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CANADA
HOUSE OF COMMONS

24th Parliament, 4th Session
1960-61

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Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-2.

An Act to amend the Penitentiary Act.

First reading, November 21, 1960.

Mr. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23836-0

C-3.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-3.

An Act to amend the Interest Act.

First reading, November 21, 1960.

Mr. ARGUE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23993-9

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-3.

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:

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 Section 2 of the *Interest Act* is repealed and the following substituted therefor:

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

"**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 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 determined 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."

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-4.

An Act to provide for a Canadian Preference in Government Construction, Purchase and Service Contracts.

First reading, November 21, 1960.

Mr. BROOME.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23878-2

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-4.

An Act to provide for a Canadian Preference in Government Construction, Purchase, and Service Contracts.

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 *Public Construction, Goods, and Services Act.*

Interpretation. "Amount."

2. In this Act,

(*a*) "amount" where used in respect of a contract means the cost or price of the contract, whether such cost or price is fixed or estimated;

"Canadian."

(*b*) "Canadian" means a person who, during the continuance of a contract, is a resident of Canada within the terms of the *Income Tax Act*;

R.S., c. 148.

"Canadian company."

(*c*) "Canadian company" means and includes

(1) a company that, during the continuance of a contract,

(i) is resident in Canada within the terms of the *Income Tax Act* and

R.S., c. 148.

(ii) is engaged in active business operations in Canada either itself or through one or more subsidiaries in which the company controls fifty per cent or more of the shares of any such subsidiary and

(iii) has twenty per cent or more of any class of its outstanding securities owned by individual Canadians directly or indirectly through interests in one or more juridical persons;

(2) a company that, during the continuance of a contract,

(i) is engaged in active business operations in Canada and

Explanatory Notes.

For many years the Government's declared policy has been that there should be a Canadian preference when public monies are spent for supplies. Order in Council P.C. 2648 of July 23, 1921, directs that all departments

> *"make purchases of goods of Canadian manufacture only for departmental and other requirements, except in cases where such action would result in the purchase of articles or goods of so inferior quality as to make this action undesirable."*

An Executive direction of December 19, 1930, requires that Canadian coal or coke only should be purchased unless the consent of the Governor in Council is given to buy coal or coke of other countries.

These pronouncements are directory only and have no legal sanction. They are out of date in that the first direction is limited to departments only while in the past forty years non-department government agencies have acquired control of great purchasing power in public monies; the second definition does not apply to the Canadian supply of gas and oil fuels. The first direction is vague and uncertain in that each departmental purchasing agent determines when goods are of "Canadian manufacture" or of "inferior quality" to foreign goods. In extent, the directions are limited to "Canadian manufacturers" and coal. They do not cover work or service contracts.

The purpose of this Bill is to declare the preference in terms as wide as possible and to give the preference legal effect to the end that as much as possible of the public monies so spent stimulate the Canadian economy, increase gross national production, and are returned in proportionate degree to the Public Treasury as income and corporation taxes.

Clause 2. The definitions of "Canadian" and "Canadian company" are designed to ensure that actual or potential contributors to public monies enjoy a preference against non-contributors when public monies are disbursed on contracts. The definition of "contract" covers works, supplies, and service contracts; each type is defined in wide terms based upon the *Government Contracts Regulations*. "Tender" is as defined in these *Regulations*.

(ii) pays to Canadians not less than ninety per cent of the fees, salaries, wages, bonuses, allowances, commissions, and other remuneration paid to its officers, staff, and employees in the course of such operations;

(3) a partnership in which, during the continuance of a contract, eighty per cent or more of the partnership interest is owned by the Canadian partner or partners;

"Canadian supplies."

(*d*) "Canadian supplies" means supplies, as defined in paragraph (*e*)(ii), in which the cost or price, whether such cost or price is fixed or estimated, of the materials, processing, assembling, or manufacturing that is contributed from the growth or produce of Canada, or by a Canadian or Canadian company, is at least fifty per cent of the total cost or price of the supplies;

"Contract."

(*e*) "contract" means

(i) a contract for the construction of a work (hereinafter called a "construction contract"), or

(ii) a contract for supplies, including articles, commodities, equipment, goods, wares, merchandise, materials, natural growth or produce, electricity, gas, or other supplies, including a contract for printing or reproduction (hereinafter called a "purchase contract"), or

(iii) a contract for the furnishing or performance of a service of any kind, including engineering, architectural or related or similar services; the hire of equipment to be used in or incidental to the execution of a work; advertising or related or similar services; transportation services or the hire or charter of vehicles, vessels or aircraft; the supply of electricity, gas, water, or heat; stenographic, reporting or related or similar services; maintenance services, including cleaning, road clearing and snow, garbage and waste removal or disposal; maintenance and inspection of elevators; the repair, overhaul, and refitting of vehicles, vessels, aircraft and equipment other than office equipment; and telecommunication services, (hereinafter called a "service contract"),

entered into, by, or on behalf of Her Majesty in right of Canada;

"Tender."

(*f*) "tender" means

(i) with respect to a construction contract, a tender invited by public advertisement, and

(ii) with respect to a purchase or service contract, a tender invited by public advertisement or from a representative list or representative lists of suppliers.

Application.

3. (1) Except as provided in this section and notwithstanding the provisions of any other Act, this Act applies to all contracts.

Exemption of contracts singly or by group.

(2) The Governor in Council, where it is in the public interest or necessity so to do, may by regulation provide that this Act shall not apply, in whole or in part, to a class or group of contracts or may by order provide that this Act shall not apply to an individual contract but every regulation or order so made shall be tabled in the House of Commons within fifteen days after it is made or, if Parliament is not then in session, within fifteen days after commencement of the next ensuing session.

When group exemptions null and void.

(3) In the case of a regulation applying to a class or group of contracts, the regulation shall become null and void on the thirtieth day after it is tabled unless sooner approved by resolution of the House of Commons.

Construction preference.

4. A tender for a construction contract by a Canadian or a Canadian company shall have an absolute preference as against a tender by a non-Canadian or a non-Canadian company.

Purchase preference.

5. A tender for a purchase contract that offers Canadian supplies shall have an absolute preference over a tender that offers non-Canadian supplies; and a tender that offers non-Canadian supplies by a Canadian or a Canadian company shall have a preference over a tender by a non-Canadian or a non-Canadian company as if ten per cent were added to the amount tendered by the non-Canadian or non-Canadian company.

Service preference.

6. A tender for a service contract by a Canadian or a Canadian company shall have an absolute preference over a tender by a non-Canadian or a non-Canadian company.

Arbiters.

7. The Deputy Minister of the Taxation Division of the Department of National Revenue shall decide any question or dispute arising out of the definition of "Canadian" or "Canadian company" and the Deputy Minister of the Customs and Excise Division of the said Department shall decide any question or dispute arising out of the definition of "Canadian supplies" and a decision by either of these officers shall be final.

Clause 3. The Bill applies to all contracts except that the Governor in Council may, in the public interest, exempt singly or by class. Exemptions must be tabled in the House of Commons. Group exemption regulations become invalid if not approved by the House in 30 days.

Clauses 4, 5 and 6. These define and apply the preference. It is absolute in the case of construction and service contracts. In supply contracts, the preference is absolute where the supplies have the necessary Canadian content as against non-Canadian and, where all tenders are for non-Canadian supplies, there is a 10 per cent price preference to a Canadian supplier as against a non-Canadian supplier.

Clause 7. This provides for expert judges as to who or what is "Canadian" in substitution for the present system of using a large number of purchasing agents as individual arbiters.

Penalty.

8. Any person who wilfully obtains a contract by a preference given under this Act knowing he is not entitled to such preference, or, who, having properly obtained a contract by a preference, wilfully so acts during the continuance of the contract as to disentitle him to the preference, shall be guilty of an indictable offence and shall forfeit to Her Majesty in right of Canada ten per cent of the amount of the contract; the sum so forfeited may be recovered by Her Majesty by civil proceedings and from any monies or securities due or belonging to such person that are in the control of Her Majesty.

Crown bound.

9. This Act binds Her Majesty in right of Canada and officers and employees of Her Majesty in right of Canada.

Commencement.

10. This Act shall come into force on the first day of January, 1962.

Clause 8. Penalizes fraudulent practices in obtaining or holding contracts. Section 207 of the *Criminal Code* provides the penalty; and, as well, ten per cent of the tender amount is forfeited to the public treasury.

Clause 9. This clause obligates the Crown and its employees to observe the provisions of the Bill.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-5.

An Act to amend the National Energy Board Act (Drainage Works).

First reading, November 21, 1960.

Mr. THOMAS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23922-8

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-5.

An Act to amend the National Energy Board Act (Drainage Works).

1959, c. 46. 1960, c. 9.

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

1. Subsection (1) of section 75 of the *National Energy Board Act* is repealed and the following substituted therefor:

Expropriation and drainage provisions of *Railway Act* incorporated as to farm drains.

"**75.** (1) Sections 207 to 246, section 248 and section 273 of the *Railway Act*, in so far as they are reasonably applicable and not inconsistent with this Act, apply *mutatis mutandis* to companies and their works and undertakings."

2. Subsection (1) of section 77 of the said Act is repealed and the following substituted therefor:

Leave to construct highways, etc., across pipe lines.

"**77.** (1) A highway, private road, railway, irrigation ditch, drain other than a drain used to drain land that for the purpose of municipal assessment is classed as a farm, market garden, or nursery, telegraph, telephone line or a line for the transmission of hydro-carbons, power or any other substance may, by leave of the Board, be carried across any pipe line and for such purposes may be constructed upon, along, under or across such pipe line."

Explanatory Notes.

Section 273 of the *Railway Act* incorporates drainage proceedings under provincial Acts. This section was inserted in *The Railway Act, 1903*, when the railway laws were amended and consolidated. As the law then stood,—and as proposed in the 1903 Bill,—municipal authorities and individual landowners applied to the Railway Committee of the Privy Council or to the Board of Railway Commissioners for permission to construct a drainage system across railway lands; and, if permission were granted, the conditions,—financial, mechanical, and otherwise,—upon which the system might be constructed. This method of constituting a federal authority as arbiter to apportion rights as between railways and municipal authorities and landowners was debated in Committee of the Whole. *see 1903 Debates vol. II, pp. 4728-4765.* As a result, the Bill was amended to incorporate the provincial statutes so that the railways were subject to the provincial drainage laws and to the judicial interpretation of these laws by the Courts. The *Pipe Lines Act*, 1949 Acts, ch. 20, was enacted to control interprovincial and international oil and gas pipe lines. As with the railways, control was entrusted to the Board of Transport Commissioners. Many provisions of the *Railway Act* were made applicable to pipe lines including entry upon, use and expropriation of lands. *See section 30.* However, section 273 of the *Railway Act*, to apply provincial drainage laws to pipe line companies, was not incorporated. Instead, the Board of Transport Commissioners was given authority over drain rights of way that crossed interprovincial or international pipe lines. This section 32 was carried forward, except for non-material changes into the *National Energy Board Act* as section 77, which is as follows:

> "77. (1) A highway, private road, railway, irrigation ditch, drain, telegraph, telephone line or a line for the transmission of hydrocarbons, power or any other substance may, by leave of the Board, be carried across any pipe line and for such purposes may be constructed upon, along, under or across such pipe line.
>
> (2) Upon application for leave, the Board may grant the application in whole or in part and upon such terms and conditions as the Board considers proper."

The result of the present laws is that the railway utilities, interprovincial and provincial, and the provincial pipe lines utilities are subject to provincial drainage authorities while the interprovincial and international pipe line utilities are subject to the National Energy Board.

This Bill proposes to incorporate in the *National Energy Board Act* the provincial drainage laws so as to apply these laws to interprovincial and international pipe lines with respect to farms, market gardens and nurseries so classed under the applicable provincial assessment law. This is done by *Clause One* which incorporates section 273 of the *Railway Act* and by *Clause Two* which removes the Board's authority over those drains which are within the exception.

C-6.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-6.

An Act to amend the Financial Administration Act.

First reading, November 21, 1960.

Mr. BOULANGER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23918-6

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-6.

An Act to amend the Financial Administration Act.

R.S., c. 116; 1955, c. 3; 1958, c. 31; 1960, c. 41, s. 16.

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 thereof, the following section:

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."

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.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-7.

An Act to provide in Canada for the Dissolution and the Annulment of Marriage.

First reading, November 21, 1960.

Mr. PETERS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

24013-5

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-7.

An Act to provide in Canada for the Dissolution and the Annulment of Marriage.

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 Divorce Act.*

Application.

2. The provisions of this Act as to the dissolution of marriage and as to the annulment of marriage shall be in force in each of those provinces of Canada in which there is a court having jurisdiction to grant a divorce *a vinculo matrimonii.*

Courts having jurisdiction.

3. In each province to which this Act applies, the court having jurisdiction to grant a divorce *a vinculo matrimonii* shall have jurisdiction for all purposes of this Act.

Domicile.

4. (1) For the purposes of this Act, a party to a marriage who is domiciled in any province of Canada shall be deemed to be domiciled in every other province of Canada.

(2) For the purposes of this Act, where a husband has been domiciled in a province or provinces during a period of the marriage but is not so domiciled at the commencement of the hearing of a petition by a wife, the wife shall be deemed to be domiciled in a province if, as an unmarried woman, she would be so domiciled and, in such case, the domicile of the wife shall be the domicile of both parties to the marriage.

Definitions.
"Petition."
"Petitioner."
"Proceedings."
"Respondent."

5. In this Act,

"petition" includes a cross-petition;

"petitioner" includes a cross-petitioner;

"proceedings" includes cross-proceedings; and

"respondent" includes a petitioner against whom there is a cross-petition.

Explanatory Notes.

The purpose of this Bill is to provide a law for the dissolution and annulment of marriage that is common to all persons domiciled in Canada; that is capable of administration by the courts with propriety and justice; and that is founded, in each case, upon a judicial judgment that a marriage relationship is repudiated or does not exist—but without providing means to use the law to escape the marriage relationship.

The Bill proposes to have the law administered by the existing provincial courts under their own rules of procedure. Present provincial laws respecting alimony, guardianship and maintenance of children would continue. The present provincial matrimonial laws would also continue. Parliament would retain its jurisdiction over divorce and nullity of marriage.

Clause 2: This clause applies the divorce and nullity provisions to all provinces having a divorce court. Quebec and Newfoundland do not have such courts.

Clause 3: These provincial courts apply the Act.

Clause 4: At present a court in a province may only hear a divorce action if the husband has his domicile in that province except in certain cases covered by the *Divorce Jurisdiction Act*. *Subclause* (1) gives a court jurisdiction to hear a divorce action if the parties are domiciled in any one of the ten provinces. Thus, for example, a wife in Quebec may petition in Ontario although her husband has changed his domicile to British Columbia. *Subclause* (2) provides for the case where the husband has acquired a domicile outside Canada since the marriage while the wife remains in Canada; under these circumstances, she may acquire a provincial domicile of her own and a court may hear her petition. This provision is wider than the present right given by the *Divorce Jurisdiction Act*.

Grounds for dissolution of marriage.

6. A court having jurisdiction under this Act may, upon petition by one of the parties to the marriage, decree dissolution of the marriage upon one or more of the following grounds:

(*a*) that, since the marriage, the other party to the marriage has committed adultery;

(*b*) that, since the marriage, the other party to the marriage has, without just cause or excuse, wilfully deserted the petitioner for a period of not less than two years;

(*c*) that the other party to the marriage has wilfully and persistently refused to consummate the marriage, if the court is satisfied that, as at the commencement of the hearing of the petition, the marriage had not been consummated;

(*d*) that, since the marriage, the other party to the marriage has, during a period of not less than one year, habitually been guilty of cruelty to the petitioner;

(*e*) that, since the marriage, the other party to the marriage has committed rape, sodomy, or bestiality;

(*f*) that, since the marriage, the other party to the marriage has, for a period of not less than two years

(i) been a habitual drunkard; or

(ii) habitually been intoxicated by reason of taking or using to excess any sedative, narcotic, or stimulating drug or preparation, or

has, for a part or parts of such a period, been a habitual drunkard and has, for the other part or parts of the period, habitually been so intoxicated;

(*g*) that, since the marriage, the petitioner's husband has, within a period not exceeding five years

(i) suffered frequent convictions for crime in respect of which he has been sentenced in the aggregate to imprisonment for not less than three years; and

(ii) habitually left his wife without reasonable means of support;

(*h*) that, since the marriage, the other party to the marriage has been in prison for a period of not less than three years after conviction for an offence punishable by death or imprisonment for life or for a period of five years or more, and is still in prison at the date of the petition;

(*i*) that, since the marriage and within a period of one year immediately preceding the date of the filing of the petition, the other party to the marriage has been convicted, on indictment, of

(i) having attempted to murder or unlawfully to kill the petitioner,

Clause 6: This clause sets out the grounds for divorce. These grounds are qualified by *Clause 7* which provides that, except in certain cases, no divorce action can be brought sooner than three years after marriage. They are also qualified by *Clause 9* which provides for a reconciliation procedure. Essentially, the grounds hereby provided for divorce are adultery, desertion and cruelty; they are so defined as to prove the repudiation or non-existence of the marriage relationship. *Subclause* (*a*) provides for adultery; *subclauses* (*b*), (*c*), (*f*), (*g*), (*h*), (*j*) and (*k*) are desertion in one form or another; (*l*) is involuntary desertion; (*d*) and (*i*) are cruelty, either habitual or dangerous to the life of the other party; (*e*) is a variety of desertion that repudiates the marriage relationship through perversion or depravity; (*m*) is a general form of physical desertion that may be mutual or by one party but is limited to a minimum five year period; and (*n*) provides for desertion that is unexplainable except by presumption of the death of the missing partner.

(ii) having committed an offense involving the intentional infliction of grievous bodily harm on the petitioner or the intent to inflict grievous bodily harm on the petitioner;

(*j*) that a party to the marriage has habitually and wilfully failed, throughout the period of two years immediately preceding the date of the filing of the petition, to pay maintenance to the other party

(i) ordered to be paid under an order of a court in a province, or

(ii) agreed to be paid under an agreement between the parties to the marriage providing for their separation,

if the court is satisfied that reasonable attempts have been made by the petitioner to enforce the order or agreement under which the maintenance was ordered or agreed to be paid;

(*k*) that the other party to the marriage has, for a period of not less than one year, failed to comply with a decree of restitution of conjugal rights made by a court in a province;

(*l*) that the other party to the marriage

(i) is, at the date of the filing of the petition, of unsound mind and unlikely to recover, and

(ii) since the marriage and within a period of six years immediately preceding the date of the petition, had been confined for a period of, or for periods aggregating, not less than five years in an institution where persons may be confined for unsoundness of mind in accordance with law, or in more than one such institution,

if the court is satisfied that, at the commencement of the hearing of the petition, the other party is still confined in such an institution and is unlikely to recover;

(*m*) that the parties to the marriage have separated and thereafter have lived separately and apart for a continuous period of not less than five years immediately preceding the date of the filing of the petition, and there is no reasonable likelihood of cohabitation being resumed, notwithstanding

(i) that the cohabitation was brought to an end by the action or conduct of one only of the parties, whether constituting desertion, or not, or

(ii) that there was in existence at any relevant time a decree of a court suspending the obligation of the parties to the marriage to cohabit or an agreement between those parties for separation;

(*n*) That the other party to the marriage has been absent from the petitioner for such time and in such circumstances as to provide reasonable grounds for presuming that he or she is dead.

When leave required.

7. (1) Subject to this section, proceedings for a decree of dissolution of marriage shall not be instituted within three years after the date of the marriage except by leave of the court.

(2) Nothing in this section shall be taken to require the leave of the court to the institution of proceedings for a decree of dissolution of marriage on one or more of the grounds specified in paragraphs (*a*), (*c*), and (*e*) of section six, and on no other ground, or to the institution of proceedings for a decree of dissolution of marriage by way of cross-proceedings.

(3) The court shall not grant leave under this section to institute proceedings except on the ground that to refuse to grant that leave would impose exceptional hardship on the applicant or that the case is one involving exceptional depravity on the part of the other party to the marriage.

(4) In determining an application for leave to institute proceedings under this section, the court shall have regard to the interests of any children of the marriage and to the question whether there is any reasonable probability of a reconciliation between the parties before the expiration of the period of three years after the date of the marriage.

Grounds for annulment of marriage.

8. (1) A court may decree nullity of marriage upon the ground that the marriage is void or upon the ground that the marriage is voidable.

Void marriage.

(2) A marriage is void where

(*a*) either of the parties is, at the time of the marriage, lawfully married to some other person; or

(*b*) the parties are within the prohibited degrees of consanguinity or affinity; or

(*c*) the marriage is not a valid marriage under the law of the place where the marriage takes place, by reason of a failure to comply with the requirements of the law of that place with respect to the form of solemnization of marriages; or

(*d*) the consent of either of the parties is not a real consent because

(i) it was obtained by duress or fraud; or

(ii) that party is mistaken as to the identity of the other party, or as to the nature of the ceremony performed; or

(iii) that party is mentally incapable of understanding the nature of the marriage contract; or

Clause 7: This clause provides that, normally, a divorce action cannot be instituted within 3 years after marriage except for adultery, non-consummation, and depravity. Leave can be granted by the court in other cases but only under safeguards.

Clause 8: This clause sets out the grounds for annulment of marriage.

(*e*) either of the parties is not of marriageable age under the law of the place where the marriage takes place.

Voidable marriage.

(3) a marriage, not being a marriage that is void, is voidable, where, at the time of the marriage

(*a*) either party to the marriage is incapable of consummating the marriage, if the court satisfied that the incapacity to consummate the marriage also existed at the time when the hearing of the petition commenced and that

(i) the incapacity is not curable, or

(ii) the respondent refuses to submit to such medical examination as the court considers necessary for the purpose of determining whether the incapacity is curable, or

(iii) the respondent refuses to submit to proper treatment for the purpose of curing the incapacity,

except that a decree of nullity of marriage shall not be made on this ground where the court is of opinion that by reason of the petitioner's knowledge of the incapacity at the time of the marriage, or the conduct of the petitioner since the marriage, or the lapse of time, or for any other reason, it would, in the particular circumstances of the case, be harsh and oppressive to the respondent, or contrary to the public interest, to make a decree;

(*b*) either party to the marriage is

(i) of unsound mind;

(ii) a mental defective;

(iii) subject to recurrent attacks of insanity or epilepsy; or

(*c*) either party to the marriage is suffering from a venereal desease in a communicable form; or

(*d*) the wife is pregnant by a person other than the husband; except that a decree of nullity of marriage shall not be made by virtue of paragraph (*b*), (*c*), or (*d*) unless the court is satisfied that

(i) the petitioner was, at the time of the marriage, ignorant of the facts constituting the ground;

(ii) the petition was filed not later than twelve months after the date of the marriage; and

(iii) marital intercourse has not taken place with the consent of the petitioner since the petitioner discovered the existence of the facts constituting the ground.

Reconciliation.

9. (1) It is the duty of the court in which a matrimonial cause has been instituted to give consideration, from time to time, to the possibility of a reconciliation of the parties to the marriage (unless the proceedings are of such a nature

Clauses 9–12: These clauses provide a reconciliation procedure to be used by the court where possible.

that it would not be appropriate to do so), and if at any time it appears to the Judge constituting the court, either from the nature of the case, the evidence in the proceedings, or the attitude of those parties, or of either of them, or of counsel, that there is a reasonable possibility of such a reconciliation, the Judge may do all or any of the following:

(*a*) adjourn the proceedings to afford those parties an opportunity of becoming reconciled or to enable anything to be done in accordance with either of the next two succeeding paragraphs;

(*b*) with the consent of those parties, interview them in chambers, with or without counsel, as the Judge thinks proper, with a view to effecting a reconciliation;

(*c*) nominate

(i) an approved marriage guidance or other appropriate organization or a person with experience or training in marriage conciliation; or

(ii) in special circumstances, some other suitable person,

to endeavour, with the consent of those parties, to effect a reconciliation.

(2) If, not less than fourteen days after an adjournment under subsection (1) has taken place, either of the parties to the marriage requests that the hearing be proceeded with, the Judge shall resume the hearing, or arrangements shall be made for the proceedings to be dealt with by another Judge, as the case requires, as soon as practicable.

Hearing when reconciliation fails.

10. Where a Judge has acted as conciliator under paragraph (*b*) of subsection (1) of section 9 but the attempt to effect a reconciliation has failed, the Judge shall not, except at the request of the parties to the proceedings, continue to hear the proceedings, or determine the proceedings, and, in the absence of such a request, arrangements shall be made for the proceedings to be dealt with by another Judge.

Statements not admissible evidence.

11. Evidence of anything said or of any admission made in the course of an endeavour to effect a reconciliation is not admissible in any court or in proceedings before a person authorized by law, or by consent of the parties, to hear, receive, or examine evidence.

12. A marriage conciliator shall, before entering upon the performance of his functions as such a conciliator, make and subscribe, before a person authorized to take oaths, an oath or affirmation of secrecy.

Repeal. R.S. 1952, cc. 84 and 176.

13. The *Divorce Jurisdiction Act* and sections four, five and six of the *Marriage and Divorce Act* are repealed.

Commencement.

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

Clause 13: This clause repeals federal laws that are covered by this Bill.

Clause 14: This clause provides for the Act to become effective when proclaimed so as to permit a period during which the provincial courts may, where necessary, amend their matrimonial rules of procedure.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-8.

An Act to authorize a Canadian Flag.

First reading, November 21, 1960.

Mr. SMITH (Lincoln)

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23610-9

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-8.

An Act to authorize a Canadian Flag.

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

1. This measure shall suffice to Warrant and Require the Governor General in Council forthwith to petition the *Lord Lyon King of Arms* of the Scottish Court of Chivalry and, by the petition so warranted and required, pray the *Lord Lyon* be pleased to grant Canada, its peoples and their Heirs forever—they being virtuous, well deserving, and of connection and persuasion proper thereto—such ensigns, armorial flags and banners, as the *Lord Lyon*, of his Knowledge and as may be his Will and Pleasure, is moved by the prayer to Appoint and Declare.

2. This Act may be cited as *Canada—its Ensigns, Flags and Banners.*

Explanatory Notes.

The purpose of this bill is to provide a Canadian flag. The method used is essentially similar to the manner by which Canada was granted its Coat of Arms. In that case, Canada's Governor in Council requested the King to assign the Arms; they were granted by the King, with the advice of his Privy Council, pursuant to the First Article of the *Union with Ireland Act* of 1800. The United Kingdom Order in Council was proclaimed on the 21st November 1921. *vide Canada Gazette*, vol 55, p. 2406.

This Bill requires Canada's Governor in Council to request the *Lord Lyon King of Arms* of Scotland to appoint and declare a Canada Flag. The *Lyon King* is an ancient Heraldic judicial authority with power, as *Royal Commissioner in Armory*, to grant Patents of Arms to "virtuous and well deserving" Scotsmen and to Dominion or Colonial petitioners (personal or corporate) of Scottish connection.

This Bill would ensure that a Canadian flag would be judicially determined; proper in Heraldic symbolism; and a gage of the warp and woof of the life, the spirit, and the *amour-propre* of the Canadian.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-9.

An Act to amend the Canada Fair Employment Practices Act (Crown Bound).

First reading, November 21, 1960.

Mr. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23828-7

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-9.

An Act to amend the Canada Fair Employment Practices Act (Crown Bound).

1952-53, c. 19.

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

1. Section 3 of the *Canada Fair Employment Practices Act* is amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

Crown Bound.

"(2) This Act binds Her Majesty in right of Canada and servants and agents of Her Majesty in right of Canada."

Explanatory Notes.

The purpose of this Bill is to prevent discrimination by the Government of Canada against its employees or applicants for employment in the public service.

The Act presently applies as follows:

"**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,

(*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;

(*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;

(*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;

(*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

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

and to and in respect of

(*j*) employers engaged in any such work, undertaking or business;

(*k*) employees or other persons employed or seeking employment upon or in connection with any such work, undertaking or business;

(*l*) trade unions composed of such employees; and

(*m*) the employment by any corporation established to perform any function or duty on behalf of the Government of Canada of employees."

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-10.

An Act to amend the Criminal Code.
(Corporal Punishment).

First reading, November 21, 1960.

Mr. McGEE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

24019-2

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-10.

An Act to amend the Criminal Code.
(Corporal Punishment).

1953-54, cc. 51, 52; 1955, cc. 2, 45; 1956, c. 48; 1958, c. 18; 1959, cc. 40, 41.

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."

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 in fourteen years of age or more, is guilty of an indictable offence and is liable to imprisonment for life."

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."

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."

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 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."

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,

(*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."

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."

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,

(*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.

"**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."

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 keeer 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."

C-11.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-11.

An Act respecting Procedure in relation to Parliamentary Divorce.

First reading, November 21, 1960.

Mr. MORTON.

ROGER DUHAMEL F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23906-1

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA

BILL C-11.

An Act respecting Procedure in relation to Parliamentary Divorce.

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 *Parliamentary Divorce Act.*

Powers of the Senate in matters of divorce.

2. Notwithstanding section 55 of the British North America Act, 1867 when a divorce bill has been passed by the Senate, it shall be presented to the Governor General and shall become an Act of Parliament on the Royal Assent being signified, without the necessity of the said Act being sent to the House of Commons for concurrence.

Act in force during present session.

3. This Act shall remain in force during the present session of Parliament and shall expire on the date of its prorogation.

Explanatory Note.

The form of this Bill is inspired by the Parliament Act, 1911 of the United Kingdom. Divorce Bills in Canada have become so numerous in the last years that a great portion of the time of Parliament is consumed with the procedure relative to their adoption.

The main work is done by the Senate Divorce Committees who act in a quasi judicial capacity. After the bills have been passed by the Senate they are sent to the House of Commons where they are dealt with mainly *en bloc* as a formality. This however takes up much valuable time which could be better used for the study of other private legislation and important public legislation by private members.

There is no doubt that the Senate is in a much better position than the House to deal with divorce matters. This they have handled well in the past. If the procedure can be improved and if the rules can be altered to better serve the administration of justice in these matters it would be preferably left to the wisdom and experience of the Upper Chamber than to a popular assembly.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-12.

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

First reading, November 21, 1960.

Mr. REGIER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23874-1

4th Session, 24th Parliament 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA

BILL C-12.

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.*

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;

(*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 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 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 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;

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.

"Prescribed."
(*g*) "prescribed" means prescribed by the Minister;

"Statutory holiday."
(*h*) "statutory holiday" means New Year's Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day;

"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 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 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 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 anywhere 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;

(*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;

(*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

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

and to and in respect of,

(*j*) all employees employed by any employer engaged 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.

(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.

(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.

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.

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.

(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.

(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.

Descrimination 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

(*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.

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 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;

(*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)*;

(*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 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.

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;

(*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;

(*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 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.

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.

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 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 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, 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 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 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 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 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 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 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.

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.

(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 September, 1961.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-13.

An Act to amend the Canada Elections Act (Publication of Straw Poll Results).

First reading, November 21, 1960.

Mr. PETERS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23866-7

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-13.

An Act to amend the Canada Elections Act (Publication of Straw Poll Results).

1960, c.39.

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

Repeal.

1. Subsection (2) of section 106 of the *Canada Elections Act* is repealed and the following substituted therefor:

Premature publication of results of straw vote forbidden.

"(2) No person, company or corporation shall, in any province after the issue of the writ for an election, or after the dissolution of Parliament or the occurrence of a vacancy in consequence of which a writ for an election is eventually issued, and before the hour of closing of the polls in such province, publish the result or purported result of a straw vote or poll of the political opinions of the electors or any of them in any electoral district or districts in Canada, whether such publication is by radio broadcast, or by newspaper, news-sheet, poster, bill-board, handbill, or in any other manner; any person contravening the provisions of this subsection (and in the case of a company or corporation any person responsible for the contravention thereof) is guilty of an illegal practice and of an offence against this Act.

Definition of "broadcast."

"(3) In this section "broadcast" has the same meaning as "broadcasting" in the *Broadcasting Act*."

Explanatory Note.

The purpose of this amendment is to prohibit, and to make punishable as an illegal practice, the publication in any manner before election day of the results of a straw vote or poll of the political opinions of the electors. The proposed amendment does not prohibit the taking of such a poll for private purposes.

The present subsection (2) is repealed and re-enacted as subsection (3) so as to apply to the proposed new subsection (2) as well as the present subsection (1).

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-14.

An Act to amend the Industrial Relations and Disputes Investigation Act (Application to Civil Service).

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 38 of the *Industrial Relations and Disputes Investigation Act* is amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

House of Commons resolution binds Crown and employees.

"(2) Notwithstanding subsection (1), where the parties are Her Majesty in right of Canada and employees of Her Majesty in right of Canada, the Minister, on receipt of the report of the Conciliation Board, shall forthwith table a copy thereof in the House of Commons or, if the House is not then sitting, on any of the first ten days next thereafter that the House is sitting; the House may consider the report and by resolution accept, reject, or amend the recommendations therein; the resolution shall bind the parties and, at the commencement of the fiscal year next following the calendar year in which the resolution is adopted by the House, they shall give such effect thereto as the resolution may require."

2. Section 55 of the said Act is repealed and the following substituted therefor:

Part I. Crown and Crown employees.

"**55.** Part I, excepting sections 21, 22, 23, 24 and 26 thereof, applies to bind Her Majesty in right of Canada and the employees of Her Majesty in right of Canada."

Commencement.

3. This Act shall be deemed to have come into force on the expiration of the 31st day of March, 1961.

Explanatory Notes.

This Bill proposes to bring the Crown and its employees within the provisions of the *Industrial Relations and Disputes Investigation Act* except as to strikes and lock-outs and so as to ensure that the House of Commons retains its exclusive authority over money supply. In fact, the House of Commons is given a direct control over the salaries and other conditions of employment of civil servants (at the Conciliation Board stage) that the House does not presently have but which the Governor-in-Council exercises. The Bill applies the procedure of collective bargaining, collective agreements and conciliation proceedings to the Crown and its employees subject always to final determination by the House should collective bargaining reach the Conciliation Board.

The intent is that, to allow for budgetary arrangements, the parties should so arrange the bargaining procedure that a Conciliation Board report, tabled before December 31st, might be considered and determined by the House before March 31st next after that 31st December.

Clause 1 adds the new provision that the Conciliation Board recommendation shall be placed before the House of Commons for consideration and that a resolution of the House thereon shall bind the parties.

Clause 2 removes the provision that provides that Part I of the Act does not apply to the Crown and its employees, and substitutes a provision that Part I does apply to these parties with the exception of the provisions relating to strikes and lock-outs.

Clause 3 provides that the proposed amendment shall be effective at the beginning of the 1961-62 fiscal year.

C-15.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-15.

An Act to amend the Canada Elections Act (Age of Voters).

First reading, November 21, 1960.

Mr. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23973-1

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-15.

An Act to amend the Canada Elections Act (Age of Voters).

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

1960, c. 39.

1. (1) Paragraph (*a*) of subsection (1) of section 14 of the *Canada Elections Act*, is repealed and the following substituted therefor:

Qualification of electors.

"(*a*) is of the full age of eighteen years or will attain such age on or before polling day at such election;"

Subsection repealed.

(2) Subsection (3) of section 14 of the said Act is repealed.

Schedule One forms amended.

2. Forms No. 15, No. 18, alternative No. 18, No. 41, No. 42, No. 45, No. 49 and No. 50 of SCHEDULE ONE to the said Act are amended by striking out the words "twenty-one years" wherever the said words appear therein and by substituting therefor in each case the words "eighteen years."

Schedule Two and forms amended.

3. (1) Subparagraph (1) of paragraph 21, subparagraph (*a*) of paragraph 22, subparagraphs (1) and (2) of paragraph 36 of *The Canadian Forces Voting Rules* in SCHEDULE TWO to the said Act and paragraph *5 of Form No. 7 to the said SCHEDULE and paragraph 6 of Form No. 8 to the said SCHEDULE are amended by striking out the words "twenty-one years" wherever the said words appear therein and by substituting therefor in each case the words "eighteen years"; and the said subparagraph (1) of paragraph 36 is further amended by striking out the words "(except in the case referred to in subparagraph (2) of paragraph 21)" and the said Form No. 7 is further amended by striking out, at the end of the said Form, the words "Strike out this line if it is not applicable pursuant to paragraph 21(2) of *The Canadian Forces Voting Rules*.

Subparagraph repealed.

(2) Subparagraph (2) of paragraph 20 of the said Schedule is repealed.

Explanatory Notes.

The purpose of this Bill is to provide that the age of voters under the *Canada Elections Act* be eighteen years in lieu of twenty-one as at present.

1. (2) This subsection which allowed members of the naval, military or air forces of Canada to vote at an election although they had not attained the full age of twenty-one years is not necessary if the voting age is made eighteen in lieu of twenty-one.

3. (2) This subparagraph is not necessary if the voting age is made eighteen in lieu of twenty-one. (See note above to subsection (2) of section 1.)

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-16.

An Act to amend the Companies Act (Financial Statements).

First reading, November 21, 1960.

Mr. BROOME.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23977-2

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-16.

An Act to amend the Companies Act (Financial Statements).

R.S., c. 53.

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

1. Paragraph (*a*) af subsection (1) of section 121 of the *Companies Act*, together with that portion of subsection (1) that precedes paragraph (*a*) thereof, is repealed and the following substituted therefor:

"**121.** (1) In the case of a company, not being a private company exempted by subsection (1A),

Shareholders and Secretary of State to get financial statements.

(*a*) a copy of every balance sheet and statement of income and expenditure and statement of surplus and of the statement referred to in section 118, where such section applies, that is to be laid before the company at the annual meeting, together with a copy of the auditor's report, shall, not less than fourteen days before the date of the meeting, be mailed in a prepaid wrapper or letter to each and every shareholder of record at his address as recorded in the books of the company; and thereafter, in due course, a copy of each of the documents mentioned in this subsection shall also be mailed to the Secretary of State, together with proof of due compliance with the foregoing provisions of this paragraph, in such form as may be satisfactory to the Secretary of State;"

2. The said Act is further amended by adding thereto, immediately after subsection (1) of section 121 thereof, the following subsection;

Exempted private companies.

(1A) Where a private company establishes to the satisfaction of the Secretary of State that, during the period to which such balance sheet and the statements aforesaid relate, none of its shares or debentures has been owned or

Explanatory Notes.

The present section 121 (1) (*a*) exempts all private companies from the requirements that the annual financial statements shall be sent to all shareholders and the Secretary of State. The purpose of this Bill is to restrict the exemption to private companies that, in the opinion of the Secretary of State, are not owned or controlled, directly or indirectly, by Canadian or non-Canadian public companies.

Clause 1 adds the words "exempted by subsection (1A)" to the present section 121 (1) (*a*).

Clause 2 defines the circumstances under which the Secretary of State will grant exemption to a private company from publicizing its annual financial statements.

Clause 3 proposes that the restrictive admendment come into effect July 1st, 1961, to give adequate notice to interested persons.

controlled, either directly or indirectly, by a company, whether incorporated in or outside Canada, which, in the opinion of the Secretary of State, is a public company within the meaning of this Part or is substantially similar thereto, then the Secretary of State shall exempt such private company from complying with subsection (1).

Coming into force.

3. This Act shall come into force on the 1st day of July, 1961.

C-17.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-17.

An Act respecting Flags of Canada.

First reading, November 21, 1960.

Mr. BOULANGER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23910-3

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-17.

An Act respecting Flags of Canada.

WHEREAS Canada is a sovereign nation, among the members of the Commonwealth of Nations, with them united by a common allegiance to the Crown;

AND WHEREAS it is desirable and urgent that Canada possess a distinctive national flag;

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

Short title.

1. This Act may be cited as the *National Flag of Canada Act.*

Duty to prepare a design.

2. The Governor in Council shall prepare a design for a suitable distinctive national flag for Canada of a character to minimize the possibility of such flag being mistaken for that of any other country.

Report to Parliament.

3. The Governor in Council shall, during the present session of Parliament, report thereto the design of the said flag so prepared.

Approval and issuance of Royal Proclamation.

4. Notwithstanding any royal prerogatives and anything contained in any Act of the Parliament of the United Kingdom such design for a national flag, after it has been approved by a joint resolution of the Senate and House of Commons, shall be submitted for approval to Her Majesty the Queen and for the issuance of a Royal Proclamation under the Great Seal of Canada respecting such ensign, armorial flags and banners as Her Majesty shall be pleased to appoint.

Explanatory Note.

As it is desirable and urgent that Canada possess a distinctive national flag, this Bill provides a method of obtaining a flag with the least possible delay. The method adopted is to have the Governor in Council prepare the design immediately upon the passage of this Bill and to submit the design for approval to the House and the other place at this session. In this manner Canadians could have a distinctive national flag at the end of this session.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-18.

An Act to provide for a Canadian Lottery.

First reading, November 21, 1960.

Mr. PIGEON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23502-8

4th Session, 24th Parliament, 9 Elizabeth II, 1960

THE HOUSE OF COMMONS OF CANADA.

BILL C-18.

An Act to provide for a Canadian Lottery.

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

Short Title.

1. This Act may be cited as the *Canadian Lottery Act.*

Commission established.

2. There shall be a body corporate and politic called the "Canadian Lottery Commission" consisting of ten commissioners appointed by the Governor in Council in equal numbers out of the members of the Senate and the House of Commons; the commissioners shall hold office under this Act without salary, fees, wages, allowances, emolument or other profit of any kind as by their commission shall be expressly declared and provided.

Senate and House of Commons Act. R.S., c. 249, s. 11.

Powers.

3. The Commission shall carry out the purpose of this Act and shall have such powers as are necessary to do so and shall not be bound by the provisions of any other Act of this Parliament nor answerable to the Crown in the exercise of its powers.

Staff, works, and facilities.

4. Without restricting the generality of its powers, the Commission shall use to the purpose of this Act the services of public servants and employees of the departments of the Government of Canada and the Crown corporations as enumerated in Schedules A, B, C and D to the *Financial Administration Act*, and the property, works, and facilities of Her Majesty the Queen in right of Canada and of such corporations without liability for remuneration or compensation for such use.

R.S., c. 116.

Explanatory Note.

The purpose of this Bill is to provide for the establishment and operation of a Canadian lottery and sweepstakes. The Bill provides that the Governor in Council shall appoint ten members of Parliament to serve without pay as a Commission; the Commission would use the staff, property and facilities of the Canadian government and Crown corporations to carry out its operations. After allowance for prizes, profits are apportioned among Family Allowance recipients according to a scale that increases with the number of children in the family who are qualified to receive allowances.

The operations of the Commission are exempt from prohibitions in the law against lotteries and sweepstakes.

Operation.

5. The Commission shall operate sweepstakes and lotteries in Canada from time to time and at such times as the Commission may decide.

Purpose.

R.S., c. 109.

6. The Commission shall pay over in each fiscal year all profits on its operations to the Receiver General of Canada in trust to apportion the profits among parents in receipt of an allowance under the *Family Allowances Act* according to a scale determined by the Commission that increases in direct proportion to the number of children for whom the parent receives an allowance.

Audit.

7. The affairs of the Commission shall be audited by the Auditor General of Canada who shall report thereon to Parliament once in each fiscal year.

Report and administrative responsibility in parliament.

8. The Commission shall table a yearly report in both Houses of Parliament and every commissioner shall be responsible in the House of Commons or the Senate, as the case may be, for the administration of the Commission.

Matter published in English and French.

9. The Commission shall ensure that the advertising and other matter issued by the Commission to the public shall be printed and published in the English and French languages.

Crown bound.

10. This Act shall bind the Crown.

C-19.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-19.

An Act to amend the Small Loans Act. (Advertising.)

First reading, November 21, 1960.

Mr. ARGUE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

24001-8

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-19.

An Act to amend the Small Loans Act. (Advertising.)

R.S., c. 251; 1956, c. 46.

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

1956, c. 46, s. 2

1. Section three of the *Small Loans Act* is amended by adding thereto the following subsection:

Advertising to indicate percentum per annum.

"(5) Whenever a money-lender advertises himself as carrying on the business of money-lending and in such advertising indicates the monthly or other periodic payments required for the repayment of any loan, he shall also indicate in such advertising what the total cost of any such loan amounts to in terms of percentum per annum."

1956 c. 46, s. 6

2. Subsection (5) of section 14 of the said Act is amended by striking out the word "and" after paragraph (*b*) thereof, by inserting the word "and" after paragraph (*c*) thereof and by adding thereto the following paragraph:

Proviso.

"(*d*) whenever any small loans company advertises itself as carrying on the business of money-lending and in such advertising indicates the monthly or other periodic payments required for the repayment of any loan, it shall also indicate in such advertising what the total cost of any such loan amounts to in terms of percentum per annum."

Explanatory Note.

The purpose of this Act is to amend the *Small Loans Act*, so as to require any money-lender or small loans company, in any advertising in which the amount required by way of monthly or periodic payments in order to repay a loan is indicated, to state what the cost of such loan amounts to in terms of percentum per annum.

C-20.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-20.

An Act to amend the Small Loans Act.

First reading, November 21, 1960.

Mr. ARGUE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23997-0

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-20.

An Act to amend the Small Loans Act.

R.S., c. 251; 1956, c. 46.

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

1956, c. 46.

Maximum cost.

1. Subsection (2) of section 3 of the *Small Loans Act* is repealed and the following substituted therefor:

"(2) The cost of a loan shall not exceed the aggregate of

(*a*) one per cent per month on any part of the principal balance not exceeding one thousand dollars, and

(*b*) one-half of one per cent per month on any remainder of the unpaid principal balance exceeding one thousand dollars."

Loans, how repayable.

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

"**6.** (1) Every loan shall be repayable in approximately equal instalment of principal or of principal and cost of the loan at intervals of not more than one month each, and on default in the payment of any instalment, interest shall accrue thereon from the date of default at the rate fixed by the contract as the cost of the loan."

1956, c. 46.

Maximum cost.

3. (1) Subsections (2) and (3) of section 14 of the said Act are repealed and the following substituted therefor:

"(2) The cost of a loan made by the Company shall not exceed the aggregate of

(*a*) one per cent per month on any part of the unpaid principal balance not exceeding one thousand dollars, and

(*b*) one-half of one per cent per month on any remainder of the unpaid principal balance exceeding one thousand dollars."

Explanatory Notes.

The main purpose of this Bill is to provide for a reduction of the rate of interest or "cost of loan" allowed by the *Small Loans Act* from two per cent per month to one per cent per month on any part of the unpaid principal balance not exceeding three hundred dollars.

1. Subsection (2) of section 3 at present reads as follows:

"(2) The cost of a loan shall not exceed the aggregate of

(*a*) *two per cent per month on any part of the unpaid principal balance not exceeding three hundred dollars,*

(*b*) one per cent per month on any part of the unpaid principal balance exceeding three hundred dollars but not exceeding one thousand dollars, and

(*c*) one-half of one per cent per month on any remainder of the unpaid principal balance exceeding one thousand dollars."

2. Subsection (1) of section 6 at present reads as follows:

"6. (1) Every loan shall be repayable in approximately equal instalments of principal or of principal and cost of the loan at intervals of not more than one month each, and on default in the payment of any instalment, interest shall accrue thereon from the date of default at the rate fixed by the contract as the cost of the loan; *but if default in the payment of any instalment continues beyond the date on which the last instalment of the loan falls due, interest shall accrue thereon at a rate not exceeding one per cent per month from such date.*"

3. (1) Subsections (2) and (3) of section 14 at present read as follows:

"(2) The cost of a loan made by the Company shall not exceed the aggregate of

(*a*) *two per cent per month on any part of the unpaid principal balance not exceeding three hundred dollars,*

(*b*) one per cent per month on any part of the unpaid principal balance exceeding three hundred dollars but not exceeding one thousand dollars, and

(*c*) one-half of one per cent per month on any remainder of the unpaid principal balance exceeding one thousand dollars.

"(3) *Where a loan of five hundred dollars or less is made for a period greater than twenty months or where a loan exceeding five hundred dollars is made for a period greater than thirty months, the cost of the loan shall not exceed one per cent per month on the unpaid principal balance thereof.*"

1956, c. 46.

(2) Paragraph (*a*) of subsection (5) of the said section is repealed and the following substituted therefor:

Repayment of loans.

"(*a*) The loan shall be repayable in approximately equal instalments of principal or of principal and cost of the loan at intervals of not more than one month each, and on default in the payment of any instalment, interest shall accrue thereon from the date of default at the rate fixed by the contract as the cost of the loan;"

(2) Paragraph (*a*) of subsection (5) at present reads as follows:

"(*a*) the loan shall be repayable in approximately equal instalments of principal or of principal and cost of the loan at intervals of not more than one month each, and on default in the payment of any instalment, interest shall accrue thereon from the date of default at the rate fixed by the contract as the cost of the loan; *but if default in the payment of any instalment continues beyond the date on which the last instalment of the loan falls due, interest shall accrue thereon at a rate not exceeding one per cent per month from such date;*"

C-21.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-21.

An Act to amend the Criminal Code (Capital Punishment).

First reading, November 21, 1960.

Mr. McGee.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23914-5

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-21.

An Act to amend the Criminal Code (Capital Punishment).

1953-54, c. 51; 1955, cc. 2, 45; 1956, c. 48, ss. 19, 20; 1957-58, c. 28; 1958, c. 18. 1959, cc. 40, 41; 1960, c. 37.

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

1. Section 75 of the *Criminal Code*, chapter 51 of the statutes of 1953-54, is repealed and the following substituted therefor:—

Piracy by law of nations.

"**75.** (1) Every one commits piracy who does any act that, by the law of nations, is piracy.

Punishment.

(2) Every one who commits piracy while in or out of Canada is guilty of an indictable offence and is liable to imprisonment for life."

2. Section 206 of the said Act is repealed and the following substituted therefor:

Punishment for murder.

"**206.** Every one who commits murder is guilty of an indictable offence and shall be sentenced to imprisonment for life."

Explanatory Notes.

The purpose of this Bill is to provide that hereafter no person shall, except in certain cases of treason, be sentenced in Canada to suffer death but that such person shall hereafter be liable to imprisonment for life.

1. Section 75 at present reads as follows:—

"**75.** (1) Every one commits piracy who does any act that, by the law of nations, is piracy.

(2) Every one who commits piracy while in or out of Canada is guilty of an indictable offence and is liable to imprisonment for life, *but if while committing or attempting to commit piracy he murders or attemps to murder another person or does any act that is likely to endanger the life of another person he shall be sentenced to death.*"

2. Section 206 at present reads as follows:—

"**206.** Every one who commits murder is guilty of an indictable offence and shall be sentenced to *death.*"

C-22.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-22.

An Act respecting the Sovereignty of Canada.

First reading, November 21, 1960.

Mr. ALLARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23492-2

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-22.

An Act respecting the Sovereignty of Canada.

Preamble.

WHEREAS since the 11th of December, 1931 Canada is a sovereign nation, among the members of the Commonwealth of Nations, with them united by a common allegiance to the Crown, equal in status and in no way subordinate to the United Kingdom;

WHEREAS the Sovereignty of Canada should be made evident by the adoption of a distinctive National Flag, the designation of a distinctive National Anthem and the observance of a legal holiday on the 11th day of December in each and every year;

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

Short title.

1. This Act may be cited as the *National Sovereignty Act*

Canada a sovereign nation.

2. Canada is hereby declared to be a sovereign nation.

A distinctive national flag.

3. It shall be the duty of the Canada Council to prepare or have prepared, after competition or otherwise, a design for a suitable distinctive national flag free of the emblem or emblems of any other country and to submit the same to the Senate and the House of Commons of Canada within one year of the coming into force of this Act.

Approval and issuance of Royal Proclamation.

4. Notwithstanding any royal prerogative and anything contained in any Act of the Parliament of the United Kingdom such design for a national flag, after it has been approved by a joint resolution of the Senate and House of Commons, shall be submitted for approval to Her Majesty the Queen and for the issuance of a Royal Proclamation under the Great Seal of Canada respecting such ensign, armorial flags and banners as Her Majesty shall be pleased to appoint.

Explanatory Note.

The healthy instinct of independence of a nation is anchored in the hearts of its people. Although certain historical traditions may, for a time, restrict that instinct it cannot be expected that it will be dormant eternally.

Any nation with pride in its achievements in peace and war and conscious of its own sovereignty will insist that its status be recognized by other independent nations.

A distinctive national flag, a distinctive national anthem and a national independence day constitute external signs of sovereignty and it is the purpose of this Bill to provide these attributes for our country: Canada.

A distinctive National Anthem.

5. It shall be the duty of the Canada Council to select after competition a distinctive National Anthem for Canada and to submit the same to the Senate and House of Commons of Canada within one year from the coming into force of this Act.

Approval.

6. The anthem mentioned in the previous section shall become the National Anthem for Canada after it has been approved by a joint resolution of the Senate and House of Commons of Canada.

Canadian Independence Day.

7. Throughout Canada, in each and every year, the eleventh day of December (not being a Sunday), being the anniversary of the day the Statute of Westminster, 1931 was assented to, shall be a legal holiday and shall be kept and observed as such, under the name of Canadian Independence Day.

When 11th of December is a Sunday.

8. When the eleventh day of December is a Sunday, the twelfth day of December shall be, in lieu thereof, throughout Canada, a legal holiday, and shall be kept and observed as such under the same name.

C-23.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-23.

An Act to provide for the Development of certain Provinces by the Distribution of Industry and for the Reduction of Unemployment therein

First reading, November 21, 1960.

Mr. COATES.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23812-1

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-23.

An Act to provide for the Development of certain Provinces by the Distribution of Industry and for the Reduction of Unemployment therein.

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

Short Title.

Short title.

1. This Act may be cited as the *Industrial Development Bank Act, 1960.*

Interpretation.

Definitions.

2. In this Act,

"Basic service."

(*a*) "basic service" means the provision of facilities for transport, whether by road, rail, water or air, or facilities for power, lighting or heating, or housing, health or other services on which the development of a development area, and in particular of industrial enterprises therein, depends;

"Development area."

(*b*) "development area" means a province named in the Schedule to this Act or any locality therein;

"Industrial estate company."

(*c*) "industrial estate company" means a body corporate and politic that is constituted by the authority of a province named in the Schedule for the purpose of facilitating the provision of premises needed for meeting the requirements of industrial enterprises, including requirements arising from the needs of persons employed or to be employed therein, or sites for such premises or means of access thereto;

R.S. c. 151, s. 2, incorporated.

(*d*) Section 2 of the *Industrial Development Bank Act*, being the "Interpretation" section, is incorporated herein.

Construed with R.S. c. 151; 1956, c.25.

3. This Act shall be read and construed as one with the *Industrial Development Bank Act.*

Explanatory Notes.

The purpose of this bill is twofold: firstly, to encourage the development of industry in the four Maritime Provinces; secondly, to reduce high-level unemployment by the development of industries in areas in those Provinces where unemployment persists. The method used is to adapt the facilities provided by the *Industrial Development Bank Act*, which is general to all Canada, to the specific economic needs of the Maritime Provinces; and to integrate those financial and advisory facilities with the similar facilities provided by those Provinces.

The bill is separate from but is to be read and construed with the *Industrial Development Bank Act* (Clause 3). Specifically, the interpretation section of that Act, is incorporated by Clause 2(*d*)—the substantial definition being that of "industrial enterprise", as follows:

> "industrial enterprise" means an enterprise in which is carried on the business of
>
> (i) manufacturing, processing, assembling, installing, overhauling, reconditioning, altering, repairing, cleaning, packaging, transporting or warehousing of goods.
>
> (ii) logging, operating a mine or quarry, drilling, construction, engineering, technical surveys or scientific research,
>
> (iii) generating or distributing electricity or operating a commercial air service, or the transportation of persons, or
>
> (iv) supplying premises, machinery or equipment for any business mentioned in subparagraph (i), (ii) or (iii) under a lease, contract or other arrangement whereby title to the premises, machinery or equipment is retained by the supplier."

Bank loans for industrial premises to industrial estate company.

4. The Industrial Development Bank, upon the recommendation of the Board of Directors of the Bank, may make loans to an industrial estate company where the Board is satisfied the loans will further the provision of premises for industrial enterprises in the development area in such a way as to induce persons to establish or expand industrial enterprises in such area.

Bank grants and loans for basic services

5. Where it appears to the Board that adequate provision has not been made for the needs of a development area in respect of a basic service, the Bank may make grants or loans toward the cost of making adequate the service to such persons and in such manner as appears to the Board to be requisite for enabling those needs to be met.

Bank grants and loans for industrial enterprises.

6. (1) The Bank may, upon the recommendation of the Board, agree with any person carrying on, or proposing to carry on, in a development area an industrial enterprise already established or proposed to be established to give financial assistance to the carrying on of the enterprise, on such terms as may be specified in the agreement, in one or more of the following ways

(*a*) by making annual grants to the said person, either towards the cost of paying interest on monies borrowed or to be borrowed for the purposes of the undertaking or generally for those purposes;

(*b*) by making loans for those purposes.

Conditions of approval.

(2) This section applies to an industrial enterprise approved by the Board as complying with the requirements of the proper distribution of industry, being an enterprise as to which the Bank is satisfied in accordance with such recommendation of the Board that there are reasonable prospects of its ultimately being able to be carried on successfully without further assistance under this section, but that the person carrying it on or proposing to carry it on cannot for the time being, without assistance under this section, obtain capital required for the purposes of the undertaking on the requisite terms.

Bank grants and loans for enterprises to reduce high unemployment.

7. The Bank may give assistance by way of grant or loan to any person carrying on or proposing to carry on in a development area an enterprise by way of trade or business, whether or not that enterprise:

(*a*) is an industrial enterprise within the meaning of the *Industrial Development Bank Act;* or

(*b*) is approved by the Board in pursuance of subsection (2) of section 6 as complying with the requirements of the proper distribution of industry,

Clause 4. This clause provides that the Bank may lend money to an industrial estate company to assist in providing premises for an industrial enterprise.

Clause 5. This clause provides that the Bank may make grants or loans to an acceptable person or company towards providing basic services (as defined in Clause 2(*a*)).

Clause 6. This clause provides that the Bank may make grants or loans to an acceptable person or company towards the establishment or assistance of an industrial enterprise.

Clause 7. This clause provides that the Bank may make grants or loans to an acceptable person or company to establish an enterprise in an area of persistent high-level unemployment. The restrictions on the Bank's discretion are here relaxed as to type of enterprise and conditions of assistance.

if the Board is satisfied that the purpose for which the grant or loan is required is a purpose likely to reduce or contribute to the reduction of the rate of unemployment in any locality of a development area in which, in the opinion of the Board, a high rate of unemployment exists and is likely to persist.

Returns.

8. The Bank shall include an account of its administration under this Act in the returns required of it by the provisions of the *Industrial Development Bank Act*.

SCHEDULE.

Development Areas.

Nova Scotia.
New Brunswick.
Newfoundland.
Prince Edward Island.

C-24.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960

THE HOUSE OF COMMONS OF CANADA.

BILL C-24.

An Act to amend the Indian Act
(Section 112 Repealed)

First reading, November 24, 1960.

Mr. Howard.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23610-2

C-24.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-24.

An Act to amend the Indian Act
(Section 112 Repealed).

First reading, November 21, 1960.

Mr. Howard.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23816-2

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-24.

An Act to amend the Indian Act
(Section 112 Repealed).

R.S., c. 149; 1952-53, c. 41; 1956, c. 40; 1958, c. 19; 1960, c. 8.

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

Repeal of s. 112.

1. Section 112 of the *Indian Act* is repealed.

Explanatory Note.

The present section 112 reads as follows:

"**112.** (1) The Minister may appoint a committee to inquire into and report upon the desirability of enfranchising within the meaning of this Act an Indian or a band, whether or not the Indian or the band has applied for enfranchisement.

(2) A committee appointed under subsection (1) shall consist of

(*a*) a judge or retired judge of a superior, surrogate, district or county court,

(*b*) an officer of the Department, and

(*c*) a member of the band to be appointed by the council of the band, but if no appointment is made by the council of the band within thirty days after a request therefor is sent by the Minister to the band, a member of the band appointed by the Minister.

(3) Where the committee or a majority thereof reports

(*a*) in the case of an Indian, that in its opinion the Indian is qualified under paragraphs (*a*), (*b*) and (*c*) of subsection (1) of section 108 to be enfranchised,

(*b*) in the case of a band, that in the opinion of the committee the band is capable of managing its own affairs as a municipality or part of a municipality, and the committee has submitted a plan for the disposal or division of the funds of the band and the lands in the reserve, and

(*c*) that it is desirable that the Indian or band, as the case may be, should be enfranchised,

the report, if approved by the Minister, shall be deemed to be an application for enfranchisement by the Indian or by the band and shall be dealt with as such in accordance with this Act, except that, in the case of a band, the provisions of subsection (2) of section 111 are not applicable.

(4) An Indian or the members of a band shall not be enfranchised under this section contrary to the terms of any treaty, agreement or undertaking between a band and Her Majesty that is applicable."

Under the provisions of this section, the Minister of Citizenship and Immigration may enfranchise an Indian or a band by compulsory means and against the will of the Indian or the band.

On the 6th July, 1960, the Joint Committee of the Senate and House of Commons on Indian Affairs, in its 2nd report to the House, unanimously recommended "that at the first opportunity the Government introduce legislation to remove the compulsory enfranchisement provision from the *Indian Act.*"

The compulsory feature of section 112 is opposed by virtually all the Indians and many non-Indians. It is felt that such compulsion is not beneficial to our relationship with the Indian people.

The purpose of this Bill, therefore, is to remove section 112 and so carry out the unanimous recommendation of the Joint Committee.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-25.

An Act to amend the Canada Fair Employment Practices Act (Age Discrimination).

First reading, November 21, 1960.

Mr. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23832-9

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-25.

An Act to amend the Canada Fair Employment Practices Act (Age Discrimination).

1952-53, c. 19.

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

1. Section 4 of the *Canada Fair Employment Practices Act* is repealed and the following substituted therefor:

"PROHIBITED EMPLOYMENT PRACTICES.

Employers not to discriminate.

"**4.** (1) No employer shall refuse to employ or to continue to employ, or otherwise discriminate against any person in regard to employment or any term or condition of employment because of his race, national origin, colour, religion, or age unless age is a *bona fide* occupational qualification.

Use of employment agencies that discriminate.

"(2) No employer shall use, in the hiring or recruitment of persons for employment, any employment agency that discriminates against persons seeking employment because of their race, national origin, colour, religion, or age unless age is a *bona fide* occupational qualification.

Membership in trade unions.

"(3) No trade union shall exclude any person from full membership or expel or suspend or otherwise discriminate against any of its members or discriminate against any person in regard to his employment by any employer, because of that person's race, national origin, colour, religion, or age unless age is a *bona fide* occupational qualification.

Discharge, expulsion, etc.

"(4) No employer or trade union shall discharge, expel or otherwise discriminate against any person because he has made a complaint or given evidence or assisted in any way in respect of the initiation or prosecution of a complaint or other proceeding under this Act.

Explanatory Notes

The chief purpose of this Bill is to add age discrimination to the list of prohibited employment practices unless age is a *bona fide* occupational qualification. A secondary purpose is to prohibit the employer from including in an employment application form, advertisement or written or oral inquiry, a question or request for particulars as to the applicant's race, national origin, colour, religion or age unless by reason of a *bona fide* occupational qualification.

Clause 1. The present section 4 is amended by adding, where necessary, the words "*or age unless age is a bona fide occupational qualification*". To achieve the above-mentioned secondary purpose, subsection 5(*b*) is added. Except for these additions, the proposed new section 4 is identical with the present section.

Prohibited practices when employing.

"(5) No person shall use or circulate any form of application for employment or publish any advertisement in connection with employment or prospective employment or make any written or oral inquiry in connection with employment that

(*a*) expresses either directly or indirectly any limitation, specification or preference as to race, national origin, colour, religion, or age unless the limitation, specification or preference is based upon a *bona fide* occupational qualification; or

(*b*) contains a question or a request for particulars as to the race, national origin, colour, religion, or age of an applicant for employment unless the question or request for particulars is based upon a *bona fide* occupational qualification.

Trade union name.

"(6) Whenever any question arises under this section as to whether a trade union discriminates contrary to this section, no presumption shall be made or inference drawn from the name of the trade union."

C-26.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-26.

An Act respecting Company Directors (Directors' Qualifications).

First reading, November 21, 1960.

Mr. BROOME.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23981-4

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-26.

An Act respecting Company Directors (Directors' Qualifications).

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 *Company Directors' Act.*

Application.

2. In every case in which the Parliament of Canada has created, whether by special or general Act of Parliament, by charter, or by letters patent, for any of the purposes or objects to which the legislative authority of the Parliament of Canada extends, a body corporate and politic and it is required in such Act, or in any Part thereof applying to the company so incorporated, or in such charter or such letters patent, that the company be managed by a board of directors, then this Act shall apply to require:

Majority of directors of board or committee to be Canadian citizens or residents.

(*a*) a majority of all the directors of such company and, in the case where any committee of such directors is delegated any powers of management of the company, a majority of all the members of such committee, shall at all times be Canadian citizens or ordinarily resident in Canada;

Disqualification.

(*b*) the election or appointment of a person as a director of such company or as a member of such committee is void if the composition of the board of directors or of the committee, as the case may be, as a result thereof fails to comply with paragraph (*a*) hereof, and a director or a member of the committee ceases to be a director or a member of the committee, as the case may be, if he ceases to be a Canadian citizen or ordinarily resident in Canada and the composition of the board or of the committee as a result thereof ceases to comply with the requirements of paragraph (*a*).

Commencement.

3. This Act shall come into force on the first day of July, 1961.

Explanatory Note.

The purpose of this Bill is to require that all companies created by the Parliament of Canada be managed by a majority of directors who are either Canadians or Canadian residents. Stricter requirements already exist in the *Canadian and British Insurance Companies Act*, R.S., c. 31, s. 6, as amended by 1957 S., c. 11, s. 2, which requires that a majority of directors be resident Canadians, and in Part III of the *Companies Act*, R.S., c. 53, s. 155, (companies incorporated by Special Act to which Part III applies), which requires that a majority of the directors be British subjects ordinarily resident in Canada.

Clause 3 provides that this Act would be effective 1st July, 1961.

C-27.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-27.

An Act to amend the Senate and House of Commons Act. (Solicitor General's Eligibility).

First reading, November 21, 1960.

Mr. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23820-4

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-27.

An Act to amend the Senate and House of Commons Act. (Solicitor General's Eligibility).

R.S., c. 249; R.S., c. 310; 1953-54, cc. 10 and 13.

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

Members of Privy Council also excepted.

1. Section 14 of the *Senate and House of Commons Act* is repealed and the following substituted therefor:

"**14.** Nothing in this Act renders ineligible, as aforesaid, any person, member of the Queen's Privy Council, holding the recognized position of First Minister, President of the Queen's Privy Council for Canada, Minister of Finance, Minister of Justice, Minister of National Defence, Secretary of State of Canada, Minister of Transport, Minister of Public Works, Postmaster General, Minister of Agriculture, Minister of National Revenue, Minister of Fisheries, Minister of Trade and Commerce, Minister of Labour, Secretary of State for External Affairs, Minister of National Health and Welfare, Minister of Veterans Affairs, Minister of Resources and Development, Minister of Mines and Technical Surveys, Minister of Citizenship and Immigration, Minister of Defence Production, or any office that is hereafter created, to be held by a member of the Queen's Privy Council for Canada and entitling him to be a Minister of the Crown, or disqualifies any such person to sit or vote in the House of Commons, if he is elected while he holds such office, or is a member of the House of Commons at the date of his nomination by the Crown for such office, and is not otherwise disqualified."

Commencement of Act.

2. This Act shall be deemed to have come into force upon the expiration of the 31st day of March, 1961.

Explanatory Notes.

The present section 14 is similar to the proposed section 14 except that the words "or Solicitor General", that appear in the present section after the words "Minister of Defence Production", are omitted from the proposed section.

The purpose of the proposed amendment is to remove the privilege enjoyed by the Solicitor General under the present section whereby he is permitted to hold an office of profit in the service of the Government of Canada at the nomination of the Crown and yet be eligible to be a member of the House of Commons and to sit or vote therein.

The effect of the proposed amendment is to remove the immunity now granted by section 14 so that section 10 of the Act operates with respect to the office of Solicitor General; the result is that the holder of the position is not eligible to be a member of the House or to sit or vote therein. Under sections 16 and 17 the seat of a member, holding or continuing to hold the position, would be thereby vacated; and any member, so disqualified, who continued as a member, or to sit or vote, would forfeit the sum of $200 a day recoverable from him at the suit of any person who sued for the same. A member of the House who is Solicitor General might avoid disqualification and penalty by resigning his position or, alternatively, pursuant to section 11 of the Act, retain the position and forego the profits of office through an appropriate amendment to the *Salaries Act*.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-28.

An Act to provide for Minimum Wages for Employees.

First reading, November 21, 1960.

Mr. PETERS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23870-9

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-28.

An Act to provide for Minimum Wages 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 Minimum Wage Act.*

Interpretation. "Deputy Minister." "employee." "employer." "full-time employee." "Minister." "part-time employee." "rate of wages."

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;

(*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 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 receipt of wages by, one or more employees;

(*d*) "full-time employee" means any employee whose employer requires or permits such employee to work or to be at his disposal in excess of 32 hours in any week;

(*e*) "Minister" means the Minister of Labour;

(*f*) "part-time employee" means any employee whose employer requires or permits such employee to work or to be at his disposal for 32 hours or less in any week;

(*g*) "rate of wages" means the basis of calculation of wages;

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 $1.25 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 $1.25 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;

"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 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 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 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 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;

(*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

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

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 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 $1.25 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.

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.

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 $.50 per meal for board and $.75 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.

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.

(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.

(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.

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.

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.

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:

(*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.

Power to enter premises, inspect records and obtain information.

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

(*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

(*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.

(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.

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.

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.

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

(*c*) interferes with or obstructs the Minister or his duly authorized representative in the exercise of any power conferred upon him by this Act;

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.

(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.

(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.

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.

(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.

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 16.

(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.

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.

(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 September, 1961.

C-29.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-29.

An Act to amend the Representation Act.

First reading, November 21, 1960.

Mr. RAPP.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23808-9

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-29.

An Act to amend the Representation Act.

R.S.; c. 334; 1952-53, c. 8; 1953-54, c. 32; 1955, c. 5; 1959, c. 16.

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

Humboldt—Melfort—Tisdale.

1. Paragraph 2 of that Part of the Schedule to the *Representation Act*, dealing with the description of the electoral districts in the province of Saskatchewan, which describes the electoral district of Humboldt—Melfort, is amended by substituting for the words: "HUMBOLDT—MELFORT", the words: "HUMBOLDT—MELFORT—TISDALE" at the beginning of the said description.

Explanatory Note.

The purpose of the present Bill is to change the name of the electoral district of "Humboldt—Melfort" to that of "Humboldt—Melfort—Tisdale."

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-30.

An Act to amend the Industrial Relations and Disputes Investigation Act.

First reading, November 21, 1960.

Mr. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

24069-7—1

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-30.

An Act to amend the Industrial Relations and Disputes Investigation Act.

R.S. 1952, c. 152.

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

1. Paragraph (*f*) of subsection (1) of section 2 of the *Industrial Relations and Disputes Investigation Act* is repealed.

2. Paragraph (*g*) of subsection (1) of section 2 of the said Act is repealed and the following substituted therefor:

"Conciliation Officer."

"(*g*) "Conciliation Officer" means a person whose duties include the conciliation of disputes, who is under the control and direction of the Minister, and who has been appointed in accordance with section 16; and includes two or more Conciliation Officers;"

3. Subsection (1) of section 2 of the said Act is amended by adding thereto, immediately after paragraph (*l*) thereof the following paragraph:

"Mediator."

"(*ll*) "Mediator" means a person whose duties include the mediation and conciliation of disputes and who has been appointed in accordance with section 17, and includes two or more Mediators;"

4. Paragraph (*n*) of subsection (1) of section 2 of the said Act is repealed and the following substituted therefor:

"Parties."

"(*n*) "parties" with reference to the appointment of, or proceedings before, a Conciliation Officer or a Mediator means the parties who are engaged in the collective bargaining or the dispute in respect of which the Conciliation Officer or the Mediator is or is not to be appointed."

Explanatory Notes.

The *Industrial Relations and Disputes Investigation Act* provides a system of collective bargaining based upon three stages:

(*a*) direct negotiation between union and management; failing successful negotiation, then

(*b*) the appointment of a Conciliation Officer; failing successful efforts by the Conciliator, then,

(*c*) the appointment of a Conciliation Board which must make a report.

The Board's report may be accepted or rejected by either union or management; a strike or lockout may be legally declared after the report.

Among other powers, the Board has authority to summon witnesses, require them to testify and produce documents, to inspect places of work, and fix the time and place of meetings, and otherwise regulate its procedure.

This Bill proposses to improve the above system of collective bargaining in the belief that it is unduly time-consuming and that the stages of negotiation repeat themselves in certain aspects with the resultant tendency to promote industrial unrest. The method used is to eliminate the Conciliation Board and give its authority to a Conciliation Officer. The Conciliation Officer would make a report recommending settlement terms and thereafter strike or lockout proceedings might commence but subject to the appointment of a Mediator. If a Mediator is appointed, a strike or lockout cannot take place until after he has made his report.

The Bill, in recognition that one system of collective bargaining cannot be applied generally to large and small businesses and unions alike, provides that a union and an employer may agree upon and use a negotiating system different from that in the Bill if such individual system is approved by the Canada Labour Relations Board.

Clause 1: This definition is no longer necessary.

Clause 2: Required for clarification.

Clause 3: Required because a mediation system is established.

Clause 4: Cross-reference change.

5. Section 13 of the said Act is repealed and the following substituted therefor:

Renewal or revision of current agreement or conclusion of new agreement.

"**13.** Either party to a collective agreement, whether entered into before or after the 1st day of September, 1948, may, within the period of three months next preceding the date of expiry of the term of, or preceding termination of the agreement, by notice, require the other party to the agreement to commence collective bargaining with a view to the renewal or revision of the agreement or conclusion of a new collective agreement."

6. Section 14 of the said Act is repealed and the following substituted therefor:

"**14.** Where notice to commence collective bargaining has been given under section 12

Time-limit for parties to meet and negotiate.

(*a*) the certified bargaining agent and the employer, or an employers' organization representing the employer shall, without delay, but in any case within ten clear days after the notice was given or such further time as the parties may agree, meet and commence or cause authorized representatives on their behalf to meet and commence to bargain collectively with one another and shall make every reasonable effort to conclude a collective agreement, and

Employer not to decrease wage rates or alter conditions pending conclusion of agreement or other proceedings.

(*b*) the employer shall not, without consent by or on behalf of the employees affected, decrease rates of wages or alter any other term or condition of employment of employees in the unit for which the bargaining agent is certified until a collective agreement has been concluded or until a Mediator appointed to endeavour to bring about agreement has reported to the Minister and seven days have elapsed after the report has been received by the Minister, whichever is earlier, or until the Minister has advised the parties that he has decided not to appoint a Mediator."

7. Section 15 of the said Act is repealed and the following substituted therefor:

"**15.** Where a party to a collective agreement has given notice under section 13 to the other party to the agreement

Parties to proceed without delay after notice given.

(*a*) the parties shall, without delay, but in any case within ten clear days after the notice was given or such further time as the parties may agree upon, meet and commence or cause authorized representatives on their behalf to meet and commence to bargain

Clause 5: Permits negotiation to start three months before expiration of collective agreement instead of two months.

Clauses 6 and 7: (*a*) Reduces from 20 to 10 days the time within which negotiations start after notice. (*b*) Cross-reference change.

collectively and make every reasonable effort to conclude a renewal or revision of the agreement or a new collective agreement, and

Employer not to decrease wages or alter conditions pending renewal or revision.

(*b*) if a renewal or revision of the agreement or a new collective agreement has not been concluded before expiry of the term of, or termination of the agreement, the employer shall not, without consent by or on behalf of the employees affected, decrease rates of wages, or alter any other term or condition of employment in effect immediately prior to such expiry or termination provided for in the agreement, until a renewal or revision of the agreement or a new collective agreement has been concluded or a Mediator, appointed to endeavour to bring about agreement, has reported to the Minister and seven days have elapsed after the report has been received by the Minister, whichever is earlier, or until the Minister has advised the parties that he has decided not to appoint a Mediator."

8. Section 16 of the said Act is repealed and the following substituted therefor:

Conciliation Officer, conference with parties.

"**16.** Where a notice to commence collective bargaining has been given under this Act and

(*a*) collective bargaining has not commenced with the time prescribed by this Act, or

(*b*) collective bargaining has commenced,

and either party thereto requests the Minister in writing to appoint a Conciliation Officer to confer with the partie thereto to assist them to conclude a collective agreement or a renewal or revision thereof and such request is accompanied by a statement of the difficulties, if any, that have been encountered before the commencement or in the course of the collective bargaining, or in any other case in which in the opinion of the Minister it is advisable so to do, the Minister may appoint a Conciliation Officer to confer with the parties engaged in collective bargaining."

9. Section 17 of the said Act is repealed and the following substituted therefor:

Conciliation Officer failing, then Mediator.

"**17.** (1) Where a Conciliation Officer fails to bring about an agreement between parties engaged in collective bargaining, or where either party to collective bargaining requests the Minister in writing to appoint a Mediator to confer with the parties thereto to assist them to conclude a collective agreement or a renewal or revision thereof and such request is accompanied by a statement of the difficulties, if any, that have been encountered before the

Clause 8: Cross-reference change.

Clause 9: Provides for the appointment of a Mediator.

commencement or in the course of the collective bargaining, or in any other case where, in the opinion of the Minister, a Mediator should be appointed to endeavour to bring about agreement between the parties to a dispute, the Minister may appoint a Mediator for such purpose.

"(2) Prior to the appointment of a Mediator, the Minister may request the parties to submit the name of a Mediator who is approved by both parties; if the parties are unable to agree upon a Mediator and, in any event, at the expiration of five days after a request so made, the Minister may appoint a Mediator without further reference to the parties."

10. Section 21 of the said Act is repealed and the following substituted therefor:

Conditions precedent to strike vote on renewal or revision of agreement.

"**21.** (1) Where a trade union on behalf of a unit of employees is entitled to require, by notice under this Act, the employer to commence collective bargaining with a view to the conclusion or renewal or revision of a collective agreement, the trade union shall not take a strike vote or authorize or participate in the taking of a strike vote of employees in the unit until

(*a*) the bargaining agent and the employer, or representatives authorized by them in that behalf, have bargained collectively and have failed to conclude a collective agreement, and either

(*b*) a Conciliation Officer has been appointed to endeavour to bring about agreement between them and seven days have elapsed from the date on which the report of the Conciliation Officer was received by the Minister, or

(*c*) either party has requested the Minister in writing to appoint a Conciliation Officer to endeavour to bring about agreement between them and seven days have elapsed since the Minister received the request so made and

(i) no notice under subsection (1) of section 27 has been given by the Minister, or

(ii) the Minister has notified the parties that he has decided not to appoint a Conciliation Officer.

Conditions precedent to strike or lockout on renewal or revision of agreement.

"(2) Where a trade union on behalf of a unit of employees is entitled to require, by notice under this Act, their employer to commence collective bargaining with a view to the conclusion or renewal or revision of a collective agreement, the trade union shall not declare or authorize a strike of the employees in the unit, and no employee of the unit shall strike, and the employer shall not declare or cause a lockout of the employees in the unit until

Clauses 10 and 12: (*a*) Strike vote may not take place until Conciliation Officer has completed his work. (*b*) Strike or lockout may not take place until Mediator has completed his work and is unable to effect a settlement.

(*a*) the provisions of paragraph (*a*) and, as the case may be, either paragraph (*b*) or (*c*) of subsection (1) have been complied with, and either

(*b*) a Mediator has been appointed to endeavour to bring about agreement between the parties and seven days have elapsed from the date on which the report of the Mediator was received by the Minister, or

(*c*) either party has requested the Minister in writing to appoint a Mediator to endeavour to bring about agreement between them and seven days have elapsed since the Minister received the request so made and

(i) no notice under subsection 1 of section 27 has been given by the Minister, or

(ii) the Minister has notified the parties that he has decided not to appoint a Mediator."

11. Subsection (1) of section 22 of the said Act is amended by repealing that part of subsection (1) immediately preceding paragraph (*a*) thereof and by substituting therefor:

No strikes and lockouts while agreement in force.

"(1) Except in respect of a dispute that is subject to the provisions of subsection (2) or subsection (3)".

12. Subsection (2) of section 22 of the said Act is repealed and the following substituted therefor:

Conditions precedent to strike vote on revision of provision in agreement.

"(2) Where a collective agreement is in force and any dispute arises between the parties thereto with reference to the revision of a provision of the agreement that by the provisions of the agreement is subject to revision during the term of the agreement, a bargaining agent bound thereby or who is a party thereto shall not take a strike vote or authorize or participate in the taking of a strike vote of the employees on whose behalf the collective agreement has been entered into until

(*a*) the bargaining agent of such employees and the employer or representatives authorized by them on their behalf have bargained collectively and have failed to conclude an agreement on the matters in dispute, and either

(*b*) a Conciliation Officer has been appointed to endeavour to bring about agreement between them and seven days have elapsed from the date on which the report of the Conciliation Officer was received by the Minister, or

(*c*) either party has requested the Minister in writing to appoint a Conciliation Officer to endeavour to bring about agreement between them and seven days have elapsed since the Minister received the request so made and

Clauses 11 and 13: Cross-reference changes.

(i) no notice under subsection (1) of section 27 has been given by the Minister, or

(ii) the Minister has notified the parties that he has decided not to appoint a Conciliation Officer.

Conditions precedent to strike or lockout on revision of provision in agreement.

"(3) Where a collective agreement is in force and any dispute arises between the parties thereto with reference to the revision of a provision of the agreement that by the provisions of the agreement is subject to revision during the term of the agreement, the employer bound thereby or who is a party thereto shall not declare or cause a lockout with respect to any employee bound thereby or on whose behalf the collective agreement has been entered into, and no such employee shall strike and no bargaining agent that is a party to the agreement shall declare or authorize a strike of any such employee until

(*a*) the provisions of paragraph (*a*) and, as the case may be, either paragraph (*b*) or (*c*) of subsection (2) have been complied with, and either

(*b*) a Mediator has been appointed to endeavour to bring about agreement between them and seven days have elapsed from the date on which the report of the Mediator was received by the Minister, or

(*c*) either party has requested the Minister in writing to appoint a Mediator to endeavour to bring about agreement between them and seven days have elapsed since the Minister received the request so made and

(i) no notice under subsection (1) of section 27 has been given by the Minister, or

(ii) the Minister has notified the parties that he has decided not to appoint a Mediator."

13. Section 27 of the said Act is repealed and the following substituted therefor:

Appointment of Conciliation Officer or Mediator.

"**27.** (1) When a Conciliation Officer or a Mediator has been appointed, the Minister shall forthwith notify the parties setting out the name and address of the Conciliation Officer or Mediator.

(2) Where the Minister has given notice to parties that a Conciliation Officer or a Mediator has been appointed under this Act, it shall be conclusively presumed that the Conciliation Officer or the Mediator described in the notice so given has been appointed in accordance with the provisions of this Act, and no order shall be made or process entered or proceedings taken in any court to question the appointing of, or refusal to appoint, a Conciliation Officer or Mediator, or to review, prohibit or restrain appointment of that Conciliation Officer or that Mediator or any proceedings before them.

(3) No person

(*a*) who has any pecuniary interest in the matters referred to a Conciliation Officer or a Mediator, or

(*b*) who is acting or has within a period of six months preceding the date of his appointment acted in the capacity of solicitor, legal advisor, counsel or paid agent of either of the parties,

shall act as a Conciliation Officer or a Mediator."

14. Section 28 of the said Act is repealed and the following substituted therefor:

Oath of office.

"**28.** A Conciliation Officer or a Mediator shall, before acting as such, take and subscribe before a person authorized to administer an oath or affirmation, and file with the Minister, an oath or affirmation in the following form:

I do solemnly swear (affirm) that I will faithfully, truly and impartially to the best of my knowledge, skill and ability, execute and perform the office of Conciliation Officer (Mediator) appointed to..... and will not, except in the discharge of my duties, disclose to any person any of the evidence or other matter brought before me. So help me God."

15. Section 29 of the said Act is repealed and the following substituted therefor:

Statement of matters of reference.

"**29.** (1) Upon appointing a Conciliation Officer or a Mediator, the Minister shall forthwith deliver to the Conciliation Officer or Mediator a statement of the matters of reference, and may, either before or after the Conciliation Officer or Mediator makes a report, amend or add to such statement.

Reconsideration of report.

(2) After a Conciliation Officer or a Mediator has made a report the Minister may direct the Conciliation Officer or the Mediator to reconsider and clarify or amplify the report or any part thereof or to consider and report on any new matter added to the amended statement of matters of reference and the report of the Conciliation Officer or the Mediator shall not be deemed to be received by the Minister until such reconsidered report is received."

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

Duties of Conciliation Officer or Mediator.

"**30.** (1) A Conciliation Officer or a Mediator shall, immediately after appointment, endeavour to bring about agreement between the parties in relation to the matters of reference;

(2) Except as otherwise provided in this Act, a Conciliation Officer or a Mediator may determine his own procedure but shall give full opportunity to all parties to present evidence and make representations;

Clause 14: Repeals the authority to appoint a Conciliation Board and provides for a cross-reference change.

Clause 15: Cross-reference change.

Clauses 16-18: Provide for a Conciliation Officer to have the powers formerly held by a Conciliation Board; also contain a cross-reference change.

(3) A Conciliation Officer or a Mediator may fix the time and place of sittings and shall notify the parties as to the time and place so fixed."

17. Section 31 of the said Act is repealed and the following substituted therefor:

Witnesses and documents.

"**31.** (1) A Conciliation Officer or a Mediator has the power of summoning before him any witnesses and of requiring them to give evidence on oath, or on solemn affirmation if they are persons entitled to affirm in civil matters, and orally or in writing, and to produce such documents and things as the Conciliation Officer or the Mediator deems requisite to the full investigation and consideration of the matters of reference, but the information so obtained from such documents shall not, except as the Minister deems expedient, be made public;

(2) A Conciliation Officer or a Mediator has the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any court of record in civil cases;

(3) A Conciliation Officer or a Mediator may administer an oath and may receive and accept such evidence on oath, affidavit or otherwise as in his discretion he may deem fit and proper whether admissible in evidence in a court of law or not."

18. Section 32 of the said Act is repealed and the following substituted therefor:

Entry and inspection.

"**32.** A Conciliation Officer or a Mediator or any person who has been authorized for such purpose in writing by a Conciliation Officer or a Mediator may, without any warrant than this section, at any time, enter a building, ship, vessel, factory, workshop, place, or premises of any kind wherein work is being or has been done or commenced by employees or in which an employer carries on business or any matter or thing is taking place or has taken place, concerning the matters of reference, and may inspect and view any work, material, machinery, appliance or article therein, and interrogate any persons in or upon any such place, matter or thing hereinbefore mentioned; and no person shall hinder or obstruct the Conciliation Officer or the Mediator or any person authorized as aforesaid in the exercise of a power conferred by this section or refuse to answer an interrogation made as aforesaid."

19. Section 33 of the said Act is repealed and the following substituted therefor:

Report to Minister by Conciliation Officer.

"**33.** A Conciliation Officer shall, within thirty days after his appointment, or within such longer period as may be agreed upon by the parties, or as may from time to time be allowed by the Minister, make a report to the Minister setting out

Clause 19: Gives the Conciliation Officer 30 days to effect a settlement; the Conciliation Board is limited to 10 days.

(*a*) the matters, if any, upon which the parties have agreed,
(*b*) the matters, if any, upon which the parties cannot agree,
(*c*) his findings and recommendations as to the provisions to be contained in the collective agreement, and
(*d*) a detailed certified statement of the sittings and of the persons and witnesses present at each sitting."

20. Section 34 of the said Act is repealed and the following substituted therefor:

Report to Minister by Mediator.

"**34.** A Mediator shall, within fourteen days after his appointment, or within such longer period as may be agreed upon by the parties, or as may from time to time be allowed by the Minister, make a report to the Minister setting out
(*a*) the matters, if any, upon which the parties have agreed,
(*b*) the matters, if any, upon which the parties cannot agree,
(*c*) his findings and recommendations as to the provisions to be contained in the collective agreement, and
(*d*) a detailed certified statement of the sittings and of the persons and witnesses present at each sitting."

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

Parties to receive report.

"**35.** (1) Upon receipt of the report of a Conciliation Officer or of a Mediator, the Minister shall fortwith cause a copy thereof to be sent to the parties by registered mail and he may cause the report to be published in such manner as he sees fit;

Duty of parties.

(2) The parties shall severally, within twenty-one days after the receipt of a report of a Conciliation Officer, notify the Minister and the other party whether the party, so notifying, accepts or rejects the report and whether that party wishes a Mediator appointed."

22. Section 36 of the said Act is repealed and the following substituted therefor:

Report not admissible except on perjury action.

"**36.** A report, or any part thereof, of a Conciliation Officer or of a Mediator or the testimony or proceedings, or any part thereof, before a Conciliator or Mediator shall not be admissible in evidence in any court except in the case of a prosecution for perjury."

23. Section 37 of the said Act is repealed and the following substituted therefor:

Agreement by parties.

"**37.** Where a Conciliation Officer or a Mediator has been appointed and, at any time before or after the Conciliation Officer or the Mediator has made his report

Clause 20: Gives the Mediator an initial period of 14 days within which to effect a settlement.

Clause 21: (*a*) Cross-reference change; (*b*) provides that the negotiating parties shall decide whether to accept or reject a Conciliation Officer's report within 21 days.

Clauses 22 and 23: Cross-reference changes.

the parties so agree in writing, the recommendation of the Conciliation Officer or the Mediator is binding on the parties and they shall give effect thereto."

24. Section 38 of the said Act is repealed and the following substituted therefor:

System of collective bargaining agreed upon.

"**38.** Where a certified bargaining agent and an employer, or representatives authorized by them in that behalf, have agreed to a system of collective bargaining and that system of collective bargaining has been filed with and approved by the Canada Labour Relations Board, then, notwithstanding sections 21 to 37, that system of collective bargaining shall be the system that obtains with that certified bargaining agent and that employer."

25. Section 50 of the said Act is repealed and the following substituted therefor:

Failure to report within time limited.

"**50.** Failure of a Conciliation Officer or a Mediator to report to the Minister within the time provided in this Act does not invalidate the proceedings of the Conciliation Officer or the Mediator or terminate the authority of the Conciliation Officer or the Mediator."

26. Subsection (5) of section 56 of the said Act is repealed and the following substituted therefor:

Constitution of Commission.

"(5) An Industrial Inquiry Commission shall consist of one or more members appointed by the Minister and the provisions of sections 31 and 32 apply, *mutatis mutandis*, as though enacted in respect of that Commission and the Commission may determine its own procedure but shall give full opportunity to all parties to present evidence and make representations."

27. Section 64 of the said Act is repealed.

28. Section 65 of the said Act is repealed and the following substituted therefor:

Witness fees

"**65.** Every person who is summoned by the Board or an Industrial Inquiry Commission and duly attends as a witness is entitled to an allowance for expenses determined in accordance with the scale for the time being in force with respect to witnesses in civil suits in the superior court in the province where the inquiry is being conducted and, in any event, he is entitled to not less than four dollars for each day he so attends."

Clause 24: Permits a union and employer to adopt and use a mutually agreed upon system that is outside the provisions of this Act if the system is approved by the Canada Labour Relations Board.

Clauses 25 and 26: Cross-reference changes.

Clause 27: The authority to pay Conciliation Board members is no longer required.

Clauses 28 and 29: Cross-reference changes.

29. Section 66 of the said Act is repealed and the following substituted therefor:

Staff.

"**66.** The Minister may provide an Industrial Inquiry Commission with a secretary, stenographer, and such clerical or other assistance as to the Minister seems necessary for the performance of its duties and fix their remuneration."

Transitional.

30. This Act shall not apply to collective bargaining negotiations that have commenced prior to the day this Act becomes effective.

Clause 30: Transitional clause.

C-31.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-31.

An Act respecting the Printing of Negotiable Instruments in the English and the French Languages.

First reading, November 21, 1960.

Mr. PIGEON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23628-1

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-31.

An Act respecting the Printing of Negotiable Instruments in the English and the French Languages.

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

Negotiable instruments to be printed in English and French.

1. 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 said Act shall be printed in both the English and the French languages: Provided the form and material thereof shall be subject to the approval of the Minister of Finance.

Explanatory Note.

The printing of negotiable instruments in both the English and the French languages 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.

C-32.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-32.

An Act to amend the Criminal Code (Nuisance).

First reading, November 21, 1960.

Mr. HERRIDGE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

24027-5

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-32.

An Act to amend the Criminal Code (Nuisance).

1953-54, c. 51; 1955, cc. 2, 45; 1956, c. 48; 1957-58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, c. 37.

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 adding thereto, immediately after section 165 thereof, the following section:—

Discharging noxious matter into interprovincial water.

"**165A.** Every owner, lessee, or person operating any industrial plant, oil refinery, chemical works, sawmill or other plant or works, or any other person, who discharges or throws or allows to be discharged or thrown any noxious waste product, raw sewage, oil, sawdust, chemical or other matter or thing into a river, stream or other water any part of which is interprovincial or which flows into any interprovincial water, which has the effect of endangering the lives, safety, health or comfort of the public is guilty of

(*a*) an indictable offence and is liable to a fine of twenty-five thousand dollars for a first offence and of fifty thousand dollars for a second offence, or

(*b*) an offence punishable on summary conviction.

Explanatory Note.

The purpose of this Bill is to make it an offence for the owners of industrial plants and oil refineries or other persons to discharge noxious matter into an interprovincial water thus endangering the lives, safety, health or comfort of the public.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-33.

An Act to amend the Transport Act.

First reading, November 22, 1960.

Mr. BROWNE.
(Vancouver-Kingsway).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23944-2

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-33.

An Act to amend the Transport Act.

R.S., 1952, c. 271; 1955, c. 59.

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

1955, c. 59.

1. Subsection one of section thirty-three of the *Transport Act* is repealed and the following substituted therefor:

Complaints.

"**33.** (1) Where an agreed charge has been in effect for at least three months

(*a*) any carrier, or association of carriers, by water or rail,

(*b*) any association or other body representative of the shippers of any locality, or

(*c*) any association or other body representative of the motor vehicle operators of Canada or of a province thereof

may complain to the Minister that the agreed charge is unjustly discriminatory against a carrier or a motor vehicle operator or a shipper or places his business at an unfair disadvantage, and the Minister may, if he is satisfied that in the public interest the complaint should be investigated, refer the complaint to the Board for investigation."

Explanatory Notes.

The purpose of this amendment is to provide that representatives of the trucking industry shall have the right to make application to the Minister of Transport when they feel that an agreed charge unjustly discriminates against a motor vehicle operator.

The only change in subsection (1) of section 33 consists in the addition of the underlined paragraph (*c*) therein.

C-34.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-34.

An Act to amend the Criminal Code
(Trading Stamps)

First reading, November 22, 1960.

Mr. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23824-6

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-34.

An Act to amend the Criminal Code (Trading Stamps).

1953-54, c. 51; 1955, cc. 2, 45; 1956, c. 48; 1957-58, c. 28; 1958, c. 18; 1959, c. 41; 1960, c. 37.

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

1. Paragraph (b) of section 322 of the *Criminal Code* is repealed and the following substituted therefor:

"Trading Stamps."

"(b) "trading stamps" includes, besides trading stamps commonly so-called, any form of cash receipt, receipt, coupon, premium ticket or other device, designed or intended to be given to the purchaser of goods by the vendor thereof or on his behalf, and to represent a discount on the price of the goods or a premium to the purchaser thereof that may be redeemed."

Explanatory Notes.

The present section 322 of the *Criminal Code* is as follows:

"**322.** In this Part,

(*a*) "goods" means anything that is the subject of trade or commerce; and

(*b*) "trading stamps" includes any form of cash receipt, receipt, coupon, premium ticket or other device, designed or intended to be given to the purchaser of goods by the vendor thereof or on his behalf, and to represent a discount on the price of the goods or a premium to the purchaser thereof

(i) that may be redeemed

(A) by any person other than the vendor, the person from whom the vendor purchased the goods, or the manufacturer of the goods,

(B) by the vendor, the person from whom the vendor purchased the goods, or the manufacturer of the goods in cash or in goods that are not his property in whole or in part, or

(C) by the vendor elsewhere than in the premises where the goods are purchased; or

(ii) that does not show upon its face the place where it is delivered and the merchantable value thereof; or

(iii) that may not be redeemed upon demand at any time, but an offer, endorsed by the manufacturer upon a wrapper or container in which goods are sold, of a premium or reward for the return of that wrapper or container to the manufacturer is not a trading stamp."

Clause 1. The proposed amended definition restores the phrase "besides trading stamps commonly so-called", which was deleted in the 1953-54 revision of the *Code*. Further, the proposed amendment broadens the definition by removing the qualifications, in subparagraphs (i), (ii) and (iii) of paragraph (b), upon the method of redemption and respecting information upon the face of the stamp and also by removing the exception in favor of a manufacturer's premium or reward for return of a wrapper or container.

C-35.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-35.

An Act respecting the Jurisdiction of the Exchequer Court of Canada.

First reading, November 22, 1960.

Mr. PETERS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23969-9

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-35.

An Act respecting the Jurisdiction of the Exchequer Court of Canada.

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

Short title.

1. This Act may be cited as the *Exchequer Court Divorce Jurisdiction Act.*

Jurisdiction of Exchequer Court.

2. The Exchequer Court of Canada (hereinafter referred to as "the Court") shall have jurisdiction to entertain an action for dissolution of marriage from a person domiciled in the province of Quebec or Newfoundland and shall have power and authority to grant a divorce *a vinculo matrimoni* to such a person on the ground that the defendant has since the celebration of his or her marriage been guilty of adultery.

Conditions upon which decree be pronounced.

3. If the Court is satisfied by the evidence that the case of the plaintiff has been proved, and does not find that the plaintiff has been in any manner accessory to or has connived at the adultery of the defendant, or that the plaintiff has condoned the adultery complained of, or that the action was commenced and is proceeded with in collusion with the defendant or the co-respondent, then the Court may give judgment declaring such marriage to be dissolved:

Proviso.

Provided always that the Court shall not be bound to give such judgment if it finds that the plaintiff since his marriage to the defendant has been guilty of adultery, or if the plaintiff has, in the opinion of the Court, been guilty of unreasonable delay in commencing or proceeding with the action or has been guilty of mental or physical cruelty to the defendant, or has, without just cause, deserted the defendant or separated *a mensa et thoro* from the defendant, before the adultery complained of or has otherwise conducted to the commission of adultery by the defendant.

Explanatory Notes.

There are at present courts for divorce and matrimonial causes in all the provinces except Quebec and Newfoundland. In these provinces, a plaintiff can obtain dissolution of marriage only by a private Act of the Federal Parliament. As the number of divorce cases has considerably increased in the last ten years, this procedure for that and various other reasons is becoming more and more objectionable. The purpose of this Bill is therefore to provide that the Exchequer Court of Canada will in future have jurisdiction in divorce in the case of actions originating from Quebec and Newfoundland. The jurisdiction as to alimony, care of the children and other matrimonial causes will remain in the provincial courts of those two provinces.

This Bill does not change the grounds for divorce. It does not establish divorce courts in Quebec or Newfoundland. It does not make available to persons residing in Quebec or Newfoundland anything not now available to them. It merely transfers the hearing of divorce petitions, in the case of persons residing in these two provinces, from Parliament to the Exchequer Court of Canada.

The Bill provides further that the said Court shall hear such divorce cases only at Ottawa.

Jurisdiction to be exercised at Ottawa.

4. The jurisdiction conferred upon the Exchequer Court of Canada by this Act shall be exercised only at the city of Ottawa.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-36.

An Act to provide for the Establishment of a Hospital Sweepstakes Board.

First reading, November 22, 1960.

Mr. BROWNE
(Vancouver-Kingsway).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23940-0

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-36.

An Act to provide for the Establishment of a Hospital Sweepstakes Board.

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 *"Hospital Sweepstakes Act."*

Board established.

2. (1) There shall be a Board, to be called the Hospital Sweepstakes Board, consisting of three members to be appointed by the Governor in Council.

(2) The Board shall be a body corporate and politic.

(3) The head office of the Board shall be in the City of Ottawa.

(4) The Board may establish branches and agencies and appoint agents in Canada and may also, with the approval of the Governor in Council, establish branches and appoint agents elsewhere than in Canada.

Members' qualifications.

3. (1) The members shall be men of proven financial experience and each shall devote the whole of his time to the duties of his office.

(2) No person shall hold office as a member who

(*a*) is not a Canadian Citizen;

(*b*) is a member of either House of Parliament or of a provincial legislature;

(*c*) is employed in any capacity in the public service of Canada or of any province of Canada or holds any office or position for which any salary or other remuneration is payable out of public moneys;

(*d*) accepts or holds any office or employment inconsistent with his duties and functions under this Act; and

Explanatory Notes.

The purpose of this Bill is twofold. *Firstly:* by providing a legal outlet, under strictly supervised conditions, for those Canadian residents who wish to gamble on sweepstakes, lotteries and like games of chance, the Bill supplements those provisions of the *Criminal Code* which endeavour to prevent Canadian residents participating in such activities whether the gambling is promoted within or outside Canada. *Secondly:* it assures that moneys spent by Canadian residents on such activities will be redirected, with a minimum of expense, to the promotion of the welfare of Canadian residents rather than dissipated in large part for the benefit of promoters and, in many instances, outside Canada.

Accordingly, a Board is set up with power to operate sweepstakes on a national scale. In constitution, responsibility to the Minister of Finance and to Parliament, and provision for independent audit, it is somewhat similar to the Bank of Canada. The share capital is held by the Minister for the benefit of Canada. The organization expenses of the Board are financed by a loan from the Industrial Development Bank. The Board has power to operate outside the relevant provisions of the *Criminal Code*, *Post Office Act* and other prohibitive Acts. Apart from operating expenses and the maintenance of a sound financial structure, all income is paid to Her Majesty's Lieutenant Governors for the benefit of hospitals in the several provinces. The division of the profits is made according to the population of the provinces.

(*e*) has reached the age of seventy years.

Members' tenure.

4. Subject to section 4, a member shall be appointed to hold office during good behaviour for a period of seven years but may be removed at any time by the Governor in Council upon address of the Senate and House of Commons.

Members' salary.

5. The salaries of the members shall be fixed by the Governor in Council.

Board chairman.

6. (1) The Governor in Council shall designate one of the members to be Chairman of the Board.

Duties.

(2) The Chairman is the chief executive officer of the Board and has supervision over and direction of the work and staff of the Board.

Temporary member.

(3) If any member of the Board by reason of absence or other incapacity is unable at any time to perform the duties of his office, the Governor in Council may appoint a temporary substitute member upon such terms and conditions as the Governor in Council may prescribe.

Vacancy.

(4) A vacancy in the membership of the Board does not impair the right of the remainder to act.

Staff.

7. Such other officers and employees necessary for the proper conduct of the operations of the Board shall be appointed under the provisions of the *Civil Service Act*.

R.S., 1952, c. 48.

1952-53, C. 47.

8. For the purposes of the *Public Service Superannuation Act*, the officers and employees appointed as provided in section seven shall be deemed to be persons employed in the Public Service.

Special staff.

9. The Governor in Council may appoint and fix the remuneration of experts or persons having technical or special knowledge to assist the Board in any matter in an advisory capacity.

Oath.

10. Each member, officer and employee of the Board, before entering upon his duties, shall take an oath of fidelity and secrecy in a form prescribed by the Governor in Council.

Capital.

11. (1) The capital of the Board shall be five million dollars but may be increased from time to time pursuant to a resolution passed by the members of the Board and approved by the Governor in Council and by the Parliament of Canada.

Equitable ownership in Canada.

(2) The capital shall be divided into one hundred thousand shares of the par value of fifty dollars each, which shall be issued to the Minister of Finance to be held by him on behalf of Canada.

Share registration.

(3) The shares issued to the Minister of Finance shall be registered by the Board in his name in the books of the Board at Ottawa.

Purpose of the Board.

12. The Board shall organize and operate a national sweepstakes to be held from time to time and at such times as the Board may determine and for such purposes shall have all powers necessary and incidental thereto.

Regulations.

13. The Board shall make regulations, subject to the approval of the Governor in Council, with respect to the organization and operation of a national sweepstakes and, in particular but without limiting the generality of the foregoing, may except in any manner, and so as to bind the Crown, such organization and operation from so much of the provisions of the *Criminal Code*, the *Post Office Act*, or other Act of the Parliament of Canada as may be necessary for the lawful organization and operations of the Board.

1953-54, c. 51. R.S., 1952, c. 212.

Organization loan by Industrial Development Bank.

14. The Industrial Development Bank shall lend the Board, and the Bank is hereby authorized and empowered so to do, all moneys required to be expended for the purposes of the Board prior to the time when the Board is able to provide moneys out of its revenues to meet its expenditures and obligations and the Board, when able so to do, shall repay the Bank the moneys lent with interest of four per centum per annum.

R.S., 1952, c. 151.

Repayment.

Hospital Fund.

15. The Board, when it has repaid the moneys borrowed and has established a reserve and otherwise put its operations upon a sound basis, shall allocate the ascertained surplus available from the operations of the Board during each financial year to a "Hospital Fund"; thereafter in each year the Board shall apportion the moneys in the Fund to each Province in an amount having the same ratio to the Fund as the population of that Province has to the total population of all the Provinces and shall pay each portion so calculated to the Lieutenant Governor of the appropriate Province for the benefit of the public hospitals of that Province as may be determined and defined by the Lieutenant Governor.

Appointment of auditors.

16. (1) For the purpose of auditing the affairs of the Board, the Governor in Council shall, on the recommendation of the Minister of Finance, not later than January 31st each year, appoint two auditors, eligible to be appointed as auditors of a chartered bank, but no person is eligible for appointment if he or any member of his firm has been auditor for two successive years during the three next preceding years.

Vacancy.

(2) Where any vacancy occurs in the office of auditor of the Board, notice thereof shall forthwith be given by the Board to the Minister of Finance who thereupon shall appoint some other auditor eligible to be appointed as an auditor of a chartered bank to serve until January 31st next following.

Persons ineligible.

(3) No member, officer or employee of the Board and no member of a firm of auditors of which a member of the Board is a member is eligible for appointment as an auditor.

Reports to Minister.

(4) The Minister of Finance may from time to time require the auditors to report to him upon the adequacy of the procedure adopted by the Board to put and maintain the operations of the Board upon a sound financial basis and as to the sufficiency of the Board's procedure in auditing the affairs of the Board; and the Minister of Finance may, at his discretion, enlarge or extend the scope of the audit or direct that any other procedure be adopted or that any other examination be made by the auditors as the public interest may seem to require.

Copies to Minister.

(5) A copy of every report made by the auditors to the Board under this section shall be sent to the Minister of Finance by the auditors at the same time as such report is sent to the Board.

Fiscal year.

17. (1) The fiscal year of the Board shall be the calendar year.

Certified statements of accounts to Minister.

(2) Within six weeks after the end of each fiscal year, the Board shall transmit to the Minister of Finance a statement of its accounts for the fiscal year, signed by the Chairman and the Chief Accountant of the Board, and certified by the auditors, together with such summary or report by the Chairman as he may deem desirable or as may be required by the Minister of Finance.

Report to Parliament.

(3) A copy of the accounts so signed and certified and of the Chairman's report shall be forthwith published in the *Canada Gazette*, and if Parliament is then sitting, shall within fourteen days after the receipt thereof by the Minister of Finance be laid before Parliament, or if Parliament is not sitting, it shall be laid before Parliament within fourteen days after the commencement of the next ensuing session.

Holding office when ineligible.

18. Every person who holds office or continues to hold office as a member of the Board, knowing that he is not eligible for such office, is guilty of an indictable offense and liable to imprisonment for not more than three years and not less than three months.

False returns.

19. Every member, officer or auditor of the Board who verifies any statement, account or list required to be furnished to the Minister of Finance pursuant to the provisions of this Act, or who has to do with the sending or transmitting of the same to the Minister, knowing the same to be false in any material particular, is guilty of an indictable offense and liable to imprisonment for not more than five years and not less than six months.

Contravention of Act or regulations.

20. Any member, officer, or employee of the Board, or any other person who fails or omits to comply with any provision of this Act or of the regulations thereunder made is guilty of an offense and, unless otherwise provided by this Act, is liable on summary conviction to a fine of not less than one hundred dollars and not more than five hundred dollars.

C-37.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-37.

An Act to amend the Aeronautics Act.

First reading, November 22, 1960.

Mr. DRYSDALE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23985-5

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-37.

An Act to amend the Aeronautics Act.

R.S., c. 2.

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

1. The *Aeronautics Act* is amended by adding thereto the following Part:

"PART IV.

INTERPRETATION.

Definitions.

25. In this Part,

"Air carrier."

(*a*) "air carrier" means any person who operates a commercial air service under the provisions of Part II of the Act;

"Aircraft."

(*b*) "aircraft" means any contrivance now known or hereafter invented, used or designed for navigations of or flight in the air;

"Aircraft engine."

(*c*) "aircraft engine" means an engine used, or intended to be used, for propulsion of aircraft and includes all parts, appurtenances, and accessories thereof other than propellors;

"Appliances."

(*d*) "appliances" means instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including parachutes and including communication equipment and any other mechanism or mechanisms installed in or attached to aircraft during flight), and which are not a part or parts of aircraft, aircraft engines, or propellors;

Explanatory Note.

The purpose of this Bill is to provide a central Canadian aircraft registry in order to record title to and all encumbrances against Canadian civil aircraft. Provision is made for registration according to nationality in order to comply with the provisions of the Convention on the International Recognition of Rights in Aircraft. By providing a central aircraft registry according to nationality, Canada can then become a signatory to that Convention.

"Canada." (*e*) "Canada" means the several Provinces, Territories and possessions of Canada, including the territorial waters and the overlying airspace thereof;

"Civil aircraft." (*f*) "civil aircraft" means any aircraft other than aircraft that are used by Her Majesty's Forces or by any other forces co-operating with Her Majesty's Forces and bearing the insignia or markings of Her Majesty's Forces or any such forces.

"Civil aircraft of Canada." (*g*) "civil aircraft of Canada" means any aircraft registered as provided in this Part;

"Conditional sale." (*h*) "conditional sale" means (*a*) any contract for the sale of an aircraft, aircraft engine, propellor, appliances or a spare part under which possession is or is to be delivered to the buyer and the property is to vest in the buyer at a subsequent time upon the payment of the whole or part of the price or the performance of any other condition, (*b*) any contract for the hiring of an aircraft, aircraft engine, propellor, appliances or spare part, by which it is agreed that the hirer shall become, or have the option of becoming, the owner thereof, upon full compliance with the terms of the contract. The buyer (meaning the person who buys or hires goods by a condition of sale or any successor in interest of such person) shall be deemed to be the person by whom any such contract is made or given;

"Conveyance." (*i*) "conveyance" means a bill of sale, contract of conditional sale, mortgage, assignment of mortgage, or other instrument affecting title to, or interest in, property;

"Minister." (*j*) "Minister" means the Minister of Transport or the Minister designated by the Governor in Council under section 2.

"Propellor." (*k*) "propellor" includes all parts, appurtenances and accessories thereof;

"Spare parts." (*l*) "spare parts" means parts, appurtenances, and accessories of aircraft (other than aircraft engines and propellors), of aircraft engines (other than propellors), or propellors and of appliances, maintained for installation or use in an aircraft, aircraft engine, propellor, or appliance, but which at the time are not installed therein or attached thereto.

26. (1) The Minister shall establish and maintain a system for the recording of each and all of the following:

(*a*) Any conveyance which affects the title to, or any interest in, any civil aircraft of Canada;

(*b*) Any lease, and any mortgage, contract of conditional sale, or other instrument executed for security purposes, which lease or other instrument affects the title to or any interest in any specifically identified aircraft engine or any specifically identified aircraft propellor and also any assignment or amendment thereof or supplement thereto;

(*c*) Any lease, and any mortgage, contract of conditional sale, or other instrument executed for security purposes, which lease or other instrument affects the title to, or any interest, in, any aircraft engines, propellors, or appliances maintained by or on behalf of an air carrier certificated under section 15 of this Act for installation or use in aircraft, aircraft engines, or propellors, or any spare parts maintained by or on behalf of such an air carrier, which instrument need only describe generally by types, the engines, propellors, appliances and spare parts covered thereby and designate the location or locations thereof, and also any assignment or amendment thereof or supplement thereto.

(2) The Minister shall also record under the system provided for in subsection (1) of this section any release, cancellation, discharge, or satisfaction relating to any conveyance or other instrument recorded under said system.

(3) No conveyance or instrument the recording of which is provided for by subsection (1) of this section shall be valid in respect of such aircraft, aircraft engine or engines, propellors, appliances, or spare parts against any person other than the person by whom the conveyance or other instrument is made or given, his heir or devisee, or any person having actual notice thereof, until such conveyance or other instrument is filed for recordation in the office of the Minister.

(4) Each conveyance or other instrument recorded by means of or under the system provided for in subsection (1) or (2) of this section shall from the time of its filing for recordation be valid as to all persons without further or other recordation, except that an instrument recorded pursuant to paragraph (*c*) of subsection (1) of this section shall be effective only with respect to those of such items which may from time to time be situated at the designated location or locations and only while so situated: Provided, That an instrument recorded under paragraph (*b*) of subsection (1) of this section shall not be affected as to the engine or engines specifically identified therein, by any instrument theretofore or thereafter recorded pursuant to paragraph (*c*) of subsection (1) of this section.

(5) The Minister shall keep a record of the time and date of the filing of conveyances and other instruments with him and of the time and date of recordation thereof. He shall record conveyances and other instruments filed with him in the order of their reception, in files to be kept for that purpose, and indexed according to:

(*a*) the identifying description of the aircraft or aircraft engine, or in the case of an instrument referred to in paragraph (*c*) of subsection (1) of this section, the location or locations specified therein; and

(*b*) the names of the parties to the conveyances or other instrument.

(6) Subject to the approval of the Governor in Council, the Minister may make regulations to provide for the endorsement, upon certificates of registration, or aircraft certificates, of information with respect to the ownership of the aircraft for which each certificate is issued, the recording of discharges and satisfactions of recorded instruments, and other transactions affecting title to or interest in aircraft, aircraft engines, propellors, appliances, or parts, and for such other records, proceedings, and details as may be necessary to facilitate the determination of the rights of parties dealing with civil aircraft of Canada, aircraft engines, propellors, appliances, or parts.

27. (1) It shall be unlawful for any person to operate or navigate any aircraft eligible for registration if such aircraft is not registered by its owner as provided in this section, or to operate or navigate within Canada any aircraft not eligible for registration: Provided, That aircraft of the national-defence forces of Canada may be operated and navigated without being so registered if such aircraft are identified, in a manner satisfactory to the Minister.

(2) An aircraft shall be eligible for registration if, but only if—

(*a*) It is owned by a citizen of Canada and it is not registered under the laws of any foreign country; or

(*b*) It is an aircraft of the Federal Government, Province, Territory, or of a political subdivision thereof;

(3) Upon request of the owner of any aircraft eligible for registration, such aircraft shall be registered by the Minister and the Minister shall issue to the owner thereof a certificate of registration;

(4) Such certificate shall be conclusive evidence of nationality for international purposes, but not in any proceeding under the laws of Canada. Registration shall not be evidence of ownership of aircraft in any proceeding in which such ownership by a particular person is, or may be, in issue."

C-38.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-38.

An Act to amend the Criminal Code (Capital Punishment).

First reading, November 22, 1960.

Mr. DRYSDALE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23989-7

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-38.

An Act to amend the Criminal Code (Capital Punishment).

1953-54, c. 51; 1955, cc. 2, 45; 1956, c. 48, ss. 19, 20; 1957-58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, c. 37.

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

1. Subsection (4) of section 194 of the *Criminal Code*, chapter 51 of the Statutes of 1953-54, is repealed and the following substituted therefor:—

Culpable homicide.

"(4) Culpable homicide is capital murder or murder or manslaughter or infanticide."

2. The said Act is further amended by inserting therein, immediately following section 202 thereof the following sections:

Death penalty for certain murders.

"**202A.** (1) Every one who commits capital murder is guilty of an indictable offence and shall be sentenced to death, the following murders shall be capital murder, that is to say—

(*a*) any murder done in the course of or furtherance of forcible abduction, robbery or burglary,

(*b*) any murder by using or discharging an offensive weapon or causing an explosion,

(*c*) any murder done in the course of or for the purpose of effecting an escape or rescue from prison or lawful custody, or for the purpose of resisting or avoiding or preventing lawful arrest,

(*d*) any murder of a peace officer or public officer acting in the execution of his duty or of a person assisting a peace officer or public officer so acting, or

(*e*) in the case of a person who was a prisoner at the time when he did or was a party to the murder, any murder of a prison officer acting in the execution of his duty or of a person assisting a prison officer so acting.

Explanatory Notes.

The purpose of this Bill is to provide the death penalty for those crimes coming within the definition of "capital murder". In general this legislation seeks to exclude from the death penalty those crimes generally referred to as "crimes of passion" but retaining the death penalty as a deterrant where a murder occurs during forcible abduction, robbery, burglary or as a result of the use of an offensive weapon or by an explosion. The Bill seeks to protect police officers, prison guards and those assisting them by using the death penalty as a deterrant to prevent murder while these persons acting in the course of their duty or those assisting them seek to arrest a person or retain a prisoner in custody. In the case of treason and a person convicted of two or more murders the death penalty is also applied.

Instead of execution by hanging, provision is made for execution by means of the gas chamber.

The sections or subsections of the Criminal Code referred to in the bill at present, read as follows:

"**194.** (1) A person commits homicide when, directly or indirectly, by any means, he causes the death of a human being.

(2) Homicide is culpable or not culpable.

(3) Homicide that is not culpable is not an offence.

(4) Culpable homicide is murder or manslaughter or infanticide.

(5) A person commits culpable homicide when he causes the death of a human being.

(*a*) by means of an unlawful act,

(*b*) by criminal negligence,

(*c*) by causing that human being, by threats or fear of violence or by deception, to do anything that causes his death, or

(*d*) by wilfully frightening that human being, in the case of a child or sick person.

(6) Notwithstanding anything in this section, a person does not commit homicide within the meaning of this Act by reason only that he causes the death of a human being by procuring, by false evidence, the conviction and death of that human being by sentence of the law.

If two or more persons guilty of murder.

(2) If, in the case of any murder falling within the preceding subsection, two or more persons are guilty of the murder, it shall be capital murder in the case of any of them who by his own act caused the death of, or inflicted or attempted to inflict grievous bodily harm on, the person murdered, or who himself used force on that person in the course or furtherance of an attack on him; but the murder shall not be capital murder in the case of any other of the persons guilty of it.

Capital murder.

(3) Where it is alleged that a person accused of murder is guilty of capital murder, the offence shall be charged as capital murder in the indictment, and if a person charged with capital murder is convicted thereof, he shall be liable to the same punishment for the murder as heretofore.

"Capital murder".

(4) In this Act "capital murder" means capital murder within subsections (1) and (2) of this section.

(5) In this section—

"prison officer."

(*a*) "prison officer" includes any member of the staff of a prison,

"prisoner."

(*b*) "prisoner" means a person who is undergoing imprisonment or detention in a prison, whether under sentence or not, or who, while liable to imprisonment or detention in a prison, is unlawfully at large.

Death penalty for repeated murders.

"**202B.** (1) A person convicted of murder shall be sentenced to death, if before conviction of that murder he has, whether before or after the commencement of this Act, been convicted of another murder done on a different occasion.

Murder of two or more persons.

(2) Where a person is charged with the murder of two or more persons, no rule of practice shall prevent the murders being charged in the same indictment or (unless separate trials are desirable in the interests of justice) prevent them being tried together; and where a person is convicted of two murders tried together (but done on different occasions), subsection (1) of this section shall apply as if one conviction had preceded the other.

Abolition of death penalty for other murders.

"**202C.** No person shall be liable to suffer death for murder in any case not falling within sections 46, 47, 206 and 206A.

3. Section 206 of the said Act is repealed and the following substituted therefor:

Penalty for murder.

"**206.** Everyone who commits murder is guilty of an indictable offence and shall be sentenced to imprisonment for life.

4. Section 642 of the said Act is repealed and the following substituted therefor:

"**206.** Every one who commits murder is guilty of an indictable offence and shall be sentenced to death.

Form of sentence.

"**642.** (*a*) The sentence to be pronounced against a person convicted of a capital murder who is sentenced to death by virtue of sections 46, 47, 206 or 206A, shall be to the effect that he "suffer death in the manner authorized by law".

(*b*) In this Act "manner authorized by law" means execution by means of lethal gas.

Coming into force.

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

"642. The sentence to be pronounced against a person who is sentenced to death shall be that he shall be hanged by the neck until he is dead."

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-39.

An Act to amend the Railway Act.

First reading, November 22, 1960.

Mr. BROWNE.
(Vancouver-Kingsway)

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23936-8

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-39.

An Act to amend the Railway Act.

R.S., c. 234; 1955, cc. 41, 55; 1958, 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 three hundred and thirty-four of the *Railway Act* is amended, by adding immediately after subsection two, the following subsection:

Application to the Board.

"(3) If an association or other body representative of the motor vehicle operators of Canada or of a province thereof considers that a competitive rate has subjected the said operators to an undue, or unreasonable prejudice or disadvantage, the said association or other body may apply to the Board for an order disallowing the rate, and the application shall, on the request of any party to the application, be heard and determined in open court."

Explanatory Notes.

The purpose of this amendment is to provide that representatives of the trucking industry shall have the right to make application to the Board of Transport Commissioners for the disallowance of a competitive rate when they consider that such rate has subjected motor vehicle operators to an undue or unreasonable prejudice or disadvantage.

Section 334 at present reads as follows:

" **334.**(1) The Board may provide that any competitive rate may be acted upon and put into operation immediately upon the issue thereof before it is filed with the Board, or allow any such rate to go into effect as the Board shall appoint.

(2) The Board may require a company issuing a competitive rate tariff to furnish at the time of filing the tariff, or at any time, any information required by the Board to establish that

(*a*) the competition exists;

(*b*) the rates are compensatory; and

(*c*) the rates are not lower than necessary to meet the competition;

and such information, if the Board in any case deems it practicable and desirable, shall include all or any of the following:

(i) the name of the competing carrier or carriers,

(ii) the route over which competing carriers operate,

(iii) the rates charged by the competing carriers, with proof of such rates as far as ascertainable,

(iv) the tonnage normally carried by the railway between the points of origin and destination,

(v) the estimated amount of tonnage that is diverted from the railway or that will be diverted if the rate is not made effective,

(vi) the extent to which the net revenue of the company will be improved by the proposed changes,

(vii) the revenue per ton-mile and per car-mile at the proposed rate and the corresponding averages of the company's system or region in which the traffic is to move, and

(viii) any other information required by the Board regarding the proposed movement."

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-40.

An Act respecting Loans to Proprietors of Small Business Enterprises for the Improvement and Modernization of Equipment and Premises.

First reading, November 22, 1960.

MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

24031-7

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-40.

An Act respecting Loans to Proprietors of Small Business Enterprises for the Improvement and Modernization of Equipment and Premises.

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 *Small Businesses Loans Act.*

Interpretation.

Definitions.

2. In this Act

"Bank."

(*a*) "bank" means a bank to which the *Bank Act* applies;

"Borrower."

(*b*) "borrower" means a person to whom a business improvement loan has been made;

"Business enterprise."

(*c*) "business enterprise" means an enterprise carried on in Canada for gain or profit where the principal business carried on therein comes within any of the following classes of businesses, namely:

(i) manufacturing,

(ii) wholesale trade,

(iii) retail trade, or

(iv) service businesses,

but does not include the business of a profession recognized as such by a law of Canada or a province or a business having as its object the furtherance of a charitable or religious purpose;

"Business improvement loan."

(*d*) "business improvement loan" means a loan made by a bank to a proprietor of a small business enterprise for the purpose of financing

Explanatory Note.

The purpose of this Bill is to provide, by way of a guarantee of loans made by banks, for intermediate and short-term credit to proprietors of small business enterprises, for the improvement and modernization of equipment and premises.

(i) the purchase, installation, renovation, improvement or modernization of equipment of a kind usually affixed to real or immovable property,

(ii) the purchase, renovation, improvement or modernization of equipment of a kind not usually affixed to real or immovable property, or

(iii) the renovation, improvement or modernization of premises or the alteration or extension of premises;

"Class of business improvement loans."

(*e*) "class of business improvement loans" means a prescribed class thereof;

"Equipment."

(*f*) "equipment" means equipment used or to be used in the course of carrying on the business enterprise in respect of which the expression is being applied, but does not include stock-in-trade or goods described in the inventory of the enterprise;

"Guaranteed business improvement loan."

(*g*) "guaranteed business improvement loan" means a business improvement loan made in accordance with the requirements of section 3;

"Gross revenue."

(*h*) "gross revenue", as applied to a fiscal period of a business enterprise, means the aggregate of all amounts received in the period or receivable in the period (depending on the method regularly followed in computing the profit from the enterprise) otherwise than as or on account of capital;

"Minister."

(*i*) "Minister" means the Minister of Finance;

"Premises."

(*j*) "premises" means premises used or to be used in the course of carrying on the business enterprise in respect of which the expression is being applied, but does not include land;

"Prescribed."

(*k*) "prescribed" means prescribed by the regulations;

"Proprietor."

(*l*) "proprietor", in relation to a business enterprise, means the person by whom the enterprise is carried on, whether as sole proprietor or in association or partnership with any other person having a proprietary interest therein, but does not include Her Majesty or an agent of Her Majesty in right of Canada or a province, a municipality or a municipal or other public body performing a function of government; and

"Small business enterprise."

(*m*) "small business enterprise" means a business enterprise the estimated gross revenue of which as stated in an application for a business improvement loan did not, for the fiscal period of the business enterprise in which the application was made, exceed $250,000.

Business Improvement Loans.

Minister's liability to bank.

3. (1) Subject to this Act, the Minister is liable to pay to a bank the amount of any loss sustained by it as a result of a business improvement loan made after the coming into force of this Act, if

(*a*) the loan was made pursuant to an application in prescribed form, signed by the borrower, stating the purpose for which the proceeds of the loan were to be expended;

(*b*) the application stated that

(i) the borrower was the proprietor of the business enterprise in respect of which the loan was to be expended, and

(ii) the estimated gross revenue of the business enterprise in respect of which the loan was to be expended did not, for the fiscal period of the business enterprise in which the application was made, exceed $250,000;

(*c*) a responsible officer of the bank certified that he had scrutinized and checked the application for the loan and the statements contained therein with the care required of him by the bank in the conduct of its ordinary business;

(*d*) the principal amount of the loan did not at the time of its making, together with the amount owing in respect of other guaranteed business improvement loans previously made to the borrower and disclosed in his application or of which the bank had knowledge, exceed $25,000;

(*e*) the loan was repayable in full by the terms thereof within the period prescribed for that loan, and in any event in not more than ten years;

(*f*) no fee, service charge or charge of any kind other than interest, except such charge for insurance as may be authorized by the regulations, was by the terms of the loan payable in respect of the loan as long as the borrower was not in default;

(*g*) the repayment of the loan was secured in the prescribed manner;

(*h*) the loan was not made for a purpose deemed for the purposes of this Act to be contrary to the public interest; and

(*i*) the loan came within a prescribed class of business improvement loans and was made on such terms and in accordance with such conditions, in addition to those specified in paragraphs (*a*) to (*h*), as were prescribed for loans of that class.

Time after which Minister not liable.

(2) The Minister is not liable under this Act to make any payment to a bank in respect of a guaranteed business improvement loan made after the 31st day of December, 1963.

Termination of operation of section 3.

4. The Minister may, with the approval of the Governor in Council, by notice to a bank terminate the operation of section 3 in respect of any class of business improvement loans, such termination to be effective after a time set out in the notice but not earlier than twenty-four hours after receipt of the notice at the head office of the bank, and the Minister is not liable under this Act to make any payment to the bank in respect of any such loans made after that time; but the termination of the operation of section 3 in respect of any class of such loans does not relieve the Minister of any liability imposed on him under this Act in respect of a business improvement loan of that class made by the bank before the time of the termination.

Limitation of liability in respect of loans made during loan period.

5. (1) The Minister is not liable under this Act to pay to a bank, in respect of any losses sustained by it as a result of business improvement loans made by it during the period specified in subsection (2), an amount in excess of ten per cent of the aggregate principal amount of the guaranteed business improvement loans made by the bank during that period.

Loan period defined.

(2) The period referred to in subsection (1) is the period commencing on the coming into force of this Act and ending on the 31st day of December, 1963.

Further limitation of liability.

6. The Minister is not liable under this Act to make any payment to a bank in respect of any loss sustained by it as a result of a business improvement loan made during the period referred to in subsection (2) of section 5, after the aggregate principal amount of the guaranteed business improvement loans made by all banks during that period exceeds $300,000,000.

REGULATIONS.

Regulations.

7. The Governor in Council may make regulations

(*a*) prescribing the forms of applications, claims, reports or other documents required in connection with guaranteed business improvement loans or for the effective operation of this Act;

(*b*) defining for the purposes of this Act the following expressions:

(i) "responsible officer of the bank",

(ii) "manufacturing",

(iii) "wholesale trade",
(iv) "retail trade", and
(v) "service businesses";

(*c*) determining for the purposes of this Act the fiscal period of a business enterprise in any case where the fiscal period thereof otherwise determined is less than 365 days;

(*d*) prescribing classes of guaranteed business improvement loans, having regard to the purposes for which such loans are to be made, or otherwise;

(*e*) prescribing, in respect of any class of business improvement loans,

(i) the nature of the proprietary or other interest in a business enterprise or in the equipment or premises used in connection therewith, to be held by a borrower of a loan within the class,

(ii) the security to be taken by the bank for the repayment of loans within the class,

(iii) the terms of repayment and other terms not inconsistent with this Act, including provisions in respect of insurance, upon which loans within the class are to be made, and

(iv) the conditions of the liability of the Minister under this Act in respect of loans within the class, in addition to but not inconsistent with the conditions specified in paragraphs (*a*) to (*h*) of subsection (1) of section 3;

(*f*) providing that in the event of an actual or impending default in the repayment of a guaranteed business improvement loan, the bank by which the loan was made may, notwithstanding anything in this Act, alter or revise with the approval of the borrower, by way of an extension of time or otherwise, any of the terms of the loan or any agreement in connection therewith, and that the alteration or revision shall not discharge the liability of the Minister in respect thereof under this Act;

(*g*) prescribing in the event of default in the repayment of a guaranteed business improvement loan, the measures to be taken by the bank and the procedures to be followed for the collection of the amount of the loan outstanding and the disposal or realization of any security for the repayment thereof held by the bank;

(*h*) prescribing the method of determining the amount of any loss sustained by any bank as a result of a guaranteed business improvement loan and the procedure to be followed by a bank in making a claim for any loss sustained by it as a result of a guaranteed business improvement loan;

(*i*) prescribing the steps to be taken by a bank to effect on behalf of the Minister collection of any guaranteed business improvement loan in respect of which payment has been made by the Minister to the bank under this Act, and providing that in the event of failure by the bank to take such steps the amount of such payment may be recovered by the Minister;

(*j*) respecting the subrogation of Her Majesty to the rights of a bank with respect to a guaranteed business improvement loan;

(*k*) requiring reports to be made periodically to the Minister by a bank in respect of guaranteed business improvement loans made by it;

(*l*) prescribing the purposes for which business improvement loans may be made that shall be deemed, for the purposes of this Act, to be contrary to the public interest; and

(*m*) generally, for carrying into effect the purposes and provisions of this Act.

SPECIAL POWERS OF BANK.

Bank security.

8. (1) Notwithstanding anything in the *Bank Act* or any other Act, a bank may, at the time of making a guaranteed business improvement loan, take as security for the repayment thereof and for the payment of interest thereon,

(*a*) a mortgage or hypothec upon real or personal, immovable or movable property, whether or not all or any part of the proceeds of the loan are to be expended in respect thereof, or

(*b*) an assignment of the rights and interests of a purchaser under

(i) an agreement for sale of real or personal, immovable or movable property, or

(ii) a lien or conditional sales agreement for personal or movable property,

whether or not all or any part of the proceeds of the loan are to be expended in respect thereof.

Rights in respect of security.

(2) A bank has and may exercise, in respect of any mortgage, hypothec or assignment made under subsection (1) and the real or personal, immovable or movable property affected thereby, all rights and powers that it would have or might exercise if the mortgage, hypothec or assignment had been taken by the bank by way of subsequent security under the *Bank Act*.

Offences.

Offences and punishment.

9. (1) Every person who, in respect of a guaranteed business improvement loan,

(*a*) knowingly makes any false statement or misrepresentation in an application or other document or wilfully furnishes any false or misleading information, or

(*b*) being a borrower, uses the proceeds of the loan for a purpose other than that stated in his application for the loan,

is guilty of an offence under this Act and liable on summary conviction to a fine not exceeding $1,000.

Institution of prosecution.

(2) A prosecution for an offence under this Act may be instituted at any time within three years from the time when the subject matter of the complaint arose.

General.

Payment out of C.R.F.

10. Any amount payable by the Minister to a bank under this Act may be paid by the Minister out of the Consolidated Revenue Fund.

Annual report.

11. The Minister shall each year prepare a report with respect to the administration of this Act during the immediately preceding year, and shall lay the report before Parliament within fifteen days after it is made or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

Coming into force.

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

C-41.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-41.

An Act to amend the Canada Elections Act (Age of Voters).

First reading, November 23, 1960.

Mr. RACINE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23606-7

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-41.

An Act to amend the Canada Elections Act (Age of Voters).

1960, c. 39.

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

1. (1) Paragraph (*a*) of subsection (1) of section 14 of the *Canada Elections Act*, is repealed and the following substituted therefor:

Qualification of electors.

"(*a*) is of the full age of eighteen years or will attain such age on or before polling day at such election;"

Subsection repealed.

(2) Subsection (3) of section 14 of the said Act is repealed.

Schedule One forms amended.

2. Forms No. 15, No. 18, alternative No. 18, No. 41, No. 42, No. 45, No. 49 and No. 50 of SCHEDULE ONE to the said Act are amended by striking out the words "twenty-one years" wherever the said words appear therein and by substituting therefor in each case the words "eighteen years".

Schedule Two and forms amended.

3. (1) Subparagraph (1) of paragraph 21, subparagraph (*a*) of paragraph 22, subparagraphs (1) and (2) of paragraph 36 of *The Canadian Forces Voting Rules* in SCHEDULE TWO to the said Act and paragraph *5 of Form No. 7 to the said SCHEDULE and paragraph 6 of Form No. 8 to the said SCHEDULE are amended by striking out the words "twenty-one years" wherever the said words appear therein and by substituting therefor in each case the words "eighteen years"; and the said subparagraph (1) of paragraph 36 is further amended by striking out the words "(except in the case referred to in subparagraph (2) of paragraph 21)" and the said Form No. 7 is further amended by striking out, at the end of the said Form, the words "*Strike out this line if it is not applicable pursuant to paragraph 21(2) of *The Canadian Forces Voting Rules*."

Subparagraph repealed.

(2) Subparagraph (2) of paragraph 21 of the said Schedule is repealed.

Explanatory Notes.

The purpose of this Bill is to provide that the age of voters under the *Canada Elections Act* be eighteen years in lieu of twenty-one as at present.

1. (2) This subsection which allowed members of the naval, military or air forces of Canada to vote at an election although they had not attained the full age of twenty-one years is not necessary if the voting age is made eighteen in lieu of twenty-one.

3. (2) This subparagraph is not necessary if the voting age is made eighteen in lieu of twenty-one. (See note above to subsection (2) of section 1.)

C-42.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-42.

An Act to amend the National Housing Act, 1954.

First reading, November 23, 1960.

THE MINISTER OF PUBLIC WORKS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

24009-3

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-42.

An Act to amend the National Housing Act, 1954.

1953-54, c. 23; 1956, c. 9; 1957-58, c. 18; 1958, c. 3; 1959, c. 6; 1960, c. 10.

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

1. Paragraph (*c*) of subsection (2) of section 4 of the *National Housing Act, 1954*, is repealed and the following substituted therefor:

"(*c*) by more than one-half of one per cent in respect of loans made under section 16, Part VIA or Part VIB;"

2. (1) Subparagraph (i) of paragraph (*c*) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

"(i) 95% of the lending value, and"

1957-58, c. 18, s. 1(1).

(2) Subparagraph (i) of paragraph (*d*) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

"(i) 95% of the first $12,000 of the lending value or any part thereof,"

1957-58, c. 18, s. 1(1).

(3) Subparagraph (i) of paragraph (*e*) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

"(i) 95% of the first $12,000 of one-half of the lending value or any part thereof,"

1957-58, c. 18, s. 1(1).

(4) Subparagraph (iii) of paragraph (*e*) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

"(iii) 85% of the other one-half of the lending value, and"

(5) Subparagraphs (i) and (ii) of paragraph (*f*) of subsection (1) of section 7 of the said Act are repealed and the following substituted therefor:

Explanatory Notes.

Clause 1:

The relevant portions of section 4 read as follows:

"4. (1) Subject to subsection (2), the Governor in Council may by regulation prescribe the maximum rate of interest payable by a borrower in respect of a loan to be made under this Act.

(2) The rate of interest prescribed under subsection (1) shall not exceed the interest rate on long term Government bonds . . . . .

(*c*) by more than one-half of one per cent in respect of loans made under section 16; and"

The purpose of this amendment is to provide that the maximum interest that may be prescribed in respect of loans made under the new Part VIA and Part VIB will not be greater than that charged on limited-dividend housing loans made under section 16.

Clause 2:

The purposes of the amendments to section 7 are

(1) to increase the loan ratio for loans to home owners and to builders who intend to sell the housing to prospective purchasers from 90% of the first $12,000 of the lending value to 95% of the first $12,000 of the lending value;

(2) to increase the ratio for rental housing loans from 80% of lending value to 85% of the lending value;

(3) to lengthen the period over which a home-ownership loan or a builder's loan may be repaid from 30 years to 35 years; and

(4) to lengthen the period over which a rental housing loan may be paid from 25 years to 35 years.

"(i) 95% of the first one-half of the lending value,

(ii) 85% of the other one-half of the lending value, and"

1957-58, c. 18, s. 1(2).

(6) Subparagraph (i) of paragraph (*g*) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

"(i) 95% of the first $12,000 of the lending value of each house or any part thereof,"

1957-58, c. 18, s. 1(2).

(7) Subparagraph (i) of paragraph (*h*) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

"(i) 95% of the first $12,000 of one-half of the lending value of each house or any part thereof,"

1957-58, c. 18, s. 1(2).

(8) Subparagraph (iii) of paragraph (*h*) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

"(iii) 85% of the other one-half of the lending value of each house, and"

(9) Subparagraph (i) of paragraph (*i*) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

"(i) 85% of the lending value of the multiple family dwellings, and"

(10) Subparagraph (i) of paragraph (*j*) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

"(i) 85% of the lending value of the project, and"

(11) Subparagraph (i) of paragraph (*o*) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

"(i) for a term of at least twenty-five years but not more than thirty-five years, or"

(12) Paragraph (*p*) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

(*p*) when made to assist in the construction of a rental housing project, it is for a term not in excess of thirty-five years;"

1956, c. 9, s. 7.

3. Paragraph (*a*) of subsection (8) of section 23 of the said Act is repealed and the following substituted therefor:

"(*a*) fifty million dollars, and"

1956, c. 9, s. 8(1).

4. Paragraph (*d*) of subsection (1) of section 24 of the said Act is repealed and the following substituted therefor:

"(*d*) the principal amount of the loan did not at the time of the making of the loan, together with the amount

Clause 3:

The present paragraph reads as follows:

"(*a*) twenty-five million dollars, and"

The purpose of this amendment is to increase from twenty-five million dollars to fifty million dollars the maximum amount of contributions that may be made to municipalities to assist in urban redevelopment.

Clause 4:

The present paragraph reads as follows:

"(*d*) the principal amount of the loan did not at the time of the making of the loan, together with the amount owing in respect of other guaranteed home improvement loans previously made to the borrower and disclosed in his application or of which the bank or approved instalment credit agency had knowledge, exceed the sum of four thousand dollars in the case of a one-family dwelling or the sum of four thousand dollars for the first family housing unit and an additional fifteen hundred dollars for every other family housing unit in the case of a home consisting of more than one family housing unit;"

owing in respect of other guaranteed home improvement loans previously made to the borrower in respect of the home on which the loan was to be expended and disclosed in his application or of which the bank or approved instalment credit agency had knowledge, exceed the sum of four thousand dollars in the case of a one-family dwelling or the sum of four thousand dollars for the first family housing unit and an additional one thousand five hundred dollars for every other family housing unit in the case of a home consisting of more than one family housing unit;"

1956, c. 9, s. 9.

5. Section 26 of the said Act is repealed and the following substituted therefor:

No liability after loans aggregate $500,000,000.

"**26.** The Corporation is not liable under this Part to make any payment to a bank or approved instalment credit agency in respect of loss sustained by it as a result of a home improvement loan or a home extension loan made after the aggregate principal amount of guaranteed home improvement loans and guaranteed home extension loans equals five hundred million dollars."

1956, c. 9, s. 15(1).

6. Subsection (1) of section 36 of the said Act is repealed and the following substituted therefor:

Corporation may undertake projects jointly with provinces.

"**36.** (1) The Corporation may, pursuant to agreements made between the Government of Canada and the government of any province, undertake jointly with the government of the province or any agency thereof projects for

(*a*) the acquisition and development of land for housing purposes;

(*b*) the construction of housing projects for sale or for rent; and

(*c*) the acquisition, improvement and conversion for housing purposes of existing buildings situated in an area specified in an agreement between the province, a municipality in that province and the Corporation as an urban renewal area."

7. The said Act is further amended by adding thereto, immediately after Part VI thereof, the following Parts:

"PART VIA.

LOANS FOR UNIVERSITY HOUSING PROJECTS.

"University housing project" defined.

36A. In this Part, "university housing project" means a project undertaken by a university to provide dormitory accommodation for students resident at that university,

This paragraph establishes the maximum home improvement loan that may be guaranteed. At present this paragraph requires that in determining this maximum the Corporation shall take into account the amount of all previous home improvement loans made to a borrower and that remain unpaid. The purpose of this amendment is to provide that in determining this maximum the Corporation shall take into account only the amount of any previous home improvement loan made to a borrower in respect of the home on which a present loan is requested and that remains unpaid.

Clause 5:

The present section reads as follows:

"26. The Corporation is not liable under this Part to make any payment to a bank or approved instalment credit agency in respect of loss sustained by it as a result of a home improvement loan or a home extension loan made after the aggregate principal amount of guaranteed home improvement loans and guaranteed home extension loans equals two hundred million dollars."

The purpose of the amendment is to increase the amount of home improvement loans that may be guaranteed under Part IV of the Act from two hundred milllion dollars to five hundred million dollars.

Clause 6:

The present subsection reads as follows:

"36. (1) The Corporation may, pursuant to agreements made between the Government of Canada and the government of any province, undertake jointly with the government of the province or any agency thereof projects for the acquisition and development of land for housing purposes and for the construction of housing projects for sale or for rent."

The new clause (*c*) is added to authorize the Corporation and a province to acquire existing buildings to be used as public housing projects. This authority is to be exercised only in areas agreed upon by the province, a municipality in that province and the Corporation as to the areas that are in need of rehabilitation or redevelopment.

Clause 7:

Part VIA is new and its purpose is to authorize the Corporation to make loans to universities to assist in the construction of projects to provide living accommodation for resident students. Assistance is to be restricted to projects of the dormitory type and may include self-contained units for a student supervisor and a caretaker, eating facilities for the students to be accommodated therein and other similar facilities.

Loans for these projects are to be restricted to 90% of the cost of the project and are repayable over a period not exceeding fifty years.

The total amount of loans that may be made under this Part is limited to fifty million dollars.

including such other facilities in connection therewith as are, in the opinion of the Corporation, necessary for the operation of the project.

Loans to universities for university housing projects.

36B. (1) The Corporation may, with the approval of the Governor in Council, make a loan to a university for the purpose of assisting in the construction of a university housing project or the acquisition of existing buildings and their conversion into a university housing project.

Conditions under which loans may be made.

(2) A loan made under the authority of this section shall

(*a*) bear interest at a rate prescribed by the Governor in Council;

(*b*) not exceed ninety per cent of the cost of the project as determined by the Corporation;

(*c*) be for a term not exceeding the useful life of the project, to be fixed by the Corporation, and in any case not exceeding fifty years from the date of completion of the project;

(*d*) be secured by a first mortgage upon the project in favour of the Corporation or such other security as the Corporation deems necessary to safeguard the interests of the Corporation; and

(*e*) be repayable in full during the term thereof by equal payments of principal and interest not less frequently than semi-annually.

Expenditures paid out of C. R. F.

36C. (1) Subject to subsection (2), out of the Consolidated Revenue Fund, the Minister

(*a*) may, upon terms and conditions approved by the Governor in Council, advance to the Corporation amounts required for the purpose of making loans under this Part; and

(*b*) shall reimburse the Corporation for losses sustained by it in respect of loans made under this Part.

Limits on payments out of C.R.F.

(2) The amount of an advance or reimbursement under subsection (1) shall not be greater than the amount by which fifty million dollars exceeds the aggregate of

(*a*) the total amount of advances made under paragraph (*a*) of subsection (1); and

(*b*) the total amount of reimbursements made under paragraph (*b*) of subsection (1).

Regulations.

36D. The Governor in Council may by regulation make provision for any matters concerning which he deems regulations are necessary or desirable to carry out the purposes or provisions of this Part.

PART VIB.

LOANS FOR MUNICIPAL SEWAGE TREATMENT PROJECTS.

Definitions "Municipal sewerage corporation." "Sewage treatment project."

36E. In this Part,

(*a*) "municipal sewerage corporation" means a corporation established for the purpose of constructing and operating facilities for the collection and treatment of sewage from one or more municipalities; and

(*b*) "sewage treatment project" means a project consisting of a trunk sewage collector system, a central treatment plant or both for the collection and treatment of sewage from one or more municipalities.

Loans to municipalities and municipal sewerage corporations for sewage treatment projects. Conditions under which loans may be made.

36F. (1) In order to assist in the elimination or prevention of water and soil pollution in any municipality the corporation may, with the approval of the Governor in Council, make a loan to a municipality or a municipal sewerage corporation for the purpose of assisting in the construction or expansion of a sewage treatment project.

(2) A loan made under the authority of this section shall

(*a*) bear interest at a rate prescribed by the Governor in Council;

(*b*) not exceed two-thirds of the cost of the project as determined by the Corporation;

(*c*) be for a term not exceeding the useful life of the project, to be fixed by the Corporation, and in any case not exceeding fifty years from the date of completion of the project;

(*d*) be secured by debentures issued by the municipality or municipal sewerage corporation or by such other security as the Corporation deems necessary to safeguard the interests of the Corporation; and

(*e*) subject to section 36G, be repayable during the term thereof by such payments of principal and interest as may be agreed upon by the Corporation and the municipality or municipal sewerage corporation, such payments to be not less frequently than annually.

Idem.

(3) A loan may only be made under this section to a municipality or municipal sewerage corporation if evidence satisfactory to the Corporation has been furnished as to the need for a sewage treatment project in the municipality to eliminate or prevent water or soil pollution.

Reduction of indebtedness where project completed on or before March 31, 1963.

36G. (1) Where the construction of a sewage treatment project in respect of which a loan is made under the authority of this Part is completed to the satisfaction of the Corporation on or before the 31st day of March, 1963, the Corporation may forgive payment by the municipality or municipal sewerage corporation of

Part VIB is new and its purpose is to authorize the Corporation to make loans to assist in the construction of sewage treatment projects for the control of water and soil pollution in municipalities.

Loans for these projects are to be restricted to two-thirds of the cost of the project and are repayable over a period not exceeding fifty years.

Provision is also made for a grant to a municipality undertaking a project of 25% of the amount of the loan and the interest thereon where the project is completed on or before March 31st, 1963. In the case of projects partially completed on March 31st, 1963 the grant is proportioned to the amount of expenditures incurred by the municipality as of that date.

The total amount of loans that may be made under this Part is limited to one hundred million dollars.

(*a*) 25% of the principal amount of the loan; and

(*b*) 25% of the interest that has accrued in respect of the loan as of the date of completion of the project.

Reduction in indebtedness where project completed after March 31, 1963.

(2) Where the construction of a sewage treatment project in respect of which a loan is made under the authority of this Part is not completed on or before the 31st day of March, 1963, the Corporation may forgive payment by the municipality or municipal sewerage corporation of

(*a*) 25% of that portion of the principal amount of the loan that has been advanced to the municipality or municipal sewerage corporation as of the 31st day of March, 1963; and

(*b*) 25% of the interest that has accrued as of the 31st day of March, 1963, on the portion of the loan referred to in paragraph (*a*).

Expenditures paid out of C. R. F.

36H. (1) Subject to subsection (3), out of the Consolidated Revenue Fund, the Minister

(*a*) may, upon terms and conditions approved by the Governor in Council, advance to the Corporation amounts required for the purpose of making loans under this Part;

(*b*) shall reimburse the Corporation for losses sustained by it in respect of loans made under this Part; and

(*c*) shall reimburse the Corporation for amounts loaned to municipalities and municipal sewerage corporations, and forgiven by the Corporation pursuant to section 36G.

Special account established.

(2) A special account shall be established in the Consolidated Revenue Fund for the purposes of this Part to which advances made under subsection (1) shall be charged.

Limits on payments out of C. R. F.

(3) A payment of an advance or a reimbursement under subsection (1) shall not be greater than the amount by which the aggregate of

(*a*) one hundred million dollars, and

(*b*) any additional amounts authorized by Parliament for the purposes of this subsection

exceeds the aggregate of

(*c*) the total amount of advances charged to the special account, and

(*d*) the total amount of reimbursements made under subsection (1).

Regulations.

36I. The Governor in Council may make regulations to provide for any matters concerning which he deems regulations are necessary or desirable to carry out the purposes or provisions of this Part."

C-43.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-43.

An Act respecting Navigation and Salmon Fishery on the Fraser River.

First reading, November 28, 1960.

Mr. McPhillips.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

24065-5

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-43.

An Act respecting Navigation and Salmon Fishery on the Fraser River.

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

No obstruction to navigation or fishery on the Fraser River.

1. No hydro-electric power shall be generated in the Fraser River in the province of British Columbia, nor shall any dam, weir or other obstruction to navigation or to the spawning run of the Pacific salmon, be constructed in or over the said river.

Rights saved.

2. This Act shall not apply to any project of the Government of Canada respecting navigation, flood control, river bed erosion, current control or to the protection, assistance and development of the Pacific salmon fishery.

Explanatory Note.

The purpose of this bill is to safeguard navigation and the Pacific salmon fishery in the Fraser river.

C-44.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-44.

An Act to Regulate Extra-provincial Transport.

First reading, November 28, 1960.

Mr. CHOWN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

24043-2

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-44.

An Act to Regulate Extra-provincial Transport.

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 *Highway Transport Act of Canada.*

Definitions.

2. In this Act,

"Commercial vehicle."

(*a*) "commercial vehicle" means a motor vehicle, trailer, or semi-trailer used for the transport of passengers or goods for hire or reward;

"Extra-provincial transport."

(*b*) "extra-provincial transport" means the transport of passengers or goods for hire or reward by commercial vehicle over the highway by an undertaking extending beyond the limits of a province;

"Hire or reward."

(*c*) "hire or reward" means a toll, rate, charge, compensation, remuneration, reimbursement or reward of any kind, paid, payable or promised or received or demanded directly or indirectly for transport service;

"International transport."

(*d*) "international transport" means extra-provincial transport extending beyond the limits of a province into a foreign country;

"Inter-provincial transport."

(*e*) "interprovincial transport" means extra-provincial transport connecting a province or provinces with any other of the provinces;

"Joint Transport Board."

(*f*) "Joint Transport Board" means a Board composed of members of the Provincial Transport Board of every province through which an extra-provincial undertaking seeks to operate an extra-provincial transport;

"Local undertaking."

(*g*) "local undertaking" means the transport of passengers or goods for hire or reward by commercial vehicle by an undertaking operating solely within the limits of a province;

Explanatory Note.

The purpose of this Bill is to provide for the regulation of the extra-provincial trucking industry in order to obtain the maximum public benefit from a truly competitive enterprise system. The policy is based upon control of entry into the extra-provincial trucking industry by the licensing of services and the control of tariffs This control of licensing and tariffs is to be exercised by a federal regulatory mechanism which is referred to in the bill as a Joint Transport Board. This Board is constituted, as occasion may require, by members from the transport boards of those provinces which have an interest in an extra-provincial licence application. The Joint Transport Board determines whether a licence shall issue and, if issued, sets the tariff for the service. The Board weighs its actions on the scale of public convenience and necessity. Its members, as members of the provincial boards, are experienced in applying the public interest to the practical necessities of the trucking industry. Federal control over and guidance of the Joint-Transport Board in the national public interest is provided through regulation by the Governor in Council.

The bill provides for the repeal of the *Motor Vehicle Transport Act* which is the present federal regulatory control.

"Minister." (*h*) "Minister" means the Minister of Transport.

"Provincial Transport Board." (*i*) "Provincial Transport Board" means the board, commission, body, person, or department having under the law of a province power to authorize and regulate a local undertaking.

Licence required. **3.** No person shall operate extra-provincial transport in any province or provinces unless he holds a license issued to him under the authority of this Act.

Conditions. **4.** No person shall operate extra-provincial transport in contravention of the conditions of his licence.

Considerations applicable to issue of licence. **5.** In determining whether a licence is to be issued, the Provincial Transport Board, or the Joint Transport Board, as the case may be, may consider among other things;

(*a*) whether public necessity and convenience require such a licence;

(*b*) the fitness and financial ability of the applicant;

(*c*) whether existing extra-provincial transport previously licenced under this Act or any other Act is adequate to meet present and future public convenience and necessity for such transport.

Inter-provincial application. **6.** (1) An application for an interprovincial transport licence, extension, transfer or amendment shall be made to the Provincial Transport Board of the province in which the applicant has its head office, in the case of a corporation or partnership, or residence in the case of an individual, and such Provincial Transport Board may notify the Provincial Transport Board of any other province or provinces affected by the application.

Joint Transport Board. (2) Each Provincial Transport Board so notified may forthwith appoint one of its members to a Joint Transport Board which shall be constituted by so many members as are so appointed; a Joint Transport Board may exercise the powers conferred upon a Provincial Transport Board by this Act, and for the purpose of this Act and the consideration of any application before it, shall have sole and exclusive jurisdiction over interprovincial transport in those provinces that are represented on the Joint Transport Board.

Appeal to Minister. (3) If a Joint Transport Board is unable to reach a majority decision with respect to an application, the applicant may apply to the Minister by way of appeal from the deadlock, and the decision of the Minister shall be final.

International application. **7.** An application for an international transport licence, extension, transfer or amendment shall be made to the Provincial Transport Board of the province in which the applicant has its head office, in the case of a corporation or partnership, or residence in the case of an individual, and

such Provincial Transport Board may exercise the powers conferred under this Act with respect to the application as to that portion of the international transport undertaking within the province.

Powers of Boards.

8. (1) A Joint Transport Board, or a Provincial Transport Board sitting as provided in section 7 above, may determine and approve the extensions, amendments, suspensions, cancellations or transfers of existing licences issued under this Act or changes in the share-ownership of the persons licenced herein, subject to the same considerations as are set forth in section 5 wherever applicable.

Restrictions on non-commercial vehicle carriers.

(2) No licence may be issued under this Act in respect of a commercial vehicle undertaking, owned, leased, controlled or operated by any person who is engaged in the transport of goods for hire or reward by means other than commercial vehicle unless the Provincial Transport Board or the Joint Transport Board, as the case may be, is of opinion it is in the public interest such licence be issued.

Licence transfers and share control changes.

(3) No transfer of licence or change in share-ownership which may or will affect the control of incorporated licencees, if the transfer or change in share-ownership results in control of the licencee by any person engaged in the transport of goods for hire or reward by means other than commercial vehicle, may be approved unless the Provincial Transport Board or the Joint Transport Board, as the case may be, is of opinion it is in the public interest such transfer or change be approved.

Unauthorized advertising.

9. No person shall solicit by means of advertising or otherwise, or undertake to arrange, extra-provincial transport unless the person by, for, or on behalf of whom the extra-provincial transport is operated is licensed under this Act to perform the transport that is the object of such advertising or undertaking in the province or provinces in or through which the transport is or is to be undertaken.

Public hearing.

10. (1) Public hearing of an application or other proceeding may be held by a Provincial Transport Board or a Joint Transport Board, as the case may be, upon its own motion, or upon written request therefor by an applicant or person whose licence is under consideration, or by any other licencee under this Act, or by any user of extra-provincial transport having, in the opinion of the said Board, an interest therein, or by any association of extra-provincial transport undertakings or association whose members are users of extra-provincial transport.

Time and place of hearing.

(2) Public hearing shall be held at such times and places as may be fixed by the Provincial Transport Board of the province in which the application is made, after consultation and agreement with other Provincial Transport Boards affected by the application as provided herein.

Emergency temporary licence.

(3) Emergency temporary authority to operate extra-provincial transport may be issued for a period not exceeding 90 days by the Provincial Transport Board to whom the application is made, without a public hearing, providing no other commercial vehicle transport is available.

Public hearing decisions.

11. (1) The members of the Provincial Transport Board, or the Joint Transport Board, as the case may be, may issue written reasons for the decision on any application or proceeding which is considered at a public hearing.

Appeal to court.

(2) An appeal shall lie from the decision of the Provincial Transport Board or Joint Transport Board to the court of appeal of the province in which the application is filed upon any question of jurisdiction or upon any question of law, but no such appeal lies unless leave to appeal is obtained from the said court within one month of the making of the order or decision sought to be appealed from, or within such other time as the court, under the special circumstances of the case, allows after notice to all parties, stating the grounds of appeal.

Filing of extra-provincial tariffs.

12. (1) Every operator of extra-provincial transport shall file with the Provincial Transport Board of the province in which the operator has its head office, in the case of a corporation or partnership or residence in the case of an individual, the tariffs showing the hire or reward for transport, and all services incidental thereto, to and from points to which extra-provinical transport is provided, whether by the licencee or by arrangements with any other commercial vehicle transport.

Filing of inter-provincial tariffs.

(2) In the case of interprovincial transport, such tariffs shall also be filed with the Provincial Transport Board of each province into or through which the licencee is authorized to operate. If such Provincial Transport Board wishes to adjust or amend such tariffs, it may request a joint hearing with the Provincial Transport Board with whom the tariff is filed, and a Joint Transport Board may be convened to meet with the operator in order to adjust or amend the said tariffs. In the event the Joint Transport Board cannot agree by majority decision on the adjustment or amendment, an appeal may be had to the Minister from the deadlock and the decision of the Minister shall be final.

Tariff review.

13. Upon complaint by a licencee under this Act or by a shipper or receiver, or an association of licencees, or an association of shippers or receivers, or an association of extra-provincial transport undertakings, or upon its own initiative, the Provincial Transport Board of any province into or through which the extra-provincial transport

operates may request a joint hearing of Provincial Transport Boards and at such joint hearing the Joint Transport Board so convened may adjust, amend, reject, suspend or disallow any tariff as filed herein.

Non-tariff extra-provincial compensation prohibited.

14. (1) No operator of extra-provincial transport shall, subject to the provisions of subsection 2, after a date to be prescribed by the Provincial Transport Board or Joint Transport Board, as the case may be, charge or demand or collect or receive a greater or different hire or reward for transport or for any service incidental thereto other than the hire or reward specified in its tariffs filed with the Provincial Transport Board, and no operator of extra-provincial transport shall refund or remit in any manner by any device, directly or indirectly or otherwise, any portion of the hire or reward so specified, or extend to any person any privilege or facilities for transport except such as are so specified.

Competitive extra-provincial rate.

(2) Nothing herein contained shall prevent an operator of extra-provincial transport from making a competitive rate, less than its tariffs filed, in order to meet the competition of any person who is engaged in the transport of goods for hire or reward by means other than commercial vehicle and such competitive rate shall be filed with the Provincial Transport Board within three days.

Prohibited extra-provincial agreement.

15. No operator of extra-provincial transport shall enter into any agreement with a shipper or receiver, or an association of shippers or receivers, under which such shipper or receiver is required by the agreement to transport more than fifty per cent of the goods of such shipper or receiver with such operator.

Tariff factors.

16. (1) In the exercise of its power to approve, suspend and disallow tariffs for the transport of goods, and the classifications, regulations and practices relating thereto, a Provincial Transport Board or Joint Transport Board may give due consideration, among other factors, to any inherent conditions of transport by commercial vehicles; to the effect of transport costs upon the movement of traffic by the operator of the extra-provincial transport whose tariffs are under consideration by the said Board; to the need in the public interest of adequate and efficient transport by such carriers at the lowest cost consistent with the furnishing of such transport; and to the need of revenue to enable an operator of extra-provincial transport to operate under economical and efficient management in order to provide extra-provincial transport.

Inter-provincial tariffs to be filed.

(2) No carrier by commercial vehicle shall transport inter-provincial traffic unless its tariffs are filed as provided in sections 12 to 14.

Penalty.

17. Every person who contravenes any of the provisions of sections 14 and 15 by charging, demanding, collecting, or receiving hire or reward that differs from the tariffs on file shall be guilty of an offence and shall be liable to a penalty of not less than $10.00 and not more than $25.00 on the first offence, $25.00 to $50.00 on the second offence and $50.00 to $200.00 on subsequent offences.

Regulations.

18. The Governor-in-Council may make regulations for carrying into effect the purposes and provisions of this Act and, without restricting the generality of the foregoing, may make regulations.

(*a*) prescribing forms for use by licencees and the information to be given therewith;

(*b*) prescribing fees for filing applications and tariffs and for the payment and disposition thereof;

(*c*) prescribing terms and conditions applicable generally to all licences issued under this Act;

(*d*) prescribing returns, reports or statements to be filed;

(*e*) prescribing rules and regulations of practice and procedure;

(*f*) prescribing the classification or classifications of goods;

(*g*) providing for the examination of books, records and documents of any licencee or any shipper or receiver of goods by extra-provincial transport;

(*h*) providing for filing insurance and guarantee bonds for the protection of the public or of the national revenue;

(*i*) providing for the safe operation of extra-provincial transport;

(*j*) providing for the exemption of the whole or any part of any extra-provincial transport from all or any provisions of this Act where exemptions exist under provincial laws for the transport of products of the farm or forest moving direct from the farm or forest;

(*k*) providing for the manner in which joint hearings may be conducted;

(*l*) providing for rules of carriage;

(*m*) respecting any other matter necessary or advisable to carry out the intent and purpose of this Act and all transport performed thereunder.

Penalty.

19. (1) Subject to section 17, every person who violates any provision of this Act or fails to comply with any written order or direction made by a Provincial Transport Board or by a Joint Transport Board under the authority of this Act is guilty of an offence and is liable on summary conviction to a fine of not more than $1,000 or to imprisonment for a term of one year, or to both fine and imprisonment.

(2) A fine imposed under subsection (1) shall be paid over by the magistrate or officer receiving it to Her Majesty the Queen in right of the province in which the fine was imposed.

Pending applications.

20. Any application before a Provincial Transport Board under the *Motor Vehicle Transport Act* at the coming into force of this Act shall be deemed to be an application under this Act and shall be dealt with under the provisions of this Act.

Prior licences carried forward.

21. A licence issued under the *Motor Vehicle Transport Act* before the coming into force of this Act shall be deemed to have been issued under this Act, subject to the terms and conditions set out in the licence or applicable thereto under the *Motor Vehicle Transport Act* or the regulations thereunder.

Repeal, 1953-54, c.59.

22. The *Motor Vehicle Transport Act* is repealed.

Coming into force.

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

C-45.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-45.

An Act to provide for the Continuation of the Operation of Railways.

First reading, November 29, 1960.

THE MINISTER OF LABOUR.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

24121-6

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-45.

An Act to provide for the Continuation of the Operation of Railways.

Preamble.

WHEREAS the processes of collective bargaining between the major railway companies and the representatives of their non-operating employees have failed to produce agreement, and the public interest requires that further efforts to reach agreement be resumed at a more favourable time without prejudice to the rights of either party and without interruption of railway service;

Therefore 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 *Railway Operation Continuation Act*.

Interpretation.

Definitions. "Existing collective agreement."

2. In this Act,

(*a*) "existing collective agreement" means a collective agreement between any railway company and any union that was made effective on the 1st day of January, 1958, more particularly described in the master agreement entered into on the 26th day of November, 1958, between the railway companies and their non-operating employees represented by the unions;

"Railway company."

(*b*) "railway company" means a company listed in Schedule A; and

"Union."

(*c*) "union" means a trade union listed in Schedule B.

Extension of Collective Agreements.

Collective agreements extended.

3. Subject to this Act, the term of each existing collective agreement is extended to include the period beginning on the commencement of this Act and ending on the day on which a new collective agreement between the parties thereto in amendment or revision thereof comes into effect.

Resumption of Railway Services.

Railway companies to resume and continue railway operations.

4. (1) Forthwith upon the commencement of this Act, every railway company shall resume and shall continue the operation of the railway services that were being operated by the company on the 26th day of November, 1960, but nothing in this section shall be construed to require any railway company to operate any services the discontinuance of which is authorized by the Board of Transport Commissioners for Canada under the provisions of the *Railway Act*.

Reinstatement of employees.

(2) Every railway company shall reinstate every employee who was laid off since the 1st day of November, 1960, by reason of a curtailment or discontinuance of any of the operations of the company in anticipation of a strike by the employees of the company.

Regulations.

Regulations.

5. The Governor in Council may make such regulations as he deems necessary or desirable for the purposes of carrying out any of the provisions of this Act.

General.

Suspension of strike notice.

6. Every person who at the commencement of this Act was authorized on behalf of a union to bargain collectively with a railway company for the revision or amendment of an existing collective agreement shall forthwith give notice to the members of the union that any declaration, authorization or direction to go on strike, declared, authorized or given to them before the commencement of this Act has been suspended by reason of the coming into force of this Act.

Rights preserved.

7. When this Act expires, nothing in this Act or in the operation thereof shall be construed

(*a*) as having affected any right or privilege that any railway company, union or member of a union had under the *Industrial Relations and Disputes Investigation Act* immediately before the commencement of this Act, and any such right or privilege shall continue as though this Act had not been passed; or

(*b*) as requiring any union or railway company to do anything pursuant to or in compliance with the *Industrial Relations and Disputes Investigation Act* in relation to any existing collective agreement that was done immediately before the commencement of this Act.

Coming into force and termination.

8. This Act shall come into force on a day to be fixed by proclamation of the Governor General in Council, and shall expire on the 15th day of May, 1961, or on the day that new collective agreements are concluded with each union, whichever is the earlier.

SCHEDULE A.

Canadian National Railways,
Canadian Pacific Railway Company,
Toronto, Hamilton and Buffalo Railway Company,
Ontario Northland Railway,
The Algoma Central and Hudson Bay Railway Company,
The Midland Railway Company of Manitoba.

SCHEDULE B.

Brotherhood of Maintenance of Way Employees,
Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees,
Division No. 4, Railway Employees' Department, A.F. of L.–C.I.O.,
Canadian National Railway System Federation No. 11,
International Association of Machinists,
International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers of America,
Brotherhood of Railway Carmen of America,
International Brotherhood of Firemen and Oilers Helpers, Roundhouse and Railway Shop Employees,
International Brotherhood of Electrical Workers,
United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada,
International Moulders' and Foundry Workers' Union of North America,
Sheet Metal Workers' International Association,
The Commercial Telegraphers' Union,
Brotherhood of Railroad Signalmen of America,
The Order of Railroad Telegraphers,
Canadian Brotherhood of Railway, Transport and General Workers,
Brotherhood of Sleeping Car Porters, Train, Chair Car, Coach Porters and Attendants.

C-46.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-46.

An Act to amend the Industrial Development Bank Act.

First reading, November 30, 1960

Mr. BENIDICKSON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23632-3

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-46.

An Act to amend the Industrial Development Bank Act.

R.S., cc. 151; 326; 1956, c. 25.

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 *Industrial Development Bank Act* is amended by inserting therein after paragraph (*d*) thereof the following:

"(*dd*) "industrial enterprise" includes caterers to tourists and retail merchants;"

Explanatory Notes.

1. The present definition of "industrial enterprise" reads as follows:

"(*d*) "industrial enterprise" means an enterprise in which is carried on the business of

(i) manufacturing, processing, assembling, installing, overhauling, reconditioning, altering, repairing, cleaning, packaging, transporting or warehousing of goods,

(ii) logging, operating a mine or quarry, drilling, construction, engineering, technical surveys or scientific research,

(iii) generating or distributing electricity or operating a commercial air service, or the transportation of persons, or

(iv) supplying premises, machinery or equipment for any business mentioned in subparagraph (i), (ii) or (iii) under a lease, contract or other arrangement whereby title to the premises, machinery or equipment is retained by the supplier;"

The purpose of the amendment is to enlarge the classes of loans that may be made under the Act. The inclusion of "caterers to tourists" follows the recommendation of the Committee of the House of Commons on Mines, Forests and Waters of 1959 in its final report.

C-47.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-47.

An Act to amend the Fire Losses Replacement Account Act.

First reading, December 5, 1960.

THE MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

24117–4

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-47.

An Act to amend the Fire Losses Replacement Account Act.

1953-54, c. 28.

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

1. Subparagraph (ii) of paragraph (*c*) of section 2 of the *Fire Losses Replacement Account Act* is repealed and the following substituted therefor:

"(ii) a Crown corporation named in Schedule C or Schedule D to the *Financial Administration Act* and designated by regulation as a department for the purposes of this Act; and"

2. Paragraph (*e*) of section 9 of the said Act is repealed and the following substituted therefor:

"(*e*) requiring departments as defined in section 2 of the *Financial Administration Act*, Crown corporations named in Schedule C to that Act and such of the Crown corporations named in Schedule D to that Act as have been designated by regulation to be a department for the purposes of this Act to report to the Treasury Board all cases where any property under the administration or control of such departments and Crown corporations was lost, destroyed or damaged by or in consequence of a fire."

Explanatory Notes.

Clause 1: The present subparagraph (ii) of paragraph (*c*) of section 2 of the *Fire Losses Replacement Account Act* reads as follows:

"**2.** In this Act,

. . . . . .

(*c*) "department" means

. . . . . .

(ii) a Crown corporation named in Schedule C to the *Financial Administration Act* and designated by regulation as a department for the purposes of this Act; and"

The purpose of this amendment is to make the Act applicable and, therefore, the Fire Losses Replacement Account available, to those proprietary Crown corporations named in Schedule D to the *Financial Administration Act* that are designated by the Treasury Board as departments for the purposes of the Act.

Clause 2: The present paragraph (*e*) of section 9 of the Act reads as follows:

"**9.** The Treasury Board may make regulations . . .

. . . . . .

(*e*) requiring departments as defined in section 2 of the *Financial Administration Act*, and Crown corporations named in Schedule C to that Act to report to the Treasury Board all cases where any property under the administration or control of such departments and Crown corporations was lost, destroyed or damaged by or in consequence of a fire."

The purpose of this amendment is to permit the Treasury Board to require proprietary Crown corporations named in Schedule D to the *Financial Administration Act* that have been designated as departments for the purposes of the *Fire Losses Replacement Account Act* to report fire losses to the Treasury Board.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-48.

An Act to Implement a Convention between Canada and Norway for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income.

First reading, December 5, 1960.

THE MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

24082-0—1

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-48.

An Act to Implement a Convention between Canada and Norway for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income.

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-Norway Income Tax Convention Act, 1961.*

Convention approved.

2. The Convention entered into between Canada and Norway, 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 Convention, and the operation of any other law, the provisions of this Act and the Convention prevail to the extent of the inconsistency.

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 Convention or for giving effect to any of the provisions thereof.

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 Convention, and no longer.

SCHEDULE.

Explanatory Note.

The purpose of this Bill is to implement the Convention entered into between the Government of Canada and the Government of the Kingdom of Norway for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, signed at Ottawa on July 29, 1960.

SCHEDULE.

Convention between the Government of Canada and the Government of the Kingdom of Norway 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 Kingdom of Norway, desiring to conclude a Convention 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 subject to this Convention are:

(*a*) In Norway:
The national income tax,
the communal income tax, including surtax on larger incomes, and
the seamen's tax
(hereinafter referred to as "Norwegian tax");

(*b*) In Canada:
Income taxes, including surtaxes and the old age security tax on income, which are imposed by the Government of Canada (hereinafter referred to as "Canadian tax").

2. This Convention shall also apply to any other taxes of a substantially similar character, imposed by either State subsequent to the signing of this Convention.

ARTICLE II.

1. In this Convention unless the context otherwise requires:

(*a*) The terms "one of the States" and "the other State" mean Norway or Canada, as the context requires.

(*b*) The term "Norway" means the Kingdom of Norway, excluding Svalbard (Spitsbergen) and Jan Mayen and the Norwegian dependencies outside Europe.

(*c*) The term "tax" means Norwegian tax or Canadian tax, as the context requires.

(*d*) The term "person" includes any body of persons, corporate or not corporate.

(*e*) The term "company" means any body corporate.

(*f*) The terms "resident of Norway" and "resident of Canada" mean respectively any person who is resident in Norway for the purposes of Norwegian tax and not resident in Canada for the purposes of Canadian tax and any person who is resident in Canada for the purposes of Canadian tax, and not resident in Norway for the purposes of Norwegian tax; a company shall be regarded as resident in Norway if its business is managed and controlled in Norway and as resident in Canada if its business is managed and controlled in Canada.

(*g*) The terms "resident of one of the States" and "resident of the other State" mean a person who is a resident of Norway or a person who is a resident of Canada, as the context requires.

(*h*) The terms "Norwegian enterprise" and "Canadian enterprise" mean respectively an enterprise carried on by a resident of Norway and an enterprise carried on by a resident of Canada, and the terms "enterprise of one of the States" and "enterprise of the other State" mean a Norwegian enterprise or a Canadian enterprise, as the context requires.

(*i*) The term "permanent establishment" when used with respect to an enterprise of one of the States, means a branch, office, factory, or other fixed place of business, a mine, quarry or any other place of natural resources subject to exploitation. The use of substantial equipment or machinery within one of the States at any time in any taxation year by an enterprise of the other State shall constitute a permanent establishment of such enterprise in the former State for such taxation year. The term does not include a casual and temporary use of merely storage facilities. Nor does it include an agency unless the agent has, and habitually exercises, a general authority to negotiate and conclude contracts on behalf of the enterprise or has a stock of merchandise from which he regularly fills orders on its behalf. In this connection:

(i) an enterprise of one of the States shall not be deemed to have a permanent establishment in the other State merely because it carries on business dealings in the other State through *a bona fide* broker or general commission agent acting in the ordinary course of his business as such;

(ii) the fact that an enterprise of one of the States maintains in the other State a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute that fixed place of business a permanent establishment of the enterprise;

(iii) the fact that a company which is a resident of one of the States has a subsidiary company which is a resident of the other State or which carries on a trade or business in the other State (whether through a permanent establishment or otherwise) shall not of itself constitute that subsidiary company a permanent establishment of its parent company.

(*j*) The term "liberal profession" means independent activity for the purpose of profit (not being exercised in an enterprise) such as independent activity in the field of science, arts, literature, instruction or education, medicine, law, architecture, engineering and accountancy.

(*k*) The term "pension" means periodic payments made in consideration of past services.

(*l*) 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 return for adequate and full consideration in money or money's worth.

(*m*) The term "competent authority" means in the case of Norway the Minister of Finance or his authorized representative and in the case of Canada the Minister of National Revenue or his authorized representative.

2. In the application of the provisions of this Convention by either of the States, any term which is not defined in this Convention shall, unless the context otherwise requires, have the meaning which that term has under the laws of that State.

Article III.

1. Income from real property and royalties in respect of the operation of a mine or quarry or of any other exploitation of a natural resource may be taxed in the State in which such real property, mine, quarry or natural resource is situated.

2. Rentals from real property or timber royalties derived from sources within Canada by a resident of Norway shall receive tax treatment by Canada not less favourable than that accorded under Section 110 of the *Income Tax Act* as in effect on the date on which this Convention becomes effective.

Article IV.

1. The profits of an enterprise of one of the States shall not be subject to tax in the other State unless the enterprise is engaged in trade or business in the other State through a permanent establishment situated therein. If it is so engaged, tax may be imposed on those profits by the latter State, but only on so much of them as is attributable to the permanent establishment.

2. Where an enterprise of one of the States is engaged in trade or business in the other State through a permanent establishment situated therein there shall be attributed to such permanent establishment the profits which it might be expected to derive in the other State if it were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length with the enterprise of which it is a permanent establishment.

3. No portion of any profits arising to an enterprise of one of the States shall be attributed to a permanent establishment situated in the other State by reason of the mere purchase of goods or merchandise within the other State by the enterprise.

4. In determining profits of a permanent establishment there shall be allowed as a deduction all expenses reasonably applicable to the permanent establishment including executive and general administrative expenses so applicable.

5. Where a company which is a resident of one of the States derives profits or income from sources within the other State, the other State shall not impose any form of taxation on dividends paid by the company to persons not resident in the other State, or any tax in the nature of an undistributed profits tax on undistributed profits of the company, by reason of the fact that those dividends or undistributed profits represent, in whole or in part, profits or income so derived.

6. The competent authorities of the two States may lay down rules by agreement for the apportionment of profits.

Article V.

Where

(*a*) An enterprise of one of the States participates directly or indirectly in the management, control or capital of an enterprise of the other State, or

(*b*) The same persons participate directly or indirectly in the management, control or capital of an enterprise of one of the States and an enterprise of the other State, and

in either case conditions are made or imposed between the two enterprises, in their commercial or financial relations, which differ from those which would be made between independent enterprises, then any profits which but for those conditions would have accrued to one of the enterprises but by reason of those conditions have not so accrued may be included in the profits of that enterprise and taxed accordingly.

Article VI.

1. Notwithstanding the provisions of Articles IV and V of this Convention profits which a resident of one of the States derives from operating ships or aircraft shall be exempt from tax in the other State.

2. The Agreement dated 2nd May, 1929 between Norway and Canada providing for the reciprocal exemption from income tax on earnings derived from the operation of ships shall not have effect for any year or period for which this Convention has effect.

Article VII.

1. Dividends paid or credited by a company which is a resident of one of the States to a resident of the other State may be taxed in the former State but the rate of tax shall not exceed 15 per cent.

2. Notwithstanding paragraph 1, where the recipient is a company which owns more than 50 per cent of shares having under all circumstances full voting rights in the company paying the dividend, the rate of tax shall not exceed 5 per cent.

ARTICLE VIII.

1. Interest paid or credited by a resident of one of the States to a resident of the other State may be taxed in the former State. The rate of tax shall not exceed 15 per cent unless the interest is attributable to a permanent establishment in the former State maintained by the resident of the other State.

2. In this Article the term "interest" includes interest on bonds, securities, notes, debentures or any other form of indebtedness.

ARTICLE IX.

1. Copyright royalties and other like payments in respect of the production or reproduction of any literary, dramatic, musical or artistic work (excluding royalties and like payments in respect of motion picture films and films for use in connection with television) paid or credited by a resident of one of the States to a resident of the other State shall be exempt from tax in the former State.

2. Royalties and other amounts constituting consideration for the use of or the privilege of using any patent, design, plan, secret process, formula, trade mark or other like property and paid or credited by a resident of one of the States to a resident of the other State may be taxed in the former State, but the rate of tax shall not exceed 15 per cent.

3. Royalties and like payments in respect of motion picture films and films for use in connection with television paid or credited by a resident of one of the States to a resident of the other State may be taxed in the former State, but the rate of tax shall not exceed 10 per cent.

4. Paragraphs 1, 2 and 3 shall not apply where a recipient who is a resident of one of the States has a permanent establishment in the other State and such items of income as are dealt with in these paragraphs are attributable to that permanent establishment, in which event Article IV of this Convention shall be applicable.

ARTICLE X.

Income of or from an estate or trust paid or credited by a resident of one of the States to a resident of the other State may be taxed in the former State but the rate of tax shall not exceed 15 per cent.

ARTICLE XI.

Remuneration for services in the exercise of a liberal profession by a resident of one of the States shall not be subject to tax in the other State unless the profession is exercised from a fixed centre situated in the other State. If the profession is exercised as aforesaid, tax may be imposed by the other State on the remuneration but only on so much of it as is attributable to the activities from such a fixed centre.

ARTICLE XII.

Remuneration for labour or personal services (other than remuneration from the exercise of a liberal profession) performed in one of the States by a resident of the other State may be taxed in the former State unless otherwise provided in Articles XIII, XIV, XVI, XVII and XIX of this Convention.

ARTICLE XIII.

A resident of one of the States shall be exempt from tax in the other State in respect of remuneration for labour or personal services (other than remuneration from the exercise of a liberal profession) performed in the other State, if

(*a*) he is present in the other State for a period or periods not exceeding in the aggregate 183 days during the taxation year, and

(*b*) the labour or the personal services are performed for or on behalf of a person not being a resident of the other State, and

(*c*) such remuneration is not charged as such against the profits of a permanent establishment taxable in the other State.

ARTICLE XIV.

Director's fees and similar payments derived by a resident of one of the States in his capacity as a member of the board of directors of a company which is a resident of the other State may be taxed in the other State.

ARTICLE XV.

Notwithstanding anything contained in this Convention, income derived by public entertainers, such as theatre, motion picture, radio or television artists, and musicians, and by athletes, from their personal activities as such may be taxed in the State in which these activities are exercised.

ARTICLE XVI.

A resident of one of the States shall be exempt from tax in the other State in respect of remuneration for services performed on ships or aircraft in international traffic.

ARTICLE XVII.

1. Remuneration (other than pensions) paid by one of the States to any individual for services rendered to it in the discharge of governmental functions shall be exempt from tax in the other State if the individual is present in the other State solely for the purpose of rendering those services.

2. Paragraph 1 shall not apply to payments in respect of services rendered in connection with any trade or business carried on by either of the States for purposes of profit.

ARTICLE XVIII.

Any pension or annuity derived from sources within one of the States by an individual who is a resident of the other State shall be exempt from tax in the former State.

ARTICLE XIX.

Where a professor or teacher who is a resident of one of the States is temporarily present in the other State for the purpose of teaching at a university, college, school or other educational institution in the other State, remuneration derived by him during the first two years for so teaching shall be exempt from tax in the other State.

ARTICLE XX.

Where a student or apprentice who is a resident of one of the States is temporarily present in the other State for the purpose of receiving full-time education or training, amounts received by him from sources outside the other State for the purposes of his maintenance, education or training shall be exempt from tax in the other State.

ARTICLE XXI.

1. The items of income not treated in the foregoing Articles of this Convention shall be subject to tax only in the State of which the taxpayer is a resident.

2. In case there should be any substantial amendment of the taxation laws of one of the States either State may request that negotiations concerning the amendment of this Article be initiated.

ARTICLE XXII.

1. Income from sources within Canada which under the laws of Canada and in accordance with this Convention is subject to tax in Canada, either directly or by deduction, shall be exempt from Norwegian tax. Provided that where, under the provisions of Articles VII, VIII, IX and X, such income is subject to a limited rate of tax in Canada, Norwegian tax may be charged on the gross amount of such income, but the amount of Norwegian tax so chargeable shall be reduced by a sum equal to the tax charged by Canada.

2. The graduated rate of Norwegian tax to be imposed on residents of Norway may be calculated as though income exempted under this Convention were included in the amount of the total income.

3. Canada agrees to allow as a deduction from Canadian tax on any income derived from sources within Norway which is subject to tax in Canada the amount of Norwegian tax payable in respect of that income, provided that the deduction shall not exceed the proportion of the Canadian tax which the income from Norway that is subject to Canadian and Norwegian tax bears to the total income subject to Canadian tax.

4. For the purposes of this Article

(*a*) profits or remuneration for personal (including professional) services performed in one of the States shall be deemed to be income from sources within that State, and

(*b*) directors' fees and similar payments which are taxable under Article XIV shall be deemed to be income from sources within the State of which the company is a resident.

ARTICLE XXIII.

1. The competent authorities of the States shall upon request exchange information of a fiscal nature which is available to them, or which they are able to obtain under their own legislation and which would be useful to assure the regular assessment and collection of the taxes referred to in this Convention, as well as the application with respect to these taxes of the legal provisions relative to the prevention of fiscal fraud.

2. The information so exchanged shall retain its secret nature and shall not be disclosed to persons other than those charged with assessment and collection of the taxes referred to in this Convention.

3. The provisions of this Article shall not in any case be considered as requiring one of the States to disclose to the other State information other than that which its own fiscal legislation permits it to obtain or information the furnishing of which would involve the disclosure of industrial, commercial or professional secrets or trade processes.

4. These provisions shall not be considered as imposing on either of the two States the obligation to perform an administrative act which would be contrary to its regulations or practices.

ARTICLE XXIV.

1. The nationals of one of the States shall not be subjected in the other State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which nationals of that other State in the same circumstances are or may be subjected.

2. The term "nationals" means:

(*a*) all individuals possessing the nationality of one of the States;

(*b*) all legal persons, partnerships and associations deriving their status as such from the law in force in one of the States.

3. Paragraph 1 shall not be construed as obliging Norway to grant to Canadian nationals the exceptional tax relief which is accorded to Norwegian nationals and persons born of parents having Norwegian nationality pursuant to Article 22 of the Norwegian Taxation Act for the Rural Districts and Article 17 of the Norwegian Taxation Act for the Towns.

4. Taxation on a permanent establishment which an enterprise of one of the States has in the other State shall not be less favourably levied in the other State than taxation levied on enterprises of the other State carrying on the same activities.

This provision shall not be construed as obliging one of the States to grant to residents of the other State any personal allowances, reliefs and reductions for taxation purposes on account of personal circumstances or family responsibilities which it grants to its own residents.

5. In this Article the term "taxation" means the imposition of the taxes referred to in Article I.

ARTICLE XXV.

The competent authority of each of the States may prescribe regulations necessary to carry out the provisions of this Convention.

ARTICLE XXVI.

1. Any taxpayer who shows proof that the action of the revenue authorities of the two States has resulted in double taxation with respect to the taxes referred to in this Convention, may lodge a claim with the State in which he resides. Should the claim be upheld, the competent authority of this State may come to an agreement with the competent authority of the other State with a view to equitable avoidance of the double taxation.

2. The competent authorities of the two States may likewise come to an agreement for the purpose of overcoming double taxation in cases not otherwise provided for in this Convention, as well as in cases where the interpretation or the application of this Convention gives rise to difficulties or doubts.

ARTICLE XXVII.

1. This Convention shall be ratified and the instruments of ratification shall be exchanged at Oslo as soon as possible.

2. Upon exchange of ratifications the provisions of this Convention shall for the first time have effect:

(*a*) in Norway:
  (i) with regard to income tax on dividends from Norwegian companies, for such tax imposed on dividends payable on or after January 1st, 1960, and
  (ii) with regard to other income tax, for such tax imposed on the basis of the assessment 1961 (income year 1960);

(*b*) in Canada:
  (i) with regard to the income tax levied under Part III of the Income Tax Act on amounts paid or credited to non-residents on or after January 1st, 1960, and
  (ii) with regard to income taxes assessed for the 1960 taxation year.

Article XXVIII.

1. This Convention shall continue to be effective until it has been terminated by one of the States.

2. Either State may terminate the Convention at the end of the calendar year, provided that at least six months prior notice of termination has been given. In this case the Convention shall be effective for the last time:

(*a*) in Norway:
  (i) with regard to income tax on dividends from Norwegian companies, for such tax imposed on dividends payable in the year of termination, and
  (ii) with regard to other income tax, for such tax imposed on the basis of the assessment in the year following the year of termination.

(*b*) in Canada:
  (i) with regard to the income tax levied under Part III of the Income Tax Act on amounts paid or credited to non-residents in the year of termination, and
  (ii) with regard to income taxes assessed for a taxation year ending in the year of termination.

In Witness Whereof the undersigned, duly authorised thereto, have signed this Convention and have affixed thereto their seals.

Done, in duplicate, this twenty-ninth day of July nineteen hundred and sixty at OTTAWA, in the English and Norwegian languages, both texts being equally authentic.

FOR THE GOVERNMENT OF CANADA:

(Sgd.) Donald M. Fleming.

FOR THE GOVERNMENT OF THE KINGDOM OF NORWAY:

(Sgd.) Frithjof Jacobsen.

C-49.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-49.

An Act respecting Technical and Vocational Training Assistance.

First reading, December 6, 1960.

THE MINISTER OF LABOUR.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

24039-0

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-49.

An Act respecting Technical and Vocational Training Assistance.

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 *Technical and Vocational Training Assistance Act.*

Interpretation.

Definitions.

2. In this Act,

"Council."

(*a*) "Council" means the National Technical and Vocational Training Advisory Council established by this Act;

"Member."

(*b*) "member" means a member of the Council;

"Minister."

(*c*) "Minister" means the Minister of Labour;

"Technical and vocational training."

(*d*) "technical and vocational training" means any form of instruction, the purpose of which is to prepare a person for gainful employment in any primary or secondary industry or in any service occupation or to increase his skill or proficiency therein, and, without restricting the generality of the foregoing, includes instruction for that purpose in relation to any of the following industries or occupations:

(i) agriculture,
(ii) fishing,
(iii) forestry,
(iv) mining,
(v) commerce,
(vi) construction,
(vii) manufacturing,

Explanatory Note.

The purpose of this Act is to provide financial assistance for the development and operation of technical and vocational training facilities and programs throughout Canada.

(viii) transportation or communications, or

(ix) generally, any primary or secondary industry or service occupation requiring an understanding of the principles of science or technology and the application thereof, except where such instruction is designed for university credit; and

"Training facilities."

(*e*) "training facilities" means buildings and physical plant, machinery and equipment used for technical and vocational training.

AGREEMENTS AUTHORIZED.

Agreement authorized.

3. (1) The Minister may, with the approval of the Governor in Council, enter into an agreement with any province, for a period not exceeding six years, to provide for the payment by Canada to the province of contributions in respect of the costs incurred by the province in undertaking a program of technical and vocational training in the province

(*a*) for unemployed persons;

(*b*) for the training of persons in technical or vocational courses given in regular secondary schools in the province where such training is given as a part of the regular secondary school program;

(*c*) for the training of persons as teachers, supervisors or administrators to carry out technical or vocational training programs;

(*d*) for persons over the regular school leaving age, who have left school and who require training to develop or increase occupational skill;

(*e*) for apprentices;

(*f*) for supervisors in industries;

(*g*) for the training of persons in the skills of science or technology and the application thereof, except where such training is designed for university credit;

(*h*) for disabled persons; and

(*i*) for the training of persons in the type of program described in section 8.

Contributions payable.

(2) The contributions payable by Canada to a province under an agreement made pursuant to this section shall be the aggregate of the following costs incurred by the province in providing a technical and vocational training program in the province pursuant to the agreement:

(*a*) in respect of the costs attributable to the provision by the province of a technical and vocational training program for unemployed persons, seventy-five per cent thereof, or such lesser percentage thereof as may be specified in the agreement;

(*b*) in respect of the costs attributable to the provision by the province

(i) of a technical and vocational training program of the type described in paragraphs (*c*) to (*h*) of subsection (1), fifty per cent thereof, and

(ii) of a technical and vocational training program of the type described in paragraph (*i*), of subsection (1), one hundred per cent thereof, or such lesser percentage thereof as may be specified in the agreement; and

(*c*) in respect of the costs for a year attributable to the provision by the province of a technical and vocational training program of the type described in paragraph (*b*) of subsection (1), an amount equal to the aggregate of

(i) such amount as is specified in the agreement to be payable to the province for the year in respect of the provision by the province of such program, and

(ii) such additional amount, calculated on the basis of the youth population of the province for the year, as is determined in the manner specified in the agreement,

not exceeding, however, fifty per cent of the costs for the year attributable to the provision by the province of such program.

Definitions.

"Costs."

(3) In this section,

(*a*) "costs" incurred by a province means the costs incurred by the province determined as prescribed in the agreement made under this section between the Minister and the province, but does not include any capital expenditure incurred by the province on training facilities; and

"Regular school leaving age" and "Regular secondary school program."

(*b*) "regular school leaving age" and "regular secondary school program" in respect of a province have the meaning given to them in the agreement made under this section between the Minister and the province.

Costs to include student assistance.

(4) For the purposes of this section,

(*a*) the costs attributable to the provision by a province of a technical and vocational training program of a type described in paragraphs (*c*) and (*g*) of subsection (1) shall be deemed to include any amount expended by the province as financial assistance to any person being trained under such a program, where such expenditure is

(i) for the purpose of enabling the person to participate in such a program, and

(ii) in accordance with the terms and provisions of the agreement made under this section between the Minister and the province; and

Youth population determined.

(*b*) the youth population of a province for a particular year shall be deemed to be the number of persons in the age group of fifteen to nineteen years of age inclusive, of the province, as ascertained by the most recent census of Canada preceding the particular year and certified by the Dominion Statistician.

Agreement authorized for training facilities.

4. (1) The Minister may, with the approval of the Governor in Council, enter into an agreement with any province for a period not exceeding six years to provide for the payment by Canada to the province of contributions in respect of the capital expenditure incurred by the province on training facilities.

Amount of contributions.

(2) The contributions payable by Canada to a province under an agreement pursuant to this section shall be the aggregate of

(*a*) fifty per cent of the capital expenditure incurred by the province on training facilities;

(*b*) twenty-five per cent of the capital expenditure incurred by the province on training facilities before the first day of April, 1963; and

(*c*) twenty-five per cent of the capital expenditure incurred by the province after the 31st day of March, 1963 for the alteration or repair of premises and the purchase of machinery and equipment, under circumstances specified in the agreement, where such alterations, repairs and purchases are for the purpose of providing a technical and vocational training program for unemployed persons.

"Capital expenditure" defined.

(3) In this Act, the expression "capital expenditure" incurred by a province on training facilities means the capital expenditure incurred by the province on such facilities determined as prescribed in the agreement made under this section between the Minister and the province.

Agreement authorized for continuation of projects.

5. (1) The Minister may, with the approval of the Governor in Council, enter into an agreement with any province, for a period not exceeding six years, to provide financial assistance for the continuation after the coming into force of this Act, of any project for training originated in the province under *The Youth Training Act, 1939* and continued in effect in the province under the *Vocational Training Co-ordination Act*.

Percentage of cost.

(2) No agreement made under subsection (1) shall provide for the payment to a province of a percentage of the cost of the project referred to in subsection (1) in excess of the percentage of such cost contributed by the province.

Amendments.

6. Any agreement made or deemed to have been made under this Act may be amended

(*a*) with respect to the provisions in the agreement in respect of which a method of amendment is set out in the agreement, by that method; or

(*b*) with respect to any other provisions of the agreement, by the mutual consent of the parties thereto with the approval of the Governor in Council.

FEDERAL RESEARCH AND PROGRAMS.

Federal research program.

7. (1) The Minister may undertake and direct research in respect of technical and vocational training and, without restricting the generality of the foregoing, may undertake and direct research in respect of any of the following matters:

(*a*) trade analysis courses content;

(*b*) training aids, examinations and standards;

(*c*) the changing needs of the economy for trained workers;

(*d*) the relationship between technical and vocational training and the needs of the economy; or

(*e*) any studies that, in the opinion of the Minister, would assist in improving technical and vocational training in Canada.

Co-operation with province.

(2) The Minister may, where he deems it appropriate, undertake and direct any research referred to in subsection (1) in co-operation with any province.

Publication of research.

(3) The Minister may collect, compile, analyse, abstract and publish information relating to any research undertaken and directed by him pursuant to this section.

Federal technical and vocational training programs.

8. The Minister may undertake programs to provide technical and vocational training

(*a*) for any person serving in the naval, army or air forces of Canada and for any person who formerly served in such forces and who has been approved for such training by the Minister of Veterans Affairs; and

(*b*) for any person, at the request of a department or agency of the Government of Canada, for employment in such department or agency or for employment related to any activity carried on by such department or agency.

COUNCIL ESTABLISHED.

Council established.

9. (1) There shall be a Council, to be called the National Technical and Vocational Training Advisory Council, consisting of twenty-three members, to be appointed by the Governor in Council.

Tenure.

(2) Each member of the Council shall be appointed to hold office during pleasure for such term not exceeding three years as may be determined by the Governor in Council.

Alternate members.

(3) The Governor in Council may, in respect of each member, appoint a person to act as an alternate who, at the request and in the absence of the member for whom he is appointed as an alternate, shall act instead of the member and when so acting shall be deemed to be a member.

Chairman.

(4) The Governor in Council shall designate one of the members to be Chairman.

Composition of Council.

(5) There shall be an equal number of members of the Council specially representative of employers and of employees, and the remainder of the members may be representative of such other groups of persons or interests as the Governor in Council may determine.

Quorum.

(6) A majority of the members constitute a quorum of the Council, and a vacancy in the membership of the Council does not impair the right of the remaining members to act.

Procedure.

(7) The Council may make rules for regulating its proceedings and the performance of its functions and may provide therein for the delegation of any of its duties to any special or standing committees of its members.

Staff.

(8) The Minister may provide the Council with such professional, technical, secretarial and other assistance as the Council may require, but the provision of such assistance otherwise than from the public service of Canada is subject to approval by Treasury Board.

Information to be made available.

(9) The Minister shall make available to the Council such information as the Council reasonably requires for the proper discharge of its functions.

Travelling expenses and per diem allowance.

(10) Members shall serve without remuneration but each member is entitled to be paid his actual travelling expenses incurred with the approval of the Minister in connection with the work of the Council, and may, with the approval of the Minister, be paid a per diem allowance fixed by the Governor in Council for each day he is necessarily absent from his home in connection with such work.

Reference to Council.

10. (1) The Minister may refer to the Council for its consideration and advice such questions relating to the operation of this Act as he thinks fit.

Council to investigate and report.

(2) The Council shall investigate and report on all matters referred to it pursuant to subsection (1) and shall make such recommendations to the Minister in respect thereof as it deems appropriate.

General.

Officers, clerks and employees.

11. Such officers, clerks and other employees as are necessary for the administration of this Act shall be appointed under the provisions of the *Civil Service Act*.

Regulations.

12. The Governor in Council may, on the recommendation of the Minister, make regulations for carrying the purposes and provisions of this Act into effect.

Report to Parliament.

Report to Parliament.

13. The Minister shall, within three months after the termination of each fiscal year, prepare an annual report on the work done, moneys expended and obligations contracted under this Act and cause the report to be laid before Parliament if Parliament is then sitting or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

Transitional.

Agreements continued in force.

14. Any agreement made between the Minister and a province under the *Vocational Training Co-ordination Act* and in force at the coming into force of this Act shall be deemed to have been made under this Act and shall continue in full force and effect according to the terms and conditions of such agreement.

Repeal.

Repeal.

15. The *Vocational Training Co-ordination Act* is repealed.

C-50.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-50.

An Act to amend the Canada Elections Act.
(Election Expenses.)

First reading, December 7, 1960.

Mr. MARTIN (Timmins).

C-50.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-50.

An Act to amend the Canada Elections Act.
(Election Expenses.)

First reading, December 7, 1960.

Mr. MARTIN (Timmins).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

24023-4

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-50.

An Act to amend the Canada Elections Act.
(Elections Expenses.)

1960, c. 39.

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

1. The *Canada Elections Act*, chapter 39 of the Statutes of 1960, is amended by inserting therein immediately after section 63 thereof the following section:

Return of election expenses of central committee.

"**63A.** (1) Within four months after polling day the secretary or treasurer of the central committee of every political party, or any other officer who acted in such capacity, shall transmit to the Chief Electoral Officer a true signed return accompanied by a declaration in form 62A, such return in this section referred to as a return respecting central committee election expenses, containing detailed statements of:

(*a*) all payments made by the central committee in connection with the election, together with all the bills and receipts, which bills and receipts are in this section included in the expression "return respecting central committee election expenses"; and

(*b*) all money, securities and equivalent of money received by, the central committee from any person, company, corporation, or organization, for the purpose of expenses incurred or to be incurred on account of or in respect of the conduct or management of the election, naming every person, company, corporation or organization from whom the same may have been received or by whom such promise was made, showing as to each sum whether it was received or merely promised, whether in money, in direct contribution or as payment to some other person, company, corporation, or organization for goods or services supplied for the conduct of the election, or otherwise and whether as contribution, loan, advance, deposit or otherwise.

Explanatory Note.

The purpose of this bill is to provide that the central committee of political parties in Canada shall be required to file a return with the Chief Electoral Officer showing the source and amounts of campaign fund contributions and to provide that such returns shall be laid before Parliament.

A political party defined.

(2) A political party within the meaning of this section is an affiliation of electors comprised in a political organization which has expended money in the support of any candidate in the election.

Report of returns by the C.E.O. to the Secretary of State.

(3) The Chief Electoral Officer shall, within seven months after polling day, whether such polling day is for a general or a by-election, submit to the Secretary of State a detailed report of the returns filed pursuant to this section and the Secretary of State shall lay the same before Parliament forthwith or, if Parliament is not then sitting, within fifteen days after the commencement of the next ensuing session.

(4) The conditions, formalities and penalties provided for in section 63 shall, *mutatis mutandis*, apply to this section.

New Form 62A added.

2. The said Act is further amended by inserting therein, immediately after Form 62, the following Form:

"FORM No. 62A.

DECLARATION RESPECTING ELECTION EXPENSES OF A CENTRAL COMMITTEE OF A POLITICAL PARTY. (SECTION 63A)

I, , being the secretary (or treasurer, or other officer, as the case may be) of the central committee of the party, during the election held on the day of , 19 , of members to serve in the House of Commons, do hereby solemnly declare that I have examined the returns respecting election expenses of the central committee of the party about to be transmitted by me to the Chief Electoral Officer and now shown to me by the person (having authority by virtue of section 37 of the *Canada Evidence Act* to receive a solemn declaration) before whom this declaration is made and to the best of my knowledge and belief that return is correct;

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the *Canada Evidence Act.*

.....
(Signature of declarant)

Signed and declared before me by the above named declarant at , in the Province of..... ....., on the of , 19 .

....."

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-51.

An Act to amend the Broadcasting Act.
(Human Rights abuses remedied).

First reading, December 12, 1960.

Mr. HERRIDGE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

24156-2

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-51.

An Act to amend the Broadcasting Act.
(Human Rights abuses remedied).

1958, c. 22.

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

Subsection added.

1. Section 12 of the *Broadcasting Act* is amended by adding thereto, immediately after subsection (5) thereof, the following subsection:

Licence conditioned on observance of *Canadian Bill of Rights*. 1960, c. 44.

"(6) (*a*) Every licence issued before or after the coming into effect of this Act is subject to the condition that the licensee will comply with the provisions of the *Canadian Bill of Rights* and will not abrogate, abridge or infringe or authorize the abrogation, abridgment or infringement of any of the rights or freedoms in that Act recognized and declared, and in particular, the licensee will,

Specific condition: commercial service must be furnished without discrimination.

(i) without discrimination and without delay, upon reasonable notice, furnish suitable commercial service, of the type furnished by the licensee, to any person who may apply therefor and be reasonably entitled thereto and to whom such service reasonably can be supplied by the licensee;

Minister of Justice to ascerain if condition breached.

(*b*) The Minister of Justice shall, upon any complaint thereof, ascertain whether a licensee has breached in any particular the condition set out in paragraph (*a*) and he shall report thereon to the Minister of Transport forthwith and to the House of Commons at the first convenient opportunity;

Licence revoked upon breach.

(*c*) Upon receiving a report from the Minister of Justice that a licensee has breached in any particular the condition set out in paragraph (*a*), the Minister of Transport shall revoke forthwith the licence of such licensee and shall notify the licensee of the revocation so made;

Explanatory Notes.

Section 2 of the *Bill of Rights*, 2nd sess., 1 Wm. & Mary, 1688, provides:

> "And from and after this present session of Parliament no dispensation by *non obstante* (exception) of or to any statute or any part thereof shall be allowed but . . . . . the same shall be held void and of no effect except a dispensation be allowed of in such statute . . .."

This section was directed against the Crown's practice of granting licences to private persons to do acts that could not lawfully be done without the privilege of the licence. Parliament especially had been concerned with the Crown's habit of selling or giving licences to violate the laws against monopolies.

Both the English common law and the French civil law recognize the doctrine that the right of the businessman or industrialist to do business only with persons of his choice is subject to restrictions based on reasons of good morals or public order: such is the case where the State takes exclusive control of a commercial field and grants a special privilege or licence in that field to the businessman or industrialist to sell, under monopoly or quasi-monopoly, to the public; the licensee then assumes definite obligations, including the obligation to sell to anyone who is ready to pay the regular price. *See Christie v. York Corp., (1940) Supreme Court of Canada, p. 139; Tribunal de Commerce de Nice and confirmed by the French Cour de Cassation (S. 93-2-193; and S. 96-1-144).* In the *Christie* case, Mr. Justice Davis said:

> "If there is to be exclusion on the ground of colour or of race or of religious faith or on any other ground not already specifically provided for by the statute, it is for the Legislature itself, in my view, to impose such limitations under the exclusive system of governmental control of the sale of liquor to the public which it has seen fit to enact."

The Canadian Parliament, for public convenience, interest and necessity, has by the *Radio Act* allowed the Crown to grant monopolies by licence to individuals and corporations to operate broadcasting stations for private gain. Under the common law and civil law, therefore, such stations must sell advertising time without discrimination. In 1960, Parliament confirmed this law by statute. Section 2 of the *Canadian Bill of Rights* applies to provide that the *Radio Act* and the *Broadcasting Act* shall not be so used as to violate the rights or freedoms of any citizen: e.g., freedom of speech or freedom of the press. Presumably, the Governor in Council might make regulations to control such excesses or the Minister of Transport arbitrarily remedy violations by revocation or suspension of licence.

Appeal.

(*d*) Where the Minister of Transport orders the revocation of the licence under paragraph (*c*), the licensee may by leave of a judge of the Exchequer Court of Canada appeal against the order to that Court on any question of law, and the Court may stay the operation of the order pending its final decision and may affirm, alter or rescind the order."

However, for the semblance of impartiality, the seemly method is that Parliament decree the means and manner of enforcement. This Bill, therefore, so provides.

Clause 1: For clarity, and emphasis of notice to the licensee, this clause provides, generally, that a licence is conditional upon observance of the *Canadian Bill of Rights*; and, specifically, that there shall be no discrimination by a licensee in providing commercial services to applicants—e.g., freedom of the press includes liberty of circulation and distribution, as well as publication, *Lovell v. Griffin*, 303 U.S. 444(1938), and liberty of circulation and distribution includes the right to compete for advertising space on a government-licensed advertising media—without discrimination because the applicant competes in the newspaper field with the broadcasting monopolist. Subsection 6(*a*)(i) is an adaptation of provincial public utility anti-discrimination law. Subsection (6)(*b*) follows the procedure in section 3 of the *Canadian Bill of Rights* in appointing the Minister of Justice to be the deputy of Parliament to determine whether a licensee has violated the *Canadian Bill of Rights*. Upon a violation, the Minister of Transport revokes the licence. The licensee has a right of appeal on any question of law to the Exchequer Court which may suspend the revocation until the appeal is determined.

C-52.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-52.

An Act for the Establishment of a National Productivity Council.

First reading, December 12, 1960.

THE MINISTER OF TRADE AND COMMERCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

24035-8

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-52.

An Act for the Establishment of a National Productivity Council.

Preamble.

WHEREAS in order to provide expanding opportunities for increased employment and trade and rising national standards of living, it is in the national interest to promote and expedite continuing improvement in productive efficiency in the various aspects of Canadian economic activity:

THEREFORE 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 *National Productivity Council Act.*

NATIONAL PRODUCTIVITY COUNCIL.

Establishment of Council.

2. A corporation is hereby established to be known as the National Productivity Council, in this Act called the "Council", consisting of twenty-five members, including

(*a*) five members who shall be chosen from the field of industry and commerce,

(*b*) five members who shall be chosen from the field of organized labour,

(*c*) five members who shall be chosen from the field of agriculture and other primary industries,

(*d*) five members of the general public,

(*e*) four members who are officers or employees of Her Majesty employed in departments or agencies of the government of Canada that are active in the technical aspects of productivity, and

(*f*) one member who shall serve as Executive Director of the Council,

to be appointed by the Governor in Council as provided in sections 3 and 4.

Appointment of Executive Director.

3. (1) The Executive Director shall be appointed to hold office during pleasure.

Appointment of other members of Council.

(2) Each of the other members of the Council shall be appointed to hold office for a term of three years, except that of those first appointed not more than eight shall be appointed for a term of one year, not more than eight shall be appointed for a term of two years and not more than eight shall be appointed for a term of three years.

Chairman of Council.

(3) One member other than the Executive Director shall be appointed to be Chairman of the Council for such term, not exceeding three years, as is fixed by the Governor in Council.

Reappointment.

(4) A retiring Chairman or other member is eligible for reappointment to the Council in the same or another capacity.

Eligibility.

(5) A person in order to be eligible to be appointed as a member of the Council described in paragraph (*a*), (*b*), (*c*) or (*e*) of section 2 shall have knowledge of the field he is to represent and of productivity problems related to that field, or shall have knowledge of technical aspects of industrial productivity.

Recommendations.

4. Where a vacancy exists in the membership of the Council, the Governor in Council may invite recommendations from representative organizations and associations as to suitable appointees.

Salary of Executive Director.

5. (1) The Executive Director shall be paid such salary and expenses out of moneys provided for the work of the Council as are fixed by the Governor in Council.

Remuneration and expenses.

(2) Members of the Council other than the Executive Director shall serve without remuneration but are entitled to be paid out of the Consolidated Revenue Fund reasonable travelling and living expenses while absent from their ordinary place of residence in the course of their duties.

Honorarium to Chairman.

(3) Notwithstanding subsection (2), the Chairman of the Council may be paid out of the Consolidated Revenue Fund such honorarium not exceeding three thousand dollars a year as may be approved by the Governor in Council.

Quorum.

6. Thirteen members constitute a quorum of the Council.

Vacancy.

7. A vacancy in the membership of the Council does not impair the right of the remainder to act.

Absence of Chairman.

8. In the event of the absence or incapacity of the Chairman, or if the office of the Chairman is vacant, the Executive Director shall act as Chairman.

Meetings.

9. The Council shall meet at least three times a year in the City of Ottawa on such days as are fixed by the Council and at such other times and places as the Council deems necessary.

Objects and Powers of the Council.

Objects and powers.

10. The objects of the Council are to promote and expedite continuing improvement in productive efficiency in the various aspects of Canadian economic activity, and, without limiting the generality of the foregoing, the Council may, in furtherance of its objects,

(*a*) foster and promote

(i) the development of improved production and distribution methods,

(ii) the development of improved management techniques,

(iii) the maintenance of good human relations in industry,

(iv) the use of training programmes at all levels of industry,

(v) the use of retraining programmes to meet changing manpower requirements,

(vi) the extension of industrial research programmes in plants and in industries as a means of achieving greater productivity, and

(vii) the dissemination of technical information; and

(*b*) organize, assist and enlist the aid of committees, teams and other groups in the implementation on a national, regional or industry basis of programmes designed to give effect to any of the objects described in paragraph (*a*).

Powers.

11. In addition to the general powers conferred upon or vested in the Council by this Act the Council may,

(*a*) subject to the approval of the Governor in Council, make by-laws regulating its proceedings and generally for the conduct of its activities, including the establishment of regional offices;

(*b*) acquire by purchase, lease, gift, donation, bequest or otherwise any real or personal property, including securities, and own, hold, sell, manage or deal therewith or therein as the Council may determine; and

(*c*) expend any moneys appropriated by Parliament for the work of the Council or received by the Council through the conduct of its operations or by gift, donation, bequest or otherwise.

Organization.

Administration.

12. (1) The Executive Director has charge of all matters relating to the administration of the affairs of the Council and has supervision over and direction of the work of the staff of the Council.

Staff appointments.

(2) Subject to the approval of the Council, the Executive Director may

(*a*) appoint such officers and employees as are necessary for the proper conduct of the work of the Council; and

(*b*) prescribe the duties of such officers and employees and, subject to the approval of the Treasury Board, prescribe the conditions of their employment.

Staff salaries.

(3) The officers and employees of the Council appointed as provided in subsection (2) shall be paid such salaries and expenses out of the moneys provided for the work of the Council as are fixed by the Council with the approval of the Treasury Board.

Pension fund.

13. The Executive Director and the staff of the Council shall be deemed to be employed in the Public Service for the purposes of the *Pubilc Service Superannuation Act*, and the Council shall be deemed to be a Public Service corporation for purposes of section 23 of that Act.

Not agent of Her Majesty.

14. The Council is not an agent of Her Majesty, and, except as provided in section 13, the members and staff of the Council are not part of the public service.

Financial Provisions.

Appropriations.

15. The Minister of Finance shall, out of the Consolidated Revenue Fund, pay to the Council

(*a*) for each of the first three years after the coming into force of this Act, the sum of one hundred and fifty thousand dollars, and

(*b*) thereafter, such amounts as may be appropriated by Parliament for the purpose.

Appropriation equal to donations.

16. Where the Council, during the first three years after the coming into force of this Act, acquires by gift, donation or bequest, any money, securities or other property from a person other than Her Majesty, the Minister of Finance shall, out of the Consolidated Revenue Fund, pay to the Council in addition to the amount paid to the Council under section 15 for any such year, an amount for that year equal to the total value of the property so acquired by the Council during that year.

Council charitable organization.

17. The Council shall be deemed to be a charitable organization in Canada,

(*a*) as described in paragraph (*e*) of subsection (1) of section 62 of the *Income Tax Act*, for the purposes of that Act, and

(*b*) as described in subparagraph (i) of paragraph (*d*) of subsection (1) of section 7 of the *Estate Tax Act*, for the purposes of that Act.

AUDIT.

Audit.

18. The accounts and financial transactions of the Council shall be audited annually by the Auditor General, and a report of the audit shall be made to the Council and the Ministers of Trade and Commerce and of Labour.

REPORT TO PARLIAMENT.

Report to Parliament.

19. The Chairman of the Council shall, within three months after the termination of each fiscal year, submit to the Ministers of Trade and Commerce and of Labour a report of all proceedings under this Act for that fiscal year, including the financial statements of the Council, and the Auditor General's report thereon, and the Minister of Trade and Commerce shall cause such reports to be laid 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.

C-53.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-53.

An Act to amend the Canada Elections Act (Compulsory Voting).

First reading, December 13, 1960.

MR. FORTIN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23636-4

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-53.

An Act to amend the Canada Elections Act (Compulsory Voting).

1960, c. 39.

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

1. The *Canada Elections Act*, is amended by inserting therein, immediately after section 76 thereof, the following heading and section:

"Compulsory Voting.

Duty of elector.

"**76A.** (1)—It shall be the duty of every elector tore cord his vote at each election.

Duty of returning officer.

(2) It shall be the duty of the returning officer for each electoral district at the close of each election to prepare a list of the names and descriptions of the electors enrolled for his district who have not voted at the election, and to certify the list by statutory declaration under his hand.

List to be evidence.

(3) The list so certified shall in all proceedings be *prima facie* evidence of the contents thereof and of the fact that the electors whose names appear therein did not vote at the election.

Notice to elector.

(4) Within the prescribed period after the close of each election the returning officer of the electoral district shall send by post to each elector whose name appears on the list prepared in accordance with subsections (1) and (2) of this section, at the address mentioned in that list, a notice, in the prescribed form, notifying the elector that he appears to have failed to vote at the election, and calling upon him to give a valid truthful and sufficient reason why he failed so to vote;

Provided that the returning officer need not send a notification in any case where he is satisfied that the elector—

Explanatory Note.

The purpose of this bill is to provide that it shall be the duty of every elector to record his vote at each election, the duty of the district returning officers to prepare lists of electors who have not voted and to send notices to such electors asking them to give reasons, if any, why they have not done so, also to decide on the sufficiency of the reasons given. The bill also provides for penalties and for proceedings to be instituted by the Chief Electoral Officer or by an officer authorized by him to act in his place.

(*a*) is dead; or

(*b*) was absent from Canada on polling day; or

(*c*) is known to the returning officer to have been ineligible to vote at the election.

Date for return of the form.

(5) Before sending any such notice, the returning officer shall insert therein a date, not being less than twenty-one days after the date of posting of the notice, on which the form attached to the notice, duly filled up and signed by the elector, is to be in the hands of the returning officer.

Form to be filled and returned.

(6) Every elector to whom a notice under this section has been sent shall fill up the form at the foot of the notice by stating in it the true reason why he failed so to vote, sign the form, and post it so as to reach the returning officer not later than the date inserted in the notice.

In case of incapacity.

(7) If any elector is unable, by reason of absence from his place of living or physical incapacity, to fill up, sign, and post the form, within the time allowed under subsection (5) of this section, any other elector who has personal knowledge of the facts may, subject to the regulations, fill up, sign, and post the form, duly witnessed, within that time, and the filling up, signing, and posting of the form may be treated as compliance by the first-mentioned elector with the provisions of subsection (6) of this section.

Returning officer to indorse his opinion on the list.

(8) Upon receipt of a form referred to in either of the last two preceding subsections, the returning officer shall indorse on the list prepared in accordance with subsection (2) of this section, opposite the name of the elector, his opinion whether or not the reason contained in the form is a valid and sufficient reason for the failure of the elector to vote.

If form not received, etc.

(9) The returning officer shall also indorse on the list opposite the name of each elector to whom a notice under this section has been sent and from or on behalf of whom a form properly filled up, signed and witnessed has not been received by him, a note to that effect.

Evidence of contents of list.

(10) The list prepared and indorsed by the returning officer, indicating—

(*a*) the names of the electors who did not vote at the election;

(*b*) the names of the electors from whom or on whose behalf the returning officer received, within the time allowed under subsection (5) of this section, forms properly filled up and signed; and

(*c*) the names of the electors who failed to reply within that time,

and any extract therefrom, certified by the returning officer under his hand, shall in all proceedings be *prima facie* evidence of the contents of such list or extract, and of the

fact that the electors whose names appear therein did not vote at the election, and that the notice specified in subsection (4) of this section was received by those electors, and that those electors did, or did not (as the case may be), comply with the requisitions contained in the notice within the time allowed under subsection (5) of this section.

Offences and penalties.

(11) Every elector who—

(*a*) fails to vote at an election without a valid and sufficient reason for such failure; or

(*b*) on receipt of a notice in accordance with subsection (4) of this section, fails to fill up, sign, and post within the time allowed under subsection (5) of this section, the form (duly witnessed) which is attached to the notice; or

(*c*) states in such form a false reason for not having voted, or, in the case of an elector filling up or purporting to fill up a form on behalf of any other elector, in pursuance of subsection (7) of this section, states in such form a false reason why that other elector did not vote,

shall be guilty of an offence and liable to a penalty of not less than three dollars and not more than ten dollars.

Proceedings to be instituted by C.E.O.

(12) Proceedings for an offence against this section shall not be instituted except by the Chief Electoral Officer or an officer thereto authorized in writing by the Chief Electoral Officer."

C-54.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-54.

An Act to amend the House of Commons Act (Election Writs for By-elections).

First reading, December 20, 1960.

Mr. PICKERSGILL.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

24206-5

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-54.

An Act to amend the House of Commons Act (Election Writs for By-elections).

R.S., c. 143.

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

1. Subsection (1) of section 13 of the *House of Commons Act* is repealed and the following substituted therefor:

Election writ to issue within sixty days after warrant.

"**13.** (1) In the event of a vacancy occurring a writ shall be issued within sixty days after the receipt by the Chief Electoral Officer of the warrant for the issue of a new writ for the election of a member of the House of Commons and such writ shall order a by-election to be held on a date not later than ninety days after the issuance thereof."

Explanatory Note.

The purpose of this bill is to amend the *House of Commons Act* in order to make sure that there shall be no undue and unjustified delays in the calling of by-elections.

Subsection (1) of section 13 at present reads as follows:

"**13.** (1) In the event of a vacancy occurring a writ shall be issued within *six months* after the receipt by the Chief Electoral Officer of the warrant for the issue of a new writ for the election of a member of the House of Commons."

C-55.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-55.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1961.

AS PASSED BY THE HOUSE OF COMMONS, 20th DECEMBER, 1960.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

24049-9

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-55.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1961.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by message from His Excellency, Major-General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada, and the estimates accompanying the said message, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1961, 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. 7, 1960.*

$56,092,918 granted for 1960-61.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole fifty-six million, ninety-two thousand, nine hundred and eighteen dollars towards defraying the several charges and expenses of the public service, from the 1st day of April, 1960, to the 31st day of March, 1961, not otherwise provided for, and being the total of the amounts of the items, set forth in the Schedule to this Act.

Purpose and effect of each item.

3. (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

(2) The provisions of each item in the Schedule shall be deemed to have been enacted by Parliament on the 1st day of April, 1960.

Account to be rendered.

4. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE

Based on the Further Supplementary Estimates (4), 1960–61. The amount hereby granted is $56,092,918, being the total of the amounts of the items in the Estimates as contained in this Schedule.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1961, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	CITIZENSHIP AND IMMIGRATION		
	INDIAN AFFAIRS BRANCH		
	Indian Agencies—		
578	Operation and Maintenance—Further amount required.....	50,000	
579	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	266,500	
	Welfare of Indians—		
580	Operation and Maintenance—Further amount required.....	35,000	
581	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	215,000	
	Economic Development of Indians—		
582	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	5,000	
	Indian Education—		
583	Administration, Operation and Maintenance—Further amount required.....	483,000	
584	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	245,000	
			1,299,500
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
	CONTRIBUTIONS TO INTERNATIONAL ECONOMIC AND SPECIAL AID PROGRAMS		
	Bilateral Economic Aid Programs—		
585	West Indies Assistance Program—Further amount required.	750,000	
	Special Aid Programs—		
586	Contribution towards the administrative expenses of the Freedom-from-Hunger Campaign of the Food and Agriculture Organization.....	23,000	
			773,000
	FINANCE		
	CONTINGENCIES AND MISCELLANEOUS		
587	Miscellaneous minor or unforeseen expenses, subject to the approval of the Treasury Board, including authority to re-use any sums repaid to this appropriation from other appropriations, and for awards under the Public Servants Inventions Act—Further amount required.....	.....	1,500,000
	FISHERIES		
	SPECIAL		
588	Assistance in the construction of bait freezing and storage facilities, subject to regulations established by the Governor in Council—Further amount required.....	12,992	

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	FISHERIES—*Concluded*		
	FISHERIES RESEARCH BOARD OF CANADA		
589	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required	50,000	62,992
	JUSTICE		
	A—DEPARTMENT		
590	Bankruptcy Act Administration—Further amount required	50,000	
	B—PENITENTIARIES		
591	Construction, Improvements and Equipment—Further amount required	315,000	365,000
	LABOUR		
	A—DEPARTMENT		
	SPECIAL SERVICES		
592	Payments, in accordance with terms and conditions approved by the Governor in Council, to Provinces and in respect of Indian Bands under the Municipal Winter Works Incentive Program during the 1960-61 and 1961-62 fiscal years of amounts not exceeding one-half of the cost of labour incurred in the period from the 15th day of October, 1960, to such day in the fiscal year 1961-62 as may be determined by the Governor in Council	30,000,000	
	VOCATIONAL TRAINING CO-ORDINATION		
593	Administration—Further amount required	30,000	
594	To carry out the purposes of the Vocational Training Co-ordination Act and agreements made thereunder—Payments to the Provinces—Further amount required	700,000	30,730,000
	LEGISLATION		
	THE SENATE		
595	General Administration—Further amount required	.....	25,000
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	ADMINISTRATION SERVICES		
596	Departmental Administration— Acquisition of Common-Use Field Survey and Other Equipment—Further amount required	100,000	

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	MINES AND TECHNICAL SURVEYS —*Concluded*		
	SURVEYS AND MAPPING BRANCH		
597	Geodetic Survey of Canada—Further amount required.....	5,000	
	Canadian Hydrographic Service—		
598	Administration, Operation and Maintenance—Further amount required.....	185,000	
	Topographical Surveys—		
599	Construction or Acquisition of Equipment—Further amount required.....	5,000	
600	Legal Surveys and Aeronautical Charts—Further amount required.....	5,000	
	GEOLOGICAL SURVEY OF CANADA		
601	Construction or Acquisition of Equipment—Further amount required.....	125,000	
	MINES BRANCH		
602	Construction or Acquisition of Equipment—Further amount required.....	110,000	
	DOMINION OBSERVATORIES		
	Dominion Observatory, Ottawa and Field Stations—		
603	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	30,000	
	Dominion Astrophysical Observatory, Victoria, B.C.—		
604	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	15,000	
	GENERAL		
605	Polar Continental Shelf Project—Further amount required....	20,000	600,000
	NATIONAL HEALTH AND WELFARE		
	NATIONAL HEALTH BRANCH		
	Indian and Northern Health Services—		
606	Construction or Acquisition of Buildings, Works Land and Equipment—Further amount required.....	.....	657,334
	NATIONAL RESEARCH COUNCIL		
607	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	.....	171,500
	NATIONAL REVENUE		
	CUSTOMS AND EXCISE DIVISIONS		
	Ports—		
608	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	.....	24,000

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
609	Contributions to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council, by Canada with the Provinces, of amounts equal to one-half of the amounts confirmed by the Provinces as having been spent by them for Camp-ground and Picnic Area Developments—Further amount required	600,000	
610	Contributions to the Provinces to assist in the development of roads leading to resources in accordance with agreements entered into by Canada and the Provinces—Further amount required	4,000,000	
	NATIONAL PARKS BRANCH		
	National Parks and Historic Sites Services—		
611	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required	3,850,335	
	WATER RESOURCES BRANCH		
	Water Resources Branch—		
612	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required	47,000	
	NORTHERN ADMINISTRATION BRANCH		
	Welfare and Industrial Divisions—		
613	Construction or Acquisition of Buildings, Works, Land and and Equipment—Further amount required	78,500	
	Northwest Territories and Other Field Services—		
614	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required	204,500	
	FORESTRY BRANCH		
	Forest Research Division—		
615	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required	44,040	
	Forestry Operations Division—		
616	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required	12,150	
617	Contributions to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council, by Canada with the Provinces, of amounts equal to one-half of the amounts confirmed by the Provinces as having been spent by them in establishing forest access roads and trails for the attainment of adequate fire protection as well as other aspects of forest management	830,000	
			9,666,525
	PRIVY COUNCIL		
	SPECIAL		
618	Expenses of the Royal Commission on railway problems—Further amount required	89,000	

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	PRIVY COUNCIL—*Concluded*		
	SPECIAL—*Concluded*		
619	Expenses of the Royal Commission on Canadian Magazines and Other Periodicals 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 to the Commission.....	78,650	
620	Expenses of the Royal Commission on the Motor Vehicles Industries 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 to the Commission.....	75,450	
621	Expenses of the Royal Commission on Government Organization 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 to the Commission.....	250,000	
			493,100
	PUBLIC WORKS		
	PUBLIC BUILDINGS CONSTRUCTION AND SERVICES		
	Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildigns 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 amounts required—		
622	Quebec.....	1	
623	Ontario.....	1	
624	Saskatchewan.....	1	
625	Alberta.....	1	
626	British Columbia.....	235,000	
627	Yukon and Northwest Territories.....	1	
628	Maintenance and Operation of Public Buildings and Grounds—Further amount required.....	400,000	
629	Furniture and Furnishings for Government Departments—Further amount required.....	130,000	
	HARBOURS AND RIVERS ENGINEERING SERVICES		
	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—Further amounts required—		
630	Newfoundland.....	650,000	
631	Nova Scotia.....	325,000	
632	Prince Edward Island.....	196,600	
633	New Brunswick.....	100,000	
634	Quebec.....	585,000	
635	Ontario.....	1	
636	British Columbia.....	100,000	
637	Repairs and upkeep, including reconstruction and replacements for the maintenance of services—Further amount required.	100,000	
	Dredging—		
638	Maintenance and Operation of Plant and Contract and Day Labour Works—Further amount required.....	125,000	

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	PUBLIC WORKS—*Concluded*		
	HARBOURS AND RIVERS ENGINEERING SERVICES—*Concluded*		
	Dredging—*Concluded*		
639	Construction or Acquisition of Plant and Equipment—Further amount required	400,000	
640	Maintenance and Operation of Graving Docks, Locks and Dams—Further amount required	65,000	
	GENERAL		
641	Miscellaneous Works not otherwise provided for: a maximum of $15,000 may be expended in respect of any one work and, with the approval of Treasury Board, that maximum may be increased to $25,000—Further amount required	500,000	3,911,606
	ROYAL CANADIAN MOUNTED POLICE		
	Marine Services—		
642	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required	.....	25,000
	SECRETARY OF STATE		
643	Departmental Administration—Further amount required for a gift of Eskimo graphic art as Canada's contribution to the furnishing of the administrative headquarters of les Bureaux Internationaux Réunis pour la Protection de la Propriété Industrielle, Littéraire et Artistique	.....	1,000
	TRADE AND COMMERCE		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
644	Trade Commissioner Service—Administration and Operation—Further amount required	.....	153,000
	TRANSPORT		
	A—DEPARTMENT		
	CANAL SERVICES		
645	Operating deficit and capital requirements of Canals and Works entrusted to the St. Lawrence Seaway Authority with the approval of the Governor in Council—Further amount required	142,000	
	MARINE SERVICES		
	Marine Service Steamers—		
646	Construction or Acquisition of Vessels and Equipment—Further amount required	654,500	
	Aids to Navigation—		
647	Administration, Operation and Maintenance—Further amount required	40,000	
	Pilotage Service—		
648	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required	95,000	

SCHEDULE—*Concluded*

No. of Vote	Service	Amount	Total
		$	$
	TRANSPORT—*Concluded*		
	A—DEPARTMENT—*Concluded*		
	RAILWAY AND STEAMSHIP SERVICES		
649	Railway to Great Slave Lake—Location Survey	250,000	
	AIR SERVICES		
	Telecommunications Branch		
	Radio Aids to Air and Marine Navigation—		
650	Administration, Operation and Maintenance—Further amount required	41,665	
651	Construction or Acquisition of Buildings, Works, Land and Equipment	349,210	
	Meteorological Branch		
652	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required	82,250	
	Civil Aviation Branch		
653	Airports and Other Ground Services—Operation and Maintenance—Further amount required	318,236	
654	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required	1,018,500	
	B—GENERAL		
	AIR TRANSPORT BOARD		
655	Subventions for Air Carriers, as detailed in the Estimates	125,000	3,116,361
	VETERANS AFFAIRS		
	Treatment Services—		
656	Hospital Construction, Improvements, Equipment and Acquisition of Land—Further amount required	.....	650,000
	LOANS, INVESTMENTS AND ADVANCES		
	VETERANS AFFAIRS		
	Soldier Settlement and Veterans Land Act		
657	Purchase of land and permanent improvements; cost of permanent improvements to be effected; removal of encumbrances; stock and equipment; and protection of security under the Veterans' Land Act—Further amount required	.....	1,868,000
			56,092,918

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-56.

An Act to provide for the Reformation of the Senate.

First reading, December 21, 1960.

Mr. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

24245-3

4th Session, 24th Parliament, 9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-56.

An Act to provide for the Reformation of the Senate.

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 *Senate Reform Act.*

Senate deemed to have passed each public bill without amendment when not so passed or when rejected.

2. When a public bill, having been passed by the House of Commons and sent up to the Senate, is not passed by the Senate or is not passed by the Senate without amendment, the bill as so passed by the House of Commons shall, unless the House of Commons directs to the contrary, be deemed to have been passed by both Houses of Parliament and be presented to the Governor General for the Royal Assent pursuant to section 55 of the *British North America Act, 1867*, and become an Act of Parliament on the Royal Assent being signified, notwithstanding that the Senate has not consented to the bill.

Certificate of Speaker of House.

3. When a bill is presented to the Governor General for the Royal Assent in pursuance of the provisions of this Act, there shall be endorsed on the bill the certificate of the Speaker of the House of Commons signed by him that the provisions of this Act have been duly complied with.

Enacting clause.

4. In every bill presented to the Governor General under the provisions of this Act, the words of enactment shall be as follows:

"Her Majesty, by and with the advice and consent of the House of Commons, in accordance with the provisions of the *Senate Reform Act* and by authority of the same, enacts as follows."

Commencement.

5. This Act shall come into force upon the commencement of that session of Parliament next following the fourth session of the twenty-fourth Parliament.

Explanatory Notes.

This Bill complements Bill C-11 which was passed by this House on December 16th, 1960. Even as in that Bill this House resolved to endorse and adopt the decisions of the other place on private Bills of Divorcement, so this Bill provides that the other place shall endorse and adopt the decisions of this House on public Bills. The effect of the Bill, with that of Bill C-11, is to apportion the labours of the two Chambers so that each House may have an expanded opportunity to be the better assiduous and attentive to its especial legislative duties, public or private as may be the case, and so promote and expedite continuing improvement in Parliamentary efficiency.

Clause 2: The *Parliament Act, 1911* of the United Kingdom provides a precedent in the principle of this Bill. In this clause, therefore, section 1(1) of that Act has been adapted to the constitutional requirements of section 55 of the *British North America Act, 1867*.

Clauses 3 and 4: These, too, are adapted from the United Kingdom Act and are self explanatory.

C-57.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1961.

THE HOUSE OF COMMONS OF CANADA.

BILL C-57.

An Act to amend the Coastal Fisheries Protection Act.

First reading, January 18, 1961.

THE MINISTER OF FISHERIES.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24182-8

4th Session, 24th Parliament, 9 Elizabeth II, 1961.

THE HOUSE OF COMMONS OF CANADA.

BILL C-57.

An Act to amend the Coastal Fisheries Protection Act.

1952-53, c. 15.

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 2 of the *Coastal Fisheries Protection Act* is repealed and the following substituted therefor:

"Canadian fishing vessel."

"(*a*) "Canadian fishing vessel" means a fishing vessel

(i) that is registered or licensed in Canada under the *Canada Shipping Act* and is owned by one or more persons each of whom is a Canadian citizen, an individual resident in Canada or a corporation incorporated under the laws of Canada or of a province, having its principal place of business in Canada, or

(ii) that is not required by the *Canada Shipping Act* to be registered or licensed in Canada and is not registered or licensed elsewhere but is owned as described in subparagraph (i);"

Explanatory Note.

The purpose of this Bill is to revise the definition of a "Canadian fishing vessel" contained in the *Coastal Fisheries Protection Act*, to ensure that in order to be considered to be a Canadian fishing vessel a vessel must at all relevant times comply with the requirements set forth in the definition contained in clause 1.

Paragraph (*a*) of section 2 at present reads as follows:

"(*a*) 'Canadian fishing vessel' means a fishing vessel that is
(i) registered in Canada,
(ii) owned by one person domiciled and resident in Canada,
(iii) owned by two or more persons, all of whom are domiciled and resident in Canada, or
(iv) owned by a body corporate incorporated under the laws of Canada or the laws of a province and having its principal place of business in Canada;"

C-58.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1961.

THE HOUSE OF COMMONS OF CANADA.

BILL C-58.

An Act to amend the British North America Acts, 1867 to 1960, with respect to the Readjustment of Representation in the House of Commons.

First reading, January 18, 1961.

Mr. FISHER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24347-7

4th Session, 24th Parliament, 9 Elizabeth II, 1961.

THE HOUSE OF COMMONS OF CANADA.

BILL C-58.

An Act to amend the British North America Acts, 1867 to 1960, with respect to the Readjustment of Representation in the House of Commons.

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

R.S., c. 304.

1. The first eight lines of subsection (1) of section fifty-one of the *British North America Act, 1867*, as enacted by the *British North America Act, 1952*, being chapter 304 of the Revised Statutes of Canada, 1952, are repealed and the following substituted therefor:

Readjustment of representation in Commons.

"**51.** (1) Subject as hereinafter provided, the number of members of the House of Commons shall be two hundred and sixty-three and the representation of the provinces therein shall forthwith upon the coming into force of this section and thereafter on the completion of each decennial census be readjusted by such authority, independent of the Parliament of Canada in such manner, and from such time as the said Parliament from time to time provides, subject and according to the following rules:"

Short title and citation.

2. This Act may be cited as the *British North America Act, 1961*, and the *British North America Acts, 1867 to 1960*, and this Act may be cited together as the *British North America Acts, 1867 to 1961*.

Explanatory Notes.

The purpose of this Bill is to introduce in subsection (1) of section 51 of the B.N.A. Act, 1867 the underlined words "independent of the Parliament of Canada" so that the readjustment of the representation in the Commons be done in future by an independent body rather than by a Committee of the House of Commons.

C-59.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1961.

THE HOUSE OF COMMONS OF CANADA.

BILL C-59.

An Act to amend the Representation Act.

First reading, January 23, 1961.

Mr. MATTHEWS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24253-7

4th Session, 24th Parliament, 9 Elizabeth II, 1961.

THE HOUSE OF COMMONS OF CANADA.

BILL C-59.

An Act to amend the Representation Act.

R.S.; c. 334; 1952-53, c. 8; 1953-54, c. 32; 1955, c. 5; 1959, c. 16.

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

Nanaimo-Cowichan-The Islands.

1. Paragraph 11 of that Part of the Schedule to the *Representation Act*, dealing with the description of the electoral districts in the province of British Columbia, which describes the electoral district of Nanaimo, is amended by substituting for the word: "NANAIMO", the words: "NANAIMO-COWICHAN-THE ISLANDS" at the beginning of the said description.

Explanatory Note.

The purpose of the present Bill is to change the name of the electoral district of "Nanaimo" to that of "Nanaimo-Cowichan-The Islands".

C-60.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1961.

THE HOUSE OF COMMONS OF CANADA.

BILL C-60.

An Act to amend the Statistics Act.
(Distinctive flag and national anthem).

First reading, January 24, 1961.

Mr. DUPUIS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24407-9

4th Session, 24th Parliament, 9 Elizabeth II, 1961.

THE HOUSE OF COMMONS OF CANADA.

BILL C-60.

An Act to amend the Statistics Act.
(Distinctive flag and national anthem).

R.S., c. 257; 1952-53, c. 18.

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

1. The *Statistics Act* is amended by adding thereto, immediately after section 33 thereof, the following section:

Distinctive flag and national anthem statistics.

"**33A.** The Governor in Council may authorize the Minister to have a special investigation made and statistics collected, compiled and published in relation to the opinions of as many Canadian citizens of the age of twenty-one years and over as may reasonably be consulted within a six month period of investigation on the question whether the national status of Canada should be confirmed and definitely established by the adoption of a distinctive national flag free of the emblem or emblems of any other country and by the designation of a distinctive national anthem; and the Governor in Council may prescribe the manner and by what means such investigation shall be made."

Explanatory Notes.

The purpose of this Bill is to authorize the Governor in Council to obtain a representative poll of public opinion on the question of the adoption of a distinctive national flag and the designation of a distinctive national anthem. Section 33 of the *Statistics Act* already provides that the Governor in Council may authorize the Minister of Trade and Commerce to have any special statistical investigations made that is deemed advisable. The proposed new section merely directs the attention of the Governor in Council to a particular investigation.

C-61.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960–61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-61.

An Act to amend the Indian Act.

First reading, January 25, 1961.

THE MINISTER OF CITIZENSHIP AND IMMIGRATION.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24249–5

4th Session, 24th Parliament, 9 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-61.

An Act to amend the Indian Act.

R.S. c. 149; 1952-53, c. 41; 1956, c. 40; 1958, c. 19; 1960, c. 8.

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

1. Section 112 of the *Indian Act* is repealed and the following substituted therefor:

Committee of inquiry.

"**112.** (1) Where a band has applied for enfranchisement within the meaning of this Act and has submitted a plan for the disposal or division of the funds of the band and the lands in the reserve, the Minister may appoint a committee to inquire into and report upon any or all of the following matters, namely:

(*a*) the desirability of enfranchising the band;

(*b*) the adequacy of the plan submitted by it; and

(*c*) any other matter relating to the application for enfranchisement or to the disposition thereof.

Composition.

(2) A committee appointed under subsection (1) shall consist of

(*a*) a judge or retired judge of a superior, surrogate, district or county court,

(*b*) an officer of the Department, and

(*c*) a member of the band to be designated by the council of the band."

EXPLANATORY NOTE.

The purpose of this Bill is to remove from section 112 of the *Indian Act* the provisions thereof enabling the Governor in Council to enfranchise Indians or bands of Indians without their consent.

Section 112 at present reads as follows:

"**112.** (1) The Minister may appoint a committee to inquire into and report upon the desirability of enfranchising within the meaning of this Act an Indian or a band, *whether or not the Indian or the band has applied for enfranchisement.*

(2) A committee appointed under subsection (1) shall consist of

(*a*) a judge or retired judge of a superior, surrogate, district or county court,

(*b*) an officer of the Department, and

(*c*) a member of the band to be *appointed* by the council of the band, *but if no appointment is made by the council of the band within thirty days after a request therefor is sent by the Minister to the band, a member of the band appointed by the Minister.*

(3) Where the committee or a majority thereof reports

(*a*) *in the case of an Indian, that in its opinion the Indian is qualified under paragraphs (a), (b) and (c) of subsection (1) of section 108 to be enfranchised,*

(*b*) *in the case of a band, that in the opinion of the committee the band is capable of managing its own affairs as a municipality or part of a municipality, and the committee has submitted a plan for the disposal or division of the funds of the band and the lands in the reserve, and*

(*c*) *that it is desirable that the Indian or the band, as the case may be, should be enfranchised,*

the report, if approved by the Minister, shall be deemed to be an application for enfranchisement by the Indian or by the band and shall be dealt with as such in accordance with this Act, except that, in the case of a band, the provisions of subsection (2) of section 111 are not applicable.

(4) An Indian or the members of a band shall not be enfranchised under this section contrary to the terms of any treaty, agreement or undertaking between a band and Her Majesty that is applicable."

C-62.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960–61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-62.

An Act to amend the War Measures Act.

First reading, January 31, 1961.

Mr. MARTIN (Essex East).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24481-4

4th Session, 24th Parliament, 9 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-62.

An Act to amend the War Measures Act.

R.S., c. 288; 1960, c. 44, s. 6.

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

1960, c. 44, s. 6.

1. Subsection (5) of section 6 of the *War Measures Act* is repealed.

2. The said Act is amended by adding thereto, immediately after section 6 thereof, the following section:

Construction of *Canadian Bill of Rights*.

"**6A.** (1) Subject to subsections (2), (3), (4), (5), (6), and (7), any act or thing done or authorized or any order or regulation made under the authority of this Act, shall be deemed not to be an abrogation, abridgement, or infringement of any right or freedom recognized by the *Canadian Bill of Rights*.

Protection of citizen or British subject by naturalization.

(2) Under this Act, a naturalized Canadian citizen shall not be deprived of his citizenship and a naturalized British subject shall not be deprived of his status as a British subject.

No deportation of Canadian citizen.

(3) A Canadian citizen shall not be deported from Canada under this Act.

Condition of detention.

(4) A Canadian citizen or British subject shall not be detained under this Act beyond a period of sixty days unless the cause for his detention has been reviewed by an appropriate impartial tribunal which has reported thereon to the Minister or authority authorizing the detention.

Order or regulation to be submitted to Parliament.

(5) An order or regulation under this Act that confers authority to order the detention of any person shall, forthwith after it is made, be laid before Parliament, or if Parliament is not then sitting, within the first fifteen days next thereafter that Parliament is sitting.

Explanatory Notes.

Section 6, subsection 5, of the *War Measures Act* provides:

> "(5) Any act or thing done or authorized or any order or regulation made under the authority of this Act, shall be deemed not to be an abrogation, abridgement or infringement of any right or freedom recognized by the *Canadian Bill of Rights*."

The purpose of this bill is to prohibit the Executive of Government, by use of this *ad hoc* revocation of the *Canadian Bill of Rights*, from arbitrarily stripping a naturalized Canadian or a naturalized British subject of his citizenship or British status; from arbitrarily exiling a Canadian, whether natural born or naturalized, by deportation from Canada; or from arbitrarily depriving a Canadian citizen or British subject, whether in either case natural born or naturalized, of his liberty by detaining him beyond a definite period so as to deprive him of the remedy of *habeas corpus* or the right of appeal to an independent tribunal.

Clause 1 is consequential upon *clause 2*.

Clause 2 re-enacts section 6(5) but provides that the *Canadian Bill of Rights* shall apply to the *War Measures Act* in respect of action by the Executive of Government to violate the prohibitions above set out. The clause further provides that any regulation authorizing powers of detention must be tabled in Parliament and may be reviewed by Parliament and negatived by the dissent of either House.

Opportunity for debate.

(6) Where an order or regulation has been laid before Parliament pursuant to subsection (5), a notice of motion in either House, signed by ten members of that House and made in accordance with the rules of that House within ten days of the day the order or regulation was laid before Parliament, praying that the order or regulation be revoked, shall be debated in that House at the first convenient opportunity within the four sitting days next after the day the motion in that House was made.

Revocation of order or regulation by resolution.

(7) If either House of Parliament resolves pursuant to a motion made under subsection (6) that the order or regulation be revoked, the order or regulation shall cease to have effect, but without prejudice to the previous operation of the order or regulation or anything duly done thereunder."

C-63.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960–61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-63.

An Act to amend the Expropriation Act.

First reading, January 31, 1961.

Mr. MARTIN,
(Essex East).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24005-1

4th Session, 24th Parliament, 9 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-63.

An Act to amend the Expropriation Act.

R.S., c. 106.

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

1. The *Expropriation Act* is amended by inserting therein immediately before section 9 thereof the following section as section 8A:

Deposit, etc., not to be effective unless section complied with.

8A. (1) The deposit of a plan and description of lands under section 9 shall not be effective to vest lands or any interest therein in Her Majesty unless before the deposit the provisions of this section have been complied with.

Notice of intention by the Minister.

(2) Where the Minister proposes to take or acquire lands or any interest therein for Her Majesty by the deposit of the plan and description under section 9 he shall before the plan and description are deposited give notice to the owner of the lands and every person having any interest therein which interest is to be taken of his intention so to do or if the whereabouts of the owner or any such person are unknown to the occupant of the lands or if there is no occupant the Minister shall publish a notice of his intention so to do in at least three consecutive issues of a newspaper circulating in the area in which the lands are situated.

Contents and time of notice.

(3) A notice under subsection (2) shall inform the owner and every person having any interest in the lands which interest is to be taken of the Minister's intention to vest the lands or interest in Her Majesty and shall be given at least thirty days prior to the deposit of the plan and description.

Explanatory Note.

The purpose of this Bill is to amend the *Expropriation Act* so as to require the Minister, in the name of the Crown, to give notice of intention to all interested parties of the Crown's intention to take or acquire lands or any interest therein.

This procedure would be in accordance with the principles recognized and declared in the *Canadian Bill of Rights*.

Opportunity to make representations

(4) The Minister shall, if the owner or a person having an interest in the lands which interest is to be taken so requests, give the owner or person an opportunity to make representations that the lands or interest should not be vested in Her Majesty and if thereafter the Minister decides that the lands or interest be vested in Her Majesty the Minister shall inform the owner or person of his reasons for the decision before filing the plan and description.

Reason for decision.

When section not to apply.

(5) The provisions of this section shall not apply where the Governor in Council has passed an order in council authorizing the immediate taking of lands or any interest therein on grounds of public urgency and any such order in council shall be tabled in the House of Commons within 14 days after the passing thereof if Parliament is then sitting or within 14 days after commencement of the next Session of Parliament if Parliament is not then sitting.

C-64.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960–61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-64.

An Act to establish the Office of Parliamentary Proctor and to regulate Taxation of Costs.

First reading, February 1, 1961.

Mr. PETERS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24461-6

4th Session, 24th Parliament, 9 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-64.

An Act to establish the Office of Parliamentary Proctor and to regulate Taxation of Costs.

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 Parliamentary Proctor and Costs Taxation Act.

Office of Parliamentary Proctor.

Administration.

2. (1) There shall be an Office of the Parliament of Canada titled the Office of the Parliamentary Proctor.

(2) The Office of the Parliamentary Proctor shall be under the joint direction and control of the Speaker of the Senate and the Speaker of the House of Commons, assisted, during the session, by a joint committee appointed by the Senate and the House of Commons.

Parliamentary Proctor.

(3) The Speakers of the two Houses and the joint committee shall appoint a Parliamentary Proctor to carry out the functions of the Office and shall fix the salary, duties, and terms of employment of the Parliamentary Proctor.

Proctor's responsibilities.

3. The Parliamentary Proctor is responsible for the faithful discharge of his duties in carrying out the functions of the Office as those duties and functions are defined by regulations agreed upon by the Speakers of the two Houses and concurred in by the joint committee.

Costs and expenses of Office: how paid.

4. The costs and expenses of the Office of the Parliamentary Proctor shall be paid out of a fund into which shall be paid fees for the purpose, assessed by the Speakers of the two Houses and the joint committee and paid by the petitioner, upon every petition for relief by way of an Act for dissolution or annulment of marriage.

Explanatory Notes.

The first purpose of this Bill is to provide for a proctor to act in parliamentary divorce proceedings. The need for, and value of, such an official is best voiced and appraised by Mr. Justice Middleton, of the Ontario Supreme Court, in *Newson v. Newson, (1936) 1 D.L.R. 696 at 705:*

> "In this review of the cases the prominent and useful part played in the administration of justice by the King's Proctor is made apparent. A perusal of the cases will show how useful, I may say indispensable, the services of that official have been found in England. Here, there is no King's Proctor, but the duties cast upon the King's Proctor are to be performed by the Attorney-General. From the introduction of the divorce law into this Province to the present time it has been the consistent policy of the Attorneys-General who have held office from time to time to ignore divorce suits, and so heavy duty has been placed upon the Court. It has been made the sole guardian of public interests but the Court labours under a distinct handicap. It has no means of investigation. It can only be very careful to avoid being the victim of collusion and perjury. In this it has the assistance of honest solicitors, but the solicitor's primary duty is to his client, and the Court is placed in a false position when called upon to exercise not only the judicial function but to care for the public interest."

Since Justice Middleton's protest, Ontario has supplied the remedy by the appointment of a Queen's Proctor.

The Senate of Canada also foresaw the need of a Proctor; it, too, relied on the corresponding investigating official—in this case, the Attorney-General of Canada; *Senate Rule 145* is, in part, as follows:

> ". . . . And should the Committee have reason to suspect connivance or collusion, and in their opinion it is desirable that fuller inquiry should be made, such opinion and the reasons therefor shall be communicated to the Minister of Justice, that he may intervene and oppose the Bill should the interest of public justice in his opinion call for such intervention."

The Minister of Justice (the Attorney General of Canada) has expressed doubt that, constitutionally, he can intervene in the interest of public justice. *Proceedings of Miscellaneous Private Bills Committee.* Parliament, therefore, has had to assume the investigative burden as well as the judicial and legislative.

The Proctor's task, then, is to represent and protect public interest and morality in divorce proceedings. This Bill's purpose is to provide that representation and protection.

Clauses 2, 3 & 4 establish the office and provide for the Proctor's appointment and responsibilities. The expense is borne by the private parties—not the public. The Office is under the control of the Speakers and a joint committee of both Houses.

Having acted to prevent abuses and contempts of the Parliamentary process and to protect the public interest, the Bill's second purpose is to protect the petitioner finan-

Tariff of costs, etc. of parties and agents.

5. (1) The Speakers of the two Houses and the joint committee shall, from time to time, make general rules and orders for fixing the costs, fees, and disbursements to be taxed and allowed to, and received and taken by, a party, person, solicitor, attorney, or parliamentary agent, of and incidental to all proceedings on a petition for relief by way of an Act for dissolution or annulment of marriage, and shall have full power to determine by whom and to what extent such costs, fees and disbursements shall be paid.

Taxing master.

(2) In every necessary instance, the Parliamentary Proctor shall tax such costs, fees, and disbursements according to such general rules and regulations.

cially from excessive legal and other expenses and to prevent disputes thereon. The Bill therefore adopts the system, used by all common law courts, of regulating costs and fees that the price of the Queen's justice may not be excessive. Since 1825 and 1827, the United Kingdom Commons and Lords respectively have regulated the taxation of costs on private bills. Tariffs of charges define the maximum fees that parliamentary agents, solicitors and others may charge for the various services usually rendered by them. Lists of charges are printed and distributed to all applicants. The client, solicitor, parliamentary agent or other person may apply to the taxing officer of the appropriate House to have his costs taxed. *House of Commons Costs Taxation Act 1847, 1879; House of Lords Costs Taxation Act 1849; Parliamentary Costs Act 1865.*

Clause 5 directs the Speakers and the joint committee to establish rules for charges and fees on divorce bills and appoints the Parliamentary Proctor to be taxing master.

In the result, the Bill should reduce the overall expenses of the private petitioner, increase the protection of the public interest and morality without expense to the public, and remove the investigative responsibility from members of the Senate and House of Commons.

C-65.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-65.

An Act to amend the Representation Act.

First reading, February 7, 1961.

Mr. ASSELIN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24499-6

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-65.

An Act to amend the Representation Act.

R.S.; c. 334; 1952-53, c. 8; 1953-54, c. 32; 1955, c. 5; 1959, c. 16.

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

Charlevoix-Montmorency.

1. Paragraph 11 of that Part of the Schedule to the *Representation Act*, dealing with the description of the electoral districts in the province of Quebec, which describes the electoral district of Charlevoix, is amended by substituting for the word: "CHARLEVOIX", the words: "CHARLEVOIX-MONTMORENCY" at the beginning of the said description.

Explanatory Note.

The purpose of the present Bill is to change the name of the electoral district of "Charlevoix" to that of "Charlevoix-Montmorency", as the present electoral district of Charlevoix also contains the county of Montmorency No. 1.

Fourth Session, Twenty-Fourth Parliament, 9–10 Elizabeth II, 1960–61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-66.

An Act to amend the Representation Act.

First reading, February 9, 1961.

Mr. VALADE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24051–5

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-66.

An Act to amend the Representation Act.

R.S.; c. 334; 1952-53, c. 8; 1953-54, c. 32; 1955, c. 5; 1959, c. 16.

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

Camilien Houde.

1. Paragraph 74 of that Part of the Schedule to the *Representation Act*, dealing with the description of the electoral districts in the province of Quebec, which describes the electoral district of Sainte-Marie, is amended by substituting for the words: "SAINTE-MARIE", the words: "CAMILIEN HOUDE" at the beginning of the said description.

Explanatory Note.

The purpose of the present Bill is to change the name of the electoral district of "Sainte-Marie" to that of "Camilien Houde", thereby avoiding the confusion which exists at present between the federal electoral district referred to and the provincial constituency having the same name but a different geographical description.

C-67.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-67.

An Act to amend the Pension Act.

First reading, February 9, 1961.

THE MINISTER OF VETERANS AFFAIRS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24200-8

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-67.

An Act to amend the Pension Act.

R.S., cc. 207, 332; 1953-54, c. 62; 1957, c. 14; 1957-58, c. 19.

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

1957-58, c. 19, s. 25.

1. Schedules A and B of the *Pension Act* are repealed and the following substituted therefor:

Explanatory Notes.

Clause 1. The proposed amendment would increase the rates set out at present in Schedules A and B.

Schedules A and B at present read as follows:

"SCHEDULE A.

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 98-99 100	2 93-97 95	3 88-92 90	4 83-87 85	5 78-82 80	6 73-77 75	7 68-72 70	8 63-67 65	9 58-62 60	10 53-57 55
		$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
Captain (Naval), Colonel (Army), Group Captain (Air), and all ranks and ratings below		2,160 00	2,052 00	1,944 00	1,836 00	1,728 00	1,620 00	1,512 00	1,404 00	1,296 00	1,188 00
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 member of the forces		720 00	684 00	648 00	612 00	576 00	540 00	504 00	468 00	432 00	396 00
Additional pension for children for above ranks— One child		324 00	307 80	291 60	275 40	259 20	243 00	226 80	210 60	194 40	178 20
Two children		564 00	535 80	507 60	479 40	451 20	423 00	394 80	366 60	338 40	310 20
Each additional child an additional		192 00	182 40	172 80	163 20	153 60	144 00	134 40	124 80	115 20	105 60

"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 98–99 100	2 93–97 95	3 88–92 90	4 83–87 85	5 78–82 80	6 73–77 75	7 68–72 70	8 63–67 65	9 58–62 60	10 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 48-52 50	12 43-47 45	13 38-42 40	14 33-37 35	15 28-32 30	16 23-27 25	17 18-22 20	18 13-17 15	19 8-12 10	20 5-7 5
		$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
Captain (Naval), Colonel (Army), Group Captain (Air), and all ranks and ratings below		1,080 00	972 00	864 00	756 00	648 00	540 00	432 00	324 00	216 00	108 00
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		360 00	324 00	288 00	252 00	216 00	180 00	144 00	108 00	72 00	36 00
Additional pension for children for above ranks— One child		162 00	145 80	129 60	113 40	97 20	81 00	64 80	48 60	32 40	16 20
Two children		282 00	253 80	225 60	197 40	169 20	141 00	112 80	84 60	56 40	28 20
Each additional child an additional		96 00	86 40	76 80	67 20	57 60	48 00	38 40	28 80	19 20	9 60

Class 21—Disabilities below 5 per cent—All ranks—A final payment not exceeding $240.

SCHEDULE A—*Concluded*

Rank or Rating of Member of Forces	Class Range Percentage	11 48–52 50	12 43–47 45	13 38–42 40	14 33–37 35	15 28–32 30	16 23–27 25	17 18–22 20	18 13–17 15	19 8–12 10	20 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.

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.
Commander (Naval), Lieutenant-Colonel (Army), Wing Commander (Air), and all ranks and ratings below	1,656 00	*1,296 00		
Captain (Naval), Colonel (Army), Group Captain (Air)	1,656 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		
Pension for children or dependent brothers or sisters for above ranks—				
One child	.....	.....	*324 00	*648 00
Two children	.....	.....	*564 00	*1,128 00
Each additional child an additional	.....	.....	*192 00	*384 00

* Pensions awarded to parents or brothers and sisters may be less than these amounts in accordance with the provisions of this Act."

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."

1957-58, c. 19, s. 8(1).

2. (1) Paragraphs (*c*) and (*d*) of subsection (1a) of section 24 of the said act are repealed and the following substituted therefor:

"(*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, and where no pension is payable for a child, on the day following her death;

(*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, and where pension is payable for a child, on the first day of the month following that in which her death occurred; and"

(2) Subsection (9) of section 24 of the said Act is repealed and the following substituted therefor:

Where allowance assistance or relief in payment.

"(9) If any person who is or has been in receipt of war veterans allowance, relief or unemployment assistance from the Department is or has been awarded a retroactive pension or a retroactive increase of pension, the difference between the amount actually paid by the Department and the amount that would have been paid if the retroactive pension or the retroactive increase of pension had been payable when such war veterans allowance was being paid or such relief or unemployment assistance was issued shall be a first charge upon the accumulated unpaid instalments of such pension and shall be withheld accordingly."

3. (1) All that portion of subsection (1) of section 26 of the said Act that precedes paragraph (*a*) thereof is repealed and the following substituted therefor:

No pension to children over age limit.

"**26.** (1) No pension shall be paid to or in respect of a child after the last day of the month in which the child, if a boy, attained the age of sixteen years or, if a girl, attained the age of seventeen years, except"

1953-54, c. 62, s. 5(3).

(2) Subsections (9), (10) and (10a) of section 26 of the said Act are repealed and the following substituted therefor:

Pension of minor children continued on death of wife.

"(9) On and after the death of the wife of a pensioner pensioned on account of disability, or the dissolution of her marriage, the additional pension for a married member of the forces may, in the discretion of the Commission, be continued to him for so long as there is a minor child or there are minor children in respect of whom additional pension is being paid, if there exists a daughter or other person competent to assume and who does assume the household duties and care of the said child or children.

Clause 2. (*1*) The present paragraphs (*c*) and (*d*) of subsection (1a) of section 24 read as follows:

"(*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;

(*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; and"

The proposed amendment would not effect any change in substance but is merely intended to clarify the application of these two paragraphs.

(2) The present subsection (9) of section 24 of the Act reads as follows:

"(9) If any person who is or has been in receipt of relief or unemployment assistance from the Department is or has been awarded a retroactive increase of pension, the difference between the amount actually paid by the Department and the amount that would have been paid if the *increased* retroactive pension had been payable when such relief or unemployment assistance was issued shall be a first charge upon the accumulated unpaid instalments of such pension and shall be withheld accordingly."

The purpose of this amendment is to authorize the recovery of any overpayment of war veterans allowance to a pensioner that results from the award of a retroactive pension or a retroactive increase of pension.

Clause 3. (1) The relevant portion of subsection (1) of section 26 reads at present as follows:

"**26.** (1) No pension shall be paid to or in respect of a child *who*, if a boy, *is over* the age of sixteen years or, if a girl, *is over* the age of seventeen years, except"

The purpose of this amendment is to simplify administrative procedures.

(2) The present subsections (9), (10) and (10a) of section 26 of the Act read as follows:

"(9) On and after the death of the wife of a pensioner pensioned on account of disability, or the dissolution of her marriage, the additional pension for a married member of the forces may, in the discretion of the Commission, be continued to him for so long as there is a minor child or are minor children *of pensionable age*, if there exists a daughter or other person competent to assume and who does assume the household duties and care of the said child or children.

1953-54, c. 62, s. 5(4). On death of widow.

(10) On and after the death of a widow of a member of the forces who has been in receipt of a pension, the pension for the widow may, in the discretion of the Commission, be continued for so long as there is a minor child or there are minor children to or in respect of whom a pension is being paid, to a daughter or other person competent to assume and who does assume the household duties and care of the other child or children; in such cases the pension payable for children shall continue.

1957-58, c. 19, s. 9(2). Pension on death of widower.

(10a) Where any pension has been awarded to a minor child or minor children of a member of the forces who, at the time of his death, was a widower 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 or other person competent to assume and who does assume the household duties and care of such child or children, until such time as pension has been discontinued with respect to all of the minor children; in such cases the pension payable for children shall continue."

1957-58, c. 19, s. 10.

4. Subsection (2) of section 30 of the said Act is repealed and the following substituted therefor:

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 at or above a Symes' amputation is entitled to an allowance on account of wear and 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. Section 34 of the said Act is amended by adding thereto the following subsection:

Veteran deemed to be married.

"(5) For the purposes of this Act, a veteran who

(*a*) is residing with a woman with whom he is prohibited from celebrating a marriage by reason of a previous marriage either of such woman or of himself with another person, and

(*b*) shows to the satisfaction of the Commission that he has, for seven years or more, continuously maintained and publicly represented such woman as his wife,

shall, where the Commission in its discretion so directs, be deemed to be married to that woman, and upon the death of the veteran at any time while so deemed to be married, such woman shall, where the Commission in its discretion so directs, be deemed to be his widow."

(10) On and after the death of a widow of a member of the forces who has been in receipt of a pension, the pension for the widow may, in the discretion of the Commission, be continued for so long as there is a minor child or there are minor children *of pensionable age*, to a daughter competent to assume and who does assume the household duties and care of the other child or children; in such cases the pension payable for children shall continue.

(10a) Where any pension has been awarded to a child or children of a member of the forces who, at the time of his death, was a widower 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 or other person 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."

The purpose of this amendment is to secure uniformity in these three subsections and to provide that the housekeeper's allowance may be continued for so long as there is a child under twenty-one years of age to or in respect of whom a pension is payable.

Clause 4. The present subsection (2) of section 30 of the Act reads 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 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."

The purpose of this amendment is to authorize the Commission to pay allowances for wear and tear of clothing on account of an amputation of the leg at, as well as above, a Symes' amputation.

Clause 5. This subsection is new and its purpose is to permit the Commission, where the Commission is satisfied as to the existence of certain facts, to deem a veteran to be married for the purpose of increasing his pension from the single rate to the married rate. The Commission may also, upon the death of a veteran deemed to be married to a woman, deem the woman to be his widow for the purpose of paying her widow's pension. A similar provision is contained in the *War Veterans Allowance Act.*

1957-58, c. 19, s. 13.

Maximum amount.

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

"(2) The payment under subsection (1), in the case of any pensioner, shall not exceed the aggregate of

(*a*) such amount in respect of funeral services as the Department of Veterans Affairs is authorized, pursuant to the *Veterans Burial Regulations*, to pay in the case of a person who died while on the strength of the Department for treatment;

(*b*) such amount for cemetery charges as the Department of Veterans Affairs is authorized, pursuant to the *Veterans Burial Regulations*, to pay in the case of a person who died while on the strength of the Department for treatment; and

(*c*) seventy-five 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."

1957-58, c. 19, s. 14.

Date for entitlement.

7. All that portion of subsection (3) of section 36 of the said Act that precedes paragraph (*a*) thereof is 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 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 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"

1957-58, c. 19, s. 16.

Discretionary pension to parent in certain cases.

8. (1) Subsection (2) of section 38 of the said Act is repealed and the following substituted therefor:

"(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 five hundred and forty 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

Clause 6. The present subsection (2) of section 35 of the Act reads as follows:

"(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*

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

(*b*) *fifty 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."

The purpose of the proposed amendment is to increase the amounts payable under this subsection to the amounts payable under the *Veterans Burial Regulations*.

Clause 7. The relevant portion of subsection (3) of section 36 of the Act reads at present as follows:

"(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"

The purpose of this amendment is to clarify this provision by using the same expression that is used in various other sections of this Act.

Clause 8. (1) The present subsection (2) of section 38 of the Act reads as follows:

"(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."

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."

(2) Subsection (6) of section 38 of the said Act is repealed and the following substituted therefor:

Each child assumed to be supporting parents.

"(6) When a parent or person in the place of a parent has children residing with him or her who should, in the opinion of the Commission, be earning an amount sufficient to permit them to contribute to the support of such parent or person, each such child shall be deemed to be contributing not less than ten dollars a month towards such support."

1957-58, c. 19, s. 18.

9. Subparagraph (i) of paragraph (*a*) of subsection (1) of section 42 of the said Act is 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 and allowances as a member of the forces have been paid to the credit of the member, in respect of a period that ends after the last day of the month during which death occurred, from the day following the last day of that period; and"

10. (1) Sections 50, 51 and 52 of the said Act are repealed and the following substituted therefor:

Benefits to persons who served in allied forces and were domiciled in Canada at commencement of World War I.

"**50.** (1) The benefits of this Act, in so far only as the same or equivalent benefits are not provided under the laws or regulations of members of the British Commonwealth of Nations, other than Canada, or under the laws and regulations of the several countries allied with His Majesty,

(*a*) shall be conferred upon all persons domiciled in Canada on the date of commencement of World War I, who, subsequent to that date, have served in the naval, army or air forces of any of the said members of the British Commonwealth of Nations, or in any of the aforesaid forces of any of the countries allied with His Majesty, and who, while so serving during the said war, have suffered disability or death in respect of which a gratuity or pension has been awarded under the laws or regulations of any of the aforementioned countries; or

The purpose of this amendment is to increase from four hundred and eighty dollars to five hundred and forty dollars the maximum pension that may be awarded under this subsection.

(2) The present subsection (6) of section 38 of the Act reads as follows:

"(6) When a parent or person in the place of a parent has *unmarried* children residing with him or her who should, in the opinion of the Commission, be earning an amount sufficient to permit them to contribute to the support of such parent or person, each such *unmarried* child shall be deemed to be contributing not less than ten dollars a month towards such support."

At present the Commission may only consider unmarried children who reside with their parents as contributing to the cost of operating the home. The proposed amendment would permit the Commission to also consider married children who reside with their parents as contributing to such cost.

Clause 9. The present subparagraph (i) of paragraph (*a*) of subsection (1) of section 42 of the Act reads as follows:

"(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 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"

The proposed amendment would place widows of servicemen whose deaths have been found attributable to service, in so far as the effective date of pension is concerned, in a comparable position to the widows of employees of the Public Service who were former members of the forces and whose deaths were ruled attributable to military service.

Clause 10. (1) The present sections 50, 51 and 52 of the Act read as follows:

"**50.** (1) The benefits of this Act, in so far only as the same or equivalent benefits are not provided under the laws or regulations of members of the British Commonwealth of Nations, other than Canada, or under the laws and regulations of the several countries allied with His Majesty, shall be conferred upon all persons domiciled in Canada on the date of commencement of World War I, who, subsequent to that date, have served in the naval, army or air forces of any of the said members of the British Commonwealth of Nations, or in any of the aforesaid forces of any of the countries allied with His Majesty, and who, while so serving during the said war, have suffered disability or death in respect of which a gratuity or pension has been awarded under the laws or regulations of any of the aforementioned countries; and the widows, children and other dependants of *such persons* are entitled to the benefits of this Act in so far as the same or equivalent benefits are not provided in respect of them under the laws or regulations of any of the aforementioned countries.

(*b*) may, in the discretion of the Commission, be conferred upon all persons domiciled in Canada on the date of commencement of World War I, who, subsequent to that date, have served in the naval, army or air forces of any of the said members of the British Commonwealth of Nations, or in any of the aforesaid forces of any of the countries allied with His Majesty, and who, while so serving during the said war, have suffered disability or death

(i) in respect of which an application for a gratuity or pension has been made and considered, but no gratuity or pension has been awarded, under the laws or regulations of any of the aforementioned countries, and

(ii) that would have been pensionable under this Act if those persons had been members of the forces while so serving during the said war;

and the widows, children and other dependants of the persons described in paragraphs (*a*) and (*b*) upon whom the benefits of this Act are conferred are entitled to the benefits of this Act in so far as the same or equivalent benefits are not provided in respect of them under the laws or regulations of any of the aforementioned countries.

(2) Payments may be made under this section only to or in respect of a person who has been a resident of Canada for at least one year since the date of the disability or death in respect of which

(*a*) the gratuity or pension referred to in paragraph (*a*) of subsection (1) was awarded, or

(*b*) the application referred to in paragraph (*b*) of subsection (1) was made.

Benefits of Act extended.

51. (1) The benefits of this Act, in so far only as the same or equivalent benefits are not provided under the laws or regulations of the United Kingdom,

(*a*) shall be conferred upon all persons domiciled in Canada at any time during the four years next preceding the date of commencement of World War II, who, subsequent to the 1st day of September, 1939, have served in the naval, army or air forces of the United Kingdom, and who, while so serving during the said war, have suffered disability or death in respect of which a gratuity or pension has been awarded under the laws or regulations of the United Kingdom; or

(*b*) may, in the discretion of the Commission, be conferred upon all persons domiciled in Canada at any time during the four years next preceding the date of commencement of World War II, who, subsequent

(2) Payments may be made under this section only to or in respect of *such persons as are residents of Canada and during the continuance of their residence therein, and no payments may be made under this section in respect of any period prior to June 1st, 1946.*

51. (1) The benefits of this Act, in so far only as the same or equivalent benefits are not provided under the laws or regulations of the United Kingdom, shall be conferred upon all persons domiciled in Canada at any time during the four years next preceding the date of commencement of World War II, who, subsequent to the 1st day of September, 1939, have served in the naval, army or air forces of the United Kingdom, and who, while so serving during the said war, have suffered disability or death in respect of which a gratuity or pension has been awarded under the laws or regulations of the United Kingdom, and the widows, children and other dependants of *such persons* are entitled to the benefits of this Act in so far as the same or equivalent benefits are not provided in respect of them under the laws or regulations of the United Kingdom.

to the 1st day of September, 1939, have served in the naval, army or air forces of the United Kingdom, and who, while so serving during the said war, have suffered disability or death

(i) in respect of which an application for a gratuity or pension has been made and considered, but no gratuity or pension has been awarded, under the laws or regulations of the United Kingdom, and

(ii) that would have been pensionable under this Act if those persons had been members of the forces while so serving during the said war;

and the widows, children and other dependants of the persons described in paragraphs (*a*) and (*b*) upon whom the benefits of this Act are conferred are entitled to the benefits of this Act in so far as the same or equivalent benefits are not provided in respect of them under the laws or regulations of the United Kingdom.

(2) Payments may be made under this section only to or in respect of a person who has been a resident of Canada for at least one year since the date of the disability or death in respect of which

(*a*) the gratuity or pension referred to in paragraph (*a*) of subsection (1) was awarded, or

(*b*) the application referred to in paragraph (*b*) of subsection (1) was made.

Benefits to persons who served in allied forces and were domiciled in Canada at commencement of World War II.

52. (1) The benefits of this Act, in so far only as the same or equivalent benefits are not provided under the laws and regulations of members of the British Commonwealth of Nations, other than Canada and the United Kingdom, or under the laws and regulations of the several countries allied with His Majesty,

(*a*) shall be conferred upon all persons domiciled in Canada at the date of the commencement of World War II, who subsequent to that date have served in the naval, army or air forces of any of the said members of the British Commonwealth of Nations, or in any of the aforesaid forces of any of the countries allied with His Majesty, and who, while so serving during the said war, have suffered disability or death in respect of which a gratuity or pension has been awarded under the laws or regulations of any of the aforementioned countries; or

(*b*) may, in the discretion of the Commission, be conferred upon all persons domiciled in Canada at the date of the commencement of World War II, who, subsequent to that date, have served in the naval, army or air forces of any of the said members of the British Commonwealth of Nations, or in any of the afore-

(2) Payments may be made under this section only to or in respect of *such persons as are residents of Canada and during the continuance of their residence therein.*

52. (1) The benefits of this Act, in so far only as the same or equivalent benefits are not provided under the laws and regulations of members of the British Commonwealth of Nations, other than Canada and the United Kingdom, or under the laws and regulations of the several countries allied with His Majesty, shall be conferred upon all persons domiciled in Canada at the date of the commencement of World War II, who subsequent to that date have served in the naval, army or air forces of any of the said members of the British Commonwealth of Nations, or in any of the aforesaid forces of any of the countries allied with His Majesty, and who, while so serving during the said war, have suffered disability or death in respect of which a gratuity or pension has been awarded under the laws or regulations of any of the aforementioned countries; and the widows, children and other dependants of *such persons* are entitled to the benefits of this Act in so far as the same or equivalent benefits are not provided in respect of them under the laws or regulations of any of the aforementioned countries.

(2) Payments may be made under this section only to or in respect of *such persons as are residents of Canada and during the continuance of their residence therein*".

said forces of any of the countries allied with His Majesty, and who, while so serving during the said war, have suffered disability or death

(i) in respect of which an application for a gratuity or pension has been made and considered, but no gratuity or pension has been awarded, under the laws or regulations of any of the aforementioned countries, and

(ii) that would have been pensionable under this Act if those persons had been members of the forces while so serving during the said war;

and the widows, children and other dependants of the persons described in paragraphs (*a*) and (*b*) upon whom the benefits of this Act are conferred are entitled to the benefits of this Act in so far as the same or equivalent benefits are not provided in respect of them under the laws or regulations of any of the aforementioned countries.

(2) Payments may be made under this section only to or in respect of a person who has been a resident of Canada for at least one year since the date of the disability or death in respect of which

(*a*) the gratuity or pension referred to in paragraph (*a*) of subsection (1) was awarded, or

(*b*) the application referred to in paragraph (*b*) of subsection (1) was made."

(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, no payments of the pension so awarded shall be made in respect of any period prior to the coming into force of this section.

11. Section 55 of the said Act is repealed and the following substituted therefor:

Northwest Rebellion pensions to be continued.

"**55.** Any pension that was being paid on the day this section came into force to or in respect of members of those forces who served in the Northwest Rebellion shall continue to be paid at the rates set forth in Schedules A and B."

The purpose of this amendment is to confer the supplementary benefits upon all veterans who meet the requirements of Canadian domicile set out in these sections, and upon their widows, children and other dependants, regardless of their place of residence. At present payments under these sections may only be made to a person resident in Canada. The proposed amendment would permit payments to be made no matter where the recipient is residing as long as the recipient has resided in Canada for at least one year since the date of the disability or death in respect of which the benefits are conferred.

The amendment would also extend the sections to apply to situations where an application for pension has been made to a Commonwealth or allied country and the application has been rejected or entitlement without pension has been granted.

Clause 11. The present section 55 of the Act reads as follows:

"**55.** *The pensions that are now* being paid to or in respect of members of those forces who served in the *Fenian Raid or* Northwest Rebellion, *during the continuance of the residence in Canada of the recipients of such pensions, shall hereafter be increased to* the rates set forth in Schedules A and B."

The proposed amendment would delete the reference to Fenian Raid as there are no longer any Fenian Raid pensions in payment.

1957-58, c. 19, s. 21(2).

12. 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 on an appeal from a decision of the Board of Pension Commissioners for Canada or 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."

Commencement of payment of increase.

13. No pension shall be paid in accordance with the rates set out in subsection (2) of section 38 of the said Act as enacted by this Act, or Schedule A or B to the said Act as enacted by this Act, in respect of any period before the first day of the month next following the day on which this Act is assented to.

Clause 12. The present subsection (4) of section 65 reads as follows:

"(4) An application based upon error in any decision on an appeal from a decision 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."

The proposed amendment would reinsert the reference to the Board of Pension Commissioners that was deleted when the subsection was amended in 1957. Cases from the Board of Pension Commissioners are still coming forward.

Clause 13. This amendment would make the increased rates provided under this Act effective on the first day of the month following the day upon which this Act received assent.

Fourth Session, Twenty-Fourth Parliament, 9–10 Elizabeth II, 1960–61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-68.

An Act to amend the Juvenile Delinquents Act.

First reading, February 10, 1961.

Mr. BROOME.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24552-2

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-68.

An Act to amend the Juvenile Delinquents Act.

R.S., c. 160.

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 *Juvenile Delinquents Act* is amended by adding thereto the following subsections:

Secrecy of reports.

"(5) No one having, or having had the custody of a juvenile delinquent, and no one who is or has been in charge or informed of any record or file respecting a hearing or disposal of a case in connection with the trial of a juvenile delinquent shall, without the special leave of the Court, communicate to any other person, not being a judge, magistrate, probation officer, superintendent or other officer connected with the administration of justice, any report of or information respecting a delinquency committed or said to have been committed, by a child, or of or respecting the trial or other disposition of a charge against a child.

Records and files to be destroyed after five years.

"(6) All such records and files mentioned in subsection (5) shall be destroyed by the officer having the custody thereof after a period of five years from the date of such trial or hearing if no new trial or hearing respecting such child or juvenile delinquent has taken place during the said period of five years."

Explanatory Note.

The purpose of this amendment to the *Juvenile Delinquents Act* is to provide for the secrecy of reports, files or records in connection with the trial of juvenile delinquents and to provide further that such records and files be destroyed after a period of five years from the date of such trial.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-69.

An Act respecting the Construction of a line of railway in the Province of Quebec by Canadian National Railway Company from a point at or near mile 72 of the Kiask Falls Subdivision in a northwesterly direction to a point in the vicinity of Mattagami Lake.

First reading, February 14, 1961.

THE MINISTER OF TRANSPORT.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24174-5

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-69.

An Act respecting the Construction of a line of railway in the Province of Quebec by Canadian National Railway Company from a point at or near mile 72 of the Kiask Falls Subdivision in a northwesterly direction to a point in the vicinity of Mattagami Lake.

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

Construction and completion.

1. The Governor in Council may provide for the construction and completion by Canadian National Railway Company (in this Act called "the Company") prior to the 31st day of December, 1962, or such later date as the Governor in Council may fix, of the line of railway (in this Act called the "railway line") described in the Schedule.

Competitive bids or tenders.

2. The Company shall adopt the principle of competitive bids or tenders in respect of the construction of the railway line in so far as the Company decides not to perform such work or any part thereof with its own forces, but the 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 the railway line, 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 Company shall not in performing the work of construction and completion exceed such estimates by more than fifteen per cent.

Issue of securities.

4. Subject to the provisions of this Act and the approval of the Governor in Council, the Company may, in respect of the cost of the construction and completion of the

railway line, or to provide amounts required for the repayment of loans made under section 5, 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 5, the sum of nine million six hundred and sixty thousand dollars, bearing such rates of interest and subject to such other terms and conditions as the Governor in Council may approve.

Temporary loans.

5. To enable the work of construction and completion of the railway line to proceed forthwith, the Minister of Finance, upon application made to him by the Company and approved by the Minister of Transport, may, with the approval of the Governor in Council, make temporary loans to the Company out of the Consolidated Revenue Fund, not exceeding nine million six hundred and sixty 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 Company is authorized to issue under section 4.

Guarantee.

6. (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 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) Any guarantee under this Act may be either a general guarantee covering the total amount of the issue 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.

7. (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 Company, in one or more banks designated by him.

Release of deposits.

(2) The Board of Directors of the 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 Company for the purpose of meeting

expenditures in respect of the construction of the railway line, 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.

Report to Parliament.

8. The Minister of Transport shall present to Parliament during the first thirty 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 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 5 and the amount of such advances reimbursed, and such further information as the Minister of Transport may direct.

SCHEDULE.

SCHEDULE.

Location	Estimates		
	Mileage	Cost of Construction	Average cost per mile
From a point on the Barraute-Chibougamau line of Canadian National Railway Company at or near mile 72 of the Kiask Falls Subdivision in a northwesterly direction to the property of Mattagami Lake Mines Limited in the northwesterly quarter of Galinée Township, Abitibi District, both in the Province of Quebec.....	60	$8,400,000	$140,000

C-70.

Fourth Session, Twenty-Fourth Parliament, 9–10 Elizabeth II, 1960–61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-70.

An Act to provide for the Furnishing of Financial and other Statistics relating to the Affairs of Corporations and Labour Unions carrying on Activities within Canada.

First reading, February 17, 1961.

THE MINISTER OF JUSTICE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24148-9

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-70.

An Act to provide for the Furnishing of Financial and other Statistics relating to the Affairs of Corporations and Labour Unions carrying on Activities within Canada.

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

SHORT TITLE.

Short title.

1. This Act may be cited as the *Corporations and Labour Unions Statistics Act.*

INTERPRETATION.

Definitions.

2. In this Act,

"Minister."

(*a*) "Minister", in relation to Part I, means the Secretary of State, and in relation to Part II, means the Minister of Labour;

"Reporting period."

(*b*) "reporting period", in relation to a corporation or a union, means a fiscal period of the corporation or union, as the case may be, which fiscal period shall be deemed, for the purposes of this Act, to end not later than twelve months after its commencement unless extended with the concurrence of the Minister;

"Union" or "labour union."

(*c*) "union" or "labour union" means any organization of employees formed for the purpose of regulating relations between employers and employees; and

Reference to person resident in Canada.

(*d*) a reference to a person resident in Canada includes a person who was at the relevant time ordinarily resident in Canada.

PART I.

CORPORATIONS.

APPLICATION.

Application of Part I.

3. (1) This Part applies to every corporation authorized under a law of Canada or a province to carry on business within Canada, except

(*a*) a private corporation as defined in subsection (1) of section 4, and

(*b*) a corporation exempted from the operation of this Part by any regulation made under subsection (2) of section 4.

Idem.

(2) This Part does not apply to any corporation to which Part II applies.

"Private corporation" defined.

4. (1) For the purposes of this Part, a "private corporation" is a corporation in respect of which it can be established that, throughout the whole of any reporting period of the corporation in respect of which the expression is relevant,

(*a*) by or under the terms of the Act or instrument of incorporation of the corporation,

(i) the right to transfer its shares was restricted,

(ii) any invitation to the public to subscribe for its shares or debentures was prohibited, and

(iii) the number of its shareholders was limited to fifty or less, not including employees of the corporation and former employees of the corporation who, while they were employees thereof, were shareholders of the corporation and, since ceasing to be employees thereof, have continued to be shareholders of the corporation (any two or more persons holding one or more shares jointly being deemed for the purposes of this paragraph to be a single shareholder);

(*b*) none of its shareholders was a corporation, other than a corporation

(i) a majority of the directors of which were individuals resident in Canada, and

(ii) a majority of the shares of which, having full voting rights under all circumstances, were held by individuals resident in Canada;

(*c*) no person, other than the corporation or its shareholders or debenture holders, had any beneficial interest in any of the shares or debentures of the corporation, except an interest by way of collateral or security for the repayment of a loan made by that person in the ordinary course of a business carried

on by him, or an interest under an agreement for the transfer of any such shares or debentures, which agreement was carried out within a reasonable period of time;

(*d*) neither the corporation nor any director thereof was party to an agreement or arrangement whereby the policy of the corporation was capable of being fixed or determined by any person other than the directors, shareholders or debenture holders of the corporation; and

(*e*) a majority of the directors of the corporation were individuals resident in Canada, and a majority of the shares of the corporation, having full voting rights under all circumstances, were held by persons resident in Canada.

Exempt corporations.

(2) The Governor in Council may make regulations exempting from the operation of this Part

(*a*) any corporation, for any reporting period of the corporation in respect of which it can be established that

(i) the gross revenue of the corporation for that reporting period from the business carried on by it within Canada, determined in the manner prescribed by the regulations, did not exceed five hundred thousand dollars, and

(ii) the assets in Canada of the corporation as of the last day of that reporting period, determined in the manner prescribed by the regulations, did not exceed two hundred and fifty thousand dollars,

except any such corporation that is one of two or more corporations that, by reason of inter-relationship of management, ownership or financial affairs, are designated by the Minister to be related corporations and that would not, if considered as a single corporation, qualify under this paragraph to be exempted from the operation of this Part; and

(*b*) any corporation coming within a class prescribed by the regulations to be a class of corporations the filing of returns in respect of which is not essential to the securing of effective compliance with this Part.

Returns.

Return to be filed with Minister.

5. (1) Every corporation to which this Part applies shall, for each reporting period of the corporation commencing with the reporting period, if any, coinciding with or ending in 1960, file with the Minister, not later than six months after the coming into force of this Act or the end of that reporting period, whichever is later, a return in duplicate specifying the following particulars:

(*a*) the corporate name of the corporation;
(*b*) the address of the head office of the corporation and, in the case of a corporation not resident in Canada, the address of its principal place of business in Canada or place to which communications for the purposes of this Part may be directed;
(*c*) the manner in which the corporation was incorporated and the date and place of its incorporation;
(*d*) financial statements for the reporting period, in such detail and containing such particulars and other information relating to the financial position of the corporation in relation to the business carried on by it within Canada as are prescribed by the regulations, including, without limiting the generality of the foregoing,
  (i) a balance sheet showing the assets and liabilities of the corporation, made up as of the last day of the reporting period,
  (ii) a general statement of income and expenditure for the reporting period showing separately
    (A) the total of the amount paid to the directors as remuneration for their services as such directors, inclusive of all fees, percentages or other emoluments, paid to or receivable by them by or from the corporation or by or from any subsidiary corporation, exclusive of the amounts paid to a managing director, if any, or any other director who holds any salaried employment or office in the corporation and who devotes substantially the whole of his time to the business of the corporation or its subsidiaries,
    (B) the total of the amount paid as salaries, bonuses, fees or other remuneration to the counsel, solicitors or other legal advisers of the corporation, and also to the executive officers of the corporation including the managing director, if any, of the corporation and any other director who holds any salaried employment or office in the corporation and who devotes substantially the whole of his time to the business of the corporation or its subsidiaries,
    (C) net operating profit before depreciation, obsolescence and depletion and income taxes,
    (D) income from investments,
    (E) non-recurring profits and losses including profits and losses of a special nature,

(F) amounts written off for depreciation, obsolescence and depletion,

(G) any amount written off for goodwill or amortization of any asset,

(H) interest on funded or other indebtedness not maturing within one year,

(I) reserves for income taxes imposed by any taxing authority in Canada, and

(J) a balance showing net profit and loss for the reporting period, but where depreciation, obsolescence and depletion are charged against manufacturing or operating costs by the corporation in its accounts, net operating profit may be shown after depreciation, obsolescence and depletion, if the amount charged in respect of those items for the reporting period is shown as a footnote to the statement of income and expenditure, and

(iii) a statement of surplus showing separate accounts for capital surplus, distributable surplus and earned surplus respectively, made up as of the last day of the reporting period;

(*e*) the amount of the authorized share capital of the corporation, and the number of shares of each class into which it is divided;

(*f*) the number of issued shares of each class into which its authorized share capital is divided, and in relation to each such class,

(i) the number of shares of that class held by persons resident in Canada and by persons not resident in Canada, respectively, and

(ii) the number of persons not resident in Canada holding more than five per cent of the total number of issued shares of that class and the number of shares of that class held by any such person;

(*g*) particulars as described in paragraphs (*a*) and (*b*) in respect of each body corporate holding ten per cent or more of the total number of issued shares of the corporation or of the total number of issued shares thereof of any class, and the number of shares of each class held by any such body corporate;

(*h*) particulars as described in paragraphs (*a*) to (*c*) in respect of each body corporate authorized under a law of Canada or a province to carry on business within Canada, more than fifty per cent of the total number of issued shares of which of any class are held by the corporation, and, in respect of each

such body corporate that for the reporting period thereof coinciding with or ending in the reporting period of the corporation, was exempted from the operation of this Part by any regulation made under paragraph (*a*) of subsection (2) of section 4, particulars as described in paragraph (*d*) for the reporting period thereof except where those particulars are incorporated in the particulars required by paragraph (*d*) in respect of the corporation;

(*i*) the total amount of debentures of the corporation issued and outstanding and the total amount of each class of such debentures;

(*j*) the name and address of each director of the corporation and the nationality of each individual who is a director of the corporation; and

(*k*) the name, address and nationality of each officer of the corporation resident in Canada, and the position in the corporation held by each such officer.

Financial statements to be accompanied by auditor's report.

(2) Each of the statements required by paragraph (*d*) of subsection (1) to be specified in a return filed by a corporation shall be accompanied by an auditor's report thereon, signed by the auditor by whom the report was made.

Other particulars: relieving provision.

(3) The particulars required by paragraphs (*e*) to (*k*) of subsection (1) to be specified in a return filed by a corporation shall be specified therein as of the last day of the reporting period for which the return is filed, except that where a corporation has filed a return for a reporting period specifying the particulars required by any such paragraph as of the last day of that reporting period, the corporation is not bound, in filing a return for a subsequent reporting period, to specify the same particulars in the absence of any change therein as of the last day of that subsequent period.

Signature and verification of returns.

(4) Each duplicate return filed as required by this section shall be signed by the president or a vice-president of the corporation and by the secretary or treasurer thereof, or by any of such officers and by a director of the corporation, and shall be duly verified by their affidavits.

INSPECTION.

Inspection of returns and fee for inspection.

6. One duplicate of each return filed as required by section 5 shall be kept on record in an office of the Department of the Secretary of State designated by the Minister for the purpose, and such duplicates shall be made available for inspection therein by any person upon application at any reasonable time and upon payment of such fee, not exceeding one dollar in respect of any one corporation, as is prescribed by the regulations.

ENFORCEMENT.

Offence.

7. (1) Every corporation that fails to file with the Minister a return for a reporting period as and when required by this Part is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars for each day of such default.

Officers, etc. of corporation guilty of offence.

(2) Where a corporation is guilty of an offence under this section, every officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the offence is a party to and guilty of the offence and is liable on summary conviction to the fine provided by subsection (1) for the offence or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment, whether or not the corporation has been prosecuted or convicted therefor.

Demand by registered letter to officer, etc. of corporation in Canada.

8. Where a corporation has failed to file with the Minister a return for a reporting period as and when required by this Part, the Minister may, by demand made by registered letter to any officer, director or agent of the corporation in Canada, require that person to file with the Minister, within such reasonable time as is stipulated in the registered letter, the return required by this Part on behalf of the corporation, and any such person who fails to comply with any demand so made to him is guilty of an offence and is liable on summary conviction to the punishment provided by subsection (2) of section 7 for an offence under that section, whether or not the corporation or any other person has been prosecuted or convicted therefor.

PART II.

LABOUR UNIONS.

APPLICATION.

Application of Part II.

9. This Part applies to every labour union carrying on activities as such in Canada and having a local union or branch in Canada, except

(*a*) a labour union having its headquarters situated in Canada, that has not, at any time before the last day of any reporting period of the union in respect of which the description of such union is relevant, authorized the issue of a charter to a local union or branch outside Canada, and

(*b*) a labour union that, on the last day of any reporting period of the union in respect of which the description of such union is relevant, had fewer than one hundred members resident in Canada.

RETURNS.

Return to be filed with Minister.

10. (1) Every labour union to which this Part applies shall, for each reporting period of the union commencing with the reporting period, if any, coinciding with or ending in 1960, file with the Minister, not later than six months after the coming into force of this Act or the end of that reporting period, whichever is later, a return in duplicate specifying the following particulars:

(*a*) the name of the union;

(*b*) the address of the headquarters of the union and, in the case of a union having its headquarters situated outside Canada, the address of its principal office in Canada or place to which communications for purposes of this Part may be directed;

(*c*) a copy of the constitution of the union in effect on the last day of the reporting period;

(*d*) financial statements for the reporting period, in such detail and containing such particulars and other information relating to the financial position of the union in relation to the activities carried on by it in Canada as are prescribed by the regulations, including, without limiting the generality of the foregoing, statements showing, respectively,

(i) total receipts from per capita dues or other levies paid by members resident in Canada,

(ii) total disbursements for benefits to members resident in Canada, classified according to the kinds of benefits provided,

(iii) total disbursements for salaries and expenses of officers and employees of the union resident in Canada,

(iv) office and administrative expenses incurred in connection with the activities carried on by the union in Canada, and

(v) assets in Canada held in the name of the union or held in the name of any local union, branch or person for or on behalf of the union;

(*e*) the name and address of each officer of the union and the position in the union held by each such officer;

(*f*) the name, address and nationality of each officer and employee of the union resident in Canada (other than a person performing primarily clerical or stenographic duties), the position in the union held by each such officer and employee and the manner in which he was elected or appointed;

(*g*) the name and address of each local union or branch of the union in Canada, the name and address of each officer of any such local union or branch and the number of members of any such local union or branch;

(*h*) the name of each local union or branch of the union in Canada under a trusteeship imposed by the union, the date such trusteeship was imposed and the reasons therefor; and

(*i*) the name and address of each employer resident in Canada with which the union has a collective agreement.

Financial statements to be accompanied by auditor's report.

(2) The financial statements required by paragraph (*d*) of subsection (1) to be specified in a return filed by a union shall be accompanied by an auditor's report thereon, signed by the auditor by whom the report was made.

Other particulars: relieving provision.

(3) The particulars required by paragraphs (*e*) to (*i*) of subsection (1) to be specified in a return filed by a union shall be specified therein as of the last day of the reporting period for which the return is filed, except that where a union has filed a return for a reporting period specifying the particulars required by any such paragraph as of the last day of that reporting period, the union is not bound, in filing a return for a subsequent reporting period, to specify the same particulars in the absence of any change therein as of the last day of that subsequent period.

Signature and verification of returns.

(4) Each duplicate return filed as required by this section shall be signed by the president or a vice-president of the union and by the secretary or treasurer thereof, or by any of such officers and by any member of the executive board of the union, and shall be duly verified by their affidavits.

INSPECTION.

Inspection of returns and fee for inspection.

11. One duplicate of each return filed as required by section 10 shall be kept on record in an office of the Department of Labour designated by the Minister for the purpose, and such duplicates shall be made available for inspection by any person upon application at any reasonable time and upon payment of such fee, not exceeding one dollar in respect of any one union, as is prescribed by the regulations.

ENFORCEMENT.

Offence.

12. (1) Every union that fails to file with the Minister a return for a reporting period as and when required by this Part is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars for each day of such default.

Prosecution of union.

(2) A prosecution for an offence under this section may be brought against a union in the name of the union, and for the purposes of any such prosecution a union shall be deemed to be a person and any act or thing done or omitted to be done by an officer or agent of the union acting within the scope of his authority to act on behalf thereof shall be deemed to be an act or thing done or omitted to be done by the union.

Officers, etc. of union guilty of offence.

(3) Where a union is guilty of an offence under this section, every officer, member of the executive board or agent of the union who directed, authorized, assented to, acquiesced in or participated in the offence is a party to and guilty of the offence and is liable on summary conviction to the fine provided by subsection (1) for the offence or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment, whether or not the union has been prosecuted or convicted therefor.

Demand by registered letter to officer, etc. of union in Canada.

13. Where a union has failed to file with the Minister a return for a reporting period as and when required by this Part, the Minister may, by demand made by registered letter to the senior executive officer or representative of the union in Canada or any officer or agent of a local union or branch of the union in Canada, require that person to file with the Minister, within such reasonable time as is stipulated in the registered letter, the return required by this Part on behalf of the union, and any such person who fails to comply with any demand so made to him is guilty of an offence and is liable on summary conviction to the punishment provided by subsection (3) of section 12 for an offence under that section, whether or not the union or any other person has been prosecuted or convicted therefor.

PART III.

GENERAL.

Certificate as evidence.

14. In any prosecution for an offence under Part I or II, a certificate purporting to be signed by the Minister that a return was not filed with the Minister by any corporation, union or person as and when required by that Part is admissible in evidence and in the absence of any evidence to the contrary is proof of the statements contained therein.

Regulations.

15. The Governor in Council may make regulations

(*a*) prescribing anything that by this Act is to be prescribed by the regulations; and

(*b*) generally, for carrying into effect the purposes and provisions of this Act.

C-71.

Fourth Session, Twenty-Fourth Parliament, 9–10 Elizabeth II, 1960–61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-71.

An Act respecting the Civil Service of Canada.

First reading, March 2, 1961.

THE MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24467-3

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-71.

An Act respecting the Civil Service of Canada.

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

SHORT TITLE.

Short title.

1. This Act may be cited as the *Civil Service Act.*

INTERPRETATION.

Definitions.

"Allowance."

2. (1) In this Act,

(*a*) "allowance" means compensation payable

(i) in respect of a position, or in respect of some of the positions in a class, by reason of duties of a special nature, or

(ii) for duties that an employee is required to perform in addition to the duties of his position;

"Civil service."

(*b*) "civil service" means the positions in the public service for the appointment to which there is no authority in or under any Act of Parliament (other than this Act) except

(i) the offices of commissioner and the positions of persons appointed under subsection (1) of section 73;

(ii) prevailing rates positions and the positions of persons appointed under subsection (1) of section 71;

(iii) the positions of persons engaged locally outside Canada;

(iv) positions in or in connection with government railways or ships; and

(v) the positions of postmasters of any revenue post office the revenue of which does not exceed three thousand dollars per annum;

"Classify." (*c*) "classify" in relation to a position means to assign a class and grade to a position;

"Closed competition." (*d*) "closed competition" means a competition that is open only to persons employed in the public service;

"Commission." (*e*) "Commission" means the Civil Service Commission;

"Commissioner." (*f*) "commissioner" means a member of the Commission, and includes the Chairman;

"Department." (*g*) "department" means a department named in Schedule A to the *Financial Administration Act*, and any division or branch of the public service designated by the Governor in Council as a department for the purposes of this Act;

"Deputy head." (*h*) "deputy head" in relation to a department named in Schedule A to the *Financial Administration Act* means the deputy minister of the department, and in relation to any division or branch of the public service designated under paragraph (*g*) as a department, such person as the Governor in Council may designate as the deputy head for the purposes of this Act;

"Employee." (*i*) "employee" means a person employed in the civil service;

"Establishment." (*j*) "establishment" means the positions in a department to which appointments may be made, as approved by the Governor in Council;

"Government railways or ships." (*k*) "government railways or ships" means

(i) any railway owned or controlled by Her Majesty, and

(ii) any vessel, however propelled, used in navigation or in the improvement of navigation that is the property of or chartered or employed by Her Majesty, or the cost of which, or any portion of the cost of which, has been defrayed out of the Consolidated Revenue Fund;

"Lay-off." (*l*) "lay-off" means a person who has been laid off pursuant to subsection (1) of section 54 and who in the opinion of the Commission is suitable for continued employment in the civil service;

"Local office." (*m*) "local office" means an office established to serve an area comprising a part but not the whole of Canada;

"Minister." (*n*) "Minister" includes the Solicitor General and any member of the Queen's Privy Council for Canada holding the office of a Minister of the Crown;

"Misconduct." (*o*) "misconduct" means misconduct, incompetence or negligence of an employee in the performance of his duties, and includes bringing the civil service into disrepute;

"Open competition." (*p*) "open competition" means a competition that is open to persons who are not employed in the public service as well as to persons who are so employed;

"Prevailing rates positions."

(*q*) "prevailing rates positions" means positions declared by the Governor in Council under subsection (5) to be prevailing rates positions;

"Public service."

(*r*) "public service" means the Public Service as defined in the *Public Service Superannuation Act;* and

"Remuneration."

(*s*) "remuneration" means pay and allowances.

Members of R.C.M.P. and Canadian Forces.

(2) For the purposes of paragraphs (*d*) and (*p*) of subsection (1) of this section and section 34, members of the Royal Canadian Mounted Police or the Canadian Forces shall be deemed to be persons employed in the public service.

Lower and higher positions defined.

(3) Where in any of the provisions of this Act a comparison is made between a position in one grade and a position in another grade, for the purposes of such comparison the position in the grade having the higher maximum rate of pay shall be known as the higher position and the other position shall be known as the lower position.

References.

(4) Unless the context otherwise requires

(*a*) a reference in any of the provisions of this Act to a deputy head in relation to an employee shall be construed as a reference to the deputy head of the department in which the employee is employed; and

(*b*) a reference in any of the provisions of this Act to a deputy head in relation to a department shall be construed as a reference to the deputy head of that department.

Prevailing rates positions.

(5) The Governor in Council, on the recommendation of the Commission, may declare any positions, not being professional, semi-professional, managerial or clerical in character, to be prevailing rates positions, and may revoke any declaration made under this subsection.

Acting deputy head.

3. (1) In the absence of the deputy head or if there is no deputy head, the assistant deputy head or, in the absence of the assistant deputy head or if there is no assistant deputy head, the person designated by the person who under the *Financial Administration Act* is the appropriate Minister with respect to the department, or such other person as may be designated by the Governor in Council, has and may exercise the powers, duties and functions of the deputy head.

Delegation by deputy head.

(2) The deputy head may authorize any person employed in his department to exercise any of the powers, functions or duties of the deputy head under this Act.

PART I.

Civil Service Commission.

Commission Established.

Commission established.

4. (1) There shall be a Commission to be called the Civil Service Commission, consisting of a Chairman and two additional members to be appointed by the Governor in Council.

Tenure.

(2) Subject to this section, a commissioner holds office during good behaviour for a period of ten years, but may be removed at any time by the Governor in Council upon address of the Senate and House of Commons.

Re-appointment.

(3) A commissioner is on the expiration of his first or a subsequent term of office eligible to be re-appointed for a further term not exceeding ten years.

Termination and extension.

(4) A commissioner ceases to hold office upon attaining the age of sixty-five years, except that where the Governor in Council is of opinion that it would be in the public interest to extend the term of office of a commissioner beyond that age, he may, on the recommendation of the Prime Minister, extend the term of office beyond the age of sixty-five years for one period not exceeding five years.

Rank.

(5) The rank and standing of each commissioner is that of a deputy head of a department.

Salaries.

(6) There shall be paid to each commissioner out of the Consolidated Revenue Fund such salary as may be fixed by the Governor in Council.

Other employment prohibited.

(7) A commissioner shall not hold any other office in the public service or engage in any other employment.

Oath of office.

(8) Each commissioner shall, before entering upon the duties of his office, take and subscribe before the Clerk of the Privy Council, the oath in Schedule A.

Chairman.

5. (1) The Chairman is the chief executive officer of the Commission and has supervision over and direction of the work and staff of the Commission.

Acting Chairman.

(2) The Governor in Council may authorize any commissioner to act as Chairman for the time being in the event that the Chairman is absent or unable to act or if the office is vacant.

Quorum.

(3) A majority of the commissioners constitutes a quorum of the Commission.

Vacancy.

(4) A vacancy in the membership of the Commission does not impair the right of the remainder to act.

Place of business.

(5) The Commission may sit at such times and places as it considers necessary or desirable for the proper conduct of its business.

General Powers and Duties of Commission.

Powers and duties.

6. The Commission shall

(*a*) appoint qualified persons to the civil service in accordance with the provisions and principles of this Act;

(*b*) report to the Governor in Council upon such matters arising out of or relating to the administration or

operation of this Act and the regulations as the Commission considers desirable and, at the request of the Governor in Council, upon any matter pertaining to organization and employment in the public service;

(*c*) at the request of a deputy head, report upon any matter pertaining to organization and employment in the department;

(*d*) obtain the assistance of competent persons to assist the Commission in the performance of its duties;

(*e*) operate and assist departments in operating staff development training programmes; and

(*f*) perform such other duties and functions with reference to the public service as are assigned to it by the Governor in Council.

Consultation with Staff Organizations.

Consultation with staff organizations.

7. The Commission, and such members of the public service as the Minister of Finance may designate, shall from time to time consult with representatives of appropriate organizations and associations of employees with respect to pay and other terms and conditions of employment at the request of such representatives or whenever in the opinion of the Commission or the Minister of Finance, as the case may be, such consultation is necessary or desirable in the interests of the civil service or the Government.

Records and Inquiries.

Access to records, assistance, etc.

8. (1) Deputy heads and employees shall give the Commission such access to their respective departments and offices and such facilities, assistance and information as the Commission may require for the performance of its duties.

Inquiries.

(2) In connection with, and for the purposes of, any investigation or report, the Commission or any commissioner holding an investigation has all the powers of a commissioner appointed under Part II of the *Inquiries Act* and for the purposes of that Part shall be deemed to have been appointed under that Part.

PART II.

Organization of the Civil Service.

Classification.

Classes.

9. (1) The Commission shall divide the civil service into classes of employment and shall classify each position therein.

Grades.

(2) The Commission may subdivide each class into two or more grades, but where a class is not so subdivided it shall for the purposes of this section constitute a grade.

Standards.

(3) The Commission shall define each grade by reference to standards of duties, responsibilities and qualifications, and shall give it an appropriate title.

Content of grade.

(4) Each grade shall embrace all positions in a class having similar duties and responsibilities and requiring similar qualifications of persons appointed to a position in the grade.

Amendments.

(5) The Commission may divide, combine, alter or abolish any classes or grades, but no alteration in the establishment of a department shall be effected by anything done under this subsection without the approval of the Governor in Council.

Classification titles, when to be used.

(6) The title of each grade shall be observed in all records of the Commission, the Auditor General and the Treasury Board, and in all departmental estimates and parliamentary returns and appropriations, but need not be used for other purposes.

Pay and Allowances.

Recommendations on pay rates.

10. (1) The Commission shall keep under review the rates of remuneration to employees and shall whenever it considers it desirable or whenever requested by the Governor in Council make recommendations with regard thereto to the Governor in Council.

Considerations.

(2) The Commission in making recommendations on remuneration shall consider the requirements of the civil service, and shall also take into account the rates of pay and other terms and conditions of employment prevailing in Canada for similar work outside the civil service, the relationship of the duties of the various classes within the civil service and any other considerations that the Commission considers to be in the public interest.

Governor in Council to fix.

11. The Governor in Council, after the Commission has had an opportunity of considering the matter and after considering any recommendations made by the Commission, shall

(*a*) establish rates of pay for each grade; and

(*b*) establish the allowances that may be paid in addition to pay.

Form of rates.

12. The rates of pay for grades shall consist of minimum rates, maximum rates and one or more intermediate rates, or such other rates as may in any special cases be appropriate.

Acting pay.

13. Where an employee is required to perform for a temporary period the duties of a higher position than the one held by him, the Commission may in accordance with the regulations authorize the payment to him of acting pay during such temporary period; and during the time that the employee is being paid acting pay he has and may exercise the power and authority of the person holding the higher position.

No extra remuneration.

14. (1) Unless authorized by or under this Act or any other Act of Parliament, no payment additional to the remuneration authorized by law shall be made to any employee in respect of any service rendered by him.

Exceptions.

(2) Nothing in this section shall be construed to prohibit

(*a*) payment to an employee of remuneration in respect of each of two or more positions, if the remuneration in respect of one position is not sufficient to compensate him for his whole time and the total remuneration of the employee does not in the opinion of the Commission exceed reasonable remuneration for the duties performed; or

(*b*) payment to an employee who is on leave of absence from his position and is performing other duties, of such amount or at such rate as the Governor in Council may fix.

Leader of the Opposition.

(3) Paragraph (*b*) of subsection (2) applies to an employee performing duties in the office of the person holding the recognized position of Leader of the Opposition in the House of Commons as it applies to an employee performing duties in the office of a Minister.

Establishments.

Organization of departments.

15. When a department or a branch or division of a department is constituted, the deputy head shall prepare a statement showing

(*a*) the number of employees required for the proper conduct of the business of the department;

(*b*) the duties and responsibilities of each employee and the qualifications desired; and

(*c*) a plan of organization showing the proposed branches or divisions of the department and the relationship between the persons to be employed therein.

Classification.

16. (1) The deputy head shall refer the statement prepared under section 15 to the Commission and the Commission shall classify the position of each proposed employee.

Establishments.

(2) The deputy head shall prepare a list of proposed positions showing the class and grade of each position and the title of each grade and, when approved by the Governor in Council, the positions constitute the establishment for the department.

Pay.

(3) The rate of pay applicable to a position as described on an establishment is the rate established by the Governor in Council for the class and grade within which the position is included.

Classification of new positions.

17. (1) When a deputy head is of the opinion that the proper functioning of the department requires the addition of a position to the establishment of the department, he may submit to the Commission a description of the proposed position setting forth

(*a*) the duties to be performed,

(*b*) the responsibilities to be assumed, and

(*c*) the qualifications desired,

and the Commission shall classify the position.

Addition of position by deputy head.

(2) Subject to any limitation or direction of a special or general character imposed by the Governor in Council, the deputy head may issue a certificate in a form prescribed by the Governor in Council setting forth the classification of a position by the Commission pursuant to subsection (1) and the day on which the position is added to the establishment of the department, and thereupon the establishment shall be deemed to be amended accordingly.

By Governor in Council.

(3) Notwithstanding anything in this section, the Governor in Council may add to the establishment of a department a position classified by the Commission under subsection (1).

Abolition of position.

(4) A deputy head may by the issue of a certificate in a form prescribed by the Governor in Council abolish any vacant position on the establishment of the department.

Report to Treasury Board.

18. The deputy head shall forthwith send to the Treasury Board and the Commission a copy of every certificate issued by him under section 17.

Establishment review.

19. (1) The Governor in Council may from time to time review the establishments of departments and may, after considering the recommendations or representations of the deputy head, delete positions from or add positions to the establishment of the department.

Plan of organization.

(2) For the purposes of this section, the deputy head shall submit to the Governor in Council a plan of organization and such further information or material as the Governor in Council may require.

PART III.

APPOINTMENT.

Authority to Appoint.

Exclusive right to appoint.

20. (1) Except as otherwise provided in this Act or the regulations, the Commission has the exclusive right and authority to appoint persons to positions in the civil service.

Appointments.

(2) When a position on the establishment of a department is vacant, the Commission shall fill the position at the request of the deputy head.

Methods of filling positions.

(3) A position may be filled by an appointment under the provisions of this Act

(*a*) to that position;

(*b*) to a lower position in the same class; or

(*c*) to an alternate position as provided in subsection (5).

To lower position.

(4) Where a vacant position is filled by the appointment to a lower position in the same class, the lower position shall be deemed to be substituted for the vacant position on the establishment during the time that there is an incumbent in the lower position.

To alternate position.

(5) Where there is a vacant position on the establishment of a department and it is desired to make an appointment to an alternate position not on the establishment

(*a*) the deputy head may, without abolishing the vacant position, add the alternate position to the establishment in accordance with the provisions of section 17 if the alternate position is not higher than the vacant position; and

(*b*) the Commission may make an appointment to the alternate position, but there shall not be incumbents of both positions at the same time.

Appointments to be by competition within public service.

21. Whenever in the opinion of the Commission it is possible to do so and it is in the best interests of the civil service, appointments shall be made from within the public service by competition.

Appointments from within public service.

22. Where, in the opinion of the Commission, after considering any recommendations of the deputy head, it is impractical or not in the best interests of the civil service to make an appointment from within the public service by competition, the Commission may, without competition, appoint the person from within the public service who in the opinion of the Commission is best qualified.

When appointments from outside public service authorized.

23. Where, in the opinion of the Commission, a suitable appointment cannot be made from within the public service the appointment may be made in accordance with this Act from outside the public service.

Appointment by deputy.

24. (1) Where by reason of any emergency the immediate appointment of an employee is necessary, the deputy head or some person authorized by him may, notwithstanding anything in this Act and whether or not there is a vacant position on the establishment, make the appointment for one period not exceeding two months if the duties are required to be performed in Canada and for one period not exceeding three months if the duties are required to be performed outside Canada.

Report.

(2) The deputy head shall forthwith notify the Commission and the Treasury Board of any appointment made by him under this section.

Remuneration.

(3) The remuneration that may be paid to persons appointed under the authority of subsection (1) shall be the remuneration established by the Governor in Council for the class and grade within which a position having comparable duties and responsibilities is included or such higher rate as may be fixed by the Governor in Council, or, where there is no such position, the remuneration established by the Governor in Council.

Persons having special skill.

25. Where, because of the urgent need for the appointment or because of the limited availability of suitable candidates a competition is not in the opinion of the Commission practical or in the public interest, the Commission may without competition appoint persons having special skill or knowledge whose services are required for duties of an exceptional character.

Probation.

26. (1) Where an appointment is made from within the public service the probation period specified by section 48 shall be reduced to six months and the deputy head may, if he considers it appropriate in any case, further reduce or waive the probationary period.

Notice.

(2) If the deputy head reduces or waives the probationary period in any case he shall forthwith give notice thereof to the employee and to the Commission.

Transfers and promotions.

27. Where an employee is about to be transferred or promoted to another position in the civil service,

(*a*) if the selection of the employee for transfer or promotion was made by closed competition, the unsuccessful candidates, and

(*b*) if the selection of the employee for transfer or promotion was made without competition, the persons whose opportunity for promotion has thereby been prejudicially affected, as prescribed by the regulations,

shall, before the transfer or promotion becomes effective, be given an opportunity of appealing to the Commission, and the Commission shall reconsider the matter and shall confirm or rescind the transfer or promotion as it sees fit.

Appointments within public service but outside civil service.

28. Notwithstanding anything in this Act, a person who is employed in the public service but not in the civil service shall not be appointed to a position in the civil service without competition unless

(*a*) he is appointed under section 24 or 25; or

(*b*) he has been employed in the public service for at least three years.

Diplomatic appointments.

29. Nothing in this Act shall be construed to limit or affect the right or authority of Her Majesty to appoint

(*a*) Ambassadors,

(*b*) Ministers,

(*c*) High Commissioners, or

(*d*) Consuls General of Canada,

to any other country, or other persons to represent Canada in another country.

Eligible Lists.

Appointments to be from eligible lists.

30. Where an appointment by the Commission is to be made to a position by competition, the appointment shall be made from an eligible list established for that position or for the class or grade in which that position is included.

Establishment of eligible lists.

31. (1) The Commission may establish an eligible list

(*a*) in order to make an appointment to a particular position that is vacant or is about to become vacant; or

(*b*) in order to make appointments to positions of a grade or class as they become vacant.

Designation of lists.

(2) A list described in paragraph (*a*) of subsection (1) shall be known as a special eligible list, and a list described in paragraph (*b*) of that subsection shall be known as a general eligible list.

Established after competition.

32. An eligible list may be established only after a competition has been conducted by the Commission.

Qualifications.

33. The Commission may in relation to any position or any class or grade prescribe qualifications as to age, residence or any other matters that in the opinion of the Commission are necessary or desirable having regard to the nature of the duties to be performed.

Area of competition.

34. Before conducting a competition the Commission shall

(*a*) in the case of a closed competition, determine the division or branch of the public service, and the class or grade of position, if any, in which prospective candidates must be employed in order to be eligible for appointment; and

(*b*) in the case of an open competition, determine the area in which applicants must reside in order to be eligible for appointment.

Appointments to local office.

35. Where the duties of a position are to be performed in a local office, the Commission in making an appointment to that position from outside the public service shall, whenever it is practical and in the best interests of the civil service to do so, give preference in appointment to qualified candidates who reside in the area served by the local office over qualified candidates who do not so reside.

Notice.

36. The Commission shall give such notice in the English or French language, or both, of a proposed competition as in its opinion will give all eligible persons a reasonable opportunity of making an application.

Applications.

37. Applications shall be in such form and shall be made and verified in such manner as the Commission determines.

Consideration of applications.

38. (1) The Commission shall examine and consider all applications received within the time prescribed by it for the receipt of applications and, after considering such further material and conducting such examinations, tests, interviews and investigations as it considers necessary or desirable, shall select the candidates who are qualified for the position or positions in relation to which the competition is conducted, and shall place them in order of merit.

Option as to language.

(2) An examination, test or interview under this section shall be conducted in the English or French language or both at the option of the candidate.

Veterans, etc.

(3) Where in the opinion of the Commission there are sufficient qualified applicants coming within paragraphs (*a*) and (*b*) of subsection (1) of section 40 to enable the Commission to prepare an eligible list in accordance with section 42, the Commission may confine its selection of qualified candidates under subsection (1) of this section to those applicants.

Delegation to deputy head.

39. The Commission may authorize a deputy head to exercise and perform any of the powers or functions of the Commission under this Act in relation to the selection of candidates for a position.

Order of preferences

40. (1) In the case of an open competition the Commission shall, after complying with section 38 and after making such further investigations as it considers necessary, prepare a list of candidates in accordance with the following principles:

(*a*) those who are in receipt of a pension

(i) by reason of their service in World War I, or

(ii) by reason of their service only in World War II, and who at the commencement of such service were domiciled in Canada or Newfoundland,

who have from causes attributable to such service lost capacity for physical exertion to an extent that makes them unfit to pursue efficiently the vocations that they were pursuing before the war, and who have not been successfully re-established in some other vocation, shall be placed, in order of merit, ahead of other successful candidates;

(*b*) those who are veterans and who do not come within the provisions of paragraph (*a*), or who are widows of veterans, shall be placed, in order of merit, on the list immediately following the candidates, if any, mentioned in paragraph (*a*);

(*c*) Canadian citizens not coming within paragraph (*a*) or (*b*) shall be placed in order of merit after any candidates coming within either of those paragraphs; and

(*d*) persons not coming within paragraph (*a*), (*b*) or (*c*) shall be placed in order of merit after any candidates coming within any of those paragraphs.

Application of age limits, etc. to veterans, etc.

(2) The provisions of any statute or regulations prescribing the age limit and physical requirements with respect to any appointment in the civil service do not apply to a person mentioned in paragraph (*a*) or (*b*) of subsection (1), if the Commission certifies that he is of such an age and in such a satisfactory physical condition that he is then able to perform the duties of the position and will probably be able to continue to do so for a reasonable period after his appointment.

References in former Act.

(3) A reference in the *Veterans Benefit Act*, or in any other Act or regulation, to section 28 or 29 of the *Civil Service Act*, chapter 48 of the Revised Statutes of Canada, 1952, or any of the provisions thereof, shall be construed as a reference to the corresponding provisions of this section.

Revenue postmasters.

(4) This section applies to the selection and appointment of any person mentioned in subparagraph (v) of paragraph (*b*) of subsection (1) of section 2.

Definitions.

41. (1) For the purposes of section 40 and this section

"Member of the Women's Royal Naval Services."

(*a*) "member of the Women's Royal Naval Services" means a person who

(i) enrolled in the Women's Royal Naval Service,

(ii) enrolled in Queen Alexandra's Royal Naval Nursing Service or the reserve therefor, or

(iii) enrolled as a medical or dental practitioner employed with the Medical Branch or Dental Branch of the Royal Navy with naval status for general service;

"Veteran."

(*b*) "veteran" means a person who

(i) during World War I was on active service overseas in the naval, army or air forces or who served on the high seas in a seagoing ship of war in the naval forces of His Majesty or of any of the Allies of His Majesty, and who has left such service with an honourable record or has been honourably discharged,

(ii) during World War II was on active service

(A) in the naval, army or air forces of His Majesty or any of His Majesty's Allies and at the commencement of his active service was domiciled in Canada or Newfoundland, or

(B) in the naval, army or air forces of Canada, and, not being domiciled in Canada at the commencement of his active service, is a Canadian citizen,

and who, in the course of such service, performed duties outside of the Western Hemisphere, or on the high seas in a ship or other vessel service that was, at the time he performed those duties, classed as "sea time" for the purpose of the advancement of naval ratings, or that would have been so classed had the ship or other vessel been in the service of the naval forces of Canada,

(iii) during World War II served as a member of the Women's Royal Naval Services or as a member of the South African Military Nursing Service outside of the Western Hemisphere and who, at the commencement of her service during World War II, was domiciled in Canada or Newfoundland,

(iv) has been certified by the Under Secretary of State for External Affairs as having been enrolled in Canada or Newfoundland by United Kingdom authorities for special duty during World War II in war areas outside of the Western Hemisphere, and who served outside of the Western Hemisphere, and at the time of his enrolment was domiciled in Canada or Newfoundland, or

(v) during World War II served outside of the Western Hemisphere with the naval, army or air forces of His Majesty raised in Canada or Newfoundland as a representative of Canadian Legion War Services Inc., the National Council of the Young Men's Christian Associations of Canada, Knights of Columbus Canadian Army Huts, or Salvation Army Canadian War Services, and who was authorized so to serve by the appropriate naval, army or air force authority and who, at the commencement of his service with those forces during World War II, was domiciled in Canada or Newfoundland,

but, notwithstanding anything in this paragraph, does not include a person who

(vi) served outside of the Western Hemisphere or on the high seas only in that he was a passenger in an aircraft, ship or other vessel, or only in that he underwent a limited period of training in an aircraft, ship or other vessel incidental to a programme of instruction, or

(vii) by reason of his misconduct, since the 10th day of September, 1939, ceased to serve in the naval, army or air forces of His Majesty or of any of His Majesty's Allies, or to be a member of the Women's Royal Naval Services or the South African Military Nursing Service, or to be enrolled for the special duty mentioned in this paragraph or to serve with the forces as a representative of Canadian Legion War Services Inc., the National Council of the Young Men's Christian Associations of Canada, Knights of Columbus Canadian Army Huts, or Salvation Army Canadian War Services;

"Western Hemisphere."

(*c*) "Western Hemisphere" means the continents of North and South America, the islands adjacent thereto and the territorial waters thereof, including Newfoundland, Bermuda and the West Indies, but excluding Greenland, Iceland and the Aleutian Islands;

"Widow of a veteran."

(*d*) "widow of a veteran" means the widow of a person who, being a veteran, died from causes arising during the service by virtue of which he became a veteran;

"World War I."

(*e*) "World War I" means the war declared by His Majesty on the 4th day of August, 1914, against the Empire of Germany and subsequently, against other powers;

"World War II."

(*f*) "World War II" means the war declared by His Majesty on the 10th day of September, 1939, against the German Reich and subsequently against Italy, Finland, Hungary, Rumania and Japan.

Termination dates.

(2) For the purpose of determining whether a person is a veteran, World War II shall be deemed to have terminated

(*a*) in respect of service in connection with operations in the European and Mediterranean Theatres of War, on the 8th day of May, 1945; and

(*b*) in respect of service in connection with operations in the Pacific Theatre of War, on the 15th day of August, 1945.

Eligible lists.

42. From the list of qualified candidates the Commission shall prepare a list, to be known as the eligible list, which shall include the highest ranking candidates and shall, wherever possible, include a number of names sufficient in the opinion of the Commission

(*a*) in the case of a special eligible list, to provide for the filling of the position; and

(*b*) in the case of a general eligible list, to provide for the filling for a period of one year of the positions that are likely to become vacant in the grade or class in relation to which the list was established.

Publication.

43. (1) The Commission shall publish each eligible list established in the case of an open competition in the *Canada Gazette* within thirty days after the list is established.

Duration.

(2) An eligible list is valid for a period of one year from the effective date thereof as established by the Commission.

Extension.

(3) The Commission may extend the period of validity of an eligible list by one or more extensions, but the total extensions shall not exceed one year in the aggregate.

Deletion of names.

44. The Commission may delete the name of a candidate from an eligible list if he has indicated to the satisfaction of the Commission that he is unwilling or unable to accept the appointment.

Appointments.

Appointments from list.

45. (1) Where a special eligible list has been established, the person standing highest on the list who is willing to accept the appointment shall be appointed to the position.

Idem.

(2) Where a general eligible list has been established, the person standing highest on the list who is willing to accept the appointment shall be appointed to the first position in the class or grade for which the list was established that becomes vacant after the list was established or after the previous appointment from that list, except that where in the opinion of the Commission any special qualifications are required for the vacant position not applicable to all the positions in the class or grade, the persons on the list not possessing those qualifications are not eligible to be appointed to that position.

Where list exhausted.

46. Where a general eligible list established for a grade is exhausted, an appointment to a position in that grade may be made from an eligible list established for a higher grade of the same class.

Language.

47. The number of employees appointed to serve in any department or in any local office of a department who are qualified in the knowledge and use of the English or French language or both shall, in the opinion of the Commission, be sufficient to enable the department or local office to perform its functions adequately and to give effective service to the public.

Probationary period.

48. (1) An employee shall be considered to be on probation for a period of one year after he has taken up the duties of his position, or such longer period as the Commission may establish for any class or grade of position.

Extension.

(2) The Commission may, on the recommendation of the deputy head, extend the probationary period of an employee, but the period of the extension shall not exceed the period specified in or established in relation to that position under subsection (1).

Rejection.

49. (1) The deputy head may at any time during the probationary period reject the employee for cause, and if the deputy head rejects an employee he shall furnish to the Commission his reasons therefor.

Effect of rejection.

(2) An employee who has been rejected under this section ceases to be an employee, but any such employee may be declared by the Commission to be a lay-off if in the opinion of the Commission the circumstances of the case so warrant.

PART IV.

Terms and Conditions of Employment.

Tenure.

Tenure of office.

50. (1) The tenure of office of an employee is during the pleasure of Her Majesty, subject to the provisions of this and any other Act and the regulations thereunder, and, unless some other period of employment is specified, for an indeterminate period.

Saving.

(2) Nothing in this Act shall be construed to limit or affect the right or power of the Governor in Council to remove or dismiss any employee.

Term appointments.

51. An employee who is appointed to a position in the civil service for a specified period ceases to be an employee at the expiration of that period.

Resignation.

52. (1) An employee may resign his position in the civil service by giving to the deputy head two weeks' notice in writing of his intention to resign his position.

Acceptance and withdrawal.

(2) A resignation is completed when it is accepted in writing by the deputy head, but it may, by an appropriate notice in writing and with the approval of the deputy head, be withdrawn at any time before the effective date thereof, if no person has been appointed or selected for appointment to the position to be vacated by the resignation.

Abandonment.

53. An employee who is absent from duty without leave for a period of one week or such longer period as may be prescribed by the regulations may by an appropriate instrument in writing be declared by the deputy head to have abandoned his position, and thereupon the position becomes vacant and the employee ceases to be an employee.

Lay-Offs.

Laying off employees.

54. (1) Where the duties of a position held by an employee are no longer required to be performed, the deputy head may lay off the employee and he thereupon ceases to be an employee.

Re-appointment.

(2) The Commission may without competition appoint a lay-off to any position in the civil service for which he is qualified having the same or lower maximum rates of pay as the position held by him at the time he was laid off.

Competitions.

(3) A lay-off is entitled for a period of twelve months after he was laid off to enter any competition for which he would have been eligible had he not been laid off.

To be considered for appointment.

(4) Notwithstanding anything in this Act, a lay-off shall be considered for appointment to a position for which he is qualified, having the same or lower maximum rates of pay as the position held by him at the time he was laid off, in priority to all other qualified persons and in priority to all other persons who became lay-offs at a later time.

Termination of lay-off status.

(5) A person ceases to be a lay-off if he is appointed to or declines an appointment to a position in the public service with the same or higher maximum rates of pay.

Order of laying off.

55. (1) Where two or more persons employed in positions of the same grade in any unit of a department are to be laid off, or where one person is to be laid off and there are other persons holding positions of the same grade in the same unit of the department, the Commission shall, after considering such material and conducting such examinations, tests, interviews and investigations as it considers necessary, list the persons holding positions of the same grade in order of merit as in subsection (1) of section 38 and such persons shall be laid off in order beginning with the person lowest on the list.

"Unit of a department" defined.

(2) For the purposes of this section the expression "unit of a department" means the department or some branch or division thereof as prescribed by the Commission.

Demotion and Suspension.

Misconduct.

56. (1) Where an employee, in the opinion of the deputy head, has been guilty of misconduct, the deputy head

(*a*) may recommend to the Commission that the employee be demoted

(i) by reduction in his pay, but not lower than the minimum pay for his position,

(ii) by appointment to a position in a lower grade in the class of his position, or

(iii) by appointment to another position with a lower maximum rate of pay, and

(*b*) may by an appropriate notice in writing suspend the employee for a period not exceeding six months.

Notice.

(2) The deputy head shall give an employee notice in writing of a decision to recommend that the employee be demoted.

Right to appeal.

(3) Within the two weeks after receiving a notice under subsection (2), or within two weeks after receiving notice of a suspension under this section, the employee may appeal to the Commission against the decision of the deputy head.

If no appeal.

(4) If no appeal is taken to the Commission against a decision to recommend demotion, the Commission shall demote in accordance with the recommendation of the deputy head.

If appeal.

(5) If an appeal is taken to the Commission under this section, the Commission shall

(*a*) if the appeal is against a recommendation to demote, take such action with regard to the recommendation as it sees fit, and

(*b*) if the appeal is against a suspension,

(i) confirm the suspension,

(ii) reduce the period of the suspension, or

(iii) revoke the suspension as of the day it was imposed,

as it sees fit.

Demotion.

(6) A demotion under this section may be for a fixed period.

Re-instatement.

(7) The Commission may at any time, on the recommendation of the deputy head, re-instate a demoted employee.

Suspension.

57. In any case where

(*a*) it is alleged that an employee has been guilty of misconduct and the deputy head considers it desirable to investigate the allegation, or

(*b*) criminal proceedings against an employee are pending,

the deputy head may by an appropriate notice in writing suspend the employee for a period not exceeding six months.

Notice of suspension.

58. (1) If a deputy head suspends an employee he shall forthwith give notice thereof to the Commission.

No remuneration during suspension.

(2) An employee is not entitled to any remuneration in respect of any period during which he is under suspension.

Termination.

(3) The deputy head may at any time terminate a suspension.

Suspension pending inquiry.

59. (1) This section applies when an employee is suspended under section 57.

Extension.

(2) The Commission may on the application of the deputy head extend the suspension, but not for more than six additional months at any one time.

Proceedings upon completion of inquiry.

(3) Upon completion of the investigation or proceedings, as the case may be, the deputy head shall

(*a*) if as the result of the investigation or proceedings he is satisfied that the employee has been guilty of misconduct

(i) recommend the dismissal or demotion of the employee, or

(ii) suspend the employee for a further period not exceeding six months; or

(*b*) if as the result of the investigation or proceedings he is not satisfied that the employee has been guilty of misconduct, rescind the suspension retroactively to the time it was first imposed.

Application of ss. 56 and 60.

(4) Where under this section the deputy head suspends an employee or decides to recommend demotion, the provisions of section 56 apply, and where under this section the deputy head decides to recommend dismissal, the provisions of section 60 apply.

Dismissals.

Notice of dismissal recommendation.

60. (1) Where the deputy head has decided to recommend that an employee be dismissed, he shall give the employee notice in writing of his decision.

Right to appeal.

(2) Within two weeks after receiving a notice under subsection (1) the employee may appeal to the Commission against the decision of the deputy head.

If no appeal.

(3) If no appeal is taken to the Commission against a decision to recommend dismissal, the deputy head may so recommend.

If appeal.

(4) If an appeal is taken to the Commission under this section, the Commission shall make a full report of the matter to the deputy head, and if the deputy head recommends dismissal he shall transmit with his recommendation the report and recommendation of the Commission.

Dismissal.

(5) The Governor in Council may dismiss an employee pursuant to a recommendation under this section.

Political Partisanship.

Partisan work prohibited.

61. (1) No deputy head or employee shall

(*a*) engage in partisan work in connection with any election for the election of a member of the House of Commons, a member of the legislature of a province or a member of the Council of the Yukon Territory or the Northwest Territories; or

(*b*) contribute, receive or in any way deal with any money for the funds of any political party.

Violation.

(2) Every person who violates subsection (1) is liable to be dismissed.

Inquiry before dismissal.

(3) No person shall be dismissed for a violation of subsection (1) unless the alleged violation has been the subject of an inquiry at which that person has been given an opportunity of being heard.

Holidays.

Holidays.

62. The following days are holidays for the civil service:

(*a*) Sundays;
(*b*) New Year's Day;
(*c*) Good Friday;
(*d*) Easter Monday;
(*e*) the day fixed by proclamation of the Governor in Council for the celebration of the birthday of the Sovereign;
(*f*) Dominion Day;
(*g*) Labour Day;
(*h*) Remembrance Day;
(*i*) Christmas Day; and
(*j*) the day fixed by proclamation of the Governor in Council as a general day of thanksgiving;

and any other day fixed by proclamation of the Governor in Council as a holiday for all or any part of the civil service is a holiday for the civil service or for that part of the civil service, as the case may be.

Leave of Absence.

Annual leave.

63. (1) Subject to this section, every employee, except one who is on retiring leave or on leave of absence without pay, is entitled to annual vacation leave, that is to say, leave of absence with pay for a period of three weeks in respect of each fiscal year.

In respect of first year.

(2) The vacation leave to which an employee is entitled in respect of the fiscal year in which he was appointed is such period as may be prescribed by the regulations.

Minimum service.

(3) No employee shall be granted vacation leave unless he has been employed in the civil service for at least six months.

Times for taking leave.

(4) Annual vacation leave shall be taken at such times as the deputy head may specify and, subject to the regulations, shall be granted during the fiscal year in respect of which it was earned or during the next following fiscal year.

Re-appointment during extended leave.

64. (1) Where an employee has been granted leave of absence for a period in excess of two months, the Commission may appoint another person to that employee's position and, in that event, the employee ceases to be the incumbent of

that position but during the remaining period for which he was granted leave of absence he shall, subject to this section, be deemed to be the incumbent of an equivalent position on the establishment.

Remuneration.

(2) An employee who by subsection (1) is deemed to be the incumbent of an equivalent position is not entitled to any remuneration in respect of that position unless he was, in accordance with the regulations, granted leave of absence with pay.

Appointment to another position.

(3) Where an employee is on leave of absence and another person is appointed to his position under subsection (1), the Commission shall, during or after the expiration of the period of leave, appoint the employee without competition to another position in the civil service for which he is qualified.

Pay.

Rate of pay on appointment.

65. (1) Subject to this section, the rate of pay of a person appointed to a position in the civil service shall be the minimum rate for the grade of that position.

Idem.

(2) Where a lay-off or a person holding a position in the public service is appointed to a position in the civil service his rate of pay upon appointment shall be the minimum rate or other rate as prescribed by the regulations.

Appointments at higher than minimum rate.

(3) The Commission may, with the approval of the Governor in Council, make an appointment to a position or to positions in a class at a rate of pay higher than the minimum rate applicable to that position or class.

Right to remuneration.

(4) Subject to this Act, an employee is entitled to be paid for services rendered the remuneration applicable to the position held by him.

Oath of office and allegiance.

66. Every deputy head and employee shall, before any remuneration is paid to him, take and subscribe the oath of allegiance and the oath set out in Schedule B.

Increases.

Increases.

67. (1) Subject to this section, an employee holding a position for which there is a minimum and a maximum rate of pay shall be granted increases in pay until he reaches the maximum rate for the position.

Due date.

(2) Increases become due on such days as are determined in accordance with the regulations.

Amount of increase.

(3) An increase shall be to the rate in the scale of rates established for the position next higher than the rate at which the employee is being paid.

Denial of increase.

(4) An increase shall not be granted to an employee if the deputy head, before the due date, certifies to the Commission that the employee is not performing the duties of his position satisfactorily.

Employees on leave.

(5) This section applies to an employee who is on leave of absence with pay.

Notice of denial; right to appeal.

(6) If a deputy head intends to issue a certificate as described in subsection (4) with respect to an employee, he shall, at least two weeks and not more than six weeks before the due date for the increase to the employee, give the employee notice of his intention to do so and the employee may within two weeks of receiving the notice appeal to the Commission.

Disposition of appeal.

(7) Where an appeal is made to the Commission under this section, the Commission shall direct that the increase be granted or denied, as it sees fit.

Where employee absent without pay.

(8) This section does not apply to an employee who is on leave of absence without pay except in circumstances and under conditions prescribed by the regulations.

PART V.

GENERAL.

Regulations.

Regulations.

68. (1) The Governor in Council, on the recommendation of the Commission, may make regulations for carrying the purposes and provisions of this Act into effect, and without restricting the generality of the foregoing, may make regulations

(*a*) providing for the grant of vacation leave in excess of three weeks in respect of any fiscal year in special circumstances, prescribing the vacation leave to which an employee is entitled in respect of the fiscal year in which he was appointed, and providing for the grant of vacation leave with the consent of the employee at a time other than as prescribed in section 63;

(*b*) providing for the grant to an employee of retiring leave, that is to say, leave of absence with pay terminating with his retirement from the civil service, or the payment of a gratuity in lieu thereof;

(*c*) providing for the grant of leave of absence, other than vacation leave or retiring leave, with or without pay;

(*d*) for requiring employees by reason of special circumstances or the nature of their duties to perform the duties of their positions on any holiday, but any employee who is so required to perform the duties of his position on a holiday shall be granted another day of leave with pay, or shall be paid compensation for overtime in lieu thereof;

(*e*) for regulating hours of work, attendance and other matters pertaining to the performance of duties;

(*f*) authorizing the imposition of minor pecuniary penalties on employees for failure to comply with attendance requirements;

(*g*) for authorizing the grant of leave of absence with pay for overtime, as defined by the regulations, or the payment of compensation in lieu thereof to the employee or his personal representative;

(*h*) providing for the determination of due dates of pay increases and the manner in which alterations in rates of pay shall be implemented;

(*i*) prescribing the circumstances and conditions under which pay increases may be granted to employees who are on leave of absence without pay;

(*j*) prescribing the method of determining the rate of pay upon appointment where a lay-off or a person holding a position in the public service is appointed to a position in the civil service;

(*k*) prescribing the period of absence from duty after which employees may be declared to have abandoned their positions;

(*l*) prescribing the effective date of an appointment to the civil service and prescribing what shall constitute a resignation by an employee;

(*m*) prescribing how positions or employees wholly or partly excluded under section 74 shall be dealt with;

(*n*) providing for the payment of acting pay where an employee is required to perform for a temporary period the duties of a higher position and prescribing the amount of or method of determining such acting pay and the circumstances and conditions under which it may be paid;

(*o*) providing for the selection, appointment, conditions of employment and remuneration of employees performing duties of a casual, part-time or seasonal nature, notwithstanding anything in this Act;

(*p*) prescribing for the purposes of this Act what shall constitute a transfer or a promotion and the persons whose opportunity for promotion has been prejudicially affected thereby;

(*q*) prescribing what shall constitute continuity of employment for the purposes of this Act;

(*r*) for regulating the holding of offices or positions outside the civil service by persons employed in the civil service;

(*s*) prescribing procedure on appeals;

(*t*) authorizing the Commission to revoke an appointment where it finds any irregularity in the appointment or in the competition in which the appointment was made; and

(*u*) for any purpose for which regulations are by this Act authorized or required to be made.

Limitation.

(2) Nothing in subsection (1) shall be construed to authorize the making of regulations with respect to any of the matters set forth in section 69.

Regulations by Governor in Council.

69. The Governor in Council may make regulations

(*a*) applying all or any of the provisions of this Act to all or any of the positions set forth in subparagraphs (ii) to (v) of paragraph (*b*) of subsection (1) of section 2;

(*b*) imposing limitations and directions for the purposes of subsection (2) of section 17 and prescribing forms for the purposes of that section; and

(*c*) for ensuring and providing safe and suitable working conditions for employees.

Appeals.

Appeals.

70. (1) This section applies whenever under this Act or the regulations an appeal may be made to the Commission.

Appeal Boards.

(2) Where an appeal is made to the Commission, the Commission shall establish a Board consisting of three persons nominated by the Commission.

Board to inquire.

(3) The Board shall conduct an inquiry into the subject-matter of the appeal and shall give the employee who is appealing and the deputy head an opportunity of being heard, either personally or through a representative.

Powers.

(4) The Governor in Council may authorize a Board established under this section to exercise the powers of commissioners under Part II of the *Inquiries Act* and, if so authorized, the Board shall, for the purposes of that Part, be deemed to be commissioners appointed under that Part.

Report.

(5) After conducting an inquiry under this section the Board shall make a report to the Commission and shall make a recommendation to the Commission on the disposition of the appeal.

Ministers' Staffs.

Ministerial staffs.

71. (1) A Minister may appoint his Executive Assistant and his Private Secretary, and other persons to be employed in the office of a Minister shall be appointed by the Governor in Council.

Rights on termination of employment.

(2) A person who is employed in the office of a Minister ceases to be so employed when the person holding the position of such Minister ceases to hold that position, but

(*a*) a person who was an employee immediately before he became employed in the office of a Minister shall, unless he is on leave of absence for that purpose,

be deemed to be a lay-off, and for the purposes of section 54 his position at the time he so ceased to be employed in the office of a Minister shall be deemed to be the position held by him immediately before he became employed in the office of a Minister and his rate of pay shall be deemed to be the rate of pay that would have been applicable to him if he had not been appointed to a position in the office of a Minister; and

(*b*) a person who, during the time that he was employed in the office of a Minister qualified for a position in the civil service, shall be deemed to be a lay-off, and for the purposes of section 54 his position at the time he so ceased to be employed in the office of a Minister shall be deemed to be such other position in the civil service and his rate of pay shall be deemed to be the minimum rate of pay for that other position at the time he qualified for it.

Executive Assistants and Private Secretaries.

(3) A person who, for at least three years, has held the position of Executive Assistant to a Minister or the position of Private Secretary to a Minister, is entitled to be appointed to a position in the civil service for which he is qualified, not being lower than the position of head clerk.

Prior service.

(4) The time during which a person acted as Private Secretary or Executive Assistant to a Minister before the coming into force of this Act shall, for the purposes of subsection (3), be deemed to be time during which such person held the position of Private Secretary or Executive Assistant, as the case may be, to a Minister.

Leader of the Opposition.

(5) This section applies to a person employed in the office of the person holding the recognized position of Leader of the Opposition in the House of Commons as it applies to a person employed in the office of a Minister.

Parliamentary Staff.

Parliamentary staff.

72. (1) Subject to this section, this Act applies to the officers, clerks and employees of both Houses of Parliament and of the Library of Parliament holding continuing positions.

Action in relation to Senate or House of Commons.

(2) Any action authorized or directed to be taken by the Governor in Council with respect to the officers, clerks and employees of the Senate or the House of Commons, shall be taken by the Senate or the House of Commons, as the case may be, by resolution, or, if such action is required when Parliament is not sitting, by the Governor in Council, subject to ratification by the Senate or the House of Commons, as the case may be, at the next ensuing session.

Library of Parliament.

(3) Any action authorized or directed to be taken by the Governor in Council with respect to the officers, clerks and employees of the Library of Parliament, and to such other officers, clerks and employees as are under the joint control of both Houses of Parliament, shall be taken by both Houses of Parliament by resolution, or, if such action is required when Parliament is not sitting, by the Governor in Council, subject to ratification by both Houses of Parliament at the next ensuing session.

Work during recess.

(4) Nothing in this Act shall be construed to curtail the privileges enjoyed by the officers, clerks and employees of the Senate, House of Commons or Library of Parliament with respect to rank and precedence, attendance, office hours or leave of absence, or with respect to engaging in such employment when Parliament is not sitting, as may entitle them to receive extra salary or remuneration.

Other Public Officials.

Appointment by Governor in Council.

73. (1) The Governor in Council may appoint and fix the remuneration of

(*a*) the Clerk of the Privy Council,

(*b*) the Secretary to the Governor General,

(*c*) the Clerk of the Senate, and

(*d*) the Clerk of the House of Commons,

who shall be deputy heads for the purposes of this Act.

Assistant Auditor General.

(2) There shall be in the office of the Auditor General an assistant auditor general who shall act for the Auditor General in his absence.

Exclusions.

Exclusion of persons and positions.

74. In any case where the Commission decides that it is not practicable nor in the public interest to apply this Act or any provision thereof to any position or employee, the Commission may, with the approval of the Governor in Council, exclude such position or employee in whole or in part from the operation of this Act; and the Commission may, with the approval of the Governor in Council, re-apply any of the provisions of this Act to any position or employee so excluded.

Oaths.

Authority to administer oaths.

75. The Governor in Council may authorize any person to administer oaths and take and receive affidavits, declarations and affirmations for any of the purposes of this Act or the regulations.

Report to Parliament.

Annual report on operations under Act.

76. (1) The Commission shall, within five months after the 31st day of December in each year, transmit to the member of the Queen's Privy Council for Canada designated by the Governor in Council for the purpose, a report and statement of the transactions and affairs of the Commission during that year, and the member so designated shall cause the report to be laid 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.

Additional information to be included.

(2) The Commission shall transmit with its annual report to Parliament a report of the positions and persons excluded under section 74 in whole or in part from the operation of the Act and the reasons therefor, and the appointments made under section 25 during the year for which the report is made and the reasons therefor.

Irregularities and Fraudulent Practices.

Fraudulent practices at examination.

77. Where the Commission is satisfied that any irregularity or fraudulent practice has obtained at an examination held by it or by any person deputed by it, the Commission may summon before it by a summons, in the form of Schedule C, signed by the Chairman or by any one of the commissioners, and may examine under oath or affirmation any person who, in its opinion, is in a position to give evidence in relation to such irregularity or fraudulent practice.

Deletion from eligible list.

78. Where a person whose name is on an eligible list is proved upon any inquiry to have been concerned in any fraudulent practice, or to have been guilty of any breach of the regulations with respect to any examination held under the authority of this Act, the Commission may remove his name from the list.

Personation.

79. Every person who, at any examination held under this Act, personates any candidate or employs, induces or allows any person to personate him or connives or assists at any personation, is guilty of an offence and liable, on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding five hundred dollars.

Illegally obtaining examination papers.

80. Every person who surreptitiously procures from any printer or other person, and every person who, without authority, furnishes to any other person any examination question paper or any other paper relating to an examination held under this Act, is guilty of an offence and liable, on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding five hundred dollars.

Application.

Application.

81. (1) This Act applies to all employees whether appointed before or after the coming into force of this Act.

Reference to periods of employment.

(2) A reference in any of the provisions of this Act to a period of employment shall be construed as including employment before as well as after the coming into force of this Act.

Transitional.

Establishments continued.

82. (1) The establishment of a department as it existed immediately before the coming into force of this Act is the establishment of the department for the purposes of this Act, subject to alteration as provided in this Act.

Classification of civil service continued.

(2) The classification of the civil service at the coming into force of this Act shall continue to be the classification of the civil service for the purposes of this Act, subject to alteration as provided in this Act.

Employees continued in office.

(3) Every person who held a position in the civil service at the time this Act comes into force continues to hold that position after that time, subject to the provisions of this Act.

Prevailing rates employees.

(4) The persons to whom the *Prevailing Rate Employees General Regulations, 1960*, made under the *Financial Administration Act*, are applicable at the coming into force of this Act shall be deemed to be employed in prevailing rates positions, subject to the provisions of this Act relating to prevailing rates positions.

Definition of "old Act."

83. (1) In this section "old Act" means the *Civil Service Act*, chapter 48 of the Revised Statutes of Canada, 1952.

Commissioners continued.

(2) The persons who at the coming into force of this Act held office under the old Act as Chairman or commissioner of the Civil Service Commission shall be deemed to have been appointed Chairman or commissioner respectively under this Act, for the unexpired portions of the respective terms to which they were appointed under the old Act.

Temporaries.

(3) Every person who at the coming into force of this Act is certified as a temporary employee under the old Act shall be deemed to be so certified for a period of six months after the coming into force of this Act, and if before the expiration of that period the deputy head certifies to the Commission that an employee holds a position of continuing indeterminate duration, that his work is satisfactory and that he is suitable for continuing employment, he shall be deemed to have been appointed under this Act to the position occupied by him at the coming into force of this Act for an indeterminate period.

Gratuity on death.

(4) When an employee who is not a participant within the meaning of Part II of the *Public Service Superannuation Act* dies, after having been an employee for at least two years, an amount equal to his salary for two months shall be paid to his widow or to such person as the Treasury Board determines.

Repeal.

Repeal.

84. The *Civil Service Act*, chapter 48 of the Revised Statutes of Canada, 1952, is repealed.

Coming into Force.

Commencement.

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

SCHEDULE A.

Oath of Office of Commissioner.

I, ... do solemnly and sincerely swear that I will truly and faithfully, and to the best of my skill and knowledge, execute and perform the office of (Commissioner or Chairman as the case may be) of the Civil Service Commission. So help me God.

SCHEDULE B.

Oath of Office and Secrecy.

I, (A.B.) solemnly and sincerely swear that I will faithfully and honestly fulfil the duties that devolve upon me by reason of my employment in the public service and that I will not, without due authority in that behalf, disclose or make known any matter that comes to my knowledge by reason of such employment. So help me God.

SCHEDULE C.

Civil Service Commission of Canada.

To

You are hereby required to appear before the Civil Service Commission at ..... on the ..... day of ..... at ..... o'clock in the ..... noon to testify the truth according to your knowledge in a certain enquiry pending before the Civil Service Commission respecting

(*The following words may be added if the production of any paper or document is required.*)

and that you bring with you and then and there produce the following documents:—

Dated at ..... this ..... day of.....A.D.....

Civil Service Commissioner.

C-71.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-71.

An Act respecting the Civil Service of Canada.

Reprinted as Amended and Reported by the Special Committee.

THE MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

25497-9

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-71.

An Act respecting the Civil Service of Canada.

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

SHORT TITLE.

Short title.

1. This Act may be cited as the *Civil Service Act.*

INTERPRETATION.

Definitions.

2. (1) In this Act,

"Allowance."

(*a*) "allowance" means compensation payable

(i) in respect of a position, or in respect of some of the positions in a class, by reason of duties of a special nature, or

(ii) for duties that an employee is required to perform in addition to the duties of his position;

"Civil service."

(*b*) "civil service" means the positions in the public service for the appointment to which there is no authority in or under any Act of Parliament (other than this Act) except

(i) the offices of commissioner and the positions of persons appointed under subsection (1) of section 73;

(ii) prevailing rates positions and the positions of persons appointed under subsection (1) of section 71;

(iii) the positions of persons engaged locally outside Canada;

(iv) positions in or in connection with government railways or ships;

(v) the positions of postmasters of any revenue post office the revenue of which does not exceed three thousand dollars per annum; and

(vi) the officers, clerks and employees of both Houses of Parliament and of the Library of Parliament;

Explanatory Note for Reprint.

All changes or additions made in the Special Committee are indicated by underlining or vertical lines. The Bill as distributed in First Reading Form may be used for purposes of comparison.

"Classify." (*c*) "classify" in relation to a position means to assign a class and grade to a position;

"Closed competition." (*d*) "closed competition" means a competition that is open only to persons employed in the public service;

"Commission." (*e*) "Commission" means the Civil Service Commission;

"Commissioner." (*f*) "commissioner" means a member of the Commission, and includes the Chairman;

"Department." (*g*) "department" means a department named in Schedule A to the *Financial Administration Act*, and any division or branch of the public service designated by the Governor in Council as a department for the purposes of this Act;

"Deputy head." (*h*) "deputy head" in relation to a department named in Schedule A to the *Financial Administration Act* means the deputy minister of the department, and in relation to any division or branch of the public service designated under paragraph (*g*) as a department, such person as the Governor in Council may designate as the deputy head for the purposes of this Act;

"Employee." (*i*) "employee" means a person employed in the civil service;

"Establishment." (*j*) "establishment" means the positions in a department to which appointments may be made, as approved by the Governor in Council;

"Government railways or ships." (*k*) "government railways or ships" means

(i) any railway owned or controlled by Her Majesty, and

(ii) any vessel, however propelled, used in navigation or in the improvement of navigation that is the property of or chartered or employed by Her Majesty, or the cost of which, or any portion of the cost of which, has been defrayed out of the Consolidated Revenue Fund;

"Incompetence." (*l*) "incompetence" means incompetence of an employee in the performance of his duties, and includes negligence;

"Lay-off." (*m*) "lay-off" means a person who has been laid off pursuant to subsection (1) of section 54 and who in the opinion of the Commission is suitable for continued employment in the civil service;

"Local office." (*n*) "local office" means an office established to serve an area comprising a part but not the whole of Canada;

"Minister." (*o*) "Minister" includes the Solicitor General and any member of the Queen's Privy Council for Canada holding the office of a Minister of the Crown;

"Misconduct." (*p*) "misconduct" means misconduct of an employee in the performance of his duties, and includes bringing the civil service into disrepute;

"Open competition."

(*q*) "open competition" means a competition that is open to persons who are not employed in the public service as well as to persons who are so employed;

"Prevailing rates positions."

(*r*) "prevailing rates positions" means positions declared by the Governor in Council under subsection (5) to be prevailing rates positions;

"Public service."

(*s*) "public service" means the Public Service as defined in the *Public Service Superannuation Act;* and

"Remuneration."

(*t*) "remuneration" means pay and allowances.

Members of R.C.M.P. and Canadian Forces.

(2) For the purposes of paragraphs (*d*) and (*q*) of subsection (1) of this section and section 34, members of the Royal Canadian Mounted Police or the Canadian Forces shall be deemed to be persons employed in the public service.

Lower and higher positions defined.

(3) Where in any of the provisions of this Act a comparison is made between a position in one grade and a position in another grade, for the purposes of such comparison the position in the grade having the higher maximum rate of pay shall be known as the higher position and the other position shall be known as the lower position.

References.

(4) Unless the context otherwise requires

(*a*) a reference in any of the provisions of this Act to a deputy head in relation to an employee shall be construed as a reference to the deputy head of the department in which the employee is employed; and

(*b*) a reference in any of the provisions of this Act to a deputy head in relation to a department shall be construed as a reference to the deputy head of that department.

Prevailing rates positions.

(5) The Governor in Council, on the recommendation of the Commission, may declare any positions, not being professional, semi-professional, managerial or clerical in character, to be prevailing rates positions, and may revoke any declaration made under this subsection.

Acting deputy head.

3. (1) In the absence of the deputy head or if there is no deputy head, the assistant deputy head or, in the absence of the assistant deputy head or if there is no assistant deputy head, the person designated by the person who under the *Financial Administration Act* is the appropriate Minister with respect to the department, or such other person as may be designated by the Governor in Council, has and may exercise the powers, duties and functions of the deputy head.

Delegation by deputy head.

(2) The deputy head may authorize any person employed in his department to exercise any of the powers, functions or duties of the deputy head under this Act.

PART I.

Civil Service Commission.

Commission Established.

Commission established.

4. (1) There shall be a Commission to be called the Civil Service Commission, consisting of a Chairman and two additional members to be appointed by the Governor in Council.

Tenure.

(2) Subject to this section, a commissioner holds office during good behaviour for a period of ten years, but may be removed at any time by the Governor in Council upon address of the Senate and House of Commons.

Re-appointment.

(3) A commissioner is on the expiration of his first or a subsequent term of office eligible to be re-appointed for a further term not exceeding ten years.

Termination and extension.

(4) A commissioner ceases to hold office upon attaining the age of sixty-five years, except that where the Governor in Council is of opinion that it would be in the public interest to extend the term of office of a commissioner beyond that age, he may, on the recommendation of the Prime Minister, extend the term of office beyond the age of sixty-five years for one period not exceeding five years.

Rank.

(5) The rank and standing of each commissioner is that of a deputy head of a department.

Salaries.

(6) There shall be paid to each commissioner out of the Consolidated Revenue Fund such salary as may be fixed by the Governor in Council.

Other employment prohibited.

(7) A commissioner shall not hold any other office in the public service or engage in any other employment.

Oath of office.

(8) Each commissioner shall, before entering upon the duties of his office, take and subscribe before the Clerk of the Privy Council, the oath in Schedule A.

Chairman.

5. (1) The Chairman is the chief executive officer of the Commission.

Department and deputy head.

(2) For the purposes of this Act, the Commission and the staff of the Commission constitute a department and the Chairman is the deputy head in relation thereto.

Acting Chairman.

(3) The Governor in Council may authorize any commissioner to act as Chairman for the time being in the event that the Chairman is absent or unable to act or if the office is vacant.

Quorum.

(4) A majority of the commissioners constitutes a quorum of the Commission.

Vacancy.

(5) A vacancy in the membership of the Commission does not impair the right of the remainder to act.

Place of business.

(6) The Commission may sit at such times and places as it considers necessary or desirable for the proper conduct of its business.

General Powers and Duties of Commission.

Powers and duties.

6. The Commission shall

(*a*) appoint qualified persons to the civil service in accordance with the provisions and principles of this Act;

(*b*) report to the Governor in Council upon such matters arising out of or relating to the administration or operation of this Act and the regulations as the Commission considers desirable and, at the request of the Governor in Council, upon any matter pertaining to organization and employment in the public service;

(*c*) at the request of a deputy head, report upon any matter pertaining to organization and employment in the department;

(*d*) obtain the assistance of competent persons to assist the Commission in the performance of its duties;

(*e*) operate and assist departments in operating staff development training programmes; and

(*f*) perform such other duties and functions with reference to the public service as are assigned to it by the Governor in Council.

Consultation with Staff Organizations.

Consultation with staff organizations by Minister.

7. (1) The Minister of Finance or such members of the public service as he may designate shall from time to time consult with representatives of appropriate organizations and associations of employees with respect to remuneration, at the request of such representatives or whenever in the opinion of the Minister of Finance such consultation is necessary or desirable.

By Commission and Minister.

(2) The Commission and such members of the public service as the Minister of Finance may designate shall from time to time consult with representatives of appropriate organizations and associations of employees with respect to the terms and conditions of employment referred to in subsection (1) of section 68, at the request of such representatives or whenever in the opinion of the Commission and the Minister of Finance such consultation is necessary or desirable.

By Commission.

(3) The Commission shall from time to time consult with representatives of appropriate organizations and associations of employees with respect to such terms and conditions of employment as come within the exclusive jurisdiction of the Commission under this Act and the regulations, at the request of such representatives or whenever in the opinion of the Commission such consultation is necessary or desirable.

Records and Inquiries.

Access to records, assistance, etc.

8. (1) Deputy heads and employees shall give the Commission such access to their respective departments and offices and such facilities, assistance and information as the Commission may require for the performance of its duties.

Inquiries.

(2) In connection with, and for the purposes of, any investigation or report, the Commission or any commissioner holding an investigation has all the powers of a commissioner appointed under Part II of the *Inquiries Act* and for the purposes of that Part shall be deemed to have been appointed under that Part.

PART II.

Organization of the Civil Service.

Classification.

Classes.

9. (1) The Commission shall divide the civil service into classes of employment and shall classify each position therein.

Grades.

(2) The Commission may subdivide each class into two or more grades, but where a class is not so subdivided it shall for the purposes of this section constitute a grade.

Standards.

(3) The Commission shall define each grade by reference to standards of duties, responsibilities and qualifications, and shall give it an appropriate title.

Content of grade.

(4) Each grade shall embrace all positions in a class having similar duties and responsibilities and requiring similar qualifications of persons appointed to a position in the grade.

Amendments.

(5) The Commission may divide, combine, alter or abolish any classes or grades, but no alteration in the establishment of a department shall be effected by anything done under this subsection without the approval of the Governor in Council.

Classification titles, when to be used.

(6) The title of each grade shall be observed in all records of the Commission, the Auditor General and the Treasury Board, and in all departmental estimates and parliamentary returns and appropriations, but need not be used for other purposes.

Pay and Allowances.

Recommendations on pay rates.

10. (1) The Commission shall keep under review the rates of remuneration to employees and shall whenever it considers it desirable or whenever requested by the Governor in Council make recommendations with regard thereto to the Governor in Council.

Considerations.

(2) The Commission in making recommendations on remuneration shall consider the requirements of the civil

service, and shall also take into account the rates of pay and other terms and conditions of employment prevailing in Canada for similar work outside the civil service, the relationship of the duties of the various classes within the civil service and any other considerations that the Commission considers to be in the public interest.

Consultation with staff organizations.

(3) Prior to formulating any recommendations under this section the Commission shall from time to time as may be necessary consult with representatives of appropriate organizations and associations of employees with respect to the matters specified in this section.

Governor in Council to fix.

11. The Governor in Council, after the Commission has had an opportunity of considering the matter and after considering any recommendations made by the Commission, shall

(*a*) establish rates of pay for each grade; and

(*b*) establish the allowances that may be paid in addition to pay.

Form of rates.

12. The rates of pay for grades shall consist of minimum rates, maximum rates and one or more intermediate rates, or such other rates as may in any special cases be appropriate.

Acting pay.

13. Where an employee is required to perform for a temporary period the duties of a higher position than the one held by him, the Commission may in accordance with the regulations authorize the payment to him of acting pay during such temporary period; and during the time that the employee is being paid acting pay he has and may exercise the power and authority of the person holding the higher position.

No extra remuneration.

14. (1) Unless authorized by or under this Act or any other Act of Parliament, no payment additional to the remuneration authorized by law shall be made to any employee in respect of any service rendered by him.

Exceptions.

(2) Nothing in this section shall be construed to prohibit

(*a*) payment to an employee of remuneration in respect of each of two or more positions, if the remuneration in respect of one position is not sufficient to compensate him for his whole time and the total remuneration of the employee does not in the opinion of the Commission exceed reasonable remuneration for the duties performed; or

(*b*) payment to an employee who is on leave of absence from his position and is performing other duties, of such amount or at such rate as the Governor in Council may fix.

Leader of the Opposition.

(3) Paragraph (*b*) of subsection (2) applies to an employee performing duties in the office of the person holding the

recognized position of Leader of the Opposition in the House of Commons as it applies to an employee performing duties in the office of a Minister.

Establishments.

Organization of departments.

15. When a department or a branch or division of a department is constituted, the deputy head shall prepare a statement showing

(*a*) the number of employees required for the proper conduct of the business of the department;

(*b*) the duties and responsibilities of each employee and the qualifications desired; and

(*c*) a plan of organization showing the proposed branches or divisions of the department and the relationship between the persons to be employed therein.

Classification.

16. (1) The deputy head shall refer the statement prepared under section 15 to the Commission and the Commission shall classify the position of each proposed employee.

Establishments.

(2) The deputy head shall prepare a list of proposed positions showing the class and grade of each position and the title of each grade and, when approved by the Governor in Council, the positions constitute the establishment for the department.

Pay.

(3) The rate of pay applicable to a position as described on an establishment is the rate established by the Governor in Council for the class and grade within which the position is included.

Classification of new positions.

17. (1) When a deputy head is of the opinion that the proper functioning of the department requires the addition of a position to the establishment of the department, he may submit to the Commission a description of the proposed position setting forth

(*a*) the duties to be performed,

(*b*) the responsibilities to be assumed, and

(*c*) the qualifications desired,

and the Commission shall classify the position.

Addition of position by deputy head.

(2) Subject to any limitation or direction of a special or general character imposed by the Governor in Council, the deputy head may issue a certificate in a form prescribed by the Governor in Council setting forth the classification of a position by the Commission pursuant to subsection (1) and the day on which the position is added to the establishment of the department, and thereupon the establishment shall be deemed to be amended accordingly.

By Governor in Council.

(3) Notwithstanding anything in this section, the Governor in Council may add to the establishment of a department a position classified by the Commission under subsection (1).

Abolition of position.

(4) A deputy head may by the issue of a certificate in a form prescribed by the Governor in Council abolish any vacant position on the establishment of the department.

Report to Treasury Board.

18. The deputy head shall forthwith send to the Treasury Board and the Commission a copy of every certificate issued by him under section 17.

Establishment review.

19. (1) The Governor in Council may from time to time review the establishments of departments and may, after considering the recommendations or representations of the deputy head, delete positions from or add positions to the establishment of the department.

Plan of organization.

(2) For the purposes of this section, the deputy head shall submit to the Governor in Council a plan of organization and such further information or material as the Governor in Council may require.

PART III.

APPOINTMENT.

Authority to Appoint.

Exclusive right to appoint.

20. (1) Except as otherwise provided in this Act or the regulations, the Commission has the exclusive right and authority to appoint persons to positions in the civil service.

Appointments.

(2) When a position on the establishment of a department is vacant, the Commission shall fill the position at the request of the deputy head.

Methods of filling positions.

(3) A position may be filled by an appointment under the provisions of this Act

(*a*) to that position;

(*b*) to a lower position in the same class; or

(*c*) to an alternate position as provided in subsection (5).

To lower position.

(4) Where a vacant position is filled by the appointment to a lower position in the same class, the lower position shall be deemed to be substituted for the vacant position on the establishment during the time that there is an incumbent in the lower position.

To alternate position.

(5) Where there is a vacant position on the establishment of a department and it is desired to make an appointment to an alternate position not on the establishment

(*a*) the deputy head may, without abolishing the vacant position, add the alternate position to the establishment in accordance with the provisions of section 17 if the alternate position is not higher than the vacant position; and

(*b*) the Commission may make an appointment to the alternate position, but there shall not be incumbents of both positions at the same time.

Appointments to be by competition within public service.

21. Whenever in the opinion of the Commission it is possible to do so and it is in the best interests of the civil service, appointments shall be made from within the public service by competition.

Appointments from within public service.

22. Where, in the opinion of the Commission, after considering any recommendations of the deputy head, it is impractical or not in the best interests of the civil service to make an appointment from within the public service by competition, the Commission may, without competition, appoint the person from within the public service who in the opinion of the Commission is best qualified.

When appointments from outside public service authorized.

23. Where, in the opinion of the Commission, a suitable appointment cannot be made from within the public service the appointment may be made in accordance with this Act from outside the public service.

Appointment by deputy.

24. (1) Where by reason of any emergency the immediate appointment of an employee is necessary, the deputy head or some person authorized by him may, notwithstanding anything in this Act and whether or not there is a vacant position on the establishment, make the appointment for one period not exceeding two months if the duties are required to be performed in Canada and for one period not exceeding three months if the duties are required to be performed outside Canada.

Report.

(2) The deputy head shall forthwith notify the Commission and the Treasury Board of any appointment made by him under this section.

Remuneration.

(3) The remuneration that may be paid to persons appointed under the authority of subsection (1) shall be the remuneration established by the Governor in Council for the class and grade within which a position having comparable duties and responsibilities is included or such higher rate as may be fixed by the Governor in Council, or, where there is no such position, the remuneration established by the Governor in Council.

Special cases.

25. Where the Commission is of the opinion that a competition is not practical or is not in the public interest because

(*a*) an appointment to a position is urgently required,

(*b*) the availability of suitable candidates for a position is limited, or

(*c*) a person having special skill or knowledge is required for a position involving duties of an exceptional character,

the Commission may make an appointment to that position without competition.

Probation.

26. (1) Where an appointment is made from within the public service the probation period specified by section 48 shall be reduced to six months and the deputy head may, if he considers it appropriate in any case, further reduce or waive the probationary period.

Notice.

(2) If the deputy head reduces or waives the probationary period in any case he shall forthwith give notice thereof to the employee and to the Commission.

Transfers and promotions.

27. Where a person is about to be transferred or promoted to a position in the civil service,

(*a*) if the selection of the person for transfer or promotion was made by closed competition, the unsuccessful candidates, and

(*b*) if the selection of the person for transfer or promotion was made without competition, the persons whose opportunity for promotion has thereby been prejudicially affected, as prescribed by the regulations,

shall, before the transfer or promotion becomes effective, be given an opportunity of appealing to the Commission, and the Commission shall reconsider the matter and shall confirm or rescind the transfer or promotion as it sees fit.

Appointments within public service but outside civil service.

28. Notwithstanding anything in this Act, a person who is employed in the public service but not in the civil service shall not be appointed to a position in the civil service without competition unless

(*a*) he is appointed under section 24 or 25; or

(*b*) he has been employed in the public service for at least three years.

Diplomatic appointments.

29. Nothing in this Act shall be construed to limit or affect the right or authority of Her Majesty to appoint

(*a*) Ambassadors,

(*b*) Ministers,

(*c*) High Commissioners, or

(*d*) Consuls General of Canada,

to any other country, or other persons to represent Canada in another country.

Eligible Lists.

Appointments to be from eligible lists.

30. Where an appointment by the Commission is to be made to a position by competition, the appointment shall be made from an eligible list established for that position or for the class or grade in which that position is included.

Establishment of eligible lists.

31. (1) The Commission may establish an eligible list

(*a*) in order to make an appointment to a particular position that is vacant or is about to become vacant; or

(*b*) in order to make appointments to positions of a grade or class as they become vacant.

Designation of lists.

(2) A list described in paragraph (*a*) of subsection (1) shall be known as a special eligible list, and a list described in paragraph (*b*) of that subsection shall be known as a general eligible list.

Established after competition.

32. An eligible list may be established only after a competition has been conducted by the Commission.

Qualifications.

33. The Commission may in relation to any position or any class or grade prescribe qualifications as to age, residence or any other matters that in the opinion of the Commission are necessary or desirable having regard to the nature of the duties to be performed, but in so doing the Commission shall not discriminate against any person by reason of race, national origin, colour or religion.

Area of competition.

34. Before conducting a competition the Commission shall

(*a*) in the case of a closed competition, determine the division or branch of the public service, and the class or grade of position, if any, in which prospective candidates must be employed in order to be eligible for appointment; and

(*b*) in the case of an open competition, determine the area in which applicants must reside in order to be eligible for appointment.

Appointments to local office.

35. Where the duties of a position are to be performed in a local office, the Commission in making an appointment to that position from outside the public service shall, whenever it is practical and in the best interests of the civil service to do so, give preference in appointment to qualified candidates who reside in the area served by the local office over qualified candidates who do not so reside.

Notice.

36. The Commission shall give such notice in the English or French language, or both, of a proposed competition as in its opinion will give all eligible persons a reasonable opportunity of making an application.

Applications.

37. Applications shall be in such form and shall be made and verified in such manner as the Commission determines.

Consideration of applications.

38. (1) The Commission shall examine and consider all applications received within the time prescribed by it for the receipt of applications and, after considering such further material and conducting such examinations, tests, interviews and investigations as it considers necessary or desirable, shall select the candidates who are qualified for the position or positions in relation to which the competition is conducted, and shall place them in order of merit.

Option as to language.

(2) An examination, test or interview under this section shall be conducted in the English or French language or both at the option of the candidate.

Veterans, etc.

(3) Where in the opinion of the Commission there are sufficient qualified applicants

(*a*) coming within paragraphs (*a*) and (*b*) of subsection (1) of section 40, or

(*b*) coming within paragraphs (*a*), (*b*) and (*c*) of subsection (1) of section 40

to enable the Commission to prepare an eligible list in accordance with section 42, the Commission may confine its selection of qualified candidates under subsection (1) of this section to those applicants.

Delegation to deputy head.

39. The Commission may authorize a deputy head to exercise and perform any of the powers or functions of the Commission under this Act in relation to the selection of candidates for a position.

Order of preferences.

40. (1) In the case of an open competition the Commission shall, after complying with section 38 and after making such further investigations as it considers necessary, prepare a list of candidates in accordance with the following principles:

(*a*) those who are in receipt of a pension

(i) by reason of their service in World War I, or

(ii) by reason of their service only in World War II, and who at the commencement of such service were domiciled in Canada or Newfoundland,

who have from causes attributable to such service lost capacity for physical exertion to an extent that makes them unfit to pursue efficiently the vocations that they were pursuing before the war, and who have not been successfully re-established in some other vocation, shall be placed, in order of merit, ahead of other successful candidates;

(*b*) those who are veterans and who do not come within the provisions of paragraph (*a*), or who are widows of veterans, shall be placed, in order of merit, on the list immediately following the candidates, if any, mentioned in paragraph (*a*);

(*c*) Canadian citizens not coming within paragraph (*a*) or (*b*) shall be placed in order of merit after any candidates coming within either of those paragraphs; and

(*d*) persons not coming within paragraph (*a*), (*b*) or (*c*) shall be placed in order of merit after any candidates coming within any of those paragraphs.

Application of age limits, etc. to veterans, etc.

(2) The provisions of any statute or regulations prescribing the age limit and physical requirements with respect to any appointment in the civil service do not apply to a person mentioned in paragraph (*a*) or (*b*) of subsection (1), if the Commission certifies that he is of such an age and in such a satisfactory physical condition that he is then able to perform the duties of the position and will probably be able to continue to do so for a reasonable period after his appointment.

References in former Act.

(3) A reference in the *Veterans Benefit Act*, or in any other Act or regulation, to section 28 or 29 of the *Civil Service Act*, chapter 48 of the Revised Statutes of Canada, 1952, or any of the provisions thereof, shall be construed as a reference to the corresponding provisions of this section.

Revenue post-masters.

(4) This section applies to the selection and appointment of any person mentioned in subparagraph (v) of paragraph (*b*) of subsection (1) of section 2.

Definitions.

41. (1) For the purposes of section 40 and this section

"Member of the Women's Royal Naval Services."

(*a*) "member of the Women's Royal Naval Services" means a person who

(i) enrolled in the Women's Royal Naval Service,

(ii) enrolled in Queen Alexandra's Royal Naval Nursing Service or the reserve therefor, or

(iii) enrolled as a medical or dental practitioner employed with the Medical Branch or Dental Branch of the Royal Navy with naval status for general service;

"Veteran."

(*b*) "veteran" means a person who

(i) during World War I was on active service overseas in the naval, army or air forces or who served on the high seas in a seagoing ship of war in the naval forces of His Majesty or of any of the Allies of His Majesty, and who has left such service with an honourable record or has been honourably discharged,

(ii) during World War II was on active service

(A) in the naval, army or air forces of His Majesty or any of His Majesty's Allies and at the commencement of his active service was domiciled in Canada or Newfoundland, or

(B) in the naval, army or air forces of Canada, and, not being domiciled in Canada at the commencement of his active service, is a Canadian citizen,

and who, in the course of such service, performed duties outside of the Western Hemisphere, or on the high seas in a ship or other vessel service that was, at the time he performed those duties, classed as "sea time" for the purpose of the advancement of naval ratings, or that would have been so classed had the ship or other vessel been in the service of the naval forces of Canada,

(iii) during World War II served as a member of the Women's Royal Naval Services or as a member of the South African Military Nursing Service outside of the Western Hemisphere and who, at the commencement of her service during World War II, was domiciled in Canada or Newfoundland,

(iv) has been certified by the Under Secretary of State for External Affairs as having been enrolled in Canada or Newfoundland by United Kingdom authorities for special duty during World War II in war areas outside of the Western Hemisphere, and who served outside of the Western Hemisphere, and at the time of his enrolment was domiciled in Canada or Newfoundland, or

(v) during World War II served outside of the Western Hemisphere with the naval, army or air forces of His Majesty raised in Canada or Newfoundland as a representative of Canadian Legion War Services Inc., the National Council of the Young Men's Christian Associations of Canada, Knights of Columbus Canadian Army Huts, or Salvation Army Canadian War Services, and who was authorized so to serve by the appropriate naval, army or air force authority and who, at the commencement of his service with those forces during World War II, was domiciled in Canada or Newfoundland,

but, notwithstanding anything in this paragraph, does not include a person who

(vi) served outside of the Western Hemisphere or on the high seas only in that he was a passenger in an aircraft, ship or other vessel, or only in that he underwent a limited period of training in an aircraft, ship or other vessel incidental to a programme of instruction, or

(vii) by reason of his misconduct, since the 10th day of September, 1939, ceased to serve in the naval, army or air forces of His Majesty or of any of His Majesty's Allies, or to be a member of the Women's Royal Naval Services or the South African Military Nursing Service, or to be enrolled for the special duty mentioned in this paragraph or to serve with the forces as a representative of Canadian Legion War Services Inc., the National Council of the Young Men's Christian Associations of Canada, Knights of Columbus Canadian Army Huts, or Salvation Army Canadian War Services;

"Western Hemisphere."

(*c*) "Western Hemisphere" means the continents of North and South America, the islands adjacent thereto and the territorial waters thereof, including Newfoundland, Bermuda and the West Indies, but excluding Greenland, Iceland and the Aleutian Islands;

"Widow of a veteran."

(*d*) "widow of a veteran" means the widow of a person who, being a veteran, died from causes arising during the service by virtue of which he became a veteran;

"World War I."

(*e*) "World War I" means the war declared by His Majesty on the 4th day of August, 1914, against the Empire of Germany and subsequently, against other powers;

"World War II."

(*f*) "World War II" means the war declared by His Majesty on the 10th day of September, 1939, against the German Reich and subsequently against Italy, Finland, Hungary, Rumania and Japan.

Termination dates.

(2) For the purpose of determining whether a person is a veteran, World War II shall be deemed to have terminated

(*a*) in respect of service in connection with operations in the European and Mediterranean Theatres of War, on the 8th day of May, 1945; and

(*b*) in respect of service in connection with operations in the Pacific Theatre of War, on the 15th day of August, 1945.

Eligible lists.

42. From the list of qualified candidates the Commission shall prepare a list, to be known as the eligible list, which shall include the highest ranking candidates and shall, wherever possible, include a number of names sufficient in the opinion of the Commission

(*a*) in the case of a special eligible list, to provide for the filling of the position; and

(*b*) in the case of a general eligible list, to provide for the filling for a period of one year of the positions that are likely to become vacant in the grade or class in relation to which the list was established.

Publication.

43. (1) The Commission shall publish each eligible list established in the case of an open competition in the *Canada Gazette* within thirty days after the list is established.

Duration.

(2) An eligible list is valid for a period of one year from the effective date thereof as established by the Commission.

Extension.

(3) The Commission may extend the period of validity of an eligible list by one or more extensions, but the total extensions shall not exceed one year in the aggregate.

Deletion of names.

44. The Commission may delete the name of a candidate from an eligible list if he has indicated to the satisfaction of the Commission that he is unwilling or unable to accept the appointment.

Appointments.

Appointments from list.

45. (1) Where a special eligible list has been established, the person standing highest on the list who is willing to accept the appointment shall be appointed to the position.

Idem.

(2) Where a general eligible list has been established, the person standing highest on the list who is willing to accept the appointment shall be appointed to the first position in the class or grade for which the list was established that becomes vacant after the list was established or after the previous appointment from that list, except that where in the opinion of the Commission any special qualifications are required for the vacant position not applicable to all the positions in the class or grade, the persons on the list not possessing those qualifications are not eligible to be appointed to that position.

Where list exhausted.

46. Where a general eligible list established for a grade is exhausted, an appointment to a position in that grade may be made from an eligible list established for a higher grade of the same class.

Language.

47. The number of employees appointed to serve in any department or in any local office of a department who are qualified in the knowledge and use of the English or French language or both shall, in the opinion of the Commission, be sufficient to enable the department or local office to perform its functions adequately and to give effective service to the public.

Probationary period.

48. (1) An employee shall be considered to be on probation for a period of one year after he has taken up the duties of his position, or such longer period as the Commission may establish for any class or grade of position.

Extension.

(2) The Commission may, on the recommendation of the deputy head, extend the probationary period of an employee, but the period of the extension shall not exceed the period specified in or established in relation to that position under subsection (1).

Rejection.

49. (1) The deputy head may at any time during the probationary period reject the employee for cause, and if the deputy head rejects an employee he shall furnish to the Commission his reasons therefor.

Effect of rejection.

(2) An employee who has been rejected under this section ceases to be an employee, but any such employee may be declared by the Commission to be a lay-off if in the opinion of the Commission the circumstances of the case so warrant.

PART IV.

Terms and Conditions of Employment.

Tenure.

Tenure of office.

50. (1) The tenure of office of an employee is during the pleasure of Her Majesty, subject to the provisions of this and any other Act and the regulations thereunder, and, unless some other period of employment is specified, for an indeterminate period.

Saving.

(2) Nothing in this Act shall be construed to limit or affect the right or power of the Governor in Council to remove or dismiss any employee.

Term appointments.

51. An employee who is appointed to a position in the civil service for a specified period ceases to be an employee at the expiration of that period.

Resignation.

52. (1) An employee may resign his position in the civil service by giving to the deputy head two weeks' notice in writing of his intention to resign his position.

Acceptance and withdrawal.

(2) A resignation is completed when it is accepted in writing by the deputy head, but it may, by an appropriate notice in writing and with the approval of the deputy head, be withdrawn at any time before the effective date thereof, if no person has been appointed or selected for appointment to the position to be vacated by the resignation.

Abandonment.

53. An employee who is absent from duty without leave for a period of one week or such longer period as may be prescribed by the regulations may by an appropriate instrument in writing be declared by the deputy head to have abandoned his position, and thereupon the position becomes vacant and the employee ceases to be an employee.

Lay-Offs.

Laying off employees.

54. (1) Where the duties of a position held by an employee are no longer required to be performed, the deputy head may lay off the employee and he thereupon ceases to be an employee.

Re-appointment.

(2) Nothwithstanding anything in this Act, the Commission may without competition appoint a lay-off to any position in the civil service for which he is qualified having the same or lower maximum rates of pay as the position held by him at the time he was laid off.

Competitions.

(3) A lay-off is entitled for a period of twelve months, or such longer period not exceeding two years as the Commission may determine, after he was laid off to enter any competition for which he would have been eligible had he not been laid off.

To be considered for appointment.

(4) Notwithstanding anything in this Act, a lay-off shall be considered for appointment to a position for which he is qualified, having the same or lower maximum rates of pay as the position held by him at the time he was laid off, in priority to all other qualified persons and in priority to all other persons who became lay-offs at a later time.

Termination of lay-off status.

(5) A person ceases to be a lay-off if he is appointed to or if, except for reasons that in the opinion of the Commission are sufficient, he declines an appointment to a position in the public service with the same or higher maximum rates of pay.

Order of laying off.

55. (1) Where two or more persons employed in positions of the same grade in any unit of a department are to be laid off, or where one person is to be laid off and there are other persons holding positions of the same grade in the same unit of the department, the Commission shall, after considering such material and conducting such examinations, tests, interviews and investigations as it considers necessary, list the persons holding positions of the same grade in order of merit as in subsection (1) of section 38 and such persons shall be laid off in order beginning with the person lowest on the list.

"Unit of a department" defined.

(2) For the purposes of this section the expression "unit of a department" means the department or some branch or division thereof as prescribed by the Commission.

Demotion and Suspension.

Misconduct.

56. (1) Where an employee, in the opinion of the deputy head, has been guilty of misconduct or incompetence, the deputy head

(*a*) may recommend to the Commission that the employee be demoted

(i) by reduction in his pay, but not lower than the minimum pay for his position,

(ii) by appointment to a position in a lower grade in the class of his position, or

(iii) by appointment to another position with a lower maximum rate of pay, and

(*b*) may by an appropriate notice in writing suspend the employee for a period not exceeding six months.

Notice.

(2) The deputy head shall give an employee notice in writing of a decision to recommend that the employee be demoted.

Right to appeal.

(3) Within the two weeks after receiving a notice under subsection (2), or within two weeks after receiving notice of a suspension under this section, the employee may appeal to the Commission against the decision of the deputy head.

If no appeal.

(4) If no appeal is taken to the Commission against a decision to recommend demotion, the Commission shall demote in accordance with the recommendation of the deputy head.

If appeal.

(5) If an appeal is taken to the Commission under this section, the Commission shall

(*a*) if the appeal is against a recommendation to demote, take such action with regard to the recommendation as it sees fit, and

(*b*) if the appeal is against a suspension,

(i) confirm the suspension,

(ii) reduce the period of the suspension, or

(iii) revoke the suspension as of the day it was imposed,

as it sees fit.

Demotion.

(6) A demotion under this section may be for a fixed period.

Re-instatement.

(7) The Commission may at any time, on the recommendation of the deputy head, re-instate a demoted employee.

Suspension.

57. In any case where

(*a*) it is alleged that an employee has been guilty of misconduct or incompetence and the deputy head considers it desirable to investigate the allegation, or

(*b*) criminal proceedings against an employee are pending,

the deputy head may by an appropriate notice in writing suspend the employee for a period not exceeding six months.

Notice of suspension.

58. (1) If a deputy head suspends an employee he shall forthwith give notice thereof to the Commission.

No remuneration during suspension.

(2) An employee is not entitled to any remuneration in respect of any period during which he is under suspension.

Termination.

(3) The deputy head may at any time terminate a suspension.

Suspension pending inquiry.

59. (1) This section applies when an employee is suspended under section 57.

Extension.

(2) The Commission may on the application of the deputy head extend the suspension, but not for more than six additional months at any one time.

Proceedings upon completion of inquiry.

(3) Upon completion of the investigation or proceedings, as the case may be, the deputy head shall

(*a*) if as the result of the investigation or proceedings he is satisfied that the employee has been guilty of misconduct or incompetence

(i) recommend the dismissal or demotion of the employee, or

(ii) suspend the employee for a further period not exceeding six months; or

(*b*) if as the result of the investigation or proceedings he is not satisfied that the employee has been guilty of misconduct or incompetence, rescind the suspension retroactively to the time it was first imposed.

Application of ss. 56 and 60.

(4) Where under this section the deputy head suspends an employee or decides to recommend demotion, the provisions of section 56 apply, and where under this section the deputy head decides to recommend dismissal, the provisions of section 60 apply.

Dismissals.

Notice of dismissal recommendation.

60. (1) Where the deputy head has decided to recommend that an employee be dismissed, he shall give the employee notice in writing of his decision.

Right to appeal.

(2) Within two weeks after receiving a notice under subsection (1) the employee may appeal to the Commission against the decision of the deputy head.

If no appeal.

(3) If no appeal is taken to the Commission against a decision to recommend dismissal, the deputy head may so recommend.

If appeal.

(4) If an appeal is taken to the Commission under this section, the Commission shall make a full report of the matter to the deputy head, and if the deputy head recommends dismissal he shall transmit with his recommendation the report and recommendation of the Commission.

Dismissal.

(5) The Governor in Council may dismiss an employee pursuant to a recommendation under this section.

Political Partisanship.

Partisan work prohibited.

61. (1) No deputy head or employee shall

(*a*) engage in partisan work in connection with any election for the election of a member of the House of Commons, a member of the legislature of a province or a member of the Council of the Yukon Territory or the Northwest Territories; or

(*b*) contribute, receive or in any way deal with any money for the funds of any political party.

Violation.

(2) Every person who violates subsection (1) is liable to be dismissed.

Inquiry before dismissal.

(3) No person shall be dismissed for a violation of subsection (1) unless the alleged violation has been the subject of an inquiry at which that person has been given an opportunity of being heard, personally and through his representative.

Holidays.

Holidays.

62. (1) The following days are holidays for the civil service:

(*a*) New Year's Day;
(*b*) Good Friday;
(*c*) Easter Monday;
(*d*) the day fixed by proclamation of the Governor in Council for the celebration of the birthday of the Sovereign;
(*e*) Dominion Day;
(*f*) Labour Day;
(*g*) Remembrance Day;
(*h*) Christmas Day; and
(*i*) the day fixed by proclamation of the Governor in Council as a general day of thanksgiving;

and any other day fixed by proclamation of the Governor in Council as a holiday for all or any part of the civil service is a holiday for the civil service or for that part of the civil service, as the case may be.

When holiday falls on day of rest.

(2) The Governor in Council may make regulations providing for the grant of leave of absence to employees where a holday specified in subsection (1) falls on a day when they are not required to perform the duties of their positions.

Leave of Absence.

Annual leave.

63. (1) Subject to this section, every employee, except one who is on retiring leave or on leave of absence without pay, is entitled to annual vacation leave, that is to say, leave of absence with pay for three weeks in respect of each fiscal year.

In respect of first year.

(2) The vacation leave to which an employee is entitled in respect of the fiscal year in which he was appointed is such period as may be prescribed by the regulations.

Minimum service.

(3) No employee shall be granted vacation leave unless he has been employed in the civil service for at least six months.

Times for taking leave.

(4) Annual vacation leave shall be taken at such times as the deputy head may specify and, subject to the regulations, shall be granted during the fiscal year in respect of which it was earned or during the next following fiscal year.

Re-appointment during extended leave.

64. (1) Where an employee has been granted leave of absence for a period in excess of two months, the Commission may appoint another person to that employee's position and, in that event, the employee ceases to be the incumbent of that position but during the remaining period for which he was granted leave of absence he shall, subject to this section, be deemed to be the incumbent of an equivalent position on the establishment.

Remuneration.

(2) An employee who by subsection (1) is deemed to be the incumbent of an equivalent position is not entitled to any remuneration in respect of that position unless he was, in accordance with the regulations, granted leave of absence with pay.

Appointment to another position.

(3) Where an employee is on leave of absence and another person is appointed to his position under subsection (1), the Commission shall, during or after the expiration of the period of leave, appoint the employee without competition to another position in the civil service for which he is qualified.

Pay.

Rate of pay on appointment.

65. (1) Subject to this section, the rate of pay of a person appointed to a position in the civil service shall be the minimum rate for the grade of that position.

Idem.

(2) Where a lay-off or a person holding a position in the public service is appointed to a position in the civil service his rate of pay upon appointment shall be the minimum rate or other rate as prescribed by the regulations.

Appointments at higher than minimum rate.

(3) The Commission may, with the approval of the Governor in Council, make an appointment to a position or to positions in a class at a rate of pay higher than the minimum rate applicable to that position or class.

Right to remuneration.

(4) Subject to this Act, an employee is entitled to be paid for services rendered the remuneration applicable to the position held by him.

Oath of office and allegiance.

66. Every deputy head and employee shall, before any remuneration is paid to him, take and subscribe the oath of allegiance and the oath set out in Schedule B.

Increases.

Increases.

67. (1) Subject to this section, an employee holding a position for which there is a minimum and a maximum rate of pay shall be granted increases in pay until he reaches the maximum rate for the position.

Due date.

(2) Increases become due on such days as are determined in accordance with the regulations.

Amount of increase.

(3) An increase shall be to the rate in the scale of rates established for the position next higher than the rate at which the employee is being paid.

Denial of increase.

(4) An increase shall not be granted to an employee if the deputy head, before the due date, certifies to the Commission that the employee is not performing the duties of his position satisfactorily.

Employees on leave.

(5) This section applies to an employee who is on leave of absence with pay.

Notice of denial; right to appeal.

(6) If a deputy head intends to issue a certificate as described in subsection (4) with respect to an employee, he shall, at least two weeks and not more than six weeks before the due date for the increase to the employee, give the employee notice of his intention to do so and the employee may within two weeks of receiving the notice appeal to the Commission.

Disposition of appeal.

(7) Where an appeal is made to the Commission under this section, the Commission shall direct that the increase be granted or denied, as it sees fit.

Where employee absent without pay.

(8) This section does not apply to an employee who is on leave of absence without pay except in circumstances and under conditions prescribed by the regulations.

PART V.

GENERAL.

Regulations.

Regulations.

68. (1) The Governor in Council, on the recommendation of the Commission, may make regulations for carrying the purposes and provisions of this Act into effect, and without restricting the generality of the foregoing, may make regulations

(*a*) providing for the grant of vacation leave in excess of three weeks in respect of any fiscal year in special circumstances, prescribing the vacation leave to which an employee is entitled in respect of the fiscal year in which he was appointed, and providing for the grant of vacation leave with the consent of the employee at a time other than as prescribed in section 63;

(*b*) providing for the grant to an employee of retiring leave, that is to say, leave of absence with pay terminating with his retirement from the civil service, or the payment of a gratuity in lieu thereof;

(*c*) providing for the grant of leave of absence, other than vacation leave or retiring leave, with or without pay;

(*d*) for requiring employees by reason of special circumstances or the nature of their duties to perform the duties of their positions on any holiday, but any employee who is so required to perform the duties of his position on a holiday shall be granted another day of leave with pay, or shall be paid compensation for overtime in lieu thereof;

(*e*) for regulating hours of work, attendance and other matters pertaining to the performance of duties;

(*f*) authorizing the imposition of minor pecuniary penalties on employees for failure to comply with attendance requirements;

(*g*) for authorizing the grant of leave of absence with pay for overtime, as defined by the regulations, or the payment of compensation in lieu thereof to the employee or his personal representative;

(*h*) providing for the determination of due dates of pay increases and the manner in which alterations in rates of pay shall be implemented;

(*i*) prescribing the circumstances and conditions under which pay increases may be granted to employees who are on leave of absence without pay;

(*j*) prescribing the method of determining the rate of pay upon appointment where a lay-off or a person holding a position in the public service is appointed to a position in the civil service;

(*k*) prescribing the period of absence from duty after which employees may be declared to have abandoned their positions;

(*l*) prescribing the effective date of an appointment to the civil service and prescribing what shall constitute a resignation by an employee;

(*m*) prescribing how positions or employees wholly or partly excluded under section 74 shall be dealt with;

(*n*) providing for the payment of acting pay where an employee is required to perform for a temporary period the duties of a higher position and prescribing the amount of or method of determining such acting pay and the circumstances and conditions under which it may be paid;

(*o*) providing for the selection, appointment, conditions of employment and remuneration of employees performing duties of a casual, part-time or seasonal nature, notwithstanding anything in this Act;

(*p*) prescribing for the purposes of this Act what shall constitute a transfer or a promotion and the persons whose opportunity for promotion has been prejudicially affected thereby;

(*q*) prescribing what shall constitute continuity of employment for the purposes of this Act;

(*r*) for regulating the holding of offices or positions outside the civil service by persons employed in the civil service;

(*s*) prescribing procedure on appeals, and prescribing the procedure for dealing with grievances, as defined in such regulations, arising out of the administration of this Act and of the regulations;

(*t*) authorizing the Commission to revoke an appointment where it finds any irregularity in the appointment or in the competition in which the appointment was made; and

(*u*) for any purpose for which regulations are by this Act authorized or required to be made.

Limitation.

(2) Nothing in subsection (1) shall be construed to authorize the making of regulations with respect to any of the matters set forth in section 69.

Regulations by Governor in Council.

69. The Governor in Council may make regulations

(*a*) applying all or any of the provisions of this Act to all or any of the positions set forth in subparagraphs (ii) to (v) of paragraph (*b*) of subsection (1) of section 2;

(*b*) imposing limitations and directions for the purposes of subsection (2) of section 17 and prescribing forms for the purposes of that section;

(*c*) for ensuring and providing safe and suitable working conditions for employees; and

(*d*) establishing the procedures under which the consultations authorized by section 7 shall be conducted.

Appeals.

Appeals.

70. (1) This section applies whenever under this Act or the regulations an appeal may be made to the Commission.

Appeal Boards.

(2) Where an appeal is made to the Commission, the Commission shall establish a Board consisting of three persons nominated by the Commission.

Board to inquire.

(3) The Board shall conduct an inquiry into the subject-matter of the appeal and shall give the employee who is appealing and the deputy head an opportunity of being heard, personally and through his representative.

Powers.

(4) The Governor in Council may authorize a Board established under this section to exercise the powers of commissioners under Part II of the *Inquiries Act* and, if so authorized, the Board shall, for the purposes of that Part, be deemed to be commissioners appointed under that Part.

Report.

(5) After conducting an inquiry under this section the Board shall make a report to the Commission and shall make a recommendation to the Commission on the disposition of the appeal.

Ministers' Staffs.

Ministerial staffs.

71. (1) A Minister may appoint his Executive Assistant and his Private Secretary, and other persons to be employed in the office of a Minister shall be appointed by the Governor in Council.

Rights on termination of employment.

(2) A person who is employed in the office of a Minister ceases to be so employed when the person holding the position of such Minister ceases to hold that position, but

(*a*) a person who was an employee immediately before he became employed in the office of a Minister shall, unless he is on leave of absence for that purpose, be deemed to be a lay-off, and for the purposes of section 54 his position at the time he so ceased to be employed in the office of a Minister shall be deemed to be the position held by him immediately before he became employed in the office of a Minister and his rate of pay shall be deemed to be the rate of pay that would have been applicable to him if he had not been appointed to a position in the office of a Minister; and

(*b*) a person who, during the time that he was employed in the office of a Minister qualified for a position in the civil service, shall be deemed to be a lay-off, and for the purposes of section 54 his position at the time he so ceased to be employed in the office of a Minister shall be deemed to be such other position in the civil service and his rate of pay shall be deemed to be the minimum rate of pay for that other position at the time he qualified for it.

Executive Assistants and Private Secretaries.

(3) A person who, for at least three years, has held the position of Executive Assistant to a Minister or the position of Private Secretary to a Minister, is entitled to be appointed to a position in the civil service for which he is qualified, not being lower than the position of head clerk.

Prior service.

(4) The time during which a person acted as Private Secretary or Executive Assistant to a Minister before the coming into force of this Act shall, for the purposes of subsection (3), be deemed to be time during which such person held the position of Private Secretary or Executive Assistant, as the case may be, to a Minister.

Leader of the Opposition.

(5) This section applies to a person employed in the office of the person holding the recognized position of Leader of the Opposition in the House of Commons as it applies to a person employed in the office of a Minister.

Parliamentary Staff.

Parliamentary staff.

72. (1) The Senate and House of Commons may, in the manner prescribed by subsections (2) and (3), apply any of the provisions of this Act to the officers, clerks and employees of both Houses of Parliament and of the Library of Parliament.

Action in relation to Senate or House of Commons.

(2) Any action with respect to the officers, clerks and employees of the Senate or the House of Commons authorized or directed to be taken by the Senate or the House of Commons under subsection (1), or by the Governor in

Council under any of the provisions of this Act made applicable to them under subsection (1), shall be taken by the Senate or the House of Commons, as the case may be, by resolution, or, if such action is required when Parliament is not sitting, by the Governor in Council, subject to ratification by the Senate or the House of Commons, as the case may be, at the next ensuing session.

Library of Parliament.

(3) Any action with respect to the officers, clerks and employees of the Library of Parliament and to such other officers, clerks and employees as are under the joint control of both Houses of Parliament authorized or directed to be taken by the Senate and House of Commons under subsection (1), or by the Governor in Council under any of the provisions of this Act made applicable to them under subsection (1), shall be taken by both Houses of Parliament by resolution, or, if such action is required when Parliament is not sitting, by the Governor in Council, subject to ratification by both Houses of Parliament at the next ensuing session.

Work during recess.

(4) Nothing in this Act shall be construed to curtail the privileges enjoyed by the officers, clerks and employees of the Senate, House of Commons or Library of Parliament with respect to rank and precedence, attendance, office hours or leave of absence, or with respect to engaging in such employment when Parliament is not sitting, as may entitle them to receive extra salary or remuneration.

Other Public Officials.

Appointment by Governor in Council.

73. The Governor in Council may appoint and fix the remuneration of

(*a*) the Clerk of the Privy Council,

(*b*) the Clerk of the Senate,

(*c*) the Clerk of the House of Commons, and

(*d*) the Secretary to the Governor General,

who shall be deputy heads for the purposes of this Act.

Exclusions.

Exclusion of persons and positions.

74. In any case where the Commission decides that it is not practicable nor in the public interest to apply this Act or any provision thereof to any position or employee, the Commission may, with the approval of the Governor in Council, exclude such position or employee in whole or in part from the operation of this Act; and the Commission may, with the approval of the Governor in Council, re-apply any of the provisions of this Act to any position or employee so excluded.

Oaths.

Authority to administer oaths.

75. The Governor in Council may authorize any person to administer oaths and take and receive affidavits, declarations and affirmations for any of the purposes of this Act or the regulations.

Report to Parliament.

Annual report on operations under Act.

76. (1) The Commission shall, within five months after the 31st day of December in each year, transmit to the member of the Queen's Privy Council for Canada designated by the Governor in Council for the purpose, a report and statement of the transactions and affairs of the Commission during that year, and the member so designated shall cause the report to be laid 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.

Additional information to be included.

(2) The Commission shall transmit with its annual report to Parliament a report of the positions and persons excluded under section 74 in whole or in part from the operation of this Act and the reasons therefor, and the appointments made under section 25 during the year for which the report is made and the reasons therefor.

Special report of exclusions.

(3) The Commission shall make a report to Parliament within thirty days of the beginning of each session setting forth the information specified in subsection (2) for the period commencing at the end of the year for which the latest report was made under subsection (2) and ending at the end of the month immediately preceding the month in which that session began.

Irregularities and Fraudulent Practices.

Fraudulent practices at examination.

77. Where the Commission is satisfied that any irregularity or fraudulent practice has obtained at an examination held by it or by any person deputed by it, the Commission may summon before it by a summons, in the form of Schedule C, signed by the Chairman or by any one of the commissioners, and may examine under oath or affirmation any person who, in its opinion, is in a position to give evidence in relation to such irregularity or fraudulent practice.

Deletion from eligible list.

78. Where a person whose name is on an eligible list is proved upon any inquiry to have been concerned in any fraudulent practice, or to have been guilty of any breach of the regulations with respect to any examination held under the authority of this Act, the Commission may remove his name from the list.

Personation.

79. Every person who, at any examination held under this Act, personates any candidate or employs, induces or allows any person to personate him or connives or assists at any personation, is guilty of an offence and liable, on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding five hundred dollars.

Illegally obtaining examination papers.

80. Every person who surreptitiously procures from any printer or other person, and every person who, without authority, furnishes to any other person any examination question paper or any other paper relating to an examination held under this Act, is guilty of an offence and liable, on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding five hundred dollars.

Application.

Application.

81. (1) This Act applies to all employees whether appointed before or after the coming into force of this Act.

Reference to periods of employment.

(2) A reference in any of the provisions of this Act to a period of employment shall be construed as including employment before as well as after the coming into force of this Act.

Transitional.

Establishments continued.

82. (1) The establishment of a department as it existed immediately before the coming into force of this Act is the establishment of the department for the purposes of this Act, subject to alteration as provided in this Act.

Classification of civil service continued.

(2) The classification of the civil service at the coming into force of this Act shall continue to be the classification of the civil service for the purposes of this Act, subject to alteration as provided in this Act.

Employees continued in office.

(3) Every person who held a position in the civil service at the time this Act comes into force continues to hold that position after that time, subject to the provisions of this Act.

Prevailing rates employees.

(4) The persons to whom the *Prevailing Rate Employees General Regulations, 1960*, made under the *Financial Administration Act*, are applicable at the coming into force of this Act shall be deemed to be employed in prevailing rates positions, subject to the provisions of this Act relating to prevailing rates positions.

Definition of "old Act."

83. (1) In this section "old Act" means the *Civil Service Act*, chapter 48 of the Revised Statutes of Canada, 1952.

Commissioners continued.

(2) The persons who at the coming into force of this Act held office under the old Act as Chairman or commissioner of the Civil Service Commission shall be deemed to have been appointed Chairman or commissioner respectively under this Act, for the unexpired portions of the respective terms to which they were appointed under the old Act.

Temporaries.

(3) Every person who at the coming into force of this Act is certified as a temporary employee under the old Act shall be deemed to be so certified for a period of six months after the coming into force of this Act, and if before the expiration of that period the deputy head certifies to the Commission that an employee holds a position of continuing indeterminate duration, that his work is satisfactory and that he is suitable for continuing employment, he shall be deemed to have been appointed under this Act to the position occupied by him at the coming into force of this Act for an indeterminate period.

Gratuity on death.

(4) When an employee who is not a participant within the meaning of Part II of the *Public Service Superannuation Act* dies, after having been an employee for at least two years, an amount equal to his salary for two months shall be paid to his widow or to such person as the Treasury Board determines.

Repeal.

Repeal.

84. The *Civil Service Act*, chapter 48 of the Revised Statutes of Canada, 1952, is repealed.

Coming into Force.

Commencement.

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

SCHEDULE A.

Oath of Office of Commissioner.

I, ... do solemnly and sincerely swear that I will truly and faithfully, and to the best of my skill and knowledge, execute and perform the office of (Commissioner or Chairman as the case may be) of the Civil Service Commission. So help me God.

SCHEDULE B.

Oath of Office and Secrecy.

I, (A.B.) solemnly and sincerely swear that I will faithfully and honestly fulfil the duties that devolve upon me by reason of my employment in the public service and that I will not, without due authority in that behalf, disclose or make known any matter that comes to my knowledge by reason of such employment. So help me God.

SCHEDULE C.

Civil Service Commission of Canada.

To

You are hereby required to appear before the Civil Service Commission at ..... on the ..... day of ..... at ..... o'clock in the ..... noon to testify the truth according to your knowledge in a certain enquiry pending before the Civil Service Commission respecting

(*The following words may be added if the production of any paper or document is required.*)

and that you bring with you and then and there produce the following documents:—

Dated at ..... this ..... day of.....A.D.....

Civil Service Commissioner.

C-72.

Fourth Session, Twenty-Fourth Parliament, 9–10 Elizabeth II, 1960–61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-72.

An Act to amend the Customs Tariff.

First reading, 2nd March, 1961.

THE MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24379-0

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-72.

An Act to amend the Customs Tariff.

R.S., cc. 60, 316; 1952-53, c. 31; 1953-54, c. 53; 1955, c. 51; 1956, c. 36; 1957, c. 21; 1958, c. 27; 1959, c. 12; 1960, c. 27.

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

1. The *Customs Tariff* is amended by adding thereto, immediately after section 2 thereof, the following section:

Goods deemed of class or kind made in Canada.

"**2A.** (1) For the purposes of this Act, goods shall be deemed to be of a "class or kind" made or produced in Canada if

(*a*) in the case of goods other than goods custom-made to specifications, goods of approximately the same class or kind are made or produced in Canada; and

(*b*) in the case of goods custom-made to specifications, adequate facilities exist in Canada for the economic production of such goods within a reasonable period of time.

Goods deemed of class or kind not made in Canada.

(2) Notwithstanding subsection (1), goods other than goods custom-made to specifications shall be deemed not to be of a class or kind made or produced in Canada unless at least ten per cent of the normal Canadian consumption of goods of the same or approximately the same class or kind are made or produced in Canada.

Minister to decide.

(3) The decision of the Minister shall be final with respect to the following matters:

(*a*) the normal Canadian consumption of the goods described in subsection (2), and

(*b*) whether goods are custom-made to specifications, and whether adequate facilities exist in Canada for the economic production of such goods within a reasonable period of time."

2. Subsections (9) and (10) of section 6 of the said Act are repealed and the following substituted therefor:

Goods may be deemed.

"(9) For the purposes of this Act, notwithstanding section 2A, goods may be deemed to be of a class or kind not made or produced in Canada where similar goods made or produced in Canada are not offered for sale to the ordinary agencies of wholesale or retail distribution or are not offered to all purchasers on equal terms under like conditions, having regard to the custom and usage of trade."

3. Subsection (4) of section 6A of the said Act is repealed.

Commencement.

4. This Act shall be deemed to have come into force on the 21st day of December, 1960, 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.

C-73.

Fourth Session, Twenty-Fourth Parliament, 9–10 Elizabeth II, 1960–61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-73.

An Act to amend the Income Tax Act.

First reading, 2nd March, 1961.

THE MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24646-2—1

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-73.

R.S., c. 148; 1952-53, c. 40; 1953-54, c. 57; 1955, cc. 54, 55; 1956, c. 39; 1957, c. 29; 1957-58, c. 17; 1958, c. 32; 1959, c. 45; 1960, c. 43.

An Act to amend the Income Tax Act.

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

1. Section 7 of the *Income Tax Act* is amended by adding thereto the following subsections:

Obligation issued at discount.

"(2) Where, in the case of a bond, debenture, bill, note, mortgage, hypothec or similar obligation issued after December 20, 1960 by a person exempt from tax under section 62, a non-resident person not carrying on business in Canada, or a government, municipality or municipal or other public body performing a function of government,

(*a*) the obligation was issued for an amount that is less than the principal amount thereof;

(*b*) the interest stipulated to be payable on the obligation, expressed in terms of an annual rate on

(i) the principal amount thereof, if no amount is payable on account of the principal amount before the maturity of the obligation, or

(ii) the amount outstanding from time to time as or on account of the principal amount thereof, in any other case,

is less than 5%; and

(*c*) the yield from the obligation, expressed in terms of an annual rate on the amount for which the obligation was issued (which annual rate shall, if the terms of the obligation or any agreement relating thereto conferred upon the holder thereof a right to demand payment of the principal amount of the obligation or the amount outstanding as or on account of the principal amount thereof, as the case may be, before the maturity of the obligation, be calculated on the basis of the yield that produces the highest such annual rate obtainable conditional upon the exercise of any such right) exceeds the annual rate determined under paragraph (*b*) by more than 1/3 thereof;

Explanatory Notes.

Clause 1: These new subsections provide that where a bond or other obligation with a contractual rate of interest of less than 5% is issued at a discount the amount of the discount in certain circumstances shall be included in the income of the first resident owner of the obligation. This implements paragraph 11 of the Income Tax Resolution which reads as follows:

> "11. That where the contractual rate of interest on any bond, debenture, mortgage, note, bill or similar evidence of indebtedness issued by a tax-exempt borrower including a government after December 20, 1960 is less than 5 per cent, and the evidence of indebtedness is issued at a discount which provides an effective yield to maturity, or to the earliest call-date, that exceeds the contractual rate by more than 33⅓ per cent thereof, the whole of the discount shall be deemed to be income in the hands of the first Canadian resident taxable holder of the evidence of indebtedness."

the amount by which the principal amount of the obligation exceeds the amount for which the obligation was issued shall be included in computing the income of the first owner of the obligation who is a resident of Canada and is not a person exempt from tax under section 62 or a government, for the taxation year of the owner of the obligation in which he became the owner thereof.

"Principal amount" defined.

(3) In subsection (2), "principal amount" in relation to any obligation means the amount that, under the terms of the obligation or any agreement relating thereto, is the maximum amount or maximum aggregate amount, as the case may be, payable on account of the obligation by the issuer thereof, otherwise than as or on account of interest or as or on account of any premium payable by the issuer conditional upon the exercise by the issuer of a right to redeem the obligation before the maturity thereof.

Application.

(4) Subsection (1) does not apply in any case where subsection (2) applies."

2. (1) Subsection (1) of section 11 of the said Act is amended by adding thereto, immediately after paragraph (*qa*) thereof, the following paragraph:

Tuition fees of students.

"(*qb*) where a taxpayer was during the year a student in full-time attendance at a university in a course leading to a degree, or in full-time attendance at a college or other educational institution in Canada in a course at a post-secondary school level, the amount of any fees for his tuition paid to the university, college or other educational institution in respect of a period not exceeding 12 months commencing in the year and not included in the calculation of a deduction under this paragraph for a previous year (except any such fees paid in respect of a course of less than 13 consecutive weeks' duration);"

(2) This section is applicable to the 1961 and subsequent taxation years.

3. (1) All that portion of subsection (3) of section 32 of the said Act preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

Tax on investment income from sources outside Canada.

"(3) There shall be added to the tax of each individual computed under subsection (1) for each year an amount equal to 4% of the amount by which the taxpayer's investment income from sources outside Canada for the year exceeds the greater of"

(2) Subsection (4) of section 32 of the said Act is repealed and the following substituted therefor:

"Investment income from sources outside Canada" defined.

"(4) For the purpose of this section, "investment income from sources outside Canada" means the lesser of

Clause 2: This new paragraph provides that the amount of the tuition fees of a student in full-time attendance at certain educational institutions shall be deductible in computing the income of that student. The income so computed is relevant both for purposes of calculating the student's tax and in determining whether he qualifies as a dependant. This implements paragraph 12 of the Income Tax Resolution which reads as follows:

"12. That for the 1961 and subsequent taxation years a student in full-time attendance at a university in a course leading to a degree, or in full-time attendance at a college or other educational institution in Canada in a course at a post-secondary school level, be permitted to deduct in computing his income for the year, fees for his tuition paid to the university, college or other educational institution in respect of a period not exceeding twelve months commencing in the year and not included in the calculation of a deduction for such fees for a previous year (except any such fees paid in respect of a course that did not require his full-time attendance for a period of at least three consecutive months), and that the said tuition fees also be deducted in computing the income of the student for purposes of determining whether the student is a dependant."

Clause 3: (1) This amendment, which adds the underlined words, repeals the 4% surtax on investment income of individuals other than investment income received from sources outside Canada. This implements paragraph 2 of the Income Tax Resolution which reads as follows:

"2. That for the 1961 and subsequent taxation years the additional tax of 4 per cent imposed on investment income of individuals be repealed as applied to income from sources in Canada."

(2) This amendment provides a definition of investment income from sources outside Canada.

Subsection (4) at present reads as follows:

"(4) For the purpose of this section, "investment income" means the income for the taxation year minus the aggregate of the earned income for the year and the amounts deductible from income under paragraphs (*a*), (*b*), (*c*), (*ca*) and (*d*) of subsection (1) of section 27."

(*a*) the income for the taxation year minus the aggregate of the earned income for the year and the amounts deductible from income under paragraphs (*a*), (*b*), (*c*), (*ca*) and (*d*) of subsection (1) of section 27, or

(*b*) the income from sources outside Canada for the taxation year, computed before deducting any amount deductible in computing the earned income for the year, minus such part of the income from sources outside Canada for the year as is included in computing the earned income for the year."

(3) Subsections (6) and (7) of section 32 of the said Act are repealed.

(4) This section is applicable to the 1961 and subsequent taxation years.

4. All that portion of subsection (1) of section 35 of the said Act immediately preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

Part payments.

"**35.** (1) Where a part of a payment is required by subsection (1) of section 7 to be included in computing the income of a taxpayer resident in Canada for a taxation year and it may reasonably be regarded as a payment of interest in respect of a period of not less than three years, the amount thereof may, at the option of the taxpayer, be deemed not to be income of the taxpayer for the purposes of this Part, in which case the taxpayer shall pay in addition to any other tax payable for the year a tax on the amount thereof equal to the portion thereof that"

5. (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 $35,000, and

(*b*) $6,300 plus 47% of the amount by which the amount taxable exceeds $35,000, if the amount taxable exceeds $35,000."

(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,

(3) The repeal of these subsections is consequential upon the amendment described in subclause (1) above relating to the investment surtax.

Subsections (6) and (7) read as follows:

"(6) Where a taxpayer's remuneration for a taxation year is in excess of a fair and reasonable remuneration for services rendered by the taxpayer, the excess shall be deemed, for the purpose of this section, to be investment income for the year.

(7) Where a disbursement of expense was laid out or expended for the purpose of earning both earned income and investment income, it shall, for the purpose of this section, be allocated in reasonable portions to earned income and investment income."

Clause 4: This amendment, which adds the underlined words, is consequential upon the amendment to section 7 of the Act described in clause 1.

Clause 5: (1) This amendment increases from $25,000 to $35,000 the amount of the first bracket of corporation income subject to tax at 18%. This amendment together with the amendment contained in clause 8 implements paragraph 1 of the Income Tax Resolution which reads as follows:

"1. That with respect to income of corporations earned on and after January 1, 1961, the amount of the first bracket of taxable income subject to a rate of tax of 21 per cent be increased from $25,000 to $35,000."

Paragraphs (*a*) and (*b*) at present read as follows:

"(*a*) 18% of the amount taxable, if the amount taxable does not exceed $25,000, and

(*b*) $4,500 plus 47% of the amount by which the amount taxable exceeds $25,000, if the amount taxable exceeds $25,000."

(2) and (3) These amendments, which substitute the amount of $35,000 for the amount of $25,000, are consequential upon the amendment described in subclause (1) above.

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 $35,000, 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) 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 $35,000, 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)."

(4) This section and section 8 are applicable to the 1961 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 1961, the tax payable by the corporation under Part I of the said Act for that taxation year is the aggregate of

(*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 8 that the number of days in that portion of the taxation year that is in 1960 is of the number of days in the whole taxation year, and

(*b*) that proportion of the tax computed under Part I of the said Act as amended by this section and section 8 that the number of days in that portion of the taxation year that is in 1961 is of the number of days in the whole taxation year.

(4) This subclause provides for the application of the amendment described in subclause (1) above to those corporations with a taxation year part of which is before and part of which is after the commencement of 1961.

6. (1) Paragraph (*q*) of subsection (1) of section 62 of the said Act is repealed and the following substituted therefor:

Pension trust or corporation.

"(*q*) a trust or corporation established or incorporated solely in connection with, or for the administration of, a registered pension fund or plan, not less than 90% of the income of which for the period was from sources in Canada;"

(2) Section 62 of the said Act is further amended by adding thereto the following subsection:

Contributions to or under registered pension fund or plan not included.

"(6) In computing the income of a trust or corporation for the purpose of determining whether it is a trust or corporation described in paragraph (*q*) of subsection (1) for a taxation year, contributions to or under the fund or plan in connection with which or for the administration of which the trust or corporation was established or incorporated shall not be included."

(3) This section is applicable to taxation years commencing in 1961 and subsequent taxation years, except that

(*a*) in the case of a trust or corporation less than 90% but not less than 80% of the income of which for its taxation year commencing in 1960 was from sources in Canada, the expression "90%" in paragraph (*q*) of subsection (1) of section 62 of the said Act as enacted by this section shall, in its application to the taxation years of the trust or corporation commencing in 1961 and 1962, be read as "80%"; and

(*b*) in the case of a trust or corporation less than 80% of the income of which for its taxation year commencing in 1960 was from sources in Canada, the expression "90%" in paragraph (*q*) of subsection (1) of section 62 of the said Act as enacted by this section shall, in its application to the taxation year of the trust or corporation commencing in 1961, be read as "70%" and in its application to the taxation year of the trust or corporation commencing in 1962, be read as "80%"."

7. (1) Paragraph (*ba*) of subsection (2) of section 69 of the said Act is repealed and the following substituted therefor:

"(*ba*) not less than 85% of its gross revenue for the year was from sources in Canada,

(*bb*) not more than 25% of its gross revenue for the year was from interest,"

Clause 6: (1) This amendment, which adds the underlined words, provides that a tax-exempt trust established in connection with a registered pension plan must receive at least 90% of its income from sources in Canada.

(2) This new subsection provides that in computing the income of a trust to determine whether it qualifies for exemption, the contributions under the plan for which the trust was established shall not be included.

(3) This subclause provides special rules for taxation years commencing in 1961 and 1962 in order to provide a gradual application of the amendment described in subclause (1) above.

This clause implements paragraph 4 of the Income Tax Resolution which reads as follows:

> "4. That for taxation years commencing in 1963 and subsequent taxation years a trust or corporation established or incorporated solely in connection with, or for the administration of, a registered pension fund or plan shall be exempt from tax only if 90 per cent of its income from investments is from sources in Canada and that for taxation years commencing in 1961 and 1962 this requirement be 70 per cent and 80 per cent respectively of such income; however, this requirement shall be 90 per cent of such income for taxation years commencing in 1961 and 1962 in the case of a trust or corporation that received not less than 90 per cent of its income from investments from sources in Canada in its taxation year that commenced in 1960, and 80 per cent of such income for taxation years commencing in 1961 in the case of a trust or corporation that received not less than 80 per cent but less than 90 per cent of its income from investment from sources in Canada in its taxation year that commenced in 1960."

Clause 7: (1) These new paragraphs provide new conditions which a corporation must meet if it is to qualify as an investment company.

Paragraph (*ba*) at present reads as follows:

> "(*ba*) not more than 50% of its gross revenue for the year was from interest,"

(2) This section is applicable to taxation years commencing in 1961 and subsequent taxation years, except that

(*a*) in the case of a corporation less than 85% but not less than 75% of the gross revenue of which for its taxation year commencing in 1960 was from sources in Canada, the expression "85%" in paragraph (*ba*) of subsection (2) of section 69 of the said Act as enacted by this section shall, in its application to the taxation years of the corporation commencing in 1961 and 1962, be read as "75%";

(*b*) in the case of a corporation less than 75% of the gross revenue of which for its taxation year commencing in 1960 was from sources in Canada, the expression "85%" in paragraph (*ba*) of subsection (2) of section 69 of the said Act as enacted by this section shall, in its application to the taxation year of the corporation commencing in 1961, be read as "60%" and in its application to the taxation year of the corporation commencing in 1962, be read as "75%";

(*c*) in the case of a corporation more than 25% but not more than 30% of the gross revenue of which for its taxation year commencing in 1960 was from interest, the expression "25%" in paragraph (*bb*) of subsection (2) of section 69 of the said Act as enacted by this section shall, in its application to the taxation years of the corporation commencing in 1961 and 1962, be read as "30%"; and

(*d*) in the case of a corporation more than 30% of the gross revenue of which for its taxation year commencing in 1960 was from interest, the expression "25%" in paragraph (*bb*) of subsection (2) of section 69 of the said Act as enacted by this section shall, in its application to the taxation year of the corporation commencing in 1961, be read as "40%" and in its application to the taxation year of the corporation commencing in 1962, be read as "30%".

8. (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 $6,300 or 18% of the corporation's taxable income for the year,

(*b*) 47% of

(i) the corporation's class B taxable income for the year,

minus

(ii) $35,000, and

(2) This subclause provides special rules for taxation years commencing in 1961 and 1962 in order to provide a gradual application of the amendment described in subclause (1) above.

This clause implements paragraph 3 of the Income Tax Resolution which reads as follows:

"3. That for taxation years commencing in 1961 and subsequent taxation years a corporation will qualify as an investment company only if not less than 85% of its gross revenue for the year is from sources in Canada (which percentage is hereinafter referred to as the "sources requirement") and not more than 25% of its gross revenue for the year was from interest (which percentage is hereinafter referred to as the "interest requirement"), except that

(*a*) where less than 85% but not less than 75% of the gross revenue of the corporation for its taxation year commencing in 1960 was from sources in Canada, the sources requirement for the taxation years of the corporation commencing in 1961 and 1962 shall be read as "75%";

(*b*) where less than 75% of the gross revenue of the corporation for its taxation year commencing in 1960 was from sources in Canada, the sources requirement for the taxation year of the corporation commencing in 1961 shall be read as "60%" and for the taxation year of the corporation commencing in 1962 shall be read as "75%";

(*c*) where more than 25% but not more than 30% of the gross revenue of the corporation for its taxation year commencing in 1960 was from interest, the interest requirement for the taxation years of the corporation commencing in 1961 and 1962 shall be read as "30%"; and

(*d*) where more than 30% of the gross revenue of the corporation for its taxation year commencing in 1960 was from interest, the interest requirement for the taxation year of the corporation commencing in 1961 shall be read as "40%" and for the taxation year of the corporation commencing in 1962 shall be read as "30%"."

Clause 8: This amendment provides that the increase from $25,000 to $35,000 in the amount of the first bracket of corporation income subject to tax at 18% shall apply to corporations engaged in the sale of electrical energy, gas or steam.

Paragraphs (*a*), (*b*) and (*c*) at present read as follows:

"(*a*) the lesser of $4,500 or 18% of the corporation's taxable income for the year,

(*b*) 47% of

(i) the corporation's class B taxable income for the year, minus

(ii) $25,000, and

(*c*) 45% 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 $35,000."

(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 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 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 $35,000 where it appears in paragraphs (*b*) 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 $6,300 where it appears in paragraph (*a*) of subsection (3) an amount equal to 18% of the amount so allocated to it."

9. (1) Subparagraphs (ii) and (iii) of paragraph (*b*) of subsection (1) of section 106 of the said Act are repealed and the following substituted therefor:

"(ii) interest payable on

(A) bonds of or guaranteed by the Government of Canada issued on or before December 20, 1960, or

(B) bonds of or guaranteed by the Government of Canada issued after December 20, 1960, the interest on which is payable to the government or central bank of a country other than Canada or to any international organization or agency prescribed by regulation, and

(iii) interest payable in a currency other than Canadian currency to a person with whom the payer is dealing at arm's length, on

(A) any obligation where the evidence of indebtedness was issued on or before December 20, 1960,

(B) any obligation where the evidence of indebtedness was issued after December 20,

(c) 45% 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."

Subsection (7) at present 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 (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 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*) 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."

Clause 9: (1) This amendment repeals the exemption from the 15% non-resident withholding tax at present granted for interest payable on bonds of or guaranteed by the Government of Canada and for interest payable in a currency other than a Canadian currency to a person with whom the payer is dealing at arm's length. The amendment also describes certain circumstances under which interest shall continue to be exempt. This implements paragraphs 5 and 7 of the Income Tax Resolution which read as follows:

"5. That the exemption from the 15 per cent tax payable by a non-resident person on interest received from a Canadian resident, now granted for interest payable on bonds of or guaranteed by the Government of Canada, be repealed with respect to interest on bonds issued after December 20, 1960, other than bonds held by

(*a*) national governments of foreign countries and their central banks, and

(*b*) such international agencies as may be prescribed by regulation."

"7. That the exemption from the 15 per cent tax payable by a non-resident person on interest received from a Canadian resident, now granted for interest payable in a currency other than Canadian currency, be repealed except for

(*a*) interest on any obligation where the evidence of indebtedness was issued on or before December 20, 1960,

(*aa*) interest on any obligation where the evidence of indebtedness was issued after December 20, 1960 if the obligation was entered into under an agreement in writing made on or before that day, under which the obligee undertook to advance, on or before a specified day, a specified amount at a specified rate of interest or at a rate of interest to be determined as provided in the agreement, to the extent that such interest is payable

(i) in respect of a period ending not later than the day on or before which the obligation is expressed to be redeemable, if the obligation is expressed to be redeemable on or before a specified day, or

(ii) in respect of a period ending not later than one year after the day the obligation was entered into, if the obligation is not expressed to be redeemable on or before a specified day,

and for the purposes of clause (i) hereof an obligation shall be considered to be redeemable on or before the first day on which the obligee is entitled to demand redemption thereof,

1960, if the obligation was entered into under an agreement in writing made on or before that day, under which the obligee undertook to advance, on or before a specified day, a specified amount at a specified rate of interest or a rate of interest to be determined as provided in the agreement, to the extent that the interest payable on the obligation is payable

1. in respect of a period ending not later than the earliest day on which, under the terms of the obligation determined as of the time it was entered into, the obligee would be entitled to demand payment of the principal amount of the obligation or the amount outstanding as or on account of the principal amount thereof, as the case may be, if the terms of the obligation determined as of that time provided for such payment on or after a specified day, or
2. in respect of a period ending not later than one year after the time the obligation was entered into, in any other case,

(C) any bond, debenture or similar obligation issued after December 20, 1960, for the issue of which arrangements were made on or before that day with a dealer in securities, if the existence of the arrangements for the issue of the bond, debenture or similar obligation can be established by evidence in writing given or made on or before that day,

(D) any debt owing by a bank to which the *Bank Act* applies, as or on account of an amount deposited with that bank that is not repayable in Canadian currency, or

(E) any obligation entered into in the course of carrying on a business in a country other than Canada,

(for the purpose of this subparagraph, interest expressed to be computed by reference to Canadian currency shall be deemed to be payable in Canadian currency);"

(2) Paragraph (*b*) of subsection (3) of section 106 of the said Act is repealed.

(3) Section 106 of the said Act is further amended by adding thereto, immediately after subsection (3) thereof, the following subsections:

(*b*) interest on any bond, debenture or similar obligation issued after December 20, 1960 for the issue of which arrangements were made on or before that day with a dealer in securities, if the existence of the arrangements for the issue of the bond, debenture or similar obligation can be established by evidence in writing given or made on or before that day, or

(*c*) interest on any obligation incurred in the course of carrying on a business in a country other than Canada."

Subparagraphs (ii) and (iii) at present read as follows:

"(ii) interest payable under bonds of or guaranteed by the Government of Canada, and

(iii) interest payable in a currency other than Canadian currency to a person with whom the payer is dealing at arm's length (for the purpose of this subparagraph, interest expressed to be computed by reference to Canadian currency shall be deemed to be payable in Canadian currency);"

(2) This amendment repeals the special 5% rate of non-resident withholding tax on dividends paid to a non-resident corporation by its wholly-owned subsidiary corporation in Canada. This results in the full 15% rate of tax applying to such dividends. This implements paragraph 8 of the Income Tax Resolution which reads as follows:

"8. That the reduction from 15 per cent to 5 per cent in the rate of tax payable by a non-resident person on dividends received from a Canadian resident, now granted for dividends paid to a non-resident corporation which owns all the voting shares (except directors' qualifying shares) of the Canadian resident paying corporation, be repealed with respect to dividends paid after December 20, 1960."

Paragraph (*b*) at present reads as follows:

"(*b*) a dividend to a non-resident corporation in respect of shares in a subsidiary corporation if the following conditions are satisfied:

(i) all the subsidiary corporation's share capital having full voting rights under all circumstances (except directors' qualifying shares) belongs to the non-resident corporation, and

(ii) either

(A) the chief business of the subsidiary corporation is the making of loans, or

(B) not more than one-quarter of the gross revenue of the subsidiary corporation for the taxation year in which the dividend was paid was derived from interest and dividends other than interest or dividends received from a wholly-owned subsidiary corporation;"

Application of paragraph (*a*) of subsection (3).

"(3a) Paragraph (*a*) of subsection (3) does not apply to interest on any bond or other obligation described therein that was issued after December 20, 1960, except any such bond or other obligation for the issue of which arrangements were made on or before that day with a dealer in securities, if the existence of the arrangements for the issue of the bond or other obligation can be established by evidence in writing given or made on or before that day.

Bonds issued after December 20, 1960 in exchange for earlier bonds.

(3b) For the purposes of this Part, where any bond was issued after December 20, 1960 in exchange for a bond issued on or before that day, it shall, if the terms on which the bond for which it was exchanged was issued conferred upon the holder thereof the right to make the exchange, be deemed to have been issued on or before December 20, 1960."

(4) Subsection (1) is applicable in respect of interest paid or credited after December 20, 1960, and subsection (2) is applicable in respect of dividends paid or credited after December 20, 1960.

10. Notwithstanding anything in *The Canada-United States of America Tax Convention Act, 1943* or the Convention and Protocol set out in the Schedule thereto, every non-resident corporation organized under the laws of the United States of America or of a political subdivision thereof shall pay a tax as provided in Part III of the *Income Tax Act* on every amount that a person resident in Canada pays or credits, or is deemed by Part I of the *Income Tax Act* to pay or credit, to the corporation after December 20, 1960 as, on account or in lieu of payment of, or in satisfaction of, a dividend other than a dividend described in subparagraph (i) or (ii) of paragraph (*a*) of subsection (1) of section 106 of the *Income Tax Act*.

11. Subsection (3) of section 108 of the said Act is repealed and the following substituted therefor:

Income and capital combined.

"(3) Where subsection (1) of section 7 would, if Part I were applicable, require a part of a payment to be included in computing the recipient's income because it can reasonably be regarded as a payment of interest, that part of the payment shall, for the purpose of this Part, be deemed to have been a payment of interest."

12. (1) The said Act is further amended by adding thereto, immediately after section 110A thereof, the following heading and Part:

(3) The new subsection (3a) repeals the special 5% rate of non-resident withholding tax on interest on bonds or other obligations of a province. This results in the full 15% rate of tax applying to such interest. The amendment also describes certain circumstances under which interest shall continue to be subject to tax at a rate of only 5%. This implements paragraph 6 of the Income Tax Resolution which reads as follows:

"6. That the reduction from 15 per cent to 5 per cent in the rate of tax payable by a non-resident person on interest received from a Canadian resident, now granted for interest on bonds or other obligations of or guaranteed by Her Majesty in right of a province, and for interest on bonds or other obligations provision for the payment of which was made by a statute of a provincial legislature, be repealed with respect to bonds or other obligations issued after December 20, 1960, except bonds or other obligations issued after December 20, 1960, for the issue of which arrangements were made on or before that day with a dealer in securities, if the existence of the arrangements for the issue of the bonds or other obligations can be established by evidence in writing given or made on or before that day."

The new subsection (3b) provides that bonds issued after December 20, 1960 in exchange for bonds issued before that date with a conversion privilege shall be deemed to have been issued on or before December 20, 1960.

Clause 10: This clause imposes a tax of 15% on dividends paid by a resident of Canada after December 20, 1960 to a non-resident corporation organized under the laws of the United States, thereby terminating paragraph 2 of Article XI of the Canada-United States Income Tax Convention. This implements paragraph 9 of the Income Tax Resolution which reads as follows:

"**9.** That the rate of tax payable by a non-resident corporation on dividends received from a Canadian resident, now limited to 5% in accordance with paragraph 2 of Article XI of the Income Tax Convention between Canada and the United States be increased to 15% with respect to dividends paid after December 20, 1960."

Clause 11: This amendment, which adds the underlined words, is consequential upon the amendment to section 7 of the Act contained in clause 1.

Clause 12: (1) This new heading and part impose an additional tax at the rate of 15% on corporations that carry on business in Canada but are not resident in Canada. This implements paragraph 10 of the Income Tax Resolution which reads as follows:

"**10.** That with respect to income earned on and after January 1, 1961 a special 15 per cent tax be imposed on a non-resident corporation carrying on business in Canada, other than a bank, insurance company, transportation company or communications company and that the tax be computed by reference to the amount remaining after deducting from its taxable income earned in Canada the aggregate of

(*a*) the tax payable under Part I of the *Income Tax Act*, including the tax payable under subsection (5) of section 10 of the *Old Age Security Act*,

(*b*) income taxes payable to a province which are not deductible in computing income for purposes of the *Income Tax Act*, and

(*c*) an allowance in respect of net annual increases in its capital investment in property in Canada."

"PART IIIA.

ADDITIONAL TAX ON NON-RESIDENT CORPORATIONS CARRYING ON BUSINESS IN CANADA.

Additional tax.

110B. (1) Every non-resident corporation carrying on business in Canada at any time in a taxation year shall, on or before the day on or before which it is required to file a return of income under Part I for the year, pay a tax equal to 15% of the amount by which

(*a*) its taxable income earned in Canada for the year determined in accordance with Division D of Part I, exceeds

(*b*) the aggregate of

(i) the tax payable by it under Part I for the year,

(ii) any income taxes payable by it to the government of a province in respect of the year, to the extent that such taxes were not deductible under Part I in computing its income for the year from the businesses carried on by it in Canada, and

(iii) such amount as an allowance in respect of net increases in its capital investment in property in Canada as is allowed by regulation.

Exempt corporations.

(2) No tax is payable under this Part for a taxation year by a non-resident corporation that was, throughout the year,

(*a*) a bank,

(*b*) an insurance corporation,

(*c*) a corporation whose principal business was

(i) the transportation of persons or goods, or

(ii) communications,

(*d*) a corporation that was incorporated before the 1st day of July, 1867 for the purpose of carrying on trade in any province or territory now comprised in Canada and that has been carrying on trade in Canada without interruption since that day, or

(*e*) a corporation exempt from tax under section 62.

(3) Sections 44 to 61, except sections 47, 48, 49 and 53, are applicable *mutatis mutandis* to this Part."

(2) This section is applicable to the 1961 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 1961, the tax payable by the corporation for that taxation year under Part IIIA of the said Act as enacted by this section is that proportion of the tax computed under Part IIIA of the said Act as enacted by this section that the number of days in that portion of the taxation year that is in 1961 is of the number of days in the whole taxation year.

(2) This subclause provides for the application of the amendment described in subclause (1) above to those corporations with a taxation year part of which is before and part of which is after the commencement of 1961.

13. The said Act is further amended by adding thereto, immediately after section 132 thereof, the following section:

"Taxable obligation" defined.

"**132A.** (1) In this section, "taxable obligation" means any bond, debenture or similar obligation the interest on which would, if paid by the issuer to a non-resident person, be subject to the payment of tax under Part III by that non-resident person at the rate of 15%.

Interest coupon to be identified in prescribed manner.

(2) Every person who, at any time after the coming into force of this section, issues any taxable obligation the right to interest on which is evidenced by a coupon or other writing that does not form part of, or is capable of being detached from, the evidence of indebtedness under the taxable obligation is, unless the coupon or other writing is marked or identified in prescribed manner by the letters "TX" on the face thereof, guilty of an offence and liable on summary conviction to a fine not exceeding $500."

Clause 13: This new section provides that any person who issues a bond or similar obligation, the interest on which would be subject to a non-resident withholding tax of 15% if paid by the issuer to a non-resident, is guilty of an offence if the bond interest coupons are not marked or identified in such a way as to permit them to be distinguished from non-taxable interest coupons.

C-74.

Fourth Session, Twenty-Fourth Parliament, 9–10 Elizabeth II, 1960–61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-74.

An Act to amend the Tariff Board Act.

First reading, March 7, 1961.

THE MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24241–2

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-74.

An Act to amend the Tariff Board Act.

R.S., cc. 261, 336; 1955, c. 55; 1956, c. 15.

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

1956, c. 15, s. 1(1).

1. (1) Subsections (1) and (2) of section 3 of the *Tariff Board Act* are repealed and the following substituted therefor:

Constitution of Board.

"**3.** (1) There shall be a Board, to be called the Tariff Board, consisting of seven members appointed by the Governor in Council.

Chairman and Vice-Chairmen.

(2) The Governor in Council shall appoint

(*a*) one of the members to be Chairman,

(*b*) one of the members to be first Vice-Chairman, and

(*c*) one of the members to be second Vice-Chairman,

and the Chairman shall preside at any sittings of the Board at which he is present and shall designate one of the Vice-Chairmen or other members to preside at any sittings of the Board at which he is not present."

1956, c. 15, s. 1(2).

(2) Subsection (8) of section 3 of the said Act is repealed and the following substituted therefor:

Appeals under *Customs Act* or *Excise Tax Act*.

"(8) With respect to an appeal to the Board under the provisions of the *Customs Act* or *Excise Tax Act* three or more members have and may exercise and perform all the powers and functions of the Board."

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

Duties of Vice-Chairmen.

"(10) If the Chairman is absent or is unable to act or if the office is vacant, the first Vice-Chairman has and may exercise and perform all the powers and functions of the Chairman, and if the Chairman and the first Vice-Chairman are absent or are unable to act or if those offices are vacant, the second Vice-Chairman has and may exercise and perform all the powers and functions of the Chairman."

Explanatory Notes.

Clause 1. (*1*). Subsections (1) and (2) of section 3 at present read as follows:

"**3.** (1) There shall be a Board, to be called the Tariff Board, consisting of *five* members appointed by the Governor in Council.

"(2) The Governor in Council shall appoint one of the members to be Chairman *and two* members to be *Vice-Chairmen*; and at *sessions* of the Board the Chairman shall preside *and in his absence one of the Vice-Chairmen*."

The purpose of this amendment is to increase the membership of the Tariff Board from five to seven, thereby facilitating the operation of the Board by enabling the Board to sit at the same time in two panels.

(2) Subsection (8) of section 3 at present reads as follows:

"(8) With respect to an appeal to the Board under the provisions of the *Customs Act* or the *Excise Tax Act* three members, *including the Chairman or in his absence one of the Vice-Chairmen*, may exercise the powers of the Board."

The proposed amendment would permit any three members of the Board to sit as a panel for the purpose of hearing appeals under the *Customs Act* or *Excise Tax Act*.

(3) This subsection is new and its purpose is to provide for the continuing effective operation of the Board by authorizing the first Vice-Chairman to perform the duties of the Chairman when the Chairman is unable to so do and by authorizing the second Vice-Chairman to perform the duties of the Chairman when both the Chairman and the first Vice-Chairman are unable to so do.

2. (1) Subsections (7) and (8) of section 5 of the said Act are repealed and the following substituted therefor:

Inquiry made by one or more members.

"(7) The Chairman may direct that any inquiry under section 4 may be made by any member or members of the Board designated by him and for the purposes of such inquiry the member or members so designated have and may exercise and perform all the powers and functions of the Board.

Authority to administer oaths.

"(8) Each member may administer oaths and take and receive affidavits, declarations and affirmations for any of the purposes of this Act or the regulations."

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

Appeals under other Acts.

"(13) This section, except subsections (3) and (7), applies in respect of an appeal to the Board pursuant to any other Act or regulations thereunder as if the appeal were an inquiry within the meaning of this Act."

Clause 2. (1). Subsections (7) and (8) of section 5 at present read as follows:

"(7) One member has power to conduct any inquiry under subsection (1) and subsection (2) of section 4 and may, for the purposes of such inquiry, exercise the powers conferred upon the Board by subsections (1) and (5) of this section.

"(8) Two members have the power to conduct any inquiry under subsections (3), (4) and (5) of section 4 and may, for the purposes of such inquiry, exercise the powers conferred upon the Board by subsections (1) and (5) of this section."

The proposed amendment to subsection (7) would permit the Chairman of the Board to designate any member or members of the Board to make an inquiry under section 4 of the *Tariff Board Act.*

The proposed amendment to subsection (8) would authorize all Board members to administer oaths when required in connection with the Board's work.

(2) Subsection (13) of section 5 at present reads as follows:

"(13) This section, except subsections (3), (7) and (8), applies in respect of an appeal to the Board pursuant to any other Act or regulation thereunder as if the appeal were an inquiry within the meaning of this Act."

This amendment is consequential upon the repeal, by subclause (1), of the present subsection (8) of section 5.

C-75.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-75.

An Act to amend the Unemployment Insurance Act.

First reading, March 13, 1961.

Mr. ROBERGE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24755-1

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-75.

An Act to amend the Unemployment Insurance Act.

1955, c.50; 1956, c.50; 1957-58, c.8; 1959, c.36.

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

Definitions.

1. (1) Section 2 of the *Unemployment Insurance Act* is amended by inserting therein, immediately after paragraph (*c*) thereof, the following paragraph:

"Employee".

"(*cc*) employee means a person of any age, of either sex, who is in receipt of or entitled to any remuneration or earnings for labour or services performed for one or more employers."

(2) Paragraph (*d*) of section 2 of the said Act is repealed and the following substituted therefor:

"Employer".

"(*d*) employer means any person, firm or corporation employing one or more employees and includes every agent, manager, representative, contractor, sub-contractor or principal or every other person who is or has been responsible, directly or indirectly, in whole or in part, for the payment of earnings by one or more employees."

1959, c.36, s.2.

2. Paragraph (*a*) of section 25 of the said Act is repealed and the following substituted therefor:

Insurable employment.

"(*a*) employment in Canada, by one or more employers,

(i) under contract of service or apprenticeship, and without restricting the generality of the foregoing, employment in Canada by any express or implied agreement, written or oral, whether the earnings of the employee are received from the employer or some other person or whether the earnings are reckoned by time or by the piece, or partly by time and partly by the piece, or otherwise; or

Explanatory Note.

The purpose of this Bill is to incorporate in the *Unemployment Insurance Act* definitions of the words "employee" and "employer" and also to bring under insurable employment contract of service and lease or hire of work in more general terms.

These changes are suggested in order to clarify and facilitate the interpretation of the Act so that it will have the meaning intended by Parliament when it was passed in 1955.

(ii) under lease or hire of work, and without restricting the generality of the foregoing, employment in Canada by an agreement by which the employee obliges himself to do certain work for the employer for a price which the latter obliges himself to pay."

3. Paragraph (*p*) of section 27 of the said Act is repealed.

4. The said Act is amended by adding immediately after section 68, the following section:

Explanation of law or facts.

"**68A.** An insurance officer or any other civil servant working for the Commission must give to any claimant for benefits every explanation of the law and of the facts in order to help him in establishing his claim."

Fourth Session, Twenty-Fourth Parliament, 9–10 Elizabeth II, 1960–61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-76.

An Act respecting Fisheries.

First reading, March 22, 1961.

Mr. CARTER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24823-7—1

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-76.

An Act respecting Fisheries.

R.S., c. 119.

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 *Fisheries Act*.

INTERPRETATION.

Interpretation. "Canadian."

2. In this Act,

(*a*) "Canadian" means a British subject resident in Canada;

"Close time."

(*b*) "close time" means a specified period during which fish to which it applies, may not be fished;

"Fish."

(*c*) "fish" includes shell fish, crustaceans and marine animals;

"Fishery."

(*d*) "fishery" includes the area, locality, place or station in or on which a pound, seine, net, weir or other fishing appliance is used, set, placed or located, and the area, tract or stretch of water in or from which fish may be taken by the said pound, seine, net, weir or other fishing appliance, and also the pound, seine, net, weir, or other fishing appliance used in connection therewith;

"Fishing."

(*e*) "fishing" means fishing for or catching fish by any method;

"Fishing vessel."

(*f*) "fishing vessel" includes any ship or boat, or any other description of vessel used in fishing;

"Lawful excuse."

(*g*) "lawful excuse" means

(i) ability to prove that fish in possession during the close time therefor at the place of possession, were legally caught; or

Explanatory Notes.

Section 3 of the *Canadian Bill of Rights* provides:

> *"3. The Minister of Justice shall, in accordance with such regulations as may be prescribed by the Governor in Council, examine . . . . . every Bill introduced in or presented to the House of Commons, in order to ascertain whether any of the provisions thereof are inconsistent with the purposes and provisions of this Part and he shall report any such inconsistency to the House of Commons at the first convenient opportunity."*

Pursuant to this section, the *Canadian Bill of Rights Examination Regulations*, SOR/61-16, require the Minister, when he finds such inconsistencies in a Bill, to deposit a written report thereon with the Clerk of the House under *Standing Order 40.*

Private members, whose interests inform them of apparent violations of human rights in a law of Canada, thus now are provided by Parliament through the *Canadian Bill of Rights* with a procedure to test the validity of any such grievance and, so, abandon the grievance if invalid, or, if valid, propose an amendment to the law, to remove such grievance.

The purposes of this Bill, it being a copy of the *Fisheries Act*, 1952 Revised Statutes, chap. 119, with a final clause added to repeal that Act, therefore are:

1. To determine whether any of the provisions of this Bill are inconsistent with the *Canadian Bill of Rights:* in particular, the provisions of *clause 35* which empower a fishery officer to accuse a person of violating the fisheries laws and then to adjudicate on that person's guilt or innocence; the provisions of *clause 64* (see also *clauses 19(1) and 55(1)(b)*) which empower a fishery officer to confiscate to the Crown, without a hearing, the property rights of persons in vessels, boats, automobiles and other vehicles, fishing equipment and fish, when, in the officer's opinion, such property is connected with an offense against the fisheries laws although, in fact, no offence is charged against a suspected or other person and even when the person who is deprived of his ownership is admittedly innocent of any offence, e.g., a lessor, chattel mortgagee, or innocent purchaser; the provisions of *clause 75* which deny a person an appeal to the Courts or to the Minister of Fisheries for restitution of his confiscated property if the confiscation is not coupled with a criminal charge and, consequently, deny a person who is not a party to a charge, as being obviously innocent, any appeal whatsoever in respect of his confiscated property.

(ii) the unintentional or incidental catching of any fish that may not then be taken, when legally fishing for other fish;

"Minister." (*h*) "Minister" means the Minister of Fisheries.

APPLICATION.

Provincial rights not affected.

3. Nothing in this Act shall be taken to authorize the granting of fishery leases conferring an exclusive right to fish in property belonging not to Canada but to some province thereof.

Licences to take spawn.

4. Nothing in this Act precludes the granting by the Minister of written permission to obtain fish and fish spawn for purposes of stocking or artificial breeding or for scientific purposes.

Appointment of fishery officers.

5. (1) There may be appointed in the manner authorized by law, fishery officers, whose powers and duties are as defined by this Act and the regulations, and by instructions from the Minister, and whose titles are as specified in their appointments.

Fishery officers are justices of the peace.

(2) Every fishery officer is for all the purposes of this Act and the regulations a justice of the peace during his term of office as a fishery officer.

Fishery guardians.

(3) The Minister may appoint fit and proper persons to act as fishery guardians, who hold office during the pleasure of the Minister, and who have for the purposes of this Act and the regulations the powers of a police constable.

Oath of office.

6. Every fishery officer and fishery guardian shall take and subscribe an oath in the form following, that is to say:

I, A.B., a fishery officer (or guardian) in and for the District of.....do solemnly swear that to the best of my judgment, I will faithfully, honestly, and impartially fulfil, execute and perform the office and duty of such officer (or guardian) according to the true intent and meaning of the *Fisheries Act* and regulations and in accordance with my instructions. So help me God.

FISHERY LEASES AND LICENCES.

Fishery leases and licences.

7. The Minister may, in his absolute discretion, wherever the exclusive right of fishing does not already exist by law, issue or authorize to be issued, leases and licences for fisheries or fishing, wheresoever situate or carried on; but

If for more than nine years.

except as hereinafter provided, leases or licences for any term exceeding nine years shall be issued only under authority of the Governor General in Council.

2. If the Minister of Justice reports to the House that any of the provisions of this Bill are inconsistent with the *Canadian Bill of Rights*, this Bill can be amended accordingly to provide a revision of the *Fisheries Act* that does not abrogate, abridge or infringe human rights and fundamental freedoms.

Power to prescribe fees for fishery licences.

8. Except where licence fees are prescribed in this Act, the Governor in Council may from time to time prescribe the fees that shall be charged for fishery licences.

Minister may cancel licence.

9. The Minister may cancel any lease or licence issued under the authority of this Act, if he has ascertained that the operations under such licence were not conducted in conformity with its provisions.

SEAL FISHING.

Sedentary seal fisheries not to be disturbed.

10. (1) No one shall with boat or vessel or in any other way during the time of fishing for seals, knowingly or wilfully disturb, impede or injure any sedentary seal fishery, or prevent, or impede the shoals of seals from coming into such fishery or knowingly or wilfully frighten such shoals.

Disputes as to seal fisheries how settled.

(2) Disputes between occupiers of seal fisheries concerning limits and the mode of fishing or setting nets shall be decided summarily by any fishery officer or justice of the peace, by whom arbitrators may be appointed to assess damages; and any damages assessed or which arise out of a repetition or continuance of the difficulty ordered to be remedied, may be levied under the warrant of any fishery officer or justice of the peace.

SALMON FISHING.

Fry, parr or smolt, not to be killed.

11. Salmon fry, parr and smolt shall not at any time be fished for, caught or killed, and no salmon or grilse of less weight than three pounds shall be caught or killed, otherwise than by angling with hook and line.

Use of nets regulated.

12. The use of nets, weirs or other apparatus of a like nature for the capture of salmon shall be confined to tidal waters except where otherwise provided by regulation and, where not otherwise specified by law, any fishery officer may determine the length and place of each net or other apparatus used in any of the waters of Canada.

Distance of nets apart.

13. All stationary nets, or other stationary appliances for the capture of salmon, shall be placed at distances of not less than two hundred and fifty yards apart, without intermediate fishing nets or appliances of any kind being set or used.

Space between nets and dimensions of nets.

14. Any fishery officer may direct, either in writing or orally on sight, that a greater space than two hundred and fifty yards shall be left between stationary salmon nets or other stationary fishing apparatus.

As to Spawning rivers.

15. In the Provinces of Nova Scotia, New Brunswick, Prince Edward Island and Quebec no slamon shall be fished for, caught or killed otherwise than by angling with hook and line, within two hundred yards of the mouth of any tributary of any creek or stream which salmon frequent to spawn.

LOBSTER FISHERIES.

Annual returns to Minister by owner or manager of lobster factory.

16. The owner or manager of every lobster factory or canning establishment shall by the date fixed by the Minister for that purpose, deliver to the fishery officer for the district on a form provided by the Minister a statement under oath showing,

(*a*) the number of fishermen employed, and of the lobster traps used in connection with his factory or canning establishment;

(*b*) the number of persons employed in such factory or canning establishment, distinguishing the sexes;

(*c*) the number of cases of lobsters, and the weights thereof, packed during the legal lobster fishing season last conducted and ended; and

(*d*) such other details and particulars as are required by the Minister.

Licences for lobster pounds.

17. (1) No one shall maintain a pound or enclosure in which lobsters, legally caught during the open season, shall be retained for sale during the close season at a place where the pound or enclosure is located, or for export therefrom, except under a licence from the Minister, and no lobsters shall be taken from any such pound or enclosure, and disposed of during the close season at the place where it is located, except under a certificate from a fishery officer or fishery guardian, setting forth the pound from which the lobsters were taken and that they had been legally caught during the open season.

Marking of pounds.

(2) Each such pound or enclosure shall be marked with the name of the licensee and the number of his licence. Such marking shall be in black on a white ground, and the letters and figures shall be at least six inches in height.

Fee.

(3) The annual fee for such licence shall be seventy-five dollars.

POSSESSION OF FISH.

Possession or sale of fish prohibited.

18. No one, without lawful excuse, the proof whereof lies on him, shall fish for, buy, sell or have in his possession any fish, or portion of any fish, at a place where at that time fishing for such fish is prohibited by law.

Seizure and confiscation of fish.

19. (1) Every Customs officer, police officer or constable, clerk of a market or other person in charge of any market-place in any village, town or city, may seize and, upon view, confiscate any fish caught or killed during prohibited seasons, or that appears to have been killed by unlawful means.

Report of seizures with particulars to fishery officer.

(2) Every such seizure and confiscation, with the date, place and circumstance thereof, shall together with the name, residence and calling of the person in whose possession such fish was found, be duly reported to the nearest fishery officer.

CONSTRUCTION OF FISHWAYS.

Fishways to be made as fishery officer directs.

20. (1) Every slide, dam or other obstruction across or in any stream where the Minister determines it to be necessary for the public interest that a fish-pass should exist, shall be provided by the owner or occupier with a durable and efficient fishway, or canal around the slide, dam or other obstruction, which shall be maintained in a good and effective condition by said owner or occupier, in such place and of such form and capacity as will in the opinion of the Minister satisfactorily permit the free passage of fish through the same; where it is determined by the Minister in any case that the provision of an efficient fishway or canal around the slide, dam or other obstruction is not feasible, or that the spawning areas above such slide, dam or other obstruction are destroyed, the Minister may require the owner or occupier of such slide, dam or other obstruction to pay to him from time to time such sum or sums of money as he may require to construct, operate and maintain such complete fish hatchery establishment as will in his opinion meet the requirements for maintaining the annual return of migratory fish.

Place, form, etc.

(2) The place, form and capacity of the fishway or canal to be constructed must be approved by the Minister before construction thereof is begun; and immediately after the fishway is completed and in operation the owner or occupier of any dam or obstruction shall make such changes and adjustments at his own cost as will in the opinion of the Minister be necessary for its efficient operation under actual working conditions, if such are found to be needed.

To be kept open.

(3) The owner or occupier of every fishway or canal shall keep it open and unobstructed and shall keep it supplied with such sufficient quantity of water as the Minister considers necessary to enable the fish frequenting the waters in which such fishway or canal is placed to pass through the same during such times as are specified by any fishery officer; and where leaks in a dam cause a fishway therein to be inefficient, the Minister may require the owner or occupier of such dam to prevent such leaks therein.

Minister may pay one-half of cost.

(4) The Minister may authorize the payment of one-half of the expense incurred by such owner or occupier in constructing and maintaining any fishway or canal; and after a fishway or canal that has been duly approved by the Minister has been built at the cost of the owner or occupier of any slide, dam or other obstruction, or after such owner or occupier has paid one-half the cost thereof and such fishway or canal thereafter proves to be ineffective, except as provided in subsection (2), the total cost of any change in such fishway or canal or any new fishway or canal required to enable the fish to pass by such slide, dam or other obstruction, shall be paid by Her Majesty.

May construct and recover the cost in certain cases.

(5) The Minister, in order to procure the construction of any fishway or canal, pending proceedings against any owner or occupier for the penalty imposed by this Act, may make and complete the same forthwith, and may authorize any person to enter upon the premises with the necessary workmen, means and materials for such purpose and may recover from the owner or occupier the whole expense so incurred by action in the name of Her Majesty.

May May remove or destroy after notice.

(6) Where unused slides, dams, obstructions, or anything detrimental to fish exist, and the owner or occupier thereof does not after notice given by the Minister remove the same, or if the owner is not resident in Canada, or his exact place of residence is unknown to the Minister, the Minister may, without being liable to damages, or in any way to indemnify the said owner or occupier, cause such slide, dam, obstruction, or thing detrimental to fish life to be removed or destroyed and in cases where notice has been given to the owner or occupier, may recover from said owner or occupier the expense of so removing or destroying the same.

Minister may require fish stops or diverters.

(7) The Minister may require the owner or occupier of any slide, dam or other obstruction to install and maintain such fish stops or diverters, both above and below any dam or obstruction as will in his opinion be adequate to prevent the destruction of fish or to assist in providing for their ascent.

To provide water for the descent of fish.

(8) At every slide, dam or other obstruction, where the Minister determines it to be necessary the owner or occupier thereof shall, when required by the Minister, provide a sufficient flow of water over the spillway or crest, with connecting sluices into the river below to permit the safe and unimpeded descent of fish.

To provide protection during construction.

(9) The owner or occupier of any slide, dam or other obstruction shall make such provision as the Minister determines to be necessary for the free passage of both ascending and descending migratory fish, during the period of construction thereof.

Minister may require water for river bed below dam.

(10) The owner or occupier of any slide, dam or other obstruction shall permit to escape into the river bed below the said slide, dam or other obstruction, such quantity of water, at all times, as will, in the opinion of the Minister, be sufficient for the safety of fish and for the flooding of the spawning grounds to such depth as will, in the opinion of the Minister, be necessary for the safety of the ova deposited thereon.

GENERAL PROHIBITIONS.

Fishing in limits leased to another prohibited.

21. No one shall fish for, take, catch or kill fish in any water, or along any beach, or within any fishery described in any lease or licence, or place, use, draw or set therein any fishing gear or apparatus, except by permission of the occupant under such lease or licence for the time being, or shall disturb or injure any such fishery.

Seines, nets, etc., not to obstruct navigation.

22. Seines, nets or other fishing apparatus shall not be set or used in such manner or in such place as to obstruct the navigation of boats and vessels and no boats or vessels shall destroy or wantonly injure in any way seines, nets or other fishing apparatus lawfully set.

Stakes to be removed.

23. Every person using stakes, posts, buoys or other materials placed for fishing purposes in any water shall remove the same within forty-eight hours after ceasing to use them, and in all cases at the expiry of the fishing season.

Main channel not to be obstructed.

24. (1) One-third of the width of any river or stream, and not less than two-thirds of the width of the main channel at low tide, in every tidal stream shall be always left open, and no kind of net or other fishing apparatus, logs, or any material of any kind shall be used or placed therein.

Use of weirs for eel-catching prevented in certain cases.

(2) The use of weirs for catching eels exclusively, and the use of dams for catching eels, shall be prevented only in cases where, and at times when they injure other fisheries or, by completely barring any passage, they deprive other weirs of a share in the run of eels; and such place, time and circumstances may be determined by any fishery officer.

No net or device to prevent passage of fish.

(3) The Minister may authorize the placing and maintaining of barriers, screens, or other obstructions, in streams to prevent the escape of fish held for fish breeding purposes, or any other purpose that he deems in the public interest, and no person shall injure any such barrier, screen or other obstruction.

Killing fish when passing through fishways, etc., prohibited.

25. No one shall injure or obstruct any fishway or canal built, constructed or used to enable fish to pass over or around any slide, dam or other obstruction or do anything to stop, impede or hinder fish from entering or passing the same or to stop, impede or hinder fish from surmounting any obstacle or leap, nor shall any one fish in any manner within twenty-five yards downstream from the lower entrance to any fishway or canal, obstacle or leap.

Use of explosives prohibited.

26. No one shall hunt or kill fish or marine animals of any kind, other than porpoises, whales, walruses, sea lions and hair seals, by means of rockets, explosive materials, or explosive projectiles or shells.

Nets, weirs, etc., not to obstruct passage of fish.

27. No one shall erect, use or maintain in any of the waters of Canada whether subject to any exclusive right of fishery or not, any net, weir, or other device which unduly obstructs the passage of fish; and the Minister or any fishery officer may order the removal of or remove any net, weir, or other device which, in the opinion of the Minister or any fishery officer, unduly obstructs the passage of fish.

Fish guards only where Minister deems it necessary.

28. (1) In the Provinces of British Columbia, Manitoba, Saskatchewan and Alberta, the Northwest Territories and the Yukon Territory, every ditch, channel or canal constructed or adapted for conducting water from any lake, river or stream, for irrigating, manufacturing, domestic or other purposes, shall if the Minister deems it necessary in the public interest, be provided at its entrance or intake with a fish guard or a metal or wire grating, covering or netting, so fixed as to prevent the passage of fish from any lake, river or stream into such ditch, channel or canal.

Structure of fish guards.

(2) Such fish guards shall have meshes or holes of such dimensions as the Minister may prescribe, and shall be built and maintained by the owner or occupier of such ditch, channel or canal, subject to the approval of the Minister or of such officer as he may appoint to examine it.

Duty of owner to keep in repair.

(3) The owner or occupier of such ditch, channel or canal shall maintain such fish guard in a good and efficient state of repair, and shall not permit its removal except for renewal or repair, and during the time such renewal or repair is being effected the sluice or gate at the intake or entrance shall be closed, and the passage of fish into the ditch, channel or canal prevented.

Permit required to catch, trade in or export fish for manure.

29. No one shall catch, fish for, take, buy, sell, possess or export any fish for the purposes of converting it into fish meal, manure, guano, or fertilizer, or for the manufacture or conversion of such fish into oil, fish meal or manure or other fertilizing product, except under authority of the Minister; but the Minister may by notice published in the *Canada Gazette*, except any kind or kinds of fish from the operation of this section or any part of this section, and may at any time by a notice similarly published, withdraw such exception.

Eggs and fry not to be destroyed.

30. The eggs or fry of fish on the spawning grounds, shall not at any time be destroyed.

Fish not to be caught outside territorial waters when catching is forbidden in such waters.

31. No one shall leave any port or place in Canada to fish outside the territorial waters of Canada for fish the catching of which is at such time prohibited in the territorial waters of Canada opposite to or nearest the place where such person proposes to fish, and no one shall bring into Canada any fish caught outside the territorial waters of Canada when fishing for such fish is prohibited inside the territorial waters of Canada opposite or nearest to the place where such fish was caught, or shall bring into Canada any vessels, boats, nets, fishing gear, implements or appliances used in such fishing.

Purse seine not to be used except under licence.

32. No one shall use a purse seine in any of the waters of Canada, except under licence from the Minister for the taking of salmon, pilchard, herring, smelts, mackerel and pollock.

INJURY TO FISHING GROUNDS AND POLLUTION OF WATERS.

Throwing overboard of certain substances prohibited.

33. (1) No one shall throw overboard ballast, coal ashes, stones, or other prejudicial or deleterious substances in any river, harbour or roadstead, or in any water where fishing is carried on, or leave or deposit or cause to be thrown, left or deposited, upon the shore, beach or bank of any water or upon the beach between high and low water mark, remains or offal of fish, or of marine animals, or leave decayed or decaying fish in any net or other fishing apparatus; such remains or offal may be buried ashore, above high water mark.

Offal may be buried ashore, etc.

Lime, etc., prohibited.

(2) No person shall cause or knowingly permit to pass into, or put or knowingly permit to be put, lime, chemical substances or drugs, poisonous matter, dead or decaying fish, or remnants thereof, mill rubbish or sawdust or any other deleterious substance or thing, whether the same is

of a like character to the substances named in this section or not, in any water frequented by fish, or that flows into such water, nor on ice over either such waters.

Slash, stumps, etc., prohibited.

(3) No person engaging in logging, lumbering, land clearing or other operations, shall put or knowingly permit to be put, any slash, stumps or other debris into any water frequented by fish or that flows into such water, or on the ice over either such water, or at a place from which it is likely to be carried into either such water.

REGULATIONS.

Governor in Council may make fishery regulations.

34. (1) The Governor in Council may make regulations

(*a*) to prevent or remedy the obstruction and pollution of streams;

(*b*) to regulate and prevent fishing;

(*c*) to prohibit the destruction of fish or eggs of fish;

(*d*) to forbid fishing except under authority of leases or licences;

(*e*) prescribing the time when and the manner in which fish may be fished for and caught;

(*f*) to prohibit the export of any fish or any portion of any fish from Canada or the taking or carrying of fish or any portion of any fish from any one province of Canada to any other province thereof;

and without restricting the foregoing provisions of this section,

(*g*) generally as may be necessary for the proper management and regulation of the sea-coast and inland fisheries.

Offences against regulations.

(2) Every offence against any regulation may be stated as in violation of this Act.

POWERS OF FISHERY OFFICERS AND OTHER JUSTICES.

Fishery officer may convict on view.

35. Any fishery officer or justice of the peace may, on view, convict any person committing any of the offences punishable under the provisions of this Act, or under any regulations, and may remove and detain any fish unlawfully caught and any boat, vessel, fishing apparatus or other materials used in committing any offence or in connection therewith, or which such fishery officer or justice of the peace has reason to believe was so used.

Search may be made or authorized under warrant.

36. Any fishery officer or justice of the peace may search, break open and search, or grant a warrant to search, any house, vessel or place where he has reason to believe that any fish taken in violation of this Act, or of any regulation, or anything used in violation thereof, is concealed.

Arrest.

37. Any fishery officer, fishery guardian or peace officer may arrest without warrant a person whom he, on reasonable and probable grounds, believes to have committed an offence against this Act or any regulation, or whom he finds committing or preparing to commit an offence against this Act or any regulation.

In what locality offence may be prosecuted.

38. Where any offence under this Act is committed in, upon or near any waters forming the boundary between different counties or districts, or fishery districts, such offence may be prosecuted before any justice of the peace in either of such counties or districts, or before any fishery officer for either fishery district.

Interfering with officer in discharge of his duty.

39. Every one who resists or wilfully obstructs any fishery officer or fishery guardian in the execution of his duty, or any person acting in aid of such officer or guardian, is guilty of an offence punishable on indictment, or on summary conviction, and liable if convicted on indictment to a term not exceeding two years' imprisonment, and on summary conviction to a term not exceeding six months' imprisonment with hard labour or to a fine of one hundred dollars.

Entry by fishery officer.

40. In the discharge of his duties any fishery officer, fishery guardian or other person or persons accompanying him or authorized to such effect by the fishery officer, may enter upon and pass through or over private property without being liable for trespass.

Disputes how settled.

41. Disputes between persons relative to fishing limits or claims to fishery stations, or relative to the position and use of nets and other fishing apparatus, shall be settled by the local fishery officer.

Distances between fisheries.

42. Fishery officers may determine or prescribe the distance between each and every fishery and shall forthwith remove any fishing apparatus or materials that the owner neglects or refuses to remove; and such owner is liable for a violation of this Act, and for the cost of removing such apparatus and materials and any damages that may result therefrom.

Boundaries of estuary fishing.

43. The Minister, or any fishery officer duly authorized by the Minister, has power to define the boundaries of tidal waters and estuaries and to designate what is the mouth of any river, stream or other water for the purposes of this Act.

Gurry grounds.

44. Gurry grounds may be designated or defined by any fishery officer.

Certain officers to have powers of a justice of the peace.

45. Any fishery officer, stipendiary magistrate, or commissioned officer of Her Majesty's navy, on board of any vessel belonging to or chartered by the Government of Canada, employed in the service of protecting the fisheries, and every commissioned officer of Her Majesty's navy serving on board of any vessel cruising and being in the waters, harbours or ports of Canada, shall, for the purpose of affording protection to Her Majesty's subjects engaged in the fisheries, and of enforcing any laws relating to such fisheries, have and exercise the powers of a justice of the peace, without property qualification, and without taking any oath of office, in all the waters, where for the time being and for the purposes above described, they are so engaged.

Property seized, how dealt with.

46. Property seized by any fishery officer, stipendiary magistrate, or naval officer, acting as aforesaid, may be removed for disposal to the nearest or most convenient port or place where any revenue officer or other public officer empowered to deal with the matter resides.

Powers of officers, etc., as to detention of prisoners.

47. (1) Whenever it is impracticable for any fishery officer, stipendiary magistrate or naval officer, acting in such capacity, to cause any prisoner to be conveyed to, and committed to the nearest common gaol, he may detain him on board of the vessel, or transfer him to another vessel for conveyance to and delivery at the most convenient place, and with all convenient despatch, where he can be duly committed into the custody of the sheriff or other officer of the county or district in which the common gaol is situated to which he is ordered to be committed.

Conveyance of prisoners.

(2) Until such prisoner is so delivered into the immediate custody of any sheriff or gaoler the fishery officer, stipendiary magistrate or naval officer having him in charge, shall have, in all places through which it is necessary to convey such prisoner, the same authority and power in regard to such prisoner, and to command the aid of any of Her Majesty's subjects in preventing his escape, or in retaking him in case of escape, as any county or district sheriff or peace officer has while lawfully conveying a prisoner from one part of his own district to another.

Where the offence shall be held to have been committed.

(3) Every such offence shall be deemed to have been committed in the county or district to the common gaol of which the commitment has been actually made.

Lease of waters for propagation of fish.

48. The Minister may authorize to be set apart any river or other water for the natural or artificial propagation of fish.

Special licences for oyster beds.

49. Special licences and leases for any term of years may be granted to any person who wishes to plant or form oyster beds in any of the bays, inlets, harbours, creeks or rivers, or between any of the islands on the coast of Canada; and the holder of any such lease or licence has the exclusive right to the oysters produced or found on the beds within the limits of such lease or licence.

Authority to provinces to grant leases for oyster cultivation.

50. (1) The Governor in Council may, upon such terms and conditions as are agreed upon, authorize the government of any province to grant leases of such areas of the sea coast, bays, inlets, harbours, creeks, rivers and estuaries of such province as the government of such province considers suitable for the cultivation and production of oysters, and any persons to whom such leases are granted by such province, subject to the fishery regulations of Canada, have the exclusive right to the oysters produced or found on the beds within the limits of their respective leases.

Rights of Canada preserved.

(2) In the event of such areas, or any part thereof, being in a public harbour, nothing in this section prejudices the right or title of Canada to the enjoyment and use of such harbour for every purpose other than the cultivation and production of oysters.

As to right to use vacant public property for fishing purposes.

51. (1) Every subject of Her Majesty may use vacant public property, such as by law is common and accessory to public rights of fishery and navigation for the purpose of landing, salting, curing and drying fish, and may cut wood thereon for such purposes, and no other person shall occupy the same station unless it has been abandoned by the first occupant for twelve consecutive months; and at the expiration of that period any new occupier shall pay the value of the flakes and stages and other property thereon, of which he takes possession, or the buildings and improvements may be removed by the original owner.

(2) No property leased or licensed shall be deemed vacant.

Returns of quantity of fish caught, etc., etc.

52. The owner or manager of every fish curing or canning establishment or fresh fish business, and the captain or owner of every fishing vessel, and the owner of every fishing boat, fishing trap, weir or other fishing instrument in Canada, shall, at the request of the Minister or a fishery

officer, furnish a true return, covering the period specified by the Minister or such fishery officer, containing the whole or any one or more of the following particulars:

(*a*) all fish caught;
(*b*) all fish bought;
(*c*) all fish packed or canned;
(*d*) the value of the fish caught, bought, packed or canned;
(*e*) the number of fishermen employed and their nationality;
(*f*) the number of shore workers employed;
(*g*) the number and value of the fishing vessels and boats employed;
(*h*) the quantity and value of fishing gear used;
(*i*) the number and value of buildings and fixtures used; and
(*j*) such other details and particulars as may be required by the Minister or such fishery officer.

PROTECTION OF FISHERMEN.

Boats to be provided with necessaries for their crew, when on fishing cruises.

53. (1) No dory, flat or other boat whatsoever shall set out from any vessel engaged in deep-sea or bank fishing or be launched therefrom for the purpose of fishing with hooks and lines, trawls or other similar appliances, or with intent that the same shall be used in so fishing, or for the purpose of examining trawls, set lines or other similar appliances for fishing, unless there is placed in such boat, to be retained therein during absence from such vessel, a mariner's compass, nor unless there is placed in such boat at least two quarts of drinking water and two pounds of solid food for each man of the crew of such boat.

Compass, fog-horn, etc.

(2) The owner of such vessel shall supply her at the commencement of her voyage with as many serviceable mariner's compasses as she carries boats, in addition to the vessel's compass, and also with the necessary utensils for holding water and with a serviceable fog-horn or trumpet.

No clearance without certificate of equipment.

(3) No collector or other Customs officer shall grant a clearance to such vessel or allow her to go to sea unless the master thereof has a certificate from a fishery officer or other person authorized by the Minister to give such certificates that the vessel is properly equipped with a mariner's compass and suitable utensils for holding water for each boat carried by her and with a serviceable fog horn or trumpet.

Failure to send returns to Minister.

54. Every owner or manager of a lobster factory or canning establishment who neglects by the date fixed by the Minister for that purpose, to send to or furnish the fishery officer for the district on the form prescribed by the Minister a statement under oath, showing

(*a*) the number of fishermen employed, and of the lobster traps used in connection with his factory or canning establishment;

(*b*) the number of persons employed in such factory or canning establishment, distinguishing the sexes;

(*c*) the number of cases of lobsters, and the weights thereof, packed during the legal lobster fishing season last concluded and ended; and

(*d*) such other details and particulars as are required by the Minister;

Penalty.

is liable to a penalty of not less than one hundred dollars and costs, and not more than four hundred dollars and costs.

Penalty for using trawls.

55. (1) Every person is guilty of an offence, and shall incur therefor a penalty of not less than one hundred dollars and not more than two thousand dollars, recoverable with costs upon summary conviction, who at any time, except under licence from the Minister,

Departure from Canadian port.

(*a*) with intent to fish or to cause any other person to fish with a vessel that uses an "otter" or other trawl of a similar nature for catching fish in the sea, leaves or departs from any port or place in Canada for the purpose of such fishing; or

Bringing in fish caught beyond territorial waters.

(*b*) knowingly brings into Canada any fish taken or caught in the sea beyond the territorial waters of Canada with any vessel that uses an "otter" or other trawl of a similar nature, or any vessel that uses an "otter" or other trawl of a similar nature for catching fish in the sea beyond the territorial waters of Canada, if the leaving or departure from Canada of such vessel constituted an offence under this section, and the fish or vessel so brought in shall be confiscated to Her Majesty for violation of this Act, in the manner provided by section 64.

Vessels to be registered.

(2) No such vessel shall carry on fishing operations from or to any Canadian port or ports, unless such vessel is registered as a British ship in Canada and is owned by a Canadian or by a body corporate incorporated under the laws of Canada or of one of the provinces thereof, and having its principal place of business in Canada.

Fishing restricted to 12 mile limit.

(3) No such vessel shall carry on fishing operations from or to any Canadian port or ports, unless it restricts its fishing operations to waters that are at least twelve miles distant from the nearest shore on the Atlantic sea coast of Canada; the proof that such fishing operations are so restricted at all times lies on the captain of the vessel; but this subsection does not apply to small draggers operated by inshore fishermen if exempted from the provisions of this subsection by special permit which the Minister is hereby authorized to issue for that purpose; and in the application of this subsection to the coasts of Newfoundland the words "three miles" shall be substituted for the words "twelve miles".

Exception.

"Three miles" for "twelve miles", limit.

Licences.

(4) The Minister may determine the number of such vessels that shall be eligible to be licensed.

Regulations.

(5) Regulations may be made under the provisions of section 34

(*a*) prescribing the form of licence;

(*b*) specifying the evidence to be submitted with an application for a licence;

(*c*) fixing the conditions under which a licence shall be issued; and

(*d*) making any other provisions respecting licences.

Burden of proof.

(6) The burden of proving absence of intent or knowledge, when intent or knowledge is necessary to constitute an offence under this section, lies upon the person accused, and intent or knowledge shall be presumed unless negatived by proof.

Refusal or neglect of dam owner, etc., to provide fishway.

56. Every owner or occupier of a slide, dam or other obstruction across or in any stream,

(*a*) where the Minister determines it to be necessary for the public interest that a canal around a dam or a fish-pass therein, should exist, who, after three days' notice in writing, neglects or refuses to provide a durable and efficient fishway or canal, or who neglects or refuses to maintain the same in a good and effective condition in such place and of such form and capacity as will admit of the passage of fish;

(*b*) where the Minister requires the installation and maintenance of such fish stops or diverters as will in his opinion be adequate to prevent the destruction of fish and to assist in providing for their ascent, who after three days' notice in writing, neglects or refuses to provide the same; or

(*c*) where the Minister determines it to be necessary to provide a sufficient flow of water over the spillway or crest, with connecting sluices into the river below, to permit the safe and unimpeded descent of fish, who after three days' notice in writing, neglects or refuses to provide such

Penalty.

is liable to a penalty of not less than four dollars and not more than twenty dollars for each day or part of a day during which such notice is not complied with.

Minister may assess owner of obstruction.

57. (1) Where the Minister determines that the provision, which he deems necessary for the public interest, of an efficient fishway or canal around any slide, dam or other obstruction is not feasible or that the spawning areas above such slide, dam or other obstruction are destroyed by reason of any such obstruction, the owner or occupier of any such slide, dam or other obstruction shall from time to time pay to the Receiver General such lump sum or annual sum of money as may be assessed against him by the Minister for the purpose of constructing, operating and maintaining such complete hatchery establishment as will, in the opinion of the Minister, meet the requirements for maintaining the annual return of migratory fish.

Assessment recoverable upon suit in Exchequer Court.

(2) Such lump sum or annual sum shall be payable at such time or times as the Minister may direct and may be sued for and recovered with full costs of suit in the Exchequer Court of Canada.

Use of rockets or explosives.

58. Every person who hunts or kills fish or marine animals of any kind, other than porpoises, whales, walruses, sea lions and hair seals, by means of rockets, explosive materials or explosive projectiles or shells, is liable to a

Penalty.

penalty of not less than one hundred dollars and costs, or to imprisonment for not less than three months, or both, and not more than five hundred dollars and costs or to imprisonment for six months or both.

Neglect or refusal to provide and maintain fishguards.

59. In the Provinces of British Columbia, Manitoba, Saskatchewan and Alberta, and in the Northwest Territories and the Yukon Territory every owner of a ditch, channel or canal constructed or adapted for conducting water from any lake, river or stream for irrigating, manufacturing, domestic or other purposes, who

(*a*) neglects or refuses to provide and maintain in a good and sufficient state of repair at its entrance or intake a fishguard or a metal or wire grating, covering or netting with meshes of such dimensions as the Minister may prescribe, approved by the Minister or such officer as he from time to time appoints to examine it, and so fixed as to prevent the passage of fish from any lake, river or stream into such ditch, channel or canal;

(*b*) permits the removal of such fishguard, grating or netting, except for renewal or repair; or

(*c*) during the time such renewal or repair is being effected, neglects or refuses to close the sluice or gate at the intake or entrance of such ditch, channel or canal, so as to prevent the passage of fish into such ditch, channel or canal;

Penalty.

is, after three days' notice in writing from the Minister, or from a fishery officer, liable to a penalty of not less than four dollars and not more than twenty dollars for each day or part of a day during which such ditch, channel or canal remains unprovided with such duly approved, and properly maintained netting, grating or fishguard or closed as the case may be.

Throwing overboard prohibited substances.

60. Every one who, contrary to the provisions of this Act throws overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbour or roadstead or any water where fishing is carried on, or leaves or deposits or causes to be thrown, left or deposited, upon the shore, beach or bank of any water, or upon the beach between high and low water mark, remains or offal

Penalty.

of fish or of marine animals, or leaves decayed or decaying fish in any net or other fishing apparatus, is liable, for each offence, to a penalty not less than twenty dollars and costs and not more than one hundred dollars and costs, or to imprisonment for a term not exceeding two months; and every one so offending, whether master or servant, and the master or owner of any vessel or boat from which such ballast or offal, or other prejudicial substance is thrown, is liable to penalty and imprisonment as aforesaid for each offence.

Depositing lime, etc., in water frequented by fish.

61. Every person who causes or knowingly permits to pass into, or puts or knowingly permits to be put, lime, chemical substances or drugs, poisonous matter, dead or decaying fish, or remnants thereof, mill rubbish or sawdust or any other deleterious substance or thing, whether the same is of the like character to the substances named in this section or not, in any water frequented by fish, is liable, for the first offence, to a penalty of twenty dollars and costs, for the second offence, to a penalty of not less than forty dollars and costs, and not more than eighty dollars and costs, and also in addition thereto a further penalty of not less than ten dollars and not more than twenty dollars for every day during which such offence is continued; and for the third or any subsequent offence, to a penalty of not less than one hundred dollars and costs, and not more than two hundred dollars and costs, and also in addition thereto a further penalty not exceeding twenty dollars for every day during which such offence is continued.

Injuring or fishing in place leased for the propagation of fish.

62. Every person who wilfully destroys or injures any place set apart under the authority of the Minister for the propagation of fish, or who fishes therein without written permission from a fishery officer, or uses therein any fishing light or other implement for fishing during the period for which such waters are so set apart, is liable to a penalty of not less than fifty dollars and costs and not more than two hundred dollars and costs, and, in default of payment, to imprisonment for a term not less than six months, and not more than twelve months or both.

Penalty.

Not providing compasses, etc., for boats.

63. (1) The owner of any vessel who

(*a*) permits any dory, flat or other boat whatsoever to set out from any vessel engaged in deep-sea or bank fishing, or to be launched therefrom for the purpose of fishing with hooks and lines, trawls, or other similar appliances, or with intent that the same shall be used in so fishing, or for the purpose of examining trawls, set lines or other similar appliances for fishing without there being placed in such boat to be retained therein during absence from such vessel, a mariner's compass, and at least two quarts of drinking water and two pounds of solid food for each man of the crew of such boat; or

(*b*) fails to supply any vessel by him so engaged in deep-sea or bank fishing, at the commencement of her voyage with as many serviceable mariner's compasses as she carries boats, in addition to the vessel's compass and also with the necessary utensils for holding water and with a serviceable fog-horn or trumpet;

Penalty.

is guilty of an offence against this Act, and is liable for each offence to a penalty of not less than two hundred dollars and costs and not more than five hundred dollars and costs, or to imprisonment for a term not less than six months and not exceeding twelve months, or both.

Penalty against master.

(2) The master of any such vessel from which a boat is launched or sets out in contravention of the provisions of this section is also guilty of an offence against this Act, and is liable therefor to a penalty of not less than one hundred dollars and costs and not more than two hundred and fifty dollars and costs, or to imprisonment for a term not less than six months, or to both.

Vessel going to sea without certificate of equipment.

(3) The owner and master of any such vessel that goes to sea or attempts to go to sea without first obtaining and exhibiting to the collector or other proper Customs officer a certificate from a fishery officer or other person authorized by the Minister to grant such certificates that the vessel is properly equipped with a mariner's compass and suitable

Penalty against owner and master.

utensils for holding water for each boat carried by her and with a serviceable fog-horn or trumpet, are each guilty of an offence against this Act and are each liable therefor to a penalty of not less than one hundred dollars and costs and not more than two hundred dollars and costs or to imprisonment for a term not exceeding six months.

Confiscation of all fishing property used, and all fish taken, bought, or sold in violation of Act.

64. All vessels, boats, canoes, rafts, vehicles of any description, nets, fishing gear, materials, implements or appliances used in violation of this Act or any regulation, or in connection with which a violation of this Act or any regulation, is committed and any fish, taken, caught, killed, conveyed, bought, sold or had in possession in violation of this Act or any regulation, and all other fish, otherwise legally taken, caught, killed, conveyed, bought, sold or had in possession and of whatever size and description, which are intermixed therewith, shall be confiscated to Her Majesty and may be seized and confiscated, on view, by any fishery officer, or taken and removed by any person for delivery to any fishery officer or justice of the peace.

Successive days separate offences.

65. Should any nets, seines, or other fishing apparatus be set or used in violation of this Act or any regulation for more than one day, then each day during which such seines, nets, or other fishing apparatus remain so set or used constitutes a separate offence, and may be punished accordingly; and should any other violation of this Act, or of any regulation, continue for more than one day, then each day during which such violation continues constitutes a separate offence, and may be punished as such.

Penalties not otherwise provided for.

66. Except as herein otherwise provided, every one who violates or prepares to violate any provision of this Act, or any regulation, is liable to a penalty of not more than one thousand dollars and costs, and, in default of payment, to imprisonment for a term not exceeding twelve months, or to both.

Who shall be liable.

67. When not otherwise specified every proprietor, owner, agent, tenant, occupier, partner or person actually in charge, either as occupant or servant, shall be deemed to be jointly and severally liable for any penalties or moneys recovered under any of the provisions of this Act, or of any regulation.

Offences by fishery officers.

68. Any fishery officer or fishery guardian, who violates this Act or any regulation, or who aids, abets or connives at any violation of this Act or of any regulation, is liable upon summary conviction before any recorder, commissioner of police, judge of the sessions of the peace, police,

Penalty.

stipendiary or district magistrate or any two justices of the peace, to a penalty not exceeding five hundred dollars and costs of six months' imprisonment and not less than one hundred dollars and costs or three months' imprisonment.

MODE OF RECOVERY.

Before whom to be sued for.

69. (1) Every penalty or forfeiture imposed by this Act or by any regulation, may be recovered or enforced on parole complaint, before any fishery officer, stipendiary magistrate or justice of the peace, in a summary manner.

Service of summons.

(2) Three days shall elapse between the service and the return day of the summons to any defendant served within fifteen miles, and one day more for each additional fifteen miles of the distance between the place at which the summons is issued and the place of service; but where it is expedient to proceed against a defendant without delay, any fishery officer or justice of the peace may issue a summons, returnable immediately, to compel the defendant to appear before him forthwith or may issue a warrant for the apprehension of such defendant simultaneously with the summons.

Limitation of suits.

70. Penalties incurred under this Act, or any regulation, shall be sued for within two years from the commission of the offence.

Distress of defendant's goods if any.

71. Where any defendant has goods and chattels whereon the costs may be levied, the complainant may, under the warrant of any fishery officer or other justice of the peace, distrain for the amount thereof, notwithstanding the imprisonment of the person convicted.

FORM OF PROCEDURE.

Form of procedure.

72. Except in so far as in this Act is otherwise specially provided all penalties and forfeitures incurred under this Act or under any regulation are recoverable and enforceable by summary proceedings taken under the provisions of the *Criminal Code* relating to summary convictions.

No quashing for want of form.

73. No proceeding or conviction under this Act or under any regulation under it shall be set aside or quashed on *certiorari* or otherwise for irregularity or defect in form, and no warrant of arrest or commitment shall be held void by reason of any defect therein, if it is therein alleged that the defendant has been convicted, and there is a good and valid conviction to sustain the same.

APPLICATIONS OF FINES AND FORFEITURES.

Fines and forfeitures.

74. The Governor General in Council may prescribe the manner in which the proceeds of penalties and the proceeds of the sale of confiscated articles shall be distributed.

Appeal in case of grievance by conviction.

75. Persons aggrieved by any conviction for any offence under this Act may appeal by petition to the Minister, who may remit penalties and restore forfeitures under this Act; but when a conviction takes place or an order is made by a justice of the peace or fishery officer for the payment of money or dismissing an information or complaint under this Act, nothing in this section prevents any person who thinks himself aggrieved by any such conviction or order or dismissal, the prosecutor or complainant, as well as the defendant, from the right of appeal that he has under the provisions of the *Criminal Code* relating to summary convictions.

REPEAL.

Repeal. R.S., c. 119.

76. The *Fisheries Act*, chapter 119 of the Revised Statutes of Canada, 1952, is repealed.

C-77.

Fourth Session, Twenty-Fourth Parliament, 9–10 Elizabeth II, 1960–61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-77.

An Act to provide for the Rehabilitation of Agricultural Lands and the Development of Rural Areas in Canada.

First reading, March 23, 1961.

THE MINISTER OF AGRICULTURE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24196-8

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-77.

An Act to provide for the Rehabilitation of Agricultural Lands and the Development of Rural Areas in Canada.

Preamble.

WHEREAS agriculture in Canada is undergoing technological changes that necessitate adjustments on the part of many Canadians engaged in this basic industry in order to maintain or raise their standard of living;

AND WHEREAS all Canadians, and Canadians engaged in agriculture in particular, may benefit by projects providing for the alternative uses of agricultural lands that are marginal or of low productivity, by projects for the development of new opportunities for increased income and employment in rural agricultural areas and by projects for the development and conservation of the soil and water resources of Canada;

AND WHEREAS such projects can best be advanced on the part of Canada by the undertaking of research and the providing of assistance to provincial governments and agencies thereof with respect to such projects;

NOW THEREFORE 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 *Agricultural Rehabilitation and Development Act.*

PROJECTS FOR THE ALTERNATIVE USES OF LAND.

Agreements for alternative land use projects authorized.

2. (1) The Minister of Agriculture (hereinafter referred to as the "Minister") may, with the approval of the Governor in Council, enter into an agreement with any province providing for

(*a*) the undertaking jointly with the government of the province or any agency thereof of projects for the more efficient use and economic development of marginal or submarginal agricultural lands specified in the agreement; or

(*b*) the payment to the province of contributions in respect of the cost of such projects undertaken by the government of the province or any agency thereof.

Research and investigation.

(2) The Minister may cause to be prepared and undertaken, directly or in co-operation with the government of any province or any agency thereof, programmes of research and investigation respecting the more effective use and economic development of agricultural lands in that province.

RURAL DEVELOPMENT PROJECTS.

Agreements for rural development projects authorized.

3. (1) The Minister may, with the approval of the Governor in Council, enter into an agreement with any province providing for

(*a*) the undertaking jointly with the government of the province or any agency thereof of projects for the development of income and employment opportunities in rural agricultural areas specified in the agreement and for improving standards of living in those areas; or

(*b*) the payment to the province of contributions in respect of the cost of such projects undertaken by the government of the province or any agency thereof.

Research and investigation.

(2) For the purpose of assisting the development of income and employment opportunities in rural agricultural areas in Canada and the improvement of standards of living in those areas, the Minister may cause to be prepared and undertaken with the government of any province or any agency thereof or with any university, educational institution or person, programmes of research and investigation, and co-ordinate such programmes with other similar programmes being undertaken in Canada.

Minister to make use of services, etc., of other departments.

(3) The Minister shall, in carrying out any project or research programme for the development of income and employment opportunities in rural agricultural areas, make use, wherever possible, of the services and facilities of other departments of the Government of Canada or of any agencies thereof.

Soil and Water Conservation Projects.

Agreements for soil and water conservation projects authorized.

4. (1) The Minister may, with the approval of the Governor in Council, enter into an agreement with any province providing for

(*a*) the undertaking jointly with the government of the province or any agency thereof of

(i) projects for the development and conservation of water supplies for agricultural purposes, and

(ii) projects for soil improvement and conservation that will improve agricultural efficiency in that province or in any area thereof specified in the agreement; or

(*b*) the payment to the province of contributions in respect of the cost of such projects undertaken by the government of the province or any agency thereof.

Research and investigation.

(2) The Minister may cause to be prepared and undertaken, directly or in co-operation with the government of any province or any agency thereof, programmes of research and investigation for the development and conservation of water supplies and for soil improvement and conservation in that province.

Terms and Conditions of Agreements.

Provisions to be included in agreements.

5. Every agreement entered into pursuant to this Act shall

(*a*) specify the respective proportions of the cost of any project to which the agreement relates that shall be paid by the Minister and the province, or the contribution in respect of any such project that shall be paid by the Minister, and the times at which such amounts to be paid by the Minister or the province shall be paid;

(*b*) specify the authority that shall be responsible for the undertaking, operation and maintenance of any project or any part thereof to which the agreement relates;

(*c*) specify the respective proportions of the revenues from any project to which the agreement relates that are to be paid to the Minister and the province; and

(*d*) specify the terms and conditions as to the operation and maintenance of any project to which the agreement relates and the charges, if any, to be charged to persons to whom any of the benefits of the project are made available.

GENERAL.

Advisory committees.

6. The Minister may, for the purpose of carrying out the purposes and provisions of this Act, establish such advisory committees as he deems necessary and appoint the members thereof, and the members of such committees are entitled to be paid reasonable travelling and living expenses while absent from their ordinary place of residence in the course of their duties.

Expenditures.

7. (1) All expenditures for the purposes of this Act shall be paid out of money appropriated by Parliament therefor.

Validity of agreements.

(2) No agreement entered into pursuant to this Act providing for the payment of any money by the Minister shall have any force or effect until such time as money has been appropriated by Parliament for the purpose of discharging any commitment under that agreement.

Regulations.

8. The Governor in Council may by regulation make provision for any matters concerning which he deems regulations are necessary or desirable to carry out the purposes and provisions of this Act.

Report.

9. The Minister shall, as soon as possible after the termination of each fiscal year, submit a report to Parliament respecting the operations for that year of the agreements made under this Act.

C-78.

Fourth Session, Twenty-Fourth Parliament, 9–10 Elizabeth II, 1960–61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-78.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1962.

AS PASSED BY THE HOUSE OF COMMONS, 24th MARCH, 1961.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24815–3

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-78.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1962.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency, Major-General Georges Philias Vanier, DSO., MC., Governor General of Canada, and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1962, 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, 1961.*

$638,909,350.10 granted for 1961-62.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole six hundred and thirty-eight million, nine hundred and nine thousand, three hundred and fifty dollars and ten cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1961, to the 31st day of March, 1962, not otherwise provided for, and being the aggregate of

(*a*) one-sixth 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, 1962, as laid before the House of Commons at the present session of Parliament, $614,823,482.50;

(*b*) one-half of the amount of the item in the Main Estimates set forth in Schedule A, $650,000.00;

(*c*) one-third of the amount of the item in the Main Estimates set forth in Schedule B, $233,333.34;

(*d*) one-sixth of the total of the amounts of the several items in the Main Estimates set forth in Schedule C, $2,038,429.67; and

(*e*) one-twelfth of the total of the amounts of the several items in the Main Estimates set forth in Schedule D, $21,164,104.59.

Purpose and effect of each item.

3. The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

Power to raise loan of $1,000,000,000 for public works and general purposes. R.S., c. 116.

4. (1) The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament, by any Act heretofore passed, raise by way of loan, under the *Financial Administration Act*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rates of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, not exceeding in the whole, the sum of one billion dollars, as may be required for public works and general purposes.

Lapse of prior borrowing powers.

(2) All borrowing powers that are authorized by section 4 of chapter 5 and by section 4 of chapter 48 of the statutes of 1960 and are outstanding and unused shall expire on the date of the coming into force of this Act.

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

5. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE A

Based on the Main Estimates, 1961-62. The amount hereby granted is $550,000,00, being one-half 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, 1962, and the purpose for which it is granted.

No. of Vote	Service	Amount	Total
		$	$
	MINES AND TECHNICAL SURVEYS		
	General		
227	Purchase of air photography and the expenses of the Interdepartmental Committee on Air Surveys		*1,100,000

* Net total $550,000.00.

SCHEDULE A

Based on the Main Estimates, 1961–62. The amount hereby granted is $650,000.00, being one-half 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, 1962, and the purposes for which it is granted.

No. of Vote	Service	Amount	Total
		$	$
	MINES AND TECHNICAL SURVEYS		
	GENERAL		
227	Purchases of air photography and the expenses of the Inter-departmental Committee on Air Surveys.....	.....	*1,300,000

* Net total $650,000.00.

SCHEDULE B

Based on the Main Estimates, 1961–62. The amount hereby granted is $233,333.34, 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, 1962, and the purposes for which it is granted.

No of Vote	Service	Amount	Total
		$	$
	ATOMIC ENERGY		
	ATOMIC ENERGY CONTROL BOARD		
38	Grants for Researches and Investigations with respect to Atomic Energy.....	.....	*700,000

* Net total $233,333.34.

SCHEDULE C

Based on the Main Estimates, 1961–62. The amount hereby granted is $2,038,429.67, 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, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	LEGISLATION		
	THE SENATE		
191	General Administration	799,862	
	HOUSE OF COMMONS		
198	General Administration—Estimates of the Clerk	2,215,340	
199	Estimates of the Sergeant-at-Arms	1,032,470	
	NATIONAL RESEARCH COUNCIL, INCLUDING THE MEDICAL RESEARCH COUNCIL		
271	Construction or Acquisition of Buildings, Works, Land and Equipment	5,162,943	
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	CANADIAN GOVERNMENT TRAVEL BUREAU		
307	To assist in promoting the Tourist Business in Canada including a grant of $5,000 to the Canadian Tourist Association	3,019,963	
			*12,230,578

* Net total $2,038,429.67.

SCHEDULE D

Based on the Main Estimates, 1961–62. The amount hereby granted is $21,164,104.59, 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, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	CITIZENSHIP AND IMMIGRATION		
	INDIAN AFFAIRS BRANCH		
	Education—		
63	Administration, Operation and Maintenance	21,164,850	
	NATIONAL REVENUE		
	TAXATION DIVISION		
277	District Offices	32,527,133	
	PUBLIC WORKS		
	GENERAL		
370	Balances required to complete any projects undertaken in previous fiscal years and for which no specific provision is made in the fiscal year 1961–62	1,000,000	
	TRADE AND COMMERCE		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
398	Standards Branch	2,758,668	
	VETERANS AFFAIRS		
	Treatment Services—		
456	Operation of Hospitals and Administration, including authority, notwithstanding the Financial Administration Act, to spend revenue received during the year for hospital and related services	45,217,346	
459	Prosthetic Services—Supply, Manufacture and Administration including authority, notwithstanding the Financial Administration Act, to spend revenue received during the year for prosthetic and related services	1,417,258	

No. of Vote	Service	Amount	Total
		$	$
416	Treatment and other Allowances	2,609,020	
420	Pensions for Disability and Death, including pensions granted under authority of the Civilian Government Employees (War) Compensation Order, P.C. 10/9815 of November 12, 1941, which shall be subject to the Pension Act; and including Canadian National Special Awards	187,121,000	189,730,020

* Net total $21,184,104.69.

SCHEDULE D—*Concluded*

No. of Vote	Service	Amount	Total
		$	$
	VETERANS AFFAIRS—*Concluded*		
	WAR VETERANS ALLOWANCES AND OTHER BENEFITS		
464	Treatment and other Allowances.....	2,400,000	
	CANADIAN PENSION COMMISSION		
469	Pensions for Disability and Death, including pensions granted under authority of the Civilian Government Employees (War) Compensation Order, P.C. 45/8848 of November 22, 1944, which shall be subject to the Pension Act; and including Newfoundland Special Awards.....	147,484,000	*253,969,255

* Net total $21,164,104.59.

C-79.

Fourth Session, Twenty-Fourth Parliament, 9–10 Elizabeth II, 1960–61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-79.

An Act to amend the Railway Act.

First reading, March 27, 1961.

Mr. SPEAKMAN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24833-6

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-79.

An Act to amend the Railway Act.

R.S., c. 234; 1955, cc. 41, 55; 1958, c. 40; 1960, c. 34.

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

1. Section 351 of the *Railway Act* is repealed and the following substituted therefor:

Members of Parliament and Board, etc., free.

"**351.** Members of the Senate and House of Commons of Canada, together with dependent members of their families, with their baggage, and members of the Board and such officers and staff of the Board as the Board may determine, with their baggage and equipment, are, on production of cards, certifying their membership or right, which shall be furnished them by the Clerk of the Senate or the Clerk of the House of Commons or the Secretary of the Board, as the case may be, entitled to free transportation on any of the trains of the company; and the company shall also, when required, haul free of charge any car provided for the use of the Board."

Explanatory Notes.

The purpose of this Bill is to insure that dependent members of the families of Senators and Members of the House of Commons shall be entitled to free transportation on the railways.

Section 351 of the Act at present provides that "Members of the Senate and House of Commons of Canada, ... are, ... entitled to free transportation" and section 350 that "Nothing in this Act shall be construed to prevent. . . . railways from giving free carriage . . . . . to dependent members of the families of members of the Senate and House of Commons of Canada, ... ".

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-80.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1961.

AS PASSED BY THE HOUSE OF COMMONS, 29th MARCH, 1961.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24803-9

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-80.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1961.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by message from His Excellency, Major-General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada, and the estimates accompanying the said message, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1961, and for other purposes connected with the Public Service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Short title.

1. This Act may be cited as the *Appropriation Act, No. 2, 1961.*

$182,230,741 granted for 1960-61.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole one hundred and eighty-two million, two hundred and thirty thousand, seven hundred and forty-one dollars towards defraying the several charges and expenses of the public service, from the 1st day of April, 1960, to the 31st day of March, 1961, not otherwise provided for, and being the total of the amounts of the items, set forth in the Schedule to this Act.

Purpose and effect of each item.

3. (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

(2) The provisions of each item in the Schedule shall be deemed to have been enacted by Parliament on the 1st day of April, 1960.

Account to be rendered.

4. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE

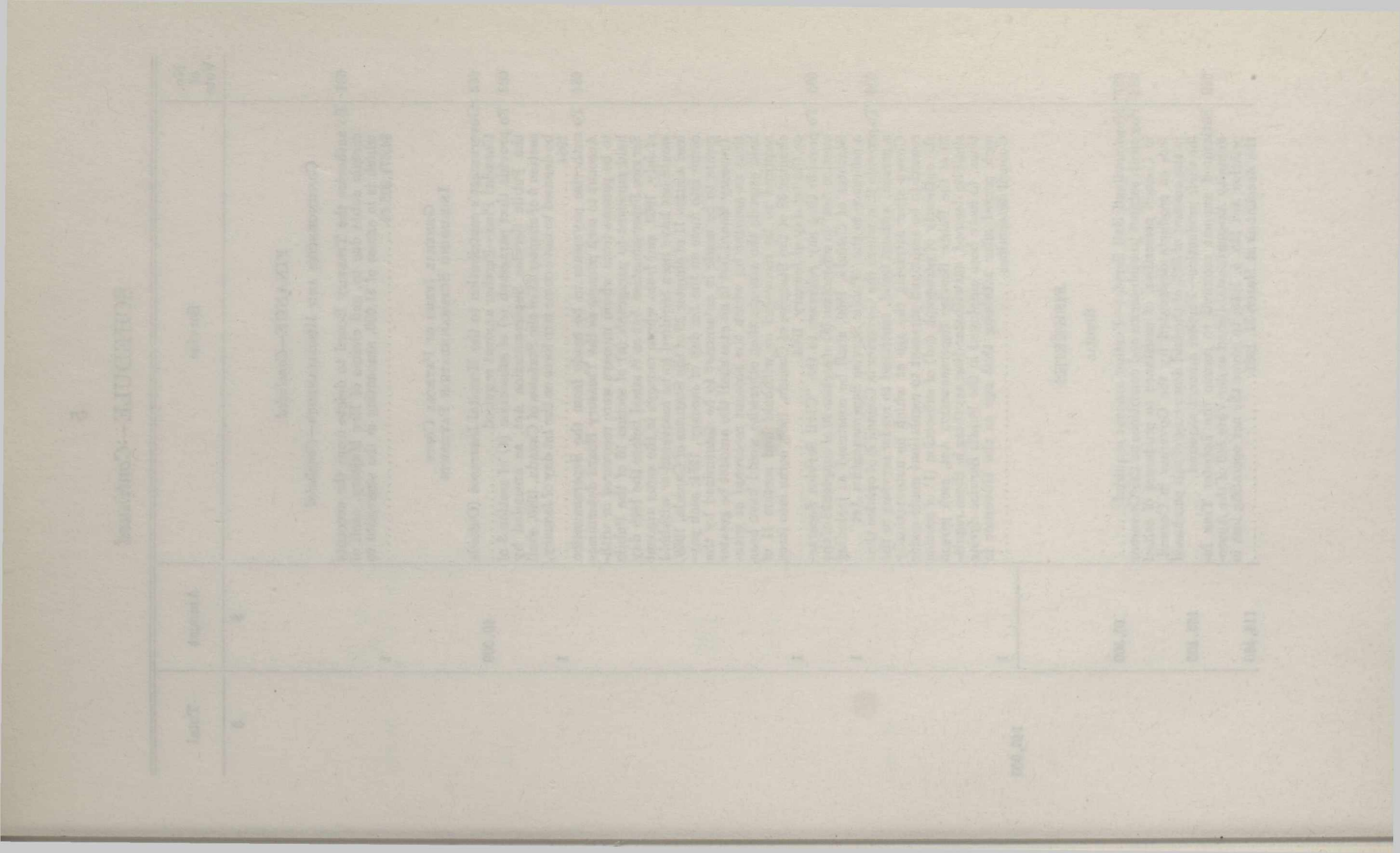
Based on the Further Supplementary Estimates (5), 1960–61. The amount hereby granted is $182,230,741, being the total of the amounts of the items in the Estimates as contained in this Schedule.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1961, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	AGRICULTURE		
	RESEARCH BRANCH		
658	Branch Administration—To extend the purposes of Vote 5 of the Main Estimates, 1960–61 to include a Grant of $10,000 to assist in defraying the costs of the Ninth International Botanical Congress	1	
	PRODUCTION AND MARKETING BRANCH		
659	Subsidies for Cold Storage Warehouses under the Cold Storage Act—Further amount required	98,432	
	Health of Animals Division—		
660	Operation and Maintenance—Further amount required	153,000	
661	Compensation for Animals Slaughtered—Further amount required	1,113,869	
662	Payment of compensation to owners of animals affected with diseases coming under the Animal Contagious Diseases Act, which have died or have been slaughtered in circumstances not covered by the above Act and Regulations made thereunder, all as detailed in the Estimates	12,008	
	Livestock Division—		
663	Supervision of Race Track Betting—Further amount required	35,000	
	Plant Products Division—		
664	Agricultural Lime Assistance—Further amount required	200,000	
665	Contributions to the Governments of the Provinces of Alberta, Saskatchewan, and Manitoba, in accordance with terms and conditions prescribed by the Governor in Council, of one-half the amounts paid by the Governments of those Provinces to farmers in respect of their 1959 unharvested crops to a maximum of $300 in respect of any one farm—Further amount required	390,000	
	SPECIAL		
666	Estimated amount required to recoup the Agricultural Commodities Stabilization Account to cover the net operating loss of the Agricultural Stabilization Board as at March 31, 1961	69,504,548	
			71,506,858
	CIVIL SERVICE COMMISSION		
667	Salaries and Contingencies of the Commission—Further amount required		30,000

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	EXTERNAL AFFAIRS		
	A—Department		
668	Canadian Representation at International Conferences—Further amount required	31,500	
669	Gift on the occasion of the wedding of the King of the Belgians	1,500	
670	Gifts to commemorate the independence of African States	1,200	
671	To provide for memorial plaques presented to Ireland to commemorate the life and work of Thomas D'Arcy McGee	800	
	Contributions to international Economic and Special Aid Programs		
	Special Aid Programs—		
672	Contribution to the United Nations fund for the Congo in an amount of $1,000,000 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of February, 1961, which is	991,000	
673	To reimburse the Agricultural Products Board Account for whole milk powder donated for international relief purposes	2,420,000	
674	To reimburse the Agricultural Commodities Stabilization Account for canned pork and the Agricultural Products Board Account for whole milk powder supplied as emergency food relief for the Congo	6,200	
	Other Payments to International Organizations and Programs		
675	Assessments for Membership in the International (including Commonwealth) Organizations that are detailed in the Estimates including authority to pay such assessments in the amounts and in the currencies in which they are levied—Further amount required in Canadian dollars, estimated as of February, 1961	401,500	
676	To provide the International Civil Aviation Organization with office accommodation at less than commercial rates—Further amount required	40,778	
677	Assessment for the United Nations Congo Ad Hoc Account for 1960 in an amount of $1,506,232 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of February, 1961, which is	1,493,000	
678	Assessment towards financing the United Nations Emergency Force in an amount of $892,680 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of February, 1961, which is	885,000	
			6,272,478
	FINANCE		
	Administration of Various Acts and Costs of Special Functions		
	Royal Canadian Mint—		
679	Administration, Operation and Maintenance—Further amount required	65,000	
	Contingencies and Miscellaneous		
680	Telephone Service at Ottawa for all Departments—Further amount required	40,000	



SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	FINANCE—*Concluded*		
	CONTINGENCIES AND MISCELLANEOUS—*Concluded*		
681	To authorize the Treasury Board to delete from the accounts certain debts due to, and claims of Her Majesty, each of which is in excess of $1,000, amounting in the aggregate to $4,071,008.80	1	
	GENERAL ITEMS OF PAYROLL COSTS INCLUDING SUPERANNUATION PAYMENTS		
682	Government's contribution to the Hospital Insurance (Outside Canada) Plan—Further amount required	40,000	
683	To provide that paragraph (c) of subsection (4) of section 8 of the Public Service Superannuation Act, as amended by section 6 of chapter 38 of the Statutes of Canada, 1960, shall be deemed to have come into force on the 1st day of January, 1954	1	
684	To authorize payments to be made from the Superannuation Account to such persons as the Treasury Board determines to be persons from whom moneys were recovered or withheld pursuant to paragraph (a) of section 16 of the Public Service Superannuation Act as it stood before the 14th day of July, 1960, and from whom moneys in the same amount would not have been required to be recovered or withheld had section 11 of chapter 38 of the Statutes of Canada, 1960, come into force on the 1st day of January, 1954; such payments to be made in an amount to be determined by the Treasury Board but in no case shall the amount be greater than an amount by which the amount recovered or withheld exceeds the amount that otherwise would have been required to be recovered or withheld had section 11 of chapter 38 of the Statutes of Canada, 1960, come into force on the 1st day of January, 1954	1	
685	To provide that any reference to the "Civil Service Superannuation Act" in subsection (5) of section 20 of chapter 38 of the Statutes of Canada, 1960, shall be construed as including a reference to the "Public Service Superannuation Act"	1	
686	To provide that where the Governor in Council is of opinion that a person, without fraud, continued to render services to the Crown after attaining the age at which he automatically ceased to be employed pursuant to regulations made under the authority of paragraph (ad) of subsection (1) of section 30 of the Public Service Superannuation Act, such person shall be deemed, notwithstanding anything in those regulations, to have been employed in the Public Service during such period after attaining that age as the Governor in Council determines	1	
			145,005
	FISHERIES		
	SPECIAL		
687	Newfoundland Bait Service—Further amount required	10,500	
688	Payment, subject to such terms and conditions as the Governor in Council prescribes, of assistance to producers of salted fish on products designated by the Governor in Council, in the amount of 50% of the laid down cost of salt purchased for their production—Further amount required	155,105	
689	Estimated amount required to recoup the Lobster Trap Indemnity Account, established under Vote 540 of the Appropriation Act No. 5, 1955, to cover the net operating loss in the Account as at March 31, 1961	114,480	

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	FISHERIES—*Concluded*		
	SPECIAL—*Concluded*		
690	Contribution towards the costs of a special meeting of the Food and Agriculture Organization of the United Nations regarding distribution and use of fish meal	2,500	
			282,585
	GOVERNOR GENERAL AND LIEUTENANT-GOVERNORS		
691	Office of the Secretary to the Governor General—Further amount required		8,500
	JUSTICE		
	A—DEPARTMENT		
692	Departmental Administration—To extend the purposes of Vote 151 of the Main Estimates, 1960-61, to include a grant of $5,000 to the Canadian Corrections Association to assist in defraying the costs of a Congress of Corrections to be held in Toronto in 1961	5,000	
693	Parole Act Administration—Further amount required	4,000	
	Northwest Territories—		
694	Administration of Justice in the Northwest Territories including the Northwest Territories Territorial Court—Further amount required	48,500	
	Yukon Territory—		
695	Administration of Justice in the Yukon Territory including the Yukon Territorial Court—Further amount required	7,000	
	Combines Investigation Act—		
696	Restrictive Trade Practices Commission—Further amount required	17,500	
			82,000
	LABOUR		
	A—DEPARTMENT		
	SPECIAL SERVICES		
697	Special Services Branch including the promotion of a program for combatting seasonal unemployment, the organization and use of workers for farming and related industries and assistance to the Provinces under agreements entered into with the Provinces by the Minister of Labour with the approval of the Governor in Council—Further amount required	65,000	
	TECHNICAL AND VOCATIONAL TRAINING ASSISTANCE		
698	To carry out the purposes of the Technical and Vocational Training Assistance Act (superseding the Vocational Training Co-ordination Act)—Payments to the Provinces—Further amount required	450,000	

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	LABOUR—*Concluded*		
	B—Unemployment Insurance Commission		
699	Administration of the Unemployment Isnurance Act—Further amount required	1,850,000	2,365,000
	LEGISLATION		
	The Senate		
700	General Administration—Further amount required and to authorize, notwithstanding the Civil Service Act, an honorarium in the amount of $1,000 to Dr. R. Warren James, for services rendered by him to the Senate Special Committee on Manpower and Unemployment	27,200	
	House of Commons		
701	General Administration—Estimates of the Clerk—Further amount required	177,500	
702	Estimates of the Sergeant-at-Arms—Further amount required	7,000	211,700
	MINES AND TECHNICAL SURVEYS		
	A—Department		
	Geographical Branch		
703	Administration, Operation and Maintenance—Further amount required	6,150	
	General		
704	Polar Continental Shelf Project—Further amount required	89,940	
	B—Dominion Coal Board		
705	Payments in connection with the movements of coal under conditions prescribed by the Governor in Council—Further amount required	2,106,502	2,202,592
	NATIONAL DEFENCE		
	Royal Canadian Navy		
706	Operation and Maintenance—Further amount required	1,000,000	
	Royal Canadian Air Force		
707	Construction or Acquisition of Buildings, Works, Land and Major Equipment—Further amount required	10,000,000	

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	NATIONAL DEFENCE—*Concluded*		
	MUTUAL AID		
708	Contributions to infrastructure and military costs of the North Atlantic Treaty Organization—Further amount required..	740,000	
	GENERAL SERVICES		
709	Grants to assist in the construction of the Soldiers' Memorial Hospital at Middleton, Nova Scotia—Further amount required.....	70,588	
			11,810,588
	NATIONAL HEALTH AND WELFARE		
	NATIONAL HEALTH BRANCH		
	Health Services, including Assistance to the Provinces—		
710	To authorize General Health Grants to the Provinces, the Northwest Territories and the Yukon Territory upon the terms and in the amounts detailed in the Estimates —Further amount required.....	6,000,000	
711	Administration of the Opium and Narcotic Drugs Act—Further amount required.....	35,000	
	GENERAL		
712	Grants to Health and Welfare and Related Organizations, as detailed in the Estimates—Further amount required.....	10,000	
			6,045,000
	NATIONAL REVENUE		
	CUSTOMS AND EXCISE DIVISION		
713	To provide that Joseph Napoleon Armand Berthiaume (otherwise known as Joseph Alfred Roland Gariepy) is deemed to have been an employee of the Crown in the Department of National Revenue, Customs and Excise Division, and continuously employed during the period between May 16, 1927 and June 17, 1960 inclusive.....	.....	1
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
714	Customs duty and sales tax on pipelines and oil purchased from the United States Government, pursuant to Vote 619 of the Appropriation Act No. 1, 1960.....	486,588	
	WATER RESOURCES BRANCH		
715	Construction of a fishway on the Yukon River at the site of the hydro-electric power development being constructed by the Northern Canada Power Commission for the Whitehorse Area.....	5,290	

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	NORTHERN AFFAIRS AND NATIONAL RESOURCES—*Concluded*		
	NORTHERN ADMINISTRATION BRANCH		
716	Branch Administration—To extend the purposes of Vote 282 of the Main Estimates for 1960–61 to include a grant of $2,000 to assist in defraying the expenses of the First International Symposium on Arctic Geology and to provide a further amount of	16,000	
	Yukon Territory—		
717	Operation and Maintenance—To extend the purposes of Vote 287 of the Main Estimates for 1960–61 to include the grant and the contribution detailed in these Estimates	115,000	
	Northwest Territories and Other Field Services—		
718	Operation and Maintenance—To extend the purposes of Vote 289 of the Main Estimates for 1960–61 to include the grants detailed in these Estimates	62,300	
			685,178
	POST OFFICE		
719	Transportation—Movement of Mail by Land, Air and Water, including Administration—Further amount required	.....	1,232,000
	PRIVY COUNCIL		
	SPECIAL		
720	Expenses of the Royal Commission on railway problems—Further amount required	10,800	
721	Expenses of the Royal Commission on Coal—Further amount required	9,870	
722	Expenses of the Royal Commission on the Great Slave Lake Railway—Further amount required	2,150	
			22,820
	PUBLIC PRINTING AND STATIONERY		
723	Printing of Canada Gazette—Further amount required	17,000	
724	Printing and Binding the Annual Statutes—Further amount required	3,000	
725	Reimbursement of the Queen's Printer's Advance Account for the value of stores which have become obsolete, unserviceable, lost or destroyed	41,467	
			61,467
	PUBLIC WORKS		
	PUBLIC BUILDINGS CONSTRUCTION AND SERVICES		
	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—Further amounts required—		
726	Nova Scotia	1	
727	Manitoba	1	
728	Saskatchewan	1	

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	PUBLIC WORKS—*Concluded*		
	HARBOURS AND RIVERS ENGINEERING SERVICES		
	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—Further amount required—		
729	British Columbia and Yukon	1	
	NATIONAL CAPITAL COMMISSION (formerly under Privy Council)		
730	Administration, and Operation and Maintenance of parks, parkways and grounds adjoining Government Buildings at Ottawa and Hull—Further amount required	66,500	
731	Interest charges on outstanding loans that were made for the purpose of acquiring property in the National Capital Region —Further amount required	140,000	
			206,504
	ROYAL CANADIAN MOUNTED POLICE		
	Land, Air and Training Divisions—		
732	Operation and Maintenance—Further amount required	224,500	
	Marine Services—		
733	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required	31,704	
	PENSIONS AND OTHER BENEFITS		
734	Government's Contribution to the Royal Canadian Mounted Police Superannuation Account (formerly the Royal Canadian Mounted Police Pension Account)—Further amount required	34,117	
			290,321
	TRADE AND COMMERCE		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
735	To amend Vote 692 of The Appropriation Act No. 5, 1958, by adding thereto the words "and to ratify Orders in Council P.C. 2701 of May 16, 1952, P.C. 1954-1040 of July 6, 1954, P.C. 1955-35/1033 of July 7, 1955, and P.C. 1956-1267 of August 15, 1956, providing for increases in such rate as therein authorized, and Order in Council P.C. 1958-875 providing that such rate be $16,500 per annum"	1	
	Trade Commissioner Service—		
736	Administration and Operation—Further amount required	100,000	
737	Exhibitions Branch—Further amount required	95,000	
			195,001

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRANSPORT		
	A—Department		
	Marine Services		
	Aids to Navigation—		
738	Administration, Operation and Maintenance—Further amount required	46,130	
	Railway and Steamship Services		
	Payments to the Canadian National Railway Company (hereinafter called the Company) upon applications approved by the Minister of Transport, made by the Company to the Minister of Finance, to be applied by the Company in payment of the deficits, certified by the auditors of the Company, arising in the operations in the calendar year 1960—Further amounts required—		
739	Prince Edward Island Car Ferry and Terminals	322,464	
740	Newfoundland Ferry and Terminals	22,820	
741	Canadian National Railways Deficit, 1960—Amount required to provide for payment to the Canadian National Railway Company (hereinafter called the National Company) upon applications approved by the Minister of Transport, made by the National Company to the Minister of Finance, and to be applied by the National Company in payment of the system deficit (certified by the auditors of the National Company) arising in the calendar year 1960, subject to recovery therefrom of accountable advances made to the National Company from the Consolidated Revenue Fund	67,496,777	
	Pensions and Other Benefits		
742	Supplemental Pension Allowances to former employees of Newfoundland Railways, Steamships and Telecommunication Services transferred to Canadian National Railways—Further amount required	12,652	
	General		
743	Trans-Canada Air Lines Deficit, 1960—Amount required to provide for payment to Trans-Canada Air Lines (hereinafter called the Company) upon applications approved by the Minister of Transport, made by the Company to the Minister of Finance, and to be applied by the Company in payment of the deficit (certified by the auditors of the Company) arising in the calendar year 1960, subject to recovery therefrom of accountable advances made to the Company from the Consolidated Revenue Fund	2,607,350	
744	Reimbursement of the Department of Transport Stores Account for the value of stores which have become obsolete, unserviceable, lost or destroyed	62,514	
	Air Services		
	Administrative Branch		
745	Construction Services Administration—Further amount required	25,000	

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRANSPORT—*Concluded*		
	A—Department—*Concluded*		
	Air Services—*Concluded*		
	Civil Aviation Branch		
746	Control of Civil Aviation including the Administration of the Aeronautics Act and Regulations issued thereunder—Further amount required	58,000	
747	Construction or Acquisition of Buildings, Works, Land and Equipment—To extend the purposes of Vote 446 of the Main Estimates, 1960-61, to provide authority to charge to that Vote the cost of lands purchased by means of loans provided for the acquisition of land required to control properties in the vicinity of main terminal airports in order to prevent the erection of hazards to flying and for future development of new and existing main terminal airports including facilities for relieving congestion thereat	1	
748	Grants for the development of Civil Aviation, in the amounts detailed in the Estimates—Further amount required	130,000	
	Special		
749	Gift of furnishings to the Headquarters of the World Meteorological Organization at Geneva, Switzerland	1,006	
	B—General		
	Canadian Maritime Commission		
750	Steamship Subventions for Coastal Services, as detailed in the Estimates—Further amount required	692,779	
			71,477,493
	VETERANS AFFAIRS		
	Treatment Services—		
751	Hospital Construction, Improvements, Equipment, and Acquisition of Land—Further amount required	695,000	
752	Prosthetic Services—Supply, Manufacture and Administration—Further amount required	25,000	
	War Veterans Allowances and Other Benefits		
753	Assistance Fund (War Veterans Allowances)—Further amount required	100,000	
754	Treatment and Other Allowances—Further amount required	50,000	
	Canadian Pension Commission		
755	Pensions for Disability and Death, including pensions granted under the authority of the Civilian Government Employees (War) Compensation Order, P.C. 45/8848 of November 22, 1944, which shall be subject to the Pension Act; and including Newfoundland Special Awards—Further amount required	2,200,000	
756	Gallantry Awards—World War II and Special Force—Further amount required	500	

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	VETERANS AFFAIRS—*Concluded*		
	SOLDIER SETTLEMENT AND VETERANS' LAND ACT		
757	Grants to Indian veterans settled on Indian Reserve Lands under section 39 of the Veterans' Land Act—Further amount required	2,000	
758	To authorize, subject to the approval of the Governor in Council, necessary remedial work on properties constructed under individual firm price contracts and sold under the Veterans' Land Act and to correct defects for which neither the veteran nor the contractor can be held financially responsible; and for such other work on other properties as may be required to protect the interest of the Director therein—Further amount required	150	
			3,072,650
	LOANS, INVESTMENTS AND ADVANCES		
	CANADIAN BROADCASTING CORPORATION		
759	Advances to the Canadian Broadcasting Corporation, in accordance with such terms and conditions as the Governor in Council may approve, for the purpose of increasing working capital	3,000,000	
	JUSTICE		
	Penitentiaries		
760	To increase to $255,000 the amount that may be charged at any time to the revolving fund established by Vote 543 of the Appropriation Act No. 3, 1953, and extended by Vote 658 of the Appropriation Act No. 5, 1958, for the purpose of financing the operation of canteens in Federal Penitentiaries; additional amount required	200,000	
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	National Parks Branch		
761	Loans to the Jasper Recreation Commission in the current and subsequent fiscal years, on such terms and conditions as the Governor in Council may approve, to assist in the construction of an ice arena	25,000	
	Northern Administration Branch		
762	Loans to the Government of the Yukon Territory (hereinafter called the "Territory") in the current and subsequent fiscal years, in accordance with such terms and conditions as the Governor in Council may approve, to enable that Government to make second mortgage loans to residents of the Territory for the purchase or construction of houses in the Territory under the National Housing Act; and to authorize the Commissioner of the Territory in Council, notwithstanding anything in the Yukon Act, to make ordinances in respect of the repayment by the Government of the Territory of loans made to it pursuant to this Vote and in respect of the lending of money to residents of the Territory for the purchase or construction of houses in the Territory and the taking of security therefor by way of mortgage	100,000	

SCHEDULE—*Concluded*

No. of Vote	Service	Amount	Total
		$	$
	LOANS, INVESTMENTS AND ADVANCES—*Concluded*		
	NORTHERN AFFAIRS AND NATIONAL RESOURCES—*Concluded*		
	Northern Administration Branch—Concluded		
763	Loans to the Government of the Northwest Territories (hereinafter called the "Territories") in the current and subsequent fiscal years, in accordance with such terms and conditions as the Governor in Council may approve, to enable that Government to make second mortgage loans to residents of the Territories for the purchase or construction of houses in the Territories under the National Housing Act; and to authorize the Commissioner of the Territories in Council, notwithstanding anything in the Northwest Territories Act, to make ordinances in respect of the repayment by the Government of the Territories of loans made to it pursuant to this Vote and in respect of the lending of money to residents of the Territories for the purchase or construction of houses in the Territories and the taking of security therefor by way of mortgage.....	100,000	
	VETERANS AFFAIRS		
	Soldier Settlement and Veterans' Land Act		
764	Purchase of land and permanent improvements; cost of permanent improvements to be effected; removal of encumbrances; stock and equipment; and protection of security under the Veterans' Land Act—Further amount required..	600,000	4,025,000
			182,230,741

Fourth Session, Twenty-Fourth Parliament, 9–10 Elizabeth II, 1960–61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-81.

An Act to amend the Merchant Seamen Compensation Act.

First reading, April 10, 1961.

Mr. CARTER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24877-3

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-81.

An Act to amend the Merchant Seamen Compensation Act.

R.S., c. 178; 1952-53, c. 16; 1957, c. 9.

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 30 of the *Merchant Seamen Compensation Act* is repealed and the following substituted therefor:

Where no widow.

"(2) Where a seaman leaves no widow or the widow subsequently dies and the seaman or widow, at time of death, maintained a domestic establishment for his child or children entitled to compensation, and a daughter or other person is competent to assume and does assume, as foster-mother, the maintenance and care of such child or children, to the Board's satisfaction, such daughter or other person while so doing is entitled to receive the same monthly payments of compensation for herself and the child or children as if she were the seaman's widow; in such case each child's part of such payment shall be in lieu of the monthly payment the child would otherwise be entitled to receive."

Explanatory Notes.

The purpose of this Bill is to widen the discretion of the Merchant Seamen Compensation Board to make an allowance to a person who undertakes the care and maintenance of those orphans of a merchant seaman who are entitled to compensation under the *Merchant Seamen Compensation Act*. Under the present wording, the allowance is paid only if the person moves into the household of the deceased seaman or deceased seaman's widow. This Bill would permit the allowance to be paid, in the discretion of the Board, when the orphans are cared for and maintained elsewhere than in the former household by the person in a manner satisfactory to the Board. Compare subsections (9), (10) and (10a) of section 26 of the *Pension Act* as substituted by Chapter 10 of the 1960-61 Session.

The present section 30(2) of the *Merchant Seamen Compensation Act* is as follows:

> "*Where the seaman leaves no widow or the widow subsequently dies, and it seems desirable to continue the existing household, and an aunt, sister, or other suitable person acts as foster-mother in keeping up such household and maintaining and taking care of the children entitled to compensation in a manner that the Board deems satisfactory, such foster-mother while so doing is entitled to receive the same monthly payments of compensation for herself and the children as if she were the widow of the deceased, and in such case the children's part of such payments shall be in lieu of the monthly payments which they would otherwise have been entitled to receive.*"

The costs of administration of the *Merchant Seamen Compensation Act* and the compensation payable thereunder are chargeable to the employers and not against the Consolidated Revenue Fund.

C-82.

Fourth Session, Twenty-Fourth Parliament, 9–10 Elizabeth II, 1960–61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-82.

An Act to Implement a Convention between Canada and the United States of America for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on the Estates of Deceased Persons.

Read a first time, April 12, 1961.

THE MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24086-1

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-82.

An Act to Implement a Convention between Canada and the United States of America for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on the Estates of Deceased Persons.

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–United States of America Estate Tax Convention Act, 1961.*

Convention approved.

2. The Convention entered into between Canada and the United States of America, 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 Convention, and the operation of any other law, the provisions of this Act and the Convention prevail to the extent of the inconsistency.

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 Convention or for giving effect to any of the provisions thereof.

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 Convention, and no longer.

SCHEDULE.

EXPLANATORY NOTE.

The purpose of this Bill is to implement the Convention entered into between the Government of Canada and the Government of the United States of America for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on the estates of deceased persons, signed at Washington on February 17th, 1961.

CONVENTION BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON THE ESTATES OF DECEASED PERSONS.

The Government of Canada and the Government of the United States of America, desiring to conclude a convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on the estates of deceased persons, agree as follows:

ARTICLE I.

1. The taxes referred to in this Convention are:

(*a*) for the United States of America: the Federal estate tax;

(*b*) for Canada: the estate tax imposed by the Government of Canada.

2. The present Convention shall also apply to any other taxes of a substantially similar character imposed by either contracting State subsequent to the date of signature of the present Convention.

ARTICLE II.

Where a person dies a citizen of the United States of America or domiciled in Canada or the United States of America, the situs of any rights or interests, legal or equitable, in or over any of the following classes of property, which for the purposes of tax form or are deemed to form part of the estate of such person or pass or are deemed to pass on his death, shall, for the purposes of the imposition of tax on the basis of situs of property within the taxing State and for the purposes of the credit to be allowed under Article V, be determined exclusively in accordance with the following rules, but in cases not within such rules the situs of such rights or interests shall be determined for these purposes in accordance with the laws in force in the other contracting State:

(*a*) immovable property (except any right or interest therein by way of security) shall be deemed to be situated at 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 Article), 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 at the place where such property was located at the time of death, or, if in course of transit at that time, at 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 Article), shall be deemed to be situated at the place where the debtor was ordinarily resident at the time of death, or, where the debtor is a company, then at the place where the company is incorporated;

(*d*) deposit accounts with a bank, trust company, loan company or other similar institution shall be deemed to be situated at the place where the institution 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,

(i) if in bearer form, at the place where located at the time of death, or

(ii) if inscribed or registered, at the place where inscribed or registered by the issuer;

(*f*) shares, stock, bonds, debentures, and debenture stock of a company, and rights to subscribe for or purchase shares or stock of a company (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 at the place where the company is incorporated;

(*g*) money deposited to the credit of the deceased with an insurance company, money payable under a policy of insurance effected on the life of the deceased or payable under an annuity contract in respect of the death of the deceased, and any policy of insurance or annuity contract in which the deceased had an interest shall be deemed to be situated at the place where the deceased was domiciled at the time of his death;

(*h*) shares in a partnership shall be deemed to be situated at the place where its business is principally carried on;

(*i*) ships and aircraft and shares thereof shall be deemed to be situated at the place of registration of the ship or aircraft;

(*j*) good-will of a business, trade or profession shall be deemed to be situated at the place where the business, trade or profession is principally carried on;

(*k*) patents, trade-marks and designs shall be deemed to be situated at the place where they are registered;

(*l*) copyright, franchises, and rights or licenses to use any copyrighted material, patent, trade-mark or design shall be deemed to be situated at the place where the rights arising therefrom are exercisable;

(*m*) rights *ex delicto* 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 at the place where such rights or causes of action arose, and other rights or causes of action so surviving shall be deemed to be situated at the place where, at the time of the death of the deceased, the person against whom the right or cause of action is enforceable was ordinarily resident, or, if a company, then at the place where the company is incorporated;

(*n*) judgment debts shall be deemed to be situated at the place where the judgment is recorded; and

(*o*) superannuation and pension benefits payable or granted on or after the death of the deceased in respect thereof shall be deemed to be situated at the place where the deceased was domiciled at the time of his death;

provided that this Article shall not be construed so as to increase the tax imposed by either contracting State.

Article III.

1. Allowance for debts shall be determined in accordance with the laws of the contracting State imposing the tax.

2. Where a contracting State imposes tax by reason of a decedent being domiciled therein or being a citizen thereof, no distinction shall be made between organizations created in that State and organizations created in the other contracting State in the allowance of any deduction authorized by its statute for a bequest, legacy, devise, or transfer made for exclusively religious, charitable, scientific, literary, or educational purposes.

3. Domicile shall be determined in accordance with the laws of the contracting State imposing the tax on the basis of domicile.

Article IV.

1. Where the United States imposes tax solely by reason of the property being situated therein, the United States shall, if the decedent was domiciled in Canada,

(*a*) for the purpose of determining the tax rate or rates, take into account only property situated in the United States, and

(*b*) exempt from tax property situated in the United States where the taxable estate before the allowance of a specific exemption does not exceed $15,000.00, but if such estate exceeds $15,000.00 the amount of the tax shall be the lesser of (1) the amount by which such estate exceeds $15,000.00, or, (2) the tax computed after allowance of a specific exemption of $2,000.00.

2. Where Canada imposes tax solely by reason of the property being situated therein, Canada shall, if the decedent was a citizen of or domiciled in the United States,

(*a*) for the purpose of computing the tax apply a rate not to exceed 15% in respect of the property situated in Canada, and

(*b*) exempt from tax property situated in Canada where the aggregate value thereof does not exceed $15,000.00, but if the aggregate value exceeds $15,000.00 the amount of the tax shall not be greater than the amount by which the aggregate value exceeds $15,000.00.

ARTICLE V.

1. Where either contracting State imposes tax by reason of a decedent being domiciled therein or being a citizen thereof, that contracting State shall allow against so much of its tax (as otherwise computed) as is attributable to property situated in the other contracting State a credit (not exceeding the amount of the tax so attributable) equal to so much of the tax imposed by the other contracting State as is attributable to such property.

2. Where each contracting State imposes tax on any property situated outside both contracting States or in both contracting States, each contracting State shall allow against so much of its tax (as otherwise computed) as is attributable to such property a credit which bears the same proportion to the amount of its tax so attributable or to the amount of the other contracting State's tax attributable to the same property, whichever is the lesser, as the former amount bears to the sum of both amounts.

3. For the purpose of computing credit under this Article, the amount of the tax of the crediting State attributable to particular property shall be ascertained after taking into account any credit against or reduction of such part of the tax, except credit authorized under this Article or statutory credit in lieu thereof and except, in respect of the credit allowed by Canada, the deduction from tax authorized by subsection 4 of Section 9 of the Canadian Estate Tax Act. The amount of the tax of the other contracting State attributable to such property shall be ascertained after taking into account any credit against or reduction of such part of the tax, except credit authorized under this Article or statutory credit in lieu thereof, and except credit allowed with respect to death taxes of a political subdivision of such State.

ARTICLE VI.

1. Any claim for a credit or for a refund of tax founded on the provisions of this Convention shall be made

(*a*) within the time limited for the making of a refund of tax by the law of the State to which the claim is made, or

(*b*) within six years from the date of the decedent in respect of whose estate the claim is made,

whichever is later.

2. Any such refund made by the United States shall be made without payment of interest on the amount so refunded.

ARTICLE VII.

1. With a view to the prevention of fiscal evasion each of the contracting States undertakes to furnish to the other contracting State, as provided in the succeeding Articles of this Convention, the information which its competent authorities have at their disposal or are in a position to obtain under its revenue laws in so far as such information may be of use to the authorities of the other contracting State in the assessment of the taxes to which this Convention relates.

2. The information to be furnished under this Article, whether in the ordinary course or on request, may be exchanged directly between the competent authorities of the two contracting States.

ARTICLE VIII.

1. The competent authority of the United States shall notify the competent authority of Canada as soon as practicable when the former authority ascertains that in the case of:

(*a*) a decedent, any part of whose estate is subject to the Federal estate tax, there is property of such decedent situated in Canada;

(*b*) a decedent domiciled in Canada, there is property of such decedent situated in the United States.

2. The competent authority of Canada shall notify the competent authority of the United States as soon as practicable when the former authority ascertains that in the case of:

(*a*) a decedent, any part of whose estate is subject to the estate tax of the Government of Canada, there is property of such decedent situated in the United States;

(*b*) a decedent domiciled in the United States, there is property of such decedent situated in Canada.

ARTICLE IX.

1. If the competent authority of Canada deems it necessary to obtain the cooperation of the competent authority of the United States in determination of the estate tax liability of any person, the latter authority may, upon request, furnish the former authority information bearing upon the matter as such latter authority is entitled to obtain under the revenue laws of the United States.

2. If the competent authority of the United States deems it necessary to obtain the cooperation of the competent authority of Canada in the determination of the estate tax liability of any person, the latter authority may, upon request, furnish the former authority such information bearing upon the matter as such latter authority is entitled to obtain under the revenue laws of Canada.

ARTICLE X.

The competent authorities of the contracting States may:

(*a*) prescribe regulations to carry into effect this Convention within the respective States and rules with respect to the exchange of information;

(*b*) if doubt arises, settle questions of interpretation or application of this Convention by mutual agreement;

(*c*) communicate with each other directly for the purpose of giving effect to the provisions of this Convention.

ARTICLE XI.

If any fiduciary or beneficiary can show that double taxation contrary to the provisions of this Convention has resulted or may result, such fiduciary or beneficiary shall be entitled to lodge a claim or protest with the contracting State of citizenship or domicile of the decedent. If the claim or protest should be deemed worthy of consideration, the competent authority of such State may consult with the competent authority of the other State to determine whether the alleged double taxation exists or may occur and if so whether it may be avoided in accordance with the terms of this Convention.

ARTICLE XII.

The provisions of this Convention shall not be construed to restrict in any manner any exemption, deduction, credit, or other allowance accorded by the laws of one of the contracting States in the determination of the tax imposed by such State.

ARTICLE XIII.

1. As used in this Convention:

(*a*) The term "competent authority" or "competent authorities" means the Secretary and the Minister and their duly authorized representatives.

(*b*) The term "Minister" means the Minister of National Revenue of Canada.

(*c*) The term "Secretary" means the Secretary of the Treasury of the United States.

(*d*) The term "United States" means the United States of America and when used in a geographical sense, means the States, including the former Territories of Alaska and Hawaii, and the District of Columbia.

(*e*) The term "Canada" when used in a geographical sense means the provinces, the territories, and Sable Island.

ARTICLE XIV.

Upon the entry into force of this Convention, the Convention between Canada and the United States of America for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion in the Case of Estate Taxes and Succession Duties signed on the 8th day of June, 1944, and the Convention supplementary thereto signed on the 12th day of June, 1950, shall be deemed to have terminated on the first day of January, 1959, insofar as application to estates of decedents dying on or after the last-mentioned date is concerned, but shall continue in effect with respect to the estates of decedents dying prior to that date.

ARTICLE XV.

1. This Convention shall be ratified and the instruments of ratification shall be exchanged at OTTAWA as soon as possible.

2. When brought into force by the exchange of instruments of ratification, this Convention shall be deemed to have come into effect on the first day of January, 1959, and shall apply only with respect to the estates of decedents dying on or after that date. It shall continue in effect for a period of five years from that date, but may be terminated by either of the contracting States at the end of that five-year period or at any time thereafter provided that at least six months prior notice of termination has been given.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Convention and affixed their seals.

DONE at Washington, in duplicate, this 17th day of February, 1961.

FOR THE GOVERNMENT OF CANADA:

SEAL (Sgd). A. D. P. Heeney.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

SEAL (Sgd). Dean Rusk.

Fourth Session, Twenty-Fourth Parliament, 9–10 Elizabeth II, 1960–61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-83.

An Act respecting Sir John A. Macdonald Day.

First reading, April 17, 1961.

Mr. WRATTEN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24927–6

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-83.

An Act respecting Sir John A. Macdonald Day.

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 *Sir John A. Macdonald Day Act.*

Sir John A. Macdonald Day.

2. Throughout Canada, in each and every year, the first Monday immediately preceding the fifteenth day of February shall be a legal holiday and shall be kept and observed as such under the name of *Sir John A. Macdonald Day.*

Explanatory Note.

In 1967 Canadians will be celebrating throughout Canada the birth of their nation. As Sir John A. Macdonald was the first Prime Minister of Canada it seems proper and desirable that his memory should be honored by the observation of a holiday under the name of Sir John A. Macdonald Day.

C-84.

Fourth Session, Twenty-Fourth Parliament, 9–10 Elizabeth II, 1960–61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-84.

An Act respecting the Vocational Rehabilitation of Disabled Persons and the Co-ordination of Rehabilitation Services.

First reading, April 19, 1961.

MINISTER OF LABOUR.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24277-6

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-84.

An Act respecting the Vocational Rehabilitation of Disabled Persons and the Co-ordination of Rehabilitation Services.

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 *Vocational Rehabilitation of Disabled Persons Act.*

Interpretation.

Definitions.

2. In this Act,

"Council."

(*a*) "Council" means the National Advisory Council on the Rehabilitation of Disabled Persons established by this Act;

"Member."

(*b*) "member" means a member of the Council;

"Minister."

(*c*) "Minister" means the Minister of Labour;

"Disabled person."

(*d*) "disabled person" means a person who because of physical or mental impairment is incapable of pursuing regularly any substantially gainful occupation; and

"Vocational rehabilitation."

(*e*) "vocational rehabilitation" means any process of restoration, training and employment placement, including services related thereto, the object of which is to enable a person to become capable of pursuing regularly a substantially gainful occupation.

Agreements Authorized.

Agreement authorized.

3. (1) The Minister may, with the approval of the Governor in Council, enter into an agreement with any province, for a period not exceeding six years, to provide for the payment by Canada to the province of contributions

Explanatory Note.

The purpose of this Act is to authorize the making of agreements with provinces to provide for the sharing of costs incurred by the provinces in carrying out programs of vocational rehabilitation for disabled persons. The Act would also encourage the development and co-ordination of federal activities in the field of vocational rehabilitation and the carrying out of research in respect of vocational rehabilitation.

in respect of the costs incurred by the province in undertaking in the province a comprehensive program for the vocational rehabilitation of disabled persons.

Contributions payable.

(2) The contributions payable by Canada to a province under an agreement made pursuant to this section shall be fifty per cent of the costs incurred by the province in providing the program referred to in subsection (1).

"Costs" defined.

(3) In this section, "costs" incurred by a province means the costs incurred by the province determined as prescribed in the agreement made under this section between the Minister and the province, but does not include any amounts expended by the province in respect of

(*a*) any disabled person eligible for vocational rehabilitation under the *Veterans Rehabilitation Act*; or

(*b*) any disabled person whose disability is the result of an injury in respect of which benefits are payable to him under any workman's compensation law.

"Comprehensive program for the vocational rehabilitation of disabled persons" defined.

(4) In this section, the expression "comprehensive program for the vocational rehabilitation of disabled persons", in respect of a province, means a vocational rehabilitation program for disabled persons as defined in the agreement made under this section between the Minister and the province, and, without restricting the generality of the foregoing, includes such of the following services and processes of restoration, training and employment placement as are specified in the agreement, namely:

(*a*) assessment and counselling services for disabled persons;

(*b*) services and processes of restoration, training and employment placement designed to enable a disabled person to dispense with the necessity for institutional care or the necessity for the regular home service of an attendant;

(*c*) providing for utilizing the services of voluntary organizations that are carrying on activities in the province in the field of vocational rehabilitation of disabled persons;

(*d*) the training of persons as counsellors or administrators to carry out programs for the vocational rehabilitation of disabled persons;

(*e*) the co-ordination of all activities in the province relating to vocational rehabilitation of disabled persons; and

(*f*) such other services and processes of restoration, training and employment placement in respect of disabled persons as are specified in the agreement.

How services made available.

(5) An agreement made under this section between the Minister and a province shall set out how and by what manner the various services and processes of restoration,

training and employment placement in respect of disabled persons that constitute the provincial program for the vocational rehabilitation of disabled persons as defined in the agreement, will be made available to disabled persons in the province.

Amendments.

4. Any agreement made under this Act may be amended or terminated by the mutual consent of the parties thereto with the approval of the Governor in Council.

FEDERAL PROGRAMS AND RESEARCH.

Co-ordination of federal activities.

5. The Minister may undertake to co-ordinate federal activities in the field of vocational rehabilitation of disabled persons in co-operation with the Minister of National Health and Welfare and the ministers or heads of any other departments or agencies of the Government of Canada carrying on activities in such field.

Research program.

6. (1) The Minister may undertake research in respect of vocational rehabilitation for disabled persons and may, where he deems it appropriate, undertake such research in co-operation with any province.

Publication of research.

(2) The Minister may collect, compile, analyze, abstract and publish information relating to any research undertaken by him pursuant to this section.

COUNCIL ESTABLISHED.

Council established.

7. (1) There shall be a Council to be called the National Advisory Council on the Rehabilitation of Disabled Persons, consisting of twenty-five members, including

(*a*) one member from each of the ten provinces;

(*b*) ten members who shall be chosen upon the joint recommendation of the Minister of Labour and the Minister of National Health and Welfare;

(*c*) four members who are officers or employees of Her Majesty, one each of whom shall be chosen to represent, respectively, the Department of National Health and Welfare, the Department of Veterans Affairs, the Department of Labour and the Unemployment Insurance Commission; and

(*d*) one member who shall serve as Chairman of the Council;

to be appointed by the Governor in Council to hold office during pleasure for such term, not exceeding three years, as may be determined by the Governor in Council.

Quorum.

(2) A majority of the members constitutes a quorum of the Council, and a vacancy in the membership of the Council does not impair the right of the remaining members to act.

Absence or incapacity.

(3) In the event of the absence or temporary incapacity of any member the Governor in Council may appoint a person to act in his stead during such absence or incapacity.

Procedure.

(4) The Council may make rules for regulating its procedures and the performance of its functions and may provide therein for the delegation of any of its duties to any special or standing committees of its members.

Staff.

(5) The Minister may provide the Council with such professional, technical, secretarial and other assistance as the Council may require, but the provision of such assistance otherwise than from the public service of Canada is subject to approval by Treasury Board.

Information to be made available.

(6) The Minister shall make available to the Council such information as the Council reasonably requires for the proper discharge of its functions.

Chairman's remuneration.

8. (1) The Chairman of the Council shall be paid such remuneration for his services as is fixed by the Governor in Council.

Expenses.

(2) The members, other than the Chairman, shall serve without remuneration but each member is entitled to be paid reasonable travelling and other expenses incurred by him in the performance of his duties.

Reference to Council.

9. (1) The Minister may refer to the Council for its consideration and advice such questions relating to the operation of this Act as he thinks fit.

Council to consider and advise.

(2) The Council shall give consideration to and advise the Minister on

(*a*) all matters referred to it pursuant to subsection (1); and

(*b*) such other matters relating to the operation of this Act as the Council sees fit.

GENERAL.

Officers, clerks and employees.

10. Such officers, clerks and other employees as are necessary for the administration of this Act shall be appointed under the provisions of the *Civil Service Act*.

Regulations.

11. The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect

(*a*) in respect of the provision of medical services, on the joint recommendation of the Minister of Labour and the Minister of National Health and Welfare; and

(*b*) in respect of all other matters, on the recommendation of the Minister of Labour.

Report to Parliament.

Report to Parliament.

12. The Minister shall, within three months after the termination of each fiscal year, prepare an annual report on the work done, moneys expended and obligations contracted under this Act and cause the report to be laid before Parliament if Parliament is then sitting or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

Coming into Force.

Commencement of Act.

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

C-85.

Fourth Session, Twenty-Fourth Parliament, 9–10 Elizabeth II, 1960–61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-85.

An Act for the Establishment of a National Design Council.

First reading, April 20, 1961.

THE MINISTER OF TRADE AND COMMERCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

24873-2

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-85.

An Act for the Establishment of a National Design Council.

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 *National Design Council Act.*

Interpretation.

Definitions.

"Council."

"Minister."

2. In this Act,

(*a*) "Council" means the National Design Council; and

(*b*) "Minister" means the Minister of Trade and Commerce.

National Design Council.

Establishment of Council.

3. There shall be, under the direction of the Minister, a National Design Council consisting of seventeen members, including

(*a*) five members who shall be chosen from the field of industry and commerce,

(*b*) two members who shall be chosen from the field of the distribution of goods,

(*c*) four members who shall be chosen from any of the fields of architecture, design and engineering,

(*d*) four members who are officers or employees of Her Majesty employed in departments or agencies of the government of Canada that have a specialized interest in industrial design, and

(*e*) two members of the general public,

to be appointed by the Governor in Council as provided in section 4.

Appointment of members of Council.

4. (1) Each of the members of the Council shall be appointed to hold office for a term of three years, except that of the seventeen first appointed eight shall be appointed for a term not exceeding two years.

Chairman of Council.

(2) One member shall be appointed to be Chairman of the Council for such term, not exceeding three years, as is fixed by the Governor in Council.

Reappointment.

(3) A retiring Chairman or other member is eligible for reappointment to the Council in the same or another capacity.

Eligibility.

(4) A person in order to be eligible to be appointed as a member of the Council described in paragraph (*a*), (*b*), (*c*) or (*d*) of section 3 shall have knowledge of the field he is to represent, or of technical aspects of design.

Remuneration and expenses.

5. Members of the Council shall serve without remuneration but are entitled to be paid reasonable travelling and living expenses while absent from their ordinary place of residence in the course of their duties.

Quorum.

6. A majority of the members constitute a quorum of the Council, and a vacancy in the membership of the Council does not impair the right of the remaining members to act.

Election of Vice-Chairman.

7. (1) The Council shall elect one of its members to be Vice-Chairman for a term not exceeding three years.

Absence of Chairman.

(2) In the event of the absence or incapacity of the Chairman, or if the office of Chairman is vacant, the Vice-Chairman shall act as Chairman.

Meetings.

8. The Council shall meet at least three times a year on such days as are fixed by the Council.

Procedure.

9. The Council may make rules for regulating its proceedings and the performance of its functions and may provide therein for the delegation of any of its duties to any special or standing committees of its members.

Objects.

10. The objects of the Council are to promote and expedite improvement of design in the products of Canadian industry, and, without limiting the generality of the foregoing, the Council may, in furtherance of its objects,

(*a*) plan and implement programmes to create an awareness by industry and the general public of the need for good design;

(*b*) develop methods of achieving improved design;

(*c*) assist industry in developing and applying good design techniques;

(*d*) organize and assist committees and other groups in the implementation on a national, regional or industry basis of programmes to foster good design;

(*e*) recommend to the Minister the awarding through appropriate organizations and otherwise of grants or scholarships

(i) to individuals in Canada for study or research in design in Canada or elsewhere, and

(ii) to institutions in Canada to encourage study or research in design in Canada;

(*f*) grant or issue certificates, citations or awards of merit in respect of Canadian products of outstanding design; and

(*g*) arrange for and sponsor the exhibition of displays of good design in Canada and abroad.

Reference to Council.

11. (1) The Minister may refer to the Council for its consideration and advice such matters relating to the promotion and expedition of the improvement of design in Canada or otherwise relating to the operation of this Act as he thinks fit.

Council to investigate and report.

(2) The Council shall investigate and report on all matters referred to it pursuant to subsection (1) and shall make such recommendations to the Minister in respect thereof as it deems appropriate.

GENERAL.

Staff.

12. (1) In order to carry out its objects the Council shall utilize the services of such officers and employees employed in the Department of Trade and Commerce as the Minister may designate for the purpose.

Advisors.

(2) Subject to subsection (1), the Minister may provide the Council with such professional or technical assistance for temporary periods or for specific work as the Council may request, but no such assistance shall be provided otherwise than from the public service of Canada except with the approval of the Treasury Board.

Not agent of Her Majesty.

13. The Council is not an agent of Her Majesty and the members of the Council as such are not part of the public service of Canada.

Financial.

14. Expenditures for the purposes of this Act shall be paid out of moneys appropriated by Parliament to defray the charges and expenses of the public service of Canada within the Department of Trade and Commerce.

Report.

15. The Chairman of the Council shall, within three months after the termination of each fiscal year, submit to the Minister a report of the operations of the Council for that fiscal year.