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First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-2.

An Act to provide for Pay for Statutory Holidays and for Pay for Work Performed on Statutory Holidays for Employees in Federal Works, Undertakings and Businesses.

First reading, May 20, 1963.

Mr. KNOWLES.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28809-2

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-2.

An Act to provide for Pay for Statutory Holidays and for Pay for Work Performed on Statutory Holidays for Employees in Federal Works, Undertakings and Businesses.

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

Short title.

1. This Act may be cited as the *Statutory Holidays With Pay Act*.

Interpretation "Deputy Minister."

2. In this Act,

(*a*) "Deputy Minister" means the Deputy Minister of Labour;

"Employee."

(*b*) "employee" means a person of any age of either sex who is in receipt of or entitled to any remuneration for labour or services performed for an employer;

"Employer."

(*c*) "employer" means any person, firm or corporation employing one or more employees and includes every agent, manager, representative, contractor, sub-contractor or principal and every other person who either:

(i) has control or direction of one or more employees; or

(ii) is responsible, directly or indirectly, in whole or in part, for the payment of wages to, or the receipt of wages by, one or more employees;

"Full time employee."

(*d*) "full time employee" means any employee who, in a week in which a statutory holiday occurs, works or is required to be at the disposal of his employer not less than 28 hours exclusive of overtime and any time the employee works or is required to be at the disposal of the employer on that holiday;

Explanatory Note.

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

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

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

"Part time employee."
(*f*) "part time employee" means any employee other than a full time employee;

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

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

"Rate of wages."
(*i*) "rate of wages" means the basis of calculation of wages;

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

"Week."
(*k*) "week" means the period between midnight on Saturday and midnight on the immediately following Saturday.

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

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

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

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

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

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

(*f*) radio broadcasting stations;

(*g*) banks and banking;

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

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

and to and in respect of,

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

Statutory Holiday Pay for employees.

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

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

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

Evasion of section 4 prohibited.

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

Effect of Act on alternative holiday arrangement.

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

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

Agreements not to deprive employees of benefits of Act.

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

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

Discrimination by employer prohibited.

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

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

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

Posting of abstracts.

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

Holiday Book.

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

(*a*) the name and address of the employee;

(*b*) the regular rate of wages of the employee;

(*c*) the date of the commencement and termination of the employment of the employee;

(*d*) the date of the statutory holiday of the employee in accordance with this Act;

(*e*) the sum of money paid to the employee in respect of each statutory holiday excluding the sum referred to in clause (*f*);

(*f*) the sum of money paid to the employee in respect of time the employee was required or permitted to work or to be at the disposal of the employer on each statutory holiday;

(*g*) the exact hours the employee was required to work or to be at the disposal of the employer on each statutory holiday;

(*h*) such other particulars as are prescribed.

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

Power to inspect holiday book and obtain information.

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

(*a*) inspect the holiday book in use by any employer for the time being or any such book used by that employer during the preceding three years;

(*b*) require any employer to verify the entries in his holiday book by statutory declaration or in such manner as the Minister or his duly authorized representative may require;

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

Money paid under Act deemed to be salary or wages.

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

Time limit for prosecutions.

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

Penalties.

14. (1) Every person who:

(*a*) fails to comply with or violates any provision of this Act or the regulations; or

(*b*) with intent to deceive, makes any false or misleading statement in any communication, whether in writing or otherwise, to the Minister or his duly authorized representative; or

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

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

(2) If an employer is convicted of failure to pay to any employee any money which he is required to pay under the provisions of this Act, the Court shall, in addition to the fine imposed, order the employer to pay

to it forthwith an amount equivalent to that which the employer failed to pay to the employee and the court shall pay the said amount to the employee forthwith upon receipt of it.

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

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

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

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

Records of Deputy Minister.

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

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

Regulations.

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

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

Coming into force.

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

C-3.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-3.

An Act to amend the Representation Act.

First reading, May 20, 1963.

Mr. BELANGER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28805-0

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-3.

An Act to amend the Representation Act.

R.S., c. 334.

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

Charlevoix-Montmorency.

1. Paragraph 11 of that Part of the Schedule to the *Representation Act*, dealing with the description of the electoral districts in the province of Quebec, which describes the electoral district of Charlevoix, is amended by substituting for the word: "CHARLEVOIX", the words: "CHARLEVOIX–MONTMORENCY" at the beginning of the said description.

Explanatory Note.

The purpose of the present Bill is to change the name of the electoral district of "Charlevoix" to that of "Charlevoix-Montmorency."

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-4.

An Act to amend the Broadcasting Act
(Human Rights abuses remedied).

First reading, May 20, 1963.

Mr. HERRIDGE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28657-5

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-4.

An Act to amend the Broadcasting Act
(Human Rights abuses remedied).

1958, c. 22.

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

Subsection added.

1. Section 12 of the *Broadcasting Act* is amended by adding thereto, immediately after subsection (5) thereof, the following subsection:

Licence conditioned on observance of *Canadian Bill of Rights*. 1960, c. 44.

"(6) (*a*) Every licence issued before or after the coming into effect of this Act is subject to the condition that the licensee will comply with the provisions of the *Canadian Bill of Rights* and will not abrogate, abridge or infringe or authorize the abrogation, abridgment or infringement of any of the rights or freedoms in that Act recognized and declared, and in particular, the licensee

Specific condition: commercial service must be furnished without discrimination against competitor applicants.

(i) will not discriminate or delay, upon reasonable notice given, in furnishing suitable commercial service of the type furnished by the licensee, to any person who may apply therefor and be reasonably entitled thereto and to whom such service reasonably can be supplied by the licensee, for reason only that the person so applying carries on a business that competes with a business in which the licensee has an interest;

Minister of Justice to ascertain if condition breached.

(*b*) The Minister of Justice shall, upon any complaint thereof, ascertain whether a licensee has breached in any particular the condition set out in paragraph (*a*) and he shall report thereon to the Minister of Transport forthwith and to the House of Commons at the first convenient opportunity;

Explanatory Notes.

Section 2 of the *Bill of Rights*, 2nd sess., 1 Wm. & Mary, 1688, provides:

> "And from and after this present session of Parliament no dispensation by *non obstante* (exception) of or to any statute or any part thereof shall be allowed but... the same shall be held void and of no effect except a dispensation be allowed of in such statute...."

This section was directed against the Crown's practice of granting licences to private persons to do acts that could not lawfully be done without the privilege of the licence. Parliament especially had been concerned with the Crown's habit of selling or giving licences to violate the laws against monopolies.

Both the English common law and the French civil law recognize the doctrine that the right of the businessman or industrialist to do business only with persons of his choice is subject to restrictions based on reasons of good morals or public order: such is the case where the State takes exclusive control of a commercial field and grants a special privilege or licence in that field to the businessman or industrialist to sell, under monopoly or quasi-monopoly, to the public; the licensee then assumes definite obligations, including the obligation to sell to anyone who is ready to pay the regular price. *See Christie v. York Corp., (1940) Supreme Court of Canada, p. 139; Tribunal de Commerce de Nice and confirmed by the French Cour de Cassation (S. 93-2-193; and S. 96-1-144).* In the *Christie* case, Mr. Justice Davis said:

> "If there is to be exclusion on the ground of colour or of race or of religious faith or on any other ground not already specifically provided for by the statute, it is for the Legislature itself, in my view, to impose such limitations under the exclusive system of governmental control of the sale of liquor to the public which it has seen fit to enact."

The Canadian Parliament, for public convenience, interest and necessity, has by the *Radio Act* allowed the Crown to grant monopolies by licence to individuals and corporations to operate broadcasting stations for private gain. Under the common law and civil law, therefore, such stations must sell advertising time without discrimination. In 1960, Parliament confirmed this law by statute. Section 2 of the *Canadian Bill of Rights* applies to provide that the *Radio Act* and the *Broadcasting Act* shall not be so used as to violate the rights or freedoms of any citizen: e.g., freedom of speech or freedom of the press. Presumably, the Governor in Council might make regulations to control such excesses or the Minister of Transport arbitrarily remedy violations by revocation or suspension of licence.

Licence revoked upon breach.

(*c*) Upon receiving a report from the Minister of Justice that a licensee has breached in any particular the condition set out in paragraph (*a*), the Minister of Transport shall revoke forthwith the licence of such licensee and shall notify the licensee of the revocation so made;

Appeal.

(*d*) Where the Minister of Transport orders the revocation of the licence under paragraph (*c*), the licensee may by leave of a judge of the Exchequer Court of Canada appeal against the order to that Court on any question of law, and the Court may stay the operation of the order pending its final decision and may affirm, alter or rescind the order."

However, for the semblance of impartiality, the seemly method is that Parliament decree the means and manner of enforcement. This Bill, therefore, so provides.

Clause 1: For clarity, and emphasis of notice to the licensee, this clause provides, generally, that a licence is conditional upon observance of the *Canadian Bill of Rights*; and, specifically, that there shall be no discrimination by a licensee in providing commercial services to competitor applicants—e.g., freedom of the press includes liberty of circulation and distribution, as well as publication, *Lovell v. Griffin*, 303 U.S. 444(1938), and liberty of circulation and distribution includes the right to compete for advertising space on a government-licensed advertising media—without discrimination because the applicant competes in the newspaper field with the broadcasting monopolist. Subsection 6(*a*)(i) is an adaptation of provincial public utility anti-discrimination law. Subsection (6)(*b*) follows the procedure in section 3 of the *Canadian Bill of Rights* in appointing the Minister of Justice to be the deputy of Parliament to determine whether a licensee has violated the *Canadian Bill of Rights*. Upon a violation, the Minister of Transport revokes the licence. The licensee has a right of appeal on any question of law to the Exchequer Court which may suspend the revocation until the appeal is determined.

C-5.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-5.

An Act to amend the Bankruptcy Act
(Primary Products under Processing).

First reading, May 20, 1963.

Mr. WHELAN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28385-3

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-5.

An Act to amend the Bankruptcy Act
(Primary Products under Processing).

R.S. 1952, c. 14.

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

1. The *Bankruptcy Act* is amended by adding thereto, immediately after section 51 thereof, the following section:

Primary products to revert to producers.

"**51A.** (1) Notwithstanding anything in section 169 or other provision of this Act or in any other statute, products of agriculture, products of the forest, products of the quarry and mine, or products of the sea, lakes and rivers, with every accession thereto of labor, materials, art or science, in the possession of a wholesale purchaser or shipper of, or dealer in such products against whom a receiving order is made or who makes an assignment and who has not paid for such products at the date of his bankruptcy are property held by the bankrupt in trust, subject to subsection (2), for the producers of the products whom the court adjudges in equity are entitled thereto, whether such products are identifiable, unidentifiable, intermingled, in their natural state, or partly or fully processed.

Scheme of distribution.

(2) Such property shall, on the date of the bankruptcy, vest in the court in trust for sale and application of the proceeds realized in priority of payment as follows:

Explanatory Notes.

This Bill proposes to prevent the financial distress suffered by unpaid primary producers when the processor in possession of their products goes bankrupt. In many cases the processor has obtained a loan by pawning these products to a bank under a blanket or floating lien: in effect, the processor gambles with the credit of the producer as risk capital—the bank clothed in the blanket protection of the producer's assets secured by section 88 of the *Bank Act*, the processor diapered with the limited liability of the *Bankruptcy Act*, while the primary producer goes bare of assets and stripped of credit.

This Bill would remedy the grievance by removing primary product assets from the assets in bankruptcy and by providing that such assets, whether improved or unimproved, be sold by the court designated under the *Bankruptcy Act*. The rights of labor are protected by reserving to the employees a three month lien for wages; thereafter the balance is distributed fairly among the producers and, as to any balance, to the trustee in bankruptcy for distribution to the creditors subject to any lien held by a bank or by the Industrial Development Bank. In this way the producer is protected as to his product and credit, the employee for his hire, the processor (and his creditors) for his managerial contribution, and the bank for its credit advances.

A precedent is provided in section 52 of the *Bankruptcy Act* which similarly protects an author's rights in his manuscript or copyright.

Section 172 of the *Bankruptcy Act* provides that the Crown federal and provincial is bound by the Act; this means, for example, that the Industrial Development Bank, a Crown agent, is bound by this proposed amendment.

(*a*) the costs of administration;

(*b*) wages, salaries or other remuneration owing in respect of the period of three months next preceding the making of the receiving order or assignment, to employees of the bankrupt employed in connection with the business of the bankrupt in respect of such property;

(*c*) the claims of the producers of the products that are proven to the satisfaction of the court, *pari passu;*

(*d*) the Trustee of the Estate of the bankrupt subject to any right or interest that a bank incorporated under the *Bank Act* or the Industrial Development Bank would otherwise have had in such property under the *Bank Act* or the *Industrial Development Bank Act,* as the case may be.

1953-54, c. 48. R.S. 1952, c. 151.

Employee or producer must file proof of claim.

(3) Where a person claims an interest in the property under paragraph (*b*) or (*c*) of subsection (2) he shall, within thirty days after the date of bankruptcy, file with the court a proof of claim verified by affidavit giving the grounds on which the claim is based and particulars in support thereof.

Payment made as funds available.

(4) Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, payment in accordance with subsection (2) shall be made as soon as funds are available for the purpose.

When other provisions of Act to apply.

(5) The provisions of the Act, insofar as they are applicable, apply *mutatis mutandis* to administration of a trust under this section."

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-6.

An Act to provide for the Control of Consumer Credit.

First reading, May 20, 1963.

Mr. SCOTT.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28498-4

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-6.

An Act to provide for the Control of Consumer Credit.

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

1. This Act may be cited as the *Control of Consumer Credit Act.*

Definitions.

"Agreement."

2. In this Act

(*a*) "agreement" shall include any deed, assignment, mortgage, agreement for sale, conditional sales agreement, chattel mortgage or any instrument or contract whatsoever;

"Person."

(*b*) "person" shall include any partnership, corporation, association or group of persons.

Statement

3. Wherever by agreement interest is chargeable, whether by way of interest so-called, discount, commission, brokerage, bonus or any fees whatsoever, the person to whom such interest is payable shall furnish to the person liable to pay such interest, a statement in writing setting forth

(*a*) the total amount of the unpaid balance upon which interest is chargeable;

(*b*) the total amount of interest payable under the agreement; and

(*c*) the percentage relationship between the principal and the total amount of interest payable, expressed in terms of simple annual interest.

Rate of interest

4. The rate of interest payable under any agreement to which this Act applies shall not exceed ten per cent per annum.

Explanatory Note.

This Bill provides for the disclosure of the actual amount of interest being charged on the sale both real property and personal property, as well as for restricting the rate of interest to ten percent per annum.

Section 2(*a*) provides a comprehensive definition of agreement designed to encompass transactions of all kinds.

Section 3 provides for the disclosure to the purchaser of the actual amount of interest being paid on the transaction.

Section 4 limits the rate of interest to ten per cent per annum.

Aggreement to be with

5. Wherever any person obligated to provide a statement under section 4 fails to do so, the agreement, as regards interest and the payment thereof, shall be void.

Idem.

6. Wherever any agreement is made in violation of section 4 the said agreement, as regards interest and the payment thereof, shall be void.

Sections 5 and 6 render any transaction void, as regards payment of interest, where section 3 or section 4 is infringed. Thus a purchaser, in those circumstances, could recover interest paid and would not be obliged to pay any further interest. These provisions would ensure obedience to the Act.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-7.

An Act to amend the Pension Act
(Judicial Appeal).

First reading, May 20, 1963.

Mr. McINTOSH.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28769-8

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-7.

An Act to amend the Pension Act
(Judicial Appeal).

R.S., cc. 207, 332; 1953-54, c. 62; 1957, c. 14; 1957-58, c. 19; 1960-61, c. 10.

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 *Pension Act* is amended by adding thereto, immediately after paragraph (*f*) thereof, the following paragraph:

"Court of Appeal."

"(*ff*) "court of appeal" means the court of appeal, as defined in the *Criminal Code*, of the province in which the applicant resides at the time an appeal thereto is taken;"

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

Interpretation of Act.

"(5) Except as hereinafter otherwise provided, the Commission shall determine any question of interpretation of this Act and the decision of the Commission on any such question is final."

3. Subsection (7) of section 11 of the said Act is repealed and the following substituted therefor:

Pension Advocates.

"(7) For the purposes of subsection (6) pension advocates are empowered to attend and assist the pensioner or applicant, or, in his absence represent him, at any hearing before the Commission, an Appeal Board thereof, a court of appeal, or the Supreme Court of Canada, at which he is entitled to be present."

4. Subsection (1) of section 58 of the said Act is repealed and the following substituted therefor:

Applicant entitled to assistance of Chief Advocate.

"**58.** (1) Upon request in writing by an applicant, the Chief Pensions Advocate shall assist him in the preparation of his case and arrange for its presentation

Explanatory Notes.

The purpose of this Bill is to give an applicant for a pension under the *Pension Act* the right, where the Pension Commission or an Appeal Board has ruled against his or her entitlement, to have the decision reviewed by the Courts: (*a*) on any question of law respecting the interpretation of the *Pension Act* and (*b*) on those controversial issues of fact which must be weighed, as the courts are used to do, in the knowledge of human conduct and intention. An ancillary purpose gives the Commission itself the right to refer any question of law to the Supreme Court of Canada.

The Bill applies to the *Pension Act* that principle of the Rule of Law that, to the degree most possible, the decisions of an administrative tribunal or commission which touch the person, or property or rights of an individual should be subject to review by the Courts. The United Kingdom has applied this Rule of Law to as many of its boards, tribunals and commissions as possible in the *Tribunals and Inquiries Act, 1958*.

Clause 1: Consequential upon Clause 6. Incorporates the *Criminal Code* definition which gives the names of all provincial courts of appeal.

Clause 2: Consequential upon Clause 6. The Commission is not a disinterested judge of its own powers nor experienced in interpreting the statutory intention of Parliament.

Clauses 3 & 4: Consequential upon Clause 6. Provides for assistance of pension advocates on a court appeal or reference.

before the Commission, an Appeal Board thereof, a court of appeal, or the Supreme Court of Canada by a Pensions Advocate; but if the applicant so elects he may have the same prepared and presented by a representative of a service bureau of a veteran organization or by some other person at his own expense."

5. Section 63 of the said Act is repealed and the following substituted therefor:

Party and witness fees and allowances.

"**63.** Subject to the rules of procedure made under this Act an applicant, or any person or class representative notified by direction of a court of appeal judge or the Supreme Court of Canada, may attend and witnesses may be called on his behalf or on behalf of the Crown to give evidence before an Appeal Board of the Commission, a court of appeal or the Supreme Court of Canada, and such applicant, person, class representative, and witnesses may be paid by the Comptroller of the Treasury the cost of transportation and the fees and allowances as therein fixed."

6. The said Act is amended by adding thereto, immediately after section 68 thereof, the following section:

Appeal to court of appeal.

"**68A.** (1) An appeal shall lie to a court of appeal from a decision of an Appeal Board of the Commission on any question of law or fact touching

Grounds.

(*a*) the interpretation of the *Pension Act*;

(*b*) the issue whether an injury or disease or aggravation thereof resulting in disability or death arose out of or was directly connected with military service in peace time;

(*c*) the issue whether an injury or disease pre-existed enlistment and, if so, whether it was aggravated during military service;

(*d*) the issue whether an award of entitlement was granted as a result of fraud, misrepresentation, or concealment of material facts.

Procedure.

(2) An appeal may be taken only by leave of a judge of the court of appeal, granted upon a petition presented to him within thirty days after the applicant has been notified of the decision, or within such extended time as the judge may for special reasons allow, and upon such terms as the judge may determine;

Notice to Commission.

(3) Where leave to appeal has been granted, the appeal shall be brought by notice served on the Chairman or Deputy Chairman of the Commission within ten days after the leave to appeal has been granted; the notice shall contain the name of the

Clause 5: Consequential upon Clause 6. Provides for party and witness fees and allowances on a court appeal or reference.

Clause 6: (*1*) Provides for an appeal to the court of appeal of the province in which the applicant resides on certain specified questions of law and fact. The appeal to local provincial courts is convenient in time and money to the applicant and, as well, distributes the work load among the appeal courts of the ten provinces and of the territories.

(*2*) Procedure on an appeal. An appeal is only by leave of a court of appeal judge. This permits the court to screen frivolous or nuisance applications.

(*3*) Provides for notice of appeal to Commission.

applicant and the date of the order appealed from and such other particulars as the judge granting leave to appeal may require;

Commission may refer question of law to Supreme Court.

(4) The Commission may of its own motion refer a question of law to the Supreme Court of Canada for hearing and consideration and it shall be the duty of the Court to hear and consider a reference so made and to answer each question so referred; and the Court shall certify to the Commission its opinion upon each such question with the reasons for each such answer; and such opinion shall be pronounced in like manner as in the case of a judgment upon an appeal to the Court; and any judge who differs from the opinion of the majority shall in like manner certify his opinion and his reasons;

Reference may stay appeal.

(5) Where a question of law has been referred to the Supreme Court of Canada, the proceedings on an appeal touching that question shall be stayed until the Supreme Court has certified its opinion thereon to the Commission;

Notice to interested persons.

(6) The court of appeal judge or the Supreme Court, as the case may be, has the power to direct that any person interested, or, where there is a class of persons interested, any one or more persons as representatives of such class, shall be notified of the hearing on the application or reference;

Court may appoint counsel.

(7) The court of appeal or the Supreme Court, as the case may be, may in its discretion request any counsel to argue the application or reference as to any interest that is affected and as to which counsel does not appear and expenses thereby required to be incurred shall be expenses under subsection (1) of section 4;

When appeal abandoned for want of prosecution.

(8) An appeal that is not brought on for hearing by the applicant at the session of the court of appeal during which the decision appealed from was pronounced by the Appeal Board of the Commission that heard the application, or during the next session thereof, shall be deemed to be abandoned, unless otherwise ordered by the court of appeal or a judge thereof.

7. Paragraph (*a*) of section 69 of the said Act is repealed and the following substituted therefor:

"(*a*) the applicant for pension concerned and any person or class representative notified by direction of a court of appeal judge or the

(*4*) Provides that the Commission may refer any question of law to the Supreme Court of Canada for an opinion.

(*5*) Where the Commission has referred a question of law to the Supreme Court, any proceedings in a provincial court of appeal upon or including that question of law are stayed. When the Supreme Court has given its opinion, the provincial court will be guided thereby. This ensures unanimity in the provincial courts on questions of law. Further, while reference by the Commission is voluntary, the Commission must, to ensure this unanimity of interpretation, make such a reference whenever an applicant raises an importance question of *Pension Act* interpretation on an appeal to a provincial court.

(*6*) The courts may give interested parties an opportunity to be heard.

(*7*) The courts may appoint counsel to argue questions in issue where an interest is unrepresented. Expenses to be payable out of the Parliamentary expense vote.

(*8*) Provides for abandonment of appeal for want of, or delay in, prosecution. The court may grant an extension on proper grounds, as, for example, a stay of proceedings on a reference.

Clause 7: Consequential upon clause 6. Provides for access by interested parties to Departmental and Commission records on an appeal or reference.

Supreme Court and such persons as may be employed by or on behalf of them to appear before the Commission, an Appeal Board thereof, a court of appeal, or the Supreme Court of Canada;"

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-8.

An Act to amend the National Harbours Board Act (Tisdale Grain Terminal).

First reading, May 20, 1963.

MR. RAPP.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28453-9

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-8.

An Act to amend the National Harbours Board Act (Tisdale Grain Terminal).

R.S., c. 187; 1953-54, c. 60; 1955, c. 4.

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

1. The *National Harbours Board Act* is amended by adding thereto, immediately after subsection (1) of section 10 thereof, the following subsection:

Tisdale grain terminal.

"(1a) In particular, the Board may deem necessary the construction, maintenance and operation of a public terminal elevator, as defined in the *Canada Grain Act*, having a minimal storage capacity of five million bushels, at the Town of Tisdale, Saskatchewan."

R.S., cc. 25, 308.

Explanatory Notes.

This Bill proposes that a public grain elevator be constructed at Tisdale, Saskatchewan, as a grain terminus for the national port facilities at Churchill, Manitoba. Tisdale is at the southern end of the Hudson Bay rail line: an inland terminal elevator there would expedite grain shipment through Churchill; assist delivery of grain quotas in surplus years, particularly in the northern area of Saskatchewan, the Peace River, and elsewhere in Alberta; save boxcar space because all cleaning would be done at the inland elevator instead of at Churchill where presently the grain is cleaned and the screenings then shipped back again.

The National Harbours Board presently operates various national harbours, including Churchill, and government grain elevators at Prescott and Port Colborne in Ontario.

Clause 1: Section 10 of the *National Harbours Board Act* now reads:

"10. (1) When previously authorized by the Governor in Council, the Board may acquire, hold, possess, sell, dispose of, or lease real and personal, movable and immovable property; and may either by itself or in co-operation with others construct, maintain and operate roads, railways, vessels, plant and equipment; and generally do such things and exercise such powers as it deems necessary for the efficient administration, management and control of the harbours, works and other property under its jurisdiction.

(2) All property acquired or held by the Board is vested in Her Majesty in right of Canada."

"terminal elevator" is defined in the *Canada Grain Act* as follows:

"2. (26) "terminal elevator" means an elevator in the Western Division into which western grain is received after the issue of an inspection certificate under this Act or "contemporaneously with an inspection under this Act upon which an inspection certificate is issued, and includes any elevator in Duluth or elsewhere in the United States of America where provision is made by the Board for the inspection of western grain under the provisions of this Act;"

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-9.

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

First Reading, May 20, 1963.

Mr. ORLIKOW.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28773-0

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-9.

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

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

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

1956, c. 46, s. 2.

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

Advertising to indicate percentum per annum.

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

1956, c. 46, s. 6.

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

Proviso.

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

Explanatory Note.

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

C-10.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-10.

An Act to amend the Interest Act.

First reading, May 20, 1963.

Mr. ORLIKOW.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28777-1

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-10.

An Act to amend the Interest Act.

R.S., c. 156.

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

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

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

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

Explanatory Note.

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

This section now reads as follows:

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

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-11.

An Act to amend the Coastal Fisheries Protection Act
(Twelve Mile Fishing Zone.)

First Reading, May 20, 1963.

Mr. MATHER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28425-7

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-11.

An Act to amend the Coastal Fisheries Protection Act (Twelve Mile Fishing Zone).

1952-53, c. 15; 1960-61, c. 14.

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 *Coastal Fisheries Protection Act* is repealed and the following substituted therefor:

"Canadian territorial waters."

"(*b*) 'Canadian territorial waters' means a fishing zone extending seaward to a limit twelve nautical miles from the baseline from which the breadth of the territorial seas of Canada are measured headland to headland and includes inland waters of Canada;"

Coming into force.

2. This Act shall come into force on the first day of July, 1964.

Explanatory Note.

This Bill's intent is that it be a declaration by the Queen in Parliament that Canada within those twelve marine miles seaward of her coasts has, to the sole use and benefit of her nationals, the right to fish exclusive of all others: as well an affirmation of Canada's obligation to protect and conserve the live resources of those seas to that same end.

Clause 1: Subsection 2(*b*) of the *Coastal Fisheries Protection Act* is presently as follows:

> "**2.** In this Act
> (*b*) 'Canadian territorial waters' means any waters designated by any Act of the Parliament of Canada or by the Governor in Council as the territorial waters of Canada, or any waters not so designated being within three marine miles of any of the coasts, bays, creeks, or harbours of Canada, and includes the inland waters of Canada;"

At the First United Nations Conference on the Law of the Sea in 1958, Canada put forth her position on national fishing limits in these words:

> "A State has a fishing zone contiguous to its territorial sea extending to a limit twelve nautical miles from the baseline from which the breadth of its territorial sea is measured in which it has the same rights in respect of fishing and the exploitation of the living resources of the sea as it has in its territorial sea."

Clause 2: To allow time for international negotiation which may result in agreement on national fishing limits, this Bill is deferred in effect until July 1st, 1964.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-12.

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

First reading, May 20, 1963.

Mr. ORLIKOW.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28781-3

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-12.

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:

"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.

Proceedings on assignment 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

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; 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;

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;

(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 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, 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;

(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.

Unconscionable transactions.

(2) The trustee may apply to the court for 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 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 settlement 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 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 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 or to make restitution to the wage earner

(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.

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, 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

(v) order such further and other remedy by way of relief as the court may deem just and equitable.

Court has supervisory powers.

26C. During the life of the proposal, the court shall have supervisory powers over the wage earner 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.

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.

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 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 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.

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 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.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-13.

An Act to amend the Civil Service Act
(*Remembrance Day*).

First reading, May 20, 1963.

Mr. HERRIDGE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28649–2

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-13.

An Act to amend the Civil Service Act
(*Remembrance Day*).

1960-61, c. 57.

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

1. Section 62 of the *Civil Service Act* is repealed and the following substituted therefor:

Holidays.

"**62.** (1) The following days are holidays for the civil service:

(*a*) New Year's Day;
(*b*) Good Friday;
(*c*) Easter Monday;
(*d*) the day fixed by proclamation of the Governor in Council for the celebration of the birthday of the Sovereign;
(*e*) Dominion Day;
(*f*) Labour Day;
(*g*) Christmas Day; and
(*h*) the day fixed by proclamation of the Governor in Council as a general day of thanksgiving;

and any other day fixed by proclamation of the Governor in Council as a holiday for all or any part of the civil service is a holiday for the civil service or for that part of the civil service, as the case may be.

When holiday falls on day of rest.

(2) The Governor in Council may make regulations providing for the grant of leave of absence to employees where a holiday specified in subsection (1) falls on a day when they are not required to perform the duties of their positions.

Remembrance Day.

(3) The public service shall keep and observe *Remembrance Day* as a holiday.

Explanatory Notes.

The purpose of this Bill is to restore, insofar as the Parliament of Canada is legislatively able, *Remembrance Day* to the position intended by the spirit and meaning of the *Remembrance Day Act*, R.S., c. 237. That Act provides

> "2. Throughout Canada in each and every year, the 11th day of November, being the day in the year 1918 on which the Great War was triumphantly concluded by an armistice, shall be a holiday, and shall be kept and observed as such under the name of *Remembrance Day*."

The *Civil Service Act*, Acts 1960–61, c. 57, sec. 62, provides that *Remembrance Day* is a holiday in the civil service for which leave of absence may be substituted when *Remembrance Day* falls on a day when civil servants are not required to work. The section also limits the holiday to "civil servants" and, presumably, leaves the declaration of a holiday for those who are in the public service but not the civil service to the discretion of the responsible Crown authority.

Clause 1: *Remembrance Day* is deleted from the list of holidays in subsection (1) for which, under subsection (2), leave of absence may be substituted. Subsection (3) is added so that *Remembrance Day* becomes a holiday in the language and within the meaning of the *Remembrance Day Act*. The wider meaning of "public service" is substituted for "civil service" so that government boards, commissions and agencies are included.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-14.

An Act to amend the Small Loans Act.

First reading, May 20, 1963.

Mr. ORLIKOW.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28789-6

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-14.

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:

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

(*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:

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."

1956, c. 46.

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

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."

1956, c. 46.

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

Repayment of loans.

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

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

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

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-15.

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

First reading, May 20, 1963.

Mr. FISHER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28433-1

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-15.

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.

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:

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."

Compensation.

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.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-16.

An Act to Found and Constitute the Western Canada Veterinary College.

First reading, May 20, 1963.

Mr. ORMISTON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

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1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-16.

An Act to Found and Constitute the Western Canada Veterinary College.

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 *Western Canada Veterinary College Act.*

Definitions.

"Board."

"College."

"Department."

"Minister."

2. In this Act,

(*a*) "Board" means the Board of Governors of the College;

(*b*) "College" means the Western Canada Veterinary College;

(*c*) "Department" means the Department of Agriculture;

(*d*) "Minister" means the Minister of Agriculture.

Purpose of Act.

College incorporated.

Objects.

3. For the advancement of agriculture in Canada,

(1) There shall be a College consisting of a President and a Board of Governors and being a corporation under the name of Western Canada Veterinary College.

(2) The College shall be an institution of learning

(*a*) in the theory and practice of the art and the science of veterinary medicine and surgery;

(*b*) in the methods, skills and techniques necessary for conducting original and applied research in the science of veterinary medicine and surgery;

(*c*) in all branches of knowledge related and necessary to an education and training in the veterinary profession; and

(*d*) for the purpose of qualifying students to practice or to conduct research in veterinary medicine and surgery.

Explanatory Notes.

The purpose of this Bill is to found a veterinary College. The site is Western Canada where the regional need is presently so desperate as to imperil the burgeoning growth of the livestock industry—and, consequently, the needed diversification of the western agricultural economy. As well as servicing Canada west of Ontario, the College will immediately relieve pressure on the hard-pressed veterinary colleges of Quebec and Ontario which have lost the struggle to supply the needs of all Canada. Further, over 25% of the graduates will be recruited by the federal Department of Agriculture and so be a task force directly at the service of the entire Canadian livestock industry. While this operation proceeds, plans can be made for the establishment of new and the reinforcement of present facilities in other regions of Canada.

In 1958 the *Western Canadian Veterinary Study Committee* projected the requirements of the Western Canada region for the period 1960-1980. The Table, based on normal graduation and immigration as of 1958, follows:

	1958	1960	1970	1980
Estimated Requirements.....	577	590	782	978
Total Active:.....	439	444	606	740
Difference:.....	138	146	176	238

That the *Committee* underestimated the needs is obvious in the fact that in 1960 the active veterinarians were only 426 as against the forecast 444. Should this underestimate continue progressively into the project period, the discrepancy between estimated requirements and actual supply will be seriously greater than even the 25% the Table forecasts.

Powers.

(3) The College shall have full power and authority from time to time and at all times to establish and maintain such faculties, schools, institutions, departments, chairs and courses as to the Board of Governors may seem meet, and to give instruction and training in all branches of such learning; to grant degrees, including honorary degrees, diplomas and certificates of proficiency; to provide facilities for the prosecution of original and applied research in every branch of such learning and to conduct and carry on such research work; and generally, to carry on the work of a college in all its branches.

Site.

(4) The site of the College shall be Saskatoon.

Property: acquisition and disposition.

4. (1) The College may acquire, by gift, purchase or any other manner, and hold, for the purpose of the College, any and all property, real and personal, of every nature and kind whatsoever; and, subject to the approval of the Governor in Council and to the terms of any grant, conveyance, gift, devise or bequest of any property to the College, shall have power to mortgage, sell, transfer, lease for not more than ninety-nine years, or otherwise dispose of all its property, real or personal, and to make and execute all necessary and proper conveyances, transfers, or leases for carrying the same into effect.

Construction, maintenance, and equipping of lands and buildings.

(2) Subject to the approval of the Governor in Council, the College may erect and construct all such buildings as the Board may deem necessary or convenient for the purpose of the College; and the College may lay out grounds for any College purpose, maintain and keep in proper order and condition, and alter, repair, renovate and improve all such grounds and all College buildings, with their appurtenances and furnish and equip College buildings; and may expend the money required for any of these objectives.

Investments.

5. (1) The College shall have power to invest for the benefit of the College all or any sums of money belonging to it and available for investment in any of the following securities: the bonds, stocks, debentures or securities of Canada or of any province thereof; the debentures of any municipality in any province, first mortgage of any freehold property in Canada, or the purchase of revenue-bearing real estate in Canada.

Property taken as security.

(2) The College shall have power to acquire, take, and hold all such property, both real and personal, as shall be bona fide mortgaged, hypothecated, or pledged to it by way of security, or foreclosed, or conveyed to it in satisfaction of debts previously contracted, or purchased at judicial sales upon levy for such indebtedness, for the purpose of avoiding a loss to the College in respect thereof.

The Bill is *intra vires* under four powers assigned to Parliament by the *B.N.A. Act*: viz., (1) agriculture in all or any of the provinces; (2) schools of learning, free schools and scholars in universities that are not in and for a province; (3) education that is not in and for a province; (4) education of personnel for the public service.

(1) Section 95 of the *B.N.A. Act* is as follows:

> "**95.** In each Province the Legislature may make Laws in relation to Agriculture 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, and to Immigration into all or any of the Provinces; and any Law of the Legislature of a Province relative to Agriculture 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."

Judicial interpretation of the Act holds that either Canada or a province may, in legislating within one of its powers, use a power assigned the other as ancillary and incidental to the main purpose of its legislation. Thus a province may use the federal criminal power ancillary to its property and civil rights power; and the federal government may use the provincial education power as incidental to its agriculture power: see *Royal Military College Act*, 1906 R.S., c. 43; *Fitness and Amateur Sport Act*, 1960-61 Acts, c. 59.

Parliament expressly recognized veterinary education as essential to agriculture in its preamble to *The Agricultural Instruction Act*, 1913 Acts, c. 5:

> "Whereas it is desirable that encouragement be given to agriculture in all the provinces of Canada and whereas great and permanent benefit will result through education, instruction and demonstration carried on along lines well devised and of a continuous nature ....."

and section 3:

> "For the purpose of aiding and advancing the farming industry by instruction in agriculture....."

and section 4(a):

> "An amount not exceeding $20,000 shall be paid each year to assist in the work of veterinary colleges established in the provinces, the said annual amount to be distributed among the colleges qualified and legally authorized to grant degrees in veterinary science....."

Both Ontario and Quebec recognized that veterinary education is integral with agriculture by accepting grants for their veterinary colleges under this Act. The other provinces had no veterinary educational colleges and were unable to accept grants.

(2) Section 92(7) of the *B.N.A. Act* provides that each province has exclusive legislative jurisdiction over:

> "(7) The Establishment, Maintenance, and Management of Hospitals, Asylums, Charities, and Eleemosynary Institutions in and for the Province, other than Marine Hospitals."

Real property of the College not to be expropriated.

6. Real property which is at any time vested in the College shall not be liable to be entered upon, used, or taken by any municipal or other corporation, or by any person possessing the right of taking lands compulsorily for any purpose whatsoever; and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply to such real property.

Instruction.

7. The College shall, so far as, and to the full extent which its resources from time to time permit, provide

(*a*) such instruction as may enable students to become proficient in and qualify for degrees, diplomas, and certificates in the art and the science of veterinary medicine and surgery;

(*b*) such instruction, whether theoretical, practical, technical, or otherwise, as may be of especial service to persons engaged or about to be engaged in veterinary medicine, surgery or research;

(*c*) facilities for the prosecution of original research in the science of veterinary medicine and surgery and especially the application of that science to the advancement of agriculture;

(*d*) such fellowships, scholarships, exhibitions, prizes, and rewards and pecuniary and other aids as shall facilitate or encourage entry to and proficiency in the subjects taught in the College, as well as original research in every branch of the science of veterinary medicine and surgery;

(*e*) such extra-collegiate instruction, teaching and public lecturing, whether by radio, television, or otherwise, as may be recommended by the Board.

Affiliation with any University or institution.

8. Subject to the approval of the Governor in Council, the College may affiliate with any University or institution established in Canada for instruction in science, medicine, agriculture, or in any other branch of learning useful to the purpose of the College, and may dissolve any such affiliation.

Minister to be the Visitor.

9. The Minister shall be the Visitor to the College, with authority to do all those acts which pertain to Visitors as the Minister deems meet.

Board of Governors.

10. There shall be a Board for the College, under the name of The Board of Governors of Western Canada Veterinary College.

The preamble to the *Mortmain and Charitable Uses Act*, Imperial Act, 1601, 43 Eliz., c. 4, defines "charities" and includes the following:

> "Whereas lands .... goodes .... money and stockes of money .... have been .... given .... for maintenance of .... schooles of learninge, free schools and schollers in universities ....."

The Canadian courts have adopted this definition of a "Charity" as including an institution of learning: that is, as being for the public good and in the public interest even though the institution exacts fees.

The provincial legislative power over such a "charity" is limited to one "in and for the province". The Rule of Statutory Interpretation that what is expressed excludes what is not expressed means, in this case, that Canada, which has all those powers not exclusively assigned to the Provinces, has power to legislate respecting an institute of learning that is not in and for the public good and interest of a Province but for the public good and interest of two or more Provinces, as, e.g., an agricultural institute of learning.

(3) Section 93 of the *B.N.A. Act* provides:

> "In and for each Province the Legislature may exclusively make Laws in relation to Education subject ....&c."

Upon the same Rule of Statutory Interpretation, the conclusion is that an institute of learning to benefit agriculture is for the public good of Canada and not "in and for" a Province.

(4) More than 25% of those graduated from the College (which means a greater percentage than this must be initially enrolled for this purpose) will be recruited for the Federal public service.

That it is in the public good and a duty of government to train personnel for its service has long been recognized. In 1316, in Cambridge, England, an institute of learning (a "Charity") was founded for the special purpose of providing "clerks for the King's service".

Constitution of Board.

11. (1) The Board shall consist of

(*a*) the president of the College,

(*b*) the Veterinary Director General of the Department,

(*c*) the deputy ministers of the department administering agricultural matters for each of the governments of the Provinces of Alberta, British Columbia, Manitoba and Saskatchewan, and

(*d*) seven members appointed by the Governor in Council.

(2) The Chairman of the Board shall be the Veterinary Director General of the Department and the Board shall elect one of its members to be a Vice-Chairman.

Presiding Officer.

(3) The Chairman of the Board shall be the presiding officer at all meetings.

(4) In case of the absence or disability of the Chairman or in the case of there being a vacancy in the office of Chairman, the Vice-Chairman shall possess all the powers and perform all the duties pertaining to the office of Chairman.

(5) In the event of the disability or absence of the Chairman or Vice-Chairman, the Board may appoint one of the members of the Board to be Acting Chairman during such disability or absence.

Qualification for appointment.

(6) No person shall be eligible for appointment as a member of the Board unless he is a British subject.

Quorum.

(7) Five members of the Board shall constitute a quorum for the transaction of business.

(8) Notwithstanding any vacancy in the Board, but so long as there remain at least six members, the Board shall be competent to exercise any or all of its powers.

Appointed members.

(9) An appointed member of the Board shall be appointed for a term of three years or, in the case of each of the first seven members, for such shorter term as the Governor in Council may determine.

(10) An appointed member of the Board may be removed from office at any time by the Governor in Council.

(11) A person who is a member of the teaching staff of the College or of any affiliated institution shall not be eligible to be appointed to the Board.

(12) If an appointed member of the Board, after his appointment, accepts or occupies any such office or position, or becomes incapable of acting as a member, he shall cease to be a member of the Board.

(13) An entry in the minutes of the Board recording the absence or disability of the Chairman or Vice-Chairman or declaring the existence of a vacancy in the office of Chairman or Vice-Chairman or the membership of the Board shall be conclusive evidence of the fact so recorded or declared.

Powers of Board: general.

12. The government, management, administration, and control of the property, revenue, business, and affairs of the College shall be vested in the Board.

Powers of Board: specific.

13. (1) Without thereby limiting the general powers conferred upon or vested in the Board by this Act, it is hereby declared, subject to subsection (2) and other provisions of this Act, that the Board shall have the following powers:

(*a*) to make rules and regulations appertaining to the regulation and conduct of the meetings and proceedings of the Board and to its transactions;

(*b*) from time to time and at all times to have full and exclusive power and authority to exercise, in the name and for the benefit of the College, and as the act and deed of the College, any or all of the powers, authorities, and privileges by this Act conferred upon the College as a body politic and corporate;

(*c*) to maintain and keep in proper order and condition such real property as it may deem necessary for the use of the College, and to erect and maintain such buildings and structures thereon as in its opinion are proper and necessary;

(*d*) to lay out and expend such sums as may be deemed necessary for the support and maintenance of the College and for the improvement of existing buildings, and the erection of such new buildings as the Board may deem necessary for the use or purposes of the College, and for the furnishing and equipping of such existing and newly erected buildings;

(*e*) to lay out and expend such sums of money as it may deem expedient for the erection, equipment, furnishing and maintenance of residences for members of the staff of the College, residences and dining-halls for the use of the students of the College, whether such students be graduates or undergraduates, and to make such rules and regulations as to the management, government, and control thereof as may seem meet;

(*f*) to appoint the President of the College, the Dean, the Librarian, the Registrar, the Bursar, the Professors, Associate Professors, Assistant Professors, Lecturers, Instructors, Demonstrators and other teachers in the College, and all such officers, clerks, employees, and servants as the Board may deem necessary for the purpose of the College, and to fix their salaries or remuneration, and to define their duties and their tenure of office or employment which, unless otherwise provided, shall be during the pleasure of the Board: except that no person shall be appointed a member of the teaching staff of the College thereof unless he is first nominated for the position to which it is proposed to appoint him by the President of the College: except also that no member of the teaching staff of the College shall be promoted, and no member of the teaching staff shall be removed, but with the concurrence of the President of the College; these exceptions shall not apply when there is a vacancy in the office of President;

(*g*) to establish Councils and other bodies within the College, to prescribe how they shall be constituted, and to confer upon them such powers and to assign to them such duties in relation to discipline, conduct of libraries, or any other matter as the Board may deem expedient;

(*h*) to fix and determine and collect all fees and charges to be paid to the College;

(*i*) to exercise disciplinary jurisdiction over the students of the College, with power to fine, suspend or expel;

(*j*) to appoint such committees as it may deem necessary and to confer upon any of the committees power and authority to act for the Board in and in relation to such matters as the Board may deem expedient;

(*k*) on behalf of the College to print and publish books, pamphlets, brochures, magazines, journals, newspapers and other literary works, to carry on the business of printers, publishers, booksellers, stationers in all its branches and to purchase literary productions of all kinds and rights of copyright therein;

(*l*) to select a seal and arms for the College, and have the sole custody and use of the seal;

(*m*) from time to time to determine the number of students that may in the opinion of the Board, having regard to the resources available, be accommodated with safety and efficiency in the College; and to make such rules and regulations as are considered advisable for limiting the admission or accommodation of students in any case to the number so determined, and for selecting from applicants possessing the required academic and other qualifications those who are to be admitted as students in the College;

(*n*) to pay money, directly or indirectly, as contributions towards pensions, annuities, retiring allowances, gratuities, and hospital, medical and surgical care for employees of the College upon such terms as the Board may from time to time prescribe;

(*o*) to hear appeals from the decision of any officer, body or organization of or in the College, by any person affected thereby, and to decide finally upon all matters of College policy;

(*p*) to provide for the establishment of departments, chairs, lectureships, exhibitions, bursaries, scholarships, fellowships and prizes, and to change or abolish the same;

(*q*) to determine the Degrees, including honorary degrees, diplomas and certificates of proficiency to be granted by the College and the persons to whom they shall be granted;

(*r*) to determine the conditions of matriculation and entrance, the standing to be allowed students entering the College and all matters relating thereto;

(*s*) to receive, consider and determine any proposal or recommendation of any Faculty Council or other body as to courses of study and all matters relating thereto;

(*t*) to consider and determine, of its own motion and without any recommendation, as to all courses of study and all matters relating thereto, but before making any regulation providing for any new course of study or any change in an existing course of study the Board shall refer to the appropriate Faculty Council, if any, and to the appropriate Faculty or Faculties of the affiliated colleges or institutions, if any, the proposed regulation for consideration and report thereon;

(*u*) to regulate instruction and to determine the methods and limits of instruction;

(*v*) to determine the conditions on which candidates shall be received for examination, to appoint examiners, and to determine the conduct of all examinations;

(*w*) to provide for courses of study at any place or places in Canada and to encourage and develop extension and correspondence courses;

(*x*) to do and perform all other matters and things which may seem good, fit, and useful for the well ordering and advancement of the College, the doing of such things not being repugnant to the provisions or purpose of this Act.

(2) The exercise of the powers given to the Board by paragraphs (*c*), (*d*), (*e*), (*f*), (*m*), (*n*), (*o*), (*p*), and (*q*) of subsection (1) shall be subject to the approval of the Minister.

President.

14. (1) Under the governance of the Board, there shall be a President to preside over, and to administer the affairs and to promote the purpose of the College, who shall be a man of proven administrative ability and possessed of other qualifications suited to his office and who shall devote the whole of his time to the duties of his office.

Disqualifications.

(2) No person shall hold office as President who

(*a*) is not a British subject,

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

(*c*) has reached the age of sixty-five years.

Appointment, tenure and salary.

(3) The Board shall appoint the President for a term of ten years or until his sixty-fifth birthday should that day sooner be than the day of the expiration of a ten year term, and shall fix his salary; the Board may re-appoint a President on the expiry of his term of office.

Condition of tenure.

(4) The President shall hold office for the term of his appointment during good behaviour.

Vice-President.

(5) The Board may appoint a Vice-President to assist the President or to exercise all the powers and functions of the President in the event of absence or incapacity of the President from whatever cause arising.

Limit of expenditures.

15. The Board shall not incur any liability or make any expenditure beyond its unexpended and uncommitted money resources and the estimated revenue of the College from other sources for the current year, unless an estimate thereof has been first submitted to and approved by the Governor in Council.

Purchase of lands and erection of buildings.

16. The Board shall not incur any liability or make any expenditure for the purchase of lands or the erection of buildings without prior approval of the Governor in Council.

Audit.

17. The accounts of the Board shall be audited at least once a year by the Auditor General of Canada or by some person appointed by the Governor in Council.

Annual report.

18. (1) The President, within a year after the establishment of the College and thereafter in each succeeding calendar year, shall make a report on the proceedings of the College with the Board's 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.

(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.

Borrowing powers to meet current expenditures.

19. The Board may by resolution, with the consent of the Governor in Council, authorize its Chairman and the Bursar to borrow from any person, bank, or corporation such sums of money as may be required to meet the current expenditures of the College until such time as the revenues for the current year are available, and such loans shall be repaid out of, and shall be a first charge upon, revenues, and may be secured by the promissory note or notes of the Chairman and the Bursar, given on behalf of the College.

Borrowing powers to meet capital expenditures.

20. (1) In the event of its being necessary for the College to secure a loan of money for the purpose of purchasing or otherwise acquiring any real property for the uses of the College, or for the purpose of erecting, repairing, adding to, furnishing, or equipping any building for the uses of the College, such loan shall not be obtained without the sanction of the Governor in Council.

(2) The Board is hereby authorized and empowered to make and enter into any agreement which it may deem necessary for carrying out the purposes mentioned in this section, and to make and execute in the name of the

College all such agreements, deeds, and other instruments as may be deemed necessary to carry into effect the provisions of any agreement.

Execution of deeds by College.

21. All deeds, transfers, mortgages, instruments or documents required to be in writing, and to which the College is a party, shall be deemed to be properly executed by the College if the corporate name and seal of the College are affixed thereto by the Bursar, or by some other officer authorized by the Board in that behalf, and such corporate name and seal are immediately followed on the same page by official signatures of the Bursar or other officer authorized as aforesaid and the Chairman or Vice-Chairman of the Board.

Actions against the College or member of Board.

22. An action shall not be brought against the College or against any member of the Board on account of anything done or omitted by him in the execution of his office, without first obtaining the written consent of the Attorney-General of Canada to the bringing of the action.

Decisions as to powers of President and Officers.

23. (1) If any question arises as to the powers and duties of the President or any officer or servant of the College, the question shall be settled and determined by the Board, whose decision shall be final.

(2) The exercise of the powers given to the Board by subsection (1) shall be subject to the approval of the Minister.

Advisory Boards.

24. The Board may from time to time appoint Advisory Boards, consisting, either wholly or partly, of persons unconnected with the College, upon such terms and for such purposes as the Board may consider advisable, and may refer to them for advice and report any subject or matter in the Board's opinion requiring to be so dealt with, and such advice and report shall be duly considered and weighed by any body in the College to which the Board directs such advice to be given or report to be made.

Fiscal year.

25. The fiscal year of the College shall be the period commencing with the first day of April in one year and ending with the thirty-first day of March in the next year.

Prohibition of compulsory religious or political qualifications.

26. The College shall not impose on any person compulsory religious or political examinations, tests, or oaths.

Tax remission assignments to College.

27. Every remission of a tax, fee or penalty granted by the Governor in Council under the authority of subsection (1) of section 22 of the *Financial Administration Act*, other than a remission for the benefit of charitable, educational, religious or other non-profit organizations or for departments of federal or provincial governments or corporations of the Crown federal or provincial, is an absolute assignment to the College of ten per centum of the tax, fee or penalty so remitted whether the liability for the tax, fee or penalty has arisen or is yet to arise and whether the persons for whose benefit the tax, fee or penalty is remitted are ascertained or unascertained when the order of remission is granted.

Clause 27: Section 22(1) and (2) of the *Financial Administration Act* provide:

> "**22.** (1) The Governor in Council, on the recommendation of the Treasury Board, whenever he considers it in the public interest, may remit any tax, fee or penalty.
>
> (2) A remission pursuant to this section may be total or partial, conditional or unconditional ....."

The proposed clause varies this enactment in a directory way only. It does not require a financial resolution or the Queen's recommendation. The reason is that the remission of liabilities to duties is not regarded as a remission of debts to the Crown (which requires a preceding financial resolution and also the Queen's recommendation) but as a form of exemption from taxation and does not require a resolution. *Post Office (Sites) Bill*, Imperial, 1927. *May*, 16th ed, at p. 759. Also, this is a statutory form of remission not founded in the Queen's Prerogative; and therefore not requiring the Royal recommendation or consent but being capable of modification under section 18 of the *Interpretation Act* which reserves to Parliament the power of modifying any power, privilege or advantage granted to any person whenever such modification is deemed by Parliament to be required for the public good.

The effect of this Clause is that when the remission is granted by Order in Council, that order *ipso facto* operates to direct 90% of the sum remitted to the person originally liable for the tax and 10% to the College. Inasmuch as the remission is an *ex gratia* payment or gift to the person liable for the tax, that person has no legal right to the amount remitted and cannot institute a suit for all or any part of it or for an increased remission.

The proposed modification is a tithing on the amount remitted for a Charitable Use.

In 1958, the sum of $8,474,923 was so remitted: See *Public Accounts*, Vol. 1, Part II. In 1957, the sum was $6,240,172. These sums do not include remissions granted to charitable, educational, religious or other non-profit bodies nor to the Crown federal or provincial.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-17.

An Act to amend the Railway Act
(The Public's Royalties in Abandoned Railways).

First reading, May 20, 1963.

Mr. ORMISTON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

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1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-17.

An Act to amend the Railway Act
(The Public's Royalties in Abandoned Railways).

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

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 (1) of section 164 of the *Railway Act* is repealed and the following substituted therefor:

Acquire property.

"(*c*) purchase, take and hold of and from any person, any lands or other property necessary for the construction, maintenance and operation of the railway;"

Explanatory Notes.

The purpose of this Bill is to emphasize—by repealing a deceptive and *ultra vires* provision of the *Railway Act*—that abandoned railway lands and the property thereon are royalties accruing to the public and not to the railway company's shareholders.

Section 168 of the Act provides that a railway company, with the approval of the Board of Railway Commissioners, may abandon the operation of any line of railway. The present section 164(1)(*c*) provides that the corporation may, subject to the *Railway Act* and the corporation's Special Act,

> ". . . . . alienate, sell or dispose of, any lands or property of the company that for any reason have become not necessary for the purposes of the railway;"

The implication is that the railway company may sell its abandoned railway property for its own profit. However, the Transport Board, by a judgment dated 7th November 1936 in *Re Cairns Bros.*, held that when the Board authorizes an abandonment the railway company holds the property in the same way as a private individual might—not as a railway utility—and therefore holds the property subject to provincial laws of property and civil rights. The consequent legislative effect of an abandonment is given by the Deputy Minister of Justice in an opinion dated 9th January 1962 on the competence of Parliament to enact a Bill to require railways to so maintain abandoned lands as to prevent damages to the rights of persons or the interest of the public:

> "The jurisdiction of Parliament to legislate with regard to railways is derived principally from head 10 of section 92 of the *British North America Act*, coupled with head 29 of section 91 of the same Act. By virtue of those provisions Parliament has authority to make laws in relation to such railways as are included in the works and undertakings described in paragraphs (*a*), (*b*) and (*c*) of head 10 of section 92. Such laws must in essence be in relation to railways or must be necessarily incidental to valid railway legislation.

> The provisions of the Bill in question appear to me to relate more to property and civil rights in the province than to railways, and I am unable to see that the proposed provisions are in any way necessarily incidental to any of the provisions of the *Railway Act*. It is my opinion, therefore, that the Courts would probably hold this Bill to be beyond the authority of Parliament to enact."

It follows then, from the Deputy Justice Minister's opinion, that if Parliament can't make a railway corporation keep down weeds on its abandoned railway property—an obligation of ownership—Parliament equally well can't legislate regarding that ownership itself and the consequent property rights of tenure, alienation, sale or disposal. To hold otherwise violates the fundamental legal principle that no person or corporation can suck on its rights and spit on its responsibilities at one and the same time. Therefore, railway lands abandoned by non-Crown companies are subject to the provincial Crown prerogatives and provincial laws both present and future.

That part of section 164(1)(*c*) which this Bill proposes to delete is therefore *ultra vires* of Parliament. The provincial laws and provincial Crown prerogatives then apply (except as to federally-owned railways). Unless the railway corporations are chartered by the federal government with the capacity to hold and deal with land for non-railway uses, and subject to exercising such property rights only with the consent of the Crown provincial, and unless such consent is granted, the non-railway lands appear liable at the instant of authorized abandonment to revert or be forfeit to the Crowns provincial under the law of escheat (a provincial prerogative royalty under section 109 of the *B.N.A. Act*) and the *Mortmain Acts* of Ontario and Quebec. This is a matter in each instance for the provincial Attorneys-General who are charged with enforcing escheats under the procedural *Escheats Acts* of the provinces or the mortmain laws. The sole purpose of this Bill is to clear away some legislative deadwood that obscures a view of the public's rights and prerogatives.

Subsidy lands are probably not affected as having been granted to the railways to sell in order to raise revenue for railway purposes. Federal Crown railways that are abandoned possibly may be liable to transfer for general public uses to the Minister of Northern Affairs and National Resources.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-18.

An Act to grant Amnesty to and Confirm the Rights of Asians, Africans and other Persons subject to Racial Discrimination whose Admission to Canada may have been irregular or illegal.

First reading, May 20, 1963.

Mr. WAHN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28526-2

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-18.

An Act to grant Amnesty to and Confirm the Rights of Asians, Africans and other Persons subject to Racial Discrimination whose Admission to Canada may have been irregular or illegal.

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 *Racial Discrimination Amnesty Act.*

Definitions. "Admission." "Less favoured country." "Minister."

2. In this Act

(*a*) "admission means the admission, whether or not lawful, of a person to Canada for permanent residence;

(*b*) "less favoured country" means any country other than a country of Europe, or of North America, Central America or South America, or Egypt, Israel, Lebanon or Turkey;

(*c*) "minister" means the Minister of Citizenship and Immigration.

Amnesty

3. (1) Amnesty in respect of his admission to Canada is hereby granted to any person who heretofore may have obtained admission to Canada by deception, misrepresentation or other irregular or illegal means if at the time of such admission such person was a citizen of a less favoured country, unless it is established by a competent court in the Province in which such person is resident that at the time of his admission to Canada he was within one of the prohibited classes set out in paragraphs (*a*) to (*n*) both inclusive or (*p*) to (*s*) both inclusive of section 5 of the *Immigration Act.*

Explanatory Notes.

The purpose of this bill is to grant an amnesty to and confirm the status of citizens and residents of Canada who may have resorted to deception or other irregular or illegal means to obtain admission to Canada but who would not have had to resort to such means if they had not been citizens of the less favoured countries as defined in the Bill.

Clause 2 is a definition clause. For many years, the Canadian immigration regulations have contained certain provisions which are discriminatory, in certain respects, against citizens of the less favoured countries as defined in this clause.

Clause 3 grants amnesty to citizens of less favoured countries who have resorted to deception or illegal means in order to obtain admission to Canada, but who would have been admissible to Canada without such deception or illegal means if they had not been citizens of the less favoured countries.

Grant of amnesty.

(2) In particular, but without limiting in any way the generality of the foregoing provisions of this Act,

(*a*) the Canadian citizenship, Canadian domicile or status as a Canadian resident of any such person to whom amnesty is granted shall not be revoked, impaired or in any way adversely affected,

(*b*) no prosecution or deportation proceedings shall be commenced or continued against any such person to whom amnesty is granted, and

(*c*) no application or request of any such person for admission of a relative or other person shall be refused, delayed or otherwise adversely affected,

by reason of the fact that the admission of such person to whom amnesty is granted was obtained by deception, misrepresentation or other irregular or illegal means.

Confirmation of identity.

4. The Minister shall establish forthwith an expeditious procedure

(*a*) to establish and record the true name and identity of any such person to whom amnesty is granted and to confirm and regularize his admission into and status in Canada,

(*b*) to review and render decisions in respect of all applications and requests heretofore made by such persons to whom amnesty is granted for the admission of relatives or other persons;

and within three months of the coming into force of this Act the Minister shall make a report to Parliament setting out in reasonable detail the procedure established by him as aforesaid.

Act to prevail.

5. The provisions of this Act shall apply notwithstanding any provisions to the contrary contained in the *Immigration Act* or the *Canadian Citizenship Act*.

Clause 4 requires the Minister to establish an expeditious procedure to confirm the status of persons to whom amnesty is granted and to review applications for the admission of relatives and others. Many of such applications have been delayed and have accumulated because of doubts as to the identity of the applicants or as to the legality of their admission to Canada.

Clause 5 provides that the amnesty will be effective despite any provisions to the contrary in the *Immigration Act* or the *Canadian Citizenship Act*.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-19.

An Act to establish the Office of Parliamentary Commissioner.

First reading, May 20, 1963.

Mr. THOMPSON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28785-4

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-19.

An Act to establish the Office of Parliamentary Commissioner.

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 *Parliamentary Commissioner Act.*

PARLIAMENTARY COMMISSIONER.

Appointment, 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.

Term of office.

3. The Parliamentary Commissioner shall be chosen among the senior law officers of the Department of Justice, he shall hold office for the period of one year and the Civil Service Act will apply to him during his tenure of office only for the purposes of pay and allowances and increases in pay in the same manner as if he had continued to be an officer of the Department of Justice.

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.

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.

Staff.

6. The Parliamentary Commissioner may from time to time obtain the services of such officers and employees of the Senate, the House of Commons and the Department of Justice as required, through arrangements with the Speaker of the Senate, the Speaker of the House of Commons and the Minister of Justice respectively.

Functions and Duties.

Investigation of grievances.

7. (1) It is the function and duty of the Parliamentary 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.

Who may petition.

(2) Any person may, in the public interest, apply by petition to the Parliamentary Commissioner to investigate a grievance.

Fee.

(3) The Parliamentary Commissioner may require the petitioner to pay to him, before he investigates, a fee of five dollars which, upon payment, he shall contribute to the expenses of his office.

Refusal to investigate.

8. (1) The Parliamentary Commissioner, in his discretion, may refuse to investigate or may cease to investigate 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 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 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 investigation.

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.

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.

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.

Commissioner'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.

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*.

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

(*a*) unreasonably, unjustly, oppressively, or in a discriminatory manner, or pursuant to a rule of law, enactment, or practice that so results; or

(*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

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.

(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.

(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,

(*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

(*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,

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 otherwhere or otherwise than in this Act.

Act not to apply 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.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-20.

An Act to amend the Annual Vacations Act.

First reading, May 20, 1963.

Mr. KNOWLES.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28645-0

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-20.

An Act to amend the Annual Vacations Act.

1957-58, c. 24.

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

Annual vacation.

1. Section 4 of the *Annual Vacations Act* is amended by deleting subsection (2) therefrom and by renumbering subsections (3), (4) and (5) thereof as subsections (2), (3) and (4).

Termination of employment.

2. Section 7 of the said Act is amended by deleting the word "or" at the end of paragraph (*a*) thereof and by deleting paragraph (*b*) which follows.

Explanatory Note.

The purpose of this Bill is to amend the *Annual Vacations Act* with respect to the length of time employees who come under federal labour jurisdiction must be employed in order to be entitled to two weeks holidays with pay. As the Act now stands, two years of employment is required. This Bill provides for two weeks holidays with pay after one year of employment.

1. Subsection (2) of section 4 at present reads as follows:

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

2. Section 7 at present reads as follows:

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

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

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

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-21.

An Act with respect to Hospital and University Sweepstakes.

First reading, May 20, 1963.

Mr. PIGEON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28389-5

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-21.

An Act with respect to Hospital and University Sweepstakes.

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 *"Hospitals and Universities Sweepstakes Act."*

Attorney-General of any province may authorize sweepstakes for hospitals and universities within that province.

2. Notwithstanding any law to the contrary and notwithstanding anything to the contrary contained in any other Act, it shall be lawful from time to time, but not oftener than twice in each calendar year, for the Attorney-General of any province in which the same is to be conducted to authorize by a certificate under his hand the conduct within such province by any person or persons therein named (hereinafter referred to as "the Committee") of one or two sweepstakes for the purpose of raising money for the benefit of one or more hospital or hospitals and/or one or more university or universities within such province.

Attorney-General may make regulations.

Power defined.

3. (1) By such certificate the Attorney-General may make such regulations, not inconsistant with the spirit of this Act, as he considers necessary or advisable; and, without limiting the generality of the foregoing, the power of the Attorney-General to make regulations under this section shall extend to:

(*a*) specifying the hospital or hospitals, university or universities to be benefited by the sweepstakes and specifying in what amount or in what proportion each such hospital, and/or university shall be benefited;

(*b*) specifying the person or persons to whom the moneys to be applied for the benefit of such

hospital or hospitals, university or universities, shall be paid and in what way they shall be applied;

(*c*) specifying the event or events upon which the winner or winners of the sweepstakes shall be determined and when and where and in what manner the winner or winners shall be determined;

(*d*) specifying when the sale of tickets may commence and when it must cease;

(*e*) specifying the price at which each ticket shall or may be sold;

(*f*) specifying the form and contents of the tickets to be sold;

(*g*) specifying what proportion of or what amount out of the proceeds of the sale of tickets shall be applied

(i) for the benefit of the hospital or hospitals, university or universities;

(ii) in defraying the expenses of the conduct of the sweepstakes;

(iii) in prizes;

(*h*) specifying what may be allowable as expenses of the conduct of the sweepstakes;

(*i*) specifying how many prizes there shall be and what proportion or amount of the moneys available for prizes shall be allocated to each prize; and providing for the division of the moneys available for prizes into equal or unequal units; and specifying when and where and in what manner the prizes shall be paid to the winners;

(*j*) providing for the supervision of the conduct of the sweepstakes and the sale of tickets therein and for the custody of the moneys received in respect thereof and for the auditing of the accounts thereof and for the payments of the expenses occasioned by such supervision and auditing out of the moneys to be applied in defraying the expenses of the conduct of the sweepstakes;

(*k*) specifying by what member or members or by what employee or employees the Committee may act in carrying out any of its powers in relation to the conduct of the sweepstakes;

(*l*) specifying the places, terms and conditions which the Committee shall specify in exercising its powers under section four hereof.

Official gazette.

Evidence.

(2) Every certificate given under this Act shall forthwith after being issued be published by the Committee in one issue of the official gazette for the province and evidence of such certificate may be given in any court in Canada by a production of a copy of such official gazette purporting to contain a copy of such certificate.

Authority to sell tickets for sweepstakes.

4. It shall be lawful within the province wherein the Attorney-General has authorized by certificate the conduct of a sweepstakes in accordance with this Act, for any person thereunto authorized in writing by the Committee:

(*a*) to sell anywhere in such province tickets in such sweepstakes;

Agents.

(*b*) to act as the agent of the Committee for the distribution of tickets, the receipt of moneys and the authorization of persons to sell tickets as aforesaid;

and by any such writing the Committee may specify the places and manner in which and the terms and conditions upon which the person named in the writing may sell tickets or act as the agent of the Committee as the case may be.

Advertising.

5. Notices for the sale of tickets for a sweepstakes authorized to be conducted in accordance with the provisions of this Act may be advertised in newspapers, magazines, and periodicals published only in the province within which the sweepstakes is authorized.

Agents appointed only in province where sweepstakes authorized.

(2) Agents or solicitors for the sale or promotion of sweepstakes tickets shall not be authorized or appointed in any province in Canada other than the province within which the sweepstakes is authorized.

Agent outside of Canada.

6. Nothing in this Act shall prevent the sale outside of Canada by the Committee or its agents authorized in writing so to do, of tickets for sweepstakes as authorized to be conducted in accordance with the provisions of this Act.

Conducting sweepstakes contrary to regulations.

7. Every person conducting an authorized sweepstakes otherwise than in accordance with the regulations prescribed in the certificate and every authorized person acting as the Committee's agent or selling tickets otherwise than in accordance with the provisions of this Act and/or with such regulations and/or with the provisions of the Committee's authorization shall be guilty of an indictable

Penalty.

offence and liable to two years' imprisonment and to a fine not exceeding two thousand dollars; but no commission

of such an offence and no other irregularity in the conduct of a sweepstakes for the conduct of which a certificate has been granted or in the sale of tickets for such sweepstakes shall render such sweepstakes or the purchase of tickets therein illegal or void.

Criminal Code not to apply.

8. The provisions of the *Criminal Code* respecting betting, pool-selling, book-making and lotteries, shall not apply to any sweepstakes authorized under the provisions of this Act.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-22.

An Act to amend the Department of State Act.

First reading, May 20, 1963.

Mr. GRAFFTEY.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28417-4

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-22.

An Act to amend the Department of State Act.

R.S., c. 77.

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

1. The long title of the Department of State Act is repealed and the following substituted therefor:

"An Act respecting the Department of the Secretary of State for Federal-Provincial Relations."

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

Department constituted.

"**2.** (1) There shall be a Department of the Government of Canada called the Department of the Secretary of State of Canada for Federal-Provincial Relations over which the Secretary of State of Canada appointed by commission under the Great Seal of Canada shall preside."

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

"(3) When necessary for the proper conduct of the business of the Department, the Governor in Council may transfer to the Department any officer from elsewhere in the Public Service as defined in the *Public Service Superannuation Act* for the period prescribed by the order in council."

Explanatory Notes.

The purpose of this Bill is to provide Canada with a permanent secretariat for federal-provincial relations under a Minister of the Crown. The secretariat will consist of the Secretary of State for Canada, his Under Secretary, officers of the department, and such other officers as may be seconded from time to time to the secretariat from elsewhere in the Public Service as experts in aspects and phases of federal-provincial relations. The duty of the secretariat will be to provide federal-provincial relations with the *modi operandi et vivendi* long used by the Secretary of State for External Affairs in Canada's relations with foreign nations: that is, provide a permanent secretariat as against *ad hoc et pro tem* makeshift commissions with no responsibility to Parliament or random and unrelated negotiations by one or other of the federal departments with one or other of the provincial departments at sub-public level; provide experts on long term planning and research or on short term planning or special projects and studies as against one-shot Royal Commissions or departmental officials. This Bill contemplates inter-related and co-related studies and recommendations on policy and administrative federal-provincial matters by legal, financial, tariff, tax, resources and other experts in consultation with representatives of the provinces—and to include continuing review of the *B.N.A. Act*, fiscal and tariff policy studies, joint administration of fishery, forestry, farm, housing, urban re-development, employment, human rights and other joint programs, and planning for automation, and the location and development of industry and secondary industry. Presently, the Act for Union or *B.N.A. Act* is construed as a legal document in an action for partition with the Supreme Court acting as referee on the "mine" and "thine" legal philosophy of division of powers. The Court's method is divisive of unity in legislation and administration: legislation is either "federal" or "provincial" with a no man's land of waste authority where both Canada and Provinces fear to legislate. This Bill's intent is to increase the efficiency of the separated powers whether exercised alone or in a common endeavour.

Clauses 1 and *2:* Consequential upon clause 4.

Clause 3: Section 3(1) and (2) presently read:

"**3.** (1) The Governor in Council may also appoint an officer called the Under Secretary of State to hold office during pleasure.

(2) Such other officers as are necessary for the proper conduct of the business of the Department shall be appointed in the manner provided by law, to hold office during pleasure."

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

Powers and duties of the Secretary of State.

"**4.** (1) The Secretary of State, on behalf of Canada, is vested with the powers and assigned the duties and functions that touch and concern relations between Canada and the Provinces.

(2) The Secretary of State has charge of the state correspondence, shall keep all State records and papers not specially transferred to other departments, and shall perform such other duties as are, from time to time, assigned to him by the Governor in Council."

The new clause concentrates in the Department, for the use of Canada and the Provinces, public service personnel who can best contribute to federal-provincial relations.

Clause 4: The new subsection makes the Secretary of State responsible for all matters of federal-provincial concern.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-23.

An Act to amend the Small Loans Act.
(Cost of a loan).

First reading, May 20, 1963.

Mr. GAUTHIER

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28697-1

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-23.

An Act to amend the Small Loans Act.
(Cost of a loan).

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:

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

(*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:

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."

1956, c. 46.

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

Maximum cost.

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

Explanatory Notes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(*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."

1956, c. 46.

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

Repayment of loans.

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

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

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

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-24.

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

First Reading, May 20, 1963.

Mr. HORNER (Acadia).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28637-4

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-24.

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

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

Short title.

1. This Act may be cited as the *"Hospital Sweepstakes Act."*

Board established.

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

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

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

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

Members' qualifications.

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

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

(*a*) is not a Canadian Citizen;

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

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

Explanatory Notes.

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

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

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

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

Members' tenure.

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

Members' salary.

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

Board chairman.

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

Duties.

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

Temporary member.

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

Vacancy.

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

Staff.

R.S., 1952, c. 48.

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

1952-53, c. 47.

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

Special staff.

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

Oath.

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

Capital.

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

Equitable ownership in Canada.

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

Share registration.

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

Purpose of the Board.

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

Regulations.

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

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

Organization loan by Industrial Development Bank.

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

R.S., 1952, c. 151.

Repayment.

Hospital Fund.

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

Appointment of auditors.

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

Vacancy.

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

Persons ineligible.

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

Reports to Minister.

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

Copies to Minister.

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

Fiscal year.

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

Certified statements of accounts to Minister.

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

Report to Parliament.

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

Holding office when ineligible.

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

False returns.

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

Contravention of Act or regulations.

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

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-25.

An Act to establish the Office of Parliamentary Proctor and to regulate Taxation of Costs.

First reading, May 20, 1963.

Mr. PETERS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28449-7

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-25.

An Act to establish the Office of Parliamentary Proctor and to regulate Taxation of Costs.

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

Short title.

1. This Act may be cited as the *Parliamentary Proctor and Costs Taxation Act.*

Office of Parliamentary Proctor.

Administration.

2. (1) There shall be an Office of the Parliament of Canada titled the Office of the Parliamentary Proctor.

(2) The Office of the Parliamentary Proctor shall be under the joint direction and control of the Speaker of the Senate and the Speaker of the House of Commons, assisted, during the session, by a joint committee appointed by the Senate and the House of Commons.

Parliamentary Proctor.

(3) The Speakers of the two Houses and the joint committee shall appoint a Parliamentary Proctor to carry out the functions of the Office and shall fix the salary, duties, and terms of employment of the Parliamentary Proctor.

Proctor's responsibilities.

3. The Parliamentary Proctor is responsible for the faithful discharge of his duties in carrying out the functions of the Office as those duties and functions are defined by regulations agreed upon by the Speakers of the two Houses and concurred in by the joint committee.

Costs and expenses of Office: how paid.

4. The costs and expenses of the Office of the Parliamentary Proctor shall be paid out of a fund into which shall be paid fees for the purpose, assessed by the Speakers of the two Houses and the joint committee and paid by the petitioner, upon every petition for relief by way of an Act for dissolution or annulment of marriage.

Explanatory Notes.

The first purpose of this Bill is to provide for a proctor to act in parliamentary divorce proceedings. The need for, and value of, such an official is best voiced and appraised by Mr. Justice Middleton, of the Ontario Supreme Court, in *Newson v. Newson (1936) 1 D.L.R. 696 at 705:*

> "In this review of the cases the prominent and useful part played in the administration of justice by the King's Proctor is made apparent. A perusal of the cases will show how useful, I may say indispensable, the services of that official have been found in England. Here, there is no King's Proctor, but the duties cast upon the King's Proctor are to be performed by the Attorney-General. From the introduction of the divorce law into this Province to the present time it has been the consistent policy of the Attorneys-General who have held office from time to time to ignore divorce suits, and so heavy duty has been placed upon the Court. It has been made the sole guardian of public interests but the Court labours under a distinct handicap. It has no means of investigation. It can only be very careful to avoid being the victim of collusion and perjury. In this it has the assistance of honest solicitors, but the solicitor's primary duty is to his client, and the Court is placed in a false position when called upon to exercise not only the judicial function but to care for the public interest."

Since Justice Middleton's protest, Ontario has supplied the remedy by the appointment of a Queen's Proctor.

The Senate of Canada also foresaw the need of a Proctor; it, too, relied on the corresponding investigating official—in this case, the Attorney-General of Canada; *Senate Rule 145* is, in part, as follows:

> ". . . . And should the Committee have reason to suspect connivance or collusion, and in their opinion it is desirable that fuller inquiry should be made, such opinion and the reasons therefor shall be communicated to the Minister of Justice, that he may intervene and oppose the Bill should the interest of public justice in his opinion call for such intervention."

The Minister of Justice (the Attorney General of Canada) has expressed doubt that, constitutionally, he can intervene in the interest of public justice. *Proceedings of Miscellaneous Private Bills Committee.* Parliament, therefore, has had to assume the investigative burden as well as the judicial and legislative.

The Proctor's task, then, is to represent and protect public interest and morality in divorce proceedings. This Bill's purpose is to provide that representation and protection.

Clauses 2, 3, & 4 establish the office and provide for the Proctor's appointment and responsibilities. The expense is borne by the private parties—not the public. The Office is under the control of the Speakers and a joint committee of both Houses.

Having acted to prevent abuses and contempts of the Parliamentary process and to protect the public interest, the Bill's second purpose is to protect the petitioner financially from excessive legal and other expenses and to prevent

Tariff of costs, etc. of parties and agents.

5. (1) The Speakers of the two Houses and the joint committee shall, from time to time, make general rules and orders for fixing the costs, fees, and disbursements to be taxed and allowed to, and received and taken by, a party person, solicitor, attorney, or parliamentary agent, of and incidental to all proceedings on a petition for relief by way of an Act for dissolution or annulment of marriage, and shall have full power to determine by whom and to what extent such costs, fees and disbursements shall be paid.

Taxing master.

(2) In every necessary instance, the Parliamentary Proctor shall tax such costs, fees, and disbursements according to such general rules and regulations.

disputes thereon. The Bill therefore adopts the system, used by all common law courts, of regulating costs and fees that the price of the Queen's justice may not be excessive. Since 1825 and 1827, the United Kingdom Commons and Lords respectively have regulated the taxation of costs on private bills. Tariffs of charges define the maximum fees that parliamentary agents, solicitors and others may charge for the various services usually rendered by them. Lists of charges are printed and distributed to all applicants. The client, solicitor, parliamentary agent or other person may apply to the taxing officer of the appropriate House to have his costs taxed. *House of Commons Costs Taxation Act 1847, 1879; House of Lords Costs Taxation Act 1849; Parliamentary Costs Act 1865.*

Clause 5 directs the Speakers and the joint committee to establish rules for charges and fees on divorce bills and appoints the Parliamentary Proctor to be taxing master.

In the result, the Bill should reduce the overall expenses of the private petitioner, increase the protection of the public interest and morality without expense to the public, and remove the investigative responsibility from members of the Senate and House of Commons.

C-26.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-26.

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

First reading, May 20, 1963.

MR. LEDUC.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28369-7

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-26.

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

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. Section 95 of the *Canada Elections Act* is amended by adding thereto the following subsection:

Counting the votes at an advance poll.

"(6) Everyone is guilty of an offence against this Act, punishable on summary conviction as provided in this Act, who, in any manner whatsoever, makes a count of the votes cast at an advance poll except at the time and in the manner provided in this section."

Explanatory Notes.

It is already an offence under section 106 of the Canada Elections Act for any person to publish the result or purported result of the polling in any electoral district in Canada. The punishment is as provided in section 78 (a fine not exceeding five hundred dollars, etc.)

A deputy returning officer or other person who makes an unauthorized count of the votes and causes premature publication of results at an advance poll should be punished as severely as a newspaperman or other person who makes such publication. It seems unreasonable that the deputy returning officer who is primarily responsible for such premature publication should simply be dismissed with loss of pay.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-27.

An Act to amend the Railway Act (Abandonment).

First Reading, May 20, 1963.

Mr. THOMAS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28401-8

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-27.

An Act to amend the Railway Act (Abandonment).

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

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 repealed and the following substituted therefor:

Abandonment of operation.

"**168.** (1) The Company may abandon the operation of any line of railway with the approval of the Board and upon such terms and conditions subsequent as the Board from time to time may by order provide, and no company shall abandon the operation of any line of railway without such approval or do, cause or permit to be done any matter, act or thing contrary to, or omit to do any matter, act or thing required by, the terms and conditions so provided;

(2) Where an abandonment of the operation of a line of railway is or has been approved and thereby any person may suffer or has suffered diminution in the proper enjoyment of his lands or other damages, the Board shall order the company to carry out such remedial measures in the way of fencing, gates, cattle-guards, weed control, drainage works, demolition, restoration or any other remedy as the Board deems necessary."

Explanatory Notes.

The purpose of this Bill is to make legislatively certain that the Board of Transport Commissioners has authority to order railway companies to so maintain abandoned lines of railway as to prevent damages to the rights of persons or the interest of the public. This greater certainty is required because the Board of Transport Commissioners holds itself bound by a judgment of the Board of Railway Commissioners dated 7th November 1936 which excludes an abandoned "line of railway" from the definition of "railway" as given by Parliament in the *Railway Act*:

> "It is to be noted that the requirement for fencing is that the company shall erect and maintain fences upon the railway (section 274—[now 277] of the *Railway Act*). Where abandonment of operation has been authorized and has taken place, the right of way through which the railway is operated ceased to be used for railway purposes and is held by the company, not as part of its railway qua railway company, but in the same way as land is held by private individuals, subject to any provincial or municipal laws in respect of fencing which may be in force in the particular district."—*Guthrie, Chief Commissioner, in Re Cairns Bros.*

Note, however, section 2(21) of the Act which defines "railway" as including "all... property real or personal"; and the drafting practice of the Act, where operating track is meant exclusively, to use "railway lines or tracks" or "line of railway". Thus, when a line of track is abandoned the land would appear to fall into the residual definition of "railway" as real property and be subject to Board jurisdiction. The Act nowhere seems to authorize the Board to divide railway property into railway qua railway company and railway non qua railway company; and so to remove the latter type of property from Board jurisdiction.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-28.

An Act to provide for Minimum Wages for Employees in Federal Works, Undertakings and Businesses.

First reading, May 20, 1963.

Mr. KNOWLES.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28793-8

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-28.

An Act to provide for Minimum Wages for Employees in Federal Works, Undertakings and Businesses.

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

Short title.

1. This Act may be cited as the *Minimum Wage Act*.

Interpretation. "Deputy Minister." "Employee." "Employer." "Full-time employee." "Minister."

2. In this Act,

(*a*) "Deputy Minister" means the Deputy Minister of Labour;

(*b*) "employee" means a person of any age of either sex who is in receipt of or entitled to any remuneration for labour or services performed for an employer;

(*c*) "employer" means any person, firm or corporation employing one or more employees and includes every agent, manager, representative, contractor, sub-contractor or principal and every other person who either:

(i) has control or direction of one or more employees; or

(ii) is responsible, directly or indirectly, in whole or in part, for the payment of wages to, or the receipt of wages by, one or more employees;

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

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

Explanatory Note.

The purpose of this bill is to establish a minimum rate of wages with respect to all employees in Canada who come under federal labour jurisdiction. This bill provides that such minimum rate of wages shall be $1.25 per hour. The bill also provides that its terms do not affect any employee whose rate of wages is higher than the minimum established by this legislation. However, any rate of wages less favourable to employees than $1.25 per hour is superseded by this bill.

"Part-time employee."

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

"Rate of wages."

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

"Wage" or "wages."

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

"Week."

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

Application of Act.

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

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

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

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

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

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

(*f*) radio broadcasting stations;

(*g*) banks and banking;

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

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

and to and in respect of,

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

Minimum wages for employees.

4. (1) Every full-time employee shall be paid by his employer, in respect of the time such employee is required or permitted by his employer to work or to be at his disposal, wages which are not less than wages calculated at the rate of $1.25 per hour.

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

Items to be supplied without cost to employees.

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

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

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

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

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

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

Agreements not to deprive employees of benefits of Act.

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

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

Discrimination by employer prohibited.

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

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

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

Posting of abstracts.

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

Records.

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

(*a*) the name and residential address;

(*b*) total wages paid for each week or other period;

(*c*) the hours at which the time he was required or permitted to work or to be at the disposal of the employer began and ended in each day and the hours at which any interval or intervals for meals allowed in each day began and ended;

(*d*) the total number of hours worked each day and each week;

(*e*) each deduction made from wages for any purpose whatever and the purpose for which each deduction was made.

(2) The records required under this section:

(*a*) shall be maintained by the employer for a period of not less than twenty-four months from the date the record was made; and

(*b*) may be incorporated in any wage record which the employer is required to keep under any other Act of Parliament provided that the Minister may require that the records of any employer be kept in such form as he may prescribe whereupon such records shall be kept in the prescribed form.

Power to enter premises, inspect records and obtain information.

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

(*a*) enter the premises of any employer and any premises where he has reasonable cause to believe that any employee is employed therein at the time of entry;

(*b*) inspect or take extracts from any books, documents, statements, payrolls, papers or other records of an employer which in any way relate to wages to which any employee is entitled, or which he has been paid;

(*c*) require any employer to verify, within a specified time, the entries in his records by statutory declaration or in such other manner as the Minister or his duly authorized representative may require; and

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

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

Money paid under Act deemed to be salary or wages.

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

Time limit for prosecutions.

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

Penalties.

15. (1) Every person who:

(*a*) fails to comply with any of the provisions of this Act; or

(*b*) with intent to deceive, makes any false or misleading statement in any communication, whether in writing or otherwise, to the Minister or his duly authorized representative; or

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

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

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

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

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

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

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

Records of Deputy Minister.

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

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

Regulations.

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

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

Coming into force.

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

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-29.

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

First reading, May 20, 1963.

Mr. COATES.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28641-9

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-29.

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*.

INTERPRETATION.

Definitions.

2. In this Act,

"Basic service."

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

"Development area."

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

"Industrial estate company."

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

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*.

Bank loans for industrial premises to industrial estate company.

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

Bank grants and loans for basic services.

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

Bank grants and loans for industrial enterprises.

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

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

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

Conditions of approval.

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

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

(*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,

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

Returns.

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

SCHEDULE.

Development Areas.

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

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.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-30.

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

First reading, May 20, 1963.

Mr. FISHER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28765-6

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-30.

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:

"Broadcasting."

"(*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;"

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

"Broadcasting."

"(*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;"

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.*

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-31.

An Act to amend the Interest Act
(Finance Charges).

First reading, May 20, 1963.

Mr. NASSERDEN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28653-4

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-31.

An Act to amend the Interest Act
(Finance Charges).

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. The *Interest Act* is amended by adding thereto, immediately after section 15 thereof, the following sections:

"FINANCE CHARGES.

Definitions.

"Credit debt."

16. In sections 17 and 18,

(*a*) "credit debt" is the debt that is the consideration in whole or in part under any executory contract whatsoever for an interest in real or personal property, or for a service, or for both interest and service; and

"Finance charge."

(*b*) "finance charge" means any and every debt whatsoever stipulated for or exacted on any credit debt and includes, but without restricting the generality of the foregoing, interest, brokerage fees and charges, bonus, service charge, subscription, dues, discount, commission, or premium.

Offense when credit cost unstated by credit financier.

17. Every person who carries on the business of extending credit, either directly or as a service in the course of another business, and in the course of that business extends credit, on which finance charges are stipulated for or exacted, to another person is guilty of an offence unless, before credit is so extended, he furnishes that other person an express written statement of

Explanatory Note.

The purpose of this Bill is to make a credit financier criminally liable when he does not, before the credit transaction, clearly disclose in writing to the debtor the cost of the credit calculated as a total dollar amount and as a yearly percentage of the credit amount to be granted. This criminal liability attaches only to the individual or company who grants the credit in the original instance and in the course of a business or as ancillary to the operation of another business. The liability does not attach to the person who grants credit but not as a business; nor does the liability attach to the person who takes over the credit transaction, after it legally exists and is operating, from the original creditor. However, failure by the original creditor to make full disclosure results also in a civil penalty to the original creditor in that the finance charges (including interest) are null and void and uncollectible by way of contract debt, damages under a bond, seizure and sale, repossession or any other right and remedy. As a consequence, an assignment of the original creditor's rights and remedies only assigns a nullity insofar as the finance charges are concerned. The finance charges only survive for the benefit of the debtor who has paid them, in whole or in part; in such case, he may recover them by legal action or by set-off against any unpaid principal.

(*a*) the total amount of the finance charges to be chargeable to that other person on the credit so extended; and

(*b*) the amount of the credit and the rate or percentage which the finance charges bear to that amount, computed annually and not in advance.

Criminal penalty.

18. (1) Every one who is guilty of an offence under section 17 is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding one month, or to both fine and imprisonment;

Civil penalty.

(2) Where a person fails to furnish a statement as required under the provisions of section 17, no one shall have a right or remedy, in law or in equity, under contract, bond, or otherwise in respect of such finance charges except as provided in subsection (3);

Recovery of finance charges if unstated.

(3) If any sum is paid on account of such finance charges not recoverable under subsection (2), such sum may be recovered back or deducted from the credit debt payable under the contract.

Crown bound.

19. The provisions of sections 16, 17 and 18 shall bind Her Majesty, her heirs or successors."

Coming into force.

2. This Act shall come into force on the 1st day of September, 1963.

C-32.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-32.

An Act to Establish Canadian Futures.

First reading, May 20, 1963.

Mr. ORMISTON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28397-8

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-32.

An Act to Establish Canadian Futures.

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

Short title.

1. This Act may be cited as the *"Canadian Futures Act."*

Corporation established.

2. (1) A corporation is hereby established, known as Canadian Futures, consisting of five members to be appointed by the Governor in Council.

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

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

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

Members' qualifications.

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

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

(*a*) is not a Canadian Citizen;

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

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

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

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

Explanatory Notes.

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

Accordingly, a corporation is set up with power to operate lotteries on a national scale. In constitution, responsibility to the Minister of Finance and to Parliament, and provision for independent audit, it is somewhat similar to the Bank of Canada. The share capital is held by the Minister for the benefit of Canada. The organization expenses of the corporation are financed by a loan from the Industrial Development Bank. The corporation has power to operate outside the relevant provisions of the *Criminal Code*, *Post Office Act* and other prohibitive Acts. Apart from operating expenses and the maintenance of a sound financial structure, all income is paid to the Canada Council: one-half for the University Capital Grants Fund; and one-half for grants, scholarships or loans for educational purposes. *See* clause 15 of this Bill and section 17 of the *Canada Council Act*.

Members' tenure.

4. Subject to section 3, a member shall be appointed to hold office during good behaviour for a period of seven years or such shorter period as may be terminated by his reaching the age of seventy years but may be removed at any time by the Governor in Council upon address of the Senate and House of Commons.

Members' salary.

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

Corporation chairman.

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

Duties.

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

Temporary member.

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

Vacancy.

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

By-laws.

(5) The corporation may make by-laws regulating its proceedings and generally for the conduct and management of its activities.

Staff.

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

1960-61, c. 57.

1952-53, c. 47.

Pension fund.

8. For the purposes of the *Public Service Superannuation Act*, the officers and employees appointed as provided in section seven shall be deemed to be persons employed in the Public Service, and Canadian Futures shall be deemed to be a Public Service Corporation for the purposes of section 23 of that Act.

Special staff.

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

Oath.

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

Capital.

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

Equitable ownership in Canada.

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

Share registration.

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

Purpose of the corporation.

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

Regulations.

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

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

Organization loan by Industrial Development Bank.

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

R.S., 1952, c. 151.

Repayment.

Beneficiary.

15. Canadian Futures, when it has repaid the moneys borrowed and has established a reserve and otherwise put its operations upon a sound basis, shall give the ascertained surplus moneys available from the operations of the corporation during each financial year to the Canada Council, subject to the following terms:

Canada Council Act, 1957, c. 3.

(*a*) to expend, administer or dispose of one-half of such moneys by providing, through appropriate organizations or otherwise, for grants, scholarships or loans to persons in Canada for study or research for the general advancement

of education and learning in Canada or to persons in other countries for study or research in Canada for the general advancement of education and learning; and

(*b*) to credit one-half of such moneys to the University Capital Grants Fund.

Appointment of auditors.

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

Vacancy.

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

Persons ineligible.

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

Reports to Minister.

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

Copies to Minister.

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

Fiscal year.

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

Certified statements of accounts to Minister.

(2) Within six weeks after the end of each fiscal year, the Corporation shall transmit to the Minister of Finance a statement of its accounts for the fiscal year,

signed by the Chairman and the Chief Accountant of the corporation, and certified by the auditors, together with such summary or report by the Chairman as he may deem desirable or as may be required by the Minister of Finance.

Report to Parliament.

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

Holding office when ineligible.

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

False returns.

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

Contravention of Act or regulations.

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

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-33.

An Act to amend the Bills of Exchange Act (Instalment Purchases).

First reading, May 20, 1963.

Mr. PETERS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28445-5

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-33.

An Act to amend the Bills of Exchange Act (Instalment Purchases).

R.S., c. 15.

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

1. The *Bills of Exchange Act* is amended by adding thereto, immediately after section 16 thereof, the following section:

Consideration, retail credit instalment transaction.

"**16A.** (1) Every bill or note, the consideration of which consists in whole or in part of the purchase money or a part thereof in a retail credit instalment transaction, shall have written or printed prominently and legibly across the face thereof, before the same is issued, the words *Given in a retail credit instalment transaction.*

Absence of necessary words.

(2) Without such words thereon, such instrument and any renewal thereof is void except in the hands of a holder in due course without notice of such consideration.

Transferee to take with equities.

(3) The endorsee or other transferee of any such instrument having the words *Given in a retail credit instalment transaction* so written or printed thereon takes the instrument subject to any defence or set-off in respect of the whole or any part thereof that would have existed between the original parties.

Transferring defective note.

(4) Every one who issues, sells or transfers, by endorsement or delivery, any such instrument not having "the words *Given in a retail credit instalment transaction* written or printed across the face thereof in the manner prescribed by subsection (1), knowing

Explanatory Note.

The purpose of this Bill is for the better prevention of fraud in connection with retail credit instalment transactions. Its object is to protect persons who give bills or notes in retail credit instalment transactions and to enable them to defend themselves against transferees to the same extent as they could against the original payee.

Subclause 1: Any bill of exchange or promissory note given in a retail credit instalment transaction must so indicate on its face;

Subclause 2: When the warning words are omitted, the bill or note is void except against a holder in due course without notice of the transaction; in all such cases of omission, however, a person who negotiates the instrument, knowing that the instrument was given in a retail credit instalment transaction, is guilty of an indictable offence, *subclause 4;*

Subclause 3: When the warning words are on the bill or note, all the defences, set-offs and counterclaims that may arise out of the retail credit instalment transaction are available to the original parties against any subsequent holder.

These four subclauses are modelled respectively upon sections 14(1), 14(2), 15 and 16 of the Act; these sections provide for the better prevention of fraud in connection with the sale of patent rights. Sections 14(1), 15 and 16 were first enacted by Parliament in chapter 38 of the Acts of 1884 and ante-date the original *Bills of Exchange Act* of 1890. This 1884 anti-fraud statute was incorporated in that original Act; and section 14(2) was added by the Senate as an amendment.

the consideration of such instrument to have consisted in whole or in part of the purchase money or a part thereof in a retail credit instalment transaction, is guilty of an indictable offence and liable to imprisonment for any term not exceeding one year or to such fine, not exceeding two hundred dollars, as the court thinks fit."

Indictable offence Penalty.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-34.

An Act to amend the Indian Act (Liquor Rights).

First Reading, May 20, 1963.

Mr. BARNETT.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28797-9

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-34.

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:

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

(i) sells, barters, 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

(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."

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.

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.

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

(*b*) the wish of the band has been expressed by a majority of the electors who voted at a referendum thereon.

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

(*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.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-35.

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

First reading, May 20, 1963.

Mr. FISHER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28705-2

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-35.

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.

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:

"**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

(*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 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 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 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 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

(*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 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 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 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."

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-36.

An Act to amend the Criminal Code (Provincial Lotteries).

First reading, May 20, 1963.

Mr. VALADE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28373-9

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-36.

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.

An Act to amend the Criminal Code (Provincial Lotteries).

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

"(*e*) a lottery organized and operated by a provincial government to provide financial assistance to hospitals or for other welfare purposes under provincial jurisdiction."

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 Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-37.

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

First reading, May 20, 1963.

Mr. SCOTT.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28490-1

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-37.

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.

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

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

1960–61, c. 44 repealed.

1. The statute entituled "An Act to amend the Criminal Code (Capital Murder)", chapter 44 of the statutes of 1960–61, is repealed.

2. Section 75 of the *Criminal Code* is repealed and the following substituted therefor:

Piracy by law of nations. Punishment.

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

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

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

Punishment for murder.

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

Explanatory Notes.

1. The 1960–61 Act to be repealed has the effect of dividing murder into two kinds, capital and non-capital; and of providing death as punishment for capital murder and imprisonment for life in the case of non-capital murder.

The purpose of this Bill is to provide that hereafter a person shall not, except in certain cases of treason, be sentenced in Canada to suffer death for murder but that such person shall hereafter be liable to imprisonment for life.

2. Section 75 at present reads as follows:—

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

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

3. Section 206, prior to the amendment of 1960–61, read as follows:—

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

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-38.

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

First Reading, May 20, 1963.

Mr. MATHER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28421-6

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-38.

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

1952-53, c. 19.

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

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

"PROHIBITED EMPLOYMENT PRACTICES.

Employers not to discriminate.

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

Use of employment agencies that discriminate.

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

Membership in trade unions.

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

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.

Prohibited practices when employing.

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

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

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

Trade union name.

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

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-39.

An Act to amend the Civil Service Act
(Bureaucratic Oppression).

First reading, May 20, 1963.

Mr. McINTOSH.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28801-9

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-39.

An Act to amend the Civil Service Act
(Bureaucratic Oppression).

1960-61, c. 57.

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

1. Section 85, and the heading immediately preceding that section, of the *Civil Service Act* are repealed and the following substituted therefor:

Offense.

"**85.** (1) An official who, in applying a law of Canada, deprives or attempts to deprive a person of any right or freedom recognized and declared in the *Canadian Bill of Rights*, is guilty of an offense and is liable

Penalty.

(*a*) on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding one year or to both fine and imprisonment, or

(*b*) on conviction on indictment to a fine not exceeding five thousand dollars or to imprisonment not exceeding fourteen years or to both fine and imprisonment.

Definitions.

(2) For the purpose of this section "official" means a person holding an office, commission or employment, permanent or temporary, in the service of the Government of Canada, at the nomination of the Crown or at the nomination of any of the officers of the Government of Canada, to which any salary, fee, wages, allowance, emolument or profit of any kind is attached, and includes a person holding a position in the public service as "public service" is defined in the *Public Service Superannuation Act*, and "law of Canada" means a law of Canada as used in the *Canadian Bill of Rights*."

Explanatory Notes.

The purpose of this Bill is to ensure the application of the *Canadian Bill of Rights* to the multitudinous and ever multiplying federal statutes, rules, orders, regulations, by-laws and proclamations: to the end that the citizen may go in peace about his lawful occasions free of wrongful harassment in legal guise by holders of public office. The Bill gives the Canadian citizen a voice to warn and a rod to chasten those of his servants who, in pride of the power he has entrusted to them, corruptly pervert his laws to his own hurt; to Crown servants it gives the *Canadian Bill of Rights* as the Golden Rule by which to measure the rights and freedoms of the citizen against the metes of the particular law the servant administers.

Clause 1: Section 85, which is repealed, is the section providing for the coming into force of the Act. As the Act is now in force, the section is spent.

The proposed section 85(1) creates the offense and is drafted in the language of the *Canadian Bill of Rights*. Section 85(1)(*a*) and (*b*) uses summary and indictment proceedings to provide for two degrees of the offense. The maximal penalty of 14 years follows that in *Criminal Code* sections 101 (Acceptance of Bribes by Public Officials); 117 (Fabricating Evidence); 282 (Criminal Breach of Trust by Trustee); and, as well, other offenses where serious injury to private rights may be caused by persons acting in an official capacity or in a judicial proceeding. A person convicted under the proposed section may also, in a serious case, suffer the disability set out in section 654 of the *Criminal Code*. If sentenced to a term exceeding five years, his office becomes vacant; he is incapable of holding office until he has served his term or is pardoned; nor can he be elected, or sit or vote as a member of Parliament or of a legislature, nor exercise any right of suffrage.

Section 85(2), as proposed, defines "official" by combining the definition in section 10 of the *Senate and House of Commons Act* and that in section 2(*j*) of the *Public Service Superannuation Act*. It includes Ministers of the Crown, members of Boards and Commissions, and officials of Crown corporations. The term "law of Canada" is used as in the *Canadian Bill of Rights* to mean an Act of the Parliament of Canada enacted before or after the coming into force of that Act, any order, rule or regulation thereunder, and any law in force in Canada or in any part of Canada at the commencement of that Act that is subject to be repealed, abolished or altered by the Parliament of Canada.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-40.

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

First Reading, May 20, 1963.

Mr. THOMAS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28405-9

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-40.

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

1959, c. 46; 1960, c. 9; 1960-61, c. 52.

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

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

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

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

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

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

"**77.** (1) Except a drain used to drain land that for the purpose of municipal assessment is classed as a farm, market garden, or nursery, no highway, private road, railway, irrigation ditch, drain, drainage ditch, sewer, telegraph, telephone line or line for the transmission of hydrocarbons, power or any other substance shall, except by leave of the Board, be carried across, along, upon or under any pipe line."

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

> "**77.** (1) No highway, private road, railway, irrigation ditch, drain, drainage ditch, sewer, telegraph, telephone line or line for the transmission of hydrocarbons, power or any other substance shall, except by leave of the Board, be carried across, along, upon or under any pipe line.
>
> (2) Upon application for leave, the Board may grant the application in whole or in part and upon such terms and conditions as the Board considers proper."

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

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

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-41.

An Act respecting Procedure in relation to Parliamentary Divorce.

First reading, May 20, 1963.

Mr. LATULIPPE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28685-6

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-41.

An Act respecting Procedure in relation to Parliamentary Divorce.

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

Short title.

1. This Act may be cited as the *Parliamentary Divorce Act.*

Powers of the Senate in matters of divorce.

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

Act in force during present session.

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

Coming into force.

4. This Act shall be deemed to have come into effect on May 16, 1963.

Explanatory Note.

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

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

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

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-42.

An Act to amend the Criminal Code.
(Habeas Corpus).

First reading, May 20, 1963.

Mr. MATHESON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28693-0

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-42.

An Act to amend the Criminal Code.
(Habeas Corpus).

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.

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

Appeal in *mandamus*, etc.

"**691.** (1) An appeal lies to the court of appeal from a decision granting or refusing the relief sought in proceedings by way of *mandamus*, *certiorari*, prohibition or *habeas corpus*."

Explanatory Note.

The only change in this subsection consists in the addition of the underlined words on the opposite page "or *habeas corpus*" at the end of subsection (1) of section 691.

It has been decided in the case of *Re Shane* (1959) 19 D.L.R. 2d 460 that a prisoner has no right of appeal from an order of a judge refusing a discharge under *habeas corpus* proceedings and neither can he apply from judge to judge of a court until he obtains a decision in his favour. The present situation, which places the liberty of the subject in the hands of one individual judge, can only be remedied by legislative action providing for a right of appeal in *habeas corpus* matters. Prompt action to resolve the confusion that now exists was suggested by the Chief Justice of the High Court of Ontario on May 20, 1959.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-43.

An Act to amend the Bank of Canada Act.

First reading, May 20, 1963.

Mr. COTE.
(Chicoutimi)

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28689-8

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-43.

An Act to amend the Bank of Canada Act.

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 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 whatsoever, whether or not the same is convertible 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 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.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-44.

An Act to amend the Criminal Code (Provincial Lotteries).

First reading, May 20, 1963.

Mr. PERRON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28813-4

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-44.

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.

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

"(*e*) a lottery organized and operated by a provincial government to provide financial assistance to hospitals or for other welfare purposes under provincial jurisdiction."

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 the jurisdiction of provincial states, by means of lotteries provincially organized and operated.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-45.

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

First reading, May 20, 1963.

Mr. RAPP.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28413-3

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-45.

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;

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:

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:

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."

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

No payment to agricultural 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."

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-46.

An Act to amend the Agricultural Rehabilitation and Development Act (Indian Reserves).

First reading, May 20, 1963.

Mr. FISHER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28437-2

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-46.

An Act to amend the Agricultural Rehabilitation and Development Act (Indian Reserves).

1961, c. 30.

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

1. The *Agricultural Rehabilitation and Development Act* is amended by adding thereto, immediately after section 5 thereof, the following section:

Act applies to Indian reserves.

"**5A.** This Act shall apply to Indian bands and reserves; and, for the purpose of this section, wherever the word "province" is used the word "reserve" or the word "band" shall be substituted as the context may require, and wherever the word "government" is used the words "council of the band" shall be substituted as the context may require, and any word so substituted shall have meaning as defined in the *Indian Act*."

Explanatory Notes.

The purpose of this Bill is to apply the benefits of the *Agricultural Rehabilitation and Development Act* to Indians and their reserve lands. Section 64 of the *Indian Act* provides:

> "64. With the consent of the council of a band, the Minister may authorize and direct the expenditure of capital moneys of the band
>
> (*k*) for any other purpose that in the opinion of the Minister is for the benefit of the band."

This Bill does not originate Federal expenditures as, under section 7(2) of the *Agricultural Rehabilitation and Development Act*, no agreement under that Act has force and effect until Parliament appropriates monies therefor. This amendment only authorizes *in posse* agreements between the Canadian Government and Indian bands.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-47.

An Act to amend the Representation Act.

First reading, May 20, 1963.

Mr. GRÉGOIRE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28669-0

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-47.

An Act to amend the Representation Act.

R.S., c. 334.

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

Jonquières.

1. Paragraph 25 of that Part of the Schedule to the *Representation Act*, dealing with the description of the electoral districts in the province of Quebec, which describes the electoral district of Lapointe, is amended by substituting for the word: "LAPOINTE", the word: "JONQUIÈRES" at the beginning of the said description.

Explanatory Note.

The purpose of the present Bill is to change the name of the electoral district of "Lapointe" to that of "Jonquières."

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-48.

An Act to amend the Criminal Code (Nuisance).

First reading, May 20, 1963.

Mr. HERRIDGE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28661-7

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-48.

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.

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

1. The *Criminal Code* is amended by adding thereto, immediately after section 165 thereof, the following section:—

Discharging noxious matter into interprovincial water.

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

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

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

Explanatory Note.

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

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-49.

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

First reading, May 20, 1963.

Mr. FISHER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28761-5

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-49.

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:

"Broadcasting."

"(*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;"

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-50.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-50.

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

First reading, May 20, 1963.

Mr. PETERS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28441-4

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-50.

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

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

Short title.

1. This Act may be cited as the *Canada Divorce Act*.

Application.

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

Courts having jurisdiction.

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

Domicile.

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

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

Explanatory Notes.

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

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

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

Clause 3: These provincial courts apply the Act.

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

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

5. In this Act,
"petition" includes a cross-petition;
"petitioner" includes a cross-petitioner;
"proceedings" includes cross-proceedings; and
"respondent" includes a petitioner against whom there is a cross-petition.

Grounds for dissolution of marriage.

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

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

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

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

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

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

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

(i) been a habitual drunkard; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

When leave required.

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

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

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

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

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

Grounds for annulment of marriage.

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

Void marriage.

(2) A marriage is void where

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

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

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

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

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

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

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

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

Voidable marriage.

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

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

(i) the incapacity is not curable, or

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

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

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

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

(*b*) either party to the marriage is
  (i) of unsound mind;
  (ii) a mental defective;
  (iii) subject to recurrent attacks of insanity or epilepsy; or

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

(*d*) the wife is pregnant by a person other than the husband; except that a decree of nullity of marriage shall not be made by virtue of paragraph (*b*), (*c*), or (*d*) unless the court is satisfied that
  (i) the petitioner was, at the time of the marriage, ignorant of the facts constituting the ground;
  (ii) the petition was filed not later than twelve months after the date of the marriage; and
  (iii) marital intercourse has not taken place with the consent of the petitioner since the petitioner discovered the existence of the facts constituting the ground.

Reconciliation.

9. (1) It is the duty of the court in which a matrimonial cause has been instituted to give consideration, from time to time, to the possibility of a reconciliation of the parties to the marriage (unless the proceedings are of such a nature that it would not be appropriate to do so), and if at any time it appears to the Judge constituting the court, either from the nature of the case, the evidence in the proceedings, or the attitude of those parties, or of either of them, or of counsel, that there is a reasonable possibility of such a reconciliation, the Judge may do all or any of the following:

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

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

(*c*) nominate
  (i) an approved marriage guidance or other appropriate organization or a person with experience or training in marriage conciliation; or
  (ii) in special circumstances, some other suitable person,

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

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

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

Hearing when reconciliation fails.

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

Statements not admissible evidence.

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

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

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

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

Commencement.

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

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

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

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-51.

An Act to amend the Civil Service Act (Collective Bargaining and Arbitration).

First reading, May 20, 1963.

Mr. PRITTIE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28665-8

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-51.

An Act to amend the Civil Service Act (Collective Bargaining and Arbitration).

1960-61, c. 57.

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

1. Section 7 of the *Civil Service Act* is repealed and the following substituted therefor:

Negotiation and consultation.

"**7.** (1) The Commission, and such members of the public service as the Minister of Finance may designate, shall negotiate and consult directly with representatives of appropriate organizations and associations of employees, with respect to remuneration and other terms and conditions of employment, at the request of such representatives, or whenever in the opinion of the Commission or the Minister of Finance, as the case may be, negotiation and consultation is necessary or desirable in the interest of the public service or the Crown; such direct negotiation and consultation shall be initiated by either the Governor in Council, its appointees, or the appropriate organizations and associations of employees.

Arbitration.

(2) When negotiation and consultation does not result in agreement, the matter in dispute shall be taken by either party to a Board of Arbitration.

(3) (*a*) The party desiring to take the matter to a Board of Arbitration shall so notify the other party by registered mail and shall give the name and address of the member of the Board appointed as its nominee;

(*b*) Within seven days of the date of such notification, the other party shall appoint a member to the Board as its nominee and notify the first party by registered mail of the name and address of such member;

Explanatory Notes.

The purpose of this Bill is to provide a method of collective bargaining and arbitration for the use of the Crown and its employees. The Crown is bound by both an agreement reached by negotiation and consultation and by a decision of an arbitration board, as are the employees; but both agreement and arbitration board decision are subject to approval by the House of Commons.

All costs of arbitration are assumed by the employees of the Crown unless the Crown and House of Commons agree otherwise. No extra benefits are payable to employees unless the House of Commons consents.

(*c*) In the event the party first notified fails to appoint a member within the time and in the manner prescribed, the Supreme Court of Canada shall, within five days of application made thereto, appoint such a member and he shall be deemed to have been appointed by the party first notified;

(*d*) The two members so appointed shall, within five days after the day upon which the second member is appointed, appoint a third person who shall be a member and chairman of the Board;

(*e*) If the two members first appointed fail to appoint a third member within the time limited, the Supreme Court of Canada shall, within five days of application made thereto, appoint a person who shall be a member and chairman of the Board;

(*f*) Except upon the grounds set out in paragraph (*g*), no process shall be entered or proceedings taken in any court to question the constitution of a Board or the qualifications of a member thereof, or to review, prohibit, or restrain the constitution of the Board or any of its proceedings, procedure, or actions;

(*g*) No person who has any pecuniary interest in the matter before the Board, or who is acting, or has acted within six months preceding the date of his appointment, as solicitor, legal adviser, counsel, or paid agent of either of the parties, shall act as chairman of a Board;

(*h*) Upon a person ceasing to be a member of a Board or being unable to perform the duties of his office for a period longer than thirty days, another person shall be appointed in his place in manner prescribed for an original appointment.

(4) Each member of a Board shall, before acting in office, take and subscribe before a person authorized to administer an oath or affirmation, and file with the Minister, an oath or affirmation as the case may be, in the following form:

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

(5) (*a*) The Board shall, from time to time before decision given, endeavour to bring the parties into agreement upon the matter referred to it;

(*b*) The Board shall determine its own procedure and shall give full opportunity to each party to present evidence and to make representations either in the English or French language;

(*c*) The findings and the decision of the Board shall be in the English and French languages;

(*d*) The decision of the majority of the members shall be the decision of the Board;

(*e*) For the purposes of this section, a Board of Arbitration shall have the powers of a superior court of a province and the Sergeant-at-Arms of the House of Commons shall *ex officio* be sheriff to the Board and have the powers of a sheriff throughout Canada;

(*f*) A Board shall, within sixty days after the appointment of the chairman or within such longer period as may be agreed upon by the parties, make its findings and file its decision.

(6) The Crown shall be bound by the provisions of this section and, subject to the approval of the House of Commons, shall be bound by an agreement arrived at by negotiation and consultation or by the decision of a Board of Arbitration, as the case may be.

(7) All costs, expenses and fees incident to and arising out of the constitution of a Board of Arbitration shall, unless the Crown and the House of Commons otherwise consent, be assumed and paid by those organizations and associations of employees who are parties to the arbitration proceedings."

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-52.

An Act to enable Civil Servants to engage in Political Activity.

First reading, May 20, 1963.

Mr. SCOTT.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28494-3

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-53.

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

First reading, May 20, 1963.

Mr. BREWIN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28677-3

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-53.

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.

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:

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."

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-54.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-54.

An Act to amend the Broadcasting Act (Political Programs).

First reading, May 20, 1963.

Mr. HARLEY.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28381-2

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-54.

An Act to amend the Broadcasting Act (Political Programs).

1958, c. 22.

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

1. Subsection (1) of section 17 of the *Broadcasting Act* is repealed and the following substituted therefor:

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 candidated for such election, or

(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.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-55.

An Act to amend the Interest Act.

First reading, May 20, 1963.

Mr. LEDUC.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28364-8

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

BILL C-55.

THE HOUSE OF COMMONS OF CANADA.

An Act to amend the Interest Act.

R.S., c. 156.

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

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

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

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

Explanatory Note.

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

This section now reads as follows:

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

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-56.

An Act to amend the British North America Acts, 1867 to 1960, with respect to the Readjustment of Representation in the House of Commons.

First reading, May 20, 1963.

Mr. FISHER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28429-9

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-56.

An Act to amend the British North America Acts, 1867 to 1960, with respect to the Readjustment of Representation in the House of Commons.

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

R.S., c. 304.

1. The first eight lines of subsection (1) of section fifty-one of the *British North America Act, 1867*, as enacted by the *British North America Act, 1952*, being chapter 304 of the Revised Statutes of Canada, 1952, are repealed and the following substituted therefor:

Readjustment of representation in Commons.

"**51.** (1) Subject as hereinafter provided, the number of members of the House of Commons shall be two hundred and sixty-three and the representation of the provinces therein shall forthwith upon the coming into force of this section and thereafter on the completion of each decennial census be readjusted by such authority, independent of the Parliament of Canada in such manner, and from such time as the said Parliament from time to time provides, subject and according to the following rules:"

Short title and citation.

2. This Act may be cited as the *British North America Act, 1963*, and the *British North America Acts, 1867 to 1960*, and this Act may be cited together as the *British North America Acts, 1867 to 1963*.

Explanatory Notes.

The purpose of this Bill is to introduce in subsection (1) of section 51 of the B.N.A. Act, 1867 the underlined words "independent of the Parliament of Canada" so that the readjustment of the representation in the Commons be done in future by an independent body rather than by a Committee of the House of Commons.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-57.

An Act to provide for Free Transportation on the Railways of Canada for Senior Citizens.

First reading, May 20, 1963.

Mr. SCOTT.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28502-3

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-57.

An Act to provide for Free Transportation on the Railways of Canada for Senior Citizens.

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

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 *Senior Citizens' Transportation Act.*

2. The *Railway Act* is hereby amended by adding thereto, immediately after section 351, the following:

Free transportation.

"**351A.** The following persons, with their baggage are, upon application, entitled to free transportation on any of the trains of every company:

(*a*) pensioners under the Old Age Security Act;
(*b*) a person to whom assistance has been granted under the Old Age Assistance Act."

Regulations.

3. The Governor in Council shall make regulations regarding the issuance of cards to persons who apply for free transportation.

Explanatory Note.

This is a Bill which enables senior citizens to transportation free of charge on railways coming under federal jurisdiction. The Bill is in the form of an amendment to the *Railway Act*, extending the right (which Members of Parliament now enjoy) to free transportation on the railways to persons receiving old age assistance or old age security.

Applicants for free transportation are not required to satisfy a means test, but since the benefits of the Bill consist of free transportation, it follows that those who would profit most from the Bill are senior citizens who have the greatest distances to travel in order to visit their children and friends. The Bill therefore relieves senior citizens of the cost of transportation in proportion to the expense involved.

C-58.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-58.

An Act to Limit the Hours of Work for Employees in Federal Works, Undertakings and Businesses.

First reading, May 20, 1963.

Mr. SCOTT.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28461-2

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-58.

An Act to Limit the Hours of Work for Employees in Federal Works, Undertakings and Businesses.

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

Short title.

1. This Act may be cited as the *Hours of Work Act*.

Interpretation.

2. In this Act,

(*a*) "Deputy Minister" means the Deputy Minister of Labour;

(*b*) "employee" means a person of any age of either sex who is in receipt of or entitled to any remuneration for labour or services performed for an employer;

(*c*) "employer" means any person, firm or corporation employing one or more employees and includes every agent, manager, representative, contractor, sub-contractor or principal and every other person who either:

(i) has control or direction of one or more employees; or

(ii) is responsible, directly or indirectly, in whole or in part, for the payment of wages to, or the receipt of wages by, one or more employees;

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

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

Explanatory Note.

This Bill provides for a 40 hour work week in works, undertakings and businesses coming under federal jurisdiction (clause 4., subsection (1)).

Advancing technology and automation have left increased unemployment in their wake. A reduction in the work week is essential (the only federal legislation dealing with the length of the work week is the *Fair Wages and Hours of Labour Act*, which provides for a 44 hour week), hence the provision in this Bill for a 40 hour week.

Further reductions in the work week are desirable in many industries. Consequently clause 13., subsection (1) gives to the Governor in Council power to enact regulations to reduce the length of the work week to less than 40 hours, with a view to the eventual implementation of a 35 hour week.

Application of Act.

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

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

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

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

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

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

(*f*) radio broadcasting stations;

(*g*) banks and banking;

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

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

and to and in respect of,

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

Hours of work.

4. (1) The working hours of employees shall not exceed 8 hours per day nor 40 hours per week.

Exception.

(2) In an emergency the Canada Labour Relations Board may exempt an employer from the provisions of subsection (1) for a specific purpose and for a period limited in time.

Saving.

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

Provisions superseded.

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

Rights saved.

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

No discrimination.

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

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

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

Abstract to be posted.

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

Records to be available.

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

(*a*) the name and residential address;

(*b*) total wages paid for each week or other period;

(*c*) the hours at which the time he was required or permitted to work or to be at the disposal of the employer began and ended in each day and the hours at which any interval or intervals for meals allowed in each day began and ended;

(*d*) the total number of hours worked each day and each week;

(*e*) each deduction made from wages for any purpose whatever and the purpose for which each deduction was made.

Records to be maintained, etc.

(2) The records required under this section:

(*a*) shall be maintained by the employer for a period of not less than twenty-four months from the date the record was made; and

(*b*) may be incorporated in any wage record which the employer is required to keep under any other Act of Parliament provided that the Minister may require that the records of any employer be kept in such form as he may prescribe whereupon such records shall be kept in the prescribed form.

Powers of Minister.

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

(*a*) enter the premises of any employer and any premises where he has reasonable cause to believe that any employee is employed therein at the time of entry;

(*b*) inspect or take extracts from any books, documents, statements, payrolls, papers or other records of an employer which in any way relate to wages to which any employee is entitled, or which he has been paid;

(*c*) require any employer to verify, within a specified time, the entries in his records by statutory declaration or in such other manner as the Minister or his duly authorized representative may require; and

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

Oaths.

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

Prosecutions.

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

Offences.

12. (1) Every person who:

(*a*) fails to comply with any of the provisions of this Act; or

(*b*) with intent to deceive, makes any false or misleading statement in any communication, whether in writing or otherwise, to the Minister or his duly authorized representative; or

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

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

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

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

Regulations. **13.** (1) The Governor in Council may make regulations limiting the hours of work per week to less than 40 hours in any of the industries to which this Act is applicable.

Idem. (2) The Governor in Council may make such other regulations not inconsistent with this Act as are necessary to carry out provisions of this Act according to their true intent.

Coming into force. (3) All regulations made under this Act shall take effect upon such date as may be designated in the regulations, and shall have the same force and effect as if herein enacted.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-59.

An Act to provide for Review of Administrative Powers and to Relieve from their Misapplication (Administrative Review).

First reading, May 20, 1963.

Mr. MATHESON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28701-1

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-59.

An Act to provide for Review of Administrative Powers and to Relieve from their Misapplication (Administrative Review).

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 *Administrative Review Act*.

DEFINITIONS.

Definitions.

2. In this Act,

"Authority."

(*a*) "Authority" means all legal commissions, powers and authorities, and all administrative or ministerial officers;

"Court of Judicature."

(*b*) "Court of Judicature" means the Supreme Court of Canada, the Exchequer Court of Canada, the Court Martial Appeal Court, the Territorial Court of the Yukon Territory, the Territorial Court of the Northwest Territories, and the Superior, District, and County Courts in each province;

"Governor in Council."

(*c*) "Governor in Council" means the Governor General acting by and with the advice and consent of or in conjunction with the Queen's Privy Council for Canada or any members thereof and includes the Governor General individually if the case requires;

"Law of Canada."

(*d*) "law of Canada" means an Act of Parliament, a regulation, or any law in force in Canada or in any part of Canada that is subject to be repealed, abolished or altered by Parliament;

Explanatory Note.

The purpose of this bill is to provide a forum to review and correct, whenever necessary, decisions by administrative authorities which may tend to offend civil liberties or natural rights.

"Person." (*e*) "person" means a person who alleges a right to require an authority to do or not to do any act or thing in connection with the use of a statutory power or that his rights and freedoms may be or are varied or affected by an authority using a statutory power, and includes a body corporate and politic, and the heirs, executors, administrators or other legal representatives of such person;

"Regulation." (*f*) "regulation" means a rule, order, regulation, by-law or proclamation

(i) made, in the use of a legislative power conferred by or under an Act of Parliament, by the Governor in Council, a Minister of the Crown, or a board, commission, corporation or other body or person that is an agent or servant of Her Majesty in right of Canada, or

(ii) for the contravention of which a penalty of fine, imprisonment, deprivation, or other species of penal infliction is prescribed by or under a law of Canada,

but does not include

(iii) an ordinance of the Yukon Territory or the Northwest Territories,

(iv) an order or decision of a Court of Judicature,

(v) a rule, order or regulation governing the practice or procedure in any proceedings before a Court of Judicature, or

(vi) a rule, order, regulation or by-law of a corporation incorporated by or under an Act of Parliament unless the rule, order regulation or by-law comes within subparagraph (ii);

"Rights and Freedoms." (*h*) "rights and freedoms" means those rights and freedoms set forth in the Universal Declaration of the Rights of Man adopted by the General Assembly of the United Nations; and

"Statutory Power." (*i*) "statutory power" means an administrative, ministerial, quasi-judicial or judicial power other than a power vested in or usable by a Court of Judicature, or a legislative power, under a law of Canada.

The People's Tribune.

The People's Tribune.

3. There shall be an officer, styled The People's Tribune, who shall be the person from time to time holding the office of President of the Exchequer Court of Canada and have all the powers and jurisdictions necessary to carry out the purpose of this Act and to perform his duties and functions.

Deputy.

4. The Governor General acting by and with the advice of the Queen's Privy Council, may, in case of the sickness or absence from Canada or engagement upon other duty of The People's Tribune or, at the request of The People's Tribune, for any other reason that The People's Tribune deems sufficient, appoint a Puisne Judge of the Exchequer Court who shall perform the duties and functions of The People's Tribune and have all the powers and jurisdictions incident thereto.

Prothonotary and staff.

5. The Registrar of the Exchequer Court shall be Prothonotary to The People's Tribune; the Prothonotary and the officers, clerks and employees appointed to the Exchequer Court shall severally and respectively perform such duties and functions under this Act as The People's Tribune may require.

Language.

6. The English, the French or, The People's Tribune thereto consenting, any other language may be used by any person in any matter under this Act.

Powers, Duties and Functions.

Declaration of Right or Freedom.

7. Where an authority has a statutory power, The People's Tribune may declare or establish a right or freedom in connection with the user, misuser or non-user of such power.

Injunction.

8. Where an authority has a statutory power, The People's Tribune may enjoin the authority in its user or non-user of such power to such degree, in such manner, and by such means as he deems meet.

Declaration of nullity.

9. The People's Tribune may declare that anything done by an authority under a statutory power is null and void.

Remedy of lawful excuse.

10. Where a person by doing anything that a law of Canada forbids or by omitting to do anything that it requires to be done would contravene or has contravened a

law of Canada, The People's Tribune may authorize the person to do or not to do such thing or may confirm the doing or not doing thereof, as the case may be; an authorization or confirmation so made shall be that person's lawful excuse.

PROCEDURE.

Who may petition.

11. Any person may, in his own or in the public interest, petition The People's Tribune for relief in respect of a statutory power or the user, misuser or non-user by an authority of a statutory power.

The People's Tribune may act.

12. The People's Tribune may, of his own motion, use his powers and perform his duties and functions.

Refusal to act.

13. The People's Tribune may, in his discretion, refuse to act or cease to act upon a petition if, in his opinion,

(*a*) an adequate remedy exists;

(*b*) the petition is trivial, frivolous, vexatious or is not made in good faith; or

(*c*) upon a balance of convenience between the private interest of the person petitioning and the public interest, the public interest should prevail.

Notice to Attorney General.

14. Where The People's Tribune intends to hear a petition, he shall so notify the Attorney General of Canada.

Power: rules and remedies.

15. The People's Tribune has plenary power to make such rules of evidence, practice and procedure and to devise and use such remedies as, in his opinion, are necessary to implement his powers and enable him to perform his duties and functions to the end that the intent and spirit of this Act is achieved.

Jurisdiction and process.

16. The People's Tribune shall have jurisdiction and his process shall run throughout Canada; his process may be directed to the sheriff of any county or other judicial division into which any province is divided and the sheriffs of the said respective counties or divisions are *ex officio* officers to The People's Tribune and shall perform the duties and functions of sheriffs to The People's Tribune.

Construction of law.

17. This Act shall operate notwithstanding the provisions of any other law of Canada.

Crown bound.

18. This Act binds Her Majesty.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-60.

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

First reading, May 20, 1963.

Mr. SCOTT.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28506-4

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-60.

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

1960, c. 39.

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

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

Qualification of electors.

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

Subsection repealed.

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

Schedule One forms amended.

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

Schedule Two and forms amended.

3. (1) Subparagraph (1) of paragraph 21, subparagraph (*a*) of paragraph 22, subparagraphs (1) and (2) of paragraph 36 of *The Canadian Forces Voting Rules* in SCHEDULE TWO to the said Act and paragraph *5 of Form No. 7 to the said SCHEDULE and paragraph 6 of Form No. 8 to the said SCHEDULE are amended by striking out the words "twenty-one years" wherever the said words appear therein and by substituting therefor in each case the words "eighteen years"; and the said subparagraph (1) of paragraph 36 is further amended by striking out the words "(except in the case referred to in

Explanatory Notes.

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

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

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

subparagraph (2) of paragraph 21)" and the said Form No. 7 is further amended by striking out, at the end of the said Form, the words "Strike out this line if it is not applicable pursuant to paragraph 21(2) of *The Canadian Forces Voting Rules*.

Subparagraph repealed.

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

C-61.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-61.

An Act respecting a National Flag and a National Anthem of Canada.

First reading, May 20, 1963.

Mr. PIGEON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28393-7

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-61.

An Act respecting a National Flag and a National Anthem of Canada.

WHEREAS it is desirable that Canada, a sovereign country, be granted those external attributes of independence.

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

Short title.

1. This Act may be cited as the *Symbols of Sovereignty Act.*

Distinctive national flag and anthem.

2. The Governor in Council may assign to the Canada Council the function and duty of preparing a design for a suitable distinctive national flag and of selecting a suitable distinctive national anthem as external symbols of Canadian sovereignty and of reporting thereon.

Report to Parliament and review.

3. Whenever a report has been made to the Governor in Council under the preceding section this report and the recommendation attached thereto shall be laid before Parliament by the member of the Queen's Privy Council for Canada designated by the Governor in Council for the purpose of reporting on the activities of the Canada Council, 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 review and approval thereof by Parliament.

Approval and issuance of Royal Proclamation.

4. Notwithstanding any royal prerogatives and anything contained in any Act of the Parliament of the United Kingdom such design for a national flag and such national anthem, its words and music after they have been

Explanatory Notes.

As it is desirable that Canada possess a distinctive national flag and a distinctive national anthem this Bill provides for obtaining a design for a suitable distinctive national flag and for a suitable distinctive national anthem. The method suggested is to have the Canada Council prepare the design of a national flag or flags and select a national anthem and to report on such designs and selection to the Governor in Council. The designs and selection would then be submitted to Parliament for review and approval and be submitted to Her Majesty the Queen for approval and approval of a Royal Proclamation under the Great Seal of Canada.

approved by a joint resolution of the Senate and House of Commons, shall be submitted for approval to Her Majesty the Queen and for the issuance of one or more Royal Proclamations under the Great Seal of Canada respecting such ensigns, armorial flags and banners and such national anthem as Her Majesty shall be pleased to appoint.

REPRINT.

C-62.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-62.

An Act respecting Relief against Unconscionable Transactions.

First reading, May 20, 1963.

Mr. BREWIN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28881-1

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-62.

An Act respecting Relief against Unconscionable Transactions.

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

1. This Act may be cited as the *Unconscionable Transactions Relief Act.*

Definition. "Court."

2. In this Act,

(*a*) "court" means in all provinces other than in the Province of Quebec, a county or district court and in the Province of Quebec the superior court;

"Interest rate." R.S. c. 156 s. 3.

(*b*) "interest rate" means the rate established from time to time by the Parliament of Canada as the rate of interest applicable where no rate is fixed by agreement or law.

"Transaction by way of loan."

(*c*) "the transaction by way of loan" means any transaction by which money is advanced and which provides in any form for the repayment of the money so advanced, or for the payment of any interest, discount, deduction, commission, brokerage programme or other reward for or in connection with such transaction and the getting of security there for;

3. Where, upon application made to it at any time, the court finds that, having regard to the circumstances, a transaction by way of loan is harsh and unconscionable, the court may, notwithstanding any settlement or agreement to the contrary, relieve any debtor from the payment of any sum or the doing of any thing in respect to the said transaction in excess of or beyond the sum adjudged to be due for principal and interest and may set aside in whole or in part or revise or alter any security given or agreement made in respect of such transaction.

Explanatory Note.

The purpose of this legislation is to take the place of the *Unconscionable Transactions Relief Act* R.S., c.410 which was held to be *ultra vires* of the provincial legislature by the Ontario Court of Appeal. The Act simplifies the Ontario legislation now held to be invalid.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-63.

An Act to amend the Canada Elections Act (Political Programs).

First reading, May 20, 1963.

Mr. HARLEY.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28377-0

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-63.

An Act to amend the Canada Elections Act (Political Programs).

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. Subsection (1) of section 99 of the *Canada Elections Act* is repealed and the following substituted therefor:

Political broadcasts forbidden.

"**99.** (1) A person who sponsors, produces or presents, by broadcasting, any program, advertisement or announcement of a partisan political character on any of two consecutive days when the second such day is an ordinary polling day is guilty of an offense against this Act punishable on summary conviction as provided in this Act, and if he is a candidate or the official agent of a candidate is further guilty of an illegal practice."

Explanatory Notes.

The purpose of this Bill is to revise section 99 (1) of the *Canada Elections Act* which prohibits political broadcasts in order to complement the proposed revision of the prohibitory section on political programs in the *Broadcasting Act*. The present section 99(1) is as follows:

> "**99.** (1) No person shall be allowed to broadcast a speech or any entertainment or advertising program over the radio, on the ordinary polling day and on the two days immediately preceding it, in favour or on behalf of any political party or any candidate at an election."

This revision proposes several basic amendments to this subsection:

(a) the wording in the *Broadcasting Act* descriptive of the prohibited material is adopted; that is, "program, advertisement or announcement of a partisan political character" in the place of "speech or any entertainment or advertising program. . . . in favour or on behalf of any political party or any candidate at an election."

This amendment substitutes a single prohibitory standard for the two differing ones.

(b) The revision resolves the confusion arising from the meaning of "on behalf of". If that phrase means "on behalf of the platform, etc., of" then perhaps it does not cover a program that is against a party or candidate but not partisan or favourable to a party or candidate. If the phrase means "sponsored or promoted by" then it does not clearly so indicate.

(c) The crime created by the subsection seems to be directed not against the party or candidate but against the authority which allows the program to be broadcast, i.e., the station licensee who is already covered in section 17(1) of the *Broadcasting Act*. Also, the other offense sections of the *Canada Elections Act* carry penalties provided by that Act and, presumably, are consistent one with the other. However, this section simply sets out the duty without classing the breach as an indictable or summary conviction offense.— (See also ss. 77 & 78). The penalty is therefore imported from section 107 of the *Criminal Code* which provides that breach of a statute which does not specify a penalty is an indictable offense with liability to imprisonment for two years. This revision adopts the penalties that apply to broadcasting offenses under subsections (2) and (3) of this section.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-64.

An Act to amend the Criminal Code.

First Reading, May 20, 1963.

Mr. PRITTIE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28821-7

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-64.

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.

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:

"(*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"

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-65.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-65.

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

First reading, May 20, 1963.

Mr. WHELAN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28713-6

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-65.

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

HER 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.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-66.

An Act to amend the Canadian Citizenship Act (Grant of Certificate).

First reading, May 23, 1963.

Mr. MACALUSO

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28877-9

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-66.

An Act to amend the Canadian Citizenship Act (Grant of Certificate).

R.S., c. 33; 1952-53, 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. Paragraph (*e*) of subsection (1) of section 10 of the *Canadian Citizenship Act* is repealed and the following substituted therefor:

Grant of certificate of citizenship.

"(*e*) he has an adequate knowledge of either the English or the French language, or, if he has not such adequate knowledge, he has resided continuously in Canada for more than twenty years, or, in the case of a female person she is the wife of a Canadian citizen, and by reason of age or from the fact of living in an isolated locality, she has not been able to master the English or the French language and is unlikely to ever learn sufficiently to satisfy the Court that she has such adequate knowledge;"

Explanatory Note.

There are several hundred wives of Canadian citizens who, by reason of age, or by living in isolated places, have not been able to master the English or the French language and indeed are unlikely to ever learn sufficiently to qualify when they appear before a judge for examination for citizenship.

The purpose of this Bill is to enable a Citizenship Court to recommend the grant of a certificate of citizenship to an applicant who is the wife of a Canadian citizen, even though she is unable to speak the English or the French language.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-67.

An Act respecting the Canada Court of Indian Claims.

First reading, May 31, 1963.

Mr. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28898-5

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-67.

An Act respecting the Canada Court of Indian Claims.

Preamble.

WHEREAS the occupancy of British North America by the Crown has given rise to claims of divers nature and kind by the Indians of Canada; and

WHEREAS by virtue of section 91 of the *British North America Act, 1867*, the Queen in Parliament of Canada, has exclusive legislative authority over the matter of Indians and lands reserved for Indians; and

WHEREAS the Joint Committee of the Senate and House of Commons on Indian Affairs, as reconstituted by the Houses of Parliament on the 18th and 25th days of January, 1961, did, in its Second and Final Report bearing date the 8th day of July, 1961, to the Senate and House of Commons, recommend, among other things, that the British Columbia land question, the Oka land dispute, and such other matters as the Government of Canada should deem advisable, be referred to a claims commission; and

WHEREAS the recommendation of the Joint Committee that the said questions and other matters, if any, be referred to a claims commission thereby excludes a reference thereon to the judicature of Canada as presently constituted for want of jurisdiction therein and as well otherwise by reason of the inappropriateness of the practice and procedure thereto peculiar and of the rules of law, thereby applied; nor can the said questions and other matters, if any, be referred to the International Court of Justice, established by the Charter of the United Nations as the principal judicial organ of the United Nations, inasmuch as subarticle 1 of article 34 of the constitution of the said Court provides that only states may be parties in cases before the Court and the Indians of Canada are not a state or legal unit recognized in international law but have an anomalous status by reason of their aboriginal occupancy of Canada, their treaties with the Crown, and their legislative pupilage by virtue of the said section 91 of the *British North America Act, 1867*; yet

Explanatory Notes.

The purpose of this Bill is to provide means whereby an accounting may be taken of Canada's stewardship under section 91 (24) of the B.N.A. Act of matters affecting Indians and lands reserved for Indians. This accounting will be effected by a special Court, established under the *B.N.A. Act, s. 101*, to adjudicate Indian claims. (*see Part I*).

The claims will be raised; (*a*) by Parliament itself with respect to the British Columbia and Oka land questions; (*b*) matters referred by the Governor in Council; and (*c*) by the Indians themselves by way of petition. (*see Clause 14*).

The Joint Committee, in recommending settlement of claims by a claims commission, referred to the American precedent. In 1935, the United States Congress authorized the Tlingit and Haida Indians of Alaska to bring suit in the United States Court of Claims; and conferred jurisdiction on that Court to hear, examine, adjudicate, and enter judgment upon any and all claims which these Indians might have or claim to have against the United States. *U.S. Act of 19 June 1935, vol. 49 Statutes, p. 388, ch. 275.* See also the claim *The Tlingit and Haida Indians of Alaska versus The United States, Report No. 47900, 7 October 1959.*

The jurisdiction of the Court is set out in Part II. Its jurisdiction is restricted to, but encompasses, all questions between the Crown and Indians that arise out of "Indians and Lands reserved for Indians". By these words, presumably, Her Imperial Majesty constituted Her Majesty in right of Canada to act *in loco parentis* (*Howell v. Fountain, Nisbet, J., 3 Ga. 176*) with respect to Indians; and by these words, incorporated the principles of the law of nations (which forms part of the law of England, *West Rand Central Gold Mining Co. Ltd. v. The King, (1905) 2 K.B. 391*) with respect to Indian aboriginal occupancy; British discovery, conquest and occupation; and tribal treaty cession where that occurred. The Canadian Parliament can, of course, legally exclude the law of nations by its domestic law (*Mortensen v. Peters, (1906) 8 Sessions Cases, Scotland,* 93) and may have done so, in greater or lesser degree, in its domestic laws on Indians and Indian reserves.

On the premise that Parliament wishes the Indian claims settled according to "the principles of international law and justice", which were the principles successfully pleaded by Great Britain in a claim by Great Britain on behalf of the Cayuga Indians in Canada before the United States-Great Britain Arbitration Tribunal, 1926, in *Great Britain (the Cayuga Indians Claim) v. United States, Nielsen's Report,* clauses 15 and 16 of this Bill so provide. Canadian

WHEREAS Canada has signed and ratified the Charter of the United Nations and, by virtue of the provisions of subarticle (3) of article 1, paragraph (*c*) of article 55, and article 56 of the said Charter, has undertaken to promote and encourage respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion and, to these ends, has pledged itself to take action in co-operation with the United Nations, its organs and specialized agencies, for the achievement of these purposes; and

FOR AS MUCH as the Queen in Parliament desires to carry out the undertaking and fulfil the pledge, so made to the United Nations, to the end that the claims of the Indians of Canada may be heard and finally adjudged *ex aequo et bono*; so, wanting jurisdiction in the judicature of Canada and in the International Court of Justice as hereinbefore recited, then before and by a tribunal composed of a body of judges enjoined, charged and entrusted to adjudicate the said claims in accordance with the general principles of justice and equity;

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

SHORT TITLE.

Short Title.

1. This Act may be cited as the *Canada Court of Indian Claims Act*.

PART I.

CANADA COURT OF INDIAN CLAIMS.

Establishment of Court.

2. The Canada Court of Indian Claims, herein referred to as the "Court", is hereby established and shall be constituted and shall function in accordance with the provisions of this Act.

Composition of Court.

3. (1) The Court shall consist of the President, Puisne Judges and deputy judges of the Exchequer Court of Canada as that Court from time to time is constituted;

Qualifications of deputy judge.

(2) A deputy judge who is specially appointed for the purposes of this Act shall be, notwithstanding anything as to qualifications for appointment in section 8 of the *Exchequer Court Act*,

(*a*) of a nationality other than Canadian;

(*b*) of a high moral character; and either

(*c*) possessed of the qualifications required in his country for appointment to the highest judicial office, or

domestic law from 1867 to the present, except with and to the extent of the consent of the parties, is excluded. See Article *38(2)* of the Statute of the International Court of Justice which provides for adjudication *ex aequo et bono*, "if the parties agree thereto".

Part IV provides for an appeal to the Supreme Court of Canada.

This Bill does not provide for implementation of any judgment in the event the Court upholds claims against the Crown. The relationship of the Crown to Indians and Indian lands is one of trusteeship in which Canada should carry out its trust duties *uberrima fides* and freely; and not under the obligatory and accusatory sanction of a Court order. On the same principle, the Bill excludes provinces and non-Indians as parties although there is provision that they may appear and be heard; the right of the Indian, if upheld by the Court, is against Canada as a ward of Canada for *restitutio in integrum*. If such restitution involves settlements with provinces or non-Indians then such settlements, incidental to restitution, are a burden for Canada, not the Indian, to bear.

Reference to the American Claims Court statute (*above cited*) will find a saving clause that Indians shall not be disentitled by reason of having accepted American citizenship by any law of the United States or by having severed the tribe or "band" relationship. Such a proviso is unnecessary in this Bill inasmuch as it eliminates Canadian laws except with consent; and inasmuch as it considers the Indian individually (although the Bill provides for collective claims by tribe, band or otherwise, where convenient).

Clause 1: Short title.

Clause 2: Self-explanatory.

Clause 3: The judges are those of the Exchequer Court. Deputy judges can be appointed by the Governor in Council when needed temporarily on the Exchequer Court (section 8 of *Exchequer Court Act*). This permits the appointment of independent judges who are qualified to sit on the International Court of Justice to adjudicate, under the President of the Exchequer Court, the Indian claims.

(*d*) a jurisconsult of recognized competence in international law.

Oath or declaration of office.

4. Every member of the Court shall, before entering upon the duties of his office as a judge of the Court, take an oath or make a solemn declaration in open court that he will exercise his powers and execute the trusts reposed in him impartially and conscientiously.

President.

5. (1) The President of the Exchequer Court of Canada shall be the President of the Court.

Registrar and other staff.

(2) The Registrar of the Exchequer Court of Canada and the other officers and the clerks, stenographers and servants thereof shall be the Registrar, other officers, clerks, stenographers and servants respectively of the Court.

Salaries, Allowances and expenses.

(3) The judges' salaries and travelling allowances and the administration expenses of the Court shall be judges' salaries and travelling allowances and administration expenses respectively of the Exchequer Court of Canada.

Court seat and sittings elsewhere.

6. (1) The seat of the Court shall be at the City of Ottawa but the Court may sit and exercise its functions elsewhere in Canada whenever the Court considers it desirable.

Sessional requirements.

(2) The Court shall remain permanently in session, except during the judicial vacations, the dates and duration of which shall be fixed by the Court.

Sittings *en banc*.

7. (1) The full Court shall sit except when it is expressly provided otherwise in this Act.

Quorum.

(2) A quorum of five judges shall suffice to constitute the Court.

Chambers sittings.

8. (1) The Court may from time to time form one or more chambers, composed of three or more judges as the Court may determine, for dealing with particular categories of claims.

Categories.

Individual claims.

(2) The Court may at any time form a chamber for dealing with a particular claim; the number of judges to constitute such a chamber shall be determined by the Court with the approval of the parties.

Consent chambers hearings.

(3) Claims shall be heard and determined by the chambers provided for in this section if the parties so request.

Chambers judgment.

9. A judgment given by any of the chambers provided for in sections 8 and 11 shall be considered as rendered by the Court.

Clause 4: Self-explanatory.

Clause 5: (1) The Exchequer Court President is the Indian Claims Court President; (2) The Exchequer Court officers and staff are the Indian Claims Court staff; (3) The salaries, allowances and expenses of the Court are those of the Exchequer Court and are payable out of the Exchequer Court votes.

Clause 6: Self-explanatory.

Clause 7: The Exchequer Court bench consists of the President, five puisne judges, and such deputy judges as may from time to time be appointed.

Clauses 7–11 are adapted from the *Statute of the International Court of Justice, Chapter I, "Organization of the Court"*. They provide for a full court and chambers divisions. Thus there can be the full court, various chambers to consider claims that can be dealt with conveniently in groups, a chamber to deal with a particular claim, and a chamber to deal with claims in a summary manner. The summary chamber is continuous, the others are set up as occasion requires. A chambers judgment is as final as a full court judgment. Cf. clauses 17 & 18.

Place of chambers sittings.

10. The chambers provided for in sections 8 and 11 may sit and exercise their functions elsewhere in Canada than at the City of Ottawa.

Summary chambers hearing by consent.

11. With a view to the speedy despatch of business, the Court shall form annually a chamber composed of three judges which, at the request of the parties, may hear and determine claims by summary procedure; one additional judge shall be selected for the purpose of replacing a judge who finds it impossible to sit.

Rules and orders of Court.

12. (1) The Court shall make rules and orders for carrying out its functions and, in particular, for regulating the practice, procedure and evidence of and in the Court.

Assessors.

(2) The Rules of the Court may provide for assessors to sit with the Court or with any of its chambers, without the right to vote.

Costs and fees.

(3) The Court shall fix by scale, tariff or otherwise, the fees and costs of the Court and the parties.

PART II.

Competence of the Court.

Who may be parties.

13. (1) Except with the consent of or by direction of the Court, only Her Majesty, who shall be represented by the Attorney General of Canada, and Indians of Canada may be parties in claims before the Court.

Status determined by Court.

(2) The Court shall determine the status of any person who alleges a right to be a party to a claim.

Function and duties of Court.

14. The Court, whose function it is to decide all claims initiated by or submitted to it touching and concerning Indians or lands reserved for Indians, shall

(1) initiate hearings upon and determine

(*a*) the British Columbia land question,

(*b*) the Oka land dispute, and

(*c*) such other matters, questions, and disputes as the Governor in Council shall refer to the Court.

(2) hear and determine all claims submitted to the Court by petition touching and concerning Indians or lands reserved for Indians.

Law applied.

15. The Court shall decide all claims *ex aequo et bono* and in accordance with the general principles of justice and equity, and the applicable provisions of the Charter of the United Nations.

Clause 12: (1) The Court makes its own rules of practice, procedure and evidence; may provide for experts to sit with and advise the Court; and may provide a scale of fees and costs. Due to the nature of the claims, the customary rules of evidence would be unsuitable; therefore the Court is empowered to draft suitable rules.

Clauses 13–16: These clauses are self-explanatory. They define who may be parties, the function of and the type of claim to be heard by the Court; the law to be applied and the law to be excluded. The *Canada Evidence Act* and the *Interpretation Act* are expressly excluded since they would probably apply unless expressly excluded. The *Canadian Bill of Rights* is not expressly excluded and therefore is applicable.

Law excluded.

16. (1) Unless and to the extent the parties otherwise consent, the Court shall decide each claim without reference to the domestic or municipal laws of Canada other than the *British North America Act, 1867*.

Statutes specifically excluded.

(2) The *Canada Evidence Act* and the *Interpretation Act* shall not apply to this Act.

Crown bound.

(3) This Act shall bind the Crown.

PART III.

Procedure of the Court.

Binding force of judgment.

17. (1) The decision of the Court has no binding force except between the parties and in respect of that particular claim.

Judgment may be construed.

(2) In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

Revision conditions.

18. (1) An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance of the party was not due to negligence.

(2) The proceedings for revision shall be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the claim open to revision, and declaring the application admissible on this ground.

(3) The application for revision must be made within six months of the discovery of the new fact.

(4) No application for revision may be made after one year from the date of judgment.

Notice to interested province.

19. (1) Where the Court is of opinion that the government of any province has any special interest in any claim, the attorney general of such province shall be notified of the hearing thereon in order that he may be heard if he thinks fit.

Notice to interested persons.

(2) The Court has power to direct that any person interested, or, where there is a class of persons interested, any one or more persons as representatives of such class, shall be notified of the hearing upon any claim, and such persons are entitled to be heard thereon.

Appointment of counsel by Court.

(3) The Court may, in its discretion, request any counsel to argue the claim as to any interest that is affected and as to which counsel or an agent does not appear.

Clause 17: Self-explanatory.

Clause 18: A judgment may be revised on the discovery of a new fact.

Clause 19: This clause is similar to one in the *Supreme Court Act*. It ensures that all interests may be protected. The Court may, upon an application for costs and in its discretion, award costs.

Application for payment of fees, costs and expenses.

(4) Any person or representative of a class or organization of persons may apply to the Court for payment, in whole or in part, of the reasonable costs, fees, or expenses of preparing and presenting a claim or an interest affected and the Court may order such expenses, in whole or in part, to be administrative expenses of the Court.

Appearance.

(5) A party or a provincial government or person, whose interest is affected may appear by counsel or an agent.

Access to official records.

20. The Court, or any person authorized by the Court, shall have access to any material relating to a claim in the official records of Canada or of a province of Canada.

Status and powers of the Court.

21. The Court shall be a court of record and shall have all the powers necessary for the fulfilment of its functions as the Supreme Court of Canada would have in the like instance.

Annual Report.

22. (1) The President, within a year after the establishment of the Court and thereafter in each succeeding calendar year, shall make a report on the proceedings of the Court with his recommendations, if any, as to any measures that should be taken to better implement the intent and achieve the purposes of this Act and shall thereon lay such report before Parliament.

Now laid 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.

Recording and custody.

(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.

PART IV.

Appeals.

Appeal lies to Supreme Court of Canada.

23. (1) An appeal to the Supreme Court of Canada lies from a judgment, a revised judgment, or a determination of the status of any person, pronounced by the Court or any of the chambers of the Court.

Powers of appeal court.

(2) For the purposes of this Act, the Supreme Court shall have all the powers of the Canada Court of Indian Claims and shall decide all appeals from that Court

Law applied.

in accordance with the law to be applied therein.

Clause 20: Provides access to official papers relating to Indians or lands reserved for Indians.

Clause 21: Self-explanatory.

Clause 22: Self-explanatory. The method of laying the report before Parliament is modelled on the United Kingdom practice.

Clause 23: Provides for an appeal to the Supreme Court.

Rules and orders as to appeals.

(3) The Supreme Court shall make rules and orders for the effectual execution and working of this Act and for the attainment of the intentions and objects thereof with respect to appeals and the practice and procedure thereon.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-68.

An Act to amend the Combines Investigation Act (Floor Penalties, Criminal Joint Tortfeasors, and Moieties).

First reading, June 3, 1963.

Mr. ORLIKOW.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28913-2

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-68.

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.

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 therefor:

Punishment for disobedience.

"(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 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 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 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 enhance unreasonably the price thereof,

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

(*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 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 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 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 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 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;

(*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 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 eliminating 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. 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."

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

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."

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

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.

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 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 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 neglect, is guilty of that offence personally and jointly with the corporation."

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.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-69.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1964.

AS PASSED BY THE HOUSE OF COMMONS, 3rd JUNE, 1963.

1st. reading not printed.

THE MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28886-0

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-69.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1964.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency, Major-General Georges Philias Vanier, DSO., MC., Governor General of Canada and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1964, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Short title.

1. This Act may be cited as the *Appropriation Act No. 1, 1963.*

$1,430,259,-968.45 granted for 1963-64.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole one billion, four hundred and thirty million, two hundred and fifty-nine thousand, nine hundred sixty-eight dollars and forty-five cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1963 to the 31st day of March, 1964, not otherwise provided for, and being the aggregate of

(*a*) four-twelfths of the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1964, as laid before the House of Commons at the present session of Parliament..... ..... $1,282,100,552.00;

(*b*) five-twelfths of the amount of the item in the said Main Estimates set forth in Schedule A $416,666.67;

(*c*) four-twelfths of the total of the amounts of the several items in the said Main Estimates set forth in Schedule B..... $737,333.34;

(*d*) three-twelfths of the total of the amounts of the several items in the said Main Estimates set forth in Schedule C..... $307,025.00;

(*e*) two-twelfths of the total of the amounts of the several items in the said Main Estimates set forth in Schedule D..... $2,376,416.67;

(*f*) one-twelfth of the total of the amounts of the several items in the said Main Estimates set forth in Schedule E..... $11,626,316.67;

(*g*) four-twelfths of the total of the amounts of the items set forth in the Supplementary Estimates (A), for the fiscal year ending the 31st day of March, 1964, as laid before the House of Commons at the present session of Parliament $110,163,277.67;

(*h*) seven-twelfths of the total of the amounts of the several items in the said Supplementary Estimates (A) set forth in Schedule F..... ..... $15,665,416.67;

(*i*) five-twelfths of the total of the amounts of the several items in the said Supplementary Estimates (A) set forth in Schedule G..... ..... $5,841,005.42;

(*j*) one-twelfth of the total of the amounts of the several items in the said Supplementary Estimates (A) set forth in Schedule H..... ..... $1,025,958.34;

Provided the amounts hereby authorized to be paid and applied in respect of these items shall be deemed to include and not be in addition to the amounts authorized for such items by the special Warrants issued by the Governor General pursuant to Orders of the Governor in Council of April 1, 1963 (P.C. 1963–546) and May 2, 1963 (P.C. 1963–702), for $260,979,774 and $354,416,247 respectively.

Purpose and effect of each item.

3. The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

Commitments.

4. Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Contracts ratified and confirmed.

5. Contracts entered into, after the 6th day of February, 1963, but before the 29th day of May, 1963, for any of the purposes specified in any of the items set forth in the said Estimates are hereby ratified and confirmed.

Special warrants. 1958, c. 31, s. 2, ss. (2).

6. For the purposes of subsection (4) of section 28 of the *Financial Administration Act*, the Act of Parliament referred to therein shall, in relation to any special warrants issued pursuant to that section in respect of the fiscal year that ended on the 31st day of March, 1963, be deemed to be the Act of Parliament enacted after the enactment of this Act for granting to Her Majesty sums of money to defray expenses of the public service for that fiscal year, and not this Act.

Power to raise loan of $1,500,000,000 for public works and general purposes. R.S., c. 116.

7. (1) The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament, by any Act heretofore passed, raise by way of loan, under the *Financial Administration Act*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rates of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, not exceeding in the whole, the sum of one billion five hundred million dollars, as may be required for public works and general purposes.

Lapse of prior borrowing powers.

(2) All borrowing powers that are authorized by section 4 of chapter 20 and by section 4 of chapter 24 of the statutes of 1962 and are outstanding and unused shall expire on the date of the coming into force of this Act.

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

8. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE A.

Based on the Main Estimates, 1963-64. The amount hereby granted is $416,666.67, being five-twelfths of the amount of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1964, and the purposes for which it is granted.

No. of Vote	Service	Amount	Total
		$	$
	LOANS, INVESTMENTS AND ADVANCES		
	FINANCE		
L20	To authorize the establishment of a special account in the Consolidated Revenue Fund, to be known as the Government Telephone Account, from which may be made, notwithstanding anything in the Financial Administration Act, payments in the current and subsequent fiscal years on the requisition of the Minister of Finance in respect of government telephone service; the Account to be credited with, and the appropriations of departments receiving telephone service to be charged for, the costs of such service in such manner as the Treasury Board may direct, but the excess of the amounts paid out of the Account over the amounts credited thereto shall not at any time exceed...		*1,000,000

*Net total $416,666.67

SCHEDULE B.

Based on the Main Estimates, 1953-54. The amount hereby granted is $7,017,883.34, being four-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

Sums granted to Her Majesty by this Act for the financial year ending 31st March, 1954, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	FISHERIES		
	Branch		
45	Canadian share of expenses of the International Commission for the Northwest Atlantic Fisheries	1,161,000	
	POLITICAL AFFAIRS AND POLITICAL RESOURCES		
10	Contributions to the Provinces pursuant to arrangements entered into with the approval of the Governor in Council by Canada with the Provinces, of amounts equal to one-half of the amounts contributed by the Provinces as hereby authorized by them for Conservation and Plant Area Development	856,000	
	PUBLIC WORKS		
	Chapters		
190	Balances required to complete any projects authorized by previous Local Acts and for which no vesting provision is made in the Local Act 1953-54	856,000	
			7,017,883.34

SCHEDULE B.

Based on the Main Estimates, 1963-64. The amount hereby granted is $737,333.34, being four-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1964, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	FISHERIES		
	SPECIAL		
45	Canadian share of expenses of the International Commissions detailed in the Estimates	1,162,000	
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
10	Contributions to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council by Canada with the Provinces, of amounts equal to one-half of the amounts confirmed by the Provinces as having been spent by them for Campground and Picnic Area Developments	250,000	
	PUBLIC WORKS		
	GENERAL		
190	Balances required to complete any projects undertaken in previous fiscal years and for which no specific provision is made in the fiscal year 1963-64	800,000	
			*2,212,000

*Net total $737,333.34

SCHEDULE C.

Based on the Main Estimates, 1963-64. The amount hereby granted is $307,025.00, being three-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1964, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	ATOMIC ENERGY		
	ATOMIC ENERGY CONTROL BOARD		
5	Grants for Researches and Investigations with respect to Atomic Energy	900,000	
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	SURVEYS AND MAPPING BRANCH		
45	Topographical Surveys—Construction or Acquisition of Equipment	87,000	
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
5	Northern Co-ordination and Research including an amount of $70,000 for grants for northern research and for northern scientific research expeditions	241,100	
			*1,228,100

*Net total $307,025.00

SCHEDULE D.

Based on the Main Estimates, 1903-04. The amount hereby granted is $2,370,416.67, being two-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

Sums granted to His Majesty by this Act for the financial year ending 31st March, 1904, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	AGRICULTURE		
	Protection and Marketing Branch		
	Live-stock Division—		
100	To authorize, notwithstanding section 32 and 33 of the Finance Administration Act, the issue by the Minister of Agriculture, in accordance with terms and conditions prescribed by the Governor in Council, of Premium Warrants for High Grade Hog Carcasses and for High Grade Lamb Carcasses, and to authorize the charging to this vote of the value of Premium Warrants at the time they are issued, notwithstanding that the total value of all Premium Warrants to be issued may exceed the estimated cost of the purpose for which it.....	5,815,300	
	EXTERNAL AFFAIRS		
	A—Department		
	Secretary's Office		
	Salaries and Payments—		
78	Extraordinary Allowance for Indemnity Provided by Act 1 Edward VII, chapter 3.....	300,000	
	MINES AND TECHNICAL SURVEYS		
	A—Department		
	Geological Survey of Canada		
80	Administration, Operation and Maintenance including Outside Service of the staff of the Geological Survey, Dominion Observatory, Experimental Farms, Meteorological Service, Fisheries Commissioners, Commissioner of Fisheries, Commissioner of Fisheries, Commissioner of Fisheries

SCHEDULE D.

Based on the Main Estimates, 1963-64. The amount hereby granted is $2,376,416.67, being two-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1964, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	AGRICULTURE		
	PRODUCTION AND MARKETING BRANCH		
	Livestock Division—		
100	To authorize, notwithstanding sections 33 and 35 of the Financial Administration Act, the issue by the Minister of Agriculture, in accordance with terms and conditions prescribed by the Governor in Council, of Premium Warrants for High Grade Hog Carcasses and for High Grade Lamb Carcasses, and to authorize the charging to this vote of the value of Premium Warrants at the time they are issued, notwithstanding that the total value of all Premium Warrants to be charged may exceed the estimated cost of the program, which is	5,515,000	
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
	EXTERNAL AID OFFICE		
	Bilateral Aid Programs—		
78	Educational Assistance for Independent French-speaking African States	300,000	
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	GEOLOGICAL SURVEY OF CANADA		
80	Administration, Operation and Maintenance including Canada's share of the cost of the Geological Liaison Office, British Commonwealth Scientific Conference, London, England, and $75,000 for grants in aid of Geological Research in Canadian Universities	6,191,000	
	PUBLIC WORKS		
	PUBLIC BUILDINGS CONSTRUCTION AND SERVICES		
	Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings listed in the details of the Estimates, including expenditures on works on other than federal property, but the amount within the vote to be expended on individually listed projects may be increased or decreased, subject to the approval of Treasury Board—		
20	New Brunswick	200,000	

SCHEDULE D—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	PUBLIC WORKS (*Continued*)		
	HARBOURS AND RIVERS ENGINEERING SERVICES		
135	Construction or Acquisition of Buildings, Works, Land and Equipment	52,500	
	GENERAL		
195	Miscellaneous Works not otherwise provided for, including expenditures on works on other than federal property: a maximum of $15,000 may be expended in respect of any one work and, with the approval of Treasury Board, that maximum may be increased to $25,000	2,000,000	
			*14,258,500

*Net total $2,376,416.67

SCHEDULE E.

Based on the Main Estimates, 1963-64. The amount hereby granted is $11,626,316.67, being one-twelfth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1964, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
	EXTERNAL AID OFFICE		
	Bilateral Aid Programs—		
60	Commonwealth Caribbean Assistance Program in respect of the Islands of the former Federation of the British West Indies, British Honduras, and British Guiana..	2,100,000	
65	Special Commonwealth Africa Aid Program.....	3,500,000	
	FISHERIES		
	Conservation and Development Service—		
30	Construction or Acquisition of Buildings, Works, Land and Equipment.....	1,070,000	
	FISHERIES RESEARCH BOARD OF CANADA		
85	Operation and Maintenance including an amount of $55,000 for grants for Fisheries Research and for Scholarships, and authority to make recoverable advances of amounts not exceeding in the aggregate the amount of the share of the International Great Lakes Fishery Commission of the cost of work on lamprey control and lamprey research....	5,318,000	
	FORESTRY		
	FOREST RESEARCH BRANCH		
15	Operation and Maintenance.....	1,979,200	
	FOREST ENTOMOLOGY AND PATHOLOGY BRANCH		
25	Operation and Maintenance.....	3,433,200	
	FOREST PRODUCTS RESEARCH BRANCH		
35	Operation and Maintenance.....	1,147,400	
	LEGISLATION		
	HOUSE OF COMMONS		
40	General Administration—Estimates of the Clerk.....	2,568,200	
45	Estimates of the Sergeant-at-Arms.....	1,221,800	

SCHEDULE E—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	MINES AND TECHNICAL SURVEYS		
	A—Department		
	Surveys and Mapping Branch		
30	Geodetic Survey of Canada	1,119,400	
35	International Boundary Commission including authority to make recoverable advances in amounts not exceeding in the aggregate the amounts of the share of the United States Government of the cost of binding annual reports and maintaining boundary range lights	102,900	
	Topographical Surveys—		
40	Administration, Operation and Maintenance	2,002,800	
50	Legal Surveys and Aeronautical Charts	796,600	
	Marine Sciences Branch		
70	Administration, Operation and Maintenance including Canada's fee for membership in the International Hydrographic Bureau	6,001,800	
	Geographical Branch		
100	Administration, Operation and Maintenance including the expenses of the Canadian Permanent Committee on Geographical Names and the National Committee for Canada of the International Geographical Union, Canada's fee for membership in the International Geographical Union and a grant of $500 to the Canadian Association of Geographers	554,300	
	Dominion Observatories		
	Dominion Observatory, Ottawa and Field Stations—		
105	Administration, Operation and Maintenance including the expenses of the National Committee for Canada of the International Astronomical Union, Canada's fee for membership in the International Astronomical Union and a grant of $3,500 to the Royal Astronomical Society of Canada	1,722,000	
	General		
125	Purchases of Air Photography and the expenses of the Interdepartmental Committee on Air Surveys	510,000	
130	Polar Continental Shelf Project	1,562,500	
	NATIONAL RESEARCH COUNCIL		
1	Salaries and Other Expenses	40,725,200	
	NATIONAL REVENUE		
	Taxation Division		
25	District Offices	33,850,500	

SCHEDULE E—*Concluded*

No. of Vote	Service	Amount	Total
		$	$
	PUBLIC WORKS		
	HARBOURS AND RIVERS ENGINEERING SERVICES		
	Construction, acquisition, major repairs and improvements of, and plans and sites for, harbour and river works listed in the details of the Estimates, including expenditures on works on other than federal property, but the amount within the vote to be expended on individually listed projects may be increased or decreased, subject to the approval of Treasury Board—		
125	Alberta and Northwest Territories	117,000	
	GENERAL		
185	Advance planning of projects including acquisition of sites	2,000,000	
	TRADE AND COMMERCE		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
15	Exhibitions Branch	1,429,900	
20	Standards Branch	3,026,800	
28	Canadian Government Travel Bureau— To assist in promoting the Tourist Business in Canada including a grant of $37,000 to the Canadian Tourist Association	3,656,300	
	TRANSPORT		
	D—CANADIAN MARITIME COMMISSION		
222	Capital subsidies for the construction of commercial and fishing vessels in accordance with regulations of the Governor in Council	18,000,000	
			*139,515,800

*Net total $11,626,316.67.

SCHEDULE F.

Based on the Supplementary Estimates (A), 1963-64. The amount hereby granted is $15,665,416.67, being seven-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1964, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
	CONTRIBUTIONS TO OTHER INTERNATIONAL ECONOMIC AND SPECIAL AID PROGRAMS		
96a	Special Aid Programs— Contribution to India of 500 tons of Electrolytic Nickel.....	855,000	
	LOANS, INVESTMENTS AND ADVANCES		
	TRANSPORT		
L63a	Advances to the Canadian National Railway Company, pending the enactment of the Canadian National Railways Financing and Guarantee Act, 1962–63, on such terms and conditions as the Governor in Council may approve.....	26,000,000	
			*26,855,000

*Net Total $15,665,416.67

SCHEDULE G.

Based on the Supplementary Estimates (A), 1963–64. The amount hereby granted is $5,841,005.42, being five-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1964, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	NORTHERN ADMINISTRATION BRANCH		
110a	Northwest Territories and Other Field Services—Operation and Maintenance—To extend the purposes of Vote 110 of the Main Estimates for 1963–64 to include the contributions detailed in these Estimates	1,518,413	
	LOANS, INVESTMENTS AND ADVANCES		
	EXTERNAL AFFAIRS		
L13a	Loans to the Government of India to finance the purchase in Canada of aircraft and associated spare parts and equipment in accordance with a financial agreement entered into between the Government of Canada and the Government of India	12,500,000	
			*14,018,413

*Net Total $5,841,005.42.

SCHEDULE H.

Based on the Supplementary Estimates (A), 1963–64. The amount hereby granted is $1,025,958.34, being one-twelfth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1964, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	FISHERIES		
	Conservation and Development Service—		
30a	Construction or Acquisition of Buildings, Works, Land and Equipment	231,000	
	PUBLIC WORKS		
	PUBLIC BUILDINGS CONSTRUCTION AND SERVICES		
	Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings listed in the details of the Estimates, including expenditures on works on other than federal property, but the amount within the vote to be expended on individually listed projects may be increased or decreased, subject to the approval of Treasury Board—		
20a	New Brunswick	40,000	
	HARBOURS AND RIVERS ENGINEERING SERVICES		
135a	Construction or Acquisition of Buildings, Works, Land and Equipment	40,500	
	TRANSPORT		
	D—CANADIAN MARITIME COMMISSION		
222a	Capital subsidies for the construction of commercial and fishing vessels in accordance with regulations of the Governor in Council	12,000,000	
			*12,311,500

*Net Total $1,025,958.34.

C-70.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-70.

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

First reading, June 7, 1963.

Mr. SOUTHAM.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28953-8

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C- 70.

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.

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:

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."

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.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-71.

An Act respecting Indians.

First reading, June 7, 1963.

Mr. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28959-5

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-71.

An Act respecting Indians

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 *Indian Act*.

INTERPRETATION.

Definitions.

2. (1) In this Act,

"Band."

(*a*) "band" means a body of Indians

(i) for whose use and benefit in common, lands, the legal title to which is vested in Her Majesty, have been set apart before or after the coming into force of this Act,

(ii) for whose use and benefit in common, moneys are held by Her Majesty, or

(iii) declared by the Governor in Council to be a band for the purposes of this Act;

"Child."

(*b*) "child" includes a legally adopted Indian child;

"Council of the band."

(*c*) "council of the band" means

(i) in the case of a band to which section 73 applies, the council established pursuant to that section,

(ii) in the case of a band to which section 73 does not apply, the council chosen according to the custom of the band, or, where there is no council, the chief of the band chosen according to the custom of the band;

"Department."

(*d*) "Department" means the Department of Citizenship and Immigration;

Explanatory Notes.

The purpose of this Bill is to consolidate the *Indian Act* and its various amendments into one Statute.

An ancillary effect, which will be of immense value to the Native Indian people of Canada, is that this Bill, as required by Section 3 of the Bill of Rights, will be examined by the Minister of Justice in order to ascertain whether any of the provisions hereof are inconsistent with the purposes and provisions of the *Canadian Bill of Rights* and if such is the case in order that these inconsistencies may be reported to the House of Commons.

If this Bill is found to be inconsistent with the purposes and provisions of the Bill of Rights the House will be able to make the necessary changes during Committee stage.

"Elector." (*e*) "elector" means a person who
(i) is registered on a Band List,
(ii) is of the full age of twenty-one years, and
(iii) is not disqualified from voting at band elections;

"Estate." (*f*) "estate" includes real and personal property and any interest in the land;

"Indian." (*g*) "Indian" means a person who pursuant to this Act is registered as an Indian or is entitled to be registered as an Indian;

"Indian moneys." (*h*) "Indian moneys" means all moneys collected, received or held by Her Majesty for the use and benefit of Indians or bands;

"Intoxicant." (*i*) "intoxicant" includes alcohol, alcoholic, spirituous, vinous, fermented malt or other intoxicating liquor or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented or otherwise intoxicating and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption that are intoxicating;

"Member of a band." (*j*) "member of a band" means a person whose name appears on a Band List or who is entitled to have his name appear on a Band List;

"Mentally incompetent Indian." (*k*) "mentally incompetent Indian" means an Indian who, pursuant to the laws of the province in which he resides, has been found to be mentally defective or incompetent for the purposes of any laws of that province providing for the administration of estates of mentally defective or incompetent persons;

"Minister." (*l*) "Minister" means the Minister of Citizenship and Immigration;

"Registered." (*m*) "registered" means registered as an Indian in the Indian Register;

"Registrar." (*n*) "Registrar" means the officer of the Department who is in charge of the Indian Register;

"Reserve." (*o*) "reserve" means a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band;

"Superintendent." (*p*) "superintendent" includes a commissioner, regional supervisor, Indian superintendent, assistant Indian superintendent and any other person declared by the Minister to be a superintendent for the purposes of this Act, and with reference to a band or a reserve, means the superintendent for that band or reserve;

"Surrendered lands." (*q*) "surrendered lands" means a reserve or part of a reserve or any interest therein, the legal title

to which remains vested in Her Majesty, that has been released or surrendered by the band for whose use and benefit it was set apart.

"Band."

(2) The expression "band" with reference to a reserve or surrendered lands means the band for whose use and benefit the reserve or the surrendered lands were set apart.

Exercise of powers conferred on band or Council.

(3) Unless the context otherwise requires or this Act otherwise provides

(*a*) a power conferred upon a band shall be deemed not to be exercised unless it is exercised pursuant to the consent of a majority of the electors of the band, and

(*b*) a power conferred upon the council of a band shall be deemed not to be exercised unless it is exercised pursuant to the consent of a majority of the councillors of the band present at a meeting of the council duly convened.

ADMINISTRATION.

Minister to administer Act.

3. (1) This Act shall be administered by the Minister of Citizenship and Immigration, who shall be the superintendent general of Indian affairs.

Authority of Deputy Minister and chief officer.

(2) The Minister may authorize the Deputy Minister of Citizenship and Immigration or the chief officer in charge of the branch of the Department relating to Indian affairs to perform and exercise any of the duties, powers and functions that may be or are required to be performed or exercised by the Minister under this Act or any other Act of the Parliament of Canada relating to Indian affairs.

APPLICATION OF ACT.

Application of Act.

4. (1) A reference in this Act to an Indian does not include any person of the race of aborigines commonly referred to as Eskimos.

G. in C. may declare Act inapplicable

(2) The Governor in Council may by proclamation declare that this Act or any portion thereof, except sections 37 to 41, shall not apply to

(*a*) any Indians or any group or band of Indians, or

(*b*) any reserve or any surrendered lands or any part thereof,

and may by proclamation revoke any such declaration.

Certain sections inapplicable to Indians living off reserves.

(3) Sections 113 to 122 and, unless the Minister otherwise orders, sections 42 to 52 do not apply to or in respect of any Indian who does not ordinarily reside on a reserve or on lands belonging to Her Majesty in right of Canada or a province.

Definition and Registration of Indians.

Indian Register.

5. An Indian Register shall be maintained in the Department, which shall consist of Band Lists and General Lists and in which shall be recorded the name of every person who is entitled to be registered as an Indian.

Band Lists and General Lists.

6. The name of every person who is a member of a band and is entitled to be registered shall be entered in the Band List for that band, and the name of every person who is not a member of a band and is entitled to be registered shall be entered in a General List.

Deletions and additions.

7. (1) The Registrar may at any time add to or delete from a Band List or a General List the name of any person who, in accordance with the provisions of this Act, is entitled or not entitled, as the case may be, to have his name included in that List.

Date of change.

(2) The Indian Register shall indicate the date on which each name was added thereto or deleted therefrom.

Existing lists to constitute Register.

8. Upon the coming into force of this Act, the band lists then in existence in the Department shall constitute the Indian Register, and the applicable lists shall be posted in a conspicuous place in the superintendent's office that serves the band or persons to whom the list relates and in all other places where band notices are ordinarily displayed.

Deletions and additions may be protested.

9. (1) Within six months after a list has been posted in accordance with section 8 or within three months after the name of a person has been added to or deleted from a Band List or a General List pursuant to section 7

(*a*) in the case of a Band List, the council of the band, any ten electors of the band, or any three electors if there are less than ten electors in the band,

(*b*) in the case of a posted portion of a General List, any adult person whose name appears on that posted portion, and

(*c*) the person whose name was included in or omitted from the list referred to in section 8, or whose name was added to or deleted from a Band List or a General List.

may, by notice in writing to the Registrar, containing a brief statement of the grounds therefor, protest the inclusion, omission, addition, or deletion, as the case may be, of the name of that person, and the onus of establishing those grounds lies on the person making the protest.

Registrar to cause investigation.

(2) Where a protest is made to the Registrar under this section he shall cause an investigation to be made into the matter and shall render a decision, and subject to a reference under subsection (3), the decision of the Registrar is final and conclusive.

Reference to Judge.

(3) Within three months from the date of a decision of the Registrar under this section

(*a*) the council of the band affected by the Registrar's decision, or

(*b*) the person by or in respect of whom the protest was made,

may, by notice in writing, request the Registrar to refer the decision to a judge for review, and thereupon the Registrar shall refer the decision, together with all material considered by the Registrar in making his decision, to the judge of the county or district court of the county or district in which the band is situated or in which the person in respect of whom the protest was made resides, or such other county or district as the Minister may designate, or in the Province of Quebec, to the judge of the Superior Court for the district in which the band is situated or in which the person in respect of whom the protest was made resides, or such other district as the Minister may designate.

Inquiry and decision.

(4) The judge of the county, district or Superior Court, as the case may be, shall inquire into the correctness of the Registrar's decision, and for such purposes may exercise all the powers of a commissioner under Part I of the *Inquiries Act;* the judge shall decide whether the person in respect of whom the protest was made is, in accordance with the provisions of this Act, entitled or not entitled, as the case may be, to have his name included in the Indian Register, and the decision of the judge is final and conclusive. 1951, c. 29, s. 9.

One reference only.

(5) Not more than one reference of a Registrar's decision in respect of a protest may be made to a judge under this section.

Burden of proof. New.

(6) Where a decision of the Registrar has been referred to a judge for review under this section, the burden of establishing that the decision of the Registrar is erroneous is on the person who requested that the decision be so referred.

Wife and minor children.

10. Where the name of a male person is included in, omitted from, added to or deleted from a Band List or a General List, the names of his wife and his minor children shall also be included, omitted, added or deleted, as the case may be.

Persons entitled to be registered.

11. Subject to section 12, a person is entitled to be registered if that person

(*a*) on the 26th day of May, 1874, was, for the purposes of *An Act providing for the organization of the Department of the Secretary of State of Canada, and for the management of Indian and Ordnance Lands*, chapter 42 of the statutes of 1868, as amended by section 6 of chapter 6 of the statutes of 1869, and section 8 of chapter 21 of the statutes of 1874, considered to be entitled to hold, use or enjoy the lands and other immovable property belonging to or appropriated to the use of the various tribes, bands or bodies of Indians in Canada;

(*b*) is a member of a band

(i) for whose use and benefit, in common, lands have been set apart or since the 26th day of May, 1874, have been agreed by treaty to be set apart, or

(ii) that has been declared by the Governor in Council to be a band for the purposes of this Act;

(*c*) is a male person who is a direct descendant in the male line of a male person described in paragraph (*a*) or (*b*);

(*d*) is the legitimate child of

(i) a male person described in paragraph (*a*) or (*b*), or

(ii) a person described in paragraph (*c*);

(*e*) is the illegitimate child of a female person described in paragraph (*a*), (*b*) or (*d*); or

(*f*) is the wife or widow of a person who is entitled to be registered by virtue of paragraph (*a*), (*b*), (*c*), (*d*) or (*e*).

Persons not entitled to be registered.

12. (1) The following persons are not entitled to be registered, namely,

(*a*) a person who

(i) has received or has been allotted half-breed lands or money scrip,

(ii) is a descendent of a person described in subparagraph (i),

(iii) is enfranchised, or

(iv) is a person born of a marriage entered into after the 4th day of September, 1951, and has attained the age of twenty-one years, whose mother and whose father's mother are not persons described in paragraph (*a*), (*b*), (*d*), or entitled to be registered by virtue of paragraph (*e*) of section 11,

unless, being a woman, that person is the wife or widow of a person described in section 11, and

(*b*) a woman who married a person who is not an Indian, unless that woman is subsequently the wife or widow of a person described in section 11.

Protest re illegitimate child. New.

(1a) The addition to a Band List of the name of an illegitimate child described in paragraph (*e*) of section 11 may be protested at any time within twelve months after the addition, and if upon the protest it is decided that the father of the child was not an Indian, the child is not entitled to be registered under paragraph (*e*) of section 11: Provided this subsection applies only to persons born after August 14, 1956.

Certificate.

(2) The Minister may issue to any Indian to whom this Act ceases to apply, a certificate to that effect.

Exception.

(3) Subparagraphs (i) and (ii) of paragraph (*a*) of subsection (1) do not apply to a person who

(*a*) pursuant to this Act is registered as an Indian on the day this subsection comes into force, or

(*b*) is a descendant of a person described in paragraph (*a*) of this subsection.

Admission to band and transfer of membership.

13. Subject to the approval of the Minister and, if the Minister so directs, to the consent of the admitting band,

(*a*) a person whose name appears on a General List may be admitted into membership of a band with the consent of the council of the band; and

(*b*) a member of a band may be admitted into membership of another band with the consent of the council of the latter band.

Woman marrying outside band ceases to be member.

14. A woman who is a member of a band ceases to be a member of that band if she marries a person who is not a member of that band, but if she marries a member of another band, she thereupon becomes a member of the band of which her husband is a member.

Payments to persons ceasing to be members.

15. (1) Subject to subsection (2), an Indian who becomes enfranchised or who otherwise ceases to be a member of a band is entitled to receive from Her Majesty

(*a*) one *per capita* share of the capital and revenue moneys held by Her Majesty on behalf of the band, and

(*b*) an amount equal to the amount that in the opinion of the Minister he would have received during the next succeeding twenty years under

any treaty then in existence between the band and Her Majesty if he had continued to be a member of the band.

Payments not to be made in certain cases.

(2) A person is not entitled to receive any amount under subsection (1)

(*a*) if his name was removed from the Indian register pursuant to a protest made under section 9, or

(*b*) if he is not entitled to be a member of a band by reason of the application of paragraph (*e*) of section 11 or subparapraph (iv) of paragraph (*a*) of section 12.

Payments to minors.

(3) Where by virtue of this section moneys are payable to a person who is under the age of twenty-one, the Minister may

(*a*) pay the moneys to the parent, guardian or other person having the custody of that person or to the public trustee, public administrator or other like official for the province in which that person resides, or

(*b*) cause payment of the moneys to be withheld until that person reaches the age of twenty-one.

Compensation for permanent improvements.

(4) Where the name of a person is removed from the Indian Register and he is not entitled to any payment under subsection (1), the Minister shall, if he considers it equitable to do so, authorize payment, out of moneys appropriated by Parliament, of such compensation as the Minister may determine for any permanent improvements made by that person on lands in a reserve.

Commutation of payments under former Act.

(5) Where, prior to the coming into force of this Act, any woman became entitled, under section 14 of the *Indian Act*, chapter 98 of the Revised Statutes of Canada, 1927, or any prior provisions to the like effect, to share in the distribution of annuities, interest moneys or rents, the Minister may, in lieu thereof, pay to such woman out of the moneys of the band an amount equal to ten times the average annual amounts of such payments made to her during the ten years last preceding or, if they were paid for less than ten years, during the years they were paid.

Transfer of funds.

16. (1) Section 15 does not apply to a person who ceases to be a member of one band by reason of his becoming a member of another band, but, subject to subsection (3), there shall be transferred to the credit of the latter band the amount to which that person would, but for this section, have been entitled under section 15.

Transferred member's interest in lands and moneys.

(2) A person who ceases to be a member of one band by reason of his becoming a member of another band is not entitled to any interest in the lands or moneys held by Her Majesty on behalf of the former band, but he is entitled

to the same interest in common in lands and moneys held by Her Majesty on behalf of the latter band as other members of that band.

Transfer of woman by marriage.

(3) Where a woman who is a member of one band becomes a member of another band by reason of marriage, and the *per capita* share of the capital and revenue moneys held by Her Majesty on behalf of the first-mentioned band is greater than the *per capita* share of such moneys so held for the second-mentioned band, there shall be transferred to the credit of the second-mentioned band an amount equal to the *per capita* share held for that band, and the remainder of the money to which the woman would, but for this section, have been entitled under section 15 shall be paid to her in such manner and at such times as the Minister may determine.

Minister may constitute new bands.

17. (1) The Minister may, whenever he considers it desirable,

(*a*) constitute new bands and establish Band Lists with respect thereto from existing Band Lists or General Lists, or both,

(*b*) amalgamate bands that, by a vote of a majority of their electors, request to be amalgamated, and

(*c*) where a band has applied for enfranchisement, remove any name from the Band List and add it to the General List.

Division of reserves and funds.

(2) Where pursuant to subsection (1) a new band has been established from an existing band or any part thereof, such portion of the reserve lands and funds of the existing band as the Minister determines shall be held for the use and benefit of the new band.

No protest. New.

(3) No protest may be made under section 9 in respect of the deletion from or addition to a list consequent upon the exercise by the Minister of any of his powers under subsection (1).

RESERVES.

Reserves to be held for use and benefit of Indians.

18. (1) Subject to the provisions of this Act, reserves shall be held by Her Majesty for the use and benefit of the respective bands for which they were set apart; and subject to this Act and to the terms of any treaty or surrender, the Governor in Council may determine whether any purpose for which lands in a reserve are used or are to be used is for the use and benefit of the band.

Use of reserves for schools, etc.

(2) The Minister may authorize the use of lands in a reserve for the purpose of Indian schools, the administration of Indian affairs, Indian burial grounds, Indian health projects or, with the consent of the council of

the band, for any other purpose for the general welfare of the band, and may take any lands in a reserve required for such purposes, but where an individual Indian, immediately prior to such taking, was entitled to the possession of such lands, compensation for such use shall be paid to the Indian, in such amount as may be agreed between the Indian and the Minister, or, failing agreement, as may be determined in such manner as the Minister may direct.

Minister may authorize surveys and sub-divisions.

19. The Minister may

(*a*) authorize surveys of reserves and the preparation of plans and reports with respect thereto,

(*b*) divide the whole or any portion of a reserve into lots or other subdivisions, and

(*c*) determine the location and direct the construction of roads in a reserve.

Possession of Lands in Reserves.

Possession of lands in a reserve.

20. (1) No Indian is lawfully in possession of land in a reserve unless, with the approval of the Minister, possession of the land has been allotted to him by the council of the band.

Certificate of Possession.

(2) The Minister may issue to an Indian who is lawfully in possession of land in a reserve a certificate, to be called a Certificate of Possession, as evidence of his right to possession of the land described therein.

Location tickets issued under previous legislation.

(3) For the purposes of this Act, any person who, on the 4th day of September, 1951, held a valid and subsisting location ticket issued under *The Indian Act 1880*, or any statute relating to the same subject matter, shall be deemed to be lawfully in possession of the land to which the location ticket relates and to hold a Certificate of Possession with respect thereto.

Temporary possession.

(4) Where possession of land in a reserve has been allotted to an Indian by the council of the band, the Minister may, in his discretion, withhold his approval and may authorize the Indian to occupy the land temporarily and may prescribe the conditions as to use and settlement that are to be fulfilled by the Indian before the Minister approves of the allotment.

Certificate of Occupation.

(5) Where the Minister withholds approval pursuant to subsection (4), he shall issue a Certificate of Occupation to the Indian, and the Certificate entitles the Indian, or those claiming possession by devise or descent, to occupy the land in respect of which it is issued for a period of two years from the date thereof.

Extension of Certificate of Occupation, and approval of allotment.

(6) The Minister may extend the term of a Certificate of Occupation for a further period not exceeding two years, and may, at the expiration of any period during which a Certificate of Occupation is in force

(*a*) approve the allotment by the council of the band and issue a Certificate of Possession if in his opinion the conditions as to use and settlement have been fulfilled, or

(*b*) refuse approval of the allotment by the council of the band and declare the land in respect of which the Certificate of Occupation was issued to be available for reallotment by the council of the band.

Register.

21. There shall be kept in the Department a register, to be known as the Reserve Land Register, in which shall be entered particulars relating to Certificates of Possession and Certificates of Occupation and other transactions respecting lands in a reserve.

Improvements on lands subsequently included in a reserve.

22. Where an Indian who is in possession of lands at the time they are included in a reserve, made permanent improvements thereon before that time, he shall be deemed to be in lawful possession of such lands at the time they are so included.

Compensation for improvements.

23. An Indian who is lawfully removed from lands in a reserve upon which he has made permanent improvements may, if the Minister so directs, be paid compensation in respect thereof in an amount to be determined by the Minister, either from the person who goes into possession or from the funds of the band, at the discretion of the Minister.

Transfer of possession.

24. An Indian who is lawfully in possession of lands in a reserve may transfer to the band or to another member of the band the right to possession of the land, but no transfer or agreement for the transfer of the right to possession of lands in a reserve is effective until it is approved by the Minister.

Transfer where Indian ceases to reside on reserve.

25. (1) An Indian who ceases to be entitled to reside on a reserve may, within six months or such further period as the Minister may direct, transfer to the band or another member of the band the right to possession of any lands in the reserve of which he was lawfully in possession.

Right of possession not transferred reverts to band.

(2) Where an Indian does not dispose of his right of possession in accordance with subsection (1), the right to possession of the land reverts to the band, subject

to the payment to the Indian who was lawfully in possession of the land, from the funds of the band, of such compensation for permanent improvements as the Minister may determine.

Correction of Certificate or Location Tickets.

26. Whenever a Certificate of Possession or Occupation or a Location Ticket issued under *The Indian Act, 1880*, or any statute relating to the same subject matter was, in the opinion of the Minister, issued to or in the name of the wrong person, through mistake, or contains any clerical error or misnomer, or wrong description of any material fact therein, the Minister may cancel the Certificate or Location Ticket and issue a corrected Certificate in lieu thereof.

Cancellation of Certificates or Location Tickets.

27. The Minister may, with the consent of the holder thereof, cancel any Certificate of Possession or Occupation or Location Ticket referred to in section 26, and may cancel any Certificate of Possession or Occupation or Location Ticket that in his opinion was issued through fraud or in error.

Grants, etc. of reserve lands void.

28. (1) Subject to subsection (2), a deed, lease, contract, instrument, document or agreement of any kind whether written or oral, by which a band or a member of a band purports to permit a person other than a member of that band to occupy or use a reserve or to reside or otherwise exercise any rights on a reserve is void.

Minister may issue permits.

(2) The Minister may by permit in writing authorize any person for a period not exceeding one year, or with the consent of the council of the band for any longer period, to occupy or use a reserve or to reside or otherwise exercise rights on a reserve.

Reserve lands exempt from seizure.

29. Reserve lands are not subject to seizure under legal process.

TRESPASS ON RESERVES.

Penalty for trespass.

30. A person who trespasses on a reserve is guilty of an offence and is liable on summary conviction to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding one month or to both fine and imprisonment.

Information by Attorney General.

31. (1) Without prejudice to section 30, where an Indian or a band alleges that persons other than Indians are or have been

(*a*) unlawfully in occupation or possession of,

(*b*) claiming adversely the right to occupation or possession of, or

(*c*) trespassing upon

a reserve or part of a reserve, the Attorney General of Canada may exhibit an Information in the Exchequer Court of Canada claiming, on behalf of the Indian or the band, the relief or remedy sought.

Information deemed action or suit by Crown.

(2) An Information exhibited under subsection (1) shall, for all purposes of the *Exchequer Court Act*, be deemed to be an action or suit by the Crown within the meaning of paragraph (*d*) of section 29 of that Act.

Existing remedies preserved.

(3) Nothing in this section shall be construed to impair, abridge or otherwise affect any right or remedy that, but for this section, would be available to Her Majesty or to an Indian or a band.

Sale or Barter of Produce.

Sale or barter of produce prohibited unless superintendent approves.

32. (1) A transaction of any kind whereby a band or a member thereof purports to sell, barter, exchange, give or otherwise dispose of cattle or other animals, grain or hay, whether wild or cultivated, or root crops or plants or their products from a reserve in Manitoba, Saskatchewan or Alberta, to a person other than a member of that band, is void unless the superintendent approves the transaction in writing.

Exemption.

(2) The Minister may at any time by order exempt a band and the members thereof or any member thereof from the operation of this section, and may revoke any such order.

Offence.

33. Every person who enters into a transaction that is void under subsection (1) of section 32 is guilty of an offence.

Roads and Bridges.

Band to maintain roads, bridges, etc.

34. (1) A band shall ensure that the roads, bridges, ditches and fences within the reserve occupied by that band are maintained in accordance with instructions issued from time to time by the superintendent.

Minister may maintain roads, bridges, etc.

(2) Where, in the opinion of the Minister, a band has not carried out the instructions of the superintendent given under subsection (1), the Minister may cause the instructions to be carried out at the expense of the band or any member thereof and may recover the cost thereof from any amounts that are held by Her Majesty and are payable to the band or such member.

Lands Taken for Public Purposes.

Local authorities may take lands with consent of G. in C.

35. (1) Where by an Act of the Parliament of Canada or a provincial legislature Her Majesty in right of a province, a municipal or local authority or a corporation is empowered to take or to use lands or any interest therein without the consent of the owner, the power may, with the consent of the Governor in Council and subject to any terms that may be prescribed by the Governor in Council, be exercised in relation to lands in a reserve or any interest therein.

Procedure.

(2) Unless the Governor in Council otherwise directs, all matters relating to compulsory taking or using of lands in a reserve under subsection (1) shall be governed by the statute by which the powers are conferred.

Grant in lieu of compulsory taking.

(3) Whenever the Governor in Council has consented to the exercise by a province, authority or corporation of the powers referred to in subsection (1), the Governor in Council may, in lieu of the province, authority or corporation taking or using the lands without the consent of the owner, authorize a transfer or grant of such lands to the province, authority or corporation, subject to any terms that may be prescribed by the Governor in Council.

Payment.

(4) Any amount that is agreed upon or awarded in respect of the compulsory taking or using of land under this section or that is paid for a transfer or grant of land pursuant to this section shall be paid to the Receiver General of Canada for the use and benefit of the band or for the use and benefit of any Indian who is entitled to compensation or payment as a result of the exercise of the powers referred to in subsection (1).

Special Reserves.

Act applies to reserves not vested in the Crown.

36. Where lands have been set apart for the use and benefit of a band and legal title thereto is not vested in Her Majesty, this Act applies as though the lands were a reserve within the meaning of this Act.

Surrenders.

No sale etc., until surrender.

37. Except where this Act otherwise provides, lands in a reserve shall not be sold, alienated, leased or otherwise disposed of until they have been surrendered to Her Majesty by the band for whose use and benefit in common the reserve was set apart.

Band may surrender. Absolute or qualified.

38. (1) A band may surrender to Her Majesty any right or interest of the band and its members in a reserve.

(2) A surrender may be absolute or qualified, conditional or unconditional.

How surrender made.

39. (1) A surrender is void unless

(*a*) it is made to Her Majesty,

(*b*) it is assented to by a majority of the electors of the band

(i) at a general meeting of the band called by the council of the band,

(ii) at a special meeting of the band called by the Minister for the purpose of considering a proposed surrender, or

(iii) by a referendum as provided in the regulations, and

(*c*) it is accepted by the Governor in Council.

Minister may call meeting or referendum.

(2) Where a majority of the electors of a band did not vote at a meeting or referendum called pursuant to subsection (1) of this section or pursuant to section 51 of the *Indian Act*, chapter 98 of the Revised Statutes of Canada, 1927, the Minister may, if the proposed surrender was assented to by a majority of the electors who did vote, call another meeting by giving thirty days' notice thereof or another referendum as provided in the regulations.

Assent of band.

(3) Where a meeting is called pursuant to subsection (2) and the proposed surrender is assented to at the meeting or referendum by a majority of the electors voting, the surrender shall be deemed, for the purpose of this section, to have been assented to by a majority of the electors of the band.

Secret ballot.

(4) The Minister may, at the request of the council of the band or whenever he considers it advisable, order that a vote at any meeting under this section shall be by secret ballot.

Officials required.

(5) Every meeting under this section shall be held in the presence of the superintendent or some other officer of the Department designated by the Minister.

Certification of surrender.

40. When a proposed surrender has been assented to by the band in accordance with section 39, it shall be certified on oath by the superintendent or other officer who attended the meeting and by the chief or a member of the council of the band, and shall then be submitted to the Governor in Council for acceptance or refusal.

Effect of surrender.

41. A surrender shall be deemed to confer all rights that are necessary to enable Her Majesty to carry out the terms of the surrender.

Descent of Property.

Powers of Minister with respect to property of deceased Indians.

42. (1) Unless otherwise provided in this Act, all jurisdiction and authority in relation to matters and causes testamentary, with respect to deceased Indians, is vested exclusively in the Minister, and shall be exercised subject to and in accordance with regulations of the Governor in Council.

Deceased Indian may be deemed to have been lawfully in possession of land.

(2) The Governor in Council may make regulations for providing that a deceased Indian who at the time of his death was in possession of land in a reserve shall, in such circumstances and for such purposes as the regulations prescribe, be deemed to have been at the time of his death lawfully in possession of that land.

Application of regulations.

(3) Regulations made under this section may be made applicable to estates of Indians who died before or after the coming into force of this Act.

Particular powers.

43. Without restricting the generality of section 42, the Minister may

(*a*) appoint executors of wills and administrators of estates of deceased Indians, remove them and appoint others in their stead,

(*b*) authorize executors to carry out the terms of the wills of deceased Indians,

(*c*) authorize administrators to administer the property of Indians who die intestate,

(*d*) carry out the terms of wills of deceased Indians and administer the property of Indians who die intestate, and

(*e*) make or give any order, direction or finding that in his opinion it is necessary or desirable to make or give with respect to any matter referred to in section 42.

Courts may exercise jurisdiction with consent of Minister.

44. (1) The court that would have jurisdiction if the deceased were not an Indian may, with the consent of the Minister, exercise, in accordance with this Act, the jurisdiction and authority conferred in relation to matters and causes testamentary upon the Minister by this Act and any other powers, jurisdiction and authority ordinarily vested in that court.

Minister may refer a matter to the court.

(2) The Minister may direct in any particular case that an application for the grant of probate of the will or letters of administration shall be made to the court that would have jurisdiction if the deceased were not an Indian, and the Minister may refer to such court any question arising out of any will or the administration of any estate.

Orders relating to lands.

(3) A court that is exercising any jurisdiction or authority under this section shall not without the consent in writing of the Minister enforce any order relating to real property on a reserve.

WILLS.

Indians may make wills.

45. (1) Nothing in this Act shall be construed to prevent or prohibit an Indian from devising or bequeathing his property by will.

Form of will.

(2) The Minister may accept as a will any written instrument signed by an Indian in which he indicates his wishes or intention with respect to the disposition of his property upon his death.

Probate.

(3) No will executed by an Indian is of any legal force or effect as a disposition of property until the Minister has approved the will or a court has granted probate thereof pursuant to this Act.

Minister may declare will void.

46. (1) The Minister may declare the will of an Indian to be void in whole or in part if he is satisfied that

(*a*) the will was executed under duress or undue influence,

(*b*) the testator at the time of execution of the will lacked testamentary capacity,

(*c*) the terms of the will would impose hardship on persons for whom the testator had a responsibility to provide,

(*d*) the will purports to dispose of land in a reserve in a manner contrary to the interest of the band or contrary to this Act,

(*e*) the terms of the will are so vague, uncertain or capricious that proper administration and equitable distribution of the estate of the deceased would be difficult or impossible to carry out in accordance with this Act, or

(*f*) the terms of the will are against the public interest.

Where will declared void.

(2) Where a will of an Indian is declared by the Minister or by a court to be wholly void, the person executing the will shall be deemed to have died intestate, and where the will is so declared to be void in part only, any bequest or devise affected thereby, unless a contrary intention appears in the will, shall be deemed to have lapsed.

Appeals.

Appeal to Exchequer Court.

47. (1) A decision of the Minister made in the exercise of the jurisdiction or authority conferred upon him by section 42, 43 or 46 may, within two months from the date thereof, be appealed by any person affected thereby to the Exchequer Court of Canada, if the amount in controversy in the appeal exceeds five hundred dollars or if the Minister consents to an appeal.

Rules.

(2) The judges of the Exchequer Court may make rules respecting the practice and procedure governing appeals under this section.

Distribution of Property on Intestacy.

Widow's share where net value less than $2,000.

48. (1) Where the net value of the estate of an intestate does not, in the opinion of the Minister, exceed in value two thousand dollars, the estate shall go to the widow.

Widow's share where estate $2,000 or more.

(2) Where the net value of the estate of an intestate, in the opinion of the Minister, is two thousand dollars or more, two thousand dollars shall go to the widow, and the remainder shall go as follows, namely,

(*a*) if the intestate left no issue, the remainder shall go to the widow,

(*b*) if the intestate left one child, one-half of the remainder shall go to the widow, and

(*c*) if the intestate left more than one child, one-third of the remainder shall go to the widow,

and where a child has died leaving issue and such issue is alive at the date of the intestate's death, the widow shall take the same share of the estate as if the child had been living at that date.

Where children not provided for.

(3) Notwithstanding subsections (1) and (2),

(*a*) where in any particular case the Minister is satisfied that any children of the deceased will not be adequately provided for, he may direct that all or any part of the estate that would otherwise go to the widow shall go to the children, and

Right to occupy lands.

(*b*) the Minister may direct that the widow shall have the right, during her widowhood, to occupy any lands on a reserve that were occupied by her deceased husband at the time of his death.

Distribution to issue.

(4) Where an intestate dies leaving issue his estate shall be distributed, subject to the rights of the widow, if any, *per stirpes* among such issue.

Distribution to father and mother.

(5) Where an intestate dies leaving no widow or issue his estate shall go to his father and mother in equal shares if both are living, but if either of them is dead the estate shall go to the survivor.

Distribution to brothers, sisters and issue of brothers and sisters.

(6) Where an intestate dies leaving no widow or issue or father or mother his estate shall go to his brothers and sisters in equal shares, and if any brother or sister is dead the children of the deceased brother or sister shall take the share their parent would have taken if living, but where the only persons entitled are children of deceased brothers and sisters, they shall take *per capita*.

Next-of-kin.

(7) Where an intestate dies leaving no widow, issue, father, mother, brother or sister, and no children of any deceased brother or sister, his estate shall go to his next-of-kin.

Distribution amongst next-of-kin.

(8) Where the estate goes to the next-of-kin it shall be distributed equally among the next-of-kin of equal degree of consanguinity to the intestate and those who legally represent them, but in no case shall representation be admitted after brothers' and sisters' children, and any interest in land in a reserve shall vest in Her Majesty for the benefit of the band if the nearest of kin of the intestate is more remote than a brother or sister.

Degrees of kindred.

(9) For the purposes of this section, degrees of kindred shall be computed by counting upward from the intestate to the nearest common ancestor and then downward to the relative, and the kindred of the half-blood shall inherit equally with those of the whole-blood in the same degree.

Descendants and relatives born after intestate's death.

(10) Descendants and relatives of the intestate begotten before his death but born thereafter shall inherit as if they had been born in the lifetime of the intestate and had survived him.

Estate not disposed of by will.

(11) All such estate as is not disposed of by will shall be distributed as if the testator had died intestate and had left no other estate.

No dower or estate by curtesy.

(12) No widow is entitled to dower in the land of her deceased husband dying intestate, and no husband is entitled to an estate by curtesy in the land of his deceased wife so dying, and there is no community of real or personal property situated on a reserve.

Illegitimate children.

(13) Illegitimate children and their issue shall inherit from the mother as if the children were legitimate, and shall inherit as if the children were legitimate, through the mother, if dead, any real or personal property that she would have taken, if living, by gift, devise or descent from any other person.

Intestate being an illegitimate child.

(14) Where an intestate, being an illegitimate child, dies leaving no widow or issue, his estate shall go to his mother, if living, but if the mother is dead his estate shall go to the other children of the same mother in equal shares, and where any child is dead the children of the deceased child shall take the share their parent would have taken if living; but where the only persons entitled are children of deceased children of the mother, they shall take *per capita*.

"Widow" includes "widower."

(15) This section applies in respect of an intestate woman as it applies in respect of an intestate male, and for the purposes of this section the word "widow" includes "widower".

"Child" defined.

(16) In this section "child" includes a legally adopted child and a child adopted in accordance with Indian custom.

Devisee of lands not entitled to possession until possession approved.

49. A person who claims to be entitled to possession or occupation of lands in a reserve by devise or descent shall be deemed not to be in lawful possession or occupation of that land until the possession is approved by the Minister.

Where devisee not entitled to reside on reserve.

50. (1) A person who is not entitled to reside on a reserve does not by devise or descent acquire a right to possession or occupation of land in that reserve.

Sale by superintendent.

(2) Where a right to possession or occupation of land in a reserve passes by devise or descent to a person who is not entitled to reside on a reserve, that right shall be offered for sale by the superintendent to the highest bidder among persons who are entitled to reside on the reserve and the proceeds of the sale shall be paid to the devisee or descendant, as the case may be.

Unsold lands revert to band.

(3) Where no tender is received within six months or such further period as the Minister may direct after the date when the right to possession or occupation is offered for sale under subsection (2), the right shall revert to the band free from any claim on the part of the devisee or descendant, subject to the payment, at the discretion of the Minister, to the devisee or descendant, from the funds of the band, of such compensation for permanent improvements as the Minister may determine.

Purchaser not entitled to possession until possession approved.

(4) The purchaser of a right to possession or occupation of land under subsection (2) shall be deemed not to be in lawful possession or occupation of the land until the possession is approved by the Minister.

Mentally Incompetent Indians.

Powers of Minister generally.

51. (1) Subject to this section, all jurisdiction and authority in relation to the property of mentally incompetent Indians is vested exclusively in the Minister.

Particular powers.

(2) Without restricting the generality of subsection (1), the Minister may

(*a*) appoint persons to administer the estates of mentally incompetent Indians,

(*b*) order that any property of a mentally incompetent Indian shall be sold, leased, alienated, mortgaged, disposed of or otherwise dealt with for the purpose of

(i) paying his debts or engagements,

(ii) discharging encumbrances on his property,

(iii) paying debts or expenses incurred for his maintenance or otherwise for his benefit, or

(iv) paying or providing for the expenses of future maintenance, and

(*c*) make such orders and give such directions as he considers necessary to secure the satisfactory management of the estates of mentally incompetent Indians.

Property off reserve.

(3) The Minister may order that any property situated off a reserve and belonging to a mentally incompetent Indian shall be dealt with under the laws of the province in which the property is situated.

Guardianship.

Administration of property of infant children.

52. The Minister may administer or provide for the administration of any property to which infant children of Indians are entitled, and may appoint guardians for such purpose.

Management of Reserves and Surrendered Lands.

Disposition of surrendered lands.

53. (1) The Minister or a person appointed by him for the purpose may manage, sell, lease or otherwise dispose of surrendered lands in accordance with this Act and the terms of the surrender.

Grant where original purchaser dead.

(2) Where the original purchaser of surrendered lands is dead and the heir, assignee or devisee of the original purchaser applies for a grant of the lands, the Minister may, upon receipt of proof in such manner as he directs and requires in support of any claim for the grant and upon being satisfied that the claim has been equitably and justly established, allow the claim and authorize a grant to issue accordingly.

Departmental employees not to acquire surrendered lands.

(3) No person who is appointed to manage, sell, lease or otherwise dispose of surrendered lands or who is an officer or servant of Her Majesty employed in the Department may, except with the approval of the Governor in Council, acquire directly or indirectly any interest in surrendered lands.

Assignments.

54. Where surrendered lands have been agreed to be sold or otherwise disposed of and Letters Patent relating thereto have not issued, or where surrendered lands have been leased, the purchaser, lessee or other person having an interest in the surrendered lands may, with the approval of the Minister, assign his interest in the surrendered lands or a part thereof to any other person.

Surrendered Lands Register.

55. (1) There shall be kept in the Department a register, to be known as the Surrendered Lands Register, in which shall be entered particulars in connection with any lease or other disposition of surrendered lands by the Minister or any assignment thereof.

Conditional assignment.

(2) A conditional assignment shall not be registered.

Proof of execution.

(3) Registration of an assignment may be refused until proof of its execution has been furnished.

Effect of registration.

(4) An assignment registered under this section is valid against an unregistered assignment or an assignment subsequently registered.

Certificate of registration rendered.

56. Where an assignment is registered there shall be endorsed on the original copy thereof a certificate of registration signed by the Minister or by an officer of the Department authorized by him to sign such certificates.

Regulations.

57. The Governor in Council may make regulations

(*a*) authorizing the Minister to grant licences to cut timber on surrendered lands, or, with the consent of the council of the band, on reserve lands,

(*b*) imposing terms, conditions and restrictions with respect to the exercise of rights conferred by licences granted under paragraph (*a*),

(*c*) providing for the disposition of surrendered mines and minerals underlying lands in a reserve,

(*d*) prescribing the penalty not exceeding one hundred dollars or imprisonment for a term of three months or both fine and imprisonment that may be imposed on summary conviction for violation of any regulation made under this section, and

(*e*) providing for the seizure and forfeiture of any timber or minerals taken in violation of any regulation made under this section.

Uncultivated or unused lands.

58. (1) Where land in a reserve is uncultivated or unused, the Minister may, with the consent of the council of the band,

(*a*) improve or cultivate such land and employ persons therefor, authorize and direct the expenditure of so much of the capital funds of the band as he considers necessary for such improvement or cultivation including the purchase of such stock, machinery or material or for the employment of such labour as the Minister considers necessary,

(*b*) where the land is in the lawful possession of any individual, grant a lease of such land for agricultural or grazing purposes or for any purpose that is for the benefit of the person in possession, and

(*c*) where the land is not in the lawful possession of any individual, grant for the benefit of the band a lease of such land for agricultural or grazing purposes.

Distribution of proceeds.

(2) Out of the proceeds derived from the improvement or cultivation of lands pursuant to paragraph (*b*) of subsection (1), a reasonable rent shall be paid to the individual in lawful possession of the lands or any part thereof, and the remainder of the proceeds shall be placed to the credit of the band, but if improvements are made on the lands occupied by an individual, the Minister may deduct the value of such improvements from the rent payable to such individual under this subsection.

Lease at request of occupant.

(3) The Minister may lease for the benefit of any Indian upon his application for that purpose, the land of which he is lawfully in possession without the land being surrendered.

Disposition of grass, timber, non-metallic substances, etc.

(4) Notwithstanding anything in this Act, the Minister may, without a surrender

(*a*) dispose of wild grass or dead or fallen timber, and

(*b*) with the consent of the council of the band, dispose of sand, gravel, clay and other non-metallic substances upon or under lands in a reserve, or, where such consent cannot be obtained without undue difficulty or delay, may issue temporary permits for the taking of sand, gravel, clay and other non-metallic substances upon or under lands in a reserve, renewable only with the consent of the council of the band,

and the proceeds of such transactions shall be credited to band funds or shall be divided between the band and the individual Indians in lawful possession of the lands in such shares as the Minister may determine.

Adjustment of contracts.

59. The Minister may, with the consent of the council of a band

(*a*) reduce or adjust the amount payable to Her Majesty in respect of a sale, lease or other disposition of surrendered lands or a lease or other disposition of lands in a reserve or the rate of interest payable thereon, and

(*b*) reduce or adjust the amount payable to the band by an Indian in respect of a loan made to the Indian from band funds.

G. in C. may grant to band control over lands.

60. (1) The Governor in Council may at the request of a band grant to the band the right to exercise such control and management over lands in the reserve occupied by that band as the Governor in Council considers desirable.

Withdrawal.

(2) The Governor in Council may at any time withdraw from a band a right conferred upon the band under subsection (1).

Management of Indian Moneys.

Indian moneys to be held for use and benefit.

61. (1) Indian moneys shall be expended only for the benefit of the Indians or bands for whose use and benefit in common the moneys are received or held, and subject to this Act and to the terms of any treaty or surrender, the Governor in Council may determine whether any purpose for which Indian moneys are used or are to be used is for the use and benefit of the band.

Interest.

(2) Interest upon Indian moneys held in the Consolidated Revenue Fund shall be allowed at a rate to be fixed from time to time by the Governor in Council.

Capital and revenue.

62. All Indian moneys derived from the sale of surrendered lands or the sale of capital assets of a band shall be deemed to be capital moneys of the band and all Indian moneys other than capital moneys shall be deemed to be revenue moneys of the band.

Payments to Indians.

63. Notwithstanding the *Financial Administration Act*, where moneys to which an Indian is entitled are paid to a superintendent under any lease or agreement made under this Act, the superintendent may pay the moneys to the Indian.

Expenditure of capital moneys with consent.

64. With the consent of the council of a band, the Minister may authorize and direct the expenditure of capital moneys of the band

(*a*) to distribute *per capita* to the members of the band an amount not exceeding fifty per cent of the capital moneys of the band derived from the sale of surrendered lands,

(*b*) to construct and maintain roads, bridges, ditches and water courses on the reserves or on surrendered lands,

(*c*) to construct and maintain outer boundary fences on reserves,

(*d*) to purchase land for use by the band as a reserve or as an addition to a reserve,

(*e*) to purchase for the band the interest of a member of the band in lands on a reserve,

(*f*) to purchase livestock and farm implements, farm equipment, or machinery for the band,

(*g*) to construct and maintain on or in connection with a reserve such permanent improvements or works as in the opinion of the Minister will be of permanent value to the band or will constitute a capital investment,

(*h*) to make to members of the band, for the purpose of promoting the welfare of the band, loans not exceeding one-half of the total value of

(i) the chattels owned by the borrower, and

(ii) the land with respect to which he holds or is eligible to receive a Certificate of Possession,

and may charge interest and take security therefor,

(*i*) to meet expenses necessarily incidental to the management of lands on a reserve, surrendered lands and any band property,

(*j*) to construct houses for members of the band, to make loans to members of the band for building purposes with or without security and to provide for the guarantee of loans made to members of the band for building purposes, and

(*k*) for any other purpose that in the opinion of the Minister is for the benefit of the band.

Expenditure of capital.

65. The Minister may pay from capital moneys

(*a*) compensation to an Indian in an amount that is determined in accordance with this Act to be payable to him in respect of land compulsorily taken from him for band purposes, and

(*b*) expenses incurred to prevent or suppress grass or forest fires or to protect the property of Indians in cases of emergency.

Expenditure of revenue moneys with consent of band.

66. (1) With the consent of the council of a band, the Minister may authorize and direct the expenditure of revenue moneys for any purpose that in his opinion will promote the general progress and welfare of the band or any member of the band.

Minister may direct expenditure.

(2) The Minister may make expenditures out of the revenue moneys of the band to assist sick, disabled, aged or destitute Indians of the band and to provide for the burial of deceased indigent members of the band and to provide for the payment of contributions under the *Unemployment Insurance Act* on behalf of employed persons who are paid in respect of their employment out of moneys of the band.

Expenditure of revenue moneys with authority of Minister.

(3) The Minister may authorize the expenditure of revenue moneys of the band for all or any of the following purposes, namely,

(*a*) for the destruction of noxious weeds and the prevention of the spreading or prevalence of insects, pests or diseases that may destroy or injure vegetation on Indian reserves;

(*b*) to prevent, mitigate and control the spread of diseases on reserves, whether or not the diseases are infectious or communicable;

(*c*) to provide for the inspection of premises on reserves and the destruction, alteration or renovation thereof;

(*d*) to prevent overcrowding of premises on reserves used as dwellings;

(*e*) to provide for sanitary conditions in private premises on reserves as well as in public places on reserves; and

(*f*) for the construction and maintenance of boundary fences.

Recovery of moneys expended for raising or collecting Indian moneys.

66A. Where money is expended by Her Majesty for the purpose of raising or collecting Indian moneys, the Minister may authorize the recovery of the amount so expended from the moneys of the band.

Maintenance of dependants.

67. (1) Where the Minister is satisfied that a male Indian

(*a*) has deserted his wife or family without sufficient cause,

(*b*) has conducted himself in such a manner as to justify the refusal of his wife or family to live with him, or

(*c*) has been separated by imprisonment from his wife and family,

he may order that payments of any annuity or interest money to which that Indian is entitled shall be applied to the support of the wife or family or both the wife and family of that Indian.

Maintenance of illegitimate child.

(2) Where the Minister is satisfied that a female Indian has deserted her husband or family, he may order that payments of any annuity or interest money to which that Indian is entitled shall be applied to the support of her family.

Illegitimate children.

(3) Where the Minister is satisfied that one or both the parents of an illegitimate child is an Indian, he may stop payments out of any annuity or interest moneys to which either or both of the parents would otherwise be entitled and apply the moneys to the support of the child, but not so as to prejudice the welfare of any legitimate child of either Indian.

Management of revenue moneys by band.

68. (1) The Governor in Council may by order permit a band to control, manage and expend in whole or in part its revenue moneys and may amend or revoke any such order.

Regulations.

(2) The Governor in Council may make regulations to give effect to subsection (1) and may declare therein the extent to which this Act and the *Financial Administration Act* shall not apply to a band to which an order made under subsection (1) applies.

Loans to Indians.

Loans to Indians.

69. (1) The Minister of Finance may from time to time advance to the Minister out of the Consolidated Revenue Fund such sums of money as the Minister may require to enable him

(*a*) to make loans to bands, groups of Indians or individual Indians for the purchase of farm implements, machinery, livestock, motor vehicles, fishing equipment, seed grain, fencing materials, materials to be used in native handicrafts, any other equipment, and gasoline and other petroleum products, or for the making of repairs or the payment of wages, or for the clearing and breaking of land within reserves,

(*b*) to expend or to lend money for the carrying out of co-operative projects on behalf of Indians, or

(*c*) to provide for any other matter prescribed by the Governor in Council.

Regulations.

(2) The Governor in Council may make regulations to give effect to subsection (1).

Accounting.

(3) Expenditures that are made under subsection (1) shall be accounted for in the same manner as public moneys.

Repayment.

(4) The Minister shall pay to the Minister of Finance all moneys that he receives from bands, groups of Indians or individual Indians by way of repayments of loans made under subsection (1).

Limitation.

(5) The total amount of outstanding advances to the Minister under this section shall not at any one time exceed one million dollars.

Report to Parliament.

(6) The Minister shall within fifteen days after the termination of each fiscal year or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session, lay before Parliament a report setting out the total number and amount of loans made under subsection (1) during that year.

Farms.

Minister may operate farms.

70. (1) The Minister may operate farms on reserves and may employ such persons as he considers necessary to instruct Indians in farming and may purchase and distribute without charge, pure seed to Indian farmers.

Application of profits.

(2) The Minister may apply any profits that result from the operation of farms pursuant to subsection (1) on reserves to extend farming operations on the reserves or to make loans to Indians to enable them to engage in farming or other agricultural operations or he may apply such profits in any way that he considers to be desirable to promote the progress and development of the Indians.

Treaty Money.

Treaty money payable out of C.R.F.

71. Moneys that are payable to Indians or to Indian bands under a treaty between Her Majesty and the band and for the payment of which the Government of Canada is responsible, may be paid out of the Consolidated Revenue Fund.

Regulations.

Regulations.

72. (1) The Governor in Council may make regulations

(*a*) for the protection and preservation of fur-bearing animals, fish and other game on reserves,

(*b*) for the destruction of noxious weeds and the prevention of the spreading or prevalence of insects, pests or diseases that may destroy or injure vegetation on Indian reserves,

(*c*) for the control of the speed, operation and parking of vehicles on roads within reserves,

(*d*) for the taxation, control and destruction of dogs and for the protection of sheep on reserves,

(*e*) for the operation, supervision and control of pool rooms, dance halls and other places of amusement on reserves,

(*f*) to prevent, mitigate and control the spread of diseases on reserves, whether or not the diseases are infectious or communicable,

(*g*) to provide medical treatment and health services for Indians,

(*h*) to provide compulsory hospitalization and treatment for infectious diseases among Indians,

(*i*) to provide for the inspection of premises on reserves and the destruction, alteration or renovation thereof,

(*j*) to prevent overcrowding of premises on reserves used as dwellings,

(*k*) to provide for sanitary conditions in private premises on reserves as well as in public places on reserves,

(*l*) for the construction and maintenance of boundary fences, and

(*m*) for empowering and authorizing the council of a band to borrow money for band projects or housing purposes and providing for the making of loans out of moneys so borrowed to members of the band for housing purposes.

Penalty.

(2) The Governor in Council may prescribe the penalty, not exceeding a fine of one hundred dollars or imprisonment for a term not exceeding three months or both fine and imprisonment, that may be imposed on summary conviction for violation of a regulation made under subsection (1).

Orders and regulations.

(3) The Governor in Council may make orders and regulations to carry out the purposes and provisions of this Act.

Elections of Chiefs and Band Councils.

Elected councils.

73. (1) Whenever he deems it advisable for the good government of a band, the Minister may declare by order that after a day to be named therein the council of the band, consisting of a chief and councillors, shall be selected by elections to be held in accordance with this Act.

Composition of council.

(2) Unless otherwise ordered by the Minister, the council of a band in respect of which an order has been made under subsection (1) shall consist of one chief, and one councillor for every one hundred members of the band, but the number of councillors shall not be less than two nor more than twelve and no band shall have more than one chief.

Regulations.

(3) The Governor in Council may, for the purposes of giving effect to subsection (1), make orders or regulations to provide

(*a*) that the chief of a band shall be elected by

(i) a majority of the votes of the electors of the band, or

(ii) a majority of the votes of the elected councillors of the band from among themselves, but the chief so elected shall remain a councillor,

(*b*) that the councillors of a band shall be elected by

(i) a majority of the votes of the electors of the band, or

(ii) a majority of the votes of the electors of the band in the electoral section in which the candidate resides and that he proposes to represent on the council of the band.

Electoral sections.

(4) A reserve shall for voting purposes consist of one electoral section, except that where the majority of the electors of a band who were present and voted at a referendum or a special meeting held and called for the purpose in accordance with the regulations have decided that the reserve should for voting purposes be divided into electoral sections and the Minister so recommends, the Governor in Council may make orders or regulations to provide that the reserve shall for voting purposes be divided into not more than six electoral sections containing as nearly as may be an equal number of Indians eligible to vote and to provide for the manner in which electoral sections so established shall be distinguished or identified.

Eligibility.

74. (1) No person other than an elector who resides in a section may be nominated for the office of councillor to represent that section on the council of the band.

Nomination.

(2) No person may be a candidate for election as chief or councillor unless his nomination is moved and seconded by persons who are themselves eligible to be nominated.

Regulations governing elections.

75. (1) The Governor in Council may make orders and regulations with respect to band elections and, without restricting the generality of the foregoing, may make regulations with respect to

(*a*) meetings to nominate candidates,

(*b*) the appointment and duties of electoral officers,

(*c*) the manner in which voting shall be carried out,
(*d*) election appeals, and
(*e*) the definition of residence for the purpose of determining the eligibility of voters.

Secrecy of voting.

(2) The regulations made under paragraph (*c*) of subsection (1) shall make provision for secrecy of voting.

Eligibility of voters for chief.

76. (1) A member of a band who is of the full age of twenty-one years and is ordinarily resident on the reserve is qualified to vote for a person nominated to be chief of the band, and where the reserve for voting purposes consists of one section, to vote for persons nominated as councillors.

Councillor.

(2) A member of a band who is of the full age of twenty-one years and is ordinarily resident in a section that has been established for voting purposes is qualified to vote for a person nominated to be councillor to represent that section.

Tenure of office.

77. (1) Subject to this section, chiefs and councillors hold office for two years.

Vacancy.

(2) The office of chief or councillor becomes vacant when

(*a*) the person who holds that office
(i) is convicted of an indictable offence,
(ii) dies or resigns his office, or
(iii) is or becomes ineligible to hold office by virtue of this Act; or

(*b*) the Minister declares that in his opinion the person who holds that office
(i) is unfit to continue in office by reason of his having been convicted of an offence,
(ii) has been absent from meetings of the council for three consecutive meetings without being authorized to do so, or
(iii) was guilty, in connection with an election, of corrupt practice, accepting a bribe, dishonesty or malfeasance.

Disqualification.

(3) The Minister may declare a person who ceases to hold office by virtue of subparagraph (iii) of paragraph (*b*) of subsection (2) to be ineligible to be a candidate for chief or councillor for a period not exceeding six years.

Special election.

(4) Where the office of chief or councillor becomes vacant more than three months before the date when another election would ordinarily be held, a special election may be held in accordance with this Act to fill the vacancy.

Governor in Council may set aside election.

78. The Governor in Council may set aside the election of a chief or a councillor on the report of the Minister that he is satisfied that

(*a*) there was corrupt practice in connection with the election,

(*b*) there was a violation of this Act that might have affected the result of the election, or

(*c*) a person nominated to be a candidate in the election was ineligible to be a candidate.

Regulations respecting band and council meetings.

79. The Governor in Council may make regulations with respect to band meetings and council meetings and, without restricting the generality of the foregoing, may make regulations with respect to

(*a*) presiding officers at such meetings,

(*b*) notice of such meetings,

(*c*) the duties of any representative of the Minister at such meetings, and

(*d*) the number of persons required at the meeting to constitute a quorum.

Powers of the Council

By-laws.

80. The council of a band may make by-laws not inconsistent with this Act or with any regulation made by the Governor in Council or the Minister, for any or all of the following purposes, namely:

(*a*) to provide for the health of residents on the reserve and to prevent the spreading of contagious and infectious diseases;

(*b*) the regulation of traffic;

(*c*) the observance of law and order;

(*d*) the prevention of disorderly conduct and nuisances;

(*e*) the protection against and prevention of trespass by cattle and other domestic animals, the establishment of pounds, the appointment of pound-keepers, the regulation of their duties and the provision for fees and charges for their services;

(*f*) the construction and maintenance of water courses, roads, bridges, ditches, fences and other local works;

(*g*) the dividing the reserve or a portion thereof into zones and the prohibition of the construction or maintenance of any class of buildings or the carrying on of any class of business, trade or calling in any such zone;

(*h*) the regulation of the construction, repair and use of buildings, whether owned by the band or by individual members of the band;

(*i*) the survey and allotment of reserve lands among the members of the band and the establishment of a register of Certificates of Possession and Certificates of Occupation relating to allotments and the setting apart of reserve lands for common use, if authority therefor has been granted under section 60;

(*j*) the destruction and control of noxious weeds;

(*k*) the regulation of beekeeping and poultry raising;

(*l*) the construction and regulation of the use of public wells, cisterns, reservoirs and other water supplies;

(*m*) the control and prohibition of public games, sports, races, athletic contests and other amusements;

(*n*) the regulation of the conduct and activities of hawkers, peddlers or others who enter the reserve to buy, sell or otherwise deal in wares or merchandise;

(*o*) the preservation, protection and management of fur-bearing animals, fish and other game on the reserve;

(*p*) the removal and punishment of persons trespassing upon the reserve or frequenting the reserve for prescribed purposes;

(*q*) with respect to any matter arising out of or ancillary to the exercise of powers under this section; and

(*r*) the imposition on summary conviction of a fine not exceeding one hundred dollars or imprisonment for a term not exceeding thirty days or both fine and imprisonment for violation of a by-law made under this section.

Copies of by-laws to be sent to Minister.

81. (1) A copy of every by-law made under the authority of section 80 shall be forwarded by mail by the chief or a member of the council of the band to the Minister within four days after it is made.

Effective date of by-law.

(2) A by-law made under section 80 shall come into force forty days after a copy thereof is forwarded to the Minister pursuant to subsection (1), unless it is disallowed by the Minister within that period, but the Minister may declare the by-law to be in force at any time before the expiration of that period.

Money by-laws.

82. (1) Without prejudice to the powers conferred by section 80, where the Governor in Council declares that a band has reached an advanced stage of development, the council of the band may, subject to the approval of the Minister, make by-laws for any or all of the following purposes, namely:

(*a*) the raising of money by

(i) the assessment and taxation of interests in land in the reserve of persons lawfully in possession thereof, and

(ii) the licensing of businesses, callings, trades and occupations;

(*b*) the appropriation and expenditure of moneys of the band to defray expenses;

(*c*) the appointment of officials to conduct the business of the council, prescribing their duties and providing for their remuneration out of moneys raised pursuant to paragraph (*a*);

(*d*) the payment of remuneration, in such amount as may be approved by the Minister, to chiefs and councillors, out of any moneys raised pursuant to paragraph (*a*);

(*e*) the imposition of a penalty for non-payment of taxes imposed pursuant to this section, recoverable on summary conviction, not exceeding the amount of the tax or the amount remaining unpaid;

(*f*) the raising of money from band members to support band projects; and

(*g*) with respect to any matter arising out of or ancillary to the exercise of powers under this section.

Restriction on expenditures.

(2) No expenditure shall be made out of moneys raised pursuant to paragraph (*a*) of subsection (1) except under the authority of a by-law of the council of the band.

Recovery of taxes.

83. Where a tax that is imposed upon an Indian by or under the authority of a by-law made under section 82 is not paid in accordance with the by-law, the Minister may pay the amount owing together with an amount equal to one-half of one per cent thereof out of moneys payable out of the funds of the band to the Indian.

G. in C. may revoke authority to make money by-laws.

84. The Governor in Council may revoke a declaration made under section 82 whereupon that section shall no longer apply to the band to which it formerly applied, but any by-law made under the authority of that section and in force at the time the declaration is revoked shall be deemed to continue in force until it is revoked by the Governor in Council.

Evidence.

85. A copy of a by-law made by the council of a band under this Act, if it is certified to be a true copy by the superintendent, is *prima facie* evidence that the by-law was duly made by the council and approved by the Minister, without proof of the signature or official character of the superintendent, and no such by-law is invalid by reason of any defect in form.

Taxation.

Property exempt from taxation.

86. Notwithstanding any other Act of the Parliament of Canada or any Act of the legislature of a province, but subject to subsection (2) and to section 82, the following property is exempt from taxation, namely,

(*a*) the interest of an indian or a band in reserve or surrendered lands, and

(*b*) the personal property of an Indian or band situated on a reserve,

and no Indian or band is subject to taxation in respect of the ownership, occupation, possession or use of any property mentioned in paragraph (*a*) or (*b*) or is otherwise subject to taxation in respect of any such property; and no succession duty, inheritance tax or estate duty is payable on the death of any Indian in respect of any such property or the succession thereto if the property passes to an Indian, nor shall any such property be taken into account in determining the duty payable under the *Dominion Succession Duty Act* on or in respect of other property passing to an Indian.

Legal Rights.

General provincial laws applicable to Indians.

87. Subject to the terms of any treaty and any other Act of the Parliament of Canada, all laws of general application from time to time in force in any province are applicable to and in respect of Indians in the province, except to the extent that such laws are inconsistent with this Act or any order, rule, regulation or by-law made thereunder, and except to the extent that such laws make provision for any matter for which provision is made by or under this Act.

Property on reserve not subject to alienation.

88. (1) Subject to this Act, the real and personal property of an Indian or a band situated on a reserve is not subject to charge, pledge, mortgage, attachment, levy, seizure, distress or execution in favour or at the instance of any person other than an Indian.

Conditional sales.

(2) A person who sells to a band or a member of a band a chattel under an agreement whereby the right of property or right of possession thereto remains wholly or in part in the seller, may exercise his rights under the agreement notwithstanding that the chattel is situated on a reserve.

Property deemed situated on reserve.

89. (1) For the purposes of sections 86 and 88, personal property that was

(*a*) purchased by Her Majesty with Indian moneys or moneys appropriated by Parliament for the use and benefit of Indians or bands, or

(*b*) given to Indians or to a band under a treaty or agreement between a band and Her Majesty,

shall be deemed always to be situated on a reserve.

Restriction on transfer.

(2) Every transaction purporting to pass title to any property that is by this section deemed to be situated on a reserve, or any interest in such property, is void unless the transaction is entered into with the consent of the Minister or is entered into between members of a band or between the band and a member thereof.

Destruction of property.

(3) Every person who enters into any transaction that is void by virtue of subsection (2) is guilty of an offence, and every person who, without the written consent of the Minister, destroys personal property that is by this section deemed to be situated on a reserve, is guilty of an offence.

TRADING WITH INDIANS.

Certain property on a reserve may not be acquired.

90. (1) No person may, without the written consent of the Minister, acquire title to any of the following property situated on a reserve, namely,

(*a*) an Indian grave house,

(*b*) a carved grave pole,

(*c*) a totem pole,

(*d*) a carved house post, or

(*e*) a rock embellished with paintings or carvings.

Articles manufactured for sale.

(2) Subsection (1) does not apply to chattels referred to therein that are manufactured for sale by Indians.

Removal, destruction, etc.

(3) No person shall remove, take away, mutilate, disfigure, deface or destroy any chattel referred to in subsection (1) without the written consent of the Minister.

Penalty.

(4) A person who violates this section is guilty of an offence and is liable on summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months.

Departmental employees, etc., prohibited from trading without a licence.

91. (1) No person who is

(*a*) an officer or employee in the Department,

(*b*) a missionary engaged in mission work among Indians, or

(*c*) a school teacher on a reserve,

shall, without a licence from the Minister or his duly authorized representative, trade for profit with an Indian or sell to him directly or indirectly goods or chattels, but no such licence shall be issued to a full-time officer or employee in the Department.

Cancellation of licence.

(2) The Minister or his duly authorized representative may at any time cancel a licence given under this section.

Penalty.

(3) A person who violates subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars.

Dismissal.

(4) Without prejudice to subsection (3), an officer or employee in the Department who contravenes subsection (1) may be dismissed from office.

REMOVAL OF MATERIALS FROM RESERVES.

Removal of material from reserve.

92. A person who, without the written permission of the Minister or his duly authorized representative,

(*a*) removes or permits anyone to remove from a reserve

(i) minerals, stone, sand, gravel, clay or soil, or

(ii) trees, saplings, shrubs, underbrush, timber, cordwood or hay, or

(*b*) has in his possession anything removed from a reserve contrary to this section,

is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

Sale of intoxicants.

93. A person who directly or indirectly by himself or by any other person on his behalf knowingly

(*a*) sells, barters, supplies or gives an intoxicant to

(i) any person on a reserve, or

(ii) an Indian outside a reserve

(*b*) opens or keeps or causes to be opened or kept on a reserve a dwelling house, building, tent, or place in which intoxicants are sold, supplied or given to any person, or

(*c*) makes or manufactures intoxicants on a reserve,

is guilty of an offence and is liable on summary conviction 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.

Possession of intoxicants off a reserve.

94. An Indian who

(*a*) has intoxicants in his possession,

(*b*) is intoxicated, or

(*c*) makes or manufactures intoxicants

off a reserve, is guilty of an offence and is liable on summary conviction 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.

Coming into force of this section.

95. (1) Subsection (2) or subsection (3) shall come into force, or cease to be in force, in a province or in a part thereof only if a proclamation declaring it to be in force, or to cease to be in force, as the case may be, in the province or part thereof is issued by the Governor in Council at the request of the Lieutenant-Governor in Council of the province.

Exception to offences.

(2) No offence is committed against subparagraph (ii) of paragraph (*a*) of section 93 or paragraph (*a*) of section 94 if intoxicants are sold to an Indian for consumption in a public place in accordance with the law of the province where the sale takes place.

(3) No offence is committed against subparagraph (ii) of paragraph (*a*) of section 93 or paragraph (*a*) of section 94 if intoxicants are sold to or had in possession by an Indian in accordance with the law of the province where the sale takes place or the possession is had.

Possession of intoxicants on a reserve.

96. A person who is found

(*a*) with intoxicants in his possession, or

(*b*) intoxicated

on a reserve, is guilty of an offence and is liable on summary conviction 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.

Coming into force of this section.

96A. (1) Subsection (2) shall come into force, or cease to be in force, in a reserve only if a proclamation declaring it to be in force, or to cease to be in force, as the case may be, in the reserve, is issued by the Governor in Council.

Exception to offences.

(2) No offence is committed against paragraph (*a*) of section 96 if intoxicants are had in possession by any person in accordance with the law of the province where the possession is had.

Referendum.

(3) A proclamation in respect of a reserve shall not be issued under subsection (1) except in accordance with the wishes of the band, as expressed at a referendum of the electors of the band by a majority of the electors who voted thereat.

Regulations.

(4) The Governor in Council may make regulations

(*a*) respecting the taking of votes and the holding of a referendum for the purposes of this section; and

(*b*) defining a reserve for the purposes of subsection (1) to consist of one or more reserves or any part thereof.

When proclamation may issue.

(5) No proclamation bringing subsection (2) into force in a reserve shall be issued unless the council of the band has transmitted to the Minister a resolution of the council requesting that subsection (2) be brought into force in the reserve, and either

(*a*) the reserve is situated in a province or part thereof in which subsection (3) of section 95 is in force, or

(*b*) the Minister has communicated the contents of the resolution to the Attorney General of the province in which the reserve is situated, the Lieutenant-Governor in Council of the province has not, within sixty days after such communication, objected to the granting of the request, and the Governor in Council has directed that the wishes of the band with respect thereto be ascertained by a referendum of the electors of the band.

Further exception to offences.

(6) Where subsection (2) is in force in a reserve no offence is committed against subparagraph (ii) of paragraph (*a*) of section 93 or paragraph (*a*) of section 94 if intoxicants are sold to or had in possession by a member of the band in accordance with the law of the province in which the reserve is situated.

Exception where intoxicant used for sickness.

97. The provisions of this Act relating to intoxicants do not apply where the intoxicant is used or is intended to be used in cases of sickness or accident.

Onus of proof.

98. In any prosecution under this Act the burden of proof that an intoxicant was used or was intended to be used in a case of sickness or accident is upon the accused.

Certificate of analysis is evidence.

99. In every prosecution under this Act a certificate of analysis furnished by an analyst employed by the Government of Canada or by a province shall be accepted as *prima facie* evidence of the facts stated therein and of the authority of the person giving or issuing the certificate, without proof of the signature of the person appearing to have signed the certificate or his official character, and without further proof thereof.

Penalty where no other provided.

100. Every person who is guilty of an offence against any provision of this Act or any regulation made by the Governor in Council or the Minister for which a penalty is not provided elsewhere in this Act or the regulations, is liable on summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

FORFEITURES AND PENALTIES.

Seizure of goods.

101. (1) Whenever a peace officer or a superintendent or a person authorized by the Minister believes on reasonable grounds that an offence against section 33, 89, 92, 93, 94 or 96 has been committed, he may seize all goods and chattels by means of or in relation to which he reasonably believes the offence was committed.

Detention.

(2) All goods and chattels seized pursuant to subsection (1) may be detained for a period of three months following the day of seizure unless during that period proceedings under this Act in respect of such offence are undertaken, in which case the goods and chattels may be further detained until such proceedings are finally concluded.

Forfeiture.

(3) Where a person is convicted of an offence against the sections mentioned in subsection (1), the convicting court or judge may order that the goods and chattels by means of or in relation to which the offence was committed, in addition to any penalty imposed, are forfeited to Her Majesty and may be disposed of as the Minister directs.

Search.

(4) A justice who is satisfied by information upon oath that there is reasonable ground to believe that there are upon a reserve or in any building, receptacle or place any goods or chattels by means of or in relation to which an offence against any of the sections mentioned in subsection (1) has been, is being or is about to be committed, may at any time issue a warrant under his hand authorizing a person named therein or a peace officer at any time to search the reserve, building, receptacle or place for any such goods or chattels.

Disposition of fines.

102. Every fine, penalty or forfeiture imposed under this Act belongs to Her Majesty for the benefit of the band with respect to which or to one or more members of which the offence was committed or to which the offender, if an Indian, belongs, but the Governor in Council may from time to time direct that the fine, penalty or forfeiture shall be paid to a provincial, municipal or local authority that bears in whole or in part the expense of administering the

law under which the fine, penalty or forfeiture is imposed, or that the fine, penalty or forfeiture shall be applied in the manner that he considers will best promote the purposes of the law under which the fine, penalty or forfeiture is imposed, or the administration of that law.

Description of Indians in writs, etc.

103. In any order, writ, warrant, summons or proceeding issued under this Act it is sufficient if the name of the person or Indian referred to therein is the name given to, or the name by which the person or Indian is known by, the person who issues the order, writ, warrant, summons or proceedings, and if no part of the name of the person is given to or known by the person issuing the order, writ, warrant, summons or proceedings, it is sufficient if the person or Indian is described in any manner by which he may be identified.

Jurisdiction of magistrates.

104. A police magistrate or a stipendiary magistrate has and may exercise, with respect to matters arising under this Act, jurisdiction over the whole county, union of counties or judicial district in which the city, town or other place for which he is appointed or in which he has jurisdiction under provincial laws is situated.

Appointment of justices.

105. The Governor in Council may appoint persons to be, for the purposes of this Act, justices of the peace and those persons have and may exercise the powers and authority of two justices of the peace with regard to

(*a*) offences under this Act,

(*b*) any offence against the provisions of the *Criminal Code* relating to cruelty to animals, common assault, breaking and entering and vagrancy, where the offence is committed by an Indian or relates to the person or property of an Indian.

Indian agent *ex officio* a J.P.

106. Where, immediately prior to the 4th day of September, 1951, an Indian agent was *ex officio* a justice of the peace under the *Indian Act*, chapter 98 of the Revised Statutes of Canada, 1927, he shall be deemed, for the purposes of this Act, to have been appointed under section 105, and he may exercise the powers and authority conferred by that section until his appointment is revoked by the Minister.

Commissioners for taking oaths.

107. For the purposes of this Act, or any matter relating to Indian Affairs

(*a*) persons appointed by the Minister for the purpose,

(*b*) superintendents, and

(*c*) the Minister, Deputy Minister and the chief officer in charge of the branch of the Department relating to Indian affairs

are *ex officio* commissioners for the taking of oaths.

ENFRANCHISEMENT.

Enfranchisement of Indian and wife and minor children.

108. (1) On the report of the Minister that an Indian has applied for enfranchisement and that in his opinion the Indian

(*a*) is of the full age of twenty-one years,

(*b*) is capable of assuming the duties and responsibilities of citizenship, and

(*c*) when enfranchised, will be capable of supporting himself and his dependants,

the Governor in Council may by order declare that the Indian and his wife and minor unmarried children are enfranchised.

(2) On the report of the Minister that an Indian woman married a person who is not an Indian, the Governor in Council may by order declare that the woman is enfranchised as of the date of her marriage and, on the recommendation of the Minister may by order declare that all or any of her children are enfranchised as of the date of the marriage or such other date as the order may specify.

Where wife living apart.

(3) Where, in the opinion of the Minister, the wife of an Indian is living apart from her husband, the names of his wife and his minor children who are living with the wife shall not be included in an order under subsection (1) that enfranchises the Indian unless the wife has applied for enfranchisement, but where the Governor in Council is satisfied that such wife is no longer living apart from her husband, the Governor in Council may by order declare that the wife and the minor children are enfranchised.

Order of enfranchisement.

(4) A person is not enfranchised unless his name appears in an order of enfranchisement made by the Governor in Council.

Enfranchised person ceases to be Indian.

109. A person with respect to whom an order for enfranchisement is made under this Act shall, from the date thereof, or from the date of enfranchisement provided for therein, be deemed not to be an Indian within the meaning of this Act or any other statute or law.

Sale of lands of enfranchised Indian.

110. (1) Upon the issue of an order of enfranchisement, any interest in land and improvements on an Indian reserve of which the enfranchised Indian was in lawful possession or over which he exercised rights of ownership, at the time of his enfranchisement, may be disposed of by him by gift or private sale to the band or another member of the band, but if not so disposed of within thirty days after the date of the order of enfranchisement such land and improvements shall be offered for sale by tender by the superintendent and sold to the highest bidder and the proceeds of such sale paid to him; and if no bid is received and the property remains unsold after six months from the date of such offering, the land, together with improvements, shall revert to the band free from any interest of the enfranchised person therein, subject to the payment, at the discretion of the Minister, to the enfranchised Indian, from the funds of the band, of such compensation for permanent improvements as the Minister may determine.

Grant to enfranchised Indian.

(2) When an order of enfranchisement issues or has issued, the Governor in Council may, with the consent of the council of the band, by order declare that any lands within a reserve of which the enfranchised Indian had formerly been in lawful possession shall cease to be Indian reserve lands.

(3) When an order has been made under subsection (2), the enfranchised Indian is entitled to occupy such lands for a period of ten years from the date of his enfranchisement, and the enfranchised Indian shall pay to the funds of the band, or there shall, out of any money payable to the enfranchised Indian under this Act, be transferred to the funds of the band, such amount per acre for the lands as the Minister considers to be the value of the common interest of the band in the lands.

(4) At the end of the ten-year period referred to in subsection (3) the Minister shall cause a grant of the lands to be made to the enfranchised Indian or to his legal representatives.

Enfranchisement of band.

111. (1) Where the Minister reports that a band has applied for enfranchisement, and has submitted a plan for the disposal or division of the funds of the band and the lands in the reserve, and in his opinion the band is capable of managing its own affairs as a municipality or part of a municipality, the Governor in Council may by order approve the plan, declare that all the members of the band are enfranchised, either as of the date of the order or such later date as may be fixed in the order, and may make regulations for carrying the plan and the provisions of this section into effect.

Majority vote required.

(2) An order for enfranchisement may not be made under subsection (1) unless more than fifty per cent of the electors of the band signify, at a meeting of the band called for the purpose, their willingness to become enfranchised under this section, and their approval of the plan.

Agreements with provinces or municipalities.

(3) The Governor in Council may, for the purpose of giving effect to this section, authorize the Minister to enter into an agreement with a province or a municipality, or both, upon such terms as may be agreed upon by the Minister and the province or municipality, or both.

Financial assistance.

(4) Without restricting the generality of subsection (3), an agreement made thereunder may provide for financial assistance to be given to the province or the municipality or both to assist in the support of indigent, infirm or aged persons to whom the agreement applies, and such financial assistance, or any part thereof, shall, if the Minister so directs, be paid out of moneys of the band, and any such financial assistance not paid out of moneys of the band shall be paid out of moneys appropriated by Parliament.

Committee of inquiry.

112. (1) Where a band has applied for enfranchisement within the meaning of this Act and has submitted a plan for the disposal or division of the funds of the band and the lands in the reserve, the Minister may appoint a committee to inquire into and report upon any or all of the following matters, namely:

(*a*) the desirability of enfranchising the band;
(*b*) the adequacy of the plan submitted by it; and
(*c*) any other matter relating to the application for enfranchisement or to the disposition thereof.

Composition.

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

(*a*) a judge or retired judge of a superior, surrogate, district or county court,
(*b*) an officer of the Department, and
(*c*) a member of the band to be designated by the council of the band.

Schools.

Schools.

113. (1) The Governor in Council may authorize the Minister, in accordance with this Act, to enter into agreements on behalf of Her Majesty for the education in accordance with this Act of Indian children, with

(*a*) the government of a province,
(*b*) the Commissioner of the Northwest Territories,
(*c*) the Commissioner of the Yukon Territory,
(*d*) a public or separate school board, and

(*e*) a religious or charitable organization.

(2) The Minister may, in accordance with this Act, establish, operate and maintain schools for Indian children.

Regulations.

114. The Minister may

(*a*) provide for and make regulations with respect to standards for buildings, equipment, teaching, education, inspection and discipline in connection with schools,

(*b*) provide for the transportation of children to and from school,

(*c*) enter into agreements with religious organizations for the support and maintenance of children who are being educated in schools operated by those organizations, and

(*d*) apply the whole or any part of moneys that would otherwise be payable to or on behalf of a child who is attending a residential school to the maintenance of that child at that school.

Attendance.

115. (1) Subject to section 116, every Indian child who has attained the age of seven years shall attend school.

Idem.

(2) The Minister may

(*a*) require an Indian who has attained the age of six years to attend school,

(*b*) require an Indian who becomes sixteen years of age during the school term to continue to attend school until the end of that term, and

(*c*) require an Indian who becomes sixteen years of age to attend school for such further period as the Minister considers advisable, but no Indian shall be required to attend school after he becomes eighteen years of age.

When attendance not required.

116. An Indian child is not required to attend school if the child

(*a*) is, by reason of sickness or other unavoidable cause that is reported promptly to the principal, unable to attend school.

(*b*) is, with the permission in writing of the superintendent, absent from school for a period not exceeding six weeks in each term for the purpose of assisting in husbandry or urgent and necessary household duties,

(*c*) is under efficient instruction at home or elsewhere, within one year after the written approval by the Minister of such instruction, or

(*d*) is unable to attend school because there is insufficient accommodation in the school that the child is entitled or directed to attend.

School to be attended.

117. Every Indian child who is required to attend school shall attend such school as the Minister may designate, but no child whose parent is a Protestant shall be assigned to a school conducted under Roman Catholic auspices and no child whose parent is a Roman Catholic shall be assigned to a school conducted under Protestant auspices, except by written direction of the parent.

Truant officers.

118. (1) The Minister may appoint persons, to be called truant officers, to enforce the attendance of Indian children at school, and for that purpose a truant officer has the powers of a peace officer.

Powers.

(2) Without restricting the generality of subsection (1), a truant officer may

(*a*) enter any place where he believes, on reasonable grounds, that there are Indian children who are between the ages of seven and sixteen years of age, or who are required by the Minister to attend school,

(*b*) investigate any case of truancy, and

(*c*) serve written notice upon the parent, guardian or other person having the care or legal custody of a child to cause the child to attend school regularly thereafter.

Notice to attend school.

(3) Where a notice has been served in accordance with paragraph (*c*) of subsection (2) with respect to a child who is required by this Act to attend school, and the child does not within three days after the service of notice attend school and continue to attend school regularly thereafter, the person upon whom the notice was served is guilty of an offence and is liable on summary conviction to a fine of not more than five dollars or to imprisonment for a term not exceeding ten days or to both fine and imprisonment.

No further notices required within one year of previous notice.

(4) Where a person has been served with a notice in accordance with paragraph (*c*) of subsection (2), it is not necessary within a period of twelve months thereafter to serve that person with any other notice in respect of further non-compliance with the provisions of this Act, and whenever such person within the period of twelve months fails to cause the child with respect to whom the notice was served or any other child of whom he has charge or control to attend school and continue in regular attendance as required by this Act, such person is guilty of an offence and liable to the penalties imposed by subsection (3) as if he had been served with the notice.

Tardiness.

(5) A child who is habitually late for school shall be deemed to be absent from school.

Take into custody.

(6) A truant officer may take into custody a child whom he believes on reasonable grounds to be absent from school contrary to this Act and may convey the child to school, using as much force as the circumstances require.

Child who is expelled or fails to attend deemed juvenile delinquent.

119. An Indian child who

(*a*) is expelled or suspended from school, or

(*b*) refuses or fails to attend school regularly,

shall be deemed to be a juvenile delinquent within the meaning of the *Juvenile Delinquents Act*.

Denomination of teacher.

120. (1) Where the majority of the members of a band belongs to one religious denomination the school established on the reserve that has been set apart for the use and benefit of that band shall be taught by a teacher of that denomination.

Idem.

(2) Where the majority of the members of a band are not members of the same religious denomination and the band by a majority vote of those electors of the band who were present at a meeting called for the purpose requests that day schools on the reserve should be taught by a teacher belonging to a particular religious denomination, the school on that reserve shall be taught by a teacher of that denomination.

Minority religious denominations.

121. A Protestant or Roman Catholic minority of any band may, with the approval of and under regulations to be made by the Minister, have a separate day school or day school classroom established on the reserve unless, in the opinion of the Governor in Council, the number of children of school age does not so warrant.

Definitions.

122. In sections 113 to 121.

"Child."

(*a*) "child" means an Indian who has attained the age of six years but has not attained the age of sixteen years, and a person who is required by the Minister to attend school,

"School."

(*b*) "school" includes a day school, technical school, high school and residential school, and

"Truant officer."

(*c*) "truant officer" includes

(i) a member of the Royal Canadian Mounted Police,

(ii) a special constable appointed for police duty on a reserve, and

(iii) a school teacher and a chief of the band, when authorized by the superintendent.

PRIOR GRANTS.

Prior grants and sales deemed authorized.

123. Where, prior to the 4th day of September, 1951, a reserve or portion of a reserve was released or surrendered to the Crown pursuant to Part I of the *Indian Act*, chapter 98 of the Revised Statutes of Canada, 1927, or pursuant to the provisions of the statutes relating to the release or surrender of reserves in force at the time of the release or surrender, and

(*a*) prior to that date Letters Patent under the Great Seal of Canada were issued purporting to grant a reserve or portion of a reserve so released or surrendered, or any interest therein, to any person, and the Letters Patent have not been declared void or inoperative by any Court of competent jurisdiction, or

(*b*) prior to that date a reserve or portion of a reserve so released or surrendered, or any interest therein, was sold or agreed to be sold by the Crown to any person, and the sale or agreement for sale has not been cancelled or by any Court of competent jurisdiction declared void or inoperative.

the Letters Patent or the sale or agreement for sale, as the case may be, shall, for all purposes, be deemed to have been issued or made at the date thereof under the direction of the Governor in Council.

124. The *Indian Act*, being chapter 149, of the Revised Statutes of Canada, 1952, is repealed.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-72.

An Act to provide for the establishment of an Economic Council of Canada.

First reading, June 7, 1963.

THE PRIME MINISTER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28522-1

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-72.

An Act to provide for the establishment of an Economic Council of Canada.

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

SHORT TITLE.

Short title.

1. This Act may be cited as the *Economic Council of Canada Act.*

INTERPRETATION.

Definitions. "Council." "Minister."

2. In this Act,

(*a*) "Council" means the Economic Council of Canada established by section 3; and

(*b*) "Minister" means such member of the Queen's Privy Council for Canada as may be designated by the Governor in Council to act as the Minister for the purposes of this Act.

COUNCIL ESTABLISHED.

Establishment and constitution.

3. There is hereby established a corporation to be known as the Economic Council of Canada, consisting of a chairman, two directors and not more than twenty-five other members, to be appointed by the Governor in Council as provided in section 4.

Appointment of chairman and directors.

4. (1) The chairman of the Council and each of the directors shall be appointed to hold office for a term not exceeding seven years.

Appointment of other members.

(2) Each of the other members of the Council shall be appointed after consultation with appropriate representative organizations to hold office for a term of three years, except that of those first appointed not less than one-third shall be appointed for a term of two years and not less than one-third shall be appointed for a term of four years.

Eligibility for reappointment.

(3) A retiring chairman, director or other member of the Council is eligible for reappointment to the Council in the same or another capacity.

CHAIRMAN, DIRECTORS AND MEMBERS.

Salaries of chairman and directors.

5. (1) The chairman of the Council and each of the directors shall be paid such salaries and expenses as are fixed by the Governor in Council and shall devote the whole of their time to the performance of their duties under this Act.

Travelling and living expenses.

(2) The other members of the Council shall serve without remuneration but are entitled to be paid reasonable travelling and living expenses while absent from their ordinary place of residence in the course of their duties under this Act.

Remuneration for additional duties.

(3) Notwithstanding subsection (2), a member of the Council other than the chairman or a director may, for any period during which he performs, with the approval of the Council, any duties on behalf of the Council in addition to his ordinary duties as a member thereof, be paid such remuneration therefor as may be authorized by the Governor in Council.

Quorum.

6. A majority of members constitutes a quorum of the Council.

Vacancy.

7. A vacancy in the membership of the Council does not impair the right of the remainder to act.

Vice-chairman.

8. (1) The Council may, with the approval of the Governor in Council, designate one of the directors to be vice-chairman of the Council.

Absence, etc., of chairman.

(2) In the event of the absence or incapacity of the chairman or if the office of chairman is vacant, the vice-chairman has and may exercise and perform all the duties and functions of the chairman.

DUTIES.

Duties of Council.

9. It shall be the duty of the Council to advise and recommend to the Minister how Canada can achieve the highest possible levels of employment and efficient

production in order that the country may enjoy a high and consistent rate of economic growth and that all Canadians may share in rising living standards; and in particular it shall be the duty of the Council:

(*a*) regularly to assess, on a systematic and comprehensive basis, the medium term and long term prospects of the economy, and to compare such prospects with the potentialities of growth of the economy;

(*b*) to recommend what government policies, in the opinion of the Council, will best help to realize the potentialities of growth of the economy;

(*c*) to consider means of strengthening and improving Canada's international financial and trade position;

(*d*) to study means of increasing Canadian participation in the ownership, control and management of industries in Canada;

(*e*) to study how economic growth, technological change and automation, and international economic changes may affect employment and income in Canada as a whole, in particular areas of Canada and in particular sectors of the economy;

(*f*) to study and discuss with representatives of the industries concerned and with representatives of labour, farmers and other primary producers, and other occupational groups and organizations, what specific plans for production and investment in major industries in Canada will best contribute to a high and consistent rate of economic growth;

(*g*) to study how national economic policies can best foster the balanced economic development of all areas of Canada;

(*h*) to explore and evaluate particular projects of major significance for the expansion of industrial and other economic activities in Canada, whether or not such projects may involve direct governmental participation, and to make recommendations concerning those projects that in the opinion of the Council will contribute to the growth of the Canadian economy;

(*i*) to encourage maximum consultation and co-operation between labour and management in the fulfilment of the objectives of this Act; and

(*j*) to seek full and regular consultation with appropriate agencies of the governments of the several provinces.

Initiation of studies, etc.

10. The Council shall initiate such studies, inquiries and other undertakings as may be necessary with respect to any matter coming within paragraphs (*a*) to (*j*) of section 9 or with respect to any other matter or thing for or relating to the carrying out of its duties under that section, and shall report to, advise or make recommendations to the Minister with respect thereto, as the circumstances require.

ADDITIONAL DUTIES OF COUNCIL.

Additional duties.

11. (1) In addition to its other duties under this Act the Council shall, for the purpose of promoting and expediting advances in efficiency of production in all sectors of the economy,

(*a*) foster and promote

(i) the development of improved production and distribution methods,

(ii) the development of improved management techniques,

(iii) the maintenance of good human relations in industry,

(iv) the use of training programs at all levels of industry, and the use of retraining programs to meet changing manpower requirements,

(v) the extension of industrial research programs in plants and industries as a means of achieving greater efficiency of production, and

(vi) the dissemination of technical information; and

(*b*) organize, assist and enlist the aid of committees, teams and other groups in the implementation of programs designed to give effect to any of the objectives set forth in paragraph (*a*).

Idem.

(2) Any specific programs initiated by the Council in relation to any of the objectives set forth in paragraph (*a*) of subsection (1) shall, if carried out by the Council, be so carried out only until such programs can effectively be continued by other government departments or agencies.

ORGANIZATION.

Head office and meetings.

12. The head office of the Council shall be in the City of Ottawa, but the Council may meet at such other places at such times as it deems necessary.

Direction of work and staff.

13. The chairman is the chief executive officer of the Council and has supervision over and direction of the work and staff of the Council.

By-laws.

14. (1) The Council may, subject to the approval of the Governor in Council, make by-laws for the regulation of its proceedings and generally for the conduct of its activities, including the establishment of ad hoc, standing and other committees of the Council.

Advisory committees.

(2) Any by-law made pursuant to subsection (1) establishing an advisory committee of the Council may provide for the membership thereon of persons other than members of the Council, in addition to members of the Council.

Appointment of staff.

15. (1) The Council may

(*a*) appoint such officers and employees as are necessary for the proper conduct of the work of the Council; and

(*b*) prescribe the duties of such officers and employees and, subject to the approval of the Treasury Board, prescribe the conditions of their employment.

Salaries and expenses of staff.

(2) The officers and employees of the Council appointed as provided in subsection (1) shall be paid such salaries and expenses as are fixed by the Council with the approval of the Treasury Board.

Technical and special advisers.

16. The Council may engage on a temporary basis or for any period of not more than two years the services of persons having technical or specialized knowledge of any matter relating to the work of the Council, to advise and assist the Council in the performance of its duties under this Act, and with the approval of the Treasury Board may fix and pay the remuneration of such persons.

Council agent of Her Majesty.

17. (1) The Council is for all purposes of this Act an agent of Her Majesty and its powers under this Act may be exercised only as an agent of Her Majesty.

Contracts.

(2) The Council may on behalf of Her Majesty enter into contracts in the name of Her Majesty or in its own name.

Property.

(3) Any property acquired by the Council is the property of Her Majesty and title thereto may be vested in the name of Her Majesty or in the name of the Council.

Proceedings.

(4) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Council on behalf of Her Majesty, whether in its name or in the name of Her Majesty, may be brought or taken by or against the Council in the name of the Council in any court that would have jurisdiction if the Council were not an agent of Her Majesty.

Application of *Public Service Superannuation Act.*

18. The *Public Service Superannuation Act* does not apply to the members of the Council other than the chairman and the directors, unless in the case of any such member the Governor in Council otherwise directs.

Financial.

Appropriations.

19. All amounts required for the payment of salaries and other expenses under this Act including expenses of administration shall be paid out of moneys appropriated by Parliament for the purpose.

Audit.

Audit.

20. The accounts and financial transactions of the Council shall be audited annually by the Auditor General, and a report of the audit shall be made to the Council and to the Minister.

Reports and Publications.

Annual report to be made.

21. (1) The chairman of the Council shall, within three months after the termination of each fiscal year, transmit to the Minister a statement relating to the activities of the Council for that fiscal year, including the financial statements of the Council and the Auditor General's report thereon, and the Minister shall cause such statement to be laid before Parliament within fifteen days after the receipt thereof or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

Review to be published.

(2) The Council shall, annually, prepare and cause to be published a review of medium and long term economic prospects and problems.

Other publications.

(3) The Council may cause to be published such other studies and reports prepared by or for the use of the Council as may be authorized by the Minister.

Repeal.

Repeal. 1960-61, c. 4.

22. (1) The *National Productivity Council Act* is repealed.

(2) Notwithstanding subsection (1), any act or thing required to be done by the National Productivity Council for the purpose of enabling the said Council to give effect to subsection (3) may be done in all respects as though the *National Productivity Council Act* had continued in force.

(3) Forthwith after the coming into force of this Act, any amount standing to the credit of the National Productivity Council after the payment by it of any debts or other obligations thereof shall be paid by the said Council to the Receiver General of Canada to be held and applied towards the payment of the expenses referred to in section 19 as though that amount had been appropriated by Parliament for such purpose.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-73.

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

First reading, June 12, 1963.

Mr. GRAY.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28977-7

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-73.

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.

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

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.

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:

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, 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, 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 disposed of."

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.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-74.

An Act respecting the Department of Industry.

First reading, June 14, 1963.

THE PRIME MINISTER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28709-4

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-74.

An Act respecting the Department of Industry.

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 Industry Act*.

INTERPRETATION.

Definitions.

2. In this Act,

"Agency."

(*a*) "Agency" means the Area Development Agency referred to in section 12;

"Commissioner."

(*b*) "Commissioner" means the Commissioner for Area Development;

"Department."

(*c*) "Department" means the Department of Industry;

"Deputy Commissioner."

(*d*) "Deputy Commissioner" means the Deputy Commissioner for Area Development;

"Designated area."

(*e*) "designated area" means any district or locality in Canada designated by the Governor in Council pursuant to section 9; and

"Minister."

(*f*) "Minister" means the Minister of Industry.

PART I.

DEPARTMENT CONSTITUTED.

Department constituted.

3. (1) There shall be a department of the Government of Canada called the Department of Industry, over which the Minister of Industry appointed by Commission under the Great Seal of Canada shall preside.

Management.

(2) The Minister has the management and direction of the Department and holds office during pleasure.

Deputy Minister.

4. The Governor in Council may appoint an officer called the Deputy Minister of Industry, to be the deputy head of the Department and to hold office during pleasure.

Temporary appointments.

5. (1) The Governor in Council may appoint persons having special knowledge of any manufacturing industry to advise and assist the Minister in the work of the Department, at such salaries and upon such other terms and conditions as the Governor in Council sees fit, including payment of a share of pension contributions or premiums under any benefit plan of which such persons are members.

Termination of temporary appointments.

(2) No person appointed pursuant to subsection (1) shall continue to be so employed after the 31st day of December, 1964.

Duties, powers and functions of Minister.

6. The duties, powers and functions of the Minister extend to and include all matters relating to manufacturing industries in Canada over which the Parliament of Canada has jurisdiction, not by law assigned to any other department, branch or agency of the Government of Canada.

Further duties.

7. The Minister shall

(*a*) cause the Department to acquire a detailed knowledge of manufacturing industries in Canada;

(*b*) promote the establishment, growth, efficiency and improvement of manufacturing industries in Canada; and

(*c*) develop and carry out such programs and projects as may be appropriate

(i) to assist the adaptation of manufacturing industries to changing conditions in domestic and export markets, and to changes in the techniques of production,

(ii) to identify and assist those manufacturing industries that require special measures to develop an unrealized potential or to cope with exceptional problems of adjustments, and

(iii) to promote the development and use of modern industrial technology in Canada and improve the effectiveness of the participation by the Government of Canada in industrial research.

Minister to exercise and perform duties, powers and functions of Minister of Defence Production.

8. In addition to the duties, powers and functions conferred by sections 6 and 7, the Minister shall exercise and perform all the duties, powers and functions vested in or required to be exercised and performed by the Minister of Defence Production.

PART II.

Area Development.

Designated area.

9. The Governor in Council may designate as a designated area for the purposes of this Act any district or locality in Canada that is determined to require special measures to permit economic development or industrial adjustment by reason of the exceptional nature or degree of unemployment in that area.

Powers and duties of Minister in relation to Agency.

10. The powers and duties of the Minister in relation to the Agency referred to in section 12 shall include

(*a*) the undertaking of research and the making of investigations respecting the means of increasing employment and income in designated areas; and

(*b*) the preparing and carrying out of such programs and projects to improve the economic development of designated areas as may be appropriate to the purposes of this Part and that cannot suitably be undertaken by other departments, branches or agencies of the Government of Canada.

Powers of Governor in Council.

11. The Governor in Council may authorize and direct departments, branches and agencies of the Government of Canada to undertake in the execution of their respective duties and functions such special measures as may be appropriate to facilitate the economic development of any designated area or the adjustment of industry in that area.

Establishment of Area Development Agency.

12. (1) There shall be established an Area Development Agency under the direction of a Commissioner for Area Development and a Deputy Commissioner for Area Development, both of whom shall be appointed by the Governor in Council to hold office during pleasure.

Salaries of Commissioner and Deputy Commissioner.

(2) The Commissioner and Deputy Commissioner shall be paid such salaries as are fixed by the Governor in Council.

Commissioner chief executive officer and responsible to Minister.

13. (1) The Commissioner is the chief executive officer of the Agency and is responsible to the Minister for the work of the Agency.

Absence, etc., of Commissioner.

(2) If the Commissioner is absent or unable to act or if the office is vacant, the Deputy Commissioner has and may exercise all the powers and functions of the Commissioner.

PART III.

General.

General authority of Minister.

14. The Minister, in exercising his powers and carrying out his duties and functions under this Act,

(*a*) shall, where appropriate, make use of the services and facilities of other departments, branches or agencies of the Government of Canada;

(*b*) may, with the approval of the Governor in Council, enter into agreements with the government of any province or any agency thereof for the carrying out of programs for which he is responsible; and

(*c*) may consult with, and organize conferences of, representatives of industry and labour, provincial and municipal authorities and other interested persons.

Appointment of advisers and advisory committees.

15. The Governor in Council may appoint advisers and establish advisory and other committees to advise or aid the Minister or to perform such duties and exercise such powers as the Governor in Council may specify, and may fix the remuneration and expenses to be paid to the persons so appointed.

Annual report.

16. The Minister shall, on or before the 31st day of January next following the end of each fiscal year or, if Parliament is not then sitting on any of the first five days next thereafter that Parliament is sitting, submit to Parliament a report showing the operations of the Department for that fiscal year.

1953-54, c. 21.

17. Section 4 of the *Salaries Act* is amended by adding thereto the following:

"The Minister of Industry.....15,000."

R.S., c. 116.

18. Schedule A to the *Financial Administration Act* is amended by adding thereto the following:

"Department of Industry."

Coming into force.

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

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-75.

An Act to restrain the use of Tobacco.

First reading, June 17, 1963.

Mr. MATHER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28989-2

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-75.

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*.

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.

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.

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, 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.

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 tabacco found in the possession 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 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, 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, 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 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 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.

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.

Interpretation.

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

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.

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;

(*b*) in order to ensure compliance with this Part and the regulations, respecting the importation of tobacco;

(*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;

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; and

(*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

(*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

(*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.

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.

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.

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

(*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

(*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.

Notice.

(2) 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.

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.

Coming into force.

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

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.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-76.

An Act to promote increased employment in Canada by financial assistance by way of loans to municipalities to enable municipalities to augment or accelerate municipal capital works programs.

First reading, June 17, 1963.

THE MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28873-8

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-76.

An Act to promote increased employment in Canada by financial assistance by way of loans to municipalities to enable municipalities to augment or accelerate municipal capital works programs.

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 *Municipal Development and Loan Act.*

INTERPRETATION.

Definitions.

2. In this Act,

"Board."

(*a*) "Board" means the Municipal Development and Loan Board established by section 3;

"Fiscal year."

(*b*) "fiscal year" means the fiscal year of the Government of Canada;

"Minister."

(*c*) "Minister" means such member of the Queen's Privy Council for Canada as may be designated by the Governor in Council to act as the Minister for the purposes of this Act;

"Municipality."

(*d*) "municipality" means

(i) an incorporated city, metropolitan authority, town, village, township, district or rural municipality or other incorporated municipal body however designated, or

(ii) a body (other than an agency of the Crown in right of any province) incorporated for the purpose of constructing, operating and maintaining a capital works,

of a kind mentioned in subsection (2) of section 7, for or on behalf of one or more corporations referred to in subparagraph (i) having authority under law to raise money by the issue of debentures; and

"Municipal project."

(*e*) "municipal project" means a municipal project within the meaning of subsection (2) of section 7.

MUNICIPAL DEVELOPMENT AND LOAN BOARD.

Board established.

3. (1) A corporation is hereby established to be known as the Municipal Development and Loan Board, to consist of not less than three nor more than five members appointed by the Governor in Council to hold office during pleasure.

Chairman.

(2) One of the members of the Board shall be appointed by the Governor in Council to be chairman of the Board.

Vice-chairman.

(3) The Board may designate one of its members to be vice-chairman of the Board, who shall, in the event of the absence or incapacity of the chairman, or if the office of chairman is vacant, act as chairman.

Remuneration of chairman.

4. (1) The chairman of the Board shall be paid such salary as is fixed by the Governor in Council.

Remuneration and expenses of members.

(2) Except as provided in subsection (1), the members of the Board shall serve without remuneration but each member is entitled to be paid his actual travelling expenses incurred with the approval of the Minister in connection with the work of the Board, and may, with the approval of the Minister, be paid a per diem allowance fixed by the Governor in Council for each day he is necessarily absent from his ordinary place of residence in connection with such work.

Remuneration for additional duties.

(3) Notwithstanding subsection (2), a member of the Board other than the chairman may, for any period during which he performs, with the approval of the Minister, any duties on behalf of the Board in addition to his ordinary duties as a member thereof, be paid such remuneration therefor as may be authorized by the Governor in Council.

Head office.

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

Place of meetings.

(2) The Board may meet at such times and places as it deems necessary but shall meet at least four times a year.

Quorum.

(3) A majority of the members constitutes a quorum of the Board.

Vacancy.

(4) Subject to subsection (3) a vacancy in the membership of the Board does not impair the right of the remaining members to act.

Agreement with Central Mortgage and Housing Corporation for services, etc.

6. In carrying out its functions under this Act the Board may, with the approval of the Minister, enter into agreements with Central Mortgage and Housing Corporation for the use of the personnel, facilities and services of that Corporation; and that Corporation may in accordance with any such agreement make such personnel, facilities or services available to the Board to any extent not incompatible, in the opinion of the Minister charged with the administration of the *National Housing Act, 1954*, with the operation of Central Mortgage and Housing Corporation.

LOANS TO MUNICIPALITIES.

Function of Board.

7. (1) When a municipality has received the provincial approvals required under section 8, the Board may, in accordance with this Act, assist the municipality, within a period of one or more financial years of the municipality, with the financing of a municipal project or part thereof by the provision of a loan under this Act in circumstances where the Board is satisfied

(*a*) that the municipal project or part thereof would not, without such assistance, have been included among the capital works projects to be undertaken by the municipality within such period, and that its inclusion therein will not result in any other capital works project of the municipality being replaced or postponed within such period; or

(*b*) that the municipal project or part thereof had been included among the capital works projects to be undertaken by the municipality within such period by virtue of the elimination or postponement of another capital works project of the municipality within such period, which other capital works project will, by virtue of the assistance available under this Act in respect of the municipal project or part thereof, be included among the capital works projects to be undertaken before the termination of such period.

"Municipal project" defined.

(2) For the purposes of this Act a "municipal project" means the construction, reconstruction, extension or improvement of any of the following capital works, as more particularly defined by the regulations:

(*a*) municipally owned water treatment plants and trunk distribution mains;

(*b*) municipally owned trunk storm sewers;

(*c*) municipal main streets and thoroughfares;

(*d*) municipally owned buildings other than living accommodation or hospital or school buildings; and

(*e*) municipally owned public transport or transit facilities, exclusive of rolling stock and similar operating equipment.

Provincial approval.

8. No loan under this Act shall be made to a municipality applying therefor unless the application of the municipality has the approval of and is transmitted to the Board by the government of the province concerned and is accompanied by evidence satisfactory to the Board that the municipality has obtained all the approvals necessary under the relevant provincial law for the municipal project in respect of which the application is made, for the borrowing of money by the municipality for such project, and for the issue of debentures by the municipality therefor.

Limit on single loans.

9. (1) The amount of any loan under this Act in respect of a municipal project shall not exceed two-thirds of the cost, as determined by the Board, of the municipal project after deducting all federal and provincial grants made or to be made in connection therewith or for which such municipal project would ordinarily have been eligible.

Condition of loan.

(2) It shall be a condition of any loan under this Act to a municipality in respect of a municipal project that

(*a*) the municipality will, from time to time or on completion of the municipal project, as may be stipulated by the Board, issue to the Board debentures of the municipality for an amount not being less in the aggregate than the principal amount of the loan after deducting any portion thereof forgiven under section 11; and

(*b*) the debentures to be issued to the Board by the municipality in respect of the municipal project will

(i) be repayable during the term of the debentures by such payments of principal and interest as may be stipulated by the Board, such payments to be not less frequently than annually,

(ii) be for a term not exceeding the useful life, as determined by the Board, of the capital works that are the subject of the municipal project and not exceeding in any case fifty years from the date of the completion of the municipal project or from the 31st day of March, 1966, whichever date first occurs, and

(iii) bear interest at the rate applying pursuant to section 12 on the date the loan is approved by the Board.

Approval of certain loans by Governor in Council.

10. Before making any loan under this Act to any municipality

(*a*) in an amount of five million dollars or more, or

(*b*) in an amount that, when added to other loans to that municipality approved by the Board under this Act in the financial year of the municipality in which the loan is applied for, totals five million dollars or more,

the Board shall obtain the approval of the Governor in Council thereto.

Reduction of indebtedness for completion.

11. (1) Where the municipal project in respect of which a loan is made under this Act is completed to the satisfaction of the Board on or before the 31st day of March, 1966, the Board may forgive payment by the municipality of twenty-five per cent of the principal amount of the loan.

Reduction of indebtedness when project not completed before March 31, 1966.

(2) Where the municipal project in respect of which a loan is made under this Act is not completed on or before the 31st day of March, 1966, the Board may forgive payment by the municipality of twenty-five per cent of that portion of the principal amount of the loan that has been advanced to the municipality as of the 31st day of March, 1966.

Forgiven amount not deductible federal grant.

(3) Any amount the payment of which may be forgiven under this section shall be deemed not to be a federal grant for the purposes of subsection (1) of section 9.

Prescribing interest.

12. The Governor in Council, on the recommendation of the Minister of Finance, may from time to time prescribe the rate of interest to apply in respect of loans under this Act, which rate shall be equal to the effective interest rate on long term Government of Canada Bonds at the time the rate is prescribed plus not more than one-quarter of one per cent.

Limitation as to time and total amount.

13. The Board shall not accept applications for or approve loans under this Act after the 31st day of March, 1966; and the total amount of all loans approved under this Act shall not exceed four hundred million dollars.

Advances to be out of C.R.F.

14. (1) Subject to section 13, the Minister of Finance may, on the requisition of the Board, make advances out of the Consolidated Revenue Fund for the purposes of this Act.

Special account.

(2) There shall be established in the Consolidated Revenue Fund a special account to be known as the Municipal Development and Loan Fund,

(*a*) to which shall be charged all advances made under this Act; and

(*b*) to which shall be credited,

(i) all repayments of principal amounts of debentures acquired pursuant to this Act,

(ii) all amounts the payment of which is forgiven under subsection (1) or subsection (2) of section 11, and

(iii) all proceeds from any disposition of debentures acquired pursuant to this Act, other than accrued interest thereon.

STATUS AND POWERS OF BOARD.

Agent of Her Majesty.

15. (1) The Board is for all purposes of this Act an agent of Her Majesty, and its powers under this Act shall be exercised only as an agent of Her Majesty.

Contracts.

(2) For the purposes of this Act, the Board may, on behalf of Her Majesty, enter into agreements in the name of the Board.

Property in debentures.

(3) Municipal debentures acquired by the Board in carrying out its functions under this Act are the property of Her Majesty.

Proceedings.

(4) Actions, suits or other legal proceedings in respect of any rights or obligation acquired or incurred by the Board on behalf of Her Majesty, may be brought or taken by or against the Board in the name of the Board in any court that would have jurisdiction if the Board were not an agent of Her Majesty.

By-laws.

16. The Board may, subject to the approval of the Governor in Council, make by-laws for the regulation of its proceedings and generally for the carrying out of its functions.

Appointment of staff.

17. (1) The Board may

(*a*) appoint such officers, employees and agents as are necessary for the proper carrying out of its functions; and

(*b*) prescribe the duties of such officers, employees and agents and, subject to the approval of the Treasury Board, prescribe the conditions of their employment or agency.

Salaries and expenses of staff.

(2) The officers, employees and agents of the Board may be paid such salaries, expenses and fees as are fixed by the Board with the approval of the Treasury Board.

Financial.

Appropriations.

18. All amounts required for the payment of salaries and other expenses under this Act, including the expenses of administration of the Board but excluding expenditures by way of loans under this Act, shall be paid out of moneys appropriated by Parliament for the purpose.

Audit and Report.

Audit.

19. The accounts of the Board shall be audited annually by the Auditor General and a report of the audit shall be made to the Board and to the Minister.

Annual report to be made.

20. The Board shall, within three months of the termination of each fiscal year transmit to the Minister a statement relating to the activities of the Board for that fiscal year, including a financial statement of the Board and the Auditor General's report thereon, and the Minister shall cause such statement to be laid before Parliament within fifteen days after the receipt thereof or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

Regulations.

Regulations.

21. 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, and in particular but without limiting the generality of the foregoing may make regulations,

(*a*) defining more particularly any or all of the capital works mentioned in paragraphs (*a*) to (*e*) of subsection (2) of section 7;

(*b*) prescribing the items to be included in the computation of costs for the purposes of subsection (1) of section 9;

(*c*) prescribing the types of municipal obligations that may be accepted as municipal debentures for the purposes of this Act;

(*d*) prescribing the manner in which and the conditions under which advances may be made under this Act to municipalities and the manner in which repayments of principal or interest in respect of loans under this Act are to be deposited to the credit of the Consolidated Revenue Fund;

(*e*) governing the disposition of municipal debentures acquired pursuant to this Act; and

(*f*) prescribing any other matter or thing required to be prescribed or determined by the Governor in Council under this Act.

Commencement.

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

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-77.

An Act to amend the Trans-Canada Highway Act (Canada Highways).

First reading, June 21, 1963.

Mr. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

29059-3

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-77.

An Act to amend the Trans-Canada Highway Act (Canada Highways).

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:

Title.

"*An Act to encourage and to assist in the construction of a Trans-Canada Highway and other highways in Canada.*"

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

Short title.

"**1.** This Act may be cited as the *Canada Highways Act.*"

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

Agreements with provinces.

"**3.** (1) With the approval of the Governor in Council the Minister may enter into an agreement with any province providing for the payment by Canada to the province of contributions in respect of the cost to the province of the construction within the province of a highway as part of a trans-Canada highway and other highways."

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

Contributions in respect of highways.

"**5.** Where a province has constructed or improved a highway that in the opinion of the Governor in Council may properly be included as a highway under this Act, the Governor in Council may authorize the

EXPLANATORY NOTE.

This Bill allows the government of Canada financially to participate in the construction or improvement of any highway within a province, including a so-called Second Trans-Canada Highway.

The proposed amendment retains the present overall financial ceiling set by Parliament and the discretionary approval within that ceiling by the Governor in Council. The amendment adopts the financial formula used in construction of the Trans-Canada Highway and applies it to the construction and improvement of other highways.

A federal-provincial agreement under section 3 will continue to cover planned highway and Trans-Canada highway construction; however, under section 5, a province may apply for federal contributions to constructed or improved highways.

Clauses 1 and 2: new long and short titles to express purpose of Act as varied by the amendment.

Clause 3: The present section 3(1) is as follows:

"3. (1) With the approval of the Governor in Council the Minister may enter into an agreement with any province providing for the payment by Canada to the province of contributions in respect of the cost to the province of the construction of a highway within the province as part of a trans-Canada highway."

Clause 4: The present section 5 is as follows:

"5. (1) Where a province has prior to the 10th day of December, 1949, constructed a highway that in the opinion of the Governor in Council may properly be included as part of a trans-Canada highway, the Governor in Council may authorize the Minister of Finance to pay to the province out of unappropriated moneys in the Consolidated Revenue Fund a contribution in respect of the cost to the province of the construction of the highway in such amount and payable at such times and in such manner as the Governor in Council may determine, but not exceeding fifty per cent of the cost of construction as determined by the Governor in Council.

"(2) No contribution or payment shall be made under this section in respect of any highway unless, prior to the 9th day of December, 1956, in the opinion of the Minister, it meets the standards and specifications prescribed by an agreement made with the province under section 3."

The above subsection (2) is not re-enacted by this Bill as being unnecessary.

Minister of Finance to pay to the province out of unappropriated moneys in the Consolidated Revenue Fund a contribution in respect of the cost to the province of the construction or improvement, as the case may be, of the highway in such amount and payable at such times and in such manner as the Governor in Council may determine in accordance with and subject to the provisions of section 4."

C-78.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-78.

An Act to amend the Immigration Act.

First reading, June 21, 1963.

Mr. HAHN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

29043-7

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-78.

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:

"(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 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 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.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-79.

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

First reading, July 2, 1963.

MR. MCINTOSH.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

29131-0

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-79.

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

R.S., c. 340; 1955, c. 13; 1957-58, c. 7; 1960, c. 36; 1960-61, c. 39.

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

1957-58, c. 7, s. 7.

1. Paragraph (*b*) of subsection (3) of section 30 of the *War Veterans Allowance Act, 1952* is repealed and the following substituted therefor:

"(*b*) who served in the United Kingdom during World War I for at least three hundred and sixty-five days prior to the 12th day of November, 1918: notwithstanding the foregoing requirements of this paragraph, a former member of His Majesty's Canadian forces who has served less than the minimal period so required but otherwise meets the requirements shall be deemed, for the purpose of authorization and payment of an allowance, to be a Canadian veteran of World War I save that the amount of the allowance, having been calculated as if the veteran has served in the United Kingdom at least three hundred and sixty-five days, shall be reduced proportionately to an amount calculated on the ratio that three hundred and sixty-five is to the number of days in fact so served."

Explanatory Notes.

The purpose of this Bill is to grant eligibility for an allowance under the *War Veterans Allowance Act, 1952* to those veterans of World War I who would qualify for an allowance except that they served in the United Kingdom less than 365 days prior to November 12th, 1918. The allowance, however, would be less than a standard allowance as it would be calculated on the fraction of the number of days served in fact (e.g., 200) divided by 365. The relevant part of the section now reads:

"**30.** (3) A Canadian veteran of World War I or World War II is any former member of His Majesty's Canadian Forces

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

(i) served in a theatre of actual war,

(ii) is in receipt of a pension for injury or disease incurred or aggravated during his service in such forces or is declared to have been eligible for, or awarded, such a pension subsequent to his death, or

(iii) has accepted a commuted pension, or

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

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-80.

An Act to amend the Atlantic Development Board Act.

First reading, July 3, 1963.

THE SECRETARY OF STATE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28615-3

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-80.

An Act to amend the Atlantic Development Board Act.

1962-63, c. 10.

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 *Atlantic Development Board Act* is amended by striking out the word "and" at the end of paragraph (*b*) thereof and by adding thereto, immediately after paragraph (*b*) thereof, the following paragraph:

"Fund"

"(*ba*) "Fund" means the Atlantic Development Fund established by section 16; and"

2. (1) Sections 3 and 4 of the said Act are repealed and the following substituted therefor:

Board established.

"**3.** (1) A corporation is hereby established to be known as the Atlantic Development Board, consisting of eleven members to be appointed by the Governor in Council as provided in section 4.

Constitution of membership.

(2) The membership of the Board shall be constituted in such a manner as to reflect the economic structure of the Atlantic region.

Appointment of members.

4. (1) Each of the members of the Board shall be appointed to hold office for a term of three years, except that of those first appointed four shall be appointed for a term of one year and four shall be appointed for a term of two years.

Chairman.

(2) The Governor in Council shall designate one of the members to serve as chairman of the Board during pleasure.

Eligibility for re-appointment.

(3) A person who has served two consecutive terms as a member of the Board is not, during the twelve month period following the completion of his second term, eligible for reappointment."

Explanatory Notes.

Clause 1: New. This amendment is consequential upon the amendment contained in clause 6 establishing the Atlantic Development Fund.

Clause 2: (*1*) The amendments to sections 3 and 4 of the Act relate to the membership of the Board. These amendments would

(*a*) increase the number of members from five to eleven;
(*b*) provide for a three-year term instead of the present five-year term;
(*c*) provide that no person can be appointed a member for more than two consecutive terms; and
(*d*) provide that the members be selected in such a manner as to ensure coverage of the main economic interests and activities of the Atlantic region.

Sections 3 and 4 at present read as follows:

"**3.** A corporation is hereby established to be known as the Atlantic Development Board, consisting of *five* members to be appointed by the Governor in Council as provided in section 4.

4. (1) Each of the members of the Board shall be appointed to hold office for a term of *five* years, except that of those first appointed *one* shall be appointed for a term of *three* years and *two* shall be appointed for a term of *four* years.

(2) One of the members of the Board shall be appointed to be the chairman thereof.

(3) A retiring chairman or other member of the Board is eligible for reappointment to the Board in the same or another capacity."

(*2*) and (*3*) Subclauses (2) and (3) would continue as members of the Atlantic Development Board the persons who were members of the Board before the coming into force of this Act.

(2) A person who, at the coming into force of this Act, held office under the *Atlantic Development Board Act* as a member of the Atlantic Development Board shall be deemed to have been appointed as a member of the Board under this Act

(*a*) in the case of the person who at the coming into force of this Act held the office of chairman of the Board, for a term of two years, and

(*b*) in any other case, for a term of one year.

(3) The term of each of the persons first appointed to the Atlantic Development Board after the coming into force of this Act and the term of each of the persons referred to in subsection (2) shall be calculated as if such term had commenced on the 24th day of January, 1963.

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

Quorum.

"**6.** A majority of the members constitutes a quorum of the Board."

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

Board agent of Her Majesty.

"**8A.** (1) The Board is, for all purposes of this Act, an agent of Her Majesty, and its powers under this Act may be exercised only as an agent of Her Majesty.

Contracts.

(2) Subject to the approval of the Governor in Council, the Board may, on behalf of Her Majesty, enter into contracts in the name of Her Majesty or in the name of the Board.

Property.

(3) Property acquired by the Board is the property of Her Majesty and title thereto may be vested in the name of Her Majesty or in the name of the Board.

Proceedings.

(4) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Board on behalf of Her Majesty, whether in its name or in the name of Her Majesty, may be brought or taken by or against the Board in the name of the Board in any court that would have jurisdiction if the Board were not an agent of Her Majesty."

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

Clause 3: This amendment is consequential upon the amendment set out in subclause (1) of clause 2 increasing the membership of the Board.

Section 6 at present reads as follows:

"6. *Three* members constitute a quorum of the Board."

Clause 4: New. The purpose of this amendment is to make the Board an agent of Her Majesty for the purposes of this Act.

Clause 5: This amendment, which is consequential upon the establishment of the Atlantic Development Fund, would authorize the Board

(*a*) to make recommendations to the Minister as to the use of the Fund; and

(*b*) to enter into agreements with respect thereto.

The amendment would further direct the Board to conduct certain of its functions in consultation with the Economic Council of Canada.

Objects and powers.

"**9.** (1) The objects of the Board are to inquire into and report to the Minister upon programs and projects for fostering the economic growth and development of the Atlantic region of Canada, and to consider, report and make recommendations to the Minister concerning programs and projects not involving the use of the Fund and programs and projects involving the use of the Fund; and without limiting the generality of the foregoing, the Board may, in furtherance of its objects,

(*a*) prepare, in consultation with the Economic Council of Canada, an overall co-ordinated plan for the promotion of the economic growth of the Atlantic region;

(*b*) keep under constant review appropriate methods of furthering the sound economic development of the Atlantic region, whether such methods involve new programs and projects or the removal or mitigation of existing factors that may be considered to inhibit such development;

(*c*) with respect to particular programs or projects that may be referred to it by the Minister or that the Board may on its own initiative investigate, inquire into, assess and report to the Minister upon the feasibility of such programs or projects and the effect thereof in relation to the economy of the Atlantic region, and make recommendations to the Minister with respect to any such programs or projects that, in the opinion of the Board, will contribute to the growth and development of the economy of the Atlantic region; and

(*d*) with the approval of the Governor in Council, enter into agreements with

(i) the government of any province comprised in the Atlantic region or the appropriate agency thereof, or

(ii) any other person,

respecting the use of the Fund in financing or assisting in financing the undertaking and the carrying out of particular programs or projects described in subsection (1) of section 16.

Duty of co-operation.

(2) The Board shall, to the greatest possible extent consistent with the performance of its duties under this Act, consult and co-operate with the Economic Council of Canada and all departments, branches and other agencies of the Government of Canada having duties related to, or having aims or objects related to those of the Board."

Section 9 at present reads as follows:

"**9**. (1) The objects of the Board are to inquire into and report to the Minister upon *measures* and projects for fostering the economic growth and development of the Atlantic region of Canada, and, without limiting the generality of the foregoing, the Board may, in furtherance of its objects,

(*a*) prepare on a systematic and comprehensive basis, and revise as required in the light of changing circumstances, an assessment of factors relevant to economic growth in the Atlantic region;

(*b*) keep under constant review appropriate methods of furthering the sound economic development of the Atlantic region, whether such methods involve new *measures* and projects or the removal or mitigation of existing factors that may be considered to inhibit such development;

(*c*) with respect to particular *measures* or projects that may be referred to it by the Minister, inquire into, assess and report to the Minister upon the feasibility of such *measures* or projects and the effect thereof in relation to the economy of the Atlantic region, and make recommendations to the Minister with respect to any such *measures* or projects that in the opinion of the Board would significantly contribute to the growth and development of the economy of the Atlantic region; and

(*d*) consider and report to the Minister upon any others matters that in the opinion of the Board may usefully be considered by it having regard to the need for a continuing sound economic development of the Atlantic region.

(2) The Board shall, to the greatest possible extent consistent with the performance of its duties under this Act, co-operate with the *National Economic Development Board*, the *National Productivity Council* and all departments, branches and other agencies of the Government of Canada having duties related to, or having aims or objects related to those of the Board."

6. Section 16 of the said Act is repealed and the following heading and section substituted therefor:

"ATLANTIC DEVELOPMENT FUND.

Payments out of Consolidated Revenue Fund.

16. (1) Subject to subsection 4, the Minister of Finance may, on the recommendation of the Minister, pay to the Board out of the Consolidated Revenue Fund such amounts as are from time to time required by the Board for the purpose of financing or assisting in financing the undertaking and the carrying out of programs and projects that, in the opinion of the Board, will contribute to the growth and development of the economy of the Atlantic region and for which satisfactory financing arrangements are not otherwise available.

Atlantic Development Fund established.

(2) There shall be a special account in the Consolidated Revenue Fund to be known as the Atlantic Development Fund, to which shall be credited all amounts paid by the Minister of Finance to the Board under subsection (1) and to which shall be charged all payments in respect of programs or projects described in that subsection.

Approval of programs or projects.

(3) No payments may be made by the Minister of Finance to the Board under subsection (1) except in respect of a program or project described in that subsection that has been approved by the Governor in Council.

Total of amounts that may be paid.

(4) The total of all amounts that may be paid by the Minister of Finance to the Board under subsection (1) and credited to the Atlantic Development Fund is one hundred million dollars."

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

Appropriations.

"**17.** All expenditures under this Act including amounts required for the payment of salaries, technical and economic surveys and studies and other expenses including expenses of administration, except any amounts described in subsection (1) of section 16, shall be paid out of moneys appropriated by Parliament therefor."

8. The said Act is further amended by adding thereto, immediately after section 19 thereof, the following heading and section:

"EXPIRATION.

Duration.

20. This Act shall expire on the 24th day of January, 1969."

Clause 6: New. This amendment establishes an Atlantic Development Fund for the purpose of financing programs or projects that will contribute to the growth and development of the economy of the Atlantic region.

Clause 7: This amendment is consequential upon the amendment set out in clause 6.

Section 17 at present reads as follows:

"17. All amounts required for the payment of salaries and other expenses under this Act including expenses of administration shall be paid out of moneys appropriated by Parliament for the purpose."

Clause 8: New. This amendment would set a six year limit on all operations under this Act.

Coming into force.

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

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-81.

An Act respecting the Trans-Canada Air Lines Act.

First reading, July 4, 1963.

Mr. CHRÉTIEN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

29126-0

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-81.

An Act respecting the Trans-Canada Air Lines Act.

R.S., c. 268; 1952-53, c. 50.

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

Name changed to "Air Canada".

1. Wherever, in the *Trans-Canada Air Lines Act*, or in any other statute of Canada, the words "Trans-Canada Air Lines" appear (or in the French version, the words "Lignes aériennes Trans-Canada") there shall be substituted therefor the words "Air Canada".

Rights saved.

2. All property, rights, obligations and liabilities that existed, and anything done by or to Trans-Canada Air Lines before the coming into force of this Act shall be deemed to be the property, rights, obligations and liabilities, and to have been done by or to or acquired or incurred by Air Canada, upon the coming into force of this Act.

Explanatory Note.

The purpose of this bill is to change the name of "Trans-Canada Air Lines" (and in French the words "Lignes aériennes Trans-Canada") to "Air Canada".

This is in conformity with international practice and would also have the advantage of providing the same name in the English and in the French languages.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-82.

An Act respecting Atomic Energy of Canada Limited.

First reading, July 8, 1963.

Mr. Pigeon.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

29155-9

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-82.

An Act respecting Atomic Energy of Canada Limited.

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

Name in French.

1. The Atomic Energy of Canada Limited may use, in the transaction of its business, either the name Atomic Energy of Canada Limited or the name l'Energie Atomique du Canada, Limitée, or both names, as and when it so elects. It may sue or be sued in either or both such names, and any transaction, contract or obligation heretofore or hereafter entered into or incurred by the Company in either or both of the said names shall be valid and binding on the Company.

Existing rights saved.

2. Nothing contained in section 1 of this Act shall in any way impair, alter or affect the rights or liabilities of the Company, except as therein expressly provided, nor in any way affect any suit or proceeding now pending or judgment existing, either by or in favour of or against the Company, which, notwithstanding the provisions of section 1 of this Act, may be prosecuted, continued, completed and enforced as if this Act had not been passed.

Explanatory Note.

Atomic Energy of Canada Limited is a federal government agency incorporated under the Companies Act in February 1952 pursuant to the Atomic Energy Control Act (Section 10 of chapter 11 of the R.S.C., 1952). Although it acts as an agent of the Crown, its charter of incorporation does not provide for a corporate name in French. The purpose of this Bill is to correct this anomalous situation and to provide that the Company may use in the transaction of its business the name l'Energie Atomique du Canada, Limitée as well as the name Atomic Energy of Canada Limited.

C-83.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-83.

An Act to amend the Northwest Territories Act and to rename the said Territories, and to effect certain consequential changes in the Statute Law with respect thereto.

First reading, July 8, 1963.

THE MINISTER OF NORTHERN AFFAIRS AND NATIONAL RESOURCES.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28354-9

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-83.

An Act to amend the Northwest Territories Act and to rename the said Territories, and to effect certain consequential changes in the Statute Law with respect thereto.

R.S., c. 331; 1953-54, c. 8; 1955, cc. 21, 48; 1957-58, c. 30; 1959, c. 7; 1960, c. 20.

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 *Northwest Territories Amendment Act, 1963.*

NORTHWEST TERRITORIES RENAMED.

Name changed.

2. The name of the Northwest Territories as they existed on the 1st day of April, 1964, is hereby changed to "Mackenzie Territory".

AMENDMENTS TO NORTHWEST TERRITORIES ACT.

3. The long title of the *Northwest Territories Act* is repealed and the following substituted therefor:

"An Act respecting the Mackenzie Territory."

4. Section 1 of the said Act is repealed and the following substituted therefor:

Short title.

"**1.** This Act may be cited as the *Mackenzie Territory Act.*"

5. The said Act is further amended by deleting the expressions "Territories" and "Northwest Territories" wherever they occur in the said Act, except in section 5, and by substituting therefor the expressions "Territory" and "Mackenzie Territory" respectively.

Explanatory Notes.

Clause 2: The purpose of this amendment is to rename that part of the present Northwest Territories that will remain after the establishment of the new Nunassiaq Territory. The establishment of the latter Territory, which is to become effective on the 1st day of April, 1964, is provided for in a separate Bill.

Clause 3: This amendment is consequential on the renaming of the Territories.

The present long title reads as follows:

"An Act respecting the *Northwest Territories*."

Clause 4: This amendment is consequential on the renaming of the Territories.

The present section reads as follows:

"1. This Act may be cited as the *Northwest Territories Act*."

Clause 5: These amendments are consequential on the renaming of the Territories.

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

"Territory."

"(*i*) "Territory" means the Mackenzie Territory which comprises

(i) all of that part of Continental Canada north of the Provinces of British Columbia, Alberta and Saskatchewan and west of the one hundred and fifth meridian of west longitude except the portion thereof that is within the Yukon Territory, and

(ii) all of the Arctic Islands of Canada that are not part of the Yukon Territory and that lie completely within the area described as follows: commencing at the most southerly intersection of the one hundred and fifth meridian of west longitude and the ordinary high water mark of the Arctic Ocean; thence northerly along the said meridian to the point of intersection of the said meridian and the parallel of north latitude 68°22′; thence easterly along the said parallel to the point of intersection of the said parallel and the meridian of west longitude 101°45′; thence northeasterly along the shortest line to the point of intersection of the seventieth parallel of north latitude and the one hundredth meridian of west longitude; thence northwesterly along the shortest line to the point of intersection of the seventy-second parallel of north latitude and the one hundred and third meridian of west longitude; thence northerly along the said meridian to the point of intersection of the said meridian and the seventy-fourth parallel of north latitude; thence westerly along the said parallel to the point of intersection of the said parallel and the one hundred and fourteenth meridian of west longitude; thence northwesterly along the shortest line to the point of intersection of the one hundred and twentieth meridian of west longitude and the seventy-fifth parallel of north latitude; thence westerly along the said parallel to the point of intersection

Clause 6: The purpose of this amendment is to alter the description of the Territories to correspond with the new boundaries that will exist after the establishment of the new Nunassiaq Territory.

The present paragraph reads as follows:

"(*i*) "*Territories*" means the *Northwest Territories*, which comprise

(i) all that part of Canada north of the Sixtieth Parallel of North Latitude, except the portions thereof that are within the Yukon Territory, the Province of Quebec or the Province of Newfoundland, and

(ii) the islands in Hudson Bay, James Bay and Ungava Bay, except those islands that are within the Province of Manitoba, the Province of Ontario or the Province of Quebec."

of the said parallel and the one hundred and forty-first meridian of west longitude; thence southerly along the said meridian to the point of intersection of the said meridian and the ordinary high water mark of the Arctic Ocean; thence easterly along the said ordinary high water mark to the point of commencement."

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

Executive powers.

"**5.** The executive powers that were, immediately before the 1st day of September, 1905, vested by any laws of Canada in the Lieutenant Governor of the Northwest Territories or the Lieutenant Governor of the Northwest Territories in Council shall be exercised by the Commissioner so far as they are applicable to and capable of being exercised in relation to the government of the Mackenzie Territory as it is constituted at the time of the exercise of such powers."

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

Seat of government.

"**7.** The seat of government of the Territory shall be at Fort Smith."

1953-54, c. 8, s. 8 (1).

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

Council appointment.

"**8.** (1) There shall be a Council of the Territory consisting of nine members, four of whom shall be appointed by the Governor in Council and five of whom shall be elected to represent such electoral districts in the Territory as are named and described by the Commissioner in Council."

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

Commissioner in Council may prescribe qualifications of electors, candidates, etc.

"**9.** (1) Subject to subsection (2), the Commissioner in Council may prescribe the qualifications of those entitled to vote at an election of members to the Council and of those eligible for nomination and election as members of the Council, and the reasons for or matters by which an elected member may be or become disqualified from being or sitting as a member of the Council."

Clause 7: This amendment is consequential on the renaming of the Territories. It is necessary to deal with section 5 of the Act separately in order to retain the reference to the Lieutenant Governor of the Northwest Territories and the Lieutenant Governor of the Northwest Territories in Council.

The present section reads as follows:

"**5.** The executive powers that were, immediately before the 1st day of September, 1905, vested by any laws of Canada in the Lieutenant-Governor of the Northwest Territories or in the Lieutenant-Governor of the Northwest Territories in Council shall be exercised by the Commissioner so far as they are applicable to and capable of being exercised in relation to the government of the *Northwest Territories* as it is constituted at the time of the exercise of such powers."

Clause 8: The purpose of this amendment is to fix the seat of government at Fort Smith.

The present section reads as follows:

"**7.** The seat of government of the *Territories* shall be *that prescribed by the Governor in Council and may, from time to time, be changed by him.*"

Clause 9: The purpose of this amendment is to increase the number of elected members of the Council of the Territory from four to five. The amendment will at the same time reduce the number of appointed members from five to four.

The present subsection reads as follows:

"**8.** (1) There shall be a Council of the *Territories* consisting of nine members, *four* of whom shall be elected to represent such electoral districts in the *Territories* as are named and described by the Commissioner in Council, and *five* of whom shall be appointed by the Governor in Council."

Clause 10: The purpose of this amendment is to give the Commissioner in Council the power to prescribe the qualifications of those entitled to vote in territorial elections. The power is at present vested in the Governor in Council.

The present subsection reads as follows:

"**9.** (1) Subject to subsection (2), the *Governor* in Council may prescribe the qualifications of those entitled to vote at an election of members to the Council and of those eligible for nomination and election as members of the Council and the reasons for or matters by which an elected member may be or become disqualified from being or sitting as a member of the Council."

1959, c. 7, s. 2.

11. Subsection (2) of section 11 of the said Act is repealed.

12. Subsection (3) of section 12 of the said Act is repealed.

13. Section 13 of the said Act is amended by adding thereto, immediately after paragraph (*v*) thereof, the following paragraph:

Expenditure of territorial funds.

"(*va*) the expenditure of money for territorial purposes;"

14. The heading preceding section 19, section 19 and section 19A of the said Act are repealed and the following substituted therefor:

"Mackenzie Consolidated Revenue Fund.

Mackenzie Consolidated Revenue Fund.

19. All public moneys and revenue over which the Commissioner in Council has the power of appropriation shall form a fund to be known as the Mackenzie Consolidated Revenue Fund.

Recommendation of Commissioner.

19A. It shall not be lawful for the Council to adopt or pass any vote, resolution, address or bill for the appropriation of any part of the public revenue of the Territory, or of any tax or impost, to any purpose that has not been first recommended to Council by message of the Commissioner, in the session in which such vote, resolution, address or bill is proposed.

Appropriation of moneys granted by Parliament.

19B. When any sum of money is granted to Her Majesty by Parliament to defray expenses for any specified public service in the Mackenzie Territory, the power of appropriation by the Commissioner in Council over that sum is subject to the specified purpose for which it is granted.

Territorial Accounts.

Submission of Territorial Accounts to Council.

19C. (1) A report for each fiscal year of the Territory, called the Territorial Accounts, shall be laid before the Council by the Commissioner on or before the 30th day of June next following the termination of the fiscal year, or if the Council is not then in session, on the opening day of the next ensuing session and the Council shall consider and approve the same.

Clause 11: Subsection (2) at present reads as follows:

"(2) In each year one of the sessions of the Council convened in that year shall be held at a place in the Territories designated by the Commissioner on the recommendation of the Council, and all other sessions of the Council convened in that year shall be held at the seat of government of the Territories."

Clause 12: Subsection (3) is considered to be unnecessary in the light of section 10(2) of the *Income Tax Act.* The subsection being repealed reads as follows:

"(3) An allowance for living expenses that is paid to a member of the Council under paragraph (*b*) of subsection (2) is not income for that member for the purposes of the *Income Tax Act.*"

Clause 13: The purpose of this amendment is to give to the Commissioner in Council power to make ordinances respecting the expenditure of territorial funds. This power is at present given by section 19(3), but clause 14 of this Bill provides for the repeal of that subsection.

Clause 14: The purposes of these new sections are:

(*a*) to establish a separate Consolidated Revenue Fund for the Territory;

(*b*) to provide for the keeping of Territorial accounts and for the examination of these accounts by the Auditor General; and

(*c*) to give to the Commissioner in Council, in addition to the power he now possesses to make ordinances respecting the borrowing or lending of money by the Commissioner on behalf of the Territory, the power to make ordinances respecting the investment of territorial funds.

The present sections read as follows:

"*Northwest Territories Revenue Account.*

19. (1) All territorial revenues shall be paid into the Consolidated Revenue Fund.

(2) There shall be established in the Consolidated Revenue Fund an account to be known as the Northwest Territories Revenue Account to which shall be credited

(*a*) amounts equal to the territorial revenues paid from time to time into the Consolidated Revenue Fund pursuant to subsection (1);

(*b*) all moneys appropriated by Parliament to be credited to the Northwest Territories Revenue Account; and

(*c*) an amount equal to the amount standing to the credit, at the commencement of this Act, of the account then known as the Northwest Territories Revenue Account.

(3) The Commissioner in Council may make ordinances providing for the expenditure of money for territorial purposes and, subject to subsection (5), any money required for the territorial purposes specified in such ordinances may, on the requisition of the Minister or a person authorized by him in writing, be paid out of the Consolidated Revenue Fund.

(4) All payments made out of the Consolidated Revenue Fund pursuant to subsection (3) shall be charged to the Northwest Territories Revenue Account.

(5) A payment made out of the Consolidated Revenue Fund under subsection (3) shall not be greater than the amount by which the aggregate of all moneys credited to the Northwest Territories Revenue Account exceeds the aggregate of all amounts charged to that Account.

Contents of Territorial Accounts.

(2) The Territorial Accounts shall be in such form as the Commissioner may direct, and shall include

(*a*) a report on the financial transactions of the fiscal year;

(*b*) a statement, certified by the Auditor General, of the expenditures and revenues of the Territory for the fiscal year;

(*c*) a statement, certified by the Auditor General, of assets and liabilities as at the termination of the fiscal year; and

(*d*) such other statements or information as are required in support of the statements referred to in paragraphs (*b*) and (*c*), or as are required by ordinance or by the Minister.

Fiscal year.

(3) The fiscal year of the Territory shall be the period from the 1st day of April in one year to the 31st day of March in the next year.

Examination by Auditor General.

(4) The accounts and financial transactions of the Territory shall be examined by the Auditor General who shall report annually to the Council the result of his examination, and the report shall state whether in his opinion

(*a*) proper books of account have been kept by the Territory;

(*b*) the financial statements of the Territory

(i) were prepared on a basis consistent with that of the preceding fiscal year and are in agreement with the books of account,

(ii) in the case of the statement of expenditures and revenues, give a true and fair view of the expenditures and revenues of the Territory for the fiscal year, and

(iii) in the case of the statement of assets and liabilities, give a true and fair view of the Territory's affairs at the end of the fiscal year; and

(*c*) the transactions of the Territory that have come under his notice have been within the powers of the Territory under this Act and any other Act applicable to the Territory,

and the Auditor General shall call attention to any other matter falling within the scope of his examination that in his opinion should be brought to the attention of the Council.

Powers of Auditor General.

(5) The Auditor General has, in connection with his examination of the accounts of the Territory, all the powers that the Auditor General has under the *Financial Administration Act* in connection with the examination of the accounts of Canada.

19A. (1) The Commissioner in Council may make ordinances

(*a*) for the borrowing of money by the Commissioner for territorial, municipal or local purposes on behalf of the Territories, and

(*b*) for the lending of money by the Commissioner to municipalities and school districts in the Territories.

(2) No money shall be borrowed by the Commissioner under the authority of this section without the approval of the Governor in Council.

(3) For the purposes of section 19, money borrowed by the Commissioner under the authority of paragraph (*a*) of subsection (1) and money received by the Commissioner pursuant to a loan made under the authority of paragraph (*b*) of subsection (1) shall be deemed to be territorial revenue."

Powers to Borrow, Lend and Invest Money.

Further legislative powers of Commissioner in Council.

19D. (1) The Commissioner in Council may make ordinances

(*a*) for the borrowing of money by the Commissioner for territorial, municipal or local purposes on behalf of the Territory;

(*b*) for the lending of money by the Commissioner to any person in the Territory; and

(*c*) for the investing by the Commissioner of surplus money standing to the credit of the Mackenzie Consolidated Revenue Fund.

Approval of the Governor in Council.

(2) No money shall be borrowed or invested under the authority of this section without the approval of the Governor in Council.

Charge on Mackenzie Consolidated Revenue Fund.

(3) The repayment of any money borrowed under the authority of this section, and the payment of interest thereon, is a charge on and payable out of the Mackenzie Consolidated Revenue Fund."

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

Judge of Yukon or Nunassiaq Territorial Court *ex officio* judge. 1960, c. 20, s. 3.

"(3) A judge of the Territorial Court of the Yukon Territory or of the Nunassiaq Territory is *ex officio* a judge of the Territorial Court of the Mackenzie Territory."

1960, c. 20, s. 6.

16. Paragraph (*c*) of subsection (2) of section 28 of the said Act is repealed and the following substituted therefor:

"(*c*) the judges of the Territorial Court of the Mackenzie Territory, the Territorial Court of the Yukon Territory and the Territorial Court of the Nunassiaq Territory."

17. The heading preceding section 29 and sections 29 to 31 of the said Act are repealed.

18. Subsection (1) of section 38 of the said Act is repealed and the following substituted therefor:

Prisons in Territory.

"**38.** (1) The following places in the Territory are prisons, gaols or lockups for the confinement of persons charged with the commission of any offence under any statute, ordinance or other law in force in the Territory or sentenced thereunder to a term of imprisonment not exceeding two years, namely,

Clause 15: The purpose of this amendment is to make the Judge of the Nunassiaq Territorial Court an *ex officio* judge of the Mackenzie Territorial Court.

Subsection (3) at present reads as follows:

"(3) A judge of the Territorial Court of the Yukon Territory is *ex officio* a judge of the Territorial Court of the *Northwest Territories.*"

Clause 16: The purpose of this amendment is to make the Judge of the Nunassiaq Territorial Court a judge of the Territorial Court of Appeal.

The present paragraph reads as follows:

"(*c*) the judges of the Territorial Court of the *Northwest Territories* and the Territorial Court of the Yukon Territory."

Clause 17: As sections 29 to 31 of the Act, which provide for concurrent civil jurisdiction of provincial courts, now apply only to that part of the Northwest Territories that lies east of the one hundred and second meridian, the sections will have no application after the establishment of the Nunassiaq Territory, which will comprise all that part of the Northwest Territories east of the one hundred and fifth meridian.

Clause 18: The purpose of this amendment is to vest in the Commissioner in Council power to designate prisons, gaols and lockups in the Territories. This power is at present vested in the Governor in Council.

The present subsection reads as follows:

"**38.** (1) The following places in the *Territories* are prisons, gaols or lockups for the confinement of persons charged with the commission of any offence under a statute, ordinance or other law in force in the *Territories* or sentenced thereunder to a term of imprisonment not exceeding two years, namely,

(*a*) every guardhouse, guardroom or other place of confinement that is maintained or managed by the Royal Canadian Mounted Police; and

(*b*) every building or part thereof or other enclosure, other than those referred to in paragraph (*a*), that is designated as a prison, gaol or lockup for the purposes of this section by the Commissioner in Council."

19. Section 39 of the said Act is repealed and the following substituted therefor:

Regulations respecting R.C.M.P. guardhouses, etc.

"**39.** (1) The Governor in Council may make rules and regulations for the management, discipline and policy of guardhouses, guardrooms or other places of confinement referred to in paragraph (*a*) of subsection (1) of section 38, for the duties and conduct of persons employed therein or otherwise charged with the custody of prisoners and for all matters pertaining to the maintenance, discipline or conduct of prisoners including their employment without as well as within any such guardhouse, guardroom or other place of confinement.

Regulations respecting territorial prisons, gaols or lockups.

(2) The Commissioner may make rules and regulations for the management, discipline and policy of prisons, gaols or lockups designated as such by the Commissioner in Council under paragraph (*b*) of subsection (1) of section 38, for the duties and conduct of persons employed therein or otherwise charged with the custody of prisoners and for all matters pertaining to the maintenance, discipline or conduct of prisoners including their employment without as well as within any such prison, gaol or lockup."

20. Section 40 of the said Act is amended by striking out the word "and" at the end of paragraph (*b*) thereof, by adding the word "and" at the end of paragraph (*c*) thereof and by adding thereto, immediately after paragraph (*c*) thereof, the following paragraph:

"(*d*) lands acquired by the Territory pursuant to tax sale proceedings;"

21. The heading preceding section 43 and subsection (1) of section 43 of the said Act are repealed and the following substituted therefor:

(*a*) every guardhouse, guardroom or other place of confinement that is maintained or managed by the Royal Canadian Mounted Police; and

(*b*) every building or part thereof or other enclosure, other than those referred to in paragraph (*a*), that is designated as a prison, gaol or lockup for the purposes of this section by the *Governor* in Council."

Clause 19: This clause is in essence consequential on the amendment proposed in clause 18. It gives to the Commissioner power to make rules and regulations respecting prisons, gaols and lockups designated as such pursuant to the proposed section 38(1)(*b*).

The present section reads as follows:

"**39.** The Governor in Council may make rules and regulations for the management, discipline and policy of *prisons, gaols and lockups in the Territories*, for the duties and conduct of persons employed therein or otherwise charged with the custody of prisoners and for all matters pertaining to the maintenance, discipline or conduct of prisoners including their employment without as well as within any *prison, gaol or lockup.*"

Clause 20: The purpose of this amendment is to add to the property, the beneficial use of which is subject to the control of the Commissioner in Council, lands acquired pursuant to tax sale proceedings.

The present section reads as follows:

"**40.** The following properties, namely,

(*a*) lands acquired before or after the coming into force of this Act with territorial funds;

(*b*) public lands, the administration of which has before or after the coming into force of this Act been transferred by the Governor in Council to the Territories; and

(*c*) all roads, streets, lanes and trails on public lands;

are and remain vested in Her Majesty in right of Canada, but the right to the beneficial use or to the proceeds thereof is hereby appropriated to the Territories and is subject to the control of the Commissioner in Council; and any such lands, roads, streets, lanes or trails may be held by and in the name of the Commissioner for the beneficial use of the Territories."

Clause 21: The purpose of this amendment is to extend the powers of the Commissioner to make arrangements for the care and maintenance of mentally disordered persons.

"Mentally Disordered Persons.

Arrangements for transfer to provincial institutions.

43. (1) The Commissioner may, subject to the approval of the Minister, arrange with any province of Canada for the admission to mental institutions, asylums or other suitable places in the province of

(*a*) mentally disordered persons and for the confinement, care and maintenance of such persons until the pleasure of the Commissioner is made known or until they are discharged by law;

(*b*) persons in respect of whom the Court, a police magistrate of the Territory or a justice of the peace in and for the Territory has ordered that a psychiatric examination be made, for the purpose of such examination; and

(*c*) persons in respect of whom the Commissioner has approved psychiatric examination and treatment, for the purpose of such examination and, where necessary, such treatment,

and for the compensation to be paid to the province in respect of the confinement, care, maintenance, examination and treatment of such persons."

22. Subsections (1) and (2) of section 44 of the said Act are repealed and the following substituted therefor:

Recapture of escaped mentally disordered persons.

"**44.** (1) Where a mentally disordered person has escaped from a mental institution, asylum or other place of confinement, within or without the Territory, any person employed therein or connected therewith or other person requested by the person in immediate charge or control thereof may, within forty-eight hours after such escape, without a warrant, retake the escaped person and return him thereto, or may, at any time after such escape up to the time specified in the warrant, do so if a warrant is issued to him for that purpose.

Warrants.

(2) A warrant may be issued for the purposes of subsection (1) by the person in immediate charge or control of the mental institution, asylum or other place of confinement from which the escape was made and shall contain the name and description of the escaped mentally disordered person, the name and office, if any, of the person to whom it is issued, the place to which and the person to whom the escaped person is to be returned and the time, not exceeding three months, for which the warrant is valid."

The present subsection reads as follows:

"*Insane Persons.*

43. (1) The Commissioner may, subject to the approval of the Minister, arrange with any province of Canada for the removal of *insane* persons from the Territories to mental institutions, asylums or other suitable places of confinement in that province, for their confinement, care and maintenance therein until the pleasure of the Commissioner is made known or until they are discharged by law and for the compensation to be paid to that province in respect of the confinement, care and maintenance of such *insane* persons."

Clause 22: The purpose of this amendment is to substitute the words "mentally disordered" for the word "insane" in subsections (1) and (2) of section 44

The present subsections read as follows:

"**44.** (1) Where an *insane* person has escaped from a mental institution, asylum or other place of confinement, within or without the Territories, any person employed therein or connected therewith or other person requested by the person in immediate charge or control thereof may, within forty-eight hours after such escape, without a warrant, retake the escaped person and return him thereto, or may, at any time after such escape up to the time specified in the warrant, do so if a warrant is issued to him for that purpose.

(2) A warrant may be issued for the purposes of subsection (1) by the person in immediate charge or control of the mental institution, asylum or other place of confinement from which the escape was made and shall contain the name and description of the escaped *insane* person, the name and office, if any, of the person to whom it is issued, the place to which and the person to whom the escaped person is to be returned and the time, not exceeding three months, for which the warrant is valid."

TRANSITIONAL AND CONSEQUENTIAL AMENDMENTS.

Consequential amendments.

23. The sections, subsections, paragraphs, subparagraphs and parts of schedules, as the case may be, of the Acts referred to in column one of the Schedule to this Act are repealed and the sections, subsections, paragraphs, subparagraphs and parts of schedules, as the case may be, set out opposite them in column two of the Schedule are substituted therefor.

"Mackenzie Territority" to be substituted for "Northwest Territories".

24. (1) Whenever in any Act, ordinance, order, regulation, deed, agreement or other document, the Northwest Territories is mentioned or referred to and the mention or reference is to the Northwest Territories as it was constituted on or after the 1st day of September, 1905, the mention or reference shall be read, unless the context otherwise requires, as a mention or reference to the Mackenzie Territory.

Exception.

(2) Subsection (1) does not apply to this Act, to the *Mackenzie Territory Act* as renamed by this Act, or to the Acts referred to in the Schedule to this Act.

Council to continue.

25. The Council of the Northwest Territories as it was immediately before the coming into force of this section shall, notwithstanding subsection (2) of section 8 of the *Northwest Territories Act*, continue to be the Council of the Northwest Territories until the 1st day of April, 1964, unless sooner dissolved by the Governor in Council, and if not sooner so dissolved shall, notwithstanding subsection (1) of section 8 of the said Act, thereafter be the Council of the Mackenzie Territory until dissolved by the Governor in Council.

Council may establish electoral districts for Mackenzie Territory.

26. (1) Notwithstanding subsection (1) of section 8 of the *Northwest Territories Act*, the Commissioner in Council of the Northwest Territories may by ordinance name and describe five electoral districts for that part of the Territories that is renamed the Mackenzie Territory by this Act.

Idem.

(2) Any ordinance made pursuant to subsection (1) shall not come into force until the 1st day of April, 1964.

Transfer of property, etc. of Northwest Territories.

27. The Commissioner in Council of the Northwest Territories may by ordinance,

(*a*) specify that part of any property under the administration or control of the Government of the Northwest Territories, other than property that, pursuant to section 40 of the *Northwest Territories Act*, is subject to the control of

Clause 23: The amendments set out in the schedule are consequential on the renaming of the Territories and the establishment of the new Nunassiaq Territory.

Clause 24: This clause is consequential on the renaming of the Territories.

Clause 25: This clause extends the life of the present Territorial Council.

Clause 26: This clause would allow the present Territorial Council to name and describe electoral districts for the Mackenzie Territory.

Clause 27: This clause would allow the Commissioner in Council of the Northwest Territories to determine by ordinance the proportions in which the various assets and liabilities of the Northwest Territories will be distributed as between the Mackenzie Territory and the Nunassiaq Territory.

the Commissioner in Council of the Northwest Territories and moneys on deposit to the credit of the Northwest Territories Revenue Account in the Consolidated Revenue Fund, that shall, on the establishment of the Nunassiaq Territory, be transferred to the administration or control of the Government of the Nunassiaq Territory, and on the 1st day of April, 1964, such part of any property so specified shall be deemed to have been transferred to the administration or control of the Government of the Nunassiaq Territory;

(*b*) specify that part of

(i) any debts incurred by the Commissioner of the Northwest Territories on behalf of the Northwest Territories, or

(ii) any other liabilities of the Northwest Territories,

that shall, on the establishment of the Nunassiaq Territory, be assumed by the Commissioner of the Nunassiaq Territory on behalf of the Nunassiaq Territory, or by the Nunassiaq Territory, as the case may be, and on the 1st day of April, 1964, such part of any debts or liabilities so specified shall be deemed to have been assumed accordingly; and

(*c*) specify an amount that shall, on the establishment of the Nunassiaq Territory, be transferred from the Northwest Territories Revenue Account to the credit of the Nunassiaq Revenue Account, and on the 1st day of April, 1964, the amount so specified shall be transferred to the credit of the Nunassiaq Revenue Account and the remaining balance of the Northwest Territories Revenue Account shall be transferred to the Mackenzie Consolidated Revenue Fund.

Loans by Commissioner.

28. (1) The Commissioner in Council of the Northwest Territories may make ordinances for the lending of money by the Commissioner to any person in the Territories.

Idem.

(2) Any ordinance made in accordance with subsection (1) at any time before the day this Act is assented to shall be deemed to have been validly made at that time under the authority of that subsection, but no such ordinance shall come into force before the day this Act is assented to.

Clause 28: This clause would give to the Commissioner in Council of the Northwest Territories the power that the Commissioner in Council of the Mackenzie Territory will have after the coming into force of paragraph (*b*) of subsection (1) of the proposed section 19D, during the period from July 1, 1963 to March 31, 1964, in order that during that period provision may be made by the Commissioner in Council for the making of loans to university students.

Coming into Force.

Coming into force

29. (1) This Act other than sections 18 and 19 and sections 25 to 28 shall come into force on the 1st day of April, 1964.

(2) Sections 18 and 19 of this Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

(3) Sections 25 to 27 of this Act shall come into force on the day this Act is assented to.

(4) Section 28 of this Act shall be deemed to have come into force on the 1st day of July, 1963, and to be repealed on the 1st day of April, 1964.

SCHEDULE.

Column One	Column Two
Annual Vacations Act s. 2(*a*)(ix)	"(ix) any work, undertaking or business outside the exclusive legislative authority of the legislature of any province, and all other works, undertakings or businesses that are within the legislative authority of the Parliament of Canada, but not including any works, undertakings or businesses of a local or private nature in the Yukon Territory, the Mackenzie Territory or the Nunassiaq Territory;"
Army Benevolent Fund Act s. 5(1)	"**5.** (1) The Board shall establish a committee for each province, one for the United Kingdom and one for the United States; and it may constitute a committee for the Yukon Territory and a committee for the Mackenzie Territory."
Bank Act s. 88(4)(*k*)(i)	"(i) "agency" means, in a province, the office of the Bank of Canada or its authorized representative but does not include its Ottawa office, and in the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory means the office of the Clerk of the Court of each of those Territories respectively;"
Bankruptcy Act s. 140(1)(*i*)	"(*i*) in the Mackenzie Territory, the Territorial Court of the Mackenzie Territory; and

Column One	Column Two
Bankruptcy Act—Con.	
	(*j*) in the Nunassiaq Territory, the Territorial Court of the Nunassiaq Territory."
s. 141(*d*)	"(*d*) in the Mackenzie Territory, the Commissioner of the Mackenzie Territory; and
	(*e*) in the Nunassiaq Territory, the Commissioner of the Nunassiaq Territory;"
Blind Persons Act	
s. 2(*h*)	"(*h*) "province" includes the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory;"
Canada Elections Act	
s. 2(13)(*d*)	"(*d*) in relation to the electoral district of Yukon, the person exercising the jurisdiction of a Judge of the Territorial Court of the Yukon Territory;
	(*da*) in relation to the electoral district of Mackenzie-Nunassiaq, the person exercising the jurisdiction of a Judge of the Territorial Court of the Mackenzie Territory or the Territorial Court of the Nunassiaq Territory;"
s. 20(1)(*g*)	"(*g*) every person who is a member of the Council of the Yukon Territory, the Mackenzie Territory or the Nunassiaq Territory during the time he is a member."
s. 55(1)(*d*)	"(*d*) in the Yukon Territory, the Mackenzie Territory or the Nunassiaq Territory, to a judge of the Territorial Court."

Column One	Column Two
Canada Elections Act—Con.	
s. 98(1)(*c*)	"(*c*) members of the House of Commons, or of the Legislative Assembly of any province of Canada, or of the Council of the Yukon Territory, the Mackenzie Territory or the Nunassiaq Territory;"
s. 98(1)(*e*)	"(*e*) judges of the courts of superior, civil or criminal jurisdiction, judges of any county or district court, or bankruptcy or insolvency court, and any district judge of the Exchequer Court on its Admiralty side, and in the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory, police magistrates;"
s. 112	"**112.** (1) Elections of members to the Council of the Mackenzie Territory (in this section called "Mackenzie Territory elections") shall be conducted in accordance with the provisions of this Act, subject to this section and to such adaptations and modifications as the Chief Electoral Officer, with the approval of the Commissioner of the Mackenzie Territory, directs as being necessary by reason of conditions existing in the Mackenzie Territory to conduct effectually Mackenzie Territory elections. (2) The procedure prescribed by section 107 shall be followed in the preparation, revision and distribution of the list of electors for Mackenzie Territory elections.

Column One	Column Two
Canada Elections Act—Con.	
s. 112	(3) Sections 14, 16, 19 and 20 do not apply to Mackenzie Territory elections. (4) The qualifications for electors for Mackenzie Territory elections shall be those established pursuant to section 9 of the *Mackenzie Territory Act* and in force six months prior to the polling day for such elections.
	112A. (1) Elections of members to the Council of the Nunassiaq Territory (in this section called "Nunassiaq Territory elections") shall be conducted in accordance with the provisions of this Act, subject to this section and to such adaptations and modifications as the Chief Electoral Officer, with the approval of the Commissioner of the Nunassiaq Territory, directs as being necessary by reason of conditions existing in the Nunassiaq Territory to conduct effectually Nunassiaq Territory elections. (2) The procedure prescribed by section 107 shall be followed in the preparation, revision and distribution of the list of electors for Nunassiaq Territory elections. (3) Sections 14, 16, 19 and 20 do not apply to Nunassiaq Territory elections. (4) The qualifications for electors for Nunassiaq Territory elections shall be those established pursuant to section 10 of the *Nunassiaq Territory Act* and, except when the polling day is within six months of the date of the creation of the Territory, in force six months prior to the polling day for such elections."

Column One	Column Two
Canada Elections Act—Con. s. 114(2)	"(2) Any election material authorized or required for the purposes of or in relation to by-elections, Yukon Territory elections, Mackenzie Territory elections or Nunassiaq Territory elections by any Act providing for the election of members of the House of Commons may, in lieu of the election material authorized or required by any revision of such Act, be used for the purposes of or in relation to by-elections, Yukon Territory elections, Mackenzie Territory elections or Nunassiaq Territory elections held before the first general election next after the coming into force of such revised Act; and references in election material so used to any Act, regulation, rule, schedule or form or any part or provision thereof shall be construed as a reference to the corresponding Act, regulation, rule, schedule, form, part or provision thereof in force upon the coming into force of such revised Act."
The heading "Northwest Territories" and electoral district thereunder in Schedule III.	"Mackenzie Territory and Nunassiaq Territory Mackenzie-Nunassiaq"
Canada Evidence Act s. 22(2)	"(2) *Prima facie* evidence of any proclamation, order, regulation or appointment made by the Lieutenant Governor or Lieutenant Governor in Council of the Northwest Territories, as constituted previously to the 1st day of September, 1905, or of the Commissioner in Council of the Northwest Territories as they existed previous to

Column One	Column Two
Canada Evidence Act—Con.	
	the 1st day of April, 1964, of the Commissioner in Council of the Yukon Territory, of the Commissioner in Council of the Mackenzie Territory or of the Commissioner in Council of the Nunassiaq Territory, may also be given by the production of a copy of the *Canada Gazette* purporting to contain a copy of such proclamation, order, regulation or appointment, or a notice thereof."
Canada Lands Surveys Act	
Heading preceding s. 31 and s. 31.	"SURVEYS OF PUBLIC LANDS IN THE YUKON TERRITORY, MACKENZIE TERRITORY, NUNASSIAQ TERRITORY AND NATIONAL PARKS AND OF SURRENDERED LANDS AND RESERVES.
	GENERAL.
	31. In this Part, "public lands" means any lands, belonging to Her Majesty in right of Canada or of which the Government of Canada has power to dispose, that are situated in the Yukon Territory, the Mackenzie Territory or the Nunassiaq Territory or in any National Park of Canada and lands that are surrendered lands or reserves as defined in the *Indian Act*."
s. 33(1)	"**33.** (1) No person, other than a Dominion Land Surveyor shall survey public lands that are situated in the Yukon Territory, in the Mackenzie Territory or in the Nunassiaq Territory."

Column One	Column Two
Canada Lands Surveys Act—Con.	
s. 46(1)	"**46.** (1) In this section, "public lands" means public lands situated in the Yukon Territory, in the Mackenzie Territory or in the Nunassiaq Territory."
s. 48(*b*)	"(*b*) "territorial lands" mean any lands situated in the Yukon Territory, in the Mackenzie Territory or in the Nunassiaq Territory."
s. 55(2)(*c*)	"(*c*) that any person to whom the notice of decision is mailed has a right of appeal from the decision to the Yukon Territorial Court in the Yukon Territory, the Mackenzie Territorial Court in the Mackenzie Territory and the Nunassiaq Territorial Court in the Nunassiaq Territory, as the case may be, within sixty days after the date of the notice; and"
s. 55(4)	"(4) Any person to whom a notice of decision is mailed under this section may, within sixty days after the date of the notice of decision and if within that time such person serves the Minister with a notice of appeal, appeal from the decision of the Minister to the Yukon Territorial Court in the Yukon Territory, the Mackenzie Territorial Court in the Mackenzie Territory or the Nunassiaq Territorial Court in the Nunassiaq Territory, as the case may be."

Column One	Column Two
Civil Service Act s. 61(1)(*a*)	"(*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, the Mackenzie Territory or the Nunassiaq Territory; or"
Companies Act s. 3(*d*)	"(*d*) "court" means in Ontario, the Supreme Court; in Quebec, the Superior Court; in Nova Scotia, New Brunswick, British Columbia, Prince Edward Island, Alberta and Newfoundland, the Supreme Court in and for each of those Provinces, respectively; in Manitoba, the Court of Queen's Bench; in Saskatchewan, the Court of Queen's Bench; and in the Yukon Territory, Mackenzie Territory and Nunassiaq Territory, the Territorial Court in and for each of those Territories, respectively;"
s. 3(*h*)	"(*h*) "judge" means in the said respective Provinces and Territories a judge of the said courts respectively;"
s. 203	"**203.** Any joint stock company or corporation duly incorporated under the laws of the United Kingdom, or under the laws of any foreign country for the purpose of carrying on mining operations may, on receiving a licence from

Column One	Column Two
Companies Act—Con.	
	the Secretary of State, carry on mining operations in the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory, and is entitled to the privileges of a free miner, subject to the laws and regulations governing and affecting free miners."
Criminal Code	
s. 2(9) (*l*)	"(*l*) in the Mackenzie Territory, the Court of Appeal; and
	(*m*) in the Nunassiaq Territory, the Court of Appeal."
s. 2(22)	"(22) "magistrate" means a police magistrate, a stipendiary magistrate, a district magistrate, a provincial magistrate, a judge of the sessions of the peace, a recorder, or any person having the power and authority of two or more justices of the peace, and the lawful deputy of each of them and includes with respect to the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory, a judge of the Territorial Court and the lawful deputy of each such judge;"
s. 2(38)(*h*)	"(*h*) in the Mackenzie Territory, the Territorial Court, and
	(*i*) in the Nunassiaq Territory, the Territorial Court."
s. 6	"**6.** The provisions of this Act apply throughout Canada except
	(*a*) in the Mackenzie Territory, in so far as they are inconsistent with the *Mackenzie Territory Act*,

Column One	Column Two
Criminal Code—Con.	
	(*b*) in the Yukon Territory, in so far as they are inconsistent with the *Yukon Act*, and
	(*c*) in the Nunassiaq Territory, in so far as they are inconsistent with the *Nunassiaq Territory Act*."
s. 466(*a*)(ix)	"(ix) in the Mackenzie Territory, a judge of the Territorial Court, and (x) in the Nunassiaq Territory, a judge of the Territorial Court; and"
s. 466(*b*)(iii)	"(iii) with respect to the Mackenzie Territory, a judge of the Territorial Court or a police magistrate appointed under the *Mackenzie Territory Act*, and (iv) with respect to the Nunassiaq Territory, a judge of the Territorial Court or a police magistrate appointed under the *Nunassiaq Territory Act*."
s. 489(1)	"**489.** (1) In the provinces of New Brunswick, Quebec, Manitoba, Saskatchewan, Alberta and British Columbia and in the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory it is not necessary to prefer a bill of indictment before a grand jury, but it is sufficient if the trial of an accused is commenced by an indictment in writing setting forth the offence with which he is charged."

Column One	Column Two
Criminal Code—Con. s. 541	"**541.** Notwithstanding anything in this Act, six jurors shall be sworn in the Province of Alberta, the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory, and in that province and those Territories the accused is entitled to half the number of challenges provided for in section 542, and the prosecutor may not direct more than twenty-four jurors to stand by unless the presiding judge, for special cause to be shown, so orders."
s. 552(1)	"**552.** (1) The twelve jurors, or in the province of Alberta, the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory six jurors, whose names are drawn and who are sworn in accordance with this Part, shall be the jury to try the issues of the indictment, and the names of the jurors so drawn and sworn shall be kept apart until the jury gives its verdict or until it is discharged, whereupon the names shall be returned to the box as often as occasion arises, as long as an issue remains to be tried before a jury."
s. 553(2)	"(2) Where in the course of a trial a member of the jury dies or is discharged pursuant to subsection (1), the jury shall, if the prosecutor and the accused consent in writing and if the number of jurors is not reduced below ten, or in the Province of Alberta, the Yukon Territory, the Mackenzie Territory and the Nunassiaq Ter-

Column One	Column Two
Criminal Code—Con.	
	ritory below five, be deemed to remain properly constituted for all purposes of the trial and the trial shall proceed and a verdict may be given accordingly."
s. 650	"**650.** The body of a person who is executed pursuant to a sentence of death shall be buried within the prison in which the sentence was executed, unless the Lieutenant-Governor in Council, the Commissioner of the Yukon Territory, the Commissioner of the Mackenzie Territory or the Commissioner of the Nunassiaq Territory, as the case may be, otherwise orders."
The last line of Columns I, II and III in the Schedule immediately following section 679	"Column I. Column II. Column III. Mackenzie Territory..... The Territorial Court..... The Clerk of the Court Nunassiaq Territory..... The Territorial Court..... The Clerk of the Court."
s. 719(*g*)	"(*g*) in the Yukon Territory, the Mackenzie Territory or the Nunassiaq Territory, a judge of the Territorial Court."
s. 721(3)	"(3) In the Yukon Territory, Mackenzie Territory and Nunassiaq Territory, an appeal under section 720 shall be heard at the place where the cause of the proceedings arose or at the place nearest thereto where a court is appointed to be held."

Column One	Column Two
Customs Act s. 166(1)(a)(iii) and (iv)	"(iii) in the Yukon Territory, the Mackenzie Territory or the Nunassiaq Territory, a judge of the Territorial Court,"
Department of Northern Affairs and National Resources Act s. 5(*a*)	"(*a*) the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory;"
s. 6(*a*) and (*b*)	"(*a*) co-ordinate the activities in the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory of the several departments, branches and agencies of the Government of Canada, (*b*) undertake, promote or recommend measures for the further economic and political development of the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory, and"
Disabled Persons Act s. 2(*g*)	"(*g*) "province" includes the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory;"
Dominion Controverted Elections Act s. 2(1)(*d*)(x)	"(x) in the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory, the respective Territorial Courts;"
Excise Tax Act. s. 2(2).	"(2) For the purposes of this Act the expression "Her Majesty in right of a province" includes the governments of the Yukon Territory, the Mackenzie Territory

Column One	Column Two
Excise Tax Act—Con.	
	and the Nunassiaq Territory, the expression "legislature of any province" includes the Council of the Yukon Territory, the Council of the Mackenzie Territory and the Council of the Nunassiaq Territory, and the expression "Lieutenant-Governor in Council" includes the Commissioner of the Yukon Territory, the Commissioner of the Mackenzie Territory and the Commissioner of the Nunassiaq Territory."
Experimental Farm Stations Act s. 3(1)(*d*)	"(*d*) the Provinces of Saskatchewan and Alberta, the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory jointly,"
s. 4(*b*)	"(*b*) set apart in Manitoba and in the Provinces of Saskatchewan and Alberta, the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory such tracts of unoccupied available public lands, which are the property of Canada, as are necessary for the farm stations mentioned in paragraphs (*c*) and (*d*) of subsection (1) of section 3, and"
s. 5	"**5.** The Governor in Council may also set apart in the Province of Manitoba, and in that portion of the Province of British Columbia known as the Railway Belt, a tract or tracts not exceeding in each case ten sections, and in each of the Provinces of Alberta and

Column One	Column Two
Experimental Farm Stations Act —Con.	
	Saskatchewan and in the Yukon Territory, in the Mackenzie Territory and in the Nunassiaq Territory, a tract or tracts not exceeding ten sections, for the purpose of tree planting and timber growing."
s. 9(*a*)	"(*a*) conduct researches and verify experiments designed to test the relative value, for all purposes, of different breeds of stock, and their adaptability to the varying climatic or other conditions that prevail in the several provinces and in the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory;"
Family Allowances Act s. 4(3)	"(3) The allowance shall cease to be payable if the child does not regularly attend school as required by the laws of the province where he resides, or does not receive training that, in the opinion of the competent educational authority designated by such province or, in the case of an Indian, or an Eskimo or a child resident in the Yukon Territory, the Mackenzie Territory or the Nunassiaq Territory, of the educational authority prescribed by regulation, is training equivalent to that which he would receive if he attended school; but where information as to school attendance or equivalent training,

Column One	Column Two
Family Allowances Act—Con.	
	as may be requested, is not furnished by the competent educational authority of the province, the Governor in Council may prescribe the manner in which such information may be obtained."
Federal-Provincial Fiscal Arrangements Act s. 2(1)(*d*)	"(*d*) "province" does not include the Yukon Territory, the Mackenzie Territory or the Nunassiaq Territory;"
Female Employees Equal Pay Act s. 2(*b*) (ix)	"(ix) any work, undertaking or business outside the exclusive legislative authority of the legislature of any province, and all other works, undertakings or businesses that are within the legislative authority of the Parliament of Canada, but not including any works, undertakings or businesses of a local or private nature in the Yukon Territory, the Mackenzie Territory or the Nunassiaq Territory; and"
Fisheries Act s. 28(1)	"**28.** (1) In the Provinces of British Columbia, Manitoba, Saskatchewan and Alberta, the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory, every ditch, channel or canal constructed or adapted for conducting water from any lake, river or stream, for irrigating, manufacturing, domestic or other purposes, shall if the Minister deems it necessary in the public interest, be provided at its entrance or intake

Column One	Column Two
Fisheries Act—Con.	
	with a fish guard or a metal or wire grating, covering or netting, so fixed as to prevent the passage of fish from any lake, river or stream into such ditch, channel or canal."
s. 59, all that portion preceding paragraph (*a*)	"**59.** In the Provinces of British Columbia, Manitoba, Saskatchewan and Alberta, and in the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory every owner of a ditch, channel or canal constructed or adapted for conducting water from any lake, river or stream for irrigating, manufacturing, domestic or other purposes, who"
s. 64A(1)(*a*)(iii)	"(iii) in the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory, a judge of the Territorial Court,"
Government Employees Compensation Act	
s. 4	"**4.** Where an employee is usually employed in the Yukon Territory, the Mackenzie Territory or the Nunassiaq Territory, he shall for the purposes of this Act be deemed to be usually employed in the province of Alberta."
Government Railways Act	
s. 67(1)(*a*)	"(*a*) any two justices of the peace, or a stipendiary or police magistrate, in the Provinces of Ontario, Nova Scotia, New Brunswick, Manitoba, British Columbia or Prince Edward Island;"

Column One	Column Two
Government Railways Act—Con. s. 67(1)(*d*)	"(*d*) any judge of the Territorial Court or any two justices of the peace or police magistrate in the Yukon Territory, the Mackenzie Territory or the Nunassiaq Territory;"
s. 68(1)	"**68.** (1) Such oath or declaration shall be administered in the Provinces of Ontario, Nova Scotia, New Brunswick, Manitoba, British Columbia and Prince Edward Island, by any one such justice or magistrate, and, in the Province of Quebec, by any such judge, clerk, or judge of the sessions of the peace, and in the Provinces of Saskatchewan and Alberta, and in the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory, by any such judge or magistrate or by any justice of the peace."
Income Tax Act s. 33(3)(*b*) as enacted by 1960–61, c. 49, s. 13	"(*b*) "province" does not include the Yukon Territory, the Mackenzie Territory or the Nunassiaq Territory; and"
Indian Act s. 113(1)(*b*) and (*c*)	"(*b*) the Commissioner of the Yukon Territory, (*c*) the Commissioner of the Mackenzie Territory, (*ca*) the Commissioner of the Nunassiaq Territory,"
Interest Act s. 12.	"**12.** Sections 13, 14 and 15 apply to the Provinces of Manitoba, British Columbia, Saskatchewan and Alberta and to the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory."

Column One	Column Two
Interpretation Act s. 35(1)	"**35.** In every Act, unless the context otherwise requires, (1) "Act" as meaning an Act of a legislature, includes an ordinance of the Yukon Territory, of the Mackenzie Territory or of the Nunassiaq Territory;"
s. 35(13)	"(13) "legislature", "legislative council" or "legislative assembly" includes the Lieutenant Governor in Council and also the Legislative Assembly of the Northwest Territories, as constituted previously to the 1st day of September, 1905, the Commissioner in Council of the Northwest Territories as they existed previous to the 1st day of April, 1964, the Commissioner in Council of the Yukon Territory, the Commissioner in Council of the Mackenzie Territory, and the Commissioner in Council of the Nunassiaq Territory;"
s. 35(24)	"(24) "province" includes the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory;"
s. 35(30)(*h*)	"(*h*) in the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory, the Territorial Court;"

Column One	Column Two
Judges Act s. 18(2)	"(2) The salary of the judge of the Territorial Court of the Mackenzie Territory is sixteen thousand nine hundred dollars per annum."
Land Titles Act s. 2(*c*)	"(*c*) "court" means any court authorized to adjudicate in the Territories in civil matters in which the title to real estate is in question;"
s. 2(*z*)	"(*z*) "Territories" means the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory;"
s. 52(1)	"**52.** (1) A notification to the registrar from the Commissioner of the Mackenzie Territory or the Commissioner of the Nunassiaq Territory, that the land described in such notification is part of any road allowance or trail that has been closed and has been transferred to the person named as transferee in such notification, or in a transfer attached thereto, shall be accepted by the registrar and dealt with by him in all respects as if it were letters patent in favour of such person."
s. 99	"**99.** Proceedings to enforce payment of moneys secured by mortgage or encumbrance, or to enforce the observance of the covenants, agreements, stipulations or conditions contained in any mortgage or encumbrance, or for the sale of the lands mortgaged or encumbered, or to foreclose the estate, interest or claim of any person in

Column One	Column Two
Land Titles Act—Con.	
	or upon the land mortgaged or encumbered, as also proceedings to redeem or discharge any land from any such mortgage or encumbrance, shall be had and taken before a court."
s. 180(2) and (3)	"(2) If such person or deponent fails to attend at the time and place specified, then upon due proof under oath that such person or deponent has been duly served with the said summons and that proper conduct money according to the tariffs of fees provided for the attendance of witnesses at trials in civil causes in the court and the laws in force in the respective Territories, has been paid or tendered to him, the judge may issue his warrant directed to the sheriff of any judicial district directing him to apprehend such person or deponent and bring him before the said judge for examination and to keep him in his custody until he is so examined. (3) The sheriff shall obey the said warrant according to the tenor thereof and is entitled to the same fees for executing such warrant as he would be entitled to for executing a process issued out of the said court."
Leprosy Act s. 11(*d*) and (*e*)	"(*d*) in the Yukon Territory, the Mackenzie Territory or the Nunassiaq Territory, before a judge of the Territorial Court or a police magistrate;"

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Loan Companies Act s. 51(6)	"(6) In this section "court" means in British Columbia, Alberta, Ontario, New Brunswick, Nova Scotia and Newfoundland, the Supreme Court of those Provinces respectively; in Prince Edward Island, the Supreme Court of Judicature of that Province; in Quebec, the Superior Court; in Manitoba and Saskatchewan, Her Majesty's Court of Queen's Bench for those Provinces respectively; in the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory, the Territorial Courts of those Territories respectively."
National Parks Act Schedule, Part I, item (5) all that portion preceding words following the reference to Salt river where it first appears therein.	"(5) WOOD BUFFALO NATIONAL PARK. All and singular that certain parcel or tract of land lying and being partly in the Mackenzie Territory and partly in the Province of Alberta, and more particularly described as follows: Commencing at the intersection of the sixtieth (60) parallel of north latitude, being the boundary between the Province of Alberta and the Mackenzie Territory, with the centre of the main channel of Salt river;"
Narcotic Control Act s. 11(7)(*a*)(iii)	"(iii) in the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory, a judge of the Territorial Court, and"

Column One	Column Two
Northern Canada Power Commission Act	
s. 2(*d*)	"(*d*) "municipality" includes a municipal district and a local improvement district established under an ordinance of the Yukon Territory, the Mackenzie Territory or the Nunassiaq Territory;"
s. 6(1), all that portion preceding paragraph (*a*)	"**6.** (1) The Commission may construct, purchase, rent or otherwise acquire, operate and maintain plants within the Yukon Territory, the Mackenzie Territory or the Nunassiaq Territory and, with the approval of the Governor in Council but subject to the laws of the province in which the powers under this section are exercised, elsewhere in Canada, and for those purposes may"
s. 13	"**13.** The Commission may investigate a project and advise the Minister or the Commissioner of the Yukon Territory, the Commissioner of the Mackenzie Territory or the Commissioner of the Nunassiaq Territory, as the case may be, of the areas that might be served, the estimated amount of capital required, and the proposed rates that in the opinion of the Commission would produce revenue equal to the costs specified in section 10."
Old Age Assistance Act	
s. 2(*g*)	"(*g*) "province" includes the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory;"

Column One	Column Two
Penitentiary Act Heading preceding s. 15 and s. 15	"YUKON TERRITORY, MACKENZIE TERRITORY AND NUNASSIAQ TERRITORY.
	15. (1) The Minister may, subject to the approval of the Governor in Council, arrange with the Lieutenant Governor of any province for the confinement, in the prisons or reformatories of that province, of persons convicted in the Yukon Territory, the Mackenzie Territory or the Nunassiaq Territory and for the compensation to be paid by the Government of Canada to the government of the province in respect of persons so confined. (2) Where an arrangement has been made under subsection (1), the Commissioner or any officer directed by him may, by warrant under his hand, direct the transfer of a person convicted in the Yukon Territory, the Mackenzie Territory or the Nunassiaq Territory to a prison or reformatory in a province in respect of which the arrangement applies, and the person shall, while he is being escorted to that prison, be deemed to be in lawful custody. (3) A person who is confined in a prison or reformatory outside the Yukon Territory, the Mackenzie Territory or the Nunassiaq Territory pursuant to an arrangement made under subsection (1) shall, during the term of his sentence or period of committal, be deemed to be lawfully confined."

Column One	Column Two
Prisons and Reformatories Act s. 17(*b*)	"(*b*) rules for keeping a correct record of the daily conduct of every prisoner in such prison, noting his behaviour, industry, diligence and faithfulness and the strictness with which he observes the prison regulations, have in the case of a prison in a province, other than the Yukon Territory, the Mackenzie Territory or the Nunassiaq Territory, been made by the Lieutenant Governor of such province and declared adequate by the Governor in Council or have, in the case of a prison in the Yukon Territory, the Mackenzie Territory or the Nunassiaq Territory, been made by the Governor in Council."
Regulations Act s. 2(*a*)(iii)	" (iii) an ordinance of the Yukon Territory, the Mackenzie Territory or the Nunassiaq Territory,"
Representation Act s. 2	"**2.** Eighty-five members of the House of Commons shall be elected for the Province of Ontario, seventy-five for the Province of Quebec, twelve for the Province of Nova Scotia, ten for the Province of New Brunswick, fourteen for the Province of Manitoba, twenty-two for the Province of British Columbia, four for the Province of Prince Edward Island, seventeen for the Province of Saskatchewan, seventeen for the Province of

Column One	Column Two
Representation Act—Con.	
	Alberta, seven for the Province of Newfoundland, one for the Yukon Territory and one for the Mackenzie and Nunassiaq Territories, thus making a total of two hundred and sixty-five members."
s. 8(1)	"**8.** (1) Wherever the expression "electoral district of Northwest Territories" occurs in any section of the *Canada Elections Act* or in any Schedule thereto, there shall, in each case, be substituted therefor the expression "electoral district of Mackenzie-Nunassiaq"."
Item headed Northwest Territories in Schedule to the Act	"MACKENZIE AND NUNASSIAQ TERRITORIES. There shall be in the Mackenzie Territory and the Nunassiaq Territory one electoral district named and described as follows, which shall return one member: MACKENZIE-NUNASSIAQ consisting of: (*a*) the Mackenzie Territory, and (*b*) the Nunassiaq Territory."
Royal Canadian Mounted Police Act s. 24	"**24.** Where it appears to the Commissioner (*a*) that any personal property that has, in the Yukon Territory, the Mackenzie Territory or the Nunassiaq

Column One	Column Two
Royal Canadian Mounted Police Act—Con.	Territory, come into the hands of any member in the course of his duties has been abandoned by the owner thereof or the person entitled thereto, or (*b*) that a reasonable attempt has been made to find the owner of or person entitled to any personal property that has, in the Yukon Territory, the Mackenzie Territory or the Nunassiaq Territory, come into the hands of any member in the course of his duties, but he cannot be found, the Commissioner may make such disposition of the property as he in the circumstances deems fit, but the proceeds, if any, from the sale or other disposition of such property, and any such property consisting of money, shall be paid into the Consolidated Revenue Fund."
Supreme Court Act s. 84(*a*)	"(*a*) the appeals set down for hearing shall be entered by the Registrar on a list divided into five parts, and numbered as follows: Number one, Election Cases; Number two, Western Provinces Cases; Number three, Atlantic Provinces Cases; Number four, Quebec Province Cases; Number five, Ontario Province Cases; and the Registrar shall enter all Election Appeals on part

Column One	Column Two
Supreme Court Act—Con.	
	numbered one, all appeals from the Yukon Territory, the Mackenzie Territory, the Nunassiaq Territory and the Provinces of British Columbia, Alberta, Saskatchewan and Manitoba on part numbered two, all appeals for the Provinces of Newfoundland, Nova Scotia, New Brunswick and Prince Edward Island on part numbered three, all appeals from the Province of Quebec on part numbered four, and all appeals from the Province of Ontario on part numbered five; and"
Surplus Crown Assets Act	
s. 3(2)(*c*)	"(*c*) lands situated in the Yukon Territory, the Mackenzie Territory or the Nunassiaq Territory and under the control, management or administration of the Minister of Northern Affairs and National Resources;"
Territorial Lands Act	
Long title	"An Act respecting Crown Lands in the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory."
s. 2(*cc*)	"(*ca*) "judge of the Court" means, in relation to any matter arising in the Yukon Territory, a judge of the Territorial Court, in relation to any matter arising in the Mackenzie Territory, a judge of the Territorial Court, and,

Column One	Column Two
Territorial Lands Act—Con.	
	in relation to any matter arising in the Nunassiaq Territory, a judge of the Territorial Court;"
s. 2(*g*)	"(*g*) "territorial lands" means lands in the Yukon Territory, the Mackenzie Territory or the Nunassiaq Territory that are vested in the Crown or of which the Government of Canada has power to dispose; and"
s. 8(*c*)	"(*c*) to the boundary line between the Yukon Territory and Alaska or between the Yukon Territory and the Mackenzie Territory or between the Yukon Territory, the Mackenzie Territory or the Nunassiaq Territory and the Provinces of Manitoba, Saskatchewan, Alberta or British Columbia."
Trans-Canada Highway Act s. 2(*c*)	"(*c*) "province" means a province of Canada but does not include the Yukon Territory, the Mackenzie Territory or the Nunassiaq Territory."
Trust Companies Act s. 36(6)	"(6) In this section "court" means in British Columbia, Alberta, Ontario, New Brunswick, Nova Scotia and Newfoundland, the Supreme Court of those Provinces respectively; in Prince Edward Island, the Supreme Court of Judicature of that Province; in Quebec, the Superior Court; in Manitoba and Saskatchewan, Her

Column One	Column Two
Trust Companies Act—Con.	
	Majesty's Court of Queen's Bench for those Provinces respectively; in the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory, the Territorial Courts of those Territories respectively."
Winding-up Act s. 2(*d*)(xi) and (xii)	"(xi) in the Yukon Territory, the Mackenzie Territory and the Nunassiaq Territory, the Territorial Court;"
s. 103	"**103.** Any person dissatisfied with an order or decision of the court or a single judge in any proceeding under this Act may, (*a*) if the question to be raised on the appeal involves future rights, (*b*) if the order or decision is likely to affect other cases of a similar nature in the winding-up proceedings, or (*c*) if the amount involved in the appeal exceeds five hundred dollars, by leave of a judge of the court, or by leave of the court or a judge of the court to which the appeal lies, appeal therefrom."
s. 105	
s. 106	"**106.** All appeals shall be regulated, as far as possible, according to the practice in other cases of the court appealed to, but no appeal hereinbefore authorized shall be entertained unless the appellant

Column One	Column Two
Winding-up Act—Con.	
	has, within fourteen days from the rendering of the order or decision, or within such further time as the court or judge appealed from allows, taken proceedings therein to perfect his appeal, nor unless, within the said time, he has made a deposit or given sufficient security according to the practice of the court appealed to, that he will duly prosecute the said appeal and pay such damages and costs as may be awarded to the respondent."
Yukon Act s. 27(2)	"(2) A judge of the Territorial Court of the Mackenzie Territory is *ex officio* a judge of the Territorial Court of the Yukon Territory."
s. 33(2) and (3)	"(2) The Court may sit in the Mackenzie Territory for the purpose of hearing a civil case other than a civil case where the Court sits with a jury. (3) When the Court sits in the Mackenzie Territory the Court has and may exercise all the powers, duties and functions in the Mackenzie Territory that it has and may exercise when sitting in the Yukon Territory."
s. 35(2)(*c*)	"(*c*) the judges of the Territorial Court of the Yukon Territory, the Territorial Court of the Mackenzie Territory and the Territorial Court of the Nunassiaq Territory."

Column One	Column Two
Yukon Administration of Justice Act	
s. 2	"**2.** Whenever it appears to the satisfaction of the Minister of Justice that it is expedient to the ends of justice that the trial of any person charged with an indictable offence alleged to have been committed north of the sixty-fifth parallel of latitude, in the Yukon Territory, should be held in some district or place other than that in which the offence is alleged to have been committed or would otherwise be triable, the Minister of Justice may order that the trial shall be proceeded with in the Mackenzie Territory before the court or judge named in such order, and thereupon the court or judge so named has jurisdiction to try such person."
s. 3	"**3.** The provisions of the *Mackenzie Territory Act* apply to such trial."

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-84.

An Act respecting the Nunassiaq Territory.

First reading, July 8, 1963.

THE MINISTER OF NORTHERN AFFAIRS AND NATIONAL RESOURCES.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

28350-7

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-84.

An Act respecting the Nunassiaq Territory.

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 *Nunassiaq Territory Act.*

INTERPRETATION.

Definitions.

2. In this Act,

"Commissioner."

(*a*) "Commissioner" means the Commissioner of the Territory;

"Commissioner in Council."

(*b*) "Commissioner in Council" means the Commissioner acting by and with the advice and consent of the Council;

"Council."

(*c*) "Council" means the Council of the Territory;

"Court."

(*d*) "Court" means the Territorial Court of the Territory;

"Intoxicant."

(*e*) "intoxicant" includes alcohol, alcoholic, spirituous, vinous, fermented malt or other intoxicating liquor or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented or otherwise intoxicating and all drinks, drinkable liquids, preparations or mixtures capable of human consumption that are intoxicating;

"Minister."

(*f*) "Minister" means the Minister of Northern Affairs and National Resources;

"Public lands."

(*g*) "public lands" mean any lands in the Territory belonging to Her Majesty in right of Canada or of which the Government of Canada has power to dispose; and

"Territory."

(*h*) "Territory" means the Nunassiaq Territory established by section 3.

TERRITORY ESTABLISHED.

Establishment of Territory.

3. All that portion of the Northwest Territories as they existed on the 31st day of March, 1964, except the part thereof that comprises the Mackenzie Territory, is hereby established as a territory under the name of Nunassiaq Territory.

PART I.

GOVERNMENT.

Commissioner.

Appointment of Commissioner.

4. (1) The Governor in Council may appoint for the Territory a chief executive officer to be known as the Commissioner of the Nunassiaq Territory.

Deputy Commissioner.

(2) The Governor in Council may appoint a member of the Council to be Deputy Commissioner of the Territory.

Powers of Deputy Commissioner.

(3) The Deputy Commissioner has and may perform and exercise, during the absence or incapacity of the Commissioner or where the office of Commissioner is vacant, all the powers and functions conferred on the Commissioner by this Act.

Administration of government.

5. The Commissioner shall administer the government of the Territory under instructions from time to time given by the Governor in Council or the Minister.

Executive powers.

6. The executive powers that were, immediately before the 1st day of September, 1905, vested by any laws of Canada in the Lieutenant Governor of the Northwest Territories or in the Lieutenant Governor of the Northwest Territories in Council, shall be exercised by the Commissioner so far as they are applicable to and capable of being exercised in relation to the government of the Nunassiaq Territory as it is constituted at the time of the exercise of such powers.

Oaths of office.

7. Before assuming the duties of his office, the Commissioner shall take and subscribe such oaths of office and allegiance in such manner as the Governor in Council may prescribe.

Seat of Government.

Seat of government.

8. The seat of government of the Territory shall be that prescribed by the Governor in Council and may, from time to time, be changed by him.

Council.

Council.

9. (1) There shall be a Council of the Territory consisting of seven members, five of whom shall be appointed by the Governor in Council and two of whom shall be elected to represent the electoral districts described in the Schedule.

One appointed member to be resident of the Territory.

(2) One of the members of the Council appointed by the Governor in Council shall be a resident of the Territory at the time of his appointment and shall continue to be a member only so long as he remains a resident of the Territory.

Governor in Council to designate member to whom subsection (2) to apply.

(3) If more than one appointed member of the Council is a resident of the Territory, the Governor in Council shall designate one of them as the member to whom subsection (2) shall apply.

Commissioner in Council may vary electoral districts.

(4) The Commissioner in Council may vary the name and the boundaries of any electoral district described in the Schedule.

Duration of Council.

(5) Every Council shall continue for three years from the date of the return of the writs for the general election of the elected members thereof but the Governor in Council may at any time dissolve the Council and cause an election of members to a new Council to be held.

Tenure of appointed members.

(6) Subject to subsections (2) and (5), the appointed members of the Council shall hold office during pleasure.

Writs for election.

(7) Writs for the election of elected members to the Council shall be issued on the instructions of the Commissioner.

Commissioner in Council may prescribe qualifications of electors, candidates, etc.

10. (1) Subject to subsection (2), the Commissioner in Council may prescribe the qualifications of those entitled to vote at an election of members to the Council and of those eligible for nomination and election as members of the Council, and the reason for or matters by which an elected member may be or become disqualified from being or sitting as a member of the Council.

Minimum qualifications.

(2) A person is not entitled to vote at an election or to be nominated or elected as a member of the Council unless he is a Canadian citizen or other British subject, has attained the age of twenty-one years and has been ordinarily resident in the Territory for a period of at least twelve months immediately prior to the date of the election.

Oaths of office.

11. Each member of the Council shall, before entering the duties of his office, take and subscribe before the Commissioner such oaths of office and allegiance as the Governor in Council may prescribe.

Sessions of Council.

12. (1) The Commissioner shall convene at least two sessions of the Council in every calendar year so that twelve months shall not intervene between the last sitting of the Council in one session and its first sitting in the next session.

Where sessions held.

(2) In each year one of the sessions of the Council convened in that year shall be held at a place in the Territory designated by the Commissioner on the recommendation of the Council, and all other sessions of the Council convened in that year shall be held at the seat of government of the Territory.

Quorum.

(3) Four members of the Council constitute a quorum.

Voting.

(4) Each member has one vote in the transaction of the business of the Council and, if the number of votes is equal, the Commissioner may cast a deciding vote.

Sessional indemnity for elected members.

13. (1) Subject to this section,

(*a*) where in any one calendar year the total number of days on which there was a sitting of the Council is ten or less, each elected member and the member referred to in subsection (2) of section 9 may be paid in that year an indemnity of one thousand dollars, less one hundred dollars for every such day on which the member was not in attendance; and

(*b*) where in any one calendar year the total number of days on which there was a sitting of the Council is greater than ten, each elected member and the member referred to in subsection (2) of section 9 may be paid in that year an indemnity at the rate of one hundred dollars for each such day on which the member was in attendance, or two thousand dollars, whichever is the lesser.

Expenses of councillors.

(2) In addition to the payments under subsection (1), each member of the Council, whether elected or appointed, may be paid

(*a*) the actual travelling expenses incurred by him in travelling from his place of residence to the place where the Council holds its session and return, but no payment shall be made to a member in respect of more than one return trip for each session of the Council; and

(*b*) an allowance for living expenses not exceeding twenty-five dollars for each day he is in attendance at a session of the Council.

When a member deemed in attendance for purposes of ascertaining indemnity.

(3) For the purposes of subsection (1), each day on which an elected member is in the place where a session of the Council is held but is because of illness unable to be in attendance at the session shall be deemed to be a day on which he is in attendance at the session.

When member deemed in attendance for purposes of ascertaining living allowance.

(4) For the purpose of ascertaining a member's allowance for living expenses,

(*a*) each day during a session on which there has been no sitting of the Council in consequence of its having adjourned over that day, and

(*b*) each day on which a member is in the place where the session is held but is because of illness unable to be in attendance at the session,

shall be deemed to be a day on which he is in attendance at the session.

Legislative Powers of Commissioner in Council.

Legislative powers.

14. The Commissioner in Council may, subject to the provisions of this Act and any other Act of the Parliament of Canada, make ordinances for the government of the Territory in relation to the following classes of subjects:

Direct taxation.

(*a*) direct taxation within the Territory in order to raise a revenue for territorial, municipal or local purposes;

Territorial offices.

(*b*) the establishment and tenure of territorial offices and the appointment and payment of territorial officers;

Municipal institutions.

(*c*) municipal institutions in the Territory, including local administrative districts, school districts, local improvement districts and irrigation districts;

Controverted elections.

(*d*) controverted elections;

Licences.

(*e*) the licensing of any business, trade, calling, industry, employment or occupation in order to raise a revenue for territorial, municipal or local purposes;

Incorporation of companies.

(*f*) the incorporation of companies with territorial objects, including tramways and street railway companies but excluding railway, steamship, air transport, canal, telegraph, telephone or irrigation companies;

Marriage.

(*g*) the solemnization of marriage in the Territory;

Property and civil rights.

(*h*) property and civil rights in the Territory;

Administration of justice.

(*i*) the administration of justice in the Territory, including the constitution, organization and maintenance of territorial courts of civil jurisdiction and the procedure in such courts but excluding the appointment of any judicial officers except coroners or the constitution, organization and maintenance of courts of criminal jurisdiction or procedure in criminal matters except the fees and expenses payable to jurors, witnesses and other persons;

Fees of witnesses, etc.

(*j*) the fees and expenses of witnesses, jurors, interpreters and coroners in civil and criminal matters;

Coroners.

(*k*) the appointment, powers and duties of coroners and coroners' inquests;

Juries.

(*l*) the summoning of juries, enforcement of their attendance and all matters relating to juries;

Sheriffs and clerks of court.

(*m*) the powers, duties and obligations of sheriffs and clerks of the courts and their deputies;

Alimony.

(*n*) the conferring of jurisdiction in matters of alimony upon the Court;

Scientists and explorers.

(*o*) the issuing of licences or permits to scientists or explorers to enter the Territory or any part thereof and the prescription of the conditions under which such licences or permits may be issued and used;

Fur tax.

(*p*) the levying of a tax upon furs or any portions of fur-bearing animals to be shipped or taken from the Territory to any place outside the Territory;

Game.

(*q*) the preservation of game in the Territory;

Education.

(*r*) education in the Territory, subject to the conditions that any ordinance respecting education shall always provide that a majority of the ratepayers of any district or portion of the Territory, or of any less portion or subdivision thereof, by whatever name the same is known, may establish such schools therein as they think fit, and make the necessary assessment and collection of rates therefor; and also that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish

separate schools therein, and in such case, the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessments of such rates as they impose upon themselves in respect thereof;

Roads. (*s*) the closing up, varying, opening, establishing, building, management or control of any roads, streets, lanes or trails on public lands;

Intoxicants. (*t*) intoxicants;

Hospitals. (*u*) the establishment, maintenance and management of hospitals in and for the Territory;

Agriculture. (*v*) agriculture;

Local and private matters. (*w*) generally, all matters of a merely local or private nature in the Territory;

Fines and penalties. (*x*) the imposition of fines, penalties, imprisonment or other punishments in respect of the violation of the provisions of any ordinance; and

Matters designated by Governor in Council. (*y*) such other matters as are from time to time designated by the Governor in Council.

Restriction on powers. **15.** (1) Nothing in section 14 shall be construed to give the Commissioner in Council greater powers with respect to any class of subjects described therein than are given to legislatures of the Provinces of Canada under sections 92 and 95 of the *British North America Act, 1867*, with respect to similar subjects therein described.

Game ordinances in respect of Indians and Eskimos. (2) Notwithstanding subsection (1) but subject to subsection (3), the Commissioner in Council may make ordinances for the government of the Territory in relation to the preservation of game in the Territory that are applicable to and in respect of Indians and Eskimos, and ordinances made by the Commissioner in Council in relation to the preservation of game in the Territory, unless the contrary intention appears therein, are applicable to and in respect of Indians and Eskimos.

Idem. (3) Nothing in subsection (2) shall be construed as authorizing the Commissioner in Council to make ordinances restricting or prohibiting Indians or Eskimos from hunting for food, on unoccupied Crown lands, game other than game declared by the Governor in Council to be game in danger of becoming extinct.

Agreements with Government of Canada. **16.** The Commissioner in Council may make ordinances authorizing the Commissioner to enter into an agreement with the Government of Canada under and for the purposes of any Act of the Parliament of Canada that authorizes the Government of Canada to enter into agreements with the provinces, but no such agreement shall be entered into by the Commissioner without the approval of the Governor in Council.

Ordinances to be laid before Parliament.

17. (1) A copy of every ordinance made by the Commissioner in Council shall be transmitted to the Governor in Council within thirty days after the passing thereof and shall be laid before both Houses of Parliament as soon as conveniently may be thereafter.

Disallowance.

(2) Any ordinance or any provision thereof may be disallowed by the Governor in Council at any time within two years after its passage.

Enforcement of ordinances.

18. Unless otherwise therein specially provided, proceedings for enforcing any ordinance by the imposition of punishment by fine, penalty or imprisonment may be brought summarily before a justice of the peace under the provisions of the *Criminal Code* relating to summary convictions.

Laws Applicable to the Territory.

Laws of Northwest Territories to apply.

19. (1) Subject to this Act, the laws of the Northwest Territories as they were immediately prior to the coming into force of this Act shall be in force in the Territory except in so far as they are not applicable to the Territory and are not hereafter repealed, altered, varied, modified or affected by any Act of the Parliament of Canada or any ordinance.

Reference to Commissioner of Northwest Territories.

(2) For the purposes of subsection (1), any reference to the Commissioner of the Northwest Territories in the laws of the Northwest Territories referred to in that subsection shall be construed as a reference to the Commissioner of the Nunassiaq Territory.

General Territorial laws applicable to Eskimos.

20. All laws of general application in force in the Territory are, except where otherwise provided, applicable to and in respect of Eskimos in the Territory.

Where no officer in Territory.

21. (1) Where in any Act of the Parliament of Canada or any ordinance an officer is designated to perform any duty or exercise any power therein mentioned and there is no such officer in the Territory, the Commissioner may order by what other person or officer such duty shall be performed or such power exercised and the performance of the duty or the exercise of the power by such other person pursuant to the order is lawful and valid.

Transmission of documents.

(2) Where in any Act of the Parliament of Canada or any ordinance a document or thing is to be transmitted to an officer, court, territorial division or place and there is then in the Territory no such officer, court, territorial division or place, the Commissioner may order to what officer, court, territorial division or place such transmission shall be made or may dispense with the transmission and the transmission or dispensation of transmission pursuant to the order is lawful and valid.

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Nunassiaq Revenue Account.

Territorial revenues.

22. (1) All territorial revenues shall be paid into the Consolidated Revenue Fund.

Composition of Nunassiaq Revenue Account.

(2) There shall be established in the Consolidated Revenue Fund an account to be known as the Nunassiaq Revenue Account to which shall be credited

(*a*) amounts equal to the territorial revenues paid from time to time into the Consolidated Revenue Fund pursuant to subsection (1); and

(*b*) all moneys appropriated by Parliament to be credited to the Nunassiaq Revenue Account.

Territorial expenditures.

(3) Subject to subsections (6) and (7), the Commissioner in Council may make ordinances providing for the expenditure of money for territorial purposes and, subject to subsection (5), any money required for the territorial purposes specified in such ordinances may, on the requisition of the Minister or a person authorized by him in writing, be paid out of the Consolidated Revenue Fund.

To be charged to account.

(4) All payments made out of the Consolidated Revenue Fund pursuant to subsection (3) and section 48 shall be charged to the Nunassiaq Revenue Account.

Limitations on payments.

(5) A payment made out of the Consolidated Revenue Fund under subsection (3) shall not be greater than the amount by which the aggregate of all moneys credited to the Nunassiaq Revenue Account exceeds the aggregate of all amounts charged to that Account.

Recommendation of Commissioner.

(6) It shall not be lawful for the Commissioner in Council to make any ordinance providing for the expenditure of money for any purpose that has not been first recommended to the Council by message of the Commissioner in the session in which such ordinance is proposed.

Expenditure of moneys granted by Parliament.

(7) Where any sum of money is granted to Her Majesty by Parliament to defray expenses for any specified public service in the Territory, the power of the Commissioner in Council to make ordinances respecting the expenditure of that sum is limited to the specified purpose for which it is granted.

Further legislative powers of Commissioner in Council.

23. (1) The Commissioner in Council may make ordinances

(*a*) for the borrowing of money by the Commissioner for territorial, municipal or local purposes on behalf of the Territory, and

(*b*) for the lending of money by the Commissioner to any person in the Territory.

Approval of Governor in Council.

(2) No money shall be borrowed under the authority of this section without the approval of the Governor in Council.

Charge of Nunassiaq Revenue Account.

(3) The repayment of any money borrowed under the authority of this section, and the payment of interest thereon, is a charge on and payable out of the Nunassiaq Revenue Account.

PART II.

ADMINISTRATION OF JUSTICE.

Territorial Court.

Territorial Court.

24. (1) There shall be a superior court of record in and for the Territory to be called the Territorial Court.

Appointment of a judge.

(2) The Governor in Council may appoint a person to be a judge of the Territorial Court.

Tenure of office of judge.

(3) A judge of the Court holds office during good behaviour, but is removable by the Governor General on address of the Senate and House of Commons, and ceases to hold office upon attaining the age of seventy-five years.

Ex officio judges.

(4) A judge of the Territorial Court of the Yukon Territory, of the Territorial Court of the Mackenzie Territory, of the Court of Queen's Bench of Manitoba or of The High Court of Justice for Ontario is *ex officio* a judge of the Territorial Court.

Deputy judge.

25. (1) The Governor in Council may appoint any person who is or has been a judge of a superior, county or district court of any of the provinces of Canada or a barrister or advocate of at least ten years' standing at the bar of any such province to be a deputy judge of the Court and fix his remuneration and allowances.

Tenure of office.

(2) A deputy judge may be appointed pursuant to this section for any particular case or cases or for any specified period of time and his appointment shall be terminated at the pleasure of the Governor in Council.

Powers.

(3) A deputy judge shall be sworn to the faithful performance of his duties in the same manner as a judge of the Court and shall, during his appointment, temporarily have and may exercise all the powers, duties and functions of a judge of the Court and the expression "judge of the Court" shall be deemed to include a deputy judge of the Court.

Oath of office.

26. (1) Every judge of the Court shall, before entering upon the duties of his office, take the following oath of office:

> I, , do solemnly and sincerely promise and swear that I will duly and faithfully, and to the best of my skill and knowledge, execute the powers and trusts reposed in me as a judge of the Territorial Court of the Nunassiaq Territory. So help me God.

Taking of oath.

(2) The oath shall be administered by a judge of the Court or by the Commissioner or by a person authorized by the Commissioner to administer such oath.

General powers.

27. (1) The Court is a superior court of record having civil and criminal jurisdiction throughout the Territory.

Court may exercise powers, duties and functions of stipendiary magistrates of Northwest Territories.

(2) The Court shall, throughout the Territory, have and may exercise in all civil cases the powers, duties and functions that were, immediately prior to the 1st day of April, 1955, vested in stipendiary magistrates of the Northwest Territories.

Judge to have powers of Court.

(3) A judge of the Court shall, throughout the Territory, have and may exercise all the powers, duties and functions that are vested in the Court.

To exercise powers of a court.

28. (1) Where under any Act, ordinance or other law in force in the Territory, any power or authority is to be exercised or any thing is to be done by a judge of a court or a police magistrate, such power or authority shall, in the Territory, be exercised or such thing shall be done by a judge of the Court unless some other provision is made in that behalf by such Act, ordinance or other law.

To exercise powers of stipendiary magistrate.

(2) Where in any Act, ordinance or other law in force in the Territory, it is expressed that a power or authority is to be exercised or a thing is to be done by a stipendiary magistrate, such power or authority shall be exercised or such thing shall be done by a judge of the Court or, where the power or authority or thing to be done is within the jurisdiction given to him pursuant to this Act, by a police magistrate.

Sittings.

29. (1) Sittings of the Court shall be held at such times and places as a judge of the Court deems necessary or as may be directed by the Commissioner.

Where Court may sit for civil cases.

(2) The Court may sit in the Mackenzie Territory, the Yukon Territory, the Province of Ontario or the Province of Manitoba for the purpose of hearing a civil case other than a civil case where the Court sits with a jury.

Court has full powers outside of Territory.

(3) When the Court sits in any of the areas referred to in subsection (2), the Court has and may exercise all the powers, duties and functions in that area that it has and may exercise when sitting in the Nunassiaq Territory.

No grand jury.

30. No grand jury shall be summoned or sit in the Territory.

Appeals from the Court in Civil Cases.

Court of Appeal established.

31. (1) There shall be a Court of Appeal for the Territory called the Court of Appeal which shall be a superior court of record and shall have the powers and jurisdiction in relation to matters arising in the Territory possessed by the Court of Appeal for Manitoba in relation to matters arising in Manitoba, immediately prior to the 1st day of April, 1964.

Judges.

(2) The judges of the Court of Appeal are

(*a*) the Chief Justice of Manitoba;

(*b*) the Judges of the Court of Appeal for Manitoba; and

(*c*) the judges of the Territorial Court of the Nunassiaq Territory, the Territorial Court of the Yukon Territory and the Territorial Court of the Mackenzie Territory.

Chief Justice.

(3) The Chief Justice of the Court of Appeal is the Chief Justice of Manitoba and in the event of his illness, inability to act or a vacancy in that office the judge of the Court of Appeal who is the senior puisne judge of the Court of Appeal for Manitoba has and may exercise and perform the powers and functions of the Chief Justice.

Chief Justice to preside.

(4) The Chief Justice of the Court of Appeal shall preside at any sittings of the Court of Appeal at which he is present and shall appoint another judge of the Court of Appeal to preside at any sittings of the Court at which he is not present.

Sittings.

(5) The Court of Appeal may sit in the Territory or in the Province of Manitoba.

Quorum.

(6) Three judges of the Court of Appeal constitute a quorum and may lawfully hold court.

Registrar.

(7) The Registrar of the Court of Appeal for Manitoba is the Registrar of the Court of Appeal and the officers, clerks and employees appointed to the Court of Appeal for Manitoba shall perform the duties of their respective offices in relation to the Court of Appeal.

Deputy-Registrar.

(8) The Clerk of the Court is *ex officio* a Deputy Registrar of the Court of Appeal and may perform such functions and exercise such powers as may be determined from time to time by the Chief Justice of the Court of Appeal.

Notice of appeal.

(9) Notice of an appeal to the Court of Appeal shall be given within thirty days,

(*a*) in the case of a judgment, after the formal judgment or order has been signed, entered and served;

(*b*) in the case of an order, after the order has been signed, issued and served;

(*c*) in the case of a direction, after the judgment or order found thereon has been signed, entered or issued and served; and

(*d*) in the case of a finding or verdict, after the judgment or order found thereon has been signed, entered or issued and served,

or within such further time as the judge who made the same, or a judge of the Court of Appeal may allow.

Rules.

(10) The judges of the Court of Appeal may make rules for regulating the practice and procedure upon appeals under this section.

Rules of Manitoba Court of Appeal applicable.

(11) Proceedings upon appeals under this section, when not otherwise provided for by this Act or the rules made under subsection (10), shall be as nearly as possible in conformity with the rules of the Court of Appeal for Manitoba.

Stay of execution.

(12) Execution of the judgment appealed from shall not be stayed except under order of the judge of the Court who gave such judgment or the Court of Appeal, or a judge thereof, and upon such terms as the judge or the Court making the order deems just.

Exception.

(13) No appeal lies from the final judgment of a judge of the Court on appeal from the decision of a mining recorder respecting a dispute in regard to mining property previous to the issue of a lease of a claim.

Appeal where authorized by ordinance.

(14) Notwithstanding anything in this section, an appeal lies to the Court of Appeal from a judgment, order or decree made by the Court on appeal from any other court, only if authorized by ordinance and subject to the provisions thereof.

Application to *Supreme Court Act.*

(15) The expression "highest court of final resort in a province" in the *Supreme Court Act* shall be construed as including the Court of Appeal.

Police Magistrates.

Appointment.

32. (1) The Governor in Council may appoint one or more persons who are barristers or advocates of at least three years' standing at the bar of any of the provinces of Canada to be police magistrates in and for the Territory and may fix their salaries and allowances.

Tenure.

(2) A police magistrate holds office during pleasure and shall not while he holds office practise as a barrister or solicitor.

Has powers of justices of the peace.

33. A police magistrate has and may exercise the powers, duties and functions of a justice of the peace or any two justices of the peace under this Act or any other law or ordinance in force in the Territory.

Civil jurisdiction.

34. (1) Subject to subsection (2), the Governor in Council may, by order, vest in any police magistrate named in such order civil jurisdiction in

Contract and debt.

(*a*) actions arising out of contract, expressed or implied, and actions of debt, where the debt, demand or damages claimed do not exceed two thousand dollars;

Tort.

(*b*) personal actions of tort, where the damages claimed do not exceed two thousand dollars;

Recovery of personal property.

(*c*) all actions for the recovery of personal property, including actions of replevin and for detinue, where the value of the property claimed does not exceed two thousand dollars;

Interpleader proceedings.

(*d*) interpleader proceedings

(i) where the person seeking relief is under liability for any debt, money or chattels to an amount or value not exceeding two thousand dollars for and in respect of which adverse claims are made by two or more persons, or

(ii) where the applicant is a sheriff or some other officer charged with the execution of process and claim is made to any money or chattels taken or intended to be taken in the execution, or the proceeds or value thereof, by a person other than the person against whom the process issued, where the money, proceeds or value of the chattels claimed does not exceed two thousand dollars;

Garnishment proceedings.

(*e*) garnishment proceedings for the attachment of debts due and obligations and liabilities owing, payable or accruing due by a third person to a person against whom an action for a debt or liquidated demand not exceeding two thousand dollars is or is about to be commenced or against whom a judgment has been given; and

Attachment proceedings.

(*f*) attachment proceedings for the recovery of a sum not exceeding two thousand dollars for debt or damages arising upon a contract, expressed or implied, or upon a judgment upon the personal property of a person who

(i) being a non-resident of the Territory, is so indebted or liable to a resident of the Territory, or

(ii) with intent to defeat or defraud his creditors or those who have causes of action against him, absconds or is about to abscond from the Territory leaving personal property or to remove his personal property out of the Territory or did or is about to assign, transfer, dispose of or secrete such property or to conceal himself to avoid service of process.

Jurisdiction excluded in certain cases.

(2) A police magistrate shall not be vested with civil jurisdiction in

Where title to land involved.

(*a*) actions in which the title to land or to an interest in land is brought in question;

Devises, bequests, etc.

(*b*) actions in which the validity of any devise, bequest or limitation is disputed;

Malicious prosecution, etc.

(*c*) actions for malicious prosecution, false imprisonment, libel, slander, criminal conversation, seduction or breach of promise of marriage; and

Actions against justice of the peace.

(*d*) actions against a justice of the peace for anything done by him in the execution of his office.

Appeals from police magistrates in civil cases.

35. (1) An appeal may be taken from the final judgment of a police magistrate in any civil case to the Court where the matter in controversy, exclusive of costs, amounts to the sum or value of not less than one hundred dollars.

Further appeal.

(2) An appeal from the final judgment of the Court on an appeal referred to in subsection (1) may be taken in the same manner, for the same causes and subject to the same limitations as are prescribed in section 31 with reference to appeals from trial judgments of judges of the Court.

Justices of the Peace.

Appointment.

36. (1) The Governor in Council may, from time to time, appoint any person to be a justice of the peace in and for the Territory to hold office during pleasure.

R.C.M.P. officers are *ex officio* justices of the peace.

(2) Every commissioned officer of the Royal Canadian Mounted Police is, when he is in the Territory, *ex officio* a justice of the peace in and for the Territory.

Powers of two justices of the peace.

(3) Every justice of the peace in and for the Territory has and may exercise throughout the Territory, the powers, duties and functions of two justices of the peace under any law or ordinance in force in the Territory.

Remuneration and allowances.

(4) The Governor in Council may, in special circumstances, authorize payment to a justice of the peace of remuneration and travelling and other expenses incurred by him in the performance of his duties and, notwithstanding the *Civil Service Act*, such remuneration and expenses may be paid to a justice of the peace who is employed in the civil service in addition to his salary.

Other Officers.

Other officers.

37. The Governor in Council may appoint the clerk of the Court, sheriff and such judicial and other officers as are deemed necessary for the due administration of justice in the Territory and for the appointment of whom there is no other provision in this Act, and may fix their salaries and allowances.

Oaths of Office.

Oaths of office.

38. Every police magistrate and justice of the peace appointed under this Act and every person appointed under section 37 shall, before assuming the duties of his office, take and subscribe to such oaths of office and allegiance in such manner as the Governor in Council may prescribe.

Confinement of Prisoners.

Prisons in the Territory.

39. (1) The following places in the Territory are prisons, gaols or lockups for the confinement of persons charged with the commission of any offence under any Act, ordinance or other law in force in the Territory or sentenced thereunder to a term of imprisonment not exceeding two years:

(*a*) every guardhouse, guardroom or other place of confinement that is maintained or managed by the Royal Canadian Mounted Police; and

(*b*) every building or part thereof or other enclosure, other than those referred to in paragraph (*a*), that is designated as a prison, gaol or lockup for the purposes of this section by the Governor in Council.

Where no prison, may be kept in custody of R.C.M.P.

(2) Where it is impossible or inconvenient, by reason of absence or remoteness, to confine a person referred to in subsection (1) in a prison, gaol or lockup, such person may be sentenced or directed by a judge of the Court, police magistrate or justice of the peace, as the case may be, to be placed and kept in the custody of the Royal Canadian Mounted Police.

Regulations respecting prisons and prisoners.

40. The Governor in Council may make rules and regulations for the management, discipline and policy of prisons, gaols and lockups in the Territory, for the duties and conduct of persons employed therein or otherwise charged with the custody of prisoners and for all matters pertaining to the maintenance, discipline or conduct of prisoners including their employment without as well as within any prison, gaol or lockup.

PART III.

GENERAL.

Lands.

Power to hold lands.

41. (1) The following properties, namely:

(*a*) lands acquired with territorial funds;

(*b*) public lands, the administration of which is transferred by the Governor in Council to the Territory;

(*c*) all roads, streets, lanes and trails on public lands;

(*d*) lands acquired by the Territory pursuant to tax sale proceedings; and

(*e*) lands located in the Territory, the right to the beneficial use of which was, immediately before the coming into force of this Act, subject to the control of the Commissioner in Council of the Northwest Territories,

are and remain vested in Her Majesty in right of Canada, but the right to the beneficial use or to the proceeds thereof is hereby appropriated to the Territory and is subject to the control of the Commissioner in Council; and any such lands, roads, streets, lanes or trails may be held by and in the name of the Commissioner for the beneficial use of the Territory.

Lands deemed to be held in name of Commissioner.

(2) Any of the lands referred to in paragraph (*e*) of subsection (1) held in the name of the Commissioner of the Northwest Territories shall be deemed to be held in the name of the Commissioner of the Nunassiaq Territory.

Intoxicants.

Manufacture and importation of intoxicants.

42. (1) No intoxicant shall be manufactured, compounded or made in the Territory except by permission of the Commissioner, and no intoxicant shall be imported or brought into the Territory from any place outside the Territory, whether it is in Canada or elsewhere, except by permission of the Commissioner or a person authorized by him.

Subject to customs and excise laws.

(2) Intoxicants manufactured, compounded or made in the Territory or imported or brought into the Territory are subject to the customs and excise laws of Canada.

Seizure.

(3) Where a peace officer has reasonable grounds for believing that any intoxicant has been manufactured, compounded or made in the Territory or imported or brought into the Territory from any place outside the Territory in violation of this Act or that any vessel, vehicle, aeroplane, appliance, article or thing has been used for any of the above purposes in violation of this Act, he may, in the Territory, without a warrant, effect seizure thereof.

Forfeiture.

(4) Every seizure made under subsection (3) shall be reported as soon as practicable to a justice of the peace who may, upon satisfying himself that the intoxicant or the vessel, vehicle, aeroplane, appliance, article or thing has been manufactured, compounded, made, imported, brought in or dealt with or used in violation of this Act, declare it to be forfeited to Her Majesty and, upon such declaration, it is forfeited accordingly.

Importation of Intoxicating Liquors Act not applicable.

(5) The *Importation of Intoxicating Liquors Act* does not apply to the importation, sending, taking or transportation of intoxicating liquor into the Territory.

Mentally Disordered Persons.

Arrangements for transfer to provincial institutions.

43. (1) The Commissioner may, subject to the approval of the Minister, arrange with any province of Canada for the admission to mental institutions, asylums or other suitable places in the province of

(*a*) mentally disordered persons and for the confinement, care and maintenance of such persons until the pleasure of the Commissioner is made known or until they are discharged by law;

(*b*) persons in respect of whom the Court, a police magistrate of the Territory or a justice of the peace in and for the Territory has ordered that a psychiatric examination be made, for the purpose of such examination; and

(*c*) persons in respect of whom the Commissioner has approved psychiatric examination and treatment, for the purpose of such examination and, where necessary, such treatment;

and for the compensation to be paid to the province in respect of the confinement, care, maintenance, examination and treatment of such persons.

Payment out of territorial revenues.

(2) The compensation to be paid to a province under subsection (1) shall be paid out of territorial revenues.

Recapture of escaped mentally disordered persons.

44. (1) Where a mentally disordered person has escaped from a mental institution, asylum or other place of confinement, within or without the Territory, any person employed therein or connected therewith or other person requested by the person in immediate charge or control thereof may, within forty-eight hours after such escape, without a warrant, retake the escaped person and return him thereto, or may, at any time after such escape up to the time specified in the warrant, do so if a warrant is issued to him for that purpose.

Warrants.

(2) A warrant may be issued for the purposes of subsection (1) by the person in immediate charge or control of the mental institution, asylum or other place of confinement from which the escape was made and shall contain the name and description of the escaped mentally disordered person, the name and office, if any, of the person to whom it is issued, the place to which and the person to whom the escaped person is to be returned and the time, not exceeding three months, for which the warrant is valid.

Custody of recaptured persons.

(3) An escaped person who is returned to custody under this section shall remain in custody under the authority by virtue of which he was detained prior to his escape.

Neglected Children.

Arrangements for care in provincial institutions.

45. (1) The Commissioner may, subject to the approval of the Minister, arrange with any province of Canada for the removal of neglected children from the Territory to foster homes or suitable institutions in that province, for their care, education and maintenance therein and for the compensation to be paid to that province in respect of the care, education and maintenance of such neglected children.

Payment out of territorial revenues.

(2) The compensation to be paid to a province under subsection (1) shall be paid out of territorial revenues.

Archaeological Sites.

Regulations respecting archaeological sites, etc.

46. (1) The Governor in Council may make regulations for the protection, care and preservation of sites, works, objects and specimens of archaeological, ethnological or historical importance, interest or significance and explorers' cairns and explorers' documents.

Power to seize.

(2) Where any peace officer has reasonable grounds for believing that any object, specimen or document has been removed, taken, shipped, had in possession or otherwise dealt with contrary to the regulations, he may, in the Territory, without a warrant, effect seizure thereof.

Forfeiture.

(3) Every seizure made under subsection (2) shall be reported as soon as practicable to a justice of the peace who may, upon satisfying himself that the object, specimen or document was removed, taken, shipped, had in possession or otherwise dealt with contrary to the regulations, declare it to be forfeited to Her Majesty and upon such declaration it is forfeited accordingly.

Offence and Penalty.

Offence and penalty.

47. Every person who violates a provision of this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year or to both fine and imprisonment.

Transitional.

Powers of Commissioner to enter into agreements and authorize expenditures of money.

48. The Commissioner may, until the first Council of the Territory is elected and appointed,

(*a*) subject to the approval of the Governor in Council, enter into agreements with the Government of Canada in and for the purposes of any Act of the Parliament of Canada that authorizes the Government of Canada to enter into agreements with the provinces; and

(*b*) subject to the approval of the Minister, by order authorize the expenditure of money for territorial purposes, and any money required for territorial purposes specified in such order may, on the requisition of the Minister or a person authorized by him in writing, be paid out of the Consolidated Revenue Fund.

Commencement.

Coming into force.

49. This Act shall come into force on the 1st day of April, 1964.

SCHEDULE.

Description of Electoral Districts.

1. Electoral District of Keewatin South, comprising all that portion of the Nunassiaq Territory that lies within the area described as follows: Commencing at the point of intersection of the one hundred and fifth meridian of west longitude and the sixty-fifth parallel of north latitude; thence southerly along the said meridian to the point of intersection of the said meridian and the southerly boundary of the Territory; thence easterly along the said boundary and the sixtieth parallel of north latitude to the point of intersection of the said parallel and the eighty-fifth meridian of west longitude; thence northeasterly along the shortest line to the point of intersection of the sixty-third parallel of north latitude and the eightieth meridian of west longitude; thence northerly along the said meridian to the point of intersection of the said meridian and the sixty-fifth parallel of north latitude; thence westerly along the said parallel to the point of commencement.

2. Electoral District of Baffin Island South, comprising all that portion of the Nunassiaq Territory that lies within the area described as follows: Commencing at the point of intersection of the eightieth meridian of west longitude and the parallel of north latitude 62° 30′; thence easterly along the said parallel to the most westerly point of intersection of the said parallel and the boundary of the Province of Quebec; thence easterly along the said boundary and the boundary of the Province of Newfoundland to the most northerly point of the latter boundary; thence northeasterly along the shortest line to the point of intersection of the Arctic Circle and the sixtieth meridian of west longitude; thence northwesterly along the shortest line to the point of intersection of the sixty-ninth parallel of north latitude and the sixty-fifth meridian of west longitude; thence southerly along the said meridian to the point of intersection of the said meridian and the Arctic Circle; thence westerly along the Arctic Circle to the point of intersection of the Arctic Circle and the eightieth meridian of west longitude; thence southerly along the said meridian to the point of commencement.

C-85.

First Session, Twenty-Sixth Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-85.

An Act to amend the Annual Vacations Act.

First reading, July 12, 1963.

Mr. KNOWLES.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1963

29183-1

1st Session, 26th Parliament, 12 Elizabeth II, 1963.

THE HOUSE OF COMMONS OF CANADA.

BILL C-85.

An Act to amend the Annual Vacations Act.

1957-58, 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 4 of the *Annual Vacations Act* is amended by adding thereto, immediately after subsection (1) thereof the following subsection:

Annual vacation of three weeks with pay.

"(1a) Every employee who has five years of completed employment is entitled to a vacation of three weeks with vacation pay in respect of such employee's fifth year of completed employment and in respect of each year of completed employment thereafter."

2. Section 7 of the said Act is amended by adding thereto the following subsection:

Termination of employment.

"(2) Where the employment of an employee by an employer is terminated during the fifth year of employment, or during any subsequent year, the vacation pay for the completed portion of such fifth or subsequent year shall be at the rate of six per cent of the wages of the employee."

Explanatory Note.

The purpose of this Bill is to amend the *Annual Vacations Act* to provide that employees who have had five years of employment shall thereafter be entitled, each year, to three weeks vacation with pay.