

Canada. Laws, Statutes, etc.

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CANADA
HOUSE OF COMMONS

23rd Parliament, 1st Session
1957/58

BILLS (First Reading)

1. Oaths of office (pro forma). Mr. Diefenbaker *not included*
2. Canada annual vacations with pay. Mr. Knowles (Winnipeg North Centre)
3. Canada statutory holidays with pay. Mr. Knowles (Winnipeg North Centre)
4. Canada minimum wage. Mr. Knowles (Winnipeg North Centre)
5. Industrial Relations and Disputes Investigation Act amdt. (voluntary revocable check-off). Mr. Knowles (Winnipeg North Centre)
6. Canada Elections Act amdt. (advance polls). Mr. Knowles (Winnipeg North Centre)
7. Income Tax Act amdt. (communication of information). Mr. Knowles (Winnipeg North Centre)
8. Income Tax Act amdt. (corporation appeals). Mr. Knowles (Winnipeg North Centre)
9. Financial Administration Act amdt. (bilingual negotiable instruments). Mr. Poulin
10. Canadian Wheat Board Act amdt. (flax and rye). Mr. McCullough
11. Supply (interim). Mr. Fleming
12. Canada Elections Act amdt. (ballot papers). Mr. Thomas (Wetaskiwin)
13. Criminal Code amdt. (subversive activities). Mr. LaCroix
14. Prairie grain advance payments. Mr. Churchill
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17. Interest Act amdt. Mr. Argue
18. Old Age Security Act amdt. Mr. Monteith
19. Old Age Assistance Act amdt. Mr. Monteith
20. Blind Persons Act amdt. Mr. Monteith
21. Senate and House of Commons Act amdt. Mr. Johnson (Kindersley)
22. Disabled Persons Act amdt. Mr. Monteith
23. Indian Act amdt. Mr. Howard
24. Canada Elections Act amdt. Mr. Howard
25. Alberta-Northwest Territories boundary. Mr. Comtois (*is missing*)
26. War Veterans Allowance Act amdt. Mr. Brooks
27. Pension Act amdt. Mr. Brooks
28. Canadian Vessel Construction Assistance Act amdt. Mr. Hees (*is missing*)
29. Canadian and British Insurance Companies Act amdt. Mr. Fleming
30. Canada-Australia income tax agreement. Mr. Fleming
31. Unemployment Insurance Act amdt. Mr. Starr
32. Buffalo and Fort Erie Public Bridge Company Act amdt. Mr. Fleming (*is missing*)
33. Canadian National Railways. Mr. Hees
34. Hamilton Harbour Commissioners. Mr. Hees
35. Supply (interim). Mr. Fleming (*is missing*)
36. Export Credits Insurance Act amdt. Mr. Churchill
37. Excise Tax Act amdt. Mr. Fleming
38. Income Tax Act amdt. Mr. Fleming
39. Agricultural stabilization. Mr. Harkness
40. National Housing Act amdt. Mr. Green
41. Criminal Code amdt. (capital punishment). Mr. Winch
42. Unemployment Assistance Act amdt. Mr. Monteith
43. Criminal Code amdt. (slaughtering of animals). Mr. Fulton
44. Supply (interim). Mr. Fleming
45. Beechwood power project loan. Mr. Fleming
46. Atlantic provinces power development. Mr. Hamilton (Qu'Appelle)
47. Criminal Code amdt. (corporal punishment). Mr. Winch
48. Indian Act amdt. Mr. Fulton
49. Federal-Provincial Tax-Sharing Arrangements Act amdt. Mr. Fleming
50. Estate tax. Mr. Fleming
51. Northwest Territories Act amdt. Mr. Hamilton (Qu'Appelle)

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 2.

An Act to provide for Annual Vacations with Pay for
Employees.

First reading, October 16, 1957.

MR. KNOWLES.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957

THE HOUSE OF COMMONS OF CANADA.

BILL 2.

An Act to provide for Annual Vacations with Pay for Employees.

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 *Canada Annual Vacations with Pay Act*. 5
- Interpre- **2.** In this Act,
tation.
"Average (a) "average wage" in respect of any period of employ-
wage."
"Deputy (b) "Deputy Minister" means the Deputy Minister of 10
Minister."
"Employee."
"Employer."
"Minister."
"Pre- (e) "Minister" means the Minister of Labour;
scribed."
"Special (f) "prescribed" means prescribed by this Act or the 25
holiday."
"Special (g) "special holiday" means any day for which an
holiday."
employee is entitled under any Act, custom or agree-
ment or under his contract of service to be paid wages
without being present at work; 30

EXPLANATORY NOTE.

The purpose of this bill is to provide that all employees in Canada who come under federal labour jurisdiction be granted at least two weeks vacation with pay after one year of employment. It also provides, in the case of employment for less than a year, for a vacation with pay proportionate to the time worked. Nothing in this bill affects any provision for vacations with pay enjoyed by any employees where such provisions are more favourable than those provided herein, but this bill does supersede any provisions which are less favourable to employees than those set out in this bill.

"Total
wage."

- (h) "total wage" in respect of any period of employment of an employee, means all remuneration which the employee is paid or is entitled to be paid by his employer, whether or not payment is actually made during that period of employment, in respect of the labour or services which he performs for his employer during that period of employment, and includes: 5
- (i) sums deducted from the said remuneration for any purpose whatever;
 - (ii) remuneration which the employee is paid or is entitled to be paid by his employer, whether or not payment is actually made during that period of employment, in respect of overtime work which he performs for his employer during that period of employment; 15
 - (iii) remuneration which the employee is paid or is entitled to be paid by his employer, whether or not payment is actually made during that period of employment, in respect of any annual or special holiday which his employer permits him to take during that period of employment; 20
 - (iv) the cash value of any board or lodging provided by his employer during that period of employment being the amount established under any Act, custom or agreement or under the employee's contract of service, provided that whether or not any amount has been established under any Act, custom or agreement or under the employee's contract of service, the amount shall not be less than one dollar and fifty cents per day for board and one dollar per day for lodging. 25 30

Application
of Act.

3. This Act applies to and in respect of employment upon or in connection with any work, undertaking or business that is within the legislative authority of the Parliament of Canada, including, but not so as to restrict the generality of the foregoing, 35

- (a) works, undertakings or businesses operated or carried on for or in connection with navigation and shipping, whether inland or maritime, including the operation of ships and transportation by ship anywhere in Canada; 40
- (b) railways, canals, telegraphs and other works and undertakings connecting a province with any other or others of the provinces, or extending beyond the limits of a province; 45
- (c) lines of steam and other ships connecting a province with any other or others of the provinces or extending beyond the limits of a province;

- (d) ferries between any province and any other province or between any province and any country other than Canada;
- (e) aerodromes, aircraft and lines of air transportation;
- (f) radio broadcasting stations; 5
- (g) banks and banking;
- (h) such works or undertakings as, although wholly situate within a province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the provinces; and 10
- (i) any work, undertaking or business outside the exclusive legislative authority of the legislature of any province;
- and to and in respect of, 15
- (j) all employees employed by any employer engaged in any such work, undertaking or business.

Annual vacation to which employee is entitled.

4. Every employee to whom this Act applies shall be entitled after each year of his employment with any employer to an annual vacation of two weeks. 20

Manner in which employee must be permitted to take annual vacation.

5. (1) Subject to subsection (2) where an employee is entitled to an annual vacation under section 4 the employer shall permit the employee:

(a) to take the annual vacation to which he is entitled either in one period of two weeks or in two periods of 25 one week each;

(b) to take the entire annual vacation to which he is entitled within 10 months after the date on which he becomes entitled to it;

(2) Where an employer or employee gives notice of 30 termination of the employment of the employee:

(a) the employer shall not permit the employee to take all or any part of an annual vacation during the period for which the employee is, under any Act, custom or agreement or under his contract of service, entitled 35 to continue in the employment after the giving of the notice;

(b) payment to the employee of all or any part of the average wage on account of an annual vacation to which he is entitled shall be deemed not to be payment of all 40 or any part of his wages in respect of the period for which he is, under any Act, custom or agreement or under his contract of service, entitled to continue in the employment after the giving of the notice.

Notice of vacation period.

6. Every employer shall give to each employee who is 45 entitled to an annual vacation under section 4, not less than two weeks' written notice of the commencement of

his vacation period or each of his vacation periods, as the case may be, unless otherwise agreed in writing between the employer and the trade union representing the employee or, where there is no such trade union, between the employer and the employee. 5

Remuneration payable to employee in respect of annual vacation.

7. (1) Every employee who is entitled to an annual vacation under section 4 but who is not permitted by his employer to take the annual vacation shall, not later than 10 months less 14 days from the date on which he became entitled to the annual vacation, be paid by his employer in 10 respect of the annual vacation his average wage for the year immediately preceding the date on which he became entitled to the annual vacation.

(2) Where the employee is permitted by his employer to take his annual vacation in one period of two weeks, the 15 average wage mentioned in subsection (1) shall be paid to him in full by his employer during the period of 14 days immediately preceding the commencement of his annual vacation.

(3) Where the employee is permitted by his employer 20 to take his annual vacation in two periods of one week each, one-half of the average wage mentioned in subsection (1) shall be paid to him by his employer during the period of 14 days immediately preceding the commencement of each of the two periods. 25

Employee engaging in paid employment to return vacation pay.

8. If it is established to the satisfaction of any court of competent jurisdiction, upon complaint of an employer, that an employee in the employment of that employer is engaging or has engaged in paid employment during the course of any annual vacation which that employer has 30 permitted him to take under section 5, the court shall:

- (a) order the employee to return forthwith to his employer any average wage which his employer paid to him in respect of the said annual vacation; or
- (b) authorize the employer to deduct the said average 35 wage from the wages of the employee under such conditions as the justice may prescribe.

Procedure when special holiday occurs during annual vacation.

9. If any special holiday occurs during the period of any annual vacation which an employee has been permitted by his employer to take under the provisions of this Act, 40 the period of the said annual vacation shall be increased by one working day and the employee shall be paid by his employer, in addition to the average wage which he is entitled to be paid on account of that annual vacation, the wages which he is entitled to be paid for the special holiday. 45

Termination
of employ-
ment.

10. If the employment of an employee with an employer is terminated at any time after the expiration of 30 days from the date of the commencement of the employment, the employer shall forthwith pay to him, in addition to all other amounts due to him, his average wage for his period of employment with that employer, but, if the employee has at any time been permitted by that employer to take an annual vacation under any Act, custom or agreement or under his contract of service, the employer shall be deemed to have complied with the provisions of this section if he forthwith pays to the employee, in addition to all other amounts due to him, his average wage for his period of employment between the date on which he became entitled to the last annual vacation which he was permitted to take and the date of the termination of his employment.

Effect of
Act on
alternative
vacation
arrange-
ment.

11. (1) Nothing in this Act affects any provision in any Act, agreement or contract of service or any custom which ensures to employees more favourable conditions than those provided by this Act.

(2) Any provision in any Act, agreement or contract of service or any custom which is less favourable to employees than the provisions of this Act is superseded by this Act.

Agreements
not to
deprive
employees of
benefits
of Act.

12. (1) No agreement, whether heretofore or hereafter entered into, shall have any force or effect in so far as it deprives any employee of any right, power, privilege or other benefit provided by this Act.

(2) No employer shall require an employee to return to him, nor shall he accept from an employee, either the whole or any part of any average wage which he paid to that employee under the provisions of this Act.

Discrimina-
tion by
employer
prohibited.

13. No employer shall discharge or threaten to discharge or in any way discriminate against any employee for:

(a) testifying or consenting to testify in any investigation or proceeding relative to the enforcement of this Act, or

(b) giving any information to the Minister or his duly authorized representative regarding the annual vacation which an employee is entitled to or has been permitted to take under the provisions of this Act or the average wage which any employee has been paid or is entitled to be paid under the provisions of this Act.

Posting of
abstracts.

14. Every employer shall post and keep posted in a conspicuous place where his employees are engaged in their duties any prescribed abstract or abstracts of the provisions of this Act or the regulations.

Vacation
books.

- 15.** (1) Every employer employing any employee to whom this Act applies shall at all times keep a record, to be called a vacation book, showing in the case of each of his employees:
- (a) the name of the employee; 5
 - (b) the dates of the commencement and termination of his employment;
 - (c) the date on which he becomes entitled to each annual vacation;
 - (d) the dates on which each such vacation is taken; 10
 - (e) the employee's total wage and average wage for any period of employment;
 - (f) all deductions made from the employee's average wage for any purpose whatever, and the purpose for which each such deduction is made; 15
 - (g) the amount paid to the employee in respect of each annual vacation to which he is entitled and the amount paid to the employee upon the termination of his employment, and the dates of payment;
 - (h) such other particulars as are prescribed. 20
- (2) The vacation book may be incorporated in any holiday book or wages book which the employer is required to keep under any other Act of Parliament.

Power to
inspect
vacation
book and
obtain in-
formation.

- 16.** The Minister or his duly authorized representative may at any reasonable time: 25
- (a) inspect the vacation book in use by any employer for the time being or any such book used by that employer during the preceding three years;
 - (b) require any employer to verify the entries in his vacation book by statutory declaration or in such 30 manner as the Minister or his duly authorized representative may require;
 - (c) require any person to furnish, in a form acceptable to the Minister or his duly authorized representative, such information as the Minister or his duly authorized 35 representative deems necessary to ascertain whether the provisions of this Act and the regulations are being or have been complied with.

Sale or
transfer
of business.

- 17.** For the purposes of this Act where a business or part thereof is sold, leased, transferred or otherwise disposed 40 of, the service of the employees affected shall be deemed to be continuous and uninterrupted by such sale, lease, transfer or other disposition of the business or part thereof.

Money paid
under Act
deemed to be
salary or
wages.

- 18.** All money payable by an employer to any employee under this Act and any money ordered to be paid by an 45 employer under subsection (2) of section 22 shall be deemed to be salary or wages earned by the employee, and shall be subject accordingly to all deductions which the employer is required to make from salary or wages under any Act of Parliament. 50

Date on which employment is deemed to have commenced.

19. For the purposes of this Act, the employment of any employee with the employer by whom he was employed on the first day of July, 1959, shall be deemed to have commenced on the latest of the following dates:

- (a) one year immediately preceding the first day of July, 1959; 5
- (b) the date on which the employee's employment with that employer actually commenced;
- (c) the date on which the employee became entitled to any annual vacation under any Act, custom or agreement or under his contract of service. 10

Agreement to forego annual vacation.

20. Notwithstanding any other provision of this Act, an employer and a trade union representing an employee of the employer or where there is no such trade union then an employer and his employee may enter into a written agreement to the effect that, because of shortage of labour, the employee will not take an annual vacation to which he is entitled under section 4, and if any such written agreement is filed with the Deputy Minister and approved by him, the employer shall not be subject to the provisions of section 5 with respect to that employee, but the employer shall nevertheless, within 10 months after the date on which the employee became entitled to an annual vacation, pay to him, in addition to all other amounts due to him, his average wage for the year immediately preceding the date on which he became entitled to the said annual vacation. 15 20 25

Time limit for prosecutions.

21. Prosecutions for offences created by this Act shall be instituted within one year after the commission of the alleged offence.

Penalties.

- 22.** (1) Every person who: 30
- (a) fails to comply with or violates any provision of this Act or the regulations; or
 - (b) with intent to deceive, makes any false or misleading statement in any communication, whether in writing or otherwise, to the Minister or his duly authorized representative; or 35
 - (c) interferes with or obstructs the Minister or his duly authorized representative in the exercise of any power conferred upon him by this Act or any regulation made thereunder; 40

is guilty of an offence and liable on summary conviction to a fine not exceeding two hundred dollars for the first offence and in default of payment to imprisonment for not more than thirty days, and for each subsequent offence, to a fine not exceeding four hundred dollars and in default of payment to imprisonment for not more than ninety days. 45

(2) If an employer is convicted of failure to pay to any employee any average wage, or part thereof, which he is required to pay under the provisions of this Act or the regulations, the court shall, in addition to the fine imposed, order the employer to pay to him forthwith an amount equal to the average wage or part thereof which the employer failed to pay to the employee, and the court shall pay the said amount to the employee forthwith upon receipt of it. 5

(3) If the employer fails to pay any money ordered to be paid under subsection (2), the court may order that the employer be imprisoned for a further term of not less than thirty days nor more than ninety days. 10

Power of representative of Minister to determine amount of average wage not paid.

23. (1) If a duly authorized representative of the Minister finds that an employer has failed to pay to any employee any average wage, or part thereof, which he is required to pay under the provisions of this Act, the representative may determine the amount of the average wage or part thereof which the employer failed to pay to the employee, and if the amount is agreed to in writing by the employer and the employee, the employer shall within two days pay it to the Deputy Minister, who shall pay it to the employee forthwith upon receipt of it. 15 20

(2) An employer who pays such amount to the Deputy Minister as required by subsection (1) shall not be liable to prosecution for failure to pay to the employee concerned any average wage or part thereof which he is required to pay under the provisions of this Act. 25

Records of Deputy Minister.

24. (1) The Deputy Minister shall keep a record of all money paid to him by employers and paid by him to employees under section 23. 30

(2) Where money received by the Deputy Minister on behalf of an employee has not been paid to the employee concerned by reason of the fact that the Deputy Minister has been unable to ascertain the whereabouts of the employee, and the employee does not claim it within a period of two years from the date of receipt thereof by the Deputy Minister, such money shall, upon the order of the Deputy Minister, become the property of the Crown in right of Canada. 35

Regulations.

25. (1) The Governor in Council may make such regulations, not inconsistent with this Act, as are necessary to carry out the provisions of this Act according to their true intent. 40

(2) All regulations shall take effect upon such date as may be designated in the regulations, and shall have the same force and effect as if herein enacted. 45

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 3.

An Act to provide for Pay for Statutory Holidays for Employees and for Pay for Work Performed on Statutory Holidays.

First reading, October 16, 1957.

MR. KNOWLES.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957

THE HOUSE OF COMMONS OF CANADA

BILL 3.

An Act to provide for Pay for Statutory Holidays for Employees and for Pay for Work Performed on Statutory Holidays.

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 *Canada Statutory Holidays With Pay Act*. 5
- Interpretation
"Deputy Minister."
"Employee."
"Employer."
"Full time employee."
"Minister."
"Part time employee."
2. In this Act,
(a) "Deputy Minister" means the Deputy Minister of Labour;
(b) "employee" means a person of any age of either sex who is in receipt of or entitled to any remuneration for labour or services performed for an employer; 10
(c) "employer" means any person, firm or corporation employing one or more employees and includes every agent, manager, representative, contractor, sub-contractor or principal and every other person who 15 either:
 (i) has control or direction of one or more employees;
 or
 (ii) is responsible, directly or indirectly, in whole or in part, for the payment of wages to, or the 20 receipt of wages by, one or more employees;
(d) "full time employee" means any employee who, in a week in which a statutory holiday occurs, works or is required to be at the disposal of his employer not less than 28 hours exclusive of overtime and any time 25 the employee works or is required to be at the disposal of the employer on that holiday;
(e) "Minister" means the Minister of Labour;
(f) "part time employee" means any employee other than a full time employee; 30

EXPLANATORY NOTE.

The purpose of this bill is to provide that all employees in Canada who come under federal labour jurisdiction shall receive their regular pay for at least eight statutory holidays each year, without having to work on those holidays. It also provides that when any such employee is required to work on any statutory holiday, as defined in the bill, he shall receive pay for such work at double time in addition to his regular pay for such holiday.

Nothing in this bill affects any provision for statutory holidays with pay enjoyed by any employees where such provisions are more favourable than those enjoyed herein, but this bill does supersede any provisions which are less favourable than those set out in this bill.

- "Pre-scribed."
"Statutory holiday."
- (g) "prescribed" means prescribed by the Minister;
(h) "statutory holiday" means New Year's Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day; 5
- "Rate of wages."
- (i) "rate of wages" means the basis of calculation of wages;
- "Wage" or "wages."
- (j) "wage" or "wages" means any compensation for labour or services paid to or retained by, or partly paid to and partly retained by, an employee, whether 10 measured by time, piece, commission or by any other method whatever or by any combination of such methods;
- "Week."
- (k) "week" means the period between midnight on Saturday and midnight on the immediately following 15 Saturday.

Application of Act.

3. This Act applies to and in respect of employment upon or in connection with any work, undertaking or business that is within the legislative authority of the Parliament of Canada, including, but not so as to restrict the generality 20 of the foregoing,

- (a) works, undertakings, or businesses operated or carried on for or in connection with navigation and shipping, whether inland or maritime, including the operation of ships and transportation by ship any- 25 where in Canada;
- (b) railways, canals, telegraphs and other works and undertakings connecting a province with any other or others of the provinces, or extending beyond the limits of a province; 30
- (c) lines of steam and other ships connecting a province with any other or others of the provinces or extending beyond the limits of a province;
- (d) ferries between any province and any other province or between any province and any country other than 35 Canada;
- (e) aerodromes, aircraft and lines of air transportation;
- (f) radio broadcasting stations;
- (g) banks and banking;
- (h) such works or undertakings as, although wholly 40 situate within a province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the provinces; and
- (i) any work, undertaking or business outside the 45 exclusive legislative authority of the legislature of any province;
- and to and in respect of,
- (j) all employees employed by any employer engaged 50 in any such work, undertaking or business.

Statutory
Holiday Pay
for
employees.

4. (1) Every full time employee, and every part time employee employed by an employer during not less than four consecutive weeks prior to a statutory holiday, who does not work and is not required to be at the disposal of his employer on a statutory holiday shall be paid by his employer in addition to all other sums to which he is entitled, a sum equal to that to which the employee would be entitled as wages exclusive of overtime for that day were that day not a statutory holiday. 5

(2) Every employee who works or is required to be at the disposal of his employer on a statutory holiday shall be paid by his employer in addition to all other sums to which he is entitled, a sum equal to a sum computed in accordance with subsection (1), plus a sum equal to two times the regular rate of wages of such employee for each hour or part thereof he works or is required to be at the disposal of his employer on such holiday. 15

(3) Where a statutory holiday falls on a day other than a regular work day of a full time employee the holiday shall for the purpose of this Act insofar as that employee is concerned be deemed to be the next following regular work day of such employee. 20

Evasion of
section 4,
prohibited.

5. No employer shall discharge, or temporarily dispense with the services of, an employee, or alter the regular working hours of an employee for the purpose of evading compliance with section 4 of this Act. 25

Effect of
Act on
alternative
holiday
arrangement.

6. (1) Nothing in this Act affects any provision in any Act, agreement or contract of service or any custom which ensures to employees more favourable conditions than those provided by this Act. 30

(2) Any provision in any Act, agreement or contract of service or any custom which is less favourable to employees than the provisions of this Act is superseded by this Act.

Agreements
not to
deprive
employees of
benefits
of Act.

7. (1) No agreement, whether heretofore or hereafter entered into, shall have any force or effect in so far as it deprives any employee of any right, power, privilege or other benefit provided by this Act. 35

(2) No employer shall require an employee to return to him, nor shall he accept from an employee the whole or any part of any sum which he paid to that employee under the provisions of this Act. 40

Discrimina-
tion by
employer
prohibited.

8. No employer shall discharge or threaten to discharge or in any way discriminate against any employee for:

(a) testifying or consenting to testify in any investigation or proceeding relative to the enforcement of this Act, or 45

(b) giving any information to the Minister or his duly authorized representative regarding any matter governed by this Act.

Posting of
abstracts.

9. Every employer shall post and keep posted in a conspicuous place where his employees are engaged in their duties any prescribed abstract or abstracts of the provisions of this Act or the regulations. 5

Holiday
Book.

10. (1) Every employer employing any employee to whom this Act applies shall at all times keep a record to be called a "holiday" book showing in the case of each 10 of his employees:

- (a) the name and address of the employee;
- (b) the regular rate of wages of the employee;
- (c) the date of the commencement and termination of the employment of the employee; 15
- (d) the date of the statutory holiday of the employee in accordance with this Act;
- (e) the sum of money paid to the employee in respect of each statutory holiday excluding the sum referred to in clause (f); 20
- (f) the sum of money paid to the employee in respect of time the employee was required or permitted to work or to be at the disposal of the employer on each statutory holiday;
- (g) the exact hours the employee was required to work 25 or to be at the disposal of the employer on each statutory holiday;
- (h) such other particulars as are prescribed.

(2) The holiday book may be incorporated in any holiday book or wages book which the employer is required to keep under any other Act of Parliament. 30

Power to
inspect
holiday book
and obtain
information.

11. The Minister or his duly authorized representative may at any reasonable time:

- (a) inspect the holiday book in use by any employer for the time being or any such book used by that employer during the preceding three years; 35
- (b) require any employer to verify the entries in his holiday book by statutory declaration or in such manner as the Minister or his duly authorized representative may require; 40
- (c) require any person to furnish, in a form acceptable to the Minister or his duly authorized representative, such information as the Minister or his duly authorized representative deems necessary to ascertain whether the provisions of this Act and the regulations are 45 being or have been complied with.

Money paid under Act deemed to be salary or wages.

12. All money payable by an employer to any employee under this Act and any money ordered to be paid by an employer under subsection (2) of section 14 shall be deemed to be salary or wages earned by the employee, and shall be subject accordingly to all deductions which the employer is required to make from salary or wages under any Act of Parliament. 5

Time limit for prosecutions.

13. Prosecutions for offences created by this Act shall be instituted within one year after the commission of the alleged offence. 10

Penalties.

14. (1) Every person who:
 (a) fails to comply with or violates any provision of this Act or the regulations; or
 (b) with intent to deceive, makes any false or misleading statement in any communication, whether in writing 15 or otherwise, to the Minister or his duly authorized representative; or
 (c) interferes with or obstructs the Minister or his duly authorized representative in the exercise of any power conferred upon him by this Act or any regulation made 20 thereunder;

is guilty of an offence and liable on summary conviction to a fine not exceeding two hundred dollars for the first offence and in default of payment to imprisonment for not more than thirty days, and for each subsequent offence, 25 to a fine not exceeding four hundred dollars and in default of payment to imprisonment for not more than ninety days.

(2) If an employer is convicted of failure to pay to any employee any money which he is required to pay under the provisions of this Act, the Court shall, in addition to the 30 fine imposed, order the employer to pay to it forthwith an amount equivalent to that which the employer failed to pay to the employee and the court shall pay the said amount to the employee forthwith upon receipt of it.

(3) If the employer fails to pay any money ordered to 35 be paid under subsection (2), the court may order that the employer be imprisoned for a further term of not less than thirty days nor more than ninety days.

Power of representative of Minister to determine amount of average wage not paid.

15. (1) If a duly authorized representative of the Minister finds that an employer has failed to pay to any 40 employee any money which the employer is required to pay under the provisions of this Act, the representative may determine the amount which the employer failed to pay to the employee and if the amount is agreed to in writing by the employer and the employee, the employer 45 shall within two days, pay it to the Deputy Minister who shall pay it to the employee forthwith upon receipt of it.

(2) The employer who pays such amount to the Deputy Minister as required by subsection (1) shall not be liable to prosecution for failure to pay to the employee concerned the money referred to in subsection (1).

Records of
Deputy
Minister.

16. (1) The Deputy Minister shall keep a record of 5
all money paid to him by employers and paid by him to
employees under section 15.

(2) Where money received by the Deputy Minister on
behalf of an employee has not been paid to the employee
concerned by reason of the fact that the Deputy Minister 10
has been unable to ascertain the whereabouts of the
employee, and the employee does not claim it within a
period of two years from the date of receipt thereof by the
Deputy Minister, such money shall, upon the order of the
Deputy Minister, become the property of the Crown in 15
right of Canada.

Regulations.

17. (1) The Governor in Council may make such
regulations, not inconsistent with this Act, as are necessary
to carry out the provisions of this Act according to their
true intent. 20

(2) All regulations shall take effect upon such date as
may be designated in the regulations, and shall have the
same force and effect as if herein enacted.

Coming into
force.

18. This Act shall come into force on the 1st day of 25
July, 1958.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 4.

An Act to provide for Minimum Wages for Employees.

First reading, October 16, 1957.

MR. KNOWLES.

EXPLANATORY NOTES.

The purpose of this bill is to establish a minimum rate of wages with respect to all employees in Canada who come under federal labour jurisdiction. This bill provides that such minimum rate of wages shall be \$1.00 per hour. The bill also provides that its terms do not affect any employee whose rate of wages is higher than the minimum established by this legislation. However, any rate of wages less favourable to employees than \$1.00 per hour is superseded by this bill.

"Wage" or
"wages."

(h) "wage" or "wages" means any compensation for labour or services paid to or retained by, or partly paid to and partly retained by, an employee, whether measured by time, piece, commission or by any other method whatsoever or by any combination of such methods; 5

"Week."

(i) "week" means the period between midnight on Saturday and midnight on the immediately following Saturday.

Application
of Act.

3. This Act applies to and in respect of employment 10 upon or in connection with any work, undertaking or business that is within the legislative authority of the Parliament of Canada, including, but not so as to restrict the generality of the foregoing,

(a) works, undertakings, or businesses operated or 15 carried on for or in connection with navigation and shipping, whether inland or maritime, including the operation of ships and transportation by ship anywhere in Canada;

(b) railways, canals, telegraphs and other works and 20 undertakings connecting a province with any other or others of the provinces, or extending beyond the limits of a province;

(c) lines of steam and other ships connecting a province with any other or others of the provinces or extending 25 beyond the limits of a province;

(d) ferries between any province and any other province or between any province and any country other than Canada;

(e) aerodromes, aircraft and lines of air transportation; 30

(f) radio broadcasting stations;

(g) banks and banking;

(h) such works or undertakings as, although wholly situate within a province, are before or after their execution declared by the Parliament of Canada to 35 be for the general advantage of Canada or for the advantage of two or more of the provinces; and

(i) any work, undertaking or business outside the exclusive legislative authority of the legislature of any province; 40

and to and in respect of,

(j) all employees employed by any employer engaged in any such work, undertaking or business.

Minimum
wages for
employees,

4. (1) Every full-time employee shall be paid by his employer, in respect of the time such employee is required 45 or permitted by his employer to work or to be at his disposal, wages which are not less than wages calculated at the rate of \$1.00 per hour.

(2) Every part-time employee shall be paid by his employer, in respect of the time such employee is required or permitted by his employer to work or to be at his disposal, wages which are not less than wages calculated at the rate set out in subsection (1) hereof, provided however that the Governor in Council may by regulation fix, in the case of every such part-time employee, a rate higher than that set out in subsection (1) hereof, and any rate thus fixed shall have the same force and effect as if herein enacted. 5

Items to be supplied without cost to employees.

5. Where an employer requires any employee to use any special wearing apparel, tools or equipment he shall supply the same and provide for the laundering of the wearing apparel and the maintenance and repair of the tools and equipment without costs to the employee. 10

Value of and maximum deductions for board or lodging supplied by employer.

6. Where board or lodging are supplied by an employer to an employee and are accepted by the employee the value of such board or lodging for the purpose of calculating the minimum wages the employee shall be paid under this Act shall not exceed \$.40 per meal for board and \$.50 per day for lodging and no employer shall deduct from the wages of such employee any sum for board or lodging in excess of the values fixed herein. 15 20

Effect of Act on other Acts, agreements, contracts and customs.

7. (1) Nothing in this Act affects any provision in any Act, agreement or contract of service or any custom which ensures to employees more favourable conditions than those provided by this Act. 25

(2) Any provision in any Act, agreement or contract of service or any custom which is less favourable to employees than the provisions of this Act is superseded by this Act.

Agreements not to deprive employees of benefits of Act.

8. (1) No agreement, whether heretofore or hereafter entered into, shall have any force or effect in so far as it deprives any employee of any right, power, privilege or other benefit provided by this Act. 30

(2) No employer shall require an employee to return to him, nor shall he accept from an employee the whole or any part of any sum which he paid to that employee under the provisions of this Act. 35

Discrimination by employer prohibited.

9. No employer shall discharge or threaten to discharge or in any way discriminate against any employee for:

(a) testifying or consenting to testify in any investigation or proceeding relative to the enforcement of this Act, or

(b) giving any information to the Minister or his duly authorized representative regarding any matter governed by this Act. 40 45

Posting of
abstracts.

10. Every employer shall post and keep posted in a conspicuous position in the place or places where his employees are employed so that the same may readily be seen and read by all employees any abstract or abstracts of this Act as may be prescribed by the Minister.

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Records.

11. (1) Every employer shall at all times keep readily available for inspection by the Minister or his duly authorized representative in each place of employment operated by him in the province or at such other place or places as are approved by the Minister, true, correct and up to date records showing in respect of each employee employed in or from the place of employment during the preceding two years:

- (a) the name and residential address;
- (b) total wages paid for each week or other pay period;
- (c) the hours at which the time he was required or permitted to work or to be at the disposal of the employer began and ended in each day and the hours at which any interval or intervals for meals allowed in each day began and ended;
- (d) the total number of hours worked each day and each week;
- (e) each deduction made from wages for any purpose whatever and the purpose for which each deduction was made.

(2) The records required under this section: 25

- (a) shall be maintained by the employer for a period of not less than twenty-four months from the date the record was made; and,
- (b) may be incorporated in any wage record which the employer is required to keep under any other Act of Parliament provided that the Minister may require that the records of any employer be kept in such form as he may prescribe whereupon such records shall be kept in the prescribed form. 30

Power to
enter
premises,
inspect
records and
obtain infor-
mation.

12. (1) The minister or his duly authorized representative may at any reasonable time: 35

- (a) enter the premises of any employer and any premises where he has reasonable cause to believe that any employee is employed therein at the time of entry;
- (b) inspect or take extracts from any books, documents, statements, payrolls, papers or other records of an employer which in any way relate to wages to which any employee is entitled, or which he has been paid;
- (c) require any employer to verify, within a specified time, the entries in his records by statutory declaration or in such other manner as the Minister or his duly authorized representative may require; and 40 45

(d) require any person to furnish, within a specified time, in a form acceptable to the Minister or his duly authorized representative, such information as the Minister or his duly authorized representative deems necessary to ascertain whether the provisions of this Act are being or have been complied with. 5

(2) Any person authorized pursuant to subsection (1) may administer all oaths and take all affidavits and statutory declarations required by him under the provisions of that subsection. 10

Money paid under Act deemed to be salary or wages.

13. All money paid by an employer to an employee under this Act and any money ordered to be paid by an employer under subsection (2) of section 15 shall be deemed to be salary or wages earned by the employee, and shall be subject accordingly to all deductions which the employer is required to make from salary or wages under any Act of Parliament. 15

Time limit for prosecutions.

14. Prosecutions for offences created by this Act shall be instituted within one year after the commission of the alleged offence. 20

Penalties.

15. (1) Every person who:
 (a) fails to comply with any of the provisions of this Act; or
 (b) with intent to deceive, makes any false or misleading statement in any communication, whether in writing or otherwise, to the Minister or his duly authorized representative; or 25
 (c) interferes with or obstructs the Minister or his duly authorized representative in the exercise of any power conferred upon him by this Act; 30
 is guilty of an offence and liable on summary conviction to a fine not exceeding two hundred dollars for the first offence and in default of payment to imprisonment for not more than thirty days, and for each subsequent offence, to a fine not exceeding four hundred dollars and in default of 35
 payment to imprisonment for not more than ninety days.

(2) If an employer is convicted of failure to pay to any employee any wages which he is required to pay under the provisions of this Act, the Court shall, in addition to the fine imposed, order the employer to pay to it forthwith an amount equivalent to that which the employer failed to pay to the employee and the court shall pay the said amount to the employee forthwith upon receipt of it. 40

(3) If the employer fails to pay any money ordered to be paid under subsection (2), the court may order that the employer be imprisoned for a further term of not less than thirty days nor more than ninety days. 45

Power of representative of Minister to determine amount of wages not paid.

16. (1) If a duly authorized representative of the Minister finds that an employer has failed to pay to any employee any wages which the employer is required to pay under the provisions of this Act, the representative may determine the amount which the employer failed to pay to the employee and if the amount is agreed to in writing by the employer and the employee, the employer shall within two days, pay it to the Deputy Minister who shall pay it to the employee forthwith upon receipt of it. 5

(2) An employer who pays such amount to the Deputy Minister as required by subsection (1) shall not be liable to prosecution for failure to pay to the employee concerned any wages required to be paid under the provisions of this Act. 10

Records of Deputy Minister.

17. (1) The Deputy Minister shall keep a record of all money paid to him by employers and paid by him to employees under section 17. 15

(2) Where money received by the Deputy Minister on behalf of an employee has not been paid to the employee concerned by reason of the fact that the Deputy Minister has been unable to ascertain the whereabouts of the employee, and the employee does not claim it within a period of two years from the date of receipt thereof by the Deputy Minister, such money shall, upon the order of the Deputy Minister, become the property of the Crown in right of Canada. 20 25

Regulations.

18. (1) The Governor in Council may make such regulations, not inconsistent with this Act, as are necessary to carry out the provisions of this Act according to their true intent. 30

(2) All regulations shall take effect upon such date as may be designated in the regulations, and shall have the same force and effect as if herein enacted.

Coming into force.

19. This Act shall come into force on the 1st day of July, 1958. 35

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First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 5.

An Act to amend the Industrial Relations and Disputes
Investigation Act. (Voluntary revocable check-off).

First reading, October 16, 1957.

MR. KNOWLES.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957

1st Session, 23rd Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 5.

An Act to amend the Industrial Relations and Disputes Investigation Act. (Voluntary revocable check-off).

R.S., c. 152.

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

1. Section 6 of the *Industrial Relations and Disputes Investigation Act*, is amended by adding thereto the following subsection: 5

Deduction of union dues.

"(3) Upon request of a trade union entitled to bargain collectively under this Act on behalf of a unit of employees and upon receipt of a request in writing signed by any employee in such unit, the employer of such employee shall, 10 until the employee in writing withdraws such request, periodically deduct, and pay out of the wages due to such employee to the person designated by the trade union to receive the same, the union dues of such employee; and the employer shall furnish to such trade union the names of the 15 employees who have given and withdrawn such authority."

EXPLANATORY NOTE.

This bill adds a new subsection three to section six of the *Industrial Relations and Disputes Investigation Act*. The effect of this new subsection is to provide for the voluntary revocable check-off of union dues.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 6.

An Act to amend the Canada Elections Act.
(Voting at Advance Polls.)

First reading, October 16, 1957.

MR. KNOWLES.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957

THE HOUSE OF COMMONS OF CANADA.

BILL 6.

An Act to amend the Canada Elections Act.
(Voting at Advance Polls.)

R.S., cc. 23,
306, 334, ss.
8, 9; 1952-53,
c. 24, s. 7;
1955, c. 44.

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

Repeal.

1. (1) Subsections (4) and (12) of section 2 of the *Canada Elections Act*, are repealed.

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(2) Subsection (27) of section 2 of the said Act is repealed and the following substituted therefor:

"Polling day", "day of polling" or "ordinary polling day".

"(27) 'polling day', 'day of polling' or 'ordinary polling day' means the day provided by section 21 for holding the poll at an election;"

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Rules amended.

2. *Rules (40) and (41)* of Schedule A to section 17 of the said Act are repealed and the following substituted therefor:

"*Rule (40)*. The revising officer shall, immediately after the conclusion of his sittings for revision, prepare from his record sheets, for each polling division comprised in his revisal district, five copies of the statement of changes and additions for each candidate officially nominated at the pending election in the electoral district and three copies for the returning officer, and shall complete the certificate printed at the foot of each copy thereof; if no changes or additions have been made in the preliminary list for any polling division, the revising officer shall nevertheless prepare the necessary number of copies of the statement of changes and additions by writing the word "Nil" in the three spaces provided for the various entries on the prescribed form and by completing the said form in every other respect.

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EXPLANATORY NOTES.

The privilege of voting at an advance poll is now restricted to a limited number of voters, namely commercial travellers, fishermen, persons employed upon railways, vessels, airships, etc., members of the reserve forces, the R.C.M.P. etc.

The purpose of the suggested amendments to the *Canada Elections Act* is to extend this privilege to all electors who believe that they will for any reason be absent from their polling divisions on the ordinary polling day.

1. Subsections (4) and (12) of section 2 at present read as follows:

"(4) 'commercial traveller' means a person employed on salary or on commission by a manufacturer or wholesale merchant to travel from place to place selling goods to or taking orders for goods from, jobbers and retailers;"

"(12) 'fishermen' means all persons who are engaged or employed on inland, coastal, or deep-sea waters, on salary or wages, or on shares in association with others, or on their own behalf, in the process of fishing as an industry, including sealing and whaling;"

Subsection (27) at present reads as follows:

"(27) 'polling day' or 'day of polling' means the day fixed as provided by section 21 for holding the poll at an election;"

These are consequential amendments.

2. *Rules (40) and (41)* of Schedule A to section 17 at present read as follows:

"*Rule (40)*. The revising officer shall, immediately after the conclusion of his sittings for revision, prepare from his record sheets, for each polling division comprised in his revisal district, five copies of the statement of changes and additions for each candidate officially nominated at the pending election in the electoral district and *two* copies for the returning officer, and shall complete the certificate printed at the foot of each copy thereof; if no changes or additions have been made in the preliminary list for any polling division, the revising officer shall nevertheless prepare the necessary number of copies of the statement of changes and additions by writing the word "Nil" in the three spaces provided for the various entries on the prescribed form, and by completing the said form in every other respect.

Rule (41). Upon the completion of the foregoing requirements, and not later than Wednesday, the twelfth day before polling day, the revising officer shall deliver or transmit to each candidate officially nominated at the pending election in the electoral district the five copies, and to the returning officer the three copies, of the statement of changes and additions for each polling division comprised in his revisal district, certified by the revising officer pursuant to Rule (40); in addition he shall deliver or transmit to the returning officer the record sheets, duly completed, the duplicate notices to persons objected to, with attached affidavits, in Forms Nos. 15 and 16, respectively, every used application made by agents in Forms Nos. 17 and 18, respectively, and all other documents in his possession relating to the revision of the lists of electors for the various polling divisions comprised in his revisal district.”

3. Subsection (3) of section 21 of the said Act is repealed and the following substituted therefor:

Nomination
day.

“(3) The day for the close of nominations (in this Act referred to as nomination day) in the electoral districts specified in Schedule Four shall be Monday, the twenty-eighth day before polling day, and in all other electoral districts shall be Monday, the twenty-first day before polling day.”

4. Sections 94 to 98 of the said Act are repealed and the following substituted therefor:

Establish-
ment of
advance polls.

“**94.** (1) Every returning officer shall, when so instructed by the Chief Electoral Officer, establish one or more advance polling districts in his electoral district, and each advance polling district shall consist of such number of polling divisions as may be approved by the Chief Electoral Officer in each case.

Establish-
ment of
advance
polling
stations.

(2) One advance polling station shall be established in each advance polling district.

Advance polls
conducted as
ordinary
polls.

(3) Except as provided in this section and in sections 96 to 98, advance polls shall be held, conducted and officered in the same manner as ordinary polling stations, and shall be regarded as such for all purposes of this Act.

When
advance polls
to be open.

(4) Advance polls shall be open between the hours of two and ten o'clock in the afternoons and evenings of Friday and Saturday, the tenth and ninth days preceding ordinary polling day, and shall not be open at any other time.

"Rule (41). Upon the completion of the foregoing requirements, and not later than *Thursday*, the *eleventh* day before polling day, the revising officer shall deliver or transmit to each candidate officially nominated at the pending election in the electoral district the five copies, and to the returning officer the *two* copies, of the statement of changes and additions for each polling division comprised in his revisal district, certified by the revising officer pursuant to Rule (40); in addition he shall deliver or transmit to the returning officer the record sheets, duly completed, the duplicate notices to persons objected to, with attached affidavits in Forms Nos. 15 and 16, respectively, every used application made by agents in Forms Nos. 17 and 18, respectively, and all other documents in his possession relating to the revision of the lists of electors for the various polling divisions comprised in his revisal district."

3. The words "twenty-first", underlined on the opposite page, are substituted for the word "fourteenth".

4. Sections 94 to 98 at present read as follows:—

"Advance Polls.

"94. (1) Subject as hereinafter provided, one or more advance polls shall be established in each of the places mentioned in Schedule Two for the purpose of taking the votes of such persons as are described in section 95 and whose names appear on the list of electors for any polling division of the electoral district in which such places are situated.

(2) Every such polling station shall be located so as to suit the convenience of that class of electors which, in the judgment of the returning officer, is most likely to resort in any considerable number thereto.

(3) The Chief Electoral Officer may from time to time amend Schedule Two by striking therefrom the name of any place or by adding thereto the name of any other place, and, so amended, such Schedule has effect as if incorporated into this Act; but he shall amend under the following circumstances only:

(a) if a total of less than fifteen votes is cast at the advance poll held at such place, he shall after the election strike off the name of that place; or

(b) if he is advised and believes that a total of fifteen votes will be cast in case an advance poll is established in any incorporated village, town or city having a population of five hundred or more as determined by the last census taken pursuant to sections 16 and 17 of the *Statistics Act*, he may add the name of such place.

(4) The Chief Electoral Officer shall give notice, under his hand, published in the *Canada Gazette*, of all amendments made to such Schedule, and he shall, at every election, furnish to every returning officer a copy of such Schedule as it then stands amended.

Notice in
Form No. 65.

(5) The returning officer shall, after nomination day and not later than Wednesday, the nineteenth day before the ordinary polling day,

(a) give a public notice in the electoral district of the advance poll, in Form No. 65, setting out 5

(i) the numbers of the polling divisions comprised in every advance polling district established by him,

(ii) the location of each advance polling station,

(iii) the place where the deputy returning officer of each advance polling station shall count the number of votes cast thereat, and 10

(iv) that the counting referred to in subparagraph (iii) shall take place at nine o'clock in the evening of the ordinary polling day;

(b) mail one copy of such notice to the various postmasters of the post offices situated within his electoral district, five copies to each candidate officially nominated at the election and two copies to the Chief Electoral Officer; and 15

(c) notify each postmaster in writing of the provisions of subsection (6) when he sends the notice. 20

To be
posted up.

(6) Upon receiving a notice described in subsection (5), a postmaster shall post it up in some conspicuous place in his post office to which the public has access and keep it so posted until the time fixed for the closing of the polls on the ordinary polling day has passed, and failure to do so is 25
ground for his dismissal from office, and for the purpose of this provision the postmaster shall be deemed to be an election officer and liable as such.

Postmaster
election
officer.

Who may
vote at
advance polls.

"95. Any elector whose name appears on the list of electors prepared for a polling division comprised in an advance polling district who believes that he will for any reason be absent from and unable to vote in such polling division on the ordinary polling day at a pending election may vote at the advance polling station established in such district if, before casting his vote, he takes and subscribes 35
to an affidavit for voting at an advance poll, in Form No. 66, before the deputy returning officer of such district.

"96. (1) Upon being satisfied that a person who applies to vote at an advance polling station is a person whose name appears on the list of electors prepared for a polling division comprised in the advance polling district and who believes that he will, for any reason, be absent from and unable to vote in such polling division on the ordinary polling day, the deputy returning officer shall 40
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Duties of
deputy
returning
officer
respecting
affidavits
for voting at
an advance
poll.

(a) fill in the affidavit for voting at an advance poll, in Form No. 66, to be taken and subscribed to by the person so applying,

(5) In case the date of the writ for an election falls within sixty days after notice so given of any such amendment that amendment shall not be in force nor have any effect at such election.

(6) Except as provided in this section and in sections 96 and 97, all advance polls shall be held, conducted and officered in the same manner as and for all purposes of this Act be regarded as ordinary polling stations.

(7) Advance polls shall be open and shall only be open between the hours of two and ten o'clock in the afternoons and evenings of the Thursday, Friday and Saturday immediately preceding polling day.

(8) The returning officer shall, not later than twelve days before polling day, give public notice in the electoral district of the advance poll and of the location of each advance polling station and such notice shall be in Form No. 65; the returning officer shall mail one copy of such notice to the various postmasters of the post offices situated within his electoral district, five copies to each candidate officially nominated at the election and two copies to the Chief Electoral Officer; the returning officer shall at the same time notify in writing each postmaster of the provisions of subsection (9).

(9) Every postmaster shall, forthwith after receipt of a copy of the Notice of Holding of Advance Poll in Form No. 65, post it up in some conspicuous place in his post office to which the public has access and maintain it so posted up until the time fixed for the closing of the advance polls on the Saturday immediately preceding the ordinary polling day, and failure to do so is ground for his dismissal from office, and for the purpose of this provision such postmaster shall be deemed to be an election officer and liable as such.

"95. The privilege of voting at an advance poll shall extend and shall extend only

(a) to such persons as are employed as commercial travellers as defined in subsection (4) of section 2, to such persons as are employed as fishermen as defined in subsection (12) of the said section, and to such persons as are employed upon railways, vessels, airships, or other means or modes of transportation (whether or not employed thereon by the owners or managers thereof), and to any of such persons only if, because of the nature of his said employment, and in the course thereof, he is necessarily absent from time to time from the place of his ordinary residence, and if he has reason to believe that he will be so absent on polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list for which his name appears; and

(b) to such persons as are members of the reserve forces of the Canadian Forces or to such persons as are members of the Royal Canadian Mounted Police Force, and to any of such persons only if, on account of the performance of duties or training in such forces, he has reason to believe that he will be necessarily absent on the ordinary polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears.

"96. (1) No person otherwise entitled to vote at an advance poll shall be permitted to do so unless

(a) he produces to the deputy returning officer at the advance polling station an advance poll certificate, in Form No. 66, that he is the person to whom the privilege of voting at an advance poll extends, which certificate shall be signed by

(i) the returning officer,

(ii) the election clerk in the name of the returning officer and on his behalf, or

(iii) a person specially deputized by the returning officer, with the prior consent of the Chief Electoral Officer, to issue advance poll certificates, whose name and authority have been communicated by the returning officer to the deputy returning officer of such advance poll, and to each candidate officially nominated at the pending election; and

(b) allow such person to take and subscribe to such affidavit before him,

(c) complete the attestation clause on such affidavit,

(d) consecutively number each such affidavit in the order in which it was taken and subscribed to, and

(e) direct the poll clerk to keep a record, called the "Record of Completed Affidavits for Voting at an Advance Poll" on the form prescribed by the Chief Electoral Officer, of every such affidavit in the order in which it was taken and subscribed to.

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Person who takes affidavit allowed to vote.

Exception.

No poll book kept, but notations to be made on affidavit.

Record of Completed Affidavits for Voting at an Advance poll.

Elector voting at advance poll not to vote on ordinary polling day.

Examining and sealing of ballot box.

(2) After a person who applies to vote at an advance polling station has taken and subscribed to the affidavit referred to in subsection (1), he shall be allowed to vote, unless an election officer or any agent of a candidate present at the advance poll desires that he take an oath, in Form No. 41, or, in the case of urban polling divisions, that he take and subscribe to an affidavit, in Form No. 42, and he refuses.

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(3) There shall be no poll book supplied to or kept at an advance poll, but the poll clerk thereat shall under the direction of the deputy returning officer preserve each completed affidavit for voting at an advance poll, in Form No. 66, and mark thereon such notations as he would be required by this Act to mark opposite the elector's name in the poll book at an ordinary polling station.

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(4) The poll clerk shall, immediately after an affidavit for voting at an advance poll, in Form No. 66, has been completed, enter in the Record of Completed Affidavits for Voting at an Advance Poll the name, occupation and address of the elector who completed the affidavit and the number of the polling division appearing in the affidavit.

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(5) No elector who has taken and subscribed to an affidavit for voting at an advance poll, in Form No. 66, is entitled to vote on the ordinary polling day.

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"97. (1) At the opening of an advance poll at two o'clock in the afternoon of the first day of voting, the deputy returning officer shall, in full view of such of the candidates or their agents or the electors representing candidates as are present,

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(a) open the ballot box and ascertain that there are no ballot papers or other papers or material contained therein,

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(b) lock and seal the ballot box with a special metal seal prescribed by the Chief Electoral Officer, and

(c) place the ballot box on a table in full view of all present and keep it so placed until the close of the advance poll on such day of voting.

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(b) he signs in the presence of the deputy returning officer the statement of identification and declaration printed at the foot or end of Form No. 66.

(2) Such advance poll certificates shall be issued only on the personal application of the elector concerned and after the officer applied to has been satisfied that the applicant is a person to whom the privilege of voting at an advance poll extends.

(3) The returning officer or the election clerk, or any other person specially deputized by the returning officer, by whom any advance poll certificate is issued shall

- (a) fill in and sign such certificate and mention thereon the date of its issue,
- (b) see that such certificate has been duly signed by the applicant,
- (c) consecutively number every such certificate in the order of its issue,
- (d) keep a record of every such certificate in the order of its issue, on the form prescribed by the Chief Electoral Officer,
- (e) not issue any such certificate in blank, and
- (f) before the hour of the opening of the ordinary polls on polling day, send a copy of the advance poll certificate issued to the deputy returning officer for the polling station at which the person to whom such certificate has issued would in the ordinary course be entitled to vote.

(4) No person who has obtained an advance poll certificate is entitled to vote on the ordinary polling day except upon his producing such certificate and delivering the same up to the deputy returning officer at the ordinary polling station established for the polling division on the list for which his name appears.

(5) There shall be no list of electors nor poll book supplied to or kept at an advance poll, but the poll clerk thereat shall assist the deputy returning officer as required, preserving each certificate deposited and marking thereon such notations as, if there were a poll book, he would be required by this Act to mark opposite the elector's name in the poll book.

(6) An elector who is by this section authorized to vote at an advance poll may vote at any advance poll within the electoral district in which he is qualified to vote; no deputy returning officer shall permit any person to vote at an advance poll upon any certificate in Form No. 66 issued by the returning officer or any other officer of another electoral district.

"97. (1) At the opening of the advance poll, at two o'clock in the afternoon of the first day of voting, the deputy returning officer shall, in full view of such of the candidates or their agents or the electors representing candidates as are present, open the ballot box and ascertain that there are no ballot papers or other papers or material enclosed therein, after which the ballot box shall be locked and sealed with one of the special metal seals prescribed by the Chief Electoral Officer for the use of deputy returning officers; the ballot box shall then be placed on a table in full view of all present and shall be maintained so placed until the close of the advance poll on such day of voting.

Re-opening of
advance poll.

(2) At the re-opening of the advance poll at two o'clock in the afternoon of the second day of voting, the deputy returning officer shall, in full view of such of the candidates or their agents or the electors representing candidates as are present,

(a) unseal and open the ballot box, leaving the special envelope or envelopes containing the ballot papers spoiled or cast on the first day of voting unopened in the ballot box,

(b) take out and open the special envelope containing the unused ballot papers and the completed affidavits for voting at an advance poll, in Form No. 66, and

(c) lock and seal the ballot box and place it upon the table, as prescribed in subsection (1).

Proceedings
at close of
advance poll
each day of
voting.

(3) At the close of the advance poll at ten o'clock in the evening of each of the two days of voting, the deputy returning officer shall, in full view of such of the candidates or their agents or the electors representing candidates as are present,

(a) unseal and open the ballot box;

(b) empty the ballot papers cast during the same day of voting, in such manner as not to disclose for whom any elector has voted, into a special envelope supplied for that purpose, seal such envelope with a gummed paper seal prescribed by the Chief Electoral Officer and indicate on such envelope the number of such ballot papers;

(c) count the spoiled ballot papers, if any, place them in the special envelope supplied for that purpose, seal such envelope and indicate on such envelope the number of such spoiled ballot papers; and

(d) count the unused ballot papers and the completed affidavits for voting at an advance poll, in Form No. 66, and place them in the special envelope supplied for that purpose, seal such envelope with a gummed paper seal prescribed by the Chief Electoral Officer and indicate on such envelope the number of such unused ballot papers and completed affidavits;

Affixing of
signatures
and special
metal seals.

the deputy returning officer and the poll clerk shall, and such of the candidates or their agents or the electors representing candidates as are present may, affix their signatures on the gummed paper seals affixed to the above mentioned special envelopes before such envelopes are placed in the ballot box; the deputy returning officer shall then lock and seal the ballot box, as prescribed in subsection (1).

(2) At the re-opening of the advance poll, at two o'clock in the afternoon of the second and third days of voting, the ballot box shall be unsealed and opened by the deputy returning officer in full view of such of the candidates or their agents or the electors representing candidates as are present, and the special envelope containing the unused ballot papers shall be taken out and opened; the special envelope or envelopes containing the ballot papers cast on the preceding day or days of voting shall, unopened, remain in the ballot box; the ballot box shall then be locked and sealed, and placed upon the table, as prescribed in subsection (1).

(3) At the close of the advance poll, at ten o'clock in the evening of each of the three days of voting, the deputy returning officer shall in full view of such of the candidates or their agents or the electors representing candidates as are present,

(a) unseal and open the ballot box;

(b) empty the ballot papers cast during the same day of voting (in such manner as not to disclose for whom any elector has voted) into a special envelope supplied for the purpose;

(c) seal such envelope with a gummed paper seal prescribed by the Chief Electoral Officer;

(d) count the unused ballot papers and the used advance poll certificates which up to that time have been presented;

(e) place the unused ballot papers and used advance poll certificates in another special envelope supplied for the purpose;

(f) endorse on such envelope the number of such unused ballot papers and used advance poll certificates; and

(g) seal the said envelope with a gummed paper seal prescribed by the Chief Electoral Officer;

the deputy returning officer and such of the candidates or their agents or the electors representing candidates as are present, shall affix their signatures on the gummed paper seals affixed to both of the above mentioned special envelopes, before such envelopes are placed in the ballot box; the ballot box shall then be locked and sealed as prescribed in subsection (1).

Custody of ballot box.

(4) In the intervals between voting hours at the advance poll and until nine o'clock in the evening of the ordinary polling day, the deputy returning officer shall keep the ballot box in his custody, locked and sealed in the manner prescribed in subsection (1), and such of the candidates or their agents or the electors representing candidates as are present at the close of the advance poll on each of the two days of voting, may, if they so desire, take note of the serial number embossed on the special metal seal used for locking and sealing the ballot box, and may again take note of such serial number at the re-opening of the advance poll on the second day of voting and at the counting of the votes in the evening of the ordinary polling day.

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Collecting of Record of Completed Affidavits for Voting at an Advance Poll.

(5) As soon as possible after the close of advance polls at ten o'clock in the evening of Saturday, the ninth day before the ordinary polling day, the returning officer shall have collected the Record of Completed Affidavits for Voting at an Advance Poll in the most expeditious manner available from the deputy returning officer of every advance polling district established in his electoral district.

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Count of votes on the ordinary polling day.

(6) The deputy returning officer shall, at nine o'clock in the evening of the ordinary polling day, attend with his poll clerk at the place mentioned in the Notice of Holding of Advance Poll, in Form No. 65, and there, in the presence of such of the candidates and their agents as may attend, open the ballot box and the sealed envelopes containing ballot papers, count the votes and take all other proceedings provided by this Act for deputy returning officers and poll clerks in connection with the conduct of an election after the close of the ordinary poll, except that such statements and other documents as other provisions of this Act may require to be made and to be written in or attached to the poll book shall be made in a special book of statements and oaths relating to advance polls prescribed by the Chief Electoral Officer.

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Provisions applicable to advance polls.

(7) Subject to sections 94 to 98, the provisions of this Act relating to ordinary polls shall in so far as applicable apply to advance polls.

Striking from lists of electors names of persons who have voted at advance polls.

98. (1) As soon as the returning officer has collected the Records of Completed Affidavits for Voting at an Advance Poll pursuant to subsection (5) of section 97, and before the lists of electors are placed in the ballot boxes to be distributed to ordinary polling stations, he shall strike off such lists the names of all electors appearing in such records.

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(4) In the intervals between voting hours at the advance poll and until six o'clock in the afternoon of the ordinary polling day, the ballot box shall remain in the custody of the deputy returning officer; the ballot box shall be kept locked and sealed in the manner prescribed in subsection (1), and such of the candidates or their agents or the electors representing candidates as are present at the close of the advance poll on each of the three days of voting, may, if they so desire, take note of the serial number embossed on the special metal seal used for locking and sealing the ballot box, as herein prescribed, and may again take note of such serial number at the re-opening of the advance poll on the second and third days of voting and at the counting of the votes on the ordinary polling day.

5) The deputy returning officer shall, at six o'clock in the afternoon of polling day, attend with his poll clerk at the polling station where the advance poll was held, and there, in the presence of such of the candidates and their agents as may attend, open the ballot box and the sealed envelopes containing ballots, count the votes and take all other proceedings provided by this Act for deputy returning officers and poll clerks in connection with the conduct of an election after the close of the poll, except that such statements and other documents as other provisions of this Act may require to be made and to be written in or attached to the poll book shall be made as so required and be annexed to the certificates in Form No. 66 in this section referred to.

(6) Subject to the provisions of sections 94 to 97, the provisions of this Act relating to ordinary polls shall in so far as applicable apply to advance polls.

"98. Any person who, corruptly,
(a) for the purpose of obtaining from any officer who is by this Act authorized to grant it, a certificate in Form No. 66, makes to such officer any false statement;
(b) forges or fabricates any such certificate, or any name thereon, or not being the person named therein, presents any such certificate to any deputy returning officer or poll clerk at any polling station;
(c) makes before any deputy returning officer a false declaration as to the cause or necessity of his voting at an advance poll;
(d) after having obtained from an officer by this Act authorized to grant it, a certificate in Form No. 66 votes or attempts to vote at any other than an advance poll, except upon presentation on polling day of such certificate as provided by this Act; or
(e) in any other manner contravenes any provision of sections 94 to 97, is guilty of an offence against this Act punishable on summary conviction as provided in this Act."

Where lists of electors have been distributed to ordinary polling stations.

(2) If the ballot boxes have been distributed to the ordinary polling stations, the returning officer shall notify each deputy returning officer concerned by the best means available of the names of the electors appearing in the Record of Completed Affidavits for Voting at an Advance Poll that are on the list of electors for his polling station and shall instruct him to strike those names off such list, and each deputy returning officer so instructed shall forthwith comply with those instructions. 5

Name inadvertently struck off.

(3) If, in complying with subsections (1) and (2), the name of an elector is inadvertently struck off a list of electors, the elector concerned shall be allowed to vote on the ordinary polling day upon taking the oath, in Form No. 41, after the deputy returning officer or the poll clerk has communicated with the returning officer to ascertain if such a mistake has really been made. 10 15

Returning officer to transmit copy of Record of Completed Affidavits for Voting at an Advance Poll to candidates.

(4) The returning officer shall, not later than Wednesday, the fifth day before the ordinary polling day, transmit a copy of each Record of Completed Affidavits for Voting at an Advance Poll collected by him pursuant to subsection (5) of section 97 to each candidate officially nominated in his electoral district. 20

Offences and penalties respecting advance polls.

“98A. Every person who, corruptly, (a) makes before a deputy returning officer a false declaration in the affidavit for voting at an advance poll, in Form No. 66, as to the cause or necessity of his voting at an advance poll; 25

(b) after having taken and subscribed to an affidavit for voting at an advance poll, in Form No. 66, votes or attempts to vote at an advance poll other than the one where such affidavit was taken and subscribed to or at a poll on the ordinary polling day; or 30

(c) in any other manner contravenes any provision of sections 94 to 97;

is guilty of an offence against this Act punishable on summary conviction as provided in this Act.” 35

Political broadcasts forbidden.

5. Subsection (1) of section 101 of the said Act is repealed and the following substituted therefor:

“101. (1) No person shall be allowed to broadcast a speech or any entertainment or advertising program over the radio on the ordinary polling day and on the two days immediately preceding it in favour or on behalf of any political party or any candidate at an election.” 40

6. Forms Nos. 65 and 66 of the said Act are repealed and the following substituted therefor: 45

NOTICE OF HOLDING OF ADVANCE POLL

Whereas the provisions of section 101 of the Representation of the People Act, 1950, require that the election should be held on the day specified in the notification issued by the returning officer...

FOR ADVANCE POLLING DISTRICT NO. 1

That the day specified in the notification issued by the returning officer for the holding of the election is the day specified in the notification issued by the returning officer...

That the day specified in the notification issued by the returning officer for the holding of the election is the day specified in the notification issued by the returning officer...

That the day specified in the notification issued by the returning officer for the holding of the election is the day specified in the notification issued by the returning officer...

That the day specified in the notification issued by the returning officer for the holding of the election is the day specified in the notification issued by the returning officer...

5. The word "ordinary" has been inserted in section 101. This is a consequential amendment.

6. The changes in Forms Nos. 65 and 66 are consequential.

“FORM No. 65.

NOTICE OF HOLDING OF ADVANCE POLL (Sec. 94(5).)

Electoral District of.....

Take notice that, pursuant to the provisions of sections 94 to 97, inclusive, of the Canada Elections Act, an advance poll will be opened in the undermentioned advance polling district(s). 5

FOR ADVANCE POLLING DISTRICT No. 1, comprising polling divisions Nos. of the above mentioned electoral district, the advance polling station will be located at (Specify in capital letters the exact location of the advance polling station), and the votes cast thereat will be counted on Monday, the ordinary polling day, at nine o'clock in the evening, at (Specify in capital letters the exact location where the count will be held). 10

(Proceed as above in respect of any other advance polling district.) 15

And further take notice that the said advance polling station(s) will be open between the hours of two and ten o'clock in the afternoons and evenings of Friday and Saturday, the tenth and ninth days before the day fixed as the ordinary polling day at the pending election in the above mentioned electoral district. 20

And further take notice that any elector whose name appears on the list of electors prepared for a polling division comprised in such advance polling district who has reason to believe that he will be absent on the ordinary polling day at the pending election from, and that he is likely to be unable to vote on that day in, such polling division may vote in advance of the ordinary polling day at the advance polling station established in the advance polling district comprising the polling division on the list of electors for which his name appears, if before casting his vote, he takes and subscribes to an affidavit for voting at an advance poll, in Form No. 66, of the Canada Elections Act, before the deputy returning officer of the said advance polling district. 25 30 35

And further take notice that the office of the undersigned which has been established for the conduct of the pending election is located at in the Town City Village of..... 40

Dated at this.... day of.....19....

(Print name of returning officer) Returning Officer.” 45

STATEMENT OF WORKS AT AN ALIEN PORT

The number of days:

THE NAME OF COMPANY OR FIRM:

I, the undersigned,

.....

.....

NO.	DESCRIPTION OF WORK	ESTIMATED COST	ESTIMATED DURATION
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“FORM No. 66.

AFFIDAVIT FOR VOTING AT AN ADVANCE POLL.
(Sec. 95.)

Consecutive number of affidavit.....

Electoral District of.....

Advance Polling District No.

I, the undersigned,, whose occupation is and whose address is do swear (or solemnly affirm):

1. That my name appears on the list of electors prepared for polling division No. comprised in the above mentioned advance polling district.

2. That I have reason to believe that I will be absent on the ordinary polling day at the pending election from, and that I will be unable to vote on that day in, the above mentioned polling division.

SWORN (or affirmed)
before me

at.....,

this day of.....,
19....

(Signature of deponent)

.....
Deputy returning officer.”

PARTICULARS TO BE RECORDED BY POLL CLERK IN THE
ADVANCE POLLING STATION

Consecutive number of elector on list of electors.	FORM NUMBER OF ORAL OATH OR AFFIDAVIT, IF ANY, THE ELECTOR IS REQUIRED TO SWEAR.	RECORD THAT OATH SWORN OR REFUSED (If sworn, insert “Sworn” or “Affirmed”; if refused, insert “Refused to be Sworn” or “Refused to Affirm” or “Refused to Answer”).	RECORD THAT ELECTOR HAS VOTED When ballot paper put into ballot box, insert “Voted”.	REMARKS

Repeal. 7. Schedule Two to the said Act is repealed.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 7.

An Act to amend the Income Tax Act. (Communication
of information).

First reading, October 16, 1957.

MR. KNOWLES.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957

1st Session, 23rd Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 7.

An Act to amend the Income Tax Act. (Communication of Information).

R.S., c. 148;
1952-53, c. 40;
1953-54, c. 57;
1955, cc. 54,
55, s. 1; 1956,
c. 39.

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

1. Section 133 of the *Income Tax Act* is repealed and the following substituted therefor:

Communi-
cation of
information.

“133. Every person who, while employed in the service of Her Majesty, has communicated or allowed to be communicated to a person not legally entitled thereto any information obtained under this Act or has allowed any such person to inspect or have access to any written statement furnished under this Act is guilty of an offence and liable on summary conviction to a fine not exceeding \$200. Provided that nothing in this section shall operate to prevent a Minister of the Crown from communicating to the Senate or to the House of Commons any information with respect to corporations obtained under the provisions of this Act.”

Proviso.

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EXPLANATORY NOTE.

The purpose of this bill is to make a change in section 133 of the *Income Tax Act*, which as it now stands can have the effect of preventing a Minister of the Crown from giving to the Senate or the House of Commons such information as it might be perfectly legitimate to ask for and obtain. No change is made with respect to information obtained from personal income tax returns. Such information must still be kept secret. On the other hand, the words added to section 133 by this bill would make it possible for a Minister to make public any information respecting corporations obtained under the provisions of the *Income Tax Act*.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 8.

An Act to amend the Income Tax Act.
(Corporation Appeals).

First reading, October 16, 1957.

MR. KNOWLES.

1st Session, 23rd Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 8.

An Act to amend the Income Tax Act.
(Corporation Appeals).

R.S., c. 148;
1952-53, c. 40;
1953-54, c. 57;
1955, cc. 54,
55, s. 1; 1956,
c. 39.

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

1. Subsection (2) of section 91 of the *Income Tax Act* is repealed and the following substituted therefor:—

“(2) An appeal may, in the discretion of the Board, the Chairman, the Assistant Chairman or hearing officer, as the case may be, be heard in camera or in public unless the appellant requests that it be heard in camera in which case it shall be so heard: Provided that if the appellant is a corporation the appeal shall be heard in public.”

Hearing
may be
in camera.

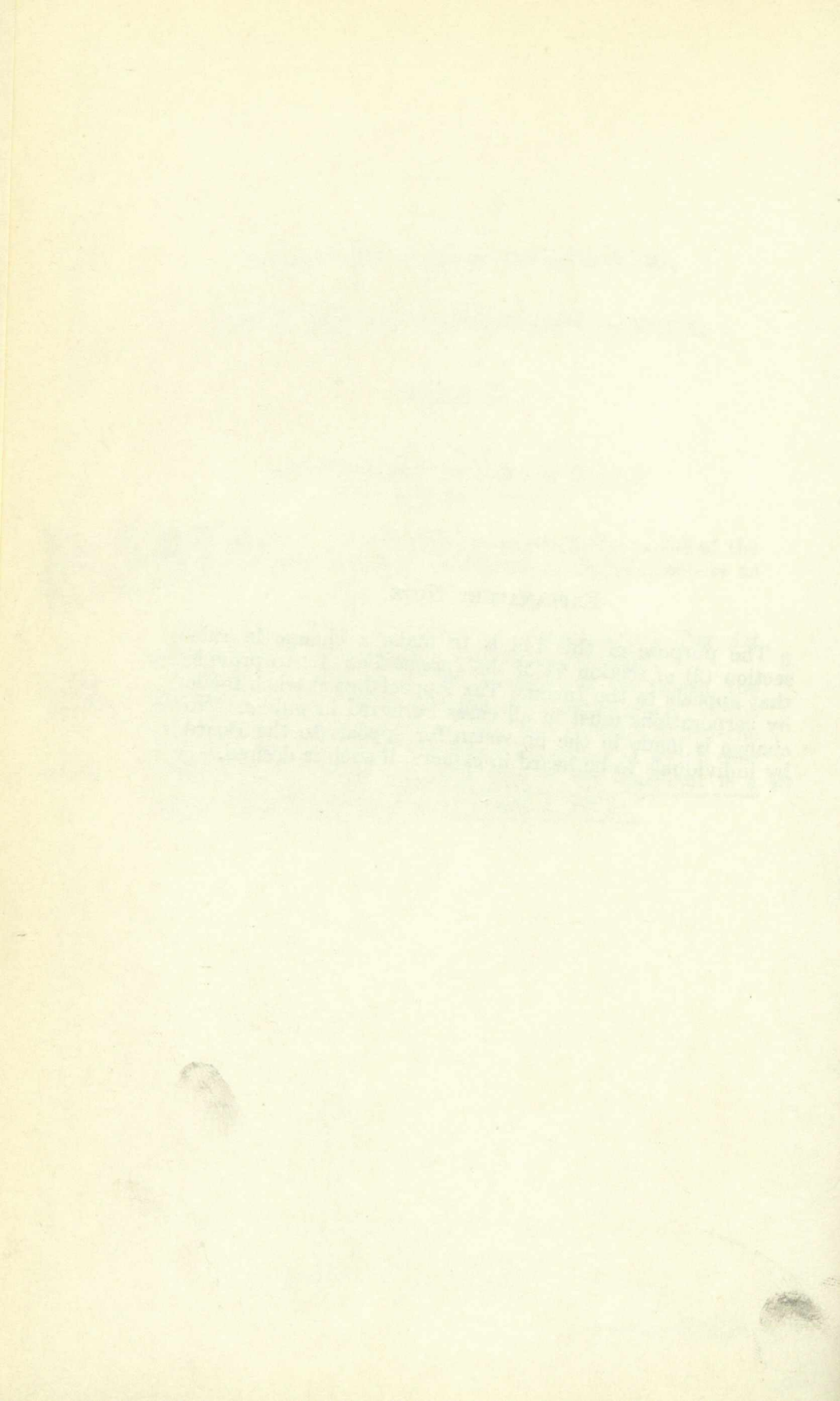
Proviso.

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EXPLANATORY NOTE.

The purpose of this bill is to make a change in subsection (2) of section 91 of the *Income Tax Act* to provide that appeals to the Income Tax Appeal Board when made by corporations must in all cases be heard in public. No change is made in the provision for appeals to the Board by individuals to be heard in camera, if such is desired.



First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 9.

An Act to amend the Financial Administration Act.

First reading, October 16, 1957.

MR. POULIN.

1st Session, 23rd Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 9.

An Act to amend the Financial Administration Act.

R.S., c. 116;
1955, c. 3.

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

1. The *Financial Administration Act* is amended by inserting therein, immediately after section 33, the following section: 5

Negotiable
instruments
to be
printed in
English
and French.

“33A. The form and material of every negotiable instrument issued under section 33 and of every negotiable instrument issued by or for any department or by or for any Crown corporation as defined in paragraph (c) of subsection (1) of section 76 shall be subject to approval by the Minister, but each such negotiable instrument shall be printed in both the English and the French languages.” 10

EXPLANATORY NOTES.

The purpose of this Bill is to provide that every cheque, draft, traveller's cheque, bill of exchange, postal note, money order, postal remittance and any other similar remittance of any department as defined in paragraph (f) of section 2 of the *Financial Administration Act* or of any Crown corporation enumerated in schedules B, C and D of the same Act shall be printed in both the English and the French languages.

This is in accordance with the principle established in the *Bank of Canada Act* where it is enacted (subsection (4) of section 21) that the notes payable to bearer on demand and intended for circulation in Canada issued by the Bank shall be printed in both the official languages.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 10.

An Act to amend The Canadian Wheat Board Act.
(Flax and Rye).

First reading, October 16, 1957.

MR. McCULLOUGH,
(Moose Mountain).

THE HOUSE OF COMMONS OF CANADA.

BILL 10.

An Act to amend the Canadian Wheat Board Act.
(Flax and Rye).

R. S., c. 44;
1952-53, c. 14.

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

1. The *Canadian Wheat Board Act* is amended by inserting therein immediately after Part V the following:

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“PART VA.

FLAX AND RYE.

Extension of
Parts III and
IV to flax and
rye.

Modifica-
tions.

35A. (1) The Governor in Council may by regulation extend the application of Part III or of Part IV or of both Parts III and IV to flax or rye or to both flax and rye.

(2) Where the Governor in Council has extended the application of any Part under subsection (1), the provisions of the said Part shall be deemed to be re-enacted in this Part subject to the following: 10

(a) the word “flax” or “rye”, as the case may be, shall be substituted for the word “wheat”;

(b) the expression “flax products” or “rye products”, as the case may be, shall be substituted for the expression “wheat products”;

(c) the sum certain per bushel to be fixed by the Governor in Council shall be fixed in the case of flax in respect of the grade No. 2 Canada Western and in the case of rye in respect of the grade No. 3 Canada Western, and in both cases basis in store Fort William or Port Arthur; 20

(d) each pool period for the purposes of Part III shall be a crop year as designated by the Governor in Council; 25

Explanatory Note.

The purpose of this bill is to bring flax and rye within the provisions of the *Canadian Wheat Board Act* and thus eliminate speculation with respect to these grains.

(e) section 24, the portion of paragraph (b) of subsection (1) of section 25 following the word "thereof" in line ten, section 30 and paragraph (b) of subsection (2) of section 31 are not applicable; and

(f) such other modifications as the circumstances may 5 require.

(3) An extension of the application of Part III shall come into force only at the beginning of a crop year.

(4) For the purposes of this section

(a) "flax product" means any substance produced by 10 processing or manufacturing flax, alone or together with any other material or substance, designated by the Governor in Council by regulation as a flax product for the purposes of this Part; and

(b) "rye product" means any substance produced by 15 processing or manufacturing rye, alone or together with any other material or substance, designated by the Governor in Council by regulation as a rye product for the purposes of this Part."

When extension to come into force.
Definitions.
"Flax product."

"Rye product."

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 11.

An Act for granting Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1958.

AS PASSED BY THE HOUSE OF COMMONS
17th OCTOBER, 1957.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957

THE HOUSE OF COMMONS OF CANADA.

BILL 11.

An Act for granting Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1958.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency, the Right Honourable Vincent Massey, etc., etc., 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, 1958, 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. 6, 1957.*

\$260,912,255.50
granted for
1957-58.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole two hundred and sixty million, nine hundred and twelve thousand, two hundred and fifty-five dollars and fifty cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1957, to the 31st day of March, 1958, not otherwise provided for, and being 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, 1958, except items 52, 57, 116, 117, 131, 132, 156, 248, 281, 322, 324, 328, 333, 334, 335, 336, 355, 399 and 460, as laid before the House of Commons at the present session of Parliament.

\$165,433.34
granted for
1957-58.

3. From and out of the Consolidated Revenue Fund, there may be paid and applied, in addition to the amount granted therefor by section 2, a sum not exceeding in the whole one hundred and sixty-five thousand, four hundred and thirty-three dollars and thirty-four cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1957, to the 31st day of March, 1958, not otherwise provided for, and being one-sixth of the total of the amounts of the several items set forth in Schedule A. 5 10

\$2,576,712.09
granted for
1957-58.

4. From and out of the Consolidated Revenue Fund, there may be paid and applied, in addition to the amount granted therefor by section 2, a sum not exceeding in the whole two million, five hundred and seventy-six thousand, seven hundred and twelve dollars and nine cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1957, to the 31st day of March, 1958, not otherwise provided for, and being one-twelfth of the total of the amounts of the several items set forth in Schedule B. 15 20

\$1,497,738.25
granted for
1957-58.

5. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole one million, four hundred and ninety-seven thousand, seven hundred and thirty-eight dollars and twenty-five cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1957, to the 31st day of March, 1958, not otherwise provided for, and being one-twelfth of the total of the amounts of the items in the Supplementary Estimates for the fiscal year ending the 31st day of March, 1958, except items 626, 635 and 654, as laid before the House of Commons at the present session of Parliament. 25 30

\$2,138,888.89
granted for
1957-58.

6. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole two million, one hundred and thirty-eight thousand, eight hundred and eighty-eight dollars and eighty-nine cents, towards defraying the several charges and expenses of the public service, from the 1st day of July, 1957, to the 31st day of March, 1958, not otherwise provided for, and being one-ninth of the total of the amounts of items 669 and 670 set forth in the Further Supplementary Estimates (1) for the fiscal year ending the 31st day of March, 1958, as laid before the House of Commons at the present session of Parliament. 35 40

\$125,000.00
granted for
1957-58.

7. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole one hundred and twenty-five thousand dollars, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1957, to the 31st day of March, 1958, not otherwise provided for, and being one-twelfth of the amount of item 668 in the Further Supplementary Estimates (1) for the fiscal year ending the 31st day of March, 1958, as laid before the House of Commons at the present session of Parliament. 5 10

\$27,108,666.34
granted for
1957-58.

8. From and out of the Consolidated Revenue Fund, there may be paid and applied, a sum not exceeding in the whole twenty-seven million, one hundred and eight thousand, six hundred and sixty-six dollars and thirty-four cents towards defraying the several charges and expenses of the public service, from the 1st day of April, 1957, to the 31st day of March, 1958, not otherwise provided for, and being one-third of the total of the amounts of the several items set forth in the Further Supplementary Estimates (2), for the fiscal year ending the 31st day of March, 1958, as laid before the House of Commons at the present session of Parliament. 15 20

\$280,974.17
granted for
1957-58.

9. From and out of the Consolidated Revenue Fund, there may be paid and applied in addition to the amount granted therefor by section 8, a sum not exceeding in the whole two hundred and eighty thousand, nine hundred and seventy-four dollars and seventeen cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1957, to the 31st day of March, 1958, not otherwise provided for, and being seven-twelfths of the amounts of the several items set forth in Schedule C. 25 30

\$10,416,666.67
granted for
1957-58.

10. From and out of the Consolidated Revenue Fund, there may be paid and applied in addition to the amount granted by section 8, a sum not exceeding in the whole ten million, four hundred and sixteen thousand, six hundred and sixty-six dollars and sixty-seven cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1957, to the 31st day of March, 1958, not otherwise provided for, and being one-third of the amount of the item set forth in Schedule D. 35 40

Account
to be
rendered.
R.S., c. 116.

11. Sums expended under the authority of this Act shall be accounted for in the Public Accounts in conformity with section 64 of the *Financial Administration Act*.

SCHEDULE A

Based on the Main Estimates, 1957-58. The amount hereby granted is \$165,433.34, being one-sixth 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, 1958, and the purposes for which they are granted.

No. of Vote	Service	Amount.	Total
		\$	\$
	EXTERNAL AFFAIRS		
	A—DEPARTMENT AND MISSIONS ABROAD		
100	Canadian Representation at International Conferences.....	200,000	
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	WATER RESOURCES BRANCH		
307	Water Resources Branch, including Federal share of expenses of the Lake of the Woods Control Board— Construction or Acquisition of Buildings, Works, Land and Equipment.....	126,600	
	PUBLIC WORKS		
	PUBLIC BUILDINGS CONSTRUCTION AND SERVICES		
	Acquisition, Construction and Improvements of Public Buildings		
365	Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects— Yukon and Northwest Territories.....	666,000	
			*992,600

*Net Total \$165,433.34.

SCHEDULE B

Based on the Main Estimates, 1957-58. The amount hereby granted is \$2,576,712.09, 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, 1958, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	CITIZENSHIP AND IMMIGRATION		
	A—DEPARTMENT		
	IMMIGRATION BRANCH		
69	Field and Inspectional Service, Canada, including \$10,000 for Grants to Immigrant Welfare Organizations.....	5,962,518	
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	WATER RESOURCES BRANCH		
306	Water Resources Branch, including Federal share of expenses of the Lake of the Woods Control Board— Administration, Operation and Maintenance, including Grant of \$350 to the International Executive Council' World Power Conference.....	946,672	
	NORTHERN ADMINISTRATION AND LANDS BRANCH		
313	Branch Administration.....	900,855	
	PUBLIC WORKS		
	PUBLIC BUILDINGS CONSTRUCTION AND SERVICES		
	Acquisition, Construction and Improvements of Public Buildings		
359	Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects— Ottawa.....	11,743,000	
	HARBOURS AND RIVERS ENGINEERING SERVICES		
	Acquisition, Construction and Improvements of Harbour and River Works		
373	Construction, acquisition, major repairs and improvements of, and plans and sites for, harbour and river works listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects— Prince Edward Island.....	1,167,500	

SCHEDULE B—*Concluded.*

No. of Vote	Service	Amount	Total
		\$	\$
	PUBLIC WORKS— <i>Concluded</i>		
	DEVELOPMENT AND ENGINEERING SERVICES		
389	Trans-Canada Highway— To provide for construction through National Parks.....	10,000,000	
	VETERANS AFFAIRS		
	SOLDIER SETTLEMENT AND VETERANS' LAND ^a ACT		
518	To provide for the payment of grants to veterans settled on Provincial Lands in accordance with agreements with Provincial Governments under Section 38 of the Veterans' Land Act and payment of grants to veterans settled on Dominion Lands in accordance with an agreement with the Minister of Northern Affairs and National Resources under Section 38 of the Veterans' Land Act.....	200,000	
			*30,920,545

*Net Total \$2,576,712.09.

SCHEDULE C

Based on the Further Supplementary Estimates (2), 1957-58. The amount hereby granted is \$280,974.17, being seven-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, 1958, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
	TRANSPORT	\$	\$
	A—DEPARTMENT		
	RAILWAY AND STEAMSHIP SERVICES		
754	Construction or Acquisition of Auto-Ferry Vessels and Equipment as listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—Further amount required.....	461,670	
	GENERAL		
759	To provide for the expenses of an inquiry into the coasting trade of Canada authorized under the Inquiries Act including the payment, notwithstanding the Civil Service Act, of honoraria or allowances as may be authorized by the Treasury Board to officers, clerks or employees permanently employed in the Civil Service for services rendered by them in connection with the inquiry—Further amount required.....	20,000	*481,670

* Net total \$280,974.17.

SCHEDULE D

Based on the Further Supplementary Estimates (2), 1957-58.
The amount hereby granted is \$10,416,666.67, being one-third of the amount 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, 1958, and the purpose for which it is granted.

No. of Vote	Service	Amount	Total
	* FINANCE	\$	\$
	GENERAL ITEMS OF PAYROLL COSTS		
692	To provide, subject to the approval of the Treasury Board, for supplementing other votes for the payment of salaries, wages and other payroll charges.....		*31,250,000

* Net total \$10,416,666.67.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 12.

An Act to amend the Canada Elections Act.
(Ballot Papers.)

First reading, October 21, 1957.

MR. THOMAS.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957

THE HOUSE OF COMMONS OF CANADA.

BILL 12.

An Act to amend the Canada Elections Act.
(Ballot Papers.)

R.S., cc. 23,
306, 334, ss. 8,
9; 1952-53,
c. 24, s. 7;
1955, c. 44.

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

1. Subsection (1) of section 28 of the *Canada Elections Act* is repealed and the following substituted therefor: 5

Ballot
papers and
their form.

“28. (1) All ballots shall be of the same description and as nearly alike as possible; the ballot of each elector shall be a printed paper, in this Act called a ballot paper, on which the names, addresses, occupations, political affiliations or interests of the candidates alphabetically arranged in the order of their surnames, shall, subject as hereafter in this section provided, be printed exactly as such names, addresses, and occupations are set out in the heading of the nomination papers; each ballot paper shall have a counterfoil and a stub, and there shall be a line of perforations between the ballot paper and the counterfoil and between the counterfoil and the stub, the whole as in Form No. 35. 10 15

Written
direction
of leaders.

The name of the political party or interest represented by a candidate shall be shown in the manner required by the written direction, if any, of the recognized leader of such party, which shall be filed with the Returning Officer before five o'clock in the afternoon of nomination day: Provided that where the recognized leader of the political party or interest represented by a candidate does not file a written direction the name of that party shall be shown in the manner in which it appears on the nomination paper of the candidate.” 20 25

Proviso.

EXPLANATORY NOTE.

The purpose of this Bill is to provide for the appearance of the political affiliations or interests of the candidates on the ballot papers.

1. The changes in subsection (1) of section 28 consist in the insertion therein of the words "political affiliations or interests", underlined on the opposite page and in the addition thereto of the new paragraph indicated by a vertical line.

Form
amended.

2. The "*Front*" of Form No. 35 is repealed and the following substituted therefor:

"FORM No. 35.

FORM OF BALLOT PAPER. (Sec. 28.)

Front

BROWN, WILLIAM R.,
636 POWER ST., OTTAWA,
BARRISTER.
(POLITICAL AFFILIATION.)

HAMON, FRANK ARTHUR,
R.R. NO. 3, WESTBORO,
FARMER.
(POLITICAL AFFILIATION.)

O'NEIL, JOSEPH,
EASTVIEW,
GENTLEMAN.
(POLITICAL AFFILIATION.)

SMITH, JOHN THOMAS,
239 BANK ST., OTTAWA,
MERCHANT.
(POLITICAL AFFILIATION.)

2. The words "(Political affiliation)" are added to Form No. 35. This amendment is consequential.

13.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 13.

An Act to amend the Criminal Code.
(Subversive Activities.)

First reading, October 24, 1957.

MR. LACROIX.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957

THE HOUSE OF COMMONS OF CANADA.

BILL 13.

An Act to amend the Criminal Code.
(Subversive Activities.)

1953-54, c. 51;
1955, cc. 2, 45;
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. The *Criminal Code* is amended by inserting therein, immediately after section 62 thereof, the following section: 5

“62A. Everyone who

- (a) attempts in any manner to establish in Canada a totalitarian dictatorship the direction and control of which is to be vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual; 10
- (b) performs or attempts to perform any act with intent to facilitate or aid in bringing about the establishment in Canada of such a totalitarian dictatorship; 15
- (c) actively participates in the management, direction, or supervision of any movement to establish in Canada such a totalitarian dictatorship; 20
- (d) actively participates in the management, direction, or supervision of any movement to facilitate or aid in bringing about the establishment in Canada of such a totalitarian dictatorship; 20
- (e) conspires to do anything made unlawful by this subsection,

Punishment. is guilty of an indictable offence and is liable to imprisonment for fourteen years. 25

2. The said Act is further amended by inserting therein, immediately after section 154 thereof, the following section:

EXPLANATORY NOTES.

The purpose of the first amendment is to make it a criminal offence for any person to participate in subversive activities with a view of establishing in Canada a totalitarian dictatorship contrary to our democratic way of life.

The purpose of the second amendment is to prevent the dissemination through the mails of subversive propaganda.

Posting
communist
newspaper.

"154A. Everyone who posts, or causes to be posted, for transmission or delivery by or through the post any communist newspaper or any newspaper the purpose of which is to establish in Canada a totalitarian dictatorship the direction and control of which is to be vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual is guilty of 5

Punishment.

- (a) an indictable offence and is liable to imprisonment for two years, or 10
 (b) an offence punishable on summary conviction."

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 14.

An Act to provide for Advance Payments for
Prairie Grain prior to Delivery thereof.

First reading, October 24, 1957.

THE MINISTER OF TRADE AND COMMERCE.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957

THE HOUSE OF COMMONS OF CANADA.

BILL 14.

An Act to provide for Advance Payments for
Prairie Grain prior to Delivery thereof.

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 *Prairie Grain Advance
Payments Act.* 5

INTERPRETATION.

Definitions. **2.** (1) In this Act,
"Advance payment." (a) "advance payment" means a payment for grain made
to a producer under the authority of this Act;
"Amount in default." (b) "amount in default" means the amount of an advance
payment made pursuant to an undertaking, minus all 10
amounts that up to the time of default were paid to
the Board in discharge of the undertaking;
"Application." (c) "application" means an application made by a
producer under this Act for an advance payment;
"Board." (d) "Board" means The Canadian Wheat Board; 15
"Default." (e) "default" means failure, as described in section 13,
to comply with an undertaking;
"Grain." (f) "grain" means wheat, oats and barley that was
grown within the designated area, as defined in the
Canadian Wheat Board Act; 20
"Initial payment." (g) "initial payment" means the sum certain per bushel
payable under the *Canadian Wheat Board Act* by the
Board to a producer for grain sold and delivered by
him to the Board;
"Permit book." (h) "permit book" means a delivery permit issued by the 25
Board pursuant to the *Canadian Wheat Board Act* for
a crop year;

- "Prescribed." (i) "prescribed" means prescribed by regulation;
- "Producer." (j) "producer" includes, as well as an actual producer, any person entitled as landlord, vendor or mortgagee, to the grain grown by an actual producer or to any share therein; 5
- "Recipient." (k) "recipient" means a producer to whom an advance payment has been made;
- "Undertaking." (l) "undertaking" means an undertaking given by a producer under section 5; and
- "Unit quota." (m) "unit quota" means the initial quota prescribed by the Board for delivery of grain under a permit book in a crop year. 10
- To be construed with *Canadian Wheat Board Act.* (2) This Act shall be construed as one with the *Canadian Wheat Board Act*, and, unless a contrary intention appears, all words and expressions in this Act have the same meanings 15 as they have in the *Canadian Wheat Board Act*.

ADVANCE PAYMENTS.

Authority to make Advance Payments.

Board may make advance payments.

3. (1) Subject to this Act, the Board may upon application therefor make a payment to a producer in respect of a crop year, as an advance on the initial payment for threshed grain in storage otherwise than in an elevator, prior to delivery thereof to the Board. 20

Cash purchase tickets may be used.

(2) Notwithstanding the *Canada Grain Act*, the manager or operator of an elevator or other person authorized by the Board to make advance payments on its behalf may make advance payments by means of cash purchase tickets. 25

Application to be approved.

(3) No advance payment shall be made to a producer in respect of a crop year, unless the application therefor is made during the crop year and before the 1st day of June in that crop year, and is approved by the manager or operator of an elevator or other person authorized by the Board to make advance payments on its behalf. 30

Discharge of previous advance payments.

(4) No person who has received an advance payment under this Act in any crop year is, until his undertaking in respect thereof has been fully discharged, entitled to receive an advance payment in any subsequent crop year. 35

Application.

Contents of application.

4. (1) An application for an advance payment shall be made in prescribed form, shall be signed by the producer and shall show

(a) the amount of the advance payment for which application is made; 40

- (b) the kinds and quantities of threshed grain in storage at the time of the application and in respect of which the applicant is applying for the advance payment;
- (c) the land on which the grain was grown and the number of the permit book under which he is entitled to deliver such grain; 5
- (d) the kinds and quantities of such grain, if any, that the applicant is entitled under his unit quota to deliver but has not yet delivered;
- (e) whether he has received a previous advance payment, and, if so, particulars thereof and the amount of undelivered grain in respect of which the previous advance payment was made; 10
- (f) for the period from the beginning of the crop year in which the application is made to the time of the application, the kinds and quantities of grain that have been delivered by the applicant to the Board 15
 - (i) under his unit quota, and
 - (ii) by deliveries other than under his unit quota; and 20
- (g) such other particulars as are prescribed.

Idem.

(2) An application shall be verified by affidavit and shall include an authorization by the applicant that one-half of the initial payment for grain delivered to the Board, otherwise than on a unit quota, under the permit book specified in the application or any permit book issued in substitution or extension thereof, may be deducted and paid to the Board until the undertaking of the applicant has been discharged. 25

Undertaking.

Undertaking by the producer.

5. (1) Before an advance payment is made to a producer, he shall execute an undertaking in prescribed form in favour of the Board to the effect that 30

- (a) he will, after completing delivery under the unit quota and as soon as other quotas or other permission given by the Board enable him to do so, deliver grain to the Board until one-half of the initial payment therefor is equal to the advance payment made to him, and 35
- (b) upon default, he will repay to the Board the amount in default, without interest prior to default but with interest at six per cent per annum after default. 40

Producer may repay in lieu of delivery of grain.

(2) Notwithstanding subsection (1), a recipient may at any time prior to default discharge his obligation to deliver grain to the Board or any part thereof by payment to the Board. 45

*Joint Producers.*Joint
producers.

6. Where two or more producers are entitled to deliver grain under one permit book, no advance payment shall be made unless all such producers named in the permit book jointly make the application and execute the undertaking, and the advance payment shall be made to all such producers jointly or as they direct in the application. 5

*Amount of Advance Payment.*Amount of
advance
payment.

7. (1) Subject to this section, the amount of an advance payment to a producer in respect of the grain deliverable under the permit book specified in the application shall be the quantity of threshed grain (irrespective of its grade and 10 excluding grain deliverable under a unit quota) that the applicant undertakes to deliver to the Board, less any undelivered grain in respect of which a previous advance payment was made in the same crop year, multiplied by

- (a) fifty cents per bushel in the case of wheat, 15
- (b) twenty cents per bushel in the case of oats, and
- (c) thirty-five cents per bushel in the case of barley.

Limitation.

(2) The quantity of grain in respect of which an advance payment may be made to a producer shall not exceed the quantity that would be deliverable under the applicant's 20 current permit book on a quota of six bushels per specified acre minus the quantity of grain (other than deliveries under a unit quota) delivered by the applicant to the Board prior to his application and during the crop year in which the application is made. 25

Maximum.

(3) Not more than a total of three thousand dollars shall be paid as advance payments in respect of grain to be delivered under the permit book specified in an application.

*Endorsement in Permit Book.*Endorse-
ment in
permit book.

8. At the time an advance payment is made to a producer he shall deliver to the person who approves of his applica- 30 tion on behalf of the Board the permit book described in his application and an endorsement shall be made therein in prescribed form to the effect that one-half of the initial payment for all grain, other than for grain delivered under a unit quota, delivered under that permit book shall be 35 deducted and paid to the Board until the producer has discharged his undertaking.

Powers of Board.

Borrowing powers.

9. (1) For the purpose of making advance payments the Board may borrow money, and the Minister of Finance may, on behalf of Her Majesty, guarantee, on such terms and conditions as the Governor in Council may approve, repayment of money so borrowed and interest thereon.

5

Board may enter into agreements.

(2) The Board may make such arrangements and enter into such contracts or agreements as the Board considers necessary or advisable for the administration of this Act.

Lien for Advance Payments.

Lien on grain.

10. Where the Board has made an advance payment to a producer, the Board has a lien for the amount thereof on the grain in respect of which the advance payment was made.

DELIVERIES OF GRAIN.

Deductions on deliveries.

11. (1) Where a delivery of grain, otherwise than on a unit quota, is made under a permit book bearing an endorsement under section 8 by any producer named in the permit book, the manager or operator of an elevator or other person receiving delivery of the grain for the Board shall deduct and pay to the Board, in priority to all other persons, one-half of the initial payment for that grain until the undertaking in respect of which the endorsement was made has been discharged, and shall make an appropriate entry of the deduction in the permit book.

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Right of Board to recover.

(2) The Board may recover any of the moneys to which it is entitled under subsection (1) by action or proceedings against the person receiving delivery of the grain as if the grain were delivered and sold on behalf of the Board, and any such moneys received by the Board shall be deemed to be a repayment to the Board on account of the advance payment.

25

Cancellation of endorsement.

(3) When the recipient of an advance has discharged his undertaking, the Board shall cancel the endorsement in his permit book by an appropriate entry therein.

30

Endorsements in permit books to continue until undertakings are discharged.

12. Notwithstanding any other Act or law, where the permit book of the recipient has been endorsed as required by section 8, he is not, until he has discharged his undertaking, entitled to receive or use another permit book in substitution for that permit book for the same or any subsequent crop year unless an endorsement to the same effect is made therein.

35

ARTICLE IV

Section 1. The Board shall have a regular meeting on the first day of January in each year, and such other meetings as may be called by the Board.

Section 2. The Board shall have the right to call a special meeting at any time, and to adjourn from time to time, and to change the place of its meetings, and to do all such other acts and things as may be necessary or proper for the purpose of carrying out its duties.

Section 3. The Board shall have the right to elect or appoint such officers and agents as may be necessary for the proper conduct of its business, and to determine their powers and duties.

Section 4. The Board shall have the right to receive and accept gifts, donations, and bequests of money, real estate, and personal property, and to use the same for the purposes of the corporation.

Section 5. The Board shall have the right to sue and be sued, and to defend itself in any court of law or equity.

Section 6. The Board shall have the right to make, alter, and repeal such bylaws as may be necessary for the proper conduct of its business, and to enforce the same.

Section 7. The Board shall have the right to do all such other acts and things as may be necessary or proper for the purpose of carrying out its duties.

DEFAULT IN UNDERTAKING.

Default.

13. (1) For the purposes of this Act, a recipient shall be deemed to be in default if his undertaking has not been discharged

- (a) within ten days after the date on which the Board mails or delivers or causes to be mailed or delivered 5 a written notice to him stating that he has, in the opinion of the Board, had adequate opportunity to discharge his undertaking or has, otherwise than by delivery to the Board, disposed of all or part of the grain in respect of which the advance was made, and 10 requesting him to discharge his undertaking by delivery of grain to the Board or otherwise;
- (b) before the 15th day of September in the new crop year immediately following the crop year in which the advance payment was made, and he has not applied 15 for a permit book for such new crop year in substitution for the permit book specified in his application; or
- (c) before the 31st day of December in the new crop year immediately following the crop year in which the 20 advance payment was made, or such later date as the Board may authorize in special cases.

Waiver of default.

(2) The Board may for any cause it deems sufficient waive any default for a specified period, and where a default is waived it shall, for the purposes of this Act, be deemed 25 to have occurred at the expiration of such period.

Proceedings after default.

14. Where a producer is in default, all proceedings against him to enforce his undertaking may be taken in the name of the Board or in the name of Her Majesty.

Reimbursement to the Board by the Minister of Finance.

15. As soon as practicable after receiving requests 30 therefor from the Board, the Minister of Finance shall out of the Consolidated Revenue Fund pay to the Board

- (a) interest charges paid or payable by the Board with respect to money borrowed by it or advanced on its behalf for the purposes of this Act, and 35
- (b) amounts of advance payments outstanding at the time of default, to the extent that the Board has not been reimbursed therefor after default.

Board may recover amount in default from participation money payable to producers.

16. (1) Where a recipient has defaulted in his undertaking, the Board may, in addition to any other right or 40 remedy under this Act, and notwithstanding the *Canadian Wheat Board Act*, withhold, out of the moneys that may at any time thereafter (other than at the time of the sale of grain by the recipient) become payable by the Board to such recipient, until the amount in default, together with 45 interest at six per cent per annum from the time of default, has been discharged.

Discharges
liability of
Board.

(2) An amount withheld by the Board under subsection (1) shall be credited to the recipient in reduction of the amount in default and is a discharge of the liability of the Board under the *Canadian Wheat Board Act* to pay him that amount.

5

Return of
money
recovered
after default.

17. Where the Board has received payment from the Minister of Finance in respect of an amount in default, and subsequently all or any part of the amount in default is recovered, the amount recovered shall be paid to the Minister of Finance, and the Minister of Finance may pay to the Board such portion thereof as is required to enable the Board to reimburse any manager or operator of an elevator or other person authorized by the Board to make advance payments on its behalf for any share of the loss sustained by him by reason of the default.

15

GENERAL.

Loans under
*Prairie Grain
Producers
Interim
Financing Act,
1956.*

18. (1) Where an applicant for an advance payment is indebted to a bank in respect of a guaranteed loan obtained by him under the *Prairie Grain Producers Interim Financing Act, 1956*, the unpaid balance of the guaranteed loan, together with any interest or other charges owing thereunder, owing to the bank shall be deducted from the advance payment and paid to the bank, and the bank shall cancel any endorsement in the permit book made under that Act.

20

Loans
payable to
Minister of
Finance.

(2) Where under the Act referred to in subsection (1) or the *Prairie Grain Producers' Interim Financing Act, 1951*, a bank has been paid by the Minister of Finance or the Board withholds any moneys for the Minister in respect of a guaranteed loan, the moneys recovered from a borrower by the bank or by the Board shall be paid by each of them, respectively, to the Minister.

25

30

Expenditures
of the Board.

19. (1) All expenditures made by the Board in the administration of this Act, other than those reimbursed to the Board by the Minister of Finance under section 15, shall be deemed to be expenses of the Board within the meaning of section 26 of the *Canadian Wheat Board Act*.

35

Payment of
expenditures
or portion
thereof out of
separate
account.

(2) The Governor in Council may, by order, direct that the expenditures referred to in subsection (1) or such portion of them as he deems advisable shall be paid out of the separate account referred to in section 29A of the *Canadian Wheat Board Act*.

40

Offence and
penalty.

20. (1) Every person who,

(a) knowingly makes any misrepresentation in any application, or, for the purpose of obtaining an advance payment or evading compliance with his undertaking, wilfully furnishes to the Board any false or misleading information, or 5

(b) being a recipient whose undertaking has not been discharged, delivers grain, or causes any other person to deliver grain on his behalf, under a permit book that has not been endorsed as required by this Act, 10
is guilty of an offence and is 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.

Limitation on
offences.

(2) A prosecution under subsection (1) may be instituted 15
at any time within two years from the time when the subject-matter of the complaint arose.

Regulations.

21. The Governor in Council may make regulations

(a) prescribing the forms of applications, directions, endorsements, reports or other documents to be used in connection with advance payments or for the effective operation of this Act; 20

(b) prescribing the steps to be taken to effect collection of any amount in default in connection with advance payments; 25

(c) requiring reports to be made to or by the Board in connection with advance payments; and

(d) prescribing anything that is to be prescribed under this Act and, generally, for carrying the purposes and provisions of this Act into effect. 30

Annual
report.

22. The Board shall include in the annual report required to be made by it under the *Canadian Wheat Board Act* a report on the operation and administration of this Act for the calendar year immediately preceding the date on which the annual report is made, or for such other period as the governor in Council prescribes. 35

Levy under
*Prairie Farm
Assistance
Act.*

23. Notwithstanding section 11 of the *Prairie Farm Assistance Act*, no levy shall under that Act be deducted from an advance payment, but for the purposes of that Act there shall be deducted from that portion of the initial payment payable to the recipient at the time of sale and delivery of grain to the Board a levy of two per cent of the initial payment until the recipient has discharged his undertaking under this Act. 40

Coming into force.

Coming into
force.

24. This Act shall come into force on a day to be fixed 45
by proclamation of the Governor in Council.

15.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957

THE HOUSE OF COMMONS OF CANADA.

BILL 15.

An Act to amend the Criminal Code.

First reading, October 28, 1957.

THE MINISTER OF JUSTICE.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957

1st Session, 23rd Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 15.

An Act to Amend the Criminal Code.

1953-54, c. 51;
1955, cc. 2, 45;
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. Paragraph (a) of section 581 of the French version of the *Criminal Code* is repealed and the following substituted 5 therefor:

“cour
d’appel”

“a) “cour d’appel” signifie la cour d’appel, définie à l’alinéa (12) de l’article 2, pour la province ou le territoire où se tient le procès d’une personne par acte d’accusation;”

10

EXPLANATORY NOTE

The purpose of this amendment is to correct an error in section 581 of the French version of the *Criminal Code* in the cross-reference to the definition of "cour d'appel" in section 2. The reference should be to paragraph (12) of section 2 and not paragraph (9).

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 16.

An Act to provide for Annual Vacations with Pay for Employees in Federal Works, Undertakings and Businesses.

First reading, October 29, 1957.

THE MINISTER OF LABOUR.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957

THE HOUSE OF COMMONS OF CANADA.

BILL 16.

An Act to provide for Annual Vacations with Pay for Employees in Federal Works, Undertakings and Businesses.

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 *Annual Vacations Act*.

INTERPRETATION.

Definitions.

"Federal works, undertakings or businesses."

2. In this Act,

(a) "federal works, undertakings or businesses" means

(i) works, undertakings or businesses operated or carried on for or in connection with navigation and shipping, whether inland or maritime, including the operation of ships and transportation by ship anywhere in Canada;

(ii) railways, canals, telegraphs and other works and undertakings connecting a province with any other or others of the provinces, or extending beyond the limits of a province;

(iii) lines of steam and other ships connecting a province with any other or others of the provinces, or extending beyond the limits of a province;

(iv) ferries between any province and any other province or between any province and any country other than Canada;

(v) aerodromes, aircraft and lines of air transportation;

(vi) radio broadcasting stations;

(vii) banks and banking;

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EXPLANATORY NOTE.

The purpose of this Bill is to provide annual vacations with pay for employees in federal works, undertakings or businesses.

- (viii) such works or undertakings as, although wholly situate within a province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the provinces; and 5
- (ix) any work, undertaking or business outside the exclusive legislative authority of the legislature of any province, and all other works, undertakings or businesses that are within the legislative authority of the Parliament of Canada, but not including any works, undertakings or businesses of a local or private nature in the Yukon Territory or the Northwest Territories; 10
- "Minister."
"Vacation pay."
(b) "Minister" means the Minister of Labour; 15
(c) "vacation pay" means
(i) four per cent of the wages of an employee during the year of employment in respect of which he is entitled to the vacation, if he is entitled to a vacation of two weeks, and 20
(ii) two per cent of the wages of an employee during the year of employment in respect of which he is entitled to the vacation, if he is entitled to a vacation of one week;
- "Wages."
(d) "wages" means gross wages, salary or remuneration, whether received in money or otherwise, and, without restricting the generality of the foregoing, includes vacation pay and payment for overtime; and 25
- "Year of employment."
(e) "year of employment" means continuous employment of an employee by one employer 30
(i) for a period of twelve consecutive months beginning with the day the employment began or any subsequent anniversary day thereafter, or
(ii) for a calendar year or other year approved in relation to any federal work, undertaking or business by the Minister under the regulations. 35

APPLICATION.

Application of Act.

- 3.** This Act applies to and in respect of
(a) employment upon or in connection with any federal works, undertakings or businesses;
(b) employers engaged in any federal works, undertakings or businesses; 40
(c) employees employed upon or in connection with any federal works, undertakings or businesses; and
(d) employment of employees by any corporation established to perform any function or duty on behalf of the Government of Canada. 45

ANNUAL VACATIONS.

Annual
vacation
of two weeks
with pay.

One week.

"Completed
year of
employ-
ment"
defined.

Special
holiday.

Vacation pay
deemed
wages.

Time when
vacation
with pay to
be granted.

Transfer of
work,
undertaking
or business.

4. (1) Subject to this Act, every employee is entitled to a vacation of at least two weeks with vacation pay in respect of every completed year of employment.

(2) If, at the end of a completed year of employment in respect of which an employee is entitled under this Act to a vacation with vacation pay, the employee's most recent period of continuous employment with his employer was less than two years, the vacation with vacation pay to which the employee is entitled in respect of that year of employment is one week.

(3) A completed year of employment includes

(a) a year of employment begun before the commencement of this Act and completed after that time;

(b) a year of employment begun and completed after the commencement of this Act; and

(c) a year of employment begun within two years prior to the commencement of this Act, if the employee was continuously employed thereafter with one employer until the commencement of this Act.

(4) Where a special holiday for which wages are paid to an employee without working occurs during the vacation granted to the employee pursuant to this Act, the vacation to which the employee is entitled under this Act shall be extended by one day, and the employer shall pay to the employee in addition to the vacation pay the wages to which the employee is entitled for that special holiday.

(5) Vacation pay shall for all purposes be deemed to be wages.

5. The employer of an employee who under this Act has become entitled to a vacation with vacation pay shall

(a) grant to the employee the vacation to commence not later than ten months immediately following the completion of the year of employment in respect of which the employee became entitled to the vacation, and

(b) at least one day prior to the commencement of the vacation or at such earlier time as the regulations prescribe, pay to the employee the vacation pay to which he is entitled in respect of that vacation.

GENERAL.

6. Where any particular federal work, undertaking or business in which an employee is employed is, by sale, lease, merger or otherwise, transferred from an employer to a new employer, the employment of the employee by

the two employers before and after the transfer in the work, undertaking or business shall be deemed to be continuous with one employer, notwithstanding the transfer.

Termination
of employ-
ment.

7. Where the employment of an employee by an employer is terminated before the completion of a year of employment, the employer shall forthwith pay to the employee any vacation pay then owing by him to the employee under this Act in respect of a prior year of employment, and shall also pay to the employee

(a) four per cent of the wages of the employee during the completed portion of the year of employment, if the period of continuous employment of the employee with the employer ending with the termination is two years or more, or

(b) two per cent of the wages of the employee during the completed portion of the year of employment, if the period of continuous employment of the employee with the employer ending with the termination is more than thirty days and less than two years.

Act prevails
over other
laws or
contracts,
etc.

8. (1) Subject to subsection (2), this Act applies, notwithstanding any other law or any custom, or any contract or arrangement, whether made before or after the commencement of this Act, but nothing in this Act shall be construed as affecting any rights or benefits of an employee under any law, custom, contract or arrangement that are more favourable to him than his rights or benefits under this Act.

Collective
agreements.

(2) Where on the day this Act comes into force an employer is bound by a collective agreement that was entered into before that day and there is any inconsistency between the provisions of the collective agreement and any of the provisions of this Act or the regulations, the provisions of the collective agreement prevail to the extent of the inconsistency during the then current term of the collective agreement.

REGULATIONS.

Regulations.

9. The Governor in Council may make regulations for carrying out the purposes and provisions of this Act and, without restricting the generality of the foregoing, may make regulations

(a) for calculating and determining wages, including the monetary value of remuneration, other than money, received by an employee in respect of his employment;

(b) defining the circumstances and conditions under which the rights of an employee may be waived or the enjoyment thereof postponed;

- (c) prescribing the time within which vacation shall be granted and vacation pay paid, notwithstanding section 5, to employees who are entitled to a vacation with vacation pay under section 4 at the coming into force of this Act; 5
- (d) providing for the payment of vacation pay to which an employee is entitled to the Minister or to some other person in the event that the employee cannot be found or in any other case;
- (e) requiring employers to keep records of employees, wages, working time, vacations and other matters relevant to this Act and providing for the production and inspection thereof; 10
- (f) exempting any employers or employees or any classes of employers or employees or any work, undertaking or business or class or part thereof from all or any of the provisions of this Act; 15
- (g) prescribing the notices to be given to employees of the times when vacations may be taken;
- (h) prescribing the time when vacation pay shall be paid; 20
- (i) defining the absences from employment that shall be deemed not to have interrupted continuity of employment;
- (j) respecting the approval by the Minister of a year of employment in relation to any federal work, undertaking or business; 25
- (k) for the calculation and determination of vacation and vacation pay in the case of seasonal or temporary employees or in other suitable cases; and 30
- (l) providing for the granting of vacation or payment of vacation pay in the event of temporary cessation of employment.

OFFENCE AND PUNISHMENT.

Violation of
Act or
regulation.

10. (1) Every person who violates any of the provisions of this Act or any regulation is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars. 35

Order to pay
vacation pay.

(2) Where an employer is convicted of an offence under this section in respect of an employee, the convicting court, in addition to any other penalty, may order the employer to pay to the employee the vacation pay to which the employee is entitled and the employer shall comply with such an order. 40

Procedure.

11. (1) A complaint or information under this Act may relate to one or more offences by one employer in respect of one or more of his employees.

Time limit.

(2) Proceedings in respect of an offence under this Act may be instituted at any time within one year after the 5
time when the subject-matter of the proceedings arose.

COMING INTO FORCE.

Commence-
ment.

12. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

17.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 17.

An Act to amend the Interest Act.

First reading, October 31, 1957.

MR. ARGUE.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957

THE HOUSE OF COMMONS OF CANADA.

BILL 17.

An Act to amend the Interest Act.

R.S., c. 156.

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

Rate of interest not to exceed twelve per cent per annum.

1. Section 2 of the *Interest Act* is repealed and the following substituted therefor: 5

"2. Except as otherwise provided by this or by any other Act of Parliament no person may stipulate, allow or exact on any contract or agreement whatsoever, a rate of interest in excess of twelve per cent per annum, whether it is called interest or is claimed as a discount, deduction 10 from advance, commission, brokerage, chattel mortgage fees, or recording fees, or is claimed as fines, penalties or charges for inquiries, defaults or renewals or otherwise, and whether paid to or charged by the lender or paid to or charged by any other person, and whether fixed and deter- 15 mined by the loan contract itself, or in whole or in part by any other collateral contract or document by which the charges, if any, imposed under the contract or the terms of the repayment of the loan are effectively varied."

EXPLANATORY NOTE.

Section 2 as at present provides that there is no restriction as to the rate of interest except as provided by statute. The amendment limits the rate to twelve per cent.

This section now reads as follows:

"2. Except as otherwise provided by this or by any other Act of the Parliament of Canada, any person may stipulate for, allow and exact, on any contract or agreement whatsoever, any rate of interest or discount that is agreed upon."

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 19.

An Act to amend the Old Age Security Act.

First reading, November 1, 1957.

THE MINISTER OF NATIONAL HEALTH
AND WELFARE.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957

THE HOUSE OF COMMONS OF CANADA.

BILL 19.

An Act to amend the Old Age Security Act.

R.S. c. 200. **H**ER 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 3 of the *Old Age Security Act* is repealed and the following substituted therefor: 5

Payment of pension.

"3. (1) Subject to the provisions of this Act and the regulations, a monthly pension of fifty-five dollars may be paid in respect of every person who

(a) has attained the age of seventy years; and

(b) has resided in Canada for the ten years immediately 10 preceding the day on which his application is approved, or, if he has not so resided,

(i) has been present in Canada prior to those ten years for an aggregate period at least equal to twice the aggregate periods of absence from 15 Canada during those ten years, and

(ii) has resided in Canada for at least one year immediately preceding the day on which his application is approved."

2. Subsection (1) of section 5 of the said Act is repealed 20 and the following substituted therefor:

Suspension of pension.

"5. (1) Where a pensioner absents himself from Canada for a period in excess of one month, payment of his pension shall be suspended immediately following the payment for the month in which he so absents himself, but may be 25 resumed when the pensioner returns; and where the pensioner returns to Canada within six months from the last day of the first month in which he so absented himself from Canada, the pension upon being resumed may also be paid for the period during which he so absented himself, but 30 not exceeding a total of six months in any calendar year."

EXPLANATORY NOTES.

1. The present subsection reads as follows:

- "3. (1) Subject to the provisions of this Act and the regulations, a monthly pension of *forty-six* dollars may be paid in respect of every person who
- (a) has attained the age of seventy years; and
 - (b) has resided in Canada for the *twenty* years immediately preceding the day on which his application is approved, or, if he has not so resided,
 - (i) has been present in Canada prior to those *twenty* years for an aggregate period at least equal to twice the aggregate periods of absence from Canada during those *twenty* years, and
 - (ii) has resided in Canada for at least one year immediately preceding the day on which his application is approved."

The purposes of the amendment are to increase the pension to fifty-five dollars per month, and to reduce the residence requirement to ten years.

2. The present subsection reads as follows:

- "5. (1) Where a pensioner absents himself from Canada, payment of his pension shall be suspended immediately following the payment for the month in which he so absents himself, but may be resumed when the pensioner returns; and where the pensioner returns to Canada within six months from the time he left Canada, the pension upon being resumed may also be paid for a period of such absence not exceeding *three* months in any calendar year."

The purpose of the amendment is to increase the length of permissible absences from Canada to six months.

Coming into
force.

3. This Act shall be deemed to have come into force on the 1st day of November, 1957.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 20.

An Act to amend the Old Age Assistance Act.

First reading, November 1, 1957.

THE MINISTER OF NATIONAL HEALTH
AND WELFARE.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957

THE HOUSE OF COMMONS OF CANADA.

BILL 20.

An Act to amend the Old Age Assistance Act.

R.S. c. 199.

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

Agreements
with
provinces.

1. (1) Subsection (1) of section 3 of the *Old Age Assistance Act* is repealed and the following substituted therefor: 5

"3. (1) The Minister, with the approval of the Governor in Council, may, on behalf of the Government of Canada, make an agreement with a province to provide for the payment to the province, in accordance with this Act and the regulations, of amounts in respect of assistance paid by the province pursuant to provincial law, not exceeding, in respect of any recipient, fifty per cent of fifty-five dollars monthly or of the amount of assistance paid by the province monthly to the recipient, whichever is the lesser." 15

(2) Subparagraph (ii) of paragraph (a) of subsection (2) of section 3 of the said Act is repealed and the following substituted therefor:

"(ii) has resided in Canada for the ten years immediately preceding that date, or, if he has not so resided, has been present in Canada prior to those ten years for an aggregate period equal to twice the aggregate periods of absences from Canada during those ten years;" 20

(3) Paragraph (c) of subsection (2) of section 3 of the said Act is repealed and the following substituted therefor:

"(c) is,

(i) an unmarried person, and his income, inclusive of assistance, is not more than nine hundred and sixty dollars a year, 30

(ii) married and living with his spouse and the total income, inclusive of assistance, of the recipient and his spouse is not more than sixteen hundred and twenty dollars a year, or

EXPLANATORY NOTES.

1. (1) The present subsection (1) of section 3 reads as follows:

"3. (1) The Minister, with the approval of the Governor in Council, may, on behalf of the Government of Canada, make an agreement with a province to provide for the payment to the province, in accordance with this Act and the regulations, of amounts in respect of assistance paid by the province pursuant to provincial law, not exceeding, in respect of any recipient, fifty per cent of *forty-six* dollars monthly or of the amount of assistance paid by the province monthly to the recipient, whichever is the lesser."

The purpose of the amendment is to increase to fifty-five dollars monthly the maximum amount of assistance in respect of which contributions may be made under the Act.

(2) The present subparagraph (ii) reads as follows:

"(ii) has resided in Canada for the *twenty* years immediately preceding that date, or if he has not so resided, has been present in Canada prior to those *twenty* years for an aggregate period equal to twice the aggregate period of absences from Canada during those *twenty* years."

The purpose of the amendment is to reduce the basic residence requirement to ten years.

(3) The present paragraph (c) reads as follows:

"(c) is,

- (i) an unmarried person, and his income, inclusive of assistance, is not more than *eight hundred and forty* dollars a year,
- (ii) married and living with his spouse and the total income, inclusive of assistance, of the recipient and his spouse is not more than *thirteen hundred and eighty* dollars a year, or

- (iii) married and living with his spouse who is blind within the meaning of the *Blind Persons Act* and the total income, inclusive of assistance, of the recipient and his spouse is not more than nineteen hundred and eighty dollars a year. 5

Coming into
force.

2. This Act shall be deemed to have come into force on the 1st day of November, 1957.

(iii) married and living with his spouse who is blind within the meaning of the *Blind Persons Act* and the total income, inclusive of assistance, of the recipient and his spouse is not more than *seventeen hundred and forty* dollars a year."

The purpose of the proposed amendment is to increase permissible income as indicated.

21.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 21.

An Act to amend the Blind Persons Act.

First reading, November 1, 1957.

THE MINISTER OF NATIONAL
HEALTH AND WELFARE.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957

THE HOUSE OF COMMONS OF CANADA.

BILL 21.

An Act to amend the Blind Persons Act.

R.S. c. 17;
1955, c. 26.

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

Agreements
with
provinces.

1. (1) Subsection (1) of section 3 of the *Blind Persons Act* is repealed and the following substituted therefor: 5

“3. (1) The Minister, with the approval of the Governor in Council, may, on behalf of the Government of Canada, make an agreement with a province to provide for the payment to the province, in accordance with this Act and the regulations, of amounts in respect of allowances 10 paid by the province pursuant to provincial law, not exceeding, in respect of any recipient, seventy-five per cent of fifty-five dollars monthly or of the amount of the allowance paid by the province monthly to the recipient, which-
ever is the lesser.” 15

1955, c. 26,
s. 1.

(2) Paragraph (c) of subsection (2) of section 3 is repealed and the following substituted therefor:

“(c) is

- (i) an unmarried person, without a dependent child or children and his income, inclusive of allowance, 20 is not more than twelve hundred dollars a year,
- (ii) an unmarried person with a dependent child or children, and his income, inclusive of allowance, is not more than sixteen hundred and eighty 25 dollars a year,
- (iii) married and living with his spouse and the total income, inclusive of allowance, of the recipient and his spouse is not more than nineteen hundred and eighty dollars a year, or
- (iv) married and living with his spouse who is blind 30 and the total income, inclusive of allowance, of the recipient and his spouse is not more than two thousand one hundred dollars a year.”

EXPLANATORY NOTES.

1. (1) The present subsection (1) of section 3 reads as follows:

"3. (1) The Minister, with the approval of the Governor in Council, may, on behalf of the Government of Canada, make an agreement with a province to provide for the payment to the province, in accordance with this Act and the regulations, of amounts in respect of allowances paid by the province pursuant to provincial law, not exceeding, in respect of any recipient, seventy-five per cent of *forty-six* dollars monthly or of the amount of the allowance paid by the province monthly to the recipient, whichever is the lesser."

The purpose of this amendment is to increase to fifty-five dollars monthly the maximum amount of allowance in respect of which contributions may be made under the Act.

(2) The present paragraph (c) reads as follows:

"(c) is

- (i) an unmarried person, without a dependent child or children and his income, inclusive of allowance, is not more than *one thousand and eighty* dollars a year, or
- (ii) an unmarried person with a dependent child or children, and his income, inclusive of allowance, is not more than *fifteen hundred and sixty* dollars a year, or
- (iii) married and living with his spouse and the total income, inclusive of allowance, of the recipient and his spouse is not more than *seventeen hundred and forty* dollars a year, or
- (iv) married and living with his spouse who is blind and the total income, inclusive of allowance, of the recipient and his spouse is not more than *eighteen hundred and sixty* dollars a year."

The purpose of the amendment is to increase the permissible income as indicated.

Coming into
force.

2. This Act shall be deemed to have come into force
on the 1st day of November, 1957.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 22.

An Act to amend the Senate and House of Commons Act.

First reading, November 4, 1957.

Mr. JOHNSON.

1st Session, 23rd Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 22.

An Act to amend the Senate and House of Commons Act.

R.S., cc. 249,
310, s. 5;
1053-54, cc.
10, 13, s. 18.

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

R. S., c. 249,
s. 45.

1. Subsection (1) of section 45 of the *Senate and House of Commons Act* is amended by adding thereto the following 5
proviso:

“Provided that the attendance shall be taken during each sitting day and a list of members present annexed to the Votes and Proceedings of the House of Commons of each day”.

10

EXPLANATORY NOTES.

I. Subsection (1) of section 45 at present reads as follows:

"45. (1) For each session of Parliament, at the end of each month and at the end of the session, each member shall furnish the Clerk of the House of which he is a member with a statement, signed by him, of the number of day's attendance during the month or session, as the case may be, for which he is entitled to the said allowance, and, in case days are included on which the member has failed to attend by reason of illness, setting forth that fact and that his absence was due to such illness and unavoidable."

The purpose of this amendment is to acquaint the Canadian people with the attendance of their elected representatives in the Parliament of Canada.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 23.

An Act to amend the Disabled Persons Act.

First reading, November 4, 1957.

THE MINISTER OF NATIONAL HEALTH
AND WELFARE.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957

THE HOUSE OF COMMONS OF CANADA.

BILL 23.

An Act to amend the Disabled Persons Act.

1953-54, c. 55.

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

Agreements
with
provinces.

1. (1) Subsection (1) of section 3 of the *Disabled Persons Act* is repealed and the following substituted therefor: 5

“3. (1) The Minister, with the approval of the Governor in Council, may, on behalf of the Government of Canada, make an agreement with a province to provide for the payment to the province, in accordance with this Act and the regulations, of amounts in respect of allowances paid by the province pursuant to provincial law, not exceeding, in respect of any recipient, fifty per cent of fifty-five dollars monthly or of the amount of the allowance paid by the province monthly to the recipient, whichever is the lesser.” 10

(2) Paragraphs (e), (f) and (g) of subsection (2) of section 3 of the said Act are repealed and the following substituted therefor: 15

“(e) is not a patient in a tuberculosis sanatorium or mental institution;

(f) is not a patient or resident in a hospital, nursing home, infirmary, home for the aged, an institution for the care of incurables, or a private, charitable or public institution, except as prescribed in the regulations; and 20

(g) is 25

(i) an unmarried person, and his income, inclusive of allowance, is not more than nine hundred and sixty dollars a year,

(ii) married and living with his spouse, and the total income, inclusive of allowance, of the recipient and his spouse is not more than sixteen hundred and twenty dollars a year, or 30

(iii) married and living with his spouse who is blind within the meaning of the *Blind Persons Act*, and

EXPLANATORY NOTES.

1. (1) The present subsection (1) of section 3 reads as follows:

"3. (1) The Minister, with the approval of the Governor in Council, may, on behalf of the Government of Canada, make an agreement with a province to provide for the payment to the province, in accordance with this Act and the regulations, of amounts in respect of allowances paid by the province pursuant to provincial law, not exceeding, in respect of any recipient, fifty per cent of *forty-six* dollars monthly or of the amount of the allowance paid by the province monthly to the recipient, whichever is the lesser."

The purpose of the amendment is to increase to fifty-five dollars per month the maximum allowance in respect of which contributions may be made under the Act.

(2) The present paragraphs (e) and (f) read as follows:

"(e) is not a patient in a tuberculosis sanatorium, mental institution, *home for the aged, infirmary or institution for the care of incurables;*

(f) is not a patient or resident in a hospital, nursing home, or private, charitable or public institution, except as prescribed in the regulations; and"

The purpose of the amendment is to permit contributions, subject to regulations, in respect of persons in the institutions as indicated.

The present paragraph (g) reads as follows:

"(g) is

- (i) an unmarried person, and his income, inclusive of allowance, is not more than *eight hundred and forty* dollars a year, or
- (ii) married and living with his spouse, and the total income, inclusive of allowance, of the recipient and his spouse is not more than *thirteen hundred and eighty* dollars a year, or
- (iii) married and living with his spouse who is blind within the meaning of the *Blind Persons Act*, and the total income, inclusive of allowance, of the recipient and his spouse is not more than *seventeen hundred and forty* dollars a year."

The purpose of the amendment is to increase permissible income as indicated.

the total income, inclusive of allowance, of the recipient and his spouse is not more than nineteen hundred and eighty dollars a year."

Coming into
force.

2. This Act shall be deemed to have come into force on the 1st day of November, 1957.

24.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 24.

An Act to amend the Indian Act.

First reading, November 5, 1957.

MR. HOWARD.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957

1st Session, 23rd Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 24.

An Act to amend the Indian Act.

R.S., c. 149;
1952-53, c. 41;
1956, c. 40.

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

Subsection repealed.

1. Subsection (2) of section 86 of the *Indian Act* is repealed.

EXPLANATORY NOTE.

1. Subsection (2) of section 86 of the *Indian Act* at present reads as follows:

"(2) Subsection (1) does not apply to or in respect of the personal property of an Indian who has executed a waiver under the provisions of paragraph (e) of subsection (2) of section 14 of the *Canada Elections Act*."

The purpose of this Bill is complementary to another Bill of this session to amend the *Canada Elections Act*. It is to provide that Indians, as defined in this Act, shall be entitled to vote at Federal Elections without detracting from their hereditary, treaty, aboriginal, or other similar rights.

THE PARLIAMENT OF CANADA

THE INDIAN ACT

ARTICLE

SECTION

The purpose of this Bill is to amend the Indian Act, and to provide that Indians, as defined in this Act, shall be entitled to vote in Federal elections without surrendering their hereditary, treaty, or other Indian rights.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 25.

An Act to amend the Canada Elections Act.

First reading, November 5, 1957.

MR. HOWARD.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957

THE HOUSE OF COMMONS OF CANADA.

BILL 25.

An Act to amend the Canada Elections Act.

R.S., cc. 23,
306, 334, ss.
8, 9; 1952-53,
c. 24, s. 7;
1955, c. 44.

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

Paragraph
repealed.

1. Paragraph (e) of subsection (2) of section 14 of the *Canada Elections Act* is repealed. 5

Subsection
repealed.

2. Subsection (4) of section 14 of the said Act is repealed.

3. Section 14 of the said Act is amended by adding thereto the following subsection:

Rights
protected.

“(8) Notwithstanding anything in this Act or the *Indian Act*, an Indian, as defined in the *Indian Act*, shall not have any of his hereditary, treaty, aboriginal, or other similar rights detracted from by reason of having his name included in the list of electors for the polling division in which he was ordinarily resident on the date of the issue of the writ ordering an election in the electoral district, or by reason of having voted at an election.” 10 15

EXPLANATORY NOTE.

Paragraph (e) of subsection (2) of section 14 at present reads as follows:

“(e) every Indian, as defined in the *Indian Act*, ordinarily resident on a reserve, unless,

- (i) he was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the 9th day of September, 1950, or
- (ii) he executed a waiver, in a form prescribed by the Minister of Citizenship and Immigration, of exemption under the *Indian Act* from taxation on and in respect of personal property, and subsequent to the execution of such waiver a writ has issued ordering an election in any electoral district;”

Subsection (4) of section 14 at present reads as follows:

“(4) Notwithstanding anything in this Act, a woman, who is the wife of an Indian, as defined in the *Indian Act*, who was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service, subsequent to the 9th day of September, 1950, is entitled to have her name included in the list of electors prepared for the polling division in which she ordinarily resides and is entitled to vote in such polling division, if such a woman is otherwise qualified as an elector.”

The purpose of this Bill is to provide that Indians, as defined in the *Indian Act*, shall be entitled to vote at Federal Elections without their having any of their hereditary, treaty, aboriginal, or other similar rights abrogated.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 28.

An Act to amend the War Veterans Allowance Act, 1952.

First reading, November 6, 1957.

THE MINISTER OF VETERANS AFFAIRS.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957

THE HOUSE OF COMMONS OF CANADA

BILL 28.

An Act to amend the War Veterans Allowance Act, 1952.

R.S. c. 340;
1955, c. 13.

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 *War Veterans Allowance Act, 1952* is amended by adding thereto the following subsection:

Widows of
allied
veterans.

"(2) For the purposes of this Act, the expression "widow" includes a woman who has resided in Canada for a total period of at least ten years and was married to a person who has since died and who at the time of his death

(a) was resident in Canada, and

(b) was a person as described in paragraph (b) of subsection (4) or paragraph (b) of subsection (6) of section 30, except that he had not resided in Canada for a total period of at least ten years, but the total of the time he had resided in Canada prior to his death and the time that has elapsed since his death is at least ten years."

1955, c. 13,
s. 3.

2. (1) Paragraphs (a) and (b) of subsection (1) of section 5 of the said Act are repealed and the following substituted therefor:

"(a) one hundred and twenty dollars a month, or

(b) the monthly rate that will produce a total income, including allowance, to the surviving spouse of one thousand seven hundred and forty dollars a year."

1955, c. 13,
s. 3.

(2) Paragraphs (a) and (b) of subsection (3) of section 5 of the said Act are repealed and the following substituted therefor:

"(a) one hundred and twenty dollars a month, or

(b) the monthly rate that will produce a total income, including allowance, to the veteran of one hundred and forty-five dollars a month."

EXPLANATORY NOTES.

1. As the Act now stands Imperial and allied veterans with twenty years' residence in Canada are eligible for war veterans allowance and their widows as well. Under clause 6 of this Bill the qualifying period will be reduced to ten years. This amendment in clause 1 is intended to make eligible the widows of the same classes of veterans who die before fulfilling the condition of ten years of residence but that condition will still be preserved for these widows with respect to their husbands' stay in Canada as well as their own.

2. (1) The present paragraphs read as follows:

- "(a) one hundred and eight dollars a month, or
- (b) the monthly rate that will produce a total income, including allowance, to the surviving spouse of one thousand four hundred and forty dollars a year."

The purpose of the proposed amendment is to increase the award payable to the surviving spouse of a deceased veteran.

(2) The present paragraphs read as follows:

- "(a) one hundred and eight dollars a month, or
- (b) the monthly rate that will produce a total income, including allowance, to the veteran of one hundred and twenty dollars a month."

The purpose of the proposed amendment is to increase the award payable to a veteran on the death of his spouse or dependent child.

Repeal.

3. (1) Paragraph (h) of subsection (1) of section 6 of the said Act is repealed.

(2) Subsection (2) of section 6 of the said Act is repealed and the following substituted therefor:

Home of recipient.

“(2) In determining what shall be deemed to be the income of a recipient from any interest in real property, the value of any premises in which the recipient resides shall be taken into account only to the extent that it exceeds eight thousand dollars.” 5

Repeal.

4. Section 8 of the said Act is repealed. 10

5. Subsection (1) of section 14 of the said Act is repealed and the following substituted therefor:

Absence from Canada.

“**14.** (1) Where a recipient of an allowance absents himself from Canada, payment of his allowance shall be suspended immediately following the payment for the month in which he so absents himself, but may be resumed when the recipient returns; and where the recipient returns to Canada within six months from the last day of the first month in which he so absented himself from Canada, the allowance, upon being resumed, may also be paid for the period during which he so absented himself, but not exceeding a total of six months in any calendar year.” 15 20

1955, c. 13, s. 6.

Salaries.

6. (1) Subsection (6) of section 25 of the said Act is repealed and the following substituted therefor:

“(6) The Chairman shall be paid a salary at the rate of twelve thousand five hundred dollars a year, and each of the other members, including temporary members, shall be paid a salary at the rate of eleven thousand dollars a year.” 25

(2) This section shall be deemed to have come into force on the 1st day of July, 1957. 30

7. (1) Subsection (3) of section 30 of the said Act is repealed and the following substituted therefor:

Canadian veterans of World War I or World War II.

“(3) A Canadian veteran of World War I or World War II is any former member of His Majesty's Canadian forces 35

(a) who served during World War I or World War II, and

(i) served in a theatre of actual war,

(ii) is in receipt of a pension for injury or disease incurred or aggravated during his service in such forces, or 40

(iii) has accepted a commuted pension, or

3. (1) The paragraph to be repealed is

“(h) pay allotted or assigned by a member of the Canadian forces on active service, where no dependants' allowance or moneys paid for such purpose has been awarded in respect of the recipient or the spouse of such recipient;”

This provision is no longer applicable. It was enacted to cover active service in war time only and not intended to apply to active service in peace time.

(2) The proposed amendment will increase from \$6,000 to \$8,000 the exemption from the value of the property in which the veteran resides for the purposes of determining income.

4. The section to be repealed is

“8. No allowance shall be paid in respect of any orphan who is in receipt of a pension under the *Pension Act*.”

The repeal will remove discrimination between two classes of orphans.

5. The present subsection reads as follows:

“14. (1) Where a recipient of an allowance absents himself from Canada, payment of his allowance shall be suspended immediately following the payment for the month in which he so absents himself, but may be resumed when he returns; and where the recipient returns to Canada *within six months from the time he left Canada*, the allowance upon being resumed may also be paid *for a period of such absence not exceeding three months in any calendar year*.”

The purpose of the amendment is to increase the length of permissible absences from Canada to six months.

6. The present salary of the Chairman is \$11,000 and that of the members of the Board is \$9,500.

7. (1) The present provision is

“(3) A Canadian veteran of World War I or World War II is any former member of His Majesty's Canadian forces who served during World War I or World War II, and

- (a) served in a theatre of actual war,
- (b) is in receipt of a pension for injury or disease incurred or aggravated during his service in such forces, or
- (c) has accepted a commuted pension.”

The proposed amendment will qualify for allowance Canadian veterans who served at least three hundred and sixty-five days in the United Kingdom.

(b) who served in the United Kingdom during World War I for at least three hundred and sixty-five days prior to the 12th day of November, 1918."

(2) The portion of paragraph (b) of subsection (4) of section 30 of the said Act that precedes subparagraph (i) thereof is repealed and the following substituted therefor: 5

"(b) any former member of His Majesty's forces, or of any of the forces of any of His Majesty's allies or powers associated with His Majesty in any war concluded on or before the 31st day of August, 1921, who served during any such war, and has resided in Canada for a total period of at least ten years, and" 10

(3) Subparagraph (iii) of paragraph (b) of subsection (6) of section 30 of the said Act is repealed and the following substituted therefor: 15

"(iii) has resided in Canada for a total period of at least ten years, and"

1955, c. 13,
s. 8.

8. Schedules A and B to the said Act are repealed and Schedules A and B to this Act are substituted therefor.

Coming
into force.

9. This Act, except section 6, shall be deemed to have come into force on the 1st day of November, 1957. 20

(2) The present paragraph (b) reads as follows:

“(b) any former member of His Majesty’s forces, or of any of the forces of any of His Majesty’s allies or powers associated with His Majesty in any war concluded on or before the 31st day of August, 1921, who served during any such war, and has resided in Canada for a total period of at least *twenty* years, and”

(3) The present subparagraph reads as follows:

“(iii) has resided in Canada for a total period of at least *twenty* years, and”

The purpose of the proposed amendments is to reduce the residence qualifications from twenty to ten years.

8. The new Schedules will increase the rates as indicated.

SCHEDULE A.

TABLE OF ALLOWANCES.

I. Class of Recipient.	II. Monthly Rate.	III. Maximum total annual income (income including allowance).
1. (a) Unmarried veteran without child or not residing with child..... (b) Widow without child or not residing with child..... (c) Widower without child or not residing with child..... (d) Married veteran not residing with spouse, and without child or not residing with child.....	<u>\$70</u>	<u>\$1,080</u>
2. Married veteran residing with spouse.....	\$120	<u>\$1,740</u> total for veteran and spouse
3. (a) Unmarried veteran residing with child.... (b) Widow residing with child..... (c) Widower residing with child..... (d) Married veteran not residing with spouse and residing with child.....	\$120	<u>\$1,740</u>
4. Married veteran residing with spouse who is blind within meaning of the <i>Blind Persons Act</i>	\$120	<u>\$1,860</u> total for veteran and spouse
5. One orphan.....	\$40	\$720
6. Two orphans of one veteran.....	\$70 total for the two orphans	\$1,200 total for the two orphans
7. Three or more orphans of one veteran.....	\$85 total for the three or more orphans	\$1,440 total for the three or more orphans

SCHEDULE B.

TABLE OF ALLOWANCES.

I. Class of Recipient.	II. Monthly Rate.	III. Maximum total monthly income (income including allowance).
1. (a) Unmarried veteran without child or not residing with child. (b) Widow without child or not residing with child. (c) Widower without child or not residing with child. (d) Married veteran not residing with spouse, and without child or not residing with child.	<u>\$70</u>	<u>\$90</u>
2. Married veteran residing with spouse.	\$120	<u>\$145</u> total for veteran and spouse
3. (a) Unmarried veteran residing with child. (b) Widow residing with child. (c) Widower residing with child. (d) Married veteran not residing with spouse and residing with child.	\$120	<u>\$145</u>
4. Married veteran residing with spouse who is blind within meaning of the <i>Blind Persons Act</i> .	\$120	<u>\$155</u> total for veteran and spouse

35.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 35.

An Act to amend the Pension Act.

First reading, November 8, 1957.

THE MINISTER OF VETERANS AFFAIRS.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957

1st Session, 23rd Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 35.

An Act to amend the Pension Act.

R.S. cc. 207,
332; 1953-54,
c. 62.

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

1. (1) Section 9 of the *Pension Act* is repealed.

(2) Notwithstanding subsection (1), any pension payable under section 9 of the *Pension Act* immediately prior to the coming into force of this section shall continue to be payable thereunder as though section 9 of that Act had not been repealed. 5

2. Section 10 of the said Act is repealed and the following substituted therefor: 10

Retention
of benefits
under *Civil
Service Act*.

“10. A member of the Commission who, at the time of his appointment as such, held a position in the civil service or was an employee within the meaning of the *Civil Service Act*, retains and is eligible to receive all the benefits, except salary as a civil servant, that he would have retained or been eligible to receive had he remained under that Act.” 15

EXPLANATORY NOTES.

1. (1) and (2) The section being repealed reads as follows:

"9. The Governor in Council upon the retirement of any member of the Commission who has served either as a member of the Commission or as a member of the Board of Pension Commissioners for Canada or of the Federal Appeal Board or of the Pension Tribunal during at least twenty years, or who has so served during at least ten years and has reached the age of seventy years, or is physically or mentally incapacitated, and is not entitled to superannuation under the *Civil Service Superannuation Act*, may grant to him a pension for his life not exceeding one-third of the salary to which he was entitled as such member."

The Board of Pension Commissioners was abolished in 1933, the Federal Appeal Board in 1930 and the Pension Tribunal in 1933, and there is now only one retired member of the Commission to whom the section applies or could apply. The purpose of subclause (2) is to ensure the continuation of the pension now being paid to that person.

2. Section 10 presently reads as follows:

"10. (1) A civil servant who prior to or at the time of his appointment as a member of the Commission or the Court was or is a contributor under the provisions of the *Civil Service Superannuation Act* may elect, within three months of his appointment or three months from the date of the coming into force of this section, whichever is the later date, and is eligible, notwithstanding the provisions of the *Civil Service Superannuation Act*, to continue to be a contributor under the said Act; in which event his tenure of office as a member of the Board of Pension Commissioners for Canada or of the Pension Tribunal or of the Commission or of the Court shall be counted as service in the civil service for the purposes of the said Act and he, his widow and children, or other dependants, if any, are eligible to receive the respective allowances or gratuities provided by the said Act, instead of the grant referred to in section 9; and, in the event of his being retired from the said office as a member of the Commission or member of the Court for any reason other than that of misconduct, he is eligible to receive the same benefits under the said Act as if his office as a member of the Commission or a member of the Court had been abolished.

(2) A person who, prior to his appointment or reappointment as a civil servant, was a member of the Commission or of the Board of Pension Commissioners for Canada or of the Pension Tribunal or of the Pension Appeal Court, may elect, within three months of his appointment or re-appointment or three months from the date of the coming into force of this subsection, whichever is the later date, to count the period he served as a member of any of the said bodies as service in the civil service for the purposes of the *Civil Service Superannuation Act*.

(3) A member of the Commission or the Court who at the time of his appointment as such held a position in the civil service or was an employee within the meaning of the *Civil Service Act*, retains and is eligible to receive all the benefits, except salary as a civil servant, that he would have been eligible to receive had he remained under that Act."

Since the Canadian Pension Commission is now considered to be part of the Public Service for the purposes of the *Public Service Superannuation Act*, subsections (1) and (2) of the section being repealed have ceased to have any further operation. The explanatory note opposite clause 1 is applicable as regards the deletion of the italicized words in subsection (3).

3. Subsection (4) of section 11 of the said Act is repealed.

4. (1) Subsection (1) of section 12 of the said Act is repealed and the following substituted therefor:

Pension
Counsel.

"12. (1) There may be appointed such number of persons as may be considered necessary, who are or have 5
been barristers or advocates of good standing at the bar of any province, as officers of the Department to be called "Pension Counsel".

(2) Subsections (3) and (4) of section 12 of the said Act 10
are repealed.

5. Subsection (7) of section 13 of the said Act is repealed and the following substituted therefor:

British
subject
resident and
domiciled in
Newfound-
land.

"(7) A British subject resident and domiciled in Newfoundland at the time of his enlistment who served in the naval, army or air forces of His Majesty or in any of the 15
naval, army or air forces of any of the countries allied with His Majesty during World War II shall be deemed to be a member of the forces for the purposes of this section if the disability or death in respect of which the application is made is not pensionable by virtue of subsection (5) or (6)". 20

6. Subsection (3) of section 14 of the said Act is repealed and the following substituted therefor:

Application
of section.

"(3) The provisions of this section do not apply where the death of the member of the forces concerned occurred on service during World War I prior to the 1st day of 25
September, 1919, or occurred on service during World War II."

3. The subsection being repealed reads as follows:

"(4) The persons now holding the offices of chief pensions advocate and pensions advocates shall continue, during pleasure, to hold such offices."

This subsection was added to the Act in 1933, at which time an entirely new procedure was introduced with respect to pensions, and the subsection was considered necessary to continue in office the incumbents at that time.

4. (1) Subsection (1) of section 12 presently reads as follows:

"12. (1) There may be appointed such number of persons as may be considered necessary, who *shall be* barristers or advocates of good standing at the bar of any of the provinces of Canada, to be officers of the Department and to be called "Pension Counsel"."

The purpose of this amendment is to permit the appointment of persons with training in law who have elected to make a career in the Public Service, whether or not they have continued to pay annual dues to their respective law societies.

(2) The subsections being repealed read as follows:

"(3) The person now holding the office of Chief Commission Counsel and such of the persons now holding the office of commission counsel as the Minister may decide to be necessary shall be and become during pleasure, the Pension Counsel aforementioned.

(4) The Department shall from its staff furnish the Pension Counsel with such staff as may be necessary for the proper performance of their duties."

The explanatory note opposite clause 3 is applicable.

5. Subsection (7) of section 13 presently reads as follows:

"(7) A British subject resident and domiciled in Newfoundland at the time of enlistment who served in the naval, army or air forces of His Majesty or in any of the naval, army or air forces of any of the countries allied with His Majesty during World War II shall be deemed to be a member of the forces for the purposes of this section, if the disability in respect of which the application is made is not pensionable by virtue of subsection (5) or (6)."

This amendment is necessary to ensure that the dependants of deceased members of the forces mentioned in the subsection are entitled to the benefits of the Act.

6. Subsection (3) of section 14 presently reads as follows:

"(3) The provisions of this section do not apply when the death of the member of the forces concerned has occurred on service during World War I prior to the 1st day of September, 1919, or has occurred during service in a theatre of actual war during World War II."

This amendment places dependants of members of the forces who served in World War II in a comparable position with dependants of those who served in World War I.

7. Section 23 of the said Act is repealed and the following substituted therefor:

Fees and charges to be certified by Commission.

"**23.** No action lies against any person in respect of services performed in connection with the preparation or prosecution of any application to the Commission, unless the Commission has certified that the amount claimed is a fair and reasonable charge for the services rendered and properly payable by the person against whom the claim is made." 5

8. (1) Subsection (1) of section 24 of the said Act is repealed and the following substituted therefor:

Payments.

"**24.** (1) Pensions shall be payable monthly at the end of each month, except that pensions for disabilities payable at a rate less than the rate provided in Schedule A for class 17 shall be paid at the pensioner's option semi-annually at the end of March and September in each year. 15

When payments to cease.

(1a) Notwithstanding anything in this Act, any pension awarded or paid under this Act ceases to be payable,

(a) in the case of a member of the forces in receipt of pension on account of disability in respect of whom no additional pension is payable, on the day following his death; 20

(b) in the case of a member of the forces in receipt of pension on account of disability in respect of whom additional pension is payable for a wife, child or parent, on the first day of the month following that in which his death occurred; 25

(c) in the case of a widow or divorced wife entitled to a pension or a woman awarded a pension under subsection (4) of section 36, in respect of whom no additional pension is payable, on the day following her death; 30

(d) in the case of a widow or divorced wife entitled to a pension, or a woman awarded a pension under subsection (4) of section 36, in respect of whom additional pension is payable for a child, on the first day of the month following that in which her death occurred; 35

and

(e) in the case of a parent or person in the place of a parent, on the day following his or her death." 40

(2) Subsection (4) of section 24 of the said Act is repealed and the following substituted therefor:

Disposition of unpaid pension.

"(4) Any pension, or balance of pension, whether unpaid or held in trust by the Commission or the Department, due to a deceased pensioner at the time of his death or, in the case of a person whose death occurred after the coming into force of this subsection, due on the day following his death 45

7. Section 23 presently reads as follows:

"23. No person shall make any claim against any person for any services performed in connection with the preparation or prosecution of any application to the Commission, the Board of Pension Commissioners for Canada, the Pension Tribunal or the Court unless the Commission has certified that the amount claimed is a fair and reasonable charge for the services rendered and properly payable by the person against whom the claim is made."

The Board of Pension Commissioners and the Pension Tribunal were abolished in 1933 and the Pension Appeal Court was abolished in 1939.

8. (1) Subsection (1) of section 24 presently reads as follows:

"24. (1) Pensions shall be payable monthly at the end of each month, except that pensions for disabilities of less than twenty per cent in extent shall be paid at the pensioner's option semi-annually at the end of the months of March and September in each year."

At the time this subsection was enacted, pensions for disabilities were payable in percentage multiples of five. In 1948, however, Schedule A was amended so that all pensions are now payable at the nearest multiple of five. This amendment is required since the pension for an 18% disability is now payable at the same rate as a 22% disability.

The purpose of the new subsection (1a) is to fix the date for the discontinuance of pension after a pensioner's death.

(2) Subsection (4) presently reads as follows:

"(4) Any pension, or balance of pension, due to a deceased pensioner at the time of his death, whether death occurred before or after the coming into force of this subsection, and whether unpaid or held in trust by the Commission or the Department, does not form part of the estate of such deceased pensioner."

The amendment to this subsection is consequential upon the inclusion in the Act, by subclause (1), of the new subsection (1a).

or the first day of the month following that in which his death occurred, as the case may be, does not form part of the estate of such deceased pensioner."

(3) Subsection (1a) of section 24 of the said Act, as enacted by this section, does not apply in respect of any pensioner whose death occurred prior to the coming into force of this section. 5

9. (1) Paragraph (a) of subsection (1) of section 26 of the said Act is repealed and the following substituted therefor: 10

Physical or mental infirmity.

"(a) when such child and those responsible for its maintenance are without adequate resources, and the child is unable owing to physical or mental infirmity to provide for its own maintenance, in which case the pension may be paid while the child is incapacitated by physical or mental infirmity from earning a livelihood, but no pension shall be awarded unless the infirmity occurred before the child attained the age of twenty-one years; or" 15

(2) Section 26 of the said Act is further amended by adding thereto, immediately after subsection (10) thereof, the following subsection: 20

Pension on death of widower.

"(10a) Where any pension has been awarded to a child or children of a pensioner who, at the time of his death, was a widower and was in receipt of a pension on account of disability and who, during his lifetime, maintained a domestic establishment for such child or children, pension at a rate not exceeding that provided in Schedule B for a widow may, in the discretion of the Commission, be paid to a daughter competent to assume and who does assume the household duties and care of such child or children, until such time as all of the children have reached the pensionable age limit; in such cases the pension payable for children shall continue." 25 30

R.S. c. 332, s. 1.

10. Section 30 of the said Act is repealed and the following substituted therefor: 35

Extra allowance where attendance required.

"**30.** (1) A member of the forces who is totally disabled and helpless, whether entitled to a pension of class one or a lower class, and who is, in addition, in need of attendance, is entitled, if he is not cared for under the jurisdiction of the Department of Veterans Affairs in a hospital, to an addition to his pension, subject to review from time to time, of an amount in the discretion of the Commission of not less than four hundred and eighty dollars per annum and not more than eighteen hundred dollars per annum." 40 45

Wear and tear of clothing on account of amputation.

(2) A member of the forces in receipt of pension on account of an amputation of the leg above a Symes' amputation is entitled to an allowance on account of wear and

9. (1) Paragraph (a) of subsection (1) of section 26 presently reads as follows:

“(a) when such child and those responsible for its maintenance are without adequate resources, and the child is unable owing to physical or mental infirmity to provide for its own maintenance, in which case the pension may be paid while the child is incapacitated by physical or mental infirmity from earning a livelihood; but no pension shall be awarded unless such infirmity occurred before the child attained the age of twenty-one years; and if the child is an orphan the Commission has discretion to increase such child’s pension up to an amount not exceeding orphans’ rates; or”

The italicized words being deleted are now considered to be meaningless, since the rates for orphan children are mandatorily fixed by Schedule B.

(2) The purpose of the new subsection (10a) is to allow the domestic establishment of a pensioner to be maintained after his death.

10. Subsections (2) and (3) of section 30 presently read as follows:

*“(2) A member of the forces in receipt of pension on account of an amputation of the leg above a Symes’ amputation is entitled to an allowance on account of wear and tear of clothing of *seventy-two* dollars per annum; and a member of the forces in receipt of pension on account of an amputation at or above the wrist is entitled to an allowance on account of wear and tear of clothing of *thirty* dollars per annum.*

*(3) A member of the forces in receipt of pension for any other disability for the relief of which any appliance must be worn or treatment applied that causes wear and tear of clothing may, in the discretion of the Commission, be granted an allowance in respect of such wear and tear not exceeding *seventy-two* dollars per annum.”*

The allowances referred to in subsections (2) and (3) have not been increased since 1952.

tear of clothing of ninety-six dollars per annum; and a member of the forces in receipt of pension on account of an amputation at or above the wrist is entitled to an allowance on account of wear and tear of clothing of forty-two dollars per annum. 5

Wear and
tear on
account of
use of
appliances.

(3) A member of the forces in receipt of pension for any other disability for the relief of which any appliance must be worn or treatment applied that causes wear and tear of clothing may, in the discretion of the Commission, be granted an allowance in respect of such wear and tear not exceeding ninety-six dollars per annum. 10

11. Paragraph (b) of subsection (1) of section 31 of the said Act is repealed and the following substituted therefor:

“(b) when entitlement to pension is granted by the Commission, or by an Appeal Board thereof, upon a date twelve months or more after the date upon which application therefor was made to the Commission, from the date of grant, or, in the discretion of the Commission, from a date not more than twelve months prior to the date of grant.” 15 20

1953-54,
c. 62, s. 10.

12. Subsection (5) of section 34 of the said Act is repealed.

13. Subsection (2) of section 35 of the said Act is repealed and the following substituted therefor:

Maximum
amount.

“(2) The payment under subsection (1), in the case of any pensioner, shall not exceed a total of two hundred and fifty dollars and shall not exceed 25

(a) one hundred and fifty dollars in respect of funeral services,

(b) fifty dollars for cemetery charges, and 30

(c) fifty dollars for the expenses of the pensioner's last sickness,

and where payment of a burial grant is made, the Department may furnish and erect a standard headstone if the burial is carried out in Canada.” 35

11. Paragraph (b) of subsection (1) of section 31 presently reads as follows:

"(b) when entitlement to pension is granted by the Commission, or by an Appeal Board thereof, upon a date *more than twelve months* subsequent to the date upon which application therefor was made to the Commission, from the date of grant, or, in the discretion of the Commission, from a date twelve months prior to the date upon which the decision of the Commission or of the Appeal Board was rendered."

This amendment allows the Commission discretion to vary the effective date, if the circumstances warrant such a variation.

12. The subsection being repealed reads as follows:

"(5) If a member of the forces, in receipt of a disability pension, was, before the 1st day of May, 1954, living with a woman to whom he was not legally married and since that date such woman has continuously been maintained by him and represented by him as his wife, the Commission may, in its discretion, if the said member of the forces has married the said woman, award additional pension for a married member of the forces."

The repeal of this subsection is consequential upon the repeal, by clause 24, of section 74 of the Act.

13. Subsection (2) of section 35 presently reads as follows:

"(2) The payment under subsection (1), in the case of any pensioner, shall not exceed a total of *one hundred and eighty-five* dollars and shall not exceed

- (a) *one hundred and ten* dollars in respect of funeral services,
- (b) *twenty-five* dollars for cemetery charges, and
- (c) *fifty* dollars for the expenses of the pensioner's last sickness,

and where payment of a burial grant is made, the Department may furnish and erect a standard headstone if the burial is carried out in Canada."

Although the cost of burial has risen considerably, there has been no increase in these rates since 1952.

14. Subsections (3) to (6) of section 36 of the said Act are repealed and the following substituted therefor:

“(3) Except as otherwise provided in this Act, the widow of a member of the forces who was, at the time of his death, in receipt of a pension at the rate provided in Schedule A for any of classes one to eleven or who died while on the strength of the Department for treatment and, but for his death, would have been in receipt of pension at the rate so provided for any of those classes, is entitled to a pension as if the member had died on service whether his death was attributable to his service or not, if

- (a) she was married to him before he was granted a pension, or
- (b) her marriage to him took place after the grant of such pension, and
 - (i) his death occurred one year or more after the date of the marriage, or
 - (ii) his death occurred less than one year after the date of the marriage and the Commission is of the opinion that he had, at the date of such marriage, a reasonable expectation of surviving for at least one year thereafter;

but no payment shall be made under this subsection from a date prior to that from which pension is payable in accordance with section 42.

(4) A woman who, although not married to a member of the forces, was living with him in Canada at the time he became a member of the forces and for a reasonable time previously thereto, and, at that time, was publicly represented by him as his wife, may, in the case of his death and in the discretion of the Commission, be awarded a pension at a rate not exceeding the rate provided in Schedule B for a widow, and the Commission may also award a pension at a rate not exceeding that rate if, in its opinion, an injustice would be done by not recognizing a woman as the wife of a member of the forces although there is no evidence that she had been publicly represented by him as his wife.

(5) A woman who has been divorced, judicially separated or separated pursuant to a written or other agreement from a member of the forces who has died is not entitled to pension unless she was awarded alimony or an alimentary allowance, or is entitled to an allowance under the terms of the separation agreement, in which case she is entitled, if she is in a dependent condition, to the equivalent of the widow's pension, or the equivalent of the alimony or alimentary allowance that she was awarded or the allowance to which she is entitled under the terms of the

Date for entitlement.

1953-54,
c. 62, s. 11.

Pension at discretion of Commission in certain cases.

Pension to woman awarded alimony or alimentary allowance.

14. Subsections (3) to (6) of section 36 presently read as follows:

"(3) Subject as in this Act otherwise provided, the widow of a member of the forces who was at the time of his death in receipt of a pension in any of the classes one to eleven, inclusive, mentioned in Schedule A or who died while on the strength of the Department for treatment and but for his death would have been in receipt of pension in one of the said classes, is entitled to a pension as if he had died on service whether his death was attributable to his service or not,

(a) *in the case of service during World War I, if she was married to him prior to the 1st day of May, 1954, or if the marriage was contracted on or after that date additional pension on her behalf was awarded him under the provisions of subsection (5) of section 34, and*

(i) *the death of her husband has occurred more than one year subsequent to the date of marriage, or*

(ii) *the death of her husband has occurred less than one year subsequent to the date of marriage and the Commission is of the opinion that he had at the date of such marriage a reasonable expectation of surviving for at least one year thereafter;*

but if the marriage took place between the 30th day of April, 1951, and the 1st day of May, 1954, no payment shall be made for any period prior to the 1st day of May, 1954; and

(b) *in the case of service during World War II and in the case of service during peace time, if she was married to such member of the forces before he was granted a pension; in cases in which marriage has taken place subsequent to grant of such pension, she is entitled to pension,*

(i) *if the death of her husband has occurred more than one year subsequent to the date of marriage, or*

(ii) *if the death of her husband has occurred less than one year subsequent to the date of marriage and the Commission is of the opinion that he had, at the date of such marriage, a reasonable expectation of surviving for at least one year thereafter;*

but no payment shall be made under this subsection from a date prior to that from which pension is payable under the provisions of section 42.

(4) A woman who, although not married to the member of the forces, was living with him in Canada at the time he became a member of the forces and for a reasonable time previously thereto, and who, at such time, was publicly represented by him as his wife may, in the case of his death and in the discretion of the Commission, be awarded a pension equivalent to the pension she would have received had she been his legal widow, and the Commission may also award a pension if, in its opinion, an injustice would be done by not recognizing a woman as the wife of a member of the forces although there is no evidence that she had been publicly represented by him as his wife; *but such woman shall not be refused a pension for which she would have been eligible under the provisions hereof if she had remained unmarried, by reason only of her having married the member of the forces with whom she had been living as aforesaid.*

(5) A woman who has been divorced, *legally* separated or separated by agreement from a member of the forces who has died is not entitled to pension unless she was awarded alimony or an alimentary allowance, or is entitled to an allowance under the terms of the separation agreement, in which case she is entitled, if she is in a dependent condition, to the equivalent of the widow's pension or to the equivalent of the alimony or alimentary allowance that she was awarded, or of the allowance to which she is entitled under the terms of the separation agreement, whichever is the smaller in amount; except that when such amount is smaller than the widow's pension it may, in the discretion of the Commission, be increased to an amount not exceeding the rates set forth in Schedule B.

(6) Notwithstanding anything contained in subsection (5), when a woman has been divorced, *legally* separated or separated by agreement from a member of the forces who has died, and such woman is in a dependent condition, the Commission may, in its discretion, award such pension not exceeding the rates set out in Schedule B, *as it deems fit in the circumstances*, although such woman has not been awarded alimony or an alimentary allowance or is not entitled to an allowance under the terms of the separation agreement, if in the opinion of the Commission, she would have been entitled to an award of alimony or an alimentary allowance or an allowance had she made application therefor under due process of law."

The amendment to subsection (3) is consequential upon the repeal, by clause 24, of section 74 of the Act.

The amendment to subsection (4) gives the Commission discretion to fix the amount of pension payable, and the deletion of the italicized words is consequential upon the repeal, by clause 24, of section 74 of the Act.

separation agreement, whichever is the smaller in amount; except that where that amount is smaller than the widow's pension it may, in the discretion of the Commission, be increased to an amount not exceeding that provided in Schedule B for a widow. 5

Pension where no alimony or alimentary allowance payable.

(6) Notwithstanding subsection (5), where a woman has been divorced, judicially separated or separated pursuant to a written or other agreement from a member of the forces who has died, and such woman is in a dependent condition, the Commission may, in its discretion, award 10 a pension at a rate not exceeding the rate provided in Schedule B for a widow, although such woman has not been awarded alimony or an alimentary allowance or is not entitled to an allowance under the terms of the separation agreement, if, in the opinion of the Commission, she 15 would have been entitled to an award of alimony or an alimentary or other allowance had she made application therefor under due process of law."

15. Subsection (1) of section 37 of the said Act is repealed and the following substituted therefor: 20

Pension to widow.

"**37.** (1) Except as otherwise provided in this Act, in any case where pension may be awarded under section 13 in respect of the death of a member of the forces, his widow is entitled to a pension if

1953-54, c. 62, s. 12.

- (a) she was married to him before he was granted a 25 pension for the injury or disease that resulted in his death, or
- (b) her marriage to him took place after the grant of such pension, and
 - (i) his death occurred one year or more after the 30 date of the marriage, or
 - (ii) his death occurred less than one year after the date of the marriage and the Commission is of the opinion that he had, at the date of the marriage, a reasonable expectation of surviving 35 for at least one year thereafter."

16. Subsections (1) and (2) of section 38 of the said Act are repealed and the following substituted therefor:

Pension to parent where dependent.

"**38.** (1) In any case where pension may be awarded under section 13 in respect of the death of a member of the 40 forces, the parent or person in the place of the parent of the member is entitled to a pension if

The purpose of the amendments to subsections (5) and (6) is to authorize the Commission to take into consideration any separation agreement, whether written or unwritten.

15. Subsection (1) of section 37 presently reads as follows:

- “37.** (1) When pension is awardable under the provisions of section 13 in respect of the death of a member of the forces, his widow is entitled to pension,
- (a) *in the case of service during World War I, if she was married to him prior to the 1st day of May, 1954, or if the marriage was contracted on or after that date additional pension on her behalf was awarded him under the provisions of subsection (5) of section 34, and*
- (i) *the death of her husband has occurred more than one year subsequent to the date of marriage, or*
- (ii) *the death of her husband has occurred less than one year subsequent to the date of marriage and the Commission is of the opinion that he had, at the date of such marriage, a reasonable expectation of surviving for at least one year thereafter;*
- but if the marriage took place between the 30th day of April, 1951, and the 1st day of May, 1954, no payment shall be made for any period prior to the 1st day of May, 1954; and*
- (b) *in case of service during World War II and in case of service during peace time, if she was married to such member of the forces before he was granted a pension for the injury or disease which has resulted in his death; in cases in which marriage has taken place subsequent to grant of such pension, she is entitled to pension,*
- (i) *if the death of her husband has occurred more than one year subsequent to the date of marriage, or*
- (ii) *if the death of her husband has occurred less than one year subsequent to the date of marriage and the Commission is of the opinion that he had, at the date of such marriage, a reasonable expectation of surviving for at least one year thereafter.”*

The amendment to this subsection is consequential upon the repeal, by clause 24, of section 74 of the Act.

16. Subsections (1) and (2) of section 38 presently read as follows:

- “38.** (1) A parent or any person in the place of a parent of a member of the forces who has died is entitled to a pension when such member of the forces left no child, widow, or divorced wife who is entitled to a pension, or a woman awarded a pension under subsection (4) of section 36 and when such parent or person is in a dependent condition and was, at the time of the death of such member of the forces, wholly or to a substantial extent, maintained by him.

(a) the member died without leaving any child, widow or divorced wife who is entitled to pension or a woman awarded a pension under subsection (4) of section 36, and

(b) the parent or person in the place of the parent is in a dependent condition and was, at the time of the death of the member, wholly or to a substantial extent maintained by him. 5

Discretionary pension to parent in certain cases.

(2) Where a member of the forces has died leaving a child, widow or divorced wife who is entitled to a pension or a woman awarded a pension under subsection (4) of section 36, in addition to a parent or person in the place of a parent who, prior to the enlistment of the member or during his service, was wholly or to a substantial extent maintained by him, the Commission, in its discretion, may award to each such parent or person a pension not exceeding four hundred and eighty dollars per annum, or, in any case where, after the death of the member, there is no longer any child, widow or divorced wife who is entitled to a pension or a woman awarded a pension under subsection (4) of section 36, may award to any one such parent or person a pension not exceeding the pension that might have been awarded to such parent or person if the member had died without leaving any child, widow or divorced wife entitled to a pension or a woman awarded a pension under subsection (4) of section 36." 10 15 20 25

17. Subsection (1) of section 39 of the said Act is repealed and the following substituted therefor:

Pension to brother or sister where dependent.

"39. (1) In any case where pension may be awarded under section 13 in respect of the death of a member of the forces, the brother or sister of the member is entitled to a pension if 30

(a) the member died without leaving any child, widow or divorced wife who is entitled to a pension or a woman awarded a pension under subsection (4) of section 36, and 35

(b) the brother or sister is in a dependent condition and was, at the time of the death of the member, wholly or to a substantial extent maintained by him."

18. Subparagraphs (i) and (ii) of paragraph (a) of subsection (1) of section 42 of the said Act are repealed and the following substituted therefor:

"(i) where pension is awarded by the Commission, or by an Appeal Board thereof, upon a date less than twelve months after the date of death, from the day following the date of death, or, in any case where any interim allowance in respect of the member has been paid to any person or pay 45

(2) In cases in which a member of the forces has died leaving a widow or a widow and children or *orphan children* entitled to pension in addition to a parent or person in the place of a parent who previous to his enlistment or during his service was wholly or to a substantial extent maintained by him, the Commission may, in its discretion, award a pension to each such parent or person not exceeding four hundred and eighty dollars per annum."

The purpose of the amendment to subsection (1) is to make it clear that the death of the member of the forces must be attributable to, or have been incurred during, his service in the forces.

The purpose of the amendment to subsection (2) is to remove the present statutory limitation as to the amount of pension payable after the discontinuance of pension to the primary dependants mentioned in the subsection.

17. Subsection (1) of section 39 presently reads as follows:

"39. (1) A brother or sister of a member of the forces who has died is entitled to a pension when such member of the forces left no child, widow, or divorced wife, nor a woman awarded a pension under subsection (4) of section 36, entitled to pension, and when such brother or sister is in a dependent condition and was, at the time of the death of such member of the forces, wholly or to a substantial extent maintained by him."

The purpose of this amendment is to make it clear that the death of the member of the forces must be attributable to, or have been incurred during, his service in the forces.

18. Subparagraphs (i) and (ii) of paragraph (a) of subsection (1) of section 42 presently read as follows:

- "(i) when pension is awarded by the Commission, or by an Appeal Board thereof, upon a date less than twelve months subsequent to the date of death, from the day following the date of death;
- (ii) when pension is awarded by the Commission, or by an Appeal Board thereof, upon a date *more than twelve months* subsequent to the date of death, from the date of award, or, in the discretion of the Commission, from a date *twelve months* prior thereto;"

and allowances as a member of the forces have been paid to the credit of the member, in respect of a period after the date of death, from the day following the last day of that period; and

- (ii) where pension is awarded by the Commission, or by an Appeal Board thereof, upon a date twelve months or more after the date of death, from the date of award, or, in the discretion of the Commission, from a date not more than twelve months prior thereto;" 5 10

19. Section 43 of the said Act is repealed and the following substituted therefor:

"**43.** On the death of a pensioner who was, at the time of his death, in receipt of pension at the rate provided in Schedule A for any of classes one to eleven and in respect 15 of whom additional pension for a widow or child is payable pending consideration of a claim from such person or persons for pension on account of such death, payment of an amount equal to pension for death shall be made to such person or persons for a period not exceeding one month, such 20 amount to be refunded if pension is eventually awarded or to be set off against the amount of any payment thereof."

20. Subsection (2) of section 45 of the said Act is repealed and the following substituted therefor: 25

"(2) If through the death of the husband of a woman, married or remarried, within a period of five years after such marriage or remarriage, the woman is left in a dependent condition, pension at the rate provided in Schedule B for a widow or at such lesser rate as the Commission in 30 its discretion awards shall be restored as from the date of death of such husband, but there shall be deducted from such pension the amount of any final payment made under sub- section (1) at a rate not exceeding fifty per cent of the rate of the restored pension being paid from time to time, and 35 the restored pension shall be discontinued should she cease to be in a dependent condition or remarry."

21. (1) Section 65 of the said Act is amended by adding thereto, immediately after subsection (2) thereof, the 40 following subsection:

"(2a) In the event of the absence, death or incapacity of any member of an Appeal Board of the Commission, or in the event of any such member ceasing to hold office as such, prior to the rendering of any decision of the Board, 45 the decision of the Board may be rendered by the remaining members."

1953-54,
c. 62, s. 14.

Payments
to widow or
child
pending con-
sideration
of claim.

Pension on
marriage or
remarriage
when woman
in
dependent
condition.

Decision of
remaining
members.

The amendment to subparagraph (i) is required to prevent duplication of payments where interim allowances have been continued by the Department of National Defence.

The amendment to subparagraph (ii) allows the Commission discretion to vary the effective date, if the circumstances warrant such a variation.

19. Section 43 presently reads as follows:

"43. On the death of a pensioner who was at the time of his death in receipt of pension at the rate of *fifty to one hundred per cent*, in respect of whom additional pension for a *dependant or dependants* is payable pending consideration of a claim from such *dependant or dependants* for pension on account of such death, payment of an amount equal to pension for death shall be made to *the dependant or dependants* for a period not exceeding one month, such amount to be refunded if pension is eventually awarded."

Schedule A provides that pensions are payable at the same rate for disabilities assessed at 48% to 52%, and the amendment is for the purpose of clarification.

20. Subsection (2) of section 45 presently reads as follows:

"(2) If through the death of the husband of a woman, married or remarried, within a period of five years after such marriage or remarriage, the said woman is left in a dependent condition, the pension *previously awarded to her* or such lesser pension as the Commission may at its discretion decide to award, shall be restored as from the date of the death of the said husband; but there shall be deducted from such pension the amount of final payment *previously made* at a rate not exceeding fifty per cent of the *amount* of the restored pension being paid from time to time, and the restored pension shall be discontinued should the said woman cease to be in a dependent condition or remarry."

The rate provided in Schedule B for a widow's pension was increased effective January 1st, 1952, and again on July 1st, 1957. The purpose of the amendment is to give the Commission discretion to reinstate a pension at current rates rather than at the rates in effect at the time of the discontinuance.

21. (1) The new subsection (2a) authorizes the remaining members of an Appeal Board to render a decision in the circumstances mentioned.

(2) Subsection (4) of section 65 of the said Act is repealed and the following substituted therefor:

Commission may entertain application for appeal.

“(4) An application based upon error in any decision of an Appeal Board of the Commission, by reason of evidence not having been presented or otherwise, may be entertained by the Commission with the leave of an Appeal Board of the Commission designated by the Chairman of the Commission from time to time for the purpose, and any Appeal Board so designated has jurisdiction to grant leave in any case in which it appears proper to grant it.”

22. (1) Subsection (2) of section 68 of the said Act is repealed.

(2) Subsection (3) of section 68 of the said Act is repealed and the following substituted therefor:

Member of Board not to adjudicate on same case.

“(3) No member of an Appeal Board of the Commission designated by the Chairman for the purposes of subsection (1) shall adjudicate upon any case upon which he previously sat as a member of the Commission at any first or second hearing or any initial or renewal hearing.”

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

Municipality or provincial government to be recouped out of retroactive pension.

“**71.** Where an award of pension is made with retroactive effect to a person who is or has been in receipt of municipal relief or mothers’ allowance payable by the government of any province, the Commission may, if the pension is awarded in respect of any period during which such municipal relief or mothers’ allowance has been paid to that person, recoup the municipality or the provincial government concerned the amount of the relief or allowance so paid during such period out of the retroactive pension payable to that person.”

24. (1) Section 74 of the said Act is repealed.

1953-54, c. 62, s. 18.

(2) Where, at any time after the coming into force of this section, any pension under the *Pension Act* is awarded to a person to whom, but for subsection (1), a pension under that Act would not have been awardable, the pension so awarded shall, notwithstanding section 42 of that Act, be payable with effect from the day on which, but for this subsection, it would have been payable or the first day of October, 1957, whichever is the later.

25. Schedules A and B of the said Act are repealed and the following substituted therefor:

45

(2) Subsection (4) of section 65 presently reads as follows:

"(4) An application based upon any error in such decision or in any decision of the Court, the Federal Appeal Board, the Pension Tribunal or a quorum of the Commission, by reason of evidence not having been presented or otherwise, may be entertained by the Commission with the leave of an Appeal Board of the Commission, such Appeal Board to be designated by the Chairman of the Commission from time to time for this purpose, and such Appeal Board has jurisdiction to grant leave in any case in which it appears proper to grant it."

The Pension Appeal Court was abolished in 1939, the Federal Appeal Board in 1930 and the Pension Tribunal in 1933.

22. (1) and (2) Subsections (2) and (3) of section 68 presently read as follows:

"(2) All applications in which there exists the right of appeal to the Court prior to the 1st day of July, 1939, shall be heard and determined by an Appeal Board of the Commission in the manner set forth in subsection (1), if application is made therefor to the Commission within ninety days after the 1st day of July, 1939.

(3) No member of an Appeal Board of the Commission designated by the Chairman for the purposes of subsections (1) and (2) shall adjudicate upon any case upon which he previously sat as a member of the Commission either at first or second hearing, or as a member of a quorum of the Commission."

Subsection (2) is now spent.

The amendment to subsection (3) is required by reason of the repeal of subsection (2).

23. Section 71 presently reads as follows:

"71. When an award of pension is made with retroactive effect to a widow who is, or has been, in receipt of mothers' allowance payable by a government of any province of Canada, the Commission may, if the pension is awarded in respect of any period during which such mothers' allowance has been paid to such widow, recoup the provincial government concerned the amount of the allowance so paid during such period out of the retroactive pension payable to such widow."

Cases have arisen in which municipal relief has been granted pending consideration of a pension claim, and the amendment gives the Commission power to recoup the municipal authorities out of the retroactive pension.

24. (1) and (2) The section being repealed reads as follows:

"74. (1) Notwithstanding anything in this or any other Act, no pension or additional pension, awardable or payable under this Act, shall be awarded or paid,

(a) in respect of service during World War I, under Schedule A or Schedule B, to or in respect of any child of a member of the forces or pensioner if such child was born on or after the 1st day of May, 1954, of a marriage contracted on or after that date; or

(b) in respect of service during World War I, under Schedule A, to or in respect of the wife of a member of the forces or pensioner, if she was married to him on or after the 1st day of May, 1954, unless there is a minor child or there are minor children of the pensioner of pensionable age born of a previous marriage and the wife assumed the household duties and care of such child or children, in which case additional pension for a married member of the forces may, in the discretion of the Commission, be awarded or paid during the time such child or children are of pensionable age.

(2) The limitations contained in this section do not apply in any case where additional pension is awarded under subsection (5) of section 34."

At the end of March, 1957, the average age of World War I pensioners was 66.8 years.

SCHEDULE A.

Effective July 1, 1957.

SCALE OF PENSIONS FOR DISABILITIES.

Percentage of Disability—Class and Annual Rate of Pension

Rank or Rating of Member of Forces	Class Range Percentage	1	2	3	4	5	6	7	8	9	10
		98-99 100	93-97 95	88-92 90	83-87 85	78-82 80	73-77 75	68-72 70	63-67 65	58-62 60	53-57 55
		\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Commander (Naval), Lieutenant-Colonel (Army), Wing Commander (Air), and all ranks and ratings below.....		1,800 00	1,710 00	1,620 00	1,530 00	1,440 00	1,350 00	1,260 00	1,170 00	1,080 00	990 00
Captain (Naval), Colonel (Army), Group Captain (Air).....		1,890 00	1,795 50	1,701 00	1,606 50	1,512 00	1,417 50	1,323 00	1,228 50	1,134 00	1,039 50
Commodore and higher ranks (Naval), Brigadier, Brigadier-General and higher ranks (Army), Air Commodore and higher ranks (Air).....		2,700 00	2,565 00	2,430 00	2,295 00	2,160 00	2,025 00	1,890 00	1,755 00	1,620 00	1,485 00
Above ranks— Additional pension for married members of the forces.....		600 00	570 00	540 00	510 00	480 00	450 00	420 00	390 00	360 00	330 00
Additional pension for children for above ranks—											
First child.....		240 00	228 00	216 00	204 00	192 00	180 00	168 00	156 00	144 00	132 00
Second child.....		180 00	171 00	162 00	153 00	144 00	135 00	126 00	117 00	108 00	99 00
Each subsequent child an additional.....		144 00	136 80	129 60	122 40	115 20	108 00	100 80	93 60	86 40	79 20

SCHEDULE A—*Concluded*

Rank or Rating of Member of Forces	Class Range Percentage	11	12	13	14	15	16	17	18	19	20
		48-52 50	43-47 45	38-42 40	33-37 35	28-32 30	23-27 25	18-22 20	13-17 15	8-12 10	5-7 5
		\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Commander (Naval), Lieutenant-Colonel (Army), Wing Commander (Air), and all ranks and ratings below.....		900 00	810 00	720 00	630 00	540 00	450 00	360 00	270 00	180 00	90 00
Captain (Naval), Colonel (Army), Group Captain (Air).....		945 00	850 50	756 00	661 50	567 00	472 50	378 00	283 50	189 00	94 50
Commodore and higher ranks (Naval), Brigadier, Brigadier-General and higher ranks (Army), Air-Commodore and higher ranks (Air).....		1,350 00	1,215 00	1,080 00	945 00	810 00	675 00	540 00	405 00	270 00	135 00
Above ranks—Additional pension for married member of the forces.....		300 00	270 00	240 00	210 00	180 00	150 00	120 00	90 00	60 00	30 00
Additional pension for children for above ranks—											
First child.....		120 00	108 00	96 00	84 00	72 00	60 00	48 00	36 00	24 00	12 00
Second child.....		90 00	81 00	72 00	63 00	54 00	45 00	36 00	27 00	18 00	9 00
Each subsequent child an additional.....		72 00	64 80	57 60	50 40	43 20	36 00	28 80	21 60	14 40	7 20

Class 21—Disabilities below 5 per cent—All ranks—A final payment not exceeding \$200.

SCHEDULE B.

Effective July 1, 1957.

SCALE OF PENSIONS FOR DEATH.

Rank or rating of Member of Forces	Rate per annum			
	Widow	Dependent parent	Child or dependent brother or sister	Orphan child or orphan brother or sister
	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Lieutenant Commander (Naval), Major (Army), Squadron Leader (Air), and all ranks and ratings below.....	1,380 00	*1,080 00		
Commander (Naval), Lieutenant-Colonel (Army), Wing Commander (Air).....	1,380 00	*1,248 00		
Captain (Naval), Colonel (Army), Group Captain (Air) ..	1,512 00	*1,512 00		
Commodore and higher ranks (Naval), Brigadier, Brigadier-General and higher ranks (Army), Air Commodore and higher ranks (Air).....	2,160 00	*2,160 00		
Additional pension for children or dependent brothers or sisters for above ranks—				
First child.....			*240 00	*480 00
Second child.....			*180 00	*360 00
Each subsequent child additional.....			*144 00	*288 00

* Pensions awarded to parents or brothers and sisters may be less than these amounts in accordance with the provisions of this Act.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 169.

An Act to amend the Canadian and British
Insurance Companies Act.

First reading, November 25, 1957.

THE MINISTER OF FINANCE.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957

THE HOUSE OF COMMONS OF CANADA.

BILL 169.

An Act to amend the Canadian and British Insurance Companies Act.

R.S. c. 31,
1956, c. 28.

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 *Canadian and British Insurance Companies Act* is repealed and the following substituted therefor: 5

Provisions applicable to all companies.

“(3) Except as hereinafter otherwise provided, sections 15, 16A, 17, 26, 41, 42, 43, 44, 45, 46 and Parts III to VII apply to every company irrespective of the date of incorporation.” 10

2. Subsection (3) of section 6 of the said Act is repealed and the following substituted therefor:

Qualifications of directors.

“(3) No person is eligible to be elected, or to be, an ordinary director or a shareholders' director unless he holds in his own name and for his own use and absolutely 15 in his own right shares in the capital stock of the company either to the amount of at least two thousand five hundred dollars or on which at least one thousand dollars has been paid as capital or credited as capital and, in either case, has paid in cash all calls due thereon and all liabilities 20 incurred by him to the company.

Majority of directors to be Canadian citizens.

(3a) A majority of all of the directors of the company, and, in the case of a company having more than one class of directors, of the ordinary directors or the shareholders' directors, as the case may be, of the company, shall at 25 all times be Canadian citizens ordinarily resident in Canada.

Disqualification.

(3b) The election or appointment of a person as a director is void if the composition of the board of directors as a result thereof fails to comply with the requirements of subsection (3a), and a director ceases to be a director if 30 he ceases to be a Canadian citizen ordinarily resident in Canada and the composition of the board as a result thereof ceases to comply with the requirements of subsection (3a).”

EXPLANATORY NOTES.

1. Subsection (3) of section 3 presently reads as follows:

"(3) Except as hereinafter otherwise provided, sections 26, 41, 42, 43, 44, 45, 46 and Parts III to VII apply to every company irrespective of the date of incorporation."

This clause makes present sections 15 and 17 and proposed section 16A, all relating to the transfer of shares, applicable to all companies incorporated by Parliament regardless of the date of incorporation. But for this clause these sections would apply only to companies incorporated after May 4, 1910.

2. Subsection (3) of section 6 presently reads as follows:

"(3) No person is eligible to be elected, or to be, an ordinary director or a shareholders' director unless he holds in his own name and for his own use and absolutely in his own right shares in the capital stock of the company either to the amount of at least two thousand five hundred dollars or on which at least one thousand dollars has been paid as capital or credited as capital and, in either case, has paid in cash all calls due thereon and all liabilities incurred by him to the company; and a majority of the ordinary directors or of the shareholders' directors, as the case may be, of a company shall at all times be Canadian citizens resident in Canada."

This clause requires that a majority of all of the directors be Canadian citizens ordinarily resident in Canada in addition to the former requirement that a majority of the directors elected by the shareholders be Canadian citizens resident in Canada.

3. The said Act is further amended by adding thereto, immediately after section 16 thereof, the following section:

Idem.

"**16A.** (1) The directors of a company registered to transact the business of life insurance may allow or refuse to allow the entry in any such book or books, of any transfer of stock that would, in the opinion of the directors, result in that stock being held in the name or right of, or for the use or benefit of,

- (a) a person who is not a Canadian citizen ordinarily resident in Canada,
- (b) a corporation, association, partnership or other organization incorporated, formed or otherwise organized elsewhere than in Canada, or
- (c) a corporation, association, partnership or other organization that, in the opinion of the directors, is controlled, whether directly or indirectly and whether through holding a majority of the shares thereof or other voting interest therein or in any other manner whatsoever, by persons who are not Canadian citizens ordinarily resident in Canada.

Saving provision.

(2) Subsection (1) does not apply to permit the directors of a company registered to transact the business of life insurance to refuse to allow the entry in any such book or books, of any transfer of stock held in the name or right of, or for the use or benefit of, any person, corporation, association, partnership or organization mentioned in paragraph (a), (b) or (c) of subsection (1)."

4. The said Act is further amended by adding thereto, immediately after section 90 thereof, the following section:

Conversion of capital stock companies into mutual companies.

"**90A.** (1) Notwithstanding anything in its Act of incorporation or in any Act amending such Act, or in this Act, a company that has a capital stock and that is registered under Part III to transact the business of life insurance, whether alone or in combination with any other class of insurance business, may, with the permission of the Minister, establish and implement a plan for the conversion of the company into a mutual company by the purchase of shares of the capital stock of the company in accordance with the provisions of this section.

Details of plan to be set forth in by-law.

(2) The terms and provisions of any plan referred to in subsection (1) shall be set forth in detail in a by-law made by the directors and confirmed at a special general meeting of the company duly called for the purpose of considering the by-law, and there shall be recorded in the minutes of the meeting the number of votes for and the number of votes against confirmation of the by-law, the votes of shareholders and the votes of policyholders being recorded separately.

3. New. This clause gives the directors of a life insurance company power to refuse to allow the entry on the stock books of the company of transfers of shares to persons who are not Canadian citizens ordinarily resident in Canada or to corporations or other organizations not of Canadian origin or not controlled by Canadians.

4. New. This clause gives power to a life insurance company having a capital stock to purchase its own shares for the purpose of converting the company into a mutual company, and sets forth the conditions to be complied with and the procedure to be followed.

(1) and (2) The permission of the Minister is required as a first step, and the plan for the purchase of shares is required to be set out in a by-law adopted by the company at a special general meeting of the company.

Sanction of
by-law by
Treasury
Board.

- (3) No such by-law shall become effective until sanctioned by the Treasury Board, and in no case shall any such by-law be sanctioned unless the Treasury Board is satisfied that
- (a) the conversion of the company into a mutual company may reasonably be expected to be achieved under the terms of the by-law and in accordance with the provisions of this section; 5
 - (b) the paid-up capital of the company has ceased to be an important factor in safeguarding the interests of the policyholders of the company, having regard to the quality and amount of the assets of the company, the surplus of the company relative to its liabilities, the nature of the business carried on by the company and any other considerations deemed by the Treasury Board to be relevant; 15
 - (c) the majority of the votes cast by shareholders and the majority of the votes cast by policyholders at the special general meeting referred to in subsection (2), whether in person or by proxy, were in favour of confirmation of the by-law; 20
 - (d) the company holds offers from shareholders, in such terms as to preclude the withdrawal thereof prior to notice by the company in accordance with subsection (14), to sell to the company, at a price fixed by the directors, not less than 25% of all issued and outstanding shares of the capital stock of the company immediately upon the sanction of the by-law by the Treasury Board, or not less than 50% of all issued and outstanding shares of the capital stock of the company within such period commencing immediately upon the sanction of the by-law by the Treasury Board as is specified in the by-law; 25
 - (e) the amount required to purchase 25% of the issued and outstanding shares of the capital stock of the company at the price fixed by the directors for the purposes of paragraph (d) does not exceed the maximum amount, determined in accordance with subsection (10), that may be applied by the company, immediately upon the sanction of the by-law by the Treasury Board, in payment for shares purchased under the terms of the by-law; and 35
 - (f) the price fixed by the directors for the purposes of paragraph (d) is fair and reasonable in the circumstances. 40

(3) This subsection requires that the by-law be sanctioned by the Treasury Board before it becomes effective, and sets forth a number of conditions that must be fulfilled before such sanction may be given.

Prices to be paid for shares purchased under by-law.

(4) Upon the sanction of the by-law by the Treasury Board, the price fixed for the purposes of paragraph (d) of subsection (3) shall continue to be the price that may be paid for shares purchased under the terms of the by-law until such price is changed by the directors in accordance with subsection (5). 5

Change in price, when effective.

(5) The directors may from time to time change the price to be paid for shares purchased under the terms of the by-law, but no such change shall become effective until approved by the Minister, on the report of the Superintendent. 10

Period for which price to remain in effect.

(6) The price fixed for the purposes of paragraph (d) of subsection (3) and any subsequent change in price approved in accordance with subsection (5) shall remain in effect for a period of not less than six months from the date of sanction of the by-law or the date of approval by the Minister, as the case may be. 15

Payment.

(7) All shares purchased under the terms of the by-law shall be paid for by the company in full at the time of the purchase thereof, but nothing in this subsection shall be construed as prohibiting the company from applying in payment for any shares so purchased the full amount of the purchase price thereof by promissory note, payable at a fixed or determinable future time not later than ten years from the date of the making thereof and bearing a rate of interest fixed by the directors and approved by the Minister on the report of the Superintendent. 20 25

Date for commencement of purchase of shares.

(8) The by-law shall fix a day for the commencement of purchase of shares under the terms of the by-law, which day shall be not sooner than the day following the day the by-law is sanctioned by the Treasury Board. 30

Purchase of shares offered for sale.

(9) Subject to subsection (10), the company shall purchase all shares offered for sale under the terms of the by-law on the day or days fixed by the terms of the offer in each case for the sale of those shares and at the price in effect on the day the offer was received or the day fixed by the by-law for the purposes of subsection (8), whichever is the later, except that no such purchase shall be made prior to the day so fixed by the by-law. 35

Limitation.

(10) Notwithstanding anything in this section, the maximum amount that may be applied by the company at any particular time in payment for shares purchased under the terms of the by-law is the amount by which 40

(a) the aggregate of the surplus and general or contingency reserves of the company, after deducting the excess of the book value over the par value of any shares purchased under the terms of the by-law on or before the date as of which the condition and affairs of the company are required to be shown in the most recent annual statement deposited as required by this Act in the Department, 45 50

(4), (5) and (6) These subsections deal with the method by which the price that may be paid for shares purchased under the plan may be changed.

(7) This subsection deals with the method by which payment may be made for shares purchased under the plan.

(8) and (9) These subsections deal with the date for commencement of purchase of shares, and impose an obligation on the company to purchase shares offered for sale under the plan.

(10) and (11) These subsections limit the amount that may be applied by the company at any time in the purchase of shares, so that the financial position of the company will not be endangered.

exceeds the aggregate of

- (b) 6% of the total assets of the company, or such lesser percentage of the total assets of the company as may be approved by the Treasury Board, upon application by the company, as safe and reasonable in the circumstances having regard to the bases and methods used in the computation of the policy reserves of the company, the quality of its assets, the nature of the business transacted by the company, the earnings of the company and any other matters deemed by the Treasury Board to be relevant thereto, and 5
10
- (c) the total amount applied by the company before that particular time in payment for any shares purchased under the terms of the by-law after the date referred to in paragraph (a). 15

Idem.

(11) For the purposes of subsection (10), the assets, surplus and general or contingency reserves of the company and the book value of any shares purchased under the terms of the by-law shall be taken as shown in the annual statement referred to in paragraph (a) of subsection (10). 20

Number of shares to be purchased from each shareholder offering shares.

(12) Where, by reason of subsection (10), the company may, at any particular time, purchase some but not all of the shares in respect of which offers for sale at that time have been received, the amount that may be applied by the company at that time in payment for shares purchased under the terms of the by-law shall be applied by the company by apportionment among all of the shares so offered for sale at that time, or any of them, in such manner as is specified in the by-law. 25

Register to be kept.

(13) The company shall cause a register to be kept in which shall be recorded the offers for sale of shares under the terms of the by-law in the order in which such offers are received by the company, showing, in respect of each such offer, 30

- (a) the date of receipt by the company of the offer, 35
(b) the name and address of the shareholder making the offer,
(c) the number of shares so offered by the shareholder making the offer, and the day or days fixed by the terms of the offer for the sale of those shares, 40
(d) the price at which each of the shares so offered may be purchased,
(e) the date of purchase, if any, of each of the shares so offered and the number of shares purchased, and
(f) the date of withdrawal, if any, of the offer and the number of shares affected thereby. 45

(12) This subsection provides for a plan for apportionment where the company does not have sufficient funds immediately available to purchase all the shares that are for sale at that time.

(13) This subsection requires the company to keep a register of all offers received.

Notice to
shareholders
of dis-
continuance
of purchases.

(14) Where, by reason of subsection (10), the company is required to discontinue the purchase of shares under the terms of the by-law, the company shall give notice of such discontinuance to each shareholder on the register whose offer for the sale of shares has not been fully taken 5
up by the company, but any such offer as regards shares not so purchased shall continue to be effective and shall maintain its place on the register until withdrawn by the shareholder by notice in writing to the company.

Shares
purchased:
general.

(15) Where the company has purchased any shares of 10
the capital stock of the company under the terms of the by-law,

- (a) the number of policyholders' directors of the company shall at all times thereafter be not less than
- (i) one-third of the total number of directors, or 15
 - (ii) that proportion of the total number of directors, as nearly as may be, that the total number of shares purchased under the terms of the by-law is of the total number of shares outstanding immediately prior to the sanction of the by-law 20
by the Treasury Board,
- whichever is the greater, except that nothing in this paragraph shall be held to require an increase in the number of policyholders' directors except as vacancies occur among the shareholders' directors; 25
- (b) the company shall not thereafter sell any of the shares so purchased, issue any new capital stock or make any calls on shares of the capital stock subscribed;
- (c) any dividends thereafter payable to shareholders 30
shall be at a rate not less than the average rate paid in the three years immediately preceding the sanction of the by-law by the Treasury Board, unless the company establishes to the satisfaction of the Minister that a reduction therein is justified by reason of the earnings and general financial condition of the company; and 35
- (d) shares purchased under the terms of the by-law shall rank equally with other shares in the declaration of dividends to shareholders, but any dividends 40
that may be payable in respect of shares so purchased shall be paid by transfer of the applicable amount from the shareholders' account to the insurance funds of the company.

(14) The purpose of this subsection is to require a company that has temporarily exhausted the funds available for purchase of shares to notify all shareholders who have made offers and whose offers have not been fully taken up.

(15) This subsection deals with the composition of the Board of Directors and the payment of dividends after the purchase of shares has commenced.

Idem.

(16) In respect of each share purchased under the terms of the by-law, until the capital stock of the company has been cancelled in accordance with subsection (21),

(a) the company may include in its assets shown in the annual statement required by this Act to be deposited in the Department an amount not exceeding the purchase price of the share, minus one-fifth of the excess of the purchase price over the par value thereof for each complete year that has elapsed since the date of purchase of the share; and

(b) the policyholders' directors shall have additional voting rights corresponding to the voting rights that might have been exercised by the holder of the share if he had not sold it, and, unless the by-law otherwise provides, such additional voting rights shall be divided as nearly as may be equally among the policyholders' directors and the remainder, if any, shall be exercised by such one of the policyholders' directors as is designated for the purpose by resolution of all of the directors.

Notice where 90% or more of shares acquired by company.

(17) At such time as the company first acquires 90% or more of the shares of its capital stock, it shall notify the Minister and each of the remaining shareholders of the company to that effect, and, for the purposes of this subsection, notice to any shareholder shall be deemed to have been given by the company if the company has forwarded to him by registered mail, at his address shown in the book or books referred to in section 15, the notice required by this subsection.

Contents of notice.

(18) The notice required by subsection (17) to be given to each of the remaining shareholders of the company shall request each such shareholder to offer his shares for sale forthwith to the company, and shall state therein the substance of subsection (19).

Acquisition of remaining shares by company.

(19) All shares of a shareholder remaining outstanding at the expiration of six months from the date of the notice required by subsection (17), or at the expiration of such further period as may be required by reason of subsection (10), shall, upon tender by the company to the shareholder of an amount equal to the price in effect,

- (a) in the case of shares in respect of which any offer for sale was received by the company prior to the date of the notice, on the day the offer was received, or
- (b) in the case of any other shares, on the date of the notice,

be deemed to have been purchased by the company, and, for the purposes of this subsection, tender shall be deemed to have been made to a shareholder by the company if made

(16) This subsection specifies the manner in which shares purchased are to be shown in the balance sheet of the company, and provides for the exercise of the voting rights in respect of shares purchased.

(17), (18), (19) and (20) These subsections provide a procedure for acquiring the remaining shares after at least 90% of the shares have been purchased.

to him in person or by registered mail forwarded to him at his address shown in the book or books referred to in section 15.

Amount tendered to be retained for payment.

(20) Where tender of an amount in accordance with subsection (19) has been made and the amount so tendered has not been accepted, the amount so tendered shall be retained by the company for payment to the person entitled thereto, and until so paid shall be shown on the books of the company as a liability thereof. 5

Retirement and cancellation of capital stock.

(21) Where the company has purchased or is deemed by subsection (19) to have purchased all of the shares of the capital stock of the company and the shares have been written down in the books of the company to their par value, the capital stock of the company shall thereupon be retired and cancelled by resolution of the board of directors and the company shall then become a mutual company without capital stock, having for its members the participating policyholders and such other policyholders, if any, as may be authorized by by-law, and the directors shall take all necessary steps to re-organize the affairs of the company accordingly. 15

Amounts applied in payment for shares purchased by company.

(22) Notwithstanding anything in this or any other Act, where an amount has been applied by a company in payment for shares purchased under the terms of a by-law of the company described in subsection (2), 25

(a) no part of that amount shall be deemed to be a distribution, allotment or division of profits of the company, and

(b) section 8 of the *Income Tax Act* does not apply to require the inclusion, in computing the income of any shareholder, of any part of that amount, nor shall any part thereof be deemed, for the purposes of section 30 of that Act, to have been credited to shareholders' account or otherwise appropriated for or on account of shareholders, or, for the purposes of section 81 of that Act, to have been received as a dividend. 30 35

No change in by-law except with sanction of Treasury Board.

(23) No change in any by-law of a company described in subsection (2) shall be made after the sanction of the by-law by the Treasury Board, except by a subsequent by-law of the company made by the directors and confirmed at a special general meeting of the company duly called for that purpose, and no such subsequent by-law shall become effective until sanctioned by the Treasury Board." 40

(21) This subsection provides for the conversion of the company into a mutual company at such time as all of the shares have been purchased.

(22) This subsection deals with the consequences, under the Canadian and British Insurance Companies Act and the Income Tax Act, of the application of any amount by the company in payment of shares purchased under the plan.

(23) This subsection prohibits the making of any change in the plan, once it has become effective, except by a subsequent by-law of the company.

5. Section 98 of the said Act is repealed.

6. Subsection (3) of section 99 of the said Act is repealed and the following substituted therefor:

Separate
insurance
funds to be
established.

"(3) Any by-law authorizing a society to exercise the powers mentioned in paragraph (b) of subsection (1) shall establish a separate fund to which receipts and payments in respect of policies issued pursuant to those powers shall be credited and charged, respectively; and in like manner a separate fund shall be established by any by-law authorizing the society to exercise the powers mentioned in paragraph (c) of subsection (1). 5 10

Idem.

(3a) Notwithstanding anything in the Act of incorporation of a society or in any Act amending such Act, receipts and payments in respect of policies issued by the society pursuant to the exercise of the powers mentioned in paragraph (a) of subsection (1) shall be credited and charged, respectively, 15

(a) in respect of any policy providing benefits in the event of the death of or injury to the child by accident, or providing indemnity during the incapacity of the child arising out of accident or sickness, either to a separate fund or to the fund established in connection with the exercise of the powers mentioned in paragraph (b) of subsection (1), and 20

(b) in respect of any policy of life, endowment or term insurance, either to a separate fund or to the fund established in connection with the exercise of the powers mentioned in paragraph (c) of subsection (1), as provided in the by-law authorizing the exercise of the powers mentioned in paragraph (a) of subsection (1)." 25 30

5. and 6. Section 98 presently reads as follows:

"98. Every fraternal benefit society that on the 31st day of December, 1919, held a licence from the Minister, shall continue to maintain such separate funds as it was required by its charter or by its constitution and laws to maintain at the said date."

Subsection (3) of section 99 presently reads as follows:

"(3) A by-law authorizing a society to exercise the powers mentioned in paragraph (a) of subsection (1) shall establish a separate fund to which the receipts and payments in respect of policies issued pursuant to those powers shall be credited and charged respectively; and in like manner a separate fund shall be established by any by-law authorizing the society to exercise the powers mentioned in paragraph (b) or paragraph (c), *respectively*."

The purpose of these clauses is to permit a fraternal benefit society to establish separate funds for insurance on the lives of dependent children of members or to include such insurance in the funds established for adult members, at the option of the society. At the present time, a separate fund for insurance on children is mandatory.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 170.

An Act to implement an Agreement between Canada and Australia for the Avoidance of Double Taxation with respect to Income Tax.

First reading, November 25, 1957.

THE MINISTER OF FINANCE.

THE HOUSE OF COMMONS OF CANADA.

BILL 170.

An Act to implement an Agreement between Canada and Australia for the Avoidance of Double Taxation with respect to Income Tax.

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 *Canada-Australia Income Tax Agreement Act, 1957.*

5

Agreement approved.

2. The Agreement entered into between Canada and Australia, set out in the Schedule, is approved and declared to have the force of law in Canada.

Inconsistent laws.

3. In the event of any inconsistency between the provisions of this Act, or the Agreement, and the operation of any other law, the provisions of this Act and the Agreement prevail to the extent of the inconsistency.

10

Orders and regulations.

4. The Minister of National Revenue may make such orders and regulations as are, in his opinion, necessary for the purpose of carrying out the Agreement or for giving effect to any of the provisions thereof.

15

Commencement and duration.

5. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council, and shall continue in force until a day to be fixed by proclamation of the Governor in Council following the termination of the Agreement, and no longer.

20

SCHEDULE.

SCHEDULE.

Agreement between The Government of Canada and The Government of the Commonwealth of Australia for the avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income.

The Government of Canada and the Government of the Commonwealth of Australia, desiring to conclude an agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, have agreed as follows:—

ARTICLE I.

1. The taxes which are the subject of this Agreement are:

- (a) in Australia:
the Commonwealth income tax and social services contribution, including the additional tax assessed in respect of the undistributed amount of the distributable income of a private company;
- (b) in Canada:
the income taxes, including surtaxes, imposed by Canada.

2. This Agreement shall also apply to any other tax of a substantially similar character imposed by either Contracting State after the date of signature of this Agreement.

ARTICLE II.

1. In this Agreement, unless the context otherwise requires

- (a) "Australia" means the Commonwealth of Australia and includes the Territories of Papua, New Guinea, and Cocos (Keeling) Islands, and Norfolk Island;
- (b) "Australian enterprise" means an industrial or commercial enterprise or undertaking carried on by an Australian resident;
- (c) "Australian resident" means a person who is a resident of Australia and is not resident in Canada for the purposes of Canadian tax;
- (d) "Australian tax" means tax imposed by Australia, being tax to which this Agreement applies by virtue of Article I;
- (e) "Canadian enterprise" means an industrial or commercial enterprise or undertaking carried on by a Canadian resident;
- (f) "Canadian resident" means a person who is resident in Canada for the purposes of Canadian tax and is not a resident of Australia;
- (g) "Canadian tax" means tax imposed by Canada, being tax to which this Agreement applies by virtue of Article I;

- (h) "company" includes a corporation;
- (i) "Contracting State", "one of the Contracting States" or "the other Contracting State" means Australia or Canada, as a political entity or geographical area, as the context requires;
- (j) "enterprise of one of the Contracting States" and "enterprise of the other Contracting State" mean an Australian enterprise or a Canadian enterprise, as the context requires;
- (k) "industrial or commercial profits" includes the profits of an industrial or commercial enterprise or undertaking, but does not include income in the form of dividends, interest, rent, royalties, management charges or remuneration for personal services, or income from the operation of ships or aircraft;
- (l) "permanent establishment" means a branch, agency, management or fixed place of business and includes a factory, workshop, mine, oilwell, office or agricultural or pastoral property, or the use or installation of substantial equipment or machinery by, for, or under contract with, an enterprise of one of the Contracting States, but where an enterprise of one of the Contracting States
- (i) carries on business dealings in the other Contracting State through a bona fide commission agent or broker acting in the ordinary course of his business as such and receiving remuneration in respect of those dealings at the rate customary in the class of business in question; or
 - (ii) maintains in that other State a fixed place of business exclusively for the purchase of goods or merchandise; or
 - (iii) has a subsidiary company which is engaged in trade or business in that other State, whether through a permanent establishment or otherwise; or
 - (iv) has an agent in that other State other than an agent who has, and habitually exercises, a general authority to negotiate and conclude contracts on behalf of that enterprise, or regularly fills orders on its behalf from a stock of goods or merchandise located in that other State,
- that enterprise shall not, merely by reason thereof, be deemed to have a permanent establishment in that other Contracting State;
- (m) "person" includes any body of persons, corporate or not corporate;
- (n) "resident of Australia" has the meaning which it has under the laws of Australia relating to Australian tax;
- (o) "resident of one of the Contracting States" and "resident of the other Contracting State" mean an Australian resident or a Canadian resident, as the context requires;
- (p) "tax" means Australian tax or Canadian tax, as the context requires;

- (g) "taxation authority" means, in the case of Canada, the Minister of National Revenue or his authorized representative and, in the case of Australia, the Commissioner of taxation or his authorized representative;
- (r) words in the singular include the plural, and words in the plural include the singular.

2. Where an enterprise of one of the Contracting States sells to a resident of the other Contracting State goods manufactured, processed, packed or distributed in the other Contracting State by an industrial or commercial enterprise or undertaking for, or at or to the order of, that first-mentioned enterprise and that first-mentioned enterprise participates in the management, control or capital of that other enterprise or undertaking, then, for the purposes of this Agreement

- (a) that first-mentioned enterprise shall be deemed to have a permanent establishment in the other Contracting State and to be engaged in trade or business in the other Contracting State through that permanent establishment; and
- (b) the profits derived by that first-mentioned enterprise from the sale of those goods shall be deemed to be attributable to that permanent establishment.

3. In the application of the provisions of this Agreement by one of the Contracting States any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws of that Contracting State relating to the taxes which are the subject of this Agreement.

ARTICLE III.

1. The industrial or commercial profits of a Canadian enterprise shall not be subject to Australian tax unless the enterprise is engaged in trade or business in Australia through a permanent establishment in Australia. If it is so engaged, Australian tax may be imposed upon those profits by Australia but only on so much of them as is attributable to that permanent establishment: Provided that nothing in this paragraph shall affect the operation of Divisions 14 and 15 of Part III of the Income Tax and Social Services Contribution Assessment Act 1936-1957 of the Commonwealth of Australia (or that Act as amended from time to time) relating to film business controlled abroad and insurance with non-residents, or the corresponding provisions of any Statute substituted for that Act.

2. The industrial or commercial profits of an Australian enterprise shall not be subject to Canadian tax unless the enterprise is engaged in trade or business in Canada through a permanent establishment in Canada. If it is so engaged, Canadian tax may be imposed upon those profits by Canada but only on so much of them as is attributable to that permanent establishment.

3. Where an enterprise of one of the Contracting States is engaged in trade or business in the other Contracting State through a permanent establishment in that other Contracting State, there shall be attributed to that permanent establishment the industrial or commercial profits which that permanent establishment might be expected to derive in that other Contracting State if it were an independent enterprise engaged in the same or similar activities and its dealings with the enterprise of which it is a permanent establishment were dealings at arm's length with that enterprise or an independent enterprise; and the profits so attributed shall be deemed to be income derived from sources in that other State and shall be taxed accordingly.

4. If the information available to the taxation authority of the Contracting State concerned is inadequate to determine the profits to be attributed to the permanent establishment, nothing in this Article shall affect the application of any law of that Contracting State in relation to the liability of the permanent establishment to pay tax on an amount determined by the exercise of a discretion or the making of an estimate by the taxation authority of that Contracting State: Provided that the discretion shall be exercised or the estimate shall be made, so far as the information available to the taxation authority permits, in accordance with the principle stated in this Article.

5. No portion of any profits arising from the sale of goods or merchandise by an enterprise of one of the Contracting States shall be attributed to a permanent establishment in the other Contracting State by reason of the mere purchase by that enterprise of the goods or merchandise within that other Contracting State.

ARTICLE IV.

1. Where

- (a) an enterprise of one of the Contracting States participates directly or indirectly in the management, control or capital of an enterprise of the other Contracting State; or
- (b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of one of the Contracting States and an enterprise of the other Contracting State; and
- (c) in either case conditions are operative between the two enterprises in their commercial or financial relations which differ from those which might be expected to operate between independent enterprises dealing at arm's length with one another,

then, if by reason of those circumstances profits which might be expected to accrue to one of the enterprises do not accrue to that enterprise, there may be included in the profits of that enterprise the

profits which might have been expected to accrue to it if it were an independent enterprise engaged in the same or similar activities and its dealings with the other enterprise were dealings at arm's length with that enterprise or an independent enterprise.

2. Profits included in the profits of an enterprise of one of the Contracting States under paragraph (1) of this Article shall be deemed to be income of that enterprise derived from sources in that Contracting State and shall be taxed accordingly.

3. If the information available to the taxation authority of a Contracting State is inadequate to determine, for the purposes of paragraph (1) of this Article, the profits which might have been expected to accrue to an enterprise, nothing in this Article shall affect the application of any law of that Contracting State in relation to the liability of that enterprise to pay tax on an amount determined by the exercise of a discretion or the making of an estimate by the taxation authority of that Contracting State: Provided that the discretion shall be exercised or the estimate shall be made, so far as the information available to the taxation authority permits, in accordance with the principle stated in this Article.

ARTICLE V.

Profits which a resident of one of the Contracting States derives from operating ships whose port of registry is in that Contracting State, or aircraft registered in that Contracting State, shall be exempt from tax in the other Contracting State.

ARTICLE VI.

1. A dividend paid by a company which is a Canadian resident to a person who is not a resident of Australia shall be exempt from Australian tax.

2. A dividend paid by a company which is an Australian resident to a person who is not resident in Canada shall be exempt from Canadian tax.

ARTICLE VII.

1. The amount of Australian tax on a dividend paid by a company which is a resident of Australia to a Canadian resident who is liable for Canadian tax and is not engaged in trade or business in Australia through a permanent establishment in Australia shall not exceed 15 per centum of the dividend.

2. The rate of Canadian tax on a dividend derived from sources within Canada by an Australian resident who is liable for Australian

tax and is not engaged in trade or business in Canada through a permanent establishment in Canada shall not exceed 15 per centum.

ARTICLE VIII.

1. An individual who is an Australian resident shall be exempt from Canadian tax on remuneration or other income received, in respect of personal (including professional) services performed in Canada, on or after the effective date of this Agreement if

- (a) during the taxation year in which the services are performed he is present in Canada for a period or periods not exceeding in the aggregate 183 days; and
- (b) the services are performed for or on behalf of an Australian resident.

2. An individual who is a Canadian resident shall be exempt from Australian tax on remuneration or other income received, in respect of personal (including professional) services performed in Australia, on or after the effective date of this Agreement if

- (a) during the year of income in which the services are performed he is present in Australia for a period or periods not exceeding in the aggregate 183 days; and
- (b) the services are performed for or on behalf of a Canadian resident.

3. The provisions of this Article shall not apply to the remuneration or other income of public entertainers such as stage, motion picture, radio or television artists and musicians, or of athletes.

ARTICLE IX.

Royalties (not being royalties in relation to motion picture films or the reproduction by any means of images or sound produced directly or indirectly from films) for the use, production or reproduction of, or for the privilege of using, producing or reproducing, a literary, dramatic, musical or artistic work in which copyright subsists, being royalties derived from sources within one of the Contracting States by a resident of the other Contracting State not engaged in trade or business in the former Contracting State through a permanent establishment in that Contracting State, shall be exempt from tax by the former Contracting State.

ARTICLE X.

1. Remuneration (other than pensions) paid by the Government of the Commonwealth of Australia or of any State of Australia to any individual for services rendered to that Government in the discharge of governmental functions shall be exempt from Canadian tax if the individual is not ordinarily resident in Canada or is resident in Canada solely for the purpose of rendering those services.

2. Remuneration (other than pensions) paid by the Government of Canada or of any Province of Canada to any individual for services rendered to that Government in the discharge of governmental functions shall be exempt from Australian tax if the individual is not a resident of Australia or is resident in Australia solely for the purpose of rendering those services.

3. The provisions of this Article shall not apply to payments in respect of services rendered in connection with a trade or business carried on by a Government.

ARTICLE XI.

1. A pension (including a Government pension) and an annuity, derived from sources within one of the Contracting States by a resident of the other Contracting State, shall be exempt from tax by the former Contracting State.

2. The term "annuity" means a stated sum payable periodically at stated times, during life or during a specified or ascertainable period of time, under an obligation to make the payments in consideration of money paid.

ARTICLE XII.

Where a professor or teacher, who is a resident of one of the Contracting States, is temporarily present in the other Contracting State for the purpose of teaching during a period not exceeding two years at a university, college, school or other educational institution in that other Contracting State, remuneration derived by him for so teaching for that period shall be exempt from tax by that other Contracting State.

ARTICLE XIII.

1. Subject to the provisions of the law of Canada regarding the deduction from tax payable in Canada of tax paid in a country outside Canada, Australian tax paid in respect of income from sources within Australia shall be allowed as a credit against Canadian tax payable in respect of that income.

2. Subject to any provisions of the law of Australia which relate to the allowance of a credit against Australian tax of tax paid in a country outside Australia, Canadian tax paid in respect of income derived by a resident of Australia from sources in Canada shall be allowed as a credit against Australian tax payable in respect of that income.

Article XIII

1. The provisions of this Article shall apply to the extent that they are not inconsistent with the provisions of any law of the United States or any law of the State of New York.

Article XIV

1. The provisions of this Article shall apply to the extent that they are not inconsistent with the provisions of any law of the United States or any law of the State of New York.

Article XV

1. The provisions of this Article shall apply to the extent that they are not inconsistent with the provisions of any law of the United States or any law of the State of New York.

Article XVI

1. The provisions of this Article shall apply to the extent that they are not inconsistent with the provisions of any law of the United States or any law of the State of New York.

3. For the purposes of this Article

- (a) profits, remuneration or other income in respect of personal (including professional) services performed in one of the Contracting States shall be deemed to be income derived from sources in that Contracting State;
- (b) an amount included in taxable income under Division 14 or 15 of Part III of the Income Tax and Social Services Contribution Assessment Act 1936-1957 of the Commonwealth of Australia, or that Act as amended from time to time, or the corresponding provisions of a statute substituted for that Act, shall be deemed to be income derived from sources in Australia; and
- (c) the terms "Australian tax" and "Canadian tax" do not include any amount which represents a penalty or interest imposed under the law of either Contracting State relating to the taxes which are the subject of this Agreement.

ARTICLE XIV.

1. The taxation authorities of the Contracting States shall exchange such information (being information available under the respective taxation laws of the Contracting States) as is necessary for carrying out the provisions of this Agreement or for the prevention of fraud or for the administration of statutory provisions against avoidance of the taxes which are the subject of this Agreement.

2. Any information so exchanged shall be treated as secret and shall not be disclosed to any persons other than those (including a Court or a reviewing authority) concerned with the assessment or collection of the taxes which are the subject of this Agreement, or the determination of appeals in relation thereto.

3. No information shall be exchanged which would disclose any trade secret or trade process.

ARTICLE XV.

The taxation authority of a Contracting State may communicate directly with the taxation authority of the other Contracting State for the purpose of giving effect to the provisions of this Agreement.

ARTICLE XVI.

1. This Agreement shall come into force on the date on which the last of all such things shall have been done in Australia and Canada as are necessary to give the Agreement the force of law in Australia and Canada respectively and shall thereupon have effect

- (a) as regards Canadian tax, for the taxation year in which this Agreement comes into force, and subsequent taxation years; and
- (b) as regards Australian tax, for the year of income in which this Agreement comes into force and subsequent years of income.

2. This Agreement shall continue in effect indefinitely but either Contracting State may, on or before the thirty-first day of March in any calendar year after the year 1960, give to the other Contracting State notice of termination and, in that event, this Agreement shall not be effective

- (a) as regards Canadian tax, for the taxation year next succeeding that in which notice of termination is given or subsequent taxation years; and
- (b) as regards Australian tax, for the year of income next succeeding that in which notice of termination is given or subsequent years of income.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Agreement and affixed thereto their seals.

DONE at Mont Tremblant, in duplicate, on the first day of October, One thousand nine hundred and fifty-seven.

For the Government of Canada:

SEAL

(Sgd.) DONALD M. FLEMING.

For the Government of the Commonwealth of Australia:

SEAL

(Sgd.) A. W. FADDEN.

SEAL

(Sgd.) W. R. CROCKER.

171.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 171.

An Act to amend the Unemployment Insurance Act.

AS PASSED BY THE HOUSE OF COMMONS
27th NOVEMBER, 1957.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957

98995-4

(2) Notwithstanding subsection (1) of this section, until the 18th day of May, 1958, paragraph (b) of section 50 of the said Act, as enacted by this Act, shall be deemed to read as follows:

“(b) a person whose most recent benefit period terminated after the 15th day of April, 1957, and who has complied with such other conditions as are prescribed by regulations made by the Commission with the approval of the Governor in Council.” 5

1956, c. 50,
s. 4(1).

2. (1) Subsection (3) of section 53 of the said Act is 10 repealed and the following substituted therefor:

“(3) A person coming within paragraph (a) of section 50 shall not be paid seasonal benefits in excess of the lesser of

- (a) the weekly rate applicable to him multiplied by the number of weeks in his seasonal benefit period, or 15
- (b) the weekly rate applicable to him multiplied by the greater of
 - (i) thirteen, or
 - (ii) five-sixths of the number of his contribution weeks subsequent to the Saturday referred to in para- 20 graph (a) of section 50.”

1956, c. 50,
s. 4(2).

(2) Subsection (4) of section 53 of the said Act is repealed and the following substituted therefor:

“(4) For the purposes of subparagraph (ii) of paragraph (b) of subsection (3), where five-sixths of the number of the 25 contribution weeks therein referred to results in a fraction, a fraction of less than one-half shall be disregarded and a fraction of one-half or more shall be taken as one.”

Fractional
weeks.

Repeal.

3. Subsection (2) of section 55 is repealed.

(2) The purpose of this sub-clause is to protect, for this coming seasonal benefit period, the rights of a claimant whose most recent benefit period terminated after the 15th day of April, 1957.

2. (1) The present subsection (3) reads as follows:

“(3) A person coming within paragraph (a) of section 50 shall not be paid seasonal benefits in excess of

(a) the weekly rate applicable to him multiplied by the number of weeks in his seasonal benefit period, or

(b) the weekly rate applicable to him multiplied by the greater of

(i) ten, or

(ii) *one-half* of the number of his contribution weeks subsequent to the

Saturday referred to in paragraph (a) of section 50,

whichever is the lesser amount.”

The amendment would increase the benefits payable during the seasonal benefit period.

(2) The present subsection (4) reads as follows:

“(4) For the purposes of subparagraph (ii) of paragraph (b) of subsection (3), where *one-half* of the number of the contribution weeks therein referred to results in a fraction, *the fraction shall be taken as one.*”

The amendment is consequential.

3. Section 55 now reads as follows:

“55. (1) Except as otherwise prescribed by regulation of the Commission, an insured person is not entitled to receive benefit in respect of a benefit period until the expiration of a waiting period commencing with the day on which the benefit period was established and ending on the day that, but for this section, benefits in respect of that benefit period equal to the weekly benefit rate would have accrued.

(2) *Where an insured person has established a seasonal benefit period described in subsection (1) of section 51, the seasonal benefit period shall, for the purposes of subsection (1) of this section, be deemed to have commenced with the week in which the claim was made.*”

Subsection (2) would no longer be necessary because a claimant for seasonal benefit would be able to serve his “waiting period” in December as any other claimant.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 196.

An Act respecting the Construction of a line of railway by Canadian National Railway Company from Optic Lake to Chisel Lake, and the Purchase by Canadian National Railway Company from The International Nickel Company of Canada, Limited, of a line of railway from Sipiwesk to a point on Burntwood River near Mystery Lake, all in the Province of Manitoba.

First reading, December 3, 1957.

THE MINISTER OF TRANSPORT.

THE HOUSE OF COMMONS OF CANADA.

BILL 196.

An Act respecting the Construction of a line of railway by Canadian National Railway Company from Optic Lake to Chisel Lake, and the Purchase by Canadian National Railway Company from The International Nickel Company of Canada, Limited, of a line of railway from Sipiwesk to a point on Burntwood River near Mystery Lake, all in the Province of Manitoba.

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

Construction
of line of
railway.

1. The Governor in Council may provide for the construction and completion, in whole or in part, by Canadian National Railway Company (in this Act called "the Railway Company") prior to the 1st day of November, 1959, or such later date as the Governor in Council may fix, of the line of railway (in this Act called "Branch Line Number 1") described in the Schedule.

Competitive
bids or
tenders.

2. The Railway Company shall adopt the principle of competitive bids or tenders in respect of the construction of Branch Line Number 1 in so far as the Railway Company decides not to perform such work or any part thereof with its own forces, but the Railway Company is not bound to accept the lowest or any bid or tender made or obtained nor precluded from negotiating for better prices or terms.

Maximum
expenditure.

3. Estimates of the mileage of Branch Line Number 1, the amount to be expended on the construction thereof and the average expenditure per mile are set out in the Schedule, and, except with the approval of the Governor in Council, the Railway Company shall not in performing the work of construction and completion exceed such estimates by more than fifteen per cent.

EXPLANATORY NOTE.

The purpose of this Bill is to authorize Canadian National Railway Company to construct and to purchase lines of railway in the Province of Manitoba, and to authorize the guarantee by Her Majesty in right of Canada of the principal and interest on any securities issued by the Railway Company to finance this construction and purchase.

The line of railway that the Railway Company proposes to construct is from Optic Lake on the Lynn Lake line to Chisel Lake, both in the Province of Manitoba, a distance of approximately 52 miles. The estimated cost of construction of the line is \$8,840,000.

The Railway Company also proposes to purchase from The International Nickel Company of Canada, Limited, the line of railway being constructed by the Nickel Company from Sipiwesk on the Hudson Bay railway line to a point on the Burntwood River, near Mystery Lake, in the Province of Manitoba, a distance of approximately 30 miles. The estimated purchase price of this line is \$5,400,000.

Purchase
of line of
railway.

4. The Railway Company is authorized to purchase from The International Nickel Company of Canada, Limited, (hereinafter called "the Nickel Company") at a price not exceeding five million four hundred thousand dollars the line of railway (in this Act called "Branch Line Number 2") described in the Schedule, including all rights, franchises, powers, real and personal property, assets and effects of every nature and description without exception, with appurtenances, and all running powers and other rights, privileges and concessions pertaining thereto acquired by the Nickel Company by contract, agreement or otherwise, from any other company or person.

Terms and
conditions
of purchase.

5. The Railway Company may, with the approval of the Governor in Council, enter into a contract with the Nickel Company containing the terms and conditions of the purchase and sale of Branch Line Number 2, including, without restricting the generality of the foregoing, the date of transfer of ownership of the line of railway from the Nickel Company to the Railway Company, the adjustments customary at the date of transfer of ownership, the time and manner of payment of the purchase price, a guarantee by the Nickel Company of certain minimum revenues to the Railway Company, the removal of encumbrances on the property described for which the Nickel Company is responsible directly or indirectly and the settlement of claims, if any, against the Nickel Company.

Operation.

6. When ownership of Branch Line Number 2 is transferred to the Railway Company by the Nickel Company, the Railway Company may, subject to the approval of the Board of Transport Commissioners for Canada, operate the railway line as a part of the Railway Company's lines of railway in Canada.

Issue of
securities.

7. Subject to the provisions of this Act and the approval of the Governor in Council, the Railway Company may, in respect of the cost of the construction and completion of Branch Line Number 1 and of the purchase price of Branch Line Number 2, or to provide amounts required for the repayment of loans made under section 8, issue notes, obligations, bonds, debentures or other securities (in this Act called "securities"), not exceeding in the aggregate, exclusive of any securities issued to secure loans made under section 8, ten million one hundred and sixty-six thousand dollars in respect of Branch Line Number 1 and five million four hundred thousand dollars in respect of Branch Line Number 2 or fifteen million five hundred and

sixty-six thousand dollars in respect of both Branch Lines, and bearing such rates of interest and subject to such other terms and conditions as the Governor in Council may approve.

Temporary
loans.

8. To enable the work of construction and completion of Branch Line Number 1 to proceed forthwith, and to enable the Railway Company to pay to the Nickel Company the purchase price of Branch Line Number 2, the Minister of Finance, upon application made to him by the Railway Company and approved by the Minister of Transport, may, with the approval of the Governor in Council, make temporary loans to the Railway Company out of the Consolidated Revenue Fund, not exceeding, in respect of Branch Line Number 1, ten million one hundred and sixty-six thousand dollars and, in respect of Branch Line Number 2, five million four hundred thousand dollars, repayable on such terms and at such rates of interest as the Governor in Council may determine and secured by securities that the Railway Company is authorized to issue under section 7.

Guarantees.

9. (1) The Governor in Council may authorize the guarantee by Her Majesty in right of Canada of the principal and interest of the securities that the Railway Company may issue under the provisions of this Act.

Form and
terms.

(2) The guarantee may be in such form and subject to such terms and conditions as the Governor in Council may determine to be appropriate and applicable thereto and may be signed on behalf of Her Majesty by the Minister of Finance or such other person as the Governor in Council may designate, and such signature is conclusive evidence for all purposes of the validity of the guarantee and that the provisions of this Act have been complied with.

Guarantees
may be
general or
separate.

(3) A guarantee under this Act may be a general guarantee for the total amount of the issue of the securities authorized for each branch line, a general guarantee for the total amount of the issue of securities authorized for both branch lines or a separate guarantee endorsed on each of the securities.

Temporary
guarantees.

(4) With the approval of the Governor in Council, temporary guarantees may be made to be subsequently replaced by permanent guarantees.

Deposit of
proceeds of
sale, etc., of
securities.

10. (1) The proceeds of any sale, pledge, or other disposition of any guaranteed securities shall in the first instance be paid into the Consolidated Revenue Fund or shall be deposited to the credit of the Minister of Finance in trust for the Railway Company, in one or more banks designated by him.

Release of
deposits.

(2) The Board of Directors of the Railway Company may authorize application to be made to the Minister of Transport for the release of any part of the proceeds deposited pursuant to subsection (1) to the Railway Company for the purpose of meeting expenditures in respect of the construction of Branch Line Number 1 and the purchase of Branch Line Number 2, and the Minister of Transport may approve the applications, and upon the request of the Minister of Transport the Minister of Finance may pay the amount or amounts of such applications or part thereof accordingly. 5 10

Report to
Parliament.

11. The Minister of Transport shall present to Parliament during the first ten days of each session held prior to the date of completion fixed by or under section 1, a statement showing in detail the nature and extent of the work done on Branch Line Number 1 under the authority of this Act during the previous calendar year, and the expenditure thereon, and the estimated expenditure for the current calendar year, together with the amount of any advances made under section 8 and the amount of such advances reimbursed, and such further information as the Minister of Transport may direct. 15 20

SCHEDULE.

Location.	ESTIMATES.		
	Mileage.	Cost of Construction.	Average cost per mile.
<i>Branch Line Number 1.</i> A line of railway from a point on the Lynn Lake railway line at or near Optic Lake extending in an easterly direction to a point at or near Chisel Lake both in the Province of Manitoba.....	52	\$8,840,000	\$170,000
<i>Branch Line Number 2.</i> A line of railway from a point on the Hudson Bay Railway line at or near Sipiwesk extending in a northwesterly direction to a point on the Burntwood River at or near Mystery Lake, both in the Province of Manitoba, a distance of 30 miles more or less.....			

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 197.

An Act respecting The Hamilton Harbour Commissioners.

First reading, December 3, 1957.

THE MINISTER OF TRANSPORT.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957

THE HOUSE OF COMMONS OF CANADA.

BILL 197.

An Act respecting The Hamilton Harbour Commissioners.

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 Hamilton Harbour Commissioners Act, 1957.* 5

Loans to Corporation. **2.** The Minister of Finance, upon application made to him by The Hamilton Harbour Commissioners (hereinafter called the "Corporation") and approved by the Minister of Transport, may, with the approval of the Governor in Council, make loans to the Corporation out of the Consolidated Revenue Fund of amounts not exceeding in the aggregate four million dollars as may be required by the Corporation for the construction, renewal or repair of transit sheds, terminals, slips and other harbour facilities on any or all of the lands included within the limits of the harbour of Hamilton. 10 15

Approval of plans, etc. **3.** The Corporation shall furnish to the Minister of Transport plans, specifications and estimates of expenditures for the facilities mentioned in section 2, and no loan shall be made to the Corporation under this Act until such plans, specifications and estimates have been approved by the Minister of Transport. 20

Debentures. **4.** The Corporation shall, upon any loan being made to it under this Act, issue and deposit with the Minister of Finance debentures of the Corporation equal in par value to the amount of the loan so made, and the debentures shall be of such amounts and repayable on such terms and shall bear such rates of interest as the Governor in Council determines. 25

The principal object of this Bill is to provide for the making of loans out of the Consolidated Revenue Fund, not exceeding in the aggregate \$4,000,000, to The Hamilton Harbour Commissioners for the purpose of constructing additional dockage and other facilities in the harbour.

AN ACT TO AUTHORISE THE MAKING OF LOANS

1911, CHAPTER 10

EXPLANATORY NOTE

The purpose of this Bill is to provide for the making of loans out of the Consolidated Revenue Fund, not exceeding in the aggregate \$4,000,000, to The Hamilton Harbour Commissioners for the purpose of constructing additional dockage and other facilities in the harbour.

ENACTED BY THE LEGISLATIVE COUNCIL OF CANADA

EDWARD VII

BY APPOINTMENT OF THE GOVERNOR GENERAL
JAMES G. H. [Signature]

Repayment
of loans.

5. The principal amount of and any interest on loans made to the Corporation under this Act shall be repayable by the Corporation out of its tolls, rates, penalties and other sources of revenue, and shall rank as a first charge thereon subject to the repayment of debentures issued by the Corporation prior to the coming into force of this Act. 5

BILL 197.

EXPLANATORY NOTE

The purpose of this Bill is to provide for the raising of loans out of the Consolidated Revenue Fund for the purpose of the construction of the various works and other harbor facilities in the harbor of Vancouver, B.C., and for the repayment of the same out of the tolls, rates, penalties and other harbor facilities in the harbor of Vancouver, B.C.

1. The Corporation shall borrow on the authority of the Minister of Finance such amounts and amounts of expenditure for the purposes mentioned in section 2, and so long as the amount of the Corporation under this Act shall not exceed the amount of the loan and the amount of the same shall not exceed the amount of the loan.

2. The Corporation shall, upon any loan being made to it under this Act, deposit with the Minister of Finance a sum of money equal to the amount of the loan in the name of the Corporation and in the name of the loan, and the debentures issued by the Corporation shall be secured by the same.

199.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 199.

An Act to amend the Export Credits Insurance Act.

First reading, December 4, 1957.

MINISTER OF TRADE AND COMMERCE.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957

98847-7

1st Session, 23rd Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 199.

An Act to amend the Export Credits Insurance Act.

R.S., c. 105;
1953-54, c. 15
1957, c. 8.

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 21 of the *Export Credits Insurance Act* is repealed and the following substituted therefor: 5

Liability
under
contracts
outstanding.

“(3) The liability of the Corporation under the contracts of insurance entered into under this section and outstanding shall not at any time exceed two hundred million dollars and shall not be included in the liability of the Corporation 10 for the purposes of section 14.”

THE HOUSE OF COMMONS OF CANADA.

EXPLANATORY NOTE.

Contracts of insurance issued under section 21 of the *Export Credits Insurance Act* are those which are considered to be in the national interest, but which would impose upon the Export Credits Insurance 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.

Subsection (3) of section 21 of the Act now reads as follows:

"(3) The liability of the Corporation under the contracts of insurance entered into under this section and outstanding shall not at any time exceed *one hundred million* dollars and shall not be included in the liability of the Corporation for the purposes of section 14."

The purpose of this amendment is to increase from one hundred million dollars to two hundred million dollars the total liability that the Corporation may have outstanding at any time under contracts of insurance entered into under section 21.

231.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 231.

An Act to amend the Excise Tax Act.

First reading, December 9, 1957.

THE MINISTER OF FINANCE.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957

THE HOUSE OF COMMONS OF CANADA.

BILL 231.

An Act to amend the Excise Tax Act.

R.S. cc. 100,
320;
1952-53, c. 35;
1953-54, c. 56;
1955, c. 53;
1956, c. 37;
1957, c. 26.

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

1. Section 1 of Schedule I to the *Excise Tax Act* is repealed and the following substituted therefor: 5

"1. Automobiles adapted or adaptable for passenger use, with seating capacity for not more than ten persons each.....seven and one-half per cent; the tax on automobiles applies on the total price charged for such automobiles, which price shall include all charges for accessories, optional equipment, or any other charges contracted for at the time of sale, whether charged for separately or not; the tax does not apply to automobiles imported under *Customs Tariff* items 702, 705a, 706 and 707." 10 15

2. This Act shall be deemed to have come into force on the 7th day of December, 1957, 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. 20

THE HOUSE OF COMMONS OF CANADA

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTE.

The purpose of this Bill is to implement the change in the excise tax on automobiles announced on December 6th, 1957.

THE HOUSE OF COMMONS OF CANADA

THE HOUSE OF COMMONS OF CANADA

THE HOUSE OF COMMONS OF CANADA

THE HOUSE OF COMMONS OF CANADA

THE HOUSE OF COMMONS OF CANADA

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 232.

An Act to amend the Income Tax Act.

First reading, December 9, 1957.

THE MINISTER OF FINANCE.

THE HOUSE OF COMMONS OF CANADA.

BILL 232.

An Act to amend the Income Tax Act.

R.S. c. 148;
1952-53, c. 40;
1953-54, c. 57;
1955, cc. 54, 55;
1956, c. 39;
1957, c. 29.

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

1. (1) Section 5 of the *Income Tax Act* is amended by adding thereto the following subsection:

Construction
workers.

"(2) Notwithstanding subsection (1), in computing the income of a taxpayer for a taxation year from an office or employment, where the taxpayer was, during the year, employed as a construction worker, there shall not be included 5

(a) the value of, or an allowance (not in excess of a reasonable amount) in respect of expenses incurred by him for, board and lodging, received by him 10

(i) in respect of, in the course of or by virtue of his employment as a construction worker at a construction site from which, by reason of distance from the place where he maintained a self-contained domestic establishment (hereinafter in this subsection referred to as his "ordinary place of residence") in which he resided and actually supported a spouse or a person dependent upon him for support and connected with him by blood relationship, marriage or adoption, he could not reasonably be expected to return daily to his ordinary place of residence, and 15 20

(ii) in respect of a period while he was required by his duties to be away, for a period of not less than 36 hours, from his ordinary place of residence; or 25

EXPLANATORY NOTES.

Clause 1. This new subsection provides that a person employed as a construction worker at a construction site from which he cannot reasonably be expected to return daily to his ordinary place of residence where he maintains a home in which he lives with his wife or other dependant shall not be required to include in income the value of free board and lodging furnished during the period of necessary absence or free transportation furnished to or from the construction site, or a reasonable allowance paid to him to cover expenses of such board and lodging or transportation.

- (b) the value of, or an allowance (not in excess of a reasonable amount) in respect of expenses incurred by him for, transportation between his ordinary place of residence and the construction site referred to in subparagraph (i) of paragraph (a), received by him 5
- (i) in respect of, in the course of or by virtue of his employment described in subparagraph (i) of paragraph (a), and
- (ii) in respect of a period described in subparagraph (ii) of paragraph (a), during which he received 10 board and lodging, or a reasonable allowance in respect of expenses incurred by him for board and lodging, from his employer."

(2) This section is applicable to the 1957 and subsequent 15 taxation years.

2. (1) All that portion of paragraph (c) of subsection (1) of section 26 of the said Act following subparagraph (iii) thereof is repealed and the following substituted therefor:
 "\$250 if the child or grandchild was a child qualified for family allowance and \$500 if the child or grand- 20 child was not so qualified;"

(2) All that portion of paragraph (d) of subsection (1) of section 26 of the said Act following subparagraph (ii) thereof is repealed and the following substituted therefor:
 "not exceeding \$250 if the person was a child qualified 25 for family allowance and \$500 if he was not so qualified; and"

(3) Subsection (6) of section 26 of the said Act is repealed and the following substituted therefor:
 "(6) Where more than one taxpayer is entitled to deduct 30 an amount under paragraph (d) of subsection (1) in respect of the same dependant, no more than \$250 or \$500, as the case may be, is deductible in respect of the dependant and, where the taxpayers cannot agree as to what portion of the amount each can deduct, the Minister may fix the 35 portions."

(4) This section is applicable to the 1958 and subsequent taxation years.

3. (1) Paragraphs (a) to (p) of subsection (1) of section 32 of the said Act are repealed and the following substituted 40 therefor:
 "(a) 11% of the amount taxable if the amount taxable does not exceed \$1,000,

Partial
dependency.

Clause 2. These amendments increase the deduction for a child qualified for family allowance from \$150 to \$250, and increase the deduction for dependants not so qualified from \$400 to \$500.

(1) The portion of paragraph (c) being repealed presently reads as follows:

“\$150 if the child or grandchild was a child qualified for family allowance and \$400 if the child or grandchild was not so qualified;”

(2) The portion of paragraph (d) being repealed presently reads as follows:

“not exceeding \$150 if the person was a child qualified for family allowance and \$400 if he was not so qualified; and”

(3) Subsection (6) presently reads as follows:

“(6) Where more than one taxpayer is entitled to deduct an amount under paragraph (d) of subsection (1) in respect of the same dependant, no more than \$150 or \$400, as the case may be, is deductible in respect of the dependant and, where the taxpayers cannot agree as to what portion of the amount each can deduct, the Minister may fix the portions.”

Clause 3. This amendment provides new graduated rates of tax for individuals, for 1958 and subsequent taxation years.

Paragraphs (a) to (p) of subsection (1) presently read as follows:

(a) 13% of the amount taxable if the amount taxable does not exceed \$1,000,

- (b) \$110 plus 14% of the amount by which the amount taxable exceeds \$1,000 if the amount taxable exceeds \$1,000 and does not exceed \$2,000,
- (c) \$250 plus 17% of the amount by which the amount taxable exceeds \$2,000 if the amount taxable exceeds \$2,000 and does not exceed \$4,000, 5
- (d) \$590 plus 20% of the amount by which the amount taxable exceeds \$4,000 if the amount taxable exceeds \$4,000 and does not exceed \$6,000,
- (e) \$990 plus 24% of the amount by which the amount taxable exceeds \$6,000 if the amount taxable exceeds \$6,000 and does not exceed \$8,000, 10
- (f) \$1470 plus 28% of the amount by which the amount taxable exceeds \$8,000 if the amount taxable exceeds \$8,000 and does not exceed \$10,000, 15
- (g) \$2030 plus 33% of the amount by which the amount taxable exceeds \$10,000 if the amount taxable exceeds \$10,000 and does not exceed \$12,000,
- (h) \$2690 plus 38% of the amount by which the amount taxable exceeds \$12,000 if the amount taxable exceeds \$12,000 and does not exceed \$15,000, 20
- (i) \$3830 plus 43% of the amount by which the amount taxable exceeds \$15,000 if the amount taxable exceeds \$15,000 and does not exceed \$25,000,
- (j) \$8130 plus 48% of the amount by which the amount taxable exceeds \$25,000 if the amount taxable exceeds \$25,000 and does not exceed \$40,000, 25
- (k) \$15,330 plus 53% of the amount by which the amount taxable exceeds \$40,000 if the amount taxable exceeds \$40,000 and does not exceed \$60,000, 30
- (l) \$25,930 plus 58% of the amount by which the amount taxable exceeds \$60,000 if the amount taxable exceeds \$60,000 and does not exceed \$90,000,
- (m) \$43,330 plus 63% of the amount by which the amount taxable exceeds \$90,000 if the amount taxable exceeds \$90,000 and does not exceed \$125,000, 35
- (n) \$65,380 plus 68% of the amount by which the amount taxable exceeds \$125,000 if the amount taxable exceeds \$125,000 and does not exceed \$225,000,
- (o) \$133,380 plus 73% of the amount by which the amount taxable exceeds \$225,000 if the amount taxable exceeds \$225,000 and does not exceed \$400,000, 40
- (p) \$261,130 plus 78% of the amount by which the amount taxable exceeds \$400,000 if the amount taxable exceeds \$400,000." 45

(2) This section is applicable to the 1958 and subsequent taxation years.

- (b) \$130 plus 15% of the amount by which the amount taxable exceeds \$1,000 if the amount taxable exceeds \$1,000 and does not exceed \$2,000,
- (c) \$280 plus 17% of the amount by which the amount taxable exceeds \$2,000 if the amount taxable exceeds \$2,000 and does not exceed \$4,000,
- (d) \$620 plus 20% of the amount by which the amount taxable exceeds \$4,000 if the amount taxable exceeds \$4,000 and does not exceed \$6,000,
- (e) \$1,020 plus 24% of the amount by which the amount taxable exceeds \$6,000 if the amount taxable exceeds \$6,000 and does not exceed \$8,000,
- (f) \$1,500 plus 28% of the amount by which the amount taxable exceeds \$8,000 if the amount taxable exceeds \$8,000 and does not exceed \$10,000,
- (g) \$2,060 plus 33% of the amount by which the amount taxable exceeds \$10,000 if the amount taxable exceeds \$10,000 and does not exceed \$12,000,
- (h) \$2,720 plus 38% of the amount by which the amount taxable exceeds \$12,000 if the amount taxable exceeds \$12,000 and does not exceed \$15,000,
- (i) \$3,860 plus 43% of the amount by which the amount taxable exceeds \$15,000 if the amount taxable exceeds \$15,000 and does not exceed \$25,000,
- (j) \$8,160 plus 48% of the amount by which the amount taxable exceeds \$25,000 if the amount taxable exceeds \$25,000 and does not exceed \$40,000,
- (k) \$15,360 plus 53% of the amount by which the amount taxable exceeds \$40,000 if the amount taxable exceeds \$40,000 and does not exceed \$60,000,
- (l) \$25,960 plus 58% of the amount by which the amount taxable exceeds \$60,000 if the amount taxable exceeds \$60,000 and does not exceed \$90,000,
- (m) \$43,360 plus 63% of the amount by which the amount taxable exceeds \$90,000 if the amount taxable exceeds \$90,000 and does not exceed \$125,000,
- (n) \$65,410 plus 68% of the amount by which the amount taxable exceeds \$125,000 if the amount taxable exceeds \$125,000 and does not exceed \$225,000,
- (o) \$133,410 plus 73% of the amount by which the amount taxable exceeds \$225,000 if the amount taxable exceeds \$225,000 and does not exceed \$400,000,
- (p) \$261,160 plus 78% of the amount by which the amount taxable exceeds \$400,000 if the amount taxable exceeds \$400,000."

4. (1) Paragraphs (a) and (b) of subsection (1) of section 39 of the said Act are repealed and the following substituted therefor:

- “(a) 18% of the amount taxable, if the amount taxable does not exceed \$25,000, and
 (b) \$4,500 plus 45% of the amount by which the amount taxable exceeds \$25,000, if the amount taxable exceeds \$25,000.”

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(2) All that portion of subsection (3) of section 39 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

Idem.

“(3) Notwithstanding subsection (2), if all of the corporations of a group that are associated with each other in a taxation year have filed with the Minister in prescribed form an agreement whereby, for the purposes of this section, they allocate an amount to one or more of them for the taxation year and the amount so allocated or the aggregate of the amounts so allocated, as the case may be, is \$25,000, the tax payable by each of the corporations under this Part upon its amount taxable for the year is, except where otherwise provided by another section, the aggregate of”

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(3) Subsection (3a) of section 39 of the said Act is repealed and the following substituted therefor:

Idem.

“(3a) If any of the corporations of a group that are associated with each other in a taxation year has failed to file with the Minister an agreement as contemplated by subsection (3) within 30 days after notice in writing by the Minister has been forwarded to any of them that such an agreement is required for the purpose of any assessment of tax under this Part, the Minister shall, for the purposes of this section, allocate an amount to one or more of them for the taxation year, which amount or the aggregate of which amounts, as the case may be, shall equal \$25,000, and, in any such case, notwithstanding subsection (2) the tax payable by each of the corporations under this Part upon its amount taxable for the year is, except where otherwise provided by another section, such amount as would have been payable under subsection (3) if the allocation so made by the Minister had been made pursuant to an agreement filed with the Minister as contemplated by subsection (3).”

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(4) This section and section 5 are applicable to the 1958 and subsequent taxation years, but where a corporation has a taxation year part of which is before and part of which is after the commencement of 1958, the tax payable by the corporation under Part I of the said Act for that taxation year is the aggregate of

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Clause 4. These amendments increase the amount of the first bracket of corporation income which is subject to the lower rate of 18% from \$20,000 to \$25,000.

(1) Paragraphs (a) and (b) of subsection (1) presently read as follows:

- “(a) 18% of the amount taxable, if the amount taxable does not exceed \$20,000, and
- (b) \$3,600 plus 45% of the amount by which the amount taxable exceeds \$20,000 if the amount taxable exceeds \$20,000.”

(2) The portion of subsection (3) being repealed presently reads as follows:

“(3) Notwithstanding subsection (2), if all of the corporations of a group that are associated with each other in a taxation year have filed with the Minister in prescribed form an agreement whereby, for the purposes of this section, they allocate an amount to one or more of them for the taxation year and the amount so allocated or the aggregate of the amounts so allocated, as the case may be, is \$20,000, the tax payable by each of the corporations under this Part upon its amount taxable for the year is, except where otherwise provided by another section, the aggregate of”

(3) Subsection (3a) presently reads as follows:

“(3a) If any of the corporations of a group that are associated with each other in a taxation year has failed to file with the Minister an agreement as contemplated by subsection (3) within 30 days after notice in writing by the Minister has been forwarded to any of them that such an agreement is required for the purpose of any assessment of tax under this Part, the Minister shall, for the purposes of this section, allocate an amount to one or more of them for the taxation year, which amount or the aggregate of which amounts, as the case may be, shall equal \$20,000, and, in any such case, notwithstanding subsection (2) the tax payable by each of the corporations under this Part upon its amount taxable for the year is, except where otherwise provided by another section, such amount as would have been payable under subsection (3) if the allocation so made by the Minister had been made pursuant to an agreement filed with the Minister as contemplated by subsection (3).”

- (a) that proportion of the tax computed under Part I of the said Act as it was before being amended by this section and section 5 that the number of days in that portion of the taxation year that is in 1957 is of the number of days in the whole taxation year, and 5
- (b) that proportion of the tax computed under Part I of the said Act as amended by this section and section 5 that the number of days in that portion of the taxation year that is in 1958 is of the number of days in the whole taxation year. 10

5. (1) Paragraphs (a), (b) and (c) of subsection (3) of section 85 of the said Act are repealed and the following substituted therefor:

- “(a) the lesser of \$4,500 or 18% of the corporation’s taxable income for the year, 15
- (b) 45% of
- (i) the corporation’s class B taxable income for the year,
- minus
- (ii) \$25,000, and 20
- (c) 43% of
- (i) the corporation’s class A taxable income for the year,
- minus
- (ii) the amount, if any, by which the corporation’s class B taxable income for the year is less than \$25,000.”

(2) Subsection (7) of section 85 of the said Act is repealed and the following substituted therefor:

Associated
corporations,

“(7) Where a designated corporation is one of a group 30
of corporations that have filed with the Minister for a taxation year an agreement under subsection (3) of section 39 or one of a group of corporations in respect of which the Minister has allocated an amount for a taxation year under subsection (3a) of section 39, there may be deducted from 35
the tax for the year computed under subsection (3) or (3a), as the case may be, of section 39 [the amount determined by applying subsection (3) of this section *mutatis mutandis* and, for that purpose, there shall be substituted for the amount of \$25,000 where it appears in paragraphs (b) 40
and (c) of subsection (3), the amount allocated to the corporation by the agreement or by the Minister, as the case may be, and there shall be substituted for the amount of \$4,500 where it appears in paragraph (a) of subsection (3) an amount equal to 18% of the amount so allocated to it.” 45

Clause 5. These amendments are consequential upon the inclusion in the Bill of the new clause 4. The reference in subsection (7) of section 85 to subsection (3a) of section 39 is also corrected.

(1) Paragraphs (a), (b) and (c) of subsection (3) presently read as follows:

- “(a) the lesser of \$3,600 or 18% of the corporation’s taxable income for the year.
- (b) 45% of
 - (i) the corporation’s class B taxable income for the year,
 - minus
 - (ii) \$20,000, and
- (c) 43% of
 - (i) the corporation’s class A taxable income for the year,
 - minus
 - (ii) the amount, if any, by which the corporation’s class B taxable income for the year is less than \$20,000.”

(2) Subsection (7) presently reads as follows:

“(7) Where a designated corporation is one of a group of corporations that have filed with the Minister for a taxation year an agreement under subsection (3a) of section 39, there may be deducted from the tax for the year computed under that subsection the amount determined by applying subsection (3) of this section *mutatis mutandis* and, for that purpose, there shall be substituted for the amount of \$20,000 where it appears in paragraphs (b) and (c) of subsection (3), the amount allocated to the corporation by the agreement and there shall be substituted for the amount of \$3,600 where it appears in paragraph (a) of subsection (3) an amount equal to 18% of the amount so allocated to it.”

REPRINT.

237.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 237.

An Act to provide for the Stabilization of the Prices
of Agricultural Commodities.

First reading, December 14, 1957.

MINISTER OF AGRICULTURE.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957

REPRINT.

1st Session, 23rd Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 237.

An Act to provide for the Stabilization of the Prices
of Agricultural Commodities.

Preamble.

WHEREAS it is expedient to enact a measure for the purpose of stabilizing the prices of agricultural commodities in order to assist the industry of agriculture to realize fair returns for its labour and investment, and to maintain a fair relationship between prices received by farmers and the costs of the goods and services that they buy; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

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SHORT TITLE.

Short title.

1. This Act may be cited as the *Agricultural Stabilization Act*. 10

INTERPRETATION.

Definitions.

2. (1) In this Act,

"Agricultural commodity."

(a) "agricultural commodity" means

(i) any of the following commodities produced in Canada, namely, cattle, hogs and sheep; butter, cheese and eggs; and wheat, oats and barley not produced in the designated area as defined in the *Canadian Wheat Board Act*; hereinafter called "named commodity"; and

(ii) any other natural or processed product of agriculture designated by the Governor in Council as an agricultural commodity for the purposes of this Act, hereinafter called "designated commodity";

"Base price."

(b) "base price", in relation to an agricultural commodity, means the base price as established under section 8; 25

"Board."

(c) "Board" means the Agricultural Stabilization Board established by this Act;

"Minister."

(d) "Minister" means the Minister of Agriculture; and

EXPLANATORY NOTES.

The Bill proposes the establishment of a system of guaranteed prices for agricultural commodities based on a ten year moving average formula. The Board will establish the base price for a commodity by calculating the average price at representative markets for the ten years immediately preceding the year in which the base price is established. The guaranteed price for such commodity for the following twelve months will be set as a percentage of the base price.

Further, in order to provide basic security to farmers, guaranteed by legislation, on key commodities minimum floor prices of 80 percent of the base price will be mandatory, and such floor prices will be permanently in effect.

The Bill includes provision for the establishment of a Board, an Advisory Committee consisting of farmers and representatives of farm organizations, a revolving fund of \$250,000,000, and for the repeal of the *Agricultural Prices Support Act*.

"Prescribed price."

(e) "prescribed price" means,

(i) in relation to a named commodity, eighty per cent of the base price thereof, or such higher percentage of the base price thereof as the Governor in Council prescribes, and

(ii) in relation to a designated commodity, such percentage of the base price thereof as the Governor in Council prescribes.

Relevant factors to be considered.

(2) In prescribing a percentage of the base price of an agricultural commodity under subparagraph (i) or (ii) of paragraph (e) of subsection (1), the Governor in Council shall have regard to the estimated average cost of production of the commodity, and such other factors as the Governor in Council considers to be relevant.

AGRICULTURAL STABILIZATION BOARD.

Board established.

3. (1) There shall be a corporation to be known as the "Agricultural Stabilization Board" consisting of three members appointed by the Governor in Council.

Chairman and Vice-Chairman.

(2) The Governor in Council shall designate one of the members to be Chairman of the Board and one of the members to be Vice-Chairman of the Board.

Chief executive officer.
Remuneration and expenses of Board members.

(3) The Chairman is the chief executive officer of the Board.

(4) Each member of the Board may be paid such salary or other amount by way of remuneration as is fixed by the Governor in Council, and may be paid reasonable travelling and living expenses incurred by him while absent from his ordinary place of residence in the course of his duties.

Temporary substitute members.

(5) If any member of the Board is absent or unable to act, the Governor in Council may appoint a temporary substitute member for such term and upon such conditions as the Governor in Council prescribes.

Head Office.

(6) The head office of the Board shall be in the City of Ottawa, in the Province of Ontario, but meetings of the Board may be held at such other place as the Board may decide.

Agent of Her Majesty.

4. (1) The Board 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 such agent.

Contracts.

(2) The Board may, on behalf of Her Majesty, enter into contracts in the name of Her Majesty or in the name of the Board.

Property.

(3) Property acquired by the Board is the property of Her Majesty and title thereto may be vested in the name of Her Majesty or in the name of the Board.

- Actions.** (4) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Board 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 Board in the name of the Board in any court that would have jurisdiction if the Board were not an agent of Her Majesty. 5
- Board subject to directions from Governor in Council or Minister.** (5) The Board 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 under this Act. 10

ADVISORY COMMITTEE.

- Advisory Committee.** 5. (1) The Minister shall appoint an advisory committee, consisting of a chairman and at least six, but not more than nine, other members, composed of farmers and representatives of farm organizations. 15
- Functions.** (2) The Advisory Committee established under subsection (1) shall advise the Minister and the Board with respect to such matters relating to the stabilization of prices of agricultural commodities under this Act as are referred to it by the Minister or the Board. 20
- Remuneration and expenses.** (3) The members of the Advisory Committee may be paid for their services such remuneration and expenses as are fixed by the Governor in Council. 20

STAFF.

- Staff.** 6. (1) With the approval of the Governor in Council, the Board may employ such professional, technical or other officers, clerks and employees as it deems necessary for the proper conduct of its business and may fix their remuneration. 25
- Application of Civil Service Act.** (2) Any member or employee of the Board who, at the time of his appointment or employment under or pursuant to this Act, held a position in the civil service, or was an employee within the meaning of the *Civil Service Act*, retains and is eligible to receive all the benefits, except salary as a civil servant, that he would have retained or been eligible to receive had he remained under that Act. 30 35

DUTIES OF BOARD.

- Action to stabilize prices.** 7. (1) The Board shall from time to time in accordance with this Act take such action as is necessary to stabilize the prices of agricultural commodities at their respective prescribed prices, and shall take such action and make such recommendations as are necessary to ensure that the prescribed prices for an agricultural commodity in effect from time to time shall bear a fair relationship to the base price for such commodity. 40

Form of
action.

(2) Action by the Board to stabilize the price of an agricultural commodity under this Act shall be taken in relation to the agricultural commodity or in relation to such grade, quality, variety, class, type or form thereof, and with reference to such place or places, as the Board considers appropriate. 5

Establish-
ment of base
price.

8. (1) In each year the Board shall establish the base price for each agricultural commodity, or the grade, quality, variety, class, type or form thereof, the price of which is to be stabilized under this Act. 10

To be
average price.

(2) The base price of an agricultural commodity shall be the average price at representative markets as determined by the Board for the ten years immediately preceding the year in which the base price is established.

Duration of
action to
stabilize
prices.

9. (1) Action by the Board under paragraph (a), (b) or (c) of subsection (1) of section 10 in relation to an agricultural commodity shall commence at such time in each year as is determined by the Board, and shall continue thereafter for a period of twelve months or, in the case of a designated commodity, for such other period as the Governor in Council prescribes. 15 20

Duration of
action by
Governor in
Council under
s. 2(e) and (a).

(2) The percentage of the base price of a named commodity higher than eighty prescribed under subparagraph (i) of paragraph (e) of section 2, and the designation of an agricultural commodity under subparagraph (ii) of paragraph (a) of section 2, shall cease to have effect at the end of the period mentioned in subsection (1) in relation to that commodity. 25

POWERS OF BOARD.

Powers.

10. (1) Subject to and in accordance with any regulations that may be made by the Governor in Council, the Board may 30

- (a) purchase any agricultural commodity at the prescribed price;
- (b) pay to producers of an agricultural commodity, directly or through such agent as the Board may determine, the amount by which the prescribed price exceeds a price determined by the Board to be the average price at which the commodity is sold in such markets and during such periods as the Board considers appropriate; 35
- (c) make such payment for the benefit of producers as the Governor in Council may authorize for the purpose of stabilizing the price of an agricultural commodity at the prescribed price; 40
- (d) sell or otherwise dispose of, package, process, store, ship, transport, export, insure or otherwise deal in any commodity purchased by the Board under this section; 45

- (e) enter into contracts or appoint agents to do anything authorized under this Act;
- (f) purchase at the request of any department or agency of the Government of Canada any agricultural commodity required by such department or agency; and 5
- (g) do all such acts and things as are necessary or incidental to the exercise of any of its powers, duties or functions under this Act.

Food products.

(2) For the purpose of stabilizing the price of an agricultural commodity, the Board may exercise all or any of its powers under this section in relation to any food product thereof, and for the purposes of this section the expression "prescribed price" in relation to such food product shall be construed to be such price as is determined by the Board to be proportionate to the prescribed price for such agricultural commodity. 15

Rules.

(3) The Board may make rules for the regulation of its proceedings and the performance of its duties and functions under this Act.

REGULATIONS.

Regulations.

11. The Governor in Council may make regulations for 20 carrying out the purposes and provisions of this Act.

EXPENDITURES.

Administration expenses to be paid out of appropriations.

12. All expenditures for salaries, travelling expenses and expenses of administration, excluding those that in the opinion of the Board are directly attributable to action taken by the Board to stabilize the price of an agricultural commodity, shall be paid out of moneys appropriated by Parliament for the purpose. 25

Other expenditures out of C.R.F.

13. (1) Subject to this section, all expenditures under this Act, except those referred to in section 12, shall be paid by the Minister of Finance out of the Consolidated Revenue Fund on the requisition of the Board. 30

Agricultural Commodities Stabilization Account.

(2) There shall be established in the Consolidated Revenue Fund an account to be known as the Agricultural Commodities Stabilization Account, in this section called the "Account". 35

Charges to Account.

- (3) There shall be charged to the Account
- (a) all expenditures under this Act, except those referred to in section 12; and
- (b) the net operating profits on the operations of the Account for a fiscal year, as determined by the Minister of Finance under subsection (7). 40

Credits to Account.

- (4) There shall be credited to the Account
- (a) all moneys received by the Board from its operations;

- (b) the net operating loss on the operations of the Account for a fiscal year, to the extent authorized by Parliament; and
- (c) amounts transferred from appropriations for expenditure by any department or agency of the Government of Canada in respect of expenditures incurred by the Board for those departments or agencies under paragraph (f) of subsection (1) of section 10. 5

Limitation
on payments
out of C.R.F.

(5) A payment made out of the Consolidated Revenue Fund under subsection (1), together with the balance of the Account, shall not be greater than two hundred and fifty million dollars. 10

Definition
of "balance of
the Account".

(6) For the purposes of this section, "balance of the Account" means the aggregate of all amounts charged to the Account minus the aggregate of all amounts credited to the Account. 15

Determina-
tion of profit
and loss.

(7) At the end of each fiscal year, the Minister of Finance shall determine the net profit or loss on the operations of the Account for that fiscal year, and if he determines that there is a net profit it shall be charged to the Account, but if he determines that there is a net loss, no amount shall be credited to the Account in respect thereof without the authority of Parliament. 20

Estimates.

(8) Before the end of each fiscal year, an estimate of the profit or loss on the operations of the Account shall be made by the Minister, and if it appears to him that a net loss may result from the operations of the Account for that fiscal year, the estimated amount thereof shall, unless the Governor in Council otherwise directs, be included in Estimates submitted by the Minister to the Governor in Council. 25 30

REPORT TO PARLIAMENT.

Report to
Parliament.

14. The Board shall, within three months after the termination of each fiscal year, submit to the Minister, in such form as he may prescribe, an annual report of the financial transactions and proceedings taken under this Act, and the Minister shall lay the report before Parliament within fifteen days after the receipt thereof, or if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting. 35

TRANSITIONAL.

Successor to
Agricultural
Prices
Support
Board.

15. (1) The Agricultural Stabilization Board established by this Act is hereby declared to be the successor to the Agricultural Prices Support Board established by the *Agricultural Prices Support Act*, and all property, rights, obligations and liabilities of the Agricultural Prices Support Board 40

existing immediately before the day on which this Act comes into force shall be deemed to be property, rights, obligations and liabilities of the Agricultural Stabilization Board on and from that day.

Employment of staff of former Board. (2) Where a person who was an employee of the Agricultural Prices Support Board immediately before the coming into force of this Act and to whom subsection (2) of section 5 of the *Agricultural Prices Support Act* was applicable at that time, is employed by the Agricultural Stabilization Board under this Act within one month after the coming into force of this Act, such person shall, for the purposes of subsection (2) of section 6 of this Act, be deemed to have held a position in the civil service at the time he is so employed. 5 10

Board substituted for former Board. (3) Whenever in any Act, order, regulation, contract, or other document the Agricultural Prices Support Board is mentioned or referred to there shall, in each and every case, be substituted the Agricultural Stabilization Board. 15

Reference in *Agricultural Products Board Act*. (4) The reference in subsection (5) of section 4 of the *Agricultural Products Board Act* to paragraph (i) of subsection (1) of section 9 of the *Agricultural Prices Support Act* shall be construed as a reference to paragraph (e) of subsection (1) of section 10 of this Act. 20

In *Export and Import Permits Act*. (5) A reference in the *Export and Import Permits Act* to an article the price of which is supported under the *Agricultural Prices Support Act* shall be construed as a reference to an article the price of which is stabilized under this Act. 25

COMING INTO FORCE.

Commencement. **16.** This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

REPEAL.

Repeal R.S. c. 3. **17.** The *Agricultural Prices Support Act* is repealed.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 238.

An Act to amend the National Housing Act, 1954.

First reading, December 17, 1957.

MINISTER OF PUBLIC WORKS.

1st Session, 23rd Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 238.

An Act to Amend the National Housing Act, 1954.

1953-54, c. 23;
1956, c. 9.

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

1. (1) Paragraphs (d) and (e) of subsection (1) of section 7 of the *National Housing Act, 1954*, are repealed and the following substituted therefor: 5

“(d) when made to a home owner or builder who intends to sell the house to a home purchaser, it was for the aggregate of

(i) 90% of the first \$12,000 of the lending value or any part thereof, 10

(ii) 70% of the amount by which the lending value exceeds \$12,000, and

(iii) the amount of the insurance fee paid in respect of the loan; 15

(e) when made in respect of a house containing two family housing units to a home owner or to a builder for sale to a home purchaser, it was for the aggregate of

(i) 90% of the first \$12,000 of one-half of the lending value or any part thereof, 20

(ii) 70% of the amount by which one-half of the lending value exceeds \$12,000,

(iii) 80% of the other one-half of the lending value, and 25

(iv) the amount of the insurance fee paid in respect of the loan;”

(2) Paragraphs (g) and (h) of subsection (1) of section 7 of the said Act are repealed and the following substituted therefor: 30

EXPLANATORY NOTES.

Clause 1: (1) The paragraphs being repealed read as follows:

- "(d) when made to a home owner or builder who intends to sell the house to a home purchaser, it was for the aggregate of
- (i) 90% of the first \$8,000 of the lending value or any part thereof,
 - (ii) 70% of the amount by which the lending value exceeds \$8,000, and
 - (iii) the amount of the insurance fee paid in respect of the loan;
- (e) when made in respect of a house containing two family housing units to a home owner or to a builder for sale to a home purchaser, it was for the aggregate of
- (i) 90% of the first \$8,000 of one-half of the lending value or any part thereof,
 - (ii) 70% of the amount by which one-half of the lending value exceeds \$8,000,
 - (iii) 80% of the other one-half of the lending value,
 - (iv) the amount of the insurance fee paid in respect of the loan;"

The purpose of this amendment is to reduce the down payments required to be made by home owners.

(2) The paragraphs being repealed read as follows:

- "(g) when made to a co-operative housing association in respect of houses, it was for the aggregate of
- (i) 90% of the first \$8,000 of the lending value of each house or any part thereof,
 - (ii) 70% of the amount by which the lending value of each house exceeds \$8,000,
 - (iii) the amount of the insurance fee paid in respect of the loan;
- (h) when made to a co-operative housing association in respect of houses that contain two family housing units, it was for the aggregate of
- (i) 90% of the first \$8,000 of one-half of the lending value of each house or any part thereof,
 - (ii) 70% of the amount by which one-half the lending value of each house exceeds \$8,000,
 - (iii) 80% of the other one-half of the lending value of each house, and
 - (iv) the amount of the insurance fee paid in respect of the loan;"

The purpose of this amendment is to reduce the down payments required to be made by co-operative housing associations.

- “(g) when made to a co-operative housing association in respect of houses, it was for the aggregate of
- (i) 90% of the first \$12,000 of the lending value of each house or any part thereof,
 - (ii) 70% of the amount by which the lending value of each house exceeds \$12,000, and 5
 - (iii) the amount of the insurance fee paid in respect of the loan;
- (h) when made to a co-operative housing association in respect of houses that contain two family housing units, it was for the aggregate of 10
- (i) 90% of the first \$12,000 of one-half of the lending value of each house or any part thereof,
 - (ii) 70% of the amount by which one-half the lending value of each house exceeds \$12,000, 15
 - (iii) 80% of the other one-half of the lending value of each house, and
 - (iv) the amount of the insurance fee paid in respect of the loan;”

2. The portion of subsection (1) of section 22 of the said Act that precedes paragraph (a) thereof is repealed and the following substituted therefor: 20

“**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 hundred million dollars,” 25

Advances
out of the
C.R.F. to
make loans
and pay
losses.

THE HOUSE OF COMMONS OF CANADA

BILL 239

AN ACT TO AMEND THE CANADA CREDIT CORP. ACT

Clause 2: The subsection being repealed as amended by chapter 9 of the statutes of 1956, 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 two hundred and fifty million dollars,

- (a) advance moneys to the Corporation for the purpose of making loans under this Part and under sections 40 and 40A,
- (b) reimburse the Corporation for losses sustained in respect of loans made under this Part, and
- (c) advance moneys to the Corporation not in excess of twenty-five million dollars for the purposes of subsection (1) of section 11."

The purpose of this amendment is to increase to four hundred million dollars the maximum charge on the Consolidated Revenue Fund.

239.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 239.

An Act to amend the Criminal Code.
(Capital Punishment).

First reading, December 19, 1957.

MR. WINCH.

1957

1st Session, 23rd Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 239.

An Act to amend the Criminal Code.
(Capital Punishment).

1953-54, c. 51;
1955, cc. 2, 45;
1956, c. 48,
ss. 19, 20.

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

1. Section 206 of the *Criminal Code*, chapter 51 of the statutes of 1953-54, is repealed and the following substituted therefor:— 5

Punishment
for murder.

“**206.** Every one who commits murder is guilty of an indictable offence and shall be sentenced to imprisonment for life.”

EDMOND LAMBERT, C.M.G., C.A., DEPT.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, CANADA

EXPLANATORY NOTES.

The purpose of this Act is to provide that hereafter no person shall, except where the offence is treason, levying war or piracy with violence, be sentenced in Canada to suffer death but that such person shall hereafter be liable to imprisonment for life.

The section to be repealed at present reads as follows:—

“**206.** Every one who commits murder is guilty of an indictable offence and shall be sentenced to *death*.”

In Session, 2nd Parliament, 4 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA

BILL 239

An Act to amend the Criminal Code.
(Sexual Assaults)

1. Section 273 of the Criminal Code is amended to read as follows:

273. Every one who commits an offence under section 272 is guilty of an indictable offence and shall be sentenced to imprisonment for life.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 240.

An Act to amend the Unemployment Assistance Act.

AS PASSED BY THE HOUSE OF COMMONS,
19th DECEMBER, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 240.

An Act to amend the Unemployment Assistance Act.

1956, c. 26.

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 *Unemployment Assistance Act* is repealed and the following substituted therefor: 5

Form of agreements.

"(3) Subject to sections 4 and 5, an agreement entered into under this Act shall be substantially in the form set out in the Schedule."

2. Section 5 of the said Act is repealed and the following substituted therefor: 10

Effective date of agreements.

"5. An agreement may provide for contributions in respect of unemployment assistance costs that were incurred within a period of one year prior to the execution thereof."

Repeal and renumbering.

3. Section 8 of the said Act is repealed and section 9 of the said Act is renumbered as section 8. 15

Schedules amended.

4. Schedule A and Schedule B to the said Act are repealed and the Schedule to this Act is substituted therefor.

Commencement.

5. (1) This Act shall come into force on the 1st day of January, 1958. 20

Termination of prior agreements.

(2) An agreement entered into prior to the coming into force of this Act under the *Unemployment Assistance Act* may be terminated at any time with the consent of the parties thereto. 25

EXPLANATORY NOTES.

The purpose of this bill is to enable the so-called "threshold" provision to be removed from the agreements that have been concluded or that may be entered into hereafter, and also to remove two provisions that are now obsolete.

The Act now requires the agreements to contain provision for deducting from reimbursement claims an amount calculated by multiplying the average per person monthly cost of assistance by a certain percentage of the population.

1. The present subsection (3) reads as follows:

"(3) Any agreement entered into under this Act shall be in the form of and subject to the conditions set out in Schedule A to this Act, except that an agreement with the Province of Nova Scotia shall be in the form of and subject to the conditions set out in Schedule B to this Act."

With the removal of the threshold provision the agreement with Nova Scotia will be the same as in the case of the other provinces.

2. The present section 5 reads as follows:

"5. An agreement may provide for contributions in respect of unemployment assistance costs that were incurred within a period of one year prior to the execution thereof but after the first day of July, 1955."

3. Section 8 reads as follows:

"8. For the purposes of this Act, an agreement made with a province prior to the coming into force of this Act providing for payments by Canada to the province in respect of unemployment assistance costs in accordance with the terms and conditions specified in this Act for contributions shall be deemed to have been made under this Act."

This section is now obsolete.

4. This clause substitutes a revised agreement. In the revised agreement the threshold provision has been removed and the necessary consequential amendments have also been made.

5. The amendments are to be effective on January 1st, 1958. Subclause (2) provides that agreements entered into prior to that date may be terminated, so that new revised agreements may accordingly be made.

SCHEDULE.

(Section 3)

Memorandum of Agreement Respecting Unemployment Assistance
made this _____ day of _____ 19 ____ .
Between:

THE GOVERNMENT OF CANADA, hereinafter called "Canada",
OF THE FIRST PART
and

THE GOVERNMENT OF THE PROVINCE OF _____ ,
hereinafter called _____ ,
OF THE SECOND PART

Whereas Canada and _____ are
desirous of entering into an agreement for the purpose of providing
assistance to unemployed persons who are in need, and for the sharing
of the costs thereof;

Now, Therefore, this agreement witnesseth that in consideration
of the premises and of the mutual covenants and agreements herein
contained, the parties hereto hereby covenant and agree each with the
other as follows:

1. In this agreement, unless the contrary intention appears,
 - (a) "province" means the province of _____
 - (b) "municipality" means a municipal corporation in the province and includes any city, town or local governmental body established under the authority of the law of the province and authorized to administer assistance to unemployed persons who are in need;
 - (c) "a recipient of mother's allowance" includes
 - (i) a dependent child of a person receiving a mother's allowance if such child is within the age group for whom provision is made under the law of the province that provides for the payment of mother's allowances; and
 - (ii) the husband of a person receiving a mother's allowance if an allowance is being paid on his behalf under the law of the province that provides for the payment of mothers' allowances.
 - (d) "population" means, except in subparagraph (a) of paragraph 12, the most recent estimate of the population of the province made by the Dominion Bureau of Statistics and published by the Queen's Printer at Ottawa prior to the month to which the reimbursement claim relates;

The preamble of the Agreement and paragraph 1 are unchanged, except for the reference to paragraph 12 (formerly paragraph 13) in sub-paragraph (d)

(e) "homes for special care" means nursing homes, hostels for indigent transients, homes for the aged, poor houses, alms houses, and hostel facilities provided for the aged within housing projects constructed under the provisions of the National Housing Act; and

(f) words in the singular include the plural and words in the plural include the singular.

2. shall make all the necessary arrangements for

(a) the receipt, by itself or by municipalities, of applications for assistance from unemployed persons in the province, and

(b) the verification of the representations made by applicants and the province shall assume responsibility for the correctness of such representations.

3. shall make available to officials of Canada particulars of

(a) the conditions prescribed by or by municipalities under which assistance may be given to persons in need, and

(b) the rates of assistance payable.

4. Length of residence shall not be made a condition for the receipt of assistance if

(a) the applicant has come from a province whose government has entered into an agreement similar to this respecting unemployment assistance, and

(b) such agreement includes a like clause as herein contained in respect of length of residence not being a condition for receipt of assistance.

5. shall deliver to the Minister of National Health and Welfare, at Ottawa, a monthly statement, hereinafter referred to as a reimbursement claim, in such form as Canada may require, indicating, inter alia,

(a) the total number of persons who are unemployed and in need in the province, including their dependants, who have received assistance during the month to which the reimbursement claim relates, and

(b) the total amounts paid to or on behalf of such persons during the month to which the reimbursement claim relates.

6. shall keep a record of the names and addresses of any persons and of the number of their dependants who have received assistance and the particulars of such assistance, which record shall be made available for examination on request by officials of Canada.

7. There shall be excluded from the reimbursement claim any person, together with any payment made to or on behalf of such person, who is

(a) an inmate in any institution maintained in whole or in part out of funds appropriated by

(i) the Parliament of Canada,

(ii) the Legislature of the province,

Paragraph 2 of the present Agreement is to be deleted, since it is a transitional provision which is now obsolete. This paragraph reads as follows:

"2. At the first session of Parliament following the execution of this Agreement, Canada shall introduce and recommend the enactment of such legislation as may be required to enable Canada to give effect to this Agreement, and at the first session of the Legislature of the province following the execution of this Agreement shall introduce and recommend the enactment of such legislation as may be required to enable to give effect to this agreement."

Paragraphs 2, 3, 4, 5, 6, and 7 of the new Agreement are the same as paragraphs 3, 4, 5, 6, 7 and 8 of the present Agreement, except for re-numbering.

(iii) a municipality, or

(iv) a charitable organization;

except that there may be included in the reimbursement claim payments made by the province or by a municipality for the upkeep of inmates in homes for special care and the number of persons in respect of whom such payments are made, provided that said inmates are unemployed and in need and the payments claimed do not exceed what an individual might reasonably be expected to pay for accommodation of a comparable kind and quality in the same locality and provided further that said inmates are not such as would normally be cared for in general, acute, chronic or convalescent hospitals, tuberculosis sanatoria, mental institutions, institutions for incurables, orphanages or child welfare institutions;

(b) a person in receipt of

(i) unemployment benefit under the Unemployment Insurance Act,

(ii) a pension under the Old Age Security Act,

(iii) assistance under the Old Age Assistance Act,

(iv) an allowance under the Blind Persons Act,

(v) an allowance under the Disabled Persons Act, or

(vi) a supplemental allowance or cost-of-living bonus provided under the law of the province to recipients of benefit under any of the aforementioned Acts; or

(c) a recipient of mothers' allowance.

8. Notwithstanding sub-paragraph (b) of paragraph 7 there may be included in the reimbursement claim any additional relief payments made by the province or by a municipality to persons described in the said sub-paragraph and the number of persons to whom such payments are made if such persons are unemployed and in need.

9. There shall also be excluded from the reimbursement claim payments made in respect of

(a) medical, hospital, nursing, dental and optical care and drugs and dressings,

(b) funeral expenses,

(c) all travelling expenses except those, if Canada is not contributing thereto under some other arrangement, that are made for the purpose of

(i) returning a recipient of unemployment assistance and his dependents, if any, to his normal place of residence under an arrangement to which the municipality or the government of the province to which he is being returned has agreed in advance,

(ii) enabling a recipient of unemployment assistance or dependent member of his family to obtain assured employment as certified by the National Employment Service, or

(iii) enabling a recipient of unemployment assistance or a dependent member of his family to obtain needed medical,

Paragraphs 8 and 9 are unchanged, except for re-numbering (including re-numbering of the reference in paragraph 8 to "paragraph 7").

hospital or nursing home care which cannot be provided at his normal place of residence; and

(d) the cost of administration.

10. There shall be deducted from the reimbursement claim an amount calculated by multiplying the average per person monthly cost of assistance by the decrease in the number of recipients of mothers' allowances.

11. The average per person monthly cost of assistance shall be calculated by dividing the total of the payments made during the month, as set forth in the reimbursement claim, by the total number of persons, including dependants, who received assistance during the said month as set forth in the reimbursement claim.

12. For the purpose of paragraph 10, the decrease in the number of recipients of mothers' allowances shall be calculated as follows:

- (a) the average monthly percentage of the population of the province who were recipients of mother's allowance during each twelve-month period from the first day of July 1945, to the thirtieth day of June prior to the month to which the reimbursement claim relates shall be determined, and in determining these percentages the latest estimate made by the Dominion Bureau of Statistics and published by the Queen's Printer at Ottawa of the population of the province on the first day of June or nearest date thereto in each twelve-month period shall be used;
- (b) the average monthly percentage determined for the twelve-month period ending the thirtieth day of June immediately preceding the month to which the reimbursement claim relates shall be subtracted from the highest percentage ascertained pursuant to sub-paragraph (a) of this paragraph in respect of any other twelve-month period;
- (c) from the difference ascertained pursuant to sub-paragraph (b) of this paragraph there shall be subtracted .10 per cent;
- (d) the difference ascertained pursuant to sub-paragraph (c) of this paragraph shall be multiplied by the population; and
- (e) in the event that the calculation in sub-paragraph (c) of this paragraph results in a negative quantity, paragraph 10 shall have no application.

13. The reimbursement claim shall

- (a) be submitted within six (6) months next following the last day of the month to which it relates, but no claim submitted by _____ in respect of any month prior to the actual date on which this agreement is executed shall be disqualified solely on the ground that it was not submitted within the said six (6) months, and
- (b) contain the following certificate signed by the provincial auditor:

"I hereby certify that this claim for reimbursement has been prepared in accordance with the terms and conditions set forth in an agreement respecting unemployment

Paragraph 10 is re-numbered (from paragraph 11) and is further changed by the removal of the reference to the .45 per cent threshold. This section is at present worded as follows:

- "11. There shall be deducted from the reimbursement claim*
(a) an amount calculated by multiplying the average per person monthly cost of assistance by .45 per cent of the population, and
(b) an amount calculated by multiplying the average per person monthly cost of assistance by the decrease in the number of recipients of mothers' allowances."

Paragraphs 11, 12 and 13 are unchanged, except for re-numbering (including re-numbering of the references in paragraph 12 to "paragraph 10").

assistance dated the _____ day of _____ 195____ ,
 and made between the Government of Canada and the
 Government of the province of _____”.

14. Canada shall, on receipt of a reimbursement claim that has
 been prepared in accordance with this agreement, pay _____ fifty
 (50) per cent of the total claim.

15. In the event of any controversy arising between Canada and
 _____ in respect of this agreement, either party may
 submit such controversy to the Exchequer Court of Canada for
 determination.

16. This agreement shall be deemed to have come into force and
 shall bind the parties from the _____ day of _____ 195____ ,
 to the _____ day of _____ 19____ , and thereafter until
 terminated by either party giving to the other party one year's notice
 in writing.

17. Any notice given pursuant to paragraph 16 may be com-
 municated as follows:

(a) to Canada, by registered mail addressed to the Minister of
 National Health and Welfare, at Ottawa; and

(b) to _____ by registered mail addressed to the
 Premier of the province at _____

In Witness Whereof the Honourable _____, Minister of
 National Health and Welfare, has hereunto set his hand on behalf of
 the Government of Canada and the Honourable _____ Minister of
 _____ of _____ has hereunto set his hand
 on behalf of the Government of the province of _____

Signed on behalf of the
 Government of Canada by
 The Honourable _____
 Minister of _____
 in the presence of _____

Signed on behalf of the
 Government of the province
 of _____
 by the
 Honourable _____
 Minister of _____
 in the presence of _____

Paragraphs 14, 15, 16 and 17 are unchanged, except for re-numbering.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA.

BILL 241.

An Act to amend the Criminal Code.
(Slaughtering of Animals).

First reading, December 21, 1957.

MINISTER OF JUSTICE.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957

THE HOUSE OF COMMONS OF CANADA.

BILL 241.

An Act to amend the Criminal Code.
(Slaughtering of Animals).

1953-54, c. 51;
1955, cc. 2, 45;
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 387 of the *Criminal Code* is amended by adding thereto the following subsections: 5

Slaughtering
of food ani-
mals.

“(3) In proceedings for an offence under this section, evidence that a food animal was slaughtered

(a) without having been killed instantaneously, and

(b) without first having been rendered unconscious by a humane method, 10

is *prima facie* evidence that unnecessary pain, suffering or injury was caused wilfully or was permitted to be caused wilfully to that food animal.

Definition
of “food
animal”.

(4) In subsection (3), “food animal” means cattle, swine, sheep, goat or horse. 15

Exception.

(5) Subsection (3) does not apply where a food animal was slaughtered in accordance with religious ritual.”

EXPLANATORY NOTES.

Subsection (1) of section 387 makes it an offence wilfully to cause or to permit to be caused unnecessary pain, suffering or injury to an animal. Under the proposed amendment, evidence that an animal was slaughtered for food without having been killed instantaneously and without having been first rendered unconscious by a humane method is *prima facie* evidence of a violation of the foregoing provisions.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957-58.

THE HOUSE OF COMMONS OF CANADA.

BILL 242.

An Act for granting Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1958.

AS PASSED BY THE HOUSE OF COMMONS
3rd JANUARY, 1958.

THE HOUSE OF COMMONS OF CANADA.

BILL 242.

An Act for granting Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1958.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency, the Right Honourable Vincent Massey, etc., etc., 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, 1958, 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, 1958.*

\$257,324,674.84
granted for
1957-58.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole two hundred and fifty-seven million, three hundred and twenty-four thousand, six hundred and seventy-four dollars and eighty-four cents, towards defraying the several charges and expenses of the public service, from the first day of April, 1957, to the 31st day of March, 1958, not otherwise provided for, and being 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, 1958, except items 16, 52, 57, 69, 71, 100, 116, 117, 131, 132, 134, 153, 156, 158, 217, 218, 219, 227, 248, 252, 281, 307, 322, 324, 328, 333, 334, 335, 336, 355, 361, 364, 365, 367, 373, 389, 391, 397, 399, 422, 428, 432 and 460, as laid before the House of Commons at the present session of Parliament.

\$983,904.25
granted for
1957-58.

3. From and out of the Consolidated Revenue Fund, there may be paid and applied, in addition to the amount granted therefor by section 2, a sum not exceeding in the whole nine hundred and eighty-three thousand, nine hundred and four dollars and twenty-five cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1957, to the 31st day of March, 1958, not otherwise provided for, and being one-twelfth of the total of the amounts of the items set forth in the Schedule to this Act. 5 10

\$1,393,571.59
granted for
1957-58.

4. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole one million, three hundred and ninety-three thousand, five hundred and seventy-one dollars and fifty-nine cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1957, to the 31st day of March, 1958, not otherwise provided for, and being one-twelfth of the total of the amounts of the items set forth in the Supplementary Estimates for the fiscal year ending the 31st day of March, 1958, except items 621, 626, 635, 640 and 654, as laid before the House of Commons at the present session of Parliament. 15 20

\$2,138,888.89
granted for
1957-58.

5. From and out of the Consolidated Revenue Fund, there may be paid and applied, a sum not exceeding in the whole two million, one hundred and thirty-eight thousand, eight hundred and eighty-eight dollars and eighty-nine cents, towards defraying the several charges and expenses of the public service, from the 1st day of July, 1957, to the 31st day of March, 1958, not otherwise provided for, and being one-ninth of the total of the amounts of items 669 and 670 set forth in the Further Supplementary Estimates (1) for the fiscal year ending the 31st day of March, 1958, as laid before the House of Commons at the present session of Parliament. 25 30

\$125,000.00
granted for
1957-58.

6. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole one hundred and twenty-five thousand dollars, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1957, to the 31st day of March, 1958, not otherwise provided for, and being one-twelfth of the amount of item 668 in the Further Supplementary Estimates (1) for the fiscal year ending the 31st day of March, 1958, as laid before the House of Commons at the present session of Parliament. 35 40

\$7,338,888.17
granted for
1957-58.

7. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole seven million, three hundred and thirty-eight thousand, eight hundred and eighty-eight dollars and seven- 5
teens cents, towards defraying the several charges and ex-
penses of the public service, from the 1st day of April, 1957,
to the 31st day of March, 1958, not otherwise provided for,
and being one-sixth of the total of the amounts of the items
set forth in the Further Supplementary Estimates (2) for the
fiscal year ending the 31st day of March, 1958, except items 10
692, 729, 732, 737, 754 and 759, as laid before the House of
Commons at the present session of Parliament.

\$3,067,583.34
granted for
1957-58.

8. From and out of the Consolidated Revenue Fund, there may be paid and applied, a sum not exceeding in the
whole three million, sixty-seven thousand, five hundred and 15
eighty-three dollars and thirty-four cents, towards defraying
the several charges and expenses of the public service from
the 1st day of April, 1957, to the 31st day of March, 1958,
not otherwise provided for, and being one-twelfth of the
total of the amounts of items 692, 729, 732 and 737 set forth 20
in the Further Supplementary Estimates (2) for the fiscal
year ending the 31st day of March, 1958, as laid before the
House of Commons at the present session of Parliament.

Account
to be
rendered.
R.S., c. 116.

9. Sums expended under the authority of this Act shall
be accounted for in the Public Accounts in conformity with 25
section 64 of the *Financial Administration Act*.

SCHEDULE

Based on the Main Estimates, 1957-58. The amount hereby granted is \$983,904.25, 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, 1958, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	FISHERIES		
	FIELD SERVICES		
148	Fish Culture and Development Branch—Operation and Maintenance.....	1,002,500	
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	NATIONAL PARKS BRANCH		
301	National Parks and Historic Sites Services— Construction or Acquisition of Buildings, Works, Land and Equipment.....	10,804,351	
			*11,806,851

* Net Total \$983,904.25.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957-58.

THE HOUSE OF COMMONS OF CANADA.

BILL 243.

An Act to authorize a Loan to the Government of
New Brunswick in respect of the Beechwood Power Project.

First reading, January 8, 1958.

THE MINISTER OF FINANCE.

1st Session, 23rd Parliament, 6 Elizabeth II, 1957-58.

THE HOUSE OF COMMONS OF CANADA.

BILL 243.

An Act to authorize a Loan to the Government of New Brunswick in respect of the Beechwood Power Project.

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

Authority
for loan.

1. The Minister of Finance may out of the Consolidated Revenue Fund make loans to the Government of New Brunswick, not exceeding in the aggregate thirty million dollars, in respect of expenditures for the development of hydro-electric power at Beechwood on the St. John River. 5

Terms and
conditions.

2. A loan made under the authority of this Act shall bear interest at a rate to be fixed by the Governor in Council but not exceeding four and three-eighths per cent per annum, shall, together with such interest, be repayable in eight equal annual instalments, and shall be subject to such other terms and conditions as are prescribed by the Governor in Council. 10

Printed and Published by the Queen's Printer, Ottawa, 1957-58.

THE HOUSE OF COMMONS OF CANADA

BILL 244

EXPLANATORY NOTE.

The purpose of this Bill is to lend up to \$30,000,000 to the Government of New Brunswick to cover the cost of the Beechwood Power Project on the St. John River for the New Brunswick Electric Power Commission.

Printed and Published by the Queen's Printer, Ottawa, 1957-58.

MINISTER OF NATURAL RESOURCES

EDWARD CLARKE, C.M.G., M.P.
MINISTER OF NATURAL RESOURCES
OTTAWA, ONT.

THE HOUSE OF COMMONS OF CANADA

BILL 143

Enacted by the Queen in Council, and by the House of Commons, in the first session of the twenty-first year of Her Majesty Queen Elizabeth the Second, in the first year of the reign of Her Majesty Queen Elizabeth II.

Enacted by the Queen in Council, and by the House of Commons, in the first session of the twenty-first year of Her Majesty Queen Elizabeth the Second, in the first year of the reign of Her Majesty Queen Elizabeth II.

Enacted by the Queen in Council, and by the House of Commons, in the first session of the twenty-first year of Her Majesty Queen Elizabeth the Second, in the first year of the reign of Her Majesty Queen Elizabeth II.

Enacted by the Queen in Council, and by the House of Commons, in the first session of the twenty-first year of Her Majesty Queen Elizabeth the Second, in the first year of the reign of Her Majesty Queen Elizabeth II.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957-58.

THE HOUSE OF COMMONS OF CANADA.

BILL 244.

An Act to provide Assistance in respect of Electric Power
Development in the Atlantic Provinces.

First reading, January 9, 1958.

MINISTER OF NORTHERN AFFAIRS
AND NATIONAL RESOURCES.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1958

THE HOUSE OF COMMONS OF CANADA.

BILL 244.

An Act to provide Assistance in respect of Electric Power Development in the Atlantic Provinces.

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 *Atlantic Provinces Power Development Act*.

5

INTERPRETATION.

Definitions.

"Atlantic provinces."

2. In this Act,
(a) "Atlantic provinces" means the Provinces of Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland;

"Eastern coal."

(b) "eastern coal" means coal produced in any of the Atlantic provinces; 10

"Minister."

(c) "Minister" means the Minister of Northern Affairs and National Resources; and

"Power project."

(d) "power project" means all or any of the following, namely, facilities for the generation of electric energy by steam-driven generators, facilities for the control and transmission of electric energy, the site of any such facilities, and land, water, rights to use water, buildings, works, machinery, installations, materials, transmission lines, furnishings, equipment, construction plant, stores and supplies acquired, constructed or used or adapted for or in connection with any such facilities. 15
20

EXPLANATORY NOTES.

(1) With the approval of the Governor in Council the Minister may, on behalf of the Government of Canada, enter into an agreement with the Government of any of the Atlantic Provinces to provide assistance to the province in the generation of electric energy in the province by steam-driven generators and the control and transmission of electric energy.

(2) An agreement entered into under subsection (1) shall include

(a) provisions for the construction of power projects in Canada and the transfer thereof to the province upon the province undertaking to pay the cost thereof;

(b) provisions for the extension or completion of power projects in the province by Canada and the payment of the cost by the province or provisions for the extension or completion of power projects in the province by the province for the cost thereof.

EXPLANATORY NOTES.

The purpose of this Bill is to assist in making available in the Atlantic Provinces electric power for industrial purposes in a suitable quantity and at lower cost. The assistance will be extended through the agency of the Dominion Coal Board and the Northern Canada Power Commission.

(3) No assistance shall be provided pursuant to an agreement made under this Act in respect of the construction, extension or completion of a power project in the province unless the Minister has approved the need for the project and the type of the project and the time of construction, extension or completion thereof, as the case may be.

(4) In undertaking by the province that any subsection in respect of certain coal provided for by the agreement will be fairly distributed among the operators of the power projects in which the coal is used, and that the province will take steps to ensure that the amount thereof will be taken into consideration in the setting of the rates charged for electric energy produced by such projects and used for industrial purposes; and such other terms and conditions as the Minister considers necessary or desirable to give effect to the purposes of this Act.

(5) No assistance shall be provided pursuant to an agreement made under this Act in respect of the construction, extension or completion of a power project in the province unless the Minister has approved the need for the project and the type of the project and the time of construction, extension or completion thereof, as the case may be.

AGREEMENTS.

Authority to
enter into
agreements.

3. (1) With the approval of the Governor in Council, the Minister may, on behalf of the Government of Canada, enter into an agreement with the government of any of the Atlantic provinces to provide assistance to the province in the generation of electric energy in the province by steam-driven generators and the control and transmission of electric energy. 5

Contents of
agreements.

(2) An agreement entered into under subsection (1) shall include

- (a) provisions for the construction of power projects by 10
Canada and the transfer thereof to the province upon
the province undertaking to pay the cost thereof;
- (b) provisions for the extension or completion of power 15
projects in the province by Canada and the payment
of the cost thereof by the province, or provisions for
advances by Canada to the province for the com-
pletion or extension of power projects and the re-
payment of amounts so advanced;
- (c) an undertaking by the province to operate any power 20
project constructed, extended or completed pursuant
to the agreement;
- (d) provisions for the payment by Canada to the province 25
of a subvention in respect of eastern coal used in the
operation of facilities for the generation of electric
energy by steam-driven generators, if the province
so requests, including provisions for establishing the
amount of the subvention and prescribing the method
of calculation;
- (e) an undertaking by the province that any subvention 30
in respect of eastern coal provided for by the agree-
ment will be fairly distributed among the operators of
the power projects in which the coal is used, and that
the province will take steps to ensure that the amount
thereof will be taken into consideration in the setting
of the rates charged for electric energy produced by 35
such projects and used for industrial purposes; and
- (f) such other terms and conditions as the Minister
considers necessary or desirable to give effect to the
purposes of this Act.

Approval of
Minister.

(3) No assistance shall be provided pursuant to an 40
agreement made under this Act in respect of the construc-
tion, extension or completion of a power project in the
province unless the Minister has approved the need for,
location, use and type of the project and the time of con-
struction, extension or completion thereof, as the case 45
may be.

Powers of agencies administering agreements.

4. The Northern Canada Power Commission and the Dominion Coal Board shall each, on behalf of the Government of Canada, administer any agreement made under this Act to such extent as the Minister may direct, and, in addition to the rights and powers that they respectively have under the statutes establishing them, they may each exercise such powers, do such things and make such agreements as are necessary or desirable to enable them to carry out their duties under this section. 5

EXPENDITURES.

Money to be appropriated.

5. All expenditures incurred or advances made under this Act shall be paid out of money appropriated by Parliament for the purpose. 10

REPORT TO PARLIAMENT.

Annual report.

6. The Minister shall as soon as possible after the end of each fiscal year lay before Parliament a report of all proceedings taken and agreements made under this Act during that fiscal year. 15

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957-58.

THE HOUSE OF COMMONS OF CANADA.

BILL 245.

An Act to amend the Criminal Code.
(Corporal Punishment).

First reading, January 10, 1958.

MR. WINCH.

THE HOUSE OF COMMONS OF CANADA.

BILL 245.

An Act to amend the Criminal Code.
(Corporal Punishment).

1953-54, cc.
51, 52;
1955, cc. 2, 45;
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 136 of the *Criminal Code* is repealed and the following substituted therefor:

Punishment
for rape.

"136. Every one who commits rape is guilty of an indictable offence and is liable to imprisonment for life."

5

2. Subsection (1) of section 138 of the said Act is repealed and the following substituted therefor:

Sexual
intercourse
with females
under
fourteen.

"138. (1) Every male person who has sexual intercourse with a female person who
(a) is not his wife, and
(b) is under the age of fourteen years,
whether or not he believes that she is fourteen years of age or more, is guilty of an indictable offence and is liable to imprisonment for life."

10

3. Subsection (1) of section 141 of the said Act is repealed and the following substituted therefor:

Indecent
assault
on female.

"141. (1) Every one who indecently assaults a female person is guilty of an indictable offence and is liable to imprisonment for five years."

20

4. Subsection (2) of section 142 of the said Act is repealed and the following substituted therefor:

Punishment.

"(2) Every one who commits incest is guilty of an indictable offence and is liable to imprisonment for fourteen years."

25

EXPLANATORY NOTES.

The Joint Committee of the Senate and House of Commons on capital punishment, corporal punishment and lotteries, which reported in June and July, 1956, recommended, *inter alia*, that corporal punishment be abolished for any of the offences for which it is presently prescribed in the *Criminal Code*.

The purpose of this bill is to carry out this recommendation.

The sections or subsections of the *Criminal Code* referred to in the bill at present, read as follows:

"136. Every one who commits rape is guilty of an indictable offence and is liable to imprisonment for life *and to be whipped*."

"138. (1) Every male person who has sexual intercourse with a female person who

(a) is not his wife, and

(b) is under the age of fourteen years,

whether or not he believes that she is fourteen years of age or more, is guilty of an indictable offence and is liable to imprisonment for life *and to be whipped*."

"141. (1) Every one who indecently assaults a female person is guilty of an indictable offence and is liable to imprisonment for five years *and to be whipped*."

"142. (2) Every one who commits incest is guilty of an indictable offence and is liable to imprisonment for fourteen years, *and in the case of a male person is liable, in addition, to be whipped*."

5. Section 148 of the said Act is repealed and the following substituted therefor:

Indecent
assault
on male.

“148. Every male person who assaults another person with intent to commit buggery or who indecently assaults another male person is guilty of an indictable offence and is liable to imprisonment for ten years.” 5

6. Section 218 of the said Act is repealed and the following substituted therefor:

Overcoming
resistance to
commission of
offence.

“218. Every one who, with intent to enable or assist himself or another person to commit an indictable offence, 10

(a) attempts, by any means, to choke, suffocate or strangle another person, or by any means calculated to choke, suffocate or strangle, attempts to render another person insensible, unconscious or incapable of resistance, or 15

(b) administers, or causes to be administered to any person, or attempts to administer to any person, or causes or attempts to cause any person to take a stupefying or overpowering drug, matter or thing, is guilty of an indictable offence and is liable to imprisonment for life.” 20

7. Section 289 of the said Act is repealed and the following substituted therefor:

Punishment
for robbery.

“289. Every one who commits robbery is guilty of an indictable offence and is liable to imprisonment for life.” 25

Subsection
repealed.

8. Subsection (3) of section 292 of the said Act is repealed.

9. Subsections (3) and (4) of section 586 of the said Act are repealed and the following substituted therefor:

Delay in
execution of
sentence of
death.

“(3) Where, pursuant to a conviction, a sentence of death has been imposed, 30

(a) the sentence shall not be executed until after the expiration of the time within which notice of appeal or of an application for leave to appeal may be given under this section; and

(b) an appeal or application for leave to appeal from the conviction or sentence shall be heard and determined as soon as practicable, and the sentence shall not be executed until after 35

(i) the determination of the application, where an application for leave to appeal is finally refused, 40
or

(ii) the determination of the appeal.

"148. Every male person who assaults another person with intent to commit buggery or who indecently assaults another male person is guilty of an indictable offence and is liable to imprisonment for ten years *and to be whipped.*"

"218. Every one who, with intent to enable or assist himself or another person to commit an indictable offence,

- (a) attempts, by any means, to choke, suffocate or strangle another person, or by any means, calculated to choke, suffocate or strangle, attempts to render another person insensible, unconscious or incapable of resistance, or
- (b) administers, or causes to be administered to any person, or attempts to administer to any person, or causes or attempts to cause any person to take a stupefying or overpowering drug, matter or thing.

is guilty of an indictable offence and is liable to imprisonment for life *and to be whipped.*"

"289. Every one who commits robbery is guilty of an indictable offence and is liable to imprisonment for life *and to be whipped.*"

"292. (3) *Every one who is convicted of an offence under this section who had upon his person, at the time he committed the offence, or was arrested therefor, an offensive weapon or imitation thereof, is liable to be whipped in addition to any other punishment that may be imposed in respect of the offence for which he is convicted.*"

"586. (3) Where, pursuant to a conviction, a sentence of death *or whipping* has been imposed,

- (a) the sentence shall not be executed until after the expiration of the time within which notice of appeal or of an application for leave to appeal may be given under this section; and
- (b) an appeal or application for leave to appeal from the conviction or sentence shall be heard and determined as soon as practicable, and the sentence shall not be executed until after
 - (i) the determination of the application, where an application for leave to appeal is finally refused, or
 - (ii) the determination of the appeal.

Effect of certificate.

“(4) The production of a certificate
 (a) from the registrar that notice of appeal or notice of application for leave to appeal has been given, or
 (b) from the Minister of Justice that he has exercised any of the powers conferred upon him by section 596,
 is sufficient authority to suspend the execution of a sentence of death, and where, pursuant to such suspension, a new time is required to be fixed for execution of the sentence, it may be fixed by the judge who imposed the sentence or any judge who might have held or sat in the same court.” 5 10

Section repealed.

10. Section 641 of the said Act is repealed.

"(4) The production of a certificate

- (a) from the registrar that notice of appeal or notice of application for leave to appeal has been given, or
- (b) from the Minister of Justice that he has exercised any of the powers conferred upon him by section 596,

is sufficient authority to suspend the execution of a sentence of death or *whipping*, as the case may be, and where, pursuant to such suspension, a new time is required to be fixed for execution of the sentence, it may be fixed by the judge who imposed the sentence or any judge who might have held or sat in the same court."

"641. (1) *Where a person is liable to be sentenced to be whipped, the court may sentence him to be whipped on one, two or three occasions within the limits of the prison in which he is confined.*

(2) *A sentence of whipping shall specify the number of strokes to be administered on each occasion.*

(3) *A sentence of whipping shall be executed under the supervision of the prison doctor or, if he is unable to be present, it shall be executed under the supervision of a duly qualified medical practitioner to be named by the Attorney General of Canada, where the sentence is executed in a prison administered by the Government of Canada, or where the sentence is executed in a prison administered by the government of a province, to be named by the Attorney General of that province.*

(4) *The instrument to be used in the execution of a sentence of whipping shall be a cat-o'-nine tails, unless some other instrument is specified in the sentence.*

(5) *A sentence of whipping shall be executed at a time to be fixed by the keeper of the prison in which it is to be executed, but, whenever practicable, a sentence of whipping shall be executed not less than ten days before the expiration of any term of imprisonment to which the convicted person has been sentenced.*

(6) *No female person shall be whipped."*

246.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957-58.

THE HOUSE OF COMMONS OF CANADA.

BILL 246.

An Act to amend the Indian Act.

First reading, January 27, 1958.

MINISTER OF CITIZENSHIP
AND IMMIGRATION.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1958

1st Session, 23rd Parliament, 6 Elizabeth II, 1957-58.

THE HOUSE OF COMMONS OF CANADA.

BILL 246.

An Act to amend the Indian Act.

R.S. c. 149;
1952-53, c. 41;
1956, c. 40. Her Majesty, by and with the advice and consent of
the Senate and House of Commons of Canada, enacts
as follows:

1. Section 12 of the *Indian Act* is amended by adding
thereto the following subsection: 5

Exception.

“(3) Subparagraphs (i) and (ii) of paragraph (a) of
subsection (1) do not apply to a person who
(a) pursuant to this Act is registered as an Indian on
the day this subsection comes into force, or
(b) is a descendant of a person described in paragraph 10
(a) of this subsection.”

THE HOUSE OF COMMONS OF CANADA.

BILL No. 1.

EXPLANATORY NOTE.

Section 12 now provides in subparagraphs (i) and (ii) of paragraph (a) that persons who have received or have been allotted half-breed lands or money script, and their descendants, are not entitled to be registered as Indians. The purpose of this amendment is to make this provision inapplicable to persons who are now registered and to their descendants.

247.

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957-58.

THE HOUSE OF COMMONS OF CANADA.

BILL 247.

An Act to amend the Federal-Provincial
Tax-Sharing Arrangements Act.

First reading, January 28, 1958.

MINISTER OF FINANCE.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1958

1st Session, 23rd Parliament, 6 Elizabeth II, 1957-58.

THE HOUSE OF COMMONS OF CANADA.

BILL 247.

An Act to amend the Federal-Provincial
Tax-Sharing Arrangements Act.

1956, c. 29.

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

1. The *Federal-Provincial Tax-Sharing Arrangements Act* is amended by adding thereto the following sections: 5

Additional grants to Atlantic Provinces.

“11. The Minister of Finance shall, for each of the four successive fiscal years commencing on the 1st day of April, 1958 and in addition to all other grants, subsidies and allowances, pay an annual grant of seven and one-half million dollars to each of the Provinces of Nova Scotia, 10 New Brunswick and Newfoundland and an annual grant of two and one-half million dollars to the Province of Prince Edward Island.

Alteration of Act in its application to fiscal year 1958-59.

“12. In its application to the fiscal year commencing on the 1st day of April, 1958, paragraph (f) of subsection (1) of section 2 shall, for the purposes of this Act and any tax rental agreement, be read and construed as if for the words “ten per cent” therein there were substituted the words “thirteen per cent”.” 15

THE HOUSE OF COMMONS OF CANADA

BILL 148

EXPLANATORY NOTES.

The purpose of the proposed new section 11 is to authorize the payment for each of the next ensuing four fiscal years of an annual grant of seven and one-half million dollars to Nova Scotia, New Brunswick and Newfoundland and two and one-half million dollars to Prince Edward Island.

The payments under the *Federal-Provincial Tax-Sharing Arrangements Act* are in part based on what is termed "standard individual income tax", which is defined in the Act as ten per cent of the individual income taxes payable under the *Income Tax Act* on incomes of individuals resident in the province concerned. The purpose of the proposed new section 12 is to increase the percentage to thirteen for the fiscal year 1958-59, thus increasing the payments to be made to the provinces in that year.

First Session, Twenty-Third Parliament, 5-6 Elizabeth II, 1957-58.

THE HOUSE OF COMMONS OF CANADA.

BILL 248.

An Act respecting the Taxation of Estates.

First reading, January 29, 1958.

THE MINISTER OF FINANCE.

THE HOUSE OF COMMONS OF CANADA.

BILL 248.

An Act respecting the Taxation of Estates.

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 *Estate Tax Act*.

INTERPRETATION.

Definitions.	2. In this Act,	5
"Amount."	(a) "amount" means any money, right or thing expressed in terms of the amount of money or the value in terms of money of the right or thing;	
"Assessment."	(b) "assessment" includes a re-assessment;	
"Child."	(c) "child" includes an illegitimate child, step-child and adopted child;	10
"Corporation controlled by the deceased."	(d) "corporation controlled by the deceased" means a corporation that, at the time in respect of which the expression is being applied, was controlled, whether through holding a majority of the shares of the corporation or in any other manner whatsoever, by the deceased or by any other person on behalf of the deceased;	15
"Deceased."	(e) "deceased" includes any deceased person whether or not any tax is payable under this Act in respect of the death of that person;	20
"Disposition."	(f) "disposition" includes any arrangement or ordering in the nature of a disposition, whether made by the deceased or otherwise;	
"Employee."	(g) "employee" includes an officer;	25

EXPLANATORY NOTES.

This Bill would replace the present *Dominion Succession Duty Act*, which has been in effect since 1941. The Bill, like the present Act, imposes a tax on property passing, or deemed to pass, on death, but provides that the tax is to be computed by reference to the property comprising the estate of the deceased rather than the property contained in the bequests from the estate to the beneficiaries. In addition to making provision for the changes proceeding from this major change in principle, the Bill is intended to revise and simplify those provisions of the present Act that continue to be appropriate.

Unless otherwise indicated, a reference in the explanatory notes to a section, subsection, paragraph or other provision is to the provision in the *Dominion Succession Duty Act* corresponding to the provision appearing in the text of the Bill. The reference also indicates the degree of similarity to the corresponding provision of the present Act.

1. New.

2.

(a) New.

(b) New.

(c) New in part. See section 2(b).

(d) New in part. See section 2(i).

(e) New in part. See section 2(c).

(f) New.

(g) New.

- "Employer." (h) "employer", in relation to any officer, means the person from whom the officer received his remuneration, and, where the employer is a corporation, includes any parent, subsidiary or other related corporation;
- "Executor." (i) "executor" includes an administrator and an executor de son tort; 5
- "General power." (j) "general power" includes any power or authority enabling the donee or other holder thereof to appoint, appropriate or dispose of property as he sees fit, whether exercisable by instrument *inter vivos* or by will, or both, but does not include any power exercisable in a fiduciary capacity under a disposition not made by him, or exercisable as a mortgagee; 10
- "Infirm." (k) "infirm", as applied to any person, has reference to any mental or physical infirmity rendering that person incapable ordinarily of pursuing any substantially gainful occupation; 15
- "Interest in expectancy." (l) "interest in expectancy" includes an estate or interest in remainder or reversion and any other future interest whether vested or contingent, but does not include a reversion expectant on the determination of a lease; 20
- "Minister." (m) "Minister" means the Minister of National Revenue;
- "Officer." (n) "officer" means the holder of a position entitling such holder to a fixed or ascertainable stipend or remuneration, and includes a director of a corporation and the holder of a judicial office, office of a Minister of the Crown, member of the Senate or House of Commons of Canada, member of a legislative assembly or senator or member of a legislative or executive council and any other office the incumbent of which is elected by popular vote or is elected or appointed in a representative capacity; 25 30
- "Prescribed." (o) "prescribed", in the case of a form or the information to be given on a form, means prescribed by the Minister, and, in any other case, means prescribed by the regulations; 35
- "Property." (p) "property" means property of every description whatsoever, whether real or personal, movable or immovable or corporeal or incorporeal, and without restricting the generality of the foregoing, includes any estate or interest in any such property, a right of any kind whatsoever and a chose in action; 40
- "Property passing on the death." (q) "property passing on the death" includes property passing either originally or by way of substitutive limitation, either certainly or contingently and either immediately on the death or after an interval determinable by reference to the death, and without restricting the generality of the foregoing, includes any property the value of which is required by this Act to be included in computing the aggregate net value of the property passing on the death; 45 50

(h) New.

(i) No change in substance from section 2(f).

(j) No change in substance from section 4(1).

(k) New.

(l) No change in substance from section 2(g).

(m) No change from section 2(h).

(n) New.

(o) New.

(p) New in part. See section 2(k).

(q) New in part. See section 2(m).

“Settle-
ment.”

(r) “settlement” includes any trust, whether expressed in writing or otherwise, in favour of any person, and, if contained in a deed or other instrument effecting the settlement, whether or not such deed or other instrument was made for valuable consideration as between the settlor and any other person; 5

“Successor.”

(s) “successor”, in relation to any property passing on the death of a deceased, includes any person who, at any time before or on or after the death of the deceased, became beneficially entitled to any such property, 10

(i) by virtue of, or conditionally or contingently on, the death of the deceased,

(ii) by virtue of the exercise of any general power of which the deceased was the donee or other holder, or 15

(iii) in any case, under any disposition made by the deceased during his lifetime,

and includes any person beneficially entitled to any such property in default of the exercise of any general power of which the deceased was the donee or other holder and any person as the donee or other holder of any general power created by the deceased in respect of any such property, and any trustee, guardian, committee, curator or other similar representative of any person mentioned in this paragraph, in his capacity as such trustee, guardian, committee, curator or other representative; 20 25

“Tax appli-
cable.”

(t) “tax applicable” to any property means the tax so applicable determined as though that property, expressed in terms of its value at the date as of which such value is required to be computed, were distributed immediately upon the death of the deceased in respect of whose death the tax is payable; and 30

“Value.”

(u) “value”, 35

(i) in relation to any income right, annuity, term of years, life or other similar estate or interest in expectancy, means the fair market value thereof ascertained by such means and in accordance with such rules and standards, including standards as to mortality and interest, as are prescribed by the regulations, and 40

(ii) in relation to any other property, means the fair market value of such property, computed in each case as of the date of the death of the deceased in respect of whose death such value is relevant or as of such other date as is specified in this Act, without regard to any increase or decrease in such value after that date for any reason. 45

(r) No change from definition in section 3(1)(f).

(s) New in part. See sections 2(m) and 2(n).

(t) New.

(u) New in part. See sections 5, 34 and 35.

PART I

ESTATE TAX.

DIVISION A—LIABILITY FOR TAX.

Persons
domiciled
in Canada.

3. (1) An estate tax shall be paid as hereinafter required upon the aggregate taxable value of all property passing on the death, at any time after the coming into force of this Act, of every person domiciled in Canada at the time of his death.

5

Aggregate
taxable
value.

(2) The aggregate taxable value of the property passing on the death of a person is the aggregate net value of that property computed in accordance with Division B minus the deductions permitted by Division C.

Tax payable.

(3) The tax payable under this Part upon the aggregate taxable value of the property passing on the death of a person (hereinafter in this Part otherwise referred to as the tax payable under this Part in respect of the death of such person) is the tax payable as fixed by assessment or re-assessment subject to variation on objection or appeal, if 15
any, in accordance with this Part.

DIVISION B—COMPUTATION OF AGGREGATE NET VALUE.

*Property Included in Computing Aggregate Net Value.*Property
included.

4. (1) There shall be included in computing the aggregate net value of the property passing on the death of a person the value of all property, wheresoever situated, passing on the death of such person, including, without restricting the 20
generality of the foregoing,

- (a) all property of which the deceased was, immediately prior to his death, competent to dispose;
- (b) property disposed of at any time by the deceased as a *donatio mortis causa*; 25
- (c) property disposed of by the deceased under a disposition operating or purporting to operate as an immediate gift *inter vivos*, whether by transfer, delivery, declaration of trust or otherwise, made within three years prior to his death; 30
- (d) property disposed of by the deceased under a disposition whenever made, of which actual and *bona fide* possession and enjoyment was not, at least three years prior to the death of the deceased,
 - (i) assumed by the person to whom the disposition 35
was made or by a trustee or agent for that person,
and
 - (ii) thereafter retained to the entire exclusion of
the deceased and to the entire exclusion of any
benefit to him, whether by contract or otherwise; 40

3. New in part. This is the charging section for the new tax under Part I, which applies only in the case of persons dying domiciled in Canada. Unlike the duty imposed by section 6(1)(a), the new tax is to apply to real property situated outside Canada as well as to other property included in the estate.

4. (1)

(a) No change in substance from section 3(1)(i).

(b) No change in substance from section 3(1)(b).

(c) No change in substance from section 3(1)(c).

(d) New in part. This paragraph differs from section 3(1)(d) in that it is not confined to gifts but is extended to those dispositions which are gifts in effect but not in form.

(e) property comprised in a settlement whenever made, whether by deed or any other instrument not taking effect as a will, whereby an interest in such property for life or any other period determinable by reference to death is reserved either expressly or by implication to the deceased as settlor or whereby the deceased has reserved to himself the right, by the exercise of any power, to restore to himself or to reclaim the absolute interest in such property; 5

(f) property held jointly by the deceased and one or more other persons, payable to or passing to the survivor or survivors, except such part of any property so held as can be established to have been contributed by the survivor or survivors from or out of property other than 10

(i) property received from or furnished by the deceased, or 15

(ii) property derived from or exchanged or substituted for any property described in subparagraph (i),

and, for the purposes of this paragraph, where any such joint tenancy or holding or any part thereof was purchased or provided by a person other than the deceased or the survivor or survivors without contribution thereto directly or indirectly by the deceased or the survivor or survivors, such joint tenancy or holding or such part thereof, as the case may be, shall be deemed to have been contributed to equally by the deceased and each of the survivors; 25

(g) property disposed of by the deceased

(i) under any disposition made within three years prior to his death for partial consideration in money or money's worth paid to him, or 30

(ii) under any disposition whenever made for partial consideration in money or money's worth agreed to be paid to him, of which full satisfaction of payment was not, at least three years prior to the death of the deceased, made to him, 35

to the extent that the value of such property as of the date of such disposition exceeds the amount of the consideration so paid or agreed to be paid; 40

(h) property transferred to or acquired by a purchaser or transferee under the terms of an agreement made by the deceased at any time providing for the transfer or acquisition of such property on or after his death, to the extent that the value of such property exceeds the value of the consideration, if any, in money or money's worth paid to the deceased thereunder at any time prior to his death; 45

(e) No change in substance from section 3(1)(f).

(f) New in part. This paragraph differs from section 3(1)(e) in that it makes more specific the requirement for establishing the original contribution of the survivor.

(g) New in part. This paragraph extends section 3(1)(k) so that a disposition of property made at any time for any partial consideration, the amount of which was not paid in full more than three years before the death, is included in aggregate net value to the extent indicated.

(h) No change in substance from section 3(6).

- (i) any annuity or other interest purchased or provided by the deceased, either by himself alone or in concert or by arrangement with any other person, to the extent of the beneficial interest arising or accruing by survivorship or otherwise on the death of the deceased; 5
- (j) any superannuation, pension or death benefit payable or granted
- (i) out of or under any fund or plan established for the payment of superannuation, pension or death benefits to recipients, or 10
 - (ii) out of the revenue of Her Majesty in right of Canada or a province or under or subject to any Act of the Parliament of Canada or of the legislature of a province, on or after the death of the deceased in respect of such death; 15
- (k) property disposed of by any person on or after the death of the deceased,
- (i) under any disposition made voluntarily in recognition of services rendered by the deceased as an employee of that person or as an employee of any other person, or 20
 - (ii) under the terms of any agreement made by the deceased for valuable consideration given by him providing for the disposition of such property on or after his death, whether or not such agreement is or was enforceable according to its terms by the person to whom such property was so disposed of; 25
- (l) any amount payable under a policy of insurance effected on the life of the deceased (whether or not to a preferred beneficiary within the meaning of any statute or law relating to insurance applicable to such policy), where such policy was kept up 30
- (i) wholly by the deceased or a corporation controlled by him, or both, 35
 - (ii) partly by the deceased or a corporation controlled by him, or both, and partly by a person other than an employer of the deceased, or
 - (iii) by an employer of the deceased, either by the employer alone or in concert or by arrangement with the deceased or any other person, otherwise than for the benefit of the employer himself, 40
- except that where such policy was kept up as described in subparagraph (ii), only that proportion of the amount payable under the policy that the amount of the premiums paid thereunder by the deceased or the corporation controlled by him, or both, is of the total amount of the premiums paid thereunder shall be included; 45 50

(i) No change from the first portion of section 3(1)(g).

(j) New in part. This paragraph extends the last portion of section 3(1)(g) to include death benefits specifically.

(k) New. This paragraph deals with death benefits not included in the preceding paragraph.

(l) New in part. This paragraph together with section 4(5) of the Bill enlarges section 3(1)(h) and delineates more specifically the circumstances in which and the extent to which the proceeds of insurance policies effected on the life of the deceased are to be included in aggregate net value.

- (m) property transferred to or settled upon any person by the deceased within three years prior to the death of the deceased in consideration of marriage;
- (n) property agreed to be transferred to or settled upon any person by the deceased, under an agreement made at any time in consideration of marriage, to the extent that the property agreed to be transferred or settled was actually transferred or settled within three years prior to or on or after the death of the deceased; 5
- (o) any property that is the subject matter of a transfer, settlement or agreement made at any time in consideration of marriage, where any interest in such property for life or any other period determinable by reference to death is reserved either expressly or by implication to the deceased; and 10 15
- (p) any estate in dower or by the curtesy in any property of the deceased, to which, on the death of the deceased, his spouse became entitled, and any property disposed of to the spouse of the deceased under a disposition made within three years prior to his death, in consideration of a release of any right or interest of such spouse in any such estate in dower or by the curtesy, to which, on the death of the deceased, his spouse might otherwise have become entitled. 20
- (2) For the purposes of this section, 25
- (a) a person shall be deemed to have been competent to dispose of any property if he had such an estate or interest therein or such general power as would, if he were *sui juris*, have enabled him to dispose of that property; 30
- (b) a disposition taking effect out of the interest of any person shall be deemed to have been made by him, whether or not the concurrence of any other person was required;
- (c) property in which a person had an estate as tenant in tail, whether in possession or otherwise, shall be deemed to be property of which that person was competent to dispose; and 35
- (d) any money that a person had a general power to charge on property shall be deemed to be property of which that person was competent to dispose. 40
- (3) For the purposes of paragraph (c) of subsection (1),
- (a) the artificial creation by a person or with his consent during his lifetime of a debt or other right enforceable against him personally or against property of which he was or might be competent to dispose, or to charge or burden for his own benefit, shall be deemed to be a disposition by that person operating as an immediate gift *inter vivos* made by him at the time of the creation of the debt or right, and in relation to such a disposition the expression "property" in this Act includes the benefit conferred by the creation of such debt or right; 45 50

Property of which deceased competent to dispose.

Property disposed of as gift *inter vivos*.

(m) No change in substance from section 3(1)(j).

(n) No change in substance from section 3(1)(ja).

(o) No change in substance from section 3(1)(jb).

(p) New in part. This paragraph extends section 3(1)(l) to include amounts in lieu of dower that were not paid more than three years before the death.

(2)

(a) No change in substance from section 4(1).

(b) No change in substance from section 4(2).

(c) New.

(d) No change in substance from section 4(3).

(3)

(a) No change in substance from section 3(2).

(b) the exercise by a person during his lifetime of any general power of which that person was the donee or other holder shall be deemed to be a disposition by that person operating as an immediate gift *inter vivos* made by him at the time of the exercise of the power, and in relation to such a disposition the expression "property" in this Act includes the benefit conferred by the exercise of such power; 5

(c) the extinguishment at the expense of the deceased during his lifetime of a debt or other right shall be deemed to be a disposition by the deceased operating as an immediate gift *inter vivos* made by him at the time of the extinguishment of the debt or right, and in relation to such a disposition the expression "property" in this Act includes the benefit conferred by the extinguishment of such debt or right; and 10 15

(d) a debt or other right that, as against the deceased personally or as against property of which he was or might have been competent to dispose, or to charge or burden for his own benefit, became unenforceable during the lifetime of the deceased as a result of the operation of any statute or law limiting the time for bringing action thereon shall, to the extent of the value of such debt or other right immediately prior to becoming unenforceable (determined without reference to the effect of such statute or law), be deemed to be property disposed of by the deceased under a disposition operating as an immediate gift *inter vivos* made at the time such debt or other right became unenforceable. 20 25

Covenant as consideration.

(4) For the purposes of paragraph (h) of subsection (1), a covenant by any person whereby that person agrees to provide for the transfer or acquisition, either contingently or otherwise, of any property on or after his death shall be deemed not to be money's worth. 30

Insurance.

(5) For the purposes of paragraph (l) of subsection (1), where, under any policy of insurance effected on the life of a deceased, any amount is or has become payable to the spouse or child of the deceased or to a person in trust exclusively or otherwise for the benefit of the spouse or child of the deceased, the amount of the premiums paid thereunder shall be deemed to have been paid by the deceased except to the extent that such premiums can be established to have been paid from or out of property other than 35 40

(a) property received from or furnished by the deceased, or 45

(b) property derived from or exchanged or substituted for any property described in paragraph (a).

(b) New in part. This paragraph extends sections 3 (4) and 3 (5) to include the exercise of a general power of appointment by a person within three years of his death.

(c) No change in substance from section 3 (3) except that the new paragraph is limited to the extinguishment of a debt by the deceased within three years of his death.

(d) New. This paragraph brings into aggregate net value certain debts owed to the deceased that he allowed to become statute-barred within three years of his death.

(4) New.

(5) New. See explanatory note opposite section 4 (1) (l) of the Bill.

Controlled corporations.

(6) For the purposes of this Act, a disposition made by a corporation controlled by the deceased to or for the benefit of any person connected with the deceased by blood relationship, marriage or adoption shall be deemed to have been made by the deceased to or for the benefit of that person, and, in relation to any such disposition, any act or thing done or effected by that corporation shall be deemed to have been done or effected in all respects as though that corporation were the deceased. 5

Idem.

(7) For the purposes of subsection (6), 10

(a) persons are connected by blood relationship if one is the child or other descendant of the other or one is the brother or sister of the other;

(b) persons are connected by marriage if one is married to the other or to a person who is so connected by blood relationship to the other; and 15

(c) persons are connected by adoption if one has been adopted, either legally or in fact, as the child of the other or as the child of a person who is so connected by blood relationship (otherwise than as a brother or sister) to the other. 20

Property not Included in Computing Aggregate Net Value.

Property not included.

5. (1) Notwithstanding section 4, there shall not be included in computing the aggregate net value of the property passing on the death of a person the value of any such property acquired pursuant to a *bona fide* purchase made from the deceased for a consideration in money or money's worth paid or agreed to be paid to the deceased for his own use or benefit, unless such purchase was made otherwise than for full consideration in money or money's worth paid or agreed to be paid as hereinbefore described, in which case there shall be included in computing the aggregate net value of the property passing on the death of the deceased only the amount by which the value of the property so acquired computed as of the date of its acquisition exceeds the amount of the consideration actually so paid or agreed to be paid. 25 30 35

Annuity or other periodic amount as consideration.

(2) For the purposes of subsection (1), where any property has been disposed of by the deceased under any arrangement or understanding whereby the person to whom the disposition was made undertook to purchase or provide for or for the use or benefit of the deceased an annuity or other periodic amount for life or any other period determinable by reference to death, the property so disposed of shall be deemed to have been acquired pursuant to a *bona fide* purchase made from the deceased for a consideration in money or money's worth paid or agreed to be paid as described in subsection (1), except that 40 45

(6) New.

(7) New. This subsection is similar in substance to section 139 (6) of the *Income Tax Act*.

5. (1) New. This subsection provides that there shall not be included in aggregate net value the value of any property or part thereof for which valuable consideration has been paid.

(2) New. This subsection establishes the method of valuing the consideration where the deceased disposed of property for a consideration in the form of an annuity or other periodic amount.

(a) if the capitalized value, as determined in accordance with the regulations, of the annuity or other periodic amount does not exceed the capitalized value, as similarly so determined, of an amount per annum equal to 6% of the value of the property so disposed of, the amount of the consideration shall be deemed to be nil, and 5

(b) if the capitalized value, as determined in accordance with the regulations, of the annuity or other periodic amount exceeds the capitalized value, as similarly so determined, of an amount per annum equal to 6% of the value of the property so disposed of, the amount of the consideration shall be deemed to be the amount of such excess. 10

Agreement
to transfer
as con-
sideration.

(3) For the purposes of this section, property transferred to or acquired by a purchaser or transferee under the terms of an agreement described in paragraph (h) of subsection (1) of section 4 shall, notwithstanding anything in this section, be deemed not to have been acquired pursuant to a *bona fide* purchase made as described in this section. 15 20

Deductions Allowed in Computing Aggregate Net Value.

Amounts
deductible.

6. There may be deducted in computing the aggregate net value of the property passing on the death of a person

(a) the value of

(i) any debts incurred by the deceased, and

(ii) any encumbrances created by him, 25

bona fide and for full consideration paid or agreed to be paid to the deceased for his own use or benefit, to the extent that such debts and encumbrances were outstanding immediately prior to his death; and

(b) reasonable funeral expenses and surrogate, probate and other like court fees in respect of the death of the deceased (but not including solicitors' charges or the expenses of administering property or executing any trust created by the deceased). 30

Amounts
not
deductible.

7. Notwithstanding section 6, no deduction may be made under that section 35

(a) for any debt incurred or encumbrance created, to the extent that such debt or encumbrance cannot, by due process of law, be realized out of property passing on the death of the deceased; 40

(b) for any debt incurred or encumbrance created arising out of an agreement made by the deceased at any time in consideration of marriage, to transfer property to or settle property upon any person;

(3) New. This subsection provides that any amount that, by virtue of section 4 (1) (h) of the Bill, is not included in aggregate net value will not be regarded as deductible under section 5 (1).

6. New in part. The wording is more specific than in section 8.

7. New in part. Paragraph (c) of this section extends the present section 8 to bar the deduction of amounts that were agreed to be paid in lieu of dower but that remained unpaid at death.

- (c) for any debt incurred or encumbrance created arising out of a disposition made by the deceased within three years prior to his death in consideration of a release described in paragraph (p) of subsection (1) of section 4;
- (d) more than once for the same debt or encumbrance charged upon different portions of property passing on the death of the deceased;
- (e) for any debt incurred in respect of which there exists a right to reimbursement from any other person, unless it can be established that such reimbursement cannot in fact be obtained; or
- (f) for any debt incurred that became unenforceable either before or after the death of the deceased as a result of the operation of any statute or law limiting the time for bringing action thereon, and that has not been actually and *bona fide* paid.

DIVISION C—COMPUTATION OF AGGREGATE TAXABLE VALUE.

Amounts
deductible
in computing
aggregate
taxable value.

S. (1) For the purpose of computing the aggregate taxable value of the property passing on the death of a person, there may be deducted from the aggregate net value of that property computed in accordance with Division B such of the following amounts as are applicable:

- (a) \$60,000 in the case of
 - (i) a deceased male person survived by a spouse, or
 - (ii) a deceased female person survived by a spouse who, at the time of the death of such person, was mentally or physically infirm, and by a child who, at that time, was
 - (A) under twenty-one years of age, or
 - (B) twenty-one years of age or over and wholly dependent upon such person or spouse, or both, for support by reason of being mentally or physically infirm;
- (b) \$30,000 in the case of a deceased person in the case of whom no deduction may be made under paragraph (a);
- (c) \$15,000, in the case of a deceased person not survived by a spouse, and \$10,000, in the case of a deceased person in the case of whom a deduction may be made under paragraph (a), for each surviving child who, at the time of the death of such person, was
 - (i) under twenty-one years of age, or
 - (ii) twenty-one years of age or over and wholly dependent upon such person, or upon such person or spouse, or both, as the case may be, for support by reason of being mentally or physically infirm;

8. (1) (a), (b) and (c). New. Paragraphs (a) and (c) of the Bill replace section 7 (1) (a), (b) and (c). The new deductions are not specific to the persons concerned and are applicable whether or not those persons receive a benefit from the estate.

- (d) the value of any gift made by the deceased whether during his lifetime or by his will, where such gift can be established to have been absolute, to
- (i) any organization in Canada that, at the time of the making of the gift, was a charitable organization operated exclusively as such and not for the benefit, gain or profit of any proprietor, member or shareholder thereof, or 5
 - (ii) Her Majesty in right of Canada or a province, a Canadian municipality or a municipal or other public body in Canada performing a function of government, 10
- minus such part of any estate, legacy, succession or inheritance duties or any combination of such duties (including any tax payable under this Part) as is, either by direction of or arrangement made or entered into by the deceased whether by his will or by contract or otherwise, or by any statute or law imposing such duties or relating to the administration of the estate of the deceased, payable out of the property comprised in such gift or payable by the donee as a condition of the making of such gift; 20
- (e) the value of any gift made by the deceased during his lifetime where such gift can be established to have been absolute, to have taken effect during his lifetime, to have been part of his ordinary and normal expenditure and to have been reasonable having regard to the amount of his income and the circumstances under which the gift was made; 25
- (f) the value of
- (i) any pension under or subject to the *Pension Act*, the *Civilian War Pensions and Allowances Act* or the *War Veterans' Allowance Act*, or 30
 - (ii) any compensation under regulations made under section 5 of the *Aeronautics Act*, payable or granted on or after the death of the deceased in respect of such death; 35
- (g) the value of any pension payable or granted on or after the death of the deceased in respect of such death, on account of disability or death arising out of war service, if such pension was payable or granted by a country that was an ally of Her Majesty at the time of the war service and if that country grants substantially similar relief in respect of pensions payable or granted by Canada; and 40 45

(d) New in part. This paragraph replaces sections 7 (1) (e) and 7A. It ensures that the deduction for a gift made to a charity or a government in Canada shall be the net amount payable to the recipient of the gift after any death duties have been paid.

(e) No change in substance from section 7 (1) (f).

(f) New in part. This paragraph replaces section 7 (1) (k) and is similar to section 10 (1) (d) of the *Income Tax Act*.

(g) No change in substance from section 7 (1) (l).

(h) the value of any property vested in Her Majesty in right of Canada or a province by escheat or as *bona vacantia* on the death of the deceased.

Limitation.

(2) Notwithstanding subsection (1), no deduction may be made under any of paragraphs (d) to (h) of subsection (1) in respect of any gift therein referred to or in respect of any pension, compensation or other property therein referred to, except to the extent that the value of the property comprised in such gift or the value of such pension, compensation or other property has been included in computing the aggregate net value of the property passing on the death of the deceased. 5 10

Amounts deductible in special cases.

(3) Where, in any investigation by the Canadian Pension Commission made at the request of the Minister in respect of any deceased person, the Canadian Pension Commission finds 15

(a) that the death of such person was attributable to wounds inflicted, accident occurring or disease contracted while Canada was at war and while on service with Canadian or other of Her Majesty's naval, army or air forces, or with allied or associated naval, army or air forces and the circumstances of his death were such that his spouse or children are entitled or would have been entitled, if such service had been with the Canadian naval, army or air forces, to receive a pension under the *Pension Act* in respect of his death, or 20 25

(b) that the death of such person was attributable to wounds inflicted, accident occurring or disease contracted within one year prior to his death, while Canada was at war and as a result of enemy action, 30
the amount that may be deducted under paragraphs (a), (b) and (c) of subsection (1) in the case of that person is 150% of the amount otherwise deductible thereunder.

DIVISION D—COMPUTATION OF TAX

Computation of tax.

9. The tax payable under this Part upon the aggregate taxable value of the property passing on the death of a person (hereinafter in this section referred to as the "amount taxable") is 35

- (a) 10% of the amount taxable if the amount taxable does not exceed \$5,000,
 (b) \$500 plus 12% of the amount by which the amount taxable exceeds \$5,000 if the amount taxable exceeds \$5,000 and does not exceed \$10,000, 40
 (c) \$1,100 plus 14% of the amount by which the amount taxable exceeds \$10,000 if the amount taxable exceeds \$10,000 and does not exceed \$15,000, 45

(h) New.

(2) New.

(3) No change in substance from section 7 (3) (a) and 7 (4).

9. New. This section prescribes a single schedule of rates to be used in the computation of the tax. The present Act prescribes five separate sets of rates intended to take into account differences in the amount of the estate, the relationship of the successor to the deceased, and the amount of the bequest. See sections 10 and 11 and the First Schedule.

- (d) \$1,800 plus 16% of the amount by which the amount taxable exceeds \$15,000 if the amount taxable exceeds \$15,000 and does not exceed \$20,000,
- (e) \$2,600 plus 18% of the amount by which the amount taxable exceeds \$20,000 if the amount taxable exceeds \$20,000 and does not exceed \$40,000, 5
- (f) \$6,200 plus 20% of the amount by which the amount taxable exceeds \$40,000 if the amount taxable exceeds \$40,000 and does not exceed \$60,000,
- (g) \$10,200 plus 22% of the amount by which the amount taxable exceeds \$60,000 if the amount taxable exceeds \$60,000 and does not exceed \$100,000, 10
- (h) \$19,000 plus 24% of the amount by which the amount taxable exceeds \$100,000 if the amount taxable exceeds \$100,000 and does not exceed \$150,000, 15
- (i) \$31,000 plus 26% of the amount by which the amount taxable exceeds \$150,000 if the amount taxable exceeds \$150,000 and does not exceed \$200,000,
- (j) \$44,000 plus 28% of the amount by which the amount taxable exceeds \$200,000 if the amount taxable exceeds \$200,000 and does not exceed \$275,000, 20
- (k) \$65,000 plus 30% of the amount by which the amount taxable exceeds \$275,000 if the amount taxable exceeds \$275,000 and does not exceed \$350,000,
- (l) \$87,500 plus 32% of the amount by which the amount taxable exceeds \$350,000 if the amount taxable exceeds \$350,000 and does not exceed \$450,000, 25
- (m) \$119,500 plus 34% of the amount by which the amount taxable exceeds \$450,000 if the amount taxable exceeds \$450,000 and does not exceed \$550,000, 30
- (n) \$153,500 plus 36% of the amount by which the amount taxable exceeds \$550,000 if the amount taxable exceeds \$550,000 and does not exceed \$650,000,
- (o) \$189,500 plus 38% of the amount by which the amount taxable exceeds \$650,000 if the amount taxable exceeds \$650,000 and does not exceed \$750,000, 35
- (p) \$227,500 plus 40% of the amount by which the amount taxable exceeds \$750,000 if the amount taxable exceeds \$750,000 and does not exceed \$850,000,
- (q) \$267,500 plus 42% of the amount by which the amount taxable exceeds \$850,000 if the amount taxable exceeds \$850,000 and does not exceed \$950,000, 40
- (r) \$309,500 plus 44% of the amount by which the amount taxable exceeds \$950,000 if the amount taxable exceeds \$950,000 and does not exceed \$1,100,000, 45
- (s) \$375,500 plus 46% of the amount by which the amount taxable exceeds \$1,100,000 if the amount taxable exceeds \$1,100,000 and does not exceed \$1,300,000,

- (t) \$467,500 plus 48% of the amount by which the amount taxable exceeds \$1,300,000 if the amount taxable exceeds \$1,300,000 and does not exceed \$1,550,000,
- (u) \$587,500 plus 50% of the amount by which the amount taxable exceeds \$1,550,000 if the amount taxable exceeds \$1,550,000 and does not exceed \$1,800,000, 5
- (v) \$712,500 plus 52% of the amount by which the amount taxable exceeds \$1,800,000 if the amount taxable exceeds \$1,800,000 and does not exceed \$2,000,000,
- (w) \$816,500 plus 54% of the amount by which the amount taxable exceeds \$2,000,000 if the amount taxable exceeds \$2,000,000. 10

Deduction
from tax:
provincial
taxes.

10. (1) There may be deducted from the tax otherwise payable under this Part upon the aggregate taxable value of the property passing on the death of a person, 15

(a) in the case of a person who was domiciled in a prescribed province at the time of his death,

(i) the part of the tax otherwise payable that is applicable to

(A) such of the property passing on the death of that person as was situated in that or any other prescribed province, and 20

(B) such of the property (other than real property) passing on the death of that person as was situated outside Canada, the successor to which property was, at the time of the death of that person, domiciled in or resident in that prescribed province, 25

multiplied by

(ii) one-half; and 30

(b) in the case of any other person,

(i) the part of the tax otherwise payable that is applicable to such of the property passing on the death of that person as was situated in a prescribed province, 35

multiplied by

(ii) one-half.

(2) There may be deducted from the tax otherwise payable under this Part upon the aggregate taxable value of the property passing on the death of a person, the lesser of 40

Deduction
from tax:
gift taxes.

10. (1) New. This subsection provides for an abatement of the federal tax applicable to property situated in a province that has not entered into an agreement to refrain from levying a succession duty, and to personal property situated outside Canada that is transmitted within such a province. This abatement follows from the Federal-Provincial tax sharing arrangements and differs from the tax abatement provided in section 12 in that it no longer depends on the fact that provincial duties have been paid or are deemed to have been paid.

(2) No change in substance from section 7 (1) (h).

(a) the amount of any gift tax paid under the *Income War Tax Act*, *The Income Tax Act* or the *Income Tax Act* in respect of any gift made by that person during his lifetime, the value of the property comprised in which has been included in computing the aggregate taxable value of the property passing on his death, or 5

(b) the part of the tax otherwise payable that is applicable to the property comprised in the gift mentioned in paragraph (a). 10

Deduction
from tax:
foreign
taxes.

(3) There may be deducted from the tax otherwise payable under this Part upon the aggregate taxable value of the property passing on the death of a person, the lesser of

(a) the amount of any estate, legacy, succession or inheritance duties, or any combination of such duties, paid in respect of the death of that person to the government of a country other than Canada on or in respect of any property situated in that country passing on the death of that person, or 15

(b) the part of the tax otherwise payable that is applicable to the property on or in respect of which the amount mentioned in paragraph (a) was paid. 20

Deduction
from tax:
notch
provision.

(4) There may be deducted from the tax otherwise payable under this Part upon the aggregate taxable value of the property passing on the death of a person, the amount, if any, by which 25

(a) the tax otherwise payable,
exceeds

(b) one-half of the amount, if any, by which
(i) the aggregate net value of the property passing on the death of that person, computed in accordance with Division B, 30

exceeds

(ii) \$50,000.

Idem.

(5) Subsection (4) does not apply to permit a deduction from the tax otherwise payable under this Part in any case where the amount determined under subparagraph (i) of paragraph (b) of that subsection exceeds \$58,666. 35

Definitions.
"Tax otherwise
payable."

(6) In this section,
(a) "tax otherwise payable" means, 40

(i) where that expression is used in subsection (1), the tax otherwise payable under this Part before making any deduction under subsection (2), (3) or (4);

(ii) where that expression is used in subsection (2), the tax otherwise payable under this Part before making any deduction under subsection (3) or (4) but after making any deduction permitted by subsection (1); 45

(3) This subsection provides for a deduction from the tax applicable to property situated in another country in respect of similar taxes levied on such property by that country. At present the only such credits allowed are in respect of taxes levied by countries with which Canada has entered into succession duty agreements. These are U.S.A., U.K., France, Ireland and South Africa.

(4) and (5) New in part. These provisions, like section 7(5) and 7(6), eliminate tax on any estate whose aggregate net value is less than \$50,000. They also prevent the tax on any estate whose aggregate net value is between \$58,666 and \$50,000 from being more than half of the excess over \$50,000. The tax on estates whose aggregate net value exceeds \$58,666 will only be more than half the excess over \$50,000 where the applicable rates exceed 50%, and the relief provided in section 10(4) of the Bill is not intended to reduce the tax on such estates.

(6) New. This subsection determines the order in which the various tax abatements or credits will be allowed.

(iii) where that expression is used in subsection (3), the tax otherwise payable under this Part before making any deduction under subsection (4) but after making any deductions permitted by subsections (1) and (2); and

(iv) where that expression is used in subsection (4), the tax otherwise payable under this Part after making any deductions permitted by subsections (1), (2) and (3); and

“Prescribed.” (b) “prescribed” means prescribed by a regulation made on the recommendation of the Minister of Finance for the purposes of this section.

Determination of tax applicable. (7) For the purposes of this section, in determining the part of any tax otherwise payable applicable to any property passing on the death of a person, where that property consists in whole or in part of property comprised in any gift referred to in paragraphs (d) to (h) of subsection (1) of section 8 or any pension, compensation or other property therein referred to, no part of the tax otherwise payable shall be considered as applicable to that property or part thereof, as the case may be.

References to certain duties. (8) A reference in subsection (3) to the “amount of any estate, legacy, succession or inheritance duties or any combination of such duties” shall be construed as a reference to the amount thereof payable after taking into account any credit, allowance, deduction or relief in respect thereof or any remission or other reduction thereof.

Situs of property. (9) A reference in this section to the situs of any property passing on the death of a person shall be construed as a reference to the situs of that property at the time of the death of that person, and, for the purposes of this section except subsection (3), the situs of any property passing on the death of that person, including any right or interest therein of any kind whatsoever, shall, where that property comes within any of the classes of property mentioned in paragraphs (a) to (e) of this subsection, be determined in accordance with the following rules:

(a) property coming within any of the classes of property mentioned in paragraphs (a), (b), (d), (h), (i), (j), (m) and (n) of section 32 (except any such property for which specific provision is made in any subsequent paragraph of this subsection) shall be deemed to be situated in the places, respectively, specified in those paragraphs;

(b) debts, whether secured or unsecured and whether under seal or otherwise (including bills of exchange and promissory notes, whether negotiable or otherwise, but not including any form of indebtedness for which specific provision is made in any subsequent paragraph

(7) New.

(8) New. This subsection provides that the credit for foreign taxes will be only for the net amount of the taxes paid to foreign jurisdictions. A corresponding provision exists in the succession duty agreements with other countries.

(9) New. This subsection prescribes the rules for determining the situs of property for the purposes of section 10 of the Bill.

of this subsection), shall be deemed to be situated in the place where the debtor was ordinarily resident at the time of death, or, where the debtor is a corporation, then

- (i) in the case of a corporation incorporated under or pursuant to any Act of the Parliament of Canada, in the place where the head office of the corporation is located, and 5
- (ii) in any other case, in the place where the corporation is incorporated; 10
- (c) bonds and debentures of a corporation and bonds and debentures of or guaranteed by any government or municipality shall be deemed to be situated in the place where the certificates in evidence of ownership thereof were located at the time of death; 15
- (d) shares, stocks and debenture stocks of a corporation and rights to subscribe for or purchase shares or stocks of a corporation (including any such property held by a nominee, whether the beneficial ownership is evidenced by scrip certificates or otherwise) shall be deemed to be situated 20
 - (i) in the province where the deceased was domiciled at the time of his death, if any register of transfers or place of transfer is maintained by the corporation in that province, and 25
 - (ii) otherwise, in the place where the register of transfers or place of transfer nearest to the place where the deceased was ordinarily resident at the time of his death is maintained by the corporation; and 30
- (e) money payable under any policy of insurance effected on the life of the deceased or in which the deceased had an interest, or payable under any annuity contract, shall be deemed to be situated in the province where the deceased was domiciled at the time of his death; 35

and, for the purposes of subsection (3), the situs of any property passing on the death of that person, including any right or interest therein of any kind whatsoever, shall, where that property comes within any of the classes of property mentioned in section 32, be determined as provided in that section. 40

Minimum
tax.

11. Notwithstanding anything in this Act, no amount is payable as tax under this Part in respect of the death of any person where the tax otherwise payable under this Part upon the aggregate taxable value of the property passing on the death of that person is less than \$25. 45

Section 2013

(a) If the estate of a decedent is the estate of a person who has died, the executor of the estate of the decedent shall, within the time specified in this section, file a return of the estate of the decedent, containing the information prescribed in this section, with the Minister.

(b) If the executor of the estate of a decedent is a person who has died, the executor of the estate of the decedent shall, within the time specified in this section, file a return of the estate of the decedent, containing the information prescribed in this section, with the Minister.

(c) If the executor of the estate of a decedent is a person who has died, the executor of the estate of the decedent shall, within the time specified in this section, file a return of the estate of the decedent, containing the information prescribed in this section, with the Minister.

(d) If the executor of the estate of a decedent is a person who has died, the executor of the estate of the decedent shall, within the time specified in this section, file a return of the estate of the decedent, containing the information prescribed in this section, with the Minister.

(e) If the executor of the estate of a decedent is a person who has died, the executor of the estate of the decedent shall, within the time specified in this section, file a return of the estate of the decedent, containing the information prescribed in this section, with the Minister.

(f) If the executor of the estate of a decedent is a person who has died, the executor of the estate of the decedent shall, within the time specified in this section, file a return of the estate of the decedent, containing the information prescribed in this section, with the Minister.

11. New. This section eliminates any payment of tax where the tax is less than \$25.

(g) If the executor of the estate of a decedent is a person who has died, the executor of the estate of the decedent shall, within the time specified in this section, file a return of the estate of the decedent, containing the information prescribed in this section, with the Minister.

DIVISION E—RETURNS, ASSESSMENT, PAYMENT AND APPEALS.

Returns.

Returns.

12. (1) A return of information in the case of the death of any deceased shall, without notice or demand therefor, be filed with the Minister in prescribed form and containing prescribed information,

(a) by the executor of the estate of the deceased, within six months after the death of the deceased, or 5

(b) in any case where no person described in paragraph (a) has filed a return within the time specified in that paragraph, by each successor to any property passing on the death of the deceased, within ninety days after the time specified in that paragraph, unless in the case of that successor the Minister has waived such return. 10

Demand for returns.

(2) Whether or not he is liable to pay any amount as tax under this Part in respect of the death of any deceased and whether or not a return has been filed under subsection (1), every person shall, on demand by registered letter from the Minister, file with the Minister, within such reasonable time as is specified in the registered letter, a return of information in prescribed form and containing prescribed information relating to the deceased. 15 20

Extension of time.

(3) The Minister may, for any reason satisfactory to him, extend the time for filing any return of information required by this section to be filed with the Minister, for such reasonable time as is specified by him.

Estimate of tax.

(4) Each executor of the estate of any deceased who is required by this section to file with the Minister any return of information relating to the deceased shall, in the return, estimate to the best of his knowledge and ability the amount of the tax payable under this Part in respect of the death of such deceased. 25 30

Assessment.

Assessment.

13. (1) The Minister shall, with all due dispatch, examine each return of information relating to the deceased and assess the amount of the tax payable under this Part in respect of the death of such deceased, the amount payable by each person liable to pay any amount as tax under this Part in respect thereof and the interest and penalties, if any, payable by each such person. 35

Notice.

(2) After examination of a return and after making the assessment required by subsection (1), the Minister shall send a notice of assessment to each of the executors of the estate of the deceased or, where no person has been appointed as executor of the estate of the deceased or there is no person acting as such executor, to each person liable to pay any amount as tax under this Part in respect of the death of the deceased. 40 45

12. (1) New in part. This subsection differs from section 16 in that it imposes on the executor the initial obligation to file a return, rather than imposing the obligation simultaneously on either the successor or the executor, or both.

(2) New.

(3) No change in substance from section 19.

(4) New.

13. (1) and (2) No change in substance from sections 22 and 23.

- Idem. (3) A notice of assessment sent by the Minister to any executor of the estate of the deceased shall be deemed to have been sent to each of the executors, where there is more than one executor, and each other person liable to pay any amount as tax under this Part in respect of the death of the deceased. 5
- Effect of assessment. (4) Liability for tax under this Part is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made.
- Limitation. (5) The Minister may at any time assess tax, interest 10 or penalties under this Part and may
 (a) at any time, if the person by whom any return is filed has made any misrepresentation, committed any fraud or knowingly or otherwise failed to disclose any material fact in filing any return or supplying informa- 15 tion under this Act, and
 (b) within six years from the date of an original assessment, in any other case, re-assess or make additional assessments, as the circumstances require. 20
- Idem. (6) The Minister is not bound by a return of information or information supplied by or on behalf of any person and may, notwithstanding any return of information or information so supplied or if no return has been filed, make the assessment contemplated by subsection (1). 25
- Idem. (7) An assessment shall, subject to being varied or vacated on objection or appeal, if any, in accordance with this Part and subject to re-assessment, be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto. 30

Payment of Tax: Liability of Executor.

- Payment of tax by executor. **14.** (1) Each executor of the estate of the deceased, whether or not any notice of assessment has been sent to him by the Minister, is, from and after the death of the deceased, liable to pay as tax under this Part, and shall, within the time specified in paragraph (a) of subsection (1) of section 12 for filing a return of information relating to the deceased, pay to the Receiver General of Canada as tax under this Part, the part of the tax payable under this Part in respect of the death of the deceased that is applicable to the property passing on the death of the deceased that came within his possession or under his control as executor. 35
- Determination of tax applicable to certain property. (2) For the purposes of this section, in determining the part of the tax payable under this Part in respect of the death of a deceased that is applicable to any property 45 passing on the death of that deceased, where that property consists in whole or in part of property comprised in any

(3) New in part. See section 23.

(4) No change in substance from section 24.

(5) New in part. Under section 24 the Minister may assess at any time without limitation.

(6) New. This subsection is similar to section 46(6) of the *Income Tax Act*.

(7) No change in substance from section 46. This subsection is similar to section 46(7) of the *Income Tax Act*.

14. (1) New. This subsection places the primary liability for payment of the tax on the executor as executor, and not merely a secondary liability in respect of taxes owed by the successor, as in the present Act. The executor's liability is limited under this subsection to the tax applicable to property coming within his possession or control.

(2) New.

gift referred to in paragraphs (d) to (h) of subsection (1) of section 8 or any pension, compensation or other property therein referred to, no part of the tax so payable shall be considered as applicable to that property or part thereof, as the case may be.

Limitation on liability of executor.

(3) Notwithstanding anything in this section, any amount payable as tax under this Part pursuant to this section by any executor of the estate of a deceased is payable by him in his capacity as executor only, except that if the executor transfers, delivers or pays over any of the property passing on the death of the deceased that came within his possession or under his control as such to any successor to any of that property without the amount so payable by him having been paid in full, the amount so payable by him is, to the extent of the value of the property so transferred, delivered or paid over by him, payable by him personally as well as in his capacity as executor.

Payment of Tax: Liability of Successors.

Payment of tax by successor.

15. (1) Each successor to any property passing on the death of a deceased, whether or not any notice of assessment has been sent to him by the Minister, is, from and after the death of the deceased, liable to pay as tax under this Part, and shall, within the time specified in paragraph (a) of subsection (1) of section 12 for filing a return of information relating to the deceased, pay to the Receiver General of Canada as tax under this Part,

(a) in respect of any property so passing to which he is the successor that is included in the property mentioned in subsection (1) of section 14, the part of the tax payable under this Part in respect of the death of the deceased that is applicable to the property mentioned in that subsection, and

(b) in respect of any property so passing to which he is the successor that is not so included, the part of the tax payable under this Part in respect of the death of the deceased that is applicable to that property.

Idem.

(2) Subsection (2) of section 14 is applicable *mutatis mutandis* in determining, for the purposes of this section, the part of the tax payable under this Part in respect of the death of a deceased that is applicable to any property passing on the death of that deceased.

Limitation on liability of successor.

(3) Notwithstanding anything in this section, any amount payable as tax under this Part pursuant to this section by a person as the successor to any property passing on the death of a deceased, in respect of any property so passing to which that person is the successor that is included in the property mentioned in subsection (1) of section 14 (which property so passing is hereinafter in this subsection referred to as "included property"), is payable by him as surety only for the payment of that amount by the executor

(3) New in part. See section 13.

15. (1) New in part. Where property does not pass through the hands of the executor, the successor to that property is liable for his proportionate share of the total tax on the property of the deceased. Where property does pass through the hands of the executor, the successor to that property is liable for his proportionate share of the tax payable by the executor, but only, as subsection (3) explains, as surety for such payment by the executor. Under sections 24 and 25 of the present Act the primary liability in both cases is on the successor.

(2) New.

(3) New. See note opposite section 15(1) of the Bill, above.

of the estate of the deceased as and when required by or pursuant to this Act, and in no case shall the amount so payable by him in respect of that included property exceed an amount equal to that proportion of

(a) the part of the tax payable under this Part in respect of the death of the deceased that is applicable to the property mentioned in subsection (1) of section 14, minus

(b) any amount paid by the executor as or on account of the part of the tax so payable mentioned in paragraph (a), that

(c) the part of the tax payable under this Part in respect of the death of the deceased that is applicable to that included property, is of

(d) the part of the tax so payable mentioned in paragraph (a).

Payment of tax in certain cases on behalf of successor.

(4) Where, in the case of any successor to any property passing on the death of a deceased, the property so passing to which he is the successor includes both

(a) property that is included in the property mentioned in subsection (1) of section 14, and

(b) other property, the executor of the estate of the deceased, as and when required by or pursuant to this Act to pay the part of the tax payable under this Part in respect of the death of the deceased that is applicable to the property mentioned in subsection (1) of section 14, shall, on behalf of the successor, pay the amount payable as tax under this Part pursuant to this section by the successor in respect of the property mentioned in paragraph (b), except that in no case shall the amount payable as tax under this Part pursuant to this section by the executor on behalf of any person as the successor to any property passing on the death of the deceased exceed the value of the property mentioned in paragraph (a) to which that person is the successor.

Recovery of amount paid.

(5) Any executor of the estate of a deceased who is required to pay any amount as tax under this Part pursuant to subsection (4) on behalf of any person as the successor to any property passing on the death of the deceased is entitled to withhold or deduct from the amount paid over by him to that person the amount of the tax so paid by him, or, in the event of that person having received satisfaction therefor from the executor otherwise than in money paid over by the executor, to recover from that person the amount of the tax so paid by him.

Saving provision.

(6) Where any amount is or has become payable by any executor of the estate of a deceased pursuant to or by virtue

(4) New. Where a successor succeeds to property some of which passes through the executor's hands and some of which does not, the successor has the primary liability to pay the tax attributable to the latter property. However, the executor is made liable to pay such tax on behalf of the successor, to the extent that he has property under his control passing to the successor.

(5) No change in substance from sections 14 and 15.

(6) New.

of this section, that amount shall, for the purposes of subsection (3) of section 14, be deemed to be or to have become payable by him as tax under this Part pursuant to section 14.

Saving
provision.

(7) Payment by a person as the successor to any property passing on the death of a deceased of any amount payable by him as tax under this Part pursuant to this section in respect of any property so passing to which he is the successor that is included in the property mentioned in subsection (1) of section 14, or of any amount payable on his behalf by the executor of the estate of the deceased as tax under this Part pursuant to this section or by him or on his behalf as interest under this Part in respect of any amount so payable, shall, upon the making of such payment, relieve the executor of the estate of the deceased of any liability as such to pay that amount as tax under this Part or as interest thereunder, as the case may be.

Payment of Tax in Special Cases.

Instalment
payments.

16. (1) Notwithstanding the provisions of this Part respecting the time within which payment shall be made of any amount as tax under this Part by a person as the successor to any property passing on the death of a deceased,

(a) where the property so passing to which that person is the successor that is not included in the property mentioned in subsection (1) of section 14 and in respect of which no amount is payable as tax under this Part pursuant to section 15 by the executor of the estate of the deceased on his behalf (which property so passing is hereinafter in this subsection referred to as the "succession property") consists in whole or in part of an income right, annuity, term of years or life or other similar estate, the part of the tax payable under this Part in respect of the death of the deceased that is applicable to that income right, annuity, term of years or life or other similar estate, as the case may be, determined in accordance with section 15, may, if the successor so elects, be paid by him in six equal consecutive annual instalments, the first of which shall be paid within ninety days after the time specified in paragraph (a) of subsection (1) of section 12 for filing a return of information relating to the deceased, and each subsequent instalment within ninety days after the next following anniversary of that time; and

(b) where the succession property consists in whole or in part of an interest in expectancy, the part of the tax payable under this Part in respect of the death of the deceased that is applicable to that interest in expectancy, determined in accordance with section 15, may, if the successor so elects, be paid by him at any time before the falling into possession of that interest

(7) New.

16. (1)

(a) New in part. This paragraph permits a successor who has a primary liability to pay tax in respect of an annuity or life interest to do so in six annual instalments. Under section 29(1) the duty in respect of an annuity or life interest is payable in four annual instalments.

(b) New in part. This paragraph permits a successor who has a primary liability to pay tax in respect of an interest in expectancy passing on the death to pay the tax when the interest falls into possession or at any time before, rather than within the time limit specified by section 12 of the Bill. The new paragraph also permits the successor to an interest in expectancy that is itself an annuity or life interest to pay the tax in six annual instalments. See section 29(2) to (6) inclusive.

in expectancy, or, if the interest in expectancy itself consists of an income right, annuity, term of years or life or other similar estate, in six equal consecutive annual instalments, the first of which shall be paid within ninety days after the falling into possession of that interest and each subsequent instalment within ninety days after the next following anniversary of the falling into possession of that interest. 5

Election by successor.

(2) Every election made by a successor under paragraph (a) or (b) of subsection (1) shall be made by him in prescribed form and in prescribed manner and, in the case of an election under paragraph (b) of subsection (1), on condition of payment by the successor of interest on the amount the payment of which is thereby deferred, at such rate, not exceeding 5% per annum, as is specified by the Minister, from the time the payment would otherwise have become due until the time of the making of the payment or the falling into possession of the interest in expectancy referred to in paragraph (b) of subsection (1), whichever is the sooner. 10 15 20

Deferment of time for payment in certain cases.

17. Notwithstanding the provisions of this Part respecting the time within which payment shall be made of any amount as tax under this Part by the executor of the estate of a deceased or by a person as the successor to any property passing on the death of a deceased, where the Minister is satisfied that payment of any such amount as tax under this Part cannot, without undue hardship or excessive sacrifice, be made within that time, or for any other reason satisfactory to him, the Minister may defer the time for payment of that amount or any part thereof for such period, on such terms and on payment of such interest, not exceeding 5% per annum, as to him seems equitable and proper. 25 30

Effect of objection or appeal.

18. (1) Liability to pay any amount as tax under this Part within the time specified in this Part for payment thereof is not affected by the fact that an objection to or appeal from any assessment by the Minister is then outstanding. 35

Avoidance of payment.

(2) Where, in the opinion of the Minister, a person is attempting to avoid payment of any amount payable by him as tax under this Part, the Minister may direct that all taxes, interest and penalties be paid forthwith upon assessment thereof. 40

(2) New.

17. New in part. This section permits the Minister to postpone payment of tax in case of hardship. It differs from section 28 in that it provides a maximum rate of interest on unpaid tax, regardless of the interest yielded by the property.

18. New. This section is similar to section 51 of the *Income Tax Act*.

*Payment of Tax as Debt of Estate.*Tax as debt
of estate.

19. (1) Where any amount is payable as tax under this Part pursuant to section 14 by any executor of the estate of a deceased, that amount shall, for the purposes of any applicable statute or law relating to the administration of estates, be deemed to be a debt due to Her Majesty incurred by the deceased immediately prior to his death. 5

Idem.

(2) Nothing in subsection (1) shall be construed as authorizing the deduction, under section 6, of any amount as or on account of the amount referred to in subsection (1).

Interest.

Interest.

20. Where any amount payable as tax under this Part by the executor of the estate of a deceased or by any successor to any property passing on the death of a deceased is not paid within the time specified in this Part for payment thereof, interest at the rate of 5% per annum from the time when the payment became due shall be paid by the executor or successor, as the case may be, on the amount from time to time then unpaid. 15

*Penalties.*Delay in
filing
return.

21. (1) Every person who fails to file a return of information as and when required by section 12 is liable to a penalty of not more than \$10 for each day of default, but not exceeding \$1,000. 20

Failure to
complete
information.

(2) Every person who fails to complete the information on a prescribed form as required by or pursuant to section 12 is, unless in the case of an individual the Minister has waived it, liable to a penalty 25

(a) of not less than \$25 and not more than \$1,000, or

(b) in the case of an individual, of such lesser amount as is fixed by the Minister in respect of the specific failure.

Evasion of
tax.

(3) Every person who wilfully, in any manner, evades or attempts to evade payment of any amount payable as tax under this Part is liable to a penalty, to be fixed by the Minister, of not less than 25% and not more than 50% of the amount of the tax evaded or sought to be evaded. 30

Refund of Overpayments.

Refunds.

22. (1) The Minister, upon proof to his satisfaction that an overpayment has been made by any person, 35

(a) may, at any time, whether or not application therefor has been made by that person, and

19. New. This section permits the executor to treat the tax payable under Part I of the Bill as a debt of the estate for the purposes referred to, but not as a debt deductible in computing aggregate net value.

20. No change in substance from section 26.

21. (1) No change in substance from section 52(1).

(2) New in part. See section 52(2).

(3) New in part. See section 17.

22. New in part. This section enlarges section 36(4) by providing a mandatory refund of an overpayment of tax where application for such a refund has been made within the required period, and by removing the time limit for the permissive refund.

(b) shall, if application therefor has been made in writing within one year after the later of

(i) the day the overpayment arose, or

(ii) the day on or before which payment of the tax in respect of which the overpayment arose was required to be made, 5

refund the amount of the overpayment.

Idem.

(2) Where, by any decision of the Minister under section 23 or any decision of the Income Tax Appeal Board, the Exchequer Court of Canada or the Supreme Court of Canada, it is finally determined that the amount payable by any person as tax under this Part is less than the amount assessed by the assessment to which the objection was made or from which the appeal was taken and the decision makes it appear that there has been an overpayment by that person, the Minister shall refund the amount of the overpayment. 10 15

"Overpayment," defined.

(3) In this section, "overpayment" means the aggregate of all amounts paid by a person as tax under this Part or as interest or penalties under this Part minus the aggregate of all amounts payable by that person as such tax, interest or penalties, or any amount so paid where no amount is so payable. 20

Objections to Assessments.

Objection to assessment, notice.

23. (1) Any person who, being an executor of the estate of a deceased or a successor to any property passing on the death of a deceased, objects to an assessment made by the Minister 25

(a) of the amount of the tax payable under this Part upon the aggregate taxable value of the property passing on the death of the deceased (hereinafter in this Division referred to as the "principal assessment"), or 30

(b) of the amount payable by that person as tax under this Part in respect of the death of the deceased or as interest or penalties under this Part in respect thereof (hereinafter in this Division referred to as a "subsidiary assessment"), 35

may, within ninety days after the day of mailing of any notice of assessment sent by the Minister pursuant to section 13, serve on the Minister a notice of objection to that principal assessment or subsidiary assessment, as the case may be, in duplicate and in prescribed form, setting out the reasons for the objection and all facts relevant thereto. 40

(2) A notice of objection under this section shall be served by the person objecting to the proposed order of the Minister for the purposes of section 22 of the Act.

(3) Upon receipt of the notice of objection, the Minister shall, within the time specified in the notice, refer the matter to the Tribunal for its consideration. The Tribunal may, if it is satisfied that the proposed order is in the public interest, make such order as it thinks fit, and may vary or rescind any order made by the Minister.

(2) New.

(3) New.

(4) New.

(5) New.

(3) New.

23. (1) New in part. See section 37(1) and (3).

(2) New.

Appeals to the Appeal Board

(1) The Minister may, if he is satisfied that it is in the public interest, refer the matter to the Appeal Board for its consideration. The Appeal Board may, if it is satisfied that the proposed order is in the public interest, make such order as it thinks fit, and may vary or rescind any order made by the Minister.

(2) The Appeal Board shall, within the time specified in the notice, refer the matter to the Tribunal for its consideration. The Tribunal may, if it is satisfied that the proposed order is in the public interest, make such order as it thinks fit, and may vary or rescind any order made by the Minister.

Service of notice.

(2) A notice of objection under this section shall be served by being sent by registered mail to the Deputy Minister of National Revenue for Taxation at Ottawa.

Recon- sideration.

(3) Upon receipt of the notice of objection, the Minister shall with all due dispatch reconsider the principal assessment or the subsidiary assessment, as the case may be, and vacate, confirm or vary that assessment, or re-assess, and the Minister shall thereupon by registered mail notify the person by whom the objection was taken of his action. 5

Appeals to Income Tax Appeal Board.

Appeal.

24. (1) Where a person has, under section 23, served on the Minister a notice of objection to any principal assessment or subsidiary assessment, he may, after either 10

(a) the Minister has confirmed that assessment or re-assessed, or

(b) one hundred and eighty days have elapsed after service of the notice of objection and the Minister has not notified him that he has vacated or confirmed that assessment or has re-assessed, 15

appeal to the Income Tax Appeal Board constituted by the *Income Tax Act* to have that assessment vacated or varied, but no appeal under this section may be instituted after ninety days from the day notice was mailed to that person under section 23 that the Minister has confirmed that assessment or has re-assessed. 20

Provisions governing appeals.

(2) The provisions of the *Income Tax Act* regulating all matters in connection with an appeal under section 59 of that Act shall, *mutatis mutandis*, apply for the purpose of regulating all matters in connection with an appeal under this section. 25

Appeals to Exchequer Court.

Appeal to Exchequer Court.

25. (1) The Minister or any person by whom an appeal has been taken to the Income Tax Appeal Board may, within one hundred and twenty days after the day on which the Registrar of the Income Tax Appeal Board mails the decision on an appeal under section 24 to the Minister and that person, appeal to the Exchequer Court of Canada. 30 35

Idem.

(2) Where a person has, under section 23, served on the Minister a notice of objection to any principal assessment or subsidiary assessment, he may, in lieu of appealing to the Income Tax Appeal Board under section 24, appeal to the Exchequer Court of Canada at a time when, under section 24, he could have appealed to the Income Tax Appeal Board. 40

Provisions governing appeals.

(3) The provisions of the *Income Tax Act* regulating all matters in connection with an appeal under section 60 of that Act shall, *mutatis mutandis*, apply for the purpose of regulating all matters in connection with an appeal under this section. 45

(2) No change in substance from section 37(2).

(3) No change in substance from section 38.

24. New. This section is similar to section 59 of the *Income Tax Act* and replaces sections 39, 40 and 41.

25. New in part. This section is similar to section 60 of the *Income Tax Act* and replaces sections 42 to 45 inclusive and section 47.

Irregularities

26. An assessment shall not be vacated or varied on appeal by reason only of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision of this Act.

PART II.

ESTATE TAX IN RESPECT OF PERSONS DOMICILED OUTSIDE CANADA.

Persons domiciled outside Canada.

27. (1) In the case of the death, at any time after the coming into force of this Act, of any person domiciled outside Canada at the time of his death, an estate tax shall be paid as hereinafter required upon the aggregate value of all taxable property (hereinafter in this Part referred to as the "property taxable on the death"), being property situated in Canada at the time of his death, the value of which would, if that person had been domiciled in Canada at the time of his death, be required by this Act to be included in computing the aggregate net value of the property passing on his death.

Tax payable.

(2) The tax payable under this Part upon the aggregate value of the property taxable on the death of any person is the tax payable as fixed by assessment or re-assessment subject to variation on objection or appeal, if any, in accordance with the provisions of Part I.

Application of Part I.

(3) Sections 12 to 15 and sections 17 to 26 are applicable *mutatis mutandis* to this Part.

Computation of aggregate value.

28. (1) For the purposes of this Part, in computing the aggregate value of the property taxable on the death of any person no allowance or deduction shall be made for debts or encumbrances of any kind whatsoever.

Idem.

(2) Notwithstanding subsection (1), there may be deducted in computing the aggregate value of the property taxable on the death of any person the value of any property acquired by that person during his lifetime for or incidental to residence in Canada as an officer or servant of the government of a country other than Canada whose duties required him to reside in Canada,

- (a) if that person was a citizen or subject of that country at the time of the acquisition of such property, and continued, at the time of his death, to be required by his duties as such officer or servant to reside in Canada, and
- (b) if that country grants substantially similar relief in respect of property acquired by an officer or servant of the Government of Canada.

Computation of tax.

29. The tax payable under this Part upon the aggregate value of the property taxable on the death of any person is 15% of the aggregate value of that property.

26. No change in substance from section 46. This section is identical to section 61 of the *Income Tax Act*.

27. New in part. This is the charging section for the new tax under Part II, which applies only in the case of persons dying domiciled outside Canada. Like the duty imposed by section 6(1)(b), the new tax applies only to property situated in Canada.

28. (1) New.

(2) New in part. See section 7(1)(j).

29. New. The tax under this Part is imposed at a flat percentage rate in contrast to the duty imposed by sections 10 and 11 and the First Schedule.

Deduction
from tax:
provincial
duties.

30. (1) There may be deducted from the tax otherwise payable under this Part upon the aggregate value of the property taxable on the death of any person,

(a) the part of the tax otherwise so payable that is applicable to any of the property taxable on the death of that person, on or in respect of which property any provincial duty has been paid in respect of the death of that person,

multiplied by

(b) one-half.

“Provincial
duty”
defined.

(2) In this section, “provincial duty” means any succession duty imposed under an Act of the legislature of a province.

Minimum
tax.

31. Notwithstanding anything in this Act, no amount is payable as tax under this Part in respect of the death of any person where the aggregate value of the property taxable on the death of that person is less than \$5,000.

Situs of
property.

32. For the purposes of this Part, the situs of any property, including any right or interest therein of any kind whatsoever, shall, where that property comes within any of the classes of property mentioned in this section, be determined in accordance with the following rules:

(a) immovable property (except any right or interest therein by way of security) shall be deemed to be situated in the place where such property is located;

(b) tangible movable property (except any right or interest therein by way of security and except any tangible movable property for which specific provision is made in any subsequent paragraph of this section), and, in any case, bank or currency notes and other forms of currency recognized as legal tender in the place of issue, shall be deemed to be situated in the place where such property was located at the time of death, or, if in course of transit at that time, in the place of intended destination;

(c) debts, whether secured or unsecured and whether under seal or otherwise (including bills of exchange and promissory notes, whether negotiable or otherwise, but not including any form of indebtedness for which specific provision is made in any subsequent paragraph of this section), shall be deemed to be situated in the place where the debtor was ordinarily resident at the time of death, or, where the debtor is a corporation, then in the place where the corporation is incorporated;

(d) bank accounts shall be deemed to be situated in the place where the bank or branch thereof in which the account was kept is located;

(e) securities of or guaranteed by any government or municipality shall be deemed to be situated,

30. No change in substance from section 12. This section of the Bill provides for an abatement of the tax applicable to property on which any provincial succession duty has been paid. This abatement follows from the Federal-Provincial tax sharing arrangements.

31. New. This section eliminates any payment of tax where the amount taxable is less than \$5,000. This amount is merely the point at which the rate begins to apply; it is not a deductible exemption.

32. New in part. This section prescribes the rules for determining the situs of property for the purposes of Part II. Paragraph (f) is not changed in substance from section 6(2) and (3). With the exception of section 32(g) of the Bill these rules are substantially similar to those contained in the succession duty agreements with other countries.

- (i) if in bearer form, in the place where located at the time of death, or
- (ii) if inscribed or registered, in the place where inscribed or registered by the issuer;
- (f) shares, stock, bonds, debentures and debenture stock of a corporation and rights to subscribe for or purchase shares or stocks of a corporation (including any such property held by a nominee, whether the beneficial ownership is evidenced by scrip certificates or otherwise, but not including any shares of the deceased in the capital stock of a corporation incorporated in Canada whose business operations are of an industrial, mining, commercial, public utility or public service nature and are, except for management and the designing, purchasing and transportation of goods, carried on entirely in the country in which, at the time of his death, the deceased was domiciled, whether directly or through ownership of shares in or control of subsidiary or affiliated corporations) shall be deemed to be situated in the place where the corporation is incorporated;
- (g) money payable under any policy of insurance effected on the life of the deceased or in which the deceased had an interest, or payable under any annuity contract, shall be deemed to be situated in the place where the deceased was domiciled at the time of his death;
- (h) partnership property shall be deemed to be situated in the place where the business of the partnership is principally carried on;
- (i) ships and aircraft shall be deemed to be situated in the place where registered;
- (j) good-will of a business, trade or profession shall be deemed to be situated in the place where the business, trade or profession is principally carried on;
- (k) patents, trade marks and industrial designs shall be deemed to be situated in the place where registered;
- (l) copyright, franchises, and rights or licences to use any copyrighted material, patent, trade mark or industrial design shall be deemed to be situated in the place where the rights arising therefrom are exercisable;
- (m) rights or causes of action *ex delicto* surviving to the benefit of the estate of any deceased or his legal representative shall be deemed to be situated in the place where such rights or causes of action arose; and
- (n) judgment debts shall be deemed to be situated in the place where the judgment is recorded.

PART III.

GENERAL.

*Administration.*Adminis-
tration of
Act.

33. (1) The Minister shall administer and enforce this Act and control and supervise all persons employed to carry out or enforce this Act, and the Deputy Minister of National Revenue for Taxation may exercise the powers and perform the duties of the Minister under this Act. 5

Officers and
employees.

(2) Such officers, clerks and employees as are necessary for the administration and enforcement of this Act shall be appointed or employed under the provisions of the *Civil Service Act*.

Valuations.

(3) The Minister may appoint any person to make or assist in the making of any valuation required by this Act, and may fix and authorize the payment of the compensation to be paid to any such person in respect thereof. 10

Adminis-
tration of
oaths.

(4) Any officer or servant employed in connection with the administration or enforcement of this Act, if he is designated by the Minister for the purpose, may, in the course of his employment, administer oaths and take and receive affidavits, declarations and affirmations for the purposes of or incidental to the administration or enforcement of this Act or the regulations, and every officer or servant so designated has for such purposes all the powers of a commissioner for administering oaths or taking affidavits. 15 20

*Collection and Enforcement.*Debts to
Her
Majesty.

34. All taxes, interest, penalties, costs and other amounts payable under this Act are debts due to Her Majesty and are recoverable as such in the Exchequer Court of Canada or any other court of competent jurisdiction or in any other manner provided by this Act. 25

Certification.

35. (1) Any amount due and payable under this Act that has not been paid or such part of any amount due and payable under this Act as has not been paid may be certified by the Minister, 30

(a) where there has been a direction of the Minister under subsection (2) of section 18, forthwith after such direction, and

(b) otherwise, upon the expiration of thirty days after it became due. 35

Judgment.

(2) On production to the Exchequer Court of Canada, a certificate issued under this section shall be registered in the Court and when registered has the same force and effect, and all proceedings may be taken thereon, as if the certificate were a judgment obtained in the Court for a debt of the amount specified in the certificate plus interest to the date of payment as provided for in this Act. 40

33. (1) No change in substance from section 59(1) and 59(2)(d).

(2) New in part. See section 60.

(3) No change in substance from section 34(2).

(4) New.

34. No change in substance from section 57.

35. (1) New in part. See section 58(1).

(2) No change in substance from section 58(2).

- Costs. (3) All reasonable costs and charges attendant upon the registration of the certificate are recoverable in like manner as if they had been certified and the certificate had been registered under this section.
- Seizure of chattels. **36.** (1) Where a person has failed to make any payment as required by this Act, the Minister, on giving ten days' notice by registered mail addressed to his last known place of residence, may, whether or not there is an objection to or appeal in respect of the assessment not disposed of, issue a certificate of the failure and direct that the goods and chattels of the person in default be seized. 5
- Sale. (2) Property seized under this section shall be kept for ten days at the cost and charges of the owner and, if he does not pay the amount due together with the costs and charges within those ten days, the property seized shall be sold by public auction. 10
- Notice of sale. (3) Except in the case of perishable goods, notice of the sale setting forth the time and place thereof together with a general description of the property to be sold shall, at a reasonable time before the goods are sold, be published at least once in one or more newspapers of general local circulation. 15 20
- Surplus. (4) Any surplus resulting from the sale after deduction of the amount owing and all costs and charges shall, as soon as possible after the sale, be paid to the owner of the property seized. 25
- Exempt chattels. (5) Such of the goods and chattels of any person in default as would be exempt from seizure under a writ of execution issued out of a superior court of the province in which the seizure is made are exempt from seizure under this section. 30
- Person leaving Canada or removing property. **37.** (1) Where the Minister suspects that a person by whom any amount is payable as tax, interest or penalties under this Act in respect of the death of a deceased is about to leave Canada, or that a person outside Canada by whom any such amount is payable is about to remove or cause to be removed from Canada property passing on the death of the deceased, he may, before the day otherwise fixed for payment, by notice served personally or by registered letter addressed to that person, demand payment of the amount payable by that person, and the same shall be paid forthwith notwithstanding any other provision of this Act. 35 40
- Idem. (2) Where a person has failed to pay any amount as tax, interest or penalties demanded under this section as required, the Minister may direct that the goods and chattels of that person be seized and subsections (2) to (5) of section 36 are, thereupon, applicable *mutatis mutandis*. 45

(3) No change in substance from section 58(4).

36. New. This section is similar to section 121 of the *Income Tax Act*.

37. New. This section is similar to section 122 of the *Income Tax Act*.

Lien for
taxes.

38. Any amount payable as tax, interest or penalties under this Act by a person as the successor to any property passing on the death of a deceased shall, where the property to which that person is the successor consists in whole or in part of land situated in Canada or any estate or interest in any such land, be and continue to be for as long as that amount or any part thereof remains unpaid a lien upon such land or such estate or interest in favour of Her Majesty, and the Minister may cause to be registered in the appropriate land titles or land registry office a caution of lien in prescribed form specifying the amount of such lien then claimed under this Act. 5 10 15

Actions.

39. No action lies against any person for withholding or deducting any amount under the authority of or in compliance with this Act. 15

Inspection and Inquiry.

Inspection.

40. (1) Any person thereunto authorized in writing by the Minister, for any purpose relating to the administration or enforcement of this Act, may, at any reasonable time, enter any premises or place and inspect and examine any property, including any books, records, writings or other documents, kept therein and 20

(a) require the owner, occupier or person in charge of the premises or place to give him all reasonable assistance in connection with his inspection or examination and to answer all proper questions relating to the inspection or examination, either orally or, if he so requires, in writing, on oath or by statutory declaration, and for that purpose require the owner, occupier or person in charge of the premises or place to attend at such premises or place with him, and 30

(b) if, during the course of any such inspection or examination it appears to him that an offence under this Act has been committed, seize and take away any such books, records, writings or other documents and retain them until their production in any court proceedings is required. 35

Idem.

(2) The Minister may, for any purpose relating to the administration or enforcement of this Act, by registered letter or by demand served personally, require from any person 40

(a) any information or additional information, including any return of information or supplementary return, or

(b) the production, or production on oath, of any book, record, writing or other document, within such reasonable time as is stipulated in such letter or demand. 45

38. New in part. This section extends section 25(3) and (4) by providing that a lien for unpaid taxes payable by a successor on land or any interest in land applies not only to such property of non-domiciled decedents but also to that of domiciled decedents.

39. New. This section is similar to section 123(1) of the *Income Tax Act*.

40. New in part. This section is similar to section 126 of the *Income Tax Act*.

(1) New in part. See sections 20 and 34(1).

(2) New in part. See section 18(1).

Inquiry. (3) The Minister may, for any purpose relating to the administration or enforcement of this Act, authorize any person, whether or not he is an officer of the Department of National Revenue, to make such inquiry as he deems necessary with reference to anything relating to the administration or enforcement of this Act. 5

Copies as evidence. (4) Where any book, record, writing or other document is seized, inspected, examined or produced in accordance with this section, the person by whom it is seized, inspected or examined or to whom it is produced or any officer of the Department of National Revenue may make or cause to be made one or more copies thereof, and a document purporting to be certified by the Minister or a person thereunto authorized by him to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have if it had been proven in the ordinary way. 10 15

Prohibition. (5) No person shall hinder, molest or interfere with any person doing anything that he is authorized by or pursuant to this section to do, or prevent or attempt to prevent any person doing any such thing, and, notwithstanding any other Act or law, every person shall, unless he is unable to do so, do everything he is required by or pursuant to this section to do. 20

Oaths and declarations. (6) Every person thereunto authorized by the Minister may administer or receive an oath, affirmation or statutory declaration required to be given by or pursuant to this section. 25

Powers of person making inquiry. (7) For the purpose of any inquiry made under subsection (3), the person authorized to make the inquiry has all the powers and authorities conferred on a commissioner by sections 4 and 5 of the *Inquiries Act* or that may be conferred on a commissioner under section 11 of that Act. 30

Transfer of Property.

Transfer of property by executor. **41.** (1) The executor of the estate of any deceased shall, before transferring, delivering or paying over any property passing on the death of the deceased to any successor to any such property, pay the amount payable by him pursuant to or by virtue of section 14 as tax under this Act in respect of the death of the deceased or as interest or penalties in respect thereof, or furnish security satisfactory to the Minister for the payment of such amount. 35 40

Offence. (2) Every executor who contravenes this section is guilty of an offence and liable on summary conviction to a fine of not less than \$100 and not more than \$10,000. 45

Consent of Minister to Transfer.

Consent to transfer. **42.** (1) Upon the death of any person wheresoever domiciled at the time of his death, unless the consent in writing of the Minister is first obtained

(3) New in part. See section 21.

(4) New.

(5) New.

(6) New.

(7) New in part. See section 21.

41. New in part. See section 49.

42. (1) No change in substance from section 50(1).

(a) no person, being a bank, trust company, insurance company or other corporation having its head office, principal place of business, office from which payments are made, register of transfers or place of transfer in Canada, shall transfer, deliver or pay over or permit the transfer, delivery or payment over of 5

(i) any property situated in Canada in which the deceased had, immediately prior to his death, any beneficial interest, or

(ii) where the deceased was domiciled in Canada at the time of his death, any money payable under any contract of insurance effected on the life of the deceased; and 10

(b) no person in Canada, other than the executor of the estate of the deceased, shall transfer, deliver or pay over or permit the transfer, delivery or payment over of any property in which the deceased had, at the time of his death, any beneficial interest. 15

Saving
provision.

(2) Notwithstanding subsection (1), any property passing on the death of a deceased, not exceeding \$10,000 in value or amount in the case of any one transferor, deliverer or payer, may be transferred, delivered or paid over to any person resident in Canada without the consent of the Minister if notice of such transfer, delivery or payment over is forthwith given to the Minister and the property comes within any of the following classes: 20 25

(a) money payable by an insurer under one or more policies of insurance effected on the life of the deceased,

(b) money payable by any person under one or more annuity contracts purchased or provided by the deceased, or 30

(c) money as or on account of any superannuation, pension or death benefit payable or granted on or after the death of the deceased in respect of his death. 35

Saving
provision.

(3) Notwithstanding subsection (1), any property passing on the death of a deceased, not exceeding \$1,500 in value or amount in the case of any one transferor, deliverer or payer, may be transferred, delivered or paid over to any person resident in Canada without the consent of the Minister if notice of such transfer, delivery or payment over is forthwith given to the Minister and the property comes within any of the following classes: 40

(a) money deposited with any bank, trust company, insurance company, loan company or other similar institution; 45

(b) money deposited with any past employer of the deceased;

(c) money payable by any past employer of the deceased as or on account of salary, wages or other remuneration owed to the deceased; or 50

(2) and (3) New in part. See section 50(2) and (3).
The new subsections increase the amounts that may be
paid out without the consent of the Minister.

(d) money held by any person in trust for the deceased.

Situs of
property.

(4) For the purposes of this section, the situs of any property in which a person had, at the time of his death, any beneficial interest shall, in the case of any such property coming within any of the classes of property mentioned in section 31, be determined as provided in that section. 5

Offence.

(5) Every bank, trust company, insurance company, loan company or other corporation and every other person who contravenes this section is guilty of an offence and liable on summary conviction to a fine of not less than \$100 and not more than \$1,000 and in addition an amount not exceeding the aggregate value of the property transferred, delivered or paid over in contravention of this section. 10

Ignorance of
death.

(6) No person is guilty of an offence under this section if that person establishes that the act or omission complained of occurred through ignorance on the part of such person of the death of the deceased. 15

Consent to Open or Remove.

Consent to
open or
remove.

43. (1) Upon the death of any person wheresoever domiciled at the time of his death, unless the consent in writing of the Minister is first obtained no person in Canada shall 20

(a) open or remove any safe, compartment of a safe or vault or safety deposit box, or permit the same to be opened or removed, in any case where such depository was held by or had in the name of the deceased, either alone or jointly with one or more other persons, or contains any negotiable instrument, stock or bond certificate, deed or other evidence of title, insurance policy or any other property belonging to the deceased or included in the property passing on his death, or withdraw or permit to be withdrawn from such depository any such property, or 25 30

(b) deliver up or part with the possession of any property belonging to the deceased or included in the property passing on his death that was, at the time of his death, held by such person for safe-keeping or as collateral or security. 35

Notice.

(2) Notice in writing of an intention to open any depository mentioned in paragraph (a) of subsection (1) or to remove the same or withdraw anything therefrom or to deliver up or part with the possession of any property held as described in paragraph (b) of subsection (1) shall be served on the Minister or his representative at least ten days, or such other number of days as may be specified by the Minister in the circumstances, before such opening, 40 45

(4) New.

(5) and (6) New in part. See section 50(4).

43. (1) No change in substance from section 51(1).

(2) No change in substance from section 51(2).

removal, withdrawal, delivery up or parting with possession is to take place, and the Minister or his representative may attend at the time and place specified in the notice and make such examination of the contents of such depository as he deems necessary and thereupon give the consent in writing of the Minister thereto, or the Minister may give such consent without so attending or examining the contents of such depository. 5

Exception. (3) Notwithstanding anything in this section, there may be removed from any depository mentioned in paragraph (a) of subsection (1) at any time with the consent of the Minister or his representative, the will or other testamentary writing of the deceased, any birth certificate or marriage licence or any deed, record or other document required in connection with the burial of the deceased. 10

Offence. (4) Every person who contravenes this section is guilty of an offence and liable on summary conviction, 15
 (a) where the offence relates to the removal of any depository or to the withdrawal of anything therefrom, to a fine of not less than \$100 and not more than \$1,000 and in addition an amount not exceeding the aggregate value of any property mentioned in paragraph (a) of subsection (1) contained in the depository so removed or withdrawn from any such depository, and 20
 (b) in any other case, to a fine of not less than \$25 and not more than \$1,000. 25

Idem. (5) Subsection (6) of section 42 is applicable *mutatis mutandis* in respect of any prosecution for an offence under this section. 30

Security for Payment of Taxes.

Security. 44. The Minister may, if he considers it advisable in a particular case, accept security for payment of taxes, interest or penalties under this Act by way of a mortgage or other charge of any kind whatsoever on property of the person by whom such taxes, interest or penalties are payable or on property of any other person, in the form of a guarantee from any other person or in any other form prescribed by the regulations. 35

Corporations.

Execution of documents by corporation. 45. A return, certificate or other document made or filed by a corporation pursuant to this Act or the regulations shall be signed on its behalf by the president, secretary or treasurer of the corporation or by any other officer or person thereunto duly authorized by the board of directors or other governing body of the corporation. 40

(3) New in part. See section 51(4).

(4) and (5) New in part. See section 51(3).

44. New in part. See section 27.

45. New. This section is similar to section 130 of the *Income Tax Act*.

Offences and Punishment.

Offences.

46. (1) Every person who fails to file a return of information as and when required by or pursuant to this Act or the regulations is guilty of an offence and, in addition to any penalty otherwise provided, liable on summary conviction to a fine of not less than \$25 for each day of default. 5

Idem.

(2) Every person who fails to comply with or contravenes section 40 is guilty of an offence and liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment. 10

Saving provision.

(3) Where a person has been convicted of an offence under subsection (1), he is not liable to pay a penalty imposed under section 21 for the same failure unless he was assessed for that penalty or that penalty was demanded from him before the information or complaint giving rise to the conviction was laid or made. 15

Offences.

47. (1) Every person who

(a) makes, or assents to or acquiesces in the making of, a false or deceptive statement in a return, certificate, statement or answer filed or made as required by or under this Act or the regulations;

(b) to evade payment of any amount as tax, interest or penalties under this Act, destroys, alters, mutilates, secretes or otherwise disposes of any book, record or other document; 25

(c) makes, or assents to or acquiesces in the making of, a false or deceptive entry in, or omits or assents to or acquiesces in the omission to enter a material particular in, any book, record or other document; 30

(d) wilfully, in any manner, evades or attempts to evade compliance with this Act or the payment of taxes, interest or penalties payable under this Act; or

(e) conspires with any person to commit an offence described in paragraphs (a) to (d); 35

is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to a fine of not less than \$100 and not more than \$10,000 or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment. 40

Prosecution.

(2) Every person who is charged with an offence under this section may, at the election of the Attorney General of Canada, be prosecuted upon indictment and if convicted is, in addition to any penalty otherwise provided, liable to imprisonment for a term of not more than five years and not less than two months. 45

46. New in part. See section 52(1). This section of the Bill is similar to section 131 of the *Income Tax Act*.

47. New in part. See section 54(1). This section of the Bill is similar to section 132 of the *Income Tax Act*.

Saving provision.

(3) Where a person has been convicted under this section of wilfully, in any manner, evading or attempting to evade the payment of taxes payable under this Act, he is not liable to pay a penalty imposed under section 21 for the same evasion or attempt unless he was assessed for that penalty or that penalty was demanded from him before the information or complaint giving rise to the conviction was laid or made. 5

Communication of information.

48. (1) Except as authorized by this section, no official or authorized person shall 10

(a) knowingly communicate or knowingly allow to be communicated to any person any information obtained by or on behalf of the Minister for the purposes of this Act, or

(b) knowingly allow any person to inspect or to have access to any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act. 15

Idem.

(2) Notwithstanding any other Act or law, no official or authorized person shall be required, in connection with any legal proceedings, 20

(a) to give evidence relating to any information obtained by or on behalf of the Minister for the purposes of this Act, or

(b) to produce any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act. 25

Idem.

(3) Subsections (1) and (2) do not apply in respect of criminal proceedings, either by indictment or on summary conviction, under an Act of the Parliament of Canada, or in respect of proceedings relating to the administration or enforcement of this Act. 30

Exception.

(4) An official or authorized person may, in the course of his duties in connection with the administration or enforcement of this Act, 35

(a) communicate or allow to be communicated to an official or authorized person information obtained by or on behalf of the Minister for the purposes of this Act, and

(b) allow an official or authorized person to inspect or to have access to any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act. 40

Exception.

(5) Notwithstanding anything in this section, the Minister may permit a copy of any book, record, writing, return or other document obtained by him or on his behalf for the purposes of this Act to be given to 45

48. (1) No change in substance from section 55.

(2) New.

(3) New.

(4) New.

(5) New.

(a) the person from whom such book, record, writing, return or other document was obtained, or

(b) any person, for the purposes of an objection or appeal taken by that person arising out of any assessment of tax, interest or penalties under this Act in respect of the death of the person in connection with whose death such book, record, writing, return or other document was obtained,

or the legal representative of any person mentioned in paragraph (a) or (b) or the agent of any such person authorized in writing in that behalf.

Offence.

(6) Every one who, being an official or authorized person, contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding two months, or to both such fine and imprisonment.

Definitions.

(7) In this section,

"Official."

(a) "official" means any person employed in or occupying a position of responsibility in, the service of Her Majesty, or any person formerly so employed or formerly occupying a position therein; and

"Authorized person."

(b) "authorized person" means any person engaged or employed, or formerly engaged or employed, by or on behalf of Her Majesty to assist in carrying out the purposes and provisions of this Act.

Officers of corporation.

49. Where a corporation is guilty of an offence under this Act, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a party to and guilty of the offence and liable on conviction to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted.

Power to decrease punishment.

50. Notwithstanding the *Criminal Code* or any other statute or law in force upon the coming into force of this Act, a court has, in any prosecution or proceeding under this Act, no power to impose less than the minimum fine or imprisonment fixed by this Act and the court has no power to suspend sentence.

Procedure and Evidence.

Procedure and evidence.

51. The provisions of section 136 of the *Income Tax Act* relating to procedure, evidence and other matters provided therein are applicable *mutatis mutandis* to this Act.

(6) New in part. See section 55(2).

(7) New.

49. New. This section is similar to section 134 of the *Income Tax Act*.

50. New. This section is similar to section 135 of the *Income Tax Act*.

51. New.

*Special Rules Relating to Value.*Income
taxes.

52. For the purposes of this Act, in determining the value of any property no allowance or deduction shall be made for or on account of income tax.

Listed
securities.

53. (1) For the purposes of this Act, except as otherwise provided in another section, the value of any security that is listed on a stock exchange, or, in the case of any security not so listed, on which a price or quotation is obtainable from a recognized financial journal or financial report or from a registered broker, shall be deemed to be the closing price or quotation of that security on the day as of which such value is required to be computed, or, if there was no closing price or quotation on that day, on the last preceding day on which there was a closing price or quotation. 5

Application
of section.

(2) This section does not apply in determining the value of any security on which no closing price or quotation is obtainable as provided in subsection (1), or in determining the value of 15

(a) any share in, or in the capital stock of, or

(b) any other security in the nature of an interest in or right to any of the proceeds, profits, capital assets or other assets of, 20

any corporation, association, partnership or syndicate that, immediately prior to the death of the deceased, was controlled, whether through holding a majority of the shares thereof or other voting interest therein or in any other manner whatsoever, by the deceased, by the deceased and one or more persons connected with him by blood relationship, marriage or adoption within the definition of that expression contained in subsection (7) of section 4, or by any other person on his or their behalf. 25

"Security"
defined.

(3) In this section, "security" includes a bond, debenture, guaranteed investment, share, stock, debenture stock, syndicate unit, right to subscribe for or purchase shares or stocks and right to royalties, but does not include a mortgage or hypothec. 30 35

Shares of
minority
shareholder
in controlled
corporation.

54. (1) Where, immediately prior to the death of any deceased, there belonged to the deceased and one or more persons connected with him by blood relationship, marriage or adoption within the definition of that expression contained in subsection (7) of section 4, shares in the capital stock of a corporation sufficient in number to control the corporation, under circumstances such that the shares in the capital stock of the corporation that belonged to the deceased alone were not sufficient in number to control the corporation, the value of each of the shares in the capital stock of the corporation that belonged at 40 45

52. No change in substance from section 34(3).

53. (1) New. This subsection prescribes the rule for the valuation of securities whose traded prices are recorded.

(2) New. This subsection provides that where there is no recorded trading in the securities concerned, or where the securities are those of a corporation controlled by the deceased or his family, the rule in section 53(1) of the Bill is not to apply.

54. New. This section provides for the valuation of shares of companies where the deceased was one of a controlling group of shareholders.

that time to the deceased shall, for the purposes of this Act, be determined as though each such share so belonging to him formed part of a group of shares that, at that time, belonged to the deceased and were sufficient in number to control the corporation. 5

Idem.

(2) For the purposes of this section, a corporation that, immediately prior to the death of any deceased, was controlled, whether directly or indirectly and whether through holding a majority of the shares of the corporation or in any other manner whatsoever, by the deceased, by one or more persons connected with him as described in subsection (1), by the deceased and such one or more other persons or by any other person on his or their behalf shall be deemed to be a person connected with the deceased as described in subsection (1). 10 15

Debts owed by controlled corporation.

55. (1) Where, immediately prior to the death of any deceased, there remained outstanding a debt owed to the deceased by a corporation that, at that time, was controlled, whether directly or indirectly and whether through holding a majority of the shares of the corporation or of any other corporation or in any other manner whatsoever, by the deceased, by one or more persons connected with him by blood relationship, marriage or adoption within the definition of that expression contained in subsection (7) of section 4, by the deceased and such one or more other persons or by any other person on his or their behalf, the value of such debt shall, for the purposes of this Act, be determined as though the amount thereof outstanding immediately prior to the death of the deceased had, at that time, become due and payable to him. 20 25 30

"Debt" defined.

(2) In this section, "debt" means a debt of any kind whatsoever, whether secured or unsecured and whether under seal or otherwise, and includes a bill of exchange or promissory note, whether negotiable or otherwise.

Property disposed of *inter vivos*.

56. For the purposes of this Act, where any property has been disposed of by a deceased under a disposition operating as a gift *inter vivos* made to any person, and that person has, during the lifetime of the deceased, disposed of that property for full consideration in money paid or agreed to be paid to him, the value of that property shall be deemed to be the amount of the consideration in money so paid or agreed to be paid. 35 40

Property in cases of quick successions.

57. Where, in respect of the death of any person, any tax under Part I of this Act or duty under the *Dominion Succession Duty Act* has become payable upon or in respect of any property or the succession to any property passing on the death of that person, and, in respect of the death, 45

55. New. The purpose of this section is to prevent the value of a debt owed to the deceased by a corporation which he or his family controls from being reduced by reason of its due date of redemption having been set in the future.

56. New. The purpose of this section is to prevent an inter vivos gift that has been disposed of for full consideration prior to the death of the deceased from being valued at the date of death.

57. This section carries forward without any change in principle or rates the relief afforded by section 7(9) in cases of quick successions.

within 5 years after that first death, of any successor to any property so passing, any tax under Part I of this Act becomes or again becomes payable upon or in respect of that property or any part thereof so passing to which that successor was the successor or any property that can be identified as having been exchanged or substituted for that property or part thereof, the value of that property or part thereof or the property that can be so identified shall, for all purposes of this Act relevant to the second death, be deemed to be

- (a) where the second death occurred during the first year after that first death, 50%,
 - (b) where the second death occurred during the second year thereafter, 60%,
 - (c) where the second death occurred during the third year thereafter, 70%,
 - (d) where the second death occurred during the fourth year thereafter, 80%, and
 - (e) where the second death occurred during the fifth year thereafter, 90%,
- of the value thereof otherwise determined under this Act.

Agreements with other Governments.

Agreement
with
provinces.

58. (1) Notwithstanding anything in this Act, the Minister may, on behalf of the Government of Canada, enter into an agreement with the government of any province for the purpose of obtaining information as to the valuation of property determined for provincial succession duty purposes or for such other purposes as he deems expedient for the administration or enforcement of this Act, and the Minister may, when he deems it in the public interest so to do, furnish to the government of any province, under prescribed conditions, information as to the valuation of property determined for the purposes of this Act or information as to any other matter in connection with the administration or enforcement of this Act.

Agreement
with other
countries.

(2) Notwithstanding anything in this Act, the Minister may, on behalf of the Government of Canada, enter into an agreement with the government of any other country whereby, in consideration of the agreement of the government of that country to furnish to the Minister on a reciprocal basis information obtained by such government for the purposes of any revenue law of that country pertaining to the imposition of any estate, legacy, succession or inheritance tax or duty, the Minister may furnish to such government information obtained by him or on his behalf for the purposes of this Act.

Succession

58. (1) The Governor in Council may, by regulation, (a) prescribe matters that by this Act are to be prescribed or to be determined or regulated by regulation; (b) prescribing the evidence required to establish facts relevant to assessment under this Act; (c) authorizing any designated officer or class of officers to exercise powers or perform duties of the Minister under this Act; (d) providing for the collection by way of deduction or set-off of any amount payable by a person as tax interest payable or other indebtedness under this Act out of any amount or amounts that may be or become payable by that person to that person in respect of salary, wages or other remuneration; and (e) generally, for carrying into effect the purposes and provisions of this Act.

(2) No regulation made under this Act has effect until it has been published in the Canada Gazette for which is published a regulation which, if it so provides, is effective with reference to a date before it was published.

58. (1) New in part. This subsection gives the Minister authority to obtain information about provincial succession duties, as is now given to the Governor in Council by section 61(1). The new subsection also authorizes the giving of information under prescribed conditions.

(2) New. This subsection permits the exchange with other countries on a reciprocal basis of information concerning succession duties. A similar provision is now contained in the succession duty agreements with other countries.

Regulations.

Regulations.

- 59.** (1) The Governor in Council may make regulations
- (a) prescribing anything that, by this Act, is to be prescribed or is to be determined or regulated by regulation;
 - (b) prescribing the evidence required to establish facts relevant to assessments under this Act; 5
 - (c) authorizing any designated officer or class of officers to exercise powers or perform duties of the Minister under this Act;
 - (d) providing for the retention by way of deduction or set-off of any amount payable by a person as tax, interest, penalties or other indebtedness under this Act out of any amount or amounts that may be or become payable by Her Majesty to that person in respect of salary, wages or other remuneration; and 10
 - (e) generally, for carrying into effect the purposes and provisions of this Act. 15

Publication.

- (2) No regulation made under this Act has effect until it has been published in the *Canada Gazette* but when so published a regulation shall, if it so provides, be effective with reference to a period before it was so published. 20

Application and Coming into Force of Act.

Application of Act.

- 60.** (1) Subject to this Act, this Act applies in the case of the death of any person dying at any time after the coming into force of this Act, and the *Dominion Succession Duty Act* does not apply in the case of the death of any such person. 25

References.

- (2) A reference to "this Act" in sections 48 and 58 includes a reference to the *Dominion Succession Duty Act*.

Coming into force.

- 61.** This Act shall come into force on a day to be fixed by proclamation of the Governor in Council. 30

59. New in part. See section 59 (2).

THE HOUSE OF COMMONS OF CANADA

BILL 249

AN ACT TO AMEND THE NORTHWEST TERRITORIES ACT

60. New.

Act No. 10, June 23, 1952.

THE MINISTRY OF NATIONAL DEVELOPMENT
AND NATIONAL PROGRESS

PRINTED AND BOUND AT THE
PARLIAMENTARY PRESS, OTTAWA, CANADA

First Session, Twenty-Third Parliament, 6 Elizabeth II, 1957-58.

THE HOUSE OF COMMONS OF CANADA.

BILL 249.

An Act to amend the Northwest Territories Act.

First reading, January 29, 1958.

THE MINISTER OF NORTHERN AFFAIRS
AND NATIONAL RESOURCES.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1958

THE HOUSE OF COMMONS OF CANADA.

BILL 249.

An Act to amend the Northwest Territories Act.

R.S., c. 331;
1953-54, c. 8;
1955, cc. 21,
48.

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

1. The *Northwest Territories Act* is amended by adding thereto, immediately after section 19 thereof, the following section: 5

Further legislative powers of Commissioner in Council.

"19A. (1) The Commissioner in Council may make ordinances

(a) for the borrowing of money by the Commissioner for territorial, municipal or local purposes on behalf of the Territories, and 10

(b) for the lending of money by the Commissioner to municipalities and school districts in the Territories.

Approval of Governor in Council.

(2) No money shall be borrowed by the Commissioner under the authority of this section without the approval of the Governor in Council. 15

Territorial revenue.

(3) For the purposes of section 19, money borrowed by the Commissioner under the authority of paragraph (a) of subsection (1) and money received by the Commissioner pursuant to a loan made under the authority of paragraph (b) of subsection (1) shall be deemed to be territorial revenue." 20

2. Section 32 of the said Act is amended by adding thereto the following subsection: 25

Appointment of deputy police magistrates.

"(3) The Governor in Council may appoint one or more persons who are barristers or advocates of at least three years' standing at the bar of any province to be deputy police magistrates, and may fix their remuneration and allowances; a deputy police magistrate has all the powers, duties and functions of a police magistrate appointed 30

Powers and duties.

under this section, except that subsection (2) does not apply to him."

EXPLANATORY NOTES.

1. The proposed section 19A is new and is intended to authorize the Commissioner to borrow money subject to the approval of the Governor in Council and to lend money for local purposes.

2. The purpose of this proposed amendment is to authorize the appointment of deputy police magistrates.

