cause not avoidable by him, of the use or ownership of any property employed or to be employed by him outside Canada in the rendering of services under a transaction entered into between him and an importer; or

(*c*) from any cause not avoidable by him, arising out of the shipment of goods from Canada for exhibition purposes or on consignment for sale.

(3) For the purposes of paragraph (*a*) of subsection (2) a transaction between an importer and the affiliated importer of an exporter may be deemed a transaction between such importer and the exporter, and any amount payable to the affiliated importer under or in respect of the transaction may be deemed to be payable to the exporter."

(*b*) issue unconditional guarantees, by appropriate endorsement or otherwise, to banks on medium term transactions in respect of which a contract of insurance has been entered into under paragraph (*a*).

Presumptions concerning affiliated importer.

(3) For the purposes of subparagraph (i) of paragraph (*a*) of subsection (2) a transaction between an importer and the affiliated importer of an exporter may be deemed a transaction between such importer and the exporter, and any amount payable to the affiliated importer under or in respect of the transaction may be deemed to be payable to the exporter."

1962-63, c. 2, s. 1; 1964-65, c. 18, s. 3.

**2.** Sections 13c and 14 of the said Act are repealed and the following substituted therefor:

Terms of contract.

"**13c.** The Board may, subject to this Act or any by-law, determine the terms and conditions upon which the Corporation will enter into any contract of insurance or issue any guarantee.

Liability under contracts outstanding.

**14.** The liability of the Corporation under the contracts of insurance and guarantees issued and outstanding shall not at any time exceed a total of ten times the aggregate of the amount of the subscribed capital and the capital surplus of the Corporation."

1960-61, c. 33, s. 1; 1964-65, c. 18, s. 4.

**3.** Section 21 of the said Act is repealed and the following substituted therefor:

Contracts approved by Governor in Council.

"**21.** (1) Where the Minister reports to the Governor in Council that

(*a*) the Board, having regard to the limitations imposed by section 14, is of opinion that a proposed contract of insurance or a proposed contract of insurance and a guarantee issued to a bank in connection therewith will impose upon the Corporation a liability for a term or in an amount in excess of that which the Corporation would normally undertake in relation to any one contract, exporter, commodity or country, and

(*b*) in the opinion of the Minister it is in the national interest that the proposed contract be entered into or the proposed contract be entered into and the guarantee be issued in connection therewith,

*Clause 2:* This amendment would authorize the board of directors of the Corporation to determine the terms and conditions on which guarantees under the proposed subsection (2) of section 13 would be issued and would establish the maximum liability of the Corporation under such guarantees and under contracts of insurance issued under section 13 at the present limit for contracts of insurance.

*Clause 3:* The amendment proposed to subsection (1) would authorize the issue of unconditional guarantees to banks in connection with transactions insured under section 21.

Subsection (1) at present reads as follows:

> "21. (1) Where the Minister reports to the Governor in Council that
>
> (*a*) the Board, having regard to the limitations imposed by section 14, is of opinion that a proposed contract of insurance will impose upon the Corporation a liability for a term or in an amount in excess of that which the Corporation would normally undertake in relation to any one contract, exporter, commodity or country, and
>
> (*b*) in the opinion of the Minister it is in the national interest that the proposed contract be entered into,
>
> the Governor in Council may approve of and authorize the Corporation to enter into the proposed contract of insurance."

The amendments proposed to subsections (2) to (5) would provide that the source of funds required in connection with guarantees issued under section 21, the maximum liability under such guarantees and the disposition of funds received in connection with such guarantees would be the same as that presently provided in the Act in connection with contracts of insurance issued under section 21.

the Governor in Council may approve of and authorize the Corporation to enter into the proposed contract of insurance or enter into the proposed contract of insurance and issue the proposed guarantee in connection therewith.

Moneys required to discharge liabilities to be paid out of C.R.F.

(2) All moneys required by the Corporation to discharge its liabilities arising under any contract of insurance entered into or guarantee issued under this section shall be paid to the Corporation by the Minister of Finance out of unappropriated moneys in the Consolidated Revenue Fund.

Limit of liability.

(3) The liability of the Corporation under contracts of insurance entered into and guarantees issued under this section and outstanding shall not at any time exceed six hundred million dollars and shall not be included in the liability of the Corporation for the purposes of section 14.

Separate account.

(4) The Corporation shall maintain a separate account of all receipts and disbursements arising out of contracts entered into and guarantees issued under this section and shall, if the Minister of Finance so directs, pay to the Receiver General of Canada any part of such receipts that the Minister considers to be in excess of the amount required to meet the expenses and overhead of the Corporation arising out of such contracts and guarantees.

Moneys received.

(5) All moneys received by the Corporation by way of recovery of any amount paid by the Corporation in discharge of its liability under a contract of insurance entered into or contract of insurance entered into and guarantee issued under this section shall be paid to the Receiver General of Canada and shall form part of the Consolidated Revenue Fund."

**4.** (1) Section 21A of the said Act is amended by adding thereto, immediately after subsection (2) thereof, the following subsection:

Power to accept note, etc. of foreign government and reschedule debts.

"(2a) When authorized by the Governor in Council, the Corporation may

(*a*) accept in exchange for an instrument held by it as security under this section, a promissory note, bill of exchange or other negotiable instrument payable to the Corporation by the

*Clause 4:* (1) (new) The proposed new subsection (2a) of section 21A would authorize the Corporation, with the approval of the Governor in Council, to enter into debt rollover agreements with foreign governments in connection with transactions entered into under section 21A and would explicitly authorize the rescheduling, either with or without foreign government guarantees, of debts owed to the Corporation under that section.

government, or an agency thereof, of a foreign country that has requested the exchange and in which the person who is liable to make payment to the Corporation on the instrument so held as security is resident; and

(*b*) enter into an agreement with an importer or with the government, or an agency thereof, of a foreign country and an importer resident in that country providing for variation of the provisions for payment to the Corporation contained in any agreement between the Corporation and the importer or in any instrument held by the Corporation as security for a debt owed to it by such importer."

1964-65, c. 18. s. 5(5).

(2) Subsection (4) of section 21A of the said Act is repealed and the following substituted therefor:

Limit of liability of importers and governments.

"(4) The liability

(*a*) of importers under all outstanding guaranteed instruments and instruments made payable to the Corporation, and

(*b*) of governments of foreign countries or agencies thereof under all outstanding promissory notes, bills of exchange or other negotiable instruments payable to the Corporation

shall not at any time exceed five hundred million dollars."

(3) Subsection (6) of section 21A of the said Act is amended by adding thereto, immediately after paragraph (*a*) thereof, the following paragraph:

"(*ab*) in discharge of the liability of a government of a foreign country or an agency thereof under a promissory note, bill of exchange or other negotiable instrument payable to the Corporation;"

(2) This amendment would increase the maximum liability to the Corporation at any time in connection with transactions under section 21A, including those authorized under the proposed subsection (2a), to five hundred million dollars from four hundred million dollars.

Subsection (4) at present reads as follows:

"(4) The liability of importers under all outstanding guaranteed instruments and instruments made payable to the Corporation shall not at any time exceed *four* hundred million dollars."

(3) This amendment would provide that moneys received by the Corporation from foreign governments under arrangements made under the proposed subsection (2a) would be dealt with in the same manner as all other moneys received by the Corporation in connection with transactions entered into under section 21A.

The relevant portions of subsection (6) at present read as follows:

"(6) All moneys received by the Corporation..... less any part thereof that the Minister considers to be required to meet the expenses and overhead of the Corporation arising out of business transacted under this section, shall be paid to the Receiver General of Canada and shall form part of the Consolidated Revenue Fund."

C-254.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-254.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1967.

AS PASSED BY THE HOUSE OF COMMONS, 6th DECEMBER, 1966.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

25336

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-254.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1967.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by message from His Excellency, General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada, and the estimates accompanying the said message, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1967, and for other purposes connected with the Public Service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Short title.

**1.** This Act may be cited as the *Appropriation Act No. 10, 1966.*

$22,500,000 granted for 1966-67.

**2.** From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole twenty-two million five hundred thousand dollars towards defraying the several charges and expenses of the public service, from the 1st day of April, 1966, to the 31st day of March, 1967, not otherwise provided for, and being the amount of the item set forth in the Schedule to this Act.

Purpose and effect of each item.

**3.** (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

(2) The provisions of each item in the Schedule shall be deemed to have been enacted by Parliament on the 1st day of April, 1966.

Commitments.

**4.** Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Account to be rendered.

**5.** Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

## SCHEDULE.

Based on the Supplementary Estimates (D), 1966–67. The amount hereby granted is $22,500,000, being the amount of the item in the Estimates as contained in this Schedule.

SUM granted to Her Majesty, by this Act for the financial year ending 31st March, 1967, and the purpose for which it is granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | EXTERNAL AFFAIRS | | |
| | A—DEPARTMENT | | |
| | EXTERNAL AID OFFICE | | |
| 35d | Economic, technical, educational and other assistance as detailed in the Estimates..... | ..... | 22,500,000 |

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-255.

An Act to amend the Canada Labour (Standards) Code.

First reading, December 9, 1966.

Mr. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

25383

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-255.

An Act to amend the Canada Labour (Standards) Code.

1964-65 c. 38.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short title.

**1.** This Act may be cited as *An Act to amend the Canada Labour (Standards) Code (Square Deal)*.

**2.** Subsections (1) and (2) of section 51 of the *Canada Labour (Standards) Code* are repealed and the following substituted therefor:

Order of deferment or suspension of Part I by Minister.

"**51.** (1) Where upon the submission of any person it is shown to the satisfaction of the Minister that the introduction of the standard hours of work or the maximum hours of work under Part I in any federal work, undertaking or business

(*a*) would be or is unduly prejudicial to the interests of the employees therein or to any class of employees therein, or

(*b*) would be or is seriously detrimental to the operation of the federal work, undertaking or business,

the Minister may by order defer or suspend the operation of Part I in respect of that federal work, undertaking or business or that class of employees therein for such period as may be fixed in the order; but a period of deferment or suspension under this subsection shall not exceed a period of eighteen months from the date of the coming into force of Part I or extend beyond the 31st day of January, 1967, whichever is the later date.

## Explanatory Notes.

Part 1 of the *Canada Labour (Standards) Code* prescribes that the Hours of Work in any federal work, undertaking of business shall not exceed eight hours a day and forty hours a week, but this may be relaxed in certain circumstances which are enumerated in Part 1.

Section 51(1) provides that, upon application, Part 1 may be deferred or suspended, but that any such deferment or suspension shall not exceed eighteen months from July 1, 1965 or from the date that the Minister of Labour makes the order to defer Part 1 whichever is the later.

Order of deferment or suspension of Part I by Governor in Council.

(2) Where it is made to appear from a report of an inquiry held pursuant to section 35 that, in the case of any federal work, undertaking or business, or of any class of employees therein,

(*a*) a longer period of deferment or suspension than has been or may be ordered by the Minister under subsection (1) is required in the best interests of the employees or any class of employees therein, or

(*b*) certain provisions of Part I would unduly disturb any employment custom peculiar to the federal work, undertaking or business or any operation therein,

the Governor in Council, on the recommendation of the Minister, may by order defer or suspend the operation of Part I in respect of that federal work, undertaking or business or that class of employees therein but a period of deferment or suspension under this subsection shall not extend beyond the 1st day of July, 1967."

**3.** Subsection (1) of Section 53 of the said Act is repealed and the following substituted therefor:

Submission pending on 1st of July, 1965.

"**53.** (1) The Minister may, as soon as may be after the 1st day of July, 1965, compile and publish in the *Canada Gazette* a list of such submissions for orders under sections 51 and 52 deferring the operation of Part I or section 11 in respect of any federal work, undertaking or business or class of employees therein as were pending on that day; and the operation of Part I or section 11, as the case may be, is, in respect of the federal work, undertaking or business or class of employees therein to which a submission referred to in such list relates, deferred pending the rejection of the submission or the making of an order under section 51 or 52, as the case may be provided that any such rejection of a submission or making of an order shall be determined before the 1st day of January, 1967."

Coming into force.

**4.** This Act shall be deemed to have come into force on the 1st day of July, 1965.

Section 51(2) provides that the Governor in Council may, following an inquiry, extend the deferment or suspension for longer than the eighteen months.

Section 53 provides that the application of Part 1 shall automatically be deferred or suspended if an application to defer or suspend is made.

In December of 1966 there were a number of applications for deferment or suspension which had not been dealt with and the consequence is that certain industries are so far exempted from the application of Part 1 merely because they made applications that have not yet been processed. Inasmuch as December of 1966 is eighteen months from the date of the coming into force of Part 1 it would appear that the spirit of the *Canada Labour (Standards) Code* is being obviated.

This Bill desires to plug the loop-holes in the *Canada Labour (Standards) Code* so that its application will not be further delayed.

The proposed new subsection (1) of section 51 provides that any order of the Minister of Labour to defer or suspend the application of Part 1, the Hours of Work Part of the Code, shall not extend beyond January 31st, 1967.

The proposed new subsection (2) of section 52 provides that any order of the Governor in Council to defer or suspend the application of Part 1 shall not extend beyond July 1st, 1967. This, incidentally, will be the second anniversary of the coming into force of the Code.

The proposed new subsection (1) of section 53 provides that the Government must act upon any applications to defer or suspend by January 1st, 1967.

In essence the Bill provides that the application of Part 1 of the Code cannot be delayed beyond July 1st, 1967. As it stands at the moment there can be an indefinite deferment.

C-256.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-256.

An Act to amend the Food and Drugs Act.

First reading, December 12, 1966.

Mr. ALLMAND.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

25379

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-256.

An Act to amend the Food and Drugs Act.

1952-53, c. 38; 1960-61, c. 37; 1962-63, c. 15.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

**1.** The Food and Drugs Act is amended by adding thereto the following Parts.

"PART IV.

SOAPS, DETERGENTS, AND CLEANSERS.

Soap, detergent or cleanser defined.

**39.** A soap, detergent, or cleanser includes any substance, liquid, or paste manufactured, sold, or represented for use in cleansing clothes, fabrics, china, cutlery, glass, earthenware, silver, furniture, woodwork, pottery, and other manufactured goods.

Prohibition.

**40.** No person shall sell any soap, detergent, or cleanser that has in it any substance that may cause injury to the health of the user when it is used according to the directions or for such purposes as are customary or usual.

Idem.

**41.** (1) No person shall label, package, treat, process, sell, or advertise any soap, detergent, or cleanser in a manner that is false, misleading, or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit, or safety.

If not labelled, etc. as required.

(2) Any soap, detergent, or cleanser that is not labeled or packaged as required by the regulations, or is labeled or packaged contrary to the regulations, shall be deemed to be labeled contrary to subsection (1).

## Explanatory Note.

The *Food and Drugs Act* presently protects the consumer against hazardous substances and fraudulent advertising and selling for food, drugs, cosmetics, and devices. This Bill would extend that protection to:

(*a*) Soaps, detergents, and cleaners.
(*b*) Fabrics and cloth.
(*c*) Paints, dyes, and tints.

## PART V.

### Fabrics and Cloth.

Fabrics and cloth defined.

**42.** Fabrics and cloth include any fabric, cloth, or material natural or synthetic, manufactured, sold, or represented for use in the manufacture of clothing, furniture, rugs, pillows, curtains, and other fabric goods and includes manufactured clothing and fabric goods.

Application.

**43.** The provisions of sections 40 and 41 apply *mutatis mutandis* to fabrics and cloth.

## PART VI

### Paints, Dyes and Tints

Paints, dyes and tints defined.

**44.** Paints, dyes, or tints, shall include any substance, mixture, liquid, or paste, manufactured, sold, or represented for use in coloring, changing color, or painting any article or product.

Application.

**45.** The provisions of sections 40 and 41 apply *mutatis mutandis* to paints, dyes, and tints."

**2.** The said Act is further amended by adding the following section.

Application.

**46.** The provisions of Part II of the Act shall apply *mutatis mutandis* to Parts IV, V, and VI.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-257.

An Act respecting the Endorsement of Bills.

First reading, December 13, 1966.

Mr. CAOUETTE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

25299

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-257.

An Act respecting the Endorsement of Bills.

Preamble.

WHEREAS by Standing Order No. 1 of the Standing Orders of the House of Commons of Canada, more commonly referred to as the General Rule, it is provided as follows:

> "1. In all cases not provided for hereafter or by sessional or other orders the usages and customs of the House of Commons of the United Kingdom of Great Britain and Northern Ireland as in force at the time shall be followed so far as they may be applicable to this House.";

WHEREAS by Rule No. 1 of the Rules of the Senate of Canada, it is provided as follows:

> "1. In all cases not provided for hereinafter, or by Sessional or other Orders, the Standing Orders, Rules, Usages and Forms of Proceedings of the Lords House of the Imperial Parliament, in force for the time being, shall be followed, so far as they can be applied to the proceedings of the Senate or any committee thereof."

AND WHEREAS no provision has been made by the Standing Orders of the House of Commons of Canada or by the Rules of the Senate of Canada for the form of endorsement of Bills: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short title.

**1.** This Act may be cited as the *Endorsement of Bills Act.*

## Explanatory Notes.

Erskine May in Parliamentary Practice (17th edition) at pages 589 and 590 under the heading "Endorsement of Bills", writes as follows:

> "The official record of the assent of one House to bills passed, or amendments made by the other, is by endorsement of the bill in Norman French. Thus, when a bill is passed by the Commons, the Clerk of the House writes at the top of the first page, "Soit baillé aux seigneurs." When the Lords make amendments it is returned with the endorsement of the Clerk of the Parliaments, "A ceste bille avecque des amendements les seigneurs sont assentus." When it is sent back with these amendments agreed to, the Clerk of the House of Commons writes, "A ces amendemens les communes sont assentus." When amendments are disagreed to, a message is sent to the Lords stating the fact and communicating the reasons agreed to by the House for their disagreement and the bill is endorsed "Ceste bille est remise aux seigneurs avecque des raisons."
>
> Bills are communicated by the Lords to the Commons with similar endorsements, *mutatis mutandis*. If amendments made by the Lords are agreed to by the Commons, the latter return the bill with the message signifying their agreement. If amendments made by the Commons are agreed to by the Lords, their Lordships send a message, but retain the bill for the Royal Assent."

Language of message between Senate and House of Commons.

**2.** The official messages on Bills sent from the House of Commons to the Senate, and from the Senate to the House of Commons, and the Royal Assent shall be endorsed on the Bills in Norman French as it is the usage and custom in the United Kingdom Houses of Parliament, the said endorsements to follow as closely as possible the form and manner used in the Parliament at Westminster, and without restricting the generality of the foregoing, the expression "Soit baillé aux seigneurs" used in the United Kingdom Parliament shall be replaced in the Parliament of Canada by the expression "Soit baillé aux Senateurs", and other similar expressions shall be treated accordingly substituting the word "Senateurs" for the word "Seigneurs" wherever they occur.

C-258.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-258.

An Act to amend the Broadcasting Act
(Television receiving Apparatus).

First reading, December 13, 1966.

Mr. PRITTIE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

25326

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-258.

An Act to amend the Broadcasting Act (Television receiving Apparatus).

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1958, c. 22. Regulations.

**1.** Subsection (1) of section 11 of the *Broadcasting Act* is amended by adding thereto, immediately after paragraph (*i*) thereof the following:

Television receiving apparatus.

"(*j*) to require that apparatus designed to receive television pictures broadcast simultaneously with sound be capable of adequately receiving all frequencies allocated under the *Radio Act* to television broadcasting when such apparatus is manufactured in Canada, or is imported into Canada, for sale or resale to the public."

R.S., 233.

## Explanatory Note.

The purpose of this bill is to empower the Board of Broadcast Governors to require the manufacturers of television receiving sets to include an ultra high frequency band on each unit.

C-259.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-259.

An Act to amend the Income Tax Act and to repeal the Canadian Vessel Construction Assistance Act.

First reading, December 21, 1966.

THE MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

25411

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

R.S., c. 148, 1952-53, c. 40; 1953-54, c. 57; 1955, cc. 54, 55; 1956, c. 39; 1957, c. 29; 1957-58, c. 17; 1958, c. 32; 1959, c. 45; 1960, c. 43; 1960-61, cc. 17, 49; 1962-63, c. 8; 1963, cc. 21, 41; 1964-65, cc. 13, 26, 54; 1965, cc. 12, 18; 1966, c. 25, s. 45; 1966, c. 47.

# BILL C-259.

An Act to amend the Income Tax Act and to repeal the Canadian Vessel Construction Assistance Act.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

INCOME TAX ACT.

**1.** (1) Subparagraph (iv) of paragraph (*a*) of subsection (1) of section 6 of the *Income Tax Act* is repealed and the following substituted therefor:

"(iv) superannuation or pension benefits, including, without limiting the generality of the foregoing,

(A) the amount of any pension or supplement under the *Old Age Security Act* and the amount of any similar payment under a law of a provincial legislature, and

(B) the amount of any benefit under the *Canada Pension Plan* or a provincial pension plan as defined in that Act,

but not including

(C) the amount of any social assistance payment made on a means or a needs test basis under a prescribed program provided for by an Act of Parliament or a law of a provincial legislature,"

(2) Subsection (1) of section 6 of the said Act is further amended by adding thereto, immediately after paragraph (*ea*) thereof, the following paragraph:

## Explanatory Notes.

This Bill contains a number of amendments that would incorporate into the *Income Tax Act* provisions analagous to provisions presently in the *Canadian Vessel Construction Assistance Act* providing for reserves in respect of quadrennial surveys, recapture in respect of such reserves and certain special rules respecting capital cost allowance on vessels. These amendments would also vest in the Minister of Industry the responsibilities that presently fall on the Canadian Maritime Commission under the *Canadian Vessel Construction Assistance Act.* The amendments for the above mentioned purposes are found in clauses 2, 3 and 5. Clause 24 would repeal the *Canadian Vessel Construction Assistance Act.*

The Bill would also implement paragraphs 11 and 12 of the Income Tax Resolution which deals with deferred profit sharing plans. These paragraphs appear in the explanatory notes to clauses 3 and 15. Amendments for this purpose are found in clauses 3, 8, 11, 15 and 19.

Another series of amendments is based on paragraph 13 of the Income Tax Resolution dealing with supplementary unemployment benefit plans. This paragraph of the Resolution appears in the note to clause 14. The relevant amendments appear in clauses 3, 4, 10 and 14.

*Clause 1:* Subclause (1) would ensure the inclusion in the income of the recipient of amounts paid to him in accordance with the *Canada Pension Plan,* the proposed revised provisions of the *Old Age Security Act* and any equivalent provincial legislation.

The relevant portions of section 6 at present read as follows:

> "6. (1) Without restricting the generality of section 3, there shall be included in computing the income of a taxpayer for a taxation year
>
> (*a*) amounts received in the year as, on account or in lieu of payment of, or in satisfaction of
>
> .....
>
> (iv) superannuation or pension benefits,"

The new paragraph proposed by subclause (2) would provide for the inclusion in the income of a taxpayer for a taxation year of amounts deducted as a reserve under the new paragraph (*ea*) of subsection (1) of section 11 set out in subclause (2) of clause 3.

Previous reserve for quadrennial survey, etc.

"(*eb*) the amount deducted as a reserve under paragraph (*ea*) of subsection (1) of section 11 in computing the taxpayer's income for the immediately preceding year;"

(3) It is hereby declared that subparagraph (iv) of subsection (1) of section 6 of the said Act, as enacted by subsection (1), is enacted for greater certainty only, and that that subparagraph, as it read before the coming into force of this section, shall be deemed always to have applied to include in the income of a taxpayer for a taxation year the amounts specified by that subparagraph as enacted by subsection (1) to be included, and to exclude from the income of a taxpayer for a taxation year the amounts so specified not to be included.

(4) For the taxation year in which this section comes into force, there shall be included in computing the income of a taxpayer the amount of any reserve established by him at the end of the immediately preceding year pursuant to section 7 of the *Canadian Vessel Construction Assistance Act*.

**2.** Subsection (1) of section 10 of the said Act is amended by adding thereto, immediately after paragraph (*ga*) thereof, the following paragraph:

Social assistance payments.

"(*gb*) the amount of any social assistance payment made on a means or a needs test basis under a prescribed program provided for by an Act of the Parliament of Canada or a law of a provincial legislature,"

**3.** (1) Paragraph (*c*) of subsection (1) of section 11 of the said Act is amended by striking out the word "or" at the end of subparagraph (i) thereof, by adding the word "or" at the end of subparagraph (ii) thereof and by adding thereto the following subparagraph:

"(iii) an amount paid to the taxpayer under
(A) an *Appropriation Act* and on terms and conditions approved by the Treasury Board for the purpose of advancing or sustaining the technological capability of Canadian manufacturing or other industry, or
(B) the *Northern Mineral Exploration Assistance Regulations* made under an *Appropriation Act* that provides for payments in respect of the Northern Mineral Grants Program."

*Clause 2:* This amendment is related to subclause (1) of clause 1 and would provide that the amounts described in the new paragraph (*gb*) would not be included in computing the income of a taxpayer for a taxation year.

*Clause 3:* Subclause (1) would provide for the deductibility of interest that may be payable by a taxpayer on grants received by him under the Program for the Advancement of Industrial Technology or under the *Northern Mineral Exploration Assistance Regulations*. This amendment is related to the amendments proposed in clauses 12 and 16.

(2) Subsection (1) of section 11 of the said Act is further amended by adding thereto, immediately after paragraph (*e*) thereof, the following paragraph:

Reserve for quadrennial survey.

"(*ea*) such amount as may be prescribed as a reserve for expenses to be incurred by the taxpayer by reason of quadrennial or other special surveys required under the *Canada Shipping Act*, or the regulations thereunder, or under the rules of any society or association for the classification and registry of shipping approved by the Minister of Transport for the purposes of the *Canada Shipping Act*;"

(3) All that portion of paragraph (*k*) of subsection (1) of section 11 of the said Act preceding subparagraph (i) thereof is repealed and the following substituted therefor:

Capital element of annuities.

"(*k*) the capital element of each annuity payment (other than a superannuation or pension benefit, a payment under a registered retirement savings plan or a payment of an annuity paid or purchased pursuant to a deferred profit sharing plan) included in computing income for the year, that is to say,"

(4) Paragraph (*s*) of subsection (1) of section 11 of the said Act is repealed and the following substituted therefor:

Employer's contribution under registered supplementary unemployment benefit plan.

"(*s*) an amount paid by the taxpayer to a trustee under a registered supplementary unemployment benefit plan as permitted by section 79A;"

(5) Clause (C) of subparagraph (i) of paragraph (*u*) of subsection (1) of section 11 of the said Act is repealed.

(6) Subsection (1) of section 11 of the said Act is further amended by adding thereto, immediately after paragraph (*u*) thereof, the following paragraph:

Transfers between deferred profit sharing plans.

"(*ua*) the least of

(i) any amount paid by the taxpayer in the year or within 60 days after the end of the year to a trustee under a deferred profit sharing plan that had at least 5 beneficiaries at all times throughout the

Subclause (2) would provide for a deduction in computing the income of a taxpayer for a taxation year of a prescribed amount as a reserve in respect of the expense of a quadrennial or other survey. The proposed paragraph is analogous to a provision presently in the *Canadian Vessel Construction Assistance Act.*

The amendment proposed in subclause (3) would ensure that the capital element of a payment of an annuity purchased with funds payable to a taxpayer out of a deferred profit sharing plan is not deducted in computing the income of the recipient of the payment.

Subclause (4) would provide that an amount paid by a taxpayer to a trustee under a supplementary unemployment benefit plan would be deductible in computing the income of the taxpayer if the plan is registered in accordance with section 79A as amended by clause 14.

Subclauses (5) and (6) would implement, in part, paragraph 12 of the Income Tax Resolution which reads as follows:

> "**12.** That paragraph (u) of subsection (1) of section 11 be amended to provide that the deduction from income provided thereunder shall not apply with respect to amounts paid after March 29, 1966, to a trustee under a deferred profit sharing plan."

The new paragraph (*ua*) would allow a deduction with respect to amounts computed in accordance with that paragraph transferred after March 29, 1966, to a trustee under a deferred profit sharing plan that meets the conditions described in the paragraph.

year, to the extent that it was not deductible in computing his income for the immediately preceding year,

(ii) any amount included in computing his income for the year by virtue of subsection (9) of section 79c, or

(iii) the amount by which

(A) the aggregate of any amounts included in computing his income for the year by virtue of subparagraphs (iv) and (v) of paragraph (*a*) of subsection (1) of section 6 and subsection (9) of section 79c

exceeds

(B) the amount, if any, deductible under paragraph (*u*) in computing his income for the year;"

(7) Paragraph (*u*) of subsection (1) of section 11 of the said Act, as amended by subsection (5), is applicable with respect to any amount paid after March 29, 1966, as a contribution or premium referred to therein, and paragraph (*ua*) of that subsection, as enacted by subsection (6), is applicable with respect to any amount paid after March 29, 1966, to a trustee under a deferred profit sharing plan.

**4.** Subsection (1) of section 12 of the said Act is amended by adding thereto, immediately after paragraph (*h*) thereof, the following paragraph:

Limitation re employer's contribution under supplementary unemployment benefit plan.

"(*ha*) an amount paid by an employer to a trustee under a supplementary unemployment benefit plan except as permitted by section 79A;"

**5.** (1) Subsection (5) of section 20 of the said Act is amended by adding thereto, immediately preceding paragraph (*a*) thereof, the following paragraph:

"Conversion" and "conversion cost."

"(*aa*) "conversion", in respect of a vessel, means a conversion or major alteration in Canada by a taxpayer in accordance with plans approved in writing by the Minister of Industry for the purposes of this Act and "conversion cost" means the cost of a conversion as determined by the Minister of Industry;"

(2) Subsection (5) of section 20 of the said Act is further amended by striking out the word "and" at the end of paragraph (*d*) thereof, by adding the word "and"

*Clause 4:* This amendment would provide that an amount paid by a taxpayer to a trustee under a supplementary unemployment benefit plan would not be deductible in computing the income of the employer unless such a deduction is permitted by section 79A.

*Clause 5:* Subclauses (1) and (2) would add the definitions set out therein to subsection (5) of section 20 of the Act. These definitions are required in connection with the amendments that would include in the Act provisions analogous to those in the *Canadian Vessel Construction Assistance Act.*

at the end of paragraph (*e*) thereof and by adding thereto the following paragraph:

"Vessel." "(*f*) "vessel" means a vessel as defined in the *Canada Shipping Act.*"

(3) Paragraphs (*a*) and (*b*) of subsection (5a) of section 20 of the said Act are repealed and the following substituted therefor:

"(*a*) it shall, to the extent that it has been expended by the taxpayer

(i) in the taxation year immediately following the initial year on acquiring property of the same class,

(ii) in the taxation year immediately following the initial year on acquiring, if the property destroyed was a building, a building of a prescribed class, or

(iii) within a time certified by the Minister of Industry to be a reasonable time following the initial year, on acquiring, if the property destroyed was a vessel, a vessel of a prescribed class,

not be included in computing the income of the taxpayer for the initial year; and

(*b*) it shall, to the extent that it has not been included in computing the income of the taxpayer for the initial year, be deemed to be proceeds of a disposition made

(i) in the case of a vessel, in the taxation year in which it is in whole or in part expended in accordance with paragraph (*a*), but only to the extent that it is so expended in that year and only if such year is within the time certified by the Minister of Industry under subparagraph (iii) of paragraph (*a*), and

(ii) in the case of any other property, in the taxation year immediately following the initial year

of depreciable property of the taxpayer of the same class as the property so acquired."

(4) Paragraph (*h*) of subsection (6) of section 20 of the said Act is repealed and the following substituted therefor:

"(*h*) where a taxpayer has received or is entitled to receive from a government, municipality or other public authority, in respect of or for the

The purpose of the amendment proposed in subclause (3) is to extend the application of the provision of the Act allowing the use of insurance proceeds for replacement of property without capital cost recapture to insurance proceeds received on the loss or destruction of a vessel.

Subclause (4) is related to the amendment proposed in clause 12. The addition of the underlined and sidelined words would result in the amount of any payment received by a taxpayer under the Program for the Advancement of Industrial Technology not being deducted in computing the capital cost of the property in respect of which the payment was made.

acquisition of property, a grant, subsidy or other assistance other than an amount authorized to be paid under an *Appropriation Act* and on terms and conditions approved by the Treasury Board for the purpose of advancing or sustaining the technological capability of Canadian manufacturing or other industry, the capital cost of the property shall be deemed to be the capital cost thereof to the taxpayer minus the amount of the grant, subsidy or other assistance;"

(5) Subsection (9) of section 20 of the said Act is repealed and the following substituted therefor:

Application where deduction under the *Canadian Vessel Construction Assistance Act.*

"(9) Notwithstanding subsection (8), where a deduction has been made under the *Canadian Vessel Construction Assistance Act* for any year, subsection (1) is applicable in respect of the prescribed class created by that Act or any other prescribed class to which the vessel may have been transferred."

(6) Section 20 of the said Act is further amended by adding thereto the following subsections:

Conversion cost of vessel deemed prescribed class.

"(11) For the purposes of this section and regulations made under paragraph (*a*) of subsection (1) of section 11, a vessel in respect of which any conversion cost is incurred after the coming into force of this subsection shall, to the extent of the conversion cost, be deemed to be included in a separate prescribed class.

Subsection (1) not applicable in certain cases.

(12) Where a vessel owned by a taxpayer on January 1, 1966 or constructed pursuant to a construction contract entered into by the taxpayer prior to 1966 and not completed by that date is disposed of by the taxpayer before 1974,

(*a*) subsection (1) does not apply to the proceeds of disposition

(i) to the extent that they are used by any person before 1974 for replacement under conditions satisfactory to the Minister of Industry, or

(ii) if the Minister of Industry certifies that the taxpayer has, on satisfactory terms, deposited on or before the day on which he is required to file a return of his income for the taxation year in which the vessel was disposed of, an amount at least equal to the tax that would but for this subsection be payable by the taxpayer under

The amendment proposed in subclause (5) is consequential on the amendments set out in subclause (6).

Subclause (6) would add to section 20 provisions analogous to certain provisions respecting capital cost allowance on vessels that are presently in the *Canadian Vessel Construction Assistance Act*.

this Part in respect of the proceeds of disposition, or satisfactory security therefor, as a guarantee that the proceeds of disposition will be used before 1974 for replacement; and

(*b*) the taxpayer may, within the time prescribed for the filing of a return of his income for the taxation year in which the vessel was disposed of, elect to have the vessel constituted a prescribed class, or, if any conversion cost in respect of the vessel has been included in a separate prescribed class, have it transferred to that class, and, if he so elects, the vessel shall be deemed to have been so transferred immediately before the disposition thereof but this paragraph does not apply unless the proceeds of disposition of the vessel exceed the amount that would be the undepreciated capital cost of property of the class to which it would be so transferred.

Election in respect of proceeds of disposition of a vessel.

(13) Where a vessel owned by a taxpayer is disposed of by him, he may, if subsection (12) does not apply to the proceeds of disposition or if the taxpayer does not make an election under paragraph (*b*) of subsection (12), within the time prescribed for the filing of a return of his income for the taxation year in which the vessel is disposed of, elect to have the proceeds that would be included in his income under subsection (1) treated as proceeds of disposition of property of another prescribed class that includes a vessel owned by him.

Prescribed class constituted by conversion cost deemed part of class constituted by vessel on disposition.

(14) Where a separate prescribed class has been constituted either under this Act or the *Canadian Vessel Construction Assistance Act* by virtue of the conversion of a vessel owned by a taxpayer and the vessel is disposed of by him, if no election is made under paragraph (*b*) of subsection (12), the separate prescribed class constituted by virtue of the conversion shall be deemed to have been transferred to the class in which the vessel was included immediately before the disposition thereof.

Re-assessments.

(15) Notwithstanding any other provision of this Act, where a taxpayer has

(*a*) expended an amount as described in subparagraph (iii) of paragraph (*a*) of subsection (5a), or

(*b*) made an election under paragraph (*b*) of subsection (12) with respect to a vessel and the proceeds of disposition of the vessel have been used before 1974 for replacement under conditions satisfactory to the Minister of Industry,

such re-assessments of returns of income shall be made as are necessary to give effect to subsections (5a) and (12).

Disposition of deposit.

(16) All or any part of a deposit made under subparagraph (ii) of paragraph (*a*) of subsection (12) or under the *Canadian Vessel Construction Assistance Act* may be paid out to or on behalf of any person who, under conditions satisfactory to the Minister of Industry and as a replacement for the vessel disposed of, acquires a vessel before 1974

(*a*) that was constructed in Canada and is registered in Canada or is registered under conditions satisfactory to the Minister of Industry in any country or territory to which the British Commonwealth Merchant Shipping Agreement (signed at London on December 10, 1931) applies, and

(*b*) in respect of the capital cost of which no allowance has been made to any other taxpayer under this Act or the *Canadian Vessel Construction Assistance Act*,

or incurs any conversion cost with respect to a vessel of the taxpayer that is registered in Canada or is registered under conditions satisfactory to the Minister of Industry in any country or territory to which the said British Commonwealth Merchant Shipping Agreement applies, but the ratio of the amount paid out to the amount of the deposit shall not exceed the ratio of the capital cost to him of the vessel or the conversion cost to him of the vessel, as the case may be, to the proceeds of disposition of the vessel disposed of; and any deposit or part of a deposit not so paid out before 1974 shall be paid to the Receiver General of Canada and form part of the Consolidated Revenue Fund."

**6.** (1) Paragraph (*c*) of subsection (1) of section 27 of the said Act is amended by striking out the word "or" at the end of subparagraph (viic) thereof, by adding the word "or" at the end of subparagraph (viid) thereof and by adding thereto the following subparagraph:

*Clause 6:* This amendment would allow a taxpayer to include certain payments to dental mechanics in computing his medical expenses. The relevant portions of subsection (1) of section 27 are as follows:

"27. (1) For the purpose of computing the taxable income of a taxpayer for a taxation year, there may be deducted from the income for the year such of the following amounts as are applicable:

.....

(c) an amount equal to that portion of medical expenses in excess of 3% of the taxpayer's income for the year paid either by the taxpayer or his legal representatives"

"(viii) to a person authorized under the laws of a province to carry on the business of a dental mechanic, for the making or repairing of a complete upper or complete lower denture, or for the taking of impressions, bite registrations and insertions in respect of the making, producing, constructing and furnishing of a complete upper or complete lower denture,"

(2) Subparagraph (viii) of paragraph (*c*) of subsection (1) of section 27 of the said Act, as enacted by subsection (1), is applicable to the 1966 and subsequent taxation years.

**7.** (1) Subsections (1) to (3) of section 33 of the said Act are repealed.

(2) Section 33 of the said Act is amended by adding thereto, immediately preceding subsection (4) thereof, the following subsections:

Deductions from tax on income earned in a province.

"**33.** (1) There may be deducted from the tax otherwise payable under this Part by an individual for a taxation year (hereinafter in this subsection referred to as the "basic tax") such of the following amounts as is applicable:

(*a*) an amount that bears the same relation to 28% of the basic tax that his income earned in the taxation year in a province bears to his income for the taxation year; and

(*b*) in the case of income earned in the taxation year in a province providing schooling allowances within the meaning of the *Youth Allowances Act*, an amount that bears the same relation to 3% of the basic tax that his income earned in the taxation year in the province bears to his income for the taxation year.

"His income for the taxation year" defined.

(2) A reference in subsection (1) to "his income for the taxation year" means

(*a*) in the case of an individual to whom section 29 applies, who was resident in Canada during part of the taxation year and during some other part of the year was not resident in Canada, the aggregate described in paragraph (*a*) of section 29; and

(*b*) in the case of an individual to whom section 31 applies, who was not resident in Canada at any time in the taxation year, the amount

*Clause 7:* The purpose of this amendment is to reenact subsections (1) to (3) of section 33 which expire on December 31, 1966, with the changes that are appropriate. An additional 4% abatement has been provided for in paragraph (*a*) of subsection (1) to cover post-secondary school education costs. In all other respect the proposed provisions are the same as the current provisions as they apply to the 1966 taxation year.

determined under paragraph (*a*) of subsection (1) of section 31 as his income for the year from all duties performed by him in Canada and all businesses carried on by him in Canada.

Definitions. "Income earned in the taxation year" in a province. "Province." "Tax otherwise payable under this Part."

(3) In this section,

(*a*) "income earned in the taxation year" in a province means amounts determined under rules prescribed for the purpose by regulations made on the recommendation of the Minister of Finance;

(*b*) "province" does not include the Northwest Territories or the Yukon Territory; and

(*c*) "tax otherwise payable under this Part" means the amount that, but for this section, would be the tax payable by a taxpayer under this Part for the taxation year in respect of which the expression is being applied if the taxpayer were not entitled to any deduction under section 41 or 41A and were not liable for the payment of any amount by virtue of subsection (3) of section 22 of the *Old Age Security Act*."

(3) Subsection (1) shall be deemed to have come into force on January 1, 1967, and subsections (1) to (3) of section 33 of the said Act, as enacted by subsection (2), are applicable to the 1967 and subsequent taxation years.

**8.** Paragraph (*a*) of subsection (3) of section 36 of the said Act is repealed and the following substituted therefor:

"(*a*) the aggregate of amounts deductible under paragraphs (*u*) and (*ua*) of subsection (1) of section 11 in computing his income for that year, and"

**9.** (1) Subsection (1) of section 40 of the said Act is repealed and the following substituted therefor:

Deduction from corporation tax.

"**40.** (1) There may be deducted from the tax otherwise payable by a corporation under this Part for a taxation year an amount equal to 10% of the corporation's taxable income earned in the year in a province other than the Northwest Territories or the Yukon Territory."

(2) This section is applicable to the 1967 and subsequent taxation years.

*Clause 8:* This amendment is consequential on the amendment set out in subclause (6) of clause 3.

*Clause 9:* The present subsection (1) of section 40 is applicable to the 1962 to 1966 taxation years, each inclusive. This amendment would replace the current subsection and provide an increase of 1% in the abatement presently provided for the nine provinces other than Quebec which now receives a 10% abatement.

**10.** (1) Paragraph (*a*) of subsection (1) of section 62 of the said Act is repealed and the following substituted therefor:

Employees of a country other than Canada.

"(*a*) an officer or servant of the government of a country other than Canada whose duties require him to reside in Canada

(i) if, immediately before assuming such duties, he resided outside Canada,

(ii) if that country grants a similar privilege to an officer or servant of Canada of the same class,

(iii) if he was not, at any time in the period, engaged in a business or performing the duties of an office or employment in Canada other than his position with that government, and

(iv) if he was not during the period a Canadian citizen;

Members of the family and servants of employees of a country other than Canada.

(*ab*) a member of the family of a person described in paragraph (*a*) who resides with that person, or a servant employed by a person described in paragraph (*a*),

(i) if the country of which the person described in paragraph (*a*) is an officer or servant grants a similar privilege to members of the family residing with and servants employed by an officer or servant of Canada of the same class,

(ii) if he was not, in the case of a member of the family, at any time lawfully admitted to Canada for permanent residence, or at any time in the period engaged in a business or performing the duties of an office or employment in Canada,

(iii) if, in the case of a servant, immediately before assuming his duties as a servant of a person described in paragraph (*a*), he resided outside Canada and since first assuming such duties in Canada he has not at any time engaged in a business in Canada or been employed in Canada other than by a person described in paragraph (*a*), and

(iv) if he was not during the period a Canadian citizen;"

*Clause 10:* The purpose of the amendment set out in subclause (1) is to provide exemption from tax under Part I of the Act to certain employees of countries other than Canada, to certain members of their families and to certain of their servants in accordance with the Vienna Convention on Diplomatic Relations which was ratified by Canada in 1966. The relevant portions of section 62 at present read as follows:

"**62.** (1) No tax is payable under this Part upon the taxable income of a person for a period when that person was

(*a*) an officer or servant of the government of a country other than Canada whose duties required him to reside in Canada

(i) if that country grants a similar privilege to an officer or servant of Canada of the same class,

(ii) if he was not, at any time in the period, engaged in a business or performing the duties of an office or employment in Canada other than his position with that government, and

(iii) if he was during that period a subject or citizen of that country;"

(2) Paragraph (*q*) of subsection (1) of section 62 of the said Act is repealed and the following substituted therefor:

Pension trust or corporation.

"(*q*) a trust or corporation established or incorporated solely in connection with, or for the administration of, a registered pension fund or plan, not less than 90% of the income of which for the period was

(i) from sources in Canada,

(ii) from bonds, debentures or other securities issued or guaranteed by the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development approved by subsection (1) of section 2 of the *Bretton Woods Agreements Act*, the income from which securities is payable in Canadian currency, or

(iii) from sources in Canada and from bonds, debentures or other securities described in subparagraph (ii);"

(3) Paragraph (*ra*) of subsection (1) of section 62 of the said Act is repealed and the following substituted therefor:

Trust under a registered supplementary unemployment benefit plan.

"(*ra*) a trust under a registered supplementary unemployment benefit plan to the extent provided by section 79A;"

(4) Paragraphs (*a*), (*ab*) and (*q*) of subsection (1) of section 62, as enacted by subsections (1) and (2) of this section, are applicable to the 1967 and subsequent taxation years.

**11.** (1) Paragraph (*e*) of subsection (3) of section 66 of the said Act is repealed.

(2) Subsection (3) of section 66 of the said Act, as amended by subsection (1), is applicable with respect to any amount, in that subsection referred to as a transferred amount, paid after March 29, 1966, as a contribution or premium referred to therein.

**12.** (1) All that portion of subsection (1) of section 72 of the said Act preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

Subclause (2) would provide that a trust or corporation described in paragraph (*q*) could derive up to 90% of its income from certain securities of the International Bank for Reconstruction and Development and still remain exempt from tax under Part I of the Act. The relevant portions of section 62 at present read as follows:

"62. (1) No tax is payable under this Part upon the taxable income of a person for a period when that person was

.....

(*q*) a trust or corporation established or incorporated solely in connection with, or for the administration of, a registered pension fund or plan, not less than 90% of the income of which for the period was from sources in Canada;"

Subclause (3) would add the underlined word to paragraph (*ra*) so that a trust under a supplementary unemployment benefit plan would only be exempt from tax under Part I if the plan is registered in accordance with section 79A as amended by clause 14.

*Clause 11:* This amendment would eliminate the tax credit now granted by subsection (3) of section 66 where all or part of a retirement payment to an individual who was a member of the naval, army or air forces of Canada is, within the time specified in that subsection, paid by him to a trustee under a deferred profit sharing plan.

*Clause 12:* The purpose of this amendment is to provide that the amount that a taxpayer may deduct under subsection (1) of section 72 in computing his income for a taxation year shall be reduced by grants received by him in the year under the Program for the Advancement of Industrial Technology and increased by repayments made by him in the year of any such grants. Subclause (3) provides a consequential amendment to subsection (5) of the section.

Deductions from income.

"**72.** (1) There may be deducted in computing the income for a taxation year of a taxpayer who carried on business in Canada and made expenditures in respect of scientific research in the year the amount by which the aggregate of"

(2) Subsection (1) of section 72 of the said Act is further amended by striking out the word "and" at the end of paragraph (*a*) thereof, by adding the word "and" at the end of paragraph (*b*) thereof and by adding thereto the following:

"(*c*) all expenditures in the year by way of repayment of amounts paid to the taxpayer under an *Appropriation Act* and on terms and conditions approved by the Treasury Board for the purpose of advancing or sustaining the technological capability of Canadian manufacturing or other industry,

exceeds the aggregate of amounts paid to him in the year under an *Appropriation Act* and on terms and conditions described in paragraph (*c*)."

(3) Subsection (5) of section 72 of the said Act is repealed and the following substituted therefor:

Expenditures of a capital nature.

"(5) An amount claimed under paragraph (*b*) of subsection (1) in computing a deduction under that subsection shall, for the purpose of section 20, be deemed to be an amount allowed to the taxpayer in respect of the property (acquired by the expenditures) under regulations made under paragraph (*a*) of subsection (1) of section 11 and for that purpose the property (acquired by the expenditures) shall be deemed to be of a separate prescribed class."

**13.** (1) Clause (A) of subparagraph (ii) of paragraph (*b*) of subsection (2) of section 72A of the said Act is repealed and the following substituted therefor:

"(A) the base scientific expenditures of the corporation and of each corporation associated with the corporation in the year other than a corporation an amount equal to the base scientific expenditure of which is included, by virtue of paragraph (*jc*) of subsection (2) of section 85I, in the base scientific expenditure of another corporation that is also associated with the corporation in the year,"

Subsections (1) and (5) of section 72 at present read as follows:

"72. (1) There may be deducted in computing the income for a taxation year of a taxpayer who carried on business in Canada and made expenditures in respect of scientific research in the year

(*a*) all expenditures of a current nature made in Canada in the year

(i) on scientific research related to the business and directly undertaken by or on behalf of the taxpayer,

(ii) by payments to an approved association that undertakes scientific research related to the class of business of the taxpayer,

(iii) by payments to an approved university, college, research institute or other similar institution to be used for scientific research related to the class of business of the taxpayer,

(iv) by payments to a corporation resident in Canada and exempt from tax under this Part by paragraph (*gc*) of subsection (1) of section 62,

(v) by payments to a corporation resident in Canada for scientific research related to the business of the taxpayer; and

(*b*) such amount as may be claimed by the taxpayer not exceeding the lesser of

(i) the expenditures of a capital nature made in Canada (by acquiring property other than land) in the year and any previous year ending after 1958 on scientific research relating to the business and directly undertaken by or on behalf of the taxpayer, or

(ii) the undepreciated capital cost to the taxpayer of the property so acquired as of the end of the taxation year (before making any deduction under this paragraph in computing the income of the taxpayer for the taxation year)."

"(5) An amount deducted under paragraph (*b*) of subsection (1) shall, for the purpose of section 20, be deemed to be an amount allowed to the taxpayer in respect of the property (acquired by the expenditures) under regulations made under paragraph (*a*) of subsection (1) of section 11 and for that purpose the property (acquired by the expenditures) shall be deemed to be of a separate prescribed class."

*Clause 13:* The purpose of this amendment, which adds the underlined and sidelined words, is to correct an anomaly in the present law by virtue of which the base scientific expenditure of a corporation that is associated with another corporation in a taxation year of the other corporation may be included twice in computing the base scientific expenditure of the other corporation where the first corporation is involved in an amalgamation within the meaning of section 85I.

(2) Subclause 3 of clause (B) of subparagraph (ii) of paragraph (*b*) of subsection (2) of section 72A of the said Act is repealed and the following substituted therefor:

"3. in respect of which substantially all the business that was carried on by such corporation in Canada in its last taxation year that ended before April 11, 1962, was acquired in any manner whatsoever, other than by an amalgamation within the meaning of section 85I, by the corporation or one or more corporations associated with the corporation in the year, and"

(3) This section is applicable to the 1962 and subsequent taxation years.

**14.** (1) Subsections (1) and (2) of section 79A of the said Act are repealed and the following substituted therefor:

Definitions. "Registered supplementary unemployment benefit plan." "Supplementary unemployment benefit plan."

"**79A.** (1) In this Act,

(*a*) "registered supplementary unemployment benefit plan" means a supplementary unemployment benefit plan accepted by the Minister for registration for the purposes of this Act in respect of its constitution and operations for the taxation year under consideration; and

(*b*) "supplementary unemployment benefit plan" means an arrangement, other than an arrangement in the nature of superannuation or pension fund or plan or an employees profit sharing plan, under which payments are made by an employer to a trustee in trust exclusively for the payment of periodic amounts to employees or former employees of the employer who are or may be laid off for any temporary or indefinite period.

No tax while trust governed by plan.

(2) No tax is payable under this Part by a trust upon the taxable income of the trust for a period during which the trust was governed by a registered supplementary unemployment benefit plan."

(2) Subsection (4) of section 79A of the said Act is repealed and the following substituted therefor:

*Clause 14:* The purpose of this amendment is to require the registration of supplementary unemployment benefit plans before such plans can derive the tax advantages granted by section 79A. The amendment would add a new definition of "registered supplementary unemployment benefit plan" and would add the word "registered" to subsections (2) and (4). This would implement, in part, paragraph 13 of the Income Tax Resolution which reads as follows:

> "**13.** That section 79A of the Act, dealing with supplementary unemployment benefit plans, be amended to provide for the registration of such plans for the purposes of the said Act and to authorize the making of regulations governing the qualifications required of such plans for registration."

Payments by employer deductible.

"(4) An amount paid by an employer to a trustee under a registered supplementary unemployment benefit plan during a taxation year or within 30 days thereafter may be deducted in computing the employer's income for the taxation year to the extent that it was not deductible in computing income for a previous taxation year."

(3) Subsections (1) and (2) of section 79A, as enacted by subsection (1), are applicable to the 1966 and subsequent taxation years, and subsection (4) of section 79A, as enacted by subsection (2), is applicable with respect to amounts paid after December 21, 1966.

**15.** (1) Paragraph (*b*) of subsection (1) of section 79C of the said Act is repealed and the following substituted therefor:

"Profit sharing plan."

"(*b*) "profit sharing plan" means an arrangement under which payments computed by reference to his profits from his business or by reference to his profits from his business and the profits, if any, from the business of a corporation with whom he does not deal at arm's length are or have been made by an employer to a trustee in trust for the benefit of employees of that employer or employees of any other employer, whether or not payments are or have been also made to the trustee by the employees."

(2) Paragraph (*a*) of subsection (2) of section 79C of the said Act is repealed and the following substituted therefor:

Acceptance of plan for registration.

"(*a*) the plan provides that each payment made under the plan to a trustee in trust for the benefit of beneficiaries thereunder is the aggregate of amounts each of which is required to be allocated by the trustee in the year in which it is received by him, to the individual beneficiary in respect of whom the amount was so paid;"

*Clause 15:* The purpose of the amendments proposed in subclauses (1) to (5) and (7) and (8) of this clause and in clause 19 is to implement paragraph 11 of the Income Tax Resolution which reads as follows:

"**11.** That the provisions of section 79C of the said Act dealing with deferred profit sharing plans be revised and in particular that the said provisions:

(*a*) authorize the Governor in Council to make regulations to define the property in which funds of a trust governed by a plan may be invested,

(*b*) require that property of a trust governed by a plan be vested in the employees who are beneficiaries under the plan, and

(*c*) provide rules for taxing amounts reallocated when employees who are beneficiaries under a plan cease to be beneficiaries under the plan."

Paragraph (*b*) of subsection (1) of section 79C would be amended by subclause (1) to include within the definition of "profit sharing plan" plans to which payments have been made in the past even though such payments are no longer being made.

Subclauses (2) and (3) would amend subsection (2) of section 79C by adding a number of provisions that a profit sharing plan must include before being eligible for registration by the Minister under that subsection. The opening words of subsection (2) read as follows:

"(2) The Minister shall not accept for registration for the purposes of this Act any profit sharing plan unless, in his opinion, it complies with the following conditions:"

(3) Subsection (2) of section 79c of the said Act is further amended by striking out the word "and" at the end of paragraph (*f*) thereof, by repealing paragraph (*g*) thereof and by substituting therefor the following paragraphs:

"(*g*) the plan provides that, if a trust company incorporated under the laws of Canada or of a province is not a trustee under the plan, there shall be at least 3 trustees under the plan who shall be individuals;

(*h*) the plan provides that all income received, capital gains made and capital losses sustained by the trust governed by the plan must be allocated to beneficiaries under the plan on or before a day 90 days after the end of the year in which they were received, made or sustained, as the case may be, to the extent that they have not been allocated in years preceding that year;

(*i*) the plan provides that all amounts allocated or reallocated by a trustee under the plan to a beneficiary under the plan vest irrevocably in that beneficiary not later than 5 years after the end of the year in which the amounts are so allocated or reallocated unless that beneficiary ceases before that time to be an employee of an employer who makes or has made payments under the plan;

(*j*) the plan provides that a trustee under the plan inform, in writing, all new beneficiaries under the plan of their rights under the plan;

(*k*) the plan provides that, in respect of each employee who is a beneficiary under the plan, all amounts vested in the employee become payable to the employee or, in the event of his death, to a beneficiary designated by him or failing such designation to his estate, not later than 30 days after the earliest of

(i) the death of the employee,

(ii) the day on which the employee ceases to be employed by an employer who makes or has made payments under the plan to a trustee under the plan,

(iii) the day on which the employee becomes 71 years of age, or

(iv) the termination or winding up of the plan,

except that the plan may provide that, upon

25411—3

election by the employee, all or any part of the amounts payable to him may be paid

(v) in equal instalments payable not less frequently than annually over a period not exceeding 10 years from the day on which the amount became payable, or

(vi) by a trustee under the plan to a person licensed or otherwise authorized under the laws of Canada or a province to carry on in Canada an annuities business, to purchase for the employee an annuity commencing not later than a day 71 years after the day of his birth, the guaranteed term of which, if any, does not exceed 15 years; and

(*l*) the plan, in all other respects, complies with regulations of the Governor in Council made on the recommendation of the Minister of Finance."

(4) Paragraph (*b*) of subsection (7) of section 79c of the said Act is repealed and the following substituted therefor:

"(*b*) an amount that, when added to the amount deductible under paragraph (*g*) of subsection (1) of section 11 in respect of that employee in computing the income of the employer for the taxation year, does not exceed the lesser of $1,500 or 20% of the salary or wages paid in the year to the employee by the employer,"

(5) Subsection (9) of section 79c of the said Act is repealed and the following substituted therefor:

Amounts received taxable.

"(9) There shall be included in computing the income of a beneficiary under a deferred profit sharing plan for a taxation year each amount received by him in the year from a trustee under the plan, minus

(*a*) any amounts deductible under subsections (10) and (11) in computing the income of the beneficiary for the year, and

(*b*) amounts paid by a trustee under the plan pursuant to the plan to a person described in subparagraph (vi) of paragraph (*k*) of subsection (2) to purchase an annuity described in that subparagraph."

Subclause (4) would amend subsection (7) of section 79c to allow an employer to deduct in a taxation year an amount paid in respect of an employee to a trustee of a trust governed by a deferred profit sharing plan only to the extent that the amount does not exceed the lesser of $1,500 or 20% of the salary or wages that the employer pays to the employee in the taxation year.

The amendment proposed in subclause (5) would provide that an amount payable to a beneficiary under a deferred profit sharing plan and used by the trust to purchase an annuity for that beneficiary would not be included in his income at the time of such purchase.

(6) Paragraph (*a*) of subsection (11) of section 79c of the said Act is repealed and the following substituted therefor:

"(*a*) the aggregate of each amount so paid by the employee in the year or a previous year to the extent that any such payment was not deductible in computing the employee's income,"

(7) All that portion of subsection (13) of section 79c of the said Act following paragraph (*b*) thereof is repealed and the following substituted therefor:

"(*c*) the plan does not, as of January 1, 1968,
(i) comply with the conditions described in paragraphs (*a*) to (*k*) of subsection (2), and
(ii) provide that the amounts held by the trust for the benefit of beneficiaries thereunder that remain unallocated on December 31, 1967 must be allocated or reallocated, as the case may be, before 1969,

the Minister may revoke the registration of the plan as of any date following,

(*d*) where paragraph (*a*) applies, the date that the plan ceased so to comply,
(*e*) where paragraph (*b*) applies, the date that any provision of the plan was not so complied with, and
(*f*) where paragraph (*c*) applies, January 1, 1968,

and he shall thereafter give notice of his action by registered mail to a trustee under the plan and to an employer of employees who are beneficiaries under the plan."

(8) Section 79c of the said Act is further amended by adding thereto the following subsection:

Inadequate consideration on purchase from or sale to trust.

"(17) Where a trust governed by a deferred profit sharing plan or revoked plan
(*a*) disposes of property to a taxpayer for a consideration less than the fair market value of the property at the time of the transaction, or for no consideration, or
(*b*) acquires property from a taxpayer for a consideration greater than the fair market value of the property at the time of the transaction,

the difference between such fair market value and the consideration, if any, shall be deemed to be,

The amendment proposed in subclause (6) is consequential on the amendment set out in subclause (6) of clause 3. Paragraph (*a*) at present reads as follows:

> "(*a*) the aggregate of each amount so paid by the employee in the year or a previous year to the extent that any such payment was not deductible in computing the employee's income *by virtue of subparagraph (i) of paragraph (u) of subsection (1) of section 11*,"

Subclause (7) would amend subsection (13) of section 79c to allow the Minister to revoke the registration of a plan registered before the coming into force of these amendments unless the plan is amended before January 1, 1968 to include provisions similar to those that will be required of profit sharing plans seeking registration after December 21, 1966, and a provision as described in subparagraph (ii) of the proposed paragraph (*c*).

Subclause (8) would add a subsection (17) to section 79c to provide for collection of tax where a trust under a deferred profit sharing plan acquires property or disposes of property of the trust for a consideration other than the fair market value of that property.

(*c*) for the purposes of subsection (9), an amount received by the taxpayer from a trustee under the plan as if the taxpayer were a beneficiary under the plan, and

(*d*) for the purposes of section 105N, an amount forfeited in the trust and reallocated to the taxpayer, as if the taxpayer were an employee who was a beneficiary under the plan,

at the time of the disposal or acquisition, as the case may be.

(9) Subsections (1) to (3) and subsection (8) shall be deemed to have come into force on December 21, 1966, and subsection (4) is applicable to taxation years commencing after that date.

**16.** Section 83A of the said Act is amended by adding thereto, immediately after subsection (8c) thereof, the following subsection:

Extended meaning of drilling and exploration expenses and prospecting, exploration and development expenses.

"(8ca) For the purposes of this section and section 85I, there shall be deducted in computing

(*a*) drilling and exploration expenses incurred by a taxpayer on or in respect of exploring or drilling for petroleum or natural gas in Canada, and

(*b*) prospecting, exploration and development expenses incurred by a taxpayer in searching for minerals in Canada,

any amount paid to him under the *Northern Mineral Exploration Assistance Regulations* made under an *Appropriation Act* that provides for payments in respect of the Northern Mineral Grants Program, and there shall be included in computing such expenses any amount, except an amount in respect of interest, paid by him under such Regulations to Her Majesty in right of Canada."

**17.** (1) All that portion of paragraph (*b*) of subsection (3) of section 85A of the said Act, immediately following subparagraph (i) thereof, is repealed and the following substituted therefor:

"exceeds the lesser of

(ii) 20% of the amount of the benefit so deemed to have been received, or

(iii) $200,"

*Clause 16:* The purpose of this amendment is to provide that "drilling and exploration expenses" and "prospecting, exploration and development expenses" of a taxpayer will be reduced by the amount of any grant received by the taxpayer under the *Northern Mineral Exploration Assistance Regulations* and will be increased by any repayment by him of such a grant. The effect would be to reduce the amount that may be deducted under section 83A in computing the income of the taxpayer by the amount of any such grant and to increase the amount that may be so deducted by the amount of any such repayment.

*Clause 17:* The purpose of this amendment is to incorporate into subsection (3) of section 85A the same rules that an employee may elect to use to calculate the amount of tax on a benefit received after March 29, 1966, by virtue of a plan under which a corporation agrees to sell or issue shares to its employees, as were incorporated in subsection (2) of that section by section 9 of *An Act to amend the Income Tax Act*, chapter 47 of the Statutes of Canada, 1966.

(2) This section is applicable to benefits deemed by paragraph (*a*), (*b*), (*c*) or (*d*) of subsection (1) of section 85A of the said Act to have been received by an employee after March 29, 1966, except that this section shall not apply to any such benefit so deemed to have been received before January 1, 1968, if the agreement between the employee and his employer under which the benefit is received existed before March 30, 1966.

(3) An agreement that existed before March 30, 1966 but that is amended after that date shall, if the amendment is for the sole purpose of allowing an option therein granted to be exercised before January 1, 1968, be deemed, notwithstanding the amendment, to be an agreement between the employee and his employer that existed before March 30, 1966.

**18.** (1) Section 85B of the said Act is amended by adding thereto, immediately after subsection (6a) thereof, the following subsection:

No deduction in respect of sale of property in certain circumstances.

"(6b) Paragraph (*d*) of subsection (1) does not apply to allow a deduction in computing the income of a taxpayer for a taxation year from a business in respect of property sold in the course of the business where the taxpayer ceases to be a resident of Canada or becomes exempt from tax under any provision of this Part at any time in the year or in the immediately following year."

(2) Subsection (6b) of section 85B of the said Act, as enacted by this section, is applicable in respect of property sold in the course of a business pursuant to an agreement entered into after December 21, 1966.

**19.** (1) The said Act is further amended by adding thereto, immediately after Part IID thereof, the following Part:

"PART IIE.

TAXES ON DEFERRED PROFIT SHARING PLANS AND REVOKED PLANS.

Tax on non-qualified investments and use of assets as security.

**105K.** (1) Every trust governed by a deferred profit sharing plan or revoked plan that

(*a*) acquires a non-qualified investment, or

(*b*) uses or permits to be used any property of the trust as security for a loan,

shall pay a tax equal to the cost to the trust of the non-qualified investment or the fair market value, at

*Clause 18:* The purpose of this amendment is to provide that a deduction may not be allowed under paragraph (*d*) of subsection (1) of section 85B in computing the income of a taxpayer for a taxation year where that taxpayer ceases to be resident in Canada or becomes exempt from tax in that year or in the next following year.

*Clause 19:* This clause would add a new Part IIE to the Act to impose tax on the acquisition by a trust governed by a deferred profit sharing plan of non-qualified investments, the use of property of such a trust as security for a loan, the failure of such a trust to dispose of non-qualified investments held by it on December 21, 1966 within the time limits specified in the Part, and on amounts forfeited in such a trust that are not reallocated within the limits so specified. This amendment is related to the amendments proposed in clause 15.

the time the property is used as security, of the property so used, as the case may be.

Payment of tax.

(2) A trustee of a trust liable to pay tax under subsection (1) shall remit the amount of the tax to the Receiver General of Canada within 10 days of the day on which the non-qualified investment is acquired or the property is used as security for a loan, as the case may be.

Trustee liable for tax.

(3) Where a trustee of a trust liable to pay tax under subsection (1) does not remit to the Receiver General of Canada the amount of the tax within the time specified in subsection (2), the trustee is personally liable to pay on behalf of the trust the full amount of the tax and is entitled to recover from the trust any amount paid by him as tax under this section.

Refund of tax on disposition of non-qualified investment.

(4) Where a trust disposes of a non-qualified investment the acquisition of which resulted in the imposition of tax under this section, the trust is, upon application in accordance with section 105o, entitled to a refund of an amount equal to the lesser of

(*a*) the amount of the tax imposed under this section as a result of the acquisition, or

(*b*) the proceeds of disposition of the non-qualified investment.

Refund of tax on recovery of property given as security.

(5) Where a loan, for which a trust has used or permitted to be used trust property as security, ceases to be extant, the trust is, upon application in accordance with section 105o, entitled to a refund of an amount equal to the amount remaining, if any, when

(*a*) the net loss (exclusive of payments by the trust as or on account of interest) sustained by the trust in consequence of its using or permitting to be used the property as security for the loan and not as a result of a change in the fair market value of the property

is deducted from

(*b*) the tax imposed under this section in consequence of the trust's using or permitting to be used the property as security for the loan.

Special rules relating to life insurance policies.

(6) For the purposes of this section,

(*a*) the acquisition of an interest in or the payment of an amount under a life insurance policy shall be deemed not to be the acquisition of a non-qualified investment, and

(*b*) the disposition of an interest in a life insurance policy shall be deemed not to be the disposition of a non-qualified investment,

except that where a trust governed by a deferred profit sharing plan or revoked plan makes a payment under

or to acquire an interest in a life insurance policy, other than a life insurance policy under which

(*c*) the trust is, or is by virtue of the payment about to become, the only person entitled

(i) to receive the insurance proceeds payable on the death of the insured person,

(ii) to receive any amount as or on account or in lieu of payment of, or in satisfaction of, the cash surrender value of the policy, and

(iii) to designate persons as beneficiaries under the policy,

(*d*) the cash surrender value of the policy (exclusive of accumulated dividends) is or will be, at a time before the 71st anniversary of the birth of the insured person, if all premiums under the policy are paid, not less than the maximum total amount (exclusive of accumulated dividends) payable by the insurer under the policy, and

(*e*) the total of the premiums payable in any year under the policy is not greater than the annual premium payable under the policy at the time the policy was issued,

the making of the payment shall be deemed to be the acquisition of a non-qualified investment at a cost equal to the amount of the payment.

Idem. (7) Notwithstanding subsection (6), where the aggregate of all payments made in a year by a trust governed by a deferred profit sharing plan or revoked plan under or to acquire interests in life insurance policies does not exceed an amount equal to 25% of the aggregate of all amounts paid to the trust in the year under the plan for the benefit of beneficiaries thereunder, the making of the payments under or to acquire interests in such policies shall be deemed, for the purposes of this section, not to be the acquisition of non-qualified investments.

Idem. (8) Where a trust surrenders, cancels, assigns or otherwise disposes of its interest in a life insurance policy,

(*a*) the trust shall be deemed, for the purposes of subsection (4), to have disposed of each non-qualified investment that, by virtue of payments under the policy, it was deemed by subsection (6) to have acquired, and

(*b*) the proceeds of the disposition shall be deemed to be the amount, if any, by which

(i) the amount received by the trust in consequence of the surrender, cancellation, assignment or other disposition of its interest in the policy

exceeds the aggregate of

(ii) each amount paid by the trust under or to acquire an interest in the policy, the payment of which is deemed by this section not to be the acquisition of a non-qualified investment, and

(iii) the cash surrender value on December 21, 1966 of the interest of the trust in the policy on that date.

Tax on initial non-qualified investments not disposed of.

**105L.** (1) Every trust governed by a deferred profit sharing plan or revoked plan shall pay a tax

(*a*) for 1967, equal to the amount, if any, by which 20% of the initial base of the trust exceeds the proceeds of disposition of its initial non-qualified investments disposed of after December 21, 1966 and before 1968;

(*b*) for 1968, equal to the amount, if any, by which 40% of the initial base of the trust exceeds the aggregate of

(i) the proceeds of disposition of its initial non-qualified investments disposed of after December 21, 1966 and before 1969, and

(ii) the tax payable by the trust determined under paragraph (*a*);

(*c*) for 1969, equal to the amount, if any, by which 60% of the initial base of the trust exceeds the aggregate of

(i) the proceeds of disposition of its initial non-qualified investments disposed of after December 21, 1966 and before 1970, and

(ii) the tax payable by the trust determined under paragraphs (*a*) and (*b*);

and

(*d*) for 1970, equal to the amount, if any, by which 100% of the initial base of the trust exceeds the aggregate of

(i) the proceeds of disposition of its initial non-qualified investments disposed of after December 21, 1966 and before 1971, and

(ii) the tax payable by the trust determined under paragraphs (*a*), (*b*) and (*c*).

Refund.

(2) Where at the end of a year,

(*a*) the aggregate of all taxes paid by a trust under subsection (1)

exceeds

(*b*) the aggregate of

(i) all refunds made to the trust under this subsection, and

(ii) the amount, if any, by which the initial base of the trust exceeds the proceeds of disposition of its initial non-qualified investments disposed of after December 21, 1966 and before the end of the year,

the trust is, upon application in accordance with section 105o, entitled to a refund equal to the amount by which the aggregate described in paragraph (*a*) exceeds the aggregate described in paragraph (*b*).

Distribution deemed disposition.

**105M.** For the purposes of this Part a distribution by a trust of a non-qualified investment to a beneficiary of the trust shall be deemed to be a disposition of that non-qualified investment and the proceeds of disposition of that non-qualified investment shall be deemed to be its fair market value at the time of such distribution.

Tax on forfeitures.

**105N.** (1) Every trust governed by a deferred profit sharing plan or revoked plan shall, for each year after 1965, pay a tax equal to 50% of the amount, if any, by which

(*a*) the amount forfeited in the trust in the year,

exceeds the aggregate of

(*b*) the amount or value of funds or property of the trust appropriated to or for the benefit of the employer in the year and included in his income by virtue of subsection (12) of section 79c, and

(*c*) the aggregate of amounts determined under subsection (2) for the year in respect of each employee who was a beneficiary under the plan.

Idem.

(2) The amount determined for the purposes of paragraph (*c*) of subsection (1) for a year in respect of an employee who was a beneficiary under a deferred profit sharing plan or revoked plan is the lesser of

(*a*) such portion of the amount forfeited in the trust in the year as was reallocated in the year to that employee, or

(*b*) the amount, if any, by which

(i) the product obtained when $2,000 is multiplied by the number of years in which the employee was a beneficiary under the plan or under any antecedent deferred profit sharing plan that governed a trust to which payments were made under the antecedent plan for the benefit of bene-

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ficiaries thereunder by the employee's employer,

exceeds the aggregate of

(ii) amounts deducted under subsection (7) of section 79c in respect of the employee in computing the income of the employee's employer for the taxation year ending in or coincidentally with the year or for a previous taxation year,

(iii) amounts determined in respect of the employee for the purposes of paragraph (*c*) of subsection (1) for years preceding the year, and

(iv) amounts forfeited in the trust before December 21, 1966 to the extent that they have been reallocated to the employee on or before the last day of the year for which the determination is made.

Amount forfeited in a trust.

(3) In this section "amount forfeited" in a trust governed by a deferred profit sharing plan or revoked plan in any period means the aggregate of each amount in respect of a person who ceased in the period to be a beneficiary under the plan,

(*a*) that at any time before the end of the period was allocated or reallocated, contingently or otherwise, by the trust to that person, and

(*b*) that did not vest irrevocably in that person at or before the time at which he ceased to be a beneficiary under the plan.

Deemed allocation.

(4) For the purposes of subsection (3), an amount paid whether before, on or after December 21, 1966, under a deferred profit sharing plan by an employer to a trustee under the plan in respect of an employee shall be deemed to have been allocated by the trustee to that employee at the time it was so paid.

Returns and payment of estimated tax.

**105o.** (1) Within 90 days from the end of each year after 1965, a trustee of every trust governed by a deferred profit sharing plan or revoked plan shall

(*a*) file with the Minister a return for the year under this Part in prescribed form and containing prescribed information, without notice or demand therefor,

(*b*) estimate in the return the amount of tax payable by the trust under this Part for the year,

(*c*) estimate in the return the amount of any refund to which the trust is entitled under this Part for the year, and

(*d*) pay to the Receiver General of Canada the unpaid balance of the trust's tax for the year minus any refund to which it is entitled under this Part, or apply in the return for any amount owing to it.

Consideration of application for refund.

(2) Where a trustee of a trust has made application for an amount owing to it pursuant to subsection (1), the Minister shall

(*a*) consider the application;

(*b*) determine the amount of any refund; and

(*c*) send to the trustee a notice of refund and any amount owing to the trust, or a notice that no refund is payable.

Application of certain provisions of Part I.

(3) Subsection (2) of section 44, section 46, section 51, subsection (1) of section 54 and sections 55 to 61A are applicable *mutatis mutandis* to this Part and for the purposes of the application of those sections to this Part, a notice of refund under this section shall be deemed to be a notice of assessment.

Idem.

(4) Subsections (3) and (3a) of section 57 are applicable *mutatis mutandis* to refunds of tax under subsection (4) or (5) of section 105K or subsection (2) of section 105L.

Interest.

(5) In addition to the interest payable under subsection (1) of section 54, where a taxpayer, being required by section 105K to pay a tax, has failed to pay all or any part thereof as required, he shall, on payment of the amount he failed to pay, pay interest at 6% per annum from the day on or before which he was required to make the payment to the day of payment or the beginning of the period in respect of which he becomes liable to pay interest thereon under subsection (1) of section 54, whichever is earlier.

Application to other taxes.

**105P.** Instead of making a refund to which a trust is entitled under subsection (4) or (5) of section 105K or under subsection (2) of section 105L, the Minister may, where the trust is liable or about to become liable to make another payment under this Act, apply the amount of the refund or any part thereof to that other liability and notify a trustee of the trust of that action.

Definitions. "Equity share." "Initial base."

**105Q.** In this Part,

(*a*) "equity share" means an equity share within the meaning of section 139A;

(*b*) "initial base" of a trust means the aggregate of the values of all initial non-qualified investments held by the trust on December 21, 1966 when each such investment is valued at the lower of

(i) its cost to the trust, or
(ii) its fair market value on December 21, 1966;

"Initial non-qualified investment."

(*c*) "initial non-qualified investment" of a trust means a non-qualified investment held by the trust on December 21, 1966 but does not include
(i) any interest in a life insurance policy, or
(ii) an equity share that would be a qualified investment if the date of acquisition of the share were December 21, 1966;

"Non-qualified investment."

(*d*) "non-qualified investment" means property that is not a qualified investment for a trust governed by a deferred profit sharing plan or revoked plan within the meaning of paragraph (*e*);

"Qualified investment."

(*e*) "qualified investment" for a trust governed by a deferred profit sharing plan or revoked plan means
(i) money, including balances standing to the trust's credit in the records of a bank to which the *Bank Act* or the *Quebec Savings Banks Act* applies,
(ii) bonds, debentures, notes, mortgages, hypothecs or similar obligations described in clause (C) of subparagraph (ii) of paragraph (*b*) of subsection (1) of section 106, whether issued before, on or after April 15, 1966,
(iii) bonds, debentures, notes or similar obligations of a corporation the shares of which are listed on a prescribed stock exchange in Canada, other than those described in paragraph (*c*) of subsection (2) of section 79c,
(iv) shares listed on a prescribed stock exchange in Canada,
(v) shares of a corporation defined by section 69 to be an investment company,
(vi) equity shares of a corporation by which, before the date of acquisition by the trust of the shares, payments have been made in trust to a trustee under the plan for the benefit of beneficiaries thereunder, if the shares are of a class in respect of which
(A) there is no restriction on their transferability, and
(B) in each of 4 taxation years of the corporation in the period of the corporation's 5 consecutive taxation years that ended less than 12 months before the date of acquisition of the shares by the trust, and in the cor-

poration's last taxation year in that period, the corporation

1. paid a dividend on each share of the class of an amount not less than 4% of the cost per share of the shares to the trust, or
2. had earnings attributable to the shares of the class of an amount not less than the amount obtained when 4% of the cost per share to the trust of the shares is multiplied by the total number of shares of the class that were outstanding immediately after such acquisition,

(vii) guaranteed investment certificates issued by a trust company incorporated under the laws of Canada or of a province,

(viii) investment contracts described in clause, (B) of subparagraph (ii) of paragraph (*h*) of subsection (1) of section 79B and issued by a corporation approved by the Governor in Council for the purposes of that clause,

(ix) shares listed on a prescribed stock exchange in a country other than Canada and not listed on a prescribed stock exchange in Canada, to the extent that the cost to the trust of all such shares held by the trust immediately after the latest acquisition by the trust of any such shares is not greater than 10% of the cost to the trust of all property held by it immediately before such acquisition, and

(x) such other investments as may be prescribed by regulations of the Governor in Council made on the recommendation of the Minister of Finance; and

"Revoked plan."

(*f*) "revoked plan" means a deferred profit sharing plan the registration of which has been revoked by the Minister pursuant to subsection (13) of section 79c."

(2) This section shall be deemed to have come into force on December 21, 1966, and for the purposes of sections 105N and 105O, the year 1966 shall be deemed to be that portion of the year that follows December 21, 1966.

**20.** Subsection (2) of section 107 of the said Act is repealed and the following substituted therefor:

Idem.

"(2) For the purpose of subsection (1) and of this subsection, if 90% of the aggregate of the amounts received or receivable by a corporation that are required to be included in computing its income for a taxation year was received or receivable in respect of the operation by it of public utilities or from the mining, transporting and processing of ore, an amount received or receivable in that year from that corporation by another corporation shall if it is required to be included in computing the receiving corporation's income for the year, be deemed to have been received by the receiving corporation in respect of the operation by it of public utilities or from the mining, transporting and processing of ore by it in the country in which the public utilities were operated or the mining, transporting and processing of ore was carried out by the payer corporation."

**21.** The said Act is further amended by adding thereto, immediately after section 130 thereof, the following section:

Application for assignment of Social Insurance Number.

"**130A.** (1) Every individual who is required by paragraph (*d*) of subsection (1) of section 44 to file a return of his income for a taxation year after 1966 shall, on or before the first day of February of the year after the year for which the return is required, unless he has previously been assigned or made application to be assigned a Social Insurance Number, apply to the Minister of National Health and Welfare in prescribed form and manner for the assignment to him of a Social Insurance Number.

Failure to show Social Insurance Number.

(2) Every person who has filed a return of his income for a taxation year after 1966 and has failed to show therein the Social Insurance Number that has been assigned to him or for which he is required by this section to apply shall be deemed to have failed to complete the information on a prescribed form as required by or pursuant to section 44."

**22.** (1) Section 133 of the said Act is amended by adding thereto, immediately after subsection (5) thereof, the following subsections:

Appeal from order or direction.

"(5a) An order or direction made in the course of or in connection with any legal proceedings requiring an official or authorized person to give evidence relating

*Clause 20:* The purpose of this amendment, which adds the underlined words, is to provide that the extended meaning given to the words "operation by it of public utilities" by the subsection is also given to the words "from the mining, transporting and processing of ore" that were added to subsection (1) of section 107 by *An Act to amend the Income Tax Act*, chapter 47 of the Statutes of Canada, 1966.

Subsection (1) of section 107 at present reads as follows:

"**107.** (1) Tax is not payable by a non-resident person under subsection (1a) of section 106 on a dividend in respect of a share of the capital stock of a foreign business corporation if not less than 90% of the aggregate of the amounts received or receivable by it that are required to be included in computing its income for the taxation year in which the dividend was paid was received or receivable in respect of the operation by it of public utilities or from mining, transporting and processing of ore in a country in which

(*a*) if the non-resident person is an individual, he resides, or

(*b*) if the non-resident person is a corporation, individuals who own more than 50% of its share capital (having full voting rights under all circumstances) reside."

*Clause 21:* The purpose of this amendment, which would add a new section 130A to the Act, is to require that any individual who is required by the Act to file a return of his income must file an application for a Social Insurance Number if a Social Insurance Number has not previously been assigned to him. In addition, he would be required to show his social insurance number on his income tax return to facilitate the carrying out of the administrative responsibilities of the Department of National Revenue.

*Clause 22:* The purpose of this amendment is to provide for an appeal by the Minister of National Revenue or an official or authorized person from an order or direction requiring the giving of evidence relating to any information or the production of any material obtained by or on behalf of the Minister for the purpose of the *Income Tax Act*.

to any information or produce any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act, may, by notice served upon all interested parties, be appealed forthwith by the Minister or by the person against whom the order or direction is made to

(*a*) the court of appeal of the province in which the order or direction is made, in the case of an order or direction made by a court or other tribunal established by or pursuant to the laws of the province, whether or not such court or tribunal is exercising a jurisdiction conferred by the laws of Canada; or

(*b*) the Supreme Court of Canada, in the case of an order or direction made by a court or other tribunal established by or pursuant to the laws of Canada.

Disposition of appeal.

(5b) The court to which an appeal is taken pursuant to subsection (5a) may allow the appeal and quash the order or direction appealed from or dismiss the appeal, and the rules of practice and procedure from time to time governing appeals to the court shall apply, *mutatis mutandis*, to an appeal instituted pursuant to subsection (5a).

Stay of order or direction.

(5c) An appeal instituted pursuant to subsection (5a) shall stay the operation of the order or direction appealed from until judgment is pronounced."

(2) Subsection (7) of section 133 of the said Act is amended by striking out the word "and" at the end of paragraph (*a*) thereof, by adding the word "and" at the end of paragraph (*b*) thereof and by adding thereto the following paragraph:

"Court of appeal."

"(*c*) "court of appeal" has the meaning assigned by subparagraphs (*a*) to (*j*) of paragraph (9) of section 2 of the *Criminal Code*."

**23.** (1) Subsection (4) of section 38 of the said Act is amended by striking out the reference therein to subsection (4) of section 10 of the *Old Age Security Act* and by substituting therefor a reference to subsection (4) of section 22 of that Act.

(2) Subsection (3) of section 117 of the said Act is repealed.

(3) This section shall be deemed to have come into force on the day during the First Session of the Twenty-seventh Parliament on which an Act entitled *An Act to amend the Old Age Security Act* is assented to.

*Clause 23:* The amendments proposed in this clause are consequential on the amendments to the *Old Age Security Act* set out in Bill C-251 now before Parliament. That Bill provides that section 10 of the *Old Age Security Act* is to be renumbered as section 22. Subsection (2) of section 17 of the *Old Age Security Act*, as contained in clause 3 of the Bill to amend that Act, will remove the necessity for subsection (3) of section 117 of the *Income Tax Act* which presently reads as follows:

> "(3) Notwithstanding subsection (1) of section 9 of the *Old Age Security Act*, the Minister of National Health and Welfare may communicate or allow to be communicated to the Minister or any officer or servant employed in connection with the administration or enforcement of this Act, if designated by the Minister for the purpose, upon request of the Minister, information as to the amount of any pension under the *Old Age Security Act* authorized to be paid to a taxpayer for a year."

R.S. c. 43; 1952-53, c. 14; 1957-58, c. 12.

**24.** (1) The *Canadian Vessel Construction Assistance Act* is repealed.

(2) Prescribed classes constituted under the *Canadian Vessel Construction Assistance Act* shall, on the coming into force of this section, be deemed to be prescribed classes for the purposes of paragraph (*a*) of subsection (1) of section 11 and section 20 of the *Income Tax Act* and the capital cost of property in each such class shall be deemed to be the capital cost of the property in the class, as determined under the *Canadian Vessel Construction Assistance Act* immediately before the coming into force of this section.

C-260.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-260.

An Act to incorporate the Canadian Development Corporation.

First reading, December 21, 1966.

Mr. OTTO.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

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1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-260.

An Act to incorporate the Canadian Development Corporation

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short title.

**1.** This Act may be cited as the *Canadian Development Act.*

INTERPRETATION

Definitions.

**2.** In this Act,

"Board of Directors."

(*a*) "Board of Directors" or "Board" means the Board of Directors of the Corporation;

"Corporation."

(*b*) "Corporation" means the Canadian Development Corporation;

"Director."

(*c*) "director" means any member of the Board of Directors;

"Executive Committee."

(*d*) "Executive Committee" means the Executive Committee of the Board;

"Minister."

(*e*) "Minister" means the Minister of Finance.

(*f*) An applicant for insurance is a person or Company applying for insurance under this Act.

(*g*) Approved shares are such shares of public corporations which have been approved by the Governor in Council as insurable under this Act.

(*h*) Approved company is a public company which has filed its financial statements and statements of affairs with the Corporation and where the Corporation having reviewed the complete operation of the company has issued a certificate of approval to the said company.

## PART I

### Constitution of Corporation

Corporation.

**3.** There is hereby established a Corporation called the "Canadian Development Corporation", consisting of the Minister and those persons who from time to time comprise the Board of Directors.

Head Office.

**4.** The Head Office of the Corporation shall be in the city of Ottawa.

Agent of Her Majesty.

**5.** (1) Except as provided in section 14, the Corporation is for all purposes an agent of Her Majesty in right of Canada and its powers under this Act may be exercised by it only as an agent of Her Majesty.

Contracts.

(2) The Corporation may, on behalf of Her Majesty, enter into contracts in the name of Her Majesty or in the name of the Corporation.

Property.

(3) Property acquired by the Corporation is the property of Her Majesty and title thereto may be vested in the name of Her Majesty or in the name of the Corporation.

Legal proceedings.

(4) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Corporation on behalf of Her Majesty, whether in its name or in the name of Her Majesty, may be brought or taken by or against the Corporation in the name of the Corporation in any court that would have jurisdiction if the Corporation were not an agent of Her Majesty.

G. in C. to give direction.

(5) The Corporation shall comply with any directions from time to time given to it by the Governor in Council or the Minister respecting the exercise or performance of its powers, duties and functions.

Board of Directors.

**6.** (1) The Board of Directors shall consist of the President, a Vice-President who shall be designated by the Governor in Council and eight other members, three of whom shall be selected from the public service of Canada and five of whom shall be selected from outside the public service of Canada.

Directors from public service.

(2) The three directors selected from the public service of Canada shall be appointed by the Governor in Council and hold office during pleasure, and the five directors selected from outside the public service of Canada shall be appointed and hold office as provided in section 8.

Idem.

(3) Where a director is a member of the public service of Canada, the Governor in Council may authorize another member of the public service of Canada to act as director in his stead and the member while so acting shall be deemed to be a director.

Salaries of President and Vice-President.

**7.** (1) The Board, with the approval of the Governor in Council shall appoint and fix the salaries of the President and three Vice-Presidents.

Term of office.

(2) The President and Vice-Presidents hold office during good behaviour for a term of seven years but are removable by the Governor in Council, on a resolution of the Board, for permanent incapacity or for other cause.

Re-appointment.

(3) The President and Vice-President on the expiration of their term of office may, if eligible, be re-appointed.

Directors.

**8.** (1) The Minister with the approval of the Governor in Council shall appoint five Directors to hold office during the following terms:

(*a*) One director to hold office until the 1st day of April, 1972.

(*b*) Two Directors to hold office until the 1st day of April, 1973.

(*c*) Two Directors to hold office until the 1st day of April, 1974,

and shall, with the approval of the Governor in Council, on the expiration of the terms of office of the Directors so appointed and at intervals of three years thereafter appoint a corresponding number of directors to hold office for a term of three years.

Removal.

(2) When in the opinion of the Board a director appointed under this section becomes permanently incapacitated he may be removed from office by resolution of the Board approved by the Governor in Council.

Vacancy.

(3) Where the office of a director becomes vacant during the term of the director appointed thereto, the Minister shall with the approval of the Governor in Council, appoint a director for the remainder of the said term.

Re-appointment.

(4) A director on the expiration of his term of office may, if eligible, be re-appointed.

Fees.

(5) The Directors appointed under this section are entitled to receive for attendance at Director's meetings and Executive Committee Meetings, such fee as may be fixed by the by-laws of the Corporation, but the aggregate amount of the fees paid to all directors, exclusive of expenses, shall not in any year exceed 25 thousand dollars.

Disqualifications.

**9.** (1) No person shall be appointed as President or Vice-President, or, under section 8, as a director, and no person shall continue to hold any such office who

(*a*) is a director, officer or employee of an approved Company, whose shares are subject to insurance under this Act.

(*b*) is a shareholder or beneficial owner of any shares of any Company whose shares may be insured under this Act.

(*c*) is not a Canadian citizen.

(*d*) is employed in any capacity in the public service of Canada or of any Province of Canada, or holds any office or position for which any salary is payable out of public moneys, but nothing in this paragraph prohibits the said persons from holding office while performing temporary services for the Government of Canada or of any province, or

(*e*) has reached the age of sixty-five years.

Duty of a director who is a shareholder.

(2) A person appointed as President or Vice-President, or under section 8, as a director, who is a shareholder of a Company, whose shares are insurable under this Act as defined herein shall divest himself of ownership of his shares of the said Company within three months after the date of his appointment and shall not thereafter during his term of office have an interest either directly or indirectly as a shareholder of the said Company.

Failure to comply.

(3) A person appointed as President or Vice-President or under section 8, as a director who fails to comply with the provisions of subsection (2) thereupon ceases to hold office.

Executive Committee.

**10.** There shall be an Executive Committee of the Board consisting of the President, the Vice-President designated a member of the Board by the Governor in Council, and two other directors selected by the Board.

## Conduct of Business of Corporation

Management.

**11.** (1) The Board shall manage the affairs of the Corporation and conduct its business and may for such purposes exercise all powers of the Corporation.

Votes.

(2) Each director has one vote in the transaction of the business of the Board and if the number of votes are equal the President has an additional vote.

By-laws.

(3) The Board, with the approval of the Governor in Council may make by-laws not inconsistent with the provisions of this Act with respect to

(*a*) the calling of meetings of the Board and of the Executive Committee and the number of persons that shall constitute a quorum in each case and the manner in which questions considered at such meetings shall be determined.

(*b*) the fees of directors, and

(*c*) the conduct of the affairs of the Corporation.

No by-law is effective until approved by the Governor in Council and upon becoming effective shall be published in the Canada Gazette.

Powers.

**12.** The Executive Committee may exercise the powers of the Board and shall submit at each meeting of the Board, minutes of its proceedings since the last preceding meeting of the Board.

Direction and control.

**13.** (1) The President is the chairman of the Board of Directors and the Chief Executive Officer of the Corporation and has on behalf of the Board, the direction and control of the business of the Corporation with authority to act in the conduct of the business of the Corporation in all matters that are not by this Act or by the by-laws, specifically reserved to be done by the Board or by the Executive Committee.

In case of vacancy.

(2) In the event of the absence or incapacity of the President, or if the office of President is vacant,

(*a*) the Vice-President designated a member of the Board by the Governor in Council, or

(*b*) in the event of the absence or incapacity of the vice-President referred to in paragraph (*a*) or if that office is vacant, such director or officer of the Company as shall be designated by the Board,

has and may exercise and perform all the powers and functions of the President.

Officers and employees.

**14.** (1) The Corporation may on its own behalf employ such officers and employees for such purposes and on such terms and conditions as may be determined by the Executive Committee and such officers and employees are not officers or servants of Her Majesty.

Oath.

(2) Each officer or employee employed by the Corporation shall before entering upon its duties, take, before a Justice of the Peace or a Commissioner for Oaths, an Oath of Fidelity and Secrecy in the form prescribed in the Schedule.

Pension fund.

(3) The Board may establish a pension fund for the officers and employees of the Corporation and their dependants and may contribute to it out of the funds of the Corporation and the pension fund shall be invested in securities in which a trust company may invest under the *Trust Companies Act.*

Branches and agents.

**15.** The Corporation may establish branches or employ agents in any part of Canada.

Officers, etc. may be authorized to act.

**16.** The President may authorize any officer, agent or employee of the Corporation to act in the conduct of the business of the corporation in all matters which are not by this Act or by the by-laws of the Corporation specifically reserved to be done by the Board or by the Executive Committee.

## Capital

Capital of the Corporation.

**17.** (1) The capital of the Corporation shall be such as the Board of Directors with the approval of the Minister deems sufficient for the objects of the Corporation and the Board with the approval of the Minister may from time to time subscribe such capital through debentures, warrants, notes and any other means it deems advisable through public subscription, institutional investment and any other source available to it as it deems fit and advisable.

Guarantee.

(2) The Minister with the advice of the Governor General in Council may if he deems advisable and at the request of the Board guarantee such loans, investments, certificates and notes through which the capital of the Corporation is subscribed.

## Powers of Corporation

Insurance policy.

**18.** (1) The Corporation may issue an insurance policy to insure the purchase price to the purchaser in respect to the purchase of shares insurable under the provision of this Act.

Undertaking.

(2) The Corporation may prior to the issue of an insurance policy in respect to the purchase of such approved shares give to the prospective purchaser an undertaking that it will issue the insurance policy if the purchasers of the said shares comply to the regulations under this Act.

Issue of policy.

(3) Where the approved shares are purchased by a purchaser in accordance with this Act, and the insurance fee in respect thereof has been paid the Corporation shall at the request of the purchaser issue to the purchaser an insurance policy in respect of the said purchase of shares.

Undertaking.

(4) Where shares of an approved Company have not yet been issued the Corporation may prior to the issuance of such shares give to the proposed purchaser of the said shares an undertaking that it will issue the insurance policy under such terms and conditions as the Corporation may see fit and in accordance with this Act.

Insurance fee.

**19.** (1) There shall be charged to the purchaser or proposed purchaser at the time of the making or issuance of an insurance policy in connection with the purchase price of approved shares an insurance fee which shall be collected by the Corporation which shall be payable to the corporation at the time that the Insurance Policy is issued.

Fee to be set by corporation.

(2) The insurance fee shall be set by the Corporation from time to time on each type of share and the Corporation shall have the power to change and readjust the said insurance from time to time in accord with its judgement provided that;

(*a*) once the said insurance policy is issued to a purchaser in accord with this Act, it shall not be subject to change for so long as the shares are owned by the purchaser to whom the insurance policy has been issued.

(*b*) Nothing shall prevent a readjustment of the insurance fee where such shares are transferred, sold or assigned to a new purchaser.

(*c*) The insurance policy issued under the Act in respect to the purchase of shares which have been approved ceases to be in force if the said shares are sold to a person other than the purchaser to whom the said insurance policy has been issued, unless the subsequent purchaser or assignee obtains a continuation of the said insurance policy by paying such fees as are required in accord with the regulations.

How fee to be calculated.

**20.** For the purpose of section 19, the insurance fee shall be calculated on the purchase price of the said approved shares and the insurance fee shall be determined by the Corporation, taking into consideration risks, financial stability and other considerations of the Company having issued such shares.

Conditions for insurance of shares.

**21.** Shares of an approved Company in the hands of a purchaser are insurable if;

(*a*) The applicant purchaser applying for the insurance policy is a Canadian citizen resident in Canada.

(*b*) The Company having issued the shares is a public Canadian Company, carrying on business in Canada, and having its head office in Canada.

(*c*) The Corporation has examined the books, financial statement and statement of affairs of the Company and has approved the Company to have the shares insurable under this Act;

Proviso.

Provided that an insurance policy shall not be issued to a Limited Company as a purchaser applicant, save and except where the Limited Company is a private company incorporated in Canada and carrying on business in Canada and all of whose shareholders are Canadian citizens resident in Canada.

INSURANCE SETTLEMENT

Payment of insured value.

**22.** (1) Where the insured purchaser holding or administering an insurance policy issued under this Act desires to realize on the insurance policy and where the market price of the insured shares has fallen below the insured value and where the corporation is satisfied that the insured owner of such shares has not been responsible directly or indirectly for the decline in the market price of such shares and where the insured owner of such shares conveys to the corporation clear and unincumbered title and right to such shares in accord with the regulations hereunder, the Corporation shall pay to the insured the insured value of such shares.

(2) No payment shall be made under this section unless at the time of the conveyance and assignment by the insured to the Corporation of all right, title and interest in the approved shares is clear and unincumbered, the insurance fee has been paid up to the time of such request for realization on the said insurance the insured person claiming under the said insurance is the person having subscribed to the said insurance policy and has not assigned the said policy contrary to section 19 hereunder.

ANCILLARY POWERS

Ancillary powers.

**23.** The Corporation may:—

(*a*) Purchase all and any Right, Title and Interest of any Company, private or public, and may consolidate, merge and deal with Companies under such terms and conditions which in the opinion of the Board of Directors of the Corporation shall comply with the object of this Act;

(*b*) The Corporation may issue such shares of Companies which it controls as it deems advantageous and may sell and distribute such shares to the general public on such terms and conditions as it may determine;

25369—2

(*c*) The Corporation may re-assign, and reinsure any part or all of its risk through private financial agencies as it deems necessary or reasonable and may borrow such funds from the Bank of Canada, or any incorporated bank or trust company, to carry out the objects of the Corporation in accordance with this Act;

(*d*) In realizing upon any guarantee, hypothecation, or other security, assigned to it or acquired by it the Corporation may take title to real or immovable property, stocks, shares, bonds, warrants, and certificates of any kind or nature whatsoever and may sell or dispose of such property as it deems desirable;

(*e*) Acquire and hold property both real or personal and of every nature, and kind whatsoever for its own use in the operation and management of its business, sell or dispose of the same and acquire such property in its stead for the same purposes.

(*f*) Open deposit accounts with the Bank of Canada or any bank incorporated under the *Bank Act*;

(*g*) Invest in securities of or guaranteed by Canada and of any securities in any approved company.

(*h*) Borrow from the Minister and expend monies so appropriated to it by the Minister or expend any monies appropriated.

(*i*) Exercise or perform any other powers, duties or functions conferred on or required to be performed by the Corporation under any other Act or order in Council.

(*j*) Do any act or thing incidental to the conduct of the business of the Corporation.

Amount paid in lieu of taxes.

**24.** Where title to real or personal property of any nature and kind whatsoever becomes vested in the name of the Corporation or of Her Majesty, whether alone or jointly with any other person in consequence of the foreclosure or other proceedings by way of realizing on hypothecation, taken in respect a guarantee, hypothecation or assignment to the Corporation or to which Her Majesty is a party under this Act, the Corporation may pay to a municipal or other taxing authority an amount equivalent to the taxes that might be levied in respect of the said property or of the interest of the Corporation or of Her Majesty therein by the said authority if the said property or interest were not so vested and may enter into such agreement as may be necessary to give effect to the provisions of this section.

INSURANCE FUND

Insurance Fund.

**25.** (1) The Corporation shall establish a fund known as the Insurance Fund, in this part and hereinafter called "fund" into which will be paid all insurance fees received by the corporation under this section and subsections and any and all property of any nature and kind whatsoever acquired by the corporation under this Act and investments made out of this Fund which shall compose the assets of the fund.

Investment of Fund.

(2) The Corporation may invest all and any part of the fund in obligations of or shares in any corporation in accord with the regulations approved by the Governor in Council.

Fees not taxable.

(3) Insurance fees paid into the fund, property acquired as assets of the fund and all and any returns on investments of any kind and nature along with the assets of the fund shall not be taxable income of the Corporation.

Payments to C.D.C.

(4) All payments required to be made to the Corporation under this Act shall be made payable to the Canadian Development Corporation.

RESERVE FUND

Reserve fund.

**26.** (1) The Corporation may establish a reserve fund and the profits of the Corporation in each fiscal year remaining after such provision as the Board thinks proper for bad and doubtful debts, guarantees, depreciation on assets and all such other matters as in the opinion of the Board shall be provided for, shall be credited to the reserve fund.

Payment of monies.

(2) When the reserve fund has reached a total which the board feels of sufficient security, the corporation shall pay back any monies lent to the Corporation.

Profits.

(3) Any profits of the Corporation that would be credited to the reserve fund, shall be used first to repay any loans made to the Corporation by the Minister and other loans, and at the discretion of the Board such profits over and above the amount required to be kept in reserve shall be paid to the Receiver General.

REGULATIONS

Regulations.

**27.** The Governor in Council may by regulation:—

(*a*) determine the maximum and minimum amounts of insurance available to any individual applicant;

(*b*) determine the minimum and maximum periods of insurance under this Act;

(*c*) determine the maximum charges, and fees that may be charged in respect to such Insurance policies;

(*d*) authorize the type of security and/or hypothecation and regulate the type of investments;

(*e*) prescribe the form of the insurance policy that may be issued in respect to the insured shares and the type of hypothecation that shall be taken in respect thereof;

(*f*) prescribe such other forms as may be required in connection with the making of or administration of an insurance policy;

(*g*) make any provision for any matters concerning which he deems regulations are necessary or desirable to carry out the purposes or provisions of this Act;

(*h*) prescribe from time to time and regulate the types of Corporation whose shares shall be insured by the Corporation and shall vary the minimum and maximum amounts to be insured as it is deemed desirable in the National interest.

C-261.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-261.

An Act to establish the Canada Deposit Insurance Corporation.

First reading, January 11, 1967.

THE MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25444

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-261.

An Act to establish the Canada Deposit Insurance Corporation.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

## SHORT TITLE.

Short title.

**1.** This Act may be cited as the *Canada Deposit Insurance Corporation Act.*

## INTERPRETATION.

Definitions.

**2.** In this Act,

"Bank." (*a*) "bank" means a bank to which the *Bank Act* or the *Quebec Savings Banks Act* applies;

"By-laws." (*b*) "by-laws" means the by-laws of the Corporation;

"Chairman." (*c*) "Chairman" means Chairman of the Board of Directors of the Corporation;

"Corporation." (*d*) "Corporation" means the Canada Deposit Insurance Corporation established by this Act;

"Deposit." (*e*) "deposit" means a deposit as defined by the by-laws of the Corporation;

"Federal institution." (*f*) "federal institution" means a bank or company referred to in section 9;

"Member institution." (*g*) "member institution" means a corporation any of whose deposits are insured by the Corporation pursuant to this Act;

"Minister." (*h*) "Minister" means the Minister of Finance;

"Policy of deposit insurance." (*i*) "policy of deposit insurance" or "policy" means the instrument evidencing a contract of deposit insurance with a provincial institution; and

"Provincial institution (*j*) "provincial institution" means a company referred to in section 10.

Corporation established.

**3.** (1) There is hereby established a corporation, to be known as the Canada Deposit Insurance Corporation, having power to acquire, hold and alienate real and personal property.

Agent of Her Majesty.

(2) The Corporation is, for all purposes of this Act, an agent of Her Majesty, and its powers under this Act may be exercised only as an agent of Her Majesty.

Property.

(3) Property acquired by the Corporation is the property of Her Majesty and title thereto may be vested in the name of Her Majesty or in the name of the Corporation.

Proceedings.

(4) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Corporation on behalf of Her Majesty, whether in its name or in the name of Her Majesty, may be brought or taken by or against the Corporation in any court that would have jurisdiction if the Corporation were not an agent of Her Majesty.

Head office.

**4.** (1) The head office of the Corporation shall be at the City of Ottawa.

Offices and agents.

(2) The Corporation may establish offices or employ agents in any part of Canada.

Board of directors.

**5.** (1) There shall be a Board of Directors of the Corporation consisting of the person appointed as the Chairman and the persons who for the time being hold, respectively, the offices of the Governor of the Bank of Canada, the Deputy Minister of Finance, the Superintendent of Insurance and the Inspector General of Banks.

Alternate director.

(2) In the event of the absence or incapacity of any director other than the Chairman, the Minister may appoint, for a period not exceeding thirty days, an alternate for such director who shall serve on the Board of Directors during such absence or incapacity and who shall, while so serving, be deemed to be a member of the Board of Directors.

Travelling allowances.

(3) A member of the Board of Directors of the Corporation shall be paid by the Corporation reasonable travelling and living expenses incurred by him while absent from his ordinary place of residence in the course of his duties as a director, but no director other than the Chairman shall receive any other remuneration for his services on the Board of Directors.

Chairman.

**6.** (1) The Governor in Council, on the recommendation of the Minister, shall appoint a person of proven financial ability to be Chairman of the Board of Directors.

Term of office.

(2) The Chairman shall be appointed to hold office during good behaviour for a term of five years but may be re-appointed on the expiry of his term of office and may be removed at any time by the Governor in Council for cause.

Disqualification.

(3) No person is eligible to be appointed or to continue as Chairman who

(*a*) is not a Canadian citizen ordinarily resident in Canada;

(*b*) is a member of the Senate or House of Commons of Canada or a member of a provincial legislature;

(*c*) is a director, officer or employee of a federal institution or provincial institution; or

(*d*) has reached the age of seventy-five years.

Presiding at meetings.

(4) The Chairman shall preside at all meetings of the Board of Directors but where at any meeting the Chairman is absent one of the directors present thereat who is chosen so to act by the directors present shall preside and has and shall exercise the powers of the Chairman.

Remuneration of Chairman.

(5) The Chairman of the Board of Directors shall be paid by the Corporation such remuneration as may be fixed by the Governor in Council.

## Capital.

Authorized capital

**7.** (1) The authorized capital of the Corporation is ten million dollars divided into ten shares of the par value of one million dollars each.

Subscription.

(2) The Minister shall subscribe for the ten shares of the capital stock of the Corporation and shall pay the amount of such subscription out of the Consolidated Revenue Fund at such time as the Corporation may require.

Shares not transferable.

(3) The shares of the capital stock of the Corporation are not transferable and shall be registered in the books of the Corporation in the name of the Minister and held by him in trust for Her Majesty.

## Objects, Powers and Duties.

Objects.

**8.** The objects of the Corporation are

(*a*) to provide, for the benefit of persons having deposits with member institutions, insurance (herein referred to as "deposit insurance") against the loss of part or all of such deposits, by making payment to such persons to the extent and in the manner authorized by this Act;

(*b*) to provide the deposit insurance required by this Act for federal institutions and to enter into contracts of deposit insurance with provincial institutions;

(*c*) to examine into the affairs of member institutions for the purpose of obtaining information relative to deposit insurance; and

(*d*) to accumulate, manage and invest a deposit insurance fund and any other funds accumulated as the result of its operations.

Federal institutions.

**9.** For the purposes of this Act, the following are federal institutions:

(*a*) a bank;

(*b*) a company incorporated by or pursuant to an Act of the Parliament of Canada that accepts deposits from the public and to which the *Trust Companies Act* or the *Loan Companies Act* applies; and

(*c*) a company the incorporation of which is continued by or pursuant to an Act of the Parliament of Canada that accepts deposits from the public and to which the *Trust Companies Act* or the *Loan Companies Act* applies.

Provincial institutions.

**10.** For the purposes of this Act, an incorporated company that carries on, under a provincial Act or a constating instrument under provincial jurisdiction, the business of a trust company within the meaning of the *Trust Companies Act* or the business of a loan company within the meaning of the *Loan Companies Act*, or both such businesses, and that accepts deposits from the public is a provincial institution.

Powers of Corporation.

**11.** The Corporation may do all things necessary or incidental to the objects of the Corporation and in particular, but without limiting the generality of the foregoing, the Corporation may, in furtherance of its objects,

(*a*) acquire assets from a member institution, make loans or advances to a member institution and take security therefor and guarantee loans to or deposits with a member institution, for the purpose of reducing a risk to the Corporation or reducing or averting a threatened loss to the Corporation;

(*b*) borrow moneys from the Government of Canada and issue bonds and debentures therefor;

(*c*) act as a curator of a bank or liquidator or receiver of a member institution when duly appointed as such and appoint qualified and competent persons, whether employees or not of the Corporation, to carry out any or all of the functions of the Corporation as curator, liquidator or receiver;

(*d*) assume the costs of a winding-up of a member institution when the Corporation is appointed to act as a liquidator in the winding-up, or assume the costs of the receiver when the Corporation is appointed to act as such, and charge the same to the Accumulated Net Earnings of the Corporation;

(*e*) acquire assets of a member institution from a liquidator or receiver thereof;

(*f*) make an advance for the purpose of paying a claim, against a member institution for which the Corporation is acting as receiver or liquidator, in respect of any insured deposit and becoming subrogated as an unsecured creditor for the amount of such advance;

(*g*) make or cause to be made such inspections of a member institution as may be authorized under this Act or the policy of deposit insurance; and

(*h*) do all such other things, not contrary to this Act, as may be necessary for the exercising of any of the powers of the Corporation.

Powers of directors and by-laws.

**12.** (1) The Board of Directors of the Corporation shall administer the affairs of the Corporation in all things and make, or cause to be made, for the Corporation any description of contract that the Corporation may by law enter into; and, subject to the approval of the Governor in Council, the Board of Directors may make by-laws, not contrary to law or this Act, for

(*a*) the administration, management and control of the property and affairs of the Corporation;

(*b*) the functions, duties and remuneration of all officers, agents and employees of the Corporation;

(*c*) the appointment or disposition of any special committees from time to time created for the purposes of the Corporation;

(*d*) the issue of the shares of the Corporation;
(*e*) the declaration and payment of dividends;
(*f*) the time and place for the holding of meetings of the directors, the quorum at such meetings and the procedure in all things at such meetings;
(*g*) defining the expression "deposit" for the purpose of this Act;
(*h*) prescribing standards of sound business and financial practices for member institutions;
(*i*) authorizing and controlling the use by member institutions of marks, signs, advertisements or other devices indicating that deposits with such institutions are insured by the Corporation; and
(*j*) the conduct in all other particulars of the affairs of the Corporation.

Inspection powers.

(2) In carrying out any inspection authorized by this Act or by a policy of deposit insurance, the directors of the Corporation have all the powers conferred upon commissioners appointed under Part II of the *Inquiries Act* for the purpose of obtaining evidence under oath, and the directors may delegate such powers as occasion requires.

## Deposit Insurance.

Duty to insure.

**13.** (1) The Corporation shall insure each deposit with a member institution except

(*a*) a deposit that is not payable in Canada or in Canadian currency;
(*b*) a deposit in respect of which Her Majesty in right of Canada would be a preferred claimant; and
(*c*) so much of any one deposit as exceeds twenty thousand dollars.

How payment to be made.

(2) Where the Corporation is obliged to make payment in respect of any deposit insured by deposit insurance, the Corporation as soon as possible after the obligation arises shall, in respect of such deposit, make payment to such person as appears entitled thereto by the records of the member institution with which the deposit was made,

(*a*) by making available to such person a transferred deposit with another member institution for so much of his deposit as is insured by the Corporation; or
(*b*) by paying such person an amount in money equal to so much of his deposit as is insured by the Corporation.

Discharge of liability.

(3) Payment under this section by the Corporation in respect of any deposit insured by deposit insurance discharges the Corporation from all liability in respect of

that deposit, and in no case is the Corporation under any obligation to see to the proper application in any way of the payment so made.

Subrogation.

(4) Where the Corporation makes a payment under this section in respect of any deposit with a member institution, the Corporation is subrogated, for so much of that deposit as is insured by the Corporation, to all the rights and interest of the depositor as against that member institution.

Insuring federal institutions.

**14.** (1) The deposits with a federal institution that is carrying on business on the day that this section comes into force shall be insured by the Corporation from and after that day in accordance with this Act and the by-laws.

New federal institutions.

(2) When a federal institution commences business after the coming into force of this section, the deposits with the federal institution shall be insured by the Corporation in accordance with this Act and the by-laws from and after the day that the federal institution commences business.

When status otherwise acquired.

(3) When a company becomes a federal institution after the coming into force of this section, the deposits with the company shall be insured by the Corporation in accordance with this Act and the by-laws from and after the day that the company becomes a federal institution, and if the company was immediately prior to that day a member institution by virtue of an existing contract of deposit insurance with the Corporation, the contract shall be taken to have been replaced by the insurance provided pursuant to this section.

Certificate and premiums.

(4) When any federal institution becomes insured under this section, the Corporation shall

(*a*) issue to the federal institution a certificate of deposit insurance in the form prescribed by the by-laws, and

(*b*) assess and collect from the federal institution a premium in accordance with section 19.

Commencement of section.

(5) This section shall come into force thirty days after the day this Act comes into force.

Premiums recoverable from federal institutions.

**15.** A premium assessed by the Corporation against a federal institution for the purposes of this Act constitutes a debt owing to Her Majesty in right of Canada and the amount thereof together with any interest levied by the Corporation as an overdue charge is recoverable by action in any court of competent jurisdiction.

Insurance of provincial institutions.

**16.** On the application of a provincial institution therefor, the Corporation may insure the deposits with the provincial institution in the manner and to the extent provided in this Act and the by-laws, if

(*a*) the provincial institution is authorized by the province of its incorporation to apply for deposit insurance;

(*b*) the provincial institution agrees, in carrying on its business, not to exercise powers substantially different from the powers exercisable by a trust company under the *Trust Companies Act* and a loan company under the *Loan Companies Act;* and

(*c*) the Corporation approves the provincial institution for a policy of deposit insurance.

Form and contents.

**17.** (1) The application of a provincial institution for deposit insurance shall be in such form as may be prescribed by the by-laws.

What constitutes contract.

(2) A contract of deposit insurance with a provincial institution shall be evidenced by an instrument in writing called a policy; and the policy including endorsements, insertions or riders, if any, and the application for the contract, if attached to the policy, constitutes the entire contract of deposit insurance and no provision thereof shall be deemed to be waived by the Corporation unless the waiver is clearly expressed in writing under the seal of the Corporation.

Form of policy.

(3) A policy of deposit insurance shall be in such form and contain such provisions, not inconsistent with this Act, as may be prescribed by the by-laws.

Deposit Insurance Fund.

**18.** All premiums received by the Corporation shall be credited to a Deposit Insurance Fund to be maintained by the Corporation.

Assessment of premium.

**19.** (1) The Corporation shall each year assess and collect from each member institution an annual premium equal to the greater of

(*a*) five hundred dollars; or

(*b*) one-thirtieth of one per cent of the total amount of such deposits as are deposited with the member institution as of the 30th day of April in that year and insured by the Corporation.

Returns.

(2) The premium payable by a member institution shall be based on returns to be certified by the member institution and submitted in such form, and at such time, as the Corporation may require.

Payable in instalments.

(3) One-half of the premium payable by a member institution shall be paid to the Corporation on or before the 30th day of June in the year for which the premium is payable and the balance shall be paid to the Corporation, without interest, on or before the 31st day of December in that year.

25444—2

Saving.

(4) Notwithstanding subsection (1), a premium equal to one-half of the amount of the annual premium under subsection (1) is payable by a member institution with respect to its deposits on the 31st day of October in any year that are insured by the Corporation, if the member institution is first insured under this Act within the six-month period immediately preceding that day.

Reduced premium.

(5) Notwithstanding subsection (1) where, in the opinion of the Corporation, the Deposit Insurance Fund at the end of a financial year of the Corporation is adequate having regard to all the circumstances, the Corporation may reduce the amount of the premiums to be paid by member institutions in the next following year but a reduced premium to be paid by a member institution in that year shall not be less than the greater of

(*a*) five hundred dollars; or

(*b*) an amount that, together with the aggregate of the amounts previously paid by the member institution by way of premiums, would equal one-sixth of one per cent of the total amount of such deposits as are deposited with the member institution as of the 30th day of April in that year and insured by the Corporation.

Overdue charges.

(6) Notwithstanding anything in this section, the Corporation may charge interest not in excess of ten per cent per annum on the amount of any premium not paid on or before the due date thereof.

Accumulated Net Earnings.

**20.** (1) The Corporation shall maintain an account to be known as the Accumulated Net Earnings to which shall be credited all earnings including realized profits on sale of securities and to which shall be charged all operating expenses, losses and specific provisions for losses in respect of insurance operations and losses on sale of securities.

Separate items in report.

(2) The Accumulated Net Earnings shall be reported as a separate item in any statement of assets and liabilities of the Corporation and shown as an addition to or a deduction from the Deposit Insurance Fund.

INSPECTION OF MEMBER INSTITUTIONS.

Annual inspection of banks.

**21.** (1) The Inspector General of Banks shall, notwithstanding any other Act of the Parliament of Canada, examine on behalf of the Corporation the affairs of each bank at such times as the Corporation may require but no less frequently than once in each year.

Federal trust and loan companies.

(2) The Superintendent of Insurance shall, notwithstanding any other Act of the Parliament of Canada, examine on behalf of the Corporation the affairs of each trust company to which the *Trust Companies Act* applies and each loan company to which the *Loan Companies Act* applies at such times as the Corporation may require but no less frequently than once in each year.

Provincial institutions.

**22.** Where the Corporation enters into a contract of deposit insurance with a provincial institution, the policy shall provide that a person designated by the Corporation shall be permitted to examine the affairs of the company at least once in each year and at such other times as the Corporation may require.

Contents of examiner's report.

**23.** After each examination of the affairs of a member institution, the person who made the examination on behalf of the Corporation shall report to the Corporation whether or not, in his opinion, there has been any change in the circumstances of the member institution that might materially affect the position of the Corporation as an insurer and particularly, without limiting the generality of the foregoing, whether or not, in his opinion,

(*a*) the returns made by the member institution and on which its premiums were based are correct;

(*b*) the operations of the member institution are being conducted in accordance with sound business and financial practices; and

(*c*) the member institution is in a satisfactory financial condition.

Reporting defects or breaches.

**24.** Where in the opinion of the Corporation a member institution that is a federal institution

(*a*) is following unsound business or financial practices, or

(*b*) is in breach of any by-laws of the Corporation applicable thereto,

the Corporation shall, in writing and by registered mail, report the same to the president or chairman of the board of directors of the member institution and he shall cause the report to be presented to a meeting of the directors within a period of thirty days after its date of receipt and the report shall be incorporated in the minutes of that meeting of the directors.

TERMINATION AND CANCELLATION OF INSURANCE.

Notice of termination.

**25.** (1) Where, in the case of a provincial institution to which a report similar to the report mentioned in section 24 has been made with regard to unsound business or financial practices or a breach of any conditions of its

policy of insurance, the progress made by the member institution in removing the unsound business or financial practices or in remedying the breach of the conditions of its policy is not satisfactory to the Corporation, the Corporation shall give such member institution not less than thirty days' notice of the termination of its policy of deposit insurance.

Notice to Ministers.

(2) A copy of the notice of termination referred to in subsection (1) shall be sent forthwith to the appropriate Minister of the Crown of the province exercising jurisdiction over the affairs of the member institution.

Termination of policy.

(3) The policy of deposit insurance of the member institution shall be terminated on the expiration of the period specified in the notice under subsection (1) unless

(*a*) before the expiration of that period the Corporation is satisfied that the member institution has taken the necessary action to remove the unsound business or financial practices or to remedy the breach of the conditions of its policy; or

(*b*) before the expiration of that period the appropriate provincial Minister requests an extension of the period to enable the necessary remedial action to be taken, in which case the termination may be deferred by the Corporation for a further period not exceeding sixty days.

Revoking notice.

(4) Where within either of the periods mentioned in subsection (3), the Corporation is satisfied that the member institution has taken the necessary action to remove the unsound business or financial practices or to remedy the breach of the conditions of its policy, the Corporation may revoke its notice of termination of the policy.

Termination by provincial institution.

**26.** (1) A member institution that is a provincial institution may terminate a policy of deposit insurance by giving such notice of termination as may be required by the policy.

Effect of termination.

(2) Unless the policy of the member institution otherwise provides, section 28 applies in respect of deposits with the provincial institution on its termination of its policy.

Cancellation.

**27.** The deposit insurance of a member institution may be cancelled forthwith by the Corporation

(*a*) when in the opinion of the Corporation the member institution is insolvent; or

(*b*) when the member institution ceases to accept deposits.

Effect of cancellation.

**28.** When the deposit insurance of a member institution is terminated or cancelled by the Corporation, the deposits with the member institution on the day the termination or cancellation takes effect, less any withdrawals from such deposits, continue to be insured under the terminated or cancelled deposit insurance for a period of two years or, in the case of a term deposit with a remaining term exceeding two years, to the maturity thereof.

Creditor remedies available.

**29.** (1) Where in the opinion of the Corporation a member institution is or is about to become insolvent, the Corporation may, for the protection of the public interest, initiate and take any measures or proceedings that a creditor of the member institution may initiate or take under law to preserve the assets of the member institution, to have it wound-up or to petition for a receiving order under the *Bankruptcy Act*.

Presumption.

(2) For the purposes of this section, the Corporation shall be deemed to be a creditor of a member institution notwithstanding that the deposit insurance in respect thereof has been cancelled.

Removal of references to deposit insurance.

**30.** (1) Where the deposit insurance of any member institution has been terminated or cancelled, as the case may be, the member institution shall notify its depositors of that fact and shall remove all references to deposit insurance under this Act from all forms of advertising by the member institution.

Public notice.

(2) The Corporation may, in such manner and through such news media as it deems expedient, give public notice of the termination or cancellation of any deposit insurance of a member institution if in the opinion of the Corporation the public interest requires that such notice be given.

FINANCIAL.

Financial year.

**31.** The financial year of the Corporation shall end on the expiration of the 31st day of December in each year.

Bankers of the Corporation.

**32.** (1) Subject to subsection (2), receipts of the Corporation shall be deposited in the Bank of Canada to the credit of the Corporation and may be withdrawn therefrom as the Corporation requires.

Other deposits.

(2) The Corporation may deposit funds with a bank when the Corporation is acting as a curator of a bank or as a liquidator or receiver or otherwise as it deems it necessary to do so for any of its purposes.

Duty of Bank of Canada.

(3) On instructions from the Corporation, the Bank of Canada shall

(*a*) invest or re-invest the funds of the Corporation in securities of the Government of Canada;

(*b*) hold securities in safekeeping for the Corporation; and

(*c*) collect for the account of the Corporation the income from any securities held by it for the Corporation.

Dividend.

**33.** (1) The Corporation may declare and pay a dividend on its share capital at an annual rate equal to the rate of interest at which the Government of Canada is prepared, at the date the dividend is declared by the Corporation, to lend to a Crown corporation within the meaning of paragraph (*c*) of subsection (1) of section 76 of the *Financial Administration Act*.

Paying and charging dividend.

(2) The annual dividend shall be charged to the Accumulated Net Earnings, but a dividend may only be declared and paid in respect of a financial year of the Corporation in which the amount standing to the credit of the Accumulated Net Earnings is sufficient to meet the total amount of the dividend so declared.

Loans from C.R.F.

**34.** The Governor in Council may from time to time authorize the Minister of Finance to advance, out of any unappropriated moneys in the Consolidated Revenue Fund, amounts to the Corporation by way of loan on such terms and conditions as the Governor in Council may determine, but the aggregate of such loans outstanding at any time shall not exceed five hundred million dollars.

Audit.

**35.** The accounts and financial transactions of the Corporation shall be audited annually by the Auditor General of Canada.

STAFF.

Employment of staff.

**36.** (1) The Corporation may, notwithstanding any other Act, employ such officers, agents and employees as are necessary for the purposes of the Corporation and, except as provided by section 37, such officers, agents and employees shall be deemed not to be employed in the public service of Canada.

Oath of fidelity and secrecy.

(2) Each officer, agent or employee of the Corporation shall, before entering upon his duties with the Corporation, take an oath of fidelity and secrecy in the form prescribed by the by-laws.

*Public Service Superannuation Act.*

**37.** (1) The officers and employees of the Corporation shall be deemed to be employed in the Public Service for the purposes of the *Public Service Superannuation Act* and

Application of other Acts.

the Corporation shall be deemed to be a Public Service corporation for the purposes of section 23 of that Act.

(2) For the purposes of the *Government Employees Compensation Act* and any regulation made pursuant to section 5 of the *Aeronautics Act*, the Chairman and employees of the Corporation shall be deemed to be employees in the public service of Canada.

Superannuation.

(3) The *Public Service Superannuation Act* does not apply to the Chairman unless the Governor in Council otherwise directs, or to the director of the Corporation who holds the office of Governor of the Bank of Canada.

WINDING-UP

Insolvency and winding-up.

**38.** No statute relating to the insolvency or winding-up of any body corporate applies to the Corporation and in no case shall the affairs of the Corporation be wound-up unless Parliament so provides.

OFFENCES.

False statements.

**39.** (1) Every director, officer or employee of a bank or company and every auditor thereof who knowingly prepares, signs, approves or concurs in any account, statement, return, report or document respecting the affairs of the bank or company required by the Corporation for the purposes of this Act and containing any false or deceptive information, or any return that does not present fairly information required by the Corporation for the purposes of this Act, is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

Idem.

(2) Every director, officer or employee of a bank or company and every auditor thereof who negligently prepares, signs, approves or concurs in any account, statement, return, report or document respecting the affairs of the bank or company required by the Corporation for the purposes of this Act and containing any false or deceptive information, or any return that does not present fairly information required by the Corporation for the purposes of this Act, is guilty of an indictable offence and liable to imprisonment for a term not exceeding three years.

Failure to make report known.

**40.** A person who being a president or chairman of the board of directors of a member institution that is a federal institution fails or neglects to present, as required by section 24, a report of the Corporation made under that section is guilty of an offence punishable on summary conviction, and if the directors fail or neglect to incorporate such report in the minutes of a meeting of the directors as required by section 24, each director present at that meeting is guilty of an offence punishable on summary conviction.

Violation of advertising provision.

**41.** Every member institution that violates the provisions of section 30 is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars.

Holding out as being insured.

**42.** (1) No person other than a member institution shall, by any written or oral representations of any kind, advertise or hold out any company as being insured or approved for insurance by the Corporation.

Offence by member institution.

(2) No member institution shall make any written or oral representations that it is insured by the Corporation otherwise than by such marks, signs, advertisements or other devices as are authorized by the by-laws of the Corporation and used in the manner and on the occasions prescribed by the by-laws.

Penalty.

(3) Every person who violates any provision of this section is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

ANNUAL REPORT.

Report and tabling.

**43.** The Corporation shall, within three months after the termination of each financial year of the Corporation, transmit to the Minister a statement relating to the activities of the Corporation for that year, including the financial statements of the Corporation and the auditor's report thereon, and the Minister shall cause such statement to be laid before Parliament within fifteen days after the receipt thereof, or if Parliament is not then sitting, within any of the first fifteen days next thereafter that Parliament is sitting.

CONSEQUENTIAL AMENDMENT.

1964-64, c. 11, Sch. amended.

**44.** The Schedule to the *Crown Corporation (Provincial Taxes and Fees) Act* is amended by adding thereto the words "Canada Deposit Insurance Corporation" immediately under the words "Canadian Commercial Corporation".

COMMENCEMENT.

Coming into force.

**45.** Except as otherwise expressly provided herein, this Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

C-262.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-262.

An Act to amend the Judges Act.

First reading, January 13, 1967.

THE MINISTER OF JUSTICE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25393

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

R.S., c. 159; 1952–53, c. 4; 1953–54, c. 58; 1955, c. 48; 1956, c. 8; 1957, c. 30; 1958, c. 33; 1959, c. 28; 1960, cc. 46, 47; 1960–61, c. 38; 1962, c. 22; 1963, c. 8; 1964–65, cc. 14, 36; 1966, c. 8.

# BILL C-262.

An Act to amend the Judges Act.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1966, c. 8, s. 4(1).

**1.** (1) Paragraph (*a*) of section 19 of the *Judges Act* is repealed and the following substituted therefor:

"(*a*) One chief judge and eighty-two judges and junior judges of the County and District Courts, each.....$16,000.00"

1964–65, c. 36, s. 4(2).

(2) Paragraph (*e*) of section 19 of the said Act is repealed and the following substituted therefor:

"(*e*) Seventeen judges and junior judges of the County Courts, each.....$16,000.00"

## Explanatory Note.

The purpose of these amendments is to authorize the provision of salaries for two additional judges as follows:

(*a*) one Ontario County Court judge; and

(*b*) one British Columbia County Court judge.

C-263.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-263.

An Act to amend the Criminal Code
(Fine print clauses).

First reading, January 16, 1967.

Mr. MATHER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25538

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-263.

An Act to amend the Criminal Code (Fine print clauses).

1953-54, cc. 51, 52; 1955, cc. 2, 45; 1956, c. 48; ss. 19, 20; 1957-58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, c. 37 and c. 45, s. 21; 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, c. 22, s. 10 and cc. 35, 53; 1966, c. 23.

HER Majesty, by and with the advice and consent of The Senate and House of Commons of Canada, enacts as follows:

**1.** The *Criminal Code* is amended by inserting immediately after section 328 the following section:

Fine print clauses.

"**328A.** (1) Everyone who, with intent to mislead, prints or causes to print in small typographical character in the body of an insurance policy, contract, deed or other document issued by him or under his authority, clauses concerning payment exclusions or exclusion of responsibility is guilty of an indictable offence and liable to a fine not exceeding five hundred dollars or to a term of imprisonment not exceeding three months or to both fine and imprisonment.

Penalty.

"Small typographical character", defined.

(2) In this section, the expression "small typographical character" means a typographical character that is substantially smaller than the one used in the body of the printed matter of the document."

## Explanatory Notes.

The object of this Bill is to eliminate the practice whereby insurance companies, commercial corporations and individuals embody in insurance policies, contracts or deeds, fine print clauses excluding their liability under certain circumstances.

It is desirable that payment exclusions or exclusion of responsibility be listed plain and clear in the body of insurance policies, contracts and deeds.

C-264.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-264.

An Act respecting Divorce.

First reading, January 24, 1967.

MR. BREWIN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25585

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-264.

An Act respecting Divorce.

HER Majesty, by and with the advice and consent of the Senate and the House of Commons, enacts as follows:

Short title.

**1** This Act may be cited as the *Divorce Act, 1967*.

Petition for Divorce.

**2.** A petition for divorce may be presented to the Court either by the husband or the wife, on the ground that a marriage has irretrievably broken down and that there is no reasonable possibility of reconciliation, and the court may grant dissolution of the marriage in such case.

Presumption that marriage has broken down.

**3.** Where the parties are in fact living separately and apart and have lived separately and apart for a period of at least one year immediately preceding the date of the commencement of proceedings, then there shall be a *prima facie* presumption that the marriage has irretrievably broken down and that there is no reasonable probability of reconciliation.

Time limit.

**4.** No petition for divorce shall be presented to the court unless at the date of the presentation of the petition three years have passed since the date of the marriage, provided that a judge of the court may, upon application being made to him in accordance with the rules of the court, allow a petition to be presented before three years have passed, on the ground that the case is one of extreme hardship suffered by the petitioner, and in determining any application under this section for leave to present a petition before the expiration of three years from the date of the marriage, the judge shall have regard to the interests of any children of the marriage and to the question whether there is a reasonable probability of a reconciliation between the parties before the expiration of the said three years.

## Explanatory Notes.

At the present time, generally speaking, the sole ground for dissolution of marriage in Canada is the commission of adultery. There are a number of Bills introduced by private members which are being considered by the Special Joint Committee of the Senate and the House of Commons on Divorce. These Bills propose amendments to the present law which add to the matrimonial offences entitling the husband or wife to obtain divorce.

The purpose of the present Bill, however, is to substitute a totally new principle known as the "breakdown principle". The purpose of this is to achieve the objective of reinforcing the stability of marriage on the one hand, but where a marriage has irretrievably broken down, to enable the empty legal relationship to be discontinued with a maximum fairness and a minimum of distress and humiliation.

The Bill does not provide for divorce by consent, but does provide that a marriage is to be presumed to have broken down where the parties have lived separate and apart for one year. The Bill provides further that no divorce except under special order of the court shall be secured for three years after marriage, and it further provides that a divorce shall not be granted until the court is satisfied that adequate provision has been made for the maintenance of the other spouse and for the custody and maintenance of any children of the marriage.

The proposal is in accordance with representations to the committee made by various parties and notably by the United Church of Canada. It is also in accordance with the proposal contained in the report of a group appointed by the Archbishop of Canterbury published on the 29th of July, 1966 and reviewed by the Law Commission of the U.K.

Court may refuse to grant decree.

**5.** The court may refuse to grant a decree of dissolution of the marriage

(*a*) where the court is not satisfied that adequate and just provision has been made having regard to the financial circumstances and conduct of the spouses,

(i) for the maintenance of the other spouse, and

(ii) for the custody and maintenance of any child or children of the marriage,

(*b*) where it appears to the court that for some other reason a decree may prove unduly harsh or oppressive to the respondent.

Adjournment of proceedings.

**6.** In any proceeding under this Act the court may adjourn the proceedings with a view to enabling the parties to seek to effect a reconciliation and for the purpose, if the parties request it, of consulting a qualified person or persons with experience or training in the field of marriage counselling.

Jurisdiction.

**7.** (1) The courts which shall have jurisdiction to grant decrees dissolving a marriage under this Act shall be the superior courts having civil jurisdiction, in the provinces of Nova Scotia, New Brunswick, Prince Edward Island, Ontario, Manitoba, Saskatchewan, Alberta and British Columbia, and shall have jurisdiction in case either of the spouses is domiciled within the said provinces.

Domicile.

(2) For the purpose of this Act the domicile of a married woman, wherever she was married, shall be determined as if she were unmarried, and if she is a minor, as if she were adult.

Jurisdiction of Senate, 1963, c. 10.

**8.** The Senate of Canada may dissolve a marriage for the grounds and upon the conditions set out herein, in accordance with the provisions of the *Dissolution and Annulment of Marriages Act.*

Nullity.

**9.** Nothing herein shall affect the jurisdiction of any court to grant a declaration of nullity of a marriage.

Repeal.

**10.** The Acts or parts of Acts set out in Schedule I hereto are repealed.

Coming into force.

**11.** This Act shall come into force on the first day of July, 1967.

## SCHEDULE I.

1. *Marriage and Divorce Act*, R.S., 1952 c. 176 except ss. 2 and 3 thereof.

2. *Divorce Jurisdiction Act*, R.S., 1952, c. 84.

3. An Act further to amend the law respecting the Northwest Territories, 1886, c. 25.

4. An Act respecting the application of certain laws therein mentioned to the Province of Manitoba, 1888, c. 33.

5. *Divorce Act (Ontario)*, R.S., 1952, c. 85.

6. *British Columbia Divorce Appeals Act*, R.S., 1952, c. 21.

C-265.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-265.

An Act to provide for the payment of a retiring annuity to the Governor General of Canada.

First reading, February 8, 1967.

THE PRIME MINISTER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25397

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-265.

An Act to provide for the payment of a retiring annuity to the Governor General of Canada.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short title.

**1.** This Act may be cited as the *Governor General's Retiring Annuity Act.*

Annuity.

**2.** (1) Where at any time after the coming into force of this Act a Governor General of Canada ceases to hold office as such, there shall be paid to him an annuity equal to one-third of the salary annexed to the office of Governor General at the time he so ceases to hold office.

Duration of annuity.

(2) An annuity payable under this section shall commence on the day the annuitant ceases to hold the office of Governor General and shall continue thereafter during his natural life.

Annuity to widow.

**3.** (1) Where a person who is in receipt of an annuity under section 1 dies, there shall be paid to his widow, if she was his wife at the time he ceased to hold the office of Governor General, an annuity equal to one-half of the annuity that was being paid to her husband.

Idem.

(2) Where a Governor General dies while holding office as such, there shall be paid to his widow an annuity equal to one-sixth of the salary annexed to the office of Governor General at the time of his death.

Duration of annuity to widow.

(3) An annuity payable to a widow under this section shall commence immediately after the death of her husband and shall continue thereafter during her natural life.

Former Governors General.

**4.** (1) There shall be paid to a person who before the coming into force of this Act ceased to hold the office of Governor General of Canada, an annuity equal to one-third of the salary annexed to the office of Governor General at the time of the coming into force of this Act.

Widows of former Governors General.

(2) There shall be paid to the widow of a person who before the coming into force of this Act ceased to hold the office of Governor General of Canada and died, if she was his wife at the time he ceased to hold such office, an annuity equal to one-sixth of the salary annexed to the office of Governor General at the time of the coming into force of this Act.

Idem.

(3) Subsections (1) and (3) of section 3 apply in the case of the death of a person who at the time of his death is in receipt of an annuity under subsection (1) of this section.

Duration of annuities.

(4) An annuity payable under subsection (1) or (2) of this section shall commence on the day this Act comes into force and shall continue thereafter during the natural life of the annuitant.

Payment o annuities.

**5.** An annuity payable under this Act shall be paid out of the Consolidated Revenue Fund by monthly instalments, and for any period less than a month shall be paid *pro rata*.

Payment not affected by other benefits.

**6.** The payment of an annuity under this Act shall not affect or be affected by the payment of any pension, annuity or other benefit under any other Act of the Parliament of Canada.

C-266.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-266.

An Act to provide for the revision of certain salaries fixed by statute.

First reading, February 8, 1967.

THE PRESIDENT OF THE TREASURY BOARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25567

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-266.

An Act to provide for the revision of certain salaries fixed by statute.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short title.

**1.** This Act may be cited as the *Statutory Salaries Revision Act, 1967*.

Interpretation. "Listed enactment." "Public official."

**2.** In this Act,

(*a*) "listed enactment" means a provision of an Act of the Parliament of Canada specified in the Schedule to this Act; and

(*b*) "public official" means the holder of an office or position in relation to whom a minimum salary is authorized to be fixed pursuant to any listed enactment as amended by this Act.

Listed enactments amended.

**3.** Each listed enactment is amended in the manner and to the extent specified in the Schedule to this Act.

Limitation on authority to fix salaries.

**4.** Notwithstanding anything in any listed enactment as amended by this Act, the authority conferred by any such enactment to fix the salary of a public official does not include authority

(*a*) to reduce the salary of a public official as fixed from time to time pursuant to that enactment; or

(*b*) in the case of a public official who is a member of a board or commission but does not hold any office or position established or provided for by Parliament in or with such board or commission except that of a member thereof, to

fix a salary for such member that is greater or less than the salary fixed for any other such member of the same board or commission.

Coming into force.

**5.** This Act shall be deemed to have come into force on the 1st day of December, 1965.

SCHEDULE.

PART I.

| Act Affected | Amendment |
|---|---|
| *Canada Grain Act* | Section 4 is repealed and the following substituted therefor: |
| Salaries. | "4. The commissioners shall be paid such salaries as are fixed by the Governor in Council but the salary of the chief commissioner shall be not less than twenty thousand, five hundred and twenty dollars per annum and the salary of each of the other commissioners shall be not less than eighteen thousand, three hundred and sixty dollars per annum." |
| *Income Tax Act* | Subsection (7) of section 86 is repealed and the following substituted therefor: |
| Salaries. | "(7) The members shall be paid such salaries as are fixed by the Governor in Council but the salary of the Chairman shall be not less than $23,760 a year; the salary of the Assistant Chairman shall be not less than $20,520 a year and the salary of each of the other members shall be not less than $19,440 a year." |
| *International Boundary Waters Treaty Act* | Subsection (1) of section 6 is repealed and the following substituted therefor: |
| Salaries of Canadian Commissioners. | "6. (1) The members of the Canadian section of the Commission shall be paid such salaries as are fixed by the Governor in Council but the salary of the Chairman shall be not less than twenty-one thousand, six hundred dollars per annum and the salary of each of the other members shall be not less than twelve thousand, nine hundred and sixty dollars per annum." |
| *National Energy Board Act* | Subsection (1) of section 4 is repealed and the following substituted therefor: |
| Salaries. | "4. (1) The members shall be paid such salaries as are fixed by the Governor in Council, but the salary of the Chairman shall be not less than twenty-four thousand, |

## Explanatory Notes.

Section 4 of the *Canada Grain Act* at present reads as follows:

"**4.** The chief commissioner shall be paid an *annual* salary of *nineteen* thousand dollars and each of the commissioners an *annual* salary of *seventeen* thousand dollars."

Subsection (7) of section 86 of the *Income Tax Act* at present reads as follows:

"(7) The Chairman shall be *paid* a salary of *$22,000* a year, the Assistant Chairman shall be *paid* a salary of *$19,000* a year, and each of the other members shall be *paid* a salary of *$18,000* a year."

Subsection (1) of section 6 of the *International Boundary Waters Treaty Act* at present reads as follows:

"**6.** (1) The members of the Canadian section of the Commission shall be paid such salaries as are fixed by the Governor in Council, but the salary of the Chairman shall not *exceed twenty* thousand dollars per annum and the salary of each of the other members shall not *exceed twelve* thousand dollars per annum."

Subsection (1) of section 4 of the *National Energy Board Act* at present reads as follows:

"**4.** (1) The Chairman shall be *paid* a salary of *twenty-three* thousand dollars per annum, the Vice-Chairman shall be *paid* a salary of *twenty* thousand dollars per annum, and each of the other members shall be paid a salary of *nineteen* thousand dollars per annum."

SCHEDULE—*Continued*

| Act Affected | Amendment |
|---|---|
| | eight hundred and forty dollars per annum; the salary of the Vice-Chairman shall be not less than twenty-two thousand, six hundred and eighty dollars per annum; and the salary of each of the other members shall be not less than twenty thousand, five hundred and twenty dollars per annum." |
| *Railway Act* | Subsection (1) of section 26 is repealed and the following substituted therefor: |
| Transport Commissioners' salaries. | "26. (1) The Commissioners shall be paid such salaries as are fixed by the Governor in Council, but the salary of the Chief Commissioner shall be not less than twenty-five thousand dollars per annum; the salary of the Assistant Chief Commissioner shall be not less than twenty-one thousand, six hundred dollars per annum; the salary of the Deputy Chief Commissioner shall be not less than twenty thousand, five hundred and twenty dollars per annum; and the salary of each of the other Commissioners shall be not less than nineteen thousand, four hundred and forty dollars per annum." |
| *Tariff Board Act* | Section 8 is repealed and the following substituted therefor: |
| Salaries of Tariff Board members. | "8. The members of the Board shall be paid such salaries as are fixed by the Governor in Council, but the Chairman shall be paid not less than twenty-three thousand, seven hundred and sixty dollars per annum; the first Vice-Chairman shall be paid not less than twenty-one thousand, six hundred dollars per annum; the second Vice-Chairman shall be paid not less than twenty thousand, five hundred and twenty dollars per annum; and each of the other members shall be paid not less than nineteen thousand, four hundred and forty dollars per annum." |

Subsection (1) of section 26 of the *Railway Act* at present reads as follows:

"**26.** (1) The Chief Commissioner shall be *paid an annual* salary equal to the salary of the President of the Exchequer Court; the Assistant Chief Commissioner shall be *paid an annual* salary of *twenty* thousand dollars, the Deputy Chief Commissioner shall be *paid an annual* salary of *nineteen* thousand dollars, and each of the other Commissioners shall be *paid an annual* salary of *eighteen* thousand dollars."

Section 8 of the *Tariff Board Act* at present reads as follows:

"**8.** *The following annual* salaries shall be paid *out of the Consolidated Revenue Fund, namely;*

(*a*) to the Chairman of the Board, *twenty-two thousand* dollars,

(*b*) to the first Vice-Chairman *of the Board, nineteen* thousand dollars,

(*c*) to the second Vice-Chairman *of the Board, nineteen* thousand dollars, and

(*d*) to each of the other members *of the Board, eighteen* thousand dollars."

SCHEDULE—*Concluded*

PART II.

| Act Affected | Amendment |
|---|---|
| *Canada Elections Act* | Subsection (1) of section 4 is repealed and the following substituted therefor: |
| Rank, powers, salary and tenure of office of Chief Electoral Officer. | "4. (1) The Chief Electoral Officer shall rank as and have all the powers of a deputy head of a department, communicate with the Governor in Council through the Secretary of State of Canada, devote himself exclusively to the performance of the duties of his office and be paid a salary of twenty-two thousand, six hundred and eighty dollars per annum; he is eligible as a contributor under and entitled to all the benefits of the *Public Service Superannuation Act* but until he attains the age of sixty five years when he shall cease to hold office he shall be removable only for cause by the Governor General on address of the Senate and House of Commons." |
| *Financial Administration Act* | Subsection (2) of section 65 is repealed and the following substituted therefor: |
| Salary. | "(2) The Auditor General shall out of the Consolidated Revenue Fund be paid a salary of thirty thousand dollars per annum." |
| *Representation Commissioner Act* | Subsection (2) of section 5 is repealed and the following substituted therefor: |
| Salary. | "(2) The Commissioner shall be paid a salary of twenty-seven thousand dollars per annum." |
| *Appropriation Act No. 4, 1964* | The Schedule is amended by substituting for the expression "$23,000" in Trade and Commerce Vote 17e thereof, the expression "$24,840". |

Subsection (1) of section 4 of the *Canada Elections Act* at present reads as follows:

"**4.** (1) The Chief Electoral Officer shall rank as and have all the powers of a deputy head of a department, communicate with the Governor in Council through the Secretary of State of Canada, devote himself exclusively to the performance of the duties of his office and be paid a salary of *twenty-one* thousand dollars per annum; he is eligible as a contributor under and entitled to all the benefits of the *Public Service Superannuation Act* but until he attains the age of sixty-five years when he shall cease to hold office he shall be removable only for cause by the Governor General on address of the Senate and House of Commons."

Subsection (2) of section 65 of the *Financial Administration Act* at present reads as follows:

"(2) The Auditor General shall out of the Consolidated Revenue Fund be paid a salary of *twenty-five* thousand dollars per annum."

Subsection (2) of section 5 of the *Representation Commissioner Act* at present reads as follows:

"(2) The Commissioner shall be paid a salary of *twenty-five* thousand dollars per annum."

Trade and Commerce Vote 17e as set forth in the Schedule to *Appropriation Act No. 4, 1964* reads as follows:

"17e Canadian Government Participation in the Universal and International Exhibition, Montreal, 1967—To amend Vote 786 of the Appropriation Act No. 4, 1951 by deleting the words "to be called the Associate Deputy Minister of Trade and Commerce" and substituting the words "Commissioner General for the the Canadian Government Participation, 1967 Exhibition", and to amend Vote 692 of the Appropriation Act No. 5, 1958 by deleting the expression "$16,500" and substituting the expression "*$23,000*" therefor and to provide a further amount of.....50,000"

C-267.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-267.

An Act to amend the Judges Act.

First reading, February 10, 1967.

THE MINISTER OF JUSTICE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25464

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

R.S., c. 159; 1952–53, c. 4; 1953–54, c. 58; 1955, c. 48; 1956, c. 8; 1957, c. 30; 1958, c. 33; 1959, c. 28; 1960, cc. 46, 47; 1960–61, c. 38; 1962, c. 22; 1963, c. 8; 1964–65, cc. 14, 36; 1966, c. 8.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-267.

An Act to amend the Judges Act.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

**1.** (1) Sections 4 to 7 of the *Judges Act* are repealed and the following substituted therefor:

Salaries of judges of Supreme Court of Canada.

"**4.** The salaries of the judges of the Supreme Court of Canada are as follows:

| | | Per annum |
|---|---|---|
| (*a*) | The Chief Justice of Canada | $40,000.00 |
| (*b*) | Eight puisne judges, each | 35,000.00 |

Salaries of judges of Exchequer Court.

**5.** The salaries of the judges of the Exchequer Court of Canada are as follows:

| | | Per annum |
|---|---|---|
| (*a*) | The President of the Exchequer Court of Canada | $32,000.00 |
| (*b*) | Six puisne judges, each | 28,000.00 |

Salaries of District judges in Admiralty of Exchequer Court.

**6.** The salaries of the District judges in Admiralty of the Exchequer Court, as such judges, are as follows:

| | Per annum |
|---|---|
| The District Judge of the Admiralty District of Quebec | $ 1,500.00 |
| The District Judge of the Admiralty District of Nova Scotia | 1,000.00 |
| The District Judge of the Admiralty District of New Brunswick | 1,000.00 |
| The District Judge of the Admiralty District of Prince Edward Island | 800.00 |

## Explanatory Notes.

*Clause 1:* (1) and (2). The purpose of this clause is to revise judicial salaries. At the present time the salaries are as follows:

| | | |
|---|---|---|
| (1) | Chief Justice of Canada | $35,000.00 |
| (2) | Puisne Judges of the Supreme Court | 30,000.00 |
| (3) | President of the Exchequer Court | 25,000.00 |
| (4) | Puisne Judges of the Exchequer Court | 21,000.00 |
| (5) | Chief Justices of provincial trial courts and courts of appeal | 25,000.00 |
| (6) | Puisne Judges of provincial trial courts and courts of appeal | 21,000.00 |
| (7) | District and County Court judges | 16,000.00 |

In addition the salaries of the District Judge of the Quebec Admiralty District of Quebec and British Columbia are being increased from $1,000 to $1,500, and the salary of the District Judge of the Ontario Admiralty District from $600 to $1,500.

| | |
|---|---|
| The District Judge of the Admiralty District of British Columbia | 1,500.00 |
| The District Judge of the Ontario Admiralty District | 1,500.00 |
| Three District Judges of the Admiralty District of Newfoundland, each | 333.33 |

Salaries of judges of Supreme Court of Ontario.

**7.** The salaries of the judges of the Supreme Court of Ontario are as follows:

| | | Per annum |
|---|---|---|
| (*a*) | The Chief Justice of Ontario | $30,000.00 |
| (*b*) | Nine Justices of Appeal, each | 26,000.00 |
| (*c*) | The Chief Justice of The High Court | 30,000.00 |
| (*d*) | Twenty-four other judges of The High Court, each | 26,000.00" |

(2) Sections 9 to 20 of the said Act are repealed and the following substituted therefor:

Salaries of judges of Court of Queen's Bench and of Superior Court of Quebec.

"**9.** The salaries of the judges of the Court of Queen's Bench and of the Superior Court in and for the Province of Quebec are as follows:

| | | Per annum |
|---|---|---|
| (*a*) | The Chief Justice of Quebec | $30,000.00 |
| (*b*) | Eleven puisne judges of the Court of Queen's Bench, each | 26,000.00 |
| (*c*) | The Chief Justice of the Superior Court | 30,000.00 |
| (*d*) | The Associate Chief Justice | 30,000.00 |
| (*e*) | Seventy-three puisne judges of the Superior Court, each | 26,000.00 |

Salaries of judges of Supreme Court of Nova Scotia.

**10.** The salaries of the judges of the Supreme Court of Nova Scotia are as follows:

| | | Per annum |
|---|---|---|
| (*a*) | The Chief Justice of Nova Scotia | $30,000.00 |
| (*b*) | Two other judges of the Appeal Division, each | 26,000.00 |
| (*c*) | The Chief Justice of the Trial Division | 30,000.00 |
| (*d*) | Five other judges of the Trial Division, each | 26,000.00 |

Salaries of judges of Supreme Court of New Brunswick.

**11.** The salaries of the judges of the Supreme Court of New Brunswick are as follows:

| | | Per annum |
|---|---|---|
| (*a*) | The Chief Justice of New Brunswick | $30,000.00 |
| (*b*) | Three other judges of the Appeal Division, each | 26,000.00 |
| (*c*) | The Chief Justice of the Queen's Bench Division | 30,000.00 |
| (*d*) | Five other judges of the Queen's Bench Division, each | 26,000.00 |

Salaries of judges of Court of Appeal and Court of Queen's Bench for Manitoba.

**12.** The salaries of the judges of the Court of Appeal for Manitoba and of Her Majesty's Court of Queen's Bench for Manitoba are as follows:

| | | Per annum |
|---|---|---|
| (*a*) | The Chief Justice of Manitoba | $30,000.00 |
| (*b*) | Four Judges of Appeal, each | 26,000.00 |
| (*c*) | The Chief Justice of the Court of Queen's Bench | 30,000.00 |
| (*d*) | Seven puisne judges of the Court of Queen's Bench, each | 26,000.00 |

Salaries of judges of Court of Appeal and Supreme Court of British Columbia.

**13.** The salaries of the judges of the Court of Appeal for British Columbia and of the Supreme Court of British Columbia are as follows:

| | | Per annum |
|---|---|---|
| (*a*) | The Chief Justice of British Columbia | $30,000.00 |
| (*b*) | Eight Justices of Appeal, each | 26,000.00 |
| (*c*) | The Chief Justice of the Supreme Court | 30,000.00 |
| (*d*) | Fourteen Judges of the Supreme Court, each | 26,000.00 |

Salaries of judges of Supreme Court of Prince Edward Island.

**14.** The salaries of the judges of the Supreme Court of Judicature of Prince Edward Island are as follows:

| | | Per annum |
|---|---|---|
| (*a*) | The Chief Justice of the Court | $30,000.00 |
| (*b*) | One judge of the Court, being also Master of the Rolls of the Court of Chancery | 26,000.00 |
| (*c*) | One judge of the Court, being also Vice-Chancellor | 26,000.00 |
| (*d*) | One other judge of the Court | 26,000.00 |

Salaries of judges of Court of Appeal and Queen's Bench for Saskatchewan.

**15.** The salaries of the judges of the Court of Appeal for Saskatchewan and of Her Majesty's Court of Queen's Bench for Saskatchewan are as follows:

| | | Per annum |
|---|---|---|
| (*a*) | The Chief Justice of Saskatchewan | $30,000.00 |
| (*b*) | Four Judges of Appeal, each | 26,000.00 |
| (*c*) | The Chief Justice of the Court of Queen's Bench | 30,000.00 |
| (*d*) | Seven other judges of the Court of Queen's Bench, each | 26,000.00 |

Salaries of judges of Supreme Court of Alberta.

**16.** The salaries of the judges of the Supreme Court of Alberta are as follows:

| | | Per annum |
|---|---|---|
| (*a*) | The Chief Justice of Alberta | $30,000.00 |
| (*b*) | Six Justices of Appeal, each | 26,000.00 |
| (*c*) | The Chief Justice of the Trial Division | 30,000.00 |
| (*d*) | Eight Justices of the Supreme Court of Alberta, each | 26,000.00 |

Salaries of judges of Supreme Court of Newfoundland.

**17.** The salaries of the judges of the Supreme Court of Newfoundland are as follows:

| | | Per annum |
|---|---|---|
| (*a*) | The Chief Justice | $30,000.00 |
| (*b*) | Three other Judges | 26,000.00 |

Salary of judge of Territorial Court of Yukon Territory.

Northwest Territories.

**18.** (1) The salary of the judge of the Territorial Court of the Yukon Territory is $26,000.00 per annum.

(2) The salary of the judge of the Territorial Court of the Northwest Territories is $26,000.00 per annum.

Salaries of judges of county and district courts.

**19.** The salaries of the judges of the county and district courts are as follows:

| | | Per annum |
|---|---|---|
| | *Ontario.* | |
| (*a*) | One chief judge and eighty-two judges and junior judges of the County and District Courts, each | $19,000.00 |
| | *Nova Scotia.* | |
| (*b*) | Seven County Court judges, each | 19,000.00 |

*New Brunswick.*

(*c*) Six County Court judges, each..... 19,000.00

*Manitoba.*

(*d*) Ten judges and junior judges of the County Courts, each..... 19,000.00

*British Columbia.*

(*e*) Seventeen judges and junior judges of the County Courts, each..... 19,000.00

*Prince Edward Island.*

(*f*) Three County Court judges, each.. 19,000.00

*Saskatchewan.*

(*g*) Eighteen District Court judges, each 19,000.00

*Alberta.*

(*h*) Fourteen chief judges and judges of the District Courts, each..... 19,000.00

*Newfoundland.*

(*i*) Five District Court judges, each... 19,000.00

Additional salary.

**20.** (1) There shall be paid to every judge who is in receipt of a salary under this Act, other than a judge of the Territorial Court of the Yukon Territory or the Northwest Territories, an additional salary of $2,000.00 per annum as compensation for any extra-judicial services that he may be called upon to perform by the Government of Canada or the government of a province, and for the incidental expenditures that the fit and proper execution of his office as judge may require.

Exceptions.

(2) Subsection (1) does not apply to

(*a*) a judge who receives from a province any annual or other periodic compensation as judge of a superior or county court, or

(*b*) a District judge in Admiralty of the Exchequer Court who is not in receipt of a salary under this Act except as such judge.

Territorial courts.

(3) There shall be paid to every judge of the Territorial Court of the Yukon Territory or the Northwest Territories an additional salary of $2,000.00 per annum by way of a northern allowance and as compensation for incidental expenditures as described in subsection (1).

Commencement.

(4) This section shall come into force on the 1st day of June, 1967."

**2.** Section 21 of the said Act is repealed and the following substituted therefor:

Travelling allowance.

"**21.** (1) Subject as in this section provided, a judge of a superior or county court or a District Judge in Admiralty of the Exchequer Court who for the purpose of performing any function or duty as such judge attends at any place other than that at which or in the immediate vicinity of which he is by law obliged to reside is entitled to be paid, as a travelling allowance,

(*a*) his moving or transportation expenses; and

(*b*) reasonable travelling and other expenses incurred by him in so attending.

Where no allowance.

(2) No judge is entitled to be paid travelling allowance for attending at or in the immediate vicinity of the place where he resides.

Idem.

(3) No judge of a county court is entitled to be paid travelling allowance for attending at the county town of the county within which he resides or at the judicial centre or district town of the judicial district or circuit to which he is appointed or assigned.

Idem.

(4) No judge of a county court is entitled to be paid travelling allowance for attending at a place not within the county or on the circuit to which he is appointed or assigned unless the holding of such court is approved by the Attorney General of the province and it appears to the satisfaction of the Minister of Justice that the attendance was duly authorized and necessary.

Idem.

(5) No travelling allowance shall be paid,

Nova Scotia.

(*a*) to a judge of the Supreme Court of Nova Scotia for attending at the City of Halifax;

New Brunswick.

(*b*) to a judge of the Supreme Court of New Brunswick for attending at either one of the Cities of Fredericton or Saint John unless he resides at the other of the said Cities or in the immediate vicinity thereof or unless he is a judge who under the authority of the laws of the province resides at the City of Moncton or in the immediate vicinity thereof;

Prince Edward Island.

(*c*) to a judge of the Supreme Court of Judicature of Prince Edward Island for attending at the City of Charlottetown;

Manitoba.

(*d*) to a judge of the Court of Appeal for Manitoba or of Her Majesty's Court of Queen's Bench for Manitoba for attending at the City of Winnipeg;

*Clause 2:* Section 21 at present reads as follows:

"**21.** (1) Subject as in this section provided, a judge of a superior or county court or a District Judge in Admiralty of the Exchequer Court who attends as such judge *in court or chambers* at any place other than that at which or in the immediate vicinity of which he is by law obliged to reside is entitled to be paid, as a travelling allowance,

(*a*) his moving or transportation expenses, and

(*b*) reasonable travelling and other expenses incurred by him in so attending.

(2) Repealed, 1960.

(3) No judge is entitled to be paid travelling allowance for attending *in court or chambers* at or in the immediate vicinity of the place where he resides.

(4) No judge of a county court is entitled to be paid travelling allowance for attending *in court or chambers* at the county town of the county within which he resides or at the judicial centre or district town of the judicial district *for* which he is appointed.

(5) No judge of a county court is entitled to be paid travelling allowance for attending *in court or chambers* at a place not within the county for which he is appointed unless the holding of such court is approved by the Attorney-General of the province and it appears to the satisfaction of the Minister of Justice that the attendance was duly authorized and necessary.

(6) Repealed, 1960.

(7) No travelling allowance shall be paid,

(*a*) to a judge of the Supreme Court of Nova Scotia for attending *in court or chambers* at the City of Halifax;

(*b*) to a judge of the Supreme Court of New Brunswick for attending *in court or chambers* at either one of the Cities of Fredericton or Saint John unless he resides at the other of the said Cities or in the immediate vicinity thereof or unless he is a judge who under the authority of the laws of the province resides at the City of Moncton or in the immediate vicinity thereof;

(*c*) to a judge of the Supreme Court of Judicature of Prince Edward Island for attending *in court or chambers* at the City of Charlottetown;

(*d*) to a judge of the Court of Appeal for Manitoba or of Her Majesty's Court of Queen's Bench for Manitoba for attending *in court or chambers* at the City of Winnipeg;

(*e*) to a judge of the Court of Appeal for Saskatchewan or of Her Majesty's Court of Queen's Bench for Saskatchewan for attending *in court or chambers* at the City of Regina;

(*f*) to a judge of the Supreme Court of Alberta for attending *in court or chambers* at either one of the Cities of Edmonton or Calgary unless he resides at the other of the said Cities or in the immediate vicinity thereof; or

(*g*) to a judge of the Court of Appeal for British Columbia or of the Supreme Court of British Columbia for attending *in court or chambers* at either one of the Cities of Victoria or Vancouver unless he resides at the other of the said Cities or in the immediate vicinity thereof.

(8) Nothing in subsection (7) affects the right of a judge to be paid travelling allowance under subsection (1) if he resides at a place at which he is by order of the Governor in Council *required* to reside.

(9) A judge who is appointed or assigned to a district for the exercise of his ordinary jurisdiction therein, and required by law at the time of his appointment to reside within that district, is not entitled to be paid travelling allowance incurred or made necessary by reason of his residing at any place outside of the district to which he is so appointed or assigned, unless his residence at that place is *authorized or* approved by the Governor in Council.

(10) No judge of a district court in Ontario is entitled to be paid any travelling allowance under subsection (1) for attending *in court or chambers* at a place within the district for which he was appointed but every such judge is entitled to be paid a travelling allowance of five hundred dollars per annum for such attendance.

(11) In the Yukon Territory the judge of the Territorial Court shall be paid such travelling allowance as the Governor in Council determines.

(12) Every application for payment of travelling allowance shall be accompanied by a certificate of the judge applying for it showing the number of days for which travelling allowance is claimed and the amount of the actual expenses incurred."

Subsection (1) is being broadened to permit payment of expenses for all attendances in the discharge of the func-

Saskatchewan.

(*e*) to a judge of the Court of Appeal for Saskatchewan or of Her Majesty's Court of Queen's Bench for Saskatchewan for attending at the City of Regina;

Alberta.

(*f*) to a judge of the Supreme Court of Alberta for attending at either one of the Cities of Edmonton or Calgary unless he resides at the other of the said Cities or in the immediate vicinity thereof; or

British Columbia.

(*g*) to a judge of the Court of Appeal for British Columbia or of the Supreme Court of British Columbia for attending at either one of the Cities of Victoria or Vancouver unless he resides at the other of the said Cities or in the immediate vicinity thereof.

Where place of residence approved by Order in Council.

(6) Nothing in subsection (5) affects the right of a judge to be paid travelling allowance under subsection (1) if he resides at a place approved by the Governor in Council.

No travelling allowance from outside to within assigned district or circuit.

(7) A judge who is appointed or assigned to a district or circuit for the exercise of his ordinary jurisdiction therein, and required by law at the time of his appointment to reside within that district or on that circuit, is not entitled to be paid travelling allowance incurred or made necessary by reason of his residing at any place outside of the district or circuit to which he is so appointed or assigned, unless his residence at that place is approved by the Governor in Council.

Ontario district court judges.

(8) No judge of a district court in Ontario is entitled to be paid any travelling allowance under subsection (1) for attending at a place within the district for which he was appointed but every such judge is entitled to be paid a travelling allowance of five hundred dollars per annum for such attendance.

Certificate of judge.

(9) Every application for payment of travelling allowance shall be accompanied by a certificate of the judge applying for it showing the number of days for which travelling allowance is claimed and the amount of the actual expenses incurred."

**3.** Section 26 of the said Act is repealed and the following substituted therefor:

Compulsory retirement of county court judge.

"**26.** A judge of a county court who has attained the age of seventy-five years shall be compulsorily retired."

tions or duties of the court, rather than only for proceedings in court or chambers.

Subsections (3) and (4): These subsections are changed slightly to include circuits. In the Province of Saskatchewan, judges of the District Court have jurisdiction over the whole Province but they are assigned to circuits for the ordinary exercise of their jurisdiction.

Subsection (5) is being amended to strike out the words "in court or chambers". This is consequential upon the amendment to subsection (1).

Subsection (6): This is the former subsection (8). The word "required" is changed to "approved".

Subsection (7) is the former subsection (9) and it is being amended to fit the Saskatchewan situation as mentioned above.

*Clause 3:* Section 26 at present reads as follows:

"**26.** (1) A judge of a county court *or the Circuit Court of the District of Montreal* who has attained the age of seventy-five years shall be compulsorily retired.

(2) The Governor in Council may grant to a judge of the Circuit Court of the District of Montreal

(*a*) who is compulsorily retired pursuant to subsection (1), or

(*b*) who has continued in office as such for at least thirty years, if he resigns his office,

an annuity not exceeding the salary annexed to the office held by him at the time of his retirement or resignation, to commence immediately after his retirement or resignation and to continue thenceforth during his natural life."

The references to the Circuit Court of the District of Montreal are now redundant because that Court was abolished some years ago.

**4.** The said Act is further amended by adding thereto, immediately after section 29 thereof, the following section:

Regulations re payment of inheritance taxes, etc.

"**30.** The Governor in Council may make regulations providing for the payment out of the Consolidated Revenue Fund, upon the grant of an annuity under this Act to the widow of a judge or a retired judge, of the whole or any part of such portion of any estate, legacy, succession or inheritance duties or taxes that are payable by the widow with respect to the annuity, as is determined in accordance with the regulations to be attributable to that annuity, and prescribing the amount by which and the manner in which any such annuity in any such case shall be reduced."

**5.** Subsections (1) and (2) of section 38 of the said Act are repealed and the following substituted therefor:

Acting as commissioner, etc.

"**38.** (1) No judge shall act as commissioner, arbitrator, adjudicator, referee, conciliator or mediator on any commission or on any inquiry or other proceeding unless

(*a*) in the case of any matter within the legislative authority of Parliament, the judge is by an Act of the Parliament of Canada expressly authorized so to act or he is thereunto appointed or so authorized by the Governor in Council; or

(*b*) in the case of any matter within the legislative authority of the legislature of a province, the judge is by an Act of the legislature of the province expressly authorized so to act or he is thereunto appointed or so authorized by the Lieutenant-Governor in Council of the province."

**6.** (1) Section 39 of the said Act is repealed and the following substituted therefor:

No extra remuneration.

"**39.** (1) Except as provided in subsection (3), no judge shall accept any salary, fee, remuneration or other emolument or any expenses or allowances for acting in any capacity described in subsection (1) of section 38 or as administrator or deputy of the Governor General or for performing any duty or service, whether judicial or executive, that he may be required to perform for or on behalf of the Government of Canada or the government of a province.

*Clause 4:* New. The purpose of this amendment is to enable estate taxes to be paid on widows' annuities by instalments.

*Clause 5:* Subsections (1) and (2) of section 38 at present read as follows:

"**38.** (1) *Except as provided in subsection (2)*, no judge shall act as commissioner or arbitrator on any commission or inquiry without the consent of the Governor in Council.

(2) Every judge nominated for the purpose by the Governor in Council or the Lieutenant-Governor in Council may act as commissioner or arbitrator on any commission, inquiry or arbitration for which he may be appointed under any authority in that behalf exercisable by the Governor in Council or the Lieutenant-Governor in Council respectively."

The section is being broadened to obviate the necessity of obtaining the consent of the Governor in Council or Lieutenant Governor in Council where a judge is expressly authorized by statute to act in a particular matter.

*Clause 6:* Section 39 at present reads as follows:

"**39.** (1) Except as provided in subsection (3), no judge shall *receive any* remuneration in addition to his judicial salary for acting as commissioner or arbitrator or for acting as administrator or deputy of the Governor General or for any duty or service, whether judicial or executive, that he may be required to perform for or on behalf of the Government of Canada or the government of any province.

(2) Subsection (1) does not affect the right of any judge to receive remuneration under the provisions of any *Dominion* or *provincial* statute in force on the 1st day of July, 1920.

(3) A judge acting as commissioner or arbitrator *pursuant to subsection (2)* of section 38, or as administrator or deputy of the Governor General or performing any duty or service he is required to perform for or on behalf of the Government of Canada or the government of any province, may receive, *in addition to his judicial salary*, such moving or transportation expenses and living allowance as the Governor in Council or the Lieutenant-Governor in Council, as the case may be, may fix by general or special order."

The purpose of this amendment is to make it clear that judges who perform extra-judicial services can receive only expenses on the same basis as if they were attending in court or chambers. It also requires that payments must come from either the federal or provincial governments.

Exception.

(2) Subsection (1) does not affect the right of any judge to receive remuneration under the provisions of any statute of Canada or of a province in force on the 1st day of July, 1920.

Expenses excepted.

(3) A judge acting in any capacity described in subsection (1) of section 38 as authorized by that section, or acting as administrator or deputy of the Governor General or performing any other duty or service he is required to perform for or on behalf of the Government of Canada or the government of a province, may receive his moving or transportation expenses and reasonable travelling and other expenses incurred by him away from his ordinary place of residence while acting in such capacity or in the performance of such duty or service, in the same amount and under the same conditions as if he were performing a function or duty as such judge, if such expenses are paid

(*a*) in respect of any matter within the legislative authority of Parliament, by the Government of Canada; and

(*b*) in respect of any matter within the legislative authority of the legislature of a province, by the government of the province."

(2) This section does not apply in any case where a judge was appointed commissioner, arbitrator, adjudicator, referee, conciliator or mediator before the coming into force of this section.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-268.

An Act to amend the Excise Tax Act and the Old Age Security Act.

First reading, February 15, 1967.

THE MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25555

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-268.

R.S., cc. 100, 320; 1952-53, c. 35; 1953-54, c. 56; 1955, c. 53; 1956, c. 37; 1957, c. 26; 1957-58, c. 14; 1958, c. 30; 1959, c. 23; 1960, c. 30; 1960-61, c. 47; 1962-63, c. 6; 1963, c. 12; 1966-67, c. 40.

An Act to amend the Excise Tax Act and the Old Age Security Act.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

## EXCISE TAX ACT.

**1.** (1) All that portion of subsection (1) of section 30 of the *Excise Tax Act* preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

Consumption or sales tax.

"**30.** (1) There shall be imposed, levied and collected a consumption or sales tax of nine per cent on the sale price of all goods"

1962-63, c. 6, s. 2.

(2) Paragraphs (*c*) and (*d*) of subsection (4) of section 30 of the said Act are repealed and the following substituted therefor:

"(*c*) if within five years of such purchase or importation the article is applied by the purchaser or importer to any use (other than of a casual nature) for which it could not originally have been purchased or imported by the purchaser or importer exempt from tax under this Part, the purchaser or importer shall be deemed to have sold the article at the time of its application to that use and there shall be imposed, levied and collected a consumption or sales tax of nine per cent on the value of the article at the time of its application to that use, payable by the purchaser or importer at that time; and

## EXPLANATORY NOTES.

*Clauses 1 to 4:* The purpose of these clauses is to give effect to the *Excise Tax Act* Resolution which reads as follows:

"Resolved that it is expedient to amend the *Excise Tax Act* to provide that, effective January 1, 1967, the rate of the consumption or sales tax imposed under section 30 of the said Act be increased from eight per cent to nine per cent with respect to all goods subject to the said tax, except articles enumerated in Schedule V to the said Act and building materials that were exempt from the said tax immediately prior to June 14, 1963."

(*d*) if within five years of such purchase or importation the article is sold or leased by the purchaser or importer to any person other than a licenced wholesaler, the purchaser or importer shall be deemed to have sold the article at the time of its sale or lease to such person and there shall be imposed, levied and collected a consumption or sales tax of nine per cent on the value of the article at the time of its sale or lease to such person, payable by the purchaser or importer at that time."

1966-67, c. 40, s. 4.

**2.** Subsection (3) of section 32 of the said Act is repealed and the following substituted therefor:

Articles progressively exempted.

"(3) There shall be imposed, levied and collected only three-ninths of the tax imposed by section 30 on the sale or importation of the articles enumerated in Schedule V, and with respect to any such articles delivered to the purchaser or imported or taken out of warehouse for consumption after March 31, 1968, the tax imposed by section 30 shall not apply.

Articles partially exempted.

(3a) There shall be imposed, levied and collected only eight-ninths of the tax imposed by section 30 on the sale or importation of the articles enumerated in Schedule VI."

**3.** The said Act is further amended by adding thereto the following Schedule:

"SCHEDULE VI.

PART I.

BUILDING MATERIALS.

1. Bricks; building tile; building blocks curved or shaped; and building stone.

2. Cast iron soil pipe and cast iron fittings therefor.

3. Chimneys for buildings, not including fireplaces; chimney caps.

4. Creosote oil and other wood preservatives when for use exclusively in the treatment of timber, poles or lumber.

5. Doors for buildings and door and window screens; locks, not including padlocks; latch sets, lock sets and parts thereof; hinges, not including checking floor hinges.

6. Drainage, waste and vent copper tubing from two inches to six inches in diameter, with a wall thickness from .040 to .083 of an inch, for non-pressure applications, and fittings therefor.

7. Floor tile, hard surface composition yardage flooring for permanent bonding to floors and underlay therefor; materials to be incorporated in terrazzo flooring.

8. Glass for buildings.

9. Hard surface plastic laminated building materials.

10. Lumber; sash; shingles; lath; siding; stairways; cornice, frieze, pilasters and other units or members of wood milled for use as structural or architectural building components, not including assembled or unassembled cabinets, counters, cupboards, furniture, ironing boards, work benches and similar installations.

11. Material for waterproofing and moisture-proofing buildings.

12. Paints; varnishes; white lead and paint oil.

13. Plaster; lime; cement and additives for concrete; prepared dry concrete mixes.

14. Plaster boards, fibreboard, wall panels, building paper, wallpaper and materials, manufactured wholly or in part of vegetable or mineral substances, for ceilings, walls, building insulation or acoustical purposes.

15. Precast concrete piles.

16. Prepared roofings for buildings; tar and asphalt for roofing.

17. Septic tanks and grease traps therefor.

18. Shower baths, bathtubs, basins, faucets, closets, lavatories, urinals, sinks and rims therefor and laundry tubs, not including repair parts therefor, nor pipes and pipe fittings.

19. Skylights.

20. Structural metal for buildings.

21. Ventilators and louvres, not motor operated.

## Part II.

### Heating Equipment.

1. Ash handling and fuel handling equipment for use with furnaces for the heating of buildings, when connected directly to such furnaces and installed in the same building as such furnaces.

2. Blowers for use in warm air systems for the heating of buildings.

3. Circulating pumps for use in forced hot water heating systems for the heating of buildings.

4. Ducts for warm air, ventilating and air conditioning systems for buildings.

5. Electric heating equipment, designed for use on a system using two hundred volts or greater, for permanent installation as part of an electric heating system for buildings, but not including electric wiring or other materials leading to or connecting such equipment to the electric power supply.

6. Fuel tanks for use with furnaces for the heating of buildings and connected directly to such furnaces.

7. Furnaces, stokers, oil or gas burners, hot water and steam radiators not including fittings, for the heating of buildings.

8. Room thermostats for use with permanent heating systems for the heating of buildings."

**4.** (1) Subsection (1) of section 30 of the said Act as amended by section 1 of this Act shall be deemed to have come into force on January 1, 1967, and to have applied to all goods mentioned therein imported or taken out of warehouse for consumption on or after that day and to have applied to goods previously imported for which no entry for consumption was made before that day.

(2) Subsection (4) of section 30 of the said Act as amended by section 1 of this Act shall be deemed to have come into force on January 1, 1967.

(3) Subsection (3) of section 32 of the said Act as enacted by section 2 of this Act applies to articles enumerated in Schedule V to the said Act that are,

(*a*) in the case of goods manufactured in Canada, delivered to the purchaser, and

(*b*) in the case of goods imported into Canada, imported or taken out of warehouse for consumption,

after March 31, 1967, and in its application to any such goods so delivered to the purchaser or imported or taken out of warehouse for consumption after 1966 but before April 1, 1967, subsection (1) of section 30 of the said Act shall be read as it was before being amended by section 1 of this Act.

(4) Subsection (3a) of section 32 of the said Act as enacted by section 2 of this Act applies to articles enumerated in Schedule VI to the said Act that are,

(*a*) in the case of goods manufactured in Canada, delivered to the purchaser, and

(*b*) in the case of goods imported into Canada, imported or taken out of warehouse for consumption,

after 1966.

R.S., c. 200; 1957-58, c. 3; 1959, c. 14; 1960, c. 34; 1962, c. 5; 1963, c. 16; 1964-65, c. 51; 1966-67, c. 65.

## Old Age Security Act.

1963, c. 16, s. 2(1); 1966-67, c. 65, s. 4(4).

**5.** (1) Subsection (3) of section 22 of the *Old Age Security Act* is repealed and the following substituted therefor:

Tax payable by individuals.

"(3) Every individual liable to pay tax under Part I of the *Income Tax Act* for a taxation year shall pay an Old Age Security tax for the year equal to the lesser of

(*a*) four per cent of the taxpayer's taxable income for the year; or

(*b*) two hundred and forty dollars."

(2) This section is applicable to the 1967 and subsequent taxation years.

*Clause 5:* The purpose of this clause is to give effect to the *Old Age Security Act* Resolution which reads as follows:

"Resolved that it is expedient to amend the *Old Age Security Act* to provide that for the 1967 and subsequent taxation years the maximum amount of old age security tax payable on the taxable income of an individual be increased from one hundred and twenty dollars to two hundred and forty dollars."

C-269.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-269.

An Act to amend the Criminal Code
(Invasion of privacy).

First reading, February 16, 1967.

MR. MATHER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25710

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-269.

1953-54, c. 51;
1955, cc. 2, 45;
1956, c. 48;
1957-58, c. 28;
1958, c. 18;
1959, cc. 40, 41;
1960, cc. 37, 45,
1960-61, cc. 21, 42, 43, 44;
1962-63, c. 4,
1963, c. 8;
1964-65, c. 22, s. 10 and cc. 35, 53;
1966-67, c. 23.

An Act to amend the Criminal Code (Invasion of privacy).

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

**1.** The *Criminal Code* is amended by inserting therein immediately after section 384, the following section:

Invasion of privacy.

"**384A.** (1) Unless duly authorized by the person or persons concerned nobody

(*a*) not being the sender or the receiver of a telephone or telegraph communication, shall, by means of an instrument, overhear or record a telephone or telegraph communication;

(*b*) not present during a conversation or discussion shall, by means of instruments, overhear or record such conversation or discussion;

(*c*) shall, by camera or television or other instrument, take or record films or pictures of any person, in any place not being a place to which the public is expressly or impliedly invited;

(*d*) shall exploit or use the name or picture of an individual, or otherwise invade his privacy, for the purpose of commercial promotion.

Penalty.

(2) Everyone who fails to comply with the provisions of subsection (1) is guilty of an indictable offence or an offence punishable on summary conviction and is liable to a fine not exceeding five hundred dollars or to a term of imprisonment not exceeding three months or to both fine and imprisonment.

## Explanatory Notes.

The purpose of this Bill is to render criminal the invasion of privacy by way of telephone, telegraph, camera, television or film.

All those devices provide a necessary means of communication in our modern society. Very often, however, those means are abusively used.

It is felt that in the interest of all and for the protection and dignity of the individual some limitations should be placed on the use of those devices.

Proviso.

(3) This section shall not apply in the case of a peace officer or other person acting in the course of his duties and duly authorized in writing by a Justice of the Peace or a Magistrate to conduct a search or investigation or in the case of any person who is duly authorized by the Attorney General of the Province concerned to do any act contemplated in this section for the purpose of the administration of justice or in the public interest.

Proviso.

(4) This section does not apply in the case of a person who being on a "party line" accidentally listens to a telephone conversation.

Interpretation.

(5) In this section the expression "person or persons concerned" means in the case of a telephone or telegraph communication, the sender and the receiver of the communication and in the case of a conversation or discussion, a party to such conversation or discussion."

C-270.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-270.

An Act to amend the Small Businesses Loans Act.

First reading, February 16, 1967.

THE MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25365

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-270.

An Act to amend the Small Businesses Loans Act.

1960-61, c. 5; 1962, c. 19; 1963, c. 30.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

**1.** (1) Paragraph (*c*) of section 2 of the *Small Businesses Loans Act* is amended by striking out the word "or" at the end of subparagraph (iii) thereof and by adding thereto, immediately after subparagraph (iv) thereof, the following subparagraphs:

"(v) construction,
(vi) transportation, or
(vii) communications,"

(2) Subparagraphs (iii) and (iv) of paragraph (*d*) of section 2 of the said Act are repealed and the following substituted therefor:

"(iii) the renovation, improvement or modernization of premises or the purchase, construction, alteration or extension of premises;"

(3) Paragraph (*m*) of section 2 of the said Act is repealed and the following substituted therefor:

"Small business enterprise."

"(*m*) "small business enterprise" means a business enterprise the estimated gross revenue of which as stated in an application for a business improvement loan did not, for the fiscal period of the business enterprise in which the application was made, exceed $500,000."

## Explanatory Notes.

*Clause 1:* (1) Paragraph (*c*) of section 2 at present reads as follows:

"(*c*) "business enterprise" means an enterprise carried on in Canada for gain or profit where the principal business carried on therein comes within any of the following classes of businesses, namely:

(i) manufacturing,

(ii) wholesale trade,

(iii) retail trade, or

(iv) service businesses,

but does not include the business of a profession recognized as such by a law of Canada or a province or a business having as its object the furtherance of a charitable or religious purpose;"

The purpose of this amendment is to extend the guaranteed loan provisions of the Act to cover loans made to small businesses engaged in construction, transportation or communications.

(2) Subparagraphs (iii) and (iv) of paragraph (*d*) at present read as follows:

"(iii) the renovation, improvement or modernization of premises or the alteration or extension of premises,

(iv) the construction or purchase of alternative premises where the premises in which the business enterprise was or is being carried on are not or will cease to be available for that purpose, or where, in the opinion of a responsible officer of the bank, failure to relocate the business enterprise in alternative premises will impede the efficient carrying on of the enterprise or the reasonable expansion thereof;"

The purpose of this amendment is to remove the restriction that now applies in the case of loans made under the Act for the purpose of constructing or purchasing premises.

(3) Paragraph (*m*) of section 2 at present reads as follows:

"(*m*) "small business enterprise" means a business enterprise the estimated gross revenue of which as stated in an application for a business improvement loan did not, for the fiscal period of the business enterprise in which the application was made, exceed *$250,000*."

This amendment would increase the maximum limit that now applies with respect to the annual gross revenue of a small business enterprise from $250,000 to $500,000.

**2.** (1) Subparagraph (ii) of paragraph (*b*) of subsection (1) of section 3 of the said Act is repealed and the following substituted therefor:

"(ii) the estimated gross revenue of the business enterprise in respect of which the loan was to be expended did not, for the fiscal period of the business enterprise in which the application was made, exceed $500,000;"

1963, c. 30, s. 1.

(2) Subsection (2) of section 3 of the said Act is repealed and the following substituted therefor:

Time after which Minister not liable.

"(2) The Minister is not liable under this Act to make any payment to a bank in respect of a guaranteed business improvement loan made after the 31st day of December, 1969."

1963, c. 30, s. 2.

**3.** Subsection (2) of section 5 of the said Act is amended by striking out the word "and" at the end of paragraph (*a*) thereof, by adding the word "and" at the end of paragraph (*b*) thereof and by adding thereto the following paragraph:

"(*c*) the period commencing on the 1st day of January, 1967 and ending on the 31st day of December, 1969."

1963, c. 30, s. 2.

**4.** Section 6 of the said Act is amended by striking out the word "or" at the end of paragraph (*a*) thereof, by adding the word "or" at the end of paragraph (*b*) thereof and by adding thereto the following paragraph:

"(*c*) made during the period referred to in paragraph (*c*) of subsection (2) of section 5, after the aggregate principal amount of the guaranteed business improvement loans made by all banks during the period exceeds $300,000,000."

**5.** Paragraph (*b*) of section 7 of the said Act is amended by striking out the word "and" at the end of subparagraph (iv) thereof and adding thereto the following subparagraphs:

"(vi) "construction",
(vii) "transportation", and
(viii) "communications";"

**6.** This Act shall be deemed to have come into force on the 31st day of December, 1966.

*Clause 2:* (1) The relevant portion of paragraph (*b*) of subsection (1) of section 3 at present reads as follows:

"(ii) the estimated gross revenue of the business enterprise in respect of which the loan was to be expended did not, for the fiscal period of the business enterprise in which the application was made, exceed *$250,000*;"

This amendment is consequential upon the amendment contained in subclause (3) of clause 1 of the Bill.

(2) Subsection (2) of section 3 at present reads as follows:

"(2) The Minister is not liable under this Act to make any payment to a bank in respect of a guaranteed business improvement loan made after the 31st day of December, *1966*."

The purpose of this amendment is to extend until December 31, 1969 the time during which guaranteed business improvement loans may be made under the Act.

*Clause 3:* The amendment to subsection (2) of section 5 is to provide for a new loan period during which business improvement loans made by banks may be guaranteed by the Minister of Finance.

*Clause 4:* The amendment to section 6 is to provide that the Minister is not liable to make any payment to a bank in respect of any loss sustained by it as a result of a business improvement loan made during the new period after the aggregate principal amount of the guaranteed business improvement loans made by all banks during that period exceeds $300,000,000.

*Clause 5:* The purpose of this amendment is to authorize the Minister to define by regulations the meaning of the expressions "construction", "transportation" and "communications" for purposes of the Act.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-271.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1967.

AS PASSED BY THE HOUSE OF COMMONS, 24th FEBRUARY, 1967.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25725

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-271.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1967.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by message from His Excellency, General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada, and the estimates accompanying the said message, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1967, and for other purposes connected with the Public Service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Short title.

**1.** This Act may be cited as the *Appropriation Act No. 1, 1967.*

$21,000,000 granted for 1966-67.

**2.** From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole twenty-one million dollars towards defraying the several charges and expenses of the public service, from the 1st day of April, 1966, to the 31st day of March, 1967, not otherwise provided for, and being the amount of the item set forth in the Schedule to this Act.

Purpose and effect of item.

**3.** (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

(2) The provisions of the item in the Schedule shall be deemed to have been enacted by Parliament on the 1st day of April, 1966.

Commitments.

**4.** Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Account to be rendered.

**5.** Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

## SCHEDULE.

Based on the Supplementary Estimates (E), 1966–67. The amount hereby granted is $21,000,000, being the amount of the item in the Estimates as contained in this Schedule.

SUM granted to Her Majesty, by this Act for the financial year ending 31st March, 1967, and the purpose for which it is granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | LOANS, INVESTMENTS AND ADVANCES | | |
| | FINANCE | | |
| L30e | To provide for the purchase, acquisition and holding by the Minister of Finance of securities issued by the Canadian Corporation for the 1967 World Exhibition pursuant to sub-section 1 of section 12 of the Canadian Corporation for the 1967 World Exhibition Act and to subsequently dispose thereof..... | ..... | 21,000,000 |

C-272.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-272.

An Act to amend the British North America Act, 1867.
(Duration of House of Commons).

First reading, February 27, 1967.

MR. BELL (Carleton).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25589

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-272.

An Act to amend the British North America Act, 1867. (Duration of House of Commons).

HER Majesty, by and with the advice and consent of the Senate and House of Commons, enacts as follows:

30 and 31 Vict., c. 3.

**1.** Section 50 of the *British North America Act, 1867*, is repealed and the following substituted therefor:

Duration of House of Commons.

"**50.** (1) Except as hereinafter otherwise provided, every House of Commons shall continue for five years from the date of the return of the writs of election of Members thereof and for such further period, if any, as may be necessary for the return of the writs after the next succeeding election, so that a newly-elected House of Commons may be convened.

Royal Power of dissolution abolished.

(2) Notwithstanding any royal prerogative or anything contained in any Act of the Parliament of the United Kingdom or any Act of the Parliament of Canada the Royal Power of dissolution as heretofore known is hereby abolished.

Date of election.

(3) Elections of Members of the House of Commons shall be held on the first Monday in November of each fifth year, unless in accordance with succeeding subsections hereof an election is required to be held on a different or earlier date.

Holding of election before five years.

(4) If the Governor-General, on the advice of His Ministers, shall determine that the national interest requires the holding of an election of Members of the House of Commons at a date earlier than that provided by subsection (3), he shall so recommend to the House of Commons specifying in such recommendation the proposed date of such election, and unless the House of Commons by a majority vote to be held at the next sitting thereof, after a debate, which debate

Recommendation of the Governor General.

## Explanatory Notes.

The purpose of this Bill is to abolish the Royal Power of dissolution with a view to reducing the arbitrary power of the Prime Minister and enhancing the independence of the private Member of Parliament. To this end, fixed dates of elections are provided for, subject to the holding of an election at other dates if the House of Commons itself, either on the recommendation of the Government or of sixty of its own members, so determines.

Also, with a view to restoring the independence of the private Member of Parliament, provision is made whereby defeat of the Government in the House of Commons will not lead to an election, unless the House itself so determines. The House is also given the right to recommend to the Governor-General the person who should be asked to accept the responsibility of forming a new Ministry.

A further purpose of the Bill is to require the House of Commons always to make financial provision for the public service before adjournment or prorogation of Parliament previous to a general election, thereby obviating the undemocratic practice of resort to Governor-General's Warrants.

Under other provisions of the Bill, the House of Commons would never be dissolved, but would have always legal existence until the successors of existing Members were declared elected and a new House of Commons could be convened. Under existing conditions, Canada periodically is powerless in international emergencies as well as domestic crises requiring parliamentary action for periods of up to ninety days during and after an election. This concomitant of the Royal Power of dissolution is dangerous in the extreme under modern conditions and there should always be a Parliament capable of being called into session. Under this Bill, Parliament would have continuous existence, the existing House of Commons having legal entity for all purposes until a new House can be assembled.

Vote in the House.

shall not exceed twenty-four hours in duration (during which period all Rules regarding adjournment of the House shall be suspended and debate on such recommendation shall have priority over all other business of the House) rejects such recommendation, an election of members of the House of Commons shall be held on the date so specified.

House agreeing the holding of election.

(5) If at any time, sixty or more members of the House of Commons shall subscribe to a resolution recommending the holding of an election at a date earlier than that provided by subsection (3), the proposed date of such election to be specified in such resolution, the said resolution shall be debated at the next sitting of the House, and unless the House of Commons by a majority vote after such debate not to exceed twenty-four hours in duration (during which period all Rules regarding adjournment shall be suspended and debate on such resolution shall have priority over all other business of the House) defeats such resolution, an election of members of the House of Commons shall be held on the date so specified.

Defeat of a governmental measure.

(6) Notwithstanding any constitutional custom or usage which has existed heretofore, the defeat in the House of Commons of any resolution, bill, proposal or matter submitted to the House by, or supported by Her Majesty's Ministers or the passage of any resolution, bill, proposal or matter opposed by Her Majesty's Ministers shall not *ipso facto* result in the holding of an election or in the resignation of Her Majesty's Ministers. Where Her Majesty's Ministers

Resignation.

sustain any such defeat in the House of Commons, they may either tender their resignations to the Governor-General who shall then be at liberty to ask any person to accept the responsibility of forming a new ministry until the pleasure of the House of Commons be known, or they may submit for consideration

Debatable motion of confidence.

of the House of Commons a motion to be debated at the next sitting thereof and determined at such sitting (during which it shall have priority over all other business) asserting that Her Majesty's Ministers enjoy the confidence of the House of Commons or they may recommend to the Governor-General the submission of a recommendation pursuant to subsection (4) for

Election.

the holding of an election. In either of the latter two alternatives, if the motion of confidence or the recommendation for an election be defeated in the House of Commons, Her Majesty's Ministers shall tender their resignations forthwith to the Governor-General who subject to the provisions hereafter set forth shall then

The Bill would not apply to the 27th Parliament, but would come into force on the day after the next General Election.

At present, section 50 of the British North America Act reads as follows:

"**50.** Every House of Commons shall continue for Five Years from the Day of the Return of the writs for choosing the House (subject to be sooner dissolved by the Governor-General), and no longer."

be at liberty to ask any person to accept the responsibility of forming a new ministry until the pleasure of the House of Commons be known. At any time, the House of Commons, by resolution, shall have the right, if it so wishes, to make a recommendation to the Governor-General as to the person to be asked by him to accept the responsibility of forming a new ministry and the Governor-General shall accept and act upon any such recommendation so made. The Governor-General, of his own initiative shall have the right to request the House of Commons to make such recommendation and if he does, the House of Commons shall within forty-eight hours thereafter by resolution, make such recommendations or alternatively, report to the Governor-General that it is unable so to do.

Recommendation by the House.

Initiative of the Governor General.

(7) In the event that an election of members of the House of Commons shall be held pursuant to subsections (4) and (5) hereof on a date other than the first Monday in November, the next succeeding election of members of the House of Commons shall be held on the first Monday in November, four years after the first Monday in November next succeeding the date of such election, unless a further election be held in the meantime pursuant to subsections (4) or (5).

Next election in some cases.

(8) When an election is to be held whether pursuant to subsection (3) or pursuant to subsections (4) or (5), Parliament shall not adjourn or prorogue until it shall have made such financial provision as may be necessary to carry on the public service of Canada until a new Parliament may be convened subsequent to such election.

No adjournment or prorogation without money voted.

(9) Members of the House of Commons shall continue to be members until the return of the writs of election of their successors, and notwithstanding the holding of an election, the Governor-General, on the advice of Her Majesty's Ministers, may, at any time and from time to time during the period for the holding of such election, and the period before the return of the writs for such election, convene a session of Parliament and any such session so convened may continue until the writs for such election have been returned and a newly elected House of Commons may be convened.

Members to continue to be members until return of the writs of the election of their successors.

Session of Parliament during election.

(10) This amendment shall come into force on the first day subsequent to the next general election and the first election of members of the House of Commons subsequent thereto shall be on the first

Coming into force.

Monday in November four years after the first Monday in November next succeeding the coming into force of this amendment, unless an election be held earlier pursuant to the subsections (4) or (5) hereof."

Short title and citation.

**2.** This Act may be cited as the *British North America Act, 1967*, and the British North America Acts, 1867 to 1965, and this Act may be cited together as the *British North America Acts, 1867 to 1967*.

C-273.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-273.

An Act respecting the right of privacy.

First reading, February 27, 1967.

Mr. HERRIDGE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25748

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-273.

An Act respecting the right of privacy.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

## SHORT TITLE.

Short title.

**1.** This Act may be cited as the *"Right of Privacy Act of 1967"*.

## INTERPRETATION.

Definitions.

**2.** In this Act,

"Eavesdropping."

(*a*) "eavesdropping" means surreptitiously listening to, monitoring, transmitting, amplifying or recording a private conversation;

"Interception."

(*b*) "interception" means the act of acquiring all or any part of any wire communication from the facility transmitting the communication through use of any electronic, mechanical, or other device;

"Wire communication."

(*c*) "wire communication" means any communication made in whole or in part by aid of wire, cable, or other connection of the same nature.

## WIRETAPPING.

Wire interception.

**3.** (1) Except as otherwise specifically provided by this Act, it shall be unlawful for any person to

(*a*) wilfully intercept or attempt to intercept or procure any other person to intercept or attempt to intercept any wire communication without the consent of at least one sender or receiver of such communication; or

## Explanatory Notes.

Mr. Justice Brandeis has referred to the right of privacy as being the right most valued by civilized men. Several outstanding jurists in Canada share the same opinion.

It is advisable to protect that right adequately and to stop the various forms of invasion of privacy.

The purpose of this Bill is to provide that wiretapping and eavesdropping are prohibited except in the case of the administration of justice and the security of the State.

(*b*) wilfully disclose or attempt to disclose, or use or attempt to use, any information, knowing or having reason to know that such information was obtained in violation of paragraph (*a*) of this subsection.

Penalty.

(2) Every one who fails to comply with the provisions of subsection (1) of this section is guilty of an indictable offence or an offence punishable on summary conviction and is liable to a fine of five hundred dollars or to a term of imprisonment of three months or to both fine and imprisonment.

EAVESDROPPING.

Eaves-dropping.

**4.** (1) Except as otherwise specifically provided by this Act, it shall be unlawful for any person to

(*a*) wilfully use or attempt to use any electronic, mechanical or other device for the purpose of eavesdropping without the consent of at least one party to a conversation; or

(*b*) to wilfully disclose or attempt to disclose or to use, or attempt to use any information, knowing or having reason to know that such information was obtained in violation of paragraph (*a*) of this subsection.

Penalty.

(2) Every one who fails to comply with the provisions of subsection (1) of this section is guilty of an indictable offence or an offence punishable on summary conviction and is liable to a fine of five hundred dollars or to a term of imprisonment of three months or to both fine and imprisonment.

EXCEPTIONS.

Switch-board.

**5.** It shall not be unlawful under this Act for an operator of a switchboard, or an officer, agent, or employee of any communications common carrier, whose facilities are used in the transmission of a wire communication to intercept, disclose, or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident of the rendition of service.

National security.

**6.** Sections 3 and 4 of this Act shall not apply where a person is duly authorized in writing by a judge of a Superior Court of criminal jurisdiction to conduct a search or investigation, at the request of the Minister of Justice of Canada, in cases affecting the national security of Canada.

Administration of justice.

**7.** Sections 3 and 4 of this Act shall not apply in the case of a peace officer or other person acting in the course of his duties and duly authorized in writing by a Justice of the Peace or a Magistrate to conduct a search or investigation for the purpose of the administration of justice, at the request of the Attorney General of the province concerned.

C-274.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-274.

An Act to amend the Fund for Rural Economic Development Act.

AS PASSED BY THE HOUSE OF COMMONS, 27th FEBRUARY, 1967.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25553

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-274.

An Act to amend the Fund for Rural Economic Development Act.

1966-67, c. 41.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

**1.** Subsection (3) of section 3 of the *Fund for Rural Economic Development Act* is repealed and the following substituted therefor:

Limitation.

"(3) The amounts that may be paid by the Minister of Finance pursuant to subsection (2) shall not exceed in the aggregate three hundred million dollars."

## Explanatory Note.

The purpose of this Bill is to increase from fifty million dollars to three hundred million dollars the limit on the aggregate of the amounts that may be paid from time to time by the Minister of Finance out of the Consolidated Revenue Fund and charged to the Fund for Rural Economic Development under agreements with the provinces.

Subsection (3) at present reads as follows:

"(3) The amounts that may be paid by the Minister of Finance pursuant to subsection (2) shall not exceed in the aggregate *fifty* million dollars."

C-275.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-275.

An Act to amend the Canada Corporations Act.

First reading, March 2, 1967.

THE REGISTRAR GENERAL OF CANADA.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25782

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-275.

An Act to amend the Canada Corporations Act.

R.S., c. 53; 1964-65, c. 52; 1966-67, c. 25.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1964-65, c. 52, s. 5(1); 1966-67, c. 25, s. 38.

**1.** Paragraph (*d*) of subsection (1) of section 5 of the *Canada Corporations Act* is repealed and the following substituted therefor:

"(*d*) the business of a loan company or money lender within the meaning of the *Loan Companies Act* or the *Small Loans Act;* and"

**2.** Subsection (3) of section 12 of the said Act is repealed and the following substituted therefor:

When series to be issued.

"(3) No shares of any series of such class shall be issued until supplementary letters patent have been issued setting forth the designation, rights, restrictions, conditions and limitations attaching to the shares of such series except in the case of any such series in respect of which such designation, rights, restrictions, conditions and limitations have been set forth in the letters patent or previous supplementary letters patent."

1964-65, c. 52; s. 38.

**3.** Subsection (2) of section 103 of the said Act is repealed and the following substituted therefor:

Voting at meetings.

"(2) In the absence of other provisions in that behalf in the letters patent or supplementary letters patent,

## Explanatory Notes.

The amendments to the *Canada Corporations Act* proposed by this Bill are for the purpose of removing discrepancies resulting from the amendments made by 1964–65, c. 52 and for clarification of provisions affected by those amendments and other similar matters brought to notice as a result of those amendments.

*Clause 1:* The *Small Loans Act* was later in time than the *Canada Corporations Act* and a reference is required to that later Act in this clause to accord with the intent of that Act.

The relevant portion of section 5 at present reads as follows:

"**5.** (1) The Registrar General may, by letters patent under his seal of office, grant a charter to any number of persons, not less than three, being twenty-one years of age or over and having power under law to contract, who apply therefor, constituting such persons, and such other persons as thereafter become shareholders in the company thereby created, a body corporate and politic for any of the objects to which the legislative authority of the Parliament of Canada extends, except

.....

(*d*) the business of a loan company within the meaning of the *Loan Companies Act*; and"

*Clause 2:* As letters patent and supplementary letters patent may specifically provide the particulars of more than one series of a class of shares, this amendment is proposed to reflect those circumstances more clearly.

Subsection (3) at present reads as follows:

"(3) No shares of any series of such class shall be issued *unless and* until supplementary letters patent have been issued setting forth the designation, rights, restrictions, conditions and limitations attaching to the shares of such series except in the case of *the first* series *if* such designation, rights, restrictions, conditions and limitations have been set forth in the letters patent or previous supplementary letters patent."

*Clause 3:* As a result of the amendment made in 1965 to this section, it is not now possible for a record date to be fixed otherwise than by the letters patent or supplementary letters patent. This is felt to be unduly restrictive.

Subsection (2) at present reads as follows:

"(2) In the absence of other provisions in that behalf in the letters patent or supplementary letters patent, at *all* meetings of shareholders *every* shareholder is entitled to give one vote for each share *then* held by him and such vote may be given in person or by proxy, whether or not such proxy is himself a shareholder; but no shareholder in arrears in respect of any call is entitled to vote at any meeting."

(*a*) a company may, by by-law, authorize the directors of the company to fix, in advance of any meeting of shareholders of the company, a date

(i) preceding, by not more than forty-five days in the case of a public company, the date for the holding of such meeting, or

(ii) preceding, by not more than fifteen days in the case of a private company, the date for the holding of such meeting,

to be the date of record for the determination of the shareholders of the company entitled to receive notice of and to attend and vote at such meeting; and

(*b*) a shareholder is entitled at any meeting of shareholders of the company to give one vote for each share held by him

(i) on the date of record determined by by-law under paragraph (*a*), or

(ii) on the date of the meeting, if no date of record therefor has been determined under paragraph (*a*);

and such vote may be given in person or by proxy, whether or not such proxy is himself a shareholder; but no shareholder in arrears in respect of any call is entitled to vote at any meeting.

Sanction of shareholders required.

(3) No by-law made under paragraph (*a*) of subsection (2) is valid, nor shall it be acted upon, unless the by-law is sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders of the company duly called for the purposes of considering the by-law.

Filing with Registrar General.

(4) A copy of a by-law made under paragraph (*a*) of subsection (2), certified under the seal of the company, shall, within ten days after it has been sanctioned by the shareholders, be filed with the Department of the Registrar General, and shall be available for inspection at any time during usual office hours and copies thereof may be obtained from the Department of the Registrar General upon the payment of the fee established therefor."

**4.** Paragraph (*a*) of subsection (1) of section 107 of the said Act is repealed and the following substituted therefor:

"(*a*) a copy of the letters patent, all by-laws of the company and any supplementary letters patent

*Clause 4:* This amendment is intended to reflect the situation occasioned by the removal of the memorandum of agreement for new incorporations.

The relevant portion of section 107 at present reads as follows:

"**107.** (1) The company shall cause a book or books to be kept by the secretary, or some other officer specially charged with that duty, wherein shall be kept recorded

(*a*) a copy of the letters patent and *of* any supplementary letters patent issued to the company and of the memorandum of agreement and of all by-laws of the company;"

1964-65, c. 52, s. 41.

**8.** (1) Subsection (1) of section 128A of the said Act is repealed and the following substituted therefor:

Amalgamation of companies.

"**128A.** (1) Any two or more companies to which this Part applies may amalgamate and continue as one company."

(2) This section shall be deemed to have been in force at all times after the 30th day of June, 1965.

1966-67, c. 25, s. 38.

**9.** Subsection (3) of section 141 of the said Act is repealed and the following substituted therefor:

Fees to be paid.

"(3) No steps shall be taken in the Department of the Registrar General towards the issue of any letters patent or supplementary letters patent under this Part, and no by-law, return, prospectus or other document may be filed or deposited in that Department and no certificate may issue therefrom under this Part, until after all fees therefor are duly paid."

1964-65, c. 52, s. 45(1).

**10.** Paragraph (*e*) of subsection (1) of section 147 of the said Act is repealed and the following substituted therefor:

"(*e*) sections 110, 111 and 113 to 115, sections 122 to 125, and sections 129 to 142."

*Clause 8:* The description of the companies that may amalgamate under the provisions inserted in 1965 is too narrow; it would comprehend only companies incorporated under the Act since 1934. The purpose of this amendment is to apply the provisions to all companies to which Part I applies, for which see section 2 of the Act.

Subsection (1) at present reads as follows:

"**128A.** (1) Any two or more companies *incorporated under this Act, including holding and subsidiary companies*, may amalgamate and continue as one company."

*Clause 9:* The purpose of this amendment is to ensure that fees are paid before instruments are filed in the Department.

Subsection (3) at present reads as follows:

"(3) No steps shall be taken in the Department of the Registrar General towards the issue of any letters patent or supplementary letters patent under this Part, until after all fees therefor are duly paid."

*Clause 10:* This amendment corrects a proof-reading oversight in 1964–65, c. 52.

Paragraph (*e*) at present reads as follows:

"(*e*) sections 110, 111 and 113 to 115, sections 122 to *125A*, and sections 129 to 142."

C-276.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-276.

An Act to amend the Canada Evidence Act (Incriminating statements).

First reading, March 3, 1967.

MR. ORLIKOW.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25822

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-276.

An Act to amend the Canada Evidence Act (Incriminating statements).

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., c. 307; 1953, c. 2; 1953-54, c. 51.

The *Canada Evidence Act* is amended by adding immediately after section 50 thereof the following:

"PART IV.

**51.** This Part applies to all criminal proceedings and other matters whatsoever respecting which the Parliament of Canada has jurisdiction in this behalf.

Definitions.

**52.** In this Part

"Counsel."

(*a*) "counsel" means counsel as defined in subsection (7) of section 2 of the *Criminal Code;*

"Court."

(*b*) "court" means court of criminal jurisdiction as defined in subsection (10) of section 2 of the *Criminal Code;*

"Peace officer."

(*c*) "peace officer" means peace officer as defined in subsection (30) of section 2 of the *Criminal Code*;

"Person in authority."

(*d*) "person in authority" includes a peace officer as defined in paragraph (*c*) of this section and any person whose promise or threat would be likely to influence a person charged and induce him to make a statement against his interest from fear or hope;

"Statement."

(*e*) "statement" means an admission, orally or in writing, made at any time by a person being interrogated about a crime or charged with a crime, stating or suggesting the inference that he committed the crime;

## Explanatory Notes.

There has been a profound movement in this country and elsewhere to maintain the principle of civil rights of those people who are questioned by persons in authority during the course of investigations into alleged breaches of the criminal law. Up to the present time, in Canada, police officers have been guided by well known legal propositions when eliciting criminating statements from accused persons not however without infrequent accusations directed to the police that such statements were obtained by coercion, etc.

This Bill is therefore intended to avoid such controversy by making certain that the rights of an individual in these circumstances are always considered, if not paramount.

"Voluntary statement."

(*f*) "voluntary statement" means in the sense that it has not been obtained by fear of prejudice or hope of advantage exercised or held out by a person in authority or by oppression.

Voluntariness required.

**53.** No statement shall be admissible in evidence against its author in any criminal proceeding unless it is a voluntary statement.

Warning required.

**54.** No statement shall be admissible in evidence against its author in any criminal proceeding if such statement was made while its author was in the custody of a person in authority unless prior to making such statement its author was duly warned by a person in authority that

(i) he was not obliged to make any statement, and

(ii) if he voluntarily chose to make a statement, it would be taken down in writing and may be given in evidence and,

Entitled to counsel.

(iii) he was entitled to counsel and that if he could not afford counsel, one would be assigned to act on his behalf if he so desired.

When counsel requested.

**55.** If, pursuant to section 54 a request for counsel is made, the person in authority shall give the person who made the request an opportunity to contact his counsel or advise the local legal aid office director in the event the person who made the request cannot afford counsel.

Counsel to be present during interrogation.

**56.** (1) No person shall be interrogated by any person in authority after such person has requested counsel until he has had a reasonable opportunity to confer with his counsel.

(2) Every person is entitled to the presence of counsel during all interrogations by a person in authority.

Waiving right to counsel.

**57.** No statement shall be admissible in evidence against its author in any criminal proceeding if he was without the benefit of counsel at the time the statement was made unless the author knowingly and voluntarily waived his right to counsel.

C-277.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-277.

An Act to authorize the making of certain fiscal payments to provinces, to authorize the entry into tax collection agreements with provinces, and to amend the Established Programs (Interim Arrangements) Act.

First reading, March 3, 1967.

THE MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25614

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-277.

An Act to authorize the making of certain fiscal payments to provinces, to authorize the entry into tax collection agreements with provinces, and to amend the Established Programs (Interim Arrangements) Act.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

## SHORT TITLE.

Short title.

**1.** This Act may be cited as the *Federal-Provincial Fiscal Arrangements Act, 1967.*

## INTERPRETATION.

Definitions.

**2.** In this Act,

"Fiscal year."

(*a*) "fiscal year" means the period of twelve months commencing on the 1st day of April and ending on the 31st day of March next following;

"Former Act."

(*b*) "former Act" means the *Federal-Provincial Fiscal Arrangements Act,* chapter 58 of the Statutes of Canada, 1960-61, as amended;

"Minister."

(*c*) "Minister" means the Minister of Finance;

"Prescribed."

(*d*) "prescribed" means prescribed by regulation;

"Province."

(*e*) "province" does not include the Northwest Territories or the Yukon Territory; and

"Regulation."

(*f*) "regulation" means a regulation made under this Act.

## PART I.

## EQUALIZATION, STABILIZATION AND SUCCESSION DUTY PAYMENTS.

Provincial revenue equalization payments.

**3.** Subject to this Act, the Minister may pay to a province, for each fiscal year in the period commencing on the 1st day of April, 1967 and ending on the 31st day of March, 1972, a provincial revenue equalization payment not exceeding the amount computed in accordance with section 7.

Provincial revenue stabilization payments.

**4.** Subject to this Act, the Minister may pay to a province, for each fiscal year commencing on or after the 1st day of April, 1967, a provincial revenue stabilization payment not exceeding the amount computed in accordance with section 10.

Succession duty payments.

**5.** (1) The Minister may, for each fiscal year commencing on or after the 1st day of April, 1967, pay to a province that does not levy a succession duty as defined by regulation in respect of successions or transmissions consequent upon, or on property passing upon, any death occurring in the fiscal year, an amount equal to the basic estate tax applicable to the province for the fiscal year.

Idem.

(2) The Minister may, for each fiscal year commencing on or after the 1st day of April, 1967, pay to a province that levies a succession duty as defined by regulation in respect of successions or transmissions consequent upon, or on property passing upon, any death occurring in the fiscal year, if that province does not increase its succession duties in the fiscal year beyond the rates thereof in effect on the 31st day of March, 1964, an amount equal to one-third of the basic estate tax applicable to the province for the fiscal year.

"Basic estate tax" defined.

(3) In this section, "basic estate tax" as applied to a province for a fiscal year means the amount, as determined by the Minister, that would be derived from a tax equal to seventy-five per cent of the total amount of estate tax payable pursuant to the *Estate Tax Act* in respect of

(*a*) property situated in the province and included in the estates of persons dying in the fiscal year domiciled in the province,

(*b*) property situated in the province and included in the estates of persons dying in the fiscal year domiciled outside the province, and

(*c*) property (other than real property) situated outside Canada, passing to persons domiciled or resident in the province and included in the estates of persons dying in the fiscal year domiciled in the province.

Consolidated Revenue Fund.

**6.** The amounts authorized to be paid by sections 3, 4 and 5 shall be paid out of the Consolidated Revenue Fund at such times and in such manner as may be prescribed.

PROVINCIAL REVENUE EQUALIZATION PAYMENTS.

Provincial revenue equalization payments.

**7.** The provincial revenue equalization payment that may be paid to a province for a fiscal year is an amount equal to

(*a*) the general equalization applicable to the province for the fiscal year computed in accordance with section 8,

(*b*) in the case of a province to which a grant was paid under subsection (2) of section 3 of the former Act in respect of the fiscal year commencing on the 1st day of April, 1966, the guaranteed equalization applicable to the province for the fiscal year computed in accordance with subsection (1) of section 9, or

(*c*) in the case of the Province of Saskatchewan and in respect of each fiscal year in the period commencing on the 1st day of April, 1967 and ending on the 31st day of March, 1971, the guaranteed equalization applicable to the province for the fiscal year computed in accordance with subsection (2) of section 9,

whichever is the greatest.

General equalization.

**8.** (1) The general equalization applicable to a province for a fiscal year is an amount, as determined by the Minister, equal to the product obtained by multiplying the population of the province for the fiscal year by the amount, if any, that will cause

(*a*) the per capita amount derived by dividing

(i) the aggregate of the products obtained by multiplying the national average provincial revenue rate for each revenue source for the fiscal year by the revenue base for that revenue source for the province for the fiscal year,

by

(ii) the population of the province for the fiscal year,

to equal

(*b*) the per capita amount derived by dividing

(i) the aggregate of the products obtained by multiplying the national average provincial revenue rate for each revenue source for

the fiscal year by the revenue base for that revenue source for all the provinces for the fiscal year,

by

(ii) the total population of all the provinces for the fiscal year.

Definitions.

(2) In this section,

"Fiscal period."

(*a*) "fiscal period" for a revenue source means such period as may be prescribed, in the case of that revenue source, for the purpose of determining the national average provincial revenue rate for that revenue source for a fiscal year;

"National average provincial revenue rate."

(*b*) "national average provincial revenue rate" for a revenue source for a fiscal year is the rate derived by dividing

(i) the total revenue, as determined by the Minister, from that revenue source for all the provinces for the fiscal period prescribed in the case of that revenue source,

by

(ii) the total revenue base, as determined by the Minister, for that revenue source for all the provinces for the fiscal period prescribed in the case of that revenue source;

"Revenue base."

(*c*) "revenue base" for a revenue source for a province for a fiscal year has the meaning given to that expression by regulation; and

"Revenue source."

(*d*) "revenue source" means any of the following sources, as more particularly defined by regulation, from which provincial revenues are or may be derived, namely:

(i) personal income tax,
(ii) corporation income tax,
(iii) succession duties and shares of estate tax,
(iv) general sales tax,
(v) motor fuel tax,
(vi) motor vehicle revenues,
(vii) alcoholic beverage revenues,
(viii) forestry revenues,
(ix) oil royalties,
(x) natural gas royalties,
(xi) sales of Crown leases and reservations on oil and natural gas lands,
(xii) oil and gas revenues, other than those described in subparagraphs (ix), (x) and (xi),
(xiii) metallic and non-metallic mineral revenues,
(xiv) water power rentals,

(xv) provincial taxes, other than those described in any of subparagraphs (i) to (xiv), and

(xvi) miscellaneous provincial revenues.

Application of section 8(2)(b).

(3) In determining for the purposes of paragraph (*b*) of subsection (2) of this section the revenue from the revenue source described in subparagraph (i) of paragraph (*d*) of subsection (2) for a province for a fiscal year, the Minister may deduct from the amount that but for this subsection would have been the revenue therefrom the estimated amount, as determined by the Minister, by which the revenues derived by Canada from individual income taxes for the taxation year ending in that fiscal year under the *Income Tax Act* are less than the revenues that would have been derived from such taxes for that taxation year if no additional amounts had been deductible under section 33 of that Act, in the case of individuals resident in that province in that taxation year,

(*a*) in consequence of the province providing schooling allowances within the meaning of the *Youth Allowances Act*, and

(*b*) in consequence of the application to that province of the *Established Programs (Interim Arrangements) Act*.

Determination of population.

(4) For purposes of this section,

(*a*) the population of a province

(i) for a calendar year in which a census thereof was taken, is the population as ascertained by the census, and

(ii) for any other calendar year, is the population on the 1st day of June in that year as estimated by the Dominion Statistician on the assumption that the population changed by the same number of persons annually between censuses; and

(*b*) the population of a province for a fiscal year is the population determined in accordance with this subsection for the calendar year in which the fiscal year begins.

Guaranteed equalization.

**9.** (1) The guaranteed equalization applicable to a province referred to in paragraph (*b*) of section 7 for a fiscal year is an amount equal to the aggregate of

(*a*) the amounts payable to the province under subsections (1) and (2) of section 3 of the former Act in respect of the fiscal year commencing on the 1st day of April, 1966,

(*b*) in the case of the Provinces of Nova Scotia, New Brunswick and Newfoundland, the amount of ten and one-half million dollars each, and

(*c*) in the case of the Province of Prince Edward Island, the amount of three and one-half million dollars.

Saskatchewan transitional payments.

(2) The guaranteed equalization applicable to the Province of Saskatchewan for a fiscal year is an amount, as determined by the Minister, equal to the product obtained by multiplying the amount payable to the Province of Saskatchewan under subsection (1) of section 3 of the former Act in respect of the fiscal year commencing on the 1st day of April, 1966, by the following fraction:

(*a*) in respect of the fiscal year commencing on April 1, 1967, four-fifths;

(*b*) in respect of the fiscal year commencing on April 1, 1968, three-fifths;

(*c*) in respect of the fiscal year commencing on April 1, 1969, two-fifths; and

(*d*) in respect of the fiscal year commencing on April 1, 1970, one-fifth.

PROVINCIAL REVENUE STABILIZATION PAYMENTS.

Provincial revenue stabilization payments.

**10.** (1) The provincial revenue stabilization payment that may be paid to a province for a fiscal year is the amount, as determined by the Minister, by which

(*a*) ninety-five per cent of the net general revenue of the province for the immediately preceding fiscal year

exceeds

(*b*) the adjusted current net general revenue of the province for the fiscal year.

Definitions.

(2) In this section,

"Adjusted current net general revenue."

(*a*) "adjusted current net general revenue", as applied to a province for a fiscal year, means the net general revenue for the fiscal year adjusted in prescribed manner on the basis of the revenue rates and revenue structure of the province in effect for the immediately preceding year; and

"Net general revenue."

(*b*) "net general revenue", as applied to a province for a fiscal year, means the net general revenue for the fiscal year as shown in the table "Net General Revenue for Fiscal Year" in the publication of the Dominion Bureau of Statistics entitled "Provincial Government Finance, Revenue and Expenditure", altered in prescribed manner to reflect

(i) the average revenue of the province from the revenue source described in subparagraph (iii) of paragraph (*d*) of subsection (2) of section 8 for that and the two immediately preceding fiscal years, and

(ii) the average revenue of the province from the revenue source described in subparagraph (xi) of paragraph (*d*) of subsection

(2) of section 8 for that and the four immediately preceding fiscal years,

and minus any amount deductible under subsection (3) of section 8 in determining the revenue of the province for the fiscal year from the revenue source referred to in that subsection.

Application to be made.

(3) A provincial revenue stabilization payment may be paid to a province in respect of a fiscal year only upon receipt by the Minister, not later than eighteen months after the end of the fiscal year, of an application by the province therefor containing such information as may be prescribed.

## PART II.

## POST-SECONDARY EDUCATION ADJUSTMENT PAYMENTS.

Definitions.

**11.** (1) In this Part,

"Adjustment payment."

(*a*) "adjustment payment" means a post-secondary education adjustment payment referred to in section 12;

"Educational institution."

(*b*) "educational institution" means an institution of learning that offers courses at a post-secondary level;

"Federal revenue abatement relating to post secondary education."

(*c*) "federal revenue abatement relating to post-secondary education" applicable to a province for a fiscal year has the meaning given to that expression by section 15;

"Junior matriculation."

(*d*) "junior matriculation", in respect of a province, has the meaning given to that expression by regulation;

"Operating expenditures."

(*e*) "operating expenditures" for post-secondary education in a province in a fiscal year has the meaning given to that expression by section 14;

"Post-secondary education."

(*f*) "post-secondary education", in respect of a province, means every course of studies in the province that

(i) requires for admission the attainment of a level not lower than that of junior matriculation in the province,

(ii) is of not less than twenty-four weeks duration, and

(iii) has been certified as a course of studies at a post-secondary level by such person or persons as may be designated by the Lieutenant-Governor in Council of the province for such purpose; and

"Post-secondary level."

(*g*) "post-secondary level" has the meaning given to that expression by regulation.

Determination of population and financial year.

(2) For the purposes of this Part,

(*a*) the population of a province for a calendar year is the population on the first day of June in that year as estimated by the Dominion Statistician; and

(*b*) a financial year of an educational institution is related to a fiscal year if more than one-half of the total number of days in the financial year fall within the fiscal year.

Post-secondary education adjustment payments.

**12.** Subject to this Act, the Secretary of State may, for each fiscal year in the period commencing on the 1st day of April, 1967 and ending on the 31st day of March, 1972, authorize the payment to a province of a post-secondary education adjustment payment not exceeding the amount computed in accordance with section 13.

Adjustment payments for 1967.

**13.** (1) The adjustment payment that may be paid to a province for the fiscal year commencing on the 1st day of April, 1967 is an amount equal to

(*a*) the greater of

(i) an amount, as determined by the Secretary of State, equal to fifty per cent of the operating expenditures for post-secondary education in the province in the fiscal year, or

(ii) the product obtained by multiplying $15 by the population of the province for the 1967 calendar year,

minus

(*b*) the aggregate of

(i) the federal revenue abatement relating to post-secondary education applicable to the province for the fiscal year,

(ii) in the case of a province described in paragraph (*b*) or (*c*) of section 7, the lesser of

(A) the portion, as determined in prescribed manner, of the provincial revenue equalization payment payable to the province for the fiscal year that is attributable to the federal revenue abatement relating to post-secondary education applicable to the province for the fiscal year, or

(B) the amount, if any, by which the general equalization applicable to the province for the fiscal year, computed

in accordance with section 8, exceeds the guaranteed equalization applicable to the province for the fiscal year, computed in accordance with subsection (1) or (2) of section 9, as the case may be, and

(iii) in the case of any other province, the portion, as determined in prescribed manner, of the provincial revenue equalization payment payable to the province for the fiscal year that is attributable to the federal revenue abatement relating to post-secondary education applicable to the province for the fiscal year.

Adjustment payments after 1967.

(2) Subject to subsection (3), the adjustment payment that may be paid to a province for a fiscal year commencing after the 1st day of April, 1967 is an amount equal to

(*a*) in the case of a province in respect of which the amount determined under subparagraph (i) of paragraph (*a*) of subsection (1) is greater than the amount determined under subparagraph (ii) of that paragraph, the amount, as determined by the Secretary of State, that is equal to fifty per cent of the operating expenditures for post-secondary education in the province in the fiscal year;

(*b*) in the case of any other province, the product obtained by multiplying

(i) the amount determined for the immediately preceding fiscal year under paragraph (*a*) of subsection (1) if such year commenced on April 1, 1967, or under this paragraph if such year commenced after April 1, 1967,

by

(ii) the quotient derived by dividing

(A) the aggregate of the amounts, as determined by the Secretary of State, of the operating expenditures for post-secondary education in all of the provinces in the fiscal year,

by

(B) the aggregate of the amounts, as determined by the Secretary of State, of the operating expenditures for post-secondary education in all of the provinces in the immediately preceding fiscal year,

minus

(*c*) the aggregate of

(i) the federal revenue abatement relating to post-secondary education applicable to the province for the fiscal year,

(ii) in the case of a province described in paragraph (*b*) or (*c*) of section 7, the lesser of

(A) the portion determined in the manner described in clause (A) of subparagraph (ii) of paragraph (*b*) of subsection (1) for the fiscal year, or

(B) the amount, if any, determined in the manner described in clause (B) of subparagraph (ii) of paragraph (*b*) of subsection (1) for the fiscal year, and

(iii) in the case of any other province, the amount determined in the manner described in subparagraph (iii) of paragraph (*b*) of subsection (1) for the fiscal year.

**Alteration of adjustment payments.**

(3) Where the adjustment payment that may be paid to a province, other than a province described in paragraph (*a*) of subsection (2), for a fiscal year commencing after April 1, 1967 is less than

(*a*) the amount, as determined by the Secretary of State, equal to fifty per cent of the operating expenditures for post-secondary education in the province in the fiscal year

minus

(*b*) the aggregate determined in the manner described in paragraph (*c*) of subsection (2) for the fiscal year,

the adjustment payment that may be paid to the province for the fiscal year shall be an amount equal to the amount referred to in paragraph (*a*) minus the aggregate referred to in paragraph (*b*), and in computing the adjustment payment that may be paid to the province for any subsequent fiscal year the province shall be deemed to be a province described in paragraph (*a*) of subsection (2).

**Operating expenditures.**

**14.** (1) Subject to subsections (2) and (3), the operating expenditures for post-secondary education in a province in a fiscal year are the aggregate of the operating expenditures incurred for post-secondary education by or in respect of each educational institution in the province during the financial year of the institution related to the fiscal year, but do not include

(*a*) any amount expended in respect of student financial aid;

(*b*) any amount expended as or on account of the capital cost of land, buildings, physical plant,

facilities or equipment, except as otherwise provided by regulation;

(*c*) any amount expended as or on account of interest;

(*d*) any amount expended in payment of a capital debt;

(*e*) any provision for depreciation on buildings, physical plant, facilities or equipment;

(*f*) any amount expended in respect of a prescribed ancillary enterprise undertaken or operated by an educational institution; and

(*g*) such portion of any amount expended as or on account of rent on land, buildings, physical plant, facilities or equipment as may be prescribed.

Idem. (2) In determining the operating expenditures incurred for post-secondary education by or in respect of an educational institution during a financial year of the institution, there shall be deducted from the amount thereof otherwise determined

(*a*) any amount received by the institution in the year for assisted, sponsored or contract research; and

(*b*) any amount received by the institution in the year from Her Majesty in right of Canada or any agent thereof or from the Canada Council;

except as otherwise provided by regulation.

Idem. (3) In determining the operating expenditures for post-secondary education in a province in a fiscal year, there shall be deducted from the amount thereof otherwise determined any amount paid to the province in the year by Her Majesty in right of Canada or any agent thereof, otherwise than pursuant to this Act, that is prescribed for purposes of this subsection to be an amount paid in respect of post-secondary education.

Federal revenue abatement.

**15.** The federal revenue abatement relating to post-secondary education applicable to a province for a fiscal year is the amount of the revenue loss sustained by Canada in respect of the fiscal year, by virtue of certain deductions permitted by Part I of the *Income Tax Act* in computing income taxes payable for a taxation year ending in the fiscal year, calculated as the aggregate of

(*a*) the amount, as determined by the Minister, that would be derived from a tax

(i) on the incomes (other than incomes from businesses) of individuals resident in the province on the last day of that taxation year, within the meaning of the *Income Tax Act*,

(ii) on the incomes (other than incomes from businesses) earned in the province in that taxation year by individuals not resident in Canada at any time during that taxation year, within the meaning of the *Income Tax Act*, and

(iii) on the incomes from businesses earned in the province in that taxation year by individuals, within the meaning of the *Income Tax Act*.

equal to four one-hundredths of the tax otherwise payable, within the meaning of section 33 of the *Income Tax Act*, on those incomes; and

(*b*) the amount, as determined by the Minister, that would be derived from a tax on the income earned in the province by each corporation (other than a non-resident owned investment corporation as defined in the *Income Tax Act* or a corporation specified in Schedule D to the *Financial Administration Act* that is an agent of Her Majesty in right of Canada) that maintained a permanent establishment in the province at any time during its taxation year, for the purposes of the *Income Tax Act*, ending in the calendar year that ends in the fiscal year, at the rate of one per cent of its taxable income earned in the province in that taxation year, such tax to be computed as if imposed under the *Income Tax Act* and regulations thereunder.

Determination of operating expenditures.

**16.** (1) In determining the operating expenditures for post-secondary education in a province in a fiscal year, the Secretary of State shall have recourse to and be guided by

(*a*) any provincial return of operating expenditures submitted to him for the fiscal year;

(*b*) any information contained in a report made to him by the Comptroller of the Treasury in connection with such operating expenditures; and

(*c*) such additional information as he may consider appropriate.

Provincial return.

(2) For the purposes of this section a provincial return of operating expenditures for a fiscal year is a statistical return, in prescribed form, relating to the operating expenditures for post-secondary education in the province in the fiscal year,

(*a*) that has been signed by the Deputy Minister of Education of the province or such other provincial officer as may be designated by the Lieutenant-Governor in Council for the purpose; and

(*b*) that has been certified by the provincial auditor as having been examined by him, and, to the best of his knowledge and belief,

(i) as accurately setting forth the operating expenditures for post-secondary education in the province in the fiscal year, calculated in accordance with the requirements of this Act and the regulations, and

(ii) as being based on

(A) financial returns for the fiscal year in respect of each educational institution in the province that is not a secondary institution, and

(B) a financial report for the fiscal year in respect of all secondary institutions in the province.

Financial returns and report.

(3) For the purposes of subsection (2),

(*a*) a financial return for a fiscal year in respect of an educational institution that is not a secondary institution is a statement relating to the operating expenditures incurred for post-secondary education by that institution during its financial year related to the fiscal year, that has been certified by an independent auditor as having been examined by him, and, to the best of his knowledge and belief, as accurately setting forth the operating expenditures incurred for post-secondary education by that institution during its financial year, calculated in accordance with the requirements of this Act and the regulations; and

(*b*) a financial report for a fiscal year in respect of all secondary institutions in a province is a statement setting forth the operating expenditures incurred for post-secondary education by or in respect of all such institutions during their financial years related to the fiscal year, that has been signed by the Deputy Minister of Education of the province or such other provincial officer as may be designated by the Lieutenant-Governor in Council for the purpose.

Definitions.

"Provincial auditor."

(4) In this section,

(*a*) "provincial auditor" means such person as is charged by law with the audit of the accounts of a province;

"Independent auditor."

(*b*) "independent auditor" means an auditor who is a member in good standing of an institution or association of accountants incorporated by or under the authority of the legislature of a province but who is not, except as otherwise provided by regulation, the same person or a member of the same firm or office of auditors as, or employed by the same employer as, the provincial auditor; and

"Secondary institution."

(*c*) "secondary institution", in respect of a province, means an institution in that province that offers at a post-secondary level only prescribed programs of study.

Failure to file return.

**17.** Where a provincial return of operating expenditures for a fiscal year as described in subsection (2) of section 16 has not been submitted to the Secretary of State,

(*a*) in the case of the fiscal year commencing on April 1, 1967, within twelve months after the end of the fiscal year, and

(*b*) in the case of any subsequent fiscal year, within nine months after the end of the fiscal year,

the Secretary of State, in determining the operating expenditures for post-secondary education in the province in the fiscal year, shall have recourse to and be guided by such information available to him as he considers appropriate, but in no such case shall the amount determined by the Secretary of State to be equal to fifty per cent of the operating expenditures for post-secondary education in the province in the fiscal year be less than the product obtained by multiplying $15 by the population of the province for the calendar year ending in the fiscal year.

Report of Comptroller of the Treasury.

**18.** The Comptroller of the Treasury may, after consultation with the appropriate provincial authority,

(*a*) examine any financial return for a fiscal year in respect of an educational institution, as described in subsection (3) of section 16, and

(*b*) request and receive from the independent auditor who certified any financial return for a fiscal year in respect of an educational institution, as described in subsection (3) of section 16, such information, reports and explanations as he deems necessary in order to satisfy himself as to the method and procedure employed by such auditor in determining the operating expenditures incurred for post-secondary education by that institution during its financial year related to the fiscal year,

and shall make such report to the Secretary of State in respect thereof as he considers appropriate.

Consolidated Revenue Fund.

**19.** The amounts authorized to be paid by section 12 shall be paid out of the Consolidated Revenue Fund at such times and in such manner as may be prescribed.

Application of section 8A of the *Federal-Provincial Fiscal Arrangements Act.*

**20.** Section 8A of the former Act is not applicable in respect of any fiscal year commencing on or after the 1st day of April, 1967.

## PART III.

## GENERAL.

### TAX COLLECTION AGREEMENTS.

Tax collection agreements.

**21.** (1) Where a province imposes taxes on the income of individuals or corporations or both, the Minister, with the approval of the Governor in Council, may, on behalf of the Government of Canada, enter into an agreement with the government of the province pursuant to which the Government of Canada will collect the provincial taxes on behalf of the province and will make payments to the province in respect of the taxes so collected, in accordance with such terms and conditions as the agreement prescribes.

Amendments to agreements.

(2) The Minister, with the approval of the Governor in Council, may, on behalf of the Government of Canada, enter into an agreement amending the terms and conditions of an agreement entered into pursuant to subsection (1).

Application of requirements of provincial law to certain persons.

(3) Where the law of a province that imposes a tax on income as described in subsection (1) contains provisions requiring every person making a payment of a specified kind to another person to deduct or withhold therefrom an amount and to remit that amount on account of such tax, effect may be given to those provisions, in accordance with the regulations, in relation to persons to whom such payments are made out of the Consolidated Revenue Fund or by an agent of Her Majesty in right of Canada.

Agreements entered into under former Act.

(4) Where an agreement was entered into pursuant to subsection (1) or (2) of section 6 of the former Act, the agreement shall be deemed to have been entered into pursuant to subsection (1) of this section.

Advance payments under agreements.

**22.** Where a province has entered into a tax collection agreement, the Minister, in accordance with the regulations, may make advance payments to the province out of the Consolidated Revenue Fund on account of any amount that may become payable to the province pursuant to the agreement.

REGULATIONS.

Regulations.

**23.** The Governor in Council may make regulations

(*a*) defining, for the purposes of this Act,

(i) the expression referred to in paragraph (*c*) of subsection (2) of section 8,

(ii) the expressions referred to in subparagraphs (i) to (xvi) of paragraph (*d*) of subsection (2) of section 8;

(iii) the expressions referred to in paragraphs (*d*) and (*g*) of subsection (1) of section 11,

(iv) the expression "assisted, sponsored or contract research", and

(v) the expression "operating expenditures incurred for post-secondary education" by or in respect of an educational institution or secondary institution;

(*b*) respecting the payment to a province of advances on account of any amount that may become payable to the province pursuant to this Act or a tax collection agreement, the adjustment of other payments by reason of such advances and the recovery of overpayments;

(*c*) prescribing the time and manner of making any payment under this Act or a tax collection agreement;

(*d*) prescribing the accounts to be kept and their management;

(*e*) respecting the determination of any matter that under this Act is to be determined by the Minister or the Secretary of State;

(*f*) respecting any matter that by this Act is to be defined, provided or prescribed by, or done in accordance with, the regulations; and

(*g*) generally for carrying into effect the purposes and provisions of this Act.

1964-65, c. 54.

ESTABLISHED PROGRAMS (INTERIM ARRANGEMENTS) ACT.

Application of section.

**24.** (1) This section applies only to a province (hereinafter in this section referred to as "a prescribed province") that has before the coming into force of this Act entered into a supplementary agreement under the *Established Programs (Interim Arrangements) Act* (hereinafter in this section referred to as "the said Act") in relation to the health grants program referred to in that Act.

Statutory amendments.

(2) The said Act shall, in respect of the health grants program referred to in that Act and in respect of a prescribed province only, be deemed to be amended as follows:

(*a*) all that portion of subsection (3) of section 3 of the said Act preceding paragraph (*a*) thereof shall be read as follows:

Interim period.

"(3) No supplementary agreement in respect of a standing program may be entered into after the 30th day of September, 1967, but a supplementary agreement entered into on or before that day may provide that the agreement shall have effect"; and

(*b*) the period set out in Column II of Schedule I of the said Act opposite paragraph 4 thereof shall be read as follows:

"1 April, 1965 to 31 March, 1970"

C-278.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-278.

An Act respecting the occupational training of adults.

First reading, March 3, 1967.

THE MINISTER OF MANPOWER
AND IMMIGRATION.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25720

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-278.

An Act respecting the occupational training of adults.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

## SHORT TITLE.

Short title.

**1.** This Act may be cited as the *Adult Occupational Training Act*.

## INTERPRETATION.

Definitions.

**2.** In this Act,

"Manpower officer."

(*a*) "manpower officer" means an officer of the Department of Manpower and Immigration designated by the Minister;

"Minister."

(*b*) "Minister" means the Minister of Manpower and Immigration;

"Occupational training."

(*c*) "occupational training" means any form of instruction, other than instruction designed for university credit, the purpose of which is to provide a person with the skills required for an occupation or to increase his skill or proficiency therein;

"Occupational training course."

(*d*) "occupational training course" means a course of occupational training that is not more than twelve months in duration; and

"Occupational training facilities."

(*e*) "occupational training facilities" means buildings and physical plant, machinery and equipment used for occupational training.

## PART I.

### Occupational Training.

Definitions. "Adult."

**3.** In this Part,

(*a*) "adult" means a person whose age is at least one year greater than the regular school leaving age in the province in which he resides; and

"Adult eligible for a training allowance."

(*b*) "adult eligible for a training allowance" means an adult who

(i) has been a member of the labour force substantially without interruption for not less than three years, or

(ii) has one or more persons wholly or substantially dependent upon him for support.

Enrolment of adults in occupational training courses.

**4.** (1) Where an adult who has not attended school on a regular basis for at least twelve months informs a manpower officer that he wishes to undertake occupational training, the manpower officer may, subject to subsection (2), arrange for the enrolment of that adult in any occupational training course that will, in the opinion of the manpower officer, provide training suitable for that adult and increase his earning capacity or his opportunities for employment.

Enrolment in courses operated by province or municipal authority.

(2) A manpower officer shall arrange for the enrolment of an adult described in subsection (1) only in an occupational training course that is operated by the province in which that adult resides or by a provincial or municipal authority in the province, unless there is no such course suitable for that adult being offered at or in the vicinity of the place of residence of that adult, in which he may be enrolled.

Contracts with provinces authorized.

**5.** (1) The Minister may enter into a contract with any province to provide for the payment by Canada to the province of the costs incurred by the province or a provincial or municipal authority in the province in providing training in an occupational training course operated by the province or the provincial or municipal authority to adults whose enrolment therein was arranged by a manpower officer.

Idem.

(2) The Minister may enter into a contract with any province to provide for the payment by Canada to the province of the costs incurred by the province or a provincial or municipal authority in the province in providing training in an occupational training course for apprentices operated by the province or the provincial or municipal authority to adults whose enrolment therein was not arranged by a manpower officer.

Payment for training in courses not operated by province or municipal authority.

(3) Where, pursuant to section 4, a manpower officer arranges for the enrolment of an adult described in that section in an occupational training course that is not operated by a province or by a provincial or municipal authority in a province, the Minister may authorize the payment of such charges for tuition or otherwise for the training of that adult in the course as are provided for by the regulations.

Contracts with employers operating training courses.

**6.** (1) Subject to subsection (2), the Minister may enter into a contract with any employer operating or undertaking to operate an occupational training course for the training of adults employed by the employer to provide for the payment by the Minister to the employer of the costs incurred by the employer, as specified in the contract, in providing training in the occupational training course to those adults.

Exceptions.

(2) The Minister shall not enter into a contract with an employer described in subsection (1) in respect of the training of adults employed by that employer that is training on the job or in skills useful only to that employer, unless he is satisfied that such training is necessary because of technological or economic changes affecting that employer that would otherwise result in loss of employment by the adults being trained or to be trained in the course.

Contracts with other employers.

(3) The Minister may enter into a contract with any employer who has arranged for the training of adults employed by him in an occupational training course that is not operated by the employer, to provide for the payment to that employer of the costs incurred by him, as specified in the contract, in providing training in the occupational training course to those adults.

## Training Allowances.

Training allowances authorized.

**7.** Subject to section 8, the Minister may pay to every adult who

(*a*) is being trained in an occupational training course described in subsection (2) of section 5 or an occupational training course in which his enrolment was arranged by a manpower officer, and

(*b*) is an adult eligible for a training allowance,

a training allowance related to the family circumstances and living costs of that adult.

Rate of training allowances.

**8.** (1) The rate at which a training allowance is payable to an adult pursuant to section 7 shall be determined as prescribed by the regulations, but shall not,

(*a*) in the period commencing with the coming into force of this Act and ending on the 30th day of June, 1968, be less than thirty-five dollars a week or more than ninety dollars a week; and

(*b*) in the period commencing on the first day of July, 1968 and ending on the 30th day of June, 1969, and in each succeeding twelve-month period thereafter, be

(i) less than a weekly amount that bears the same relation to the average hourly earnings in manufacturing for the calendar year ending immediately before the commencement of that period that thirty-five dollars bears to the average hourly earnings in manufacuring for the year 1966, or

(ii) more than a weekly amount that bears the same relation to the average hourly earnings in manufacturing for the calendar year ending immediately before the commencement of that period that ninety dollars bears to the average hourly earnings in manufacturing for the year 1966.

For calculation of training allowances.

(2) For the purposes of paragraph (*b*) of subsection (1),

"Average hourly earnings in manufacturing" defined.

(*a*) "average hourly earnings in manufacturing" for a calendar year means the average hourly earnings of hourly rated wage earners employed in manufacturing in Canada in that year, as ascertained and certified by the Dominion Statistician; and

Maximum and minimum training allowances.

(*b*) the calculation of the maximum and minimum training allowance payable in any twelve-month period shall be made to the nearest multiple of one dollar, or if there is no such nearest multiple, then to the multiple thereof that is the lower.

Additional amount payable to certain employers.

**9.** (1) In addition to the costs referred to in section 6, the Minister may, subject to subsection (2), pay to an employer with whom he has entered into a contract pursuant to that section, if the contract so provides, an amount as specified in the contract in respect of each adult who

(*a*) is being trained in an occupational training course described in that section, and

(*b*) is an adult eligible for a training allowance,

for each week that the adult is being trained in that occupational training course.

Maximum amounts payable.

(2) Where the Minister enters into a contract that provides for the payment of amounts as described in subsection (1), the maximum amount so payable by the Minister for any week in respect of an adult described therein shall not exceed the lesser of

(*a*) an amount equal to the amount obtained by multiplying the number of hours that the adult received training in that week by the average hourly earnings of that adult for that week from employment with that employer; or

(*b*) an amount equal to the maximum training allowance that may be paid in that week to an adult described in section 7.

RESEARCH AGREEMENT.

Research and development agreement.

**10.** (1) The Minister may, with the approval of the Governor in Council, enter into an agreement with any province to provide for the payment by Canada to the province of contributions in respect of the costs incurred by the province, as specified in the agreement, in undertaking

(*a*) research in respect of occupational training, including research in respect of the changing needs of the economy for trained workers and the relationship between occupational training and the needs of the economy; and

(*b*) projects for the development of occupational training courses and materials for such courses, including projects for the development of occupational training aids, examinations and standards.

Maximum contributions payable under agreement.

(2) The contributions payable by Canada to a province under an agreement entered into pursuant to this section shall not exceed fifty per cent of the costs incurred by the province as described in subsection (1).

LOANS TO PROVINCES.

Loans for purchase or construction of occupational training facilities.

**11.** (1) The Minister may, with the approval of the Governor in Council, enter into an agreement with any province to provide for the making of loans to the province for the purpose of assisting the province or a provincial or municipal authority in the province to purchase or construct occupational training facilities that will be used to provide training to adults in occupational training courses of a kind specified in the agreement.

Terms and conditions of loans.

(2) Every loan made pursuant to an agreement under this section shall

(*a*) be for a term not exceeding thirty years;

(*b*) bear interest at the rate prescribed therefor pursuant to subsection (3);

(*c*) be repayable in full during the term thereof by equal payments of principal and interest not less frequently than annually; and

(*d*) be subject to such other terms and conditions as the parties thereto may agree on.

Interest on loans.

(3) The Governor in Council, on the recommendation of the Minister of Finance, may from time to time prescribe the rate of interest to apply in respect of any loan that may be made under an agreement entered into pursuant to this section.

GENERAL.

Regulations.

**12.** (1) The Governor in Council may make regulations,

(*a*) defining the expressions "instruction designed for university credit", "labour force", "training on the job" and "regular school leaving age" for the purposes of this Act;

(*b*) specifying, for the purposes of this Act, the circumstances under which an adult shall be deemed not to have attended school on a regular basis for any period;

(*c*) prescribing, for the purposes of subsection (1) of section 5, the method of determining the costs incurred by a province or a provincial or municipal authority in providing training in an occupational training course to adults described in that subsection;

(*d*) prescribing, for the purposes of subsection (2) of section 5, the method of determining the costs incurred by a province or a provincial or municipal authority in providing training in an occupational training course for apprentices to adults described in that subsection;

(*e*) providing for the charges for tuition or otherwise that may be paid for the training of an adult in an occupational training course that is not operated by a province or a provincial or municipal authority in a province;

(*f*) specifying, for the purposes of this Act, the circumstances under which an adult shall be deemed to have been a member of the labour force substantially without interruption for any period;

(*g*) respecting the determination of the rates at which training allowances are payable to adults and the time and manner of payment of such allowances;

(*h*) respecting the determination of the circumstances under which a person shall be considered to be wholly or substantially dependent for support on another person;

(*i*) prescribing, for the purposes of section 9, the method of determining the average hourly earnings for a week of an adult described therein; and

(*j*) generally, for carrying out the purposes and provisions of this Act.

Certain regulations may be general or specific.

(2) A regulation made pursuant to paragraph (*g*) of subsection (1) may be general or may be restricted to a specific province or a specific area within a province.

Recovery of overpayment.

**13.** Where a person has received a training allowance to which he is not entitled or a training allowance in an amount in excess of the training allowance to which he is entitled, the amount thereof or the excess amount, as the case may be, may be recovered at any time as a debt due to Her Majesty or may be retained, in whole or in part, out of any subsequent amount payable to that person as a training allowance.

Offence.

**14.** (1) Every person who, for the purpose of obtaining occupational training or a training allowance under this Act, knowingly makes a false or misleading statement is guilty of an offence punishable on summary conviction.

Idem.

(2) Every employer who, for the purpose of obtaining any payment under a contract entered into with the Minister under this Act, wilfully furnishes any false or misleading information is guilty of an offence punishable on summary conviction.

Amendments.

**15.** Any contract or agreement made under this Act may be amended

(*a*) with respect to the provisions of the contract or agreement in respect of which a method of amendment is set out in the contract or agreement, by that method; or

(*b*) with respect to any other provisions of the contract or agreement, by the mutual consent of the parties thereto with the approval of the Governor in Council.

## PART II.

### UNEMPLOYMENT INSURANCE BENEFITS.

Definitions.

"Act."

"Commission."

"Insured person."

**16.** In this Part,

(*a*) "Act" means the *Unemployment Insurance Act;*

(*b*) "Commission" means the Unemployment Insurance Commission; and

(*c*) "insured person" has the same meaning as in the Act.

Benefits not payable to persons receiving training allowance.

**17.** Notwithstanding anything contained in the Act, an insured person being trained under an occupational training course is not entitled to be paid benefit under the Act in respect of any week for which a training allowance is payable to him under Part I.

Extension of qualification period.

**18.** (1) Where an insured person proves in such manner as the Commission may require that for any time during any period mentioned in subsection (1) or (2) of section 45 of the Act contributions were not payable in respect of him for the reason that he was being trained under an occupational training course and a training allowance was payable to him under Part I, that period shall, for the purposes of sections 45, 47 and 48 of the Act, be increased by the aggregate of any such times.

Idem.

(2) Where an insured person proves in such manner as the Commission may require that for any time during any increase to a period mentioned in subsection (1) contributions were not payable in respect of him for the reason mentioned in that subsection, that period shall, for the purposes of sections 45, 47 and 48 of the Act, be further increased by the aggregate of any such times.

Benefit periods excluded.

(3) For the purposes of subsections (1) and (2), the time during which contributions were not payable does not include any time during which the insured person was in receipt of benefit or seasonal benefit under the Act.

Limitation.

(4) The aggregate of any period mentioned in subsection (1) or (2) of section 45 of the Act and the total increases made to that period under this section and subsections (3) and (4) of section 45 of the Act shall not exceed two hundred and eight weeks.

Benefit periods increased.

**19.** (1) Where a benefit period has been established in respect of an insured person under section 45 of the Act and the insured person proves in such manner as the Commission may require that for any time during that benefit period he was being trained under an occupational training course and a training allowance was payable to

him under Part I, the benefit period in respect of that person shall, notwithstanding subsection (1) of section 46 of the Act, be increased by the aggregate of any such times.

Idem.

(2) Where an insured person proves in such manner as the Commission may require that for any time during any increase to a benefit period mentioned in subsection (1) he was being trained under an occupational training course and a training allowance was payable to him under Part I, the benefit period in respect of that person shall, notwithstanding subsection (1) of section 46 of the Act, be further increased by the aggregate of any such times.

Limitation.

(3) No increase shall be made pursuant to subsections (1) and (2) to a benefit period in respect of an insured person that would provide in respect of that person a benefit period greater than one hundred and fifty-six weeks.

## PART III.

### Transitional Agreements.

Agreements authorized for occupational training facilities.

**20.** (1) The Minister may, with the approval of the Governor in Council, enter into an agreement with any province to provide for the payment by Canada to the province of contributions in respect of the capital expenditures incurred by the province on occupational training facilities.

Amount of contributions.

(2) The aggregate of the contributions payable by Canada to a province under an agreement entered into pursuant to this section shall not exceed

(*a*) the lesser of seventy-five per cent of the capital expenditures incurred by the province on occupational training facilities after March 31, 1967 or an amount equal to

(i) the amount obtained by multiplying four hundred and eighty dollars by the youth population of the province in 1961,

minus

(ii) the total contributions paid by Canada to the province under an agreement made pursuant to section 4 of the *Technical and Vocational Training Assistance Act* in respect of the capital expenditures incurred by the province on training facilities; and

(*b*) in respect of capital expenditures incurred by the province on occupational training facilities after such time as no further amount may be paid by Canada to the province in respect of

any expenditures pursuant to paragraph (*a*), the lesser of fifty per cent of such capital expenditures or an amount equal to

(i) the amount obtained by multiplying three hundred and twenty dollars by the youth population of the province in 1961,

minus

(ii) the amount by which the total contributions paid by Canada as described in subparagraph (ii) of paragraph (*a*) exceeds the amount described in subparagraph (i) of paragraph (*a*).

Definitions.

(3) In this section,

"Capital expenditures."

(*a*) "capital expenditures" incurred by a province on occupational training facilities means the capital expenditures incurred by the province on such facilities determined as prescribed in the agreement made under this section between the Minister and the province; and

"Youth population of the province in 1961."

(*b*) "youth population of the province in 1961" means the number of persons in the province in 1961 in the age group of fifteen to nineteen years of age inclusive, as ascertained and certified by the Dominion Statistician.

Arrangements respecting persons being trained on March 31, 1967.

**21.** (1) The Minister may, with the approval of the Governor in Council, make an arrangement with any province with whom the Minister entered into an agreement pursuant to section 3 of the *Technical and Vocational Training Assistance Act* (hereinafter in this section referred to as the "former agreement") for the payment by Canada to the province of contributions in respect of the costs incurred by the province in the period commencing April 1, 1967 and ending March 31, 1968, or such earlier date as may be determined pursuant to the arrangement, in providing training under any technical or vocational training program described in the former agreement to persons being trained on March 31, 1967.

Limit of contributions.

(2) The contributions payable by Canada to a province under an arrangement made pursuant to this section shall not exceed an amount that bears to the costs incurred by the province, determined pursuant to the arrangement, the same relation that the contributions payable by Canada under the former agreement in respect of the technical or vocational training program under which persons were being trained on March 31, 1967, bears to the costs incurred by the province, determined as prescribed in the former agreement, in providing that program.

## PART IV.

### Repeal and Coming into Force.

Repeal 1960-61, c. 6.

**22.** The *Technical and Vocational Training Assistance Act* is repealed.

Coming into force.

**23.** This Act shall come into force on the 1st day of April, 1967.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-279.

An Act to amend the Canadian Wheat Board Act.

First reading, March 13, 1967.

THE MINISTER OF TRADE AND COMMERCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA. 1967

25683

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-279.

An Act to amend the Canadian Wheat Board Act.

R.S., c. 44; 1952–53, c. 26; 1957, c. 6; 1962, c. 21.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1962, c. 21, s. 1.

**1.** Paragraph (*f*) of subsection (1) of section 2 of the *Canadian Wheat Board Act* is repealed and the following substituted therefor:

"Minister."

"(*f*) "Minister" means such member of the Queen's Privy Council for Canada as is designated by the Governor in Council to act as the Minister for the purposes of this Act;"

1962, c. 21, s. 3.

**2.** Section 23 of the said Act is repealed.

1962, c. 21, s. 4.

**3.** Section 24 of the said Act is repealed and the following substituted therefor:

"Pool period" defined.

"**24.** Subject to section 31, in this Part "pool period" means a crop year."

1962, c. 21, s. 6.

**4.** Section 34 of the said Act is repealed.

**5.** The Schedule to the said Act is repealed and the following substituted therefor:

## Explanatory Notes.

*Clause 1:* The purpose of this amendment is to provide that the Minister referred to in the *Canadian Wheat Board Act* shall be such member of the Queen's Privy Council for Canada as is designated by the Governor in Council.

*Clauses 2, 3 and 4:* The purpose of these amendments is to make permanent the powers of the Canadian Wheat Board which at present terminate on August 1, 1967.

Sections 23, 24 and 34 at present read as follows:

"**23.** The provisions of this Part shall be deemed to be repealed on and after the 1st day of August, 1967.

**24.** Subject to section 31, in this Part "pool period" means

(*a*) each crop year *subsequent to the 31st day of July, 1950, and prior to the 1st day of August, 1967; and*

(*b*) *thereafter, such period or periods as Parliament may fix for such purpose.*

**34.** The provisions of this Part shall be deemed to be repealed on and after the 1st day of August, 1967."

*Clause 5:* The purpose of this amendment is to list the mills and feed warehouses in existence on March 1, 1967.

# SCHEDULE

## MILLS AND FEED WAREHOUSES IN MANITOBA

### Flour Mills

| *Owner or Licensee* | *Address* |
|---|---|
| Benito Flour Mill | Benito |
| Harrison Milling & Grain Company Limited | Holmfield |
| Kent Flour Mills Limited, B. P. | Virden |
| Maple Leaf Mills Limited | St. Boniface |
| Ogilvie Flour Mills Company Limited | Winnipeg |
| Soo Line Mills Limited | Winnipeg |
| Steinbach Flour Mills Limited | Steinbach |

### Seed Cleaning Mills

| *Owner or Licensee* | *Address* |
|---|---|
| Arnott and McElroy | Darlingford |
| Ayotte, Leo | St. Jean Baptiste |
| Beavis, J. Allan | Crystal City |
| Benekom Seed & Grain Company Limited | Pilot Mound |
| Bradley Seed Farms | Portage la Prairie |
| Brett-Young Seeds Limited | Winnipeg |
| Colin C. Campbell & Son | Reston |
| Carberry Seed Plant | Carberry |
| Carruthers, M. W. | Darlingford |
| Chanel, J. | Somerset |
| Charles, Gordon | Minnedosa |
| Clements Farms Equipment Limited | Russell |
| Co-operative Vegetable Oils | Altona |
| Cypress River Seeds Limited | Cypress River |
| DeJaegher, C. | Greenway |
| Einarson Seed & Feed Company Limited | Glenboro |
| Ellis Seed & Feed Company | Wawanesa |
| Emerson Grain Products Limited | Emerson |
| Evergreen Seed Farms | Rosenort |
| Farmers Co-operative Seed Cleaning Plant | Rivers |
| Faurschou, J. L. | Portage la Prairie |
| Federal Grain Limited | Winnipeg |
| Fields & McCallum | Roland |
| Friesen Brothers | Morris |
| Graham, G. M. & G. R. | Foxwarren |
| Grandview Seed House | Grandview |
| Guderian, H. | Thornhill |
| Harders Seed Service | Plum Coulee |
| Hutton Brothers | Clanwilliam |
| Imperial Seed Company Limited | Winnipeg |
| Johnson & Son, S. S. | Arborg |
| Kehler Feed & Seed Company Limited | Niverville |
| Killarney Seed Service Limited | Killarney |
| Krocker Seed Limited | East Kildonan |
| Laycock, R. M. | Rosebank |
| Lindenberg Brothers Limited | Brandon |
| McCabe Grain Company Limited | St. Boniface |
| McCallister Seed Cleaners Limited | Portage la Prairie |
| McElroy, R. C. | Darlingford |
| McKenzie, Neil | Portage la Prairie |
| McKenzie, A. E. Company Limited | Brandon |
| Manitoba Pool Elevators | St. Boniface |
| Marian, Edward | Dufrost |
| Melita Seed & Feed Company | Melita |
| Nickel, J. B. | Rosenfeld |
| Norfolk Seed & Feed Company | McGregor |
| Notre Dame Seed Plant | Notre Dame de Lourdes |

# SCHEDULE—*Continued*

## Seed Cleaning Mills—*Continued*

| *Owner or Licensee* | *Address* |
|---|---|
| Reimer, Dave | Pilot Mound |
| Ralph, Gerald | Clearwater |
| Riediger, J. P. & Sons | Morden |
| Ritz and Company, Henry | Gretna |
| Riediger's Feed & Seed Service | Manitou |
| Ronceray, Paul | Somerset |
| Rose, D. R. | Carroll |
| Roy Trading Company | St. Jean Baptiste |
| Rusywick, Phillip | St. Claude |
| Schade, Otto | Starbuck |
| Searle Grain Company Limited | Winnipeg |
| Souris Seed & Feed Limited | Souris |
| Sperling Seed Cleaning Plant | Sperling |
| Steel Briggs Seeds Limited | Winnipeg |
| Swan River Seed Plant | Swan River |
| Swanton Seed Service Limited | Carman |
| United Grain Growers Limited | Winnipeg |
| Wiebe, Henry | La Riviere |
| Wilkinson, J. B. | Portage la Prairie |
| Willanbea Seed Cleaners | Souris |
| Wood, E. J. | Killarney |

## Feed Mills and Feed Warehouses

| *Owner or Licensee* | *Address* |
|---|---|
| Altona Feed Service Limited | Altona |
| Benito Flour & Feed Mill | Benito |
| Canada Packers Limited (Shur-Gain Division) | St. Boniface |
| Central Grain Company Limited | St. Boniface |
| Dufferin Feed Service Mill | Carman |
| Economy Grain & Feed Company Limited | Winnipeg |
| Einarson Seed & Feed Company Limited | Glenboro |
| Ellison's Feed Mill | Teulon |
| Fairway Milling & Grain Company Limited | St. Boniface |
| Federal Grain Limited (Winnipeg Elevator) | Winnipeg |
| Federated Co-operatives Limited | Winnipeg |
| Feed-Rite Mills (1962) Limited | Winnipeg |
| Fournier Mobile Feed Service Limited | LaBroquerie |
| Friendly Family Feeds Limited | Steinbach |
| Grunthal Feed Service Limited | Grunthal |
| Hart Feeds | Ste. Anne |
| Haskett Feed Service Mill | Haskett |
| Horndean Feed Service | Horndean |
| Inter-Lake Flour & Feed Company | Arborg |
| Inter-Ocean Grain Company Limited (Winkler Mills Division) | Winkler |
| John's Feed Service | Grandview |
| Kady-Lo Feed Service | Shoal Lake |
| Kehler Feed & Seed Company Limited | Niverville |
| Kenmore Industries Limited | St. Boniface |
| Kent Flour Mills Limited, B. P. | Virden |
| Killarney Feed Service Mill | Killarney |
| Kleefeld Co-operative Dairy Limited | Kleefeld |
| Laing Brothers Limited | Winnipeg |
| Laiterie Co-operative de la Broquerie | La Broquerie |
| Landmark Feed Mill Limited | Landmark |
| Lockport Feed Service Mill | Lockport |
| Leowen & Company Limited, P. J. | Giroux |
| Maple Leaf Mills Limited | St. Boniface |
| McCabe Grain Company Limited | Brandon |
| McCabe Grain Company Limited | St. Boniface |

## SCHEDULE—*Continued*

### Feed Mills and Feed Warehouses—*Continued*

| *Owner or Licensee* | *Address* |
|---|---|
| Minnedosa Feed Mill | Minnedosa |
| National Grain Company Limited (Feed Mill) | Dauphin |
| National Grain Company Limited (Feed Mill) | Swan River |
| Noiseux Mobile Feed Service, Phil | St. Norbert |
| North West Flour Mills | Fisher Branch |
| Ogilvie Flour Mills Company Limited | Winnipeg |
| Parrish & Heimbecker Limited | Boissevain |
| Parrish & Heimbecker Limited | Brandon |
| Parrish & Heimbecker Limited | Gimli |
| Parrish & Heimbecker Limited | Gladstone |
| Parrish & Heimbecker Limited | Neepawa |
| Pilot Mound Feed Service | Pilot Mound |
| Pioneer Grain Company Limited | Carey |
| Portage Feed Mill | Portage la Prairie |
| Producers Feeds (Manitoba) Limited | Dauphin |
| Rempel Equipment Company | Steinbach |
| Riediger's Feed & Seed Service Limited | Manitou |
| Riediger & Sons Limited, J. P | Morden |
| Ritz & Company, Henry | Gretna |
| Roblin Flour Mills | Roblin |
| Rosenort Feed Service Limited | Rosenort |
| Selkirk Feed Mill | Selkirk |
| Somerset Feed Mill | Somerset |
| Souris Seed & Feed Limited | Souris |
| Steinbach Hatchery Limited | Steinbach |
| Swift Canadian Company Limited | St. Boniface |
| Valley Feed Service | Morris |
| Victoria Products Company Limited | St. Boniface |
| Winkler Feed Service Limited | Winkler |

## MILLS AND FEED WAREHOUSES IN SASKATCHEWAN

### Flour Mills

| *Owner or Licensee* | *Address* |
|---|---|
| Esterhazy Flour Mill | Esterhazy |
| Humboldt Flour Mills Limited | Humboldt |
| Quaker Oats Company of Canada Limited | Saskatoon |
| Robin Hood Flour Mills Limited | Saskatoon |
| Saskatchewan Wheat Pool—Industrial Division, Flour Mill | Saskatoon |
| Viscount Grist Mill | Viscount |
| Yorkton Milling Company Limited | Yorkton |
| Wynyard Flour Mill | Wynyard |

### Seed Cleaning Mills

| *Owner or Licensee* | *Address* |
|---|---|
| Bell's Limited | Prince Albert |
| Campbell, L. H | Pense |
| Early Seed & Feed Limited | Aylsham |
| Early Seed & Feed Limited | Saskatoon |
| Eastman, S. W | Melfort |
| Farr, Glenn A | Lewvan |
| Federal Grain Limited | Unity |
| Heil, G | Abernethy |
| Humboldt Flour Mills Limited | Humboldt |

# SCHEDULE—*Continued*

## Seed Cleaning Mills—*Continued*

| *Owner or Licensee* | *Address* |
|---|---|
| Hyndman, A. T. | Balcarres |
| Jackson's Seed & Feed | Kindersley |
| Jim's Seed Cleaning Plant | Kelvington |
| Lawrence Brothers | Meskanaw |
| McCabe Grain Company Limited | Nipawin |
| McCabe Grain Company Limited | Regina |
| Newfield Seeds Limited | Carragana |
| Newfield Seeds Limited | Nipawin |
| Nodrick Seeds Limited | Tisdale |
| Northeastern Seed Company Limited | Yorkton |
| Parrish & Heimbecker Limited | Regina |
| Peterson, S. P. | Wynyard |
| Phillip's Seed Farm | Tisdale |
| Purdy & Blacklaws Limited | Tisdale |
| Redvers Agriculture & Supply Limited | Redvers |
| Riverview Seeds Limited | Nipawin |
| Saskatchewan Wheat Pool | Moose Jaw |
| Saskatchewan Wheat Pool | Regina |
| Saskatchewan Wheat Pool | White Fox |
| Schoonover, L. A. | Ridgedale |
| Steele Briggs Seeds Limited | Regina |
| Tonn, C. H. | Preeceville |
| United Grain Growers Ltd. | Dinsmore |
| Vandeveld, R. | Viscount |
| Weyburn Co-operative Seed Plant | Weyburn |

## Feed Mills and Feed Warehouses

| *Owner or Licensee* | *Address* |
|---|---|
| Beechy Feeds Limited | Beechy |
| Bell's Limited | Prince Albert |
| Burns Foods Limited (Vigor Feed Division) | Prince Albert |
| Burns Foods Limited (Vigor Feed Division) | Regina |
| Early Seed & Feed Limited | Saskatoon |
| Federated Co-operatives Limited | Saskatoon |
| Ferguson's Custom Feedlots Limited | Drinkwater |
| Intercontinental Packers Limited | Saskatoon |
| Inter-Ocean Mills | Moosomin |
| Lloydminster & District Agricultural Co-op. Assoc. Limited | Lloydminster |
| McCabe Grain Company Limited | Moose Jaw |
| Moose Jaw Co-operative Association Limited | Moose Jaw |
| Myers Feeds Limited | Hughton |
| National Grain Company Limited | Biggar |
| National Grain Company Limited | Carlyle |
| National Grain Company Limited | Unity |
| Parrish & Heimbecker Limited | Radisson |
| Premier Feeds Company Limited | North Battleford |
| Premier Feeds Company Limited | Preeceville |
| Premier Feeds Company Limited | Wynyard |
| Producers Feeds (Sask.) Limited | Melville |
| Quaker Oats Company of Canada Limited | Saskatoon |
| Redvers Agriculture & Supply Limited | Redvers |
| Smith Hatcheries | Tisdale |
| Taylor's Flour & Feed Mill | Saskatoon |
| United Grain Growers Limited | Regina |
| United Grain Growers Limited | Wilkie |
| Weyburn Mills Division—Inter-Ocean Grain Company Limited. | Weyburn |
| Yorkton Milling Company Limited | Yorkton |

## SCHEDULE—*Continued*

### MILLS AND FEED WAREHOUSES IN ALBERTA

#### Flour Mills

| *Owner or Licensee* | *Address* |
|---|---|
| Byers Flour Mills Limited | Camrose |
| Ellison Milling and Elevator Company Limited | Lethbridge |
| Maple Leaf Mills Limited | Calgary |
| Maple Leaf Mills Limited | Medicine Hat |
| Ogilvie Flour Mills Company Limited | Edmonton |
| Ogilvie Flour Mills Company Limited | Medicine Hat |
| Pillsbury of Canada Limited | Calgary |
| Robin Hood Flour Mills Limited | Calgary |
| Vulcan Flour Mills | Vulcan |

#### Seed Cleaning Mills

| *Owner or Licensee* | *Address* |
|---|---|
| Alberta Wheat Pool | Camrose |
| Alberta Wheat Pool | Grande Prairie |
| Alberta Wheat Pool | Sangudo |
| Asgrow Seed Company of Canada Limited | Brooks |
| B.C. Pea Growers | Brooks |
| Bogoch Export Limited | Edmonton |
| Canwest Seed Company Limited | Beaverlodge |
| Canwest Seed Company Limited | Coronation |
| Canwest Seed Company Limited | Edmonton |
| Canwest Seed Company Limited | Falher |
| Canwest Seed Company Limited | Manning |
| Canwest Seed Company Limited | Sangudo |
| Chinook Seeds Limited | Lethbridge |
| Crown Seed & Feed Limited | Calgary |
| Ellison Milling & Elevator Company Limited | Foremost |
| Ellison Milling & Elevator Company Limited | Lethbridge |
| Foster's Seed & Feed Limited | Albright |
| Foster's Seed & Feed Limited | Beaverlodge |
| The Hadford Company Limited | Warner |
| Hannas Seeds Limited | Lacombe |
| Hannas Seeds Limited | Smoky Lake |
| Imperial Seed Company Limited | Calgary |
| Ken Long Seeds Limited | Cardston |
| Maple Leaf Seeds | South Edmonton |
| McCabe Seeds Limited | Brooks |
| McCabe Seeds Limited | Edmonton |
| McKenzie Company Limited, A. E. | Calgary |
| Milk River Grain Company Limited | Milk River |
| Montana Mustard Seed Company | Lethbridge |
| O'Loane, Kiely and Company Limited | Lethbridge |
| Pike & Company Limited | Edmonton |
| Pincher Creek Co-operative | Pincher Creek |
| Red Deer Seed Company Limited | Red Deer |
| Schiebout Seeds Limited | Barons |
| Smith Seed Cleaners Limited | Bow Island |
| Steel Briggs Seed Company Limited | Edmonton |
| Steele Robertson Limited | Boyle |
| Steele Robertson Limited | Edmonton |
| Steele Robertson Limited | Grande Prairie |

#### Mills and Feed Warehouses

| *Owner or Licensee* | *Address* |
|---|---|
| Airdrie Feed Service Limited | Airdrie |
| Alberta Flour & Feed Limited | Edmonton |
| Athabasca Feed & Seed Limited | Athabasca |

## SCHEDULE—*Continued*

MILLS AND FEED WAREHOUSES—*Continued*

| *Owner or Licensee* | *Address* |
|---|---|
| Barrhead Feed Mill Limited | Barrhead |
| Beiseker Feed Mill Limited | Beiseker |
| Bentley Farm Supply Limited | Bentley |
| Burns Foods Limited (Vigor Feed Division) | Calgary |
| Burns Foods Limited (Vigor Feed Division) | Edmonton |
| Butte Feeds Limited | Picture Butte |
| Butterwick Farm & Ranch Supplies Limited | Rocky Mountain House |
| Byers Flour Mills Limited | Camrose |
| Calgary Co-operative Fur Farmers Association | Calgary |
| Calgary Feed Service Limited | Nose Creek |
| Calgary Feed Service Limited | Midnapore |
| Calmar Feed Service Limited | Calmar |
| Canada Packers Limited (Shur-Gain Division) | Calgary |
| Canada Packers Limited (Shur-Gain Division) | Edmonton |
| Canada Packers Limited (Shur-Gain Division) | Innisfail |
| Canada Packers Limited (Shur-Gain Division) | Lacombe |
| Canada Packers Limited (Shur-Gain Division) | Lethbridge |
| Canada Packers Limited (Shur-Gain Division) | Linden |
| Canada Packers Limited (Suhr-Gain Division) | Medicine Hat |
| Canada Packers Limited (Shur-Gain Division) | Ponoka |
| Canada Packers Limited (Shur-Gain Division) | Red Deer |
| Canada Packers Limited (Shur-Gain Division) | Wetaskiwin |
| Canwest Grain Company | Edmonton |
| Castor Seed & Feed Limited | Castor |
| Claresholm Feed Service | Claresholm |
| Clover Bar Machinery Industries Limited | Clover Bar |
| Coaldale Feed Supplies | Coaldale |
| Cowley Feed & Seed Service | Cowley |
| Crown Seed & Feed Limited | Calgary |
| Curtis Feed Service | Morinville |
| Donalda Feed Service Limited | Donalda |
| Drumheller Feed & Supply Limited | Drumheller |
| Eckville Co-operative Association Limited | Eckville |
| Economy Feed Service Limited | Lethbridge |
| Edberg Feed Service | Edberg |
| Ellison Milling & Elevator Company Limited | Cardston |
| Ellison Milling & Elevator Company Limited | Lethbridge |
| Ellison Milling & Elevator Company Limited | Magrath |
| Ellison Milling & Elevator Company Limited | Picture Butte |
| Ellison Milling & Elevator Company Limited | Raymond |
| Federated Co-operatives Limited | Calgary |
| Federated Co-operatives Limited | Edmonton |
| Foster's Seed & Feed Limited | Beaverlodge |
| Four-Way Wholesale | Edson |
| Gold Medal Feeds (1965) Limited | Calgary |
| Gole & Sons Producers Limited | Didsbury |
| Goudreau's Feed Service | Beaumont |
| Grande Prairie Feed Service Limited | Grande Prairie |
| Holt's Farm & Ranch Supplies Limited | Lloydminster |
| Killam Feed Mill and Farm Supplies Limited | Killam |
| Lamont Feed Service | Lamont |
| Love Feeds Limited | Calgary |
| Mair Feed Service Limited | Stony Plain |
| Manning's Feed Service | Delburne |
| Maple Leaf Mills Limited | Calgary |
| Maple Leaf Mills Limited | Edmonton |
| Maple Leaf Mills Limited | Medicine Hat |
| Mayerthorpe Feed & Seed | Mayerthorpe |
| McCabe Grain Company Limited | Carstairs |
| McCabe Grain Company Limited | Edmonton |

## SCHEDULE—*Continued*

### Mills and Feed Warehouses—*Continued*

| *Owner or Licensee* | *Address* |
|---|---|
| McCabe Grain Company Limited | Okotoks |
| McCabe Grain Company Limited | Ponoka |
| McCabe Grain Company Limited | Wetaskiwin |
| Montalbetti Brothers Limited | Bluffton |
| Munro's Feed & Seed Limited | Nanton |
| National Grain Company Limited | Amisk |
| National Grain Company Limited | Chauvin |
| National Grain Company Limited | Delia |
| National Grain Company Limited | Hanna |
| National Grain Company Limited | Holden |
| National Grain Company Limited | Irma |
| National Grain Company Limited | Manville |
| National Grain Company Limited | Marwayne |
| National Grain Company Limited | Provost |
| National Grain Company Limited | Vermilion |
| National Grain Company Limited | Warburg |
| Newell Feed & Supply Limited | Brooks |
| North Edmonton Mobile Feed Limited | Edmonton |
| North West Mill & Feed Company Limited | South Edmonton |
| Ogilvie Flour Mills Company Limited | Edmonton |
| Ogilvie Flour Mills Company Limited | Medicine Hat |
| Okotoks Feed Service | Okotoks |
| Parrish & Heimbecker Limited | Big Valley |
| Parrish & Heimbecker Limited | Bruderheim |
| Parrish & Heimbecker Limited | Cochrane |
| Parrish & Heimbecker Limited | Crossfield |
| Parrish & Heimbecker Limited | High River |
| Parrish & Heimbecker Limited | Janet |
| Parrish & Heimbecker Limited | Leduc |
| Parrish & Heimbecker Limited | Olds |
| Parrish & Heimbecker Limited | Stettler |
| Parrish & Heimbecker Limited | Three Hills |
| Peace River Livestock Co-operative Limited | Fairview |
| Penhold Feed Service | Penhold |
| Red Deer Co-operative Feed Mill | Red Deer |
| Red Deer Seed Company Limited (Feed Division) | Red Deer |
| Samoil Feed Service | Lavoy |
| Select Feeds Limited | Taber |
| Shield Manufacturing Limited | Vegreville |
| South Edmonton Feed Mill Limited | Edmonton |
| Southern Feeds Limited | Lethbridge |
| Spruce Grove Feed & Farm Supplies Limited | Spruce Grove |
| Sterling Flour Mills Limited | Strome |
| Stettler Feed & Fertilizer Limited | Stettler |
| St. Paul Feed Mill | St. Paul |
| Sundre Feed & Farm Supplies Limited | Sundre |
| Superior Feed & Supply Limited | Rockyford |
| Superior Feed & Supply Limited | Strathmore |
| Swift Canadian Company Limited | Calgary |
| Swift Canadian Company Limited | Edmonton |
| Taber Feed Mill | Taber |
| Thorhild Feed Service | Thorhild |
| Thorsby Feed Service | Thorsby |
| United Feeds Limited | Bashaw |
| United Feeds Limited | Forestburg |
| United Feeds Limited | Innisfail |
| United Feeds Limited | Josephburg |
| United Feeds Limited | Olds |
| United Feeds Limited | Rimbey |
| United Grain Growers Limited | Clive |
| United Grain Growers Limited | Onoway |
| United Grain Growers Limited | South Edmonton |

## SCHEDULE—*Concluded*

### Mills and Feed Warehouses—*Continued*

| *Owner or Licensee* | *Address* |
|---|---|
| Vermilion Feed Mill | Vermilion |
| Viking Feed Service | Viking |
| Vulcan Flour Mills | Vulcan |
| Westlock Feed Mill Limited | Westlock |
| Wetaskiwin Co-operative Association Limited | Wetaskiwin |
| XL Feed & Supply Limited | Bassano |

### MILLS AND FEED WAREHOUSES IN BRITISH COLUMBIA

| *Owner or Licensee* | *Address* |
|---|---|
| National Grain Company Limited | Dawson Creek |
| North Peace Feeds Limited | Fort St. John |
| Sunset Seed Company Limited | Creston |
| United Grain Growers Limited No. 1 | Dawson Creek |

### Seed Cleaning Mills

| *Owner or Licensee* | *Address* |
|---|---|
| Fort St. John Seed Processors | Fort St. John |
| Foster's Seed & Feed Limited | Fort St. John |
| South Peace Grain Cleaning Co-operative | Dawson Creek |

C-280.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-280.

An Act to amend the Income Tax Act.

First reading, March 16, 1967.

THE MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25931

R.S., c. 148; 1952–53, c. 40; 1953–54, c. 57; 1955, cc. 54, 55; 1956, c. 39; 1957, c. 29; 1957–58, c. 17; 1958, c. 32; 1959, c. 45; 1960, c. 43; 1960–61, cc. 17, 49; 1962–63, c. 8; 1963, cc. 21, 41; 1964–65, cc. 13, 26, 54; 1965, cc. 12, 18; 1966-67, c. 25, s. 45; c. 47.

**1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.**

THE HOUSE OF COMMONS OF CANADA.

# BILL C-280.

An Act to amend the Income Tax Act.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

**1.** Paragraph (*c*) of section 105D of the *Income Tax Act* is repealed and the following substituted therefor:

"Tax period."

"(*c*) "tax period" means the period commencing on May 1, 1966, and ending on March 31, 1967;"

**2.** Paragraph (*a*) of subsection (1) of section 105F of the said Act is repealed and the following substituted therefor:

"(*a*) on or before the last day of each month commencing with the month ending May 31, 1966 and ending with the month ending March 31, 1967, (each of which days is herein referred to as an instalment payment date), an instalment of the tax payable under this Part for the taxation year of the corporation in which the payment is required, estimated in accordance with subsection (2); and"

## Explanatory Notes.

*Clause 1:* Paragraph (*c*) of section 105D at present reads as follows:

"(*c*) "tax period" means the period commencing on May 1, 1966, and ending on *October 31*, 1967;"

This amendment would reduce by seven months the period in respect of which the special refundable tax provided for in Part IID of the *Income Tax Act* as enacted by section 11 of chapter 47 of the Statutes of Canada, 1966-67, is payable.

*Clause 2:* The opening words of subsection (1) of section 105F read as follows:

"105F. (1) Every corporation shall pay to the Receiver General of Canada"

This amendment would substitute the date March 31, 1967, for the date October 31, 1967, and would thus reduce by seven the number of instalment payment dates for corporations in respect of the special refundable tax.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-281.

An Act to amend the Fisheries Act
(seal hunting prohibited).

First Reading, March 16, 1967.

Mr. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25961

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-281.

An Act to amend the Fisheries Act
(seal hunting prohibited).

R.S., c. 119; 1960-61, c. 23.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

**1.** Section 10 of the *Fisheries Act* is amended by adding thereto, immediately after subsection (2) thereof the following subsections:

Hunting and killing of seals prohibited.

"(3) Notwithstanding anything in this or any other Act no one shall hunt, kill, take, impede, injure or otherwise disturb seals within the territorial sea or the fishing zones of Canada as determined pursuant to the *Territorial Sea and Fishing Zones Act*.

Exception.

(4) Subsection 3 does not apply to Indians, Ainos, Aleuts, or Eskimos who may hunt and kill seals for food or clothing but not for sale.

Idem.

(5) Subsection 3 does not apply to vessels owned or chartered by the Government of Canada or members of the crew thereof or other personnel engaged in sealing for research purposes.

Penalties.

(6) Every person who violates any provision of subsection 3 is guilty of an offence and is liable

(*a*) on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment, or

(*b*) upon conviction on indictment to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one year or to both fine and imprisonment."

## Explanatory Notes.

The public concern about the need for the humane slaughter of animals was reflected by Parliament in 1959 when it passed the *Humane Slaughter of Food Animals Act.* 1959 Statutes, chap. 54.

In recent years the public has again become concerned about the slaughter of animals, and, in particular, the manner in which baby seals are hunted and killed.

In the absence of any effective measures to control the way in which such seals are slaughtered it is considered desirable to prohibit the hunting and killing of seals and that is the purpose of this Bill.

Subsection (3) prohibits the hunting and killing of seals within the territorial sea and fishing zones of Canada.

Subsections (4) and (5) establish certain exemptions from this prohibition and permit Indians and Eskimos to hunt for food and clothing and further permit the Government of Canada to engage in sealing for research purposes.

Canada is a signatory to two International Conventions under which sealing is conducted. This Bill does not seek to interfere with those International Conventions insofar as areas outside of Canada's Territorial Sea and Fishing Zones are concerned.

Subsection (6) establishes a penalty for violating the provisions of this Bill, which is taken from the *Humane Slaughter of Food Animals Act.*

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-282.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1967.

AS PASSED BY THE HOUSE OF COMMONS, 22nd MARCH, 1967.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25923

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-282.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1967.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by message from His Excellency, the Honourable Robert Taschereau, P.C., Administrator of the Government of Canada, and the estimates accompanying the said message, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1967, and for other purposes connected with the Public Service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Short title.

**1.** This Act may be cited as the *Appropriation Act No. 2, 1967.*

$324,983,578 granted for 1966-67.

**2.** From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole three hundred and twenty-four million, nine hundred and eighty-three thousand and five hundred and seventy-eight dollars towards defraying the several charges and expenses of the public service, from the 1st day of April, 1966, to the 31st day of March, 1967, not otherwise provided for, and being the total of the amounts of the items set forth in the Supplementary Estimates (G) for the fiscal year ending the 31st day of March, 1967, as contained in the Schedule to this Act.

Purpose and effect of each item.

**3.** (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

(2) The provisions of the items in the Schedule shall be deemed to have been enacted by Parliament on the 1st day of April, 1966.

Commitments.

**4.** Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Appropriation charged.

**5.** At any time prior to the date on which the Public Accounts for a fiscal year are tabled in Parliament, an appropriation granted by this or any other Act may be charged after the end of the fiscal year for which the appropriation is granted for the purpose of making adjustments in the accounts of Canada for the said fiscal year that do not require payments from the Consolidated Revenue Fund.

Account to be rendered. R.S., c. 116.

**6.** Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in Accordance with section 64 of the *Financial Administration Act*.

# SCHEDULE

Based on the Supplementary Estimates (G), 1966-67. The amount hereby granted is $324,983,578, being the total of the amounts of the items in the Estimates as contained in this Schedule.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1967, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | AGRICULTURE | | |
| | PRODUCTION AND MARKETING | | |
| | Administration | | |
| 17g | Grants, Contributions and Subsidies in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates | 94,387,000 | |
| | Animal and Animal Products | | |
| 20g | Administration, Operation and Maintenance | 223,600 | |
| | Plant and Plant Products | | |
| 35g | Grants, Contributions and Subsidies as detailed in the Estimates | 1 | |
| | HEALTH OF ANIMALS | | |
| 40g | Administration, Operation and Maintenance | 136,000 | |
| 45g | Grants, Contributions and Subsidies as detailed in the Estimates | 1 | |
| | CANADIAN DAIRY COMMISSION | | |
| 65g | Administration, Operation and Maintenance | 49,000 | |
| | FARM CREDIT CORPORATION | | |
| 90g | Estimated amount required to provide for the operating loss of the Farm Credit Corporation for the fiscal year ending March 31, 1967 | 2,600,000 | |
| | | | 97,395,602 |
| | ATOMIC ENERGY | | |
| | ATOMIC ENERGY CONTROL BOARD | | |
| 1g | Administration Expenses of the Atomic Energy Control Board | 2,214 | |
| | ATOMIC ENERGY OF CANADA LIMITED (RESEARCH PROGRAM) | | |
| 10g | Current Operation and Maintenance, including expendable research equipment | 1,000,000 | |
| | | | 1,002,214 |

SCHEDULE—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | CANADIAN BROADCASTING CORPORATION | | |
| 1g | Grant in respect of the net operating amount required to discharge the responsibilities of the national broadcasting service | | 800,000 |
| | CHIEF ELECTORAL OFFICER | | |
| 1g | Salaries and Expenses of Office | | 2,060 |
| | DEFENCE PRODUCTION | | |
| | A—DEPARTMENT | | |
| 10g | Reimbursement of the Supply Service Revolving Fund for the value of stores which have become obsolete or unserviceable | 13,423 | |
| 15g | Reimbursement of the Queen's Printer's Advance Account for the value of stores which have become obsolete or unserviceable | 36,678 | 50,101 |
| | C—CROWN COMPANIES | | |
| | CANADIAN ARSENALS LIMITED | | |
| 40g | Administration and Operation | 391,000 | |
| 45g | Construction, Improvements and Equipment | 67,700 | 458,700 |
| | ENERGY, MINES AND RESOURCES | | |
| | A—DEPARTMENT | | |
| | ADMINISTRATION SERVICES | | |
| 1g | Departmental Administration | 104,000 | |
| | FIELD AND AIR SURVEYS, MAPPING AND AERONAUTICAL CHARTING | | |
| 20g | Administration, Operation and Maintenance | 100,000 | |
| | GENERAL | | |
| 85g | Polar Continental Shelf Project | 251,000 | 455,000 |
| | B—DOMINION COAL BOARD | | |
| 100g | Administration and Investigations of the Dominion Coal Board | 6,500 | |
| 105g | Payments in connection with the movements of coal under conditions prescribed by the Governor in Council—To extend the authority granted by Mines and Technical Surveys Vote 75b, *Appropriation Act No. 10, 1964*, as amended by Mines and Technical Surveys Vote 75d, *Appropriation Act No. 2, 1966*, and by Energy, Mines and Resources Vote 105c, *Appropriation Act No. 9, 1966*, to increase to $37,737,911 the amount that may be spent pursuant thereto in the current fiscal year; additional amount required | 4,591,686 | 4,598,186 |

SCHEDULE—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | EXTERNAL AFFAIRS | | |
| | A—DEPARTMENT | | |
| 1g | Administration, Operation and Maintenance, including a payment to the Roosevelt Campobello International Park Commission for the purposes and subject to the provisions of the Act respecting the Commission established to administer the Roosevelt Campobello International Park, and grants as detailed in the Estimates | 1 | |
| 5g | Representation Abroad—Operational | 195,000 | |
| 6g | To authorize the establishment of a special account in the Consolidated Revenue Fund, to be known as the Canada Foundation Account, to which shall be credited (a) the interest payable on the bonds received by Canada under the Civilian Relief Agreement of 1950 and the Cultural Agreement of 1954 between Canada and Italy, and (b) the proceeds from the sale, redemption or maturity of the said bonds and notwithstanding section 35 of the *Financial Administration Act*, to provide in the current and subsequent fiscal years and in accordance with terms and conditions prescribed by the Governor in Council for payment out of the Canada Foundation Account for the purposes of the said Agreements | 1 | |
| 15g | Assessments, Contributions and other payments to International (including Commonwealth) Organizations and International Multilateral Economic and Special Aid Programs as detailed in the Estimates | 256,000 | |
| | EXTERNAL AID OFFICE | | |
| 35g | Economic, technical, educational and other assistance as detailed in the Estimates | 3,500,000 | |
| | | | 3,951,002 |
| | FINANCE | | |
| | ADMINISTRATION | | |
| 1g | Departmental Administration including Administration of the Guaranteed Loans Acts | 125,200 | |
| 3g | Grant to the Endowment Fund of the Vanier Institute of the Family—L'Institut Vanier de la famille | 167,000 | |
| | COMPTROLLER OF THE TREASURY | | |
| 25g | Administration, including the administration of the Superannuation and Retirement Acts and recoverable expenditures on behalf of the Canada Pension Plan | 440,900 | |
| | | | 733,100 |
| | FISHERIES | | |
| | ADMINISTRATION | | |
| 1g | Departmental Administration | 23,000 | |
| | FISHERIES MANAGEMENT AND DEVELOPMENT | | |
| 15g | Grants, Contributions and Subsidies in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates | 300,000 | |

## SCHEDULE—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | FISHERIES (Continued) | | |
| | SPECIAL | | |
| 17g | Estimated amount required to recoup the Fishing Vessel Indemnity Account, the Lobster Trap Indemnity Account and the Fixed Fishing Gear and Shore Installations Indemnity Account established under Vote 540 of the *Appropriation Act No. 5, 1955* and Vote 527 of the *Appropriation Act No. 6, 1956*, to cover the net operating losses in the said Accounts as at March 31, 1967 | 132,000 | |
| | | | 455,000 |
| | FORESTRY AND RURAL DEVELOPMENT | | |
| 1g | Departmental Administration | 7,000 | |
| | FORESTRY | | |
| 23g | Contributions to the Provinces in the amounts and subject to the terms specified in the Details of Estimates | 130,000 | |
| | | | 137,000 |
| | GOVERNOR GENERAL AND LIEUTENANT-GOVERNORS | | |
| 1g | Office of the Secretary to the Governor General | ..... | 4,000 |
| | INDIAN AFFAIRS AND NORTHERN DEVELOPMENT | | |
| | RESOURCE DEVELOPMENT | | |
| 3g | Administration, Operation and Maintenance—To extend the purposes of Indian Affairs and Northern Development Vote 3 of the Main Estimates for 1966–67 to increase the contributions to the Canadian Council of Resource Ministers to $107,310 | 1 | |
| | NATURAL AND HISTORIC RESOURCES | | |
| 15g | Administration, Operation and Maintenance including grants as detailed in the Estimates | 1 | |
| 20g | Construction or Acquisition of Buildings, Works, Land and Equipment—To extend the purposes of Indian Affairs and Northern Development Vote 20 of the Main Estimates for 1966-67 to increase to $17,906,700 the authority, notwithstanding section 30 of the *Financial Administration Act*, to make commitments for the current fiscal year and to provide a further amount of | 990,000 | |
| | INDIAN AFFAIRS | | |
| 30g | Administration, Operation and Maintenance including grants as specified in the sub-vote titles in the Estimates | 2,100,000 | |

## SCHEDULE—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | INDIAN AFFAIRS AND NORTHERN DEVELOPMENT (Continued) | | |
| | INDIAN AFFAIRS (Continued) | | |
| 35g | Construction or Acquisition of Buildings, Works, Land and Equipment | 1,100,000 | |
| | NORTHERN ADMINISTRATION | | |
| 45g | Administration, Operation and Maintenance | 271,600 | 4,461,602 |
| | INDUSTRY | | |
| 15g | To authorize, notwithstanding section 30 of the *Financial Administration Act*, an increase to $200,000,000 in the total amount of commitments in the current and subsequent fiscal years for development grants under the *Area Development Incentives Act* | ..... | 1 |
| | INSURANCE | | |
| 1g | Departmental Administration | ..... | 25,000 |
| | JUSTICE | | |
| 1g | Administration, including grants and contributions as detailed in the Estimates | ..... | 102,000 |
| | LABOUR | | |
| | B—CENTRAL MORTGAGE AND HOUSING CORPORATION | | |
| 25g | To reimburse Central Mortgage and Housing Corporation, pursuant to Section 35 of the *National Housing Act, 1954*, for expenditures incurred during the period January 1, 1966 to December 31, 1966, for Housing Research and Community Planning as contemplated by Part V of that Act | 2,171,932 | |
| 30g | To reimburse Central Mortgage and Housing Corporation for losses sustained by it during the calendar year 1966 as a result of the operation of Public Housing Projects undertaken under Part VI of the *National Housing Act, 1954* | 2,109,457 | |
| 35g | To reimburse Central Mortgage and Housing Corporation for amounts loaned under Section 36H of the *National Housing Act, 1954*, to any province, municipality or municipal sewerage corporation, and forgiven by the Corporation during the calendar year 1966, pursuant to Section 36G of the Act | 7,898,965 | |
| 40g | To reimburse Central Mortgage and Housing Corporation for grants charged to the Consolidated Revenue Fund as established by Section 23E of the *National Housing Act, 1954*, in respect of contributions made during the calendar year 1966, to any Province or Municipality for the preparation or implementation of an urban renewal scheme or pursuant to an urban redevelopment agreement | 6,632,832 | 18,813,186 |

## SCHEDULE—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | **LEGISLATION** | | |
| | THE SENATE | | |
| 5g | General Administration | ..... | 282,500 |
| | **MANPOWER AND IMMIGRATION** | | |
| | NATIONAL EMPLOYMENT SERVICE | | |
| 20g | Administration of the National Employment Service | 370,000 | |
| | IMMIGRATION | | |
| 30g | Administration, Operation and Maintenance—To extend the purposes of Vote 30 of the Main Estimates for 1966–67 to increase the grants to Immigrant Welfare Organizations from $20,000 to $28,000 | 1 | 370,001 |
| | **NATIONAL DEFENCE** | | |
| | DEFENCE SERVICES | | |
| 15g | Operation and Maintenance and Construction or Acquisition of Buildings, Works, Land and Major Equipment and Development for the Canadian Forces | 15,000,000 | |
| | DEFENCE RESEARCH | | |
| 35g | Research Satellite Program—To provide for the design and instrumentation of a series of satellites to carry out a scientific research program agreed upon jointly by the United States National Aeronautical and Space Administration and the Defence Research Board | 1,328,000 | 16,328,000 |
| | **NATIONAL HEALTH AND WELFARE** | | |
| | MEDICAL SERVICES | | |
| 20g | Administration, Operation and Maintenance | ..... | 1,970,000 |
| | **POST OFFICE** | | |
| 1g | Postal Services | ..... | 12,700,700 |

## SCHEDULE—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | PRIVY COUNCIL | | |
| | A—PRIVY COUNCIL | | |
| 5g | Ministers without Portfolio—Payment, notwithstanding anything in the *Financial Administration Act* or the *Senate and House of Commons Act* respecting the independence of Parliament, to each member of the Queen's Privy Council for Canada who is a Minister for whom no salary or allowance in addition to the allowances under section 33 and section 44 of the *Senate and House of Commons Act* is provided (the acceptance of which shall not render such member ineligible or disqualify him as a Member of the House of Commons) of a salary of $7,500 per annum and pro rata for any period less than a year | 1,715 | |
| 15g | Expenses of the Royal Commissions listed in the Details of Estimates | 145,500 | |
| | | | 147,215 |
| | B—ECONOMIC COUNCIL OF CANADA | | |
| 20g | Administration | | 120,000 |
| | PUBLIC SERVICE STAFF RELATIONS BOARD | | |
| 1g | Administration Expenses | | 44,700 |
| | PUBLIC WORKS | | |
| | A—DEPARTMENT | | |
| 1g | General Administration | 275,000 | |
| | ACCOMMODATION SERVICES | | |
| 5g | Maintenance and operation of public buildings and grounds | 1,010,000 | |
| | HARBOURS AND RIVERS ENGINEERING SERVICES | | |
| 30g | Construction, acquisition, major repairs and improvements of, and plans and sites for harbour and river works (including expenditures on works on other than federal property); provided that no contract may be entered into for new construction with an estimated total cost of $50,000 or more unless the project is individually listed in the Details of Estimates | 1 | |
| | | | 1,285,001 |
| | B—NATIONAL CAPITAL COMMISSION | | |
| 60g | Operation and Maintenance | | 473,000 |

SCHEDULE—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | REGISTRAR GENERAL | | |
| 5g | Corporations Branch | 5,900 | |
| 10g | *Combines Investigation Act*—Administration | 100,000 | |
| 20g | Patent Division, Copyright and Industrial Designs Division and Trade Marks Office including contributions to the International Office for the Protection of Literary and Artistic Works and the International Office for the Protection of Industrial Property and a grant of $4,000 to the Patent and Trade Mark Institute of Canada to assist in defraying the costs incurred in the production of a film on patents | 4,000 | |
| | | | 109,900 |
| | SECRETARY OF STATE | | |
| | A—DEPARTMENT | | |
| 1g | Departmental Administration, including grants as detailed in the Estimates | 125,675 | |
| | NATIONAL MUSEUM OF CANADA | | |
| 15g | Administration, Operation and Maintenance | 213,772 | |
| | UNIVERSITY GRANTS | | |
| 27g | To extend the purposes of Secretary of State Vote 27a, Supplementary Estimates (A), 1966-67 to authorize, notwithstanding the said Vote, payments in the current fiscal year of the remainder of the amount not exceeding $60,000,000 referred to therein | 21,600,000 | |
| | CITIZENSHIP | | |
| 35g | Administration, Operation and Maintenance including grants and contributions for language instruction and citizenship promotion | 107,000 | |
| | | | 22,046,447 |
| | D—NATIONAL ARTS CENTRE CORPORATION | | |
| 50g | Payments to the National Arts Centre Corporation to be used for the purposes set out in the *National Arts Centre Act* | ..... | 25,000 |
| | SOLICITOR GENERAL | | |
| | B—CORRECTIONAL SERVICES | | |
| | GENERAL | | |
| 12g | Reimbursement of the Penitentiaries Industrial Revolving Fund for the value of stores which have become obsolete, unserviceable, lost or destroyed | ..... | 16,007 |

## SCHEDULE—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | SOLICITOR GENERAL (Continued) | | |
| | C—ROYAL CANADIAN MOUNTED POLICE | | |
| 25g | Payment in the current and subsequent fiscal years of a pension to Mrs. Helen Coleman, Mrs. Gladys Welfringer and Mrs. Annie Rosalie Laird in an amount equal to the amount that would be payable in that year to each such person under Schedule B to the *Pension Act* if each of them were the widow of a Lt. Col. (Army) and entitled, pursuant to the *Pension Act*, to payment of a pension in that year at the rate set out in Schedule B to that Act minus any amount payable to such person in the year pursuant to any other statutory authority providing for the payment of a pension in respect of the loss of life while engaged in the performance of duty; amount required for 1966–67 | ..... | 1,068 |
| | TRADE AND COMMERCE | | |
| | General Administration | | |
| 10g | Exhibitions Branch | ..... | 111,800 |
| | TRANSPORT | | |
| | A—DEPARTMENT | | |
| | Marine Services | | |
| 5g | Administration, Operation and Maintenance including authority, notwithstanding section 30 of the *Financial Administration Act*, to increase to $27,016,900 the commitments for the current fiscal year for the Canadian Coast Guard Service | 360,700 | |
| | Railways and Steamships | | |
| 15g | Payments to the Canadian National Railway Company (hereinafter called the Company) upon applications approved by the Minister of Transport made by the Company to the Minister of Finance, to be applied by the Company in the payment of the deficits, certified by the auditors of the Company, arising in the operations in the calendar year 1966 in respect of the following services: Newfoundland Ferry and Terminals; Prince Edward Island Car Ferry and Terminals; Yarmouth, N.S.—Bar Harbour, Maine, U.S.A. Ferry Service | 1,176,000 | |
| 20g | Construction or Acquisition of Buildings, Works and Land, Dock and Terminal Facilities, including improvements to Terminal Facilities owned by Newfoundland, and of Vessels and Related Equipment as listed in the Details of the Estimates provided that Treasury Board may increase or decrease the amounts within the Vote to be expended on individually listed projects | 1 | |

## SCHEDULE—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | TRANSPORT (Continued) | | |
| | A—DEPARTMENT (Continued) | | |
| | RAILWAYS AND STEAMSHIPS (Continued) | | |
| 27g | Canadian National Railways Deficit, 1966—Amount required to provide for payment to the Canadian National Railway Company (hereinafter called the Company) upon applications approved by the Minister of Transport, made by the Company to the Minister of Finance, and to be applied by the Company in payment of the system deficit (certified by the auditors of the Company) arising in the calendar year 1966, which deficit shall be calculated after taking into account subsidies received by the Company in 1966 in respect of the maintenance of lower freight rates in 1964 and 1965, and after providing for outstanding liabilities for vacation pay accrued in 1966, subject to recovery therefrom of accountable advances made to the Company from the Consolidated Revenue Fund | 25,000,000 | |
| | AIR SERVICES | | |
| 30g | Administration, Operation and Maintenance | 339,000 | |
| 35g | Construction or Acquisition of Buildings, Works, Land and Equipment including national airports (as determined by the Minister of Transport) and related facilities including authority, notwithstanding section 30 of the *Financial Administration Act*, to increase to $37,800,000 the commitments for the current fiscal year for Airports and Other Ground Services | 5,300,000 | |
| | GENERAL | | |
| 73g | Reimbursement of the Department of Transport Revolving Fund for the value of stores which have become obsolete, unserviceable, lost or destroyed | 215,700 | |
| | | | 32,391,401 |
| | B—AIR TRANSPORT BOARD | | |
| 75g | Salaries and Other Expenses | 12,000 | |
| 78g | Subventions for Air Carriers as detailed in the Estimates | 250,000 | |
| | | | 262,000 |
| | C—BOARD OF TRANSPORT COMMISSIONERS FOR CANADA | | |
| 80g | Administration, Operation and Maintenance | 35,000 | |
| 82g | Railway Grade Crossing Fund—To authorize, notwithstanding section 30 of the *Financial Administration Act*, an increase from $34,967,000 to $40,967,000 (in addition to any commitments in respect of which amounts are appropriated under this or any other Act) in the commitments that may be made in the current and subsequent fiscal years | 1 | |
| | | | 35,001 |
| | D—CANADIAN MARITIME COMMISSION | | |
| 90g | Steamship Subventions for Coastal Services, as detailed in the Estimates | ..... | 2,081,919 |

## SCHEDULE—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | TRANSPORT (Continued) | | |
| | E—NATIONAL HARBOURS BOARD | | |
| 104g | Payment to the National Harbours Board to be applied in payment of the balance of the deficit incurred in respect of the calendar year 1965 and the deficit expected to be incurred in the calendar year 1966 (exclusive of interest on advances authorized by Parliament and depreciation on capital structures) in the operation of the Jacques Cartier Bridge, Montreal Harbour | | 483,000 |
| | F—ST. LAWRENCE SEAWAY AUTHORITY | | |
| 105g | Operating deficit and capital requirements of canals and works entrusted to the St. Lawrence Seaway Authority with the approval of the Governor in Council and to authorize, notwithstanding the *Financial Administration Act* or any other Act, the disbursement by the Authority of revenues derived from operation and management of such canals and works | 549,000 | |
| 107g | Payment to the St. Lawrence Seaway Authority, upon application, approved by the Minister of Transport, made by the Authority to the Minister of Finance, to reimburse the Authority in respect of the Welland Canal deficit incurred by the Authority during the calendar year 1966 | 10,150,000 | |
| | | | 10,699,000 |
| | TREASURY BOARD | | |
| | ADMINISTRATION | | |
| 1g | Departmental Administration | 74,400 | |
| | GOVERNMENT ADMINISTRATION | | |
| 19g | To authorize the Governor in Council to amend from time to time Schedule A of the *Public Service Superannuation Act* by deleting therefrom any board, commission or corporation named therein that has ceased to exist, and to deem, with effect from the 11th day of July, 1966, that persons in positions, as determined by the Governor in Council, in the whole or any portion of any board, commission or corporation which has its own pension plan are not employed in the Public Service for the purposes of subsection (1) of section 4 of the *Public Service Superannuation Act* while such pension plan is in force | 1 | |
| 24g | To authorize as of March 31, 1967, the charging to the Superannuation Account and the Retirement Fund, as defined in the *Public Service Superannuation Act*, of the amount of all advances made pursuant to Finance Vote L100D of *Appropriation Act No. 2, 1966* and L100E of *Appropriation Act No. 4, 1966* to or in respect of persons described in those Votes who were required to make contributions under the *Public Service Superannuation Act* and the Canada Pension Plan or the Quebec Pension Plan in respect of remuneration received after December 31, 1965, and to provide that, notwithstanding the *Public Service Superannuation Act*, the contributions payable pursuant to that Act to the Superannuation Account or the Retirement Fund by any such person shall be reduced to the extent that the combined effect of that Act and the Canada Pension Plan or the Quebec Pension Plan result in a requirement to contribute in respect of that remuneration at rates in excess of 6.5% in the case of a male contributor and 5% in the case of a female contributor prior to his or her ceasing to be employed in the Public Service | 1 | |

SCHEDULE—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | TREASURY BOARD (Continued) | | |
| | GOVERNMENT ADMINISTRATION (Continued) | | |
| 25g | To authorize the Treasury Board to delete from the accounts certain debts due, and claims by, Her Majesty, each of which is in excess of $1,000, amounting in the aggregate to $15,133,978.33 | 1 | |
| | | | 74,403 |
| | VETERANS AFFAIRS | | |
| | WELFARE SERVICES, ALLOWANCES AND OTHER BENEFITS | | |
| 6g | To provide, notwithstanding the *Children of War Dead (Education Assistance) Act*, that Martin Merlihan, Mary Merlihan, Sheila Merlihan and Patricia Merlihan, children of the late Francis J. Merlihan who died on the 7th day of June, 1965, while under treatment for a pensionable disability, be deemed to be students on and from the 8th day of June, 1965, within the meaning of the said Act | 1 | |
| | PENSIONS | | |
| 20g | Administration | 70,000 | |
| | TREATMENT SERVICES | | |
| 30g | Operation and Maintenance | 900,000 | |
| | SOLDIER SETTLEMENT AND VETERANS' LAND ACT | | |
| 40g | Administration of Veterans' Land Act; Soldier Settlement and British Family Settlement | 210,000 | |
| | | | 1,180,001 |
| | LOANS, INVESTMENTS AND ADVANCES | | |
| | ATOMIC ENERGY OF CANADA LIMITED | | |
| L5g | Advances to Atomic Energy of Canada Limited, subject to such terms and conditions (including the delivery to Her Majesty, in satisfaction of the advances, of obligations or shares of the Company), as the Governor in Council may approve, to finance the construction in Quebec of a Candu-BLW 250 nuclear power station | 3,000,000 | |
| | DEFENCE PRODUCTION | | |
| L13g | To extend the purposes of the revolving fund established by Loans, Investments and Advances Vote L18e, *Appropriation Act No. 4, 1966*, to include<br>(a) the procurement of insurance coverage at bulk rates on the movement of household effects; and<br>(b) the financing, in the 1966-67 and 1967-68 fiscal years, of the cost of hotel accommodation in Montreal during the period of the Canadian Universal and International Exhibition, Montreal, 1967 under arrangements approved by the Treasury Board | 1 | |

## SCHEDULE—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | LOANS, INVESTMENTS AND ADVANCES (Continued) | | |
| | EXTERNAL AFFAIRS | | |
| L24g | Additional advance to the working capital fund of the United Nations Educational, Scientific and Cultural Organization in an amount of $23,460 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of February, 1967, which is..... | 25,000 | |
| | FINANCE | | |
| | Comptroller of the Treasury | | |
| L29g | To authorize the operation of a working capital advance account, in the current and subsequent fiscal years, in accordance with terms and conditions prescribed by the Treasury Board, for the purpose of providing to federal government departments and agencies standing travel advances, advances for petty cash expenditures and imprest bank accounts, and such other accountable advances as may be approved by Treasury Board; advances made shall be charged to the account and refunds of advances credited thereto, the amount outstanding at any one time not to exceed..... | 17,000,000 | |
| | INDIAN AFFAIRS AND NORTHERN DEVELOPMENT | | |
| L51g | Indian Housing Assistance Account—To extend the purposes of Indian Affairs and Northern Development Vote L51a of the Supplementary Estimates (A), 1966-67, to authorize loans and advances to Indians for the acquisition of houses and land for housing purposes in areas other than Indian reserves..... | 1 | |
| | LABOUR | | |
| | Central Mortgage and Housing Corporation | | |
| L38g | Advances charged to the special account in the Consolidated Revenue Fund established by sub-section (4) of section 35A of the *National Housing Act, 1954*, in respect of housing and land development projects undertaken jointly with the Governments of Provinces during the calendar year 1966... | 19,500,000 | |
| L39g | Advances charged to the special account in the Consolidated Revenue Fund established by sub-section 2 of section 36H of the *National Housing Act, 1954*, in respect of loans to any province, municipality or municipal sewerage corporation, for construction or expansion of municipal sewage treatment projects during the calendar year 1966..... | 32,500,000 | |
| | MANPOWER AND IMMIGRATION | | |
| L41g | To increase to $500,000 the amount that may be charged at any time to the special account established by Vote 626, *Appropriation Act No. 2, 1955*, as amended by Vote 526, *Appropriation Act No. 6, 1956*, for advances to posts and to employees on posting abroad; additional amount required.. | 225,000 | |

## SCHEDULE—*Concluded*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | LOANS, INVESTMENTS AND ADVANCES (Continued) | | |
| | PUBLIC WORKS | | |
| L56g | To authorize the operation of a working capital advance account in the current and subsequent fiscal years, in accordance with terms and conditions approved by the Treasury Board, for the purpose of making payments in respect of construction and repair projects undertaken by the Department of Public Works on behalf of other federal government departments and agencies; the payments to be charged to the account and refunds by federal government departments and agencies to be credited thereto, the amount outstanding at any time, after deducting therefrom all amounts due by federal government departments and agencies, not to exceed | 10,000,000 | |
| | SOLICITOR GENERAL | | |
| | C—Royal Canadian Mounted Police | | |
| L70g | To authorize the operation of a working capital advance account in the current and subsequent fiscal years, in accordance with terms and conditions prescribed by the Treasury Board, for the purpose of operating RCMP messes; expenditures for such purpose to be charged to the account and receipts for mess services to be credited thereto, the amount outstanding at any time not to exceed | 80,000 | |
| | TRANSPORT | | |
| L81g | Loans to Canadian National Railways in such manner and subject to such terms and conditions as the Governor in Council may approve for maintenance, repair and acquisition of passenger equipment | 200,000 | |
| L83g | Acquisition of two Twin-Otter Aircraft for leasing to Leeward Islands Air Transport Services Limited, in accordance with an agreement to be entered into with the approval of the Governor in Council, at a rent that will reimburse the Crown for the cost of acquisition, and that will include an option to purchase the said aircraft, notwithstanding anything contained in the *Surplus Crown Assets Act* | 771,757 | |
| L82g | To authorize, notwithstanding sub-section 5 of section 58 of the *Financial Administration Act*, the retention within the Department of Transport revolving fund of credits arising from the introduction of a system of standard pricing | 1 | |
| | VETERANS AFFAIRS | | |
| | Treatment Services | | |
| L100g | To authorize the operation, in accordance with section 58 of the *Financial Administration Act*, of a revolving fund for the purpose of financing the acquisition and storage of materials and supplies by departmental hospitals and other facilities in Canada, including the Central Medical Stores maintained in Ottawa; the amount to be charged to the revolving fund at any time not to exceed | 5,000,000 | |
| | | | 88,301,760 |
| | | | 324,983,578 |

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-283.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1968.

**AS PASSED BY THE HOUSE OF COMMONS, 22nd MARCH, 1967.**

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25979

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-283.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1968.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by message from His Excellency, the Honourable Robert Taschereau, P.C., Administrator of the Government of Canada and the estimates accompanying the said message, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1968; and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Short title.

**1.** This Act may be cited as the *Appropriation Act No. 3, 1967.*

$583,621,688.93 granted for 1967–68.

**2.** From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole, five hundred and eighty-three million, six hundred and twenty-one thousand, six hundred and eighty-eight dollars and ninety-three cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1967 to the 31st day of March, 1968, not otherwise provided for, and being the aggregate of

(*a*) one-twelfth of the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1968, as laid before the House of Commons at the present session of Parliament..... .....$499,354,305.59;

(*b*) ten-twelfths of the amount of the item in the said Main Estimates set forth in Schedule A .....$16,666,666.67;

(*c*) four-twelfths of the total of the amounts of the several items in the said Main Estimates set forth in Schedule B.....$23,778,000.00;

(*d*) three-twelfths of the amount of the item in the said Main Estimates set forth in Schedule C.. .....$2,543,000.00;

(*e*) two-twelfths of the total of thea mounts of the several items in the said Main Estimates set forth in Schedule D.....$27,544,166.67;

(*f*) one-twelfth of the total of the amounts of the several items in the said Main Estimates set forth in Schedule E.....$13,735,550.00.

Purpose and effect of each item.

**3.** The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

Commitments.

**4.** Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Power to raise loan of $1,000,000,000 for public works and general purposes. R.S., c. 116.

**5.** (1) The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament, by any Act heretofore passed, raise by way of loan, under the *Financial Administration Act*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rates of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, not exceeding in the whole, the sum of one billion dollars, as may be required for public works and general purposes.

(2) All borrowing powers that are authorized by section 5 of chapter 5 of the Statutes of 1966-67 and by section 5 of chapter 30 of the Statutes of 1966-67 and are outstanding and unused and in respect of which no action has been taken by the Governor in Council pursuant to section 42 of the *Financial Administration Act* shall expire on the date of the coming into force of this Act.

Account to be rendered. R.S., c. 116.

**6.** Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

# SCHEDULE A.

Based on the Main Estimates, 1967–68. The amount hereby granted is $16,666,666.67, being ten-twelfths of the item in the said Estimates contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1968, and the purposes for which it is granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | LOANS, INVESTMENTS AND ADVANCES | | |
| | FINANCE | | |
| L40 | To provide for the purchase, acquisition, and holding by the Minister of Finance of securities issued by the Canadian Corporation for the 1967 World Exhibition pursuant to sub-section 1 of section 12 of the Canadian Corporation for the 1967 *World Exhibition Act* and to subsequently dispose thereof..... | ..... | *20,000,000 |

*Net Total $16,666,666.67.

## SCHEDULE B.

Based on the Main Estimates, 1967–68. The amount hereby granted is $23,778,000.00, being four-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1968, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | ATOMIC ENERGY | | |
| | ATOMIC ENERGY CONTROL BOARD | | |
| 5 | Grants for researches and investigations with respect to atomic energy | 2,500,000 | |
| | ENERGY, MINES AND RESOURCES | | |
| | A—DEPARTMENT | | |
| | ADMINISTRATION SERVICES | | |
| 10 | Contributions to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council by Canada with the Provinces, to assist in the development of roads leading to resources | *2,834,000 | ..... |
| | NATIONAL RESEARCH COUNCIL OF CANADA INCLUDING THE MEDICAL RESEARCH COUNCIL | | |
| 10 | Scholarships and Grants in Aid of Research | 66,000,000 | |
| | | | *71,334,000 |

*Net Total $23,778,000.00.

## SCHEDULE C.

Based on the Main Estimates, 1967–68. The amount hereby granted is $2,543,000.00, being three-twelfths ot fhe item in the said Estimates contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1968, and the purposes for which it is granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | ENERGY, MINES AND RESOURCES | | |
| | A—DEPARTMENT | | |
| | RESEARCH AND INVESTIGATIONS ON WATER RESOURCES | | |
| 80 | Contributions to the Provinces towards the construction of dams and other works to assist in the conservation and control of water resources in accordance with agreements entered into between Canada and the Provinces..... | ..... | *10,172,000 |

*Net Total $2,543,000.00.

# SCHEDULE D.

Based on the Main Estimates, 1967–68. The amount hereby granted is $27,544,166.67, being two-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1968, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | ENERGY, MINES AND RESOURCES | | |
| | A—DEPARTMENT | | |
| | MARINE SURVEYS AND RESEARCH | | |
| 30 | Construction or Acquisition of Buildings, Works, Land and Equipment | 9,880,000 | |
| | EXTERNAL AFFAIRS | | |
| | A—DEPARTMENT | | |
| | EXTERNAL AID OFFICE | | |
| 35 | Economic, technical, educational and other assistance as detailed in the Estimates | 130,100,000 | |
| | LOANS, INVESTMENTS AND ADVANCES | | |
| | ENERGY, MINES AND RESOURCES | | |
| L25 | Advances in accordance with agreements entered into pursuant to the *Atlantic Provinces Power Development Act* | 25,285,000 | |
| | | | *165,265,000 |

*Net Total $27,544,166.67.

## SCHEDULE E.

Based on the Main Estimates, 1967–68. The amount hereby granted is $13,735,550.00, being one-twelfth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1968, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | INDUSTRY | | |
| 15 | Capital subsidies for the construction of commercial and fishing vessels in accordance with regulations of the Governor in Council (formerly under Canadian Maritime Commission). | 30,000,000 | |
| | LEGISLATION | | |
| | HOUSE OF COMMONS | | |
| 20 | General Administration | 7,803,900 | |
| | NATIONAL REVENUE | | |
| | TAXATION | | |
| 5 | General Administration and District Offices including recoverable expenditures on behalf of the Canada Pension Plan | 57,833,900 | |
| | SOLICITOR GENERAL | | |
| | C—ROYAL CANADIAN MOUNTED POLICE | | |
| 15 | National Police Services, Federal Law Enforcement Duties and Provincial and Municipal Policing under contract—Administration, Operation and Maintenance, including grants as detailed in the Estimates and authority, notwithstanding the *Financial Administration Act*, to spend revenue received during the year | 62,438,000 | |
| | TRADE AND COMMERCE | | |
| | 1967 WORLD EXHIBITION | | |
| 29 | Canadian Government Participation in the 1967 World Exhibition, Montreal | 6,750,800 | |
| | | | *164,826,600 |

*Net Total $13,735,550.00.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-284.

An Act to amend the Canada Labour (Standards) Code (Notice and Payment to Employees in case of Discharge or Lay-off).

First reading, April 3, 1967.

MR. KNOWLES.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25981

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-284.

An Act to amend the Canada Labour (Standards) Code (Notice and Payment to Employees in case of Discharge or Lay-off).

1964-65, c. 38; 1966-67, c. 59.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

**1.** The *Canada Labour (Standards) Code* is amended by adding thereto immediately after Part IVA thereof, the following Part:

"PART IVB

NOTICE AND PAYMENT TO EMPLOYEE IN CASE OF DISCHARGE OR LAY-OFF

Notice of termination of employment or lay-off.

**34E.** Where an employee has been in the service of his employer continuously for three months or more, the employer shall not

(*a*) discharge the employee, unless for just cause other than shortage of work; or

(*b*) lay off the employee;

without having given the employee at least two weeks' written notice of termination of employment or of lay-off.

Payment to employee.

**34F.** (1) Where, pursuant to written notice as required by section 34E, an employer discharges or lays off an employee to whom that section applies, he shall pay to the employee, in respect of the period of the notice, the sum earned by the employee during that period or a sum equivalent to the employee's normal wages for two weeks exclusive of overtime, whichever is the greater.

## Explanatory Note.

The purpose of this Bill is to write into the federal Labour Code a provision requiring employers to give at least two weeks' notice before discharging or laying off an employee. It also requires payment of normal wages for the period of notice.

Idem.

(2) Where an employer, contrary to section 34E, discharges or lays off an employee without having given the notice required by that section, he shall pay to the employee, in respect of the two weeks that would constitute the minimum period of notice, a sum equivalent to the employee's normal wages for two weeks exclusive of overtime.

Computation of wages.

(3) Where the wages of the employee mentioned in subsection (1) or subsection (2), exclusive of payment for overtime, varied during the course of his employment, his normal wages for two weeks shall, for the purposes of those subsections, be computed on the basis of his average wages, exclusive of any payment for overtime, for the four weeks he worked immediately preceding the date on which notice of termination of employment or lay-off was given or, where such notice was not given, for the four weeks immediately preceding the date on which he was discharged or laid off.

Saving.

**34G.** Nothing in section 34E or in section 34F affects any provision in a contract of service, in a collective agreement, or in any recognized usage, by virtue of which an employee is entitled to more than two weeks' notice of termination of employment or of lay-off or to more favourable compensation in respect of the period of any such notice than is provided for by section 34F.

Notice of intention to terminate.

**34H.** An employee who has been in the service of his employer continuously for three months or more shall, at least two weeks before terminating his employment with that employer, notify his employer of his intention to terminate his employment."

Coming into force.

**2.** This Act shall come into force on the first day of January, 1968.

C-285.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-285.

An Act to amend the Canada Labour (Standards) Code (Provision for a Ninth General Holiday with Pay).

First reading, April 3, 1967.

Mr. KNOWLES.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25998

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-285.

An Act to amend the Canada Labour (Standards) Code (Provision for a Ninth General Holiday with Pay).

1964–65, c. 38; 1966–67, c. 59.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

**1.** Paragraph (*f*) of section 2 of the *Canada Labour (Standards) Code* is repealed and the following substituted therefor:

"General holiday."

"(*f*) "general holiday" means New Year's Day, Good Friday, Victoria Day, Dominion Day, the first Monday in the month of August, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day and includes any day substituted for any such holiday pursuant to section 28;"

**2.** Subsection (2) of section 28 of the said Act is repealed and the following substituted therefor:

Existing collective agreements.

"(2) Where a collective agreement that is in effect on the day this Part comes into force provides for at least nine holidays with pay in each year, exclusive of any annual vacation, the employer who is bound by the collective agreement may designate a holiday specified in the agreement as a holiday in lieu of a specified general holiday under this Part and, on notification thereof to the Minister, that designated holiday shall, for those employees of the employer who are mentioned in the collective agreement, be a general holiday for the purposes of this Act during the period the collective agreement is in effect."

Coming into force.

**3.** This Act shall come into force on the first day of January, 1968.

## Explanatory Notes.

The federal Labour Code now provides for eight general holidays with pay each year for all employees to whom the Code applies. This Bill would increase this number from eight to nine by adding the first Monday in the month of August to the list.

This Bill does not affect the provision of section 28 of the Code under which, to suit special or local conditions, some other holiday may be substituted for one of those listed in the statute. But it would provide for all employees concerned by the federal Labour Code to receive not less than nine general holidays with pay during each year of employment.

C-286.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-286.

An Act to amend the Supreme Court Act.

First reading, April 4, 1967.

Mr. CAOUETTE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25965

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-286.

An Act to amend the Supreme Court Act.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., c. 259, 335; 1956, c. 48.

**1.** The *Supreme Court Act* is amended by adding, immediately after section 54 thereof, the following section:

Decisions must be published in both languages.

"**54A.** Judgments of the Court and opinions given by the Court, following references by the Governor in Council or by the Senate and the House of Commons, or on appeal from references made by the Lieutenant-Governor in Council of a province, are drafted either in the French or the English language, but the publication of such judgments or opinions by the Queen's Printer shall be done in both official languages.

Any translation of such a judgment or opinion shall, prior to its publication, be approved by the Court or a judge thereof."

## Explanatory Notes.

The Supreme Court of Canada is, along with the Parliament of Canada and the Federal Executive, one of the branches of the Canadian political system. By branch of the Canadian political system, we mean one of the elements exercisingauthority within the State.

The bill presupposes acceptance of the principle that the Government of Canada must be bilingual, that the branches exercising powers in the Federal State must be of a bilingual character. However, when we now consider the past decisions of the Supreme Court, we find that approximately eighty per cent were rendered and published in English.

Considering the importance of the interpretation of a law under our legal system—interpretation of a law is just as important as the law itself, if not more so—it would seem abnormal that the present situation should continue and that a certain number of Canadians should be compelled to study or to read the decisions of the Supreme Court in a language which is not their own.

It appears abnormal that a French-speaking Canadian should have to study or to read in English a decision rendered by the said Court and dealing, for example, with the interpretation of the *Criminal Code* or of the *British North America Act;* and it seems to us equally abnormal that an English-speaking Canadian should have to study, in a French text, a decision bearing on the interpretation of a federal statute or on the constitutionality of a Quebec law.

This bill aims at ensuring respect for the principle that French and English are the official languages of Canada and is designed to avoid perpetuating the above-described situation.

A further object of the bill is to ensure respect for the spirit of Section 133 of the *British North America Act,* which provides that:

> " ...The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both these languages."

The object of this bill is not to compel the judges of the Supreme Court to render two decisions, one in French and the other in English; it is rather to compel the Canadian Government to deal with the matter of translating the decisions of the Supreme Court; the latter would, through one of its judges, approve the translations made of its judgments in order to avoid the publication of texts not compatible with the spirit and the letter of the said judgments.

We believe that the suggested amendment should be adopted in order that the fundamental principles of our political system may be respected.

C-287.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-287.

An Act to amend the Broadcasting Act (cigarette advertising).

First reading, April 5, 1967.

Mr. MATHER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26043

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-287.

An Act to amend the Broadcasting Act (cigarette advertising).

1958, c. 22.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

**1.** Subsection (1) of section 11 of the *Broadcasting Act* is amended by adding immediately after paragraph (i) the following:

Regulations.

"(*j*) controlling or prohibiting advertisements related to cigarettes."

## Explanatory Notes.

It has been established that there is a link between cigarette smoking and lung cancer, heart and respiratory diseases.

It has been established that television and radio advertising promote the use of cigarettes, particularly among young people and consequently spread diseases.

The purpose of this Bill is to enable the Board of Broadcast Governors to make regulations controlling or prohibiting cigarette advertising.

C-288.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-288.

An Act respecting Crown Corporations.

First reading, April 12, 1967.

MR. LANGLOIS (*Mégantic*).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26146

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-288.

An Act respecting Crown Corporations.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Not agents of the Crown.

**1.** Notwithstanding any other Act, the Crown corporations listed in Schedule D to the *Financial Administration Act* are not agents of Her Majesty.

## Explanatory Notes.

The object of this bill is to place Crown corporations on the same footing as private corporations and, more particularly,

(*a*) to extend the liability for municipal taxes to public corporations as well as to private firms;

(*b*) to provide that, in any bankruptcy, public corporations be paid on the same basis as other corporations are, without any discrimination being shown (In *re* Spartan Air Services Ltd., 1 C.B.R., p. 33);

(*c*) to provide that public corporations be not granted privileges with respect to patent rights (Formea Chemicals Ltd., *vs* Polymer Corporation Limited, 48 D.L.R. (2d) p. 123);

(*d*) to provide that a writ of *mandamus* be entered against a Crown corporation as if it were a private corporation (*Caron vs. Canadian Broadcasting Corporation, 1957, S.C., p. 279*);

(*e*) to provide that criminal laws be made applicable to Crown corporations in the same manner as they apply to private corporations (Canadian Broadcasting Corporation *vs* Attorney General for Ontario, 1959 R.C.S., p. 188).

In other words, this bill seeks to make Crown corporations subject to private law and to deprive them of public law privileges. The same treatment should apply to Crown and private corporations when both are competing against each other.

C-289.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-289.

An Act to amend the Canada Elections Act.
(Students' Franchise)

First reading, April 14, 1967.

MR. ROXBURGH.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26137

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-289.

An Act to amend the Canada Elections Act.
(Students' Franchise)

1960, c. 39; 1963, c. 40, ss. 14 to 21.

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows.

**1.** Subsection (7) of section 16 of the *Canada Elections Act* is amended by adding the word "or" at the end of paragraph (*b*) thereof and by adding thereto the following paragraph:

"(*c*) being a student, he is duly registered and in attendance at a recognized educational institution, and for the purpose of this subsection such student shall be deemed to reside in the electoral district in which he has temporary residence and not in the electoral district in which he would otherwise have his ordinary residence."

## Explanatory Notes.

During the general election of November 1965 many university students found themselves disenfranchised under the provisions of subsection 9 of section 16 of the *Canada Elections Act.*

Ministers and teachers pursuant to subsections 6 and 7 of section 16 of the *Canada Elections Act* may move into a new constituency at any time in the interval between the date of the issue of the writ and polling day and register as voters.

The student franchise problem would be solved if students were awarded the same privilege as ministers and teachers and were deemed to be residents in the electoral district where they have their temporary residence at the time of the elections.

C-290.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-290.

An Act to Control Air Pollution.

First reading, April 14, 1967.

MR. HAIDASZ.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26141

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-290.

An Act to Control Air Pollution.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short Title.

**1.** This Act may be cited as the *Air Pollution Control Act.*

Definitions.

**2.** In this Act,

"Minister."

(*a*) "Minister" means the Minister of National Health and Welfare;

"Department."

(*b*) "Department" means the Department of National Health and Welfare;

"Air pollution."

(*c*) "air pollution" means the detectable presence in the outdoor atmosphere of any air contaminant or contaminants in amounts that may cause discomfort to or endanger the health of persons, or may cause damage to animal life, or that may produce injury to vegetation, or that may damage physical property, or that may interfere with visibility or the normal conduct of transportation, occupation or business;

"Air contaminant."

(*d*) "air contaminant" means a solid, liquid, gas, odour or any combination of any of them in the outdoor atmosphere that contributes to air pollution;

"Motor vehicle."

(*e*) "motor vehicle" means any self-propelled vehicle for transportation;

"Ambient air quality."

(*f*) "ambient air quality" means the quality of our atmosphere expressed as the concentration of specific air contaminants which relates to human, animal or plant life.

## Explanatory Notes.

Air pollution is today one of the most vital and urgent problems confronting Canada. Pollutants in the air are causing injury to people, animals, vegetation and property. The progressive increase and complexity of air pollution brought about by urbanization, industrialization and fuel-driven vehicles call for national leadership to protect all our national resources. Within the limits of federal jurisdiction, this bill provides for action to assist provincial, regional, municipal and private agencies to abate air pollution.

Duty of Minister.

**3.** It shall be the duty of the Minister to consider the expediency of:

(*a*) encouraging co-operative activities of municipal, provincial, interprovincial, federal, and international governments for the investigation, prevention, and abatement of Air Pollution;

(*b*) initiating and conducting appropriate research across Canada in the field of air pollution and undertaking studies in air quality, weather conditions and monitoring programs in order to determine ambient air quality national guides and criteria of the known air pollutants;

(*c*) controling air pollution

(i) from vessels in Canadian waters by effective investigation and enforcement of the provisions in the *Canada Shipping Act*

(ii) from interprovincial railway operations

(iii) from radioactive fallout;

(*d*) encouraging federal-provincial meetings and seminars to set air quality standards;

(*e*) establishing a special federal Air Pollution Control Division with adequate personnel and laboratory facilities in the Department of National Health and Welfare to collect data and information on air pollution, to determine criteria and guides to assist in setting ambient air quality standards based on the principles of the World Health Organization's report on air pollution;

(*f*) encouraging air pollution research in universities and other recognized agencies;

(*g*) setting a federal anti-air pollution policy which would include the establishment of a National Anti-Air Pollution Agency to co-ordinate a program providing guides and criteria upon which ambient air quality standards can be based;

(*h*) co-operating with the National Anti-Air Pollution Agency;

(*i*) establishing a National Anti-Air Pollution Advisory Council to assist the National Anti-Air Pollution Agency;

(*j*) convening an annual anti-air pollution conference in Canada to review and revise criteria as necessary to reflect accurately up-to-date scientific knowledge;

(*k*) strengthening the International Joint Commission to investigate appropriate aspects of air pollution across international boundaries.

**4.** The Governor in Council may make regulations,

(*a*) requiring motor vehicles or engines to have installed thereon or incorporated therein one or more devices to prevent or lessen the emission into the outdoor atmosphere any air contaminant or contaminants, prescribing the criteria or standards or any such device;

(*b*) classifying motor vehicles and engines for the purpose of any regulations and exempting any class or type of motor vehicle or engine from any regulation;

(*c*) classifying the quality of equipment and fuels for use in industrial processes, steam and electric generation, and heating.

Coming into force.

**5.** This Act comes into force on a day to be fixed by proclamation of the Governor in Council.

C-291.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-291.

An Act to amend the Criminal Code.
(Disturbance in Parliament).

First reading, April 19, 1967.

MR. CAOUETTE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26150

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-291.

An Act to amend the Criminal Code.
(Disturbance in Parliament).

1953-54; cc. 51, 52; 1955, cc. 2, 45; 1956, c. 48; ss. 19, 20; 1957-58, c. 28; 1958, c. 18; 1959, cc. 40. 41; 1960, c. 37 and c. 45, s. 21; 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, c. 22, s. 10 and cc. 35, 53; 1966-67, c. 23.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

**1.** The *Criminal Code* is amended by inserting immediately after section 51 thereof the following:

Disturbance in Parliament.

"**51A.** Everyone who, while in the galleries of the Houses of Parliament of Canada, disturbs the peace and quiet of the Senators or of the Members of the House of Commons, or wilfully does anything that disturbs the order or solemnity of the sitting, is guilty of an offence punishable on summary conviction."

## Explanatory Notes.

Some time ago, a stranger in the galleries disturbed the peace and quiet of the members of the House by throwing pamphlets on the floor near the Speaker's Chair.

The *Criminal Code* provides in section 51 for the case of intimidating Parliament and in section 160 for disturbance and in section 161 for obstructing a ceremony.

It is doubtful if these sections would have been applicable in the case referred to above. It is felt that such conduct shall not be left unpunished. The purpose of this bill is to provide that if a person in the galleries disturbs the peace of members and senators he shall be guilty of an offence punishable on summary conviction.

C-292.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-292.

An Act respecting observation and treatment of drug addicts.

First reading, April 21, 1967.

Mr. Klein.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26169

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-292.

An Act respecting observation and treatment of drug addicts.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short title.

**1.** This Act may be cited as the *Drug Addicts Protection Act.*

Protection of drug addicts.

**2.** Notwithstanding anything contained in the *Criminal Code,* in the *Food and Drugs Act,* or any other Act of the Parliament of Canada,

(*a*) the case of every drug addict shall be referred by the proper authority to the Attorney General of the province in which he resides, or, if he resides in the province of Quebec, to the Minister of Justice of that province;

(*b*) it shall be the duty of such Attorney General or of the said Minister of Justice, as the case may be, to establish whether a drug addict is undergoing medical treatment for a mental illness or disorder, or is otherwise being treated, and, in the absence of such treatment, to refer such person to a psychiatric clinic, or a suitably qualified medical practitioner for the observation and treatment which the said clinic or medical practitioner deems necessary,

(*c*) it shall be within the discretion of the Judge or Magistrate before whom a drug addict is appearing to decide whether the charge already laid against him shall be proceeded with.

## Explanatory Notes.

Developments in the fields of medicine and psychiatry tend to establish that drug addiction, when it occurs, results from some type of mental illness or disorder. It does not appear to be any longer appropriate to punish persons who are drug addicts; it is rather advisable to treat the said persons as being sick, mentally or otherwise.

The purpose of this Bill is to remove the stigma of a criminal conviction attached to drug addiction and to protect the public and such persons from possible subsequent addiction by assuring that observation and treatment follow the laying of charges.

C-293.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-293.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1968.

AS PASSED BY THE HOUSE OF COMMONS, 26th APRIL, 1967.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26173

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE HOUSE OF COMMONS OF CANADA.

# BILL C-293.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1968.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by message from His Excellency, the Honourable Robert Taschereau, P.C., Chief Justice of Canada, Administrator of the Government of Canada, and the estimates accompanying the said message, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1968; and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Short title.

**1.** This Act may be cited as the *Appropriation Act No. 4, 1967.*

$1,034,689,911.16 granted for 1967-68.

**2.** From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole, one billion, thirty-four million, six hundred and eighty-nine thousand, nine hundred and eleven dollars and sixteen cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1967 to the 31st day of March, 1968, not otherwise provided for, and being the aggregate of

(*a*) two-twelfths of the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1968, as laid before the House of Commons at the present session of Parliament, except Loans, Investments and Advances. Vote L40, for which no proportion is granted hereby..... .....$995,375,277.83;

(*b*) eight-twelfths of the amount of the item in the said Main Estimates set forth in Schedule A .....$798,000.00;

(*c*) three-twelfths of the amount of the item in the said Main Estimates set forth in Schedule B .....$394,250.00;

(*d*) two-twelfths of the total of the amounts of the several items in the said Main Estimates set forth in Schedule C.....$30,897,500.00;

(*e*) one-twelfth of the total of the amounts of the several items in the said Main Estimates set forth in Schedule D.....$7,224,883.33.

Purpose and effect of each item.

**3.** The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

Commitments.

**4.** Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Account to be rendered. R.S., c. 116.

**5.** Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

# SCHEDULE A.

Based on the Main Estimates, 1967–68. The amount hereby granted is $798,000.00, being eight-twelfths of the item in the said Estimates contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1968, and the purposes for which it is granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | PUBLIC SERVICE COMMISSION | | |
| 5 | Construction or Acquisition of Buildings, Works, Land and Equipment, including the Public Service Bilingual and Bicultural Development Program..... | ..... | *1,197,000 |

*Net total $798,000.00.

## SCHEDULE B.

Based on the Main Estimates, 1967–68. The amount hereby granted is $394,250.00, being three-twelfths of the item in the said Estimates contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1968, and the purposes for which it is granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | PRIVY COUNCIL | | |
| | A—PRIVY COUNCIL | | |
| | PRIVY COUNCIL OFFICE | | |
| 18 | Expenses related to the 1967 Visits of State..... | ..... | *1,577,000 |

*Net Total $394,250.00.

## SCHEDULE C.

Based on the Main Estimates, 1967–68. The amount hereby granted is $30,897,500.00, being two-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1968, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | EXTERNAL AFFAIRS | | |
| | A—DEPARTMENT | | |
| | EXTERNAL AID OFFICE | | |
| 35 | Economic, technical, educational and other assistance as detailed in the Estimates | 130,100,000 | |
| | INDUSTRY | | |
| 15 | Capital subsidies for the construction of commercial and fishing vessels in accordance with regulations of the Governor in Council (formerly under Canadian Maritime Commission). | 30,000,000 | |
| | LOANS, INVESTMENTS AND ADVANCES | | |
| | ENERGY MINES AND RESOURCES | | |
| L25 | Advances in accordance with agreements entered into pursuant to the Atlantic Provinces Power Development Act | 25,285,000 | |
| | | | *185,385,000 |

*Net Total $30,897,500.00.

# SCHEDULE D.

Based on the Main Estimates, 1967–68. The amount hereby granted is $7,224,883.33, being one-twelfth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1968, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | ENERGY, MINES AND RESOURCES | | |
| | A—DEPARTMENT | | |
| | GEOLOGICAL RESEARCH | | |
| 35 | Administration, Operation and Maintenance including the expenses of the National Advisory Committee on Research in Geological Sciences, Canada's share of the cost of the Geological Liaison Office, British Commonwealth Scientific Conference, London, England, Canada's fee for membership in the International Union of Geological Sciences and grants as detailed in the Estimates | 8,780,000 | |
| | FISHERIES | | |
| | FISHERIES RESEARCH BOARD OF CANADA | | |
| 20 | Administration, Operation and Maintenance including an amount of $410,000 for grants for Fisheries Research and for Scholarships and authority to provide free accommodation for the International North Pacific Fisheries Commission | 10,929,000 | |
| | FORESTRY AND RURAL DEVELOPMENT | | |
| | A—DEPARTMENT | | |
| | FORESTRY | | |
| 15 | Administration, Operation and Maintenance, including grants as detailed in the Estimates | 16,943,500 | |
| | JUSTICE | | |
| 1 | Administration including grants and contributions as detailed in the Estimates, gratuities to the widows or such dependents as may be approved by Treasury Board of Judges who die while in office, and authority to make recoverable advances for the administration of justice on behalf of the Governments of the Northwest Territories and the Yukon Territory | 3,983,100 | |
| | LEGISLATION | | |
| | THE SENATE | | |
| 5 | General Administration | 1,360,500 | |
| | HOUSE OF COMMONS | | |
| 20 | General Administration | 7,803,900 | |

# SCHEDULE D—*Concluded.*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ | $ |
| | NATIONAL GALLERY OF CANADA | | |
| 1 | Administration, Operation and Maintenance including the payment of $750,000 to the National Gallery Purchase Account for the purpose of acquiring works of art in conformity with section 8 of the National Gallery Act and grants as detailed in the Estimates | 2,571,000 | |
| | SECRETARY OF STATE | | |
| | B—CENTENNIAL COMMISSION | | |
| 35 | General Administration, including the National Conference on the Centennial of Confederation | 5,294,000 | |
| 40 | Programs and projects of national significance including grants towards such programs and projects | 12,291,800 | |
| | TRADE AND COMMERCE | | |
| | General Administration | | |
| 15 | Canadian Government Travel Bureau—To assist in promoting the Tourist Business in Canada including a grant of $55,000 to the Canadian Tourist Association | 9,991,000 | |
| | 1967 World Exhibition | | |
| 29 | Canadian Government participation in the 1967 World Exhibition, Montreal | 6,750,800 | *86,698,600 |

*Net Total $7,224,883.33.

MEMBERS SPONSORING BILLS

1ST SESSION, 27TH PARLIAMENT, 1966-67

Aiken, G.H.
Bill C-127.....An Act to amend the British North America Acts, 1867 to 1965 (grounds for dissolution)

Allard, M.
Bill C- 31.....An Act to provide for a national anthem
C- 42.....An Act to amend the Criminal Code (provincial lotteries)
C- 76.....An Act to amend the Small Loans Act
C- 92.....An Act to amend the Interest Act
C-148.....An Act to amend the Industrial Relations and disputes Investigation Act (meaning of "Unit")
C-156.....An Act to amend the Industrial Relations and Disputes Investigation Act (powers of chairman and of the board)
C-163.....An Act to amend the Canada Corporations Act

Allmand, W.
Bill C-256.....An Act to amend the Food and Drugs Act

Asselin, P.T.
Bill C-250.....An Act concerning the weight and price of products

Badanai, H.
Bill C-107.....An Act to amend the Immigration Act
C-191.....An Act to amend the British North America Act, 1867 (Canadian Bill of Rights)

Barnett, T.S.
Bill C- 28.....An Act respecting the Canada Court of Indian Claims
C- 69.....An Act to amend the Transport Act and the Railway Act (B.C. water carriers)

Basford, S.R.
Bill C- 27.....An Act to amend the Canada Elections Act (political affiliations of candidates on ballot papers)

Basford, S.R. (Cont'd)

Bill C- 34.....An Act to amend the Financial Administration Act (truth in receiving bill)

C- 43.....An Act to make provision for the retirement of Members of the House of Commons

C- 44.....An Act to provide in Canada for the dissolution of marriage

C- 64.....An Act to amend the Criminal Code (family planning)

C-102.....An Act to amend the Canada Elections Act (eighteen year old voters and candidates)

C-132.....An Act to amend the Combines Investigation Act (professional sports)

C-202.....An Act to amend the Navigable Waters Protection Act (prevention of water pollution)

C-206.....An Act to amend the Navigable Waters Protection Act (removal of Kitsilano Trestle)

Bell, Hon. R.A.

Bill C- 12.....An Act to amend the National Capital Act

C- 20.....An Act to amend the Judges Act (discontinuation of pension)

C- 46.....An Act to amend the Parliamentary Secretaries Act

C- 63.....An Act to amend the Civil Service Act (appeal panel)

C- 72.....An Act to establish the Canada Law Reform Commission

C-237.....An Act to amend the Supreme Court Act

C-244.....An Act to amend the Civil Service Act

C-272.....An Act to amend the British North America Act, 1867 (duration of House of Commons)

Benson, Hon. E.J.

Bill C-193.....An Act to amend the Public Service Superannuation Act, the Canadian Forces Superannuation Act, the

Benson, Hon. E.J. (Cont'd)

Bill C-193 (Cont'd).....Defence Services Pension Continuation Act, the Royal Canadian Mounted Police Superannuation Act, the Diplomatic Service (Special) Superannuation Act, the Intercolonial and Prince Edward Island Railways Employees' Provident Fund Act and the Canadian Corporation for the 1967 World Exhibition Act

C-245.....Appropriation Act No. 8, 1966

C-248.....Appropriation Act No. 9, 1966

C-254.....Appropriation Act No. 10, 1966

C-266.....An Act to provide for the revision of certain salaries fixed by statute

C-271.....Appropriation Act No. 1, 1967

C-282.....Appropriation Act No. 2, 1967

C-283.....Appropriation Act No. 3, 1967

C-293.....Appropriation Act No. 4, 1967

Brewin, F.A.

Bill C- 5.....An Act to amend the Canada Elections Act (limiting election expenses)

C- 25.....An Act to amend the Immigration Act (racial discrimination)

C-104.....An Act to amend the Immigration Act (disclosure of reasons for deportation)

C-105.....An Act to amend the Criminal Code (insanity)

C-188.....An Act to amend the Inquiries Act

C-264.....An Act respecting divorce

Brown, J.E.

Bill C- 78.....An Act ~~to~~ respecting the National Indian Day

C- 96.....An Act to amend the Canada Elections Act (age of voters)

Byrne, J.A.

Bill C- 14.....An Act to amend the Criminal Code (abolition of capital punishment)

C- 16.....An Act to provide in Canada for the dissolution of marriage (additional grounds for divorce)

C- 79.....An Act to amend the Dissolution and Annulment of Marriages Act (additional grounds for divorce)

Caouette, R.

Bill C- 10.....An Act to amend the British North America Acts, 1867 to 1965, with respect to representation of the provinces in the Senate and qualifications of senators

C-134.....An Act to amend the Financial Administration Act

C-143.....An Act to repeal the Electoral Boundaries Readjustment Act

C-257.....An Act respecting the endorsement of bills

C-286.....An Act to amend the Supreme Court Act

C-291.....An Act to amend the Criminal Code (disturbance in Parliament)

Cardin, Hon. L.

Bill C-160.....An Act to amend the Judges Act

C-161.....An Act to amend the Admiralty Act

C-201.....An Act to amend the Exchequer Court Act

C-262.....An Act to amend the Judges Act

C-267.....An Act to amend the Judges Act

Cashin, R.J.

Bill C- 70.....An Act to amend the Unemployment Insurance Act

Choquette, A.

Bill C-115.....An Act to amend the Criminal Code (commutation by provincial authorities)

C-123.....An Act to amend the Criminal Code (corporal punishment)

C-168.....An Act to amend the Criminal Code (repeal of power to commute a sentence of death)

C-172.....An Act to amend the Parole Act (power to commute a sentence of death)

C-184.....An Act to amend the Criminal Code (right to counsel)

Comtois, J.R.

Bill C-139.....An Act to amend the Old Age Security Act

Cowan, R.B.
Bill C- 36.....An Act to repeal the Tobacco Restraint Act
C- 80.....An Act to amend the Criminal Code (contempt of court)
C-106.....An Act to amend the Criminal Code (capital punishment, form of sentence)

Deachman, G.
Bill C-100.....An Act to amend the Canada Elections Act (students' franchise)

Drury, Hon. C.M.
Bill C-150.....An Act to amend the Research Council Act
C-252.....An Act to provide general incentives to industry for the expansion of scientific research and development in Canada and to effect certain related amendments to the Income Tax Act

Favreau, Hon. G.
Bill C-169.....An Act to amend an Act to amend the Combines Investigation Act and the Criminal Code

Fawcett, N.
Bill C- 48.....An Act to amend the Railway Act (responsibility for dislocation costs)

Forest, Y.
Bill C-118.....An Act to amend the Criminal Code (negligence in operation of motor vehicle)
C-119.....An Act respecting Canada Day

Gilbert, J.
Bill C- 29.....An Act to amend the Bankruptcy Act (wage earners' assignments)

Gray, H.E.
Bill C- 84.....An Act to amend the Criminal Code (raffles and bingo for charitable purposes)
C-225.....Dominion Day Observance Act

Greene, Hon. J.J.
Bill C-171.....An Act to amend the Farm Credit Act
C-205.....An Act to provide for the establishment of a Dairy Commission for Canada
C-208.....An Act to amend the Crop Insurance Act

Guay, R.
Bill C-166.....An Act to amend the Criminal Code (habitual criminals)

Haidasz, S.
Bill C-290.....An Act to control air pollution

Hales, A.D.
Bill C- 83.....An Act to amend the Canada Elections Act (university students' franchise)

Harley, H.C.
Bill C- 97.....An Act to amend the Broadcasting Act (political programs)
C-162.....An Act respecting the National Fruit of Canada

Hellyer, Hon. P.
Bill C-243.....An Act to amend the National Defence Act and other Acts in consequence thereof (Canadian Forces Reorganization Act)

Herridge, H.W.
Bill C- 52.....An Act to provide for the establishment of the Canada Disaster Fund
C- 62.....An Act to amend the Criminal Code (nuissance)
C-158.....An Act to amend the Senate and House of Commons Act (St. Luke 11;46)
C-232.....An Act to amend the Supreme Court Act (payment of costs)
C-273.....An Act respecting the right of privacy

Honey, R.C.
Bill C-239.....An Act respecting The Bell Telephone Company of Canada

Horner, J.H.

Bill C-125.....An Act to provide for the establishment of a Hospital Sweepstakes Board

C-212.....An Act to amend the Canada Grain Act (off-track elevator licensing)

Howard, F.

Bill C- 8.....An Act to repeal the British Columbia Indian Reserves Mineral Resources Act

C- 13.....An Act to amend the Juvenile Delinquents Act

C- 47.....An Act to amend the House of Commons Act (internal economy autonomy)

C- 51.....An Act to amend the Income Tax Act

C- 67.....An Act to amend the Territorial Sea and Fishing Zones Act

C-103.....An Act to preserve and promote native Indian and Eskimo arts and crafts

C-142.....An Act to amend the Canada Shipping Act (Canadian ships in coasting trade)

C-175.....An Act to repeal the Maritime Transportation Unions Trustees Act

C-235.....An Act to amend the Criminal Code (trading stamps)

C-255.....An Act to amend the Canada Labour (Standards) Code (square deal)

C-281.....An Act to amend the Fisheries Act (seal hunting prohibited)

Howe, W.D.

Bill C- 68.....An Act to amend the Oaths of Allegiance Act (affirmation)

C-242.....An Act concerning the labeling of hazardous household products

Irvine, J.

Bill C-219.....An Act to amend the Criminal Code (maltreatment of a child)

Isabelle, G.

Bill C-247.....An Act to amend the Dominion Day Act

Klein, M.L.

Bill C-141.....An Act to amend the Criminal Code (cruelty to animals and to human beings)

C-179.....An Act to amend the Criminal Code (attendance at execution)

C-180.....An Act to amend the Criminal Code (punishment for murder)

C-217.....An Act to amend the Criminal Code (publication of ingredients of wonder drugs)

C-234.....An Act to amend the Criminal Code (elimination of premium stamps in food establishments)

C-292.....An Act respecting observation and treatment of drug addicts

Knowles, S.

Bill C- 15.....An Act to amend the British North America Act, 1867 (abolition of the Senate)

C- 37.....An Act to amend the Canada Labour (Standards) Code (three weeks annual vacation after three years)

C- 74.....An Act to amend the Canada Labour (Standards) Code (increased minimum hourly wage)

C-114.....An Act to amend the British North America Acts, 1867 to 1965, with respect to the quorum of the House of Commons

C-284.....An Act to amend the Canada Labour (Standards) Code (notice and payment to employees in case of discharge or lay-off)

C-285.....An Act to amend the Canada Labour (Standards) Code (provision for a ninth general holiday with pay)

Lachance, G.C.

Bill C- 56.....An Act to amend the Criminal Code (restriction on publication of proceedings)

Laflamme, O.

Bill C-209.....An Act to amend the Criminal Code (desecration of the national flag of Canada)

Laing, Hon. A.
Bill C-146.....An Act to amend the Northwest Territories Act
C-147.....An Act to amend the Yukon Act

LaMarsh, Hon. Judy V.
Bill C-194.....An Act to establish a corporation for the administration of the National Arts Centre
C-204.....An Act to provide for the establishment of a Canadian Film Development Corporation

Langlois, R.
Bill C-288.....An Act respecting Crown Corporations

Leblanc, F.E.
Bill C- 91.....An Act to amend the Small Businesses Loans Act
C-117.....An Act to amend the Canada Elections Act (political affiliations of candidates on ballot papers)
C-122.....An Act respecting the Canada Medal
C-137.....An Act to amend the Canada Elections Act (elections on a Sunday)
C-214.....An Act to amend the Criminal Code (firearms)

Lewis, D.
Bill C- 35.....An Act to amend the Criminal Code (prohibiting the oral or written publication or distribution of hate literature)
C-129.....An Act to amend the Criminal Code (modernization of law of picketing)
C-138.....An Act to amend the Civil Service Act

Loiselle, G.
Bill C- 23.....An Act respecting the Flag Day of Canada

MacEachen, Hon. A.J.
Bill C-199.....An Act to provide for the establishment of a Health Resources Fund to assist provinces in the acquisition, construction and renovation of health training facilities and research institutions

MacEachen, Hon. A.J. (Cont'd)

Bill C-207.....An Act to authorize the making of contributions by Canada towards the cost of programs for the provision of assistance and welfare services to and in respect of persons in need (Canada Assistance Plan)

C-227.....An Act to authorize the payment of contributions by Canada towards the cost of insured medical care services incurred by provinces pursuant to provincial medical care insurance plans

C-251.....An Act to amend the Old Age Security Act

MacInnis, Grace Mrs.

Bill C-246.....An Act to provide for consumer protection throughout Canada

Macquarrie, H.N.

Bill C- 93.....An Act ~~to~~ respecting Sir John A. Macdonald Day

Marchand, Hon.

Bill C-186.....An Act respecting allowances to persons being trained under technical and vocational training programs

C-220.....An Act to make provision for appeals to an Immigration Appeal Board in respect of certain matters relating to immigration

C-278.....An Act respecting the occupational training of adults

Mather, B.

Bill C- 50.....An Act to better assure the public's rights to freedom of access to public documents and information about government administration (administrative disclosure)

C- 60.....An Act to amend the Immigration Act (mental retardation)

C- 87.....An Act to amend the Criminal Code (impaired driving)

C- 88.....An Act to restrain the use of tobacco

MacEachen, Hon. A.J. (Cont'd)

Bill C-207.....An Act to authorize the making of contributions by Canada towards the cost of programs for the provision of assistance and welfare services to and in respect of persons in need (Canada Assistance Plan)

C-227.....An Act to authorize the payment of contributions by Canada towards the cost of insured medical care services incurred by provinces pursuant to provincial medical care insurance plans

C-251.....An Act to amend the Old Age Security Act

MacInnis, Grace Mrs.

Bill C-246.....An Act to provide for consumer protection throughout Canada

Macquarrie, H.N.

Bill C- 93.....An Act respecting Sir John A. Macdonald Day

Marchand, Hon.

Bill C-186.....An Act respecting allowances to persons being trained under technical and vocational training programs

C-220.....An Act to make provision for appeals to an Immigration Appeal Board in respect of certain matters relating to immigration

C-278.....An Act respecting the occupational training of adults

Mather, B.

Bill C- 50.....An Act to better assure the public's rights to freedom of access to public documents and information about government administration (administrative disclosure)

C- 60.....An Act to amend the Immigration Act (mental retardation)

C- 87.....An Act to amend the Criminal Code (impaired driving)

C- 88.....An Act to restrain the use of tobacco

Mather, B. (Cont'd)

Bill C-155.....An Act to amend the Criminal Code (cruelty to animals)

C-195.....An Act to amend the Criminal Code (tire safety)

C-228.....An Act to amend the Criminal Code (harassing telephone communications)

C-249.....An Act concerning reform of the bail system

C-263.....An Act to amend the Criminal Code (fine print clauses)

C-269.....An Act to amend the Criminal Code (invasion of privacy)

C-287.....An Act to amend the Broadcasting Act (cigarette advertising)

McCleave, R.

Bill C-133.....An Act to extend the grounds upon which courts now having jurisdiction to grant divorces a vinculo matrimonii may grant such relief

C-238.....An Act to secure freedom of choice in television viewing

McIlraith, Hon. G.J.

Bill C-126.....An Act to extend the time for consideration of objections pursuant to section 20 of the Electoral Boundaries Readjustment Act with respect to the reports of commissions established for the decennial census taken in the year 1961

Mongrain, J.A.

Bill C-177.....An Act to authorize the Government of Canada to enter into negotiations for the creation of an Inter-governmental Advisory Commission

Munro, J.C.

Bill C-176.....An Act to amend the Criminal Code (insanity at time of trial)

Nesbitt, W.B.

Bill C-164.....An Act to amend the Criminal Code (group defamatory libel)

C-240.....An Act to amend the Criminal Code (control of motor vehicle)

Nicholson, Hon. J.R.
Bill C- 2.....An Act to amend the Fair Wages and Hours of Labour Act
C-215.....An Act respecting certain conditions of employment of dock workers at the Ports of Montreal, Trois-Rivières and Québec
C-241.....An Act to amend the National Housing Act, 1954

Nugent, T.J.
Bill C-120.....An Act to amend the Criminal Code (abolition of capital punishment)

Orlikow, D.
Bill C- 21.....An Act to amend the Weights and Measures Act (truth in packaging)
C- 24.....An Act to amend the Small Loans Act (advertising)
C- 30.....An Act to amend the Combines Investigation Act (floor penalties, criminal joint tortfeasors, and moieties)
C- 33.....An Act to amend the Criminal Code (wire tapping, etc.)
C- 53.....An Act to amend the Small Loans Act
C- 65.....An Act to amend the Bills of Exchange Act and the Interest Act (off-store instalment sales)
C- 81.....An Act to amend the Criminal Code (company-censored housing)
C- 95.....An Act to amend the Post Office Act (hate literature)
C-233.....An Act to amend the Criminal Code (preventive detention)
C-276.....An Act to amend the Canada Evidence Act (incriminating statements)

Ormiston, J.N.
Bill C-108.....An Act to approve the ex gratia payment of compensation to persons injured by aiding and assisting the Governor General to preserve and maintain the public peace and order and to dependents of persons killed thereby (Criminal Injuries Compensation Act)

Otto, S.

Bill C-128.....An Act to amend the Canada Pension Plan (provision for retired persons)

C-260.....An Act to incorporate the Canadian Development Corporation

Patterson, A.B.

Bill C- 85.....An Act to amend the Canada Elections Act (political affiliations of candidates on ballot papers)

Pearson, Rt. Hon. L.B.

Bill C-149.....An Act to provide for the establishment of a Science Council of Canada

C-170.....An Act respecting employer and employee relations in the Public Service of Canada

C-174.....An Act to provide for the establishment of The Company of Young Canadians

C-178.....An Act respecting the organization of the Government of Canada and matters related or incidental thereto

C-181.....An Act respecting employment in the Public Service of Canada

C-182.....An Act to amend the Financial Administration Act

C-185.....An Act to give effect to Term 29 of the Terms of Union of Newfoundland with Canada

C-230.....An Act to provide for the resumption of operations of railways and for the settlement of the existing dispute with respect to terms and conditions of employment between railway companies and their employees

C-265.....An Act to provide for the payment of a retiring annuity to the Governor General of Canada

Peters, A.

Bill C- 7.....An Act concerning the exportation of the growth and produce of Canada

C- 17.....An Act to amend the Broadcasting Act (community antenna)

Peters, A. (Cont'd)

Bill C- 19.....An Act to provide in Canada for the dissolution and the annulment of marriage

C- 39.....An Act to amend the Bills of Exchange Act (instalment purchases)

C- 57.....An Act to amend the British North America Acts, 1867 to 1965 (duration of House of Commons)

C- 82.....An Act to amend the Canada Elections Act (publications of straw poll results)

C- 94.....An Act to amend the Radio Act (community antenna)

C-109.....An Act to govern, license and regulate the operation of rainmaking equipment in Canada

Pickersgill, Hon. J.W.

Bill C-153.....An Act to amend the Aeronautics Act

C-165.....An Act respecting the construction of a line of railway by the CN, in the District of Kenora

C-210.....An Act respecting the construction by the CN of a line in Manitoba in the Pas mining district, and in Saskatchewan in the Regina mining district

C-213.....An Act to amend the Atlantic Development Board Act

C-231.....An Act to define and implement a national transportation policy for Canada, to amend the Railway Act and other Acts in consequence thereof and to enact other consequential provisions

Prittie, R.W.

Bill C- 18.....An Act to amend the Railway Act

C- 41.....An Act to amend the British North America Acts, 1867 to 1965 (provincial marriage and divorce laws)

C- 71.....An Act to amend the Criminal Code

C-258.....An Act to amend the Broadcasting Act (television receiving apparatus)

Rapp, R.
Bill C- 11.....An Act to amend the Agricultural Stabilization Act (hog and egg prices stabilized half-yearly and regionally)
C- 59.....An Act to amend the Unemployment Insurance Act (agricultural employees' coverage)

Reid, John
Bill C-203.....An Act to amend the Indian Act

Richard, J.T.
Bill C-111.....An Act to incorporate Bank of Western Canada

Robichaud, Hon. H.J.
Bill C-145.....An Act to provide for the development of the commercial fisheries of Canada

Roxburgh, J.
Bill C-289.....An Act to amend the Canada Elections Act (students' franchise)

Ryan, S.P.
Bill C- 6.....An Act to provide for the length of sessions of Parliament
C- 54.....An Act to provide for a Canadian national anthem

Rynard, P.B.
Bill C- 99.....An Act to amend the Canada Elections Act (advertising during electoral campaign)

Sauvé, Hon. M.
Bill C-151.....An Act to provide for the establishment of a fund for the economic and social development of special rural development areas
C-152.....An Act to amend the Agricultural Rehabilitation and Development Act
C-218.....An Act to provide assistance to livestock feeders in Eastern Canada and British Columbia
C-274.....An Act to amend the Fund for Rural Economic Development Act

Saltsman, M.

Bill C-131.....An Act to amend the Canada Fair Employment Practices Act (age discrimination)

C-135.....An Act to amend the Canada Pension Plan (housewives' contributions and benefits)

C-167.....An Act to amend the Food and Drugs Act (listing of ingredients)

C-173.....An Act to amend the Combines Investigation Act (increased prices)

Scott, R.

Bill C- 4.....An Act to provide for the control of consumer credit

C- 9.....An Act to amend the Criminal Code (A purge for the King's-evil)

C- 32.....An Act to enable civil servants to engage in political activity

C- 61.....An Act to provide for free transportation on the railways of Canada for senior citizens

C- 73.....An Act to amend the Criminal Code (abolition of capital punishment)

C- 75.....An Act to amend the Canada Elections Act (age of voters)

C- 98.....An Act to amend the Canada Elections Act (student voting) not printed

C-101.....An Act to amend the Criminal Code (human rights and fundamental freedoms preserved)

Sharp, Hon. M.

Bill C- 3.....An Act to amend the Bank Act and the Quebec Savings Banks Act

C-116.....Appropriation Act No. 1, 1966

C-140.....Appropriation Act No. 2, 1966

C-144.....An Act to amend the Bretton Woods Agreements Act

C-154.....An Act to implement an agreement between Canada and the United Kingdom for the avoidance of double taxation with respect to taxes on certain classes of income and to implement a Supplementary Income Tax Agreement between Canada and Sweden

C-157.....Appropriation Act No. 3, 1966

C-159.....Appropriation Act No. 4, 1966

Bill C-189.....Appropriation Act No. 5, 1966
C-190.....An Act to amend the Bank of Canada Act
C-197.....An Act to amend the Canada Student Loans Act
C-198.....An Act to amend the Excise Tax Act
C-200.....An Act to amend the Customs Tariff
C-211.....An Act to authorize the Minister of Finance to transfer to the provinces a proportion of the income tax payable by certain public utility companies
C-216.....An Act to amend the Income Tax Act and to repeal the Canadian Vessel Construction Assistance Act
C-221.....An Act respecting pensions plans organized and administered for the benefit of persons employed in connection with certain federal works, undertakings and businesses
C-222.....An Act respecting banks and banking
C-223.....An Act respecting savings banks in the province of Quebec
C-224.....Appropriation Act No. 6, 1966
C-226.....Appropriation Act No. 7, 1966
C-229.....An Act to authorize the provision of moneys to meet certain capital expenditures of the Canadian National Railways System for the period from the 1st day of January, 1965 to the 30th day of June, 1967, and to authorize the guarantee by Her Majesty of certain securities to be issued by the Canadian National Railway Company
C-259.....An Act to amend the Income Tax Act and to repeal the Canadian Vessel Construction Assistance Act
C-261.....An Act to establish the Canada Deposit Insurance Corporation
C-268.....An Act to amend the Excise Tax Act and the Old Age Security Act
C-270.....An Act to amend the Small Businesses Loans Act

Sharp, Hon. M. (Cont'd)

Bill C-277.....An Act to authorize the making of certain fiscal payments to provinces, to authorize the entry into tax collection agreements with provinces, and to amend the Established Programs (interim arrangements) Act

C-280.....An Act to amend the Income Tax Act

Southam, R.R.

Bill C- 26.....An Act to amend the Criminal Code (safety devices for automotive vehicles)

C- 86.....An Act to amend the Railway Act (abandonment moratorium)

Stanbury, R.D.G.

Bill C- 22.....An Act to amend the Criminal Code (family planning)

C- 45.....An Act to amend the Criminal Code (wire tapping, electronic eavesdropping, etc.)

C- 55.....An Act to provide in Canada for the dissolution of marriage

C-110.....An Act to amend the Criminal Code (abolition of capital punishment) and the Parole Act (persons convicted of murder or treason)

C-183.....An Act to amend the Canada Elections Act (qualifications of voters and electors)

C-236.....An Act to amend the British North America Act, 1867 (appointment of judges)

Stefanson, E.

Bill C- 66.....An Act respecting the observance of Leifr Eiriksson Day

C- 89.....An Act to amend the Criminal Code

Thomas, W.H.A.

Bill C- 77.....An Act to amend the National Energy Board Act (drainage works)

C- 90.....An Act to amend the Railway Act (abandonment)

Thompson, R.N.
Bill C-112.....An Act to provide for the establishment of the Alaska-Yukon Highway Authority (Alaska highway)
C-113.....An Act to establish the Office of Parliamentary Commissioner
C-136.....An Act to amend the Financial Administration Act (Parliamentary Commissioner for administration)
C-196.....An Act to amend the Canadian Bill of Rights

Tolmie, D.R.
Bill C-192.....An Act to amend the Criminal Code (destruction of criminal records)

Turner, Hon. J.
Bill C-275.....An Act to amend the Canada Corporations Act

Valade, G.
Bill C- 38.....An Act to amend the Criminal Code (provincial lotteries)

Wahn, I.G.
Bill C- 40.....An Act to amend the Criminal Code (birth control)
C- 49.....An Act to amend the Criminal Code (dangerous motor vehicles)
C- 58.....An Act respecting marriage and divorce

Watson, Ian
Bill C-124.....An Act to amend the Criminal Code (attempt to commit suicide)

Winters, Hon. R.
Bill C-253.....An Act to amend the Export Credits Insurance Act
C-279.....An Act to amend the Canadian Wheat Board Act

Woolliams, E.M.
Bill C-121.....An Act to amend the Criminal Code (young offenders)
C-187.....An Act to amend the Prairie Farm Assistance Act (hail damage)

Bill C-130.....An Act to amend the Tobacco Restraint Act

# INDEX TO BILLS

## 1ST SESSION, 27TH PARLIAMENT, 1966-67


| | | Bill No. |
|---|---|---|
| Abandonment (railway line) | see | C- 90 |
| Abandonment moratorium | see | C- 86 |
| Abolition of capital punishment | see | C- 73 |
| Administrative disclosure | see | C- 50 |
| Admiralty Act, An Act to amend... | | C-161 |
| Adult Occupational Training Act | | C-278 |
| Advertising during electoral campaign | see | C- 99 |
| Advertising (loans) | see | C- 24 |
| Aeronautic Act, An Act to amend... | | C-153 |
| Affirmation of allegiance | see | C- 68 |
| Age discrimination (in employment) | see | C-131 |
| Age of voters | see | C- 75 |
| Age of voters | see | C- 96 |
| Agricultural employees' coverage | see | C- 59 |
| Agricultural Rehabilitation and Development Act, An Act to amend... | | C-152 |
| Agricultural Stabilization Act, an Act to amend... (hog and egg prices stabilized half-yearly and regionally) | | C- 11 |
| Air Pollution Control Act | | C-290 |
| Alaska-Yukon Highway Authority Act | | C-112 |
| Animals, cruelty to | see | C-155 |
| Annual vacation after three years | see | C- 37 |
| Appeal panel (Civil Service) | see | C- 63 |
| Appointment of judges | see | C-236 |
| Appropriation Act No. 1, 1966 | | C-116 |
| Appropriation Act No. 2, 1966 | | C-140 |
| Appropriation Act No. 3, 1966 | | C-157 |
| Appropriation Act No. 4, 1966 | | C-159 |
| Appropriation Act No. 5, 1966 | | C-189 |
| Appropriation Act No. 6, 1966 | | C-224 |
| Appropriation Act No. 7, 1966 | | C-226 |
| Appropriation Act No. 8, 1966 | | C-245 |
| Appropriation Act No. 9, 1966 | | C-248 |
| Appropriation Act No. 10, 1966 | | C-254 |
| Appropriation Act No. 1, 1967 | | C-271 |
| Appropriation Act No. 2, 1967 | | C-282 |
| Appropriation Act No. 3, 1967 | | C-283 |
| Appropriation Act No. 4, 1967 | | C-293 |
| Atlantic Development Board Act, An Act to amend... | | C-213 |

| | | Bill No. |
|---|---|---|
| Attempt to commit suicide | see | C-124 |
| Attendance at execution | see | C-179 |
| Automobiles, safety devices | see | C- 26 |
| Bail Reform Act | | C-249 |
| Ballot papers | see | C- 85 |
| Bank Act | | C-222 |
| Bank Act and the Quebec Savings Banks Act, An Act to amend... | | C- 3 |
| Bank of Canada Act, An Act to amend... | | C-190 |
| Bank of Western Canada, An Act to incorporate... | | C-111 |
| Bankruptcy Act, An Act to amend... (wage earner's assignments) | | C- 29 |
| Bell Telephone Company of Canada, An Act respecting the... | | C-239 |
| Bills, An Act respecting the Endorsement of... | | C-257 |
| Bills of Exchange Act, An Act to amend... (instalment purchases) | | C- 39 |
| Bills of Exchange Act, An Act to amend... (off-store instalment sales) | | C- 65 |
| Bingo | see | C- 84 |
| Birth control | see | C- 40 |
| | see | C- 71 |
| Bretton Woods Agreements Act, An Act to amend... | | C-144 |
| British Columbia Indian Reserves Mineral Resources Act, An Act to repeal... | | C- 8 |
| British Columbia water carriers | see | C- 69 |
| British North America Act, 1867, An Act to amend... (abolition of the Senate) | | C- 15 |
| British North America Act, 1867, An Act to amend... (appointment of judges) | | C-236 |
| British North America Act, 1867, An Act to amend... (Canadian Bill of Rights) | | C-191 |
| British North America Act, 1867, An Act to amend... (duration of House of Commons) | | C-272 |
| British North America Acts, 1867 to 1965, An Act to amend... (duration of House of Commons) | | C- 57 |
| British North America Acts, 1867 to 1965, An Act to amend... (grounds for dissolution) | | C-127 |
| British North America Acts, 1867 to 1965, An Act to amend... (provincial marriage and divorce laws) | | C- 41 |

| | Bill No. |
|---|---|
| British North America Acts, 1867 to 1965, with respect to representation of the provinces in the Senate, An Act to amend... | C- 10 |
| British North America Acts, 1867 to 1965, with respect to the quorum of the House of Commons, An Act to amend... | C-114 |
| Broadcasting Act, An Act to amend... (cigarette advertising) | C-287 |
| Broadcasting Act, An Act to amend... (community antenna) | C- 17 |
| Broadcasting Act, An Act to amend... (political programs) | C- 97 |
| Broadcasting Act, An Act to amend... (television receiving apparatus) | C-258 |
| Canada Assistance Plan | C-207 |
| Canada Corporations Act, An Act to amend... | C-163 |
| Canada Corporations Act, An Act to amend... | C-275 |
| Canada Court of Indian Claims Act | C- 28 |
| Canada Day Act | C-119 |
| Canada Deposit Insurance Corporation Act | C-261 |
| Canada Disaster Fund Act | C- 52 |
| Canada Divorce Act | C- 44 |
| Canada Divorce Act (additional grounds for divorce) | C- 19 |
| Canada Elections Act, An Act to amend... (advertising during electoral campaign) | C- 99 |
| Canada Elections Act, An Act to amend... (age of voters) | C- 75<br>C- 96 |
| Canada Elections Act, An Act to amend... (eighteen year old voters and candidates) | C-102 |
| Canada Elections Act, An Act to amend... (elections on a Sunday) | C-137 |
| Canada Elections Act, An Act to amend... (limiting election expenses) | C- 5 |
| Canada Elections Act, An Act to amend... (political affiliations of candidates on ballot papers) | C- 85<br>C-117 |
| Canada Elections Act, An Act to amend... (publication of straw poll results) | C- 82 |

| | Bill No. |
|---|---|
| Canada Elections Act, An Act to amend... (qualifications of voters and electors) | C-183 |
| Canada Elections Act, An Act to amend... (student voting) not printed | C- 98 |
| Canada Elections Act, An Act to amend... (students' franchise) | C-100<br>C-289 |
| Canada Elections Act, An Act to amend... (university students' franchise) | C- 83 |
| Canada Evidence Act, An Act to amend... | C-276 |
| Canada Evidence Act, An Act to amend... (incriminating statements) | C-276 |
| Canada Fair Employment Practices Act, An Act to amend... (age discrimination) | C-131 |
| Canada Grain Act, An Act to amend... (off-track elevator licensing) | C-212 |
| Canada Labour (Standards) Code, An Act to amend... (increased minimum hourly wage) | C- 74 |
| Canada Labour (Standards) Code, An Act to amend... (notice and payment to employees in case of discharge or lay-off) | C-284 |
| Canada Labour (Standards) Code, An Act to amend... (provision for a ninth general holiday with pay) | C-285 |
| Canada Labour (Standards) Code (square deal), An Act to amend... | C-255 |
| Canada Labour (Standards) Code, An Act to amend... (three weeks annual vacation after three years) | C- 37 |
| Canada Law Reform Commission Act | C- 72 |
| Canada Marriage and Divorce Act | C- 58 |
| Canada Medal, An Act respecting the... | C-122 |
| Canada Pension Plan, An Act to amend... (housewives' contributions and benefits) | C-135 |
| Canada Pension Plan, An Act to amend the... (provision for retired persons) | C-128 |
| Canada Shipping Act, An Act to amend... (Canadian ships in coasting trade) | C-142 |
| Canada Student Loans Act, An Act to amend... | C-197 |
| Canada-United Kingdom Income Tax Agreement Act, 1966 | C-154 |
| Canadian Bill of Rights see | C-191 |
| Canadian Bill of Rights, An Act to amend... | C-196 |

Bill No.

| | | Bill No. |
|---|---|---|
| Canadian Dairy Commission Act | | C-205 |
| Canadian Development Act | | C-260 |
| Canadian Development Corporation | see | C-260 |
| Canadian Film Development Corporation Act | | C-204 |
| Canadian Forces Reorganization Act | | C-243 |
| Canadian National Railway branch line construction in Alberta and Saskatchewan | see | C-210 |
| Canadian National Railways Financing and Guarantee Act, 1965-1966 | | C-229 |
| Canadian ships in coasting trade | see | C-142 |
| Canadian Vessel Construction Assistance Act, An Act to repeal... | | C-216 |
| | | C-259 |
| Canadian Wheat Board Act, An Act to amend... | | C-279 |
| Candidates | see | C-102 |
| Candidates, political affiliations of | see | C-117 |
| Capital murder | see | C-180 |
| Capital punishment | see | C-106 |
| | see | C-115 |
| | see | C-179 |
| Capital punishment, Abolition of | see | C- 14 |
| | see | C- 73 |
| | see | C-110 |
| | see | C-120 |
| Child, Maltreatment of | see | C-219 |
| Cigarette advertising | see | C-287 |
| City of Ottawa | see | C- 12 |
| Civil Servants' Bill of Rights | | C- 32 |
| Civil servants, political activities | see | C- 32 |
| Civil Service Act, An Act to amend... | | C-138 |
| Civil Service Act, An Act to amend... | | C-244 |
| Civil Service Act, An Act to amend... (appeal panel) | | C- 63 |
| Civil servants' right to receive pay | see | C-244 |
| Coasting trade | see | C-142 |
| Collective barganing in public service | see | C-170 |
| Combines Investigation Act, An Act to amend... (floor penalties, criminal joint tortfeasors, and moieties) | | C- 30 |
| Combines Investigation Act, An Act to amend... (increased prices) | | C-173 |
| Combines Investigation Act, An Act to amend... (professional sports) | | C-132 |
| Combines Investigation Act and the Criminal Code, An Act to amend... | | C-169 |

| | | |
|---|---|---|
| Canadian Dairy Commission Act | | C-205 |
| Canadian Development Act | | C-260 |
| Canadian Development Corporation | see | C-260 |
| Canadian Film Development Corporation Act | | C-204 |
| Canadian Forces Reorganization Act | | C-243 |
| Canadian National Railway branch line construction in Alberta and Saskatchewan | see | C-210 |
| Canadian National Railways Financing and Guarantee Act, 1903-1958 | | C-229 |
| Canadian ships in coasting trade | see | C-142 |
| Canadian Vessel Construction Assistance Act, An Act to repeal... | | C-216 |
| | | C-259 |
| Canadian Wheat Board Act, An Act to amend... | | C-279 |
| Candidates | see | C-102 |
| Candidates, political affiliations of | see | C-117 |
| Capital murder | see | C-180 |
| Capital punishment | see | C-106 |
| | see | C-115 |
| | see | C-179 |
| Capital punishment, Abolition of | see | C- 14 |
| | see | C- 73 |
| | see | C-110 |
| | see | C-120 |
| Child, Maltreatment of | see | C-219 |
| Cigarette advertising | see | C-297 |
| City of Ottawa | see | C- 12 |
| Civil Servants' Bill of Rights | | C- 32 |
| Civil servants, political activities | see | C- 72 |
| Civil Service Act, An Act to amend... | | C-138 |
| Civil Service Act, An Act to amend... | | C-244 |
| Civil Service Act, An Act to amend... (appeal panel) | | C- 63 |
| Civil servants' right to receive pay | see | C-244 |
| Coasting trade | see | C-142 |
| Collective bargaining in public service | see | C-170 |
| Combines Investigation Act, An Act to amend... (floor penalties, criminal joint terrifazors, and meleties) | | C- 30 |
| Combines Investigation Act, An Act to amend... (increased prices) | | C-173 |
| Combines Investigation Act, An Act to amend... (professional sports) | | C-152 |
| Combines Investigation Act and the Criminal Code, An Act to amend... | | C-159 |

| | | Bill No. |
|---|---|---|
| Community antenna | see | C- 17 |
| | see | C- 94 |
| Commutation of death sentence | see | C-172 |
| Commutation of death sentence by province | see | C-115 |
| Company-censored housing | see | C- 81 |
| Company of Young Canadians, An Act to provide for the establishment of... | | C-174 |
| Compensation for criminal injuries | see | C-108 |
| Construction of a line of railway by the CN in the District of Kenora, An Act respecting... | | C-165 |
| Consumer Affairs, Department of | see | C-246 |
| Consumer credit, control of | see | C- 4 |
| Consumer Protection Act | | C-246 |
| Contempt of Court | see | C- 80 |
| Control of Consumer Credit Act | | C- 4 |
| Corporal punishment | see | C-123 |
| Criminal Code, An Act to amend... | | C- 71 |
| | | C- 89 |
| Criminal Code, An Act to amend... (abolition of capital punishment) | | C- 14 |
| | | C- 73 |
| | | C-110 |
| | | C-120 |
| Criminal Code, An Act to amend... (attempt to commit suicide) | | C-124 |
| Criminal Code, An Act to amend... (attendance at execution) | | C-179 |
| Criminal Code, An Act to amend... (capital punishment, form of sentence) | | C-106 |
| Criminal Code, An Act to amend... (commutation by provincial authorities) | | C-115 |
| Criminal Code, An Act to amend... (control of motor vehicle) | | C-240 |
| Criminal Code, An Act to amend... (corporal punishment) | | C-123 |
| Criminal Code, An Act to amend... (birth control) | | C- 40 |
| Criminal Code, An Act to amend... (company-censored housing) | | C- 81 |
| Criminal Code, An Act to amend... (contempt of Court) | | C- 80 |
| Criminal Code, An Act to amend... (cruelty to animals) | | C-155 |
| Criminal Code, An Act to amend... (cruelty to animals and to human beings) | | C-141 |

Community antenna see C- 17
see C- 94
Commutation of death sentence see C-172
Commutation of death sentence by province see C-115
Company-censored housing see C- 81
Company of Young Canadians, An Act to
provide for the establishment of... C-174
Compensation for criminal injuries see C-108
Construction of a line of railway by the
CN in the District of Kamora, An Act
respecting... C-165
Consumer Affairs, Department of see C-246
Consumer credit, control of see C- 4
Consumer Protection Act C-246
Contempt of Court see C- 80
Control of Consumer Credit Act C- 4
Corporal punishment see C-123
Criminal Code, An Act to amend... C- 71
C- 89
Criminal Code, An Act to amend...
(abolition of capital punishment) C- 3
C- 73
C-110
C-120
Criminal Code, An Act to amend... (attempt
to commit suicide) C-124
Criminal Code, An Act to amend...
(attendance at execution) C-179
Criminal Code, An Act to amend... (capital
punishment, form of sentence) C-106
Criminal Code, An Act to amend...
(commutation by provincial authorities) C-115
Criminal Code, An Act to amend... (control
of motor vehicle) C-240
Criminal Code, An Act to amend... (corporal
punishment) C-123
Criminal Code, An Act to amend... (birth
control) C- 40
Criminal Code, An Act to amend... (company-
censored housing) C- 81
Criminal Code, An Act to amend... (contempt
of Court) C- 80
Criminal Code, An Act to amend... (cruelty to
animals) C-195
Criminal Code, An Act to amend... (cruelty to
animals and to human beings) C-141

Bill No.

Criminal Code, An Act to amend... (dangerous motor vehicles) C- 49
Criminal Code, An Act to amend... (desecration of the national flag of Canada) C-209
Criminal Code, An Act to amend... (destruction of criminal records) C-192
Criminal Code, An Act to amend... (disturbance in Parliament) C-291
Criminal Code, An Act to amend... (elimination of premium stamps in food establishments) C-234
Criminal Code, An Act to amend... (family planning) C- 22
C- 64
Criminal Code, An Act to amend... (fine print clauses) C-263
Criminal Code, An Act to amend... (firearms) C-214
Criminal Code, An Act to amend... (group defamatory libel) C-164
Criminal Code, An Act to amend... (habitual criminals) C-166
Criminal Code, An Act to amend... (harassing telephone communications) C-228
Criminal Code, An Act to amend... (human rights and fundamental freedoms preserved) C-100
Criminal Code, An Act to amend... (impaired driving) C- 87
Criminal Code, An Act to amend... (insanity) C-105
Criminal Code, An Act to amend... (insanity at time of trial) C-176
Criminal Code, An Act to amend... (invasion of privacy) C-269
Criminal Code, An Act to amend... (maltreatment of a child) C-219
Criminal Code, An Act to amend... (modernization of law of picketing) C-129
Criminal Code, An Act to amend... (negligence in operation of motor vehicle) C-118
Criminal Code, An Act to amend... (nuisance) C- 62
Criminal Code, An Act to amend... (preventive detention) C-233
Criminal Code, An Act to amend... (prohibiting the oral or written publication or distribution of hate literature) C- 35
Criminal Code, An Act to amend... (provincial lotteries) C- 38
C- 42

BILL No.

| | | Bill No. |
|---|---|---|
| Criminel Code, An Act to amend... (publication of ingredients of wonder drugs) | | C-217 |
| Criminal Code, An Act to amend... (punishment for murder) | | C-180 |
| Criminal Code, An Act to amend... (apurge for the King's-evil) | | C- 9 |
| Criminal Code, An Act to amend... (raffles and bingo for charitable purposes) | | C- 84 |
| Criminal Code, An Act to amend... (repeal of power to commute a sentence of death) | | C-168 |
| Criminal Code, An Act to amend... (restriction on publication of proceedings) | | C- 56 |
| Criminal Code, An Act to amend... (right to counsel) | | C-184 |
| Criminal Code, An Act to amend... (safety devices for automotive vehicles) | | C- 26 |
| Criminal Code, An Act to amend... (tire safety) | | C-195 |
| Criminal Code, An Act to amend... (trading stamps) | | C-235 |
| Criminal Code, An Act to amend... (wire tapping, etc.) | | C- 33 |
| Criminal Code, An Act to amend... (wire tapping, electronic eavesdropping, etc.) | | C- 45 |
| Criminal Code, An Act to amend... (young offenders) | | C-121 |
| Criminal Code and Combines Investigation Act, An Act to amend... | see | C-169 |
| Criminal Injuries Compensation Act | | C-108 |
| Criminal records | see | C-192 |
| Crop Insurance Act, An Act to amend... | | C-208 |
| Crown Corporations, An Act respecting... | | C-288 |
| Cruelty to animals | see | C-155 |
| Cruelty to animals and to human beings | see | C-141 |
| Customs tariff | see | C-200 |
| Dairy commission | see | C-205 |
| Dangerous motor vehicles | see | C- 49 |
| Death sentence, commutation of | see | C-168 |
| Death sentence, commutation by province | see | C-115 |
| Deportation, disclosure of reasons for | see | C-104 |
| Deposit Insurance Corporation Act, Canada... | | C-261 |
| Desecration of the national flag of Canada | | C-209 |
| Destruction of criminal records | | C-192 |

BILL No.

| | | Bill No. |
|---|---|---|
| Development Incentives Act | | C-252 |
| Dislocation costs | see | C- 48 |
| Disaster fund | see | C- 52 |
| Discharge or lay-off of employees | see | C-284 |
| Dissolution of British North America Acts | see | C-127 |
| Dissolution and Annulment of Marriages Act, An Act to amend... (additional grounds for divorce) | | C- 79 |
| Disturbance in Parliament | see | C-291 |
| Divorce | see | C- 58 |
| Divorce Act | | C- 55 |
| Divorce Act, 1967 | | C-264 |
| Divorce, additional grounds for | see | C- 16 |
| | see | C- 79 |
| Divorce (Extension of Grounds) Act, 1966 | | C-133 |
| Divorce laws | see | C- 41 |
| Dock workers | see | C-215 |
| Dominion Day Act, An Act to amend... | | C-247 |
| Dominion Day Observance Act | | C-225 |
| Drainage works | see | C- 77 |
| Drinking and traffic accidents | see | C-240 |
| Drug Addicts Protection Act | | C-292 |
| Drug ingredients | see | C-217 |
| Duration of House of Commons | see | C-272 |
| Egg prices stabilization | see | C- 11 |
| Eighteen year old voters and candidates | see | C-102 |
| Eiriksson, Leifr | see | C- 66 |
| Election expenses, limiting of | see | C- 5 |
| Elections on a Sunday | see | C-137 |
| Electoral Boundaries Readjustment Act, An Act to extend the time for consideration of objections pursuant to section 20 of the ... with respect to the reports of commissions established for the decennial census taken in the year 1961 | | C-126 |
| Electoral Boundaries Readjustment Act, An Act to repeal... | | C-143 |
| Electors, qualifications of | see | C-183 |
| Employer and employee relations in the Public Service of Canada, An Act respecting... | | C-170 |
| Endorsement of Bills, An Act respecting... | | C-257 |
| Eskimo arts and crafts | see | C-103 |
| Established Programs (Interim Arrangements) Act, An Act to amend... | | C-277 |

| | | Bill No. |
|---|---|---|
| Exchequer Court Act, An Act to amend... | | C-201 |
| Excise Tax Act, An Act to amend... | | C-198 |
| Excise Tax Act and the Old Age Security Act, An Act to amend... | | C-268 |
| Execution, attendance at | see | C-179 |
| Export Credits Insurance Act, An Act to amend... | | C-253 |
| Exportation of the Growth and Produce of Canada, An Act concerning... | | C- 7 |
| Fair Wages and Hours of Labour Act, An Act to amend... | | C- 2 |
| Family planning | see | C- 22 |
| | see | C- 64 |
| | see | C- 71 |
| Farm Credit Act, An Act to amend... | | C-171 |
| Federal-Provincial Fiscal Arrangements Act, 1967 | | C-277 |
| Financial Administration Act, An Act to amend... (truth in receiving bill) | | C- 34 |
| Financial Administration Act, An Act to amend... | | C-134 |
| | | C-182 |
| Financial Administration Act, An Act to amend... (Parliamentary Commissioner for Administration) | | C-136 |
| Fine print clauses | see | C-263 |
| Firearms | see | C-214 |
| Fisheries Act, An Act to amend... (seal hunting prohibited) | | C-281 |
| Fisheries Development Act | | C-145 |
| Fishing zones | see | C- 67 |
| Flag Day of Canada, An Act respecting... | | C- 23 |
| Food and Drugs Act, An Act to amend... | | C-256 |
| Food and Drugs Act, an Act to amend... (listing of ingredients) | | C-167 |
| Football game telecast | see | C-238 |
| Free transportation for senior citizens | see | C- 61 |
| Freedom of access to public documents and information about Government Administration | see | C- 50 |
| Freedom of choice in television viewing, An Act to secure... | | C-238 |
| Fund for Rural Economic Development Act | | C-151 |
| Fund for Rural Economic Development Act, An Act to amend... | | C-274 |

BILL No.

| | | Bill No. |
|---|---|---|
| Fundamental freedoms | see | C-101 |
| Government Administration, information about | see | C- 50 |
| Government advertising during election campaign | see | C- 99 |
| Government Organization Act, 1966 | | C-178 |
| Governor General's Retiring Annuity Act | | C-265 |
| Grey Cup football game telecasts | see | C-238 |
| Group defamatory libel | see | C-164 |
| Habitual criminals | see | C-166 |
| Hail damage | see | C-187 |
| Harassing telephone communications | see | C-228 |
| Hate literature | see | C- 35 |
| | | C- 95 |
| Hazardous Household Products Labeling Act | | C-242 |
| Health Resources Fund Act | | C-199 |
| Hog price stabilization | see | C- 11 |
| Holidays with pay | see | C-285 |
| Hospital sweepstakes | see | C-125 |
| House of Commons Act, An Act to amend... (internal economy autonomy) | | C- 47 |
| House of Commons, duration of | see | C- 57 |
| | see | C-272 |
| House of Commons, quorum | see | C-114 |
| Housewives' contributions and benefits (Canada Pension Plan) | see | C-135 |
| Human rights | see | C-101 |
| | see | C-191 |
| Immigration Act, An Act to amend... | | C-107 |
| Immigration Act, An Act to amend... (disclosure of reasons for deportation) | | C-104 |
| Immigration Act, An Act to amend... (mental retardation) | | C- 60 |
| Immigration Act, An Act to amend... (racial discrimination) | | C- 25 |
| Immigration Appeal Board Act | | C-220 |
| Impaired driving | see | C- 87 |
| Income tax | see | C-211 |
| Income Tax Act, An Act to amend... | | C- 51 |
| | | C-216 |
| | | C-259 |
| | | C-280 |
| Income tax agreement, Canada and the United Kingdom | see | C-154 |
| Increased prices | see | C-173 |

BILL No.

| | | Bill No. |
|---|---|---|
| Incriminating statements | see | C-276 |
| Indian Act, An Act to amend... | | C-203 |
| Indian arts and crafts | see | C-103 |
| Indian claims | see | C- 28 |
| Indian Day | see | C- 78 |
| Indian reserves mineral resources | see | C- 8 |
| Industrial Relations and Disputes Investigation Act, An Act to amend... (meaning of "Unit") | | C-148 |
| Industrial Relations and Investigation Act, An Act to amend... (powers of chairman and the Board) | | C-156 |
| Industrial Research and Development Incentives Act | | C-252 |
| Inquiries Act, An Act to amend... | | C-188 |
| Insanity | see | C-105 |
| Insanity at time of trial | see | C-176 |
| Instalment purchases | see | C- 39 |
| Instalment sales, off-store | see | C- 65 |
| Interest Act, An Act to amend... | | C- 92 |
| Interest Act, An Act to amend... (off-store instalment sales) | | C- 65 |
| Inter-governmental Advisory Commission, An Act to authorize the Government of Canada to enter into negotiations for the creation of... | | C-177 |
| Interim arrangements (fiscal) | see | C-277 |
| Internal economy (House of Commons) | see | C- 47 |
| International Bank for Reconstruction and Development | see | C-144 |
| International Monetary Fund | see | C-144 |
| Invasion of privacy | see | C-269 |
| Judges, appointment of | see | C-236 |
| Judges Act | | C-262 |
| Judges Act, An Act to amend... | | C-160 |
| | | C-267 |
| The Judges Act, An Act to amend... (discontinuation of pension) | | C- 20 |
| Judges' pension, discontinuation of | see | C- 20 |
| Judicial proceedings, restriction on publication | see | C- 56 |
| Juvenile delinquency | see | C-121 |
| Juvenile Delinquents Act, An Act to amend... | | C- 13 |
| Kenora District railway line | see | C-165 |

| | | Bill No. |
|---|---|---|
| Incriminating statements | see | C-276 |
| Indian Act, An Act to amend... | | C-203 |
| Indian arts and crafts | see | C-103 |
| Indian claims | see | C- 28 |
| Indian Day | see | C- 78 |
| Indian reserves mineral resources | see | C- 8 |
| Industrial Relations and Disputes Investigation Act, An Act to amend... (meaning of "Unit") | | C-148 |
| Industrial Relations and Investigation Act, An Act to amend... (powers of chairman and the Board) | | C-156 |
| Industrial Research and Development Incentives Act | | C-252 |
| Inquiries Act, An Act to amend... | | C-188 |
| Insanity | see | C-105 |
| Insanity at time of trial | see | C-176 |
| Instalment purchases | see | C- 39 |
| Instalment sales, off-shore | see | C- 65 |
| Interest Act, An Act to amend... | | C- 92 |
| Interest Act, An Act to amend... (off-shore instalment sales) | | C- 65 |
| Inter-governmental Advisory Commission, An Act to authorize the Government of Canada to enter into negotiations for the creation of... | | C-177 |
| Interim arrangements (Canal) | see | C-277 |
| International economy (House of Commons) | see | C- 47 |
| International Bank for Reconstruction and Development | see | C-144 |
| International Monetary Fund | see | C-144 |
| Invasion of privacy | see | C-269 |
| Judges, appointment of | see | C-236 |
| Judges Act | | C-262 |
| Judges Act, An Act to amend... | | C-160 |
| The Judges Act, An Act to amend... (discontinuation of pension) | | C-267 |
| Judges' pension, discontinuation of | see | C- 20 |
| Judicial proceedings, restriction on publication | see | C- 20 |
| Juvenile delinquency | see | C- 56 |
| Juvenile Delinquents Act, An Act to amend... | see | C-121 |
| Kenora District railway line | see | C- 13 |
| | | C-165 |

| | | Bill No. |
|---|---|---|
| King's-evil | see | C- 9 |
| Kitsilano trestle, removal of | see | C-206 |
| Labeling of hazardous household products | see | C-242 |
| Labour Relations Board, power of the chairman | see | C-156 |
| Law Reform Commission | see | C- 72 |
| Lawyers in Parliament, fees for professional services | see | C-158 |
| Leifr Eiriksson Day Act | | C- 66 |
| Libel | see | C-164 |
| Livestock Feed Assistance Act | | C-218 |
| Loans (advertising) | see | C- 24 |
| Lotteries, provincial | see | C- 38 |
| | see | C- 42 |
| Macdonald, Sir John A. | see | C- 93 |
| Maintenance of Railway Operation Act, 1966 | | C-230 |
| Maltreatment of a child | see | C-219 |
| Maritime Transportation Unions Trustees Act, An Act to repeal... | | C-175 |
| Marriage | see | C- 58 |
| Marriage, annulment of | see | C- 19 |
| | see | C- 79 |
| Marriage, dissolution of | see | C- 19 |
| | see | C- 44 |
| | see | C- 55 |
| McIntosh apple | see | C-162 |
| Medical Care Act | | C-227 |
| Members of the House of Commons, retirement | see | C- 43 |
| Mental retardation | see | C- 60 |
| Minimum wage (hourly) | see | C- 74 |
| Motor vehicle, control of | see | C-240 |
| Motor vehicle, negligence in operation | see | C-118 |
| Motor vehicles, unsafe | see | C- 49 |
| Murder, persons convicted of | see | C-110 |
| Murder, punishment for | see | C-180 |
| National Anthem Act | | C- 31 |
| | | C- 54 |
| National Arts Centre Act | | C-194 |
| National Capital Act, An Act to amend... | | C- 12 |
| National Defence Act, An Act to amend... (Canadian Forces Reorganization Act) | | C-243 |
| National Energy Board Act, An Act to amend... (drainage works) | | C- 77 |
| National flag of Canada | see | C-209 |

King's evil, see C- 9
Kitselano trestle, removal of, see C-206
Labelling of hazardous household products see C-242
Labour Relations Board, power of the
chairman see C-156
Law Reform Commission see C- 72
Lawyers in Parliament, fees for
professional services see C-158
Leif Eriksson Day Act C- 66
Libel see C-164
Livestock Feed Assistance Act C-218
Loans (advertising) see C- 24
Lotteries, provincial see C- 38
see C- 42
Macdonald, Sir John A. see C- 93
Maintenance of Railway Operation Act, 1966 C-230
Maltreatment of a child see C-219
Maritime Transportation Unions Trustees
Act, An Act to repeal... C-175
Marriage see C- 58
Marriage, annulment of see C- 19
see C- 72
Marriage, dissolution of see C- 19
see C- 44
see C- 55
McIntosh apple see C-162
Medical Care Act C-227
Members of the House of Commons,
retirement see C- 43
Mental retardation see C- 60
Minimum wage (hourly) see C- 74
Motor vehicle, control of see C-240
Motor vehicle, negligence in operation see C-118
Motor vehicles, unsafe see C- 49
Murder, persons convicted of see C-110
Murder, punishment for see C-180
National Anthem Act C- 31
C- 34
National Arts Centre Act C-194
National Capital Act, An Act to amend... C- 12
National Defence Act, An Act to amend...
(Canadian Forces Reorganization Act) C-243
National Energy Board Act, An Act to amend...
(drainage works) C- 77
National Flag of Canada see C-209

| | | Bill No. |
|---|---|---|
| National Fruit of Canada Act | | C-162 |
| National Housing Act, 1954, An Act to amend... | | C-241 |
| National Indian Day Act | | C- 78 |
| National Research Council Act | | C-150 |
| National Transportation Act | | C-231 |
| Native Indian and Eskimo Arts and Crafts Act | | C-103 |
| Navigable Waters Protection Act, An Act to amend... (prevention of water pollution) | | C-202 |
| Navigable Waters Protection Act, An Act to amend... (removal of Kitsilano trestle) | | C-206 |
| Negligence in operation of motor vehicle | see | C-118 |
| Newfoundland Additional Financial Financial Assistance Act, 1966 | | C-185 |
| Northwest Territories Act, An Act to amend... | | C-146 |
| Notice and payment to employees in case of discharge or lay-off. Canada Labour (Standards) Code, An Act to amend... | see | C-284 |
| Nuisance | see | C- 62 |
| Oaths of Allegiance Act, An Act to amend... (affirmation) | | C- 68 |
| "O Canada" | see | C- 54 |
| Occupational training | see | C-278 |
| Off-track elevator licensing | see | C-212 |
| Old Age Security Act, An Act to amend... | | C-139 |
| | | C-251 |
| Old Age Security and the Excise Tax Act, An Act to amend... | | C-268 |
| Ombudsman | see | C-113 |
| | see | C-136 |
| Organisation of the Government of Canada | see | C-178 |
| Ottawa | see | C- 12 |
| Packaging, truth in | see | C- 21 |
| Pardon, free or conditional | see | C-168 |
| Parliamentary Commissioner Act | | C-113 |
| Parliament, disturbance in | see | C-291 |
| Parliamentary Assistants Act | | C- 46 |
| Parliamentary Commissioner | see | C-136 |
| Parliamentary Secretaries Act, An Act to amend... | | C- 46 |
| Parliamentary Sessions Act | | C- 6 |
| Parole Act, An Act to amend... (power to commute a sentence of death) | | C-172 |
| Pas Mining District C.N.R. line | see | C-210 |
| Payment of costs | see | C-232 |
| Pension Benefits Standards Act | | C-221 |

| | | Bill No. |
|---|---|---|
| Picketing | see | C-129 |
| Political affiliations of Candidates on ballot papers | see | C- 27 |
| | see | C- 85 |
| | see | C-117 |
| Political programs | see | C- 97 |
| Pollution | see | C-202 |
| Parole Act, An Act to amend... (persons convicted of murder or treason) | see | C-110 |
| Post Office Act, An Act to amend... (hate literature) | | C- 95 |
| Prairie Farm Assistance Act, An Act to amend... | | C-187 |
| Premium stamps in food establishments | see | C-234 |
| Preventive detention | see | C-233 |
| Price increase inquiry | see | C-173 |
| Privacy | see | C-273 |
| Privacy, invasion of | see | C-269 |
| Produce of Canada, exportation of | see | C- 7 |
| Products Weight and Price Act | | C-250 |
| Professional sports | see | C-132 |
| Provincial marriage and divorce laws | see | C- 41 |
| Public documents, freedom of access to | see | C- 50 |
| Public's rights to freedom of access to public documents and information about Government Administration (administrative disclosure), An Act to better assure... | | C- 50 |
| Public Service Employment Act | | C-181 |
| Public Service Staff Relations Act | | C-170 |
| Public Utilities Income Tax Transfer Act | | C-211 |
| Publication of ingredients of wonder drugs | see | C-217 |
| Punishment for murder | see | C-180 |
| Qualifications of voters and electors | see | C-183 |
| Quebec Savings Banks Act | | C-223 |
| Quebec Savings Banks Act, An Act to amend... | | C- 3 |
| Quorum (House of Commons) | see | C-114 |
| Racial discrimination | see | C- 25 |
| Radio Act, An Act to amend... (community antenna) | | C- 94 |
| Raffles | see | C- 84 |
| Railway Act, An Act to amend... | | C- 18 |
| Railway Act, An Act to amend... (abandonment) | | C- 90 |

Bill No.


Picketing see C-129
Political affiliations of Candidates on
ballot papers see C- 27
see C- 85
see C-117
Political programs see C- 77
Pollution see C-202
Postal Act, An Act to amend...
(persons convicted of murder or
treason) see C-110
Post Office Act, An Act to amend...
(hate literature) C- 95
Prairie Farm Assistance Act, An Act to
amend... C-187
Premium stamps in food establishments see C-234
Preventive detention see C-233
Price increase inquiry see C-172
Privacy see C-273
Privacy, invasion of see C-269
Produce of Canada, exportation of see C- 7
Products Weight and Price Act C-250
Professional sports see C-132
Provincial marriage and divorce laws see C- 41
Public documents, freedom of access to see C- 50
Public's rights to freedom of access to
public documents and information
about Government Administration
(administrative disclosure), An Act
to better assure... C- 50
Public Service Employment Act C-181
Public Service Staff Relations Act C-170
Public Utilities Income Tax Transfer Act C-211
Publication of ingredients of wonder
drugs see C-217
Punishment for murder see C-130
Qualifications of voters and electors see C-193
Quebec Savings Banks Act C-223
Quebec Savings Banks Act, An Act to
amend... C- 3
Quorum (House of Commons) see C-111
Racial discrimination see C- 25
Radio Act, An Act to amend... (Community
antenna) C- 91
Raffles see C- 84
Railway Act, An Act to amend... C- 18
Railway Act, An Act to amend... (abandonment) C- 90

| | | Bill No. |
|---|---|---|
| Railway Act, An Act to amend... (abandonment moratorium) | | C- 86 |
| Railway Act, An Act to amend... (B.C. water carriers) | | C- 69 |
| Railway Act, An Act to amend... (responsibility for dislocation costs) | | C- 48 |
| Railway operation, maintenance of | see | C-230 |
| Rainmaking Act | | C-109 |
| Regina Mining District C.N.R. line | see | C-210 |
| Registrar General, Department of | see | C-246 |
| Repeal of power to commute a sentence of death | see | C-168 |
| Research Council Act, An Act to amend... | | C-150 |
| Retirement of Members of the House of Commons, An Act to make provision for... | | C- 43 |
| Retired persons, provision for | see | C-128 |
| Right to counsel | see | C-184 |
| Right of Privacy Act of 1967 | | C-273 |
| Rural Development Act | | C-152 |
| Rural economic development | see | C-151 |
| | see | C-274 |
| Safety devices for automotive vehicles | see | C- 26 |
| St. Lawrence Ports Working Conditions Act | | C-215 |
| Salaries, Civil Servants | see | C-244 |
| Science Council of Canada Act | | C-149 |
| Seal hunting | see | C-281 |
| Senate, abolition of | see | C- 15 |
| Senate and House of Commons Act, An Act to amend... (St. Luke 11; 46) | | C-158 |
| Senate, representation of provinces | see | C- 10 |
| Senators, qualification of | see | C- 10 |
| Senior Citizens' Transportation Act | | C- 61 |
| Sir John A. Macdonald Day Act | | C- 93 |
| Small Businesses Loans Act, An Act to amend... | | C- 91 |
| | | C-270 |
| Small Loans Act, An Act to amend... | | C- 53 |
| | | C- 76 |
| Small Loans Act, An Act to amend... (advertising) | | C- 24 |
| Sports, professional | see | C-132 |
| Square deal | see | C-255 |
| Statute Law (Superannuation) Amendment Act, 1966 | | C-193 |

| | | Bill No. |
|---|---|---|
| Statutory Salaries Revision Act, 1967 | | C-266 |
| Straw poll results, publication of | see | C- 82 |
| Student voting not printed | see | C- 98 |
| Students' franchise | see | C-100 |
| | see | C-289 |
| Suicide, attempt to commit | see | C-124 |
| Superannuation | see | C-193 |
| Supreme Court Act, An Act to amend... | | C-237 |
| | | C-286 |
| Supreme Court Act, An Act to amend... (payment of costs) | | C-232 |
| Sweepstakes | see | C-125 |
| Technical and vocational training programs | see | C-186 |
| Television receiving apparatus | see | C-258 |
| Territorial Sea and Fishing Zones Act, An Act to amend... | | C- 67 |
| Tire safety | see | C-195 |
| Tobacco Restraint Act | | C- 88 |
| Tobacco Restraint Act, An Act to amend... | | C-130 |
| Tobacco Restraint Act, An Act to repeal... | | C- 36 |
| Trading stamps | see | C-235 |
| Training Allowance Act, 1966 | | C-186 |
| Transport Act and the Railway Act, An Act to amend... (B.C. water carriers) | | C- 69 |
| Transportation Act, National | see | C-231 |
| Treason, persons convicted of | see | C-110 |
| Unemployment Insurance Act, An Act to amend... | | C- 70 |
| Unemployment Insurance Act, An Act to amend... (agricultural employees' coverage) | | C- 59 |
| Unification of Armed Forces | see | C-243 |
| United Kingdom - Canada Income Tax Agreement | see | C-154 |
| University students' franchise | see | C- 83 |
| Voters | see | C-102 |
| Voters, age of | see | C- 75 |
| Voters, qualifications of | see | C-183 |
| Wage earners' assignments | see | C- 29 |
| Water carriers, B.C. | see | C- 69 |
| Water pollution | see | C-202 |
| Weight and Measures Act, An Act to amend... (truth in packaging) | | C- 21 |
| Weight and price of products | see | C-250 |

| | | |
|---|---|---|
| Statutory Salaries Revision Act, 1967 | | C-256 |
| Straw poll results, publication of | see | C- 82 |
| Students voting not printed | see | C- 98 |
| Students' franchise | see | C-100 |
| | see | C-289 |
| Suicide, attempt to commit | see | C-124 |
| Superannuation | see | C-193 |
| Supreme Court Act, An Act to amend... | | C-237 |
| | | C-286 |
| Supreme Court Act, An Act to amend... (payment of costs) | | C-232 |
| Sweepstakes | see | C-125 |
| Technical and vocational training programs | see | C-186 |
| Television receiving apparatus | see | C-258 |
| Territorial Sea and Fishing Zones Act, An Act to amend... | | C- 67 |
| Tire safety | see | C-195 |
| Tobacco Restraint Act | | C- 88 |
| Tobacco Restraint Act, An Act to amend... | | C-130 |
| Tobacco Restraint Act, An Act to repeal... | | C- 36 |
| Trading stamps | see | C-235 |
| Training Allowance Act, 1966 | | C-136 |
| Transport Act and the Railway Act, An Act to amend... (B.C. water carriers) | | C- 69 |
| Transportation Act, National | see | C-231 |
| Treason, persons convicted of | see | C-110 |
| Unemployment Insurance Act, An Act to amend... | | C- 70 |
| Unemployment Insurance Act, An Act to amend... (agricultural employees' coverage) | | C- 59 |
| Unification of Armed Forces | see | C-243 |
| United Kingdom - Canada Income Tax Agreement | see | C-154 |
| University students' franchise | see | C- 85 |
| Voters | see | C-102 |
| Voters, age of | see | C- 75 |
| Voters, qualifications of | see | C-183 |
| Wage earners' assignments | see | C- 29 |
| Water carriers, B.C. | see | C- 69 |
| Water pollution | see | C-202 |
| Weight and Measures Act, An Act to amend... (truth in packaging) | | C- 21 |
| Weight and price of products | see | C-250 |

| | | Bill No. |
|---|---|---|
| Wire tapping | see | C- 33 |
| Wire tapping, electronic eavesdropping, etc. | see | C- 45 |
| Young offenders | see | C-121 |
| Yukon Act, An Act to amend... | | C-147 |