



Canada. Laws, Statutes, etc.

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**C-2.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-2.**

An Act to amend the Criminal Code  
(The Judas-Tree Amendment).

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First reading, April 8, 1965.

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Mr. FISHER.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-2.

An Act to amend the Criminal Code  
(The Judas-Tree Amendment).

1953-54, c. 51;  
1955, cc. 2, 45;  
1956, c. 48;  
1957-58, c. 28;  
1958, c. 18;  
1959, cc. 40,  
41;  
1960, cc. 37,  
45;  
1960-61, cc. 21,  
42, 43, 44;  
1962-63, c. 4;  
1963, c. 8;  
1964-65, c. 35.

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 325 thereof, the following section: 5

“325A. Every one who, for compensation or benefit of any kind whatsoever, enters into or continues a party to any contract, agreement, or relationship, whereby he undertakes, in whatever capacity, to sell or furnish to any person any investment, managerial, financial, legal, engineering, purchasing, marketing, auditing, statistical, advertising, publicity, tax, research, or other service, information, or data, when his undertaking so entered into or continued may or does conflict in interest with an obligation of whatever nature by him owed in whatever capacity to any other person is guilty of an indictable offence and is liable to imprisonment for ten years.” 15

## EXPLANATORY NOTES.

### Conflict of Interest.

For the *Janusary* of Mammon who has everything; for the con-man *confiscador* of the Bay Street boardroom; for the investment double-I dealer in *cosa nostrums*, surecurities, salves *qui-peut*, and pink pep pills for the anaemic income ill of widow and pensioner, this Bill provides a Judas-Tree.

The principle of this Bill has been applied to, and presently binds, members of this House and the Senate—by each House in its Orders and Rules and by Parliament as a law of Canada.

“Every one” and “person” as used in this Bill are defined in section 2(15) of the *Criminal Code* as follows:

“ ‘Every one’, ‘person’, ‘owner’, and similar expressions include Her Majesty and public bodies, bodies corporate, societies, companies and inhabitants of counties, parishes, municipalities or other districts in relation to the acts and things that they are capable of doing and owning respectively;”

### References:

- The Grim Truth About Mutual Funds*, Putnam, 1963, by Ralph Lee Smith;
- Securities Act*, Ontario 1960 Revised Statutes, ch. 363;
- Prevention of Fraud (Investment) Act*, 1939 United Kingdom Statutes, ch. 16;
- Public Utility Act of 1935*, United States Public Laws 1935, ch. 687;
- Standing Order 11*, House of Commons;
- Rules 53 and 84*, The Senate;
- Senate and House of Commons Act*, R.S., ch. 249, ss. 19, 20, and 22.

THE HOUSE OF COMMONS OF CANADA

BILL C-1

An Act to amend the Copyright Act

(Copyright Amendment Act)

Enacted by Her Majesty in Council: 1967, 10th day of June, in the 30th year of Her Majesty Queen Elizabeth the Second.

1. This Act may be cited as the Copyright Amendment Act, 1967.

2. The Copyright Act is amended by substituting in section 17 the words "the author of the work" for the words "the creator of the work".

3. The Copyright Act is amended by substituting in section 22 the words "the author of the work" for the words "the creator of the work".

4. The Copyright Act is amended by substituting in section 23 the words "the author of the work" for the words "the creator of the work".



**C-3.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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**THE HOUSE OF COMMONS OF CANADA.**

**BILL C-3.**

An Act respecting the National Game of Canada  
(Lacrosse).

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First reading, April 8, 1965.

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**Mr. PRITTE.**

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-3.**

An Act respecting the National Game of Canada  
(Lacrosse).

Preamble.

**W**HEREAS lacrosse has been played in Canada from time immemorial; and

**W**HEREAS it has long been assumed that lacrosse is the national game of Canada; and

**W**HEREAS there is an attempt to have a lesser game 5 adopted as the national game of Canada;

**N**OW 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 *Canada's National 10 Game Act*.

National Game.

**2.** The game of lacrosse in both its forms, known as box lacrosse and field lacrosse, is declared to be the National Game of Canada.

### EXPLANATORY NOTE.

Lacrosse has been played in Canada for an unknown period of time, having been played by the native Indian people. It is uniquely Canadian and was not imported to this country as all other games have been.

The purpose of this Bill is to rectify what was probably an oversight on the part of the Fathers of Confederation who were so preoccupied with drafting Sections 91 and 92 of the *B.N.A. Act* that the question of declaring a national game escaped their attention.

THE HOUSE OF COMMONS OF CANADA

THE HOUSE OF COMMONS OF CANADA

BILL

AN ACT TO AMEND THE CANADIAN PATENT ACT

Enacted by Her Majesty in Council at Ottawa, this 15th day of June, 1924.

That the following provisions shall have effect as if they were contained in the Act to amend the Canadian Patent Act, passed in the first session of the eighth Parliament of Canada, in the first year of the reign of His Majesty King George V.

Section 1. The words "inventor" shall mean the person who is the author of the invention.

Section 2. The words "inventor" shall mean the person who is the author of the invention.

C-4.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-4.**

An Act to preserve and promote Native Indian  
and Eskimo Arts and Crafts.

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First reading, April 8, 1965.

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MR. HOWARD.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

THE HOUSE OF COMMONS OF CANADA.

BILL C-4.

An Act to preserve and promote Native Indian and Eskimo Arts and Crafts.

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 *Native Indian and Eskimo Arts and Crafts Act*. 5

Establishment of Native Cultural Council.

**2.** A corporation is hereby established, to be known as the Native Cultural Council of Canada, in this Act called the "Council", consisting of a Chairman and Vice-Chairman and nine other members, to be appointed by the Governor in Council as provided in section 3. 10

Members of the Council.

**3.** (1) The Chairman and Vice-Chairman of the Council shall be appointed for such terms, not exceeding five years each, as are fixed by the Governor in Council.  
(2) At least five of the appointments shall be made from the Indian population of Canada and at least three of the appointments shall be made from the Eskimo population of Canada. 15

Objects and powers.

**4.** (1) The objects of the Council are to preserve and promote the arts and crafts of the Indians and Eskimos of Canada, and, in particular, but without limiting the generality of the foregoing, the Council may, in furtherance of its objects, 20  
(a) assist, co-operate with and enlist the aid of organizations, the objects of which are similar to any of the objects of the Council; 25

## EXPLANATORY NOTE.

The purpose of this bill is to preserve and promote Native Indian and Eskimo arts and crafts by the establishment of a Native Cultural Council of Canada.

The said Native Cultural Council will consist of eleven members, five of whom shall be from the Indian population of Canada and three from the Eskimo population of Canada.

The objects of the Council will be to preserve and promote the arts and crafts of our Indian and Eskimo people by, without limiting the Council's broad objectives, co-operating with other organizations with similar objectives, by providing grants and scholarships to Indians and Eskimos for research and instruction in the arts and crafts, by making awards for accomplishments in the arts and crafts, by arranging for exhibitions and publications, by transmitting information to other countries about arts and crafts and by exchanging information about arts and crafts with other countries.

Provision is made in the Bill for the Council to work with the United Nations Educational, Scientific and Cultural Organization.

One of the principle parts of the Bill is a declaration that, in the furtherance of the objective of preserving and promoting Native Indian and Eskimo arts and crafts, there will be a prohibition against the importation into Canada of any thing passing or capable of passing as Native Indian or Eskimo art or craft except under certificate from the Council.

The Council may acquire money, securities or other property by way of gifts, bequests or otherwise.

There is concern among the Native Indian and Eskimo population of Canada about the production in Canada of works which purport to be those of Indian and Eskimo people. This Bill does not deal with such imitations because of the commitment made by the Hon. René Tremblay, when he was Minister of Citizenship and Immigration on April 20, 1964 that:

"In order to help the buying public distinguish Indian crafts from imitations, the department has designed a distinctive label which will be registered under the Copyright Act for the exclusive use of attachment to Indian arts and crafts. This label will be given nation wide publicity and will offer the buyer in Canada a guarantee that the Indian article is genuine."

- (b) provide, through appropriate organizations or otherwise, for grants, scholarships or loans to Indians and Eskimos for instruction, study or research in Indian or Eskimo arts or crafts;
- (c) make awards to Indians and Eskimos for outstanding accomplishment in the Indian or Eskimo arts or crafts; 5
- (d) arrange for and sponsor exhibitions, performances and publications of works in the Indian and Eskimo arts and crafts; 10
- (e) exchange with other countries or organizations or persons therein knowledge and information respecting Indian and Eskimo arts and crafts;
- (f) arrange for representation and interpretation of Indian and Eskimo arts and crafts in other countries; and 15
- (g) grant a certificate to any person, subject to terms, conditions and royalties, approving the importation into Canada of any thing passing or capable of passing in the opinion of the Council as native Indian or Eskimo art or craft. 20

Council to  
act in  
relation to  
U.N.E.S.C.O.

(2) The Governor in Council may assign to the Council such functions and duties in relation to the United Nations Educational, Scientific and Cultural Organization as he considers desirable. 25

By-laws.

**5.** The Council may make by-laws regulating its proceedings and generally for the conduct and management of its activities, including the appointment of honorary officers and of advisory committees. 30

Meetings of  
Council.

**6.** 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.

Not agent of  
Her Majesty.

**7.** The Council is not an agent of Her Majesty. 35

Donations.

**8.** The Council may acquire money, securities or other property by gift, bequest or otherwise and may expend, administer or dispose of any such money, securities or other property subject to the terms, if any, upon which such money, securities or other property was given, bequeathed or otherwise made available to the Council. 40

Offense.

**9.** No person shall import into Canada any thing passing or capable of passing as native Indian art or craft unless the importer has obtained and produces a certificate granted by the Council in respect thereof. 45



C-5.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-5.**

An Act to amend the Transport Act and the Railway Act  
(B.C. Water Carriers).

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First reading, April 8, 1965.

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Mr. BARNETT.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-5.

An Act to amend the Transport Act and the Railway Act  
(B.C. Water Carriers).

R.S., c. 271;  
1955, c. 59;  
1960-61, c. 63.

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 2 of the *Transport Act* is amended by adding thereto, immediately after paragraph (c) thereof, the following paragraph: 5

"Goods."

“(ca) “goods” includes personal property of every description that may be laden or freighted in a ship;”

2. Paragraph (k) of subsection (1) of section 2 of the said Act is repealed and the following substituted therefor: 10

"Ship."

“(k) “ship” means every description of vessel, including a lighter, barge, scow or other like vessel, however propelled, exceeding ten tons gross tonnage used in navigation on the Mackenzie River, exceeding fifteen tons gross tonnage or being a steam vessel or other vessel used for water traffic and connected with a railway used in navigation on British Columbia coastal waters, and exceeding five hundred tons gross tonnage used in navigation on other waters in Canada; and when used in Part V, includes any vessel, boat, dredge, floating elevator or any other floating craft, and any raft, crib, dram or bag boom of logs, timber or lumber of any kind, and logs, timber or lumber in boom or being towed;” 25

## EXPLANATORY NOTES.

The principle of this Bill is one that is recognized by Parliament: namely, that public convenience and necessity may require public carriers of goods and passengers to be regulated. This Bill would regulate such carriers that operate in British Columbia coastal waters by putting them under Board of Transport jurisdiction.

*Clause 1:* "goods" is not defined in the *Transport Act* which incorporates by reference, unless otherwise provided, the definitions of the *Railway Act*. The *Railway Act* definition of "goods" is:

"2. (4) (10) "goods" includes personal property of every description that may be conveyed upon the railway, or upon steam vessels or other vessels connected with the railway;"

There is a question whether this definition does not restrict goods, as used in the *Transport Act*, to transport of goods by railway company water carriers.

*Clause 2:* This amendment restricts Transport Board regulation to vessels of more than 15 ton gross except in the case of a railway company water carrier. This exception to the restriction is made because Parliament, in sections 2(4) (10) and 363 of the *Railway Act*, does not restrict potential control of railway company water carriers by the tonnage of the carrier ships.

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

Not applicable to ships plying between certain ports.

"(4) The provisions of this Part do not apply in the case of ships engaged in the transport of goods or passengers 5

- (a) between ports or places in Hudson Bay, Nova Scotia, New Brunswick, Prince Edward Island, Newfoundland, and the Gulf and River St. Lawrence east of the western point of the Island of Orleans, or between any two or more 10 places therein; nor
- (b) between any of such ports or places, or any ports or places in British Columbia, and ports or places outside of Canada."

R.S., c. 234;  
1955, cc. 41,  
55;  
1958, c. 40;  
1960, c. 35;  
1960-61, c. 54;  
1963, cc. 28,  
41.

4. Section 363 of the *Railway Act* is repealed and 15 the following substituted therefor:

#### TRAFFIC BY WATER.

When Act applies to.

"**363.** The provisions of this Act, in respect of tolls, tariffs and joint tariffs, so far as deemed applicable by the Board or so far as made applicable by the provisions of the *Transport Act* as the case may be, 20 extend and apply to the traffic carried by any railway company by sea or by inland water, between any ports or places in Canada, if the Company owns, charters, uses, maintains or works, or is a party to any arrangement for using, maintaining or working vessels for 25 carrying traffic by sea or by inland water between any such ports or places."

*Clause 3:* This is the substantive amendment. Section 12(4), as presently enacted, exempts from regulation "ships engaged in the transport of goods or passengers between ports or places in British Columbia." This provision has been removed by the amendment. At the same time, the portion underlined in the clause has been added to exempt B.C. carriers trafficking to non-Canadian ports.

It should be noted that section 12(2) provides that the Governor in Council may by regulation exempt any ship or class of ships from the operation of Part II of the Act.

*Clause 4:* The *Railway Act*, s. 363, gives the Transport Board a discretionary power to regulate railway company carrier shipping. The addition makes mandatory such regulation where required by the *Transport Act*.



**C-6.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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**THE HOUSE OF COMMONS OF CANADA.**

**BILL C-6.**

An Act respecting Canada Day.

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First reading, April 8, 1965.

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Mr. CHRÉTIEN.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-6.

An Act respecting Canada 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 Canada Day Act*.
- Canada Day  
a legal  
holiday.      **2.**      Throughout Canada, in each and every year, **5**  
the first day of July, not being a Sunday, shall be a legal  
holiday, and shall be kept and observed as such, under the  
name of *Canada Day*.
- When 1st of  
July is a  
Sunday.      **3.**      When the first day of July is a Sunday, the  
second day of July shall be, in lieu thereof, throughout **10**  
Canada, a legal holiday, and shall be kept and observed  
as such, under the name of *Canada Day*.
- Repeal.      **4.**      *The Dominion Day Act*, chapter eighty-eight of  
the Revised Statutes of Canada, 1952, is repealed.



EXPLANATORY NOTE.

This Bill is intended to repeal the *Dominion Day Act* and substitute therefor a Canada Day Act. The changes are in the title and in section two where the word "Canada" is substituted for the word "Dominion".

THE HOUSE OF COMMONS OF CANADA.

BILL C-6.

An Act to Establish a Canada Day.

Enacted by Her Majesty in Council on the 14th day of June, 1955.

Enacted

1. The Act may be cited as The Canada Day Act.

Canada Day  
1955  
holiday.

2. Throughout Canada, in each and every year, the first day of July, not being a Sunday, shall be a legal holiday, and shall be kept and observed as such, under the name of Canada Day.

When in a  
Sunday

3. When the first day of July is a Sunday, the second day of July shall be, in lieu thereof, throughout Canada, a legal holiday, and shall be kept and observed as such, under the name of Canada Day.

Amend.

4. The Dominion Day Act, chapter eighty-eight of the Revised Statutes of Canada, 1954, is repealed.

C-7.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-7.**

An Act to amend the Juvenile Delinquents Act  
(Application to Mentally Retarded).

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First reading, April 8, 1965.

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MR. HOWE (Hamilton South).

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

## BILL C-7.

An Act to amend the Juvenile Delinquents Act  
(Application to Mentally Retarded).

R.S., c. 160.

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

**1.** Paragraph (a) of subsection (1) of section 2 of the *Juvenile Delinquents Act* is repealed and the following substituted therefor: 5

“Child.”

“(a) “child” means any boy or girl apparently or actually under the age of sixteen years and any male or female person mentally under that age, or such other chronological or mental age as 10  
may be directed in any province pursuant to subsection (2);”

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

Alteration  
of definition  
of “child”.

“(2) The Governor in Council may from time to 15  
time by proclamation

(a) direct that in any province the expression “child” in this Act means any boy or girl apparently or actually under the age of eighteen years and any male or female person mentally 20  
under that age, and any such proclamation may apply either to boys only or to girls only or to both boys and girls or either to male persons only or to female persons only or to both male and female persons or to any other 25  
inclusion or exclusion of boys, girls, male persons or female persons, and

#### EXPLANATORY NOTE.

The passage of the *Juvenile Delinquents Act* marked our recognition that a juvenile charged with an offence against our criminal laws should not—as well for the good of the community as for his own good—be exposed to the usual public and trial process of the criminal courts: and, if adjudged an offender, can not comprehend and benefit by and therefore should not undergo the penal punishment of an adult offender.

Since the passage of the Act, scientific technologies enable us to define the mental age of a person in terms of an equivalent chronological age. The purpose of this Bill is simply to update the law in accord with these scientific advances and so apply the Act to those mentally retarded persons who have a mental age within the age limits protected by the Act.

The social and moral philosophy of the Act is expressed in section 38 which reads as follows:

"This Act shall be liberally construed to the end that its purpose may be carried out, namely, that the care and custody and discipline of a juvenile delinquent shall approximate as nearly as may be that which should be given by its parents, and that as far as practicable every juvenile delinquent shall be treated, not as a criminal, but as a misdirected and misguided child, and one needing aid, encouragement, help and assistance."

The Act further provides in section 12(1) that the trial of a child shall take place without publicity and separately and apart from the trials of other accused persons.

*Clauses 1 & 2:* The definition of "child" is amended to include persons over 16 years of age—or 18 years in the discretion of the Governor in Council—who are mentally under that age.

- (b) revoke any direction made with respect to any province by a proclamation under this section, and thereupon the expression "child" in this Act in that province means any boy or girl apparently or actually under the age of sixteen years and any male or female person mentally under that age." 5

3. Subsection (1) of section 9 of the said Act is repealed and the following substituted therefor:

Exceptional procedure when offence is indictable.

"(1) Where the act complained of is, under the provisions of the *Criminal Code* or otherwise, an indictable offence, and the accused child is apparently or actually over the age of fourteen years or the accused male or female person, being a child within the meaning of this Act, is mentally over that age, the Court may, 10  
in its discretion, order the child or person to be proceeded against by indictment in the ordinary courts in accordance with the provisions of the *Criminal Code* in that behalf; but such course shall in no case be followed unless the Court is of the opinion that the 15  
good of the child or person and the interest of the community demand it." 20

4. Subsection (4) of section 13 of the said Act is repealed and the following substituted therefor:

Exception.

"(4) This section does not apply to a child apparently over the age of fourteen years or to a male or female person, being a child within the meaning of this Act, who, in the opinion of the judge, or, in his absence, of the sheriff, or, in the absence of both the judge and the sheriff, of the mayor or other chief 25  
magistrate of the city, town, county or place, cannot safely be confined in any place other than a gaol or lock-up." 30

5. Subsection (3) of section 20 of the said Act is repealed and the following substituted therefor: 35

Return of juvenile delinquent to court.

"(3) Where a child has been adjudged to be a juvenile delinquent and whether or not such child has been dealt with in any of the ways provided for in subsection (1), the court may at any time, before the juvenile delinquent has reached the age of twenty-one 40  
years if under that age when so adjudged, unless the

Clauses 3, 4 & 5: These clauses are consequential upon Clause 1.

Powers  
of court.

court has otherwise ordered, cause by notice, summons, or warrant, the delinquent to be brought before the court, and the court may then take any action provided for in subsection (1), or may make an order with respect to such child under section 9, or may discharge the child on parole or release it from detention, but in a province in which there is a superintendent, no child shall be released by the judge from an industrial school without a report from such superintendent recommending such release, and where an order is made by a court releasing a juvenile delinquent from an industrial school or transferring such delinquent from an industrial school to a foster home or from one foster home to another under the provisions of this subsection, it is not necessary for such delinquent to be before the court at the time that such order is made." 5 10 15

Enforcement  
of Act.

6. This Act shall go into force only when and as proclamations declaring it in force in any province, city, town or other portion of the province are issued and published in the *Canada Gazette*. 20

Operation  
of Act.

7. Notwithstanding the provisions of section 6, this Act shall be in force in every part of Canada in which the *Juvenile Delinquents Act*, chapter 108 of the Revised Statutes of Canada, 1927, was in force on the 14th day of June, 1929. 25



*Clauses 6 & 7:* These clauses repeat sections 44 and 45 of the Act in order that the proposed amendments conform with the enforcement and operation of the Act.

Page 2

...the defendant... to be brought before the court...  
...provision of law...  
...the provision of law...  
...the court at the time that such order was made.

It has also been suggested...  
...of the Court's Clerk

Notwithstanding the provisions of section 4...  
...June 1934

C-8.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

BILL C-8.

An Act to amend the Canadian Citizenship Act  
(Freedom of Conscience).

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First reading, April 8, 1965.

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Mr. FISHER.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-8.

An Act to amend the Canadian Citizenship Act  
(Freedom of Conscience).

R.S., c. 33;  
1953, c. 23;  
1953-54, c. 34;  
1956, c. 6;  
1958, c. 24.

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 *Canadian Citizenship Act* is repealed and the following substituted therefor: 5

Certificate  
not effective  
till oath or  
affirmation of  
allegiance  
taken.

“12. A certificate of citizenship granted to any person under this Part, other than to a minor under the age of fourteen years, shall not take effect until the applicant has taken the oath of allegiance or the affirmation of allegiance, as the applicant elects, set forth in the Second Schedule, and thereupon the said person shall become a Canadian citizen.” 10

2. The Second Schedule to the said Act is repealed and the following substituted therefor:

“SECOND SCHEDULE

*Oath of Allegiance.*

I, A. B., swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her Heirs and Successors, according to law, and that I will faithfully observe the laws of Canada and fulfil my duties as a Canadian citizen. 15

So help me God. 20

EXPLANATORY NOTE.

The purpose of this bill is to permit applicants for Canadian citizenship to pledge allegiance to the Crown and to the laws of Canada by affirmation as well as oath: and so ensure that an applicant for Canadian citizenship has the same right to freedom of conscience that he will have as a Canadian citizen.

*Affirmation of Allegiance.*

I, A. B., do solemnly, sincerely, and truly declare and affirm that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her Heirs and Successors, according to law, and that I will faithfully observe the laws of Canada and fulfil my duties as a Canadian citizen." 5

BILL C-8

An Act to amend the Citizenship Act

The purpose of this bill is to permit applicants for Canadian citizenship to swear allegiance to the Queen and the Heirs and Successors of the Queen, as well as to the laws of Canada, and to provide for the naturalization of persons who have been naturalized in another country.

Enacted by the Queen's most Excellent Majesty in Council, at Ottawa, this 1st day of June, 1957.

1. A certificate of citizenship granted to any person under this Act, other than a minor, shall not take effect until the applicant has taken the oath of allegiance or the affirmation of allegiance as required by this Act.

2. The Government of Canada has the honor to request and the following substituted therefor:

DECLARATION OF INTENT

I, \_\_\_\_\_, do hereby declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her Heirs and Successors, according to law, and that I will faithfully observe the laws of Canada and fulfil my duties as a Canadian citizen.

In witness whereof,

C-9.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-9.**

An Act to amend the Bank of Canada Act  
(Form and Material of Notes).

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First reading, April 8, 1965.

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Mr. COTE.  
(Chicoutimi)

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-9.**

An Act to amend the Bank of Canada Act  
(Form and Material of Notes).

R.S. c. 13;  
1953-54, c. 33.

**H**ER 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 21 of the *Bank of Canada Act* is hereby repealed and the following substituted therefor: 5

Form and  
material.

“(4) The form and material of notes shall be subject to approval by the Minister, but such notes shall not contain any wording which is misleading or which might deceive the public as to the true nature thereof, or of the obligations incurred by the bank in issuing them and all notes shall be printed in both the English and the French language. 10



THE HOUSE OF COMMONS OF CANADA

BILL C-10

EXPLANATORY NOTE.

The purpose of this bill as stated therein is to provide that bank notes shall not be inaccurate and misleading. As for example: at present the notes issued by the Bank of Canada are certainly misleading and inaccurate from the fact they contain the following statement or bear the words: "WILL PAY TO THE BEARER ON DEMAND". These notes being legal tender, it is misleading for such words to be printed on Bank of Canada notes.

1948 Session, 24th Parliament, 1st Sittings, 22, 1948.

THE BANK OF CANADA ACT

BILL C-9

An Act to amend the Bank of Canada Act  
and to amend the Bank of Canada  
Act and the Bank of Canada Act

1. The Bank of Canada Act is amended by substituting the following for section 10:

10. The Bank of Canada shall have the right to issue, in addition to the notes and coins now issued by it, such other notes and coins as may be authorized by the Governor in Council, and to issue, in addition to the notes and coins now issued by it, such other notes and coins as may be authorized by the Governor in Council, and to issue, in addition to the notes and coins now issued by it, such other notes and coins as may be authorized by the Governor in Council.

2. The Bank of Canada Act is amended by substituting the following for section 11:

11. The Bank of Canada shall have the right to issue, in addition to the notes and coins now issued by it, such other notes and coins as may be authorized by the Governor in Council, and to issue, in addition to the notes and coins now issued by it, such other notes and coins as may be authorized by the Governor in Council, and to issue, in addition to the notes and coins now issued by it, such other notes and coins as may be authorized by the Governor in Council.

3. The Bank of Canada Act is amended by substituting the following for section 12:

12. The Bank of Canada shall have the right to issue, in addition to the notes and coins now issued by it, such other notes and coins as may be authorized by the Governor in Council, and to issue, in addition to the notes and coins now issued by it, such other notes and coins as may be authorized by the Governor in Council, and to issue, in addition to the notes and coins now issued by it, such other notes and coins as may be authorized by the Governor in Council.

4. The Bank of Canada Act is amended by substituting the following for section 13:

13. The Bank of Canada shall have the right to issue, in addition to the notes and coins now issued by it, such other notes and coins as may be authorized by the Governor in Council, and to issue, in addition to the notes and coins now issued by it, such other notes and coins as may be authorized by the Governor in Council, and to issue, in addition to the notes and coins now issued by it, such other notes and coins as may be authorized by the Governor in Council.

Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

BILL C-10.

An Act to provide for Control of the Use of Collateral  
Bills and Notes in Consumer Credit Transactions.

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First reading, April 8, 1965.

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MR. RYAN.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-10.**

An Act to provide for Control of the Use of Collateral Bills and Notes in Consumer Credit Transactions.

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

Short title.

**1.** This Act may be cited as the *Collateral Bills and Notes Act*. 5

**2.** The definitions in section 2 of the *Bills of Exchange Act* and all other provisions of such Act shall apply to this Act, except where a contrary intention is evidenced hereby.

Material particulars where instrument given as collateral security against delivery of unpaid goods.

**3.** Where under a transaction, by way of conditional sale, hire purchase or other deferred payment agreement, that is accompanied by delivery of possession of goods, a bill or note is given as collateral security for but not in satisfaction or payment of the purchase or consideration money or part of it, there shall be prominently and legibly written on the bill or note, before the same is issued, the words, 10 15

*CAUTION—I perfectly understand I may be sued for non-payment of this note by a stranger to this transaction to whom this note has been transferred even though the goods be unsatisfactory.* 20

and having separately, in witness of such statement so written, set the signature thereunder in his own hand of the party giving such security.

Invalidity where particulars wanting; and exception thereto.

**4.** Wanting such words thereon and signature thereto, such instrument and any renewal thereof is invalid except in the hands of a holder in due course without notice of the transaction. 25

### EXPLANATORY NOTE.

The purpose of this bill is to give warning to makers of promissory notes given as collateral to deferred payment agreements in consumer credit transactions that they may become liable for payment of the notes to third parties who are innocent purchasers of the notes for value and without notice of the sale of goods transaction, and to limit the rate of interest chargeable on such notes.

- Offence.**           **5.**       Everyone who issues, sells or transfers, by endorsement or delivery, any such instrument so wanting, knowing the instrument was given as collateral security in manner before mentioned, is guilty of an indictable offence and liable to imprisonment for any term not exceeding six months or to such fine, not exceeding Two Hundred Dollars, as the court thinks fit. 5
- Penalty.**
- Transaction not otherwise affected by invalidity of instrument.**       **6.**       An invalidity attaching to an instrument under section 4 does not attach to the transaction of which the instrument is a part. 10
- Signature.**       **7.**       Section 4 of the *Bills of Exchange Act* does not apply to section 3 hereof.
- Interest.**       **8.**       In any such instrument, the principal amount shall not exceed the currently advertised price of the goods and the sole charge that may be added thereto and included therein shall be interest thereon of not more than one per centum per month on principal amounts up to Five Hundred Dollars and not more than one-half of one per centum per month on any balance exceeding Five Hundred Dollars. 15
- No interest increase on default and no compounding of interest.**       **9.**       Interest on any such instrument may be chargeable up to but not in excess of the said rates, both before and after default, and any provision for compounding interest contained in any such instrument shall be null and void. 20
- Offence.**           **10.**      Every one who issues, sells or transfers, by endorsement or delivery any such instrument that is not in compliance with Section 8, knowing the instrument was given as collateral security in manner before mentioned, is guilty of an indictable offence and liable to imprisonment for any term not exceeding six months, or to such fine, not exceeding Two Hundred Dollars as the court thinks fit. 25
- Penalty.**
- Times of commencement and applicability.**       **11.**      This Act shall come into effect on the 1st day of July, 1964, and shall not apply to a transaction entered into before that date. 30

C-11.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-11.**

An Act to provide for the Protection of News Sources  
(Press Privilege).

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First reading, April 8, 1965.

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Mr. FISHER.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

THE HOUSE OF COMMONS OF CANADA.

**BILL C-11.**

An Act to provide for the Protection of News Sources  
(Press Privilege).

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 *News Sources Protection Act.* 5

INTERPRETATION.

Definitions. **2.** In this Act,  
"Court." (a) "court" means 10  
(i) a criminal proceeding held before or under the authority of a court exercising judicial authority,  
(ii) an inquiry or investigation held or made under authority of a law of Canada or by order of Her Majesty before or under the authority of a court, tribunal, commission, board, power, authority, or a judicial, administrative or ministerial official, or 15  
(iii) any other proceeding or matter whatsoever coming within the legislative authority of the Parliament of Canada or within the prerogative of Her Majesty; 20  
"Journalist." (b) "journalist" means an employee or self-employed member of the news or editorial staff of a newspaper; and  
"Newspaper." (c) "newspaper" means any paper, magazine or periodical containing public news, intelligence or reports of events, or any remarks or observations thereon, printed for sale and published 25



### EXPLANATORY NOTES.

The purpose of this Bill is to provide privilege of communication between a journalist and his news source or in respect of his source where the source is a document or other material.

The privilege proposed in the Bill is absolute except as qualified by the definition clause. The "court" definition includes all criminal proceedings, and so much of civil and quasi-criminal proceedings, whether judicial, administrative or Crown but excepting Parliamentary, as are under federal authority. It does not include courts or other authorities constituted or acting under provincial legislative or Crown authority.

The definition of a "newspaper" is taken, in part, from section 247 of the *Criminal Code* but widened to include radio and television stations.

As noted, the privilege given in Clause 3 is absolute except as limited by the definition clause.

Clause 4 provides that the Act binds the Crown and that the privilege is not limited by anything contrary to or inconsistent with it in any other statute: as, e.g., the *Criminal Code*, the *Inquiries Act*, the *Official Secrets Act*, the *Customs Act*, and various other Acts which give power to question and to punish upon refusal to answer.

periodically or in parts or numbers, at intervals not exceeding thirty-one days between the publication of any two such papers, parts or numbers, and includes a public or private broadcasting station established and operated under a licence. 5

PRIVILEGE.

Disclosure or production of news source not compellable.

3. A journalist is not compellable to disclose or produce to a court the source of information relating to public news, intelligence or reports of events that is given or communicated to, or is seen, heard or otherwise obtained by him and published or broadcast in whole or in part in or by a newspaper. 10

Crown bound: other laws not applicable.

4. This Act shall bind the Crown and shall have application notwithstanding the provisions of any law of Canada contrary hereto or inconsistent herewith. 15

**C-12.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-12.**

An Act to amend the Immigration Act  
(Foreign Intervention in Industrial Disputes).

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First reading, April 8, 1965.

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Mr. ORMISTON.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-12.**

An Act to amend the Immigration Act  
(Foreign Intervention in Industrial Disputes).

R.S., c. 145;  
R.S., c. 325.

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

1. Paragraph (h) of subsection (1) of section 7 of the *Immigration Act* is repealed and the following substituted therefor:

Temporary  
professional  
services.

Exception.

“(h) persons engaged in a legitimate profession, trade or occupation entering Canada or who, having entered, are in Canada for the temporary exercise of their respective callings; but no person so engaged shall be allowed to enter Canada or to remain in Canada as a non-immigrant where there is a dispute, collective bargaining, lockout or strike, as defined in the *Industrial Relations and Disputes Investigation Act*, in the profession, trade or occupation of that person anywhere in Canada.”

## EXPLANATORY NOTE.

The purpose of this Bill is to keep Canadian the disputes, negotiations and settlements that occur in Canada between employer and employee: and to prevent foreign fomentation and fermentation of these disputes into test-tube experiments for the benefit of foreign power groups without regard to Canadian employer-employee interests. Presently—as with the conditioned reflex of *Pavlov's* dog—whenever a non-immigrant industrial scientist rings Canada's door bell a segment of Canada's industry has false labor pains. This Bill short-circuits the stimulus.

*Clause 1: Section 7(1)(h) of the Immigration Act* now reads:

### "Non-Immigrants

The following persons may be allowed to enter and remain in Canada as non-immigrants, namely,

- .....
- (h) persons engaged in a legitimate profession, trade or occupation entering Canada or who, having entered, are in Canada for the temporary exercise of their respective callings;"

The amendment provides a prohibitory exception to this discretionary provision.

Although the definitions of "dispute", "collective bargaining", "lockout", and "strike" are those used in the federal *Industrial Relations and Disputes Investigation Act*, the amendment applies to such matters whether within federal or provincial jurisdiction. The reference to that Act is for the convenient incorporation by reference of definitions only.



C-13.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-13.**

An Act to amend the Immigration Act  
(Disclosure of Reasons for Deportation).

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First reading, April 8, 1965.

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Mr. BREWIN.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

THE HOUSE OF COMMONS OF CANADA.

**BILL C-13.**

An Act to amend the Immigration Act  
(Disclosure of Reasons for Deportation).

R.S.C. 1952,  
c. 325.

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

**1.** The *Immigration Act* is amended by adding thereto, immediately after section 62, the following section: 5

**62A.** Notwithstanding the provisions of sections 61 and 62 no person shall be ordered to be deported under any of the provisions of this Act unless the reasons for his deportation, including the reasons for the refusal of any visa or other document or his failure to pass 10 any test or examination required by this Act or the Regulations, have been disclosed to such person.



EXPLANATORY NOTE.

The purpose of this amendment is to give reality to the hearing by a special inquiry officer provided for by sections 27 and 28 of the Act and to put an end to proceedings in which the only issue in the hearing is whether or not an applicant has an immigrant visa or other document, which can only be granted to him by officials of the Immigration Department and which are refused without reason.

THE HOUSE OF COMMONS OF CANADA

BILL C-13

AN ACT TO AMEND THE IMMIGRATION ACT

The purpose of this amendment is to give validity to the hearing by a special inquiry officer provided for by sections 27 and 28 of the Act and to give an end to proceedings in which the only issue in the hearing is whether or not an applicant has an immigrant visa or other document which can only be granted to him by officials of the Immigration Department and which are refused without reason.

Notwithstanding the provisions of sections 25 and 27 no person shall be deemed to be deported or to have been deported by the provisions of this Act unless the reasons for the deportation, including the reasons for the refusal of any visa or other document to that person, are set out in the certificate issued by the Act or the Regulations, and such reasons

REPRINT

C-14.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-14.**

An Act respecting Sir John A. Macdonald Day.

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First reading, April 8, 1965.

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Mr. MACQUARRIE.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-14.**

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*.

5

Sir John A. Macdonald Day.

**2.** Throughout Canada, in each and every year, the first Monday immediately following the eleventh day of January shall be a legal holiday and shall be kept and observed as such under the name of *Sir John A. Macdonald Day*.

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THE HOUSE OF COMMONS OF CANADA

BILL C-15

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 observance of a holiday under the name of Sir John A. Macdonald Day.

For reading, April 6, 1966



**C-15.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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**THE HOUSE OF COMMONS OF CANADA.**

**BILL C-15.**

An Act to amend the Criminal Code  
(Raffles and Bingo for Charitable Purposes).

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First reading, April 8, 1965.

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Mr. GRAY.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-15.

An Act to amend the Criminal Code  
(Raffles and Bingo for Charitable Purposes).

1953-54, c. 51;  
1955, cc. 2, 45;  
1956, c. 48;  
1957-58, c. 28;  
1958, c. 18;  
1959, cc. 40,  
41; 1960,  
cc. 37, 45,  
1960-61,  
cc. 21, 42,  
43, 44;  
1962-63, c. 4;  
1963, c. 8;  
1964-65, c. 35.

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 subsection (2) of section 168 of the *Criminal Code* is repealed. 5
2. Paragraph (b) of subsection (8) of section 179 of the said Act is repealed.
3. The said Act is further amended by adding thereto, immediately after section 179 thereof, the following section: 10

Exemption:  
charitable  
use.

“179A. Sections 176 and 179 do not apply to any game for which a direct fee is charged to persons for the right or privilege of playing or to any mode of chance whatsoever for disposing of any property where the game or mode of chance is conducted, 15 managed, sponsored or held by a private organization having in its objects a charitable purpose that is the relief of poverty, or education, or the advancement of religion, or any purpose not falling under the foregoing heads that is beneficial to the community, 20 if the gain to the private organization from the game or mode of chance is expended upon or assured to the benefit of that charitable purpose within six months from the day the game is played or the property 25 disposed of.”



## EXPLANATORY NOTES.

*Clause 1:* repeals paragraph (b) of sub-section 2 of section 168 of the *Criminal Code*, which reads:

"Charitable organisations.—while occasionally it is used by charitable or religious organisations for the purpose of playing games for which a direct fee is charged to persons for the right or privilege of playing, if the proceeds from the games are to be used for a charitable or religious object."

This section prevents in a very limited way a place from being deemed a common gaming house under s. 168 and s. 176 of the *Criminal Code* under the circumstances set forth therein.

*Clause 2:* repeals paragraph (b) of sub-section 8 of section 179 of the *Criminal Code*, which read as follows:

"Raffles at church bazaars.—raffles for prizes of small value at any bazaar held for any charitable or religious object, if permission to hold the same has been obtained for the city or other municipal council, or from the mayor, reeve or other chief officer of the city, town or other municipality, wherein such bazaar is held, and the articles raffled for thereat have first been offered for sale and none of them has a value exceeding fifty dollars."

This sub-section exempts raffles from the provisions of section 179 of the *Criminal Code* dealing with lotteries in the extremely limited manner set forth therein.

The above exemptions are so narrow that, when strictly applied, service clubs and non-profit community service organisations as well as religious organisations are to all intents and purposes prevented by s. 176 and s. 179 from holding raffles and bingos in a way that would permit sufficient funds to be raised in a manner and on a scale adequate for the charitable or religious uses intended for such funds.

With the addition of Section 179A to the *Criminal Code* the above exceptions would no longer be necessary since the purpose of clause 3 of this Bill is to make it possible for service clubs and similar community service organisations as well as religious organisations to raise funds for charitable and religious objects without the threat of prosecution under existing provisions of the *Criminal Code*.

In some parts of Canada, groups of the type referred to above can carry on raffles and bingos not only on a regular basis if desired, but also on a scale sufficient to meet the financial needs for which they are held, without any interference by local law enforcement authorities who appear to pay no attention to the clear provisions of the *Criminal Code* forbidding the holding of such raffles and bingos except under the extremely limited circumstances set forth in the two exceptions mentioned above. At the same time other such groups in other parts of Canada and often within the same Province are in effect not permitted to carry out this very same type of fund-raising activity by local law enforcement authorities who consider themselves obliged to enforce the provisions of the *Criminal Code* as they now stand in their entirety.

Clause 179A is designed to eliminate this unfair situation and to ensure that all such groups are treated on a basis of equality that will permit them to hold raffles and bingos in a manner and on a scale sufficient for the charitable purposes intended.

EXPLANATORY NOTES

Clause 1: repeals paragraph (b) of sub-section 2 of section 108 of the Criminal Code, which reads:

"Whoever commits an offence which is not punishable by death shall be liable to imprisonment for the term of years which may be fixed by the court in the exercise of its powers of sentencing."

This section provides in a very limited way a place from being deemed a common law offence under s. 108 and s. 176 of the Criminal Code under the circumstances set forth therein.

Clause 2: repeals paragraph (4) of sub-section 2 of section 170 of the Criminal Code which reads as follows:

"Whoever commits an offence which is not punishable by death shall be liable to imprisonment for the term of years which may be fixed by the court in the exercise of its powers of sentencing."

This subsection provides a place from the provisions of section 170 of the Criminal Code which reads as follows:

"Whoever commits an offence which is not punishable by death shall be liable to imprisonment for the term of years which may be fixed by the court in the exercise of its powers of sentencing."

With the abolition of section 170 of the Criminal Code the above offences would no longer be necessary since the offence of section 170 of the Criminal Code is in effect abolished for those who are not members of the public for those as well as religious organizations to those who are not members of the public and others without the intent of committing an offence which is not punishable by death.

The above offences would no longer be necessary since the offence of section 170 of the Criminal Code is in effect abolished for those who are not members of the public for those as well as religious organizations to those who are not members of the public and others without the intent of committing an offence which is not punishable by death.

The above offences would no longer be necessary since the offence of section 170 of the Criminal Code is in effect abolished for those who are not members of the public for those as well as religious organizations to those who are not members of the public and others without the intent of committing an offence which is not punishable by death.

Clause 170 is designed to eliminate the words "and to ensure that all such groups are treated on a basis of equality that will prevent them to hold titles and enjoy a special status as a scale of status for the charitable purposes intended."

**C-16.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-16.**

An Act to amend the Criminal Code  
(Disturbing the public peace).

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First reading, April 8, 1965.

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Mr. GELBER.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-16.**

An Act to amend the Criminal Code  
(Disturbing the public peace).

1953-54, c. 51;  
1955, cc. 2, 45;  
1956, c. 48;  
1957-58, c. 28;  
1958, c. 18;  
1959, c. 41;  
1960, c. 37;  
1960-61,  
cc. 21, 42,  
43, 44;  
1962-63, c. 4;  
1963, c. 8;  
1964-65, c. 35.

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

1953-54, c. 51.

**1.** Section 60 of the *Criminal Code* is repealed and the following substituted therefor:

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"Seditious words."

**"60.** (1) Seditious words are words that express a seditious intention.

"Seditious libel."

(2) A seditious libel is a libel that expresses a seditious intention.

(3) A seditious conspiracy is an agreement between two or more persons to carry out a seditious intention. 10

(4) Without limiting the generality of the meaning of the expression "seditious intention", every one shall be presumed to have a seditious intention who 15

(a) teaches or advocates,

(b) publishes or circulates any writing that advocates the use, without the authority of law, of force as a means of accomplishing a governmental change within Canada, or 20

(c) wilfully promotes hatred or contempt against any group of persons or any person as a member of any group in Canada.

### EXPLANATORY NOTES.

The Victorians viewed society as a sum total of individuals whose rights are protected by law. The present day view of the modern state is that of a plural society composed of individuals and also groups and associations through which members express themselves. The same individual is associated at the same time with different combinations of people in his church, in his trade union, his political party, his ethnic group, his service club, his veterans club, his school and his sports organization. He meets Canadians with similar and also dissimilar backgrounds and interests. Our law must take groups into consideration as well as individuals and the purpose of this Bill is to recognize this added need of a peaceable society. The command of the great common law is that you must keep the peace. The *Criminal Code* of Canada must in future say this even better than it does.

“The distinction between sedition and treason consists in this: that though the ultimate object of sedition is a violation of the public peace, or at least such a course of measures as evidently engenders it, yet it does not aim at direct and open violence against the laws or the subversion of the constitution.” (Bouvier’s Law Dictionary).

This amendment recaptures one conception of sedition contained in the Common Law as detailed in Stephen’s Digest of Criminal Law, article 114, 8th edition, “to promote feelings of ill-will and hostility between different classes of such (His Majesty’s) subjects”. The *Criminal Code* has excluded this meaning, which is now presented in terms of contemporary thought about the nature of the modern state.



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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

BILL C-17.

An Act to provide for the Establishment of the  
Canada Disaster Fund (Canada Disaster Fund).

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First reading, April 8, 1965.

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MR. HERRIDGE.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-17.**

An Act to provide for the Establishment of the  
Canada Disaster Fund (Canada Disaster Fund).

**H**ER 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 Disaster Fund Act*. 5
- Canada Disaster Fund established. **2.** (1) There is hereby established a fund, to be known as the Canada Disaster Fund (hereinafter called the "Fund"), which shall consist of all money, securities and other property received by the Trustees of the Fund for the purpose thereof and shall include all income derived therefrom and all gifts, bequests, grants, appropriations and other contributions made thereto. 10
- Board of Trustees. (2) The Fund shall be administered by a board of trustees, to be known as the Trustees of the Canada Disaster Fund (herein called the "Trustees"); the Governor in Council shall appoint the Chairman and other members of the Board. 15
- Audit. (3) The accounts of the Fund shall be audited by the Auditor General of Canada.
- Purpose. **3.** (1) The Fund is established for the relief of 20 persons within a province who suffer loss from a disaster.
- Definition of "disaster". (2) "Disaster" means an inevitable accident or an act of God resulting in losses to persons within a province where such losses exceed in total an amount fixed annually by the Trustees in respect of a disaster within 25 that province.



### EXPLANATORY NOTE.

This Bill is intended to meet the problem of deciding at what point disaster losses are beyond the capacity of a province to deal with effectively: and the disaster essentially becomes "national".

The Bill sets up a Fund to which contributions can be made in advance by federal and provincial governments and by individuals, companies and institutions. The Board of Trustees each year determines in advance, in respect of each province, the provincial financial tolerance point above which losses are of national scope. Should a disaster occur in that province, the Board contributes to the province out of the Fund in respect of the losses above the tolerance point.

Contribution to disaster.

4. The Trustees may, with the approval of the Governor in Council, contribute out of the Fund to the government of any province or the agent of that government for the relief of losses suffered by persons within that province in excess of the amount fixed by the Trustees in respect of a disaster within that province. 5

Regulations.

5. The Governor in Council may make regulations to provide for any matter concerning which he deems regulations necessary or desirable to carry out the purposes and provisions of this Act. 10

C-18.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

BILL C-18.

**BILL C-18.**

An Act to restrain the use of Tobacco.

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First reading, April 8, 1965.

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Mr. MATHER.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-18.

An Act to restrain the use of Tobacco.

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 *Tobacco Restraint Act*.

5

PART I.

USE OF TOBACCO BY YOUNG PERSONS.

Penalty on furnishing tobacco to young persons.

- 2.** Every one is guilty of an offence and liable on summary conviction in the case of a first offence to a penalty not exceeding ten dollars, and in the case of a second offence to a penalty not exceeding twenty-five dollars, and in the case of a third or subsequent offence to a penalty not exceeding one hundred dollars, who, directly or indirectly, sells or gives or furnishes to a person under the age of sixteen years any cigarettes or cigarette papers, whether for his own use or not, or sells or gives or furnishes to such person tobacco in any form other than cigarettes, which tobacco he knows or has reason to believe is for the use of that person.

10

15

Forfeiture of tobacco.

- 3.** It is the duty of any constable or person having the powers of a constable, or person authorized so to do by any by-law in that behalf made by any authority or person having power to make such by-law, to seize any cigarettes, cigarette papers or tobacco in any form other than cigarettes in the possession of any person apparently under the age of sixteen years whom he finds smoking or chewing or about to smoke or chew tobacco in any street or public place.

20

25

## EXPLANATORY NOTES.

The purpose of this Bill is to protect the consumer or purchaser of tobacco products from being deceived or misled as to their character, toxicity or safety and to restrain the use and consumption of tobacco in Canada. Part II gives the Governor in Council power to regulate the labelling, packaging, and advertising of tobacco products and is intended as a basis for the compulsory publicizing of tobacco product ingredients.

*Part I:* This Part is the present *Act to restrain the use of Tobacco by Young Persons*, R.S., Ch. 266. Rather than have two Acts on the subject, this Bill repeals the present Act (see *clause 9*) and re-enacts it as Part I of this Bill. That Act was first passed by Parliament in 1908. The Minister of Justice, in introducing the Bill at that time, said in part:

"... I have this further to say, that legislation upon the subject already appears in the statute-books of the greater number of the provinces. I think there is no legislation on the subject in the province of Quebec or in the province of Manitoba; but in each of the other provinces of the Dominion there is legislation of some nature with regard to this subject . . . . . There is, however, since the views expressed by the Judicial Committee of the Privy Council in the case of the Lord's Day legislation in the province of Ontario, room for question whether legislation of this character may not be ultra vires of the provincial legislatures as an encroachment on the domain of criminal law, as well as in the view of the fact that the legislation is in the different provinces of such very diverse character, and that it is applied to different ages, it has been thought better that there should be some legislation of general application to the whole of Canada..."

*House of Commons Debates*, 1907-8, vol. V, at p. 9022.

Penalty on  
juvenile  
smoking,  
etc.

4. (1) Every one is guilty of an offence and liable on summary conviction in the case of a first offence to be reprimanded, in the case of a second offence to a penalty not exceeding one dollar, and in the case of a third or subsequent offence to a penalty not exceeding four dollars, 5  
who, being under the age of sixteen years, smokes or chews tobacco in a street or public place, or purchases or has in his possession, whether for his own use or not, any cigarettes or cigarette papers, or purchases or has in his possession for his own use tobacco in any form other than cigarettes. 10

Power to  
ascertain  
where  
tobacco, etc.,  
purchased.

(2) It is the duty of the justice to examine upon oath or affirmation all persons brought before him who are found guilty of violation of this section, as to where or from whom such persons purchased or obtained the cigarettes or cigarette paper or tobacco found in the possession 15  
of any such person; and the refusal to give such information to the satisfaction of the justice shall be deemed a contempt of the court.

Provisions  
as to  
automatic  
machines  
for the sale  
of tobacco,  
etc.

5. (1) If, on complaint to a justice, it is established to his satisfaction that an automatic machine, for the sale of 20  
cigarettes, cigars or tobacco in any form, kept on any premises, is being used by persons under the age of sixteen years, the justice may order the person on whose premises the machine is kept to take such precautions to prevent its being so used as are specified in the order, or, if necessary, 25  
to remove the machine within any specified time.

Penalty.

(2) Every person is guilty of an offence and liable on summary conviction to a penalty not exceeding twenty-five dollars and to a further penalty not exceeding five dollars for each day during which the offence continues, 30  
who refuses, fails or neglects to carry out the directions of any such order.

Seizure of  
tobacco,  
etc., from  
machines.

(3) Any person upon whose premises there is any such machine may himself or by his agent seize any cigarettes, cigars or tobacco obtained from such machine and 35  
in the possession of any person apparently under the age of sixteen years using such machine or smoking or about to smoke such cigarettes, cigars or tobacco.

Exemption  
as to young  
persons  
employed  
in trade.

6. The provisions of this Part, other than those which make it an offence for a person under the age of sixteen 40  
years to smoke or use cigarettes or cigarette papers, or tobacco in any form, do not apply to any case where the minor is employed for the purposes of his business, by a dealer in tobacco, either wholesale or retail.



Meaning of  
"cigarette."

**7.** For the purposes of this Part the word "cigarette" includes any small cigar made of tobacco rolled up in paper, tobacco leaf or any other material.

Presumption  
as to age.

**8.** For the purposes of this Part any person who appears to the justice dealing with an information or complaint hereunder to be under the age of sixteen years shall be presumed to be under that age unless it is shown by evidence that he is in fact over that age, and the provisions of the *Criminal Code* relating to the proof of the age of young persons apply to offences under this section. 5  
10

Repeal.

**9.** The Act entitled *An Act to restrain the use of Tobacco by Young Persons*, chapter 266 of the Revised Statutes of Canada, 1952, is repealed.

## PART II.

### RESTRAINT IN USE OF TOBACCO.

Purposes of  
Part II.

**10.** The purposes and provisions of this Part are to prevent the consumer or purchaser of a tobacco product from being deceived or misled as to its character, toxicity, composition, merit or safety, to prevent injury to the health of the consumer or purchaser, and to restrain the use and consumption of tobacco in Canada. 15

Inter-  
pretation.

**11.** In this Part, "tobacco" means any form of tobacco product intended to be consumed by smoking, chewing or inhalation. 20

Offence.

**12.** No one shall import, deal in, sell, distribute or advertise tobacco except in compliance with regulations made by the Governor in Council under this Part. 25

Regulations.

**13.** The Governor in Council may make regulations for carrying the purposes and provisions of this Part into effect, and, in particular, but not so as to restrict the generality of the foregoing, may make regulations

- (a) respecting the labelling and packaging and the selling, distributing, offering, exposing, promoting and advertising of tobacco; 30
- (b) in order to ensure compliance with this Part and the regulations, respecting the importation of tobacco; 35
- (c) respecting the testing and analysing of tobacco;
- (d) requiring the importer, manufacturer, distributor, wholesaler, or retailer of tobacco to submit samples of any lot for testing or analysis; 40



*Part II:* The purposes of Part II are set out in *clause 10*. The Bill does not name a Minister of the Crown to administer this Part since the *Department of National Health and Welfare Act*, R.S., c. 74, section 5(a) provides:

"5. The duties, powers and functions of the Minister extend to and include all matters relating to the promotion or preservation of the health, social security and social welfare of the people of Canada over which the Parliament of Canada has jurisdiction, and, without restricting the generality of the foregoing, particularly the following matters:

- (a) the administration of such Acts of the Parliament of Canada and of orders or regulations of the Government of Canada as are not by law assigned to any other department of the Government of Canada or any minister thereof relating in any way to the health, social security and welfare of the people of Canada;"

In addition to the power given the Governor in Council by *clause 13* of this Bill to make regulations as in that clause set out, and in addition to the penalties in *clause 14*, the Governor in Council will have a general power under section 9 of the *Department of National Health and Welfare Act* to make regulations for the promotion or preservation of the health of the people of Canada within the purposes of this Bill and to impose penalties for violation of any such regulation by way of fine not exceeding two hundred dollars or imprisonment for a term not exceeding three months enforceable upon summary conviction.

- (e) respecting the taking of samples and the seizure, detention, forfeiture and disposition of any tobacco;
- (f) exempting any tobacco from all or any of the provisions of this Part or the regulations and prescribing the conditions of such exemption; 5
- (g) prescribing forms for the purposes of this Part and the regulations.

## Penalties.

**14.** Every person who violates any of the provisions of this Part or the regulations is guilty of an offence and is liable 10

- (a) on summary conviction for a first offence to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment, and for a subsequent offence to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six month or to both fine and imprisonment; and 15
- (b) on conviction upon indictment to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three years or to both fine and imprisonment. 20

## Time-limit.

**15.** A prosecution under paragraph (a) of section 14 may be instituted at any time within twelve months from the time the subject-matter of the prosecution arose. 25

## Venue.

**16.** A prosecution for a violation of this Part or the regulations may be instituted, heard, tried or determined in the place in which the offence was committed or the subject-matter of the prosecution arose or in any place in which the accused is apprehended or happens to be. 30

## Want of knowledge.

**17.** (1) Subject to subsection (2), in a prosecution for the sale of any tobacco in contravention of this Part or the regulations, if the accused proves to the satisfaction of the court or judge that 35

- (a) he purchased the tobacco from another person in packaged form and sold it in the same package and in the same condition the tobacco was in at the time he purchased it, and 40
- (b) that he could not with reasonable diligence have ascertained that the sale of the tobacco would be in contravention of this Part, or the regulations,

the accused shall be acquitted. 45



Notice.

(2) Subsection (1) does not apply in any leprosecution unss the accused, at least ten days before the day fixed for the trial, has given to the prosecutor notice in writing that he intends to avail himself of the provisions of subsection (1) and has disclosed to the prosecutor the name and address of the person from whom he purchased the tobacco and the date of purchase. 5

Exports.

**18.** This Part does not apply to any packaged tobacco not for consumption in Canada and not sold for consumption in Canada, if the package is marked in distinct overprinting with the word "Export", and a certificate that the package and its contents do not contravene any known requirement of the law of the country to which it is or is about to be consigned, has been issued in respect thereof in form and manner and under the authority prescribed by the Governor in Council. 10 15

Coming into force.

**19.** This Part shall come into force on a day to be fixed by proclamation of the Governor in Council. 20

*Clause 19:* This clause provides that Part II of the Bill becomes effective upon proclamation of the Governor in Council so that parties affected may have time to prepare for compliance with the regulations.

Notes

(3) Subsection (1) does not apply in any  
prosecution unless the accused, at least ten days before the  
day fixed for the trial, has given to the prosecutor notice  
in writing that he intends to avail himself of the provisions  
of subsection (1) and has disclosed to the prosecutor the  
name and address of the person from whom he purchased  
the tobacco and the date of purchase.

Notes

18. This Act does not apply to any package  
intended not for consumption in Canada and not sold for  
consumption in Canada, if the package is marked in English  
superprinting with the word "Export", and a certificate that  
the package and its contents do not contravene any known  
requirements of the law of the country to which it is or is  
about to be consigned, has been issued in respect thereof  
by the Governor in Council and under the authority prescribed by  
the Governor in Council.

Notes

19. This clause provides that Part II of the Bill  
becomes effective upon proclamation of the Governor in  
Council so that parties affected may have time to prepare  
for compliance with the regulations.

**C-19.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-19.**

An Act to amend the Oaths of Allegiance Act  
(Affirmation).

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First reading, April 8, 1965.

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Mr. HOWE (*Hamilton South*).

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-19.

An Act to amend the Oaths of Allegiance Act  
(Affirmation).

R.S., c. 197.

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

1. Subsections (1) and (2) of section 2 of the *Oaths of Allegiance Act* are repealed and the following substituted therefor: 5

Oath of allegiance.

"2. (1A) Every person in Canada, who, either of his own accord, or in compliance with any lawful requirement made of him, or in obedience to the directions of any Act or law in force in Canada, 10 except section 128 of the *British North America Act, 1867*, insofar as that section applies to a member of a legislative council or legislative assembly of a province, desires to take an oath of allegiance, shall have administered to him and take the oath in the following form, 15 and no other:

Form of oath.

I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her heirs and successors according to law, and that I will faithfully observe the laws of Canada 20 and fulfil my duties as a Canadian citizen. So help me God.

Affirmation of allegiance.

(1B) Every person who so desires shall be permitted to make his affirmation of allegiance, which shall be of the same force and effect as if he had 25 taken the oath, in the following form, and no other:

Form of affirmation.

I, A. B., do solemnly, sincerely, and truly declare and affirm that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her



## EXPLANATORY NOTES.

The main purpose of this Bill is to declare the right of Canadians, and those who want to become Canadians, to freedom of conscience in pledging allegiance by providing that any person in Canada may affirm his allegiance as well as swear to it. A second purpose is to enlarge the pledge specifically to include Canada as well as Sovereign. A third purpose is to validate oaths that have been taken in the past, as well as those that may be taken in the future, by persons without religious belief. A fourth purpose is to validate affirmations of allegiance that may have been administered in the past where, by law, an oath of allegiance should have been administered. And finally, this Bill would bring the *Oaths of Allegiance Act* into conformity with the *Royal Style and Titles Act*, 1952-53 Acts, Chapter 9.

*Clause 1:* The first change here is in the exception provision. The present provision reads "... except the *British North America Act*, 1867, and the *Canadian Citizenship Act* ...". Section 128 of the B.N.A. Act provides that members of the Senate and House of Commons and members of legislative councils and assemblies shall take an oath of allegiance in the form of the 5th Schedule. That form consists of a pledge of allegiance to the Sovereign only and omits the words of imprecation, "So help me God". This Bill would amend the *B.N.A. Act* to provide that Senators and members of the House of Commons shall take the oath (where they do not affirm) with the words of imprecation added. Also, since this Bill would be a Canadian Act, there would be an official version of the oath in the French language. The second change in the exception is to delete reference to the *Canadian Citizenship Act*. This would permit applicants for Canadian citizenship to affirm.

The change in the form of the oath adopts the form in the *Canadian Citizenship Act* which has the pledge to obey the laws of Canada and fulfil the duties of Canadian citizenship as well as the pledge to the Sovereign.

heirs and successors according to law, and that I will faithfully observe the laws of Canada and fulfil my duties as a Canadian citizen.

Substitution of Sovereign for the time being.

(2) Where in the said oath or affirmation of allegiance the name of Her present Majesty is expressed, the name of the King or Queen for the time being shall be substituted from time to time." 5

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

Validity of oath not affected by absence of religious belief.

"5. (1) Where, prior to the 1st day of January 1965 or thereafter, an oath has been duly administered and taken, the fact that the person to whom the oath was administered had, at the time of taking the oath, no religious belief, shall not for any purpose affect the validity of such oath. 10 15

Prior affirmations validated.

(2) Where, prior to the 1st day of January 1965, an affirmation of allegiance has been made instead of an oath of allegiance taken, that fact shall not for any purpose affect the validity of such affirmation which shall be of the same force and effect as if the person who made his affirmation had taken the oath." 20

Coming into force.

3. This Act shall come into force on the 1st day of January, 1966.

The proposed section 2 (1B) provides for affirmation of allegiance and provides the form of affirmation which also contains the double pledge to Queen and country.

The proposed subsection (2) changes the present subsection to bring it up to date with the change made in the royal style and titles by the *Royal Style and Titles Act* of 1952-53.

*Clause 2:* This amendment validates allegiance oaths taken in the past or future by persons without religious belief. The validity of such an oath could not be attacked nor the binding force of the obligations legally repudiated.

Subsection (2) would validate affirmations made in the past in place of oaths where doubt may exist as to their validity.

*Clause 3:* The proposed amendments would not become effective until the 1st January 1965 to allow for the revision and reprinting of forms.

*References:*

- British North America Act, 1867*; section 128; 5th Schedule.
- United Kingdom Promissory Oaths Act, 1868.*
- United Kingdom Oaths Act, 1888.*
- United Kingdom Oaths Act, 1909.*
- United Kingdom House of Commons Standing Order 99.*
- Canadian Citizenship Act, R.S., Chap. 33, section 12; 2nd Schedule.*
- Canada Evidence Act, R.S., Chap. 307, sections 13 and 14.*
- Interpretation Act, R.S., Chap. 158, section 35 (21).*
- Royal Style and Titles Act, 1952-53 Acts, Chap. 9, which also amends the Interpretation Act, supra, section 35 (11).*
- Senate and House of Commons Act, R.S., Chap. 249, sections 27 and 29, and Form B of the Schedule.*
- Lane's Illustrated Notes on English Church History, 1901 ed., pp. 513-14.*



**C-20.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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**THE HOUSE OF COMMONS OF CANADA.**

**BILL C-20.**

An Act to amend the Railway Act  
(Abandonment Moratorium).

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First reading, April 8, 1965.

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Mr. SOUTHAM.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-20.**

An Act to amend the Railway Act  
(Abandonment Moratorium).

R.S., c. 234;  
1955, cc. 41,  
55;  
1958, c. 40;  
1960, c. 35;  
1960-61, c. 54.  
1963, c. 28.

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

1. Section 168 of the *Railway Act* is amended by adding thereto the following subsection: 5

Abandonment  
moratorium.

“(2) Every approval when given by the Board stands appealed to the Governor in Council for a time expiring five years from the day approval is given or until an order of the Governor in Council is sooner made to confirm, vary or rescind such approval.” 10

## EXPLANATORY NOTES.

The purpose of this Bill is to provide a moratorium on the abandonment of railway lines until the respective rights and interests of the public, private persons, and the railways—which rights and interests overlap in some respects—can be heard and assessed against the massive abandonments now beginning; and a policy determined upon that is as just and equitable to all as the complexity of the problem allows.

Section 168 of the *Railway Act* is as follows:

“168. The company may abandon the operation of any line of railway with the approval of the Board, and no company shall abandon the operation of any line of railway without such approval.”

The section was first enacted (then as s. 165A) by an amendment to the Act in 1932–33, c. 47, s. 1. Prior to that year railway companies could under common law, unless there were a contractual or statutory duty to continue operations, abandon the operation of the whole or any part of their lines without the approval of the Board. Between 1922 and 1933 the Board of Transport Commissioners, in a series of decisions, consistently upheld this common law right of the railways. In 1933, Parliament, while recognizing this common law right of the railways, restricted the liberty of action of the companies in exercising this right by providing the companies must have the approval of the Board. The Board takes into consideration the interests of the company and the public. The section was a remedy to one of the economic pressures of the depression. It was not conceived as a remedy for the pressures that urge mass abandonment today. The Board has held that the section gives no right to compensation by industries, primary producers, or others who are seriously affected by the deprivation of transport, or to railway workers who suffer financial loss by change of residence or earlier retirement. *see Brotherhoods of Railway Employees et al v. New York Central, C.P.R. and C.N.R. (1958) D.L.R. 689.*

Section 53(1) of the Act presently gives the Governor in Council the discretionary power, either upon petition of anyone interested or of his own motion, to vary or rescind an order of the Board. The Board itself, under section 46(1), may provide that one of its orders shall come into effect only at a future time. This amendment provides that there is an automatic appeal to the Governor in Council on every Board order of abandonment and that, pending a decision by the Privy Council, the abandonment is deferred for five years.





C-21.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-21.**

An Act to amend the Fisheries Act  
(Forfeiture Floor).

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First reading, April 8, 1965.

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Mr. CARTER.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-21.

An Act to amend the Fisheries Act  
(Forfeiture Floor).

R.S., c. 119;  
1960-61, c. 23.

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

1. Section 64 of the *Fisheries Act* is amended by adding thereto, immediately after subsection (5) thereof, the following subsections:

Personalty  
exempt from  
forfeiture.

“(5a) Notwithstanding subsection (5), any vessel, vehicle, article, goods, fish or proceeds, that are liable to forfeiture save by this subsection, shall be exempt from forfeiture to the extent of the amount of the personal exemptions deductible under the *Income Tax Act* by the person so convicted from his income for the taxation year immediately preceding the year of his conviction, but in no case shall the extent of an exemption from forfeiture be less than fifteen hundred dollars.

R.S., c. 148.

Return of  
exempted  
personalty

(5b) Notwithstanding subsection (11), any vessel, vehicle, article, goods or fish, or any proceeds realized from the sale thereof under subsection (3), within the amount of the exemption from forfeiture as assessed and determined by the convicting court or judge, shall at the final conclusion of the proceedings be returned forthwith or the proceeds shall be paid forthwith to the person so convicted.”

## EXPLANATORY NOTES.

The purpose of this bill is to put a floor on the penal power of the Crown to attain or confiscate a fisherman's property upon his conviction of an offence under the *Fisheries Act* or regulations in addition to punishing him by fine or imprisonment or both.

The bill provides an individual exemption floor to forfeiture equal to the minimal income survival level of the fisherman and his dependents as calculated by Parliament in the *Income Tax Act*: there is, however, a basic minimum exemption of \$1,500.00.

Section 64(5) of the Act reads:

"Where a person is convicted of an offence under this Act or any regulations, the convicting court or judge may, in addition to any other penalty imposed, order that

(a) any vessel, vehicle, article, goods or fish seized pursuant to subsection (1),  
or

(b) the whole or any part of the proceeds of a sale referred to in subsection (3),  
be forfeited, and upon such order being made the vessel, vehicle, article, goods, fish or proceeds so ordered to be forfeited, are forfeited to Her Majesty in right of Canada."

Under section 64(1), the seizure upon which the forfeiture is founded is based upon the reasonable belief of a fishery officer that the personalty was used in or resulted from the commission of the offence. Subsection (3) provides for the sale of seized personalty that is perishable.

Section 64(11)—to which the proposed amending (5b) is directed—provides that where a fine is imposed but the personalty is not ordered to be forfeited, the personalty can be detained until the fine is paid or may be sold in execution in payment of the fine. The amendment provides that the exempted personalty cannot be detained under this subsection which, in any case, appears to deprive a fisherman of his privilege under the *Criminal Code* to pay his fine by instalments and to deny him the option of serving a gaol term in lieu of payment of the fine. It is not argued here that this subsection may be improper, in any event, as being a revenue-producing provision rather than a penal deterrent in aid of fisheries conservation.



**C-22.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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**THE HOUSE OF COMMONS OF CANADA.**

**BILL C-22.**

An Act to amend the Agricultural Stabilization Act (Hog and Egg prices stabilized half-yearly and regionally).

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First reading, April 8, 1965.

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Mr. RAPP.

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3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-22.

An Act to amend the Agricultural Stabilization Act (Hog and Egg prices stabilized half-yearly and regionally).

1957-58  
c. 22.

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

1. Section 8 of the *Agricultural Stabilization Act* is amended by adding thereto the following: 5

Hog and egg  
base prices  
established  
half-yearly.

“(3) Notwithstanding subsections (2) and (3), in relation to hogs and eggs, the Board shall establish the base price for each of these named commodities, or the grade, quality, variety, class, type or form thereof, on the 1st July 1965 and half-yearly thereafter with 10 regional reference to the Atlantic Provinces Region, the Central Provinces Region, the Prairie Provinces Region and the British Columbia Region; and the base price of each of these named commodities for each 15 Region shall be the average price at representative 15 markets within each Region as determined by the Board for the ten years immediately preceding the date the base price is established.”

Regional  
average  
price.

2. Subsection (1) of section 9 of the said Act is repealed and the following substituted therefor: 20

Duration of  
action to  
stabilize  
prices.

“9. (1) Action by the Board under paragraph (a), (b) or (c) of subsection (1) of section 10 in relation to an agricultural commodity shall commence at such time in each year as is determined by the Board, and shall continue thereafter for a period of twelve months 25 or, in the case of hogs and eggs, six months, or, in the case of a designated commodity, for such other period as the Governor in Council prescribes.”

THE HOUSE OF COMMONS OF CANADA  
EXPLANATORY NOTES.

The purpose of this Bill is to provide that the Agricultural Stabilization Board shall establish the base prices for hogs and eggs at and for every half-year instead of every year. A second purpose is to provide that these prices shall be determined regionally instead of Canada-wide and applied within the appropriate region: that is, the Atlantic Provinces, the Central Provinces, the Prairie Provinces, and British Columbia.

This Bill is not a "money bill", so-called. It falls fairly within the limits of the resolution to the original bill: That resolution is as follows:

"That it is expedient to introduce a measure to establish a system of guaranteed prices for certain agricultural commodities to be named therein and to provide that prices may be guaranteed for any other agricultural commodity or commodities as named from time to time by the governor in council, such measure to include: provisions for the establishment of a board and an advisory committee, the appointment of members thereof and employees and the payment of their salaries and expenses; provisions for the payment of administration costs and expenses; provisions establishing a revolving fund in the consolidated revenue fund and authorizing expenditures therefrom for the purposes of the proposed measure not exceeding in the aggregate two hundred and fifty million dollars in addition to the expenditure of the proceeds of sale of agricultural commodities and other revenues derived thereunder; and such further related and consequential provisions as may be necessary to give effect to the foregoing system."

*Hansard Debates, 1957-58, Vol. 1, p. 595*

The resolution places no restriction on the chronological or geographic methods of calculating base prices; further the Act establishes a revolving fund with a financial ceiling; and finally, the fund is a profit and loss affair, and this Bill may contribute to the profits rather than the losses.





C-23.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-23.**

An Act to amend the Immigration Act.

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First reading, April 8, 1965.

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Mr. HAHN.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-23.**

An Act to amend the Immigration Act.

R.S., c. 325.

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 (a) of section 5 of the *Immigration Act* is repealed and the following substituted therefor: 5

“(ii) are insane or, if immigrants, have been insane at any time, except an immigrant whose admission to Canada is authorized by the Governor in Council upon evidence satisfactory to him 10 that the immigrant has not been an inmate of any asylum or hospital for mental diseases for at least seven years immediately prior to his application for admission, has lived a normal life for at least seven years immediately prior 15 to his application for admission, and has successfully overcome his mental disease,”

### EXPLANATORY NOTE.

The purpose of this proposed amendment is to give permanent status under the *Immigration Act* to immigrants who have suffered from a mental disorder but who apparently have been cured. Persons who have been convicted of and imprisoned for crimes are granted permanent status after a period during which they have demonstrated their rehabilitation. Under the present provision of the Act, persons who have ever suffered a mental illness are not given a like opportunity to prove their recovery.



C-24.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-24.**

An Act to amend the Small Loans Act.

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First reading, April 8, 1965.

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Mr. ORLIKOW.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-24.

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.

**1.** Subsection (2) of section 3 of the *Small Loans Act* is repealed and the following substituted therefor: 5

Maximum  
cost.

“(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 10

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

Loans, how  
repayable.

“**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.” 20

1956, c. 46.

**3.** (1) Subsections (2) and (3) of section 14 of the said Act are repealed and the following substituted therefor: 25

## 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 loans shall not exceed one per cent per month on the unpaid principal balance thereof."*

Maximum cost.

“(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.”

5

1956, c. 46.

(2) Paragraph (a) of subsection (5) of the said section is repealed and the following substituted therefor: 10

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 15 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;*"

Section 101

(b) The cost of a loan made by the Company shall be deemed the aggregate of

- (1) one per cent per month on any part of the unpaid principal balance not exceeding one thousand dollars; and
- (2) one-half of one per cent per month on any remainder of the unpaid principal balance exceeding one thousand dollars.

Section 102

Paragraph (c) of subsection (1) of the said section shall be amended to read as follows: (c) The

Section 103

(d) The loan shall be payable in approximately equal installments of principal and interest to be determined by the Company and shall be secured by a mortgage on the property described in the instrument creating the loan. The interest on the loan shall be payable in advance on the first day of each month. The loan shall be made available to the borrower on the date of the execution of the instrument creating the loan. The loan shall be made available to the borrower on the date of the execution of the instrument creating the loan.

**C-25.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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**THE HOUSE OF COMMONS OF CANADA.**

**BILL C-25.**

An Act to amend the Bank of Canada Act  
(Reserve).

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First reading, April 8, 1965.

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Mr. CÔTÉ.  
(Chicoutimi)

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-25.

An Act to amend the Bank of Canada Act  
(Reserve).

R.S.,  
1952, c. 13;  
1953-54, c. 33. HER Majesty, by and with the advice and consent of the  
Senate and House of Commons of Canada, enacts as  
follows:

1953-54, c. 33. 1. Subsection (2) of section 23 of the *Bank of  
Canada Act* is amended by deleting the word "and" at the 5  
end of paragraph (b) thereof, by adding the word "and" at  
the end of paragraph (c) and the following paragraph  
immediately after the said paragraph (c):

"(d) The lawful currency of any other country what-  
soever, whether or not the same is convertible 10  
into gold, provided that the total value of all  
such currencies held does not exceed five  
hundred million dollars. The quantity of any  
such currency or currencies that may be so  
held, and the valuation thereof, shall be subject 15  
to such regulations as the Governor General in  
Council shall from time to time prescribe."

## EXPLANATORY NOTES.

Subsections (1) and (2) of section 23 of the *Bank of Canada Act* at present read as follows:

"23. (1) The Bank shall maintain a reserve against its outstanding notes and deposit liabilities consisting of its holdings of gold coin and bullion and foreign exchange, and, subject to section 25 of the *Currency, Mint and Exchange Fund Act* and subsection (3) of this section, the amount of the reserve held in the form of gold coin and bullion shall always be not less than twenty-five per cent of the outstanding notes and deposit liabilities of the Bank.

(2) For the purposes of this section "foreign exchange" means

- (a) balances in pounds sterling, United States of America dollars and currencies that by law and in fact are convertible on demand at a fixed price into exportable gold, held in the Bank of England, the Federal Reserve Bank of New York, the Bank of International Settlements or a central bank in any country the currency of which is convertible as hereinbefore described,
- (b) treasury bills or other obligations of the United Kingdom or the United States of America having a maturity not exceeding three months from the date of acquisition by the Bank, and
- (c) bills of exchange having a maturity not exceeding ninety days, excluding days of grace, from the date of acquisition by the Bank, payable in pounds sterling, United States of America dollars or in a currency that by law and in fact is convertible on demand at a fixed price into exportable gold.

less any liabilities of the Bank payable in the currency of the United Kingdom, the United States of America, or any country whose currency is by law and in fact convertible on demand at a fixed price into exportable gold."

By section 23 the Bank is permitted to hold certain classes of foreign exchange as a reserve against its note and deposit liabilities. These are primarily U.S. dollars, and sterling and other currencies convertible on demand at a fixed price into gold.

A developing world shortage of gold and convertible currency, particularly in the hands of nations which are potential markets for Canadian exports, is proving a hindrance to Canada's overseas trade.

This amendment would accordingly permit, within certain well defined limits, the Bank of Canada to accept non-convertible local currencies as part of its foreign exchange reserves. By this means, Canadian sales in foreign markets could be made for local currencies, and the foreign currencies so acquired could be made available either for purchase of imports or for investment or aid in the countries concerned.



**C-26.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-26.**

An Act respecting Marriage  
(Age of Marriage).

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First reading, April 8, 1965.

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Mr. MATHESON.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-26.**

An Act respecting Marriage  
(Age of Marriage).

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

Minimum  
age of  
marriage.

When  
marriage  
void.

**1.** (1) A male person cannot contract marriage before he has attained the full age of 16 years or a female person before she has attained the full age of 15 years. 5

(2) Any marriage entered into by a male person below the full age of 16 years or by a female person below the full age of 15 years after the coming into force of this Act, is void *ab initio*. 10



EXPLANATORY NOTES.

Canada has heretofore failed to impose minimum age requirements with respect to marriage as it might have done pursuant to the powers contained in paragraph 26 of section 91 of the British North America Act 1867. At present, in various Canadian provinces, children may contract marriage at ages substantially below what has been considered an appropriate minimum age by numerous delegates to the United Nations, namely 15 years.

This bill is designed to strengthen and dignify the institution of marriage by fixing an absolute minimum age of 16 years for male and 15 years for female below which no person in Canada may enter into this solemn contract.



C-27.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-27.**

An Act to amend An Act to amend the Senate and House of Commons Act and the Members of Parliament Retiring Allowances Act.

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First reading, April 8, 1965.

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Mr. MARCOUX.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

THE HOUSE OF COMMONS OF CANADA.

**BILL C-27.**

An Act to amend An Act to amend the Senate and House of Commons Act and the Members of Parliament Retiring Allowances Act.

1963, c. 14.

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

**1.** An Act to amend the Senate and House of Commons Act and the Members of Parliament Retiring Allowances Act is amended by adding thereto the following section: 5

Provisions  
not to apply  
to certain  
members.

**"15.** This Act, in so far as it relates to increased sessional allowances to members of the Senate and House of Commons, to allowances to the leaders of 10 third parties having a recognized membership of twelve or more persons in the House of Commons, to allowances to members occupying the recognized position of Chief Government Whip and Chief Opposition Whip in the House of Commons, to increased 15 expense allowance to members of the Senate and House of Commons and to consequential amendments to the Members of Parliament Retiring Allowances Act shall not apply to any member of the Senate and House of Commons who has made a request in 20 writing, under his hand and seal, to the Speaker of the Senate or of the House of Commons, as the case may be, asking to be exempt from the operation of the said provisions, and the enactments above referred to in An Act to amend the Senate and House of Com- 25 ments Act and the Members of Parliament Retiring Allowances Act shall be interpreted in so far as the said members are concerned as if they had not been passed."

EXPLANATORY NOTES.

1. The purpose of the proposed new section 15 is to provide legal means to sincere and honourable members who have objected, or may in future object, to increased indemnities and allowances to refuse such increases which they have stated and believe to be immoral and unjustified.



C-28.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-28.**

An Act to amend the Broadcasting Act.

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First reading, April 8, 1965.

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Mr. CHRÉTIEN.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-28.

An Act to amend the Broadcasting Act.

1958, c. 22.

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

Definitions.

1. Paragraph (c) of section 2 of the *Broadcasting Act* is repealed and the following substituted therefor: 5

"Corporation."

"(c) "Corporation" means Radio Canada;"

Radio Canada.

2. The heading and sub-heading immediately following section 20 of the said Act is repealed and the following substituted therefor:

"PART II.

RADIO CANADA."

Definitions.

3. Paragraph (c) of section 21 of the said Act is 10 repealed and the following substituted therefor:

"Corporation."

"(c) "Corporation" means Radio Canada established by this Part;"

4. (1) Subsection (1) of section 22 of the said Act is repealed and the following substituted therefor: 15

"22. (1) There shall be a corporation to be known as Radio Canada consisting of a President, a Vice-President and nine other directors to be appointed by the Governor in Council."



(3) Subsection (b) of the said section is repealed and the following substituted therefor:

(b) Every director shall, before entering upon his duties as such, take and subscribe, before the Clerk of the Privy Council, an oath in the following form:

I do solemnly swear that I will faithfully, truly and impartially to the best of my judgment, skill and ability, execute and perform the office of director of Radio Canada, and that while I continue to hold such office I will not, as owner, shareholder, director, officer, partner or otherwise, engage in the business of broadcasting or have any pecuniary or proprietary interest in a broadcasting station or in the manufacture or distribution of radio apparatus.

EXPLANATORY NOTES.

The purpose of this Act is to provide that in future the Canadian Broadcasting Corporation shall be known under the name of "Radio Canada".

In the French version of this amending bill it is also provided that the same words "Radio Canada" be substituted for "Société Radio Canada".

The corporation will thus have the same name in English and in French.

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

“(6) Every director shall, before entering upon his duties as such, take and subscribe, before the Clerk of the Privy Council, an oath in the following form: 5

I DO SOLEMNLY SWEAR that I will faithfully, truly and impartially, to the best of my judgment, skill and ability, execute and perform the office of director of Radio Canada, and that, while I continue to hold such office, I will not, as owner, shareholder, director, officer, 10 partner or otherwise, engage in the business of broadcasting or have any pecuniary or proprietary interest in a broadcasting station or in the manufacture or distribution of radio apparatus.”

## PART II

### Radio Canada

2. Paragraph (a) of section 21 of the said Act is repealed and the following substituted therefor:

“(a) ‘‘Corporation’’ means Radio Canada established by this Part.”

3. Subsection (1) of section 22 of the said Act is repealed and the following substituted therefor: 15

“(1) There shall be a corporation to be known as Radio Canada consisting of a President, a Vice-President and nine other directors to be appointed by the Governor in Council.”

**C-29.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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**THE HOUSE OF COMMONS OF CANADA.**

**BILL C-29.**

An Act to amend the Canada Evidence Act  
(Privileged Communications).

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First reading, April 8, 1965.

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Mr. MATHESON.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-29.

An Act to amend the Canada Evidence Act  
(Privileged Communications).

R.S., c. 307;  
1952-53, c. 2;  
1953-54, c. 51,  
s. 749.

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

1. The *Canada Evidence Act* is amended by adding, immediately after section 12 thereof the following heading and sections: 5

“PRIVILEGED COMMUNICATIONS.

12A. (1) A person, whether or not a party, has a privilege to refuse to disclose, and to prevent a witness from disclosing a communication if he claims the privilege and the judge finds that 10

- (a) the communication was a penitential communication, and
- (b) the witness is the penitent or the priest, and
- (c) the claimant is the penitent, or the priest making the claim on behalf of an absent penitent. 15

Priest-penitent relationship.

Definitions.

“Priest.”

- (2) In this section,
  - (a) “priest” means a priest, clergyman, minister of the gospel or other officer of a church or of a religious denomination or organization, who in the course of its discipline or practice is authorized or accustomed to hear, and has a duty to keep secret, penitential communications made by members of his church, denomination or organization; 20

“Penitent.”

- (b) “penitent” means a member of a church or religious denomination or organization who has made a penitential communication to a priest thereof; 25

### EXPLANATORY NOTES.

The purpose of this Bill is to amend the *Canada Evidence Act* by inserting therein new sections to extend a privilege on communications between members of the public dealing with members of the clergy, medical profession and social workers acting in their professional capacities. This is in accordance with the report of the Committee on Privileged Communications to the Ontario Civil Justice Subsection of the Canadian Bar Association.

The common law already confers a privilege from disclosure with respect to communications passed between a client and his solicitor. The rule is stated in Cross, *Evidence* (1957), p. 238.

The study and recommendations made by the Canadian Bar Association with respect to privileged communications has been spurred by the opinion expressed by the honourable Mr. Justice Stewart during the course of the trial in the case of *Dembie v. Dembie* in April, 1963. Mr. Justice Stewart expressed the opinion very clearly that a certain communication between a patient and her psychiatrist should be privileged from disclosure.

However, there was no formal ruling made by the trial judge as to whether the communications previously referred to were privileged and, therefore, quite apart from the effect of the doctrine of precedent, the learned judge's opinion cannot be considered as a ruling which has become embodied in the law.

“Penitential communication.”

- (c) “penitential communication” means a confession of culpable conduct made secretly and in confidence by a penitent to a priest in the course of discipline or practice of the church or religious denomination or organization of which the penitent is a member. 5

Physician-patient relationship.

**12B.** (1) Except as provided by subsections (2) (3), (4) and (5) of this section, a person, whether or not a party, has a privilege in an action to refuse to disclose, and to prevent a witness from disclosing, a communication, if he claims the privilege and the court finds that 10

- (a) the communication was a confidential communication between patient and physician, and 15  
 (b) the patient or the physician reasonably believed the communication to be necessary or helpful to enable the physician to make a diagnosis of the condition of the patient or to prescribe or render treatment, therefor, and  
 (c) the witness 20  
     (i) is the holder of the privilege, or  
     (ii) at the time of the communication was the physician or a person to whom disclosure was made because reasonably necessary for the transmission of the communication 25  
     or for the accomplishment of the purposes for which it was transmitted, or  
     (iii) is any other person who obtained knowledge or possession of the communication as a result of an intentional breach of the physician’s duty of nondisclosure by the physician or his agent or servant, and 30  
 (d) the claimant is the holder of the privilege or a person authorized to claim the privilege for him. 35

When no privilege.

(2) There is no privilege under this section as to any relevant communication between the patient and his physician,

- (a) upon an issue of the patient’s condition in an action to commit him or otherwise place him under the control of another or others because of alleged mental incompetence, or in an action in which the patient seeks to establish his competence or in an action to recover damages on account of conduct of the patient which constitutes a criminal offence, or 40  
 (b) upon an issue as to the validity of a document as a will of the patient, or 45



(c) upon an issue between parties claiming by testate or intestate succession from a deceased patient.

Idem.

(3) There is no privilege under this section in an action in which the condition of the patient is an element or factor of the claim or defense of the patient or of any party claiming through or under the patient or claiming as a beneficiary of the patient through a contract to which the patient is or was a party. 5

Idem.

(4) There is no privilege under this section as to information which the physician or the patient is required to report to a public official or as to information required to be recorded in a public office, unless the statute requiring the report or record specifically provides that the information shall not be disclosed. 10 15

Idem.

(5) No person has a privilege under this section if the court finds that sufficient evidence, aside from the communication, has been introduced to warrant a finding that the services of the physician were sought or obtained to enable or aid anyone to commit or to plan to commit a crime or a tort, or to escape detection or apprehension after the commission of a crime or a tort. 20

Privilege terminated.

(6) A privilege under this section as to a communication is terminated if the court finds that any person while a holder of the privilege has caused the physician or any agent or servant of the physician to testify in any action to any matter of which the physician or his agent or servant gained knowledge through the communication. 25 30

Definitions.

"Patient".

(7) In this section,

(a) "patient" means a person who, for the sole purpose of securing preventive, palliative or curative treatment, or a diagnosis preliminary to such treatment, of his physical or mental condition, consults a physician, or submits to an examination by a physician; 35

"Physician."

(b) "physician" means a person authorized or reasonably believed by the patient to be authorized, to practice medicine in the state or jurisdiction in which the consultation or examination takes place; 40

"Holder of the privilege."

(c) "holder of the privilege" means the patient while alive and not under guardianship or the guardian of the person of an incompetent patient or the personal representative of a deceased patient; 45





"Confidential communication between physician and patient."

(d) "confidential communication between physician and patient" means such information transmitted between physician and patient, including information obtained by an examination of the patient, as is transmitted in confidence and by means which, so far as the patient is aware, discloses the information to no third persons other than those reasonably necessary for the transmission of the information or the accomplishment of the purpose for which it is transmitted.

Social workers.

**12c.** No social worker shall be required to disclose any information which he may have acquired in attending a person in a professional character as a social worker and which information was necessary to enable him to aid such person as a social worker: provided that the court may compel such disclosure if in its opinion the same is necessary to proper administration of justice.

Proviso.

C-30.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

BILL C-30.

An Act respecting Genocide.

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First reading, April 8, 1965.

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Mr. KLEIN.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-30.**

An Act respecting Genocide.

Preamble.

**W**HEREAS genocide is the committing of certain acts with intent to destroy, wholly or in part, a national, ethnic, racial or religious group as such;

**AND** WHEREAS genocide is a crime under international law which Canada, as many other nations, has by a solemn convention undertaken to prevent and punish. 5

Therefore, with a view to give effect to the Convention on Genocide, approved and ratified by both Houses of Parliament in March 1952.

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: 10

Punishment for the crime of genocide.

**1.** Every one who, with intent to destroy, in whole or in part, a national, ethnic, racial or religious group as such, kills a member of the group, is guilty of an indictable offence and shall be sentenced to death for genocide. 15

Idem.

**2.** Every one who, with intent to destroy, in whole or in part, a national, ethnic, racial or religious group as such, causes bodily or mental harm to a member or members of the group, or deliberately inflicts on the group or any of its members conditions of life calculated to bring about its physical destruction, in whole or in part, is guilty of an indictable offence and is liable to imprisonment for not less than ten years. 25

EXPLANATORY NOTE.

The purpose of this Bill is made clear in the preamble thereof.

The United Nations Convention on the Crime of Genocide was tabled in the House of Commons on March 2, 1950 and in the Senate on March 14 of the same year. It was approved by Resolution of the House on March 21, 1952 and by Resolution of the Senate on March 27 of the same year.

The Instrument of Ratification was deposited with the United Nations on September 3, 1952 and the Convention came into force on December 2 of the same year.

This Convention binds the contracting states to pass necessary legislation to give effect to its provisions, especially to provide effective penalties. The intention of the Bill is to discharge Canada's obligations to the United Nations.

Libel, etc.,  
of a group.

**3.** Every one who publishes, by words or otherwise, statements or matter that is likely to injure a national, ethnic, racial or religious group as such, by exposing such group to hatred, contempt or ridicule, is guilty of an indictable offence and is liable to imprisonment for five years. 5

Abetting or  
procuring.

**4.** Every one who does or omits to do anything for the purpose of aiding or abetting any person to commit any of the offences mentioned in sections one, two and three of this Act, or who counsels or procures another person to be a party to any of the above offences, is guilty of an indictable offence and liable to imprisonment for life where the offence is punishable by death, or to imprisonment for not less than ten years where the offence is punishable by life imprisonment, or to imprisonment for two years where the offence is punishable by imprisonment for five years. 10 15

C-31.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-31.**

An Act to amend the Family Allowances Act and the Old  
Age Security Act (Charitable Gifts).

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First reading, April 8, 1965.

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Mr. HARLEY. •

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-31.**

An Act to amend the Family Allowances Act and the Old Age Security Act (Charitable Gifts).

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

R.S., c. 109;  
1957,  
c. 14, s. 10.

**1.** Section 11 of the *Family Allowances Act* is amended by striking out the word "and" at the end of paragraph (e) thereof, by adding the word "and" at the end of paragraph (f) thereof and by adding thereto the following paragraph: 5

"(g) prescribe the manner and form of returning a cheque for the purpose of a gift, the conditions precedent to acceptance of a return so made, and the manner in which such a gift shall be administered, expended and accounted for." 10

**2.** Section 12 of the said Act is further amended by adding thereto, immediately after subsection (2) thereof, the following subsection: 15

Return of  
allowance  
as charitable  
gift.

1959, c. 33

1957, c. 3.

Annual  
Appropriation  
Act items.

"(3) A parent who has been paid an allowance may return the cheque, in manner and form and upon conditions prescribed by regulation, as a gift to be paid to or expended for the benefit of 20

(a) The Queen Elizabeth II Canadian Fund to Aid in Research on the Diseases of Children,

(b) the Canada Council,

(c) international multilateral Economic and Special Aid Programs, 25

(d) mental retardation, mental illness, and other social welfare programs in Canada,



### EXPLANATORY NOTES.

The purpose of this bill is to provide a means whereby a recipient of a family allowance or Old Age Security pension may conveniently donate an allowance or pension cheque to a welfare purpose.

The *Financial Administration Act* already authorizes the Receiver General and other public service officers to receive money paid to Canada in trust for a special purpose and authorizes the Receiver General to pay it out for that purpose subject to any applicable statute: see *F.A. Act*, R.S., c. 116, ss. 2(k), 2(m)(iv), and 20.

Clauses 1 and 3 amend each statute similarly to authorize the Governor in Council to regulate, for convenient administration of the plan, the manner, form and conditions: e.g., whether endorsement necessary, designation of purpose, apportionment, and the like.

Clauses 2 and 4 authorize the program in the case of each statute. Certain welfare purposes, already approved by Parliament, are specifically named. Provision is made for other welfare purposes to be added by the Governor in Council.

The Queen Elizabeth II Fund is set up by ch. 33 of the 1959 statutes. At that time the Canadian government contributed one million dollars and provided for private contributions to be accepted on a continuing basis.

The *Canada Council Act*, 1957 Acts, ch. 3, in addition to its well-known objects, may also, under section 20, receive gifts and bequests and dispose of them according to the terms upon which the gifts or bequests were made.

- (e) research into diseases and the cause, prevention and treatment of diseases, or
- (f) any charitable use or organization designated by the parent and named by regulation."

R.S., c. 200;  
1957-58, c. 3;  
1959, c. 14;  
1960, c. 34;  
1962, c. 5;  
1963, c. 16.

**3.** Section 6 of the *Old Age Security Act* is amended 5  
by striking out the word "and" at the end of paragraph (e)  
thereof, by adding the word "and" at the end of paragraph  
(f) thereof and by adding thereto the following paragraph:

"(g) prescribing the manner and form of returning a cheque for the purpose of a gift, the conditions 10  
precedent to acceptance of a return so made,  
and the manner in which such a gift shall be  
administered, expended and accounted for."

**4.** Section 8 of the said Act is further amended by 15  
adding thereto, immediately after subsection (2) thereof,  
the following subsection:

Return of  
pension as  
charitable  
gift.

"(3) A pensioner who has been paid a pension pay-  
ment may return the cheque, in manner and form  
and upon conditions prescribed by regulation, as a  
gift to be paid to or expended for the benefit of 20

1959, c. 33.

(a) The Queen Elizabeth II Canadian Fund to  
Aid in Research on the Diseases of Children,

1957, c. 3.

(b) the Canada Council,

Annual  
Appro-  
priation  
Act items.

(c) international multilateral Economic and Special  
Aid Programs, 25

(d) mental retardation, mental illness, and other  
social welfare programs in Canada,

(e) research into diseases and the cause, prevention  
and treatment of diseases, or

(f) any charitable use or organization designated 30  
by the pensioner and named by regulation."

The international multilateral Economic and Special Aid Programs, so-called here in order to identify them with our foreign aid programs, are listed in the annual appropriations for the Department of External Affairs. See *Vote 15, External Affairs, 1964-65 Estimates*. They include U.N. Special Fund, U.N. Technical assistance to underdeveloped countries, International Atomic Energy Agency, U.N. Refugee Program, U.N. Children's Fund, U.N. Palestine Refugee Agency, and the World Food Program.

Included generally are programs for mental retardation, mental illness, and other social welfare programs in Canada, medical research, and other objects and uses named by the Governor in Council. This last provision permits those persons and organizations dedicated to a charitable purpose to apply to be included. When named by regulation, they can then be designated by the receiver of the family allowance or pension cheque as the object of his contribution.



**C-32.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-32.**

An Act to amend the House of Commons Act  
(Speaker on Dissolution).

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First reading, April 8, 1965.

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Mr. WHELAN.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

THE HOUSE OF COMMONS OF CANADA.

**BILL C-32.**

An Act to amend the House of Commons Act  
(Speaker on Dissolution).

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

**1.** Section 15 of the *House of Commons Act* is repealed and the following substituted therefor:

During  
dissolution,  
Clerk to act  
for Speaker.

**"15.** The Clerk of the House of Commons at the time of any dissolution of Parliament shall, for the purposes of this Act, be deemed to be the Speaker until a Speaker is chosen by the new Parliament."

EXPLANATORY NOTES.

Section 44 of the *British North America Act* provides:

"The House of Commons on its first assembling after a General Election shall proceed with all practicable Speed to elect One of its Members to be Speaker."

On a dissolution, the Speaker's Office ceases to exist and there is, therefore, an inter-regnum. However, in order that the routine financial necessities of the House, e.g., payment of permanent staff, maintenance of supplies, etc., may be cared for in preparation for the new Parliament, section 15 of the *House of Commons Act* provides:

"15. The person who fills the office of Speaker at the time of any dissolution of Parliament, shall, for the purpose of the following provisions of this Act, be deemed to be Speaker until a Speaker is chosen by the new Parliament."

The result is that the person deemed Speaker no longer has the responsibility of impartiality to the House but is again susceptible to the pressures of political partizanship: there is a conflict of interest. This caretaker Speaker may also succumb to a natural tendency to exercise the full powers he once enjoyed when, in law, he no longer possesses them. Any attempt to remedy an abuse so committed denigrates the position of Speaker.

This Bill therefore provides that the Clerk of the House, who continues throughout dissolution as a servant of the House, shall carry out these nominal duties.





**C-33.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-33.**

An Act to amend the Criminal Code.  
(A Purge for the King's-evil).

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First reading, April 8, 1965.

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Mr. FISHER.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-33.

1953-54, c. 51;  
1955, cc. 2, 45;  
1956, c. 48;  
1957-58, c. 28;  
1958, c. 18;  
1959, c. 41;  
1960, c. 37;  
1960-61, cc.  
21, 42, 43, 44;  
1962-63, c. 4;  
1963, c. 8;  
1964-65, c. 35.

An Act to amend the Criminal Code.  
(A Purge for the King's-evil).

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 102 thereof, the following section: 5

“102A. (1) Where a person has been appointed by the Governor in Council, in the exercise of a legislative power conferred by or under an Act of Parliament, to an office 10

(a) which is for a term certain, and

(b) which entitles the holder of the office to be paid a salary calculated per annum or at a rate per annum, and

(c) to which the holder of the office, on the expiry 15 of his term of office, if not disqualified by age, is eligible for re-appointment,

and, not being disqualified by age, is on the expiry of his term of office eligible for re-appointment but is not re-appointed, and has not been notified in writing by 20 registered mail at least six months before the expiry of his term of office that he will not be re-appointed, then every person who was a minister of the government on the day six months before the date of the expiry of such term of office, is guilty of an offense punishable on 25 summary conviction.

(2) The summary conviction court that convicts an accused of an offense under this section may, upon the application of the person aggrieved, at the time sentence is imposed, order the accused to pay to 30 the applicant an amount by way of satisfaction or compensation equal to one-half of the salary per annum

## EXPLANATORY NOTES.

The purpose of this Bill is to ensure that public servants who are appointed for a period of time to boards, commissions and other public offices in the gift of the Crown shall be given six months notice if they are not to be re-appointed. Thus the dismissee has time to prepare for his transition from employment to unemployment.

In these cases, Parliament presently prescribes certain elements of job security, namely: job security for a term, dismissal only for cause during that term, and eligibility for re-appointment subject only to age disqualification. However, the Crown retains the power not to re-appoint and may and, on occasion does, exercise this power without notice. This is especially discriminatory and causal of hardship where the appointee has severed his job or business connections to accept a short-term appointment and is permitted to continue to the expiration of his term without receiving notice that he will not be re-appointed. It can also make him amenable to Crown pressure in the performance of his duties to the public detriment. Where the post is for a longer term, there may be a loss to the public service of an experienced public servant. In any case, he goes without severance pay or without the offer of a transfer to another post in the public service.

This Bill preserves the Crown's right to dismiss without notice but protects the interest of the employee and the public interest. The proposed subsection 102A(1) makes every government Minister severally and jointly guilty of a crime when notice is not given. Section 694(1) of the *Criminal Code* provides a penalty of a maximum \$500 fine, a maximum 6 month jail term, or both within these maximums. The proposed 102A(2) provides that a convicted Minister must compensate the person dismissed with the equivalent of 6 months' severance pay. Subsection 102A(5) provides that all other convicted ministers, upon application by the person not re-appointed, without notice, must each pay an equal amount but these monies go into the public coffers. The proposed subsections 102A(3) and (4) are appeal sections.

last fixed for the office as liquidated damages suffered by the applicant as the result of the commission of the offense of which the accused is convicted.

(3) Where an order is made under subsection (2), the operation of the order is suspended 5

(a) until the expiration of the period prescribed by rules of court for the giving of notice of appeal or of notice of application for leave to appeal, unless the accused waives an appeal, and

(b) until the appeal or application for leave to 10 appeal has been determined, where an appeal is taken or application for leave to appeal is made.

(4) The appeal court may by order annul an order made by the summary conviction court when 15 the conviction is quashed.

(5) Where more than one minister of the government is convicted of the offense and more than one of them is adjudged to pay an amount to the person aggrieved, no more shall be paid to that person than 20 the amount specified in subsection (2), together with costs, if any, and the residue shall be applied in the manner in which other penalties imposed by law are directed to be applied."

C-34.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-34.**

An Act to amend the Railway Act.

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First reading, April 8, 1965.

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Mr. PRITTIE.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-34.**

An Act to amend the Railway Act.

R.S., c. 234;  
1955, cc. 41,  
55;  
1958, c. 40;  
1960, c. 35;  
1960-61, c. 54;  
1963, cc. 28,  
41.

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

1. Section 384 of the *Railway Act* is amended by adding thereto, immediately after subsection (4) thereof, the following subsection: 5

Additional  
copy for  
Parliament.

“(5) An additional copy of such returns, dated, signed and attested in manner aforesaid, shall be forwarded by such company to the Minister within one month after the 1st day of February in each year, or within one month after any other date directed by the Board under subsection (3), and the Minister shall cause such copy 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 and provision shall be made for a review thereof by Parliament.” 15

### EXPLANATORY NOTES.

The purpose of this Bill is to permit Parliament to inquire into, as is done with the publicly-owned Canadian National Railways, the financial structure and the operations of those private railway, telegraph, telephone and express companies and carriers by water which come under the Board of Transport Commissioners as public utilities and quasi-monopolies.

Section 384 of the *Railway Act* presently reads as follows:

#### "STATISTICS AND RETURNS.

384. (1) Every railway, telegraph, telephone and express company and every carrier by water shall annually prepare returns, in accordance with the forms and classifications for the time being required by the Board, of its assets, liabilities, capitalization, revenues, working expenditures and traffic.

(2) Such returns shall be dated and signed by and attested upon the oath of the secretary, or some other chief officer of the company or carrier by water, and shall also be attested upon the oath of the president, or in his absence, of the vice-president or manager of the company or carrier by water, or shall be signed and attested by such other person or persons as the Board may direct.

(3) Such returns shall be made for the period beginning from the date to which the then last yearly returns made by the company or carrier by water extend, or if no such returns have been previously made, from the commencement of the operation of the railway, or other works, or undertaking, and ending with the last day of December in the year, or other interval, for which the returns are to be made, or with such other date as the Board may direct.

(4) A duplicate copy of such returns, dated, signed and attested in manner aforesaid, shall be forwarded by such company to the Dominion Statistician within one month after the 1st day of February in each year, or within one month after any other date directed by the Board under subsection (3)."

The procedure by which the returns are referred to Parliament and thereafter reviewed is similar to that of the Canada Council report.





C-35.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-35.**

An Act to amend the Senate and House of Commons Act  
(Allowance to leaders).

---

First reading, April 8, 1965.

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Mr. MARCOUX.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-35.

An Act to amend the Senate and House of Commons Act (Allowance to leaders).

R.S., cc. 249, 310; 1953-54, cc. 10, 13; 1963, c. 14.

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

1963, c. 14.

1. Subsection (2) of section 42 of the Senate and House of Commons Act is repealed and the following substituted therefor: 5

Allowance to other leaders.

“(2) There shall be paid to each member of the House of Commons, other than the Prime Minister or the member occupying the recognized position of Leader of the Opposition in the House of Commons, who is the leader of a party that has a recognized membership of twelve or more persons in the House of Commons, an allowance at the rate of four thousand dollars per annum in addition to the sessional allowance payable to such member; 10 15

Proviso.

Provided that the word “party” in this subsection shall mean a federal party that was in existence as such at the time of the general election preceding the Parliament during which the allowance is to be paid; and Provided also that this same party is one which during the said election has had its own candidates officially nominated as candidates for the party in at least one half of the electoral districts and in at least five of the ten provinces of Canada. 20

Proviso.

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTES.

Among the amendments made last year to the Senate and House of Commons Act was the amendment to section 42 thereof providing for the payment of an additional allowance of four thousand dollars to the leader of a party that has a recognized membership of twelve or more persons in the House of Commons.

The purpose of this further amendment to section 42 (indicated by a vertical line on the opposite page) is to provide a definition of the word "party" in subsection (2) thereof.

The only change consists in the addition of the two provisos.



**C-36.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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**THE HOUSE OF COMMONS OF CANADA.**

**BILL C-36.**

**An Act to amend the Criminal Code.**

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First reading, April 8, 1965.

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**Mr. PRITTE.**

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-36.

An Act to amend the Criminal Code.

1953-54, c. 51;  
1955, cc. 2, 45;  
1956, c. 48;  
1957-58, c. 28;  
1958, c. 18;  
1959, cc. 40,  
41; 1960,  
cc. 37, 45,  
1960-61,  
cc. 21, 42,  
43, 44;  
1962-63, c. 4;  
1963 c. 8;  
1964-65, c. 35.

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 150 of the *Criminal Code* is repealed and the following substituted therefor: 5

“(c) offers to sell, advertises, publishes an advertisement of, or has for sale or disposal any means, instructions, medicine, drug or article intended or represented as a method of causing abortion or miscarriage, or” 10

EXPLANATORY NOTE.

Section 150(2)(c) presently reads:

"(2) Every one commits an offence who knowingly, without lawful justification or excuse,

(c) offers to sell, advertises, publishes an advertisement of, or has for sale or disposal any means, instructions, medicine, drug or article intended or represented as a method of *preventing conception or causing abortion or miscarriage, or*"

The words in italic are deleted in the Bill.





**C-37.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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**THE HOUSE OF COMMONS OF CANADA.**

**BILL C-37.**

An Act to amend the Combines Investigation Act  
(Captive Sales Financing).

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First reading, April 8, 1965.

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Mr. NOBLE.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-37.

An Act to amend the Combines Investigation Act  
(Captive Sales Financing).

R.S., c. 314;  
1953-54, c. 51;  
1959, c. 40;  
1960, c. 45;  
1960-61, c. 42;  
1962-63, c. 4;  
1964-65, c. 35.

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

1. Section 34 of the *Combines Investigation Act* is amended by adding thereto, immediately after subsection (2) thereof, the following subsection: 5

"Captive"  
sales  
financing  
prohibited.

"(2a) No dealer, nor any person or corporation, wholly or partially owned or controlled by, or allied or associated with such dealer, shall directly or indirectly, by agreement, threat, promise or any other means whatsoever, require or coerce or attempt to require or coerce any other person, selling, leasing or distributing an article or commodity dealt in by such dealer, to offer for discount or purchase or to assign, any bill of exchange, promissory note, lien or other note, conditional sale contract, hire-purchase agreement or any other instrument or agreement or renewal thereof or substitution therefor made or entered into respecting the sale, lease or distribution of the article or commodity or containing a covenant to pay a sum of money in respect thereof to the dealer or such person or corporation so owned, controlled, allied or associated with the dealer." 10 15 20

EXPLANATORY NOTE.

The purpose of this bill is to prohibit the practice of "captive" sales financing by manufacturers or distributors of goods (or by their associated sales finance companies) and so permit their customers to shop for financing facilities in a free, competitive market.



**C-38.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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**THE HOUSE OF COMMONS OF CANADA.**

**BILL C-38.**

An Act to amend the Criminal Code.  
(Insanity).

---

First reading, April 8, 1965.

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Mr. BREWIN.

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-38.

An Act to amend the Criminal Code.  
(Insanity).

1953-54, c. 51;  
1955, cc. 2, 45;  
1956, c. 48;  
1957-58, c. 28;  
1958, c. 18;  
1959, c. 41;  
1960, c. 37;  
1960-61, cc.  
21, 42, 43, 44;  
1962-63, c. 4;  
1963 c. 8;  
1964-65, c. 35.

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

1. Section 16 of the *Criminal Code* is repealed and the following substituted therefor:

5

Insanity.

"16. (1) No person shall be convicted of an offence in respect of any act or omission on his part while he was insane.

When insane.

(2) For the purposes of this section a person is insane if the act or omission is the product of mental disease or defect.

Presumption of sanity.

(3) Every one shall, until the contrary is proved, be presumed to be and to have been sane."

MR. BROWNE

## EXPLANATORY NOTES.

1. Subsection (2), on the opposite page, is new and is substituted for subsections (2) and (3) of section 16 of the *Criminal Code*, which section at present reads as follows:

"16. (1) No person shall be convicted of an offence in respect of an act or omission on his part while he was insane.

(2) For the purposes of this section a person is insane when he is in a state of natural imbecility or has disease of the mind to an extent that renders him incapable of appreciating the nature and quality of an act or omission or of knowing that an act or omission is wrong.

(3) A person who has specific delusions, but is in other respects sane, shall not be acquitted on the ground of insanity unless the delusions caused him to believe in the existence of a state of things that, if it existed, would have justified or excused his act or omission.

(4) Every one shall, until the contrary is proved, be presumed to be and to have been sane."

The purpose of this amendment is to abolish the M'Naghten rule embodied in the present subsection (2) and to substitute a rule more consistent with modern concepts of mental illness and criminal responsibility. The proposed new rule was adopted by the United States Court of Appeals in 1954 in the case of *Durham vs. the United States*.

The present subsection (3), above, is no longer necessary if the suggested amendment is adopted.





C-39.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-39.**

An Act to better assure the Public's Rights to Freedom of Access to Public Documents and Information about Government Administration (Administrative Disclosure).

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First reading, April 8, 1965.

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Mr. MATHER.

THE HOUSE OF COMMONS OF CANADA.

BILL C-39.

An Act to better assure the Public's Rights to Freedom of Access to Public Documents and Information about Government Administration (Administrative Disclosure).

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

Adminis-  
trative  
disclosure.

1. Every administrative or ministerial commission, power, and authority shall make its records and information concerning its doings available to any person at his request in reasonable manner and time. 5

Exceptions.

2. Section 1 does not apply to records or information  
(a) affecting national security; 10  
(b) concerning matters that are exempted by statute from disclosure;  
(c) concerning trade secrets, and commercial or financial matters of a privileged or confidential nature, obtained from private persons; 15  
(d) concerning any matter of private interest to the degree that the right to personal privacy excludes the public interest.

Application  
to Exchequer  
Court for  
final  
determina-  
tion.

3. (1) Upon application thereto, the Exchequer Court of Canada has jurisdiction to determine if any record or information shall be made public and, upon determination made, has jurisdiction to order and decree in such manner as it may prescribe the production or disclosure, in whole or in part, of any record or information. 20

(2) The Court, in its convenience, shall give precedence to the hearing, determination, and conclusion of every application and its judgment shall be final. 25

Crown  
bound.

4. This Act binds the Crown.

THE HOUSE OF COMMONS OF CANADA

THE HOUSE OF COMMONS OF CANADA

BILL C-12

An Act to...

EXPLANATORY NOTE.

This bill is in aid of the public's right to know in what manner a government is administering the public duties entrusted and delegated to it by the people: save for exceptions that are in the public interest, the bill enacts Bentham's basic parliamentary Rule that public affairs must be conducted publicly.



C-40.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-40.**

An Act to amend the Broadcasting Act  
(Community Antenna).

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First reading, April 8, 1965.

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Mr. FISHER.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-40.

An Act to amend the Broadcasting Act (Community Antenna).

1958, c. 22.

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

1. Paragraph (b) of section 2 of the *Broadcasting Act* is repealed and the following substituted therefor: 5

"Broad-casting."

"(b) "broadcasting" means the dissemination of any form of radioelectric communication, including radiotelegraph, radiotelephone, the wireless transmission of writing, signs, signals, pictures and sounds of all kinds by means of Hertzian waves, intended to be received by the public either directly or through the medium of relay stations, the redissemination for commercial gain of broadcast matter by wired transmission intended to be received by private persons;" 15

2. Paragraph (a) of section 21 of the said Act is repealed and the following substituted therefor:

"Broad-casting."

"(a) "broadcasting" means the dissemination of any form of radioelectric communication, including radiotelegraph, radiotelephone, the wireless transmission of writing, signs, signals, pictures and sounds of all kinds by means of Hertzian waves, intended to be received by the public either directly or through the medium of relay stations, the redissemination for commercial gain of broadcast matter by wired transmission intended to be received by private persons;" 25

THE HOUSE OF COMMONS OF CANADA

BILL C-41

EXPLANATORY NOTE.

The purpose of this Bill is to give the Board of Broadcast Governors control over so-called community antenna T.V. cable systems, or wired television operations, which pick up regularly-broadcast programs and relay them, for profit, by cable to private homes.

*Clauses 1 and 2:* These clauses widen the definition of "broadcasting" in the two definition sections of the *Broadcasting Act*.





C-41.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

BILL C-41.

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

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First reading, April 8, 1965.

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Mr. MATHER.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-41.

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: 5

“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. 10

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. 15

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. 20 25

### 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.

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. 5

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 10

(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 15

(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. 20

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." 25

C-42.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-42.**

An Act to amend the Income Tax Act.

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First reading, April 8, 1965.

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Mr. HOWARD.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

THE HOUSE OF COMMONS OF CANADA.

BILL C-42.

An Act to amend the Income Tax Act.

R.S., c. 148;  
1952-53, c. 40;  
1953-54, c. 57;  
1955, cc. 54,  
55;  
1956, c. 39;  
1957, c. 29;  
1957-58, c. 17;  
1958, c. 32;  
1959, c. 45;  
1960, c. 43;  
1960-61,  
cc. 17, 49;  
1962-63, c. 8;  
1963, cc. 21,  
41.

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

1. Section 5 of the *Income Tax Act* is amended by adding thereto, immediately after subsection (2) thereof, the following subsection: 5

Expenses  
of office or  
employment.

“(3) Notwithstanding subsection (1), in computing the income of a taxpayer for a taxation year from an office or employment, there shall not be included

- (a) expenses necessarily incurred by him for board and lodging by reason of his employment at a distance from the place where he maintains a self-contained domestic establishment; 10
- (b) expenses incurred by him for transportation between his ordinary place of residence and his place of employment where, by reason of distance, he is required to live away from home to perform the duties of his employment; or 15
- (c) expenses incurred by him for depreciation and replacement of tools and special equipment or clothing which are necessarily required by him in the performance of the duties of his employment.” 20

2. This subsection is applicable to the 1964 and subsequent taxation years. 25

### EXPLANATORY NOTES.

One of the principles of the *Income Tax Act* is that the investment of a person's money, or the use of that money, for the purpose of earning an income should be exempted from taxation. This Bill extends that principle to workers who, because of the nature and location of their employment, are required to incur expenses for board and lodging while maintaining a home elsewhere; for transportation, and who because of the nature of their employment are required to incur expenses for tools, other special equipment and clothing.

For a discussion on this proposed amendment, reference may be had to the *Debates*, 23rd July 1963, vol. III, p. 2515 et seq.





(b) to prevent or lessen, directly or indirectly, the production, manufacture, purchase, sale, the storage, rental, transportation or supply of an article or in the price of insurance upon person or property or

(c) to restrain or injure trade or commerce in relation to any article.

A guilty of an indictable offence and is liable to imprisonment for two years and upon a second offence, imprisonment for not less than one year and, upon a third or subsequent offence, to imprisonment for not less than two years.

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

23. Every person who is a party or privy to or is knowingly accessory to or in the furtherance of a conspiracy or offence of an indictable offence and is liable to imprisonment for not less than one year and, upon a second offence, to imprisonment for not less than two years.

**EXPLANATORY NOTES.**

The purpose of this Bill is to strengthen the penalties for crimes committed in violation of the combine and monopoly laws.

*Clauses 1-6:* The present sections have no floor to the penalties. This Bill does not interfere with the penalty for a first offence but provides that on a second offence there shall be a mandatory minimum jail term of one year and, on a third or subsequent offence, a mandatory minimum jail term of two years. The maximum jail term remains at two years.

- (c) to prevent, or lessen, unduly, competition in the production, manufacture, purchase, barter, sale, storage, rental, transportation or supply of an article, or in the price of insurance upon persons or property, or 5
- (d) to restrain or injure trade or commerce in relation to any article,

is guilty of an indictable offence and is liable to imprisonment for two years and, upon a second offence, to imprisonment for not less than one year and, upon a 10  
third or subsequent offence, to imprisonment for not less than two years.”

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

Mergers and  
 monopolies.

“**33.** Every person who is a party or privy to or 15  
 knowingly assists in, or in the formation of, a merger or monopoly is guilty of an indictable offence and is liable to imprisonment for two years and, upon a  
second offence, to imprisonment for not less than one  
year and, upon a third or subsequent offence, to 20  
imprisonment for not less than two years.”

**4.** Subsection (1) of section 33A of the said Act is repealed and the following substituted therefor:

Illegal trade  
 practices.

- “(1) Every one engaged in a business who
- (a) is a party or privy to, or assists in, any sale that 25  
 discriminates to his knowledge, directly or indirectly, against competitors of a purchaser of articles from him in that any discount, rebate, allowance, price concession or other advantage is granted to the purchaser over 30  
 and above any discount, rebate, allowance, price concession or other advantage that, at the time the articles are sold to such purchaser, is available to such competitors in respect of a sale of articles of like quality and quantity; 35
- (b) engages in a policy of selling articles in any area of Canada at prices lower than those exacted by him elsewhere in Canada, having the effect or tendency of substantially lessening competition or eliminating a competitor in such 40  
 part of Canada, or designed to have such effect; or
- (c) engaged in a policy of selling articles at prices unreasonably low, having the effect or tendency of substantially lessening competition or elim- 45  
 inating a competitor, or designed to have such effect,



is guilty of an indictable offence and is liable to imprisonment for two years and, upon a second offence, to imprisonment for not less than one year and, upon a third or subsequent offence, to imprisonment for not less than two years.”

5

5. Subsection (2) of section 33B of the said Act is repealed and the following substituted therefor:

Grant of allowance prohibited except on proportionate terms.

“(2) Every one engaged in a business who is a party or privy to the granting of an allowance to any purchaser that is not offered on proportionate terms to other purchasers in competition with the first-mentioned purchaser, (which other purchasers are in this section called “competing purchasers”) is guilty of an indictable offence and is liable to imprisonment for two years and, upon a second offence, to imprisonment for not less than one year and, upon a third or subsequent offence, to imprisonment for not less than two years.”

10

15

6. Subsection (4) of section 34 of the said Act is repealed and the following substituted therefor:

20

Penalty.

“(4) Every person who violates subsection (2) or (3) is guilty of an indictable offence and is liable on conviction to a fine in the discretion of the court or to imprisonment for a term not exceeding two years or to imprisonment for a term not exceeding two years or to both and, upon a second offence, to imprisonment for not less than one year and, upon a third or subsequent offence, to imprisonment for not less than two years.”

25

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

30

Civil rights not affected.

Additional penalty in double amount of any civil damages.

“35. (1) Nothing in this Part shall be construed to deprive any person of any civil right of action.

(2) Where an injured party is awarded damages against any person in a civil action as remedy for a wrong done in, or resulting from, the commission by that person of an offence under this Act or under section 411 or section 412 of the *Criminal Code*, such person shall, when convicted of the offence and in addition to any other penalty provided, forfeit and pay double the amount of the damages, and costs, if any, so awarded, for the use of Her Majesty and the injured party, a moiety to each.

35

40

Clause 7: This clause provides an additional money penalty where the crime has caused anyone financial injury. The measure of the penalty is the gravity of the injury. The offence is proved by a conviction under the *Combines Investigation Act* or trade conspiracy or discrimination sections of the *Criminal Code*; the injury by a civil court proceeding. Thereupon the criminal tortfeasor forfeits double the amount of the proven damages at the suit of the Crown or the injured party. This pecuniary penalty is then split 50-50 between the Crown and the injured party. As one example of a similar forfeiture and pecuniary penalty, the *Excise Act*, s. 158, penalizes the offender in double the amount of excise duty and licence fee that he should have paid. The *Criminal Code*, s. 627, provides that the Crown shall recover this penalty by civil proceedings. A 50-50 split of the penalty between Crown and private citizen is also used in Canadian legislation.

Crown or injured party enforces.

(3) Either Her Majesty or the party injured may recover or enforce in civil proceedings the forfeiture of the pecuniary penalty imposed by subsection (2).

Time limitation.

(4) No proceedings under subsection (3) shall be instituted more than two years after the time when that final judgment is rendered which is the later in the civil and criminal proceedings referred to in subsection (2)."

8. The said Act is further amended by adding 10 thereto, immediately after section 38 thereof, the following new section:

Personal liability of corporation's officers and agents.

"38A. Where a corporation commits an act contrary to a provision of this Act or fails or neglects to comply with any such provision or a prohibition or 15 direction made thereunder, every one who, being a director, manager, or officer of such corporation, or acting on its behalf, authorizes, orders, does, fails or neglects to do, assents to or acquiesces in such act, failure or neglect, or any element of such act, failure or 20 neglect, is guilty of that offence personally and jointly with the corporation."

The House of Commons of Canada

THE HOUSE OF COMMONS OF CANADA

*Clause 8:* This clause discerns the dissimulation between the corporation voice and the unclean hands of its directors and agents. Section 38(e) of the Act already contains this principle but is limited to certain offences.

An Act to amend the Criminal Code

Enacted in the 37th year of the reign of Her Majesty Queen Elizabeth II





C-43.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-43.**

An Act to amend the Post Office Act  
(Hate Literature)

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First reading, April 8, 1965.

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MR. ORLIKOW.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

THE HOUSE OF COMMONS OF CANADA

**BILL C-43.**

An Act to amend the Post Office Act  
(Hate Literature).

R.S., c. 212;  
1952-53, c. 45;  
1953-54,  
cc. 20,  
39;  
1956, c. 43.

**H**ER 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 *Post Office Act* is amended by adding thereto, immediately after subsection (1) thereof, the following subsection: 5

Use of mails for hate literature deemed an offence.

Exception for judicial purposes.

“(1a) Every one is deemed to commit an offence, within the meaning and for the purpose of subsection (1), who makes use of the mails for the purpose of transmitting or delivering anything that is calculated to bring into hatred, ridicule or contempt, any person or group of persons by reason of race, national origin, colour or religion, but this subsection does not apply to a person who makes use of the mails for the purpose of transmitting or delivering anything mentioned in subsection (4) of section 151 of the *Criminal Code*.” 10  
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Mr. Ouellet

## EXPLANATORY NOTES.

The purpose of this Bill is to deny the use of Her Majesty's mails to persons who disseminate hate literature through those mails and thereby make innocently privy to their poisonous purposes and divisive intent their very victim—the Canadian peoples.

The Bill implements the declaration by the Parliament of Canada in the *Canadian Bill of Rights* that the human rights and fundamental freedoms of the peoples of Canada exist without discrimination against any group of those peoples.

Section 7(1) of the *Post Office Act* is as follows:

"7(1) Whenever the Postmaster General believes on reasonable grounds that any person

(a) is, by means of the mails,

(i) committing or attempting to commit an offence, or

(ii) aiding, counselling or procuring any person to commit an offence, or

(b) with intent to commit an offence, is using the mails for the purpose of accomplishing his object,

the Postmaster General may make an interim order (in this section called an "interim prohibitory order") prohibiting the delivery of all mail directed to that person (in this section called the "person affected") or deposited by that person in a post office."

Section 7 thereafter provides a procedure whereby the person affected may apply to a Board of Review to have the prohibitory order revoked.

The effect of this proposed amendment is to deny the use of the mails to hate literature but not to create a criminal offence.

The apparent exception in the amendment is imported from the *Criminal Code* and is necessary for the judicial administration of the amendment.



Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

BILL C-44.

An Act to amend the Unemployment Insurance Act  
(Agricultural Employees' Coverage).

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First reading, April 8, 1965.

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Mr. RAPP.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-44.**

An Act to amend the Unemployment Insurance Act  
(Agricultural Employees' Coverage).

Preamble.

WHEREAS, under the provisions of the *Unemployment Insurance Act*, employment in agriculture is an employment that is not, nor has been, an insurable employment; and

WHEREAS, since the coming into force in 1941 of *The Unemployment Insurance Act, 1940*, economic and social pressures and technological changes have reduced the number and increased the size of farm units and have swollen the migration of excess farm population to urban areas; and

WHEREAS, increasing mechanization and the consolidation of smaller farm units for more efficient operation, the low levels of farm income compared to the income of the non-agricultural labour force, the high capital cost of entering modern farming, and the attraction of urban amenities, turn farm youth from farming as a family way of life; and

WHEREAS, the number of workers with the new abilities and managerial skills requisite for seasonal or permanent employment on the modernized farm has decreased and such workers are reluctant to take employment in agriculture due to the occupational discrimination in the *Unemployment Insurance Act* against employment in agriculture; and

WHEREAS, by reason of the facts hereinbefore recited, the small farmer must shrink his acreage and the operator of a large farm is harassed in his operations and expansion; and

### EXPLANATORY NOTES.

*Clause 1:* Section 27(a) presently reads as follows:

"27. Excepted employment is

(a) employment in agriculture, horticulture and forestry;"

The word "agriculture" is deleted in the amending Bill.

*Clause 2:* This provision is an adaptation of sections 28(1) and 29(2) of the Act. Section 29(2) is the provision which extends the Act to fishermen.

*Clause 3:* The Unemployment Insurance Fund is 80% private monies and 20% public monies. To avoid having this Bill infringe the rule against the introduction of a so-called "money bill" by a private member, this clause provides that employees in agriculture shall be paid benefits out of the contributions by private citizens (the employee and the employer) but not out of the contributions by the taxpayers.

WHEREAS, the Commissioners appointed to inquire into the *Unemployment Insurance Act* in their Report dated November 1962 recommend that the general principle be followed of extending coverage as broadly as possible for employees in agriculture so long as the necessary administrative procedures may be carried out to see to it that the rules of the plan are adhered to in a satisfactory fashion; 5

1955, c. 50;  
1956, c. 50;  
1957-58, c. 8;  
1958., c. 2;  
1959, c. 36.

NOW THEREFORE, Her Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows: 10

1. Paragraph (a) of section 27 of the *Unemployment Insurance Act* is repealed and the following substituted therefor:

“(a) employment in horticulture and forestry;”

2. Section 26 of the said Act is amended by adding thereto, immediately after subsection (3) thereof, the following subsection: 15

Extension  
of Act to  
agricultural  
employees.

“(4) Notwithstanding anything in this Act, the Commission shall, with the approval of the Governor in Council, make regulations to include employment in agriculture in insurable employment and to provide for all such matters as are necessary to provide unemployment insurance for employees in agriculture.” 20

3. Section 84 of the said Act is amended by adding thereto, immediately after subsection (3) thereof, the following subsection: 25

No payment  
to agri-  
cultural  
employees  
out of  
public  
monies.

“(4) No payment shall be made out of the amounts standing to the credit of the Unemployment Insurance Fund in the Consolidated Revenue Fund in respect of unemployment insurance benefits and refunds of contributions for employees in agriculture in excess of and except out of the amounts credited on account of contributions on behalf of insured persons, contributions made by employers of insured persons, and interest earnings on such contributions.” 30 35



C-45.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-45.**

An Act to amend the Criminal Code  
(Company-censored Housing).

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First reading, April 8, 1965.

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Mr. ORLIKOW.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-45.**

An Act to amend the Criminal Code  
(Company-censored Housing).

1953-54, c. 51;  
1955, cc. 2, 45;  
1956, c. 48;  
1957-58, c. 28;  
1958, c. 18;  
1959,  
cc. 40, 41;  
1960,  
cc. 37, 45;  
1960-61,  
cc. 21, 42,  
43, 44;  
1962-63, c. 4;  
1963, c. 8;  
1964-65, c. 35.

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

**1.** Section 41 of the *Criminal Code* is amended by adding thereto, immediately after subsection (2) thereof, the following subsection: 5

Restriction  
where  
"company  
housing."

“(3) Except where a landlord would be therein justified under a covenant with a tenant for quiet enjoyment, nothing in this section shall be deemed to justify an employer in using force to prevent any person from having ingress to, regress over, or egress from a dwelling house or real property in or upon which the employer houses an employee or to remove any person therefrom.” 10

**C-46.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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**THE HOUSE OF COMMONS OF CANADA.**

**BILL C-46.**

An Act to amend the Criminal Code.  
(Commutation of death sentence).

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First reading, April 8, 1965.

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Mr. TEMPLE.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

## BILL C-46.

An Act to amend the Criminal Code.  
(Commutation of death sentence).

1953-54, c. 51;  
1955, cc. 2, 45;  
1956, c. 48;  
1957-58, c. 28;  
1958, c. 18;  
1959, c. 41;  
1960, c. 37;  
1960-61,  
cc. 21, 42, 43,  
44;  
1962-63, c. 4;  
1963, c. 8;  
1964-65, c. 35.

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

1. Section 583A of the *Criminal Code* is amended by adding thereto the following subsection: 5

Commuta-  
tion of death  
sentence.

“(4) Whenever a person who has been sentenced to death has appealed to the court of appeal against his conviction or against the death sentence, and where the court while confirming the conviction or the death sentence has not been unanimous in its decision, the death sentence shall be commuted to a sentence of life imprisonment.” 10

EXPLANATORY NOTE.

The purpose of this Bill is to provide that in the case of an appeal from a death sentence to the Court of Appeal, the death sentence shall be commuted to life imprisonment where the court has not been unanimous in confirming the conviction.



C-47.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-47.**

An Act respecting the Flag Day of Canada.

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First reading, April 8, 1965.

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Mr. RINFRET.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

THE HOUSE OF COMMONS OF CANADA.

**BILL C-47.**

An Act respecting the Flag Day of Canada.

**H**ER 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 *Flag Day of Canada Act*.

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National  
Flag Day.

**2.** Throughout Canada, in each and every year, the fifteenth day of February, being the day in the year 1965 on which the National Flag of Canada was inaugurated shall be kept and observed under the name of National Flag Day.

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EXPLANATORY NOTES.

On the 15th of February of this year the National Flag of Canada was inaugurated on Parliament Hill. On that memorable occasion the Honourable Maurice Bourget, speaker of the Senate delivered an eloquent address which ended as follows:

“It is my sincere wish that a similar celebration be held each year in all parts of Canada. A National Flag Day would bring about an indissoluble union among the various groups of the Canadian family and would develop deeper feelings towards Canada, our country!”

It is the purpose of this Bill to provide for the fulfilment of the hopes of the Speaker of the Senate.



C-48.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-48.**

An Act to amend the Railway Act  
(Responsibility for Dislocation Costs).

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First reading, April 8, 1965.

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Mr. FISHER.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

THE HOUSE OF COMMONS OF CANADA.

BILL C-48.

An Act to amend the Railway Act  
(Responsibility for Dislocation Costs).

R.S., c. 234;  
1955, cc. 41,  
55; 1958, c. 40;  
1960, c. 35;  
1960-61, c. 54;  
1963, cc. 28,  
41.

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

1. Section 182 of the *Railway Act* is repealed and the following substituted therefor:

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Unauthorized  
changes  
forbidden.

“182. The company shall not, at any time, make any change, alteration or deviation in the railway, or any portion thereof, until the provisions of section 181 are fully complied with, nor remove, close, or abandon any station, divisional point, freight office, or express office nor create a new divisional point that would involve the removal of employees or the loss of employment on the railway by an employee, without leave of the Board; and where any such change is made the company shall compensate its employees as the Board deems proper for any financial loss caused to them by change of residence or loss of employment necessitated thereby.”

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Compensa-  
tion.

## EXPLANATORY NOTES.

The purpose of this amendment is to provide that railway employees, who lose their employment as a result of changes beneficial to a railway, shall be compensated by that railway for the cost of rehabilitating themselves with new skills that are saleable in the labor market; for the cost of removal expenses to a new job; pension compensation for early retirement, if that is the better plan; or such other compensation as the Board deems best for the restitution of the discharged employee.

A secondary amendment widens the changes contemplated by the section to include freight or express offices.

## COMMITTEE REPORT ON THIS BILL.

On the 20th December 1963, the Standing Committee on Railways, Canals and Telegraph Lines reported to this House as follows:

"Complying with an Order of the House of June 27, 1963, your Committee has given consideration to the subject matter of Bill C-15, An Act to amend the Railway Act (Responsibility for Dislocation Costs), and has heard evidence from representatives of the railways, from officials of various brotherhoods of railway employees, and from Mr. Howard Chase, a former member of the Board of Transport Commissioners.

The Committee was favorable to the subject-matter of Bill C-15 and commends it to the House and the government; and to further clarify our views on the situation relating to the subject-matter, the Committee recommends that:

The government give consideration to amending section 182 of the Railway Act to ensure the rights of railway employees in those cases where abandonment, merger or co-ordination between railways, or the closing or near-closing of terminals and shops or the introduction of "run-throughs" is undertaken by the management.

The committee would prefer that such matters as adjustment, compensation, re-training arrangements, and other ameliorations of the dislocation be a matter of negotiation between management and the employees' legitimate bargaining agencies but it recognizes that a strong encouragement to such means of settlement will ensue when section 182 is read in such a legal way as to offer firm protection to the employees."

*Minutes of Proceedings and Evidence (Issues No. 1 to 8) of the Committee are recorded as Appendix No. 16 to the Journals.*



**C-49.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965

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**THE HOUSE OF COMMONS OF CANADA.**

**BILL C-49.**

An Act to amend the Bankruptcy Act  
(Wage Earners' Assignments).

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First reading, April 8, 1965.

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**Mr. ORLIKOW.**

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

## BILL C-49.

An Act to amend the Bankruptcy Act  
(Wage Earners' Assignments).

R.S., c. 14. HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Part IIA  
added.

1. The *Bankruptcy Act* is amended by adding thereto, immediately after section 26 thereof, the following headings and sections: 5

### "PART IIA.

#### WAGE EARNERS' ASSIGNMENTS.

Application.

26A. The provisions of this Part shall apply exclusively to proceedings under this Part; and every other provision of this Act shall apply to proceedings under this Part *mutatis mutandis* insofar as it is not inapplicable to or inconsistent or in conflict with such proceedings. 10

Proceedings  
on assign-  
ment by wage  
earner.

26B. (1) Where an insolvent person who works for wages, salary, commission or hire and who does not on his own account carry on business (hereafter in this Part referred to as a "wage earner") has filed an assignment 15

Trustee.

(a) the official receiver shall appoint a responsible person residing in the locality of the wage earner to act in the matter of such assignment; 20  
a person so appointed for this purpose has, if he is not a licensed trustee, all the powers of a licensed trustee;

Proposal.

(b) the wage earner shall make a proposal that  
(i) shall include terms dealing with unsecured debts generally; 25



## EXPLANATORY NOTES.

The purpose of this Bill is to adjust the procedure of the *Bankruptcy Act* to cover the case—increasingly common—of a wage earner who has incurred financial obligations immediately exceeding his salary income and his assets; yet who can, under budgetary supervision and with a time extension, reimburse his creditors one hundred per cent—exclusive of any excess of unconscionable lending rates. Although the Act presently permits a wage earner to make an assignment, it fails of a solution fair to wage earner and creditor because the procedure contemplates existing assets out of which the creditors may be partially but quickly satisfied. Thus, where a wage earner who has few, if any, assets beyond an earning capacity, attempts to assign:

- (1) the assignment may be cancelled because no licensed trustee will act, *S. 26(5)*;
- (2) a court may refuse an assignment, *Dumont v. Perras (1957)*, 36 C.B.R. 172 (Que.).
- (3) the court, accepting the assignment, may refuse a discharge, *Jones v. Boutilier, (1932)13 C.B.R. 448 (N.B.)*.

The existing procedure succours the unscrupulous wage earner, traps the desperate wage earner, benefits the unconscionable creditor, and deprives the unsecured creditor. The method is unsatisfactory to the average wage earning debtor who needs relief and to his average creditor. To avoid executions and repossessions and to attempt to meet his credit debt instalments, such a wage earner must charge still more of his future wages against more loans while his bargaining position on finance rates progressively worsens.

The remedy proposed is to grant the wage earner an extension of time up to three years—longer in the court's discretion—at the price and discipline of budgetary control of the wage earner's income during that period and the payment of his debts one hundred cents on the dollar.

*Clause 1: 26A.* Restricts the provisions of this Part to the wage earner's type of assignment exclusively and applies the applicable provisions of the rest of the Act to a wage earner's assignment.

**26B.** (1) Provides that a trustee may be a responsible person who is not a licensed trustee; and provides for the wage earner's proposal to his creditors;

- (ii) may include terms dealing with secured debts severally;
- (iii) may provide for priority of payment during the life of the proposal as between the secured and unsecured debts; 5
- (iv) shall include terms for the submission of future wages, salary, commissions, hire or other income of the wage earner to the control of the trustee;
- (v) shall provide that the trustee may from 10  
time to time during the life of the proposal increase or reduce the amount of any of the instalment payments provided by the proposal or extend or shorten the time for any such payments where it appears, 15  
after hearing upon such notice as the trustee may order, that the circumstances of the wage earner so warrant or require;
- (vi) may provide for the constitution and powers of a committee of the creditors; 20
- (vii) may include terms for relief in respect of an executory contract; and
- (viii) may include other terms not inconsistent with the purposes of this Part.

Unconscion-  
able  
transactions.

(2) The trustee may apply to the court for 25  
relief in respect of any executory contract; and, after hearing upon notice, where the court finds that, having regard to the risk and to all the circumstances, the financial obligations under the contract upon the wage earner are excessive or that the obligations generally 30  
are harsh and unconscionable, the court may

Power of  
court.

- (i) re-open the transaction or contract and take an account between the wage earner and the creditor or his assignee;
- (ii) notwithstanding any statement or settle- 35  
ment of account or any agreement purporting to close previous dealings and create a new obligation, re-open any transaction or contract already executed and relieve the wage earner from payment 40  
of any sum in excess of the sum adjudged by the court to be fairly due in respect of the principal and the cost of a loan, or from the consequence of any other obligation performed by the wage earner under 45  
such transaction or contract already executed;
- (iii) order the creditor or his assignee to repay such excess if the excess has been paid or allowed on account by the wage earner 50  
or to make restitution to the wage earner

in respect of the performance by the wage earner of such other obligation;

(iv) not made either wholly or in part or revised or after any security given or agreement made in respect of any other obligation,

performed or to be performed by the wage earner under a transaction or contract, and if the creditor or his assignee has parted with the security, either prior to or

substantially the same time; and

(v) order made further and other remedy by way of relief as the court may deem just and equitable.

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of the wage earner.

(1) Where the wage earner has obtained

(2) Provides for relief against unconscionable transactions. Prior to his assignment such relief is available to the wage earner in the ordinary courts. This provision allows the bankruptcy court to deal with unconscionable transactions in the course of handling the wage earner's affairs.

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and may make such other provision by way of relief as the court may deem just and equitable.

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- in respect of the performance by the wage earner of such other obligation;
- (iv) set aside either wholly or in part or revise or alter any security given or agreement made in respect of any other obligation, 5 performed or to be performed by the wage earner, under a transaction or contract; and, if the creditor or his assignee has parted with the security, order him to indemnify the wage earner; and 10
- (v) order such further and other remedy by way of relief as the court may deem just and equitable. 10

Court has supervisory powers.

**26C.** During the life of the proposal, the court shall have supervisory powers over the wage earner 15 and his property for all purposes and the implementation of the proposal and may make such orders as are necessary to the purposes and implementation of the proposal including orders directed to any employer of the wage earner. 20

Discharge on implementation.

**26D.** (1) Where the wage earner has performed his obligations under the terms of the proposal, the trustee shall thereupon apply to the court for an appointment for a hearing of the application for the wage earner's discharge. 25

Where proposal not implemented after three years.

(2) Where three years have elapsed after the approval of the proposal and the wage earner has failed to complete the performance of his obligations thereunder, the court may, upon application by the wage earner and after hearing upon notice, if satisfied 30 that the wage earner so failed due to circumstances for which he could not justly be held accountable, either grant or refuse an absolute order of discharge or suspend the operation of the order for a specified time, or grant an order of discharge subject to any 35 terms or conditions with respect to any earnings or income that may afterwards become due to the wage earner or with respect to his after-acquired property and may make such other provision, by way of injunction or otherwise, as may be just and equitable. 40

Trustee's remuneration.

**26E.** The remuneration of the trustee shall be a sum not exceeding five per cent calculated upon, and payable from time to time out of, the payments made by the wage earner under the proposal."

Coming into force.

**2.** This Act shall come into force on a date to be 45 fixed by proclamation.

**26C.** Provides that the court shall have supervisory control over the wage earner and his property.

**26D.** Provides for the discharge of the wage earner. If, at the end of 3 years, he has not fully paid his creditors due to misfortune, the court may discharge him fully or on terms or extend him additional time.

**26E.** The trustee's remuneration is a maximum 5% of the wage earner's salary.

*Clause 2:* Provides a commencement date.



**C-50.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-50.**

An Act to amend the Canada Grain Act  
(Off-track Elevator Licensing).

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First reading, April 8, 1965.

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Mr. OLSON.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-50.**

An Act to amend the Canada Grain Act  
(Off-track Elevator Licensing).

R.S., cc. 25,  
308;  
1955, c. 9;  
1962, c. 25.

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

**1.** Paragraph (11) of section 2 of the *Canada Grain Act* is repealed and the following substituted therefor: 5

“Elevator.”

“(11) “elevator” means any premises into which western grain may be received, or out of which it may be discharged, and, notwithstanding anything contained in any other general or special Act, includes any such premises owned or operated by Her Majesty, 10 either directly or through any individual, public body or company;”



THE HOUSE OF COMMONS OF CANADA

BILL C-51.

EXPLANATORY NOTES.

The purpose of this Bill is to revise the definition of "elevator" in the *Canada Grain Act* so that an inland "elevator" is no longer restricted to premises serviced directly by a railway. The amendment thus authorizes the Board of Grain Commissioners to license premises that are off-track and serviced by other means of transportation.

The amended paragraph presently reads:

"(11) "elevator" means any premises into which western grain may be received, or out of which it may be discharged, *directly from or into railway cars or vessels*, and, notwithstanding anything contained in any other general or special Act, includes any such premises owned or operated by Her Majesty, either directly or through any individual, public body or company;"



**C-51.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-51.**

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

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First reading, April 8, 1965.

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Mr. COATES.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

THE HOUSE OF COMMONS OF CANADA.

**BILL C-51.**

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, 1963*. 5

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; 10  
"Development area." (b) "development area" means a province named in the Schedule to this Act or any locality therein; 15  
"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; 20 25

### 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 any industry, trade or other business undertaking of any kind;"

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*.

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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.

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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.

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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

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(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;

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(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.

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*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.

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 5

(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, 10

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. 15

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.

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*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.



C-53.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-53.**

An Act respecting the Parliamentary Staff.

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First reading, April 8, 1965.

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Mr. AIKEN.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-53.**

An Act respecting the Parliamentary Staff.

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

Parliamentary staff.

**1.** Notwithstanding the provisions of the *Civil Service Act* or of any other statute, all officers, clerks and employees in the public service of Canada employed within the buildings, or part thereof, on Parliament Hill in Ottawa, occupied by the Senate, House of Commons and Library of Parliament, shall be employees of the Senate, the House of Commons or the Library and subject to the same directions and controls provided in section 72 of the *Civil Service Act*. 5 10

Exception.

**2.** Section 1 of this Act shall not apply to an Executive Assistant, Private Secretary or other person employed in the office of a Minister and appointed by the Governor in Council, nor to a person employed in the office of the person holding the recognized position of the Leader of the Opposition in the House of Commons, nor to employees of the Post Office Department or Department of Finance employed in the Parliament Buildings. 15 20

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTES.

The purpose of this Bill is to provide that all public employees working within the precincts of Parliament shall come under the supervision of Parliament and not of departments of government.

The Houses of Parliament cannot part with any of those privileges and powers necessary for the conduct of business, their existence and dignity, except by Statute expressly conveying and delegating their powers and privileges to others and it is also by statute that such powers as have been taken away should be recovered.

As has been stated by Anson in *The Law and Customs of the Constitution* (1st ed., p. 130) the House "has always asserted the right to provide for the Constitution of its own body, the right to regulate its own proceedings and the right to enforce its privileges, etc."

Blackstone lays it down as a maxim upon which the whole law and custom of Parliament is based, "that whatever matter arises concerning either House of Parliament ought to be examined, discussed and adjudged in that House to which it relates, and not elsewhere."

Among the privileges referred to by Anson is necessarily the control and management in every respect of the officers and servants of the Senate and Commons by each House itself.



**C-52.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-52.**

An Act to amend the Weights and Measures Act  
(Truth in Packaging).

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First reading, April 8, 1965.

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Mr. ORLIKOW.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-52.**

An Act to amend the Weights and Measures Act  
(Truth in Packaging).

R.S., c. 292;  
1959, c. 38.

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

1. Paragraph (p) of subsection (1) of section 35 of the *Weights and Measures Act* and the word "and" immediately preceding the said paragraph are repealed and the following substituted therefor: 5

- "(p) the weight, measure, quantity or count, or the fraction or multiple thereof, of the contents of the wrapper or container of any pre-packaged goods; 10
- (q) the establishment and definition of
  - (i) the standard size designation, other than a statement of the net quantity of contents, that shall be used to designate quantitatively the contents of any pre-packaged goods; 15
  - (ii) the net quantity of the contents of any pre-packaged goods, in terms of weight, measure or count, that shall constitute a serving and shall be used where the goods are in a wrapper or container, or have a ticket, card or label displayed or associated therewith, that bears a representation as to the number of servings provided by the net quantity of the contents of the wrapper or container; 25



## EXPLANATORY NOTES.

The purpose of this Bill is to ensure that a retail purchaser of goods, packaged in a wrapper or container, be fairly informed of the weight or measure of the contents; and to control competitive trade practices that, by suggestion and suppression, debase the public standards of weights and measures—a modern variant of the medieval practice of coin-clipping. Just as that practice was controlled by milling the edge of the coin so it is hoped that the regulatory powers in this Bill may curb the artful dodges of the package-clipper.

It is possible that the government presently has a general power under the *Weights and Measures Act*, section 35(1), to remedy the grievance mentioned. That section, in part, provides:

“The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect and, without restricting the generality of the foregoing, may make regulations respecting . . . .”

A relevant particular power, similar in principle to those in this Bill, is contained in paragraph (n) of that subsection:

“(n) the marking of wrappers or containers of pre-packaged goods sold by weight or measure, or on tickets, cards or labels displayed or associated therewith, to indicate the contents of the wrapper or container;”

In the proposed amendment, paragraph (p) is repealed only for the drafting reason that it should be the last power listed. It is restored as paragraph (s) of the amendment. The new powers in paragraphs (p), (q) and (r) are specifically directed to different aspects of the problem to be cured.

- (iii) the standard quantitative designation of the contents of any pre-packaged goods that shall be used when the net quantity of the contents cannot meaningfully be designated in terms of weight, measure or count, 5
- (iv) the minimum standard that shall be used as to the location and prominence of any statement of the net quantity of the contents, including a minimum standard as to the type size and face in which such statement shall be made, appearing upon the wrapper or container of any pre-packaged goods or upon any ticket, card or label displayed or associated therewith; 10
- (r) the prohibition of
  - (i) the addition of any word or phrase to a wrapper or container of any pre-packaged goods or to any ticket, card or label displayed or associated therewith, that tends to qualify the statement of weight, measure, size or other quantity that is required to be upon such wrapper, container, ticket, card or label, 25
  - (ii) the use of a wrapper or container of pre-packaged goods in a size, shape or dimensional proportion, or having pictorial or other matter thereon, that may tend to deceive retail purchasers as to the net weight, measure, or other quantity of the contents thereof; and 30
- (s) the exemption of any pre-packaged goods from the operation of any provision of this Act.”

C-54.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-54.**

An Act to amend the British North America  
Act, 1867 (Abolition of the Senate).

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First reading, April 8, 1965.

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MR. KNOWLES.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-54.**

An Act to amend the British North America Act, 1867 (Abolition of the Senate).

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

**1.** Sections 17 and 18 of the *British North America Act, 1867*, are repealed and the following substituted there- 5  
for:

Constitution  
of Parliament  
of Canada,  
1875, 38-39  
Vict., c. 38  
(U.K.).

Privileges of  
Commons.

“**17.** There shall be One Parliament for Canada, consisting of the Queen and the House of Commons.

“**18.** The privileges, immunities, and powers to be held, enjoyed, and exercised by the House of Com- 10  
mons, and by the Members thereof, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that any Act of the Parliament of Canada defining such privileges, immunities, and 15  
powers shall not confer any privileges, immunities, or powers exceeding those at the passing of such Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the Members thereof.”

Repeal.

**2.** In the said Act, the heading “The Senate” 20  
and sections 21 to 36 which follow the said heading are repealed.

Repeal.

**3.** Section 39 of the said Act is repealed.

R.S., 1952,  
c. 304.

**4.** Paragraph 3 of subsection (1) of section 51 of the said Act is repealed and the following substituted there- 25  
for:

### EXPLANATORY NOTES.

The purpose of this Bill is to implement the principle that legislation should be enacted only by elected representatives responsible to the people. The Senate being a non-elected body, this Bill proposes its abolition.

Sections 21 to 36 under the heading "The Senate", intended to be repealed by clause 2 of this Bill, are the main sections dealing with the constitution of the Senate, that is the number of senators, the representation of the provinces in the Senate, the qualifications of senators, the summons of a senator, the addition of four to eight senators in certain cases, the subsequent reduction to the normal number, the maximum number of senators, the tenure of place in the Senate, resignation and disqualification, the summons of vacancy, questions arising respecting qualifications and vacancies in the Senate, the appointment of the Speaker of the Senate, the quorum and the voting in the Senate.

Amendments to the other sections of the *B.N.A. Act, 1867* are consequential, that is amendments to sections 17, 18, 39, 51, 51A, 59, 73, 74, 91, 99, 128, 139, 146 and 147.

Rules for  
representa-  
tion in  
Commons.

“**3.** Notwithstanding anything in this section, if upon completion of a computation under rules one and two, the number of members to be assigned to a province is less than the number of senators representing the said province on the 31st day of December, 1965, 5 rules one and two shall cease to apply in respect of the said province, and there shall be assigned to the said province a number of members equal to the said number of senators.”

1915, 5-6  
Geo. V., c. 45  
(U.K.).

**5.** Section 51A of the said Act is repealed and the 10 following substituted therefor:

Constitution  
of House of  
Commons.

“**51A.** Notwithstanding anything in this Act a province shall always be entitled to a number of members in the House of Commons not less than the number of senators representing such province on the 31st day 15 of December, 1965.”

Tenure of  
office of  
Lieutenant-  
Governors.

**6.** Section 59 of the said Act is amended by delet- ing therefrom the words “to the Senate and”.

**7.** Sections 73 and 74 of the said Act are repealed and the following substituted therefor: 20

Qualifications  
of Legislative  
Councillors.

“**73.** Subject to the provisions of the Legislature Act, relating to the Composition of the Legislative Council, of the Province of Quebec, the qualifications of the Legislative Councillors of Quebec shall be the same as those of the Senators for Quebec on the 31st day of 25 December, 1965.”

Resignation,  
disqualifica-  
tion, etc.

“**74.** The Place of a Legislative Councillor of Quebec shall become vacant in the cases, *mutatis mutan- dis,* in which the Place of a Senator would have become vacant on or before the 31st day of December, 1965.” 30

Legislative  
Authority of  
Parliament.

**8.** Section 91 of the said Act is amended by delet- ing therefrom, in the second line of the said section, the words “Senate and”.

Tenure of  
office of  
judges.

**9.** Section 99 of the said Act is amended by delet- ing therefrom the words “Senate and”. 35

**10.** Section 128 of the said Act is repealed and the following substituted therefor:



Oath of  
Allegiance,  
etc.

“**128.** Every Member of the House of Commons of Canada shall before taking his seat therein take and subscribe before the Governor General or some Person authorized by him, and every Member of a Legislative Council or Legislative Assembly of any Province shall before taking his seat therein take and subscribe before the Lieutenant-Governor of the Province or some Person authorized by him, the Oath of Allegiance contained in the Fifth Schedule to this Act; and every Member of the Legislative Council of Quebec shall also, before taking his seat therein, take and subscribe before the Governor General, or some Person authorized by him, the Declaration of Qualification contained in the same Schedule.”

**11.** Section 133 of the said Act is repealed and the following substituted therefor:

Use of  
English and  
French  
languages.

“**133.** Either the English or the French language may be used by any Person in the Debates of the House of Commons of Canada and of the Houses of the Legislature of Quebec; and both those languages shall be used in the respective Records and Journals of those Houses; and either of those languages may be used by any Person or in any Pleading or Process in or issuing from any Court of Canada established under this Act, and in or from all or any of the Courts of Quebec.

The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those languages.”

Repeal.

**12.** The heading “XI.—Admission of Other Colonies” and sections 146 and 147, immediately following the said heading are repealed.

Fifth  
Schedule  
amended.

**13.** The “Declaration of Qualification” in the Fifth Schedule to the said Act is repealed and the following substituted therefor:

“DECLARATION OF QUALIFICATION.

I, A.B., do declare and testify, That I am by Law duly qualified to be appointed a Member of the Legislative Council and that I am legally or equitably seised as of Freehold for my own Use and Benefit of Lands or Tenements held in Free and Common Socage (or seised or possessed for my own Use and Benefit of Lands or Tenements held in Franc-alleu or in Roture (*as the Case may be*)) in the Province of Quebec of the Value of Four thousand Dollars over and above all Rents,





Dues, Debts, Mortgages, Charges, and Incumbrances due or payable out of or charged on or affecting the same, and that I have not collusively or colourably obtained a Title to or become possessed of the said Lands and Tenements or any Part thereof for the Purpose of enabling me to become a Member of the Legislative Council and that my Real and Personal Property are together worth Four thousand Dollars over and above my Debts and Liabilities.”

Short title and citation.

**14.** This Act may be cited as the *British North America Act, 1965*, and the *British North America Acts, 1867 to 1964* and this Act may be cited together as the *British North America Acts, 1867 to 1965*.

Coming into force.

**15.** This Act shall come into force on the first day of January, 1966.

**12.** The heading 'Bill' in sections 10 and 11, immediately following the said heading are repealed.

**13.** The 'Declaration of Qualification' in the Fifth Schedule to the said Act is repealed and the following substituted thereby:

DECLARATION OF QUALIFICATION

I, A. B. do declare and swear That I am by Law duly qualified to be appointed a Member of the Legislative Council and that I am legally or equitably seized in Fee Simple or my own Use and Benefit of Lands or Tenements held in Free and Common Socage (or leased or possessed for my own Use and Benefit of Lands or Tenements held in Free-alien or in Return (as the Case may be) in the Province of Quebec of the Value of Four thousand Dollars over and above all Debts.

C-55.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-55.**

An Act to provide for a Canadian National Anthem.

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First reading, April 8, 1965.

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MR. RYAN.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

## BILL C-55.

An Act to provide for a Canadian National Anthem.

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

- Short title.       **1.**       This Act may be cited as the *National Anthem Act.* 5
- Name.           **2.**       The National Anthem shall be entitled *O Canada!*
- Music.           **3.**       The music of the National Anthem shall be as originally composed and written by Calixa Lavallée and as subsequently arranged by the Honourable R. Stanley Weir, as it appears on page 251 of Volume 7 of *Encyclopædia Canadiana*, 1962 edition. 10
- Words in English.       **4.**       The words of the National Anthem in English shall be as composed by the Honourable R. Stanley Weir, as follows: 15
- "O Canada! Our home and native land!  
True patriot-love in all thy sons command.  
With glowing hearts we see thee rise,  
The True North, strong and free;  
And stand on guard, O Canada, 20  
We stand on guard for thee.  
O Canada, glorious and free!  
We stand on guard, we stand on guard for thee.  
O Canada, we stand on guard for thee."
- Words in French.       **5.**       The words of the National Anthem in French shall be as composed by the Honourable Sir Adolphe Routhier, as follows: 25



Words in  
French.

**5.** The words of the National Anthem in French shall be as composed by the Honourable Sir Adolphe Routhier, as follows:

“O Canada! terre de nos aïeux,  
Ton front est ceint de fleurons glorieux, 5  
Car ton bras sait porter l'épée,  
Il sait porter la croix!  
Ton histoire est une épopée  
Des plus brillants exploits,  
Et ta valeur, de foi trempée, 10  
Protégera nos foyers et nos droits,  
Protégera nos foyers et nos droits.”

Provision for  
additional  
verses.

**6.** Additional verses to either the English version or the French version of the National Anthem may be authorized by the Governor General in Council for use 15 on special occasions.

Time of  
commence-  
ment.

**7.** This Act shall come into effect on the 1st day of July, 1965.

C-56.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-56.**

An Act to amend the Combines Investigation Act.  
(Consent Decree).

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First reading, April 8, 1965.

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Mr. GELBER.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-56.

An Act to amend the Combines Investigation Act  
(Consent Decree).

R.S., 314;  
1953-54,  
c. 51;  
1959, c. 40;  
1960, c. 45;  
1960-61,  
c. 42;  
1962-63,  
c. 4.

1960, c. 45.

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

1. (1) Section 31 of the *Combines Investigation Act* is amended by inserting therein as subsection (2a) the following: 5

Consent  
decree.

“(2a) The Court pursuant to an agreement between the Attorney General of Canada or the Attorney General of the Province for the purpose of this section and a party to injunction proceedings may issue a 10  
decree in the terms agreed to by the parties.”

(2) Subsections (2a), (2b) and (2c) are re-numbered as subsections (2b), (2c) and (2d).



## EXPLANATORY NOTES.

Anti-combines legislation is based on the need for competition between business interests to promote the economic well-being of the buying public. In pursuit of this policy the Crown has been hampered by limits placed on its authority because it must obtain conviction under criminal law. In other jurisdictions where this restraint has been overcome the complex and important duty of dealing with restrictions of trade is handled with considerable skill through civil as well as criminal law. This provides scope for administrative management of relations between business groups in the interests of the consuming public.

Under criminal law the onus on the Crown is very heavy. The obligation to prove the individuals or corporations are guilty of criminal offences raises doubts in the minds of the law officers of successful prosecutions. Where evidence of criminal guilt is difficult to establish without a peradventure of a doubt, it is also necessary for considerable time to elapse while evidence is collected.

In establishing other procedures under law to deal with this important problem, the Crown would be enabled to move sooner and probably with greater success.

Some of the questions confronting the Courts were well expressed by Mr. Justice W. Spence in the Supreme Court of Ontario, in the *Fine Papers* case:

"Surely the determination of whether or not an agreement to lessen competition was 'undue' by a survey of one industry's profits against profits of industry generally, and a survey of the movement of the prices in that one industry against the movement of prices generally, would put the Court to the essentially non-judicial task of judging between conflicting theories of economy and conflicting political theories. It would entail the Court being required to conjecture—and by a Court, it would be nothing more than mere conjectures since a Court is not trained to act as an arbitrator of economics—whether better or worse results would have occurred to the public if free and untrammelled competition had been permitted to run its course."

This Bill enables the Court to authorize a consent decree. The ability of the Department of Justice to deal with cases of restraint of trade would thus be considerably enhanced.



C-57.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-57.**

An Act to amend the Radio Act  
(Community Antenna).

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First reading, April 8, 1965.

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Mr. FISHER.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-57.

An Act to amend the Radio Act  
(Community Antenna).

R.S., 233;  
1952-53, c. 48;  
1953-54, c. 31;  
1955, c. 57.

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 *Radio Act* is repealed and the following substituted therefor: 5

“Broad-  
casting.”

“(a) “broadcasting” means the dissemination of any form of radioelectric communication, including radiotelegraph, radiotelephone, the wireless transmission of writing, signs, signals, pictures and sounds of all kinds by means of Hertzian waves, intended to be received by the public either directly or through the medium of relay stations, the redissemination for commercial gain of broadcast matter by wired transmission intended to be received by private persons;” 10 15

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTE.

This Bill is complementary to a Bill intituled "An Act to amend the Broadcasting Act (Community Antenna)". It amends the definition of "broadcasting" as that definition is proposed to be amended in the Broadcasting Act Bill.



**C-58.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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**THE HOUSE OF COMMONS OF CANADA.**

**BILL C-58.**

An Act respecting the Department of Foreign Affairs.

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First reading, April 8, 1965.

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Mr. MARCOUX.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-58.

An Act respecting the Department of Foreign Affairs.

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 *Department of Foreign Affairs Act*.

5

Department to be under Minister of Foreign Affairs.

2. There shall be a department of the Government of Canada called the Department of Foreign Affairs over which a minister of the Crown to be known as the Minister of Foreign Affairs, and hereafter referred to as the Minister, shall preside.

10

Deputy head.

3. (1) The Governor in Council may appoint an officer called the Deputy-Minister of Foreign Affairs to be the deputy head of the Department and to hold office during pleasure.

Officers, clerks, etc.

(2) Such other officers, clerks and servants as are requisite for the due administration of the business of the Department shall be appointed in the manner authorized by law.

15

Powers and duties of Department.

4. The Minister, as head of the Department, has the conduct of all official communications between the Government of Canada and the Government of any other country in connection with the foreign affairs of Canada, and is charged with such other duties as may be assigned to the Department by order of the Governor in Council in relation to such foreign affairs, or to the conduct and management of international or intercolonial negotiations so far as they may appertain to the Government of Canada.

20

25



## EXPLANATORY NOTES.

The purpose of this Bill is to change the name of the Department of External Affairs to that of Department of Foreign Affairs.

According to a footnote taken from Dr. Ollivier's book, entitled *British North America Acts and selected Statutes, 1867-1962*, at page 484 the history of the Department of External Affairs is the following.

"The Department of External Affairs was constituted in May 1909 (8-9 Edward VII, c. 13) and placed originally under the Secretary of State. It has charge of the administration of all external affairs pertaining to Canada. In April 1912, control of the Department passed to the Prime Minister, who took the added title of Secretary of State for External Affairs until April 1946, when the External Affairs Act was amended to enable any Minister of the Crown to be Secretary of State for External Affairs.

The right of diplomatic representation was discussed in the Canadian Parliament as early as 1882. Ten years later Sir Wilfrid Laurier gave the idea his blessing, at the same time giving it as his opinion that this was but one necessary step in our inevitable evolution towards autonomy.

Sir Robert Borden, having made known at the Paris conference the right of Canada to diplomatic representation in foreign countries, announced to the House of Commons, on May 10, 1920, the opening of a Canadian legation in Washington. It was only in 1926, however, that the Honourable Vincent Massey was sent to Washington by the Right Honourable Mackenzie King, as Canadian Minister to the American Republic.

In 1926 also, the Honourable Philippe Roy was appointed as Minister to Paris and the Honourable Herbert Marler was sent to Tokyo."

The reasons for the use of the words "External Affairs", in lieu of "Foreign Affairs" before 1931, that is before the enacting of the Statute of Westminster in December of that year, is obvious as Canada was not before that date a sovereign country. Since then the different Dominions, as defined in this Statute, have become "autonomous communities..., equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs..."

The position of Canada towards the United-Kingdom is now that of a "personal union", that is two countries independent of each other but having the same sovereign. Furthermore it is now admitted that the Crown is divisible from the fact that the Royal Style and Titles differ from one part of the Commonwealth to the other and the Prime Minister of Canada advises the Queen on all Canadian affairs.

In the United Kingdom the Minister in charge of the Department with which we are concerned is the Minister of Foreign Affairs. If we are, according to the Balfour Declaration "in no way subordinate one to another in any aspect of domestic or external affairs" there seems to be no valid reason why the present Department of External Affairs should not become, and be known as, the Department of Foreign Affairs.

(See Notes to the Statute of Westminster, 1931, in *British North America Acts and Selected Statutes, 1867-1962*, at pages 147 et seq.)

Foreign consular service.

5. The administration of all matters relating to the foreign consular service in Canada shall be transferred to the Department of Foreign Affairs.

Annual report to Parliament.

6. The Minister shall annually lay before Parliament, within ten days after the meeting thereof, a report of the proceedings, transactions and affairs of the Department during the year then next preceding.

5

R.S., c. 68 repealed.

7. The *Department of External Affairs Act* is repealed.

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C-59.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-59.**

An Act to amend the Criminal Code  
(Contempt of Court).

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First reading, April 8, 1965.

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MR. COWAN.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-59.

An Act to amend the Criminal Code  
(Contempt of Court).

1953-54,  
cc. 51, 52;  
1955, cc. 2, 45;  
1956, c. 48;  
1957-58, c. 28;  
1958, c. 18;  
1959, cc. 40,  
41;  
1960, cc. 37,  
45;  
1960-61,  
cc. 21, 42, 43,  
44;  
1962-63, c. 4;  
1963 c. 8;  
1964-65, c. 35.

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

1. Section 9 of the *Criminal Code* is repealed and the following substituted therefor:

Appeal.

“9. (1) Where a court, judge, justice or magistrate summarily convicts a person for a contempt of court committed in the face of the court and imposes no punishment in respect thereof, that person may appeal from the conviction thereof.

Idem.

(2) Where a court, judge, justice or magistrate summarily convicts a person for a contempt of court committed in the face of the court and imposes punishment in respect thereof, that person may appeal

- (a) from the conviction, or  
(b) against the punishment imposed.

Idem.

(3) Where a court or judge summarily convicts a person for a contempt of court not committed in the face of the court and imposes no punishment in respect thereof, that person may appeal therefrom.

Idem.

(4) Where a court or judge summarily convicts a person for a contempt of court not committed in the face of the court and imposes punishment in respect thereof, that person may appeal

- (a) from the conviction, or  
(b) against the punishment imposed.

Part XVIII  
applies.

(5) An appeal under this section lies to the court of appeal of the province in which the proceedings take place, and, for the purposes of this section, the provisions of Part XVIII apply, *mutatis mutandis*.”

## EXPLANATORY NOTES.

### Section 9 at present reads as follows:

"9. (1) Where a court, judge, justice or magistrate summarily convicts a person for a contempt of court committed in the face of the court and imposes punishment in respect thereof, that person may appeal against the punishment imposed.

(2) Where a court or judge summarily convicts a person for a contempt of court not committed in the face of the court and punishment is imposed in respect thereof, that person may appeal

(a) from the conviction, or

(b) against the punishment imposed.

(3) An appeal under this section lies to the court of appeal of the province in which the proceedings take place, and, for the purposes of this section, the provisions of Part XVIII apply, *mutatis mutandis*."

The purpose of this Bill is to provide for a right of appeal from all summary proceedings for contempt of court even if a penalty is not imposed.

As stated in an editorial of the *Globe and Mail* some time ago—

"When a judge calls a newspaper before him on a charge of contempt he constitutes in himself the features of accuser, judge and jury, and unless he assesses a penalty his decision cannot be reviewed by another court. To a paper of integrity a penalty is the least injurious part of such a proceeding; it is the damage to a hard-won reputation which hurts.

Judges must have the right to deal summarily with contempt, or they could not preserve order in the courts or ensure the rights of accused persons to fair trials. But from these summary proceedings there should in all cases be the right to appeal, or Canadians cannot be certain that there will be justice."

Speaking on the subject of contempt of court, the honourable George Drew, then Leader of the Opposition, had this to say in the House on June 3, 1954: (page 5471 of *Hansard*, 1953-54)

"We have no appeal procedure in this country which brings cases before the courts in the way they are brought before the courts of appeal in Britain."

Later on, after the *Criminal Code* bill had been amended by the Senate, he added on the 15th June, 1954: (as found at pages 5974-5)

"Perhaps it is only when we come to discuss a subject of this kind that we find to our surprise that there are still mediaeval survivals of law that we have inherited. The British system of law that was adopted in this country from the long-established practice, and incorporated in the *Criminal Code* for the whole of Canada, has carried forward not only the provisions of the code itself, but certain other long-established practices. It is necessary to go back a very long way to find the root of this extremely important question of contempt of court."



C-60.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

BILL C-60.

An Act to amend the Canada Labour (Standards) Code  
(Severance Pay).

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First reading, April 8, 1965.

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Mr. FISHER.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

## BILL C-60.

An Act to amend the Canada Labour (Standards) Code  
(Severance Pay).

1964-65, c. 38. HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The *Canada Labour (Standards) Code* is amended by adding thereto, immediately after section 34 thereof, the following:

### "PART IV(A).

#### SEVERANCE PAY.

Severance  
pay to  
redundant  
employees.

"34A. (1) An employee who is declared redundant by his employer or who ceases to be employed by him as a result of circumstances beyond the employee's control shall thereupon be paid by his employer a sum, 10 hereinafter called severance pay, calculated under subsection (3).

Exceptions.

- (2) This section does not apply to
- (a) an employee who has become entitled to receive a payment or payments under any superannua- 15 tion or pension plan whether statutory or otherwise;
  - (b) an employee who dies while employed;
  - (c) an employee whose period of employment by the employer, and by any person from whom 20 the employer has accepted a transfer of the contract of employment, extends for less than 12 months.



EXPLANATORY NOTE.

This bill is intended to provide compensation for workers who become surplus to their employment and are struck off strength without fault of their own: it is particularly valuable for those who have been employed for a long time and who then suddenly find themselves without a job and have to rely for many weeks, or even longer, on unemployment pay to tide them over.

Calculation  
of severance  
pay.

(3) Severance pay is the higher of the two following amounts:

- (a) the average weekly earnings of the employee based upon the average of the last five years or lesser period of employment, multiplied by the number of years of his employment, and in addition where any part of such years falls between the employee's forty-fifth and sixtieth year, a further amount equal to such average earnings multiplied by such years of employment as fall between these ages; or 5
- (b) the sum agreed between the employer and the employee, except that where the sum so agreed is payable in periodical amounts the total of such amounts shall not be less than the sum payable under paragraph (a) of this subsection. 15

Priority debt.

(4) A sum falling due in respect of severance pay, to an amount not greater than one thousand dollars, shall be treated as a priority debt, next only after any debt due the Crown, for all purposes of the *Bank Act*, the *Bankruptcy Act*, the *Companies' Creditors Arrangement Act*, and the *Winding-up Act*. 20

**2.** Section 54 of the said Act is repealed and the following substituted therefor:

Coming into  
force.

"**54.** Parts I, II, III, IV and IV(A) of this Act 25 shall come into force on the 1st day of July, 1965."

C-61.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-61.**

An Act to establish the Office of Parliamentary  
Commissioner.

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First reading, April 8, 1965.

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Mr. THOMPSON.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-61.**

An Act to establish the Office of Parliamentary  
Commissioner.

**H**ER 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 *Parliamentary  
Commissioner Act.*

5

PARLIAMENTARY COMMISSIONER.

Appoint-  
ment,  
tenure, and  
removal.

**2.** There shall be appointed by joint resolution of the Senate and House of Commons an officer called the Parliamentary Commissioner to hold office during good behaviour until he attains the age of sixty-five years but he is removable by a joint resolution of the Senate and  
House of Commons.

10

Expenditure.

**3.** No public monies shall be expended directly or indirectly in performing the duties of Parliamentary Commissioner set forth in this Act.

Resignation  
or removal.

**4.** The Parliamentary Commissioner may at any time resign his office by writing addressed to the Speaker of the House of Commons or to the Speaker of the Senate and he may be removed or suspended for cause from his office upon a joint address of the Senate and the House of  
Commons.

20



Filling of  
vacancy.

**5.** If the Parliamentary Commissioner dies, or retires, or resigns, or is removed from office the vacancy thereby created shall be filled in accordance with the prescriptions of the previous sections if Parliament is in session, and, if not the Governor in Council may appoint a Parliamentary Commissioner to fill the vacancy, and the person so appointed shall, unless his office sooner becomes vacant, hold office for one year subject to his appointment being confirmed at the following session of Parliament. 5

Money, gifts,  
etc.

**6.** The Parliamentary Commissioner may accept 10 money, securities, or other property by gift, bequest, or otherwise, and may, notwithstanding anything in this Act, expend, administer or dispose of any such money, securities or other property (subject to the terms, if any, upon which such money, securities or other property were 15 given), in carrying out the duties of Parliamentary Commissioner under this Act, including the retention by himself of such remuneration as may be reasonable for the performance of his own services under this Act.

#### FUNCTIONS AND DUTIES.

Investigation  
of grievances.

**7.** (1) It is the function and duty of the Parlia- 20 mentary Commissioner to investigate the administration, by a power or authority or officer of such power or authority, of any law of Canada whereby any person is aggrieved or, in the opinion of the Parliamentary Commissioner, may be aggrieved. 25

Who may  
petition.

(2) Any person may, in the public interest, apply by petition to the Parliamentary Commissioner to investigate a grievance.

Refusal to  
investigate.

**8.** (1) The Parliamentary Commissioner, in his discretion, may refuse to investigate or may cease to inves- 30 tigate a grievance if

- (a) a remedy already exists;
- (b) it is trivial, frivolous, vexatious or is not made in good faith; or
- (c) upon a balance of convenience between the 35 private interest of the person aggrieved and the public interest, the Parliamentary Commissioner is of opinion the grievance should not be investigated.

Notice of  
refusal.

(2) Where the Parliamentary Commissioner 40 decides that he will not investigate or that he will cease to investigate a grievance he shall so inform the petitioner and any other interested person.



Notice of  
investiga-  
tion.

**9.** (1) Before investigating a grievance, the Parliamentary Commissioner shall inform the power or authority or officer of such power or authority administering the law of Canada whereby any person is aggrieved or, in his opinion, may be aggrieved, of his intention to investigate. 5

Practice  
where  
*prima facie*  
case.

(2) If the Parliamentary Commissioner is satisfied there is *prima facie* evidence that a power or authority or officer of such power or authority so administered a law of Canada as thereby to cause a grievance or so administers such law as thereby may give cause for grievance, he shall so advise the power or authority or officer and shall give it or him an opportunity to be heard. 10

Breach of  
duty or  
misconduct  
by officer.

(3) If, during or after an investigation, the Parliamentary Commissioner is of opinion there is evidence of a breach of duty or misconduct by an officer of a power or authority, he shall refer the evidence to the power or authority. 15

Commis-  
sioner's  
power and  
authority.

**10.** (1) Subject to this Act and to any rules or orders of Parliament in respect of his office, the Parliamentary Commissioner has power and authority to investigate to the extent and by such means as he deems will best achieve the purpose of this Act. 20

*Inquiries  
Act.*

(2) Without limiting the power and authority of the Parliamentary Commissioner under the preceding subsection, he shall have the powers of a commissioner under the *Inquiries Act*. 25

Action  
where  
grievance  
adjudged.

**11.** (1) Where, upon investigation, the Parliamentary Commissioner adjudges that a grievance exists or may exist because a power or authority or officer of such power or authority administered or is administering, as the case may be, a law of Canada 30

(a) unreasonably, unjustly, oppressively, or in a discriminatory manner, or pursuant to a rule of law, enactment, or practice that so results; or 35

(b) under mistake of law or of fact, in whole or in part; or

(c) wrongly; or

(d) contrary to law; or

(e) by using a discretionary power for an improper purpose, or on irrelevant grounds, or by taking irrelevant considerations into account, or by failing to give reasons for the use of a discretionary power when reasons should have been given; and 40 45

if the Parliamentary Commissioner is of opinion that

(a) the grievance should be referred to the power or authority or officer of such power or authority for further consideration; or





- (b) an omission should be rectified; or
- (c) a decision should be cancelled or rectified; or
- (d) a practice by reason of which the grievance arose or may arise should be altered; or
- (e) a law by reason of which the grievance arose or may arise should be reconsidered; or
- (f) reasons should be given for the use of a discretionary power; or
- (g) other steps should be taken as he may advise; then

the Parliamentary Commissioner shall report his adjudgment with his reasons therefor to the power or authority with such recommendations as he may think fit and, where he so recommends, he may request the power or authority to notify him, within a time limited, what the power or authority proposes to do thereon.

Where power or authority fails to remedy.

(2) Where the power or authority, after the lapse of a period deemed reasonable by the Parliamentary Commissioner, does not act upon the Parliamentary Commissioner's recommendations, refuses to act thereon, or acts in a manner unsatisfactory to the Parliamentary Commissioner, he may send a copy of his report and recommendations, with any comment he may wish to add thereto, to the Prime Minister, and may thereafter make such report to Parliament as he thinks fit.

Comments of power or authority.

(3) The Parliamentary Commissioner shall include with any report sent or made under subsection (2) a copy of any comment made by the power or authority upon his adjudgment or recommendations.

Opportunity to be heard.

(4) In any report made by him under this Act, the Parliamentary Commissioner shall not make any finding or comment that is adverse to any person unless he gives that person an opportunity to be heard.

Recommendations: petitioner informed.

**12.** (1) Where a power or authority does not act to his satisfaction upon his recommendations for the remedy of a grievance, the Parliamentary Commissioner shall inform the petitioner of his recommendations and may add such comment as he wishes.

Findings: petitioner informed.

(2) The Parliamentary Commissioner shall in any case inform the petitioner, in such manner and at such time as he thinks proper, of the result of the investigation.

Annual report.

**13.** (1) The Parliamentary Commissioner, within a year after the coming into effect of this Act and thereafter in each succeeding calendar year, shall make a report on the proceedings of his office with his recommendations, if any, as to any measures that should be taken to better implement the intent and achieve the purpose of this Act and shall thereupon lay such report before Parliament.



(2) A copy of the report shall be delivered to the Minutes and Journals Office of the Senate and to the Votes and Proceedings Office of the House of Commons respectively; and such copies so delivered on any day during the existence of a Parliament shall be deemed to be for all purposes the laying of the report before Parliament. 5

(3) Upon receipt of the report, an entry shall that day be made in the respective records of these Offices and, on the day following thereon, the copies of the report shall be deposited in the Library of Parliament. 10

(4) The Parliamentary Commissioner may submit a report to Parliament at any other time.

#### GENERAL.

Offenses.

- 14.** Every one who
- (a) without lawful justification or excuse, wilfully obstructs, hinders, or resists the Parliamentary Commissioner or other person in the exercise of his powers under this Act, 15
  - (b) without lawful justification or excuse, refuses or wilfully fails to comply with any lawful requirement of the Parliamentary Commissioner or other person under this Act, or 20
  - (c) wilfully makes any false statement to or misleads or attempts to mislead the Parliamentary Commissioner or other person in the exercise of his powers under this Act, 25
- is guilty of an offense punishable on summary conviction.

Saving of other rights and remedies.

**15.** This Act shall not abrogate, abridge or infringe or authorize the abrogation, abridgment or infringement of any substantive or procedural right or remedy existing elsewhere or otherwise than in this Act. 30

Act not to apply to Executive in policy capacity nor to Judicature.

**16.** This Act does not extend or apply to the Governor General acting by and with the aid and advice of the Queen's Privy Council for Canada nor to the Judicature of Canada.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

BILL C-62.

An Act to amend the Bills of Exchange Act and the  
Interest Act (Off-store Instalment Sales).

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First reading, April 8, 1965.

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Mr. ORLIKOW.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

THE HOUSE OF COMMONS OF CANADA.

BILL C-62.

An Act to amend the Bills of Exchange Act and the Interest Act (Off-store Instalment Sales).

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

R.S., c. 15.

1. The *Bills of Exchange Act* is amended by adding thereto, immediately after section 142 thereof, the following section:

Collateral security bill given at off-store premises may be cancelled.

“142A. (1) Where under a transaction by way of conditional sale, hire purchase, or any other deferred payment agreement,  
(a) a bill of exchange is given as collateral security 10 for but not in satisfaction or payment of the purchase or consideration money or part of it, and  
(b) the bill is signed by the person giving it at his place of residence or any other place where 15 a retail trade or business in goods, services, or work, labour and materials, of the kind or nature dealt with in the agreement, is not ordinarily carried on,  
the person so signing and giving the bill may, within 20 the period of three clear days from the date upon which the bill was signed, by notice in writing sent by registered mail to the person to whom he gave the bill or to that person's principal or agent, discharge himself of liability upon the bill. 25  
(2) A notice so sent is deemed to be an absolute and unconditional renunciation in writing by all other persons privy to the transaction of their and each of their rights upon the bill against the 30 person signing the bill.

Cancellation notice deemed a renunciation.

### EXPLANATORY NOTES.

The purpose of this bill is to protect the Canadian consumer when he or she is approached in his home or other "off-store" premises and is pressured into signing a contract for goods, services, or work, labour and materials that are to be paid for by the consumer in future instalments. The principle of the bill is to afford the consumer a period for "sober second thought".

Such contracts involve "property and civil rights"—a provincial matter: but they also involve "bills and notes" and "interest", which are federal matters. This bill deals with the problem under the last two heads. Provincial legislation could be used to complement this bill.

The provisions of Clause 1 of this Bill refer only to bills of exchange. Section 165 of the *Bills of Exchange Act* provides that a cheque is a bill of exchange; and section 186 provides that the provisions of the Act relating to bills of exchange apply, with certain exceptions, to promissory notes.

A comparison may be made with the United Kingdom Bill entitled "An Act to amend the law relating to hire-purchase and sales on credit of goods; and for purposes connected therewith", of 1962, and the Marshalled List of Amendments to be Moved in Committee.

The amendment proposed to the *Bills of Exchange Act* gives the consumer three full days to cancel any bill of exchange or promissory note he has given as collateral security to his contract. If the bill or note has not been

Holder in due course not prejudiced.

Joint and several liability of parties to transaction.

(3) Nothing in this section prejudices the rights of a holder in due course without notice of renunciation.

(4) Where a bill so discharged is in the hands of a holder in due course without notice of renunciation, all persons privy to the transaction are jointly and severally liable on the bill." 5

R.S., c. 156.

2. The *Interest Act* is amended by adding thereto, immediately after section 5 thereof, the following section:

Interest-bearing contract given at off-store premises may be terminated.

"5A. (1) Where a conditional sale, hire purchase, 10 or other deferred payment contract or agreement whatsoever, whether under seal or not,

(a) provides for a term thereof for the payment of interest, and

(b) the contract or agreement is signed by the 15 person liable for the payment of interest at his place of residence or any other place where a retail trade or business in goods, services, or work, labour and materials, of the kind or nature dealt with in the contract or agreement, 20 is not ordinarily carried on,

the person so signing the contract or agreement may, within the period of three clear days from the date upon which he signed the contract or agreement, by notice in writing sent by registered mail to the person 25 to whom the interest is payable, terminate the contract or agreement.

Effect of termination.

(2) A contract or agreement so terminated shall, as from the date on which notice of termination was sent, be deemed to have been rescinded by 30 mutual consent and there shall be deemed also to have been a total failure of consideration in respect of the contract or agreement.

Notice of right to terminate.

(3) Where a contract or agreement does not expressly contain a term, written and displayed at 35 least as prominently as the other terms therein, setting out that the person liable for payment of interest has the right of termination provided by subsection (1), the period of limitation fixed in that subsection shall not apply and the right of termination shall continue 40 while the contract or agreement subsists or until the expiration of three clear days from the date the person so liable has personally received notice in writing that he has such a right of termination.

Termination by party other than party liable for interest.

(4) A contract or agreement shall not be 45 voided or otherwise terminated by any person other than the person liable to payment of interest thereunder unless the person so liable has not exercised his right to terminate the contract or agreement within the time therefor limited by this section." 50



C-43

negotiated meanwhile to an innocent third party, he has no further liability on it. If the other party meanwhile has passed, or later passes, the bill or note to an innocent third party, the consumer is liable to such innocent holder but he has a claim over against the other party to the agreement by operation of the proposed 140A(2) and (3). In the class of case here dealt with, the innocent holder would not generally be involved: nor, under this proposed amendment, would it be to the advantage of the seller to negotiate the note to an innocent third party.

Under the proposed amendment to the *Interest Act*, the effect of 5A(3) and (4) is to compel the seller, for his own advantage, to advise the consumer of his 3 day right to terminate the contract by including a clause to this effect in the contract.

An Act to amend the Bankruptcy Act  
(Ordinary Payment of Interest)

First reading, April 8, 1966

Mr. Davis

HOUSE OF COMMONS  
QUESTIONS PERIOD AND ANSWERS TO QUESTIONS  
MAY 1966



C-63.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-63.**

An Act to amend the Bankruptcy Act  
(Orderly Payment of Debts).

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First reading, April 8, 1965.

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Mr. SMITH.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

THE HOUSE OF COMMONS OF CANADA.

**BILL C-63.**

An Act to amend the Bankruptcy Act  
(Orderly Payment of Debts).

R.S., c. 14.

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

**1.** The *Bankruptcy Act* is amended by adding thereto the following heading and sections: 5

“PART X.

ORDERLY PAYMENT OF DEBTS.

Definitions.

“Clerk.”

“Court.”

**173.** In this Part,

(a) “clerk” means a clerk of the court;

(b) “court” means

(i) in the Province of Alberta, the district court, 10

(ii) in the Province of Manitoba, the county court, and

(iii) in any other province, such court as is designated from time to time by the regulations for the purposes of this Part; 15

“Debtor.”

“Registered creditor.”

(c) “debtor” does not include a corporation; and

(d) “registered creditor” means a creditor who is named in a consolidation order.

Application.

**174.** (1) This Part applies only to the following classes of debts: 20

(a) a judgment for the payment of money where the amount of the judgment does not exceed one thousand dollars;

(b) a judgment for the payment of money where the amount of the judgment is in excess of one thousand dollars if the judgment creditor consents to come under this Part; 25

EXPLANATORY NOTE.

Clause 1: The purpose of this amendment is to enact, as part of the *Bankruptcy Act*, provisions relating to the orderly payment of debts. Similar provisions were contained in the legislation of certain provinces but have recently been declared by the Supreme Court of Canada to be *ultra vires* of the provincial legislature.

Exception.

- (c) a claim or demand for or in respect of money, debt, account, covenant or otherwise, not in excess of one thousand dollars; and
- (d) a claim or demand for or in respect of money, debt, account, covenant or otherwise, in excess of one thousand dollars if the creditor having such claim or demand consents to come under this Part. 5

(2) Notwithstanding subsection (1), this Part does not apply to the following classes of debts: 10

- (a) a debt due, owing or payable
  - (i) to Her Majesty in right of Canada or a province,
  - (ii) to a municipality in Canada, or
  - (iii) to a school district in Canada; 15
- (b) a debt relating to the public revenue or one that may be levied and collected in the form of taxes;
- (c) a covenant in a mortgage or charge on land or in an agreement for sale of land; or
- (d) a debt incurred by a trader or merchant in the ordinary course of his business. 20

Idem.

(3) Notwithstanding subsection (1), this Part does not apply to any of the following classes of debts, unless the creditor consents to come under this Part: 25

- (a) in the Province of Alberta
  - (i) a claim for wages that may be heard before, or a judgment therefor by, a magistrate under *The Masters and Servants Act*,
  - (ii) a claim for a lien or a judgment thereon under *The Mechanics' Lien Act* or *The Mechanics Lien Act, 1960*, or 30
  - (iii) a claim for a lien under *The Garagemen's Lien Act*;
- (b) in the Province of Manitoba 35
  - (i) a claim for wages that may be heard before, or a judgment therefor by, a magistrate under *The Wages Recovery Act*, or
  - (ii) a claim for a mechanic's lien or a judgment thereon under *The Mechanics' Liens Act*; 40  
or
- (c) in any other province, any debt of a class designated by the regulations to be a class of debts to which this Part does not apply.

Application  
for  
consolidation  
order.

**175.** (1) A debtor who resides in a province in which this Part is in force may apply to the clerk of the court having jurisdiction where he resides for a consolidation order. 45



Affidavit  
to be  
filed.

(2) Upon an application pursuant to subsection (1), the debtor shall file an affidavit setting forth the following:

- (a) the names and addresses of his creditors and the amount he owes to each creditor and, if any of them are related to him, the relationship; 5
- (b) a statement of the property he owns or in which he has any interest and of the value thereof;
- (c) the amount of his income from all sources, naming them, and where he is married the amount of the income of his wife from all sources, naming them; 10
- (d) his business or occupation and that of his wife, if any, and the name and address of his employer and of his wife's employer, if any; 15
- (e) the number of persons dependent upon him, the name and relationship of each and particulars of the extent to which each is so dependent;
- (f) the amount payable for board and lodging or for rent or as payment on home property, as the case may be; and 20
- (g) whether any of his creditors' claims are secured and, if so, the nature and particulars of the security held by each such creditor.

Duties  
of clerk.

**176.** (1) The clerk shall 25

- (a) file the affidavit referred to in subsection (2) of section 175, giving it a number, and enter the particulars it contains in a register;
- (b) upon reading the affidavit and hearing the debtor, settle the amounts to be paid by the debtor into court and the times of payment thereof until all of the claims entered in the register are paid in full, and enter in the register particulars of the amounts and times of payment so settled or, where applicable, enter in the register a statement that the present circumstances of the debtor do not warrant the immediate settling of any such amounts or times; and 30
- (c) fix a date for hearing objections by creditors. 40

(2) The clerk shall give notice of an application for a consolidation order to each creditor named in the affidavit filed in connection with the application, setting forth in the notice

- (a) the particulars of all entries made in the register with respect to the application; and 45

Notice to  
be given.





(b) the date fixed for hearing objections by the creditors to the application or to any of the entries made in the register in respect thereof.

Idem.

(3) The notice referred to in subsection (2) shall be served by registered mail and the clerk shall enter in the register the date the notice was mailed. 5

Register.

(4) The register referred to in this section shall be separate from all other books and records kept by the clerk and shall be available to the public for inspection, free of charge, during the hours when the office of the clerk is open to the public. 10

Objection by creditor.

**177.** (1) A creditor may, within a period of twenty days after the date of mailing of the notice of an application for a consolidation order pursuant to section 176, file with the clerk an objection with respect to any of the following matters: 15

- (a) the amount entered in the register as the amount owing to him or to any other creditor;
- (b) the amounts settled by the clerk as the amounts to be paid by the debtor into court, or the fact that no such amounts have been settled; or 20
- (c) the times of payment of any such amounts, where applicable.

Idem.

(2) The clerk shall enter in the register a memorandum of the date of receipt of any objection filed with him. 25

Notice of objection.

(3) Where an objection has been filed by a creditor, the clerk shall forthwith, by registered mail, give notice of the objection and of the time and place appointed for the hearing thereof to the debtor and to each creditor named in the affidavit filed in connection with the application specifying the creditor whose claim has been objected to under subsection (1). 30

Adding additional creditors.

**178.** At the time appointed for the hearing of any objection in connection with a consolidation order, the clerk may add to the register the name of any creditor of the debtor of whom he has notice and who is not disclosed in the affidavit of the debtor. 35

Hearing of objections.

**179.** (1) The clerk shall, at the time appointed for the hearing thereof, consider any objection in connection with a consolidation order that has been filed with him in accordance with this Part, and 40

- (a) if the objection is to the claim of a creditor and the parties are brought to agreement or if the creditor's claim is a judgment of a court and the 45



only objection is to the amount paid thereon, he may dispose of the objection in a summary manner and determine the amount owing to the creditor;

- (b) if the objection is to the proposed terms or method of payment of the claims by the debtor or that terms of payment are not but should be fixed, he may dispose of the objection in a summary manner and determine, as the circumstances require, the terms and method of payment of the claims, or that no terms be presently fixed; and
- (c) in any case he may on notice of motion refer any objection to be disposed of by the court or as the court otherwise directs.

Issue of order.

(2) After the conclusion of the hearing referred to in subsection (1), the clerk shall enter in the register his decision or the decision of the court, as the case may be, and issue a consolidation order.

Issue of consolidation order.

**180.** Where no objection has been received within twenty days after the date of mailing of the notice of an application for a consolidation order pursuant to section 176, the clerk shall

- (a) make an entry in the register to that effect, and
- (b) issue the consolidation order.

Contents of consolidation order.

**181.** (1) A consolidation order shall state the following:

- (a) the name of and the amount owing to each creditor named in the register; and
- (b) the amounts to be paid into court by the debtor and the times of payment thereof or, where applicable, that the present circumstances of the debtor do not warrant the immediate settling of any such amounts or times.

Effect of order.

- (2) A consolidation order
  - (a) is a judgment of the court in favour of each creditor named in the register for the amount stated therein to be owing to such creditor; and
  - (b) is an order of the court for the payment by the debtor of the amounts stated therein and at the stated times.

Consolidation order not to be issued.

**182.** (1) A consolidation order that does not provide for the payment in full of all the debts to which it refers within a period of three years shall not be issued unless

- (a) all registered creditors consent thereto in writing, or



Referral to court.

(b) the order is approved by the court.

(2) Any consolidation order referred to in subsection (1) shall be referred to the court for approval or otherwise by the clerk upon notice of motion to any registered creditor who has not consented thereto in writing. 5

Review of consolidation order.

**183.** (1) The court may, on application to review a consolidation order of the clerk made by notice of motion within fourteen days of the making of the order by any of the parties affected thereby, review the consolidation order and confirm or vary it or set it aside and make such disposition of the matter as the court sees fit. 10

Decision to be entered.

(2) The clerk shall enter any decision made by the court under subsection (1) in the register and the decision shall take effect in place of the order of the clerk. 15

Terms may be imposed on debtor.

**184.** The court may, in deciding any matter brought before it, impose such terms on a debtor with respect to the custody of his property or any disposition thereof or of the proceeds thereof as it deems proper to protect the registered creditors and may give such directions for that purpose as the circumstances require. 20

Process stayed by consolidation order.

**185.** Upon the making of a consolidation order, no process shall be issued out of any court in the province in which the debtor resides against the debtor at the instance of a creditor in respect of any debt to which this Part applies, except as permitted by this Part. 25

Assignments of debtor's property to clerk.

**186.** (1) The clerk may, at any time after the making of a consolidation order, require of and take from the debtor an assignment to himself as clerk of the court of any moneys due, owing or payable or to become due, owing or payable to the debtor, or earned or to be earned by the debtor. 30 35

Notification.

(2) Unless otherwise agreed upon the clerk shall forthwith notify the person owing or about to owe the moneys of the assignment referred to in subsection (1) and all moneys collected thereon shall be applied to the credit of the claims against the debtor under the consolidation order. 40

Writ of execution.

(3) The clerk may issue a writ of execution or certificate of judgment in respect of a consolidation order and cause it to be filed in any place where such writ or certificate may bind or be a charge upon land or chattels. 45



Adding  
creditors  
after  
order.

**187.** (1) Where at any time before the payment in full of the claims against a debtor under a consolidation order, the clerk is notified of a claim to which this Part applies that is not entered in the order, he shall, subject to subsection (2) and upon notice to the debtor and the creditor and to each registered creditor, 5

- (a) settle the amount owing to the creditor;
- (b) where he deems it necessary to do so, vary the amounts to be paid by the debtor into court and the times of payment thereof in order to provide for the new claim; and 10
- (c) enter the matters referred to in paragraphs (a) and (b) in the register.

Court to  
decide.

(2) Where the debtor or any registered creditor disputes the claim of a creditor described in subsection (1), the clerk shall on notice of motion refer the matter to the court and the decision of the court shall be entered in the register. 15

Notice.

(3) The clerk shall make such amendments to the consolidation order as may be necessary to give effect to any entries in the register made pursuant to this section, and shall give notice thereof to the registered creditors. 20

Creditor  
to share.

(4) Upon the entry of a claim in the register pursuant to this section, the creditor shall share with the other creditors in any further distribution of moneys paid into court by or on behalf of the debtor. 25

Secured  
claims.

**188.** (1) A registered creditor holding security for a claim may, at any time, elect to rely upon his security notwithstanding that the claim is included in a consolidation order. 30

Proceeds  
in excess.

(2) Where the proceeds from the disposal of the security referred to in subsection (1) are in excess of the registered creditor's claim, the excess shall be paid into court and applied in payment of other judgments against the debtor. 35

Exemption.

(3) Subsection (2) does not apply where the security is in the form of chattels exempt from seizure under any law in force in the province in which the consolidation order was issued. 40

Reduced  
claim.

(4) Where the proceeds from the disposal of the security referred to in subsection (1) are less than the registered creditor's claim, the creditor shall remain entitled to the balance of his claim.

Exception.

(5) Subsection (4) does not apply in a case where, under the law in force in the province in which the consolidation order was issued, a creditor 45





- (a) who enforces his security by repossession or repossession and sale, or
- (b) who seizes and sells such security under an execution issued pursuant to a judgment obtained against the debtor in respect of the claim so secured, 5

is limited in his recovery of such claim to the security so repossessed or the proceeds of the sale thereof.

Enforcement  
of order in  
default of  
debtor.

**189.** (1) A registered creditor may apply by notice of motion to the court where 10

- (a) a debtor defaults in complying with an order for payment or any other order or direction of the court;
- (b) any other proceeding for the recovery of money is brought against the debtor; 15
- (c) the debtor has, after the consolidation order was made, incurred further debts totalling in excess of two hundred dollars;
- (d) a judgment is recovered against the debtor larger in amount than a judgment to which this Part applies without the judgment creditor's consent, and the judgment creditor refuses to permit his name to be added to the register; or 20
- (e) the debtor has property or funds that should be made available for the satisfaction of the consolidation order. 25

*Ex parte*  
application.

(2) A registered creditor may apply *ex parte* to the court where a debtor

- (a) is about to abscond or has absconded from the province in which the consolidation order was issued leaving personal property liable to seizure under execution; or 30
- (b) with intent to defraud his creditors has attempted or is attempting to remove from the province in which the consolidation order was issued personal property liable to seizure under execution. 35

Proceedings  
authorized.

(3) Upon the application referred to in subsection (1) or (2), the court may 40

- (a) authorize the registered creditor making the application to take on behalf of all the registered creditors such proceedings to enforce the consolidation order as the court deems advisable; or 45

(6) where it appears to be desirable and on notice to all parties, make an order permitting all the registered creditors to proceed each independently of the others for the enforcement of their claims under the consolidation order.

(4) All monies recovered as a result of proceedings taken pursuant to paragraph (a) of subsection (3) after payment of costs incurred thereby shall be paid into the court and shall be applied to the benefit of the judgment against the debtor appearing in the register.

(5) Where an order is made under paragraph (b) of subsection (3), the debtor under the consolidation order is not, without the leave of the court, entitled to any further relief under this Part during the currency of any claim against him entered in the register.

100. (1) A debtor or any registered creditor may at any time apply to the clerk for a further examination and hearing of the debtor in respect of his financial circumstances.

(2) The further hearing referred to in subsection (1) may only be held (a) with the leave of the clerk; or (b) in the event of the refusal of the clerk, with the leave of the court.

(3) The clerk shall give all parties to the consolidation order at least twenty days notice of the time appointed for the hearing referred to in subsection (1).

(4) Where after considering the evidence presented at the further hearing referred to in subsection (1) the clerk is of the opinion that

(a) the terms of payment set out in the consolidation order or

(b) the decision that the circumstances of the debtor do not warrant the immediate setting of any accounts or times of payment thereof, should be changed because of a change in the circumstances of the debtor, he may

(c) vary the order as to the amounts to be paid by the debtor into court or the times of payment thereof; or

(d) on notice of motion refer the matter to the court for settlement.

(5) Section 121 applies with modifications to a debtor in the first order subsection (4).

Provision made by this section

Provision made by this section

Provision made by this section

Provision made by this section

Provision made by this section

Provision made by this section

Provision made by this section

(b) where it deems it advisable and on notice to all parties, make an order permitting all the registered creditors to proceed each independently of the others for the enforcement of their claims under the consolidation order. 5

Moneys applied to judgment.

(4) All moneys recovered as a result of proceedings taken pursuant to paragraph (a) of subsection (3) after payment of costs incurred thereby shall be paid into the court and shall be applied to the credit of the judgments against the debtor appearing 10 in the register.

Debtor not entitled to relief.

(5) Where an order is made under paragraph (b) of subsection (3), the debtor under the consolidation order is not, without the leave of the court, entitled to any further relief under this Part 15 during the currency of any claim against him entered in the register.

Re-examination of debtor.

**190.** (1) A debtor or any registered creditor may at any time apply *ex parte* to the clerk for a further examination and hearing of the debtor in respect of 20 his financial circumstances.

Idem.

(2) The further hearing referred to in subsection (1) may only be held

(a) with the leave of the clerk; or

(b) in the event of the refusal of the clerk, with 25 the leave of the court.

Notice of hearing.

(3) The clerk shall give all parties to the consolidation order at least twenty days' notice of the time appointed for the hearing referred to in subsection (1). 30

Clerk may vary order, etc.

(4) Where after considering the evidence presented at the further hearing referred to in subsection (1) the clerk is of the opinion that

(a) the terms of payment set out in the consolidation order, or 35

(b) the decision that the circumstances of the debtor do not warrant the immediate settling of any amounts or times of payment thereof, should be changed because of a change in the circumstances of the debtor, he may 40

(c) vary the order as to the amounts to be paid by the debtor into court or the times of payment thereof, or

(d) on notice of motion refer the matter to the court for settlement. 45

Application of section 183.

(5) Section 183 applies *mutatis mutandis* to a decision of the clerk under subsection (4).



Disposition  
of moneys  
paid into  
court.

**191.** (1) The clerk shall distribute the moneys paid into court on account of the debts of a debtor at least once every three months.

Idem.

(2) The clerk shall distribute the money *pro rata*, or as nearly so as is practicable, among the registered creditors. 5

Oaths.

**192.** (1) The clerk may for the purposes of this Part examine any person under oath and may administer oaths.

Record.

(2) The clerk shall make a written record in summary form of all evidence given at a hearing. 10

Where  
assignment  
or receiving  
order made.

**193.** (1) Where a debtor, in respect of whom a consolidation order has been issued under this Part, makes an assignment pursuant to section 26 or where a receiving order is made against him under section 21 or where a proposal by such debtor is approved by the court having jurisdiction in bankruptcy under section 34, any moneys that have been paid into court pursuant to such consolidation order and have not yet been distributed to the registered creditors shall thereupon be distributed among such creditors by the clerk in the proportions to which they are entitled under the consolidation order. 15 20

Proceedings  
may be taken  
under other  
Parts.

(2) The fact that proceedings have been taken under this Part shall not prevent the taking of proceedings by or against the debtor under the provisions of any other Part of this Act. 25

Idem.

(3) None of the provisions of Parts I to IX of this Act applies to proceedings under this Part.

Appeal.

**194.** A decision or order of the court under this Part shall be subject to appeal in the same manner as if it were a judgment of the court in a civil action. 30

Clerk to  
report.

**195.** (1) Upon the issue of any consolidation order, the clerk shall forward a copy thereof to the Superintendent of Bankruptcy. 35

Idem.

(2) The clerk shall report to the Superintendent of Bankruptcy upon the conclusion of each proceedings taken under this Part, within thirty days of such conclusion, in a form prescribed by the regulations or, if no form is so prescribed, in a form prescribed by the Superintendent. 40

Regulations.

**196.** The Governor in Council may make regulations

- (a) prescribing the forms to be used under this Part;
- (b) prescribing fees to be paid under this Part; 45



- (c) designating the "court" for the purpose of this Part in any province except Alberta and Manitoba;
- (d) adapting this Part to the court organization or other circumstances of a particular province; 5
- (e) varying, in respect of any province, the classes of debts and amounts thereof to which this Part applies;
- (f) changing or prescribing, in respect of any province, the classes of debts to which this Part does not apply; and 10
- (g) generally, for carrying into effect the purposes and provisions of this Part.

Audit of proceedings.

**197.** The accounts of every clerk relating to proceedings under this Part shall be subject to audit in 15 the same manner as if he were a provincial officer.

Coming into force.

**198.** This Part shall come into force in any province only upon the issue, at the request of the Lieutenant Governor in Council of that province, of a proclamation by the Governor in Council declaring 20 it to be in force in that province."



C-64.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-64.**

An Act to repeal the Tobacco Restraint Act.

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First reading, April 8, 1965.

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Mr. COWAN.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-64.**

An Act to repeal the Tobacco Restraint Act.

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

R.S., c. 266  
repealed.

**1.** The *Tobacco Restraint Act*, chapter 266 of the Revised Statutes of Canada, 1952, is repealed.

THE HOUSE OF COMMONS OF CANADA.

EXPLANATORY NOTES.

The long title of the Act which this Bill purposes to repeal is: "An Act to restrain the use of Tobacco by Young Persons."

This legislation which has been on our statute books since 1908 has certainly not accomplished what it started out to do. No doubt its purpose was excellent but it has had a contrary effect to what was intended. Like all law which is a dead letter and is not observed it tends to bring the administration of justice into disrepute.

Furthermore it is vicious legislation in that it is an attempt at thought control for it provides punishment (section 3) for a juvenile "about to smoke or chew tobacco" and (in section 4) for a juvenile who "has in his possession, whether for his own use or not, any cigarettes etc."

Many people have been killed by blows from a hammer or an ax, perhaps it should be made a crime to be found in possession of one of those horrible instruments.



**C-65.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-65.**

An Act to amend the Criminal Code  
(Provincial Lotteries).

First reading, April, 8, 1965.

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Mr. VALADE.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-65.

An Act to amend the Criminal Code  
(Provincial Lotteries).

1953-54, c. 51;  
1955, cc. 2, 45;  
1956, c. 48;  
1957-58, c. 28;  
1958, c. 18;  
1959, c. 41;  
1960, c. 37;  
1960-61, cc.  
21, 42, 43, 44;  
1962-63, c. 4;  
1963, c. 8;  
1964-65, c. 35.

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

1. Subsection (8) of section 179 of the *Criminal Code* is amended by striking out the word "or" at the end of paragraph "(c)" thereof, by adding the word "or" at the end of paragraph "(d)" thereof and by adding thereto the following paragraph 5  
    “(e) a lottery organized and operated by a provincial government to provide financial assistance to 10  
    hospitals or for other welfare purposes under  
    provincial jurisdiction.”

Third Session, Twenty-Ninth Parliament of Canada, 1944

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTE.

The purpose of this Bill is to amend the *Criminal Code* so as to allow provincial governments, so desiring, to provide financial assistance to hospitals or for other welfare purposes under provincial jurisdiction, by means of lotteries provincially organized and operated.

First Reading, April 8, 1944

Mr. HARTMAN





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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-66.**

An Act to amend the Criminal Code (Nuisance).

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First reading, April 8, 1965.

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Mr. HERRIDGE.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-66.

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,  
cc. 37, 45,  
1960-61,  
cc. 21, 42,  
43, 44;  
1962-63, c. 4;  
1963, c. 8;  
1964-65, c. 35.

Discharging  
noxious  
matter into  
interprovin-  
cial water.

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:— 5

“165A. Every owner, lessee, or person operating any industrial plant, oil refinery, chemical works, saw-mill 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 10  
(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 15  
(b) an offence punishable on summary conviction. 20

Third Session, Fourth Parliament, 1954-55

THE HOUSE OF COMMONS OF CANADA

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.

(This Bill was introduced by the Minister of the Environment, Mr. J. G. Bennett, on 19th February 1955.)

Printed by the Queen's Printer, Ottawa.

McGraw-Hill



C-67.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-67.**

An Act to amend the Combines Investigation Act  
(Floor Penalties, Criminal Joint Tortfeasors, and Moieties).

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First reading, April 8, 1965.

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Mr. ORLIKOW.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

THE HOUSE OF COMMONS OF CANADA.

BILL C-67.

An Act to amend the Combines Investigation Act  
(Floor Penalties, Criminal Joint Tortfeasors, and Moieties).

R.S., c. 314;  
1953-54,  
c. 51, s. 750;  
1959, c. 40;  
1960, c. 45;  
1960-61, c. 42;  
1962-63, c. 4;  
1963, c. 8;  
1964-65, c. 35.

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

1. Subsection (3) of section 31 of the *Combines Investigation Act* is repealed and the following substituted 5 therefor:

Punishment  
for dis-  
obedience.

“(3) A court may punish any person who contravenes or fails to comply with a prohibition or direction made or given by it under this section by a fine in the discretion of the court, or by imprisonment for a term 10 not exceeding two years, and shall punish a person who so disobeys such a prohibition or direction a second time by imprisonment for a term not less than one year and, upon the third or subsequent such disobedience, by imprisonment for a term not less 15 than two years.”

2. Subsection (1) of section 32 of the said Act is repealed and the following substituted therefor:

Conspiracy.

“(1) Every one who conspires, combines, agrees or 20 arranges with another person  
(a) to limit unduly the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article,  
(b) to prevent, limit or lessen, unduly, the manufacture or production of an article, or to 25 enhance unreasonably the price thereof,

C- 68.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C- 68.**

An Act to amend the British North America Acts,  
1867 to 1964, (Provincial Marriage and Divorce Laws).

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First reading, April 8, 1965.

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Mr. PRITTIE.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

THE HOUSE OF COMMONS OF CANADA.

BILL C- 68.

An Act to amend the British North America Acts, 1867 to 1964, (Provincial Marriage and Divorce Laws).

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

Repeal:  
United  
Kingdom  
statute, 1867,  
s. 3, s. 91 (26).

**1.** The class enumerated as 26 in section 91 of the *British North America Acts, 1867 to 1960*, and extending to all matters coming within the subjects of marriage and divorce, is repealed. 5

Repeal and  
substitution:  
s. 95.

**2.** Section 95, and the heading thereto, of the said Acts are repealed and the following substituted therefor:

*“Agriculture, Marriage and Divorce and other Matrimonial Causes, and Immigration.”*

Concurrent  
powers of  
legislation  
respecting  
agriculture,  
etc.

**95.** In each province the legislature may make laws in relation to agriculture in the province, to marriage and divorce and other matrimonial causes in the province, and to immigration into the province; and it is hereby declared that the Parliament of Canada may from time to time make laws in relation to agriculture in all or any of the provinces, to marriage or divorce or other matrimonial causes in all or any of the provinces, and to immigration into all or any of the provinces; and any law of the legislature of a province relative to agriculture, to marriage or divorce or other matrimonial causes, or to immigration shall have effect in and for the province as long and as far only as it is not repugnant to any Act of the Parliament of Canada.” 15 20

Short title  
and citation.

**3.** This Act may be cited as the *British North America Act 1965*, and the *British North America Acts, 1867 to 1964*, and this Act may be cited together as the *British North America Acts, 1867 to 1965.* 25



## THE HOUSE OF COMMONS OF CANADA

## EXPLANATORY NOTE.

The Parliament of Canada has the exclusive power to legislate divorce reform: yet no government of Canada has brought the subject into the House for a free debate; no government has ever permitted a private member's public bill on the subject to come to a vote; no government has ever referred the subject to a select committee of parliament or to a royal commission for study and report. Politically, the attitude of Canadian governments is to ignore the existence of a grievance and to refuse to exercise the monopoly jurisdiction the federal authority possesses.

The purpose of this Bill, therefore, is to give to the provinces original concurrent jurisdiction with Canada in the same way as the provinces and Canada share jurisdiction with respect to agriculture and immigration. The federal government thus retains legislative power to protect the rights of minorities in any province or to supersede provincial legislation by multi-provincial legislation. On the other hand, this bill would enable a province to opt-out of a continuing federal legislative refusal to initiate divorce reform.

An appreciation of the distribution of substantive and procedural divorce powers under our constitution is found in the opinion of His Lordship Thane A. Campbell, Chief Justice of the Prince Edward Island Supreme Court, in *Reference re Constitutional Validity of an Act to amend an Act for Establishing a Court of Divorce in Prince Edward Island*, (1952) 2 D.L.R. 513.



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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-69.**

An Act to amend the Financial Administration Act  
(Discretionary Garnishee against Crown).

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First reading, April 8, 1965.

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Mr. WHELAN.

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-69.

An Act to amend the Financial Administration Act  
(Discretionary Garnishee against Crown).

R.S., c. 116;  
1955, c. 3;  
1958, c. 31;  
1960, c. 41;  
1960-61,  
c. 48;  
1963, cc. 3  
and 41.

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

1. Section 95 of the *Financial Administration Act* is amended by adding thereto, immediately after subsection (3) thereof, the following subsection: 5

Judgment  
debt.

- “(4) Where, in the opinion of the Minister of Justice,  
(a) any person is indebted to another person by reason that a judgment for the recovery by or payment to such judgment creditor of money has been entered against such judgment debtor in any of Her Majesty’s courts in Canada, and  
(b) the judgment debt is unsatisfied and the judgment creditor has made reasonable efforts to otherwise effect recovery of the amount of such indebtedness, 10 15

the Treasury Board may authorize the Minister of Finance to retain by way of deduction or set-off, out of any sum of money that may be due or payable by Her Majesty in right of Canada to the judgment debtor, the amount answerable to such judgment debt, but the amount so retained shall not exceed the amount that might under the laws of the province in which the judgment is entered be seized or attached under execution or garnishee proceedings, and the amount so retained may be paid by the Minister of Finance to the judgment creditor.” 20 25

## THE HOUSE OF COMMONS OF CANADA

## EXPLANATORY NOTES.

The purpose of this bill is to assist judgment creditors to recover debts owing them from the salaries and other monies owing from the Crown to their debtors: garnishee proceedings cannot be taken against the Crown; this bill provides that the Crown, in its discretion and under the administration of the Minister of Justice, can co-operate with the courts in a form of garnishee proceeding.

*Clause 1:* This clause is modelled upon section 95 of the *Financial Administration Act* which provides for a similar procedure in the case of debts—which may not necessarily have been adjudicated upon and awarded by a court—owed to the Canadian government and, under certain circumstances, a province.

Section 100 of the *F.A. Act* provides that the Governor in Council may make regulations for carrying the purposes and provisions of the Act into effect. Under this section, the government can make appropriate rules for the application and administration of these proceedings.



## C-70.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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### THE HOUSE OF COMMONS OF CANADA.

## BILL C-70.

An Act to amend the Canada Elections Act  
(Appointment of DRO's and Poll Clerks).

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First reading, April 8, 1965.

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MR. FRANCIS.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

## BILL C-70.

An Act to amend the Canada Elections Act  
(Appointment of DRO's and Poll Clerks).

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) Subsection (4) of section 26 of the *Canada Elections Act* is repealed and the following substituted therefor: 5

Returning officer to appoint poll clerks.

“(4) The returning officer shall, as soon as possible after appointing the deputy returning officer, for each polling division established in his electoral district, appoint by writing under his hand, in Form No. 33, a poll clerk, who before acting as such shall take the oath printed on the said Form No. 33; such forms of appointment and oath shall be printed in the poll book.” 10

(2) The said section is further amended by adding thereto the following subsection as subsection (4a): 15

The returning officer to select DRO's and poll clerks of different and opposed political interests.

“(4a) The returning officer shall, as far as possible, select and appoint the deputy returning officer and poll clerk for each polling division so that they shall represent two different and opposed political interests.” 20



## THE HOUSE OF COMMONS OF CANADA

## BILL C-71

## EXPLANATORY NOTES.

The purpose of this bill is to ensure that the deputy returning officer and poll clerk in a poll are not representing the same political interest.

At the present time, the returning officer appoints the deputy returning officer, who in turn, appoints a poll clerk.

Subsection (4) of Section 26 at present reads as follows:

"(4) Each deputy returning officer shall, as soon as possible after his appointment, appoint by writing under his hand, in Form No. 33, a poll clerk, who before acting as such shall take the oath printed on the said Form No. 33; such forms of appointment and oath shall be printed in the poll book."

The new Section (4) would have the poll clerk appointed by the returning officer.

The same principle is proposed to govern the selection of deputy returning officers and poll clerks as at present governs the selection of the two urban enumerators or the two urban revisal agents, as found in rules (2) and (47) of Schedule A to Section 17 of the *Canada Elections Act*.



C-71.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-71.**

An Act to amend the Trans-Canada Highway Act  
(Confederation Road).

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First reading, April 8, 1965.

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Mr. FISHER.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965

THE HOUSE OF COMMONS OF CANADA.

**BILL C-71.**

An Act to amend the Trans-Canada Highway Act  
(Confederation Road).

R.S., c. 269;  
1956, c. 12;  
1959, c. 10;  
1960, c. 22.

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

**1.** The title of chapter 269 of the Revised Statutes of Canada, 1952, "An Act to encourage and to assist in the construction of a Trans-Canada Highway", is repealed and the following substituted therefor: 5

Long title.

"An Act to encourage and to assist in the construction of Confederation Road."

**2.** Section 1 of the *Trans-Canada Highway Act* 10 is repealed and the following substituted therefor:

Short title.

"**1.** This Act may be cited as the *Confederation Road Act*."

Third Session, Twenty-Ninth Parliament, 1925

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTE.

The purpose of this bill is to replace the prosaic name "Trans-Canada Highway" with a name which dedicates that highway to Canadian unity of provinces and people.

First reading, April 8, 1925



C-72.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-72.**

An Act to amend the Criminal Code  
(Wire Tapping, etc.).

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First reading, April 8, 1965.

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Mr. PENNELL.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-72.

1953-54, c. 51;  
1955, cc. 2, 45;  
1956, c. 48;  
1957-58, c. 28;  
1958, c. 18;  
1959, c. 41;  
1960, c. 37;  
1960-61, cc. 21,  
42, 43, 44;  
1962-63, c. 4;  
1963, c. 8;  
1964-65, c. 35.

An Act to amend the Criminal Code  
(Wire Tapping, etc.).

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

1. The *Criminal Code* is amended by inserting therein immediately after section 384, the following section: 5

Intercepting,  
etc., tele-  
phone or  
telegraph  
communica-  
tion.

“384A. (1) Everyone, not being a sender or receiver of a telephone or telegraph communication, who wilfully, and by means of instrument, intercepts, overhears or records a telephone or telegraph communication is guilty of 10

(a) an indictable offence, and is liable to imprisonment for two years, or

(b) an offence punishable on summary conviction.

(2) This section shall not apply to any person acting pursuant to an Order granted pursuant to section 429A or to any person acting in the course of their normal employment as an employee or officer of a telephone or telegraph company.” 15

2. The said Act is amended by inserting therein immediately after section 429, the following sections: 20

Judge may  
issue Order.

“429A. A judge of a superior court of criminal jurisdiction who is satisfied by information upon oath, either in Form 1A or upon examination under oath of a peace officer and any other witnesses he may produce that there is reasonable grounds to believe that evidence of an indictable offence punishable by imprisonment of ten years or more, may be obtained by the interception, overhearing or recording of telegraphic or telephonic communications, may at any time issue an Order under his hand authorizing a person or persons named therein 30



for the interception, overhearing or recording of tele-  
 graphic or telephonic communications, and the said  
 Order shall identify a particular telephone number or  
 telegraph line and the person or persons whose commu-  
 nications are to be intercepted, overheard or recorded,  
 and the purpose of such interception or recording,  
 and the said Order shall be effective for the time spec-  
 ified therein, but not for a period of more than one  
 month unless extended or renewed by the judge who  
 signed and issued the original Order, upon satisfying  
 himself that such extension or renewal is in the public  
 interest.

**EXPLANATORY NOTE.**

The purpose of this Bill is to revise the old common law  
 offence of eavesdropping. At the present time the only  
 penalty for wire tapping is to be found in the various  
 provincial Telephone Acts wherein the penalties range from  
 a maximum of six months imprisonment (Manitoba) to a  
 maximum of one month (Ontario). In some of the other  
 provincial Telephone Acts there are no provisions for  
 dealing with this type of conduct.

**FORM 1A**

**INFORMATION**

CANADA  
 PROVINCE OF

This is the instrument of A B of

The informant says that (describe telephone number or  
 telegraph line and person or persons whose communi-  
 cations are to be intercepted, overheard or recorded, and the  
 purpose of such interception or recording) and that he has  
 reasonable grounds for believing that evidence of the offence  
 (describe offence) may be obtained by such interception  
 (over and the grounds of belief, whatever they may be).  
 I therefore the informant prays that an Order may be  
 granted to (describe person or persons to be  
 granted order) to intercept, overhear and record their  
 communications (describe the telephone line and person

for the interception, overhearing or recording of tele-  
graphic or telephonic communications, and the said  
Order shall identify a particular telephone number or  
telegraph line and the person or persons whose commu-  
nications are to be intercepted, overheard or recorded, 5  
and the purpose of such interceptions or recordings,  
and the said Order shall be effective for the time spec-  
ified therein, but not for a period of more than one  
month unless extended or renewed by the judge who  
signed and issued the original Order, upon satisfying 10  
himself that such extension or renewal is in the public  
interest.

Disclosing  
Information.

**429B.** Everyone, except in any trial, who wilfully  
discloses to any person other than the telephone or  
telegraph company whose facilities are involved, or to 15  
the Attorney General or his agents, or the person  
making application for an Order pursuant to section  
429A, any information concerning the application for  
the granting or denial of an Order pursuant to section  
429A, or the identity of the person or persons whose 20  
communications, conversations or discussions are the  
subject of an Order granted pursuant to section 429A  
shall be guilty of an offence punishable on summary  
conviction."

Form.

**3.** The said Act is amended by inserting therein, 25  
immediately after Form 1, the following Form:

"FORM 1A

INFORMATION

CANADA

PROVINCE OF

}  
}  
}

This is the informant of A B of

The informant says that (describe telephone number or 30  
telegraph line and person or persons whose communi-  
cations are to be intercepted, overheard, or recorded, and the  
purpose of such interception or recording) and that he has  
reasonable grounds for believing that evidence of the offence  
of (describe offence) may be obtained by such interception 35  
(here add the grounds of belief, whatever they may be).

**W**HEREFORE the informant prays that an Order may be  
granted to (here describe persons or person to be  
granted order) to intercept, overhear and record (here  
describe the telephone number or telephone line and persons 40



or person whose communications are to be intercepted, overheard and recorded for a period of \_\_\_\_\_ days, commencing on the \_\_\_\_\_ day of \_\_\_\_\_ and ending on the \_\_\_\_\_ day of \_\_\_\_\_.

SWORN BEFORE ME

this \_\_\_\_\_ day of \_\_\_\_\_

} ..... 5  
(Signature of Informant)

\_\_\_\_\_  
A Justice of the Peace in and for \_\_\_\_\_ ”

C-73.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-73.**

An Act respecting the National Game of Canada.

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First reading, April 8, 1965.

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Mr. ROXBURGH.

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-73.**

An Act respecting the National Game of Canada.

Preamble. **W**HEREAS hockey has been played and enjoyed in Canada for a great number of years; **W**HEREAS, also, it is the most popular and indigenous game of this country; **A**ND **W**HEREAS it is the game where most Canadian athletes have excelled: **T**HEREFORE Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: 5

Short title. **1.** This Act may be cited as the *National Game of Canada Act*.

The National Game of Canada. **2.** The game of ice hockey as it is played in this Country is hereby declared to be the National Game of Canada. 10

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTES.

Hockey is indeed a wonderful game—clean, fast and exhilarating. More than any other game in Canada it has caught the imagination and enthusiasm of thousands upon thousands of people, and has given them and still gives them great moments of enjoyment either as players or as spectators, more especially is it favoured by the youth of Canada. Hockey with its dash, crash and smash truly represents the very tempo of our Canadian youth. Today hockey is recognized throughout the world as Canada's national game. During the period between the two world wars, and for a long period after world war II, with a very limited number of Canadians going overseas as tourists or on business little would have been heard of Canada in the countries of Europe if it had not been for our hockey teams touring these countries. More than one government official has said to our team management: "Outside of war, the only time we ever heard the name of Canada mentioned is when your hockey team is playing in our country". To the people not only of Canada but the people of the world who are at all sports-minded the name of Canada and hockey are synonymous. Yes, Canada is hockey; hockey is Canada.

For all these reasons it is proper that Parliament should officially recognize hockey as the National Game of Canada.





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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

BILL C-74.

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

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First reading, April 8, 1965.

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Mr. ORLIKOW.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-74.

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: 5

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 10 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: 15

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 20 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.”

The House of Commons of Canada

THE HOUSE OF COMMONS OF CANADA

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.

and according to the right of the General to preserve and maintain the public peace and order and to compensate of persons killed thereby. (17th April 1965)

1st sitting, April 5, 1965.

Mr. Chairman



C-75.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-75.**

An Act to approve the *ex gratia* payment of compensation to persons injured by aiding and assisting the Governor General to preserve and maintain the public peace and order and to dependents of persons killed thereby. (Criminal Injuries Compensation Act)

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First reading, April 8, 1965.

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Mr. ORMISTON.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

THE HOUSE OF COMMONS OF CANADA.

BILL C-75.

An Act to approve the *ex gratia* payment of compensation to persons injured by aiding and assisting the Governor General to preserve and maintain the public peace and order and to dependents of persons killed thereby. (Criminal Injuries Compensation Act)

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 *Criminal Injuries Compensation Act*. 5

Compensation for injury in performing duty under Article IX, Royal Letters Patent.

2. Every inhabitant of Canada, not being a peace officer or an officer or minister, civil or military, of Her Majesty, who aids or assists in the preservation and maintenance of the public peace or order in Canada or aboard a Canadian vessel or aircraft outside Canada and suffers hurt thereby may petition the Governor General for compensation. 10

Spouse or dependent may petition in event of death.

3. Where a person dies from a hurt so suffered, his spouse or any person dependent upon him may petition in like manner for compensation. 15

Annual report to Parliament.

4. The Solicitor General, within a year after the coming into force of this Act and thereafter in each succeeding calendar year, shall make a report on the proceedings under this Act with his recommendations, if any, as to any measures that should be taken to better implement the intent and achieve the purpose of this Act and shall thereupon lay such report before Parliament. 20

## EXPLANATORY NOTES.

In considering payment of compensation to victims of crimes of violence, it is apparent there are two types of victims: those who are injured or killed while intervening in the public interest to prevent the crime; and those who are directly the victims of the original crime whether murder, manslaughter, assault, a sexual assault or arson.

A different principle applies to compensation awarded to a citizen acting in the public interest than to the case of the person prayed upon by the criminal. For ease of decision therefore, this Bill deals only with the case of the person acting in the public interest.

Article IX of the Letters Patent Constituting the Office of Governor General of Canada, 1947, provides:

"And We do hereby require and command all Our Officers and Ministers, Civil and Military, and all the other inhabitants of Canada, to be obedient, aiding, and assisting unto Our Governor General, or, in the event of his death, incapacity, or absence, to such person as may, from time to time, under the provisions of these Our Letters Patent administer the Government of Canada."

By these words Her Majesty commands and enjoins every inhabitant of Canada to aid and assist her Governor General in his governance of Canada, including the preservation of the Queen's Peace.

The principle is accepted in our laws that he who is injured in the Queen's service should be compensated and, in event of death, his dependents compensated. This Parliament has extended this principle to the compensation of criminals permanently disabled while in penitentiaries. See *Vote 10, Department of Justice, 1964-65 Estimates, pp. 192, 193 & 194*. There is no restriction imposed by this Appropriations Act upon the Treasury Board in awarding such compensation other than the words, "Compensation to discharged inmates permanently disabled while in penitentiary."

This Bill provides a procedure for petitioners and a means of information for Parliament. It does not authorize, but does approve, the expenditure of money. Compare the New Zealand *Criminal Injuries Compensation Act 1963*, effective 1st January 1964, and the U.K. White Paper, "Compensation for Victims of Crimes of Violence", Command 2323, March 1964.





**C-76.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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**THE HOUSE OF COMMONS OF CANADA.**

**BILL C-76.**

An Act to provide for the length of Sessions of Parliament.

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First reading, April 8, 1965.

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Mr. RYAN.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-76.**

An Act to provide for the length of Sessions of Parliament.

**H**ER 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 Sessions Act*. 5

Mandatory session.

**2.** In each year there shall be a session of the Parliament of Canada commencing on the last Thursday of January and terminating prior to the second Thursday of September; in such session the last sitting day of the House of Commons shall be the last Friday of June; there shall be an Easter recess of Parliament to continue not less than five days. 10

Permissive session.

**3.** In each year there may be another session of Parliament commencing on the second Thursday of September that, unless sooner terminated, may continue into and terminate on or prior to the last Thursday of January in the next succeeding year; in such session the last sitting day of the House of Commons shall be the second Friday of December or such sooner day as the House of Commons may order. 15 20

Prohibition and exception.

**4.** The House of Commons shall not sit at any time not within the times limited in sections two and three for sitting days of the House except where necessarily consequent upon a dissolution or otherwise as a matter of urgent public importance. 25

## EXPLANATORY NOTES.

The purpose of this Bill is to plan the sessions of Parliament and the sittings of the House of Commons in each year in recognition of the fact that Parliament must sit much longer than formerly to deal with the increasingly complex and numerous matters of public business: in recognition of the fact that Ministers of the Crown have departmental duties and all members have constituency duties which must be attended to in the public interest in periods free of Parliamentary duties and attendance: and finally, in recognition of the fact that the public interest is better served when members are assured of a time certain to holiday with their families.

*Clauses 2 and 3:* Provide for a mandatory session that commences the last Thursday of January and could continue to the second Thursday of September: however, the House of Commons would not sit beyond the last Friday in June. The Senate could continue sitting to finish its business without pressure of having to rush business in order to meet a House of Commons deadline. When the Senate rose, sometime before the second Thursday of September, the session would end. If necessary, there would then be a Fall session but the House would finish sitting on the second Friday of December at the latest. The Senate could continue to sit beyond that time.

*Clause 4:* This clause provides for an adjustment of the sittings in an election year and also for emergency sittings.

Necessity of extraordinary sittings debatable.

**5.** Where pursuant to section four, the House of Commons sits as a matter of urgent public importance not consequent upon a dissolution, fifty members thereof may, within five days after the commencement of the sittings, give notice of a motion that such sittings are not a matter of urgent public importance and such motion shall be debated upon a day allotted by the Speaker. 5

Uncompleted government and private business carried over from session to session.

**6.** Where in either House of Parliament the business of the government or private business is not completed upon the termination of a session then, for all purposes of completing that business, the session next following, unless following a dissolution, shall be deemed to be a continuation of the preceding session. 10

House of Commons may delegate its Royal Assent functions to Speaker and officials.

**7.** Upon any occasion when the House of Commons is not sitting, the Speaker, the Clerk and the Sergeant-at-Arms, when thereunto authorized by the House of Commons, as well severally in their offices, shall jointly stand empowered in the name, place and stead of the House of Commons to treat, do, act and conclude upon those things incidental to and necessary for the signification of Royal Assent to any Bill that, having passed the House of Commons, thereafter passes the Senate of Canada without amendment. 15

Application.

**8.** This Act shall first apply to the year 1966. 20

*Clause 5:* Provides for a debate in the House on the necessity of emergency sittings. This is designed to be preventive and so discourage the calling of sittings that are not really necessary in the public interest. It is also designed to concentrate opposition criticism to one day rather than have such criticism continued throughout the sittings.

*Clause 6:* Provides for government business and private business to be carried over from one session to the next as if the two sessions were one continuous session. This provision would continue committees, for example, into the next session until their business was complete.

*Clause 7:* This clause provides that the Speaker and two officials of the House of Commons may, after the House has stopped sitting, complete the formalities of receiving bills from the Senate that have been passed without amendment and of attending at the Royal Assent.

*Clause 8:* This Bill comes into force upon Royal Assent but first applies to the year 1966. This allows for a session under the Bill to start in January, 1966, and permits notice of such session to be given in 1965.



**C-77.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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**THE HOUSE OF COMMONS OF CANADA.**

**BILL C-77.**

An Act to amend the Northern Ontario Pipe Line  
Crown Corporation Act (Tisdale Grain Elevator).

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First reading, April 8, 1965.

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**Mr. RAPP.**

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

## BILL C-77.

An Act to amend the Northern Ontario Pipe Line Crown Corporation Act (Tisdale Grain Elevator).

1956, c. 10;  
*Appropriation  
Act, No. 2,  
1965.*

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

**1.** The title of "An Act to establish the Northern Ontario Pipe Line Crown Corporation" is repealed and the following substituted therefor:

Long  
title.

"An Act to establish the Tisdale Public Terminal Elevator Crown Corporation."

**2.** Section 1 of the *Northern Ontario Pipe Line Crown Corporation Act* is repealed and the following substituted therefor:

Short  
title.

"**1.** This Act may be cited as the *Tisdale Public Terminal Elevator Crown Corporation Act.*"

**3.** Paragraph (b) of section 2 of the said Act is repealed and the following substituted therefor: 15

"(b) "Corporation" means the Tisdale Public Terminal Elevator Crown Corporation established by this Act;"



## EXPLANATORY NOTES.

The purpose of this bill is to provide public grain storage facilities at Tisdale, Saskatchewan, to replace the estimated 56 million bushels of private storage capacity that will be eliminated when the railway lines that serve the private elevators are abandoned.

An opportunity to finance these public facilities at Tisdale has recently been provided. Appropriation Act, No. 2, 1965, Vote L38d, enacts:

“To provide that Northern Ontario Pipe Line Crown Corporation (hereinafter referred to as the “Corporation”) shall cease to exist on the 1st day of April, 1965, that all rights and property held by or in the name of or in trust for the Corporation and all obligations and liabilities of the Corporation existing immediately before that day shall be vested in, and shall continue as the rights, property, obligations and liabilities of, Her Majesty in right of Canada . . . \$1.00”

The effect of this Dollar Vote is to kill the Northern Ontario Pipe Line Crown Corporation but not to repeal the Act. The Act continues in force and effect; the sole change is that the Crown agent—the Corporation—disappears and the Crown itself overtly acts in the place and stead of the defunct agent to carry out the purposes of the Act. The Act must continue because, as the Vote provides, the rights, property, obligations and liabilities of the Corporation as of the 1st April 1965 continue on as the rights, property, obligations and liabilities of the Crown as limited and determined by Parliament in the Act.

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

Establishment and constitution.

“3. (1) For the purposes set forth in this Act, there is hereby established a corporation, called the “Tisdale Public Terminal Elevator Crown Corporation,” consisting of a President and four other directors.” 5

5. Subsection (1) of section 5 of the said Act is amended by repealing the word “and” where it appears immediately following paragraph (b) thereof, by adding the word “and” immediately following paragraph (c) thereof, 10 and by adding to the said subsection the following:

“(d) constructing, maintaining and operating a public terminal elevator, as defined in the *Canada Grain Act*, having a minimal storage capacity of five million bushels, at the Town 15 of Tisdale, Saskatchewan.”

Essentially the Dollar Vote is a book-keeping entry and not a legislative enactment or grant of supply. There can be no implication in its terms that the Act thereby expires, lapses or otherwise ceases to have effect. Under section 10 of the *Interpretation Act* the *Northern Ontario Pipe Line Crown Corporation Act* continues to speak. Under section 18 of the *Interpretation Act*:

“Every Act shall be so construed as to reserve to Parliament the power of repealing or amending it, and of revoking, restricting or modifying any power, privilege or advantage thereby vested in or granted to any person, whenever such repeal, amendment, revocation, restriction or modification is deemed by Parliament to be required for the public good.”

For the public good therefore, this Bill proposes to re-substitute an agent of the Crown (namely, the Tisdale Public Terminal Grain Elevator Corporation) to take over the rights, property, obligations and liabilities arising under the Act. In addition to these book-keeping duties, the Tisdale Corporation would construct, maintain and operate a public grain terminal elevator out of the 130 millions of dollars available to it under the Act.

The Act is amendable, as to money expenditures, within the purposes recommended to the House by His Excellency the Governor General. These purposes are contained in the resolution of the 10th May 1956, *Debates*, vol. IV, p. 3764. The enabling words are:

“.....for the purposes, amongst others, of.....  
(hereafter follows the specific purposes later incorporated in the Act).”

The nature of the other purposes was not specified but the words have meaningful existence. They permitted amendment of the Bill—as they now permit amendment of the Act—to expand the purposes of the Corporation “for the public good”.



C-78.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-78.**

An Act to amend the Financial Administration Act  
(Public Accounts).

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First reading, April 8, 1965.

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Mr. FISHER.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-78.

An Act to amend the Financial Administration Act  
(Public Accounts).

R.S., c. 116;  
1955, c. 3;  
1958, c. 31;  
1960, c. 41;  
1960-61, c. 48;  
1963, c. 3,  
s. 18;  
1963, c. 41,  
s. 2.

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 adding thereto, immediately after section 64 thereof, the following: 5

“PART VIA

PUBLIC ACCOUNTS COMMITTEE.

Definitions.

64A. In this Part, unless the contrary intention appears,

“member” means a member of the Committee;  
“Chairman” means the Chairman of the Committee;  
“Committee” means the Committee of Public Accounts for the time being constituted under this Part;  
“House” means the House of Commons of Canada;  
“Vice-Chairman” means the Vice-Chairman of the Committee. 10  
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Committee  
of Public  
Accounts.

65A. (1) As soon as practicable after the commencement of this Part, and as soon as practicable after the commencement of the first session of each Parliament, a committee of thirty members of the House (to be known as the Committee of Public Accounts) shall be appointed according to the practice of the House. 20  
25

(2) Each member shall cease to hold office when the House expires by effluxion of time or is dissolved.

Chairman  
and Vice-  
Chairman

300. (1) There shall be a Chairman and a Vice-Chairman of the Committee, who shall be elected by the members from time to time and shall hold office as Chairman and Vice-Chairman during the pleasure of the Committee.  
(2) The Chairman or, in his absence, the Vice-Chairman, shall preside at all meetings of the Committee.  
(3) In the event of the absence of both the Chairman and the Vice-Chairman from a meeting of the Committee, the members present may appoint one of their number to preside at the meeting and the member so appointed shall, in relation to the meeting, have all the powers and functions of the Chairman.

EXPLANATORY NOTE.

This Bill is proposed as a reform measure to regularize the constitution and proceedings of that most important of Committees—the Public Accounts Committee. Reference is made to the Australian *Public Accounts Committee Act 1951* and to the Sixty-Fifth Report (1964) of the Australian "Joint Committee of Public Accounts" which contains Treasury Minutes on government action taken on the 50th, 53rd, 60th, 62nd and 63rd Reports.

Chairman  
and Vice-  
Chairman

301. (1) The duties of the Committee are—  
(a) to examine the Public Accounts and each year to report thereon to the House;  
(b) to report to the House, with such comments as it thinks fit, any items or matters in those accounts, statements and reports, or any circumstances connected with them, to which the Committee is of the opinion that the attention of the House should be directed;  
(c) to report to the House any attention which the Committee thinks desirable in the form of the Public Accounts or in the method of keeping them or in the mode of receipt, control, issue or payment of public moneys; and  
(d) to inquire into any question in connection with the Public Accounts which is referred to it by the House, and to report to the House upon that question.

Duties of the  
Committee

302. The duties of the Committee are—  
(a) to examine the Public Accounts and each year to report thereon to the House;  
(b) to report to the House, with such comments as it thinks fit, any items or matters in those accounts, statements and reports, or any circumstances connected with them, to which the Committee is of the opinion that the attention of the House should be directed;  
(c) to report to the House any attention which the Committee thinks desirable in the form of the Public Accounts or in the method of keeping them or in the mode of receipt, control, issue or payment of public moneys; and  
(d) to inquire into any question in connection with the Public Accounts which is referred to it by the House, and to report to the House upon that question.

and include such other duties as are assigned to the Committee by order of the House.

Chairman  
and Vice-  
Chairman.

**66A.** (1) There shall be a Chairman and a Vice-Chairman of the Committee, who shall be elected by the members from time to time and shall hold office as Chairman and Vice-Chairman during the pleasure of the Committee. 5

(2) The Chairman, or, in his absence, the Vice-Chairman, shall preside at all meetings of the Committee.

(3) In the event of the absence of both the Chairman and the Vice-Chairman from a meeting 10 of the Committee, the members present may appoint one of their number to preside at the meeting, and the member so presiding shall, in relation to the meeting, have all the powers and functions of the Chairman.

Quorum  
and voting.

**67A.** (1) At a meeting of the Committee a majority 15 of the members constitutes a quorum.

(2) All questions to be decided by the Committee shall be decided by a majority of the votes of the members present.

(3) The Chairman or other member presiding 20 shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

(4) Where the members present do not vote 25 unanimously, the manner in which each member votes shall, if a member so requires, be recorded in the minutes and in the Committee's report.

Duties of the  
Committee.

**68A.** The duties of the Committee are

(a) to examine the Public Accounts and each statement and report laid before the House by the Minister and the Auditor General; 30

(b) to report to the House, with such comment as it thinks fit, any items or matters in those accounts, statements and reports, or any circumstances connected with them, to which the Committee is of the opinion that the 35 attention of the House should be directed;

(c) to report to the House any alteration which the Committee thinks desirable in the form of the Public Accounts or in the method of keeping them, or in the mode of receipt, control, issue 40 or payment of public moneys; and

(d) to inquire into any question in connexion with the Public Accounts which is referred to it by the House, and to report to the House upon that question, 45

and include such other duties as are assigned to the Committee by order of the House.





Sectional  
Committees.

**69A.** (1) Subject to the next succeeding subsection, the Committee may appoint a Sectional Committee or Sectional Committees of three or more of its members to inquire into and report to the Committee upon such matters with which the Committee is concerned as the Committee directs. 5

(2) Not more than two Sectional Committees shall be in existence at the same time.

(3) The provisions of this Part (other than this section and sections 65A, 68A and 72A) apply in relation to a Sectional Committee in like manner as they apply in relation to the Committee and, for the purposes of those provisions as so applying, a reference to the Chairman or the Vice-Chairman of the Committee shall be read as a reference to the Chairman or the Vice-Chairman of the Sectional Committee. 15

(4) A Sectional Committee shall report in writing to the Committee as soon as practicable on each matter referred to that Sectional Committee by the Committee. 20

(5) A Sectional Committee may sit at any time notwithstanding that the Committee is sitting at the same time.

Power to take  
evidence.

**70A.** (1) The Committee may take evidence on oath or affirmation and the Chairman or the Vice-Chairman may administer oaths or affirmations to witnesses appearing before the Committee. 25

(2) The oath or affirmation administered to a witness may be in accordance with Form A or Form B in Schedule E. 30

Sittings to  
be public  
except in  
certain cases.

**71A.** (1) Subject to this section, the Committee shall take all evidence in public.

(2) The Committee may, and at the request of the witness giving the evidence shall, take in private evidence, whether oral or documentary, which, in the opinion of the Committee, relates to a secret or confidential matter. 35

(3) Where, at the request of a witness, evidence is taken by the Committee in private— 40

(a) the Committee or a member shall not, without the consent in writing of the witness; and

(b) a person other than a member shall not, without the consent in writing of the witness and the authority of the Committee under subsection (5) of this section, 45



disclose or publish the whole or a part of the evidence (other than evidence which has already been lawfully published).

(4) Where evidence is taken by the Committee in private otherwise than at the request of a witness, a person (including a member of the Committee) shall not, without the authority (in writing signed by the Chairman) of the Committee under the next succeeding subsection, disclose or publish the whole or a part of that evidence (other than evidence which has already been lawfully published). 5

(5) The Committee may, in its discretion, disclose or publish, or authorize the disclosure or publication of, evidence taken in private, but this subsection does not operate so as to affect the necessity for the consent of a witness under subsection (3) of this section. 15

Continuance  
of evidence.

**72A.** Where the Committee as constituted at any time, or a Sectional Committee of the Committee as constituted at any time, has taken evidence in relation to a matter, but the Committee as so constituted has ceased to exist before reporting on the matter, the Committee as next constituted may consider that evidence as if it had been given before it. 20

Power to  
summon  
witnesses.

**73A.** (1) The Committee may summon a person to appear before it to give evidence and produce documents. 25

(2) A summons to a witness may be in accordance with Form C in Schedule E and shall be signed by the Chairman or the Vice-Chairman. 30

(3) A summons to a witness may be served upon the witness either personally or by being left at, or sent by post to, his usual place of business or of abode.

Warrant  
in case of  
disobedience  
of summons.

**74A.** (1) If a person upon whom a summons under the last preceding section has been served and to whom reasonable expenses of conveyance have been tendered fails to appear, or, having appeared, fails to continue in attendance, in obedience to the summons, the Chairman or the Vice-Chairman may issue a warrant for his apprehension. 35

(2) The warrant may be in accordance with Form D in Schedule E.

(3) The person executing a warrant under this section may— 45

(a) apprehend the person in respect of whom it is issued;



- (b) bring that person before the Committee; and
- (c) detain that person in custody until he is released by order of the Chairman or the Vice-Chairman.

(4) The warrant may be executed by the person to whom it is addressed or by a person appointed by him to assist him in its execution, and the person executing the warrant may break and enter a building, place or ship for the purpose of executing the warrant.

Witness to obey summons.

**75A.** A person upon whom a summons under section 73A has been served shall not, without reasonable excuse (proof whereof shall lie upon him), fail to appear or to continue in attendance in obedience to the summons.

Preventing witnesses from giving evidence.

**76A.** A person shall not knowingly dissuade or prevent a person from obeying a summons under section 73A.

Witnesses not to refuse to be sworn, etc.

**77A.** A person summoned to appear before the Committee shall not, without just cause (proof whereof shall lie upon him) refuse—

- (a) to be sworn or make an affirmation;
- (b) to answer a question put to him by the Committee or by any member thereof; or
- (c) to produce a document which he is required by the Committee or by a member thereof to produce.

False evidence.

**78A.** A person shall not wilfully give false evidence on oath or affirmation before the Committee; any person who so gives such evidence commits perjury.

Privileges and protection of witnesses.

**79A.** (1) A person summoned to appear or appearing before the Committee as a witness shall have the same protection and privileges as a witness in criminal proceedings.

(2) A person shall not use, cause, inflict or procure any violence, punishment, damage, loss or disadvantage on or to a person for or on account of his having appeared as a witness before the Committee, or for or on account of any evidence lawfully given by him before the Committee.

Witnesses' expenses.

**80A.** A witness appearing before the Committee shall be entitled to be paid such fees and travelling expenses as the Chairman or the Vice-Chairman allows in accordance with a scale prescribed by the House.



Offences.

**81A.** (1) A person who contravenes, or fails to comply with, a provision of this Act (other than section 78A) is guilty of an offence against this section.

(2) An offence against this section may be prosecuted either summarily or upon indictment, but an offender is not liable to be punished more than once in respect of the same offence. 5

(3) The punishment for an offence against this section is—

(a) if the offence is prosecuted summarily—a fine not exceeding five hundred dollars or imprisonment for a term not exceeding six months; or 10

(b) if the offence is prosecuted upon indictment—a fine not exceeding one thousand dollars or imprisonment for a term not exceeding one year. 15

(4) An offence against this Part shall not be prosecuted summarily without the written consent of the Attorney-General of Canada or of a person thereto authorized in writing by the Attorney-General, and an offence against this Part shall not be prosecuted upon indictment except in the name of the Attorney-General. 20

**82A.** Where the provisions of this Part and the Schedule thereto are inconsistent with the provisions of any Act, the provisions of this Part shall prevail.” 25

**2.** The said Act is further amended by adding thereto the following Schedule:

“SCHEDULE E.

SECTION 70A.

FORM A.

OATH OF WITNESS.

The evidence you shall give before the Committee shall be the truth, the whole truth, and nothing but the truth, so help you God! 30

SECTION 70A.

FORM B.

AFFIRMATION OF WITNESS.

You do solemnly and sincerely affirm and declare that the evidence you shall give before the Committee shall be the truth, the whole truth, and nothing but the truth. 35





## SECTION 13.

## FORM C.

HOUSE OF COMMONS OF CANADA.

*Public Accounts Committee—  
Financial Administration Act.*

## SUMMONS TO A WITNESS.

To *(here insert name, address and occupation of witness)*You are hereby summoned to appear before the  
Committee of Public Accounts *(or a Sectional Com-  
mittee of the Committee of Public Accounts)* on

the

5

day of \_\_\_\_\_, 19\_\_\_\_, at  
o'clock in the \_\_\_\_\_ noon, at\_\_\_\_\_, then and there to give evidence  
and then and there to produce \_\_\_\_\_;and you are required to continue in attendance as 10  
directed by the said Committee *(or Sectional Com-  
mittee)* or the Chairman thereof, until your attendance  
is no longer required.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

*(Chairman or Vice-Chairman of the  
Committee or Sectional Committee)*

## SECTION 74A.

## FORM D.

HOUSE OF COMMONS OF CANADA.

*Public Accounts Committee—  
Financial Administration Act.*WARRANT FOR THE APPREHENSION OF A WITNESS  
WHO HAS DISOBEYED A SUMMONS.Whereas *(name, address and occupation of witness)* 15  
has been summoned to appear as a witness before the  
Committee of Public Accounts *(or a Sectional Com-  
mittee of the Committee of Public Accounts)*, but has  
failed to appear in obedience to the summons; these  
are therefore to command and authorize you forthwith 20



to apprehend the said (name of witness) and to bring him before the said Committee (or Sectional Committee), and to detain him in custody for that purpose until he is released by order of the Chairman.

Given at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ . 5

(Chairman or Vice-Chairman of the Committee or Sectional Committee.)

To (name of person to whom warrant is addressed)."

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(Chairman or Vice-Chairman of the Committee or Sectional Committee)

Seal of the Committee

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

\_\_\_\_\_

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-79.**

An Act to amend the Canada Labour (Standards) Code  
(Increased Minimum Hourly Wage).

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First reading, April 8, 1965.

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Mr. KNOWLES.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-79.**

An Act to amend the Canada Labour (Standards) Code  
(Increased Minimum Hourly Wage).

1964-65, c. 38.

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

**1.** Subsection (1) of section eleven of the *Canada Labour (Standards) Code* is repealed and the following substituted therefor: 5

Minimum hourly wage.

**“11.** (1) Except as otherwise provided by or under this Part, an employer shall pay to each employee of the age of seventeen years and over a wage at the rate of not less than one dollar and fifty cents an hour or not less than the equivalent of that rate for the time worked by him where the wages of the employee are paid on any basis of time other than hourly.” 10

Coming into force.

**2.** This Act shall come into force on the first day of January, 1966. 15

EXPLANATORY NOTES.

Subsection (1) of section 11 at present reads as follows:

"11. (1) Except as otherwise provided by or under this Part, an employer shall pay to each employee of the age of seventeen years and over a wage at the rate of not less than one dollar and *twenty-five* cents an hour or not less than the equivalent of that rate for the time worked by him where the wages of the employee are paid on any basis of time other than hourly."

The purpose of this Bill is to increase the minimum hourly wage of "not less than one dollar and twenty-five cents" to a minimum hourly wage of "not less than one dollar and fifty cents".





C-80.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-80.**

An Act respecting the Inspection of Tobacco and Tobacco Products Entering into International and Interprovincial Trade (Tobacco Inspection Act).

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First reading, April 8, 1965.

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MR. WHELAN.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

THE HOUSE OF COMMONS OF CANADA.

**BILL C-80.**

An Act respecting the Inspection of Tobacco and Tobacco Products Entering into International and Interprovincial Trade (Tobacco Inspection Act.)

**H**ER 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 *Tobacco Inspection Act.*

5

INTERPRETATION.

- Definitions.      **2.**      In this Act,
- "Inspector."      (a) "inspector" means a person appointed or designated as an inspector pursuant to section 6;
- "Minister."      (b) "Minister" means the Minister of Agriculture; 10
- "Place."      (c) "place" includes any vehicle, vessel, railway car, or aircraft;
- "Prescribed."      (d) "prescribed" means prescribed by regulation of the Governor in Council;
- "Tobacco".      (e) "tobacco" means unmanufactured tobacco or 15 the leaves and stems of the plant; and
- "Tobacco product."      (f) "tobacco product" means
- (i) tobacco,
  - (ii) the product or by-product of tobacco produced by a cigar or tobacco manu- 20 facturer as such manufacturer is defined in the *Excise Act*, and
  - (iii) a product containing any product or by-product mentioned in subparagraph (ii) prescribed as a tobacco product for the purposes 25 of this Act.

## EXPLANATORY NOTES.

The purpose of this Bill is to provide standards of quality for tobacco and tobacco products in the export-import and interprovincial tobacco industry in order to protect the financial interest of the tobacco farmer and the physical health of the consumer. The Bill is similar in principle, substance and form to the *Meat Inspection Act*.

This Bill projects and completes the existing inspection and grading controls on leaf tobacco at the producers' level by applying these controls to tobacco after the raw material passes into the manufacturers' hands.

The basic Act in the federal inspection and grading complex is the *Canada Agricultural Products Standards Act*, 1955 Acts, Chapter 27, and proclaimed in effect the 13th June 1958. This Act was a revised consolidation of various Acts. It applies to certain agricultural products at the producers' level. The *Meat Inspection Act* was passed in 1955, Chapter 36, proclaimed in effect the 1st March 1959, and applied inspection and grading to slaughtered animals and poultry at the processors' level. In 1958 the *Canada Agricultural Products Standards Act* was amended by Chapter 5 to include leaf tobacco: it became effective the 26th June 1958. The amendment applied, of course, only to inspection and grading of raw leaf tobacco. This Bill applies inspection of tobacco to the manufacturers' level and complements the 1958 tobacco leaf amendment, applicable to producers, in the same way as the *Meat Inspection Act* complements the *Canada Agricultural Products Standards Act* with respect to meat.

*Clause 2(e)*: This definition is the same one used in the *Excise Act*, section 6(i) for "raw leaf tobacco".

*Clause 2(f)(ii)*: This definition adopts by reference the definitions in the *Excise Act*, section 6(d)(h)(k), wherein a cigar manufacturer manufactures cigars and a tobacco manufacturer manufactures any tobacco article except cigars but including cigarettes and snuff.

## EXPORT AND INTERPROVINCIAL MOVEMENT.

Export and  
interpro-  
vincial  
movement of  
tobacco  
products.

**3.** (1) No person shall export out of Canada, or send or convey from one province to another, any tobacco product unless

- (a) the tobacco product was prepared in an establishment that
  - (i) complied with prescribed conditions, and
  - (ii) was registered and operated in prescribed manner;
- (b) the tobacco from which the product was derived
  - (i) was prepared in prescribed manner, and
  - (ii) was inspected as prescribed before and after manufacture;
- (c) the tobacco product is packaged and marked as prescribed; and
- (d) the tobacco product conforms to prescribed standards.

Imports.

(2) No person shall import into Canada any tobacco product unless

- (a) the tobacco product is packaged and marked as prescribed,
- (b) the importer has obtained and produces prescribed evidence that the tobacco product conforms to prescribed standards, and
- (c) tobacco products of the class or kind imported are, under the laws of the country of origin, subject to inspection in prescribed manner.

## REGULATIONS.

Carriage  
of tobacco  
products.

**4.** (1) The Governor in Council may make regulations for prohibiting the carriage to a destination outside the province in which it was received of a tobacco product unless

- (a) prescribed evidence that the product meets the requirements of this Act and the regulations has been obtained and produced as prescribed, and
- (b) the tobacco product is identified in prescribed manner as a tobacco product that meets the requirements of this Act and the regulations.

(2) No person shall carry or receive for carriage a tobacco product contrary to a regulation made under this section.

Regulations.

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



- (a) providing for the registration of establishments and prescribing fees for registration;
- (b) respecting the operation of establishments;
- (c) providing for the inspection of establishments, tobacco and tobacco products and prescribing fees therefor; 5
- (d) prescribing standards for any class of tobacco products;
- (e) respecting the packaging and marking of tobacco products and containers thereof; 10
- (f) for the inspection of tobacco products during the course of preparation;
- (g) for exempting any person or tobacco product from the operation of all or any of the provisions of this Act; and 15
- (h) for prescribing anything that by this Act is required to be prescribed.

#### ADMINISTRATION.

Inspectors and staff.

**6.** (1) Inspectors and other persons necessary for the administration and enforcement of this Act shall be appointed or employed under the provisions of the *Civil Service Act*. 20

Idem.

(2) The Minister may designate any person as an inspector for the purposes of this Act.

Powers of inspector.

- 7.**
- (a) (1) An inspector may at any time enter any place in which he reasonably believes there are tobacco products or other things to which this Act applies and may open any package found therein that he has reason to believe contains any tobacco product, and may examine any tobacco product or other thing found in such place and take samples thereof, and 25 30
  - (b) require any person to produce for inspection or for the purpose of obtaining copies thereof or extracts therefrom, any books, shipping bills, bills of lading or other documents or papers, with respect to the administration of this Act or the regulations. 35

Certificate of appointment.

(2) An inspector shall be furnished with a prescribed certificate of his appointment or designation and on entering any place under subsection (1) shall, if so required, produce the certificate to the person in charge thereof. 40

(2) The owner or person in charge of any place described in subsection (1) and every person found therein shall give an inspector all reasonable assistance in his power to enable the inspector to carry out his duties and functions under this Act and shall furnish him with such information with respect to the administration of this Act or the regulations as he may reasonably require.

(1) Whenever an inspector believes on reasonable grounds that this Act has been violated he may seize the tobacco products and other things by means of or in relation to which he reasonably believes the violation was committed.

(2) Tobacco products and other things seized pursuant to subsection (1) shall not be detained after

(a) the provisions of this Act and the regulations have in the opinion of the inspector been complied with; or

(b) the expiration of ninety days from the day of seizure or such longer period as may be specified with respect to any tobacco product

Clause 6(1): The administration of this Bill is under the authority of the Minister of Agriculture as is the case with the administration of the similar *Meat Inspection Act*. That Act was introduced in the House as Bill No. 352 (*Debates*, vol. IV, p. 3562, 9th May 1955) without a preceding resolution. Clause 6(1) of this Bill is identical with section 6(1) of that Act.

Assistance to  
inspector.

(3) The owner or person in charge of any place described in subsection (1) and every person found therein shall give an inspector all reasonable assistance in his power to enable the inspector to carry out his duties and functions under this Act and shall furnish him with such information with respect to the administration of this Act or the regulations as he may reasonably require. 5

Seizure.

**8.** (1) Whenever an inspector believes on reasonable grounds that this Act has been violated he may seize the tobacco products and other things by means of or in relation to which he reasonably believes the violation was committed. 10

Detention.

(2) Tobacco products and other things seized pursuant to subsection (1) shall not be detained after  
(a) the provisions of this Act and the regulations have, in the opinion of the inspector, been complied with, or  
(b) the expiration of ninety days from the day of seizure, or such longer period as may be prescribed with respect to any tobacco product or other thing, 15 20

unless before that time proceedings have been instituted in respect of the violation, in which event the tobacco products and other things may be detained until the proceedings are finally concluded. 25

Forfeiture.

(3) Where a person has been convicted of a violation of this Act, every tobacco product or other thing by means of or in relation to which the offence was committed is, upon the conviction, in addition to any penalty imposed, forfeited to Her Majesty, if such forfeiture is directed by the court. 30

Regulations.

(4) The Governor in Council may make regulations  
(a) respecting the detention of articles seized under this section and for preserving or safeguarding any articles so detained; and  
(b) respecting the disposition of articles forfeited under this section. 35

Obstruction  
of inspector.

**9.** (1) No person shall obstruct or hinder an inspector or other officer in the carrying out of his duties or functions under this Act. 40

False  
statements.

(2) No person shall make a false or misleading statement either verbally or in writing to an inspector or other officer engaged in carrying out his duties or functions under this Act. 45





Offence.

**10.** (1) Every person who, or whose employee or agent, has violated any provision of this Act or any regulation made under subsection (4) of section 8 is guilty of an offence and is liable

- (a) on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment, 5  
or  
(b) upon conviction on indictment to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one year or to both fine and imprisonment. 10

Offence by agent or employee.

(2) In a prosecution for a violation of this Act, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether or not the employee or agent is identified or has been prosecuted for the offence. 15

Evidence.

**11.** Proof that a tobacco product or a package containing a tobacco product bore 20

- (a) a name and address purporting to be the name and address of the person by whom it was packaged or prepared, or  
(b) a registered number or brand mark purporting to be the registered number or brand mark of the establishment where it was packaged or prepared 25

is *prima facie* proof in a prosecution for a violation of this Act that the tobacco product was packaged or prepared and that the tobacco product or package was marked by the person whose name or address appeared on the tobacco product or package, or by the person operating the establishment whose registered number or brand mark appeared on the package, as the case may be. 30

Trial of offences.

**12.** A complaint or information in respect of an offence under this Act may be heard, tried or determined by a police or stipendiary magistrate or a justice or justices of the peace if the accused is resident or carrying on business within his or their territorial jurisdiction although the matter of the complaint or information did not arise in that territorial jurisdiction. 35 40

Coming into force.

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

C-81.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-81.**

An Act to amend the Canada Labour (Standards) Code  
(Three Weeks Annual Vacation after Three Years).

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First reading, April 8, 1965.

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Mr. KNOWLES.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

THE HOUSE OF COMMONS OF CANADA.

**BILL C-81.**

An Act to amend the Canada Labour (Standards) Code  
(Three Weeks Annual Vacation after Three Years).

1964-65,  
c.38.

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

**1.** Paragraph (a) of section 15 of the *Canada Labour (Standards) Code* is repealed and the following substituted therefor: 5

"Vacation pay."

"(a) "vacation pay" means four per cent of the wages of an employee during the year of employment in respect of which he is entitled to the vacation, provided however that in the case of an employee who has had three years of continuous employment by one employer "vacation pay" means six per cent of the wages of the employee during the year in respect of which he is entitled to his vacation;" 10 15

**2.** Subsection (1) of section 16 of the said Act is repealed and the following substituted therefor:

Annual vacation with pay.

"**16.** (1) Except as otherwise provided by or under this Part, every employee is entitled to and shall be granted a vacation with vacation pay of at least two weeks after every completed year of employment, provided however that every employee who has had three years of continuous employment by one employer is entitled to and shall be granted a vacation with vacation pay of at least three weeks." 20 25

Coming into force.

**3.** This Act shall come into force on the first day of January, 1966.

THE HOUSE OF COMMONS OF CANADA

THE HOUSE OF COMMONS OF CANADA

BILL C-82

EXPLANATORY NOTES.

Paragraph (a) of section 15 at present reads as follows:

“(a) “vacation pay” means four per cent of the wages of an employee during the year of employment in respect of which he is entitled to the vacation;”

Subsection (1) of section 16 at present reads as follows:

“16. (1) Except as otherwise provided by or under this Part, every employee is entitled to and shall be granted a vacation with vacation pay of at least two weeks after every completed year of employment.”

The purpose of this Bill is to improve the annual vacation provisions of the *Canada Labour (Standards) Code* by providing three weeks annual vacation with pay after three years of employment with the same employer.



C-82.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-82.**

An Act to amend the Broadcasting Act  
(Political Programs).

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First reading, April 8, 1965.

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Mr. HARLEY.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

THE HOUSE OF COMMONS OF CANADA.

**BILL C-82.**

An Act to amend the Broadcasting Act  
(Political Programs).

1958, c. 22.

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

**1.** Subsection (1) of section 17 of the *Broadcasting Act* is repealed and the following substituted therefor: 5

Political  
programs.

“**17.** (1) A licensee shall not broadcast any program, advertisement or announcement of a partisan political character  
(a) in dramatized form, or,  
(b) on any of two consecutive days when an election is held on the second such day to elect a member to the House of Commons, a provincial legislature or a municipal corporation,  
(i) concerning any person candidate for such election, or 15  
(ii) intended to be received by the public within the electoral district either directly or through the medium of relay stations.”



## EXPLANATORY NOTES.

The purpose of this Bill is to revise the subsection of the *Broadcasting Act* that relates to partisan political broadcasts. The present subsection is as follows:

"17. (1) No licensee shall

- (a) broadcast in dramatized form any program, advertisement or announcement of a partisan political character, or
- (b) broadcast a program, advertisement or announcement of a partisan political character on any day that an election is held for the election of a member of the House of Commons, the legislature of a province or the council of a municipal corporation, or on the two days immediately preceding any such day."

This section was carried over from the *Canadian Broadcasting Act*. When it was considered by the House in committee on the 26th August 1958, the responsible Minister then said:

"I do not know how many hon. members know this, but under the C.B.C. regulations as they apply today if there happens to be a town council by-election in Wolfville or Port Alberni, then the C.B.C. is not supposed to broadcast political programs for three days prior to that by-election although there may be a provincial general election in Ontario. That is the existing regulation which has application to federal, provincial or municipal elections. The thing is just silly."

—*Hansard*, 1958, vol. iv, pp. 4115-6.

The Minister suggested, at p. 4117, that rather than cope with amending the provision at the moment, the old sections concerning political broadcasting be continued in the new Act and that they be referred for reform to a House elections committee, to be set up, which could recommend a solution to the whole problem in the succeeding year.

*Clause 1:* The whole of subsection (1) is redrafted for clarity although only paragraph (b) is changed. The existing provision prohibits any partisan political broadcasts for three days when an election at any of the three levels of government is held. The revised clause continues this prohibition insofar as referring to any candidate is concerned but permits other partisan political broadcasts except those intended to be received by the public within the electoral district: that is, by stations whose license permits a normal broadcasting range which penetrates the electoral area. The phrase, "intended to be received by the public either directly or through the medium of relay stations", is taken from the definition of "broadcasting" in section 21(a) of the Act.



C-83.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

BILL C-83.

An Act to amend the Interest Act.

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First reading, April 8, 1965.

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Mr. ORLIKOW.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-83.

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: 5

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." 10 15 20

THE HOUSE OF COMMONS OF CANADA

BILL C-84

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 that provided for in the *Small Loans Act*.

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."



C-84.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

BILL C-84.

An Act to amend the National Capital Act  
(Tenure of Office).

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First reading, April 8, 1965.

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Mr. FRANCIS.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

THE HOUSE OF COMMONS OF CANADA.

BILL C-84.

An Act to amend the National Capital Act  
(Tenure of Office).

1958, 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 (1) of section 3 of the *National Capital Act* is repealed and the following substituted therefor: 5

National  
Capital  
Commission.

**3.** (1) There shall be a corporation to be called the National Capital Commission, consisting of twenty members, each of whom shall be appointed by the Governor in Council to hold office during pleasure for such term, not exceeding four years, as will ensure, as far as possible, the expiration in any one year of the terms of appointment of fewer than one half of the members." 10

**2.** Section 3 of the said Act is further amended by adding thereto the following subsection: 15

Partisan  
work  
prohibited.

“(9) No member 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 20  
(b) contribute, receive or in any way deal with any money for the funds of any political party.”



C-33

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTES.

The purpose of this Bill is twofold. Firstly, it will ensure some continuity of personnel of members of the National Capital Commission by providing that the terms of office of not more than fifty per cent of them shall expire in any one calendar year.

Secondly, it will place the same restrictions on partisan political activity on members of the National Capital Commission as are placed on members of the Civil Service who are subject to the *Civil Service Act*.

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

“3. (1) There shall be a corporation, to be called the National Capital Commission, consisting of twenty members, each of whom shall be appointed by the Governor in Council to hold office during pleasure for a term not exceeding four years.”

The amended wording for subsection (1) of section 3 is similar to the language used in section 117 of the Canada Pension Plan dealing with the terms of office of the Canada Pension Plan Advisory Committee.

The wording of subsection (9) of section 3 is similar to the wording of section 61 of the *Civil Service Act*, chapter 57 of the statutes of 1960-61.



C-85.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-85.**

An Act to amend the British North America Act, 1867  
(Royal Assent, Reservation and Disallowance.)

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First reading, April 8, 1965.

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Mr. CHOQUETTE.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-85.

An Act to amend the British North America Act, 1867  
(Royal Assent, Reservation and Disallowance).

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

1. Section 55 of the *British North America Act, 1867*, is repealed and the following substituted therefor: 5

Assent to  
Bills.

“55. Where a Bill passed by the Houses of the  
Parliament is presented to the Governor General for  
Assent, he shall declare that he assents thereto.”

Repeal.

2. Sections 56 and 57 of the said Act are repealed.

3. The heading preceding section 90 and section 10  
90 are repealed and the following substituted therefor:

“6 — THE PROVINCES.

Application  
to Legisla-  
tures of  
provisions  
respecting  
money  
votes, etc.

“90. The following provisions of this Act respecting  
the Parliament of Canada, namely, the provisions  
relating to Appropriation and Tax Bills, the Recom-  
mendation of Money Votes, the Assent to Bills, shall 15  
extend and apply to the Legislatures of the several  
Provinces as if those provisions were here re-enacted  
and made applicable in Terms to the respective Prov-  
inces and the Legislatures thereof, with the substitution  
of the Lieutenant-Governor of the Province for the 20  
Governor General, the Legislature of the Province for  
the Houses of Parliament, and in the Province of  
Quebec for the substitution of the Legislative Assembly  
for the House of Commons.”

## EXPLANATORY NOTES.

The purposes of this Bill are first to confirm, in so far as the Canadian Parliament is concerned, the resolutions adopted at the Imperial Conferences of 1926 and 1930 as to Reservation and Disallowance of federal legislation and, secondly, to make certain that in future no Acts of the Legislatures may be disallowed by the federal authorities or reserved for the signification of the Governor General's Pleasure.

It will remain for the Supreme Court of Canada to declare unconstitutional any Act of Canada or of the Canadian Legislatures.

This is all in accordance with the constitutional position of the Dominions as stated in the report of the Inter-Imperial Relations Committee of the Imperial Conference of 1926 usually called "The Balfour Declaration" which is as follows:

"They are autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown, and freely associated as members of the British Commonwealth."

Sections 55, 56, 57 and 90 at present read as follows:

"55. Where a Bill passed by the Houses of the Parliament is presented to the Governor General for the Queen's Assent, he shall declare, according to his Discretion, but subject to the Provisions of this Act and to Her Majesty's Instructions, either that he assents thereto in the Queen's Name, or that he withholds the Queen's Assent, or that he reserves the Bill for the Signification of the Queen's Pleasure.

"56. Where the Governor General assents to a Bill in the Queen's Name, he shall by the first convenient Opportunity send an authentic Copy of the Act to one of Her Majesty's Principal Secretaries of State, and if the Queen in Council within Two Years after Receipt thereof by the Secretary of State thinks fit to disallow the Act, such Disallowance (with a Certificate of the Secretary of State of the Day on which the Act was received by him) being signified by the Governor General, by Speech or Message to each of the Houses of the Parliament or by Proclamation, shall annul the Act from and after the Day of such Signification.

"57. A Bill reserved for the Signification of the Queen's Pleasure shall not have any Force unless and until, within Two Years from the Day on which it was presented to the Governor General for the Queen's Assent, the Governor General signifies, by Speech or Message to each of the Houses of the Parliament or by Proclamation, that it has received the Assent of the Queen in Council.

An Entry of every such Speech, Message, or Proclamation shall be made in the Journal of each House, and a Duplicate thereof duly attested shall be delivered to the proper Officer to be kept among the Records of Canada.

"90. The following Provisions of this Act respecting the Parliament of Canada, namely,—the Provisions relating to Appropriation and Tax Bills, the Recommendation of Money Votes, the Assent to Bills, the Disallowance of Acts, and the Signification of Pleasure on Bills reserved,—shall extend and apply to the Legislatures of the several Provinces as if those Provisions were here re-enacted and made applicable in Terms to the respective Provinces and the Legislatures thereof, with the Substitution of the Lieutenant-Governor of the Province for the Governor General, of the Governor General for the Queen and for a Secretary of State, of One Year for Two Years, and of the Province for Canada."



C-86.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-86.**

An Act to amend the Broadcasting Act (Disclosure of CBC service programme, cost, and estimates for 5 years).

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First reading, April 8, 1965.

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Mr. FISHER.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-86.**

An Act to amend the Broadcasting Act (Disclosure of CBC service programme, cost, and estimates for 5 years).

1958, c. 22.

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

1. Section 36 of the *Broadcasting Act* is amended by adding thereto the following subsection:

5

Particulars of service extensions required.

“(2) The Corporation shall append to its report particulars of each extension to the national broadcasting service within Canada that was undertaken or completed during that financial year, the cost thereof, as well as particulars of each such extension the Corporation proposes to undertake or complete during the five financial years next ensuing, and the estimated cost thereof.”

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Third Session, Twenty-second Parliament, 14 October, 1952.

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THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTES.

The purpose of this Bill is to require the Canadian Broadcasting Commission to inform Parliament of the extensions to its service within Canada that were made in the preceding year and, as well, the extensions projected over the next five years. Members can thereby compare their assessments of the public's broadcasting necessities against those of the Commission.

Section 36 of the *Broadcasting Act* presently reads as follows:

*"Report to Parliament*

36. The Corporation shall, within three months after the termination of its financial year, submit to the Minister a report on the operations of the Corporation for that financial year, and the Minister 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."



C-87.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

BILL C-87.

An Act concerning the Exportation of the  
Growth and Produce of Canada.

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First reading, April 8, 1965.

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Mr. PETERS.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

THE HOUSE OF COMMONS OF CANADA.

**BILL C-87.**

An Act concerning the Exportation of the  
Growth and Produce of Canada.

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

*Export of Primary Products.*

Licences  
required.

**1.** Except as provided in the regulations, no person  
shall export from Canada any primary product except 5  
under the authority of and in accordance with a licence  
issued under this Act.

*Issue of Licences.*

Issue of  
licences.

**2.** (1) Subject to the regulations, the Tariff  
Board may issue licences, upon such terms and conditions  
as are prescribed by the regulations, for the exportation of 10  
primary products.

Restrictions.

(2) A licence may be restricted or limited as  
to area, quantity or time or as to class or kind of product.

Considera-  
tions  
applicable  
to issue of  
licences.

**3.** Upon application for a licence the Tariff Board  
shall have regard to all considerations that appear to it to 15  
be relevant and, without limiting the generality of the  
foregoing, the Tariff Board shall satisfy itself that

- (a) the quantity of the primary product to be  
exported does not exceed the surplus remaining  
after due allowance has been made for the 20  
reasonably foreseeable requirements for use in  
Canada having regard to the development of  
production and consumption in Canada;
- (b) the price to be charged by an applicant for a  
primary product exported by him is just and 25  
reasonable in relation to the public interest;  
and
- (c) upon the balance of convenience and necessity,  
the exportation is in the public interest.



Revocation and suspension of licences.

4. (1) Subject to subsection (2) and the regulations, the Tariff Board may by order revoke or suspend a licence if, in the opinion of the Board, the person to whom it was issued has violated or failed to comply with any term or condition thereof.

5

Notice and hearing.

(2) No order shall be made under this section unless notice has been given to the holder of the licence who is alleged to have violated or failed to comply with any term or condition thereof and an opportunity has been afforded to him of being heard.

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Economic Council to assist Board.

5. The Economic Council of Canada shall on its own initiative, or if directed to do so by the Tariff Board, conduct such studies, inquiries and other undertakings as may be necessary to aid and assist the Tariff Board to carry out its duties under this Act, and shall report to, advise or make recommendations to the Board with respect thereto, as the circumstances require.

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C-88.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-88.**

An Act to amend the Criminal Code  
(Family Planning).

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First reading, April 8, 1965.

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Mr. FRANCIS.

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-88.**

An Act to amend the Criminal Code  
(Family Planning).

1953-54, c. 51;  
1955, cc. 2, 45;  
1956, c. 48;  
1957-58, c. 28;  
1958, c. 18;  
1959, cc. 40,  
41;  
1960, cc. 37,  
45,  
1960-61,  
cc. 21, 42, 43,  
44;  
1962-63, c. 4.

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

**1.** Section 150 of the *Criminal Code* is amended by adding thereto as subsection (6a) the following subsection: 5

“(6a) The provisions of this section shall not apply to an authorized agent of a family planning association incorporated under provincial charter, to a physician licensed to practice medicine, to a registered nurse, registered under the laws of a province, 10 or to a social worker employed by a public agency recognized for this purpose by the province.”



THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTE.

The purpose of this bill is to give an exemption from the sections of the *Criminal Code* dealing with family planning to authorized agents of duly incorporated family planning associations, medical doctors, registered nurses, or social workers employed by public agencies recognized for this purpose by the province.



C-89.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-89.**

An Act to amend the Juvenile Delinquents Act.

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First reading, April 8, 1965.

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Mr. HOWARD.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-89.**

An Act to amend the Juvenile Delinquents Act.

R.S., c. 160.

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

**1.** Paragraph (a) of subsection (1) of section 2 of the *Juvenile Delinquents Act* is repealed and the following substituted therefor: 5

“(a) “child” means any boy or girl who apparently or actually has not attained the full age of seventeen years, or such other age as may be directed in any province pursuant to subsection 10 (2);”.

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

“(2) The Governor in Council may from time to time by proclamation 15

(a) direct that in any province the expression “child” in this Act means any boy or girl who apparently or actually has not attained the full age of nineteen years, and any such proclamation may apply to boys only or to 20 girls only or to both boys and girls, and

(b) revoke any direction made with respect to any province by a proclamation under this section, and thereupon the expression “child” in this Act in that province means any boy or girl 25 who apparently or actually has not attained the full age of seventeen years.”

## EXPLANATORY NOTE.

The purpose of this Bill is to provide that no child of the full age of sixteen years or under who has committed a delinquency shall be confined in a place of imprisonment for adults.

Section 26 of the *Juvenile Delinquents Act* is as follows:

"26. (1) No juvenile delinquent shall, under any circumstances, upon or after conviction, be sentenced to or incarcerated in any penitentiary, or county or other gaol, or police station, or any other place in which adults are or may be imprisoned.

(2) This section does not apply to a child who has been proceeded against under the provisions of section 9."

Section 9 provides that where the child is accused of an indictable offence and is apparently or actually over 14 years old, the Court may order that the child be tried by indictment in the ordinary courts if the Court believes that the child's good and the interest of the community demand it.

The Fauteux Committee in 1956 made the following comment and recommendation at page 27 of its Report to the Minister of Justice:

### *"Young Offenders*

It is an astonishing fact that under the present law in Canada, it is possible for a child under the age of sixteen to be convicted of a criminal offence in an adult court and be sentenced to a lengthy term of imprisonment in a penitentiary. This can happen in any of the many areas where the *Juvenile Delinquents Act* is not in force... In our opinion legislative changes are needed immediately to provide that no person under the age of sixteen years shall be committed to penal institutions where adult prisoners are confined, and we recommend accordingly."

**3.** Subsection (1) of section 9 is repealed and the following substituted therefor:

“**9.** (1) Where the act complained of is, under the provisions of the Criminal Code or otherwise, an indictable offence, and the accused child has apparently or actually attained the full age of fourteen years, the Court may, in its discretion, order the child to be proceeded against by indictment in the ordinary courts in accordance with the provisions of the Criminal Code in that behalf; but such course shall in no case be followed unless the Court is of the opinion that the good of the child and the interest of the community demand it.”

**4.** Subsection (3) of section 13 is repealed.

**5.** Subsection (4) of section 13 is repealed and the following substituted therefor:

“(4) This section does not apply to a child who apparently or actually has attained the full age of fourteen years and who, in the opinion of the judge, or, in his absence, of the sheriff, or, in the absence of both the judge and the sheriff, of the mayor or other chief magistrate of the city, town, county or place, cannot safely be confined in any place other than a gaol or lock-up.”

**6.** Subsection (3) of section 20 is repealed and the following substituted therefor:

“(3) Where a child has been adjudged to be a juvenile delinquent and whether or not such child has been dealt with in any of the ways provided for in subsection (1), the court may at any time, before such juvenile delinquent has attained the full age of twenty-one years and unless the Court has otherwise ordered, cause by notice, summons, or warrant, the delinquent to be brought before the court, and the court may then take any action provided for in subsection (1), or may make an order with respect to such child under section 9, or may discharge the child on parole or release it from detention, but in a province in which there is a superintendent, no child shall be released by the judge from an industrial school without a report from such superintendent recommending such

The Fauteux Report emphasizes that this problem, as well as other problems of correctional reform in Canada, must have legislative action by the provinces as well as the federal government fully to reform the existing evil (see page 7 of the Report). This amendment is proposed in the knowledge that it is a partial remedy due to divided federal-provincial jurisdiction. There is doubt that the expression "under the age of sixteen years" is precise. Therefore, the definition of "child" is altered to ensure the purpose of the Bill that no child of the age of, or under the age of, sixteen years shall be confined in a place of imprisonment with or for adults.

First reading, April 2, 1955.

release, and where an order is made by a court releasing a juvenile delinquent from an industrial school or transferring such delinquent from an industrial school to a foster home or from one foster home to another under the provisions of this subsection, it is not necessary for such delinquent to be before the court at the time that such order is made." 5

7. Section 25 is repealed and the following substituted therefor:

"**25.** It is not lawful to commit a juvenile delinquent who apparently or actually has not attained the full age of twelve years to any industrial school, unless and until an attempt has been made to reform such child in its own home or in a foster home or in the charge of a children's aid society, or of a superintendent, 15 and unless the court finds that the best interests of the child and the welfare of the community require such commitment."

8. Subsection (2) of section 26 is repealed.



C-90.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-90.**

An Act to amend the Criminal Code  
(Restriction on publication of proceedings).

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First reading, April 8, 1965.

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Mr. LACHANCE.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

THE HOUSE OF COMMONS OF CANADA.

BILL C-90.

1953-54, c. 51;  
1955, cc. 2, 45;  
1956, c. 48;  
1957-58, c. 28;  
1958, c. 18;  
1959, c. 41;  
1960, c. 37;  
1960-61,  
cc. 21,  
42, 43, 44;  
1962-63, c. 4;  
1963, c. 8;  
1964-65, c. 35.

An Act to amend the Criminal Code  
(Restriction on publication of proceedings).

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

I. Subsection (1) of section 151 of the *Criminal Code* is repealed and the following substituted therefor: 5

Restriction on publication of reports of judicial proceedings.

- “151. (1) A proprietor, editor, master printer or publisher commits an offence who prints or publishes
- (a) in relation to any judicial proceeding, the names, addresses and professions or occupations of the parties and witnesses; 10
  - (b) in relation to any judicial proceedings any indecent matter or indecent medical, surgical or physiological details, being matter or details that, if published, are calculated to injure public morals; 15
  - (c) in relation to any judicial proceedings for dissolution of marriage, nullity of marriage, judicial separation or restitution of conjugal rights, any particulars other than
    - (i) a concise statement of the charges, defences 20 and countercharges in support of which evidence has been given,
    - (ii) submissions on a point of law arising in the course of the proceedings, and the decision of the court in connection there- 25 with, and
    - (iii) the summing up of the judge, the finding of the jury, and the judgment of the court and the observations that are made by the judge in giving judgment.” 30

## EXPLANATORY NOTES.

The purposes of the proposed amendments are

- (1) to protect the anonymity of persons involved in judicial proceedings;
- (2) to eliminate the unfortunate results of judicial errors;
- (3) to help in the rehabilitation of the individuals concerned; and
- (4) to safeguard the reputation and honour of the members of the family of a person involved in a judicial proceeding.

The subsection to be repealed and reenacted at present reads as follows:

"151. (1) A proprietor, editor, master printer or publisher commits an offence who prints or publishes

- (a) in relation to any judicial proceedings any indecent matter or indecent medical, surgical or physiological details, being matter or details that, if published, are calculated to injure public morals;
- (b) in relation to any judicial proceedings for dissolution of marriage, nullity of marriage, judicial separation or restitution of conjugal rights, any particulars other than
  - (i) *the names, addresses and occupations of the parties and witnesses,*
  - (ii) a concise statement of the charges, defences and countercharges in support of which evidence has been given,
  - (iii) submissions on a point of law arising in the course of the proceedings, and the decision of the court in connection therewith, and
  - (iv) the summing up of the judge, the finding of the jury and the judgment of the court and the observations that are made by the judge in giving judgment."



C-91.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-91.**

An Act to amend the Indian Act  
(Liquor Rights).

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First reading, April 8, 1965.

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Mr. BARNETT.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-91.

An Act to amend the Indian Act  
(Liquor Rights).

R.S., c. 149;  
1952-53, c. 41;  
1956, c. 40;  
1958, c. 19;  
1960, c. 8;  
1960-61, c. 9.

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

1. Section 93 of the *Indian Act* is repealed and the following substituted therefor:

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Intoxicants  
on a reserve.

“93. A person who, on a reserve,

(a) has intoxicants in his possession, or

(b) is intoxicated, or

(c) directly or indirectly by himself or by any other person on his behalf knowingly

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(i) sells, barter, supplies or gives an intoxicant to any person, or

(ii) opens or keeps or causes to be opened or kept a dwelling house, building, tent, or place in which intoxicants are sold, supplied or given to any person, or

15

(iii) makes or manufactures intoxicants,

Offence.

is guilty of an offence and is liable on summary conviction, for a violation under paragraphs (a) or (b) to a fine of not less than ten dollars and not more than fifty dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment and, for a violation under paragraph (c) to a fine of not less than fifty dollars and not more than three hundred dollars or to imprisonment for a term of not less than one month and not more than six months, with or without hard labour, or to both fine and imprisonment.”

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### EXPLANATORY NOTES.

The Joint Committee of the Senate and the House of Commons on Indian Affairs, in its Second and Final Report presented on the 8th July, 1961, under paragraph (b) of heading VII, recommended as follows:

“Liquor

(b) In view of the fact that the possession and consumption of intoxicants OFF RESERVES by Indians is dependent on a request by the province, your Committee recommends that all existing liquor restrictions in the *Indian Act* be deleted; and that the same rights extended to non-Indian citizens of the various provinces be applicable to Indians, except that the right of possession and consumption ON THE RESERVE be granted only after the approval by a majority vote of the band.”

The purpose of this Bill is to implement the recommendation of the Joint Committee in order that the present inequities may be removed as soon as possible.

The *Interpretation Act*, section 19, continues the effectiveness of Proclamations issued under the sections repealed.

**2.** Section 94 of the said Act is repealed and the following substituted therefor:

Exception to offences.

**“94.** (1) An offence is not committed under paragraph (a) or subparagraph (i) of paragraph (c) of section 93 if intoxicants are had in possession or sold by any person in accordance with the law of the province in which the reserve is. 5

Coming into or ceasing to be in force.

(2) Subsection (1) shall come into force, or cease to be in force, if a proclamation declaring it to be in force, or to cease to be in force, as the case may be, is issued by the Governor in Council. 10

When proclamation may issue.

(3) A proclamation shall not be issued under subsection (2)

(a) unless the council of the band has transmitted to the Minister a resolution of the council requesting that subsection (1) be in force or cease to be in force, as the case may be; and 15

(b) the wish of the band has been expressed by a majority of the electors who voted at a referendum thereon. 20

Regulations.

(4) The Governor in Council may make regulations

(a) respecting the taking of votes and the holding of referendums for the purposes of this section; and 25

(b) defining a reserve for the purposes of subsection (2) to consist of one or more reserves or any part thereof.”

Repeal.

**3.** Sections 95, 96 and 96A of the said Act are repealed. 30



C-92.

---

Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-92.**

An Act respecting the Canada Medal.

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First reading, April 8, 1965.

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Mr. LEBLANC.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-92.**

An Act respecting the Canada Medal.

- Preamble. **W**HEREAS Canada, a sovereign country having its own distinctive flag since the fifteenth of February, 1965, should now make provision for the establishment of a distinctive Canada Medal for the recognition of meritorious service by citizens of Canada or by citizens of other countries who have rendered valuable service to Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: 5
- Canada medal. **1.** There is hereby established a distinctive Canadian medal designated and styled the "Canada Medal". 10
- Description. **2.** The medal shall be circular in form and in silver, it shall bear on the obverse the maple leaf as it appears on the flag of Canada, and the words "merit" and "mérite" shall encircle the maple leaf. It shall bear on the reverse the arms of Canada and the word "Canada". 15
- Award. **3.** The medal shall be awarded for the first time on the first day of July, 1967, and subsequently on the first day of July in every year.
- Regulations. **4.** The Governor in Council may make regulations respecting such matters as the ribbon to be worn with the medal, reproduction of the medal known as miniature medal, eligibility, services required, limitations upon the award, publication, restoration, forfeiture, registration, and respecting other matters incidental to the above purposes. 20
- Order in Council revoked. **5.** The Order in Council P.C. 7964 of the fourteenth day of October, 1943, is hereby revoked. 25

Third Session, Twenty-First Parliament, at Ottawa, B., 1952

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTE.

The purpose of this measure is, as indicated in the preamble, to establish a distinctive Canadian decoration for the recognition of meritorious service by citizens of Canada or of other countries, and to revoke the Order in Council of 1943 which created the Canada Medal, a medal which has not yet been awarded.



**C-93.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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**THE HOUSE OF COMMONS OF CANADA.**

**BILL C-93.**

**An Act respecting Commonwealth Day.**

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First reading, April 8, 1965.

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**Mr. RYNARD.**

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-93.**

An Act respecting Commonwealth Day.

**H**ER 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 *Commonwealth Day Act*.

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Sovereign's  
Birthday and  
Common-  
wealth Day  
a legal  
holiday.

**2.** Throughout Canada, in each and every year, the birthday or the day fixed by proclamation for the celebration of the birthday of the reigning sovereign, shall be a legal holiday and shall be kept and observed as such under the name of *Sovereign's Birthday and Commonwealth Day*.

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THE HOUSE OF COMMONS OF CANADA

BILL C-41

EXPLANATORY NOTE.

The purpose of this Bill is to establish by statute a *Sovereign's Birthday and Commonwealth Day* to pay our respect to the Queen as head of the Commonwealth and to celebrate our Canadian membership in the Commonwealth of Nations.

It is a remarkable fact that, whatever the forms of government in the various parts of the Commonwealth, every nation agreed to retain, in the Royal Titles, the designation "Head of the Commonwealth".

It is, together with their common ideals, the real link between the various members of this extraordinary association.

In 1951, when Her Majesty visited Canada as Princess Elizabeth and made a memorable tour of the country from coast to coast she made the following declaration in her farewell broadcast:

"The Crown is a thing of real and tangible strength, and one of the most important factors in uniting the people of the Commonwealth into one great brotherhood."

These words are just as true now as they were then.





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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-94.**

An Act to amend the British North America Acts, 1867 to 1964, with respect to the Quorum of the House of Commons.

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First reading, April 12, 1965.

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Mr. KNOWLES.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-94.**

An Act to amend the British North America Acts, 1867 to 1964, with respect to the Quorum of the House of Commons.

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

**1.** Section 48 of *The British North America Act, 1867*, chapter three of the Statutes of the United Kingdom of Great Britain and Ireland, 1867, is repealed and the following substituted therefor: 5

Quorum of  
the House of  
Commons.

“**48.** The presence of at least fifty members of the House of Commons shall be necessary to constitute a meeting of the House for the exercise of its powers; 10  
and for that purpose the Speaker shall be reckoned as a member.”

Short title  
and citation.

**2.** This Act may be cited as the *British North America Act, 1965*, and the *British North America Acts, 1867 to 1964*, and this Act may be cited together as the 15  
*British North America Acts, 1867 to 1965*.

The House of Commons of Canada, in Session at Ottawa, on the 11th day of April, 1908.

THE HOUSE OF COMMONS OF CANADA,

BILL C-95.

EXPLANATORY NOTE.

The purpose of this bill is to increase the quorum of the House of Commons from 20 to 50 members.

THE HOUSE OF COMMONS OF CANADA,



**C-95.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-95.**

An Act to incorporate Laurentide Bank of Canada.

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First reading, April 12, 1965.

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Mr. BASFORD.

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

**BILL C-95.**

An Act to incorporate Laurentide Bank of Canada.

Preamble.

**W**HEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

**1.** Peter Paul Saunders, Executive, Andrew Elliott Saxton, Executive, William Crossley Mainwaring, O.B.E., Executive, Paul Britton Paine, one of Her Majesty's Counsel, Howard Theodore Mitchell, Publisher, and Edgar John Saba, Merchant, all of the City of Vancouver, in the Province of British Columbia, and Lionel Leroux, Notary, and Bernard de Lorimier Bourgeois, one of Her Majesty's Counsel, both of the City of Montreal, in the Province of Quebec, together with such persons as become shareholders in the corporation by this Act created, are incorporated under the name of Laurentide Bank of Canada, hereinafter called "the Bank".

Corporate name.

**2.** The persons named in section 1 shall be the provisional directors of the Bank. 20

Capital stock.

**3.** The capital stock of the Bank shall be thirty million dollars.

Head Office.

**4.** The head office of the Bank shall be at the city of Vancouver, in the province of British Columbia.



Qualifica-  
tions of  
directors.

Restrictions  
on transfers  
of shares to  
non-resi-  
dents.

**5.** (1) All directors of the Bank shall be subjects of Her Majesty ordinarily resident in Canada.

(2) Neither the directors nor the shareholders of the Bank may make any by-law which shall have the effect of making it unnecessary that transfers of shares of capital stock of the Bank to a non-resident of Canada or to a person acting as nominee, agent, trustee or otherwise on behalf of a non-resident, be made in the books of the Bank. 5

(3) No transfer of shares to a non-resident or to a person acting as nominee, agent, trustee or otherwise on behalf of a non-resident shall be valid unless and until it has been registered at the head office of the Bank, and no such transfer shall be registered if, after such registration, the aggregate number of shares registered in the names of non-residents and of persons acting as nominees, agents, trustees or otherwise on behalf of non-residents would exceed ten per cent of the total number of shares then issued and outstanding. 10 15

(4) The directors or any person thereunto authorized by the directors may refuse to register any transfer of shares which is not accompanied by a statement in writing signed by the transferee stating (a) whether he is a resident or non-resident of Canada and (b) if he is a resident, whether any arrangement exists under which, in respect of any shares to be registered in his name, he will be acting as nominee, agent, trustee or otherwise on behalf of a non-resident; and the directors or such person may require that any such statement in writing be made by affidavit or statutory declaration. 20 25 30

(5) The directors or any person thereunto authorized by the directors may refuse to register any transfer of shares unless they are or such person is satisfied that registration of such transfer is not prohibited under the provisions of subsection (3) of this section. 35

(6) To assist them in carrying out the provisions of this section, the directors may at any time request any registered shareholder to provide a sworn statement or other evidence to show whether he is or is not a resident of Canada or whether he is or is not acting as nominee, agent, trustee or otherwise on behalf of any non-resident. 40





(7) In carrying out the provisions of this section, the directors or any person thereunto authorized by the directors may in good faith act upon any information which they believe or such person believes to be reliable.

Definitions.

- (8) In this section, 5
- (a) the expression "non-resident" includes any natural person not ordinarily resident in Canada, any firm, association or other aggregation of persons any of whom is not ordinarily resident in Canada, and any corporation other than a corporation which (i) is incorporated under the laws of Canada or of any province or territory thereof, (ii) has its principal place of business in Canada and (iii) is not by any means whatsoever under the control of non-residents of Canada, and 10
- (b) the expression "acting as nominee, agent, trustee or otherwise on behalf of a non-resident" includes acting as nominee, agent, trustee or otherwise on behalf of any person who is acting as nominee, agent, trustee or otherwise on behalf of a non-resident. 15

When section in force. 1953-54, c. 48.

(9) This section shall have effect notwithstanding anything in the *Bank Act*, but shall cease to have effect on and after July 1st, 1965, unless otherwise provided by Parliament. 25

Amendment to Schedule A of Bank Act.

6. Schedule A of the *Bank Act* is amended by adding thereto the following:

Name of Bank	Additional name under which Bank is authorized to carry on business	Authorized Capital Stock	Head Office of the Bank	30
Laurentide Bank of Canada	Banque Laurentide du Canada	\$30,000,000	Vancouver	35

Powers and liabilities.

7. Except as provided in the *Bank Act* and in this Act, the Bank shall have all the powers, privileges and immunities and be subject to all the liabilities and provisions set forth in the *Bank Act*. 40

**C-96.**

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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**THE HOUSE OF COMMONS OF CANADA.**

**BILL C-96.**

An Act to amend An Act to amend the Excise Tax Act.

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**AS PASSED BY THE HOUSE OF COMMONS,  
12th APRIL 1965.**

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-96.

An Act to amend An Act to amend the Excise Tax Act.

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

1963, c. 12,  
s. 10(1).

**1.** (1) All that portion of subsection (1) of section 10 of *An Act to amend the Excise Tax Act*, chapter 12 of the Statutes of 1963, preceding paragraph (a) thereof is repealed and the following substituted therefor: 5

Refund of  
tax.

“**10.** (1) Where any tax under Part VI of the *Excise Tax Act* has become payable by any person in respect of any designated goods that were sold and delivered by that person, or applied by that person to a use resulting in the property in the goods passing from that person, pursuant to a *bona fide* contract in writing” 10

1963, c. 12,  
s. 10(2).

(2) All that portion of subsection (2) of section 10 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor: 15

Payment of  
amount  
equal to  
tax.

“(2) Where any designated goods were, after June 13, 1963, sold and delivered by any person, or applied by any person to a use resulting in the property in the goods passing from that person, pursuant to a *bona fide* contract in writing” 20

EXPLANATORY NOTE.

*Clause 1:* (1) The portion of subsection (1) being amended at present reads as follows:

"10. (1) Where any tax under Part VI of the *Excise Tax Act* has become payable by any person in respect of any designated goods that were, *not later than December 31, 1964*, sold and delivered by that person, or applied by that person to a use resulting in the property in the goods passing from that person, pursuant to a *bona fide* contract in writing"

(2) The portion of subsection (2) being amended at present reads as follows:

"(2) Where any designated goods were, after June 13, 1963 *and not later than December 31, 1964*, sold and delivered by any person, or applied by any person to a use resulting in the property in the goods passing from that person, pursuant to a *bona fide* contract in writing"

These amendments delete the expression "not later than December 31, 1964" to remove this deadline in the case of a refund of or deduction from tax or payment of an amount equal to tax, in respect of designated goods described in section 10 of the Act.



C-97.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

BILL C-97.

An Act to amend certain Acts respecting the superannuation of persons employed in the Public Service, members of the Canadian Forces and members of the Royal Canadian Mounted Police.

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AS PASSED BY THE HOUSE OF COMMONS,  
12th APRIL 1965.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-97.

An Act to amend certain Acts respecting the superannuation of persons employed in the Public Service, members of the Canadian Forces and members of the Royal Canadian Mounted Police.

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 32 of the *Public Service Superannuation Act* is repealed and the following substituted therefor: 5

1952-53,  
c. 47.

Salary  
increase  
credit.

“(2) There shall be credited to the Superannuation Account, following the authorization of any salary increase applicable to at least one per cent of those persons employed in the Public Service who are contributors, in five equal annual instalments commencing in the fiscal year in which the salary increase is authorized, such amount as, in the opinion of the Minister, is necessary to provide for the increase in the cost to Her Majesty of the benefits payable under this Act, as a result of such salary increase.” 10 15

2. Subsection (2) of section 24 of the *Canadian Forces Superannuation Act* is repealed and the following substituted therefor:

1959, c. 21.

Pay  
increase  
credit.

“(2) There shall be credited to the Superannuation Account, following the authorization of any pay increase applicable to at least one per cent of the members of the forces, in five equal annual instalments commencing in the fiscal year in which the pay increase is authorized, 20



## EXPLANATORY NOTES.

*Clause 1:* Subsection (2) of section 32 of the *Public Service Superannuation Act* at present reads as follows:

"(2) There shall be credited to the Superannuation Account, as soon as possible following the authorization of any salary increase of general application to the Public Service, such amount as, in the opinion of the Minister, is necessary to provide for the increase in the cost to Her Majesty in right of Canada of the benefits payable under this Act, as a result of such salary increase."

This amendment would require that the deficiency resulting from any salary increase applicable to the Public Service will be amortized over a five-year period commencing with the fiscal year in which the increase is authorized.

*Clause 2:* Subsection (2) of section 24 of the *Canadian Forces Superannuation Act* at present reads as follows:

"(2) There shall be credited to the Superannuation Account, as soon as possible following the authorization of any pay increase of general application to the forces, such amount as, in the opinion of the Minister of Finance, is necessary to provide for the increase in the cost to Her Majesty of the benefits payable under this Act, as a result of such pay increase."

This amendment would require that the deficiency resulting from any pay increase applicable to the Canadian Forces will be amortized over a five-year period commencing with the fiscal year in which the increase is authorized.

such amount as, in the opinion of the Minister of Finance, is necessary to provide for the increase in the cost to Her Majesty of the benefits payable under this Act, as a result of such pay increase."

1959, c. 34.

**3.** Subsection (2) of section 23 of the *Royal Canadian Mounted Police Superannuation Act* is repealed and the following substituted therefor:

Pay  
increase  
credit.

"(2) There shall be credited to the Superannuation Account, following the authorization of any pay increase applicable to at least one per cent of the members of the Force, in five equal annual instalments commencing in the fiscal year in which the pay increase is authorized, such amount as, in the opinion of the Minister of Finance, is necessary to provide for the increase in the cost to Her Majesty of the benefits payable under this Part, as a result of such pay increase."

1960, c. 38.

**4.** Subsection (5) of section 20 of *An Act to amend the Public Service Superannuation Act*, chapter 38 of the Statutes of Canada, 1960, is repealed and the following substituted therefor:

Regulations.

"(5) The Governor in Council may make regulations prescribing, in the case of a contributor who in the opinion of the Minister was one of a class of persons who, pursuant to erroneous advice received by one or more persons of that class, from a person in the Public Service whose ordinary duties included the giving of advice as to contributions for service under the *Civil Service Superannuation Act* or the *Public Service Superannuation Act*, that a period of service of such a person before or after the time he became a contributor under the *Civil Service Superannuation Act* or the *Public Service Superannuation Act* could be counted by him under that Act without contribution by him therefor, failed to elect, or failed to elect within the time prescribed therefor by that Act, to pay for that service, the circumstances under which and the manner and time in which the contributor may elect to pay for that service and the circumstances under which and the terms and conditions (including conditions as to interest) upon which any such election made by him to pay for that service, or any election made by him under paragraph (b) of subsection (1) of section 5 of the *Public Service Superannuation Act* to pay for that service as a period of service described in clause (F) of subparagraph (iii) of that paragraph,

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shall be deemed to have been made by him under the  
Civil Service Superannuation Act or the Public Service  
Superannuation Act as a class prescribed by the words  
shall or within the time prescribed therefor by that

Clause 3: Subsection (2) of section 23 of the *Royal Canadian Mounted Police Superannuation Act* at present reads as follows:

"(2) There shall be credited to the Superannuation Account, as soon as possible following the authorization of any pay increase of general application to the Force, such amount as, in the opinion of the Minister of Finance, is necessary to provide for the increase in the cost to Her Majesty in right of Canada of the benefits payable under this Part, as a result of such pay increase."

This amendment would require that the deficiency resulting from any pay increase applicable to the Royal Canadian Mounted Police will be amortized over a five-year period commencing with the fiscal year in which the increase is authorized.

Clause 4: Subsection (5) of section 20 of chapter 38 of the Statutes of 1960 at present reads as follows:

"(5) The Governor in Council may make regulations prescribing, in the case of a contributor who in the opinion of the Minister was one of a class of persons who, pursuant to erroneous advice received by one or more persons of that class, from a person in the Public Service whose ordinary duties included the giving of advice as to contributions for service under the *Civil Service Superannuation Act*, that a period of service of such a person before the time he became a contributor under the *Civil Service Superannuation Act* could be counted by him under that Act without contribution by him therefor, failed to elect under that Act within the time prescribed therefor to pay for that service, the circumstances under which and the manner and time in which the contributor may elect to pay for that service, and the circumstances under which and the terms and conditions (including conditions as to interest) upon which any such election made by him to pay for that service, or any election made by him under paragraph (b) of subsection (1) of section 5 of the *Public Service Superannuation Act* to pay for that service as a period of service described in clause (F) of subparagraph (iii) of that paragraph, shall be deemed to have been made by him under the *Civil Service Superannuation Act* within the time prescribed therefor by that Act."

shall be deemed to have been made by him under the *Civil Service Superannuation Act* or the *Public Service Superannuation Act* at a time prescribed by the regulations or within the time prescribed therefor by that Act.”

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**5.** The Governor in Council may add to Part II of Schedule A to the *Public Service Superannuation Act* the members of the staff of the Canadian Council of Resource Ministers—Le Conseil Canadien des Ministres des Ressources (hereinafter called “the Council”) and forthwith upon 10 the addition thereof

- (a) the Council shall be deemed to be a Public Service corporation for the purposes of section 23 of the *Public Service Superannuation Act*;
- (b) the *Government Employees Compensation Act* 15 shall apply to the members of the staff of the Council, and for the purposes of that Act such persons shall be deemed to be employees in the service of Her Majesty; and
- (c) for the purposes of any regulation made 20 pursuant to section 5 of the *Aeronautics Act*, the members of the staff of the Council shall be deemed to be employees in the public service of Canada.

**6.** Sections 2 and 3 shall be deemed to have come 25 into force on the 1st day of January, 1965.

Third Session, Twenty-First Parliament, St. Elizabeth II, 1961

Vote 685 of the *Appropriation Act No. 2, 1961*, reads as follows:

"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*."

This amendment would permit remedial action to be taken on behalf of a person who received erroneous information that a period of service between two periods of contributory service was to his credit under the *Public Service Superannuation Act* when in fact an election to contribute for that service was required.



C-98.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-98.**

An Act to make provision for the retirement of  
members of the Senate.

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First reading, April 27, 1965.

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The PRIME MINISTER.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

3rd Session, 26th Parliament, 14 Elizabeth II, 1965.

THE HOUSE OF COMMONS OF CANADA.

BILL C-98.

An Act to make provision for the retirement of members of the Senate.

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

PART I.

AMENDMENTS TO BRITISH NORTH AMERICA ACT.

1. Section 29 of the *British North America Act, 1867*, is repealed and the following substituted therefor: 5

30 and 31  
Vict., c. 3.

Tenure of  
place in  
Senate.

Retirement  
upon  
attaining age  
of seventy-  
five years.

Short title  
and citation  
of Part I.

“29. (1) Subject to subsection (2), a Senator shall, subject to the provisions of this Act, hold his place in the Senate for life.

(2) A Senator who is summoned to the Senate after the coming into force of this subsection shall, subject to this Act, hold his place in the Senate until he attains the age of seventy-five years.” 10

2. This Part may be cited as the *British North America Act, 1965*, and the *British North America Acts, 1867 to 1964*, and this Part may be cited together as the *15 British North America Acts, 1867 to 1965*.

PART II.

AMENDMENTS TO MEMBERS OF PARLIAMENT RETIRING ALLOWANCES ACT.

3. The long title of the *Members of Parliament Retiring Allowances Act* is repealed and the following substituted therefor:

R. S., c. 329;  
1953-54, c. 16;  
1955, c. 12;  
1963, c. 14.



## EXPLANATORY NOTES.

### PART I.

This Part, which amends section 29 of the *British North America Act, 1867*, would fix at 75 years the age at which any person appointed to the Senate after the coming into force of the Bill would cease to hold his place in the Senate.

*Clause 1:* Section 29 at present reads as follows:

"29. A Senator shall, subject to the Provisions of this Act, hold his Place in the Senate for Life."

### PART II.

This Part, which amends the *Members of Parliament Retiring Allowances Act*, would extend the provisions of that Act to all persons appointed to the Senate after the coming into force of the Bill, with the result that that Act would apply to all such persons in the same manner and on the same terms as it now applies to members of the House of Commons.

*Clause 3:* The long title of the *Members of Parliament Retiring Allowances Act* at present reads as follows:

"An Act to provide Retiring Allowances, on a contributory basis, to persons who have served as Members of the House of Commons of Canada."

“An Act to provide Retiring Allowances on a contributory basis to persons who have served as Members of Parliament.”

4. In this Part, “Act” means the Act mentioned in section 3. 5

5. (1) Paragraph (b) of subsection (1) of section 2 of the Act is repealed and the following substituted therefor:

“Member.” (b) “member” means a member of the Senate or House of Commons;” 10

(2) Paragraph (d) of subsection (1) of section 2 of the Act is repealed and the following substituted therefor:

“Sessional indemnity.” (d) “sessional indemnity” means the allowance that is payable to a member pursuant to sections 33 to 38 of the *Senate and House of Commons Act* in respect of a session of Parliament.” 15

(3) Section 2 of the Act is further amended by adding thereto the following subsection:

Application of Act to members of Senate. (3) For the purposes of this Act a “member of 20 the Senate” or a “Senator” means, except in section 15, a person who was summoned to the Senate after the coming into force of this subsection.”

6. Subsection (1) of section 7 of the Act is repealed and the following substituted therefor: 25

Election to contribute in respect of previous sessions. “7. (1) A member may within one year from the 20th day of November, 1952, in the case of a member who was a member of the House of Commons on that day, or within one year from the day on which Parliament first is in session after he first becomes a member 30 after the 20th day of November, 1952, in any other case, elect as prescribed by this section to contribute under this Act in respect of any previous session during which he was a member.”

1963, c. 14, s. 7.

7. Subsection (1) of section 7A of the Act is repealed and the following substituted therefor: 35

Election to contribute for certain previous sessions. “7A. (1) A member may within one year from the 2nd day of August, 1963, in the case of a member who

Clause 5: (1) and (2) Paragraphs (b) and (d) of subsection (1) of section 2 at present read as follows:

"2. (1) In this Act,

(b) "member" means a member of the House of Commons;

(d) "sessional indemnity" means the allowance that is payable to a member pursuant to sections 33 to 40 of the *Senate and House of Commons Act* in respect of his attendance at a session."

(3) New.

Clause 6: Subsection (1) of section 7 at present reads as follows:

"7. (1) A member may, as prescribed by this section, elect, within one year from the commencement of this Act or from the day on which the House of Commons first is in session after he becomes a member, whichever is the later, to contribute under this Act in respect of any previous session during which he was a member."

Clause 7: Subsection (1) of section 7A at present reads as follows:

"7A. (1) A member may within one year from the coming into force of this section or the day on which the House of Commons first is in session after he becomes a member, whichever is the later, elect to contribute pursuant to this section in respect of any previous sessions during which he was a member and was precluded by this Act, other than by reason of his having been expelled from the House of Commons, from contributing in respect of the full amount of the sessional indemnity received by him for those sessions."

was a member of the House of Commons on that day, or within one year from the day on which Parliament first is in session after he first becomes a member after the 2nd day of August, 1963, in any other case, elect to contribute pursuant to this section in respect of 5  
any previous sessions during which he was a member and was precluded by this Act, other than by reason of his having been expelled from the House of Commons, from contributing in respect of the full amount of the sessional indemnity received by him for those ses- 10  
sions.”

8. Paragraph (b) of subsection (1) of section 9 of the Act is repealed and the following substituted therefor:

“(b) in respect of any session in the course of which he ceased to be a Senator by reason of dis- 15  
qualification or was expelled from the House of Commons.”

9. Subsection (2) of section 10 of the Act is repealed and the following substituted therefor:

“(2) For the purposes of this Act, 20  
(a) a person does not cease to be a member of the House of Commons by reason only of the dissolution of the House of Commons, and  
(b) a person who, immediately before a dissolution of the House of Commons, was a member 25  
of that House shall, except where such person is summoned to the Senate before the general election next following the dissolution, cease to be a member if he is not elected as a member 30  
at the general election next following the dissolution, and shall be deemed to have ceased to be a member on the day on which that general election was held.”

Inter-  
pretation.

1963, c. 14,  
s. 10.

10. All that portion of paragraph (b) of subsection (1) of section 11 of the Act following subparagraph (ii) 35  
thereof is repealed and the following substituted therefor:

“or, at the option of such member, an annual allowance equal to five-twelfths of the total amount of the contributions that he has paid or elected to pay under this Act, such option 40  
to be exercised in the case of a member who was a member of the House of Commons on the

Clause 8: Paragraph (b) of subsection (1) of section 9 at present reads as follows:

"9. (1) Notwithstanding anything in this Act no contribution shall be paid under this Act by a member

.....  
(b) in respect of any session in the course of which he was expelled from the House of Commons."

Clause 9: Subsection (2) of section 10 at present reads as follows:

"(2) For the purposes of this Act,

(a) a person does not cease to be a member by reason only of the dissolution of the House of Commons, and

(b) a person who, immediately before a dissolution of the House of Commons, was a member, ceases to be a member if he is not elected as a member at the general election next following the dissolution, and he is deemed to have ceased to be a member on the day on which that general election was held."

Clause 10: The portion of paragraph (b) being amended at present reads as follows:

"or, at the option of such member, an annual allowance equal to five-twelfths of the total amount of the contributions that he has paid or elected to pay under this Act, such option to be exercised within one year from the coming into force of this section or the day on which the House of Commons first is in session after he first becomes a member after the coming into force of this section."

2nd day of August, 1963, within one year from that day, or in any other case, within one year from the day on which Parliament first is in session after he first becomes a member after the 2nd day of August, 1963."

5

1955, c. 12,  
s. 3.

**11.** All that portion of section 13 of the Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

Withdrawal  
allowance  
where  
member dis-  
qualified, etc.

**13.** There shall be paid to a member who ceases to be a Senator by reason of disqualification or who is expelled from the House of Commons a withdrawal allowance, in a lump sum, equal to the aggregate of 10

**12.** (1) Paragraph (a) of subsection (1) of section 15 of the Act is repealed and the following substituted therefor: 15

“(a) is a Senator or a member of the House of Commons,”

(2) All that portion of subsection (1) of section 15 of the Act following paragraph (c) thereof is repealed and the following substituted therefor: 20

“and where that person is a Senator or a member of the House of Commons, or is so employed or renders service at any time during a month, the whole amount payable on account of the allowance in that month shall be withheld.” 25

### PART III.

#### PROVISIONS APPLICABLE TO PERSONS SUMMONED TO SENATE BEFORE COMMENCEMENT OF ACT.

“Senator”  
defined.

**13.** In this Part, “Senator” means a person who was summoned to the Senate before the coming into force of this Act.

Annuity  
where  
Senator  
resigns.

**14.** The Governor in Council may grant to a Senator 30

(a) who has attained the age of seventy-five years, or

(b) who has become afflicted with some permanent infirmity disabling him from the due performance of his duties in the Senate, 35

*Clause 11:* The portion of section 13 being amended at present reads as follows:

"13. There shall be paid to a member who is expelled from the House of Commons a withdrawal allowance, in a lump sum, equal to the aggregate of"

*Clause 12:* (1) Paragraph (a) of subsection (1) of section 15 at present reads as follows:

"(a) is a Senator or a member,"

(2) The portion of subsection (1) of section 15 being amended at present reads as follows:

"and where that person is a Senator or member, or is so employed or renders service at any time during a month, the whole amount payable on account of the allowance in that month shall be withheld."

### PART III.

This Part, which would apply only in respect of persons appointed to the Senate before the coming into force of the Bill, would make it possible for any such person, if he has attained the age of 75 years or has become afflicted with a permanent infirmity disabling him from the performance of his duties, to resign his place in the Senate and be granted an annuity. The Bill would also make provision for the granting of an annuity to the widow of a person who was granted such an annuity upon resigning his place in the Senate.

if he resigns his place in the Senate, an annuity equal to two-thirds of his sessional indemnity, to commence at the time his resignation takes effect and to continue during his natural life.

Annuity to widow.

**15.** (1) Where a person who was granted an annuity under section 14 dies, the Governor in Council may grant to his widow an annuity equal to one-third of the annuity granted to him, to commence immediately after his death and to continue during her natural life.

Remarriage of widow.

(2) An annuity granted to a widow under this section shall cease on her remarriage.

Marriage after resignation.

(3) No annuity shall be granted under this section to the widow of a person who was granted an annuity under section 14 if the widow married such person after he resigned his place in the Senate.

Payment out of C.R.F.

**16.** All annuities payable under this Part shall be paid out of the Consolidated Revenue Fund.



C-99.

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Third Session, Twenty-Sixth Parliament, 14 Elizabeth II, 1965.

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THE HOUSE OF COMMONS OF CANADA.

**BILL C-99.**

An Act to incorporate Bank of Western Canada.

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First reading, April 28, 1965.

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MRS. KONANTZ.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1965

THE HOUSE OF COMMONS OF CANADA.

**BILL C-99.**

An Act to incorporate Bank of Western Canada.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, 5 enacts as follows:—

Incorporation.

1. Garth Alexander Clefton MacRae, Chartered Accountant, Wilfred Charles Bower, Executive, Melvin Justus Given McMullen, Executive, William Lindsay Ferguson, Director, Laird Forbes Rankin, Committee Secretary, Harold Donald Smith, Salesman, William Stanley Dunlop, Investment Dealer, Laurie Al Manister, Manager, Harry Joyce Mather, Director of Agriculture, John Douglas Finney, Executive, Stanley Whitaker, Manager, James Ferguson Mills, Executive, Rodmond Palen Roblin, Executive, Stanley Neville Jones, Retired, Frederick William Evans, Manager, Louise Augusta McCarthy, Secretary, Richard Dalton, Manager, Donald Harvey Fraser, Superintendent, William Dawson McGowan, Public Relations, Lloyd Randel Rubie, Public Relations, Mabel MacPherson, Manager, Edward Rex Plewman Nesbitt, Executive, all of the City of Winnipeg, Manitoba, Carl August Hallson, Insurance Agent, Cecil Richard Godbehere, Manager, George Edward Chapman, Barrister-at-Law, Harold Edwin Richard Murphy, Managing Secretary, all of the Town of St. James, Manitoba, Harold Ernest Vines, Farmer, of the Village of Crystal City, Manitoba, Douglas Percy Cameron, Farmer, of the Town of Melita, Manitoba, Franklin Stuart Presunka, Publisher, of the Village of Glenboro, Manitoba, Clifford Thomas Holden, Serviceman, of the Town of Deloraine, Manitoba, James Lucien Desilets, Developer, of the Rural Municipality of Pine Falls, Manitoba, Warren William Perepeluk, of the 10  
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Rural Municipality of Lynn Lake, Manitoba, Charles Evan McCormick, Executive Director, Nikola Matthew Zunic, Architect, Fred Lees, Executive, Hjalmar Alvin Shjelstad, Retired, all of the City of St. Boniface, Manitoba, Leslie Bartlett Mackay, Director Administrative Services, Peter Orzechowski, Hotel Manager, Sidney John Riches, Tax Collector, Isabel Margaret Riches, Housewife, all of the Town of Fort Garry, Manitoba, Steve Novak, Hotel Owner, Orville Francis Gareau, Agent, all of the Town of The Pas, Manitoba, Johann Arnason, Storekeeper, Harold Ross Dalman, Oil Agent, all of the Town of Gimli, Manitoba, Cecil Austin Biglow, Farmer, of the Rural Municipality of Holland, Manitoba, John Spek, Milk Distributor, of the Town of Gladstone, Manitoba, Guy Gaudet, Agriculture Representative, Wilfrid Decasse, Retired, of the Village of Somerset, Manitoba, Albert John Pilgrim, Supervisor, Daniel Bradshaw, Supervisor, Joseph Nicholas Stasiuk, Doctor, Glen Clifford Metcalfe, Farmer, Wilma Catton, Receptionist, all of the City of Portage la Prairie, Manitoba, Sparling Alexander Smith, Telephone Systemsman, of the Town of 20 Minnedosa, Manitoba, Orest Lewycky, Merchant, of the Village of Shoal Lake, Manitoba, Bernard Rodolphe Wolfe, Secretary Treasurer, of the City of Transcona, Manitoba, Dietrich Penner, Merchant, of the Town of Altona, Manitoba, George Jacob Sawatsky, Oil Agent, Harvey Peter 25 Friesen, Publisher, all of the Town of Winkler, Manitoba, Michael Kawa, Merchant, of the Rural Municipality of Elphinstone, Manitoba, George William Swain, Hospital Administrator, Henry Cornelius Voek, Merchant, all of the Town of Morden, Manitoba, Paul Nimchuk, Merchant, of 30 the Rural Municipality of Anola, Manitoba, Charles Lenord Reis, Store Manager, of the Rural Municipality of Lac du Bonnet, Manitoba, Eric William Rudd, Blacksmith, of the Rural Municipality of Roland, Manitoba, Peter Enns, Merchant, of the Village of Manitou, Manitoba, John Burns 35 Chisholm, Garage Operator, Steve Hegion, Executive, all of the Town of Virden, Manitoba, Douglas Grant Lowry, Manager, of the City of Brandon, Manitoba, Helena Wilhelimina MacDonald, Newspaper Operator, of the Village of Pilot Mound, Manitoba, James Wallace McKenzie, 40 Merchant, of the Rural Municipality of Inglis, Manitoba, Stanley Edwin Braun, Lawyer, of the Town of Morris, Manitoba, David Duncan Samuel Ceppeleman, Lawyer, of the Town of Russell, Manitoba, Jacob Klewchuk, Merchant, of the Town of Flin Flon, Manitoba, Dmytro Melnyk, 45 Insurance Agent, of the Rural Municipality of Fisher, Manitoba, Norman Lyler, Retired, of the Rural Municipality of Piney, Manitoba, Gisli Alexander Thorderson, Farmer, of the Rural Municipality of Amaranth, Manitoba,



Harold Joseph Mobberley, Sales Supervisor, Edward Woodymer Demkin, Barrister, all of the Town of Dauphin, Manitoba, Louis Leo Bernardin, Agent, of the Rural Municipality of Ste. Anne, Manitoba, Joseph Alfred Wilfrid Boiteau, Baker, of the Rural Municipality of McCreary, Manitoba, 5  
 Richard William Townsend, Hotelkeeper, Edgar Stanford Russenholt, Retired, all of the Rural Municipality of Assiniboia, Manitoba, Conrad Starkell, Farmer, of the Rural Municipality of Headingly, Manitoba, Murray Charles Bater, Service Representative, of the City of Regina, 10  
 Saskatchewan, John Leslie Bodie, Executive, Douglas Max Ritchie, Executive, Andrew Mathew Wofford, Executive, all of the City of Edmonton, Alberta, Maxwell Bruce, Q.C., Solicitor, James Elliott Coyne, Executive, Philip Bartlett MacDonald, Executive, Hamish Pierre Mercier, Executive, 15  
 Robert Murray Stevens, Retired, Sinclair McKnight Stevens, Executive, all of the City of Toronto, Ontario, together with such persons as become shareholders in the corporation by this Act created, are incorporated under the name Bank of Western Canada, hereinafter called "the 20  
 Bank".

Provisional  
directors.

**2.** James Elliott Coyne, executive, Sinclair McKnight Stevens, solicitor, and Maxwell Bruce, one of Her Majesty's Counsel, all of the city of Toronto, in the province of Ontario, Edward Rex Plewman Nesbitt, 25  
 executive, of the city of Winnipeg, in the province of Manitoba, and John Leslie Bodie, executive, of the city of Edmonton, in the province of Alberta, shall be the provisional directors of the Bank.

Capital  
stock.

**3.** The capital stock of the Bank shall be twenty- 30  
 five million dollars.

Head  
Office.

**4.** The head office of the Bank shall be at the  
 city of Winnipeg in the province of Manitoba.

Qualifications  
of directors.

**5.** (1) All directors of the Bank shall be subjects  
 of Her Majesty ordinarily resident in Canada. 35

Restrictions  
on transfers  
of shares to  
non-residents.

(2) Neither the directors nor the shareholders  
 of the Bank may make any by-law which shall have the  
 effect of making it unnecessary that transfers of shares  
 of capital stock of the Bank to a non-resident of Canada  
 or to a person acting as nominee, agent, trustee or other- 40  
 wise on behalf of a non-resident, be made in the books of  
 the Bank.

(3) No transfer of shares to a non-resident or to  
 a person acting as nominee, agent, trustee or otherwise  
 on behalf of a non-resident shall be valid unless and until it 45  
 has been registered at the head office of the Bank, and no



such transfer shall be registered if, after such registration, the aggregate number of shares registered in the names of non-residents and of persons acting as nominees, agents, trustees or otherwise on behalf of non-residents would exceed ten per cent of the total number of shares then issued and outstanding. 5

(4) The directors or any person thereunto authorized by the directors may refuse to register any transfer of shares which is not accompanied by a statement in writing signed by the transferee stating (a) whether he is a resident or non-resident of Canada and (b) if he is a resident, whether any arrangement exists under which, in respect of any shares to be registered in his name, he will be acting as nominee, agent, trustee or otherwise on behalf of a non-resident; and the directors or such person may require that any such statement in writing be made by affidavit or statutory declaration. 15

(5) The directors or any person thereunto authorized by the directors may refuse to register any transfer of shares unless they are or such person is satisfied that registration of such transfer is not prohibited under the provisions of subsection (3) of this section. 20

(6) To assist them in carrying out the provisions of this section, the directors may at any time request any registered shareholder to provide a sworn statement or other evidence to show whether he is or is not a resident of Canada or whether he is or is not acting as nominee, agent, trustee or otherwise on behalf of any non-resident. 25

(7) In carrying out the provisions of this section, the directors or any person thereunto authorized by the directors may in good faith act upon any information which they believe or such person believes to be reliable. 30

Definitions.

- (8) In this section,
- (a) the expression "non-resident" includes any natural person not ordinarily resident in Canada, any firm, association or other aggregation of persons any of whom is not ordinarily resident in Canada, and any corporation other than a corporation which (i) is incorporated under the laws of Canada or of any province or territory thereof, (ii) has its principal place of business in Canada and (iii) is not by any means whatsoever under the control of non-residents of Canada, and 40
- (b) the expression "acting as nominee, agent, trustee or otherwise on behalf of a non-resident" includes acting as nominee, agent, trustee or otherwise on behalf of any person who is acting as nominee, agent, trustee or otherwise on behalf of a non-resident. 45 50





When section in force. 1953-54, c. 48.

(9) This section shall have effect notwithstanding anything in the Bank Act, but shall cease to have effect on and after July 1st, 1965, unless otherwise provided by parliament.

Amendment to Schedule A of Bank Act.

6. Schedule A of the Bank Act is amended by adding thereto the following:

Name of Bank	Additional name under which Bank is authorized to carry on business	Authorized Capital Stock	Head Office of the Bank	10
Bank of Western Canada	Banque de l'Ouest Canadien	\$25,000,000	Winnipeg	15

Powers and liabilities.

7. Except as provided in the *Bank Act* and in this Act, the Bank shall have all the powers, privileges and immunities and be subject to all the liabilities and provisions set forth in the *Bank Act*.





















