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Amendments to Criminal Code introduced in House of Commons

Criminal Code amendments, providing for, among other things, clearer bail laws, more protection in the court for victims of rape and related sexual offences, and stiffer drinking and driving laws, were introduced in the House of Commons in July by Justice Minister Otto Lang.

"The Criminal Law Amendment Bill ...is one of a number which have been introduced in the past few years in the process of a continuing review of the Criminal Code," Mr. Lang said.

"This continuing review is necessary if the criminal law is to continue to be effective as a means of control in view of the changing nature of society."

Clarification of problems

One object in the amendments is the clarification of provisions of the Code where problems have arisen, such as in those clauses dealing with bail and drinking and driving offences, Mr. Lang said.

The major aim of the Bail Reform Act, which came into force in 1972, was to prevent an accused being unnecessarily detained in custody before trial. It has become apparent, however, that there is a need to tighten up some of the provisions where abuses have arisen which could be damaging to the integrity of the system of pre-trial release.

The general rule remains that when an arrested person is brought before a judge, he must be released on bail unless the Crown satisfies the judge that grounds for detention exist. The new amendments, in certain circumstances, place on the arrested person rather than the Crown, the onus of showing that detention pending trial is not necessary in the public interest.

These circumstances would exist where an accused is waiting trial for a previous indictable offence, where the accused has previously abused the liberal release provisions of the Act, or where the accused is not a Canadian resident who might leave the country if allowed out on bail.

The laws dealing with drinking and driving offences also required some clarification and tightening, Mr. Lang



Justice Minister Otto Lang

said. The present provisions of the Criminal Code provide that a policeman can require a breath sample only if he has reasonable grounds to believe that the driver is impaired; this has very limited preventive potential, and, apart from the spot checks which some police forces conduct under provincial law, the police have no authority under the Criminal Code to take any preventive action to detect possible offenders.

Since drinking drivers pose a grave and continuing danger to society, the amendments would allow police to conduct "roadside" breathalyzer tests when an officer has reasonable cause to suspect a driver of having alcohol in his blood.

Other amendments increase and standardize the penalties for impaired driving, failure to provide a breath sample and driving with more than .08 per cent blood alcohol. In addition, under the amendments, a judge will be allowed to impose on a person convicted of a drinking and driving offence a conditional discharge; that is, he may require that curative and rehabilitative measures be undertaken, provided these are adequately available, but there will be no record of a criminal conviction.

Legal procedures updated

A second object of the amendments is to bring up to date several provisions of the Criminal Code dealing with the legal process and criminal procedure, Mr. Lang said.

Under the amendments, for instance, the Court of Appeal when hearing an appeal from an acquittal by a jury, will no longer be able to reverse that decision, but will be required to either order a new trial or dismiss the appeal.

Changes proposed in the procedures dealing with rape and related sexual offences include the elimination of the need for corroboration of a rape victim's testimony. Evidence of the victim's sexual conduct with a person other than the accused will be permitted only if reasonable notice is given in writing.

Other amendments deal with the publication of the victim's identity, change of venue and exclusion of the public from the trial or portions of it.

White collar-international crime

Another aim of the bill is to make provision for dealing with crimes that have recently become more prevalent in our society, stated Mr. Lang.

At present, it is an offence to knowingly possess in Canada anything obtained by crime here or elsewhere. This only applies, however, to what was actually obtained, not to the proceeds into which it may have been converted.

An amendment would make it an offence to knowingly possess in Canada the fruits or proceeds of criminal acts, whether committed here or in another country. This amendment is designed to deter the flow of "laundered" funds into Canada as well as to strengthen the role of law-enforcement authorities.

Amendments are also introduced dealing with the fraudulent use of credit cards and theft of telecommunications services.

Also, the growth of international crime has prompted the introduction into the Criminal Code of provisions dealing with international conspiracy.

Changes in public attitude

Mr. Lang said that one of the main objects in introducing this bill was to update certain areas of the criminal law to reflect the changes in public attitudes.

"This is true specifically with respect to the provisions of the Criminal Code dealing with pinball machines and provincial lotteries," he said.

Under the amendments, pinball machines which only dispense free games as prizes are no longer illegal.

And, amendments to Section 190 of the Criminal Code provide that a manufacturer of lottery tickets may now ship or sell tickets for the purpose of a lottery scheme across provincial boundaries.

In introducing the amendments, the Justice Minister commented on the contributions that have been made in developing them by the Canadian Bar Association, the Criminal Law Section of the Uniform Law Conference, the provincial attorneys-general, law enforcement authorities and the general public.

Further proposals for change are expected in the criminal law in the coming months as the Law Reform Commission of Canada presents its final reports.

Canada/Israel double taxation pact

The Department of External Affairs announced the signing on July 21 of an agreement between Canada and Israel for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and on Capital.

Following the 1971 Canadian tax reform, the Minister of Finance indicated that it would be necessary to revise existing tax treaties and to negotiate a large number of others. In the case of the convention with Israel, talks started in spring 1973. Representatives of Departments of Finance of both countries met several times since then and reached agreement on the text of a draft convention signed July 21; it is the third signed by Canada since tax reform.

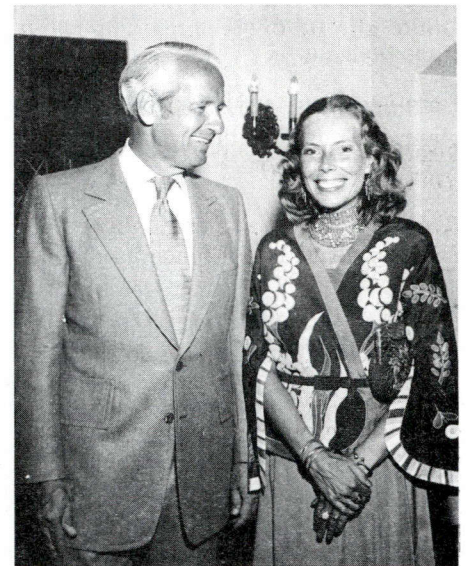
In regard to dividends, branch profits, royalties, and interests paid to non-residents, a general rate of withholding tax of 15 per cent will apply. The convention, which also provides for a limited number of exceptions in the case of interest and royalties, will enter into force only on the date of the exchange of instruments of ratification.

Continued participation in UN Middle East peace force

Secretary of State for External Affairs Allan J. MacEachen announced on August 7 that, following a request from the Secretary-General of the United Nations, Canada had agreed to continue participating in the United Nations Emergency Force in the Middle East (UNEF) for a further period of three months, until October 24.

Canada shares with Poland the task of providing logistic support for UNEF, which is carried out in conjunction with similar duties with UNDOF.

About 1,000 personnel, (some 850 with UNEF in the Sinai, the remainder with UNDOF on the Golan Heights), make up the Canadian contingent serving with the UN peacekeeping forces in the Middle East.



Superstar remembers Canada Day

Joni Mitchell, internationally-known singer and composer, visited the Canadian Consulate in Los Angeles last month on Canada Day. She is shown here with Canadian Consul General Donald Gilchrist.

Saskatoon-born Miss Mitchell, who made her debut in a Toronto coffee house in the Sixties, has had her songs recorded by such singers as Bob Dylan and Frank Sinatra and has to her credit at least six of the most highly acclaimed record albums — Court and Spark, For the Roses, Blue, Ladies of the Canyon, Clouds and Joni Mitchell.

Measures to increase the use of French in the Public Service

Jean Chrétien, President of the Treasury Board, announced August 6 the introduction of measures to include a language-of-work policy for Public Service employees for areas outside Ottawa and Hull, the regional capital region, and for increasing the use of French inside the region.

The steps being taken are designed "...to produce a greater use of the French language at all levels in the Public Service, through increasing, where practical, the number of French-language units, through further recruitment efforts by the Public Service Commission, through training programs offered in the French language,...thus helping to realize the objectives of achieving, within the merit principle, full participation in the Public Service by members of both the anglophone and the francophone communities".

Mr. Chrétien pointed to the success in recruiting a greater number of francophones into the Public Service. According to the Royal Commission on Bilingualism and Biculturalism, persons who claimed French as their mother tongue held only 13 per cent of Public Service jobs in 1945. This figure is now 26.8 per cent. At the most senior level, 20.4 per cent claim French as their mother tongue, as opposed to 14.4 per cent in 1971.

In language of work, in general, 12 per cent of public servants claim to work primarily in French and 8.6 per cent in both official languages. From data on the use of both official languages in the national capital re-

gion and other data showing that 28 per cent of francophones in the national capital region work primarily in English, it is clear that the objectives set out in the Official Languages Resolution adopted by Parliament in 1973 still have to be realized.

"It is important that immediate action be taken to ensure the equality of status, and equal rights and privileges of both English and French as set out in the Official Languages Act and reaffirmed through Parliament's adoption of the Official Languages Resolution," said Mr. Chrétien.

Language-of-work policy

The language-of-work policy for public servants inside the national capital region and outside Canada, established in 1973, provides that employees can, as a general rule, work in either French or English at their choice, except in certain units where the official language of work is French. Internal administrative and personnel services provided to employees will continue to be available in the official language of the employee's choice. Services to the general public in the official language of their choice must be provided in accordance with the Official Languages Act.

Outside Ottawa/Hull, subject to the requirements of the Official Languages Act, the language of work of federal public servants will, as a general rule, be French in Quebec and English in the other nine provinces.

By 1978, federal employees in the national capital region will normally communicate in French with federal employees in the Province of Quebec – or in both official languages when internal administrative and personnel services are being provided to those in bilingual areas of Quebec. Similarly, employees in the national capital region will normally communicate in English with employees in provinces other than Quebec – or in both official languages when internal services are being provided in bilingual areas.

Units working in French

Mr. Chrétien also announced that, as a particular means of increasing the use of French in the national capital region, the number of units whose internal language of work is French will be progressively increased to include units at senior levels and in major responsibility areas of all departments and agencies. This will increase the number of employees working in such units from some 3,500 to more than 8,000.

It is expected that this program will result in at least 20 per cent of occupied officer positions in the Department of Finance, the Privy Council Office, the Public Service Commission and the Treasury Board Secretariat, and at least 10 per cent of officer positions in other departments, being located in these units. Creation of these units will ensure that francophones will be able to work in French as well as providing anglophones the opportunity to work in their second official language.

National gas – domestic supply restrained, exports to be curbed

Energy, Mines and Resources Minister Donald S. Macdonald, commented recently on the National Energy Board's Report on natural gas supplies. The report was prepared following extensive public hearings held across Canada in late 1974 and early 1975. Some 62 submissions were received by the Board during this period.

Curtailement of exports

Mr. Macdonald noted that the Board's report confirmed earlier concerns that natural gas supplies would not be adequate in the near future to meet both

projected increases in domestic demand and existing export commitments. It is clear from the information presented that there will have to be some curtailment of Canada's export contracts and that growth of demand in Canada will have to be restrained until frontier supplies of gas are available.

The Minister noted that the last major commitment of natural gas to the export market was in 1970. At that time the Board concluded that additional volumes of gas could be committed for export after making due allowance for "reasonably foreseeable requirements for use in Canada". The Board's report

acknowledges that the series of events which has transpired since 1970 was not envisaged when the surplus was calculated. New discoveries have not taken place at the rate expected and deliverability characteristics of existing and new reserves have been less favourable than expected. There have been other significant changes in the situation, including the impairment of production in gas fields in northern British Columbia, the rapid rise in the OPEC oil price causing natural gas to be underpriced in relation to other fuels, and the opening up of new markets in Quebec and for petrochemical and ammonia production. In the Board's opinion all these factors, coupled with

the industry's concern about fiscal regimes and pricing policies, have given rise to the present supply situation.

The Minister observed that while the Board's report quite properly calls attention to the fact that gas is being exported which is now not surplus to Canadian needs, and suggests measures to reduce exports, the Board also recognizes that broader considerations must be recognized when developing an equitable solution to the supply problem. It is clear that Canadians should make every effort to restrain new demands for natural gas and to avoid wastage in existing demands. The powers requested by the National Energy Board for the allocation of natural gas supplies may well be required to reinforce the effect of conservation and pricing policies. Prior to a final decision on such action however, discussions will be held with the affected provinces. Mr. Macdonald indicated that the Government intended to ensure that reasonable Canadian requirements were met consistent with the wise use of this scarce natural

resource, but that other demands were to be discouraged so as to enable Canada's obligations to existing U.S. customers to be met to the greatest extent possible.

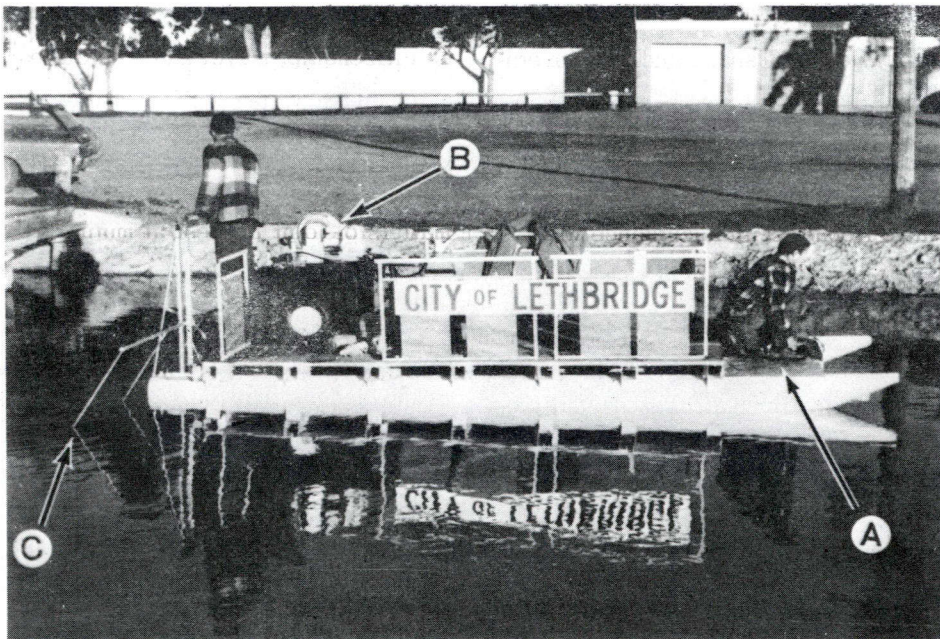
Conservation and pricing

The Government has already initiated action to ensure that natural gas is used as a valuable, scarce and non-renewable resource. Conservation programs have been launched and provinces encouraged to foster conservation in the areas under their jurisdiction. The Government has also announced its policy of a phased commodity value conception in pricing natural gas in both export and domestic markets. Higher prices for natural gas sold in export markets were announced following the First Ministers' Meeting in April and the Federal Government is committed to a phasing in of domestic prices to comparability with crude oil prices at Toronto. The first step in this phasing program will take effect November 1 this year and equivalent pricing is to be achieved in three to five years. In the frontier areas, the

Government has announced the outline of its policy on new land regulations. These regulations, after further consultation, will be proposed to Parliament and should provide a stimulus for ensuring the development of the longer term supplies required from the frontier areas.

Mr. Macdonald observed that United States Government officials were advised in advance of the findings of the National Energy Board and that discussions would be held in an effort to control exports in a manner which will be as responsive as possible to United States concerns.

It was noted that Canadian natural gas exports represent only 4.5 per cent of United States gas demand. There are some areas served by Canadian gas, however, which do not have access to other supplies and it would be the intent that to the extent possible preference would be given to these areas in any allocation mechanism. Severe curtailment of contracted gas supplies is already being experienced in the United States because of inadequate domestic production.

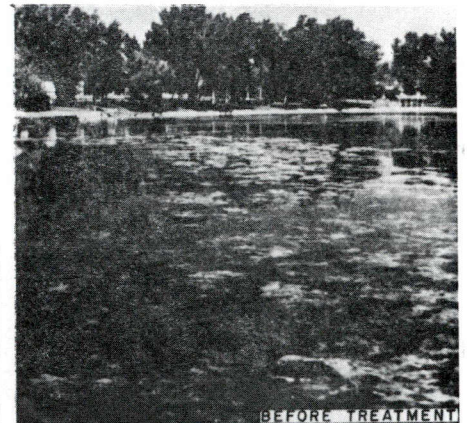


Control of aquatic plants and weeds

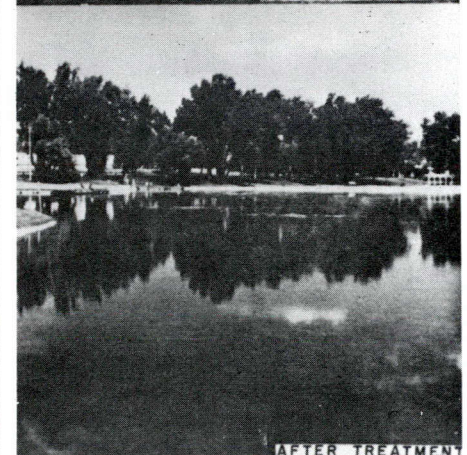
Agriculture Canada scientists at Lethbridge, Alberta, and the City of Lethbridge developed this boat to control the growth of aquatic plants and weeds which, if allowed to spread, plug irrigation pumps and interfere with water

sports. The boat is equipped with front steering (A) for steady control and a flat deck (B), from which a 16-foot boom (C) extends for herbicide injection underwater.

At right are "before" and "after" treatment views of Henderson Lake in Lethbridge.



BEFORE TREATMENT



AFTER TREATMENT

Grant to Lesotho

Canada will provide Lesotho with a \$6-million grant to support the first phase of an integrated rural development program in the central mountain region of the African country. The agreement marks the beginning of the first major Canadian assistance program with Lesotho, one of the world's least-developed nations.

Canadian aid will help improve living conditions and the quality of life in an area where many suffer from malnutrition, tuberculosis and other debilitating diseases. Plans call for new sanitary facilities and a gravity-fed system to pipe clean water to 16 villages. Also the residents will be instructed in medical care and nutrition.

Other projects cover agricultural upgrading and the creation of employment. More efficient measures for cattle-feeding, new facilities for stock-hand-



Rural area in Lesotho almost untouched by the modern world will soon be

ling and disease-control, a soil-erosion-prevention program and training in modern farming methods will all contribute to boost the farmers' incomes

changed by an integrated rural development program.

and to increase the agricultural output. Road-building, the development of cottage industries and fish-farming will create employment for others.

Olympic coaches on film

With the approach of the Olympic Games in Canada next year and with hundreds of athletes in serious training, the National Film Board has turned its cameras on an important aspect of pre-Olympic activities — coaching. Shooting is now under way for a one-hour film taking a candid look at four coaches at work.

The film, according to director Paul Cowan, will show the relation between coaches and athletes under the demanding strains of competition and the process by which individuals are inspired to push themselves to their physical limits under frequently dangerous conditions.

The four coaches are Sheila Wilcox of the equestrian team at Toronto, Jack Donahue coaching the national basketball team in Ottawa, Bill Neville with the national men's volleyball in Montreal and Moo Park coaching women's volleyball at Vancouver.

The Coaches, which has a mid-winter completion deadline for television, is designed to put sports in a different context, emphasizing individual human development rather than winning or breaking records.

The French section of the NFB is shooting a film about the pre-Olympic spirit in Quebec.

Diplomatic relations established with East Germany

Following an exchange of notes on December 22, 1972 and January 3, 1973 and subsequent negotiations, the Government of Canada and the Government of the German Democratic Republic issued the following *communiqué* on August 1:

“Desiring to develop relations between Canada and the German Democratic Republic, in accordance with the aims and principles of the United Nations Charter, the Governments of the two countries have agreed to establish diplomatic relations between the two countries as of August 1, 1975 and to exchange diplomatic representatives with the rank of Ambassador Extraordinary and Plenipotentiary at a mutually convenient time.

“The Governments of the two countries will apply the provisions of the Vienna Convention on diplomatic relations of April 18, 1961 to the diplomatic relations between Canada and the German Democratic Republic. On the basis of reciprocity the two Governments will facilitate the establishment of their missions in accordance with their respective laws and regulations.

“The two Governments agree that, following the establishment of diplomatic relations, consultations shall

begin as soon as possible on the question of trade relations between the two countries and the possible negotiation of a trade agreement. They also agree to open talks at an early stage on consular and related matters, such as citizenship, travel and associated humanitarian questions, bearing in mind particularly the terms and spirit of the Helsinki Final Act of August 1, 1975.

“Further talks will be held on other matters of joint interest at mutually convenient times.”

Foreign investment rules extended

Rules for reviewing new investment and expansion into unrelated business by foreign-owned businesses in Canada will come into effect on October 15. This effective date of Phase II of Canada's Foreign Investment Review Act was announced in the House of Commons recently by the Minister for Industry, Trade and Commerce, Alastair Gillespie.

Phase I of the Act relating to takeovers of Canadian businesses by non-Canadians came into effect April 9, 1974. Phase II says how the Canadian Foreign Investment Review Agency is to be notified of a new foreign-controlled business being established

in Canada and requires that establishment of an unrelated business by a foreign-controlled firm be reviewed for significant benefit to Canada.

Purpose explained

In making the announcement, Mr. Gillespie stated:

"The purpose of the Foreign Investment Review Act is not to block foreign investment from any source or discourage it, but rather to ensure that such investment is of significant benefit to Canada. Since its beginnings, Canada has had to rely heavily on foreign investment to help us develop this country. We shall continue to need a great deal more investment in Canada by our friends abroad if we are to develop our full potential."

The three month "lead-time" would give "investors and their advisers the necessary opportunity to become familiar with Phase II guidelines and regulations, and avoid disruption to investment plans now being developed".

The Minister went on: "Investments under way on October 15 are not reviewable under the Act to the extent that they are established businesses. To show that business was already established by October 15, it will not be necessary to show that the business was fully operational on that date. Where there are one or more employees, together with contractual obligations or other definite commitments relating to the new business, those factors should be enough to show that new business has been established and is therefore not subject to review."

From the introduction of the takeover section of the Act to the end of June this year, the Foreign Investment Review Agency had reviewed 141 applications for takeovers of Canadian businesses and a further 44 applications were under review. In addition,

approximately 70 applications had been examined by the Agency and found to be not subject to review under the Act. On the 141 reviewed cases, 24 were withdrawn for a variety of reasons, while they were being reviewed. Of the 117 remaining, 95 takeover applications were allowed to go ahead, and 22 were disallowed.

Significant benefits to Canada involved in transactions allowed include the creation of between 8,000 and 9,000 new jobs and over \$500 million in new investment.

Stratford Festival invited to New York

New York's Brooklyn Academy of Music has invited the Stratford Festival to present Shakespeare's *Measure for Measure* and *Twelfth Night*, Stratford's two most highly-acclaimed productions of the 1975 season.

During the past few years, the Brooklyn Academy has been host to such internationally-renowned theatre organizations as Britain's Royal Shakespeare Company.

While it is not yet certain that the Festival will be able to accept the invitation, which is for a limited engagement in October, negotiations are under way and a decision will be reached within the next few weeks.

Measure for Measure, the first Festival Stage production of artistic director Robin Phillips, and *Twelfth Night*, directed by David Jones of the Royal Shakespeare Company, drew unanimous critical acclaim from members of the New York press attending the June openings. Clive Barnes, of *The New York Times*, called *Measure* a "magical and stimulating" production and he praised the "luminous and elegant" *Twelfth Night* as a triumphant treatment of Shakespeare's lighthearted comedy.

Girls recognized as cadets

Some 2,600 girls, age 13 to 18, will have attended cadet camps by the end of the summer as a result of an amendment to the National Defence Act concerning the status of women in the Canadian Forces.

Under the amendment, girls have been granted equal status with boys in the cadet movement, which is supported by

the Department of National Defence (DND) in co-operation with the Sea, Army and Air Cadet Leagues.

Formerly, about 13,000 young girls in the 64,000-strong tri-service cadet organization had not been recognized.

The first girls ever to attend a DND summer camp officially concentrated on a leadership and challenge course at Banff National Army Cadet Camp, Alberta, which included mountaineering and glacier-climbing, and for a leaders' course at Canadian Forces Base Comox, British Columbia, in June. More than 22,000 boys and girls will attend 1975 summer camps from two-to-six weeks' duration at various locations across the country.

Activities at cadet summer camps include sailing, driving, physical education, flying and gliding, tours on Canadian Forces' ships, and in aircraft and military vehicles, mountaineering, parachute-jumping, communications, scuba-diving and various trades-training courses.

Girls attend only those DND-sponsored camps with female staff.

Aim of the cadet movement is to develop in youth the attributes of good citizenship and leadership, promote physical fitness, and stimulate interest in the Sea, Army and Air elements of the Canadian Forces.

Top NFB change

The Prime Minister recently announced the appointment of André Lamy as Government Film Commissioner and Chairman of the National Film Board for a term of five years. He succeeds Sydney Newman, who has been appointed Special Adviser on Film to the Secretary of State.

Mr. Newman will analyze the respective responsibilities of the five federal cultural agencies involved in film and propose ways to which these might be harmonized and rationalized. He will examine the relation between the public and private sectors in film-making with a view to achieving a closer working relation between them. He will make recommendations to the Secretary of State within a two-year period.

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