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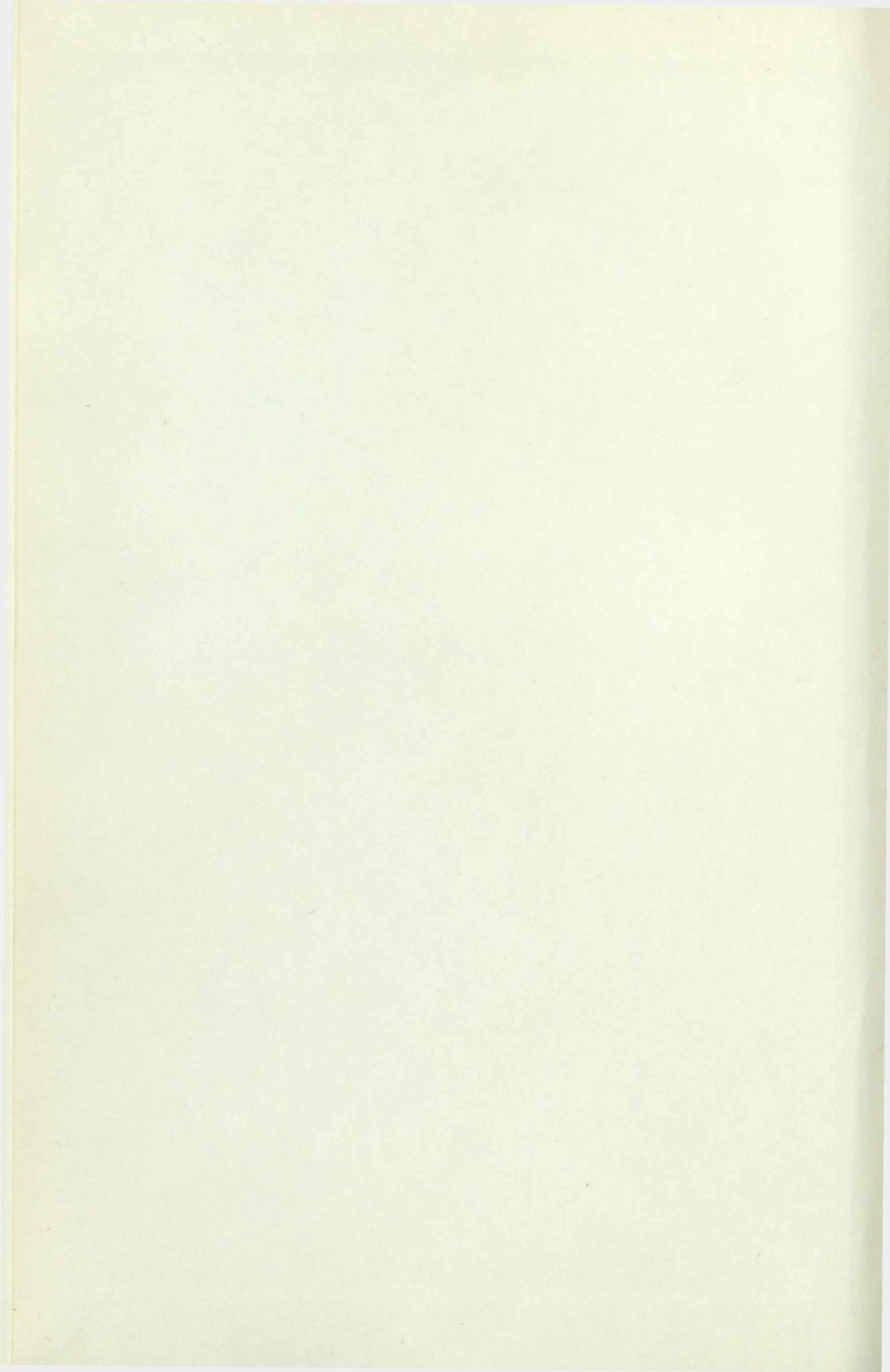
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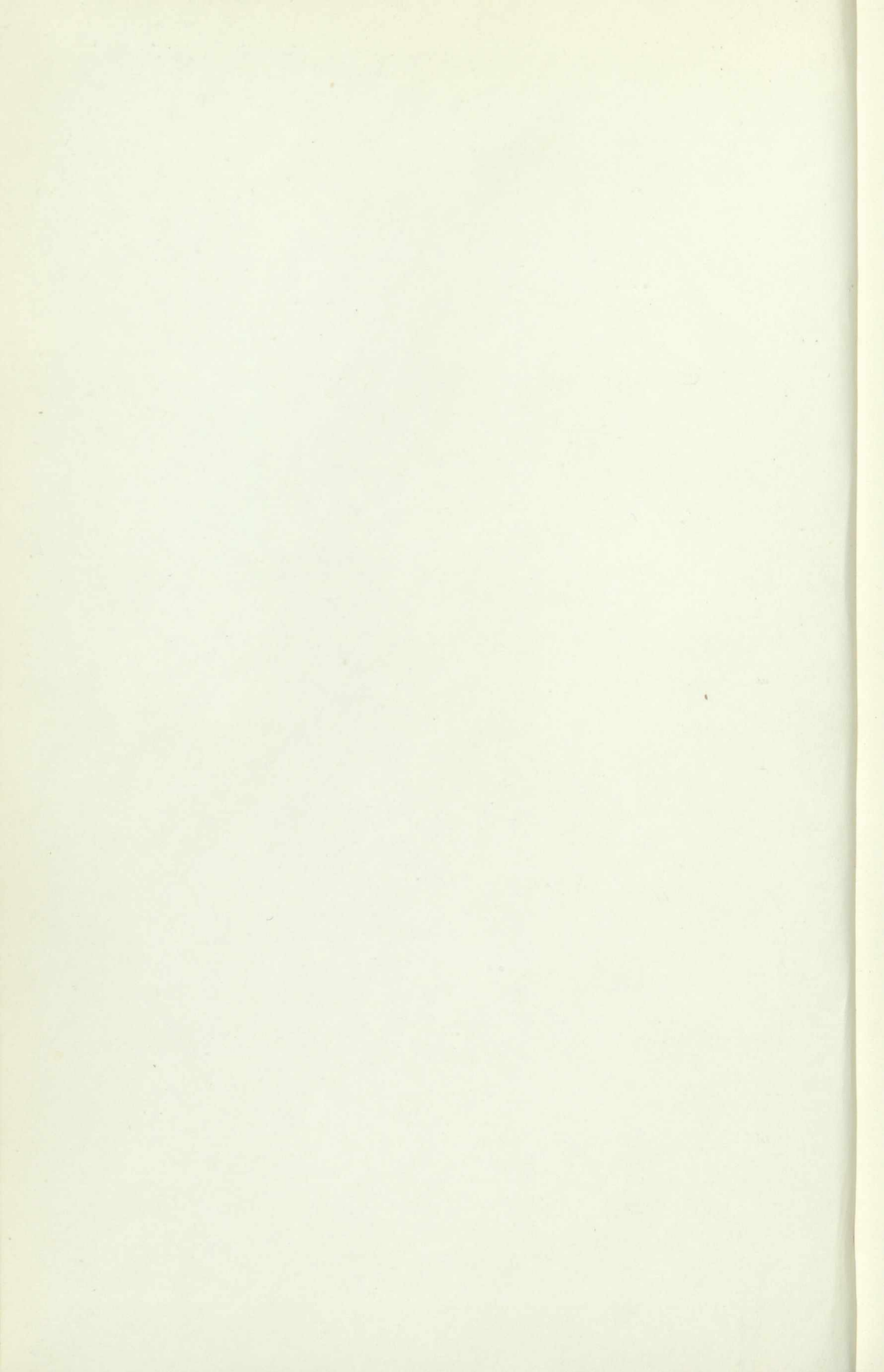
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CANADA
HOUSE OF COMMONS

24th Parliament, 5th Session
1962

BILLS (First Reading)

- Hospital Sweepstakes Board.	C- 2
- Coastal Fisheries Protection Act (Twelve Mile Fishing Zone).	C- 3
- Canadian Bill of Rights.	C- 4
- Industrial Relations and Disputes Investigation Act.	C- 5
- Interest Act (Finance Charges).	C- 6
- Railway Act (Abandonment).	C- 7
- Interest Act.	C- 8
- Railway Act.	C- 9
- Financial Administration Act.	C-10
- Industrial Relations and Disputes Investigation Act (Application to Civil Service).	C-11
- Criminal Code. (Capital Punishment).	C-12
- Criminal Code (Nuisance).	C-13
- Representation Act.	C-14
- Canada Grain Act (Rapeseed and Mustard seed).	C-15
- Canada Elections Act (Age of Voters).	C-16
- House of Commons Act (Internal Economy Autonomy).	C-17
- Printing of Negotiable Instruments in the English and the French Languages.	C-18
- Small Loans Act.	C-19
- House of Commons Act (Election Writs for By-elections).	C-20
- Pension Act (Judicial Appeal).	C-21
- Criminal Code. (Corporal Punishment).	C-22
- Small Loans Act. (Advertising).	C-23
- Criminal Code (Trading Stamps).	C-24
- Sovereignty of Canada.	C-25
- Indian Act (Liquor Rights).	C-26
- Bankruptcy Act (Wage Earners' Assignments).	C-27
- British North America Acts, 1867 to 1960, with respect to Representation in the Senate.	C-28
- Canada Fair Employment Practices Act (Age Discrimination).	C-29

- Canadian Lottery.	C-30
- Flags of Canada.	C-31
- Broadcasting Act (Human Rights abuses remedied).	C-32
- National Energy Board Act (Drainage Works).	C-33
- Canada Elections Act (Campaign Contributions).	C-34
- Aeronautics Act.	C-35
- War Service Grants Act.	C-36
- Veterans Insurance Act.	C-37
- Corporations and Labour Unions carrying on Activities in Canada.	C-38
- Merchant Seamen Compensation Act.	C-39
- Jurisdiction of the Exchequer Court of Canada.	C-40
- Office of Parliamentary Proctor to regulate Taxation of Costs.	C-41
- Minimum Wages for Employees.	C-42
- Dissolution and the Annulment of Marriage.	C-43
- Representation Act (Halifax Electoral District).	C-44
- Bills of Exchange Act (Instalment Purchases).	C-45
- Representation Act.	C-46
- British North America Acts, 1867 to 1960, with respect to the Readjustment of Representation in the House of Commons.	C-47
- Line of Railway from Optic Lake to Chisel Lake.	C-48
- Small Businesses Loans Act.	C-49
- Sir John A. Macdonald Day.	C-50
- Appropriation Act #1, 1962.	C-51
- Expropriation Act.	C-52
- War Measures Act.	C-53
- Old Age Security Act.	C-54
- Old Age Assistance Act.	C-55
- Blind Persons Act.	C-56
- Juvenile Delinquents Act.	C-57
- Companies Act (Financial Statements).	C-58
- Company Directors (Directors' Qualifications).	C-59
- Representation Act.	C-60
- Canadian Wheat Board.	C-61
- Disabled Persons Act.	C-62
- Railway Line from Whitecourt to west property of Pan American Petroleum Corporation.	C-63
- Civilian War Pensions and Allowances Act.	C-64
- Children of War Dead (Education Assistance) Act.	C-65

0-30	Canadian Railway
0-31	Canada
0-32	Canadian Railway Act (1903)
0-33	Canadian Railway Act (1903)
0-34	Canadian Railway Act (1903)
0-35	Canadian Railway Act
0-36	Canadian Railway Act
0-37	Canadian Railway Act
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0-95	Canadian Railway Act
0-96	Canadian Railway Act
0-97	Canadian Railway Act
0-98	Canadian Railway Act
0-99	Canadian Railway Act
1-00	Canadian Railway Act

- St. Lawrence Seaway Authority Act.	C-66
- Construction and Operation of railway in the Province of Quebec between Matane and Ste. Anne des Monts.	C-67
- Export Credits Insurance Act.	C-68
- Criminal Code (Capital Punishment, Form of Sentence).	C-69
- Copyright in Canada and to Implement the Universal Copyright Convention.	C-70
- Annual Youth Appreciation Week.	C-71
- Crown Corporations.	C-72
- Farm Improvement Loans Act.	C-73
- Fisheries Improvement Loans Act.	C-74
- Canadian Wheat Board Act.	C-75
- Government Purchase Contracts (f.o.b. Delivery).	C-76
- Canadian Preference in Government Construction, Purchase and Service Contracts.	C-77
- Appropriation Act #2, 1962.	C-78
- Customs Act.	C-79
- Veterans' Land Act.	C-80
- Canada Court of Indian Claims.	C-81
- Trans-Canada Highway Act (Canada Highways).	C-83
- Judges Act.	C-84
- Appropriation Act #3, 1962.	C-85
- British North America Act, 1867, with respect to the Senate.	C-86
- Electoral Boundaries Commission for the Readjustment of Representation in the House of Commons.	C-87
- Post Office Act.	C-88
- Appropriation Act #4, 1962.	C-89
- Appropriation Act #5, 1962.	C-90

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-2.

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

First reading, January 22, 1962.

Mr. BROWNE
(Vancouver-Kingsway).

THE HOUSE OF COMMONS OF CANADA.

BILL C-2.

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.*"

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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.

15

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; 20

(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; 25

(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. 30

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.

- 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. 5
- 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. 10
- 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. 15
- Vacancy.** (4) A vacancy in the membership of the Board does not impair the right of the remainder to act.
- Staff.** **7.** Such other officers and employees necessary for the proper conduct of the operations of the Board shall be appointed under the provisions of the *Civil Service Act*. 20
- R.S., 1952, c. 48.**
1952-53, c. 47. **8.** For the purposes of the *Public Service Superannuation Act*, the officers and employees appointed as provided in section seven shall be deemed to be persons employed in the Public Service. 25
- 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. 30
- 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. 35

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. 5

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. 10

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. 15 20

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. 25

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. 30 35 40

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. 5

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. 10

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. 15

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. 20 25

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. 30

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. 35 40

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. 45

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.

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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.

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Contra-
vention 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.

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C-3.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-3.

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

First reading, January 22, 1962.

MR. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-3.

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 5 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, and includes 10 inland waters of Canada;"

Coming into force.

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

THE HOUSE OF COMMONS OF CANADA

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.

C-4.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-4.

An Act to amend the Canadian Bill of Rights.

First reading, January 22, 1962.

MR. PICKERSGILL.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-4.

An Act to amend the Canadian Bill of Rights.

1960, c. 44.

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 *Canadian Bill of Rights* is amended by adding thereto the following subsection:

Cessation of Canadian citizenship must be voluntary.

“(2) A Canadian citizen ceases to be a Canadian citizen only if he voluntarily renounces his Canadian citizenship by his formal declaration or by his acceptance of the nationality or citizenship of a country other than Canada: no law of Canada, whether or not expressly declared by an Act of the Parliament of Canada that it operates notwithstanding the *Canadian Bill of Rights*, shall provide otherwise nor shall a law of Canada be so construed or applied as to deprive a Canadian citizen of his Canadian citizenship except by his voluntary renunciation so made.”

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EXPLANATORY NOTE.

The purpose of this Bill is to guarantee, expressly and by inclusion in the *Canadian Bill of Rights*, that a Canadian citizen may only lose his Canadian citizenship by himself renouncing it: that no law of Canada, nor any person or authority acting under a law of Canada, may arbitrarily strip him of his Canadian citizenship. For greater certainty, the amendment provides that, in any law of Canada an express declaration under section 2(1) that such law operates outside the safeguards of the *Canadian Bill of Rights* cannot be used to erase this Right of Citizenship from the Bill of Rights.

C-5.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-5.

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

First reading, January 22, 1962.

Mr. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-5.

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

R.S. 1952,
c. 152.

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

1. Paragraph (f) of subsection (1) of section 2 of the *Industrial Relations and Disputes Investigation Act* is repealed. 5

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

"Conciliation Officer."

"(g) "Conciliation Officer" means a person whose duties include the conciliation of disputes, who is under the control and direction of the Minister, and who has been appointed in accordance with section 16; and includes two or more Conciliation Officers;" 10

3. Subsection (1) of section 2 of the said Act is amended by adding thereto, immediately after paragraph (l) thereof the following paragraph: 15

"Mediator."

"(ll) "Mediator" means a person whose duties include the mediation and conciliation of disputes and who has been appointed in accordance with section 17, and includes two or more Mediators;" 20

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

"Parties."

"(n) "parties" with reference to the appointment of, or proceedings before, a Conciliation Officer or a Mediator means the parties who are engaged in the collective bargaining or the dispute in respect of which the Conciliation Officer or the Mediator is or is not to be appointed." 25

EXPLANATORY NOTES.

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

- (a) direct negotiation between union and management; failing successful negotiation, then
- (b) the appointment of a Conciliation Officer; failing successful efforts by the Conciliator, then,
- (c) the appointment of a Conciliation Board which must make a report.

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

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

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

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

Clause 1: This definition is no longer necessary.

Clause 2: Required for clarification.

Clause 3: Required because a mediation system is established.

Clause 4: Cross-reference change.

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

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

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

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

Time-limit for parties to meet and negotiate.

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

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

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

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

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

Parties to proceed without delay after notice given.

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

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

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

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

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

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

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

Conciliation
Officer,
conference
with parties.

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

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

(b) collective bargaining has commenced,

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

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

Conciliation
Officer
failing, then
Mediator.

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

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

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

Clause 8: Cross-reference change.

(a) The bargaining unit shall be defined as the employees authorized by them in that behalf have bargained collectively and have failed to conclude a collective agreement, and either

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

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

(i) no notice under subsection (1) of section 27.35 has been given by the Minister, or

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

Clause 9: Provides for the appointment of a Mediator.

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

Conciliation
 provided to
 within seven
 days of
 receipt of
 request.

Conciliation
 provided to
 within seven
 days of
 receipt of
 request.

commencement or in the course of the collective bargaining, or in any other case where, in the opinion of the Minister, a Mediator should be appointed to endeavour to bring about agreement between the parties to a dispute, the Minister may appoint a Mediator for such purpose. 5

“(2) Prior to the appointment of a Mediator, the Minister may request the parties to submit the name of a Mediator who is approved by both parties; if the parties are unable to agree upon a Mediator and, in any event, at the expiration of five days after a request so made, the Minister may 10 appoint a Mediator without further reference to the parties.”

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

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

“**21.** (1) Where a trade union on behalf of a unit of employees is entitled to require, by notice under this Act, 15 the employer to commence collective bargaining with a view to the conclusion or renewal or revision of a collective agreement, the trade union shall not take a strike vote or authorize or participate in the taking of a strike vote of employees in the unit until 20

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

(b) a Conciliation Officer has been appointed to endeavour to bring about agreement between them and seven days have elapsed from the date on which the report of the Conciliation Officer was received by the Minister, or 25

(c) either party has requested the Minister in writing 30 to appoint a Conciliation Officer to endeavour to bring about agreement between them and seven days have elapsed since the Minister received the request so made and

(i) no notice under subsection (1) of section 27 35 has been given by the Minister, or

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

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

“(2) Where a trade union on behalf of a unit of employees 40 is entitled to require, by notice under this Act, their employer to commence collective bargaining with a view to the conclusion or renewal or revision of a collective agreement, the trade union shall not declare or authorize a strike of the employees in the unit, and no employee of 45 the unit shall strike, and the employer shall not declare or cause a lockout of the employees in the unit until

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

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

(c) other party has requested the Minister in writing to appoint a Mediator to endeavour to bring about agreement between them and seven days have

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

11. Subsection (1) of section 22 of the said Act is amended by replacing that part of subsection (1) immediately preceding paragraph (c) thereof and by substituting there-

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

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

(2) Where a collective agreement is in force and any dispute arises between the parties thereto with reference to the violation of a provision of the agreement that by the provisions of the agreement is subject to revision during the term of the agreement, a negotiating agent, board, district or vote is a party thereto shall not take a strike vote or lockout or withdrawal in the taking of a strike vote of the employees or other behalf the collective agreement shall not be entered into until

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

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

(c) other party has requested the Minister in writing to appoint a Conciliation Officer to endeavour to bring about agreement between them and seven days have elapsed from the date on which the report of the Conciliation Officer was received by the Minister or

THE
 ACT
 CONCERNING
 THE
 RIGHTS
 OF
 EMPLOYEES
 IN
 CONNECTION
 WITH
 COLLECTIVE
 AGREEMENTS
 AND
 THE
 RIGHTS
 OF
 EMPLOYEES
 TO
 TAKE
 STRIKE
 ACTION
 AND
 TO
 WITHDRAW
 FROM
 WORK
 AND
 TO
 LOCKOUT
 OTHER
 EMPLOYEES

- (a) the provisions of paragraph (a) and, as the case may be, either paragraph (b) or (c) of subsection (1) have been complied with, and either
- (b) a Mediator has been appointed to endeavour to bring about agreement between the parties and seven days have elapsed from the date on which the report of the Mediator was received by the Minister, or
- (c) either party has requested the Minister in writing to appoint a Mediator to endeavour to bring about agreement between them and seven days have elapsed since the Minister received the request so made and
 - (i) no notice under subsection 1 of section 27 has been given by the Minister, or
 - (ii) the Minister has notified the parties that he has decided not to appoint a Mediator."

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

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

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

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

- (a) the bargaining agent of such employees and the employer or representatives authorized by them on their behalf have bargained collectively and have failed to conclude an agreement on the matters in dispute, and either
- (b) a Conciliation Officer has been appointed to endeavour to bring about agreement between them and seven days have elapsed from the date on which the report of the Conciliation Officer was received by the Minister, or
- (c) either party has requested the Minister in writing to appoint a Conciliation Officer to endeavour to bring about agreement between them and seven days have elapsed since the Minister received the request so made and

No strikes and lockouts while agreement in force.

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

(2) no notice under subsection (1) of section 27 has been given by the Minister or
 (b) the Minister has notified the parties that he has decided not to appoint a Conciliation Officer.

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

(a) the provisions of paragraph (a) and, as the case may be, other paragraphs (b) and (c) of subsection (2)

Clauses 11 and 13: Cross-reference changes.

(4) A Mediator has been appointed in accordance to 30
 being about agreement between them and seven days have elapsed from the date on which the report of the Mediator was received by the Minister,

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

(6) no notice under subsection (1) of section 27B has been given by the Minister or
 (b) the Minister has notified the parties that he has decided not to appoint a Mediator."

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

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

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

Conciliation Officer or Mediator shall be appointed in accordance with the provisions of this Act.

Conciliation Officer or Mediator shall be appointed in accordance with the provisions of this Act.

- (i) no notice under subsection (1) of section 27 has been given by the Minister, or
- (ii) the Minister has notified the parties that he has decided not to appoint a Conciliation Officer.

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

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

- (a) the provisions of paragraph (a) and, as the case may be, either paragraph (b) or (c) of subsection (2) have been complied with, and either
- (b) a Mediator has been appointed to endeavour to bring about agreement between them and seven days have elapsed from the date on which the report of the Mediator was received by the Minister, or
- (c) either party has requested the Minister in writing to appoint a Mediator to endeavour to bring about agreement between them and seven days have elapsed since the Minister received the request so made and
 - (i) no notice under subsection (1) of section 2730 has been given by the Minister, or
 - (ii) the Minister has notified the parties that he has decided not to appoint a Mediator.”

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

35

Appointment of Conciliation Officer or Mediator.

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

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

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- (3) No person
 - (a) who has any pecuniary interest in the matters referred to a Conciliation Officer or a Mediator, or
 - (b) who is acting or has within a period of six months preceding the date of his appointment acted in the capacity of solicitor, legal advisor, counsel or paid agent of either of the parties,
- shall act as a Conciliation Officer or a Mediator.”

14. Section 28 of the said Act is repealed and the following substituted therefor: 10

Oath of office.

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

I do solemnly swear (affirm) that I will faithfully, 15
truly and impartially to the best of my knowledge, skill and ability, execute and perform the office of Conciliation Officer (Mediator) appointed to..... and will not, except in the discharge of my duties, disclose to any person any of the evidence or other 20 matter brought before me. So help me God.”

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

Statement of matters of reference.

“**29.** (1) Upon appointing a Conciliation Officer or a Mediator, the Minister shall forthwith deliver to the 25 Conciliation Officer or Mediator a statement of the matters of reference, and may, either before or after the Conciliation Officer or Mediator makes a report, amend or add to such statement.

Reconsideration of report.

(2) After a Conciliation Officer or a Mediator has made 30 a report the Minister may direct the Conciliation Officer or the Mediator to reconsider and clarify or amplify the report or any part thereof or to consider and report on any new matter added to the amended statement of matters of reference and the report of the Conciliation Officer or the 35 Mediator shall not be deemed to be received by the Minister until such reconsidered report is received.”

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

Duties of Conciliation Officer or Mediator.

“**30.** (1) A Conciliation Officer or a Mediator shall, 40 immediately after appointment, endeavour to bring about agreement between the parties in relation to the matters of reference;

(2) Except as otherwise provided in this Act, a Conciliation Officer or a Mediator may determine his own 45 procedure but shall give full opportunity to all parties to present evidence and make representations;

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

27. Section 31 of the said Act is repealed and the following substituted therefor:
"31. (1) A Conciliation Officer or a Mediator has the power of summoning before him any witnesses and of

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

Mediator deems requisite to the full investigation and consideration of the matters of reference, but the information so obtained from such documents shall not, except as the Minister deems expedient, be made public;

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

(3) A Conciliation Officer or a Mediator may administer an oath and may receive and accept such evidence on oath as may be tendered or otherwise received by him in a court of law or not."

Clause 15: Cross-reference change.

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

"32. A Conciliation Officer or a Mediator or any person who has been authorized for such purpose in writing by a Conciliation Officer or a Mediator may, without any warrant, enter the section, at any time, after a building and views factory, workshop, place, or premises of any kind wherein work is being or has been done or contemplated by employees or in which an employer carries on business or any matter or thing is taking place or has taken place, concerning the matters of reference and may inspect and view any work material, machinery, apparatus or article therein and interrogate any persons in or upon any such premises."

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

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

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

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

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

Witnesses
and
documents.

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

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

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

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

Entry and
inspection.

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

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

Report to
Minister by
Conciliation
Officer.

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

(a) the matter if any upon which the parties have agreed;

(b) the matter if any upon which the parties cannot agree;

(c) his findings and recommendations as to the provisions to be contained in the collective agreement; and

(d) a detailed certified statement of the findings and recommendations and whether or not he is satisfied that the parties have agreed to the terms of the collective agreement.

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

24. A mediator shall, within fourteen days after his appointment, or within such longer period as may be allowed by the parties or as may from time to time be allowed by the Minister, make a report to the Minister setting out

(a) the matter, if any, upon which the parties have agreed;

(b) the matter, if any, upon which the parties cannot agree;

(c) his findings and recommendations as to the provisions to be contained in the collective agreement; and

(d) a detailed certified statement of the findings and recommendations and whether or not he is satisfied that the parties have agreed to the terms of the collective agreement.

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

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

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

Section 26 of the said Act is repealed and the following substituted therefor:

26. A report or any part thereof of a Conciliation Officer or of a Mediator or the testimony or proceedings of any court (except before a Conciliation Officer or Mediator) shall not be admissible in evidence in any court except in

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

- (a) the matters, if any, upon which the parties have agreed,
- (b) the matters, if any, upon which the parties cannot agree,
- (c) his findings and recommendations as to the provisions to be contained in the collective agreement, and
- (d) a detailed certified statement of the sittings and of the persons and witnesses present at each sitting." 5

20. Section 34 of the said Act is repealed and the following substituted therefor: 10

Report to
Minister by
Mediator.

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

- (a) the matters, if any, upon which the parties have agreed,
- (b) the matters, if any, upon which the parties cannot agree,
- (c) his findings and recommendations as to the provisions to be contained in the collective agreement, and 20
- (d) a detailed certified statement of the sittings and of the persons and witnesses present at each sitting."

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

Parties to
receive
report.

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

Duty of
parties.

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

22. Section 36 of the said Act is repealed and the following substituted therefor: 35

Report not
admissible
except on
perjury
action.

"**36.** A report, or any part thereof, of a Conciliation Officer or of a Mediator or the testimony or proceedings, or any part thereof, before a Conciliator or Mediator shall not be admissible in evidence in any court except in the case of a prosecution for perjury." 40

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

Agreement
by parties.

"**37.** Where a Conciliation Officer or a Mediator has been appointed and, at any time before or after the Conciliation Officer or the Mediator has made his report 45

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

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

Clauses 22 and 23: Cross-reference changes.

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

24. Section 38 of the said Act is repealed and the following substituted therefor: 5

System of collective bargaining agreed upon.

"**38.** Where a certified bargaining agent and an employer, or representatives authorized by them in that behalf, have agreed to a system of collective bargaining and that system of collective bargaining has been filed with and approved by the Canada Labour Relations Board, then, 10 notwithstanding sections 21 to 37, that system of collective bargaining shall be the system that obtains with that certified bargaining agent and that employer."

25. Section 50 of the said Act is repealed and the following substituted therefor: 15

Failure to report within time limited.

"**50.** Failure of a Conciliation Officer or a Mediator to report to the Minister within the time provided in this Act does not invalidate the proceedings of the Conciliation Officer or the Mediator or terminate the authority of the Conciliation Officer or the Mediator." 20

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

Constitution of Commission.

"(5) An Industrial Inquiry Commission shall consist of one or more members appointed by the Minister and the provisions of sections 31 and 32 apply, *mutatis mutandis*, 25 as though enacted in respect of that Commission and the Commission may determine its own procedure but shall give full opportunity to all parties to present evidence and make representations."

27. Section 64 of the said Act is repealed. 30

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

Witness fees

"**65.** Every person who is summoned by the Board or an Industrial Inquiry Commission and duly attends as a witness is entitled to an allowance for expenses determined 35 in accordance with the scale for the time being in force with respect to witnesses in civil suits in the superior court in the province where the inquiry is being conducted and, in any event, he is entitled to not less than four dollars for each day he so attends." 40

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

Clauses 25 and 26: Cross-reference changes.

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

Clauses 28 and 29: Cross-reference changes.

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

Staff.

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

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Transitional.

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

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C-6.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-6.

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

First reading, January 22, 1962.

Mr. NASSERDEN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-6.

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: 5

“FINANCE CHARGES.

Definitions.

“Credit debt.”

“Finance charge.”

Offense when credit cost unstated by credit financier.

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 10
- (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, 15 commission, or premium.

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 20 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

- (a) the total amount of the finance charges to be chargeable to that other person on the credit so extended; 25 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.

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.

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;

5

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);

10

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 15
Her Majesty, her heirs or successors."

Coming into
force.

2. This Act shall come into force on the 1st day of Sep-
tember, 1962.

C-7.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-7.

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

First reading, January 22, 1962.

Mr. THOMAS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-7.

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:

Abandonment of operation.

1. Section 168 of the Railway Act is repealed and the following substituted therefor:

“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.”

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C-3.

THE HOUSE OF COMMONS OF CANADA.

BILL C-3.

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.

C-8.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-8.

An Act to amend the Interest Act.

First reading, January 22, 1962.

Mr. ARGUE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

26131-3

5th Session, 24th Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-8.

An Act to amend the Interest Act.

R.S., c. 156.

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

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

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

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

THE HOUSE OF COMMONS OF CANADA

BILL C-9.

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."

Mr. Brown
Parliamentary Secretary

C-9.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-9.

An Act to amend the Railway Act. ✓

First reading, January 22, 1962.

Mr. BROWNE.
(Vancouver-Kingsway)

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-9.

An Act to amend the Railway Act.

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

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

1. Section three hundred and thirty-four of the *Railway Act* is amended, by adding immediately after subsection two, the following subsection: 5

Application
to the
Board.

“(3) If an association or other body representative of the motor vehicle operators of Canada or of a province thereof considers that a competitive rate has subjected the said operators to an undue, or unreasonable prejudice or disadvantage, the said association or other body may apply to the Board for an order disallowing the rate, and the application shall, on the request of any party to the application, be heard and determined in open court.” 10

EXPLANATORY NOTES.

The purpose of this amendment is to provide that representatives of the trucking industry shall have the right to make application to the Board of Transport Commissioners for the disallowance of a competitive rate when they consider that such rate has subjected motor vehicle operators to an undue or unreasonable prejudice or disadvantage.

Section 334 at present reads as follows:

"334. (1) The Board may provide that any competitive rate may be acted upon and put into operation immediately upon the issue thereof before it is filed with the Board, or allow any such rate to go into effect as the Board shall appoint.

(2) The Board may require a company issuing a competitive rate tariff to furnish at the time of filing the tariff, or at any time, any information required by the Board to establish that

- (a) the competition exists;
- (b) the rates are compensatory; and
- (c) the rates are not lower than necessary to meet the competition;

and such information, if the Board in any case deems it practicable and desirable, shall include all or any of the following:

- (i) the name of the competing carrier or carriers,
- (ii) the route over which competing carriers operate,
- (iii) the rates charged by the competing carriers, with proof of such rates as far as ascertainable,
- (iv) the tonnage normally carried by the railway between the points of origin and destination,
- (v) the estimated amount of tonnage that is diverted from the railway or that will be diverted if the rate is not made effective,
- (vi) the extent to which the net revenue of the company will be improved by the proposed changes,
- (vii) the revenue per ton-mile and per car-mile at the proposed rate and the corresponding averages of the company's system or region in which the traffic is to move, and
- (viii) any other information required by the Board regarding the proposed movement."

C-10.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-10.

An Act to amend the Financial Administration Act.

First reading, January 22, 1962.

Mr. BOULANGER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-10.

An Act to amend the Financial Administration Act.

R.S., c. 116;
1955, c. 3;
1958, c. 31;
1960, c. 41,
s. 16; 1960-61,
c. 48.

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

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

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

Negotiable instruments to be printed in English and French.

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTES.

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

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

C-11.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-11.

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

First reading, January 22, 1962.

Mr. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-11.

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

R.S., c. 152.

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

1. Section 38 of the *Industrial Relations and Disputes Investigation Act* is amended by adding thereto, immediately after subsection (1) thereof, the following subsection: 5

House of Commons resolution binds Crown and employees.

“(2) Notwithstanding subsection (1), where the parties are Her Majesty in right of Canada and employees of Her Majesty in right of Canada, the Minister, on receipt of the report of the Conciliation Board, shall forthwith table a copy thereof in the House of Commons or, if the House is not then sitting, on any of the first ten days next thereafter that the House is sitting; the House may consider the report and by resolution accept, reject, or amend the recommendations therein; the resolution shall bind the parties and, at the commencement of the fiscal year next following the calendar year in which the resolution is adopted by the House, they shall give such effect thereto as the resolution may require.” 10 15

2. Section 55 of the said Act is repealed and the following substituted therefor: 20

Part I. Crown and Crown employees.

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

Commencement.

3. This Act shall be deemed to have come into force on the expiration of the 31st day of March, 1962. 25

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTES.

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

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

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

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

Clause 3 provides that the proposed amendment shall be effective at the beginning of the 1962-63 fiscal year.

C-12.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-12.

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

First reading, January 22, 1962.

Mr. McGEE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-12.

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

1953-54, c. 51;
1955, cc. 2, 45;
1956, c. 48;
1957-58, c. 28;
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:

1960-61, c. 44
repealed.

1. An Act to amend the Criminal Code (Capital Murder), chapter 44 of the statutes of 1960-61, is repealed.

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

Piracy by
law of
nations.
Punishment.

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

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(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:

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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 Act to be repealed had 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 no person shall, except in certain cases of treason, be sentenced in Canada to suffer death but that such person shall hereafter be liable to imprisonment for life.

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 last session, read as follows:—

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

C-13.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-13.

An Act to amend the Criminal Code (Nuisance).

First reading, January 22, 1962.

Mr. HERRIDGE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-13.

An Act to amend the Criminal Code (Nuisance).

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

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

1. The *Criminal Code* is amended by adding thereto, immediately after section 165 thereof, the following section:— 5

Discharging
noxious
matter into
interprovin-
cial 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 10

- (a) an indictable offence and is liable to a fine of twenty-five thousand dollars for a first offence and of fifty thousand dollars for a second offence, or 15
- (b) an offence punishable on summary conviction.

First Reading, Twenty-First Session, Parliament, Ottawa, 21, 1942

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTE.

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

First reading, January 21, 1942.

Bill No. 111

AN ACT TO AMEND THE WATER POLLUTION ACT

1942

C-14.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-14.

An Act to amend the Representation Act.

First reading, January 22, 1962.

Mr. NIELSEN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

26115-6

5th Session, 24th Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-14.

An Act to amend the Representation Act.

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

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

Total
number of
members.

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

“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 Alberta, seven for the Province of Newfoundland, one for the Yukon Territory, one for Mackenzie district of the Northwest Territories and one for the Keewatin-Franklin district of the Northwest Territories, thus making a total of two hundred and sixty-six members.” 10 15

Canada
Elections Act
amended.

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

“8. (1) Wherever the expression “electoral district of Yukon-Mackenzie River” occurs in the *Canada Elections Act*, chapter 23 of the Revised Statutes of Canada, 1952, there shall in each case be substituted therefor the expression “electoral districts of Yukon, Mackenzie River and Keewatin-Franklin.” 20 25

Idem.

(2) Schedule Four of the *Canada Elections Act* is repealed and the following substituted therefor:

“SCHEDULE FOUR.

List of electoral districts in which nomination day is the twenty-eighth day before polling day.

EXPLANATORY NOTE.

The purpose of this Bill is to provide that there shall be two electoral districts in the Northwest Territories, in lieu of one as at present, so that the population of the Keewatin-Franklin district, as described on page 2, may have a representative in the House of Commons.

Province of Ontario
 Cochrane
 Kenora-Rainy River
 Port Arthur

Province of Saskatchewan
 MacKenzie
 Meadow Lake
 Prince Albert

Province of Quebec
 Chapleau
 Saguenay

Province of Alberta
 Athabaska
 Peace River
 Jasper-Edson

Province of Newfoundland
 Bonavista-Twillingate
 Burin-Burgeo
 Grand Falls-White
 Bay-Labrador
 Humber-St. George's
 Trinity-Conception

Province of British Columbia
 Cariboo
 Skeena

Yukon Territory
 Yukon

Province of Manitoba
 Churchill

Northwest Territories
 Mackenzie River
Keewatin-Franklin

Schedule
 amended.

3. That Part of the Schedule to the said Act, at the end of the Schedule, under the heading 'NORTHWEST TERRITORIES' is repealed and the following substituted therefor:

"NORTHWEST TERRITORIES.

There shall be in the Northwest Territories two electoral 5 districts named and described as follows, each of which shall return one member:

MACKENZIE RIVER consisting of the District of Mackenzie as bounded and described in Order-in-Council number six hundred and fifty-five (655) dated the 16th day 10 of March, 1918, which reads as follows:

The Provisional District of Mackenzie bound on the west by the Yukon Territory; on the south by the parallel of the sixtieth degree of north latitude; on the east by the second meridian in the system of Dominion Land surveys as the 15 same may be hereafter defined in accordance with the said system, and on the north by the continental shore of the Arctic Ocean.

KEEWATIN-FRANKLIN consisting of all that area of Canada east of the one hundred and second meridian of 20 longitude and north of the sixtieth parallel of latitude including the whole of the Arctic islands and those islands in Hudson and James Bay below the sixtieth parallel of latitude and not included in any other electoral district."

C-15.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-15.

An Act to amend the Canada Grain Act
(Rapeseed and Mustard seed). ✓

First reading, January 22, 1962.

Mr. RAPP.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-15.

An Act to amend the Canada Grain Act
(Rapeseed and Mustard seed).

R.S., cc. 25,
308; 1955, c. 9.

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

Schedules One
and Two
amended.

1. Schedules One and Two to the *Canada Grain Act* are amended by repealing the tables for Rapeseed respectively therein and by substituting therefor in each Schedule the table set forth in Schedule A to this Act. 5

Schedule One
amended.

2. Schedule One to the said Act is further amended by adding thereto, immediately after the table for Peas therein, the table set forth in Schedule B to this Act. 10

EXPLANATORY NOTES.

The purposes of this amending Bill are:

Clause One—To revise the present statutory grades for rapeseed, in both Eastern and Western Divisions, to meet present day trade requirements.

Clause Two—To reclassify, within the purview of the *Canada Grain Act*, the definition of the grades of domestic mustard seed from the present “commercial” definition to a “statutory” definition. This question of definition is clearly explained on page 2 of the official *Canadian Grain Grading Guide*, 2nd printing, issued by the Minister of Agriculture and effective 1st August 1961:

“DEFINITIONS OF GRADES

The grades of Canadian grain, and grain screenings, are established under authority of the *Canada Grain Act*, as follows:

- Statutory Grades —defined in the *Canada Grain Act*;
- Commercial Grades—defined by the Committees on Grain Standards;
- Off Grades —defined by Regulation of the Board;
- Grades of Screenings—defined by Regulation of the Board.

These definitions take precedence, one over another in the above order, and over any of the factors dealt with in this publication, whenever any inconsistencies may be found. Similarly, any procedures that are established in the Act, or by Regulation or Order of the Board, take precedence in the same order of sequence.”

The Committee on Western Grain Standards established “commercial” grades for domestic mustard seed on the 4th November 1953. These grades have since been revised to meet trade requirements. The effect of this amendment is to raise these revised “commercial” grades to the precedence of “statutory” grades.

SCHEDULE A.

RAPESEED

Grade Name	Standard of Quality		Standard of cleanliness (see note)
	Minimum test weight per bushel in pounds	Degree of soundness	
No. 1 Canada Rapeseed.....	52	Reasonably sound, cool and sweet; may contain 3% damaged seeds. Of good natural colour.	May contain not more than 1% of other seeds that are conspicuous and that are not readily separable from Rapeseed, to be assessed as dockage.
No. 2 Canada Rapeseed.....	50	Cool and sweet; may contain not more than 20% damaged seeds.	May contain not more than 1.5% of other seeds that are conspicuous and that are not readily separable from Rapeseed, to be assessed as dockage.
No. 3 Canada Rapeseed.....	48	Cool and sweet; may contain not more than 40% damaged seeds.	May contain not more than 2% of other seeds that are conspicuous and that are not readily separable from Rapeseed, to be assessed as dockage.

NOTE: Assignment of rapeseed to any of the above grades shall not imply any guarantee with respect to content of other seeds that blend with rapeseed.

The percentage of "other seeds that are conspicuous and that are not readily separable" shall include weed seeds that do not blend with rapeseed and whole or broken kernels of other grains, when these are not removable by means of appropriate sieves and other cleaning devices.

SCHEDULE B.

DOMESTIC MUSTARD SEED

Grade Name	Standard of Quality			Standard of cleanliness
	Minimum test weight per bushel in pounds	Class (See note)	Degree of soundness	
Extra No. 1 Canada Western Yellow..	57	Not less than 99.8% yellow.	Well matured and sweet. Of good natural colour. May contain 1% damaged seeds.	May contain not more than 0.1% of other seeds that are conspicuous and that are not readily separable from yellow mustard seed.
No. 1 Canada Western.....	55	Not less than 99% of one class.	Matured and sweet. Of good natural colour. May contain 2% damaged seeds.	May contain not more than 1% of other seeds that are conspicuous and that are not readily separable from mustard seed, to be assessed as dockage.
No. 2 Canada Western.....	53	Not less than 97% of one class.	Matured and sweet. May contain 5% damaged seeds, including a maximum of 0.25% heated.	May contain not more than 1.5% of other seeds that are conspicuous and that are not readily separable from mustard seed, to be assessed as dockage.
No. 3 Canada Western.....	51	Not less than 95% of one class.	May contain 20% damaged seeds, including a maximum of 5% heated, but shall be sweet.	May contain not more than 2% of other seeds that are conspicuous and that are not readily separable from mustard seed, to be assessed as dockage.

NOTE: *Class* of Mustard Seed shall refer to Yellow, Brown and Oriental varieties.

Domestic Mustard Seed shall be graded according to the above definitions and the class shall be added to and form part of the grade name, except **hat** when classes are mixed beyond the tolerances in the respective grades, the word "Mixed" shall instead be added to and form part of the grade name.

The use of the name of a class of Mustard Seed in certifying to a grade shall not imply any guarantee as to purity of class or variety.

Assignment of mustard seed to any of the above grades shall not imply any guarantee with respect to content of other seeds that blend with mustard seed.

C-16.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-16.

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

First reading, January 22, 1962.

Mr. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-16.

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

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

1960, c. 39.

1. (1) Paragraph (a) of subsection (1) of section 14 of the *Canada Elections Act*, is repealed and the following substituted therefor: 5

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.” 10 15

Schedule Two and forms amended.

3. (1) Subparagraph (1) of paragraph 21, subparagraph (a) of paragraph 22, subparagraphs (1) and (2) of paragraph 36 of *The Canadian Forces Voting Rules* in SCHEDULE TWO to the said Act and paragraph *5 of Form No. 7 to the said SCHEDULE and paragraph 6 of Form No. 8 to the said SCHEDULE are amended by striking out the words “twenty-one years” wherever the said words appear therein and by substituting therefor in each case the words “eighteen years”; and the said subparagraph (1) of paragraph 36 is further amended by striking out the words “(except in the case referred to in subparagraph (2) of paragraph 21)” and the said Form No. 7 is further amended by striking out, at the end of the said Form, the words “Strike out this line if it is not applicable pursuant to paragraph 21(2) of *The Canadian Forces Voting Rules*.” 20 25 30

Subparagraph repealed.

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

Bill Number, Twenty-Fifth Parliament, 1st Session, 1958

THE HOUSE OF COMMONS OF CANADA

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.)

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5th Session, 24th Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-17.

An Act to amend the House of Commons Act
(Internal Economy Autonomy).

R.S., c. 143.

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

Repeal.

1. Section 16 of the *House of Commons Act* is repealed.

Repeal.

2. Section 18 of the said Act is repealed.

5

First reading, January 23, 1962.

Mr. HOWARD

EXPLANATORY NOTES.

The purpose of this Bill is to abolish statutory rule by members of the Queen's Privy Council over the internal economy of this House—the reasons for such rule no longer having validity: and thus permit the Speaker and members chosen by the House to govern the affairs of the Commons.

Section 16 of the *House of Commons Act* provides:

"16. (1) The Governor in Council shall appoint four members of the Queen's Privy Council for Canada who are also members of the House of Commons, who, with the Speaker of the House of Commons, shall be commissioners for the purposes of this section and sections 17 and 18.

"(2) The names and offices of such commissioners shall be communicated by messages from the Governor in Council to the House of Commons, in the first week of each session of Parliament.

"(3) Three of the commissioners, whereof the Speaker of the House of Commons shall be one, may carry the said provisions into execution.

"(4) In the event of the death, disability, or absence from Canada of the Speaker during any dissolution or prorogation of Parliament, any three of the commissioners may carry the said provisions into execution."

The *Audit Office Guide*, 1958, issued by the Auditor General of Canada, page 95, states:

"By way of explanation of the origin of the requirement in section 16 that the commissioners be members of the Privy Council: At the time of Confederation sessions were relatively short and transportation facilities restricted, therefore it was felt desirable that the members of the Board of Internal Economy should live close to Ottawa. A risk was that this might place the members of Parliament in the Ottawa area in a preferred position; moreover, they had a special interest in appointments. The solution was to select Ministers of departments who represented different parts of Canada but necessarily spent most of their time in Ottawa".

Clause 1: repeals section 16. Section 17, see s. 16(1), does not mention the commissioners and so need not be repealed.

Section 18 of the Act provides:

"18. All sums of money voted by Parliament upon such estimates or payable to members of the House of Commons under the *Senate and House of Commons Act*, are subject to the order of the commissioners, or any three of them, of whom the Speaker shall be one."

Clause 2: repeals section 18. Such repeal is not essential to the purpose of this bill. However, matters affecting the internal economy and procedure of the Commons should not be embodied in a statute inasmuch as the Commons is thereafter no longer master in its own House since repeal or alteration are then subject to veto, amendment, delay, consultation or approval in the other place and to assent by the Crown. *Speakers' Decisions, United Kingdom Parliamentary Debates*, (1908) 190, c. 879, and (1922) 153, c. 239.

C-18.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-18.

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

First reading, January 22, 1962.

Mr. PIGEON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-18.

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

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

Negotiable instruments to be printed in English and French.

1. Every cheque, draft, traveller's cheque, bill of exchange, postal note, money order, postal remittance and any other similar remittance of any department as defined in paragraph (f) of section 2 of the *Financial Administration Act* or of any Crown corporation enumerated in Schedules B, C and D of the said Act shall be printed in both the English and the French languages: Provided the form and material thereof shall be subject to the approval of the Minister of Finance.

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Mr. Poirer

Fifth Session, Twenty-fourth Parliament of Canada, II, 1922.

THE HOUSE OF COMMONS OF CANADA.

EXPLANATORY NOTE.

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

First reading, January 22, 1922.

Mr. Speaker

PRINTED BY THE QUEEN'S PRINTER,
OTTAWA, 1922.

C-19.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-19.

An Act to amend the Small Loans Act.

First reading, January 22, 1962.

Mr. ARGUE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-19.

An Act to amend the Small Loans Act.

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

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

1956, c. 46.

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

Maximum
cost.

“(2) The cost of a loan shall not exceed the aggregate of
(a) one per cent per month on any part of the principal balance not exceeding one thousand dollars, and
(b) one-half of one per cent per month on any remainder of the unpaid principal balance exceeding one thousand dollars.” 10

Loans, how
repayable.

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

“6. (1) Every loan shall be repayable in approximately equal instalment of principal or of principal and cost of the loan at intervals of not more than one month each, and on default in the payment of any instalment, interest shall accrue thereon from the date of default at the rate fixed by the contract as the cost of the loan.” 15

1956, c. 46.

3. (1) Subsections (2) and (3) of section 14 of the said Act are repealed and the following substituted therefor: 20

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.” 25

EXPLANATORY NOTES.

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

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

- "(2) The cost of a loan shall not exceed the aggregate of
- (a) *two per cent per month on any part of the unpaid principal balance not exceeding three hundred dollars,*
 - (b) one per cent per month on any part of the unpaid principal balance exceeding three hundred dollars but not exceeding one thousand dollars, and
 - (c) one-half of one per cent per month on any remainder of the unpaid principal balance exceeding one thousand dollars."

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

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

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

- "(2) The cost of a loan made by the Company shall not exceed the aggregate of
- (a) *two per cent per month on any part of the unpaid principal balance not exceeding three hundred dollars,*
 - (b) one per cent per month on any part of the unpaid principal balance exceeding three hundred dollars but not exceeding one thousand dollars, and
 - (c) one-half of one per cent per month on any remainder of the unpaid principal balance exceeding one thousand dollars.

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

1956, c. 46.

Repayment
of loans.

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

“(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;”

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BILL C-19.

EMERGENCY MEASURES

The main purpose of this Bill is to provide for a reduction of the rate of interest on "good" loans... not exceeding three hundred dollars.

1. Subsection (1) of section 5 of the said Act is repealed and the following substituted therefor: "The rate of interest on any loan... not exceeding three hundred dollars... shall be reduced to the rate of interest on such loan as fixed by the contract as the cost of the loan."

2. Subsection (1) of section 6 of the said Act is repealed and the following substituted therefor: "The rate of interest on any loan... not exceeding three hundred dollars... shall be reduced to the rate of interest on such loan as fixed by the contract as the cost of the loan."

3. The main purpose of this Bill is to provide for a reduction of the rate of interest on "good" loans... not exceeding three hundred dollars... shall be reduced to the rate of interest on such loan as fixed by the contract as the cost of the loan."

C-20.
(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;"

THE HOUSE OF COMMONS OF CANADA

BILL C-20.

An Act to amend the *Income Tax Act* and
to amend the *Excise Duty Act*

First reading, January 22, 1962.

Mr. PROCTOR:

C-20.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-20.

An Act to amend the House of Commons Act
(Election Writs for By-elections).

First reading, January 22, 1962.

Mr. PICKERSGILL.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-20.

An Act to amend the House of Commons Act
(Election Writs for By-elections).

R.S., c. 143.

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

1. Subsection (1) of section 13 of the *House of Commons Act* is repealed and the following substituted therefor: 5

Election writ to issue within sixty days after warrant.

“**13.** (1) In the event of a vacancy occurring a writ shall be issued within sixty days after the receipt by the Chief Electoral Officer of the warrant for the issue of a new writ for the election of a member of the House of Commons and such writ shall order a by-election to be held on a date not later than ninety days after the issuance thereof.” 10

1970 Session, Twenty-First Parliament, Second Session, 1970.

THE HOUSE OF COMMONS OF CANADA

BILL C-31.

EXPLANATORY NOTE.

The purpose of this bill is to amend the *House of Commons Act* in order to make sure that there shall be no undue and unjustified delays in the calling of by-elections.

Subsection (1) of section 13 at present reads as follows:

"13. (1) In the event of a vacancy occurring a writ shall be issued within six months after the receipt by the Chief Electoral Officer of the warrant for the issue of a new writ for the election of a member of the House of Commons."

First Reading, January 21, 1970.

C-21.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-21.

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

First reading, January 22, 1962.

Mr. McINTOSH.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-21.

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: 5

"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;" 10

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." 15

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." 20

4. Subsection (1) of section 58 of the said Act is repealed and the following substituted therefor: 25

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

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.

of his case and arrange for its presentation 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

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.” 10 15

6. The said Act is amended by adding thereto, immediately after section 68 thereof, the following section: 20

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*; 25
- (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; 30
- (d) the issue whether an award of entitlement was granted as a result of fraud, misrepresentation, or concealment of material facts. 35

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; 40

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 45

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.

contain the name of the 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 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;”

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

THE HOUSE OF COMMONS OF CANADA

(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.

C-22.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-22.

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

First reading, January 22, 1962.

Mr. McGEE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-22.

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

1953-54, cc.
51, 52;
1955, cc. 2, 45;
1956, c. 48;
1958, c. 18;
1959, cc. 40,
41; 1960 cc. 37,
45; 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. Section 136 of the *Criminal Code* is repealed and the following substituted therefor:

Punishment
for rape.

"136. Every one who commits rape is guilty of an indictable offence and is liable to imprisonment for life."

5

2. Subsection (1) of section 138 of the said Act is repealed and the following substituted therefor:

Sexual
intercourse
with females
under
fourteen.

"138. (1) Every male person who has sexual intercourse with a female person who

(a) is not his wife, and

(b) is under the age of fourteen years,

whether or not he believes that she in fourteen years of age or more, is guilty of an indictable offence and is liable to imprisonment for life."

3. Subsection (1) of section 141 of the said Act is repealed and the following substituted therefor:

Indecent
assault
on female.

"141. (1) Every one who indecently assaults a female person is guilty of an indictable offence and is liable to imprisonment for five years."

4. Subsection (2) of section 142 of the said Act is repealed and the following substituted therefor:

Punishment.

"(2) Every one who commits incest is guilty of an indictable offence and is liable to imprisonment for fourteen years."

EXPLANATORY NOTES.

The Joint Committee of the Senate and House of Commons on capital punishment, corporal punishment and lotteries, which reported in June and July, 1956, recommended, *inter alia*, that corporal punishment be abolished for any of the offences for which it is presently prescribed in the *Criminal Code*.

The purpose of this bill is to carry out this recommendation.

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

"136. Every one who commits rape is guilty of an indictable offence and is liable to imprisonment for life *and to be whipped.*"

"138. (1) Every male person who has sexual intercourse with a female person who

(a) is not his wife, and

(b) is under the age of fourteen years,

whether or not he believes that she is fourteen years of age or more, is guilty of an indictable offence and is liable to imprisonment for life *and to be whipped.*"

"141. (1) Every one who indecently assaults a female person is guilty of an indictable offence and is liable to imprisonment for five years *and to whipped.*"

"142. (2) Every one who commits incest is guilty of an indictable offence and is liable to imprisonment for fourteen years, *and in the case of a male person is liable, in addition, to be whipped.*"

5. Section 148 of the said Act is repealed and the following substituted therefor:

Indecent
assault
on male.

“148. Every male person who assaults another person with intent to commit buggery or who indecently assaults another male person is guilty of an indictable offence and is liable to imprisonment for ten years.” 5

6. Section 218 of the said Act is repealed and the following substituted therefor:

Overcoming
resistance to
commission of
offence.

“218. Every one who, with intent to enable or assist himself or another person to commit an indictable offence, 10
(a) attempts, by any means, to choke, suffocate or strangle another person, or by any means calculated to choke, suffocate or strangle, attempts to render another person insensible, unconscious or incapable of resistance, or 15
(b) administers, or causes to be administered to any person, or attempts to administer to any person, or causes or attempts to cause any person to take a stupefying or overpowering drug, matter or thing, 20
is guilty of an indictable offence and is liable to imprisonment for life.” 20

7. Section 289 of the said Act is repealed and the following substituted therefor:

Punishment
for robbery

“289. Every one who commits robbery is guilty of an indictable offence and is liable to imprisonment for life.” 25

Subsection
repealed.

8. Subsection (3) of section 292 of the said Act is repealed.

9. Subsections (3) and (4) of section 586 of the said Act are repealed and the following substituted therefor:

Delay in
execution of
sentence of
death.

“(3) Where, pursuant to a conviction, a sentence of death has been imposed, 30
(a) the sentence shall not be executed until after the expiration of the time within which notice of appeal or of an application for leave to appeal may be given under this section; and
(b) an appeal or application for leave to appeal from the conviction or sentence shall be heard and determined as soon as practicable, and the sentence shall not be executed until after 35
(i) the determination of the application, where an application for leave to appeal is finally refused, 40
OR
(ii) the determination of the appeal.

"148. Every male person who assaults another person with intent to commit buggery or who indecently assaults another male person is guilty of an indictable offence and is liable to imprisonment for ten years *and to be whipped.*"

"218. Every one who, with intent to enable or assist himself or another person to commit an indictable offence,

- (a) attempts, by any means, to choke, suffocate or strangle another person, or by any means, calculated to choke, suffocate or strangle, attempts to render another person insensible, unconscious or incapable of resistance, or
- (b) administers, or causes to be administered to any person, or attempts to administer to any person, or causes or attempts to cause any person to take a stupefying or overpowering drug, matter or thing.

is guilty of an indictable offence and is liable to imprisonment for life *and to be whipped.*"

"289. Every one who commits robbery is guilty of an indictable offence and is liable to imprisonment for life *and to be whipped.*"

"292. (3) *Every one who is convicted of an offence under this section who had upon his person, at the time he committed the offence, or was arrested therefor, an offensive weapon or imitation thereof, is liable to be whipped in addition to any other punishment that may be imposed in respect of the offence for which he is convicted.*"

"586. (3) Where, pursuant to a conviction, a sentence of death *or whipping* has been imposed,

- (a) the sentence shall not be executed until after the expiration of the time within which notice of appeal or of an application for leave to appeal may be given under this section; and
- (b) an appeal or application for leave to appeal from the conviction or sentence shall be heard and determined as soon as practicable, and the sentence shall not be executed until after
 - (i) the determination of the application, where an application for leave to appeal is finally refused, or
 - (ii) the determination of the appeal.

Effect of certificate.

“(4) The production of a certificate

(a) from the registrar that notice of appeal or notice of application for leave to appeal has been given, or

(b) from the Minister of Justice that he has exercised any of the powers conferred upon him by section 596, 5

is sufficient authority to suspend the execution of a sentence of death, and where, pursuant to such suspension, a new time is required to be fixed for execution of the sentence, it may be fixed by the judge who imposed the sentence or any judge who might have held or sat in the same court.” 10

Section repealed.

10. Section 641 of the said Act is repealed.

"(4) The production of a certificate

(a) from the registrar that notice of appeal or notice of application for leave to appeal has been given, or

(b) from the Minister of Justice that he has exercised any of the powers conferred upon him by section 596,

is sufficient authority to suspend the execution of a sentence of death or *whipping*, as the case may be, and where, pursuant to such suspension, a new time is required to be fixed for execution of the sentence, it may be fixed by the judge who imposed the sentence or any judge who might have held or sat in the same court."

"641. (1) Where a person is liable to be sentenced to be whipped, the court may sentence him to be whipped on one, two or three occasions within the limits of the prison in which he is confined.

(2) A sentence of whipping shall specify the number of strokes to be administered on each occasion.

(3) A sentence of whipping shall be executed under the supervision of the prison doctor or, if he is unable to be present, it shall be executed under the supervision of a duly qualified medical practitioner to be named by the Attorney General of Canada, where the sentence is executed in a prison administered by the Government of Canada, or where the sentence is executed in a prison administered by the government of a province, to be named by the Attorney General of that province.

(4) The instrument to be used in the execution of a sentence of whipping shall be a cat-o'-nine tails, unless some other instrument is specified in the sentence.

(5) A sentence of whipping shall be executed at a time to be fixed by the keeper of the prison in which it is to be executed, but, whenever practicable, a sentence of whipping shall be executed not less than ten days before the expiration of any term of imprisonment to which the convicted person has been sentenced.

(6) No female person shall be whipped."

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-23.

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

First reading, January 22, 1962.

Mr. ARGUE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-23.

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.”

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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.”

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Fifth Session, Twenty-Fourth Parliament, 20 Elizabeth II, 1962

THE HOUSE OF COMMONS OF CANADA.

EXPLANATORY NOTE.

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

First reading, January 22, 1962.

Mr. Howard

C-24.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-24.

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

First reading, January 22, 1962.

Mr. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-24.

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

1953-54, c. 51;
1955, cc. 2, 45;
1956, c. 48;
1957-58, c. 28;
1958, c. 18;
1959, c. 41;
1960, c. 37.
1960-61, cc.
21, 42, 43, 44.

"Trading
Stamps."

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

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

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

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THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTES.

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

- "322. In this Part,
- (a) "goods" means anything that is the subject of trade or commerce; and
- (b) "trading stamps" includes any form of cash receipt, receipt, coupon, premium ticket or other device, designed or intended to be given to the purchaser of goods by the vendor thereof or on his behalf, and to represent a discount on the price of the goods or a premium to the purchaser thereof
 - (i) that may be redeemed
 - (A) by any person other than the vendor, the person from whom the vendor purchased the goods, or the manufacturer of the goods,
 - (B) by the vendor, the person from whom the vendor purchased the goods, or the manufacturer of the goods in cash or in goods that are not his property in whole or in part, or
 - (C) by the vendor elsewhere than in the premises where the goods are purchased; or
 - (ii) that does not show upon its face the place where it is delivered and the merchantable value thereof; or
 - (iii) that may not be redeemed upon demand at any time, but an offer, endorsed by the manufacturer upon a wrapper or container in which goods are sold, of a premium or reward for the return of that wrapper or container to the manufacturer is not a trading stamp."

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

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-25.

An Act respecting the Sovereignty of Canada.✓

First reading, January 22, 1962.

Mr. ALLARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-25.

An Act respecting the Sovereignty of Canada.

Preamble.

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

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

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

Short title.

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

Canada a sovereign nation.

2. Canada is hereby declared to be a sovereign nation. 15

A distinctive national flag.

3. It shall be the duty of the Canada Council to prepare or have prepared, after competition or otherwise, a design for a suitable distinctive national flag free of the emblem or emblems of any other country and to submit the same to the Senate and the House of Commons of Canada within one year of the coming into force of this Act. 20

Approval and issuance of Royal Proclamation.

4. Notwithstanding any royal prerogative and anything contained in any Act of the Parliament of the United Kingdom such design for a national flag, after it has been approved by a joint resolution of the Senate and House of Commons, shall be submitted for approval to Her Majesty the Queen and for the issuance of a Royal Proclamation under the Great Seal of Canada respecting such ensign, armorial flags and banners as Her Majesty shall be pleased to appoint. 25 30

EXPLANATORY NOTE.

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

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

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

Mr. HOWARD.

A distinctive
National
Anthem.

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

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Approval.

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

Canadian
Independence
Day.

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

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When 11th of
December is
a Sunday.

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

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-26.

An Act to amend the Indian Act
(Liquor Rights).

First reading, January 22, 1962.

Mr. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-26.

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: 5

“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 10

(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 15

(iii) makes or manufactures intoxicants,

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.” 20 25

Intoxicants
on a reserve.

Offence.

EXPLANATORY NOTES.

The Joint Committee of the Senate and the House of Commons on Indian Affairs, in its Second and Final Report presented on the 8th July, 1961, under paragraph (b) of heading VII, recommended as follows:

"Liquor

- (b) In view of the fact that the possession and consumption of intoxicants OFF RESERVES by Indians is dependent on a request by the province, your Committee recommends that all existing liquor restrictions in the *Indian Act* be deleted; and that the same rights extended to non-Indian citizens of the various provinces be applicable to Indians, except that the right of possession and consumption ON THE RESERVE be granted only after the approval by a majority vote of the band."

The purpose of this Bill is to implement the recommendation of the Joint Committee in order that the present inequities may be removed as soon as possible.

The *Interpretation Act*, section 19, continues the effectiveness of Proclamations issued under the sections repealed.

2. Section 94 of the said Act is repealed and the following substituted therefor:

Exception to offences.

“94. (1) An offence is not committed under paragraph (a) or subparagraph (i) of paragraph (c) of section 93 if intoxicants are had in possession or sold by any person in accordance with the law of the province in which the reserve is. 5

Coming into or ceasing to be in force.

(2) Subsection (1) shall come into force, or cease to be in force, if a proclamation declaring it to be in force, or to cease to be in force, as the case may be, is issued by the Governor in Council. 10

When proclamation may issue.

(3) A proclamation shall not be issued under subsection (2)

(a) unless the council of the band has transmitted to the Minister a resolution of the council requesting that 15 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 20

(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. 25

C-27.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-27.

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

First reading, January 22, 1962.

Mr. ARGUE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-27.

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

R.S., c. 14.

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

Part IIA added.

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

"PART IIA.

WAGE EARNERS' ASSIGNMENTS.

Application.

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

Proceedings on 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 15

Trustee.

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

Proposal.

(b) the wage earner shall make a proposal that
(i) shall include terms dealing with unsecured debts generally; 20
(ii) may include terms dealing with secured debts severally; 25

EXPLANATORY NOTES.

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

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

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

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

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

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

- (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; 5
- (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 10 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; 15
- (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. 20

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 25

Power of court.

- (i) re-open the transaction or contract and take an account between the wage earner and the creditor or his assignee; 30
- (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 35 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 40 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 in respect of the performance by the wage earner of such other obligation; 45

(iv) not make 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.

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(2) Provides for relief against unconscionable transactions. Prior to his assignment such relief is available to the wage earner in the ordinary courts. This provision allows the bankruptcy court to deal with unconscionable transactions in the course of handling the wage earner's affairs.

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- (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 the 1st day of July 1962.

Fifth Session, Twenty-Fourth Parliament, 1st February 11, 1922.

THE HOUSE OF COMMONS OF CANADA.

26c. Provides that the court shall have supervisory control over the wage earner and his property.

BILL G-28.

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.

First reading, January 22, 1922.

26e. The trustee's remuneration is a maximum 5% of the wage earner's salary.

Clause 2: Provides a commencement date.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-28.

An Act to amend the British North America Acts, 1867 to 1960, with respect to Representation in the Senate. ✓

First reading, January 22, 1962.

Mr. NIELSEN.

THE HOUSE OF COMMONS OF CANADA.

BILL C-28.

An Act to amend the British North America Acts, 1867 to 1960, with respect to Representation in the Senate.

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

1. Sections 21 and 22 of the British North America Act, 1867, are repealed and the following substituted therefor: 5

Number of
Senators.

"21. The Senate shall, subject to the Provisions of this Act, consist of One Hundred and Four Members, who shall be styled Senators."

Represent-
ation of
Provinces
and
Territories
in Senate.

"22. In relation to the Constitution of the Senate Canada shall be deemed to consist of Four Divisions:— 10

1. Ontario;

2. Quebec;

3. The Maritime Provinces, Nova Scotia, New Brunswick and Prince Edward Island;

4. The Western Provinces of Manitoba, British Columbia, Saskatchewan and Alberta; 15

which Four Divisions shall (subject to the Provisions of this Act) be equally represented in the Senate as follows: Ontario by twenty-four senators; Quebec by twenty-four senators; the Maritime Provinces and Prince Edward 20 Island by twenty-four senators; ten thereof representing Nova Scotia, ten thereof representing New Brunswick, and four thereof representing Prince Edward Island; the Western Provinces by twenty-four senators, six thereof representing Manitoba, six thereof representing British 25 Columbia, six thereof representing Saskatchewan, and six thereof representing Alberta.

Newfoundland shall be entitled to be represented in the Senate by six members.

EXPLANATORY NOTES.

Sections 1 and 2 of the British North America Act, 1886
read as follows:

"1. The Parliament of Canada may from time to time make provision for the representation in the Senate and House of Commons of Canada, or in either of them, of any territories which for the time being form part of the Dominion of Canada, but are not included in any province thereof.

"2. Any Act passed by the Parliament of Canada before the passing of this Act for the purpose mentioned in this Act shall, if not disallowed by the Queen, be, and shall be deemed to have been, valid and effectual from the date at which it received the assent, in Her Majesty's name, of the Governor General of Canada."

The purpose of this Bill is to make provision for representation in the Senate of territories which form part of the Dominion of Canada, but are not included in any province thereof, as authorized by the Act of 1886.

The Yukon Territory as constituted by chapter 41 of the Statutes of Canada, 1901, and such other part of Canada not comprised within a province as may from time to time be defined by the Parliament of Canada shall be entitled to be represented in the Senate by two members, one for the Yukon Territory and one for such other part of Canada not comprised within a province. 5

In the case of Quebec each of the Twenty-four Senators representing that Province shall be appointed for One of the Twenty-four Electoral Divisions of Lower Canada specified in Schedule A to Chapter One of the Consolidated Statutes of Canada." 10

Maximum number of Senators.

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

"28. The number of Senators shall not at any time exceed One Hundred and Twelve." 15

Short title and citation.

3. This Act may be cited as the *British North America Act, 1962*, and the *British North America Acts, 1867 to 1960*, and this Act may be cited together as the *British North America Acts, 1867 to 1962*. 20

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-29.

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

First reading, January 22, 1962.

Mr. HOWARD.

THE HOUSE OF COMMONS OF CANADA.

BILL C-29.

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

1952-53, c. 19. HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section 4 of the *Canada Fair Employment Practices Act* is repealed and the following substituted therefor: 5

“PROHIBITED EMPLOYMENT PRACTICES.

Employers not to discriminate.

“4. (1) No employer shall refuse to employ or to continue to employ, or otherwise discriminate against any person in regard to employment or any term or condition of employment because of his race, national origin, colour, religion, or age unless age is a *bona fide* occupational qualification. 10

Use of employment agencies that discriminate.

“ (2) No employer shall use, in the hiring or recruitment of persons for employment, any employment agency that discriminates against persons seeking employment because of their race, national origin, colour, religion, or age unless age is a *bona fide* occupational qualification. 15

Membership in trade unions.

“ (3) No trade union shall exclude any person from full membership or expel or suspend or otherwise discriminate against any of its members or discriminate against any person in regard to his employment by any employer, because of that person's race, national origin, colour, religion, or age unless age is a *bona fide* occupational qualification. 20

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. 25

EXPLANATORY NOTES.

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

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

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

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(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

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(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.

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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.”

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C-30.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-30.

An Act to provide for a Canadian Lottery. ✓

First reading, January 22, 1962.

Mr. PIGEON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-30.

An Act to provide for a Canadian Lottery.

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

Short Title.

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

Commission established.

2. There shall be a body corporate and politic called the "Canadian Lottery Commission" consisting of ten commissioners appointed by the Governor in Council in equal numbers out of the members of the Senate and the House of Commons; the commissioners shall hold office under this Act without salary, fees, wages, allowances, emolument or other profit of any kind as by their commission shall be expressly declared and provided. 5 10

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

Powers.

3. The Commission shall carry out the purpose of this Act and shall have such powers as are necessary to do so and shall not be bound by the provisions of any other Act of this Parliament nor answerable to the Crown in the exercise of its powers. 15

Staff, works, and facilities.

4. Without restricting the generality of its powers, the Commission shall use to the purpose of this Act the services of public servants and employees of the departments of the Government of Canada and the Crown corporations as enumerated in Schedules A, B, C and D to the *Financial Administration Act*, and the property, works, and facilities of Her Majesty the Queen in right of Canada and of such corporations without liability for remuneration or compensation for such use. 20 25

R.S., c. 116.

6. The Commission shall report to the Governor in Council on its operations and the Commission may do so at any time.

7. The Commission shall pay over in each fiscal year all profits on its operations to the Receiver General of Canada in trust to apportion the profits among persons in receipt of an allowance for the number of children in the family in a scale determined by the Commission that increases in direct proportion to the number of children for whom the parent receives an allowance.

8. The affairs of the Commission shall be audited by the Auditor General of Canada.

EXPLANATORY NOTE.

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

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

- Operation. **5.** The Commission shall operate sweepstakes and lotteries in Canada from time to time and at such times as the Commission may decide.
- Purpose. **6.** The Commission shall pay over in each fiscal year all profits on its operations to the Receiver General of Canada in trust to apportion the profits among parents in receipt of an allowance under the *Family Allowances Act* according to a scale determined by the Commission that increases in direct proportion to the number of children for whom the parent receives an allowance.
- R.S., c. 109. 5 10
- Audit. **7.** The affairs of the Commission shall be audited by the Auditor General of Canada who shall report thereon to Parliament once in each fiscal year.
- Report and administrative responsibility in parliament. **8.** The Commission shall table a yearly report in both Houses of Parliament and every commissioner shall be responsible in the House of Commons or the Senate, as the case may be, for the administration of the Commission. 15
- Matter published in English and French. **9.** The Commission shall ensure that the advertising and other matter issued by the Commission to the public shall be printed and published in the English and French languages. 20
- Crown bound. **10.** This Act shall bind the Crown.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-31.

An Act respecting Flags of Canada. ✓

First reading, January 22, 1962.

Mr. BOULANGER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-31.

An Act respecting Flags of Canada.

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

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

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

- Short title. **1.** This Act may be cited as the *National Flag of Canada Act*. 10
- Duty to prepare a design. **2.** The Governor in Council shall prepare a design for a suitable distinctive national flag for Canada of a character to minimize the possibility of such flag being mistaken for that of any other country.
- Report to Parliament. **3.** The Governor in Council shall, during the present 15 session of Parliament, report thereto the design of the said flag so prepared.
- Approval and issuance of Royal Proclamation. **4.** Notwithstanding any royal prerogatives and anything 20 contained in any Act of the Parliament of the United Kingdom such design for a national flag, after it has been approved by a joint resolution of the Senate and House of Commons, shall be submitted for approval to Her Majesty the Queen and for the issuance of a Royal Proclamation under the Great Seal of Canada respecting such ensign, 25 armorial flags and banners as Her Majesty shall be pleased to appoint.

THE HOUSE OF COMMONS OF CANADA

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTE.

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

THE HOUSE OF COMMONS OF CANADA

THE HOUSE OF COMMONS OF CANADA

THE HOUSE OF COMMONS OF CANADA

C-32.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-32.

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

First reading, January 22, 1962.

Mr. HERRIDGE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

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THE HOUSE OF COMMONS OF CANADA.

BILL C-32.

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: 5

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 10

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; 15 20

Minister of Justice to ascertain if condition breached.

(b) The Minister of Justice shall, upon any complaint thereof, ascertain whether a licensee has breached 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; 25

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 30

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.

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." 5 10

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.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-33.

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

First reading, January 22, 1962.

Mr. THOMAS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-33.

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: 5

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 10 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.” 15

EXPLANATORY NOTES.

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

“77. (1) 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.

C-34.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-34.

An Act to amend the Canada Elections Act
(Campaign Contributions).

First reading, January 22, 1962.

Mr. McGEE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-34.

An Act to amend the Canada Elections Act
(Campaign Contributions).

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 21 of the *Canada Elections Act* is amended by adding thereto, immediately after subsection (16) thereof, the following subsection: 5

Distribution
of lists
identifying
candidates
and agents
by "House-
holder"
mail.

"(16a) Except when an election is by acclamation, the returning officer shall prepare a list, in form approved by the Chief Electoral Officer, setting out the particulars of the name, address and occupation of each candidate as sufficiently to identify him together with the name, address and occupation of his official agent in like manner and, within four days from the close of the time for nominating candidates unless a candidate sooner dies, the returning officer shall hand in to the various post offices within his electoral district, as third class matter for distribution as "Householder" mail, at least as many printed copies of such list as there are electors in his electoral district; it is sufficient compliance by a postmaster with this subsection that he distribute copies of the list to as many electors as possible in accordance with his knowledge of and conditions prevailing in the area served by his office." 10
15
20

First Session, Twenty-Fourth Parliament, 10th Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTE.

The purpose of this Bill is to inform electors of the candidates and their respective official agents as a convenience in making campaign contributions.

An Act to amend the Income Tax Act.

First reading, January 22, 1962.

Mr. [Name]

C-35.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-35.

An Act to amend the Aeronautics Act. ✓

First reading, January 22, 1962.

Mr. DRYSDALE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-35.

An Act to amend the Aeronautics Act.

R.S., c. 2.

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

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

5

"PART IV.

INTERPRETATION.

Definitions.

"Air carrier."

"Aircraft."

"Aircraft engine."

"Appliances."

25. In this Part,

- (a) "air carrier" means any person who operates a commercial air service under the provisions of Part II of the Act;
- (b) "aircraft" means any contrivance now known or hereafter invented, used or designed for navigations of or flight in the air;
- (c) "aircraft engine" means an engine used, or intended to be used, for propulsion of aircraft and includes all parts, appurtenances, and accessories thereof other than propellers;
- (d) "appliances" means instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including parachutes and including communication equipment and any other mechanism or mechanisms installed in or attached to aircraft during flight), and which are not a part or parts of aircraft, aircraft engines, or propellers;

EXPLANATORY NOTE.

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

- "Canada." (e) "Canada" means the several Provinces, Territories and possessions of Canada, including the territorial waters and the overlying airspace thereof;
- "Civil aircraft." (f) "civil aircraft" means any aircraft other than aircraft that are used by Her Majesty's Forces or by any armed forces co-operating with Her Majesty's Forces and bearing the insignia or markings of Her Majesty's Forces or any such forces. 5
- "Civil aircraft of Canada." (g) "civil aircraft of Canada" means any aircraft registered as provided in this Part; 10
- "Conditional sale." (h) "conditional sale" means (a) any contract for the sale of an aircraft, aircraft engine, propellor, appliances or a spare part under which possession is or is to be delivered to the buyer and the property is to vest in the buyer at a subsequent time upon the payment of the whole or part of the price or the performance of any other condition, (b) any contract for the hiring of an aircraft, aircraft engine, propellor, appliances or spare part, by which it is agreed that the hirer shall become, or have the option of becoming, the owner thereof, upon full compliance with the terms of the contract. The buyer (meaning the person who buys or hires goods by a condition of sale or any successor in interest of such person) shall be deemed to be the person by whom any such contract is made or given; 15 20 25
- "Conveyance." (i) "conveyance" means a bill of sale, contract of conditional sale, mortgage, assignment of mortgage, or other instrument affecting title to, or interest in, property; 30
- "Minister." (j) "Minister" means the Minister of Transport or the Minister designated by the Governor in Council under section 2.
- "Propellor." (k) "propellor" includes all parts, appurtenances and accessories thereof; 35
- "Spare parts." (l) "spare parts" means parts, appurtenances, and accessories of aircraft (other than aircraft engines and propellers), of aircraft engines (other than propellers), or propellers and of appliances, maintained for installation or use in an aircraft, aircraft engine, propellor, or appliance, but which at the time are not installed therein or attached thereto. 40

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

- (a) Any conveyance which affects the title to, or any interest in, any civil aircraft of Canada; 45

(b) Any lease, and any mortgage, contract of conditional sale, or other instrument executed for security purposes, which lease or other instrument affects the title to or any interest in any specifically identified aircraft engine or any specifically identified aircraft propellor and also any assignment or amendment thereof or supplement thereto; 5

(c) Any lease, and any mortgage, contract of conditional sale, or other instrument executed for security purposes, which lease or other instrument affects the title to, or any interest, in, any aircraft engines, propellers, or appliances maintained by or on behalf of an air carrier certificated under section 15 of this Act for installation or use in aircraft, aircraft engines, or propellers, or any spare parts maintained by or on behalf of such an air carrier, which instrument need only describe generally by types, the engines, propellers, appliances and spare parts covered thereby and designate the location or locations thereof, and also any assignment or amendment thereof or supplement thereto. 10 15 20

(2) The Minister shall also record under the system provided for in subsection (1) of this section any release, cancellation, discharge, or satisfaction relating to any conveyance or other instrument recorded under said system. 25

(3) No conveyance or instrument the recording of which is provided for by subsection (1) of this section shall be valid in respect of such aircraft, aircraft engine or engines, propellers, appliances, or spare parts against any person other than the person by whom the conveyance or other instrument is made or given, his heir or devisee, or any person having actual notice thereof, until such conveyance or other instrument is filed for recordation in the office of the Minister. 30 35

(4) Each conveyance or other instrument recorded by means of or under the system provided for in subsection (1) or (2) of this section shall from the time of its filing for recordation be valid as to all persons without further or other recordation, except that an instrument recorded pursuant to paragraph (c) of subsection (1) of this section shall be effective only with respect to those of such items which may from time to time be situated at the designated location or locations and only while so situated: Provided, That an instrument recorded under paragraph (b) of subsection (1) of this section shall not be affected as to the engine or engines specifically identified therein, by any instrument theretofore or thereafter recorded pursuant to paragraph (c) of subsection (1) of this section. 40 45

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

- (a) the identifying description of the aircraft or aircraft engine, or in the case of an instrument referred to in paragraph (c) of subsection (1) of this section, the location or locations specified therein; and 10
- (b) the names of the parties to the conveyances or other instrument.

(6) Subject to the approval of the Governor in Council, the Minister may make regulations to provide for the endorsement, upon certificates of registration, or aircraft certificates, of information with respect to the ownership of the aircraft for which each certificate is issued, the recording of discharges and satisfactions of recorded instruments, and other transactions affecting title to or interest in aircraft, aircraft engines, propellers, appliances, or parts, and for such other records, proceedings, and details as may be necessary to facilitate the determination of the rights of parties dealing with civil aircraft of Canada, aircraft engines, propellers, appliances, or parts. 20

27. (1) It shall be unlawful for any person to operate or navigate any aircraft eligible for registration if such aircraft is not registered by its owner as provided in this section, or to operate or navigate within Canada any aircraft not eligible for registration: Provided, That aircraft of the national-defence forces of Canada may be operated and navigated without being so registered if such aircraft are identified, in a manner satisfactory to the Minister. 30

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

- (a) It is owned by a citizen of Canada and it is not registered under the laws of any foreign country; or 35
- (b) It is an aircraft of the Federal Government, Province, Territory, or of a political subdivision thereof;
- (3) Upon request of the owner of any aircraft eligible for registration, such aircraft shall be registered by the Minister and the Minister shall issue to the owner thereof a certificate of registration; 40

(4) Such certificate shall be conclusive evidence of nationality for international purposes, but not in any proceeding under the laws of Canada. Registration shall not be evidence of ownership of aircraft in any proceeding in which such ownership by a particular person is, or may be, in issue." 45

C-36.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-36.

An Act to amend the War Service Grants Act.

First reading, January 22, 1962.

THE MINISTER OF VETERANS AFFAIRS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-36.

An Act to amend the War Service Grants Act.

R.S., c. 289;
1953-54, c. 46;
1959, c. 18.

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

1959, c. 18,
s. 7(1).

Purposes for
and time
within
which
available.

1. (1) All that portion of subsection (1) of section 12 of the *War Service Grants Act* preceding paragraph (a) thereof is repealed and the following substituted therefor: 5

“12. (1) All or any part of the re-establishment credit may, on or before the 31st day of October, 1968, be made available to or for the member of the forces eligible therefor when it is shown to the satisfaction of the Minister that 10 such credit is to be used for”

(2) Subparagraphs (ii) and (iii) of paragraph (h) of subsection (1) of section 12 of the said Act are repealed and the following substituted therefor:

“(ii) payment under subsection (2) of section 49 15 of the Royal Canadian Mounted Police Pension Continuation Act of a deficiency in deduction from his pay as an officer of the Royal Canadian Mounted Police,

(iii) payment of contributions in respect of his 20 service as a constable of the Royal Canadian Mounted Police under section 69, 80, 83 or 84 of the Royal Canadian Mounted Police Pension Continuation Act,”

(3) Subparagraph (v) of paragraph (h) of subsection (1) of section 12 of the said Act is repealed and the following substituted therefor: 25

“(v) payment under subsection (2) of section 9 of the *Defence Services Pension Continuation Act* of a deficiency in deduction from his pay as 30 an officer as defined in that Act, and”

1953-54, c. 46,
s. 2(3).

(4) Subsection (3) of section 12 of the said Act is repealed.

EXPLANATORY NOTES.

Clause 1. (1) The purpose of this amendment is to extend from September 30, 1962, to October 31, 1968, the time within which re-establishment credit may be made available to members of the forces.

The portion of subsection (1) being amended at present reads as follows:

"12. (1) All or any part of the re-establishment credit may, *within a period of fifteen years from the 30th day of September, 1947, or the date of his discharge, whichever is the later,* be made available to or for the member of the forces eligible therefor when it is shown to the satisfaction of the Minister that such credit is to be used for"

(2) and (3) The titles to the Acts mentioned in these subclauses were changed in 1959. These amendments would change the references in subsection (1) of section 12 to conform to the new titles.

Subparagraphs (ii), (iii) and (v) at present read as follows:

- "(ii) payment under subsection (2) of section 49 of the *Royal Canadian Mounted Police Act* of a deficiency in deduction from his pay as an officer of the Royal Canadian Mounted Police,
- (iii) payment of contributions in respect of his service as a constable of the Royal Canadian Mounted Police under section 69, 80, 83 or 84 of the *Royal Canadian Mounted Police Act*,
- (v) payment under subsection (2) of section 9 of the *Defence Services Pension Act* of a deficiency in deduction from his pay as an officer as defined in that Act, and"

(4) This amendment is consequential upon the extension of the time within which applications may be received for a contract of insurance under the *Veterans Insurance Act*.

1953-54, c. 46,
s. 2(3).

Amount
applied
to be held
in trust.

(5) All that portion of subsection (4) of section 12 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

“(4) Any amount applied pursuant to subsection (3) as it was before the coming into force of this subsection against a member’s re-establishment credit or the unused portion thereof or any amount made available to a member under subsection (1) for the payment of premiums pursuant to any contract of insurance under the *Veterans Insurance Act* or the *Returned Soldiers’ Insurance Act* to which that member is a party shall be held in trust for that member and shall be used for the payment of the premiums referred to in the said subsection (3) or the premiums referred to in this subsection, as the case may be, as and when they fall due, except that”

1959, c. 18,
s. 8.

Computation
of re-estab-
lishment
credit where
election for
benefits under
*Veterans’
Land Act*.

2. Section 12A of the said Act is repealed and the following substituted therefor:

“12A. Notwithstanding anything in this Act, where a member of the forces has elected to take benefits under the *Veterans’ Land Act* and has, on or before the 31st day of October, 1968, applied for qualification under that Act, been certified as qualified to participate in benefits under that Act or entered into a contract with The Director, The *Veterans’ Land Act*, and, subsequently, the application is withdrawn, the certificate of qualification is cancelled or the contract is terminated, as the case may be, the Minister may, on application by the member

- (a) in the case of withdrawal or cancellation, within one year thereof; or
- (b) in the case of termination, not later than one year from the determination by the Minister, pursuant to subsection (1) of section 13, that re-establishment credit is available to the member;

make available to the member the re-establishment credit he would have been eligible for under this Act less the amount of the benefits, if any, received by that member under the *Veterans’ Land Act* as determined by the Minister.”

1959, c. 18,
s. 9.

Time limit
for making
adjustment.

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

“(2) No member of the forces may, after the 31st day of October, 1968, become eligible under subsection (1) for a grant of any of the benefits under the *Veterans’ Land Act* by virtue of an adjustment made pursuant to subsection (1).”

The subsection being repealed reads as follows:

"(3) Notwithstanding the provisions of section 3 of the *Veterans Insurance Act* fixing a time within which the Minister may enter into a contract of insurance under that Act, the Minister may enter into a contract of insurance under that Act after the expiration of the time so fixed but within the period of fifteen years referred to in subsection (1) of this section with any member of the forces who, at the time the contract is entered into, has not used all of the re-establishment credit for which he is eligible under this Act and is otherwise eligible under the *Veterans Insurance Act* for such contract, and upon the making of any such contract there shall be applied against the member's re-establishment credit or the unused portion thereof an amount equal to the amount of the first regular monthly premium payable under the contract or any greater amount that the member, in writing to the Minister, directs to be so applied, except that in no case shall the amount so applied exceed the total amount of the premiums that, under the contract, the member would be required to pay were he to pay those premiums for the full term contemplated by the contract."

(5) This amendment is consequential upon the repeal of subsection (3) of section 12 of the Act.

The portion of subsection (4) being amended at present reads as follows:

"(4) Any amount applied pursuant to subsection (3) against the member's re-establishment credit or the unused portion thereof or any amount made available to a member under subsection (1) for the payment of premiums pursuant to any contract of insurance under the *Veterans Insurance Act* or the *Returned Soldiers' Insurance Act* to which such member is a party shall be held in trust for that member and shall be used for the payment of the premiums referred to in subsection (3) or the premiums referred to in this subsection, as the case may be, as and when they fall due, except that"

Clause 2. The purpose of this amendment is to allow a period of one year within which re-establishment credit may be made to a veteran whose application for benefits under the *Veterans' Land Act* is withdrawn or whose certificate of qualification to be established under that Act is cancelled.

Section 12A at present reads as follows:

"12A. Notwithstanding anything in this Act, where a member of the forces has elected to take benefits under the *Veterans' Land Act* and has, *within fifteen years from the 30th day of September, 1947, or the date of his discharge, whichever is the later, entered into a contract with The Director, The Veterans' Land Act, that is subsequently terminated*, the Minister may, on application by the member *within one year of the termination of the contract*, make available to the member the re-establishment credit he would have been eligible for under this Act less the amount of the benefits, if any, received by that member under the *Veterans' Land Act* as determined by the Minister."

Clause 3. This amendment is consequential upon the extension of time provided for in clause 1.

1953-54, c. 46,
s. 4.

Time limit
for applica-
tions for
gratuity.

4. Subsection (2) of section 19 of the said Act is re-
pealed and the following substituted therefor:

“(2) No application under this Act for the payment
of a gratuity shall be received after the 31st day of December,
1954, except that any such application made after that date
but on or before the 31st day of October, 1968, by
or on behalf of, or in respect of, a member whose service
included overseas service or service in a theatre of opera-
tions as defined in paragraph (c) of section 2 of the *Veterans’
Benefit Act, 1954*, may be received and acted upon by the
Minister if the Minister is satisfied of the existence of
circumstances justifying the delay in making the applica-
tion.”

5. Subsection (1) of section 22 of the said Act is re-
pealed and the following substituted therefor:

Persons of
Canadian
domicile who
served in
other
Common-
wealth forces.

“22. (1) Subject to subsection (2), a person who,
subsequent to the 10th day of September, 1939, served
on active service in any of the naval, army or air forces
of His Majesty other than those raised in Canada, and
at the time he joined the said force was domiciled in Canada,
is entitled to be paid a gratuity and granted a credit equal
to those that might have been paid or granted to him
under this Act had such service been service in the forces,
if he makes application therefor on or before the 31st
day of October, 1968, and if at the time of his application
he is domiciled and resident in Canada.”

Clause 4. The purpose of this amendment is to extend from September 30, 1962, to October 31, 1968, the time within which applications for gratuities may be received by the Minister from members of the forces having overseas service and from Korean veterans.

Subsection (2) at present reads as follows:

"(2) No application under this Act for the payment of a gratuity shall be received after the 31st day of December, 1954, except that any such application made after that date but *within the period of fifteen years referred to in subsection (1) of section 12* by or on behalf of, or in respect of, a member whose service included overseas service may be received and acted upon by the Minister if the Minister is satisfied of the existence of circumstances justifying the delay in making the application."

BILL C-37

Clause 5. The purpose of this amendment is to fix a time limit within which those persons having Canadian domicile when they joined and served with Commonwealth forces other than those of Canada may apply for gratuities and credits if domiciled and resident in Canada at the date of making the application.

Subsection (1) at present reads as follows:

"22. (1) Subject to subsection (2), a person who, subsequent to the 10th day of September, 1939, served on active service in any of the naval, army or air forces of His Majesty other than those raised in Canada, and at the time he joined the said force was domiciled in Canada, is entitled to be paid a gratuity and granted a credit equal to those that might have been paid or granted to him under this Act had such service been service in the forces, if he makes application therefor and if at the time of his application he is domiciled and resident in Canada."

The Minister of Veterans Affairs

1968

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C-37.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-37.

An Act to amend the Veterans Insurance Act. ✓

First reading, January 22, 1962.

THE MINISTER OF VETERANS AFFAIRS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-37.

An Act to amend the Veterans Insurance Act.

R.S., cc. 279,
338;
1958, c. 43.

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

1958, c. 43,
s. 1.

1. (1) Paragraph (a) of subsection (1) of section 3 of the *Veterans Insurance Act* is repealed and the following substituted therefor: 5

“(a) with a veteran, on or before the 31st day of October, 1968; or”

1958, c. 43,
s. 1.

(2) All that portion of paragraph (b) of subsection (1) of section 3 of the said Act preceding subparagraph (i) thereof 10 is repealed and the following substituted therefor:

“(b) with any of the following persons, on or before the 31st day of October, 1968,”

Extension of
time under
*Veterans Bene-
fit Act, 1954.*

2. Notwithstanding subsection (7) of section 7 of the *Veterans Benefit Act, 1954*, the Minister may, on or before 15 the 31st day of October, 1968, enter into a contract of insurance under the *Veterans Insurance Act* with any person described in subsection (2) or subsection (4) of section 7 of the *Veterans Benefit Act, 1954*.

THE HOUSE OF COMMONS OF CANADA.

BILL C-38.

EXPLANATORY NOTES.

Clause 1: The purpose of the proposed new provisions is to extend from September 30, 1962, to October 31, 1968 the time within which contracts of insurance may be obtained.

Clause 2: The operation of the *Veterans Insurance Act* was extended by the *Veterans Benefit Act, 1954*. The purpose of the new provision is to extend the date from September 30, 1962, to October 31, 1968.

C-38.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-38.

An Act to provide for the Reporting of Financial and other Statistics relating to the Affairs of Corporations and Labour Unions carrying on Activities in Canada. ✓

First reading, January 22, 1962.

THE MINISTER OF JUSTICE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-38.

An Act to provide for the Reporting of Financial and other Statistics relating to the Affairs of Corporations and Labour Unions carrying on Activities in Canada.

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

SHORT TITLE.

Short title. **1.** This Act may be cited as the *Corporations and Labour Unions Returns Act*. 5

INTERPRETATION.

- Definitions. "Minister." **2.** (1) In this Act,
- "Reporting period." (a) "Minister", in relation to Part I, means the Secretary of State and, in relation to Part II, means the Minister of Labour;
- (b) "reporting period" in relation to a corporation, means a fiscal period of the corporation as defined in the *Income Tax Act* and, in relation to a union, means a fiscal period of the union, which fiscal period of the union shall be deemed, for the purposes of this Act, to end not later than twelve months after its commencement unless extended with the concurrence of the Minister; and
- "Union" or "labour union." (c) "union" or "labour union" means any organization of employees formed for the purpose of regulating relations between employers and employees.
- Residence. (2) A reference in this Act to a person resident in Canada includes a person who was at the relevant time ordinarily resident in Canada, and in determining the residence of a person for the purposes of this Act the provisions of the *Income Tax Act* applicable to any such determination for the purposes of that Act are applicable *mutatis mutandis*. 25

PART I
CORPORATIONS

APPLICATION

2. This Part applies to every corporation authorized under a law of Canada or a province to carry on business within Canada, except
(a) a corporation to which Part II applies, and
(b) a corporation described in the Schedule.

Application of Part I

RETURN

4. Every corporation to which this Part applies shall, for each reporting period of the corporation commencing with the reporting period, if any, commencing with or ending in 1982, file with the Minister, not later than six months after the coming into force of this Act or the end of that reporting period, whichever is later, a return in two sections, separately marked and identified as "Section A" and "Section B", respectively, and comprising the following:

Return to be filed with Minister

- (a) Section A, comprising a statement in duplicate, specifying the following particulars:
 - (i) the corporate name of the corporation;
 - (ii) the address of the head office of the corporation and, in the case of a corporation not resident in Canada, the address of its principal place of business in Canada or place to which communications for purposes of this Part may be directed;
 - (iii) the manner in which the corporation was incorporated, and the date and place of its incorporation;
 - (iv) the amount of the authorized share capital of the corporation, the number of shares of each class into which it is divided and a description of the voting rights attaching to each such class;
 - (v) the number of issued shares of each class into which the authorized share capital of the corporation is divided, and, in relation to each such class,
 - (A) the number of shares of that class held by persons having addresses as shown in the relevant records that the corporation is required to keep under the law of the place of its incorporation (hereinafter referred to as "addresses of record") in Canada, by persons having addresses of record elsewhere than in Canada and by persons not having addresses of record, respectively;

Section A

PART I.
CORPORATIONS.

APPLICATION.

Application
of Part I.

3. This Part applies to every corporation authorized under a law of Canada or a province to carry on business within Canada, except

- (a) a corporation to which Part II applies, and
- (b) a corporation described in the Schedule.

5

RETURNS.

Return to be
filed with
Minister.

4. Every corporation to which this Part applies shall, for each reporting period of the corporation commencing with the reporting period, if any, coinciding with or ending in 1962, file with the Minister, not later than six months after the coming into force of this Act or the end of that reporting period, whichever is later, a return in two sections, separately marked and identified as "Section A" and "Section B", respectively, and comprising the following: 10

Section A.

- (a) Section A, comprising a statement, in duplicate, specifying the following particulars: 15
 - (i) the corporate name of the corporation,
 - (ii) the address of the head office of the corporation and, in the case of a corporation not resident in Canada, the address of its principal place of business in Canada or place to which communications for purposes of this Part may be directed, 20
 - (iii) the manner in which the corporation was incorporated, and the date and place of its incorporation,
 - (iv) the amount of the authorized share capital of the corporation, the number of shares of each class into which it is divided and a description of the voting rights attaching to each such class, 25
 - (v) the number of issued shares of each class into which the authorized share capital of the corporation is divided, and, in relation to each such class, 30
 - (A) the number of shares of that class held by persons having addresses as shown in the relevant records that the corporation is required to keep under the law of the place of its incorporation (hereinafter referred to as "addresses of record") in Canada, by persons having addresses of record elsewhere than in Canada and by persons not having addresses of record, respectively, and 35 40

- (B) the number of persons having addresses of record elsewhere than in Canada or not having addresses of record who, according to the records of the corporation referred to in clause (A), held more than five per cent each of the total number of issued shares of that class, and the number of shares of that class held by each such person, 5
- (vi) particulars as described in subparagraphs (i) and (ii) in respect of each body corporate holding ten per cent or more of the total number of issued shares of the corporation or of the total number of issued shares thereof of any class, and the number of shares of each class held by any such body corporate, 10 15
- (vii) particulars as described in subparagraphs (i), (ii) and (iii) in respect of each body corporate authorized under a law of Canada or a province to carry on business within Canada, more than fifty per cent of the total number of whose issued shares of any class are held by the corporation, 20
- (viii) the total amount of debentures of the corporation issued and outstanding and the total amount of each class of such debentures, 25
- (ix) except in the case of a corporation incorporated by or under an Act or instrument by the terms of which any invitation to the public to subscribe for its shares and debentures was prohibited, the total number of shares of the corporation of each class and the total amount of debentures of the corporation of each class that have been offered in Canada for public subscription during a period of five years ending on the last day of the reporting period, 30
- (x) the name and address of each director of the corporation, and the nationality of each individual who is a director of the corporation, and 35
- (xi) the name, address and nationality of each officer of the corporation resident in Canada, and the position in the corporation held by each such officer; and 40
- (b) Section B, comprising:
- (i) a financial statement for the reporting period, consisting of
- (A) a balance sheet showing the assets and liabilities of the corporation, made up as of the last day of the reporting period, 45
- (B) a statement of income and expenditure for the reporting period, and

- (C) a statement of surplus, made up as of the last day of the reporting period, in such form and containing such particulars and other information relating to the financial position of the corporation as may be prescribed by the regulations, 5
- (ii) such statements, other than as described in subparagraph (i), relating to the financial position of the corporation for the reporting period as are required by the by-laws of the corporation, or by the terms of the Act or instrument by or under which the corporation was incorporated, to be laid or placed before any annual meeting of shareholders of the corporation held before the day on which the return 15 required by this Part for that reporting period is filed by the corporation with the Minister, and
- (iii) except in the case of a corporation that was not at any time in the reporting period resident in Canada, a statement showing separately total 20 amounts paid or credited by the corporation in the reporting period to persons not resident in Canada, as or on account of each of the following, namely:
- (A) dividends, 25
- (B) interest, classified according to the kinds of obligations on which and currencies in which such interest was payable,
- (C) rent on real property in Canada,
- (D) rent on equipment used in connection with 30 the business carried on by the corporation in Canada,
- (E) royalties and similar payments, showing separately payments on or in respect of each of the following, namely: 35
1. copyrights,
 2. patents of invention,
 3. industrial designs, and
 4. trade marks and trade names,
- (F) payments for production, distribution and 40 sales franchises and similar rights, classified according to the territorial areas within which such franchises or rights are or may be exercised,
- (G) payments for advertising and sales promo- 45 tion, including institutional advertising and promotion of goodwill,
- (H) payments for or in respect of scientific research, including facilities and equipment 50 for scientific research,

- (1) annuities, pensions and similar payments to officers and directors,
- (2) salaries, fees and other remuneration to officers and directors,
- (3) management and administration fees and other charges (11)
- (4) payments for or in respect of product and process development research, not included under clause (11)

10 to or in respect of

1. officers and directors including former officers and directors, and

2. persons holding more than five per cent each of the total number of issued shares of the corporation or of the total number of issued shares thereof in any class,

respectively,

(12) fees and charges for professional services, showing separately fees and charges for each of the following services, namely:

- 1. engineering,
- 2. architectural,
- 3. legal,
- 4. accounting and auditing and

(13) consulting fees and charges, not included under any other clause of this subparagraph.

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2. (1) In the statements in duplicate comprised in Section A of a return required by this Part to be filed with the Minister, the particulars described in subparagraphs (iv) to (vii) (other than subparagraph (iv)) of paragraph (a) of section 4 shall be specified therein as of the last day of the reporting period for which the return is filed, except that where a corporation has filed a return for a reporting period specifying the particulars described in any such subparagraph as of the last day of that reporting period, the corporation is not bound in filing a return for a subsequent reporting period to specify the same particulars in the absence of any change therein as of the last day of that subsequent period.

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(2) Each statement in duplicate and other statement comprised in a return required by this Part to be filed with the Minister shall be certified by the president or a vice-president of the corporation and by the secretary or treasurer thereof, or by any of such officers and by a director of the corporation, as having been examined by them and as being true, correct and complete.

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- (I) payments for or in respect of product and process development research, not included under clause (H),
- (J) management and administration fees and charges, 5
- (K) salaries, fees and other remuneration to officers and directors,
- (L) annuities, pensions and similar payments to or in respect of
 1. officers and directors including former 10 officers and directors, and
 2. persons holding more than five per cent each of the total number of issued shares of the corporation or of the total number of issued shares thereof of any 15 class,
 respectively,
- (M) fees and charges for professional services, showing separately fees and charges for each of the following services, namely: 20
 1. engineering,
 2. architectural,
 3. legal,
 4. accounting, and
 5. auditing, and 25
- (N) consulting fees and charges, not included under any other clause of this subparagraph.

Relieving provision.

5. (1) In the statement in duplicate comprised in Section A of a return required by this Part to be filed with the Minister, the particulars described in subparagraphs (iv) to (xi) (other than subparagraph (ix)) of paragraph (a) of section 4 shall be specified therein as of the last day of the reporting period for which the return is filed, except that where a corporation has filed a return for a reporting period specifying the particulars described in any such subparagraph as of the last day of that reporting period, the corporation is not bound, in filing a return for a subsequent reporting period, to specify the same particulars in the absence of any change therein as of the last day of that subsequent period. 40

Signature and verification of statements.

(2) Each statement in duplicate and other statement comprised in a return required by this Part to be filed with the Minister shall be certified by the president or a vice-president of the corporation and by the secretary or treasurer thereof, or by any of such officers and by a director of the corporation, as having been examined by them and as being true, correct and complete. 45

(3) Each statement submitted in section 11 of a return required by this Part to be filed with the Minister (other than the statement described in subparagraph (ii) of paragraph (b) of section 4) shall be accompanied by an auditor's report signed by the auditor by whom the report was made.

Section 11

Enforcement

6. (1) Every corporation that fails to file with the Minister a return for a reporting period as and when required by this Part is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars for each day of each default.

Section 6

(2) Where a corporation is guilty of an offence under this section, every officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the offence is a party to and guilty of the offence and is liable on summary conviction to the fine provided by subsection (1) for the offence or to imprisonment for a term not exceeding three months or to both such fine and imprisonment, whether or not the corporation has been prosecuted or convicted therefor.

Section 6
Section 7

7. Where a corporation has failed to file with the Minister a return for a reporting period as and when required by this Part, the Minister may, by demand made by registered letter to any officer, director or agent of the corporation in Canada, require that person to file with the Minister, within such reasonable time as is stipulated in the registered letter, the return required by this Part on behalf of the corporation, and any such person who fails to comply with any demand so made is guilty of an offence and is liable on summary conviction to the punishment provided by subsection (2) of section 6 for an offence under that section, whether or not the corporation or any other person has been prosecuted or convicted therefor.

Section 7
Section 8

PART II

LABOUR UNIONS

Application

8. This Part applies to every labour union carrying on activities as such in Canada and having a local union or branch in Canada, except a labour union that, on the last day of the reporting period of the union in respect of which the description of such union is relevant, had fewer than one hundred members resident in Canada.

Section 8

Auditor's
report.

(3) Each statement comprised in Section B of a return required by this Part to be filed with the Minister (other than the statement described in subparagraph (iii) of paragraph (b) of section 4) shall be accompanied by an auditor's report thereon signed by the auditor by whom the report was made. 5

ENFORCEMENT.

Offence.

6. (1) Every corporation that fails to file with the Minister a return for a reporting period as and when required by this Part is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars for each day of such default. 10

Officers,
etc. of
corporation
guilty of
offence.

(2) Where a corporation is guilty of an offence under this section, every officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the offence is a party to and guilty of the offence and is liable on summary conviction to the fine provided by subsection (1) for the offence or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment, whether or not the corporation has been prosecuted or convicted therefor. 15 20

Demand by
registered
letter to
officer,
etc. of
corporation
in Canada.

7. Where a corporation has failed to file with the Minister a return for a reporting period as and when required by this Part, the Minister may, by demand made by registered letter to any officer, director or agent of the corporation in Canada, require that person to file with the Minister, within such reasonable time as is stipulated in the registered letter, the return required by this Part on behalf of the corporation, and any such person who fails to comply with any demand so made to him is guilty of an offence and is liable on summary conviction to the punishment provided by subsection (2) of section 6 for an offence under that section, whether or not the corporation or any other person has been prosecuted or convicted therefor. 25 30

PART II.

LABOUR UNIONS.

APPLICATION.

Application
of Part II.

8. This Part applies to every labour union carrying on activities as such in Canada and having a local union or branch in Canada, except a labour union that, on the last day of the reporting period of the union in respect of which the description of such union is relevant, had fewer than one hundred members resident in Canada. 35

Part 1

2. Every labor union to which this Part applies shall, for each reporting period of the union, commencing with the reporting period if any, commencing with or ending in 1962, file with the Minister, not later than six months after the ending date of this Act or the end of that reporting period, whichever is later, a return in two sections, separately headed and identified as "Section A" and "Section B", respectively, and comprising the following:

- (a) Section A, comprising a statement, in duplicate, specifying the following particulars:
 - (i) the name of the union;
 - (ii) the address of the headquarters of the union and, in the case of a union having its headquarters situated outside Canada, the address of its principal office in Canada or place to which communications for the purposes of this Part may be directed;
 - (iii) the provinces of the constitution of the union;
 - (iv) the name and address of each officer of the union and the position in the union held by each such officer;
 - (v) the name, address and nationality of each officer and employee of the union resident in Canada (other than a person performing primarily clerical or stenographic duties); the position in the union held by each such officer and employee and the manner in which he was elected or appointed;
 - (vi) the name and address of each local union or branch of the union in Canada, the name and address of each officer of any such local union or branch, and the number of male members and the number of female members of any such local union or branch;
 - (vii) the name of each local union or branch of the union in Canada under a trusteeship imposed by the union, the date such trusteeship was imposed and the reasons therefor; and
 - (viii) the name and address of each employer, or association of employers, resident in Canada with which the union has a collective agreement;

(b) Section B, comprising a financial statement for the reporting period, and

(c) a financial statement for the reporting period, and

(d) a financial statement for the reporting period, and

(e) a financial statement for the reporting period, and

(f) a financial statement for the reporting period, and

(g) a financial statement for the reporting period, and

(h) a financial statement for the reporting period, and

Section 2

Section 3

Section 4

RETURNS.

Return to
be filed
with Minister.

9. Every labour union to which this Part applies shall, for each reporting period of the union, commencing with the reporting period, if any, coinciding with or ending in 1962, file with the Minister, not later than six months after the coming into force of this Act or the end of that reporting period, whichever is later, a return in two sections, separately marked and identified as "Section A" and "Section B", respectively, and comprising the following: 5

Section A.

(a) Section A, comprising a statement, in duplicate, specifying the following particulars: 10

- (i) the name of the union,
- (ii) the address of the headquarters of the union and, in the case of a union having its headquarters situated outside Canada, the address of its principal office in Canada or place to which 15 communications for the purposes of this Part may be directed,
- (iii) the provisions of the constitution of the union,
- (iv) the name and address of each officer of the union and the position in the union held by each 20 such officer,
- (v) the name, address and nationality of each officer and employee of the union resident in Canada (other than a person performing primarily clerical or stenographic duties), the 25 position in the union held by each such officer and employee and the manner in which he was elected or appointed,
- (vi) the name and address of each local union or branch of the union in Canada, the name and 30 address of each officer of any such local union or branch, and the number of male members and the number of female members of any such local union or branch,
- (vii) the name of each local union or branch of the 35 union in Canada under a trusteeship imposed by the union, the date such trusteeship was imposed and the reasons therefor, and
- (viii) the name and address of each employer, or association of employers, resident in Canada 40 with which the union has a collective agreement; and

Section B.

(b) Section B, comprising:

- (i) a financial statement for the reporting period, consisting of 45

- (A) a balance sheet showing the assets and liabilities of the union, made up as of the last day of the reporting period, and
 - (B) a statement of income and expenditure for the reporting period.
- In such form and containing such particulars and other information relating to the financial position of the union as may be prescribed by the regulations, and
- (ii) in the case of a union having its headquarters situated outside Canada, a statement showing separately total amounts paid or credited to the union in the reporting period by, on behalf of or in respect of members resident in Canada as an account of each of the following, namely:
 - (A) initiation fees,
 - (B) members dues per capita,
 - (C) health and welfare assessments,
 - (D) death benefit assessments,
 - (E) strike benefit assessments,
 - (F) fines and
 - (G) work benefits.

10. (1) In the statement in duplicate contained in Section 2 of a return required by this Part to be filed with the Minister, the particulars described in subparagraphs (ii) to (viii) of paragraph (c) of section 9 shall be specified therein as of the last day of the reporting period for which the return is filed, except that where a union has filed a return for a reporting period specifying the particulars described in any such subparagraph as of the last day of that reporting period, the union is not bound, in filing a return for a subsequent reporting period, to specify the same particulars in the absence of any change therein as of the last day of that subsequent period.

(2) Each statement in duplicate and other statement contained in a return required by this Part to be filed with the Minister shall be certified by the president or a vice-president of the union and by the secretary or treasurer thereof, or by any of such officers and by any member of the executive board of the union, as having been examined by him and as being true, correct and complete.

(3) Each statement comprised in Section 2 of a return required by this Part to be filed with the Minister (other than the statement described in subparagraph (ii) of paragraph (c) of section 9) shall be accompanied by an auditor's report thereon signed by the auditor by whom the report was made.

Part 10

Section 10

Section 10

- (A) a balance sheet showing the assets and liabilities of the union, made up as of the last day of the reporting period, and
- (B) a statement of income and expenditure for the reporting period, 5
- in such form and containing such particulars and other information relating to the financial position of the union as may be prescribed by the regulations, and
- (ii) in the case of a union having its headquarters 10 situated outside Canada, a statement showing separately total amounts paid or credited to the union in the reporting period by, on behalf of or in respect of members resident in Canada as or on account of each of the following, namely: 15
- (A) initiation fees,
- (B) members dues per capita,
- (C) health and welfare assessments,
- (D) death benefit assessments,
- (E) strike benefit assessments, 20
- (F) fines, and
- (G) work permits.

Relieving provision.

10. (1) In the statement in duplicate comprised in Section A of a return required by this Part to be filed with the Minister, the particulars described in subparagraphs 25 (iii) to (viii) of paragraph (a) of section 9 shall be specified therein as of the last day of the reporting period for which the return is filed, except that where a union has filed a return for a reporting period specifying the particulars described in any such subparagraph as of the last day of 30 that reporting period, the union is not bound, in filing a return for a subsequent reporting period, to specify the same particulars in the absence of any change therein as of the last day of that subsequent period.

Signature and verification of statements.

(2) Each statement in duplicate and other statement 35 comprised in a return required by this Part to be filed with the Minister shall be certified by the president or a vice-president of the union and by the secretary or treasurer thereof, or by any of such officers and by any member of the executive board of the union, as having been examined 40 by them and as being true, correct and complete.

Auditor's report.

(3) Each statement comprised in Section B of a return required by this Part to be filed with the Minister (other than the statement described in subparagraph (ii) of paragraph (b) of section 9) shall be accompanied by an 45 auditor's report thereon signed by the auditor by whom the report was made.

EMPLOYMENT

1.1. (1) Every union that fails to file with the Minister a return for a reporting period as and when required by this Part is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars for each day of such default.

(2) A prosecution for an offence under this section may be brought against a union in the name of the union, and for the purpose of any such prosecution a union shall be deemed to be a person and any act or thing done or omitted to be done by an officer or agent of the union shall be deemed to be an act or thing done or omitted to be done by the union.

(3) Where a union is guilty of an offence under this section, every officer, member of the executive board or agent of the union who directed, authorized, assented to, acquiesced in or participated in the offence is a party to and guilty of the offence and is liable on summary conviction to the fine provided by subsection (1) for the offence or to imprisonment for a term not exceeding three months or to both such fine and imprisonment, whether or not the union has been prosecuted or convicted therefor.

1.2. Where a union has failed to file with the Minister a return for a reporting period as and when required by this Part, the Minister may, by demand made by registered letter to the union, require the union to file with the Minister, within such reasonable time as is stipulated in the registered letter, the return required by this Part on behalf of the union, and any such person who fails to comply with any demand so made is liable on summary conviction to the fine provided by subsection (1) for an offence under that section, whether or not the union or any other person has been prosecuted or convicted therefor.

PART III
GENERAL

1.3. One duplicate of the statement comprised in Section A of each return filed by a corporation as required by Part I shall be kept on record in an office of the Department of the Secretary of State designated by the Minister for the purpose, and one duplicate of the statement comprised in Section A of each return filed by a union as required by Part II

ENFORCEMENT.

Offence.

11. (1) Every union that fails to file with the Minister a return for a reporting period as and when required by this Part is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars for each day of such default. 5

Prosecution of union.

(2) A prosecution for an offence under this section may be brought against a union in the name of the union, and for the purposes of any such prosecution a union shall be deemed to be a person and any act or thing done or omitted to be done by an officer or agent of the union acting within 10 the scope of his authority to act on behalf thereof shall be deemed to be an act or thing done or omitted to be done by the union.

Officers, etc. of union guilty of offence.

(3) Where a union is guilty of an offence under this section, every officer, member of the executive board or 15 agent of the union who directed, authorized, assented to, acquiesced in or participated in the offence is a party to and guilty of the offence and is liable on summary conviction to the fine provided by subsection (1) for the offence or to 20 imprisonment for a term not exceeding three months, or to both such fine and imprisonment, whether or not the union has been prosecuted or convicted therefor.

Demand by registered letter to officer, etc. of union in Canada.

12. Where a union has failed to file with the Minister a return for a reporting period as and when required by this Part, the Minister may, by demand made by registered 25 letter to the senior executive officer or representative of the union in Canada or any officer or agent of a local union or branch of the union in Canada, require that person to file with the Minister, within such reasonable time as is stipu- 30 lated in the registered letter, the return required by this Part on behalf of the union, and any such person who fails to comply with any demand so made to him is guilty of an offence and is liable on summary conviction to the punishment provided by subsection (3) of section 11 for an offence 35 under that section, whether or not the union or any other person has been prosecuted or convicted therefor.

PART III.

GENERAL.

Information available for inspection; fee for inspection.

13. One duplicate of the statement comprised in Section A of each return filed by a corporation as required by Part I shall be kept on record in an office of the Department of the Secretary of State designated by the Minister for the pur- 40 pose, and one duplicate of the statement comprised in Section A of each return filed by a union as required by Part II

shall be kept on record in an office of the Department of Labour designated by the Minister for the purpose, and such duplicates shall be made available for inspection in those respective offices by any person, upon application at any reasonable time and upon payment of such fee, not exceeding one dollar in respect of any one corporation or union, as may be prescribed by the regulations. 5

Privileged information; prohibition against communication.

14. (1) Except as provided in this section, all information contained in any statement comprised in Section B of a return filed by a corporation or a union as required by this Act is privileged, and no official or authorized person shall, knowingly, 10

(a) communicate or allow to be communicated to any person any such information (hereinafter in this section referred to as "privileged information") obtained under this Act, or 15

(b) allow any person to inspect or have access to any statement or other writing containing any privileged information obtained under this Act.

Idem.

(2) Notwithstanding any other Act or law, no official or authorized person shall be required, in connection with any legal proceedings, 20

(a) to give evidence relating to any privileged information obtained under this Act, or

(b) to produce any statement or other writing containing any privileged information obtained under this Act. 25

Idem.

(3) Subsections (1) and (2) do not apply in respect of criminal proceedings, either by indictment or on summary conviction, under any Act of the Parliament of Canada or in respect of proceedings relating to the administration or enforcement of this Act. 30

Exception.

(4) In the course of his duties in connection with the administration or enforcement of this Act, an official or authorized person may

(a) communicate or allow to be communicated to an official or authorized person any privileged information obtained under this Act, and 35

(b) allow an official or authorized person to inspect or have access to any statement or other writing containing any privileged information obtained under this Act. 40

Offence.

(5) Every person who, being an official or authorized person, contravenes any provision of this section is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or imprisonment for a term not exceeding three months, or to both such fine and imprisonment. 45

- Definitions.
"Official." (6) In this section
(a) "official" means any person employed in, or occupying a position of responsibility in, the service of Her Majesty, and includes any person formerly so employed or formerly occupying such a position, and 5
- "Authorized person." (b) "authorized person" means any person engaged or employed, or formerly engaged or employed, by or on behalf of Her Majesty for any purpose relating to the administration or enforcement of this Act. 10
- Certificate as evidence. **15.** In any prosecution for an offence under Part I or II, a certificate purporting to be signed by the Minister that a return was not filed with the Minister by any corporation, union or person as and when required by that Part is admissible in evidence and in the absence of any evidence to the contrary is proof of the statements contained therein. 15
- Annual report. **16.** (1) The Secretary of State and the Minister of Labour shall, as soon as possible after the end of each year, cause to be prepared a report containing a statistical summary and analysis of information obtained under this Act, contained in returns filed by corporations and unions for reporting periods coinciding with or ending in that year, and shall cause such report to be laid before Parliament forthwith upon its completion, if Parliament is then sitting, or if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting. 20 25
- How shown. (2) In any report described in subsection (1) the statistical summary and analysis contained therein shall be so presented or shown as not to disclose particulars of, or identify or permit identification of the source of, information contained in any statement comprised in Section B of a return filed by a corporation or union as required by this Act. 30
- Regulations. **17.** The Governor in Council may make regulations
(a) prescribing anything that by this Act may be prescribed by the regulations; and 35
(b) generally, for carrying into effect the purposes and provisions of this Act.
- Coming into force. **18.** This Act shall come into force on a day to be fixed by proclamation of the Governor in Council. 40

SCHEDULE

- 1. A bank to which the Bank Act or the Quebec Banks Act applies.
- 2. An insurance company or a mutual benefit society that is registered under the Canadian and British Insurance Companies Act or the Foreign Insurance Companies Act.
- 3. A trust company that is licensed under the Trust Companies Act.
- 4. A loan company that is licensed under the Loan Companies Act.
- 5. A corporation that is licensed under the Small Loans Act.
- 6. A co-operative credit society that has been granted a certificate under the Co-operative Credit Associations Act.
- 7. A corporation that is an agent of Her Majesty in right of Canada or a province or is named in Schedule D to the Financial Administration Act.
- 8. A municipality in Canada or a municipal or other public body performing a function of government in Canada.
- 9. A corporation not less than thirty per cent of the shares or capital of which are owned by Her Majesty in right of Canada or a province or by a municipality in Canada.
- 10. A corporation that is an agent of the government of a country other than Canada.
- 11. A corporation not less than ninety per cent of the shares or capital of which are owned by the government of a country other than Canada.
- 12. A corporation having as its object the furtherance of any religious or other charitable purpose, no part of the income of which is payable to or otherwise available for the personal gain or benefit of any registered member or shareholder thereof.
- 13. A corporation that is licensed under the Radio Act to establish a broadcasting station.
- 14. A transcontinental air carrier that has been designated by the Air Transport Board for general and other reporting purposes as a Trans-Can air carrier.
- 15. A railway, telegraph, telephone or express company or a carrier by water in respect of which returns are made to the Board of Transport Commissioners for Canada in pursuance of any of the provisions of sections 284 to 288 of the Railway Act.

SCHEDULE.

1. A bank to which the *Bank Act* or the *Quebec Savings Banks Act* applies.

2. An insurance company or a fraternal benefit society that is registered under the *Canadian and British Insurance Companies Act* or the *Foreign Insurance Companies Act*.

3. A trust company that is licensed under the *Trust Companies Act*.

4. A loan company that is licensed under the *Loan Companies Act*.

5. A corporation that is licensed under the *Small Loans Act*.

6. A co-operative credit society that has been granted a certificate under the *Co-operative Credit Associations Act*.

7. A corporation that is an agent of Her Majesty in right of Canada or a province or is named in Schedule D to the *Financial Administration Act*.

8. A municipality in Canada or a municipal or other public body performing a function of government in Canada.

9. A corporation not less than ninety per cent of the shares or capital of which are owned by Her Majesty in right of Canada or a province or by a municipality in Canada.

10. A corporation that is an agent of the government of a country other than Canada.

11. A corporation not less than ninety per cent of the shares or capital of which are owned by the government of a country other than Canada.

12. A corporation having as its object the furtherance of any religious or other charitable purpose, no part of the income of which is payable to or otherwise available for the personal gain or benefit of any proprietor, member or shareholder thereof.

13. A corporation that is licensed under the *Radio Act* to establish a broadcasting station.

14. A transcontinental air carrier that has been designated by the Air Transport Board for financial and other reporting purposes as a Group One air carrier.

15. A railway, telegraph, telephone or express company or a carrier by water in respect of which returns are made to the Board of Transport Commissioners for Canada in pursuance of any of the provisions of sections 384 to 389 of the *Railway Act*.

16. Any corporation for any reporting period of the corporation in respect of which it is an affiliate, that meets any of the following conditions:

(a) the gross revenues in the corporation for that reporting period from the business carried on by it in Canada, determined as prescribed by the regulations, did not exceed five hundred thousand dollars, and

(b) the assets in Canada of the corporation as of the last day of that reporting period, determined as prescribed by the regulations, did not exceed two hundred and fifty thousand dollars, except any such corporation that is one of two or more corporations that by reason of their relationship of management, ownership or financial affairs are designated by the Minister to be related corporations and that would not, if considered as a single corporation, qualify as a corporation described in this Part.

17. Any other corporation of a class prescribed by the regulations to be a class of corporations the filing of returns in respect of which is not essential to the security of effective compliance with Part I.

Section 227(1) of the Act
C-29

Printed in Canada

Mr. Carter

16. Any corporation, for any reporting period of the corporation in respect of which it can be established that

- (a) the gross revenue of the corporation for that reporting period from the business carried on by it in Canada, determined as prescribed by the regulations, did not exceed five hundred thousand dollars, and
- (b) the assets in Canada of the corporation as of the last day of that reporting period, determined as prescribed by the regulation, did not exceed two hundred and fifty thousand dollars, except any such corporation that is one of two or more corporations that, by reason of inter-relationship of management, ownership or financial affairs, are designated by the Minister to be related corporations and that would not, if considered as a single corporation, qualify as a corporation described in this item.

17. Any other corporation of a class prescribed by the regulations to be a class of corporations the filing of returns in respect of which is not essential to the securing of effective compliance with Part I.

C-39.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-39.

An Act to amend the Merchant Seamen
Compensation Act.

First reading, January 22, 1962.

Mr. CARTER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-39.

An Act to amend the Merchant Seamen
Compensation Act.

R.S., c. 178;
1952-53, c. 16;
1957, c. 9.

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

1. Subsection (2) of section 30 of the *Merchant Seamen
Compensation Act* is repealed and the following substituted 5
therefor:

Where no
widow.

“(2) Where a seaman leaves no widow or the widow sub-
sequently dies and the seaman or widow, at time of death,
maintained a domestic establishment for his child or
children entitled to compensation, and a daughter or other 10
person is competent to assume and does assume, as foster-
mother, the maintenance and care of such child or children,
to the Board’s satisfaction, such daughter or other person
while so doing is entitled to receive the same monthly
payments of compensation for herself and the child or 15
children as if she were the seaman’s widow; in such case
each child’s part of such payment shall be in lieu of the
monthly payment the child would otherwise be entitled to
receive.”

EXPLANATORY NOTES.

The purpose of this Bill is to widen the discretion of the Merchant Seamen Compensation Board to make an allowance to a person who undertakes the care and maintenance of those orphans of a merchant seaman who are entitled to compensation under the *Merchant Seamen Compensation Act*. Under the present wording, the allowance is paid only if the person moves into the household of the deceased seaman or deceased seaman's widow. This Bill would permit the allowance to be paid, in the discretion of the Board, when the orphans are cared for and maintained elsewhere than in the former household by the person in a manner satisfactory to the Board. Compare subsections (9), (10) and (10a) of section 26 of the *Pension Act* as substituted by Chapter 10 of the 1960-61 Session.

The present section 30(2) of the *Merchant Seamen Compensation Act* is as follows:

"Where the seaman leaves no widow or the widow subsequently dies, and it seems desirable to continue the existing household, and an aunt, sister, or other suitable person acts as foster-mother in keeping up such household and maintaining and taking care of the children entitled to compensation in a manner that the Board deems satisfactory, such foster-mother while so doing is entitled to receive the same monthly payments of compensation for herself and the children as if she were the widow of the deceased, and in such case the children's part of such payments shall be in lieu of the monthly payments which they would otherwise have been entitled to receive."

The costs of administration of the *Merchant Seamen Compensation Act* and the compensation payable thereunder are chargeable to the employers and not against the Consolidated Revenue Fund.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-40.

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

First reading, January 23, 1962.

Mr. PETERS.

THE HOUSE OF COMMONS OF CANADA.

BILL C-40.

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

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

Short title.

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

5

Jurisdiction of Exchequer Court.

2. The Exchequer Court of Canada (hereinafter referred to as "the Court") shall have jurisdiction to entertain an action for dissolution of marriage from a person domiciled in the province of Quebec or Newfoundland and shall have power and authority to grant a divorce *a vinculo matrimonii* to such a person on the ground that the defendant has since the celebration of his or her marriage been guilty of adultery. 10

Conditions upon which decree be pronounced.

3. If the Court is satisfied by the evidence that the case of the plaintiff has been proved, and does not find that the plaintiff has been in any manner accessory to or has connived at the adultery of the defendant, or that the plaintiff has condoned the adultery complained of, or that the action was commenced and is proceeded with in collusion with the defendant or the co-respondent, then the Court may give judgment declaring such marriage to be dissolved: 15

Proviso.

Provided always that the Court shall not be bound to give such judgment if it finds that the plaintiff since his marriage to the defendant has been guilty of adultery, or if the plaintiff has, in the opinion of the Court, been guilty of unreasonable delay in commencing or proceeding with the action or has been guilty of mental or physical cruelty to the defendant, or has, without just cause, deserted the defendant or separated *a mensa et thoro* from the defendant, before the adultery complained of or has otherwise conducted to the commission of adultery by the defendant. 25 30

EXPLANATORY NOTES.

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

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

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

C-41.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-41.

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

First reading, January 23, 1962.

Mr. PETERS.

5th Session, 24th Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-41.

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*.

5

Office of
Parliamentary
Proctor.
Admin-
istration.

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.

10

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.

15

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 con-
curred in by the joint committee.

20

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.

25

EXPLANATORY NOTES.

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

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

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

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

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

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

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

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

Having acted to prevent abuses and contempts of the Parliamentary process and to protect the public interest, the Bill's second purpose is to protect the petitioner finan-

Tariff of costs, etc. of parties and agents.

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

Taxing master.

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

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

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

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

C-42.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-42.

An Act to provide for Minimum Wages for Employees.

First reading, January 23, 1962.

Mr. PETERS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-42.

An Act to provide for Minimum Wages for Employees.

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

- Short title. **1.** This Act may be cited as the *Canada Minimum Wage Act*. 5
- Interpretation. **2.** In this Act,
"Deputy Minister." (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 10 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 15 either:
(i) has control or direction of one or more employees;
or
(ii) is responsible, directly or indirectly, in whole or in part, for the payment of wages to, or the 20 receipt of wages by, one or more employees;
"full-time employee." (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; 25
"Minister." (e) "Minister" means the Minister of Labour;
"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; 30
"rate of wages." (g) "rate of wages" means the basis of calculation of wages;

EXPLANATORY NOTES.

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

"wage" or
"wages."

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

"week."

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

Application
of Act.

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

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

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

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

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

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

(f) radio broadcasting stations;

(g) banks and banking;

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

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

and to and in respect of,

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

Minimum
wages for
employees.

4. (1) Every full-time employee shall be paid by his employer, in respect of the time such employee is required 45 or permitted by his employer to work or to be at his disposal, wages which are not less than wages calculated at the rate of \$1.25 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. 5

Items to be supplied without cost to employees.

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

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

6. Where board or lodging are supplied by an employer to an employee and are accepted by the employee the value of such board or lodging for the purpose of calculating the minimum wages the employee shall be paid under this Act shall not exceed \$.50 per meal for board and \$.75 per day for lodging and no employer shall deduct from the wages of such employee any sum for board or lodging in excess of the values fixed herein. 15 20

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

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

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

Agreements not to deprive employees of benefits of Act.

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

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

Discrimination by employer prohibited.

9. No employer shall discharge or threaten to discharge or in any way discriminate against any employee for: 40
 (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. 45

Posting of
abstracts.

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

5

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:

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- (a) the name and residential address;
- (b) total wages paid for each week or other pay period; 15
- (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; 20
- (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. 25

(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. 30

35

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

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; 40
- (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 45

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

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

Money paid under Act deemed to be salary or wages.

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

Time limit for prosecutions.

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

Penalties.

15. (1) Every person who:

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

(b) with intent to deceive, makes any false or misleading statement in any communication, whether in writing 25 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; 30

is guilty of an offence and liable on summary conviction to a fine not exceeding two hundred dollars for the first offence and in default of payment to imprisonment for not more than thirty days, and for each subsequent offence, to a fine not exceeding four hundred dollars and in default of 35 payment to imprisonment for not more than ninety days.

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

(3) If the employer fails to pay any money ordered to be paid under subsection (2), the court may order that the employer be imprisoned for a further term of not less than 45 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. 5

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

Records of Deputy Minister.

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

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

Regulations.

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

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

Coming into force.

19. This Act shall come into force on the 1st day of September, 1962. 35

C-43.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-43.

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

First reading, January 23, 1962.

Mr. PETERS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-43.

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 5
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 3. In each province to which this Act applies, the court 10
jurisdiction. 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. 15
(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 20
woman, she would be so domiciled and, in such case, the
domicile of the wife shall be the domicile of both parties
to the marriage.
- Definitions. 5. In this Act, 25
"Petition." "petition" includes a cross-petition;
"Petitioner." "petitioner" includes a cross-petitioner;
"Proceed- "proceedings" includes cross-proceedings; and
ings." "respondent" includes a petitioner against whom
"Respond- there is a cross-petition.
ent."

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*.

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; 5
- (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; 10
- (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; 15
- (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; 20
- (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 25
 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; 30
- (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 35
 - (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; 40
- (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, 45 50

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

- (ii) having committed an offense involving the intentional infliction of grievous bodily harm on the petitioner or the intent to inflict grievous bodily harm on the petitioner;
- (j) that a party to the marriage has habitually and wilfully failed, throughout the period of two years immediately preceding the date of the filing of the petition, to pay maintenance to the other party
- (i) ordered to be paid under an order of a court in a province, or
- (ii) agreed to be paid under an agreement between the parties to the marriage providing for their separation,
- if the court is satisfied that reasonable attempts have been made by the petitioner to enforce the order or agreement under which the maintenance was ordered or agreed to be paid;
- (k) that the other party to the marriage has, for a period of not less than one year, failed to comply with a decree of restitution of conjugal rights made by a court in a province;
- (l) that the other party to the marriage
- (i) is, at the date of the filing of the petition, of unsound mind and unlikely to recover, and
- (ii) since the marriage and within a period of six years immediately preceding the date of the petition, had been confined for a period of, or for periods aggregating, not less than five years in an institution where persons may be confined for unsoundness of mind in accordance with law, or in more than one such institution,
- if the court is satisfied that, at the commencement of the hearing of the petition, the other party is still confined in such an institution and is unlikely to recover;
- (m) that the parties to the marriage have separated and thereafter have lived separately and apart for a continuous period of not less than five years immediately preceding the date of the filing of the petition, and there is no reasonable likelihood of cohabitation being resumed, notwithstanding
- (i) that the cohabitation was brought to an end by the action or conduct of one only of the parties, whether constituting desertion, or not, or
- (ii) that there was in existence at any relevant time a decree of a court suspending the obligation of the parties to the marriage to cohabit or an agreement between those parties for separation;

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

When leave
required.

7. (1) Subject to this section, proceedings for a decree of dissolution of marriage shall not be instituted within three years after the date of the marriage except by leave of the court. 5

(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. 10 15

(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. 20

(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. 25

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 30

(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 35

(d) the consent of either of the parties is not a real consent because 40

(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 45

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

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

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

Voidable
marriage.

- (e) either of the parties is not of marriageable age under the law of the place where the marriage takes place.
- (3) a marriage, not being a marriage that is void, is voidable, where, at the time of the marriage
- (a) either party to the marriage is incapable of consummating the marriage, if the court satisfied that the incapacity to consummate the marriage also existed at the time when the hearing of the petition commenced and that
- (i) the incapacity is not curable, or
 - (ii) the respondent refuses to submit to such medical examination as the court considers necessary for the purpose of determining whether the incapacity is curable, or
 - (iii) the respondent refuses to submit to proper treatment for the purpose of curing the incapacity,
- except that a decree of nullity of marriage shall not be made on this ground where the court is of opinion that by reason of the petitioner's knowledge of the incapacity at the time of the marriage, or the conduct of the petitioner since the marriage, or the lapse of time, or for any other reason, it would, in the particular circumstances of the case, be harsh and oppressive to the respondent, or contrary to the public interest, to make a decree;
- (b) either party to the marriage is
- (i) of unsound mind;
 - (ii) a mental defective;
 - (iii) subject to recurrent attacks of insanity or epilepsy; or
- (c) either party to the marriage is suffering from a venereal 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:

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(a) adjourn the proceedings to afford those parties an opportunity of becoming reconciled or to enable parties 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

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(d) an approved marriage guidance or other appropriate organization or a person with experience in relating in marriage counselling; or

(e) in special circumstances, some other suitable person;

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

(2) If not less than fourteen days after an adjournment under subsection (1) has taken place, either of the parties to the proceedings requests that the hearing or arrangements 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.

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14. Where a Judge has acted as conciliator under 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, or in the absence of such a request, arrangements shall be made for the proceedings to be dealt with by another Judge.

15. 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.

16. A marriage conciliator shall before entering upon

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

that it would not be appropriate to do so), and if at any time it appears to the Judge constituting the court, either from the nature of the case, the evidence in the proceedings, or the attitude of those parties, or of either of them, or of counsel, that there is a reasonable possibility of such a reconciliation, the Judge may do all or any of the following: 5

- (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; 10
- (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; 10
- (c) nominate 15
 - (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, 20
 to endeavour, with the consent of those parties, to effect a reconciliation.

(2) If, not less than fourteen days after an adjournment under subsection (1) has taken place, either of the parties to the marriage requests that the hearing be proceeded with, the Judge shall resume the hearing, or arrangements shall be made for the proceedings to be dealt with by another Judge, as the case requires, as soon as practicable. 25

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. 35

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. 40

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. 45

Hearing
when recon-
ciliation
fails.

Statements
not
admissible
evidence.

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.

Commence-
ment.

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

(1) where the proceedings in question are pending in a court of law, the Judge may do all or any of the following:

(a) suspend the proceedings in question for such a period as he thinks fit, or to enable either party to be heard in accordance with either of the first 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 counselling; or

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

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

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

14. When a Judge has acted as conciliator under paragraph (c) 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 event of such request, arrangements shall be made for the proceedings to be dealt with by another Judge.

15. Evidence of any fact said or of any admission made in the course of an interview in effect a reconciliation is inadmissible in any court or in proceedings before a person authorized by law, or by consent of the parties, to hear, receive, or examine evidence.

16. 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 a declaration of solemnity.

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.

THE HOUSE OF COMMONS OF CANADA

BILL C-44

An Act to amend the Representation Act
in the Eastern District

First reading January 22, 1962

PRINTED BY THE QUEEN'S PRINTER
OTTAWA, CANADA

Section 10
of the Act

covered by the provisions of the Act in relation to the law

Section 11
of the Act

provides for the law to be effective when the provisions of the Act are amended which the provisions may, where necessary, amend their constitutional rules of procedure.

C-44.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-44.

An Act to amend the Representation Act
(Halifax Electoral District).

First reading, January 23, 1962.

Mr. MORRIS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-44.

An Act to amend the Representation Act
(Halifax Electoral District).

R.S., c. 334;
1952-53, c. 8;
1953-54, c. 32;
1955, c. 5;
1959, c. 16;
1960-61, c. 25.

Halifax-
Dartmouth
and
County.

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

1. Paragraph 7, of that Part of the Schedule to the *Representation Act* dealing with the name and description of each of the electoral districts in the province of Nova Scotia, which names and describes the electoral district of Halifax, is repealed and the following substituted therefor: 5
“7. HALIFAX-DARTMOUTH AND COUNTY consisting of the cities of Halifax and Dartmouth and the 10 county of Halifax including Sable Island which shall return 2 members.”

Bill Number, Twenty-Fourth Parliament, 30 March 1926

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTE.

The purpose of this Bill is to give electoral recognition to the status of Dartmouth as a City of Canada.

The present Paragraph 7 is as follows:

"7. HALIFAX consisting of the city of Halifax and the county of Halifax including Sable Island which shall return 2 members."

First reading, January 25, 1926

Mr. Power

C-45.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-45.

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

First reading, January 23, 1962.

Mr. PETERS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-45.

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: 5

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*. 10

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. 15

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. 20

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 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." 25 30

Indictable offence. Penalty.

C-46

THE HOUSE OF COMMONS OF CANADA

BILL C-46

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 HOUSE OF COMMONS OF CANADA

BILL C-45

AN ACT TO AMEND THE BANK ACT

Enacted by Her Majesty in Council, at Ottawa, this 14th day of June, 1911.

1. In the Bank Act, chapter 28 of the Revised Statutes of Canada, 1906, the following provisions shall be substituted for sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

C-46.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-46.

An Act to amend the Representation Act.

First reading, January 26, 1962.

Mr. MATTHEWS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-46.

An Act to amend the Representation Act.

R.S.; c. 334;
1952-53, c. 8;
1953-54, c. 32;
1955, c. 5;
1959, c. 16;
1960-61, c. 25.

Nanaimo-
Cowichan-
The Islands.

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

1. Paragraph 11 of that Part of the Schedule to the *Representation Act*, dealing with the description of the electoral districts in the province of British Columbia, which describes the electoral district of Nanaimo, is amended by substituting for the word: "NANAIMO", the words: "NANAIMO-COWICHAN-THE ISLANDS" at the beginning of the said description.

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THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTE.

The purpose of the present Bill is to change the name of the electoral district of "Nanaimo" to that of "Nanaimo-Cowichan-The Islands".

All Bill is printed in the British North America Act, 1871, 1881, with respect to the Amendment of the Constitution in the House of Commons.

First reading, January 28, 1973.

Mr. [Name]

C-47.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-47.

An Act to amend the British North America Acts, 1867 to 1960, with respect to the Readjustment of Representation in the House of Commons.

First reading, January 26, 1962.

Mr. FISHER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

26051-3

5th Session, 24th Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-47.

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: 5

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:” 15

Short title and citation.

2. This Act may be cited as the *British North America Act, 1962*, and the *British North America Acts, 1867 to 1960*, and this Act may be cited together as the *British North America Acts, 1867 to 1962*.

The Senate, Twenty-Fourth Parliament, 30th Session, 1906

THE HOUSE OF COMMONS OF CANADA

BILL C-48

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.

Province of Manitoba

First reading, January 23, 1906

The Minister of Finance

THE HOUSE OF COMMONS OF CANADA

BILL C-47

1. The purpose of this Bill is to amend the *House of Commons Act, 1967* (the "Act") in order to provide for the establishment of a *Committee of the House of Commons* to inquire into and report on the activities of the *Canadian Security Intelligence Service* (the "CSIS") and to provide for the appointment of a *Chairman of the Committee* and the appointment of members of the Committee.

2. The *House of Commons Act, 1967* is amended by adding the following sections:

13. (1) There shall be a *Committee of the House of Commons* to inquire into and report on the activities of the *Canadian Security Intelligence Service* (the "CSIS") and to provide for the appointment of a *Chairman of the Committee* and the appointment of members of the Committee.

(2) The *Chairman of the Committee* shall be appointed by the *House of Commons* from among its members and shall hold office for a term of not more than one year.

(3) The *Chairman of the Committee* shall be the *Chairman of the Committee* and shall be appointed by the *House of Commons* from among its members and shall hold office for a term of not more than one year.

(4) The *Chairman of the Committee* shall be the *Chairman of the Committee* and shall be appointed by the *House of Commons* from among its members and shall hold office for a term of not more than one year.

14. This Act may be cited as the *British North America Act, 1967* and the *British North America Act, 1967 to 1969*, and this Act may be cited together as the *British North America Act, 1967 to 1969*.

Bill C-47
 1967-68
 22nd Parliament, 1st Session

House of Commons
 Ottawa, Ontario

C-48.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-48.

An Act to amend an Act respecting the Construction of a line of railway by Canadian National Railway Company from Optic Lake to Chisel Lake, and the Purchase by Canadian National Railway Company from The International Nickel Company of Canada, Limited, of a line of railway from Sipiwesk to a point on Burntwood River near Mystery Lake, all in the Province of Manitoba.

First reading, January 29, 1962.

THE MINISTER OF TRANSPORT.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-48.

An Act to amend an Act respecting the Construction of a line of railway by Canadian National Railway Company from Optic Lake to Chisel Lake, and the Purchase by Canadian National Railway Company from The International Nickel Company of Canada, Limited, of a line of railway from Sipiwesk to a point on Burntwood River near Mystery Lake, all in the Province of Manitoba.

1957-58, c. 13.

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

1. All that portion of the Schedule to *An Act respecting the Construction of a line of railway by Canadian National Railway Company from Optic Lake to Chisel Lake, and the Purchase by Canadian National Railway Company from The International Nickel Company of Canada, Limited, of a line of railway from Sipiwesk to a point on Burntwood River near Mystery Lake, all in the Province of Manitoba*, relating to the line of railway described in the Schedule as “Branch Line Number 1”, is repealed and the following substituted therefor:

“SCHEDULE.

Location	ESTIMATES		
	Mileage	Cost of Construction	Average cost per mile
<p><i>Branch Line Number 1.</i> A line of railway from a point on the Lynn Lake railway line at or near Optic Lake extending in an easterly direction to a point at or near Chisel Lake and from that point to the property of Hudson Bay Mining and Smelting Company Limited at Stall Lake, all in the Province of Manitoba.....</p>	60	\$8,840,000	\$147,333”

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTE.

The purpose of this Bill is to authorize the extension, by an additional eight miles, of the branch line authorized by chapter 13 of the Statutes of 1957-58 to be constructed by Canadian National Railway Company from Optic Lake to Chisel Lake, in the Province of Manitoba. The estimated total cost of construction of the branch line, including the extension, as shown in the Schedule would remain unchanged.

The portion of the Schedule being amended at present reads as follows:

"SCHEDULE.

Location	ESTIMATES		
	Mileage	Cost of Construction	Average cost per mile
<i>Branch Line Number 1.</i> A line of railway from a point on the Lynn Lake railway line at or near Optic Lake extending in an easterly direction to a point at or near Chisel Lake <i>both</i> in the Province of Manitoba.....	52	\$8,840,000	\$170,000"

C-49.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-49.

An Act to amend the Small Businesses Loans Act.

First reading, January 29, 1962.

THE MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

26309-5

5th Session, 24th Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-49.

An Act to amend the Small Businesses Loans Act.

1960-61, c. 5.

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

1. Paragraph (d) of section 2 of the *Small Businesses Loans Act* is amended by deleting the word "or" at the end of subparagraph (ii) thereof, by adding the word "or" at the end of subparagraph (iii) thereof and by adding thereto the following subparagraph: 5

"(iv) the construction or purchase of alternative premises where the premises in which the business enterprise was or is being carried on are not or will cease to be available for that purpose, or where, in the opinion of a responsible officer of the bank, failure to relocate the business enterprise in alternative premises will impede the efficient carrying on of the enterprise or the reasonable expansion thereof;" 10 15

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTE.

The paragraph being amended at present reads as follows:

- “(d) “business improvement loan” means a loan made by a bank to a proprietor of a small business enterprise for the purpose of financing
- (i) the purchase, installation, renovation, improvement or modernization of equipment of a kind usually affixed to real or immovable property,
 - (ii) the purchase, renovation, improvement or modernization of equipment of a kind not usually affixed to real or immovable property, or
 - (iii) the renovation, improvement or modernization of premises or the alteration or extension of premises;”

The purpose of this amendment is to permit a business improvement loan to be made for the construction or purchase of alternative premises where the premises in which the enterprise was or is being carried on are no longer available or will cease to be available for that purpose or where, in the opinion of a responsible officer of the bank making the loan, failure to relocate the business enterprise will impede the efficiency or reasonable expansion of the enterprise.

C-50.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-50.

An Act respecting Sir John A. Macdonald Day.

First reading, February 2, 1962

Mr. WRATTEN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-50.

An Act respecting Sir John A. Macdonald Day.

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

Short title.

1. This Act may be cited as the *Sir John A. Macdonald Day Act*.

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Sir John A.
Macdonald
Day.

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

C-51

First Session, Twenty-Second Parliament, 10 December 1962

THE HOUSE OF COMMONS OF CANADA

BILL C-51

EXPLANATORY NOTE.

In 1967 Canadians will be celebrating throughout Canada the birth of their nation. As Sir John A. Macdonald was the first Prime Minister of Canada it seems proper and desirable that his memory should be honored by the observation of a holiday under the name of Sir John A. Macdonald Day.

AS PASSED BY THE HOUSE OF COMMONS
2nd FEBRUARY, 1963

ROBERT STURTELL, CLERK
HOUSE OF COMMONS AND GOVERNMENT
OTTAWA, ONT.

C-51.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-51.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1962.

AS PASSED BY THE HOUSE OF COMMONS,
2nd FEBRUARY, 1962.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-51.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1962.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by a message from His Excellency, Major-General Georges Philias Vanier, DSO., MC., Governor General of Canada, and the estimates accompanying the said message, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1962, and for other purposes connected with the public service: May it therefore please your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Short title.

1. This Act may be cited as the *Appropriation Act No. 1, 1962.*

\$82,390,000.00
granted for
1961-62.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole eighty-two million, three hundred and ninety-thousand dollars, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1961, to the 31st day of March, 1962, not otherwise provided for, and being the total of the amounts of the items set forth in the Schedule to this Act.

Purpose
and effect of
each item.

3. (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

SCHEDULE.

Based on the Further Supplementary Estimates (2), 1961-62. The amount hereby granted is \$82,390,000, being the total of the amounts of the items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE		
	PRODUCTION AND MARKETING BRANCH		
611	Payments to western grain producers to be distributed on the following basis, namely, \$1.00 per cultivated acre up to a maximum of 200 acres per farm in accordance with regulations of the Governor in Council.....		42,000,000
	FISHERIES		
	SPECIAL		
612	Contribution towards a special Newfoundland works program for fishing settlements that experienced income reduction resulting from decreased catches.....		300,000
	LABOUR		
	A—DEPARTMENT		
	SPECIAL SERVICES		
613	Special Services Branch including the promotion of a program for combatting seasonal unemployment, the organization and use of workers for farming and related industries and assistance to the Provinces under agreements entered into with the Provinces by the Minister of Labour with the approval of the Governor in Council—Further amount required.....	90,000	
614	Payments in accordance with terms and conditions approved by the Governor in Council to Provinces and in respect of Indian Bands under the Municipal Winter Works Incentive Program during the 1961-62 and 1962-63 fiscal years of amounts not exceeding one-half of the cost of labour incurred in the period from the 15th day of October, 1961 to such day in the fiscal year 1962-63 as may be determined by the Governor in Council; and to authorize payments in those fiscal years to Provinces in respect of previous Municipal Winter Works Incentive Programs in accordance with terms and conditions approved by the Governor in Council.....	40,000,000	
			40,090,000
			82,390,000

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-52.

An Act to amend the Expropriation Act.

First reading, February 5, 1962.

Mr. MARTIN, (Essex East).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-52.

An Act to amend the Expropriation Act.

R.S., c. 106.

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

1. The *Expropriation Act* is amended by inserting therein immediately before section 9 thereof the following section as section 8A: 5

Deposit, etc., not to be effective unless section complied with.

8A. (1) The deposit of a plan and description of lands under section 9 shall not be effective to vest lands or any interest therein in Her Majesty unless before the deposit the provisions of this section have been complied with. 10

Notice of intention by the Minister.

(2) Where the Minister proposes to take or acquire lands or any interest therein for Her Majesty by the deposit of the plan and description under section 9 he shall before the plan and description are deposited give notice to the owner of the lands and every person having any interest therein which interest is to be taken of his intention so to do or if the whereabouts of the owner or any such person are unknown to the occupant of the lands or if there is no occupant the Minister shall publish a notice of his intention so to do in at least three consecutive issues of a newspaper circulating in the area in which the lands are situated. 15 20

Contents and time of notice.

(3) A notice under subsection (2) shall inform the owner and every person having any interest in the lands which interest is to be taken of the Minister's intention to vest the lands or interest in Her Majesty and shall be given at least thirty days prior to the deposit of the plan and description. 25

Opportunity to make representations.

(4) The Minister shall, if the owner or a person having an interest in the lands which interest is to be taken so requests, give the owner or person an opportunity to make representations that the lands or interest should not be vested in Her Majesty and if thereafter the Minister decides that the lands or interest be vested in Her Majesty the Minister shall inform the owner or person of his reasons for the decision before filing the plan and description. 5

Reason for decision.

When section not to apply.

(5) The provisions of this section shall not apply where the Governor in Council has passed an order in council authorizing the immediate taking of lands or any interest therein on grounds of public urgency and any such order in council shall be tabled in the House of Commons within 14 days after the passing thereof if Parliament is then sitting or within 14 days after commencement of the next Session of Parliament if Parliament is not then sitting. 10 15

C-53.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-53.

An Act to amend the War Measures Act.

First reading, February 5, 1962.

Mr. MARTIN (Essex East).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

26410-1

THE HOUSE OF COMMONS OF CANADA.

BILL C-53.

An Act to amend the War Measures Act.

R.S., c. 288;
1960, c. 44,
s. 6.

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

1960, c. 44,
s. 6.

1. Subsection (5) of section 6 of the *War Measures Act* is repealed. 5

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

Construction
of *Canadian
Bill of Rights*.

“6A. (1) Subject to subsections (2), (3), (4), (5), (6), and (7), any act or thing done or authorized or any order or regulation made under the authority of this Act, shall be deemed not to be an abrogation, abridgement, or infringement of any right or freedom recognized by the *Canadian Bill of Rights*. 10

Protection of
citizen or
British
subject by
naturaliza-
tion.

(2) Under this Act, a naturalized Canadian citizen shall not be deprived of his citizenship and a naturalized British subject shall not be deprived of his status as a British subject. 15

No depor-
tation
of Canadian
citizen.

(3) A Canadian citizen shall not be deported from Canada under this Act.

Condition of
detention.

(4) A Canadian citizen or British subject shall not be detained under this Act beyond a period of sixty days unless the cause for his detention has been reviewed by an appropriate impartial tribunal which has reported thereon to the Minister or authority authorizing the detention. 20

Order or
regulation
to be
submitted to
Parliament.

(5) An order or regulation under this Act that confers authority to order the detention of any person shall, forthwith after it is made, be laid before Parliament, or if Parliament is not then sitting, within the first fifteen days next thereafter that Parliament is sitting. 25

EXPLANATORY NOTES.

Section 6, subsection 5, of the *War Measures Act* provides:

"(5) Any act or thing done or authorized or any order or regulation made under the authority of this Act, shall be deemed not to be an abrogation, abridgement or infringement of any right or freedom recognized by the *Canadian Bill of Rights*."

The purpose of this bill is to prohibit the Executive of Government, by use of this *ad hoc* revocation of the *Canadian Bill of Rights*, from arbitrarily stripping a naturalized Canadian or a naturalized British subject of his citizenship or British status; from arbitrarily exiling a Canadian, whether natural born or naturalized, by deportation from Canada; or from arbitrarily depriving a Canadian citizen or British subject, whether in either case natural born or naturalized, of his liberty by detaining him beyond a definite period so as to deprive him of the remedy of *habeas corpus* or the right of appeal to an independent tribunal.

Clause 1 is consequential upon *clause 2*.

Clause 2 re-enacts section 6(5) but provides that the *Canadian Bill of Rights* shall apply to the *War Measures Act* in respect of action by the Executive of Government to violate the prohibitions above set out. The clause further provides that any regulation authorizing powers of detention must be tabled in Parliament and may be reviewed by Parliament and negatived by the dissent of either House.

Opportunity
for debate.

(6) Where an order or regulation has been laid before Parliament pursuant to subsection (5), a notice of motion in either House, signed by ten members of that House and made in accordance with the rules of that House within ten days of the day the order or regulation was laid before Parliament, praying that the order or regulation be revoked, shall be debated in that House at the first convenient opportunity within the four sitting days next after the day the motion in that House was made. 5

Revocation
of order or
regulation
by resolution.

(7) If either House of Parliament resolves pursuant to a motion made under subsection (6) that the order or regulation be revoked, the order or regulation shall cease to have effect, but without prejudice to the previous operation of the order or regulation or anything duly done thereunder." 10

C-54.

Fifth Session, Twenty-Fourth Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-54.

An Act to amend the Old Age Security Act.

First reading, February 5, 1962.

THE MINISTER OF NATIONAL HEALTH
AND WELFARE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-54.

An Act to amend the Old Age Security Act.

R.S., c. 200;
1957-58, c. 3;
1959, c. 14;
1960, c. 34. **H**ER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1957-58, c. 3,
s. 1. **1.** All that portion of subsection (1) of section 3 of the *Old Age Security Act* immediately preceding paragraph (a) 5
thereof is repealed and the following substituted therefor:

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

Coming into
force. **2.** This Act shall be deemed to have come into force on 10
the 1st day of February, 1962.

EXPLANATORY NOTE.

Clause 1: The portion of subsection (1) being amended at present reads as follows:

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

The purpose of the amendment is to increase the pension from fifty-five dollars a month to sixty-five dollars a month.

C-55.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-55.

An Act to amend the Old Age Assistance Act.

First reading, February 7, 1962.

THE MINISTER OF NATIONAL HEALTH
AND WELFARE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-55.

An Act to amend the Old Age Assistance Act.

R.S., c. 199;
1957-58, c. 6.

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

1957-58, c. 6,
s. 1(1).

Agreements
with
provinces.

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

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

1957-58, c. 6,
s. 1(3).

(2) Paragraph (c) of subsection (2) of section 3 of the said Act is repealed and the following substituted therefor: 15

- “(c) is
- (i) an unmarried person, and his income, inclusive of assistance, is not more than eleven hundred and forty dollars a year, 20
 - (ii) married and living with his spouse, and the total income, inclusive of assistance, of the recipient and his spouse is not more than nineteen hundred and eighty dollars a year, or
 - (iii) married and living with his spouse who is blind 25
within the meaning of the *Blind Persons Act*, and the total income, inclusive of assistance, of the recipient and his spouse is not more than twenty-three hundred and forty dollars a year.”

Coming into
force.

2. This Act shall be deemed to have come into force on the 1st day of February, 1962. 30

THE HOUSE OF COMMONS OF CANADA

BILL C-5

EXPLANATORY NOTES.

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

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

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

(2) Paragraph (c) at present reads as follows:

- "(c) is,
 - (i) an unmarried person, and his income, inclusive of assistance, is not more than *nine hundred and sixty* dollars a year,
 - (ii) married and living with his spouse and the total income, inclusive of assistance, of the recipient and his spouse is not more than *sixteen hundred and twenty* dollars a year, or
 - (iii) married and living with his spouse who is blind within the meaning of the *Blind Persons Act* and the total income, inclusive of assistance, of the recipient and his spouse is not more than *nineteen hundred and eighty* dollars a year."

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

C-56.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-56.

An Act to amend the Blind Persons Act.

First reading, February 7, 1962.

**THE MINISTER OF NATIONAL HEALTH
AND WELFARE.**

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-56.

An Act to amend the Blind Persons Act.

R.S., c. 17;
1955, c. 26;
1957-58, c. 4.

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

1957-58, c. 4,
s. 1(1).

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

Agreements
with
provinces.

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

1957-58, c. 4,
s. 1(2).

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

“(c) is

- (i) an unmarried person without a dependent child or children, and his income, inclusive of allowance, is not more than thirteen hundred and eighty dollars a year,
- (ii) an unmarried person with a dependent child or children, and his income, inclusive of allowance, is not more than eighteen hundred and sixty dollars a year,
- (iii) married and living with his spouse, and the total income, inclusive of allowance, of the recipient and his spouse is not more than twenty-three hundred and forty dollars a year,

or

THE HOUSE OF COMMONS OF CANADA

BILL C-57

EXPLANATORY NOTES.

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

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

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

(2) Paragraph (c) at present reads as follows:

"(c) is

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

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

(iv) married and living with his spouse who is blind, and the total income, inclusive of allowance, of the recipient and his spouse is not more than twenty-four hundred and sixty dollars a year."

Coming into force.

2. This Act shall be deemed to have come into force on 5 the 1st day of February, 1962.

STATUTES OF CANADA

BILL C-56

An Act to extend the Blind Persons Act.

Faint, mirrored text from the reverse side of the page, including phrases like "Class 1 (1) Blind person (1) definition", "Class 2 (1) Blind person (2) definition", and "Class 3 (1) Blind person (3) definition".

C-57.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-57.

An Act to amend the Juvenile Delinquents Act.

First reading, February 8, 1962.

Mr. BROOME.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-57.

An Act to amend the Juvenile Delinquents Act.

R.S., c. 160.

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

1. Section 12 of the *Juvenile Delinquents Act* is amended by adding thereto the following subsections:

5

Secrecy of reports.

“(5) No one having, or having had the custody of a juvenile delinquent, and no one who is or has been in charge or informed of any record or file respecting a hearing or disposal of a case in connection with the trial of a juvenile delinquent shall, without the special leave of the Court, communicate to any other person, not being a judge, magistrate, probation officer, superintendent or other officer connected with the administration of justice, any report of or information respecting a delinquency committed or said to have been committed, by a child, or of or respecting the trial or other disposition of a charge against a child. 10

Records and files to be destroyed after five years.

“(6) All such records and files mentioned in subsection (5) shall be destroyed by the officer having the custody thereof after a period of five years from the date of such trial or hearing if no new trial or hearing respecting such child or juvenile delinquent has taken place during the said period of five years.” 20

Mr. Broome

QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA

8-3084

Third Session, Twenty-First Parliament, 1941-1942

THE HOUSE OF COMMONS OF CANADA

BILL C-58

EXPLANATORY NOTE.

The purpose of this amendment to the *Juvenile Delinquents Act* is to provide for the secrecy of reports, files or records in connection with the trial of juvenile delinquents and to provide further that such records and files be destroyed after a period of five years from the date of such trial.

First reading, February 5, 1942

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-58.

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

First reading, February 8, 1962.

Mr. BROOME.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-58.

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

R.S., c. 53.

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

1. Paragraph (a) of subsection (1) of section 121 of the *Companies Act*, together with that portion of subsection (1) that precedes paragraph (a) thereof, is repealed and the following substituted therefor: 5

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

Shareholders
and Secretary
of State to
get financial
statements.

(a) a copy of every balance sheet and statement of income and expenditure and statement of surplus and of the statement referred to in section 118, where such section applies, that is to be laid before the company at the annual meeting, together with a copy of the auditor's report, shall, not less than fourteen days before the date of the meeting, be mailed in a prepaid wrapper or letter to each and every shareholder of record at his address as recorded in the books of the company; and thereafter, in due course, a copy of each of the documents mentioned in this subsection shall also be mailed to the Secretary of State, together with proof of due compliance with the foregoing provisions of this paragraph, in such form as may be satisfactory to the Secretary of State;” 10 15 20

2. The said Act is further amended by adding thereto, immediately after subsection (1) of section 121 thereof, the following subsection; 25

Exempted
private
companies.

(1A) Where a private company establishes to the satisfaction of the Secretary of State that, during the period to which such balance sheet and the statements aforesaid relate, none of its shares or debentures has been owned or 30

EXPLANATORY NOTES.

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

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

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

Clause 3 proposes that the restrictive amendment come into effect July 1st, 1962, to give adequate notice to interested persons.

C-59.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-59.

An Act respecting Company Directors
(Directors' Qualifications).

First reading, February 8, 1962.

Mr. BROOME.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-59.

An Act respecting Company Directors
(Directors' Qualifications).

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

- Short title. **1.** This Act may be cited as the *Company Directors' Act*.
- Application. **2.** In every case in which the Parliament of Canada has created, whether by special or general Act of Parliament, by charter, or by letters patent, for any of the purposes or objects to which the legislative authority of the Parliament of Canada extends, a body corporate and politic and it is required in such Act, or in any Part thereof applying to the company so incorporated, or in such charter or such letters patent, that the company be managed by a board of directors, then this Act shall apply to require:
- Majority of directors of board or committee to be Canadian citizens or residents. (a) a majority of all the directors of such company and, in the case where any committee of such directors is delegated any powers of management of the company, a majority of all the members of such committee, shall at all times be Canadian citizens or ordinarily resident in Canada;
- Disqualification. (b) the election or appointment of a person as a director of such company or as a member of such committee is void if the composition of the board of directors or of the committee, as the case may be, as a result thereof fails to comply with paragraph (a) hereof, and a director or a member of the committee ceases to be a director or a member of the committee, as the case may be, if he ceases to be a Canadian citizen or ordinarily resident in Canada and the composition of the board or of the committee as a result thereof ceases to comply with the requirements of paragraph (a).
- Commencement. **3.** This Act shall come into force on the first day of July, 1962.

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTE.

The purpose of this Bill is to require that all companies created by the Parliament of Canada be managed by a majority of directors who are either Canadians or Canadian residents. Stricter requirements already exist in the *Canadian and British Insurance Companies Act*, R.S., c. 31, s. 6, as amended by 1957-58 S., c. 11, s. 2, which requires that a majority of directors be resident Canadians, and in Part III of the *Companies Act*, R.S., c. 53, s. 155, (companies incorporated by Special Act to which Part III applies), which requires that a majority of the directors be British subjects ordinarily resident in Canada.

Mr. Maclean

Clause 3 provides that this Act would be effective 1st July, 1962.

C-60.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-60.

An Act to amend the Representation Act.

First reading, February 8, 1962.

Mr. MACLELLAN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-60.

An Act to amend the Representation Act.

R.S.; c. 334;
1952-53, c. 8;
1953-54, c. 32;
1955, c. 5;
1959, c. 16;
1960-61, c. 25.

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

Inverness-
Richmond-
West Cape
Breton.

1. Paragraph 8 of that Part of the Schedule to the *Representation Act*, dealing with the description of the electoral districts in the province of Nova Scotia, which describes the electoral district of Inverness-Richmond, is amended by substituting for the words: "INVERNESS-RICHMOND", the words: "INVERNESS-RICHMOND-WEST CAPE BRETON" at the beginning of the said description.

5

10

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTE.

The purpose of the present Bill is to change the name of the electoral district of "Inverness-Richmond" to that of "Inverness-Richmond-West Cape Breton".

An Act to amend the Electoral Act in relation to the name of the electoral district of Inverness-Richmond and to provide for the name of the electoral district of Inverness-Richmond-West Cape Breton.

Enacted at Ottawa this 1st day of June 1914.

By Command of His Majesty the King,
J. G. BROWN, Secretary of State.

C-61.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-61.

An Act to Quieten Doubts that have arisen concerning the
Constitution of and the exercise of Powers by the
Canadian Wheat Board and for the Resolving Thereof
(Canadian Wheat Board).

First reading, February 8, 1962.

Mr. ORMISTON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-61.

An Act to Quieten Doubts that have arisen concerning the Constitution of and the exercise of Powers by the Canadian Wheat Board and for the Resolving Thereof (Canadian Wheat Board).

Preamble.

WHEREAS subsection (4) of section 4 of *An Act to provide for the Constitution and Powers of the Canadian Wheat Board* provides that the Canadian Wheat Board is incorporated with the object of marketing in an orderly manner, in interprovincial and export trade, grain grown in Canada and is given certain powers, under the said Act, to that end; and 5

WHEREAS paragraph (b) of section 32 provides that no person other than the Board shall transport or cause to be transported from one province to another province wheat or wheat products owned by a person other than the Board and the said paragraph has been extended under section 35 to apply to oats and oat products and barley and barley products; and 10

WHEREAS Regulation 12 of the regulations duly made and provided under the said Act provides that the Board may grant licences for the transporting from one province to another province or for the sale or delivery anywhere in Canada of such grain and may prescribe terms and conditions precedent or subsequent; and 15 20

WHEREAS grave doubts have arisen on a question of law under the relevant provisions of the *British North America Acts, 1867 to 1960*, whether the said Board may use, malfeasant or nonfeasant, its powers or any of them with the object of thereby marketing, whether in an orderly fashion or otherwise, within a province grain grown in that province; and, in particular, whether the Board is competent to refuse to grant a licence under the said Regulation 12 to 25

EXPLANATORY NOTES.

The constitution and powers of the Canadian Wheat Board are subject to two limitations:

- (a) The limitation placed by the *B.N.A. Act* upon Parliament—the creator of the Board; and
- (b) The limitation placed by Parliament upon the Board in the constituting and empowering Act—the *Canadian Wheat Board Act*.

The general scheme of the Act has been held to be within Federal powers under section 91(2) of the *B.N.A. Act*, "The Regulation of Trade and Commerce". *Murphy v. C.P.R. & Atty.-Gen. of Canada*, (1958) *S.C.R.* 626. This is undoubtedly true, also, of the object of the Board as defined by Parliament in section 4(4) of the Act:

"The Board is incorporated with the object of marketing in an orderly manner, in interprovincial and export trade, grain grown in Canada....."

Section 32(b) which, with its complementary Regulation No. 12, is the section in issue, is also *intra vires* in principle. *Murphy v. C.P.R. et al.* (above cited)

The crux of the matter, however, is expressed in the judgment of Chief Justice Adamson when this case was before the Manitoba Court of Appeal, (1956) 4 *D.L.R.* 443 at 448:

"Section 32(b) is sweeping in its terms. I think, however, that it should be interpreted and applied in accordance with and subject to the purpose and intention of the Act, namely, the orderly marketing of grain as stated in s. 4(4) of the Act (*ed. that is, "in interprovincial and export trade"*)".

In other words, Chief Justice Adamson was of opinion that section 32(b) is so wide in its terms as to be *ultra vires* of Parliament under the *B.N.A. Act* unless it is applied and administered within the limitation laid down by Parliament in section 4(4) of the Act. If it is not so applied and administered then the Board is *ultra vires* of the Act in any action taken by it.

permit a person other than the Board to transport or cause to be transported from one province to another province grain owned by a person other than the Board by reason only that such grain is available within that province to which it is sought to import grain and so appear to do by 5
indirection and without apparent colour of right that which the Queen in Parliament of Canada, acting within the limitations imposed by the provisions of the *British North America Acts, 1867 to 1960*, has, by restricting the operations and powers of the Board to marketing Canadian grain in 10
interprovincial and export trade, prohibited; and

WHEREAS it is desirable that litigious actions or criminal prosecutions or other penalty within the Act, as may be, arising or to arise out of the doings, be they malfeasant or nonfeasant, of the Board or any person, 15
within the question of law hereinbefore recited, be not further proceeded with or prosecuted nor yet exacted nor initiated until the said question of law is adjudicated and determined;

NOW THEREFORE Her Majesty, by and with the ad- 20
vice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., c. 44;
1952-53, c. 26;
1957, c. 6.

1. Except with the consent of the Minister of Agriculture, and notwithstanding any of the provisions of the *Canadian Wheat Board Act*, the Canadian Wheat Board shall not 25
proceed with or initiate any civil action or criminal complaint, or exact any other penalty under the said Act, in circumstances like or similar to those hereinbefore recited in the preamble to this Act as constitutionally 30
dubious.

Life of Act.

Saving
harmless.

2. This Act shall continue in full force and effect until the Supreme Court of Canada has certified to the Governor in Council its opinion upon the question of law touching the interpretation of the *British North America Acts, 1867 to 1960*, hereinbefore recited in the preamble to this 35
Act, and no civil, criminal or other penalty, statutory or otherwise, shall be incurred by any person by reason that such person, under the authority and by virtue of section 1, does or does not do any act.

Crown
bound.

3. This Act shall bind the Crown.

40

This Bill is premised on the conclusion that the Board, on occasion, has interpreted and applied section 32(b) and its Regulation 12 contrary to, rather than subject to, the purpose and intention of Parliament; specifically, that it has used and applied the section to manipulate and regulate the marketing of grain solely within a province by refusing to grant interprovincial licences under section 32(b).

The remedy proposed by this Bill is suggested by the observation of Mr. Justice Locke in the case on appeal before the Supreme Court at pp. 154-55 *Supra*:

"It was said in the judgment of the Judicial Committee in *Citizens Insurance Co. v. Parsons* (1881) 7 App. Cases 96 at p. 109 and it has been said many times since that in performing the difficult duty of deciding questions arising as to the construction of ss. 91 and 92 of the *B.N.A. Act* it is a wise course to decide each case which arises without entering more largely upon the interpretation of the statute than is necessary for the decision of the particular question in hand."

Clause 1 gives the Minister of Agriculture supervisory control over the Board in its exercise of its powers under section 32(b) in doubtful cases. This control continues until such time as, the Governor in Council having referred this question to the Supreme Court of Canada on a reference under section 55 of the *Supreme Court Act*, the Court renders its opinion.

C-62.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-62.

An Act to amend the Disabled Persons Act.

First reading, February 9, 1962.

**THE MINISTER OF NATIONAL HEALTH
AND WELFARE.**

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-62.

An Act to amend the Disabled Persons Act.

1953-54, c. 55;
1957-58, c. 5.

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

1957-58, c. 5,
s. 1(1).

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

5

Agreements
with
provinces.

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

1957-58, c. 5,
s. 1(2).

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

“(g) is

- (i) an unmarried person, and his income, inclusive of allowance, is not more than eleven hundred and forty dollars a year, 20
- (ii) married and living with his spouse, and the total income, inclusive of allowance, of the recipient and his spouse is not more than nineteen hundred and eighty dollars a year, or
- (iii) married and living with his spouse who is 25 blind within the meaning of the *Blind Persons Act*, and the total income, inclusive of allowance, of the recipient and his spouse is not more than twenty-three hundred and forty dollars a year.”

Coming into
force.

2. This Act shall be deemed to have come into force on the 1st day of February, 1962.

BILL C-53

EXPLANATORY NOTES.

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

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

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

(2) Paragraph (g) at present reads as follows:

"(g) is

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

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

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-63.

An Act respecting the Construction of a line of railway in the Province of Alberta by Canadian National Railway Company from Whitecourt, Alberta, in a westerly direction for a distance of approximately 23.2 miles to the property of Pan American Petroleum Corpora-

First reading, February 12, 1962.

THE MINISTER OF TRANSPORT.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-63.

An Act respecting the Construction of a line of railway in the Province of Alberta by Canadian National Railway Company from Whitecourt, Alberta, in a westerly direction for a distance of approximately 23.2 miles to the property of Pan American Petroleum Corporation.

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

Construction and completion.

1. The Governor in Council may provide for the construction and completion by Canadian National Railway Company (in this Act called "the Company") prior to the 31st day of March, 1963, or such later date as the Governor in Council may fix, of the line of railway (in this Act called the "railway line") described in the Schedule. 5

Competitive bids or tenders.

2. The Company shall adopt the principle of competitive bids or tenders in respect of the construction of the railway line in so far as the Company decides not to perform such work or any part thereof with its own forces, but the Company is not bound to accept the lowest or any bid or tender made or obtained nor precluded from negotiating for better prices or terms. 10 15

Maximum expenditure.

3. Estimates of the mileage of the railway line, the amount to be expended on the construction thereof and the average expenditure per mile are set out in the Schedule, and, except with the approval of the Governor in Council, the Company shall not in performing the work of construction and completion exceed such estimates by more than fifteen per cent. 20

Issue of securities.

4. Subject to the provisions of this Act and the approval of the Governor in Council, the Company may, in respect of the cost of the construction and completion of the railway line, or to provide amounts required for the repayment of loans made under section 5, issue notes, obligations, bonds, debentures or other securities (in this Act called "securities"), not exceeding in the aggregate, exclusive of any securities issued to secure loans made under section 5, the sum of two million six hundred and forty-five thousand dollars (less such sums as are payable under an agreement between the Company and any other person as a contribution by such other person towards the cost of construction and completion of the railway line), bearing such rates of interest and subject to such other terms and conditions as the Governor in Council may approve.

Temporary loans.

5. To enable the work of construction and completion of the railway line to proceed forthwith, the Minister of Finance, upon application made to him by the Company and approved by the Minister of Transport, may, with the approval of the Governor in Council, make temporary loans to the Company out of the Consolidated Revenue Fund, not exceeding two million six hundred and forty-five thousand dollars (less such sums as are payable under an agreement between the Company and any other person as a contribution by such other person towards the cost of construction and completion of the railway line), repayable on such terms and at such rates of interest as the Governor in Council may determine and secured by securities that the Company is authorized to issue under section 4.

Guarantee.

6. (1) The Governor in Council may authorize the guarantee by Her Majesty in right of Canada of the principal and interest of the securities that the Company may issue under the provisions of this Act.

Form and terms.

(2) The guarantee may be in such form and subject to such terms and conditions as the Governor in Council may determine to be appropriate and applicable thereto and may be signed on behalf of Her Majesty by the Minister of Finance or such other person as the Governor in Council may designate, and such signature is conclusive evidence for all purposes of the validity of the guarantee and that the provisions of this Act have been complied with.

Guarantees may be general or separate.

Temporary guarantees.

(3) Any guarantee under this Act may be either a general guarantee covering the total amount of the issue or a separate guarantee endorsed on each of the securities.

(4) With the approval of the Governor in Council, temporary guarantees may be made to be subsequently replaced by permanent guarantees.

Deposit of
proceeds of
sale, etc., of
securities.

7. (1) The proceeds of any sale, pledge, or other disposition of any guaranteed securities shall in the first instance be paid into the Consolidated Revenue Fund or shall be deposited to the credit of the Minister of Finance in trust for the Company, in one or more banks designated by him. 5

Release of
deposits.

(2) The Board of Directors of the Company may authorize application to be made to the Minister of Transport for the release of any part of the proceeds deposited pursuant to subsection (1) to the Company for the purpose of meeting expenditures in respect of the construction of the railway line, and the Minister of Transport may approve the applications, and upon the request of the Minister of Transport, the Minister of Finance may pay the amount or amounts of such applications or part thereof accordingly. 10 15

New fencing.

8. Except as otherwise ordered by the Board of Transport Commissioners for Canada, the Company is not required to fence any part of the right of way of the railway line and is not liable in respect of any loss or injury sustained by reason only of the absence of fencing. 20

Report to
Parliament.

9. The Minister of Transport shall present to Parliament during the first thirty days of each session held prior to the date of completion fixed by or under section 1, a statement showing in detail the nature and extent of the work done under the authority of this Act during the previous calendar year, and the expenditure thereon, and the estimated expenditure for the current calendar year, together with the amount of any advances made under section 5 and the amount of such advances reimbursed, and such further information as the Minister of Transport may direct. 25 30

SCHEDULE.

Location	Estimates		
	Mileage	Cost of construction	Average cost per mile
From a point of connection with the line of Canadian National Railway Company at Whitecourt, at the end of the Sangudo Subdivision, in a westerly direction to the property of Pan American Petroleum Corporation in the Windfall gas field in Section 17, Township 60, Range 15, West 5, both in the Province of Alberta.....	Approx. 23.2	\$2,300,000	\$99,138

C-64.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-64.

An Act to amend the Civilian War Pensions
and Allowances Act. ✓

First reading, February 12, 1962.

THE MINISTER OF VETERANS AFFAIRS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-64.

An Act to amend the Civilian War Pensions
and Allowances Act.

R.S., cc. 51,
312.

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

Definitions.

1. All that portion of section 2 of the *Civilian War Pensions and Allowances Act* preceding paragraph (a) thereof is repealed and the following substituted therefor: 5

“2. In Parts I to X,”

Claims to be
dealt with as
claims under
Pension Act.

2. Sections 3 and 4 of the said Act are repealed and the following substituted therefor:

“**3.** All claims for pensions, allowances and compensation under Parts I to X shall be dealt with and adjudicated upon in like manner as claims under the *Pension Act* and all the provisions of the *Pension Act* not inconsistent with Parts I to X, with such modifications as circumstances may require, apply to every claim under Parts I to X. 10 15

Information
and material.

“**4.** Every department of Government shall furnish the Commission with such information and material as the Commission may from time to time require for the purpose of considering applications for pensions, allowances and compensation under Parts I to X.” 20

3. The said Act is further amended by adding thereto, immediately after Schedule II thereof, the following Part:

EXPLANATORY NOTES.

Clause 1: This amendment is consequential upon the adding of Part XI to the Act.

Clause 2: This amendment is consequential upon the adding of Part XI to the Act.

Clause 3: This amendment adds an additional Part to the Act. The purpose of this Part is to authorize the payment of allowances to specified groups of civilians who during World War I or World War II were engaged in occupations under conditions equally as hazardous as those experienced by members of the armed forces. The allowances payable under the proposed amendment are similar to the allowances paid to veterans under the *War Veterans Allowance Act, 1952*.

The widows and orphans of the specified groups of civilians are also eligible for allowances under the proposed new amendment.

The provisions of Part XI are new.

"PART XI.

CIVILIAN ALLOWANCES.

Interpretation.

Definitions.	64. In this Part,	
"Allowance."	(a) "allowance" means an allowance payable under this Part;	
"Board."	(b) "Board" means the War Veterans Allowance Board established under the provisions of the <i>War Veterans Allowance Act, 1952</i> ;	5
"Child."	(c) "child" means a child of a civilian and includes a step-child, an adopted child or a foster child of a civilian;	
"Civilian."	(d) "civilian" means civilian as defined by subsection (1) of section 75;	10
"District Authority."	(e) "District Authority" means a District Authority established under the provisions of the <i>War Veterans Allowance Act, 1952</i> ;	
"Minister."	(f) "Minister" means the Minister of Veterans Affairs;	15
"Orphan."	(g) "orphan" means	
	(i) a child who is bereft by death of his parents,	
	(ii) a child who is bereft by death of one parent and whose surviving parent has, in the opinion of a District Authority or the Board, abandoned or deserted the child, or	20
	(iii) a child of unmarried parents who is bereft by death of his father and whose father was, at the time of his death, a recipient of an allowance in respect of that child;	25
"Parent."	(h) "parent" includes an adoptive or foster parent or a step-parent;	
"Recipient."	(i) "recipient" means any person to whom or on whose behalf payment of an allowance is authorized by this Part; and	30
"Widow."	(j) "widow" means a widow of a civilian and "widower" means a civilian bereft by death of his wife.	

Allowances to Civilians, Widows and Orphans.

Civilians, widows and orphans.	65. (1) Subject to this Part, an allowance is payable to	
	(a) any male civilian who has attained the age of sixty years;	35
	(b) any female civilian or widow who has attained the age of fifty-five years;	
	(c) any civilian or widow who, in the opinion of a District Authority,	
	(i) is permanently unemployable because of physical or mental disability, or	40

(ii) is, because of physical or mental disability or insufficiency combined with economic handicaps, incapable and unlikely to become capable of maintaining himself or herself; and

(d) an orphan;

5

who is resident in Canada.

Amount.

(2) The allowances payable under this section to a civilian, widow or orphan shall be paid at the lesser of the following rates, namely,

(a) the monthly rate specified for a veteran, widow or orphan in Column II of Schedule A to the *War Veterans Allowance Act, 1952*; or

(b) the monthly rate that will produce the total income, including allowances, specified for a veteran, widow or orphan in Column III of Schedule A to the *War Veterans Allowance Act, 1952*. 15

Payment where recipient absent from Canada.

(3) Notwithstanding subsection (1), the allowance payable under this section to a civilian, widow or orphan may be paid to that civilian, widow or orphan who absents himself from Canada after the coming into force of this Part if, on the day he leaves Canada, he

(a) is a recipient of an allowance under this section, and

(b) had been resident in Canada for the twelve months immediately preceding that day.

Payment to widows and orphans resident outside Canada.

(4) Notwithstanding anything in this section, the allowance payable under this section to a widow or orphan may be paid to

(a) the widow of a recipient who dies outside of Canada if that widow resides outside of Canada and

(i) left Canada with that recipient or within a period of three months of the day on which that recipient left Canada, 30

(ii) had been resident in Canada for twelve months immediately preceding the day she left Canada, and

(iii) was living with and being maintained by that recipient at the time of his death, and 35

(b) an orphan of a recipient who dies outside of Canada if that orphan resides outside of Canada and

(i) left Canada with that recipient or within a period of three months of the day on which that recipient left Canada, or 40

(ii) was born outside of Canada to that recipient and his spouse, both of whom left Canada at the same time or within a period of three months of one another. 45

*Limitations.*Application
for allowance.

66. No allowance is payable under this Part unless an application therefor has been made in accordance with this Part and the regulations made hereunder and the allowance has been awarded.

Prohibition.

67. No allowance shall be paid under this Part to a person who is the recipient of an allowance under the *War Veterans Allowance Act, 1952*. 5

Enemy
forces.

68. No allowance shall be paid to any person who in World War II served

- (a) in enemy forces, 10
- (b) in an enemy ship, or
- (c) in war service groups associated with forces of the enemy.

*War Veterans Allowance Act, 1952.*Applications
to be dealt
with as
applications
under *War
Veterans
Allowance
Act, 1952*.

69. All applications for allowances under this Part shall be dealt with and adjudicated upon in the same manner as applications for allowances under the *War Veterans Allowance Act, 1952*. 15

Application
of *War
Veterans
Allowance
Act, 1952*.

70. (1) Subsection (3) of section 2, sections 5, 6, 8, 10 to 21, 28 and paragraph (b) of subsection (11) of section 30 and subsection (12) of section 30 of the *War Veterans Allowance Act, 1952*, and Schedule A to the said Act apply *mutatis mutandis* in respect of any allowance payable under this Part. 20

Idem.

(2) In applying any of the provisions of the *War Veterans Allowance Act, 1952* and Schedule A thereto for the purposes of this Part, the word "veteran" where it appears therein shall be read as "civilian". 25

*General.*Administra-
tion.

71. Except as to the power, authority and jurisdiction to deal with and adjudicate upon applications for allowances under this Part, the Minister shall be charged with the administration of this Part. 30

Regulations.

72. The Governor in Council may make regulations for carrying into effect the purposes and provisions of this Part and may, without restricting the generality of the foregoing, for purposes of this Part, make regulations prescribing and determining anything that may be prescribed or determined for the purposes of the *War Veterans Allowance Act, 1952*. 35

Information
and
material.

73. Every department of Government shall furnish the Board or a District Authority with such information and material as the Board or a District Authority may from time to time require for the purpose of considering applications for allowances under this Part. 5

Proof of
service.

74. It shall be the responsibility of the person who makes application for an allowance under this Part to provide the Board or a District Authority with proof of the service during World War I or World War II as the result of which that person claims to be entitled to an allowance under this Part. 10

"Civilian"
defined.

- 75.** (1) For the purposes of this Part "civilian" means
- (a) a person who
 - (i) served at sea in a ship of Canadian or Newfoundland registry during World War I or World War II for a period of at least six months, and 15
 - (ii) during the period of service referred to in subparagraph (i) made at least one trip through dangerous waters;
 - (b) a Canadian citizen, a Canadian national as defined in the *Canadian Nationals Act*, chapter 21 of the Revised Statutes of Canada 1927, or a British subject domiciled in Newfoundland at the commencement of his qualifying service who 20
 - (i) served at sea during World War I or World War II for a period of at least six months in a ship of United Kingdom registry or the registry of one of the countries allied or associated with His Majesty in either of the said wars, and 25
 - (ii) during the period of service referred to in subparagraph (i) made at least one trip through dangerous waters; 30
 - (c) a person who was a member of the Corps of (Civilian) Canadian Fire Fighters for Service in the United Kingdom who served in the United Kingdom during World War II for a continuous period of at least six months; 35
 - (d) a Canadian citizen, a Canadian national as defined in the *Canadian Nationals Act*, chapter 21 of the Revised Statutes of Canada 1927, or a British subject domiciled in Newfoundland at the commencement of his qualifying service who served during World War I as a member of the Voluntary Aid Detachment of the British Red Cross 40
 - (i) on the continent of Europe, or
 - (ii) in the United Kingdom for a period of at least three hundred and sixty-five days prior to the 12th day of November, 1918; 45

- (e) a person who during World War II
- (i) under the auspices of the Canadian Red Cross Society or the St. John Ambulance Brigade of Canada served overseas for a continuous period of at least six months as a welfare worker, nursing aid, ambulance or transport driver, member of Overseas Headquarters Staff, or in any other capacity, or 5
 - (ii) was selected by the Canadian Red Cross Society for service overseas and served with the Scottish Ministry of Health as an orthopaedic nurse for a continuous period of at least six months; 10
- (f) a person who
- (i) served during World War II for a continuous period of at least six months with Number 45 Wing of the Royal Air Force Transport Command, Number 45 Group of the Royal Air Force Ferry Command or the Atlantic Ferrying Organization as an Air Crew member, 15
 - (ii) during the period of service referred to in sub-paragraph (i) made at least one trans-oceanic flight, and 20
 - (iii) was domiciled in Canada or Newfoundland at the commencement of the said service;
- (g) a person who served with the Newfoundland Overseas Forestry Unit in the United Kingdom during World War II for a period of at least six months and who contracted to serve with that Unit for the duration of the said war; and 25
- (h) a person who is in receipt of a pension under Parts I to X, or is declared to have been eligible for, or awarded, such a pension subsequent to his death. 30
- (2) For the purposes of this section
- (a) "dangerous waters" means such oceans, seas or waters as the Board may prescribe; 35
 - (b) "service at sea" means service in a ship which normally sailed or operated outside the territorial waters of all countries during World War I or World War II, as the case may be;
 - (c) "ship" means 40
 - (i) a ship or vessel engaged in trade or the transportation of cargo or passengers, or
 - (ii) a ship or vessel taken over and operated by the British Admiralty
 but does not include a ship or vessel engaged in the fishing industry; 45
 - (d) World War I shall be deemed to have commenced on the 4th day of August, 1914, and to have concluded on the 11th day of November, 1918; and

Definitions.
"Dangerous waters."

"Service at sea."

"Ship."

World War I.

World War II.

(e) World War II shall be deemed to have commenced on the 1st day of September, 1939, and to have terminated

(i) in respect of service in connection with operations in the European and Mediterranean theatres of war, on the 8th day of May, 1945, and

(ii) in respect of service in connection with operations in the Pacific theatre of war, on the 15th day of August, 1945. 10

Calculation of service.

(3) In calculating the period that a person served overseas for the purpose of paragraph (c), (d) or (e) of subsection (1), the travelling time of the person from the date of his embarkation for the United Kingdom until arrival in that country and from the date of embarkation from the United Kingdom for Canada or Newfoundland until arrival in Canada or Newfoundland shall be considered as overseas service. 15

Idem.

(4) In calculating the period that a person served at sea for the purpose of paragraph (a) or (b) of subsection (1), time spent by the person as a prisoner of war or as an internee shall be considered as service at sea." 20

C-65.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-65.

An Act to amend the Children of War Dead (Education Assistance) Act.

First reading, February 12, 1962.

THE MINISTER OF VETERANS AFFAIRS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-65.

An Act to amend the Children of War Dead (Education Assistance) Act.

1952-53, c. 27;
1953-54, c. 2;
1958, c. 25.

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

1953-54, c. 2,
s. 1;
1958, c. 25,
s. 1.

1. Paragraph (c) of section 2 of the *Children of War Dead (Education Assistance) Act* is repealed and the following 5 substituted therefor:

"Student."

"(c) "student" means

- (i) a child on whose behalf a pension is being paid under or by virtue of any of the enactments set out in the Schedule at a rate set out for a child 10 in Schedule B of the *Pension Act* or in Schedule II of the *Civilian War Pensions and Allowances Act*,
- (ii) a child on whose behalf payment of a pension was being made under or by virtue of any of the enactments set out in the Schedule but was, 15 either before or after the coming into force of this Act, discontinued pursuant to the provisions of the enactment under or by virtue of which such payment was being made,
- (iii) a child on whose behalf no pension has been paid 20 under or by virtue of any of the enactments set out in the Schedule and who
 - (A) is over the age of twenty-one years but in all other respects is eligible for a pension 25 under or by virtue of one of the enactments set out in the Schedule at a rate set out for a child in Schedule B of the *Pension Act* or in Schedule II of the *Civilian War Pensions and Allowances Act*, or

EXPLANATORY NOTES.

Clause 1: Paragraph (c) of section 2 of the Act at present reads as follows:

“(c) “student” means

- (i) a child on whose behalf a pension is being paid pursuant to any of the enactments set out in Schedule A of this Act in respect of a person who served in the naval, army or air forces of Canada in the war that commenced in August, 1914, or in the war that commenced in September, 1939;
- (ii) a child on whose behalf a pension is being paid, pursuant to or by virtue of any of the enactments set out in Schedule B of this Act, other than the *Civilian War Pensions and Allowances Act*, at a rate set out for a child in Schedule B of the *Pension Act*;
- (iii) a child on whose behalf a pension is being paid pursuant to or by virtue of the *Civilian War Pensions and Allowances Act*, at a rate set out for a child in Schedule B of the *Pension Act* or Schedule II of the *Civilian War Pensions and Allowances Act*;
- (iv) a child on whose behalf payment of a pension was being made under any of the enactments set out in Schedule A or B of this Act but was, either before or after the coming into force of this Act, discontinued pursuant to the provisions of the enactment under which such payment was being made;
- (v) a child who is over the age of twenty-one years but in all other respects is eligible for a pension under any of the enactments mentioned in Schedule A or Schedule B;
- (vi) a child who, but for the operation of section 20, 21 or 22 of the *Pension Act*, would be included within subparagraph (i), (ii) or (iii) of this paragraph; or
- (vii) a person on whose behalf a pension is being paid under section 25 of the *Pension Act* in respect of the death of his parent if the injury or disease or aggravation thereof resulting in the death of the parent was attributable to or was incurred during military service within the meaning of section 13 of the *Pension Act*.”

- (B) is over the age of twenty-one years and is married but in all other respects is eligible for a pension under or by virtue of one of the enactments set out in the Schedule at a rate set out for a child in Schedule B of the *Pension Act* or in Schedule II of the *Civilian War Pensions and Allowances Act*, 5
- (iv) a child who, but for the operation of section 20, 21, 22 or subsection (2) of section 26 of the *Pension Act* would be included within subparagraph (i) of this paragraph, or 10
- (v) a person on whose behalf a pension is being paid under section 25 of the *Pension Act* in respect of the death of his parent if the injury or disease or aggravation thereof resulting in the death of the parent was attributable to or was incurred during military service within the meaning of section 13 of the *Pension Act*." 15

1958, c. 25,
s. 2.

2. (1) All that portion of subsection (1) of section 4 of the said Act immediately following paragraph (a) thereof is repealed and the following substituted therefor: 20

"(b) an additional fifty-four dollars after he has attained the age of twenty-one years, if no pension on his behalf is being paid under or by virtue of any of the enactments set out in the Schedule, 25

during the period in which the student pursues a full-time course of study in an educational institution, but the total period for which an allowance and costs may be paid to or in respect of a student under this Act shall not exceed four academic years or thirty-six months, whichever is the lesser." 30

(2) Section 4 of the said Act is further amended by adding thereto the following subsection:

Minister
may extend.

"(3) The Minister may extend the total period for which an allowance and costs may be paid to or in respect of a student under this Act where he is of the opinion that the student's progress and achievements in his course of study are such that it would be in the interest both of the student and of the public that the payments under section 3 be continued during a further period." 40

1958, c. 25,
s. 3.

Age limit.

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

"5. (1) No allowance or costs shall be paid under this Act in respect of a student who

(a) has attained the age of twenty-five years, or 45

The proposed amendment is designed to consolidate and simplify the definition of "student" and to extend the benefits under the Act to certain classes of children that are presently excluded therefrom, such as children who would otherwise qualify for the payment of allowances and costs under the Act except for the fact that they are married, over twenty-one years of age or both married and over twenty-one years of age.

Clause 2: (1) The portion of section 4 being amended at present reads as follows:

"(b) an additional thirty-five dollars after he has attained the age of twenty-one years, if no pension on his behalf is being paid under the *Pension Act* or any of the enactments set out in Schedule B to this Act, during the period in which the student pursues a full-time course of study in an educational institution, but the total period for which an allowance may be paid to or in respect of a student under this Act shall not exceed four academic years or thirty-six months, whichever is the lesser."

The purpose of this amendment is to increase the amount of allowances payable under the Act in respect of students.

(2) New. This amendment gives the Minister the discretion, under certain circumstances, to extend the total period during which allowances and costs may be paid in respect of a student.

Clause 3: (1) Section 5 at present reads as follows:

"5. (1) No allowance or costs shall be paid under this Act in respect of a student who has attained the age of twenty-five years except in so far as may be necessary to enable him to complete the academic year in which he attains that age."

(b) where, pursuant to subsection (3) of section 4, the Minister has extended the total period for which an allowance and costs may be paid beyond the year in which the student attains the age of twenty-five years, has attained the age of thirty years, 5
except insofar as may be necessary to enable him to complete the academic year in which he attains that age.

Additional
conditions in
certain
cases.

(2) No allowance or costs shall be paid under this Act in respect of a student coming within subparagraph (iii) of paragraph (c) of section 2 unless 10

(a) the student commenced to pursue a full-time course of study in an educational institution before he attained the age of twenty-one years and has continued such course of study during the whole of each academic year thereafter; and 15

(b) the application for the allowance or costs is made in respect of the academic year next following the death of the parent, or such later academic year as the Minister may by reason of special circumstances authorize. 20

Exemption.

(3) The Minister may exempt any student from the application of paragraph (a) of subsection (2) where he is satisfied that because of ill health or any other good cause the student

(a) was unable to commence a full-time course of study 25
within the time prescribed by paragraph (a) of subsection (2); or

(b) was unable to continue such course of study during the period prescribed by paragraph (a) of subsection (2).” 30

4. Schedules A and B to the said Act are repealed and the following substituted therefor:

“SCHEDULE.

1. Paragraphs (b) and (e) of subsection (1) of section 13, subsection (2) of section 13, subsection (7) of section 26, sections 50, 51 and 52 of the *Pension Act*, 35
2. *Civilian War Pensions and Allowances Act*,
3. *Special Operators War Service Benefits Act*,
4. *Supervisors War Service Benefits Act*,
5. *Women's Royal Naval Services and the South African Military Nursing Service (Benefits) Act*, 40
6. Section 5 of the *Veterans Benefit Act, 1954*.”

Coming into
force.

5. This Act shall come into force on the first day of June, 1962.

"(2) No allowance or costs shall be paid under this Act in respect of a student coming within subparagraph (v) of paragraph (c) of section 2 unless

- (a) the parent in respect of whom the pension would have been payable died after the child attained the age of twenty-one years;
- (b) the student commenced to pursue a full-time course of study in an educational institution before he attained the age of twenty-one years and has continued such course of study during the whole of each academic year thereafter until the death of the parent; and
- (c) the application for the allowance or costs is made in respect of the academic year next following the death of the parent, or such later academic year as the Minister may by reason of special circumstances authorize."

The purpose of this amendment is to extend, in the case of particular students, the age limit at which all benefits under the Act will cease. The amendment would further authorize the Minister to exempt students for good cause from the conditions set out in paragraph (a) of subsection (2) of section 5 of the Act.

First Reading, February 14th, 1952.

Clause 4: This amendment would consolidate the present Schedules A and B to the Act and add to the new Schedule subsection (7) of section 26 of the *Pension Act* which reads as follows:

"(7) The children of a pensioner who has died and at the time of his death was in receipt of a pension in any of the classes one to eleven, inclusive, mentioned in Schedule A, or who died while on the strength of the Department for treatment and but for his death would have been in receipt of pension in one of the said classes, are entitled to a pension as if he had died on service whether his death was attributable to his service or not."

The Minister of Transport.

C-66.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-66.

An Act to amend the St. Lawrence Seaway
Authority Act. ✓

First reading, February 12th, 1962.

THE MINISTER OF TRANSPORT.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-66.

An Act to amend the St. Lawrence Seaway
Authority Act.

R.S., c. 242;
1953-54, c. 44;
1955, c. 58;
1956, cc.
11, 47;
1959, c. 9.

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

1959, c. 9,
s. 1.

Power to
borrow
money.

1. Section 13 of the *St. Lawrence Seaway Authority Act* is repealed and the following substituted therefor:

“13. The Authority, with the approval of the Governor in Council, may, from time to time, borrow money from Her Majesty or otherwise for the purposes for which it is incorporated, but the aggregate of the amounts borrowed under this Act and outstanding shall not at any time exceed three hundred and forty-five million dollars.”

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The Senate, Twenty-Fourth Parliament, 19-21 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

EXPLANATORY NOTE.

The purpose of this Bill is to increase from \$335,000,000 to \$345,000,000 the limit of the amounts that may be borrowed by the Authority under the Act and that are outstanding at any time.

First reading, February 19, 1962.

The Minister of Transport.

PRINTED BY THE QUEEN'S PRINTER

OTTAWA, CANADA

C-67.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-67.

An Act to authorize the Construction and Operation on behalf of Her Majesty of a line of railway in the Province of Quebec between Matane and Ste. Anne des Monts. ✓

First reading, February 13, 1962.

THE MINISTER OF TRANSPORT.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-67.

An Act to authorize the Construction and Operation on behalf of Her Majesty of a line of railway in the Province of Quebec between Matane and Ste. Anne des Monts.

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

Construction and operation of railway line.

1. In order to establish railway services between Matane and Ste. Anne des Monts, in the Province of Quebec, and otherwise to assist in the development of the Gaspé Peninsula, the Governor in Council may provide for the appointment of Canadian National Railway Company (in this Act called "the Company") as agent of Her Majesty for the construction and completion, prior to the 31st day of December, 1964, or such later date as the Governor in Council may fix, of the line of railway (in this Act called the "railway line") described in the Schedule, and, following completion, for the Company to continue to act as agent of Her Majesty in the maintenance, management and operation of the railway line. 5 10 15

Estimates.

2. Estimates of the mileage of the railway line, the amount to be expended on the construction thereof and the average expenditure per mile are set out in the Schedule, and, except with the approval of the Governor in Council, such estimates shall not be exceeded by more than fifteen per cent. 20

Maximum expenditure.

3. The Governor in Council shall pay to the Company an amount equal to the cost to the Company of constructing the railway line, including the cost of survey of location and the cost of acquisition of the land required for the railway line, but not exceeding in any case the sum of sixteen million, one hundred thousand dollars. 25

How
payments
to be made.

4. The amount of the payment hereby authorized shall be paid to the Company out of the Consolidated Revenue Fund by the payment, from time to time, at the direction of the Governor in Council upon the report of the Minister of Transport as to the mileage of railway line constructed or to be constructed, of such amounts, in such manner and subject to such conditions, if any, as the Governor in Council deems expedient. 5

Adjustment
of surplus or
deficit.

5. Any surplus of revenues over expenditures in any calendar year arising from or attributable to the maintenance and operation by the Company of the railway line and the maintenance of service with its main line shall be paid by the Company to the Receiver General of Canada for deposit in the Consolidated Revenue Fund, and any deficit in any calendar year arising therefrom or attributable thereto shall be paid to the Company out of any amount appropriated by Parliament for the purpose. 10 15

Report to
Parliament.

6. The Minister of Transport shall present to Parliament during the first thirty days of each session held prior to the date of completion fixed by or under section 1, a statement showing in detail the nature and extent of the work done under the authority of this Act during the previous calendar year, and the expenditure thereon, and the estimated expenditure for the current calendar year, together with the amount of any payments made under section 4, and such further information as the Minister of Transport may direct. 20 25

SCHEDULE.

Location	ESTIMATES		
	Mileage	Cost of Construction	Average cost per mile
From a point of connection with the line of railway of Canada and Gulf Terminal Railway Company at or near Matane, in an easterly direction to Ste. Anne des Monts, both in the Province of Quebec.....	Approx. 57	\$14,000,000	\$245,614

C-68.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-68.

An Act to amend the Export Credits Insurance Act.

First reading, February 15, 1962.

THE MINISTER OF TRADE AND COMMERCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-68.

An Act to amend the Export Credits Insurance Act.

R.S., c. 105;
1953-54, c. 15;
1957, c. 8;
1957-58, c. 15;
1959, c. 24;
1960-61, c. 33.

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

1959, c. 24,
s. 3(1).

1. Subsection (1) of section 5 of the *Export Credits Insurance Act* is repealed and the following substituted therefor:

Board of
directors.

“**5.** (1) The Corporation shall be under the management of a board of directors composed of the members of the Corporation and not more than six other directors appointed from time to time by the Governor in Council, one of whom shall be appointed by the Governor in Council to be President and General Manager of the Corporation.”

1960-61, c. 33,
s. 2(2).

2. Subsection (4) of section 21A of the said Act is repealed and the following substituted therefor:

Limit of
liability
under
guarantees.

“(4) The liability of importers under all outstanding guaranteed instruments shall not at any time exceed three hundred million dollars.”

THE HOUSE OF COMMONS OF CANADA.

EXPLANATORY NOTES.

Clause 1: The purpose of this amendment is to provide for an increase in the total number of directors of the Export Credits Insurance Corporation, other than the members of the Corporation named in section 3 of the Act, from five to six.

Subsection (1) of section 5 at present reads as follows:

"5. (1) The Corporation shall be under the management of a board of directors composed of the members of the Corporation and not more than *five* other directors appointed from time to time by the Governor in Council, one of whom shall be appointed by the Governor in Council to be President and General Manager of the Corporation."

Clause 2: The purpose of this amendment is to increase the maximum liability at any time of importers under outstanding instruments the payment of which is guaranteed by the Corporation under section 21A of the Act, from \$200,000,000 to \$300,000,000.

Subsection (4) of section 21A at present reads as follows:

"(4) The liability of importers under all outstanding guaranteed instruments shall not at any time exceed *two* hundred million dollars."

C-69.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-69.

An Act to amend the Criminal Code
(Capital Punishment, Form of Sentence).

First reading, February 21, 1962.

Miss LAMARSH.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-69.

An Act to amend the Criminal Code
(Capital Punishment, Form of Sentence).

1953-54, c. 51;
1955, cc. 2, 45;
1956, c. 48;
1957-58, c. 28;
1958, c. 18;
1959, c. 41;
1960, c. 37,
1960-61, cc.
21, 42, 43, 44.

Form of
sentence.

Coming
into force.

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

1. Section 642 of the *Criminal Code* is repealed and the following substituted therefor:—

“642. The sentence to be pronounced against a person who is sentenced to death shall be that he shall be administered lethal gas sufficient to cause his death.”

2. This Act shall not have effect in any province unless and until it is adopted and enacted as law by the Legislature thereof.

The Senate, Twenty-Fourth Parliament, First Session, 1952

THE HOUSE OF COMMONS OF CANADA

BILL C-78

EXPLANATORY NOTE.

Section 642 of the *Criminal Code* at present reads as follows:

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

The purpose of this bill is, in the case of a sentence of death, to substitute the administration of lethal gas for hanging by the neck thus providing a more humane method of execution of the sentence.

Bill introduced February 11, 1952

Miss L. J. ...

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-70.

An Act to provide for Copyright in Canada and to
Implement the Universal Copyright Convention.

First reading, February 21, 1962.

MISS LAMARSH.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

COPYRIGHT ACT, 1961

ARRANGEMENT AND CONTENTS

	PAGE
Short Title.....	3
Interpretation.....	3
Supplementary Interpretation.....	5
Ratification of Universal copyright and protocols.....	6

PART I

COPYRIGHT IN ORIGINAL WORKS.

Nature of copyright under this Act.....	6
Copyright in literary, dramatic and musical works.....	8
Copyright in Artistic works.....	9
Ownership of copyright in literary, dramatic, musical and artistic works.....	10
General exceptions from protection of literary, dramatic and musical works.....	11
Special exceptions as respects libraries and archives.....	13
Special exceptions at exhibitions or fairs.....	15
Special exceptions as respects religious, educational or charitable organizations.....	15
Special exceptions in respect of records of literary, dramatic and musical works.....	15
General exceptions from protection of artistic works.....	17
Special exceptions in respect of Industrial designs.....	18
Anonymous and pseudonymous works.....	19
Works of joint authorship.....	20

PART II

COPYRIGHT IN SOUND RECORDINGS, MOTION PICTURE FILMS, BROADCASTS, ETC.

Copyright in sound recordings.....	21
Copyright in motion picture films.....	21
Copyright in television broadcasts and sound broadcasts.....	23

PART III

INFRINGEMENT OF COPYRIGHT.

Infringement of copyright by import, sale and other dealings...	24
---	----

PART IV

RESTRICTIONS FOR INFRINGEMENTS OF COPYRIGHT

Page

25	.....	Action by owner of copyright for infringement
26	.....	Rights of owner of copyright
27	.....	Proceedings—copyright subject to exclusive license
28	.....	Proof of facts in copyright action
29	.....	Penalties and summary proceedings
30	.....	Restrictions on import

PART V

EXTENSION OR RESTRICTION OF OPERATION OF ACT

31	.....	Extension of Act by Order in Council
32	.....	Denial of copyright

PART VI

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

33	.....	Assignments and licences in respect of copyright
34	.....	Prospective ownership of copyright
35	.....	Will
36	.....	Provision as to Crown and Government Departments
37	.....	Proof of attribution of authorship
38	.....	General
39	.....	Copies for Library of Parliament
40	.....	Legal

PART IV

REMEDIES FOR INFRINGEMENTS OF COPYRIGHT.

	PAGE
Action by owner of copyright for infringement.....	25
Rights of owner of copyright.....	26
Proceedings—copyright subject to exclusive licence.....	27
Proof of facts in copyright action.....	29
Penalties and summary proceedings.....	31
Restrictions on import.....	32

PART V

EXTENSION OR RESTRICTION OF OPERATION OF ACT.

Extension of Act by Order in Council.....	33
Denial of copyright.....	34

PART VI

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS.

Assignments and licences in respect of copyright.....	35
Prospective ownership of copyright.....	36
Wills.....	37
Provision as to Crown and Government Departments.....	37
False attribution of authorship.....	37
General.....	39
Copies for Library of Parliament.....	39
Repeal.....	39

BILL C-70

An Act to provide for Copyright in Canada and to implement the Universal Copyright Convention.

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

SHORT TITLE

1. This Act may be cited as the Copyright Act, 1957.

INTERPRETATION

- 2. (1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—
 - (a) "adaptation", in relation to a literary, dramatic or musical work, has the meaning assigned to it by subsection (b) of section 5;
 - (b) "artistic work" has the meaning assigned to it by subsection (f) of section 7;
 - (c) "building" includes any structure;
 - (d) "constant" includes certain and references to recitation shall be construed accordingly;
 - (e) "dramatic work" includes a choreographic work or entertainment in which the work or entertainment is in the form in which the work or entertainment is to be presented, but does not include a motion picture that, as distinct from a scenario or script for a motion picture film:
 - (i) "engraving" includes any etching, lithograph, woodcut, print or similar work, not being a photograph;
 - (ii) "future copyright" and "prospective owner" have the meanings assigned to them by subsection (4) of section 21;

THE HOUSE OF COMMONS OF CANADA.

BILL C-70.

An Act to provide for Copyright in Canada and to Implement the Universal Copyright Convention.

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 *Copyright Act, 1961*.

INTERPRETATION.

- Interpre- 2. (1) In this Act, except in so far as the context other- 5
tation. wise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—
- “Adapta- (a) “adaptation”, in relation to a literary, dramatic or 10
tion.” musical work, has the meaning assigned to it by subsection (6) of section 6;
- “Artistic (b) “artistic work” has the meaning assigned to it by 10
work.” subsection (1) of section 7;
- “Building.” (c) “building” includes any structure;
- “Construc- (d) “construction” includes erection, and references to 15
tion.” reconstruction, shall be construed accordingly;
- “Dramatic (e) “dramatic work” includes a choreographic work or 20
Work.” entertainment in dumb show if reduced to writing in the form in which the work or entertainment is to be presented, but does not include a motion picture film, as distinct from a scenario or script for a motion picture film;
- “Engrav- (f) “engraving” includes any etching, lithograph, wood-
ing.” cut, print or similar work, not being a photograph;
- “Future (g) “future copyright” and “prospective owner” have 25
copyright.” the meanings assigned to them by subsection (4) of section 31;

- (a) "judicial proceedings" means a proceeding before any court, tribunal or person having by law power to hear, receive and examine evidence on oath;
- (b) "literary work" includes any written table or compilation;
- (c) "manuscript" in relation to a work means the original document embodying the work whether written by hand or not;
- (d) "motion picture film" has the meaning assigned to it by subsection (b) of section 13;
- (e) "performance" includes delivery in relation to literary address, lecture and recitation and in relation to the provisions of subsection (b) of this section includes any mode of visual or acoustic presentation, including any such presentation by the operation of wireless telegraphy apparatus or by the exhibition of a motion picture film or by the use of a record or by any other means and references to performing a work or an exhibition of a work shall be construed accordingly;
- (f) "photograph" means any process in photography or any process also in photography, other than a part of a motion picture film and "author" in relation to a manuscript means the person who at the time when the manuscript is taken is the owner of the material on which it is taken;
- (g) "qualified person" has the meaning assigned to it by subsection (b) of section 2;
- (h) "record" means any disc, tape, perforated roll or other device in which sounds are embodied so as to be capable (with or without the aid of some other instrument) of being acoustically reproduced therefrom and references to a record of a work or other subject matter are references to a record (whether or not made by means of which it can be reproduced or retransmitted) in the form of a record or of a motion picture film and, in the case of an artistic work, includes a version produced by converting the work into a three-dimensional form or if it is in three dimensions by converting it into a two-dimensional form, and references to reproducing a work shall be construed accordingly;
- (i) "sculpture" includes any cast or model made for purposes of sculpture;
- (j) "sound recording" has the meaning assigned to it by subsection (b) of section 13;
- (k) "sufficient acknowledgment" has the meaning assigned to it by subsection (b) of section 7.

Section 1
Section 2
Section 3
Section 4
Section 5
Section 6
Section 7
Section 8
Section 9
Section 10
Section 11
Section 12
Section 13
Section 14
Section 15
Section 16
Section 17
Section 18
Section 19
Section 20
Section 21
Section 22
Section 23
Section 24
Section 25
Section 26
Section 27
Section 28
Section 29
Section 30
Section 31
Section 32
Section 33
Section 34
Section 35
Section 36
Section 37
Section 38
Section 39
Section 40
Section 41
Section 42
Section 43
Section 44
Section 45
Section 46
Section 47
Section 48
Section 49
Section 50
Section 51
Section 52
Section 53
Section 54
Section 55
Section 56
Section 57
Section 58
Section 59
Section 60
Section 61
Section 62
Section 63
Section 64
Section 65
Section 66
Section 67
Section 68
Section 69
Section 70
Section 71
Section 72
Section 73
Section 74
Section 75
Section 76
Section 77
Section 78
Section 79
Section 80
Section 81
Section 82
Section 83
Section 84
Section 85
Section 86
Section 87
Section 88
Section 89
Section 90
Section 91
Section 92
Section 93
Section 94
Section 95
Section 96
Section 97
Section 98
Section 99
Section 100

- “Judicial proceedings.” (h) “judicial proceedings” means a proceeding before any court, tribunal or person having by law power to hear, receive and examine evidence on oath;
- “Literary Work.” (i) “literary work” includes any written table or compilation; 5
- “Manuscript.” (j) “manuscript”, in relation to a work, means the original document embodying the work, whether written by hand or not;
- “Motion picture film.” (k) “motion picture film” has the meaning assigned to it by subsection (9) of section 19; 10
- “Performance.” (l) “performance” includes delivery, in relation to lectures, addresses, speeches and sermons, and in general, subject to the provisions of subsection (3) of this section, includes any mode of visual or acoustic presentation, including any such presentation by the operation of wireless telegraphy apparatus, or by the exhibition of a motion picture film, or by the use of a record, or by any other means, and references to performing a work or an adaptation of a work shall be construed accordingly; 15
- “Photograph.” (m) “photograph” means any product of photography or of any process akin to photography, other than a part of a motion picture film, and “author”, in relation to a photograph, means the person who, at the time when the photograph is taken, is the owner of the material on which it is taken; 25
- “Qualified person.” (n) “qualified person” has the meaning assigned to it by subsection (5) of section 5;
- “Record.” (o) “record” means any disc, tape, perforated roll or other device in which sounds are embodied so as to be capable (with or without the aid of some other instrument) of being automatically reproduced therefrom, and references to a record of a work or other subject-matter are references to a record (as herein defined) by means of which it can be performed; 30
- “Reproduction.” (p) “reproduction”, in the case of a literary, dramatic or musical work, includes a reproduction in the form of a record or of a motion picture film, and, in the case of an artistic work, includes a version produced by converting the work into a three-dimensional form, or, if it is in three dimensions, by converting it into a two-dimensional form, and references to reproducing a work shall be construed accordingly; 35
- “Sculpture.” (q) “sculpture” includes any cast or model made for purposes of sculpture; 40
- “Sound recording.” (r) “sound recording” has the meaning assigned to it by subsection (6) of section 18;
- “Sufficient acknowledgment.” (s) “sufficient acknowledgment” has the meaning assigned to it by subsection (9) of section 9; 45

"Television broadcast."

"Work of joint authorship."

"Writing."

- (t) "television broadcast" and "sound broadcast" have the meanings assigned to them by section 20;
- (u) "work of joint authorship" has the meaning assigned to it by subsection (7) of section 17;
- (v) "writing" includes any form of notation, whether by hand or by printing, typewriting or any similar process. 5

References.

(2) References in this Act to the transmission of a work or other subject-matter to subscribers to a diffusion service are references to the transmission thereof in the course of a service of distributing broadcast programmes, or other programmes (whether provided by the person operating the service or other persons), over wires, or other paths provided by a material substance, to the premises of subscribers to the service; and for the purposes of this Act, where a work or other subject-matter is so transmitted,— 10 15

(a) the person operating the service (that is to say, the person who, in the agreements with subscribers to the service, undertakes to provide them with the service, whether he is the person who transmits the programmes or not) shall be taken to be the person causing the work or other subject-matter to be so transmitted, and 20

(b) no person, other than the person operating the service, shall be taken to be causing it to be so transmitted, notwithstanding that he provides any facilities for the transmission of the programmes: 25

Proviso.

Provided that, for the purposes of this subsection, and of references to which this subsection applies, no account shall be taken of a service of distributing broadcast or other programmes, where the service is only incidental to a business of keeping or letting premises where persons reside or sleep, and is operated as part of the amenities provided exclusively or mainly for residents or inmates therein. 30

Broadcasting not performance.

(3) For the purposes of this Act, broadcasting, or the causing of a work or other subject-matter to be transmitted to subscribers to a diffusion service, shall not be taken to constitute performance, or to constitute causing visual images or sounds to be seen or heard. 35

Supplementary provisions as to interpretation.

3. (1) In determining for the purposes of any provision of this Act— 40

- (a) whether a work or other subject-matter has been published, or
- (b) whether a publication of a work or other subject-matter was the first publication thereof, or 45
- (c) whether a work or other subject-matter was published or otherwise dealt with in the lifetime of a person,

no account shall be taken of any unauthorized publication or of the doing of any other unauthorized act. 50

Provided that nothing in this subsection shall affect any provisions of this Act as to the acts restricted by copyright or as to acts constituting infringements of copyright or any provisions of section 30.

(2) References in this Act to the time at which, or the period during which, a literary, dramatic or musical work was made are references to the time or period at or during which it was first reduced to writing or some other material form.

4. (1) The Universal Copyright Convention signed at Geneva, September 9th, 1952, together with the three protocols annexed thereto, is approved and declared to have the force of law in Canada.

(2) In the event of any inconsistency between the provisions of this Act or the Convention and protocols and the operation of any other law, the provisions of this Act and the Convention and protocols prevail to the extent of the inconsistency.

(3) The Governor in Council may make such orders and regulations as are deemed necessary for the purpose of carrying out the Convention and protocols or for giving effect to any of the provisions thereof.

PART I

Copyright in Original Works

5. (1) In this Act "copyright" in relation to a work (except where the context otherwise requires) means the exclusive right by virtue and subject to the provisions of this Act to do, and to authorize other persons to do, certain acts in relation to that work in Canada.

The said acts, in relation to a work of any description, are those acts which, in the relevant provision of this Act, are designated as the acts restricted by the copyright in a work of that description.

(2) In accordance with the preceding subsection, but subject to the following provisions of this Act, the copyright in a work is assigned by any person who, not being the owner of the copyright, and without the licence of the owner thereof, does or authorizes another person to do any of the said acts in relation to the work in Canada.

(3) In the preceding subsection references to the relevant provision of this Act, in relation to a work of any description, are references to the provision of this Act whereby it is provided that (subject to compliance with the conditions specified therein) copyright shall subsist in works of that description.

Provided that nothing in this subsection shall affect any provisions of this Act as to the acts restricted by any copyright or as to acts constituting infringements of copyrights, or any provisions of section 30.

Reference to the time.

(2) Reference in this Act to the time at which, or the period during which, a literary, dramatic or musical work was made are references to the time or period at or during which it was first reduced to writing or some other material form.

5

Ratification of universal copyright and protocols.

4. (1) The Universal Copyright Convention signed at Geneva, September 6th, 1952, together with the three protocols annexed thereto, is approved and declared to have the force of law in Canada.

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Inconsistent laws.

(2) In the event of any inconsistency between the provisions of this Act, or the Convention and protocols, and the operation of any other law, the provisions of this Act and the Convention and protocols prevail to the extent of the inconsistency.

15

Orders and regulations.

(3) The Governor in Council may make such orders and regulations as are deemed necessary for the purpose of carrying out the Convention and protocols or for giving effect to any of the provisions thereof.

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PART I

COPYRIGHT IN ORIGINAL WORKS.

Nature of copyright under this Act.

5. (1) In this Act "copyright" in relation to a work (except where the context otherwise requires) means the exclusive right, by virtue and subject to the provisions of this Act, to do, and to authorize other persons to do, certain acts in relation to that work in Canada.

25

The said acts, in relation to a work of any description, are those acts which, in the relevant provision of this Act, are designated as the acts restricted by the copyright in a work of that description.

30

When copyright infringed.

(2) In accordance with the preceding subsection, but subject to the following provisions of this Act, the copyright in a work is infringed by any person who, not being the owner of the copyright, and without the license of the owner thereof, does, or authorizes another person to do, any of the said acts in relation to the work in Canada.

35

References.

(3) In the preceding subsections references to the relevant provision of this Act, in relation to a work of any description, are references to the provision of this Act whereby it is provided that (subject to compliance with the conditions specified therein) copyright shall subsist in works of that description.

40

- (2) The preceding provisions of this section shall apply in relation to any subject-matter (other than a work) as a description to which any provision of Part II relates, they apply in relation to a work.
- (3) For the purpose of any provision of this Act which specifies the conditions under which copyright may subsist in any description of work or other subject-matter, "qualified person" means—
- (a) in the case of an individual, a person who is a Canadian citizen, or who is domiciled, or resident, in Canada;
- (b) in the case of a body corporate, a body incorporated under the laws of Canada, or of any Province thereof; and
- (c) any class of persons to whom the provisions of this Act are extended by the Governor in Council.
- (4) For the purpose of this Act, "publication" in relation to any literary, dramatic, musical or artistic work, means the issue of copies of the work to the public, but the following shall not be regarded as publication:
- (a) the exhibition of an artistic work, the construction of a work of architecture, or the issue of photographs or engravings of a work of architecture or of a sculpture;
- (b) except in so far as it may constitute an infringement of copyright, a publication which is merely outside and not intended to satisfy the reasonable requirements of the public;
- (c) After the expiration of twenty-five years from the death of the author of a published work, copyright in the work shall not be treated as infringed by the reproduction of the work for sale if the person reproducing the work proves that he has given the prescribed notice in writing of his intention to reproduce the work, and that he has paid in the prescribed manner to, or for the benefit of, the owner of the copyright, royalties in respect of all copies of the work sold by him, calculated at the rate of ten per cent on the price at which he publishes the work.
- (5) For the purpose of this section, the Governor in Council may make regulations prescribing the mode in which notices are to be given, and the particulars to be given in such notices, and the mode, time and frequency of the payment of royalties, including if he thinks fit, regulations requiring payment in advance or otherwise securing the payment of royalties.

Section 17
Copyright Act
1911

Section 18
Copyright Act
1911

Section 19
Copyright Act
1911

Section 20
Copyright Act
1911

Applications
of certain
provisions.

(4) The preceding provisions of this section shall apply, in relation to any subject-matter (other than a work) of a description to which any provision of Part II relates, as they apply in relation to a work.

"Qualified
person."

(5) For the purposes of any provision of this Act which specifies the conditions under which copyright may subsist in any description of work or other subject-matter, "qualified persons" means: 5

(a) in the case of an individual, a person who is a Canadian citizen, or who is domiciled, or resident, in Canada, 10

(b) in the case of a body corporate, a body incorporated under the laws of Canada, or of any Province thereof, and

(c) any class of persons to whom the provisions of this Act are extended by the Governor in Council. 15

"Publica-
tion."

(6) For the purposes of this Act, "publication" in reference to any literary, dramatic, musical or artistic work, means the issue of copies of the work to the public, but the following shall not be regarded as publication: 20

(a) the exhibition of an artistic work, the construction of a work of architecture, or the issue of photographs or engravings of a work of architecture or of a sculpture;

(b) except in so far as it may constitute an infringement of copyright, a publication which is merely colourable and not intended to satisfy the reasonable requirements of the public. 25

Notice of
intention to
reproduce
after twenty-
five years.

(7) (a) After the expiration of twenty-five years, from the death of the author of a published work, copyright in the work shall not be deemed to be infringed by the reproduction of the work for sale if the person reproducing the work proves that he has given the prescribed notice in writing of his intention to reproduce the work, and that he has paid in the prescribed manner to, or for the benefit of, the owner of the copyright, royalties in respect of all copies of the work sold by him, calculated at the rate of ten per cent on the price at which he publishes the work. 30 35 40

(b) for the purposes of this section, the Governor in Council may make regulations prescribing the mode in which notices are to be given, and the particulars to be given in such notices, and the mode, time and frequency of the payment of royalties, including, if he thinks, fit, regulations requiring payment in advance or otherwise securing the payment of royalties. 45

4. (1) Copyright shall subsist subject to the provisions of this Act in every original literary, dramatic or musical work which is unpublished, and of which the author was a qualified person at the time when the work was made, or if the making of the work extended over a period, was a qualified person for a substantial part of that period.

Copyright in
Literary, Dramatic
or Musical
Works

(2) Where an original literary, dramatic or musical work has been published then, subject to the provisions of this Act, copyright shall subsist in the work (or, if copyright in the work subsisted immediately before its first publication, shall continue to subsist) if, but only if,—

Copyright in
Literary, Dramatic
or Musical
Works

- (a) the first publication of the work took place in Canada;
- (b) the author of the work was a qualified person at the time when the work was first published; or
- (c) the author had died before that time, but was a qualified person immediately before his death.

Canada

Provided that a work shall be deemed to be first published in Canada notwithstanding that it has been published simultaneously in some other place; and a work shall be deemed to be published simultaneously in two places, if the time between the publications in one such place and the other place does not exceed thirty days.

Canada

(3) Subject to the last preceding subsection, copyright subsisting in a work by virtue of this Act, shall, except as otherwise expressly provided by this Act, be for a period expiring at the end of fifty-six years from the first day of January next following the time of publication, or at the death of the author, whichever is later, and shall then expire.

Expiry

Provided that if before the death of the author none of the following acts had been done, that is to say,—

Expiry

- (a) the publication of the work;
- (b) the performance of the work;
- (c) the reproduction in relation to which the end of the period of seventy-five years after the author's death or one hundred years after the work was made, whichever is later, and shall then expire.

Expiry

(4) In the last preceding subsection reference to the doing of any act in relation to a work includes reference to the doing of that act in relation to an adaptation of the work.

Expiry

(5) The acts mentioned by the copyright in a literary, dramatic or musical work are—

Expiry

- (a) reproducing the work in any material form;
- (b) publishing the work;
- (c) performing the work in public;
- (d) broadcasting the work;

Expiry

COPYRIGHT IN LITERARY, DRAMATIC OR MUSICAL WORKS.

Copyright in literary, dramatic or musical works.

6. (1) Copyright shall subsist, subject to the provisions of this Act, in every original literary, dramatic or musical work which is unpublished, and of which the author was a qualified person at the time when the work was made, or, if the making of the work extended over a period, was a qualified person for a substantial part of that period. 5

Conditions for copyright to subsist.

(2) Where an original literary, dramatic or musical work has been published, then, subject to the provisions of this Act, copyright shall subsist in the work (or, if copyright in the work subsisted immediately before its first publication, shall continue to subsist) if, but only if,— 10

(a) the first publication of the work took place in Canada, or

(b) the author of the work was a qualified person at the time when the work was first published, or 15

(c) the author had died before that time, but was a qualified person immediately before his death.

Proviso.

Provided that a work shall be deemed to be first published in Canada notwithstanding that it has been published simultaneously in some other place; and a work shall be deemed to be published simultaneously in two places, if the time between the publication in one such place and the other place does not exceed thirty days. 20

Duration.

(3) Subject to the last preceding subsection, copyright subsisting in a work by virtue of this Act, shall, except as otherwise expressly provided by this Act, be for a period expiring at the end of fifty-six years from the first day of January next following the time of publication, or at the death of the author, whichever is later, and shall then expire. 30

Proviso.

Provided that if before the death of the author none of the following acts had been done, that is to say,—

(a) the publication of the work,

(b) the broadcasting of the work,

the copyright shall continue to subsist until the end of the period of seventy-five years after the author's death, or one hundred years after the work was made, whichever is later, and shall then expire. 35

(4) In the last preceding subsection reference to the doing of any act in relation to a work includes references to the doing of that act in relation to an adaptation of the work. 40

Restrictions.

(5) The acts restricted by the copyright in a literary, dramatic or musical work are—

(a) reproducing the work in any material form; 45

(b) publishing the work;

(c) performing the work in public;

(d) broadcasting the work;

(a) causing the work to be transmitted to subscribers to a different period;
 (b) making any adaptation of the work;
 (c) being, in relation to an adaptation of the work, any graphic (a) or (c) of this subsection.

(3) In this Act "adaptation" means any of the following, that is to say—
 (i) in the case of a non-dramatic work, a version of the work (whether in its original language or a different language) in which it is converted into a dramatic work;
 (ii) in the case of a dramatic work, a version of the work (whether in its original language or a different language) in which it is converted into a non-dramatic work;
 (iii) a translation of the work;
 (iv) a version of the work in which the story or matter is conveyed wholly or mainly by means of pictures; and
 (v) in relation to a musical work, means an arrangement of the work;
 so however that the mention of any matter in this definition of "adaptation" shall not affect the generality of the words "reproducing the work in any material form".

COMMENTS BY ARTISTS WORKS

7. (1) In this Act "artistic work" means a work of any of the following descriptions, that is to say—
 (a) the following, irrespective of artistic quality, namely: paintings, sculptures, drawings, engravings and photographs;
 (b) works of architecture, being either buildings or models for buildings;
 (c) works of artistic craftsmanship, not falling within either of the preceding paragraphs.
 (2) Copyright shall subsist, subject to the provisions of this Act, in every original artistic work which is published, and of which the author was a qualified person at the time when the work was made, or if the making of the work extended over a period, was a qualified person for a substantial part of that period.
 (3) Where an original artistic work has been published, then, subject to the provisions of this Act, copyright shall

Copyright in
 artistic
 works

Section

“Adaptation.”

- (e) causing the work to be transmitted to subscribers to a diffusion service;
 - (f) making any adaptation of the work;
 - (g) doing, in relation to an adaptation of the work, any of the acts specified in relation to the work in paragraphs (a) to (e) of this subsection. 5
- (6) In this Act, “adaptation”—
- (a) in relation to a literary or dramatic work, means any of the following, that is to say,—
 - (i) in the case of a non-dramatic work, a version of 10 the work (whether in its original language or a different language) in which it is converted into a dramatic work;
 - (ii) in the case of a dramatic work, a version of the work (whether in its original language or a 15 different language) in which it is converted into a non-dramatic work;
 - (iii) a translation of the work;
 - (iv) a version of the work in which the story or action is conveyed wholly or mainly by means 20 of pictures; and
 - (b) in relation to a musical work, means an arrangement of the work;
- so however that the mention of any matter in this definition of “adaptation” shall not affect the generality of the words 25 “reproducing the work in any material form”.

COPYRIGHTS IN ARTISTIC WORKS.

Copyright in artistic works.

7. (1) In this Act, “artistic work” means a work of any of the following descriptions, that is to say,—
- (a) the following, irrespective of artistic quality, namely paintings, sculptures, drawings, engravings and 30 photographs;
 - (b) works of architecture, being either buildings or models for buildings;
 - (c) works of artistic craftsmanship, not falling within either of the preceding paragraphs. 35
- (2) Copyright shall subsist, subject to the provisions of this Act, in every original artistic work which is unpublished, and of which the author was a qualified person at the time when the work was made, or if the making of the work extended over a period, was a qualified person for a 40 substantial part of that period.
- (3) Where an original artistic work has been published, then, subject to the provisions of this Act, copyright shall

Duration.

consent in the work for it copyright in the work subsists immediately before its first publication, shall continue to subsist if, but only if—

- (a) the first publication of the work took place in Canada or
- (b) the author of the work was a qualified person at the time when the work was first published, or
- (c) the author had died before that time, but was a qualified person immediately before his death.

(4) Subject to the last preceding subsection, copyright subsisting in a work by virtue of this section shall continue to subsist for a period expiring at the end of fifty-six years from the first day of January next following the author's death, and shall then expire;

Provided that—
(a) in the case of an engraving, if before the death of the author the engraving had not been published, the copyright shall continue to subsist until the end of the period of seventy-five years after the author's death, or one hundred years after the engraving was made, whichever is later, and shall then expire;

(b) in the case of an engraving where there has been publication within a period of seventy-five years after the author's death, or within one hundred years after the engraving was made, the copyright shall continue to subsist for a period expiring at the end of fifty-six years from the first day of January next following the publication, and shall then expire;

and
(c) the copyright in a photograph shall continue to subsist for a period expiring at the end of fifty years from the first day of January next following the date upon which the photograph was taken.

(5) The acts mentioned by the copyright in an artistic work are—

- (a) reproducing the work in any material form;
- (b) publishing the work.

OWNERSHIP OF COPYRIGHT IN LITERARY, DRAMATIC AND ARTISTIC WORKS.

8. (1) Subject to the provisions of this section, the author of a work shall be entitled to any copyright subsisting in the work by virtue of this Part.

Copyright
in
Literary,
Dramatic
and
Artistic
Works
Act
1911

subsist in the work (or, if copyright in the work subsisted immediately before its first publication, shall continue to subsist) if, but only if—

- (a) the first publication of the work took place in Canada, or 5
- (b) the author of the work was a qualified person at the time when the work was first published, or
- (c) the author had died before that time, but was a qualified person immediately before his death.

Idem.

(4) Subject to the last preceding subsection, copyright 10 subsisting in a work by virtue of this section shall continue to subsist for a period expiring at the end of fifty-six years from the first day of January next following the author's death, and shall then expire:

Provided that— 15

Proviso.

- (a) in the case of an engraving, if before the death of the author the engraving had not been published, the copyright shall continue to subsist until the end of the period of seventy-five years after the author's death, or one hundred years after the engraving was made, whichever is later, and shall then expire, and 20

- (b) in the case of an engraving where there has been publication within a period of seventy-five years after the author's death, or within one hundred years after the engraving was made, the copyright shall continue to subsist for a period expiring at the end of fifty-six years from the first day of January next following the publication, and shall then expire, and 30

- (c) the copyright in a photograph shall continue to subsist for a period expiring at the end of forty years from the first day of January next following the date upon which the photograph was taken.

(5) The acts restricted by the copyright in an artistic 35 work are—

- (a) reproducing the work in any material form;
- (b) publishing the work.

OWNERSHIP OF COPYRIGHT IN LITERARY, MUSICAL AND ARTISTIC WORKS.

Ownership
of copyright
in literary,
musical and
artistic
works.

8. (1) Subject to the provisions of this section, the author of a work shall be entitled to any copyright sub- 40 sisting in the work by virtue of this Part.

(2) Where a literary, dramatic, musical or artistic work is made by the author in the course of his employment by another person, under a contract in writing or otherwise, that other person shall be entitled to any copyright subsisting in the work by virtue of this Part.

(3) Where a person commissions the taking of a photograph or a painting or a drawing or the making of an engraving and pays for it in money or money's worth, and the work is made in pursuance of that commission, the person who so commissioned the work shall be entitled to any copyright subsisting in the work by virtue of this Part.

Provided that where a person commissions a painter or a draughtsman to paint or to draw for a particular purpose, and pays or agrees to pay for it in money's worth, and the work is made in pursuance of that commission, the author shall be entitled to any copyright subsisting in the work by virtue of this Part for any matter that that particular purpose in which the work was commissioned.

(4) Where in a case not falling within the two last subsections a work is made in the course of the author's employment by another person under a contract of service or apprenticeship that other person shall be entitled to any copyright subsisting in the work by virtue of this Part.

Provided that where a person commissions a work for a particular purpose communicated to the author before the work was made and pays or agrees to pay for it in money's worth, and the work is made in pursuance of that commission, the author shall be entitled to any copyright subsisting in the work by virtue of this Part for any other than that particular purpose for which the work was commissioned.

(5) Each of the three last preceding subsections shall have effect, subject in any particular case to any agreement relating to the question stated in that case.

(6) The preceding provisions of this section shall all have effect subject to the provisions of Part V.

General Exception from Provisions of Part I, Sections 17, 18 and 19

(1) No infringement with a literary, dramatic or musical work for purposes of research or private study shall constitute an infringement of the copyright in the work.

(2) No infringement with a literary, dramatic or musical work shall constitute an infringement of the copyright in the work if it is for purposes of criticism or review, whether of that work or of another work, and is accompanied by a sufficient acknowledgment.

Copyright Act 1911

Section 17

Section 18

Section 19

Section 20

Section 21

Section 22

(2) Where a literary, dramatic, musical or artistic work is made by the author in the course of his employment by another person, under a contract of service or apprenticeship, that other person shall be entitled to any copyright subsisting in the work by virtue of this Part. 5

Person entitled to copyright in certain cases.

(3) Where a person commissions the taking of a photograph, or a painting or a drawing, or the making of an engraving, and pays for it in money or money's worth, and the work is made in pursuance of that commission, the person who so commissioned the work shall be entitled to any copyright subsisting in the work by virtue of this Part. 10

Proviso.

Provided that, where a person commissions a painting or a drawing (not a portrait) for a particular purpose communicated to the author before the work was made, and pays or agrees to pay for it in money's worth, and the work is made in pursuance of that commission, the author shall be entitled to any copyright subsisting in the work by virtue of this Part for any other than that particular purpose for which the work was commissioned. 15

Idem.

(4) Where, in a case not falling within the two last preceding subsections, a work is made in the course of the author's employment by another person under a contract of service or apprenticeship, that other person shall be entitled to any copyright subsisting in the work by virtue of this Part. 20

Proviso.

Provided that where a person commissions a work for a particular purpose communicated to the author before the work was made and pays or agrees to pay for it in money's worth, and the work is made in pursuance of that commission, the author shall be entitled to any copyright subsisting in the work by virtue of this Part for any other than that particular purpose for which the work was commissioned. 25

Agreement to govern.

(5) Each of the three last preceding subsections shall have effect, subject, in any particular case, to any agreement excluding the operation thereof in that case. 30

Effect of subsections.

(6) The preceding provisions of this section shall all have effect subject to the provisions of Part VI. 35

GENERAL EXCEPTION FROM PROTECTION OF LITERARY, DRAMATIC AND MUSICAL WORKS.

General exceptions from protection of literary, dramatic and musical works.

(1) No fair dealing with a literary, dramatic or musical work for purposes of research or private study shall constitute an infringement of the copyright in the work. 40

(2) No fair dealing with a literary, dramatic or musical work shall constitute an infringement of the copyright in the work if it is for purposes of criticism or review, whether of that work or of another work, and is accompanied by a sufficient acknowledgment. 45

work shall constitute an infringement of the copyright in the work if it is for the purpose of reporting current events—

(a) in a newspaper, magazine or similar periodical; or

(b) by means of broadcasting or in a motion picture film.

and in a case falling within paragraph (a) of this subsection is accompanied by a sufficient acknowledgment.

Provided that for the purposes of this subsection and not to the generally thereof, a literary work shall include a speech, lecture, sermon or other address delivered in public, whether or not from notes, provided the same is simultaneously with delivery, reduced to writing or some other material form.

(4) The copyright in a literary, dramatic or musical work is not infringed by reproducing it for the purpose of a judicial or quasi-judicial proceeding, or for the purpose of a report of such a proceeding.

(5) The reading or recitation in public by one person of any reasonable extract from a published literary or dramatic work, if accompanied by a sufficient acknowledgment, shall not constitute an infringement of the copyright in the work:

Provided that this subsection shall not apply to anything done for the purpose of broadcasting.

(6) The copyright in a published literary or dramatic work is not infringed by the inclusion of a short passage therefrom in a collection intended for the use of schools, if—

(a) the collection is described in its title, and in any advertisement thereof issued by or on behalf of the publisher, as being so intended, and

(b) the work in question was not published for the use of schools and

(c) the inclusion of the passage is accompanied by a sufficient acknowledgment:

Provided that this subsection shall not apply in relation to the copyright in a work if, in addition to the passage in question, two or more other extracts from works by the author thereof or by the author in collaboration or jointly with one or more authors (being works in which copyright subsists at the time when the collection is published) are contained in that collection, or are contained in that collection taken together with every similar collection (if any) published by the same publisher within the period of five years immediately preceding the publication of that collection.

Section 17

Section 18

Section 19

Section 20

Section 21

Section 22

Section 23

- Fair dealing.** (3) No fair dealing with a literary, dramatic or musical work shall constitute an infringement of the copyright in the work if it is for the purpose of reporting current events—
- (a) in a newspaper, magazine or similar periodical, or
 - (b) by means of broadcasting, or in a motion picture film, 5
- and, in a case falling within paragraph (a) of this subsection, is accompanied by a sufficient acknowledgment.
- Proviso.** Provided that for the purposes of this subsection, and not to the generality thereof, "a literary work" shall include a speech, lecture, sermon or other address, delivered in public, whether or not from notes, provided the same is, simultaneously with delivery, reduced to writing or some other material form. 10
- Saving.** (4) The copyright in a literary, dramatic or musical work is not infringed by reproducing it for the purpose of a judicial, or quasi-judicial proceeding, or for the purposes of a report of such a proceeding. 15
- Idem.** (5) The reading or recitation in public by one person of any reasonable extract from a published literary or dramatic work, if accompanied by a sufficient acknowledgment, shall not constitute an infringement of the copyright in the work: 20
- Proviso.** Provided that this subsection shall not apply to anything done for the purposes of broadcasting. 25
- Idem.** (6) The copyright in a published literary or dramatic work is not infringed by the inclusion of a short passage therefrom in a collection intended for the use of schools, if—
- (a) the collection is described in its title, and in any advertisements thereof issued by or on behalf of the publisher, as being so intended, and 30
 - (b) the work in question was not published for the use of schools, and
 - (c) the inclusion of the passage is accompanied by a sufficient acknowledgement; 35
- Proviso.** Provided that this subsection shall not apply in relation to the copyright in a work if, in addition to the passage in question, two or more other excerpts from works by the author thereof or by the author in collaboration or jointly with one or more authors (being works in which copyright subsists at the time when the collection is published) are contained in that collection, or are contained in that collection taken together with every similar collection (if any) published by the same publisher within the period of five years immediately preceding the publication of that collection. 40 45

Idem. (7) Where a person is authorized to broadcast a literary, dramatic or musical work, but (apart from this subsection) would not be entitled to make reproductions of it in the form of a record or of a motion picture film, the copyright in the work is not infringed by his making such a reproduction of the work solely for the purpose of broadcasting the work; 5

Proviso. Provided that such reproduction shall be used solely for the purpose of the authorized broadcasting within a period of thirty days after the day when it or a copy of it was first broadcast and thereafter for no purpose other than research or study. 10

Application. (8) The preceding provisions of this section shall apply to the doing of any act in relation to an adaptation of a work as they apply in relation to the doing of that act in relation to the work itself. 15

"Sufficient acknowledgment." (9) In this act "sufficient acknowledgment" means an acknowledgment identifying the work in question by its title or other description and, unless the work is anonymous or the author has previously agreed or required that no acknowledgment of his name should be made, also identifying the author. 20

Special exceptions as respects libraries and archives. **10.** (1) The copyright in an article contained in a periodical publication is not infringed by the making or supplying of a copy of the article, if the copy is made or supplied by or on behalf of the librarian of a library of a class prescribed by regulations made under this subsection by the Governor in Council, and the conditions prescribed by those regulations are complied with. 25

Regulations. (2) In making any regulations for the purpose of the preceding subsection the Governor in Council shall make such provision as it may consider appropriate for securing— 30

- (a) that the libraries to which the regulations apply are not established nor conducted for profit;
- (b) that the copies in question are supplied only to persons satisfying the librarian, or a person acting on his behalf, that they require them for purposes of research or private study and will not use them for any other purpose; 35
- (c) that no person is furnished under the regulation with two or more copies of the same article; and 40
- (d) that no copy extends to more than one article, or if to more than one, then only to articles relating to the same subject matter, 45

and may impose such other requirements (if any) as may appear to the Governor in Council to be expedient.

Saving. (3) The copyright in a published literary, dramatic or musical work, other than an article contained in a periodical publication, is not infringed by the making or supplying

of a copy of part of the work, if the copy is made or supplied by or on behalf of the librarian of a library of a class prescribed by regulations made under this subsection by the Governor in Council, and the conditions prescribed by those regulations are complied with. 5

Application
of ss. (2).

(4) The provision of subsection (2) of this section shall apply for the purposes of the last preceding subsection:

Proviso.

Provided that any regulations made under the last preceding subsection shall include such provision as the Governor in Council may consider appropriate for securing that no copy to which the regulations apply extends to more than a reasonable proportion of the work in question. 10

Saving.

(5) The copyright in a published literary, dramatic or musical work is not infringed by the making or supplying of a copy of the work, or of a part of it, by or on behalf of the librarian of a library of a class prescribed by regulations made under this subsection by the Governor in Council, if— 15

(a) the copy is supplied to the librarian of any library of a class so prescribed; 20

(b) at the time when the copy is made, the librarian by or on whose behalf it is supplied does not know the name and address of any person entitled to authorize the making of the copy, and could not by reasonable enquiry ascertain the name and address of such a person; and 25

(c) any other conditions prescribed by the regulations are complied with:

Proviso.

Provided that the condition specified in paragraph (b) of this subsection shall not apply in the case of an article contained in a periodical publication. 30

In case of
"illustrations."

(6) In relation to an article or other work which is accompanied by one or more artistic works provided for explaining or illustrating it (in this subsection referred to as "illustrations"), the preceding provisions of this section shall apply as if— 35

(a) wherever they provide that the copyright in the article or work is not infringed, the reference to that copyright included a reference to any copyright in any of the illustrations; 40

(b) in subsections (1) and (2), references to a copy of the article included references to a copy of the article together with a copy of the illustrations or any of them; and

(c) in subsections (3) to (5), references to a copy of the work included references to a copy of the work together with a copy of the illustrations or any of them, and references to a copy of part of the work 45

included reference to a copy of that part of the work together with a copy of the illustrations which were provided for existing or illustrating that part.

(7) In this section "article" includes an item of any description.

Exemption

13. The copyright in a published musical work is not infringed by the public performance at any agricultural, industrial, exhibition or fair which receives a grant or is held under Dominion, Provincial or Municipal authority.

Provided that this subsection shall not apply if such works are performed in a place or to advertise or attract persons to a place, less for admission to which any charge other than a fee (if any) charged for admission to such fair is at admission.

14. The copyright in a published musical work is not infringed by the public performance in furtherance of a religious, educational or charitable object, when it is authorized by a church, college, school or religious charitable or fraternal organization.

15. (1) The copyright in a literary, dramatic or musical work is not infringed by a person (in this section referred to as "the manufacturer") who makes a record of the work or of an adaptation of the work in Canada if—

(a) records of the work or, as the case may be, of a similar adaptation of the work have previously been made for the purpose of sale or hire by or with the consent or acquiescence of the owner of the copyright in the work; and

(b) before making the record the manufacturer gave to the owner of the copyright the prescribed notice of his intention to make it; and

(c) the manufacturer intends to sell the record or let it for hire or to supply it for the purpose of its being sold or let for hire by another person or intends to use it for making other records which are to be sold or let for hire; and

(d) in the case of a record which is sold or let for hire the manufacturer pays to the owner of the copyright in the prescribed manner and at the prescribed time a royalty of an amount ascertained as set out below.

included references to a copy of that part of the work together with a copy of any of the illustrations which were provided for explaining or illustrating that part.

"Article." (7) In this section "article" includes an item of any description. 5

EXCEPTION.

Exceptions of performance at exhibitions or fairs.

11. The copyright in a published musical work is not infringed by its public performance at any agricultural, agricultural-industrial exhibition or fair which receives a grant or is held under Dominion, Provincial or Municipal authority: 10

Proviso.

Provided that this subsection shall not apply if such works are performed in a place, or to advertise or attract persons to a place, fees for admission to which are charged, other than a fee (if any) charged for admission to such fair or exhibition. 15

Special exceptions in performance in religious, educational or charitable objects.

12. The copyright in a published musical work is not infringed by its public performance in furtherance of a religious, educational or charitable object, which is authorized by a church, college, school or religious, charitable or fraternal organization. 20

Special exceptions—records.

13. (1) The copyright in a literary, dramatic or musical work is not infringed by a person (in this section referred to as "the manufacturer") who makes a record of the work or of an adaptation of the work in Canada if— 25

(a) records of the work or, as the case may be, of a similar adaptation of the work have previously been made for the purpose of sale or hire by or with the consent or acquiescence of the owner of the copyright in the work; and 30

(b) before making the record the manufacturer gave to the owner of the copyright the prescribed notice of his intention to make it; and

(c) the manufacturer intends to sell the record or let it for hire or to supply it for the purposes of its being sold or let for hire by another person or intends to use it for making other records which are to be sold or let for hire; and 35

(d) in the case of a record which is sold or let for hire the manufacturer pays to the owner of the copyright in the prescribed manner and at the prescribed time a royalty of an amount ascertained as set out below. 40

(3) "The owner of the copyright," as used in paragraph (a) of subsection (1) of this section means the owner of the copyright for the country in which the records previously made were made.

(2) The royalties referred to in this section shall be determined as follows:

(a) for records, wire or tape recordings, or other devices reproducing a musical work, for each copy one-half cent per minute of playing time, but not less than four cents for any single work;

(b) a royalty of more than one musical work, the total playing time of which does not exceed four minutes, shall be considered a single musical work;

(c) for new arrangements of musical works otherwise in the public domain, for each copy one-quarter cent per minute of playing time, but not less than two cents for any single arrangement;

(d) for contracted transmissions and for records intended to be sold or let on hire, royalties as set out above, but not less than four dollars per copy;

(e) where more than one copyright exists in a recording not more than one royalty computed under this section shall be payable but the royalty shall be apportioned between copyright owners as they may agree, or in default of agreement, as may be determined by a judge of the District Court;

(f) where a recording consists of both copyright and non-copyright material, the royalty shall be computed on the playing time of the copyright material only at the rates herein above set out;

(3) where for the purpose of paragraph (a) of subsection (1) of this section, a manufacturer makes enquiry of the owner of the copyright as to his consent or assentance in the previous recording of the work and the owner of the copyright declines to reply thereto for a period of six months after the said enquiry, the previous records shall be deemed to have been made with the consent or assentance of the owner of the copyright.

(4) The provisions of this section shall apply to recordings of part of a work or adaptation as they apply to recordings of the whole of it.

Provided that subsection (1) of this section shall not apply to a record of the whole of a work or adaptation unless the previous records referred to in paragraph (a) of subsection (1) were records of the whole of the work or a similar adaptation unless those previous records were records of or comprising that part of the work or of a similar adaptation.

Copyright

Records

Adaptation

"Owner of
copyright."

(2) "The owner of the copyright" as used in paragraph (a) of subsection (1) of this section means the owner of the copyright for the country in which the records previously made were made.

Royalties,
how
determined.

(3) The royalties referred to in this section shall be determined as follows: 5

- (a) for records, wire or tape recordings, or other devices reproducing a musical work, for each copy one-half cent per minute of playing time, but not less than four cents for any single work; 10
- (b) a medley of more than one musical work, the total playing time of which does not exceed four minutes, shall be considered a single musical work;
- (c) for new arrangements of musical works otherwise in the public domain, for each copy one-quarter cent per minute of playing time, but not less than two cents for any single arrangement; 15
- (d) for commercial transcriptions and for records intended to be sold or let on hire, royalties as set out above, but not less than four dollars per copy; 20
- (e) where more than one copyright exists in a recording, not more than one royalty computed under this section shall be payable but the royalty shall be apportioned between copyright owners as they may agree, or in default of agreement, as may be determined by a Judge of the Exchequer Court; 25
- (f) where a recording consists of both copyright and non-copyright material, the royalty shall be computed on the playing time of the copyright material only at the rates herein above set out; 30
- (g) where for the purposes of paragraph (a) of subsection (1) of this section, a manufacturer makes enquiry of the owner of the copyright as to his consent or acquiescence in the previous recording of the work and the owner of the copyright defaults 35 in replying thereto for a period of six months after the said enquiry, the previous records shall be deemed to have been made with the consent or acquiescence of the owner of the copyright.

Application
of section.

(4) The provisions of this section shall apply to recordings of part of a work or adaptation as they apply to recordings of the whole of it. 40

Provided that subsection (1) of this section shall not apply to a record of the whole of a work or adaptation unless the previous records referred to in paragraph (a) of subsection (1) were records of the whole of the work or of a similar adaptation unless those previous records were records of or comprising that part of the work or of a similar adaptation. 45

(5) The copyright in a musical, literary or dramatic work is not infringed by a person who imports a record made outside of Canada which might be manufactured in Canada under subsection (1) of this section if he gives the notice and pays the royalty as though he were a manufacturer under subsection (1).

(6) The Governor in Council is empowered to make regulations for the purposes of this section.

(7) In this section, "record" and "recording" include any disc, tape, perforated roll or other device in which music is embodied so as to be capable (with or without the aid of some other instrument) of being automatically reproduced therefrom.

24 (1) No fair dealing with an artistic work for purposes of research or private study shall constitute an infringement of the copyright in the work.

(2) No fair dealing with an artistic work shall constitute an infringement of the copyright in the work if it is for purposes of criticism or review, whether of that work or of another work, and is accompanied by a sufficient acknowledgment.

(3) The copyright in a work to which this subsection applies which is permanently situated in a public place, or in premises open to the public, is not infringed by the making of a painting, drawing, engraving or photograph of the work, or the inclusion of the work in a motion picture film.

This subsection applies to sculptures, and to such work of artistic craftsmanship as are mentioned in subsection (1) of section 7.

(4) The copyright in a work of architecture is not infringed by the making of a painting, drawing, engraving or photograph of the work, or the inclusion of the work in a motion picture film.

(5) Without prejudice to the two last preceding subsections, the copyright in an artistic work is not infringed by the inclusion of the work in a motion picture film if the inclusion therein is only by way of background or is otherwise only incidental to the principal matter represented in the film.

(6) The copyright in an artistic work is not infringed by the publication of a painting, drawing, engraving, photograph or motion picture film if, by virtue of any of the three last preceding subsections, the making of that painting, drawing, engraving, photograph or film did not constitute an infringement of the copyright.

(7) Copyright in an artistic work is not infringed by its reproduction for the purpose of a judicial or quasi-judicial proceeding, or for the purpose of a report of such a proceeding.

- Saving.** (5) The copyright in a musical, literary or dramatic work is not infringed by a person who imports a record made outside of Canada which might be manufactured in Canada under subsection (1) of this section if he gives the notice and pays the royalties as though he were a manufacturer under subsection (1). 5
- Regulations.** (6) The Governor in Council is empowered to make regulations for the purposes of this section.
- "Record" and "recording."** (7) In this section, "record" and "recording" includes any disc, tape, perforated roll or other device in which sounds are embodied so as to be capable (with or without the aid of some other instrument) of being automatically reproduced therefrom. 10
- General exceptions from protection of artistic works.** **14.** (1) No fair dealing with an artistic work for purposes of research or private study shall constitute an infringement of the copyright in the work. 15
- (2) No fair dealing with an artistic work shall constitute an infringement of the copyright in the work if it is for purposes of criticism or review, whether of that work or of another work, and is accompanied by a sufficient acknowledgment. 20
- (3) The copyright in a work to which this subsection applies which is permanently situated in a public place, or in premises open to the public, is not infringed by the making of a painting, drawing, engraving or photograph of the work, or the inclusion of the work in a motion picture film. 25
- This subsection applies to sculptures, and to such work of artistic craftsmanship as are mentioned in subsection (1) of section 7. 30
- (4) The copyright in a work of architecture is not infringed by the making of a painting, drawing, engraving or photograph of the work, or the inclusion of the work in a motion picture.
- (5) Without prejudice to the two last preceding subsections, the copyright in an artistic work is not infringed by the inclusion of the work in a motion picture film if its inclusion therein is only by way of background or is otherwise only incidental to the principal matters represented in the film. 35 40
- (6) The copyright in an artistic work is not infringed by the publication of a painting, drawing, engraving, photograph or motion picture film, if by virtue of any of the three last preceding subsections the making of that painting, drawing, engraving, photograph or film did not constitute an infringement of the copyright. 45
- (7) Copyright in an artistic work is not infringed by reproducing it for the purpose of a judicial, or a quasi-judicial proceeding, or for the purposes of a report of such a proceeding.

(8) The making of an object of any description which is in three dimensions shall not be taken to infringe the copyright in an artistic work in two dimensions, if the object would not appear, to persons who are not experts in relation to objects of that description, to be a reproduction of the artistic work. 5

(9) The copyright in an artistic work is not infringed by the making of a subsequent artistic work by the same author, notwithstanding that part of the earlier work—

(a) is reproduced in the subsequent work, and 10

(b) is so reproduced by the use of a mould, cast, sketch, plan, model or study made for the purposes of the earlier work,

if in making the subsequent work the author does not repeat or imitate the main design of the earlier work. 15

(10) Where copyright subsists in a building as a work of architecture, the copyright is not infringed by any reconstruction of that building; and where a building has been constructed in accordance with architectural drawings or plans in which copyright subsists, and has been so constructed by, or with the licence of, the owner of that copyright, any subsequent reconstruction of the building by reference to those drawings or plans shall not constitute an infringement of that copyright. 20

Special exceptions in respect of industrial designs.

15. (1) Where copyright subsists in an artistic work, 25 and a corresponding design is registered under the *Industrial Design and Union Label Act* (in this section referred to as "*The Industrial Design Act*"), it shall not be an infringement of the copyright in the work—

(a) to do anything, during the subsistence of the copyright in the registered design under the *Industrial Design Act*, which is within the scope of the copyright in the design, or 30

(b) to do anything, after the copyright in the registered design has come to an end, which, if it had been done while the copyright in the design subsisted, would have been within the scope of that copyright as extended to all associated designs and articles. 35

(2) Where copyright subsists in an artistic work, and—

(a) a corresponding design is applied industrially by or with a license of the owner of the copyright in the work, and 40

(b) articles to which the design has been so applied are sold, let for hire, or offered for sale or hire, and

(c) at the time when those articles are sold, let for hire, or offered for sale or hire, they are not articles in respect of which design has been registered under the *Industrial Design Act*, 45

it shall not be an infringement of the copyright in the work to

do anything which, at the time when it is done, would, if the design had been registered immediately before that time, have been within the scope of the copyright in the design as extended to all associated designs and articles.

(3) In this section, references to the scope of the copyright in a registered design are references to the aggregate of the things, which, by virtue of the *Industrial Design Act*, the registered proprietor of the design has exclusive right to do, and references to the scope of the copyright in a registered design as extended to all associated designs and articles are references to the aggregate of the things which by virtue of that section, the registered proprietor would have had the exclusive right to do if—

- (a) when that design was registered, there had at the same time been registered every possible design consisting of that design with modifications or variations not sufficient to alter the character or substantially to affect the identity thereof, and the said proprietor had been registered as the proprietor of every such design, and
- (b) the design in question, and every other design such as is mentioned in the preceding paragraph, had been registered in respect of all the articles to which it was capable of being applied.

(7) In this section “corresponding design”, in relation to an artistic work, means a design which, when applied to an article, results in a reproduction of that work.

“Corresponding design.”

Anonymous and pseudonymous works.

16. (1) Where the first publication

- (a) of a literary, dramatic or musical work, of which there has been no previous performance in public, offer for sale to the public of records, or broadcast;
- (b) of an engraving, or
- (c) in the author’s lifetime, of any other artistic work (other than a photograph)

is anonymous or pseudonymous, any copyright subsisting in the work by virtue of this Act shall continue to subsist until the end of the period of fifty-six years from the end of the calendar year in which the work was first published, and shall then expire.

(2) Subsection (1) shall not apply where, if at any time before the end of the fifty-six year period mentioned, it is possible for a person without previous knowledge of the facts to ascertain the identity of the author by reasonable enquiry.

(3) A publication of a work under two or more names shall not be deemed to be pseudonymous unless all the names are pseudonymous.

Works of
joint
authorship.

17. (1) Copyright shall subsist in a work of joint authorship if, and only if, at least one of the joint authors is an eligible author.

(2) Where, in the cause of joint authorship of a work, one or more of the authors are not eligible authors, the other author or authors shall be entitled to copyright in the work. 5

(3) Unless otherwise provided, any reference to an author of a work shall be constituted in relation to a work of joint authorship, by a reference to all the authors of the work.

(4) Copyright in a work of joint authorship shall continue to subsist until the end of the period of fifty-six years from the end of the calendar year in which the work was first published, publicly performed, offered for sale of records to the public, or broadcasts, or until the death of the last surviving eligible author (whichever is latest), and shall then expire. 10 15

(5) For the purposes of this Act, where necessary to ascertain the author's death for purposes of computing time, the date shall be the date of death of the last surviving author. 20

(6) Where, in a published work of joint authorship, the work was first published under two or more names and either

(a) one or more of the names (but not all) were pseudonymous, or

(b) all of the names were pseudonymous but it is possible for a person without previous knowledge of the facts to ascertain the identity of any one or more (but not all) of the authors by reasonable enquiry. 25

"Date of
death of
author."

"The date of death of the author" means the date of the death of the last surviving eligible author who did not publish under a pseudonym or whose identity a person without previous knowledge of the facts could, within fifty-six years of the first publication of the work, have ascertained by reasonable enquiry. 30

"Work of
joint author-
ship."

(7) For the purpose of this section, 35

"work of joint authorship" means a work produced by the collaboration of two or more authors in which the contribution of each author is not separate from the contribution of the other author or authors;

"Eligible
author."

"eligible author" means an author who, if he had been the sole author of the work, would have been entitled to the copyright in it. 40

PART II

COPYRIGHT IN SOUND RECORDINGS,
MOTION PICTURE FILMS,
BROADCASTS, ETC.Copyright
in sound
recordings.

18. (1) Copyright shall subsist, subject to the provisions of this Act, in every sound recording of which the maker was a qualified person when the recording was made.

(2) Without prejudice to the preceding subsection, copyright shall subsist, subject to the provisions of this Act, in every sound recording which has been published, if the first publication of the recording took place in Canada. 5

(3) Copyright subsisting in a sound recording by virtue of this section shall continue to subsist until the end of the period of forty years from first publication of the recording, and shall then expire. 10

(4) Subject to the provisions of this Act, the maker of a sound recording shall be entitled to any copyright subsisting in the recording by virtue of this section:

Proviso.

Provided that where a person commissions the making of a sound recording, and pays or agrees to pay for it in money or money's worth, and the recording is made in pursuance of that commission, that person, in the absence of any agreement to the contrary, shall, subject to the provisions of this Part, be entitled to any copyright subsisting in the recording by virtue of this section. 15 20

(5) The act restricted by the copyright in a sound recording is the making of a record embodying the recording.

"Sound-
recording."

(6) In this Act "sound recording" means the aggregate of the sounds embodied in, and capable of being reproduced by means of, a record of any description, other than a sound-track associated with a motion picture film and "publication", in relation to a sound recording, means the issue to the public of records embodying the recording or any part of it. 25 30

"Publica-
tion."Copyright
in motion
picture
films.

19. (1) Copyright shall subsist, subject to the provisions of this Act, in every motion picture film of which the maker was a qualified person for the whole or a substantial part of the period during which the film was made.

(2) Without prejudice to the preceding subsection, copyright shall subsist in every motion picture film which has been published, if the first publication of the film took place in Canada. 35

(3) Copyright subsisting in a motion picture film by virtue of this section shall continue to subsist from the time it is made until the film is first exhibited in public and thereafter until the end of the period of forty years, and shall then expire. 40

(4) Subject to the provisions of Part VI, the maker of a motion picture film shall be entitled to any copyright subsisting in the film by virtue of this section.

(5) The acts restricted by the copyright in a motion picture film are—

- (a) making a copy of the film; 5
- (b) causing the film, insofar as it consists of visual images, to be seen in public, or, in so far as it consists of sounds, to be heard in public;
- (c) broadcasting the film; 10
- (d) causing the film to be transmitted to subscribers to a diffusion service.
- (6) (a) The copyright in a motion picture film is not infringed by a person who receives a broadcast, a diffusion or a rediffusion of a film and causes it to be heard or seen in public as and when it is broadcast, diffused or rediffused, as the case may be. 15

Proviso.

Provided that this subsection shall not apply if the broadcast, the diffusion, or the broadcast rediffused, was not authorized by the owner of the copyright in the film, and any causing to be heard or seen in public such motion picture film by a person receiving it, shall be considered in assessing damages in any proceeding against the broadcaster of person diffusing as the case may be, in respect of that copyright, in so far as that copyright was infringed by him in making the broadcast or diffusion. 20 25

- (b) The copyright in a motion picture film is not infringed by a person who receives a broadcast, a diffusion or a rediffusion of a film and rediffuses it as and when it is broadcast, diffused or rediffused, as the case may be. 30

Proviso.

Provided that this subsection shall not apply if the broadcast, the diffusion, or the broadcast rediffused was not authorized by the owner of the copyright in the film, and any rediffusion of such motion picture film by a person receiving it, shall be considered in assessing damages in any proceeding against the broadcaster or person rediffusing, as the case may be, in respect of that copyright, in so far as that copyright was infringed by him in making such rediffusion. 35 40

(7) The copyright in a motion picture film is not infringed by making a copy of it for the purposes of a judicial or quasi-judicial proceeding, or by causing it to be seen or heard in public for the purposes of such a proceeding.

(8) Where by virtue of this section copyright has subsisted in a motion picture film, a person who, after that copyright has expired, makes a copy of the film, or causes it to be seen or to be seen and heard in public, or broadcasts 45

it, or causes it to be transmitted to a subscriber to a diffusion service, does not thereby infringe any copyright subsisting in a literary, dramatic, musical or artistic work.

Definitions.

"Motion picture film."

(9) In this Act—

- (a) "motion picture film" means any sequence of visual images recorded on material of any description (whether translucent or not) so as to be capable, by the use of that material—
- (i) of being shown as a moving picture, or
 - (ii) of being recorded on other material (whether translucent or not) by the use of which it can be shown.

"Publication."

- (b) "publication", in relation to a motion picture film, means the sale, letting on hire, or offer for sale or hire, of copies of the film to the public;

"Copy."

- (c) "copy", in relation to a motion picture film, means any print, negative, tape or other article on which the film or part of it is recorded.

For the purposes of this Act, a motion picture film shall be taken to include the sounds embodied in any sound-track associated with the film, and references to a copy of a motion picture film shall be construed accordingly.

Copyright in television and sound broadcasts.

20. (1) Copyright shall subsist, subject to the provisions of this Act—

- (a) in every television broadcast made in Canada, and
- (b) in every sound broadcast made in Canada.

(2) Copyright subsisting in a television or sound broadcast by virtue of this section shall continue to subsist until the end of the period of forty years from the time when the broadcast was made, and shall then expire.

(3) Subject to the provisions of this Act, the broadcasting person, or if a body corporate, the broadcasting body shall be entitled to any copyright subsisting in the television or sound broadcast by virtue of this section.

(4) The acts restricted by the copyright in a television broadcast or sound broadcast are—

- (a) the recording by a film, record or any other device, of the images or the sounds of the broadcast, or both;
- (b) the use of such a recording for broadcasting or diffusing;
- (c) the use of such a recording for causing the broadcast to be seen or heard in public;
- (d) rebroadcasting the broadcast.

Proviso.

Provided that paragraph (a) of this subsection shall not apply to the mere recording of a broadcast when it is effected for private purposes only of the person or body corporate so recording it.

(5) The copyright in a television broadcast or sound broadcast is not infringed by anything done in relation to the broadcast for the purposes of a judicial or quasi-judicial proceeding.

PART III

INFRINGEMENT OF COPYRIGHT.

Infringement
by import,
sales, etc.

21. (1) Copyright in a work shall be deemed to be 5
infringed by any person who, without the consent of the
owner of the copyright, does anything, the sole right to do
which is, by this Act, conferred on the owner of the copy-
right.

Proviso.

(2) The copyright in a literary, dramatic, musical or 10
artistic work, and in a sound recording, motion picture
film, television broadcast and sound broadcast, is infringed
by any person who, without the license of the owner of the
copyright, imports an article (otherwise than for his private
use) into Canada, if to his knowledge the making of that 15
article constituted an infringement of that copyright, or
would have constituted such an infringement if the article
had been made in Canada, provided however that it shall
not be an infringement to import any article for the use of
an institution of learning if the article was not imported 20
for sale or hire either to students or others, or to import
any article for the use of a public library if the article was
not imported for sale, but this proviso in so far as it applies
to public libraries, shall apply only to those of a class pre-
scribed by regulations made by the Governor in Council, 25
which shall secure that the libraries to which the regulations
apply are not conducted for profit.

(3) The copyright in a literary, dramatic, musical or
artistic work, and in a sound recording, motion picture film,
television broadcast and sound broadcast, is infringed by 30
any person who, in Canada, and without the license of the
owner of the copyright—

- (a) sells, lets for hire, or by way of trade, offers or
exposes for sale or hire any article, or
- (b) by way of trade, exhibits any article in public, if 35
to his knowledge, the making of the article con-
stituted an infringement of the copyright or (in the
case of an imported article) would have constituted
an infringement of that copyright if the article had
been made in Canada. 40

(4) The last preceding subsection shall apply in relation
to the distribution of any articles either—

- (a) for the purposes of trade, or

(b) for other purposes, but to such an extent as to affect...
prejudicially the owner of the copyright in question,
but as it applies in relation to the sale of an article, but
distribution of an imported article by an institution of
learning, and not by way of sale or hire, or by a public library
of the class prescribed by regulations made by the
Governor in Council, and not by way of sale, shall not be
an infringement.

PART IV

PROVISIONS FOR INFRINGEMENT BY GOVERNMENT

22. (1) Subject to the provisions of this Act, infringe-
ment of copyright shall be actionable at the suit of the
owner of the copyright; and in any action for such an
infringement all such relief, by way of damages, injunction,
rescission or otherwise, shall be available to the plaintiff as
is available in any corresponding proceedings in respect of
infringements of other proprietary rights;

13 Provided that no action for infringement of copyright
shall be begun after the end of the period of three years
beginning with the date on which the infringement occurred.
(2) Where in an action for infringement of copyright it
is proved or admitted—

30 (a) that an infringement was committed, but
(b) that at the time of the infringement the defendant
was not aware, and had no reasonable grounds for
supposing that it was an infringement of copyright,

35 the plaintiff shall not be entitled under this section to any
pecuniary remedy against the defendant in respect of the
infringement.

(3) Where, in an action under this section, an infringe-
ment of copyright is proved or admitted, and the court,
having regard in addition to all other material considera-
tions) (a—

(a) the gravity of the infringement, and
(b) any benefit shown to have accrued to the defendant
by reason of the infringement,

is satisfied that effective relief would not otherwise be
available to the plaintiff, the court, in assessing damages
for the infringement, shall have power to award such
additional damages by virtue of this subsection as the court
may consider appropriate in the circumstances, such
damages to be not less than the interest shown to have
accrued to the defendant by reason of the infringement.

Section 22
Copyright Act 1911

Section 13

(b) for other purposes, but to such an extent as to affect prejudicially the owner of the copyright in question, just as it applies in relation to the sale of an article, but distribution of an imported article by an institution of learning, and not by way of sale or hire, or by a public library of the class prescribed by regulations enacted by the Governor in Council, and not by way of sale, shall not be an infringement. 5

PART IV

REMEDIES FOR INFRINGEMENT OF COPYRIGHT

Action by
owner of
copyright for
infringement.

22. (1) Subject to the provisions of this Act, infringement of copyright shall be actionable at the suit of the owner of the copyright; and in any action for such an infringement all such relief, by way of damages, injunction, accounts or otherwise, shall be available to the plaintiff as is available in any corresponding proceedings in respect of infringements of other proprietary rights; 10 15

Proviso.

Provided that no action for infringement of copyright shall be begun after the end of the period of three years beginning with the date on which the infringement occurred.

(2) Where in an action for infringement of copyright it is proved or admitted— 20

(a) that an infringement was committed, but

(b) that at the time of the infringement the defendant was not aware, and had no reasonable grounds for supposing that it was an infringement of copyright, the plaintiff shall not be entitled under this section to any pecuniary remedy against the defendant in respect of the infringement. 25

(3) Where, in an action under this section, an infringement of copyright is proved or admitted, and the court, having regard (in addition to all other material considerations) to— 30

(a) the flagrancy of the infringement, and

(b) any benefit shown to have accrued to the defendant by reason of the infringement,

is satisfied that effective relief would not otherwise be available to the plaintiff, the court, in assessing damages for the infringement, shall have power to award such additional damages by virtue of this subsection as the court may consider appropriate in the circumstances, such damages to be not less than the benefit shown to have accrued to the defendant by reason of the infringement. 35 40

(4) Where, in an action under this section, an infringement of copyright is proved or admitted, the court shall have power to order the defendant to deliver up to the plaintiff all infringing copies and plates used or intended to be used for making infringing copies, and in assessing exemplary damages under the last preceding subsection, the court shall have power to take into account the value of infringing copies and plates ordered to be delivered up. 5

In an action for infringement of copyright in respect of the construction of a building, no injunction or other order shall be made— 10

(a) after the construction of the building has been begun, so as to prevent it from being completed, or

(b) so as to require the building, insofar as it has been constructed, to be demolished. 15

“Action.”

(5) In this part of this Act “action” includes a counter-claim, and references to the plaintiff and to the defendant in an action shall be construed accordingly.

Rights of owners of copyright in respect of infringing copies, etc.

23. (1) In this part of this Act “infringing copy”—

(a) in relation to a literary, dramatic, musical or artistic work means a reproduction otherwise than in the form of a motion picture film, 20

(b) in relation to a sound recording, means a record embodying that recording,

(c) in relation to a motion picture film, means a copy of that film, and 25

(d) in relation to a television broadcast or a sound broadcast means a copy of a motion picture film of it or a record embodying a sound recording of it, being (in any such case) an article, the making of which constituted an infringement of the copyright in the work, edition, recording, film or broadcast, or, in the case of an imported article, would have constituted an infringement of that copyright if the article had been made in Canada; and “plate” includes any stereotype, stone, block, mould, matrix, transfer, negative or other appliance. 30 35

“Plate.”

(2) Subject to the provision of this section, where a person has in his possession infringing copies or infringing plates, he shall be liable to deliver up to the owner of the copyright all such copies or plates used, or intended to be used for the making of infringing copies or plates, without compensation and shall be liable in damages to the owner for failure to make such delivery upon notice of infringement. 40

(3) Where a person who has in his possession infringing copies and plates establishes that at the time such infringing copies and plates came into his possession, he was not aware and had no reasonable grounds for supposing that they were 45

infringing copies or plates, the owner of the copyright may—
give notice to the person in possession—

- (a) demanding the delivery up of such infringing copies or plates, upon payment of the cost thereof, to the person in possession of such infringing copies or plates; who shall, upon such payment, forthwith deliver up all infringing copies and plates used or intended to be used for the making of infringing copies and plates; or alternatively 5
- (b) demanding an accounting of the profits accruing from the time of such notice to the person in possession from the infringement. 10

and thereafter the person who possesses the infringing copies and plates shall comply with such notice forthwith.

Proceedings
in case of
copyright
subject to
exclusive
license.

24. (1) The provisions of this section shall have effect as to proceedings in the case of any copyright in respect of which an exclusive licence has been granted and is in force at the time of the events to which the proceedings relate. 15

(2) Subject to the following provisions of this section—

- (a) the exclusive licensee shall (except against the owner of the copyright) have the same rights of action, and be entitled to the same remedies, under section 22 as if the license had been an assignment, and those rights and remedies shall be concurrent with the rights and remedies of the owner of the copyright under that section; 20 25
- (b) the exclusive licensee shall (except against the owner of the copyright) have the same rights of action, and be entitled to the same remedies, by virtue of the last preceding section, as if the license had been an assignment; and 30
- (c) the owner of the copyright shall not have any rights of action, or be entitled to any remedies, by virtue of the last preceding section which he would not have had or been entitled to if the license had been an assignment. 35

(3) Where an action is brought, either by the owner of the copyright or by the exclusive licensee, and the action, in so far as it is brought under section 22, related (wholly or partly) to an infringement in respect of which they have concurrent rights of action under that section, the owner or licensee, as the case may be, shall not be entitled, except with the leave of the court, to proceed with the action, in so far as it is brought under that section and relates to that infringement, unless the other party is either joined as a plaintiff in the action or added as a defendant: 40 45

Provided that this subsection shall not affect the granting of an interlocutory injunction on the application of either of them.

Proviso.

(4) In any action brought by the exclusive licensee by virtue of this section, any defence which would have been available to a defendant in the action, if this section had not been enacted and the action had been brought by the owner of the copyright, shall be available to that defendant as against the exclusive licensee. 5

(5) Where an action is brought in the circumstances mentioned in subsection (3) of this section, and the owner of the copyright and the exclusive licensee are not both plaintiffs in the action, the court, in assessing damages in respect of any such infringement as is mentioned in that subsection,— 10

(a) if the plaintiff is the exclusive licensee, shall take into account any liabilities (in respect of royalties or otherwise) to which the license is subject, and 15

(b) whether the plaintiff is the owner of the copyright or the exclusive licensee, shall take into account any pecuniary remedy already awarded to the other party under section 22 in respect of that infringement, or, as the case may require, any right of action exercisable by the other party under that section in respect thereof. 20

(6) Where an action, in so far as it is brought under section 22, relates (wholly or partly) to an infringement in respect of which the owner of the copyright and the exclusive licensee have concurrent rights of action under that section, and in that action (whether they are both parties to it or not) an account of profits is directed to be taken in respect of that infringement, then, subject to any agreement of which the court is aware, whereby the application of those profits is determined as between the owner of the copyright and the exclusive licensee, the court shall apportion the profits between them as the court may consider just, and shall give such directions as the court may consider appropriate for giving effect to that apportionment. 25 30 35

(7) In an action brought either by the owner of the copyright or by the exclusive licensee,—

(a) no judgment or order for the payment of damages in respect of an infringement of copyright shall be given or made under section 22, if a final judgment or order has been given awarding an account of profits to the other party under that section in respect of the same infringement; and 40

(b) no judgment or order for an account of profits in respect of an infringement of copyright shall be given or made under that section, if a final judgment or order has been given or made awarding either damages or an account of profits to the other party under that section in respect of the same infringement. 45 50

(8) Where, in an action brought in the circumstances mentioned in subsection (3) of this section, whether by the owner of the copyright or by the exclusive licensee, the other party is not joined as a plaintiff (either at the commencement of the action or subsequently), but is added as a defendant, he shall not be liable for any costs in the action unless he enters an appearance and takes part in the proceedings. 5

"Exclusive licensee."

(9) In this section "exclusive license" means a license in writing, signed by or on behalf of an owner or prospective owner of copyright, authorizing the licensee, to the exclusion of all other persons, including the grantor of the license, to exercise a right which, by virtue of this Act, would (apart from the license) be exercisable exclusively by the owner of the copyright, and "exclusive licensee" shall be construed accordingly; "the other party", in relation to the owner of the copyright, means the exclusive licensee, and, in relation to the exclusive licensee, means the owner of the copyright; and "if the license had been an assignment" means if, instead of the license, there had been granted (subject to terms and conditions corresponding as nearly as may be with those subjects to which the license was granted) an assignment of the copyright in respect of its application to the doing, at the places and times authorized by the license, of the acts so authorized. 25

"Exclusive licensee."

"Other party."

Proof of facts in copyright actions.

25. (1) In any action brought by virtue of this Part—

- (a) copyright shall be presumed to subsist in the work or other subject-matter to which the action relates, if the defendant does not put in issue the question whether copyright subsists therein, and 30
- (b) where the subsistence of the copyright is proved or admitted, or is presumed in pursuance of the preceding paragraph, the plaintiff shall be presumed to be the owner of the copyright if he claims to be the owner of the copyright and if the defendant does not put in issue the question of his ownership thereof. 35

(2) Subject to the preceding subsection, where in the case of a literary, dramatic, musical or artistic work, a name purporting to be that of the author appeared on copies of the work as published, or, in the case of an artistic work, appeared on the work when it was made, the person whose name so appeared (if it was his true name or a name by which he was commonly known) shall, in any action brought by virtue of this Part, be presumed, unless the contrary is proved,— 45

- (a) to be the author of the work, and
- (b) to have made the work in circumstances not falling within sections 6, 7 or 8.

(3) In the case of a work alleged to be a work of joint authorship, the last preceding subsection shall apply in relation to each person alleged to be one of the authors of the work, as if reference in that subsection to the author were reference to one of the authors.

(4) Where in an action brought by virtue of this Part, with respect to a literary, dramatic, musical or artistic work, subsection (3) of this section does not apply, but it is established—

(a) that the work was first published in Canada, and 10 was so published within the period of fifty-six years ending with the beginning of the calendar year in which the action was brought, and

(b) that the name purporting to be that of the publisher appeared on copies of the work as first published, 15 then, unless the contrary is shown, copyright shall be presumed to subsist in the work and the person whose name so appeared shall be presumed to have been the owner of that copyright at the time of the publication.

For the purposes of this subsection a fact shall be taken 20 so established if it is proved or admitted, or if it is presumed in pursuance of the following provisions of this section.

(3) Where in an action brought by virtue of this Part, with respect to a literary, dramatic, musical or artistic 25 work it is proved or admitted that the author of the work is dead—

(a) the work shall be presumed to be an original work unless the contrary is proved, and

(b) if it is alleged by the plaintiff that a publication 30 specified in the allegation was the first publication of the work, and it took place in a country and in a year specified, and a copy of the work is produced to the court which bears an identification that the 35 copy was published in the country and in the year so specified, and bears no indication that the work had first been published in some previous year, the publication alleged shall be presumed, unless the contrary is proved, to have been the first publication 40 of the work and to have taken place in the country and year alleged.

(3) Paragraphs (a) and (b) of the last preceding subsection shall apply where a work has been published and—

(a) the publication was anonymous, or was under a name 45 alleged by the plaintiff to have been a pseudonym, and

(b) it is not shown that the work has ever been published under the true name of the author, or under a name by which he was commonly known, or that it is

(3) In the case of a work alleged to be a work of joint authorship, the last preceding subsection shall apply in relation to each person alleged to be one of the authors of the work, as if reference in that subsection to the author were references to one of the authors. 5

(4) Where in an action brought by virtue of this Part, with respect to a literary, dramatic, musical or artistic work, subsection (2) of this section does not apply, but it is established—

- (a) that the work was first published in Canada, and 10
was so published within the period of fifty-six years ending with the beginning of the calendar year in which the action was brought, and
- (b) that the name purporting to be that of the publisher 15
appeared on copies of the work as first published, then, unless the contrary is shown, copyright shall be presumed to subsist in the work and the person whose name so appeared shall be presumed to have been the owner of that copyright at the time of the publication.

For the purposes of this subsection a fact shall be taken 20
to be established if it is proved or admitted, or if it is presumed in pursuance of the following provisions of this section.

(5) Where in an action brought by virtue of this Part, with respect to a literary, dramatic, musical or artistic 25
work it is proved or admitted that the author of the work is dead—

- (a) the work shall be presumed to be an original work unless the contrary is proved, and
 - (b) if it is alleged by the plaintiff that a publication 30
specified in the allegation was the first publication of the work, and it took place in a country and in a year specified, and a copy of the work is produced to the court which bears an identification that the copy was published in the country and in the year 35
so specified, and bears no indication that the work had first been published in some previous year, the publication alleged shall be presumed, unless the contrary is proved, to have been the first publication of the work and to have taken place in the country 40
and year alleged.
- (6) Paragraphs (a) and (b) of the last preceding subsection shall apply where a work has been published, and—
- (a) the publication was anonymous, or was under a name 45
alleged by the plaintiff to have been a pseudonym, and
 - (b) it is not shown that the work has ever been published under the true name of the author, or under a name by which he was commonly known, or that it is

possible for a person without previous knowledge of the facts to ascertain the identity of the author by reasonable inquiry,
as those paragraphs apply in a case where it is proved that the author is dead. 5

(7) In any action brought by virtue of this Part, with respect to copyright in a sound recording, if records embodying that recording or part thereof have been issued to the public, and at the time when those records were so issued, they bore a label or other mark comprising any one 10 or more of the following statements, that is to say—

(a) that a person named on the label or mark was the maker of the sound recording;

(b) that the recording was first published in a year specified on the label or mark; 15

(c) that the recording was first published in a country specified on the label or mark;

that label or mark shall be sufficient evidence of the facts so stated except in so far as the contrary is proved.

Penalties
and
summary
proceedings
in respect of
dealings
which
infringe
copyright.

26. (1) Subject to the provisions of section 10, any 20 person who, at the time when copyright subsists in a work,—

(a) makes for sale or hire, or

(b) sells or lets for hire, or by way of trade offers or exposes for sale or hire, or

(c) by way of trade exhibits in public, or 25

(d) imports into Canada, otherwise than for his private use, any article which he knows to be an infringing copy of the work, shall be guilty of an offence under this subsection.

(2) Subject to the provisions of section 10, any person 30 who, at the time when the copyright subsists in a work, distributes, either—

(a) for purposes of trade, or

(b) for other purposes, but to such an extent as to affect prejudicially the owner of the copyright, 35

articles which he knows to be infringing copies of the work, shall be guilty of an offence under this subsection.

(3) Any person who, at the time when copyright subsists in a work, makes or has in his possession a plate, knowing that it is to be used for making infringing copies of the 40 work, shall be guilty of an offence under this subsection.

(4) The preceding subsections shall apply in relation to copyright subsisting in any subject-matter by virtue of Part II, as they apply in relation to copyright subsisting 45 by virtue of Part I.

(5) Any person who causes a literary, dramatic or musical work to be performed in public, knowing that copyright subsists in the work and that the performance constitutes an infringement of the copyright, shall be 50 guilty of an offence under this subsection.

(6) A person guilty of an offence under subsection (1) or subsection (2) of this section shall on summary conviction—
(a) if it is his first conviction of an offence under this section, be liable to a fine not exceeding \$10,000 for each article to which the offence relates;

(b) in any other case, be liable to such a fine, or to imprisonment for a term not exceeding two months, as the court may think fit.
Provided that a fine imposed by virtue of this subsection shall not exceed \$200.00 in respect of articles comprised in the same transaction.

(7) A person guilty of an offence under subsection (3) or subsection (5) of this section shall on summary conviction—
(a) if it is his first conviction of an offence under this section, be liable to a fine not exceeding \$200.00;

(b) in any other case, be liable to such a fine, or to imprisonment for a term not exceeding two months, as the court may think fit.

(8) The court by which a person is convicted under this section may order that any article in his possession which appears to the court to be an infringing copy, or to be a plate, or intended to be used, for making infringing copies, shall be delivered up to the owner of the copyright in the work, or otherwise dealt with as the court may think fit.

(9) An appeal shall lie as if from a conviction from any order made under the last preceding subsection by a court of summary jurisdiction; and where such an order is made there shall be a like right of appeal against the order as if it were a conviction.

27. (1) The owner, or his authorized agent, of the copy-right in any published literary, dramatic or musical work may give notice in writing, supported by a statutory declaration of verification, to the Minister of National Revenue (in this section referred to as "the Minister")—

(a) that he is the owner, or the agent, of the work; and
(b) of the owner, of the copyright in the work, and
(c) that he requests the Minister, during the period specified in the notice, to treat as prohibited goods, copies of the work to which this section applies;

Provided that the period specified in a notice under this subsection shall not exceed five years and shall not extend beyond the end of the period for which the copyright is to subsist; and provided that such notice shall not be renewed.

(2) This section applies, in the case of a work, to any printed copy made outside Canada which, if it had been made in Canada, would be an infringing copy of the work.

(6) A person guilty of an offence under subsection (1) or subsection (2) of this section shall on summary conviction—

- (a) if it is his first conviction of an offence under this section, be liable to a fine not exceeding \$10.00 for each article to which the offence relates; 5
 (b) in any other case, be liable to such a fine, or to imprisonment for a term not exceeding two months;

Proviso.

Provided that a fine imposed by virtue of this subsection shall not exceed \$200.00 in respect of articles comprised in the same transaction. 10

(7) A person guilty of an offence under subsection (3) or subsection (5) of this section shall on summary conviction—

- (a) if it is his first conviction of an offence under this section be liable to a fine not exceeding \$200.00;
 (b) in any other case, be liable to such a fine, or to 15 imprisonment for a term not exceeding two months.

(8) The court by which a person is convicted under this section may order that any article in his possession which appears to the court to be an infringing copy or to be a plate used, or intended to be used, for making infringing copies 20 shall be delivered up to the owner of the copyright in question, or otherwise dealt with as the court may think fit.

(9) An appeal shall lie as if from a conviction from any order made under the last preceding subsection by a court of 25 summary jurisdiction; and where such an order is made there shall be a like right of appeal against the order as if it were a conviction.

Provision for restricting importation of printed copies.

Minister.

27. (1) The owner, or his authorized agent, of the copyright in any published literary, dramatic or musical work 30 may give notice in writing, supported by a statutory declaration of verification, to the Minister of National Revenue (in this section referred to as "the Minister")—

- (a) that he is the owner, or the agent (as the case may be) of the owner, of the copyright in the work, and 35
 (b) that he requests the Minister, during the period specified in the notice, to treat as prohibited goods, copies of the work to which this section applies:

Proviso.

Provided that the period specified in a notice under this subsection shall not exceed five years and shall not extend 40 beyond the end of the period for which the copyright is to subsist; and provided that such notice shall not be renewable.

(2) This section applies, in the case of a work, to any printed copy made outside Canada which, if it had been 45 made in Canada, would be an infringing copy of the work.

(3) Where a notice has been given under this section in respect of a work, and has not been withdrawn, the notice shall be deemed to have been given at the end of the period specified in the notice or any copy of the work to which this section applies shall, subject to the following provisions of this section, be prohibited.

Provided that this subsection shall not apply to the importation of any article by a person for his private use, or by an institution of learning if not imported for sale or for use in a library or other institution, or by a public library of a Government in Council, if not imported for sale.

(4) The Minister may make regulations prescribing the form in which notices are to be given under this section, and requiring the person giving such notice, either at the time of giving the notice or at such other time as the Minister may direct, to furnish such evidence, and to comply with such other conditions (if any) as may be specified in the regulations; and any regulations made under this subsection shall be made by the Minister in Council.

(5) Any person who contravenes this section, whether knowingly or not, shall be liable to a fine not exceeding \$2000 or to imprisonment for a term not exceeding 12 months.

PART V

Restriction on Importation of Articles

28. (1) The Governor in Council may by Order in Council make provision for applying any of the provisions of this Act in the case of a country in which these provisions do not extend, in any one or more of the following ways, that is to say, so as to secure that these provisions—

- (a) apply in relation to literary, dramatic, musical or artistic works, sound recordings, motion pictures, films or articles first published in that country as if they applied in relation to literary, dramatic, musical or artistic works, sound recordings, motion pictures, films or articles first published in Canada;
- (b) apply in relation to persons who, at a material time, are citizens or subjects of that country as if they apply to persons who, at such a time, are Canadian;

(3) Where a notice has been given under this section in respect of a work, and has not been withdrawn, the importation into Canada, at a time before the end of the period specified in the notice, or any copy of the work to which this section applies shall, subject to the following provisions of this section, be prohibited: 5

Proviso.

Provided that this subsection shall not apply to the importation of any article by a person for his private use, or by an institution of learning if not imported for sale or hire either to students or others, or by a public library of a class prescribed by regulations under this Act made by the Governor in Council, if not imported for sale. 10

(4) The Minister may make regulations prescribing the form in which notices are to be given under this section, and requiring the person giving such notice, either at the time of giving the notice or at the time when the goods in question are imported, or at both those times, to furnish the Minister with such evidence, and to comply with such other conditions (if any) as may be specified in the regulations; and any such regulations may include such incidental and supplementary provisions as the Minister considers expedient for the purposes of this section. 15 20

(5) Any person making a false statement, whether knowingly or not, under subsection (1) of this section, shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding \$500.00 25

PART V

EXTENSION OR RESTRICTION OF OPERATION OF ACT.

Extension
by Order
in Council.

28. (1) The Governor in Council may by Order in Council make provision for applying any of the provisions of this Act specified in the Order, in the case of a country to which those provisions do not extend, in any one or more of the following ways, that is to say, so as to secure that those provisions— 30

- (a) apply in relation to literary, dramatic, musical or artistic works, sound recordings, motion picture films or editions first published in that country as they apply in relation to literary, dramatic, musical or artistic works, sound recordings, motion picture films or editions first published in Canada; 35
- (b) apply in relation to persons who, at a material time, are citizens or subjects of that country as they apply in relation to persons who, at such a time, are Canadian; 40

- (c) apply in relation to persons who, at a material time, are domiciled or resident in that country as they apply in relation to persons who, at such a time, are domiciled or resident in Canada;
- (d) apply in relation to bodies incorporated under the laws of that country as they apply in relation to bodies incorporated under the laws of Canada or any Province of Canada; 5
- (e) apply in relation to television broadcasts and sound broadcasts made from places in that country, by one or more organizations constituted in, or under the laws of, that country, as they apply in relation to television broadcasts and sound broadcasts made from places in Canada. 10
- (2) An Order in Council under this section— 15
 - (a) may apply the provisions in question as mentioned in the preceding subsection, but subject to exceptions or modifications specified in the Order;
 - (b) may direct that the provisions in question shall so apply either generally or in relation to such classes of works, or other classes of cases, as may be specified in the Order. 20
- (3) The Governor in Council shall not make an order in Council under this section applying any of the provisions of this Act in the case of a country, other than a country which is a party to a Convention relating to Copyright to which Canada is also a party, unless the Governor in Council is satisfied that, in respect of the class of works or other subject-matter to which those provisions relate, provision has been or will be made under the laws of that country whereby adequate protection will be given to owners of copyright under this Act. 25 30

Denial of
copyright to
citizens
of other
countries
not giving
adequate
protection
to Canadian
works.

29. (1) If it appears to the Governor in Council that the laws of a country fail to give adequate protection to Canadian works to which this section applies, or fail to give such protection in the case of one or more classes of such works (whether the lack of protection relates to the nature of the work or the country of its author or both), the Governor in Council may make an Order in Council designating that country and making such provision in relation thereto as is mentioned in the following provisions of this section. 35 40

(2) An Order in Council under this section shall provide that, either generally or in such classes of cases as are specified in the Order, copyright under this Act shall not subsist in works to which this section applies which were first published after a date specified in the Order, if at the time of their first publication the authors thereof were— 45

- (a) citizens or subjects of the country designated by the Order, not being at that time persons domiciled or resident in Canada or in another country to which the relevant provision of this Act extends, or
- (b) bodies incorporated under the laws of the country designated by the Order. 5

(3) In making an Order in Council under this section, the Governor in Council shall have regard to the nature and extent of the lack of protection for Canadian works in consequence of which the Order is made. 10

(4) This section applies to the following works, that is to say, literary, dramatic, musical and artistic works, sound recordings and motion picture films.

(5) In this section—

Definition.
"Canadian
work."

"Canadian work" means a work of which the author, 15
at the time when the work was made, was a qualified person for the purposes of the relevant provision of this act;

"Author."

"author", in relation to a sound recording or a motion picture film, means the maker of the recording or 20
film;

"Relevant
provision of
this Act."

the "relevant provision of this Act", in relation to literary, dramatic and musical works means section 6, in relation to artistic work means section 7, in relation to sound recordings means section 18, and 25
in relation to motion picture films means section 19.

PART VI.

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS.

Assignments
and licenses
in respect of
copyright.

30. (1) Subject to the provisions of this section, copyright shall be transmissible by assignment, by testamentary disposition, or by operation of law, as personal or moveable property. 30

(2) An assignment of copyright may be limited in any of the following ways, or in any combination of two or more of those ways, that is to say,—

(a) so as to apply to one or more, but not all, of the classes of acts which by virtue of this Act the owner 35
of the copyright has the exclusive right to do (including any one or more classes of acts not separately designated in this Act as being restricted by the copyright, but falling within any of the classes of acts designated); 40

(b) so as to apply to any one or more, but not all, of the countries in relation to which the owner of the copyright has by virtue of this Act that exclusive right;

(c) so as to apply to part, but not the whole, of the period for which the copyright is to subsist; and references in this Act to a partial assignment are references to an assignment so limited.

(3) No assignment of copyright (whether total or partial) shall have effect unless it is in writing signed by or on behalf of the assignor. 5

(4) A license granted in respect of any copyright by the person who, in relation to the matters to which the license relates, is the owner of the copyright shall be binding upon every successor in title to his interest in the copyright; and references in this Act, in relation to any copyright, to the doing of anything with, or (as the case may be) without, the license of the owner of the copyright shall be construed accordingly. 10 15

Prospective ownership of copyright.

31. (1) Where by an agreement made in relation to any future copyright, and signed by or on behalf of the prospective owner of the copyright, the prospective owner purports to assign the future copyright (wholly or partially) to another person (in this subsection referred to as "the assignee"), then if, on the coming into existence of the copyright, the assignee or a person claiming under him would, apart from this subsection, be entitled as against all other persons to require the copyright to be vested in him (wholly or partially, as the case may be), the copyright shall, on its coming into existence, vest in the assignee or his successor in title accordingly by virtue of this subsection and without further assurance. 20 25

(2) Where, at the time when any copyright comes into existence, the person who, if he were then living, would be entitled to the copyright is dead, the copyright shall devolve as if it had subsisted immediately before his death and he had then been the owner of the copyright. 30

(3) Subsection (4) of the last preceding section shall apply in relation to a license granted by a prospective owner of any copyright as it applies in relation to a license granted by the owner of a subsisting copyright, as if any reference in that subsection to the owner's interest in the copyright included a reference to his prospective interest therein. 35 40

"Future copyright."

(4) In this Act "future copyright" means copyright which will or may come into existence in respect of any future work or class of works or other subject-matter, or on the coming into operation of any provisions of this Act, or in any other future event, and "prospective owner" shall be construed accordingly and, in relation to any such copyright, includes a person prospectively entitled thereto by virtue of such an agreement as is mentioned in subsection (1) of this section. 45

"Prospective owner."

Copyright
to pass
under will
with
unpublished
work.

32. Where, under a bequest (whether specified or general) a person is entitled, beneficially or otherwise, to the manuscript of a literary, dramatic or musical work, or to an artistic work, and the work was not published before the death of the testator, the bequest shall, unless a contrary intention is indicated in the testator's will or a codicil thereto, be construed as including the copyright in the work in so far as the testator was the owner of the copyright immediately before his death. 5

Provisions
as to Crown
and
Government
Depart-
ments.

33. (1) When any literary, dramatic, musical or artistic work or any sound recording or motion picture film is, or has been, made by or under the direction or control of Her Majesty in right of Canada or any Department of Government, Her Majesty shall, subject to any agreement with the author, be entitled to the copyright. 10 15

(2) The provisions of this Act with respect to term of copyright in each class of work shall apply to Her Majesty under this section.

(3) Where Her Majesty in right of Canada or any Department of Government does any act in relation to any work in copyright or in relation to any sound recording, motion picture film or broadcast in copyright which, if done by any other person would be an infringement, Her Majesty shall be liable to the copyright owner for payment of compensation, which in the absence of agreement, shall be fixed by a Judge of the Exchequer Court. 20 25

False
attribution
of author-
ship.

34. (1) The restrictions imposed by this section shall have effect in relation to literary, dramatic, musical or artistic works; and any reference in this section to a work shall be construed as a reference to such a work. 30

"Offender."

(2) A person (in this subsection referred to as the "offender") contravenes those restrictions as respects another person if, without the license of that other person, he does any of the following acts in Canada, that is to say, he—

(a) inserts or affixes that other person's name in or on a work of which that person is not the author, or in or on a reproduction of such a work, in such a way as to imply that the other person is the author of the work, or 35

(b) publishes, or sells or lets for hire, or by way of trade offers or exposes for sale or hire, or by way of trade exhibits in public, a work in or on which the other person's name has been so inserted or affixed, if to the offender's knowledge that person is not the author of the work, or 40 45

- (c) does any of the acts mentioned in the last preceding paragraph in relation to, or distributes, reproductions of a work, being reproductions in or on which the other person's name has been so inserted or affixed, if to the offender's knowledge that person is not the author of the work, or 5
- (d) performs in public, or broadcasts, a work of which the other person is not the author, as being a work of which he is the author, if to the offender's knowledge that person is not the author of the work. 10
- (3) The last preceding subsection shall apply where, contrary to the fact, a work is represented as being an adaptation of the work of another person as it applies where a work is so represented as being the work of another person. 15
- (4) In the case of a work which has been altered after the author parted with the possession of it, the said restrictions are contravened, in relation to the author, by a person in Canada, without the license of the author,—
- (a) publishes, sells or lets for hire, or by way of trade offers or exposes for sale or hire the work as so altered, as being the unaltered work of the author, or 20
- (b) publishes, sells or lets for hire, or by way of trade offers or exposes for sale or hire a reproduction of the work as so altered, as being a reproduction of the unaltered work of the author, 25
- if to his knowledge it is not the unaltered work, or, as the case may be, a reproduction of the unaltered work, of the author, and if any such act is prejudicial to the honour or reputation of the author. 30
- (5) The three last preceding subsections shall not apply with respect to anything done with respect to another person after that person's death.
- (6) In the case of an artistic work in which copyright subsists, the said restrictions are also contravened, in relation to the author of the work, by a person who in Canada— 35
- (a) publishes, or sells or lets for hire, or by way of trade offers or exposes for sale or hire, or by way of trade exhibits in public, a reproduction of the work, as being a reproduction made by the author of the work, or 40
- (b) distributes reproductions of the work as being reproductions made by the author of the work, 45
- if (in any such case) the reproduction or reproductions was or were to his knowledge not made by the author.
- (7) The preceding provisions of this section shall apply (with the necessary modifications) with respect to acts done in relation to two or more persons in connection with the same work. 50

(8) The restrictions imposed by this section shall not be enforceable by any criminal proceedings; but any contravention of those restrictions, in relation to a person, shall be actionable at his suit, or, if he is dead, at the suit of his personal representatives, as a breach of statutory duty. 5

(9) Any damages recovered under this section by personal representatives, in respect of a contravention committed in relation to a person after his death, shall devolve as part of his estate, as if the right of action had subsisted and had been vested in him immediately before his death. 10

(10) Nothing in this section shall derogate from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than by virtue of this section:

Proviso. Provided that this subsection shall not be construed as requiring any damages recovered by virtue of this section to be disregarded in assessing damages in any proceedings instituted otherwise than by virtue of this section and arising out of the same transaction. 15

"Name." (11) In this section "name" includes initials or a monogram. 20

GENERAL

General. **35.** No copyright or right in the nature of copyright shall subsist otherwise than by virtue of this Act or some other enactment in that behalf: 25

Proviso. Provided that neither this provision nor anything in this Act shall be construed as abrogating any right or jurisdiction to restrain a breach of trust or confidence. 30

Copies for Library of Parliament. **36.** The publisher of every book published in Canada, within three months after the publication thereof, shall deliver or cause to be delivered, at his own expense, to the Librarian of Parliament, who shall give a written receipt therefor, two copies of the first edition and two copies of each subsequent edition if such subsequent edition contains additions or alterations either in the letter press or in the maps, prints or other engravings thereto belonging. 35

R.S., 1952, c. 55 is repealed. **37.** The *Copyright Act* is repealed. 35

C-71.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-71.

An Act for the Establishment of an Annual
Youth Appreciation Week.

First reading, February 26, 1962.

Mr. SMITH (Calgary South)

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

26627-0

5th Session, 24th Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-71.

An Act for the Establishment of an Annual
Youth Appreciation Week.

Preamble.

The Parliament of Canada recognizing that our young people are good citizens who live decent, upstanding, honest lives and contribute generously to the heritage of our nation, and being desirous of promoting a more active participation of individuals, families, civic organization and other groups in religious, social and recreational activities for youths and being desirous of encouraging parents to rededicate themselves to the responsibilities of parenthood and also of encouraging a greater interchange of ideas between adults and young people leading to a broader understanding of their mutual problems: 5

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

Short title.

1. This Act may be cited as the *Annual Youth Appreciation Week Act*. 15

Youth
Appreciation
Week.

2. Throughout Canada, in each and every year, the seven-day period beginning on the second Monday of November is hereby designated as and declared to be *Youth Appreciation Week*. 20

C-72.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-72.

An Act respecting the Administration of certain Crown
Corporations.

First reading, February 28, 1962.

Mr. BOURBONNAIS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

26600-7

THE HOUSE OF COMMONS OF CANADA.

BILL C-72.

An Act respecting the Administration of certain Crown Corporations.

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 *Crown Corporations Administration Act, 1962.* 5
- Application. **2.** This Act shall apply to the following corporations:
Atomic Energy Control Board,
Canadian Arsenals Limited,
Canadian Broadcasting Corporation, 10
Canadian National Railways,
Central Mortgage and Housing Corporation,
Crown Assets Disposal Corporation,
Defence Construction (1951) Limited,
Eldorado Mining and Refining (1944) Limited, 15
Farm Credit Corporation,
National Film Board,
National Harbours Board,
Northern Transportation Company (1947) Limited,
Polymer Corporation Limited,
Trans-Canada Air Lines. 20
- Appointment of two members to Board. **3.** (1) The Governor in Council may appoint two members of the House of Commons for each of the corporations enumerated in section 2 of this Act to be members of the boards of such corporations.
- Nomination. (2) In each case one member shall be nominated by the 25 government and the second member by the leader of Her Majesty's official opposition.

(5) The members shall be appointed as directors on the 1st of March in each year for a term of one year, and on the expiration of their term of office, the rights for re-appointment shall cease to hold office or holding to be members of the House of Commons.

4. The members appointed as directors to the said corporations shall receive no salaries, fees or expenses for their services as directors.

5. Notices of all board meetings shall be sent by the above mentioned corporations to the members of the House of Commons appointed as directors therein.

EXPLANATORY NOTE.

The purpose of this measure is to provide the House of Commons with more information in connection with the activities and expenditures of certain Crown corporations.

The Bill is intended to provide the House of Commons with more information in connection with the activities and expenditures of certain Crown corporations. It is intended to provide the House of Commons with more information in connection with the activities and expenditures of certain Crown corporations. It is intended to provide the House of Commons with more information in connection with the activities and expenditures of certain Crown corporations.

The Minister of Finance

Terms of
office.

(3) The members shall be appointed as directors on the 1st of March in each year for a term of one year, and on the expiration of their terms of office, are eligible for re-appointment and they shall cease to hold office on ceasing to be members of the House of Commons.

5

No salaries,
fees or
expenses.

4. The members appointed as directors to the said corporations shall receive no salaries, fees or expenses for their service as directors.

Notices.

5. Notices of all board meetings shall be sent by the above-mentioned corporations to the members of the House of Commons appointed as directors thereto.

10

No right to
vote.

6. Members of the House of Commons who are directors of the said corporations shall have the right to take part in the deliberations of the boards of which they are members but will not have the right to vote at the meetings thereof.

15

Report to
Committee.

7. It shall be the duty of the said members of the House of Commons to make a report to the Committee on Public Accounts on the activities of the respective corporations of which they are or have been directors as soon as it is possible to do so and to the Committee of Supply whenever the estimates covering the expenditures of the said corporations are before the Committee.

20

C-73.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-73.

An Act to amend the Farm Improvement Loans Act.

First reading, March 6, 1962.

THE MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-73.

An Act to amend the Farm Improvement Loans Act.

R.S., c. 110;
1952-53, c. 36;
1956, c. 24;
1959, c. 25;
1960-61, c. 22.

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

1952-53, c. 36,
s. 4;
1956, c. 24,
s. 2;
1959, c. 25,
s. 3.

1. Subsection (2) of section 4 of the *Farm Improvement Loans Act* is amended by striking out the word "and" at the end of paragraph (e) thereof, by adding the word "and" at the end of paragraph (f) thereof and by adding thereto the following paragraph: 5

"(g) the period commencing on the 1st day of July, 1962 and ending on the 30th day of June, 1965." 10

1952-53, c. 36,
s. 4;
1956, c. 24,
s. 3;
1960-61, c. 22,
s. 1.

2. Section 5 of the said Act is amended by striking out the word "or" at the end of paragraph (c) thereof and by adding thereto the following paragraphs:

"(e) made during the period commencing on the 1st day of July, 1962 and ending on the 30th day of June, 1965, after the aggregate principal amount of the guaranteed farm improvement loans made by all banks during that period exceeds four hundred million dollars; or 15

(f) made after the 30th day of June, 1965." 20

THE MINISTER OF FINANCE

THE HOUSE OF COMMONS OF CANADA

BILL C-74

EXPLANATORY NOTES.

1. The purpose of this amendment is to provide for the making of guaranteed loans during the period July 1st, 1962 to June 30th, 1965.

2. The purpose of this amendment is to establish four hundred million dollars as the limit of guaranteed loans that may be made during the new loan period and to provide that the Minister of Finance is not liable in respect of any loan made after June 30th, 1965.

The Minister of Finance

C-74.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-74.

An Act to amend the Fisheries Improvement Loans Act.

First reading, March 6th, 1962.

THE MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

26087-7

5th Session, 24th Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-74.

An Act to amend the Fisheries Improvement Loans Act.

1955, c. 46;
1959, 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 (2) of section 3 of the *Fisheries Improvement Loans Act* is repealed and the following substituted therefor: 5
“(2) The Minister is not liable under this Act to make a payment to a lender in respect of a guaranteed loan made after the 30th day of June, 1965.”

Time within which liability may arise.

First Reading, Twenty-Second Parliament, First Session, 1965

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTE.

The portion of section 3 being amended presently reads as follows:

"(2) The Minister is not liable under this Act to make a payment to a lender in respect of a guaranteed loan made after the 30th day of June, 1962."

The purpose of this amendment is to extend the period during which guaranteed loans may be made to the 30th day of June, 1965.

First Reading, March 2, 1965

The Minister of Agriculture

C-75.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-75.

An Act to amend the Canadian Wheat Board Act.

First reading, March 7, 1962.

THE MINISTER OF AGRICULTURE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-75.

An Act to amend the Canadian Wheat Board Act.

R.S., c. 44;
1952-53,
c. 26;
1957, c. 6.

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

1. Paragraphs (e) and (f) of subsection (1) of section 2 of the *Canadian Wheat Board Act* are repealed and the following substituted therefor: 5

"Grain."

"(e) "grain" includes wheat, oats, barley, rye, flaxseed and rapeseed;

"Minister."

(f) "Minister" means the Minister of Agriculture;"

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

Group life insurance plan and group medical-surgical insurance plan.

"**8A.** (1) With the approval of the Governor in Council, the Board may enter into a contract with any person
(a) for the provision of a group life insurance plan, and
(b) for the provision of a group medical-surgical insurance 15 plan

for the members of the Board and the officers, clerks and employees employed by the Board under this Act and their dependants, and may contribute a share of the premiums payable under such plans out of the funds of the Board. 20

Contributions.

(2) Contributions made by the Board pursuant to subsection (1) shall be deemed to be expenses incurred in connection with the operations of the Board."

1957, c. 6,
s. 1.

3. Section 23 of the said Act is repealed and the following substituted therefor: 25

Duration.

"**23.** The provisions of this Part shall be deemed to be repealed on and after the 1st day of August, 1967."

EXPLANATORY NOTES.

Clause 1: The purpose of the amendment to paragraph (e) is to redefine grain to include rapeseed. The amendment to paragraph (f) is consequential following the transfer of the responsibility for the Canadian Wheat Board from the Minister of Trade and Commerce to the Minister of Agriculture, by Order in Council P.C. 1960-1397 dated October 11, 1960, made under authority of the *Public Service Rearrangement and Transfer of Duties Act*.

Paragraphs (e) and (f) at present read as follows:

"(e) "grain" includes wheat, oats, barley, rye and flaxseed;

(f) "Minister" means the Minister of *Trade and Commerce*;"

Clause 2: New. The purpose of this amendment is to permit the Board to arrange for group life insurance and group medical-surgical insurance for the Board's members and employees, with the approval of the Governor in Council. The Board would be permitted to contribute the employers' share of the cost of the plans and to charge such costs as an expense incurred in connection with the operations of the Board.

Clause 3: The purpose of this amendment is to defer the repeal of Part II until August 1, 1967. Part II of the Act relates to the Board's control of deliveries into elevators and railway cars.

Section 23 at present reads as follows:

"23. The provisions of this Part shall be deemed to be repealed on and after the 1st day of August, 1962."

1957, c. 6,
s. 2.

4. Paragraph (a) of section 24 of the said Act is repealed and the following substituted therefor:

“(a) each crop year subsequent to the 31st day of July, 1950, and prior to the 1st day of August, 1967; and”

1952-53,
c. 26, s. 11.

5. (1) Subparagraph (i) of paragraph (a) of subsection (1) of section 29A of the said Act is repealed and the following substituted therefor: 5

“(i) by applying such undistributed balance in payment of the expenses of distribution of the balance mentioned in subsection (2) of section 26 10 with respect to the same kind of grain in any earlier pool period, and”

(2) Paragraph (b) of subsection (1) of section 29A of the said Act is repealed and the following substituted therefor: 15

“(b) to pay to the persons who are entitled to receive payments in respect of that grain the amount to which they are entitled out of such separate account.”

(3) Subsection (2) of section 29A of the said Act is repealed and the following substituted therefor:

How
transferred
balances to
be used.

“(2) Any balance transferred to the separate account 20 pursuant to subparagraph (ii) of paragraph (a) of subsection (1), other than such part thereof as is required for the payments referred to in paragraph (b) of subsection (1), shall be used for such purposes as the Governor in Council, upon the recommendation of the Board, may deem to be for the 25 benefit of producers.”

1957, c. 6,
s. 3.

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

Duration.

“34. The provisions of this Part shall be deemed to be repealed on and after the 1st day of August, 1967.” 30

Clause 4: The purpose of this amendment is to provide for annual pool periods until the 1st day of August, 1967.

Paragraph (a) of section 24 at present reads as follows:

“(a) each crop year subsequent to the 31st day of July, 1950, and prior to the 1st day of August, 1962; and”

Clause 5: (1) The purpose of this amendment is to correct a typographical error contained at present in the Act.

Subparagraph (i) of paragraph (a) of subsection (1) at present reads as follows:

“(i) by applying such undistributed balance in payment of the expenses of distribution of the balance mentioned in subsection (2) of section 25 with respect to the same kind of grain in any earlier pool period, and”

(2) The purpose of this amendment is to provide that all claims in respect of crop accounts where undistributed balances have been transferred to the separate account should be paid from the separate account.

Paragraph (b) of subsection (1) at present reads as follows:

“(b) to pay to the persons who are entitled to receive payments in respect of that grain the amount to which they are entitled out of the undistributed balance remaining in the accounts of the Board in respect of the same kind of grain for the earliest pool period for which there is an undistributed balance.”

(3) This amendment is consequential upon the amendment set out in subclause (2) of this clause.

Subsection (2) at present reads as follows:

“(2) Any balance transferred to the separate account pursuant to subparagraph (ii) of paragraph (a) of subsection (1) shall be used for such purposes as the Governor in Council, upon the recommendation of the Board, may deem to be for the benefit of producers.”

Clause 6: The purpose of this amendment is to defer the repeal of Part IV until August 1, 1967. Part IV of the Act relates to the Board's regulation of interprovincial and export trade in wheat.

Section 34 at present reads as follows:

“34. The provisions of this Part shall be deemed to be repealed on and after the 1st day of August, 1962.”

C-76.

Fifth Session, Twenty-Fourth Parliament 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-76.

An Act respecting Government Purchase Contracts
(f.o.b. Delivery).

First reading, March 14, 1962.

Mr. BROOME.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

26644-5

5th Session, 24th Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-76.

An Act respecting Government Purchase Contracts
(f.o.b. Delivery).

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

- Short title. **1.** This Act may be cited as the *Public Contract Delivery Act*. 5
- "Supplies". **2.** In this Act, "supplies" means and includes articles, commodities, equipment, goods, wares, merchandise, materials, natural growth or produce, electricity, gas, or other supplies including all articles purchased and all orders for work under section 25 of the *Public Printing and Stationery Act*. 10
- Delivery deemed f.o.b. tenderer's nearest railway shipping point. **3.** Where tenders are called by Her Majesty in right of Canada for the purchase within Canada of supplies for the use and benefit of Her Majesty in right of Canada, then, for the purpose of comparison of the tenders received, 15 delivery of the supplies shall be considered to be f.o.b. the railway shipping point nearest the tenderer.
- Crown bound. **4.** This Act shall bind Her Majesty in right of Canada.

EXPLANATORY NOTE.

This Bill applies to Government contracts for supplies to be purchased within Canada; its purpose is to prevent discrimination against a tenderer due to his distance from the Government supply depot or stockpiling point and the consequent additional freight charges the tenderer must add to his tender.

Clause 2: Section 25 (1) of the *Public Printing and Stationery Act* is as follows:

"25. (1) Until a general purchasing agency is established, the Controller of Purchases shall, under the general supervision of the Queen's Printer, and in accordance with regulations to be made by the Minister, purchase all articles of stationery and all materials and supplies required for printing, binding, electrotyping, stereotyping, lithographing, engraving, and other work of a like nature, and shall place all orders and shall be responsible for all outside work of a like nature that may be required for the service of Parliament and of the several departments of the Government of Canada.

Clause 3: The effect of the section is limited to Government purchases within Canada. It is also limited to purchases for the use of the Government and does not apply to purchases made by the Government as an agent for other Governments or foreign agencies. The specification of f.o.b. the railway point nearest the tenderer is for the purpose only of minimizing freight costs as a factor in the amount of the tender. The nearest railway point is chosen, as against air or water, as being the type of shipping point most common to all tenderers: in fact, the contract could stipulate shipment by air or water but this stipulation would not affect the tender amount which would be calculated on shipment to the nearest railhead. Also, the contract could stipulate delivery by the tenderer to the government supply depot but these extra costs would be absorbed by the Government.

C-77.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-77.

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

First reading, March 14, 1962.

Mr. BROOME.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-77.

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

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

- Short title. **1.** This Act may be cited as the *Public Construction, Goods, and Services Act*. 5
- Inter-pretation. **2.** In this Act,
"Amount." (a) "amount" where used in respect of a contract means the cost or price of the contract, whether such cost or price is fixed or estimated;
- "Canadian." (b) "Canadian" means a person who, during the con- 10
tinuance of a contract, is a resident of Canada within the terms of the *Income Tax Act*;
- R.S., c. 148. (c) "Canadian company" means and includes
"Canadian company." (1) a company that, during the continuance of a contract,
R.S., c. 148. (i) is resident in Canada within the terms of the 15
Income Tax Act and
(ii) is engaged in active business operations in Canada either itself or through one or more subsidiaries in which the company controls fifty per cent or more of the shares of any such 20 subsidiary and
(iii) has twenty per cent or more of any class of its outstanding securities owned by individual Canadians directly or indirectly through inter- 25
ests in one or more juridical persons;
- (2) a company that, during the continuance of a contract,
(i) is engaged in active business operations in Canada and

EXPLANATORY NOTES.

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

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

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

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

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

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

(ii) pays to Canadians not less than ninety per cent of the fees, salaries, wages, bonuses, allowances, commissions, and other remuneration paid to its officers, staff, and employees in the course of such operations; 5

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

“Canadian supplies.”

(d) “Canadian supplies” means supplies, as defined in paragraph (e)(ii), in which the cost or price, whether such cost or price is fixed or estimated, of the materials, processing, assembling, or manufacturing that is contributed from the growth or produce of Canada, or by a Canadian or Canadian company, is at least fifty per cent of the total cost or price of the supplies; 15

“Contract.”

(e) “contract” means

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

(ii) a contract for supplies, including articles, commodities, equipment, goods, wares, merchandise, materials, natural growth or produce, electricity, gas, or other supplies, including a contract for printing or reproduction (hereinafter called a “purchase contract”), or 20

(iii) a contract for the furnishing or performance of a service of any kind, excluding a contract defined in subparagraph (iv); the hire of equipment to be used in or incidental to the execution of a work; advertising or related or similar services; transportation services or the hire or charter of vehicles, vessels or aircraft; the supply of electricity, gas, water, or heat; stenographic, reporting or related or similar services; maintenance services, including cleaning, road clearing and snow, garbage and waste removal or disposal; maintenance and inspection of elevators; the repair, overhaul, and refitting of vehicles, vessels, aircraft and equipment other than office equipment; and telecommunication services, (hereinafter called a “service contract”) or 30

(iv) a contract for a professional service to be performed by a person having a professional status recognized by statute (hereinafter called a “professional service contract”), 40

entered into, by, or on behalf of Her Majesty in right of Canada; 45

“Offer.”

(f) “offer” means, with respect to a professional service contract, an offer obtained by negotiation for the performance of a professional service;

“Tender.”

(g) “tender” means 50

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

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

Application. **3.** (1) Except as provided in this section and notwithstanding the provisions of any other Act, this Act applies to all contracts. 5

Exemption of contracts singly or by group. (2) The Governor in Council, where it is in the public interest or necessity so to do, may by regulation provide that this Act shall not apply, in whole or in part, to a class or group of contracts or may by order provide that this Act shall not apply to an individual contract but every regulation or order so made shall be tabled in the House of Commons within fifteen days after it is made or, if Parliament is not then in session, within fifteen days after commencement of the next ensuing session. 10 15

When group exemptions null and void. (3) In the case of a regulation applying to a class or group of contracts, the regulation shall become null and void on the thirtieth day after it is tabled unless sooner approved by resolution of the House of Commons. 20

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

Purchase preference. **5.** A tender for a purchase contract that offers Canadian supplies shall have an absolute preference over a tender that offers non-Canadian supplies; and a tender that offers non-Canadian supplies by a Canadian or a Canadian company shall have a preference over a tender by a non-Canadian or a non-Canadian company as if ten per cent were added to the amount tendered by the non-Canadian or non-Canadian company. 25 30

Service preference. **6.** A tender for a service contract or an offer for a professional service contract by a Canadian or a Canadian company shall have an absolute preference over a tender by a non-Canadian or a non-Canadian company. 35

Arbiters. **7.** The Deputy Minister of the Taxation Division of the Department of National Revenue shall decide any question or dispute arising out of the definition of "Canadian", "Canadian company" or "person having a professional status recognized by statute" and the Deputy Minister of the Customs and Excise Division of the said Department shall decide any question or dispute arising out of the definition of "Canadian supplies" and a decision by either of these officers shall be final. 40 45

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

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

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

Penalty.

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

5

10

Crown bound.

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

Commencement.

10. This Act shall come into force on the first day of January, 1963.

15

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

THE HOUSE OF COMMONS OF CANADA

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

As amended by the Supply and Finance Bill of 1914
for the purpose of amending the provisions of the Bill
as they stand, 1914.

AS PASSED BY THE HOUSE OF COMMONS,
22ND MARCH, 1914.

PRINTED BY THE QUEEN'S PRINTER,
OTTAWA, 1914.

C-78.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-78.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1962.

AS PASSED BY THE HOUSE OF COMMONS,
23rd MARCH, 1962.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-78.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1962.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by message from His Excellency, Major-General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada, and the estimates accompanying the said message, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1962, and for other purposes connected with the Public Service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Short title.

1. This Act may be cited as the *Appropriation Act, No. 2, 1962.*

\$153,270,929
granted for
1961-62.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole one hundred and fifty-three million, two hundred and seventy-thousand, nine hundred and twenty-nine dollars towards defraying the several charges and expenses of the public service, from the 1st day of April, 1961, to the 31st day of March, 1962, not otherwise provided for, and being the total of the amounts of the items, set forth in the Schedule to this Act.

Purpose and
effect of
each item.

3. (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein. 5

(2) The provisions of each item in the Schedule shall be deemed to have been enacted by Parliament on the 1st day of April, 1961.

Account to be
rendered.

4. Amounts paid or applied under the authority of 10
this Act shall be accounted for in the Public Accounts in
accordance with section 64 of the *Financial Administra-
tion Act*.

SCHEDULE

Based on the Further Supplementary Estimates (3), 1961-62. The amount hereby granted is \$153,270,929, being the total of the amounts of the items in the Estimates as contained in this Schedule.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE		
	PRODUCTION AND MARKETING BRANCH		
615	Contributions to Manitoba, Saskatchewan and Alberta in accordance with terms and conditions prescribed by the Governor in Council of one-half of the amounts paid by the Governments of those Provinces to farmers in respect of harvesting and baling of cereal crops for fodder to a maximum of \$2.50 per ton.....	190,000	
	LAND REHABILITATION, IRRIGATION AND WATER STORAGE PROJECTS		
616	Irrigation and Water Storage Projects in the Western Provinces including the South Saskatchewan River Project; the Prairie Farm Rehabilitation Act Program; Land Protection, Reclamation and Development— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	3,200,000	
	SPECIAL		
617	Prairie Farm Assistance Act Administration—Further amount required.....	498,693	3,888,693
	CITIZENSHIP AND IMMIGRATION		
	INDIAN AFFAIRS BRANCH		
618	Indian Agencies— Operation and Maintenance—Further amount required....	136,000	
619	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	342,550	
	Welfare of Indians—		
620	Operation and Maintenance—Further amount required....	188,000	
621	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	294,500	
	Economic Development—		
622	Operation and Maintenance—To extend the purposes of Vote 61 of the Main Estimates for 1961-62 to authorize the Minister of Citizenship and Immigration to provide, in respect of Indian commercial activities, for the instruction and supervision of Indians, the furnishing of raw materials, the purchase of finished goods and, notwithstanding any other Act, the sale of such finished goods; and to provide a further amount of.....	91,000	
	Education—		
623	Administration, Operation and Maintenance—Further amount required.....	633,380	1,685,430

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
DEFENCE PRODUCTION			
A—DEPARTMENT			
624	To sustain technological capability in Canadian industry by supporting selected defence development programs—To increase by \$4,000,000 total commitments authorized by Vote 72 of the Main Estimates, 1961-62.....		1
EXTERNAL AFFAIRS			
A—DEPARTMENT			
625	Canada's civilian participation as a member of the International Commissions for Supervision and Control in Indo-China—Further amount required.....	100,000	
626	Gift to commemorate the sesquicentennial anniversary of the independence of the Republic of Mexico—Further amount required.....	2,500	
627	Gift to commemorate the inauguration of 'Plaza Canada' in Buenos Aires, Argentina.....	1,100	
OTHER PAYMENTS TO INTERNATIONAL ORGANIZATIONS AND PROGRAMS			
628	Assessments for Membership in the International (including Commonwealth) Organizations that are detailed in the Estimates, including authority to pay such assessments in the amounts and in the currencies in which they are levied—Further amount required in Canadian dollars, estimated as of January, 1962.....	2,400	
629	Purchase and transportation to British Honduras of skim milk powder, canned pork and other supplies for the relief of victims of the hurricane disaster and to authorize reimbursement of the Agricultural Stabilization Board in respect of the purchase of such skim milk powder and canned pork..	70,500	176,500
FINANCE			
CONTINGENCIES AND MISCELLANEOUS			
630	To authorize the establishment of a special account in the Consolidated Revenue Fund to be called the Peace Treaty Claims (Japan) Settlement Account, to which shall be credited all amounts received from Japan by way of settlement of its obligations under article 18(a) of The Treaty of Peace between Canada and Japan that was signed at San Francisco on the 8th of September, 1951, and, notwithstanding section 35 of the Financial Administration Act, to authorize payments out of the said account in the current and subsequent fiscal years, in accordance with the Peace Treaty Claims (Japan) Settlement Regulations established by Order in Council P.C. 1961-1850 of the 22nd day of December, 1961, in respect of claims and in respect of expenses incurred in investigating and reporting on such claims and to authorize the repayment out of the Peace Treaty Claims (Japan) Settlement Account of all amounts that have been paid out toward such expenses under the authority of this or any other Appropriation Act.....		1

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
FINANCE—Concluded			
GENERAL ITEMS OF PAYROLL COSTS INCLUDING SUPERANNUATION PAYMENTS			
631	Government's contribution to the Hospital Insurance (Outside Canada) Plan—Further amount required and to authorize the Treasury Board to make regulations to extend the scope of the Plan established pursuant to Vote 668 of the Appropriation Act No. 5, 1953, to include members of the regular forces in such circumstances and for such periods as the regulations prescribe.....	90,000	
632	To authorize persons who were contributors under the Civil Service Superannuation Act immediately prior to the 1st day of January, 1954, and who became contributors under the Public Service Superannuation Act on that date, who failed to elect under subsection (5) of section 25 of the said Act before the 1st day of January, 1955, to elect, in accordance with terms and conditions approved by the Governor in Council, to count service that would have been countable by them under the said section if they had not so failed to elect, and to deem such election to be valid for all purposes of the said Act.....	1	
SPECIAL			
633	Contribution to the New Brunswick Disaster Fund.....	50,000	
634	Grant to L'Association des Universités de Langue Française to assist in defraying the expenses of the First World Congress of French-Language Universities held in Canada in 1961.....	15,000	
			155,002
FORESTRY			
FOREST RESEARCH BRANCH			
635	Operation and Maintenance—Further amount required.....		80,000
LABOUR			
A—DEPARTMENT			
TECHNICAL AND VOCATIONAL TRAINING ASSISTANCE			
636	To carry out the purposes of the Technical and Vocational Training Assistance Act and agreements made thereunder—Payments to the Provinces—Further amount required.....		28,400,000
MINES AND TECHNICAL SURVEYS			
A—DEPARTMENT			
ADMINISTRATION SERVICES			
637	Departmental Administration—Administration, Operation and Maintenance—Further amount required.....	65,000	
638	Acquisition of Common-Use Field Survey and Other Equipment—Further amount required.....	187,000	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	MINES AND TECHNICAL SURVEYS— <i>Concluded</i>		
	A—DEPARTMENT— <i>Concluded</i>		
	SURVEYS AND MAPPING BRANCH		
639	Canadian Hydrographic Service— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	50,000	
	GEOLOGICAL SURVEY OF CANADA		
640	Administration, Operation and Maintenance—Further amount required.....	75,000	
	DOMINION OBSERVATORIES		
641	Dominion Observatory, Ottawa and Field Stations— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	60,450	
	GENERAL		
642	Polar Continental Shelf Project—Further amount required.....	16,400	
	B—DOMINION COAL BOARD		
643	Payments in connection with movements of coal under condi- tions prescribed by the Governor in Council—Further amount required.....	4,800,000	
	NATIONAL DEFENCE		
	CANADIAN ARMY		
644	Operation and Maintenance—Further amount required.....	35,000,000	
	ROYAL CANADIAN AIR FORCE		
645	Construction or Acquisition of Buildings, Works, Land and Major Equipment—Further amount required.....	31,000,000	
	PENSIONS AND OTHER BENEFITS		
646	To provide that George Alvin Baycroft, a former employee of Her Majesty, shall, subject to such terms and conditions as the Treasury Board prescribes, be deemed to have been designated a contributor pursuant to paragraph (f) of sub- section (1) of section 4 of the Public Service Superannuation Act on the 1st day of October, 1957.....	1	
			66,000,001
	NATIONAL RESEARCH COUNCIL, INCLUDING THE MEDICAL RESEARCH COUNCIL		
647	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....		298,000

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
NORTHERN AFFAIRS AND NATIONAL RESOURCES			
NATIONAL PARKS BRANCH			
648	National Parks and Historic Sites and Monuments— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	2,500,000	
WATER RESOURCES BRANCH			
649	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	40,000	
NORTHERN ADMINISTRATION BRANCH			
650	Welfare and Industrial Divisions— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	270,000	
651	Yukon Territory— Operation and Maintenance—To extend the purposes of Vote 302 of the Main Estimates for 1961-62 to include the grants detailed in these Estimates.....	22,000	2,832,000
PRIVY COUNCIL			
EMERGENCY MEASURES			
652	Administration and Operation of the Emergency Measures Organization—Further amount required.....	261,500	
SPECIAL			
653	Expenses of the Royal Commission on Banking and Finance including the payment, notwithstanding the Civil Service Act, of honoraria or allowances as may be authorized by the Treasury Board to officers, clerks or employees permanently employed in the Civil Service for services rendered by them to the Commission.....	128,000	
654	Expenses of the Committee of Inquiry into the Unemployment Insurance Act including the payment, notwithstanding the Civil Service Act, of honoraria or allowances as may be authorized by the Treasury Board to officers, clerks or employees permanently employed in the Civil Service for services rendered by them to the Committee.....	75,000	464,500
PUBLIC WORKS			
PUBLIC BUILDINGS CONSTRUCTION AND SERVICES			
655	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, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—Further amounts required— Nova Scotia.....	1	
656	New Brunswick.....	375,000	
657	Improvements Generally and Miscellaneous Buildings— Not more than \$25,000 to be expended on any one project without the approval of Treasury Board.....	125,000	
658	Maintenance and Operation of Public Buildings and Grounds— Further amount required.....	1,000,000	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	PUBLIC WORKS—Concluded		
	DEVELOPMENT ENGINEERING SERVICES		
659	Roads and Bridges—Maintenance and Operation—Further amount required.....	150,000	
	GENERAL		
660	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—Further amount required.....	190,000	1,840,001
	ROYAL CANADIAN MOUNTED POLICE		
	PENSIONS AND OTHER BENEFITS		
661	To deem the election made by the late Benjamin Vinton Beddow on the 9th day of March, 1961, to be valid for all purposes of the Royal Canadian Mounted Police Superannuation Act, notwithstanding that he was not medically examined as required by paragraph (b) of subsection (2) of section 7 of the said Act, and to authorize the payment of benefits to his widow as if he had taken and passed the medical examination so required.....		1
	TRADE AND COMMERCE		
	B—GENERAL		
	ELDORADO MINING AND REFINING LIMITED		
662	Payments in the 1961-62 and 1962-63 fiscal years under the contract that was entered into on the 24th day of November, 1961 between Eldorado Mining and Refining Limited on behalf of Her Majesty and Macassa Gold Mines Limited for the purchase by Her Majesty of uranium concentrates.....		2,400,000
	TRANSPORT		
	A—DEPARTMENT		
	RAILWAY AND STEAMSHIP SERVICES		
663	Construction or Acquisition of Auto-Ferry Vessels and Equipment as listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended upon individual listed projects—Further amount required.....	71,885	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT— <i>Concluded</i>		
	B—GENERAL		
	AIR TRANSPORT BOARD		
664	Subventions for Air Carriers as detailed in the Estimates.....	300,000	
	CANADIAN MARITIME COMMISSION		
665	Steamship Subventions for Coastal Services, as detailed in the Estimates—Further amount required.....	510,164	
	ST. LAWRENCE SEAWAY AUTHORITY		
666	Operating deficit and capital requirements of Canals and Works entrusted to the St. Lawrence Seaway Authority—Further amount required.....	1,291,400	
			2,173,449
	VETERANS AFFAIRS		
	MISCELLANEOUS PAYMENTS		
667	To deem the election made by the late Emery Leduc on the 16th day of September, 1957 to be valid for all purposes of the Public Service Superannuation Act, notwithstanding that he was not medically examined as required by section 18 of the said Act, and to authorize payment of benefits to his widow and children as if he had taken and passed the medical examination so required.....		1
	LOANS, INVESTMENTS AND ADVANCES		
	EXTERNAL AFFAIRS		
668	To authorize the purchase in the current and subsequent fiscal years of United Nations bonds in an amount of \$6,240,000 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars estimated as of January, 1962, which is.....	6,493,500	
	LABOUR		
	B—Unemployment Insurance Commission		
669	To authorize the Minister of Finance, notwithstanding the Unemployment Insurance Act, to credit to the Unemployment Insurance Fund in the fiscal year 1962-63 sums not exceeding in the aggregate \$25,000,000 on such terms and conditions as the Governor in Council determines.....	25,000,000	
	NATIONAL DEFENCE		
670	To authorize loans to be made in the current and subsequent fiscal years in respect of housing projects constructed, pursuant to an agreement with the Minister of National Defence, for occupancy by members of the Canadian Forces; such loans to be at interest rates and in accordance with such terms and conditions as the Governor in Council prescribes—Further amount required.....	5,000,000	

SCHEDULE—*Concluded*

No. of Vote	Service	Amount	Total
		\$	\$
LOANS, INVESTMENTS AND ADVANCES — <i>Concluded</i>			
NORTHERN AFFAIRS AND NATIONAL RESOURCES			
<i>Northern Administration Branch</i>			
671	Loans to the Government of the Yukon Territory in accordance with terms and conditions prescribed by the Governor in Council.....	500,000	
672	Loans to the Government of the Yukon Territory (hereinafter called the "Territory") in the current and subsequent fiscal years, in accordance with such terms and conditions as the Governor in Council may approve, to enable that Government to make mortgage loans to residents of the Territory for the purchase or construction of low cost houses in the Territory; and to authorize the Commissioner in Council of the Territory, notwithstanding anything in the Yukon Act, to make ordinances in respect of the repayment by the Government of the Territory of loans made to it pursuant to this Vote and in respect of the lending of money to residents of the Territory for the purchase or construction of houses in the Territory and the taking of security therefor by way of mortgage.....	240,000	
673	Loans to the Government of the Northwest Territories in accordance with terms and conditions prescribed by the Governor in Council.....	150,000	
674	Loans to the Government of the Northwest Territories (hereinafter called the "Territories") in the current and subsequent fiscal years, in accordance with such terms and conditions as the Governor in Council may approve, to enable that Government to make mortgage loans to residents of the Territories for the purchase or construction of low cost houses in the Territories; and to authorize the Commissioner in Council of the Territories, notwithstanding anything in the Northwest Territories Act, to make ordinances in respect of the repayment by the Government of the Territories of loans made to it pursuant to this Vote and in respect of the lending of money to residents of the Territories for the purchase or construction of houses in the Territories and the taking of security therefor by way of mortgage.....	240,000	
			37,623,500
			153,270,929

C-79.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-79.

An Act to amend the Customs Act.

First reading, March 26, 1962.

THE MINISTER OF NATIONAL REVENUE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-79.

An Act to amend the Customs Act.

R.S., c. 58;
1953-54, c. 3;
1955, c. 32;
1958, c. 26.

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

1955, c. 32,
s. 3.

Finality of
classification
or appraisal.

1. (1) Subsection (1) of section 43 of the *Customs Act* is repealed and the following substituted therefor:

“**43.** (1) Subject to this section, a determination of the tariff classification or an appraisal to the value for duty of any goods, made at the time of their entry, is final and conclusive unless the importer, within ninety days of the date of entry, makes a written request in prescribed form and manner to a Dominion Customs Appraiser for a re-determination or a re-appraisal.”

1955, c. 32,
s. 3.

Review by
Deputy
Minister.

(2) Subsection (3) of section 43 of the said Act is repealed and the following substituted therefor:

“(3) Subject to subsection (4), a decision of a Dominion Customs Appraiser under this section is final and conclusive unless the importer, within ninety days of the date of the decision, makes a written request in prescribed form and manner to the Deputy Minister for a re-determination or a re-appraisal.”

Abatement
of duties.

2. Sections 56 and 57 of the said Act are repealed and the following substituted therefor:

“**56.** If any goods imported by water, or partly by water and partly by land, on which duties, *ad valorem* or specific, or both, are payable, receive damage during the voyage of importation, between the actual departure of the vessel in which they are laden from the foreign port of exportation and the actual arrival of the goods at the port of destination in Canada, whereby such goods have become lessened in value, an abatement may be made, in the 30 manner hereinafter provided, in the duty payable upon

EXPLANATORY NOTES.

Clause 1: (1) This amendment would extend from sixty days to ninety days the time within which a request for a re-determination or a re-appraisal may be made to a Dominion Customs Appraiser.

(2) This amendment would extend from thirty days to ninety days the time within which a request for a re-determination or a re-appraisal may be made to the Deputy Minister of National Revenue for Customs and Excise.

Clauses 2 to 5: These amendments would extend from fourteen days to thirty days in each instance the time within which any loss, damage or mis-description of goods must be verified in order to qualify for a refund or abatement of duty in respect thereof.

Time for making claim limited.

such goods, or if duty has been paid thereon, a refund of a part of such duty may be made proportionate to the damage sustained, if, in either case, the claim therefor is made in due form and is properly substantiated at the first landing from such vessel of the said goods, and while they are in the custody of the Crown, or as soon after such first landing as they can be examined but such examination shall be completed and certified by the collector, Customs appraiser or other proper officer, who shall assess such damage, within thirty days of the date of entry of such landing. 5 10

If imported by railway or other land conveyance.

57. If any goods imported by railway, or by any other vehicle, on which duties, *ad valorem* or specific, or both, are payable, receive damage during the course of transportation, after they are laden on such railway or other vehicle, and before they arrive at the port of destination in Canada, whereby they become lessened in value, an abatement may be made in the manner hereinafter provided in the duty payable upon such goods, if the claim for such abatement is made in due form within thirty days of the date of entry or of the arrival of such goods at the port of destination in Canada, and is substantiated in the same manner as is provided in section 56; but in estimating the damage by breakage upon brittle goods, such as crockery, china, glass and glassware, under the provisions of this Act, such allowance or damage shall only be made and allowed for the amount of loss in excess of fifteen per cent of the whole quantity damaged." 15 20 25

Time of claim.

Limitation of allowance upon brittle goods imported by railway or vehicle.

3. Subsection (2) of section 58 of the said Act is repealed and the following substituted therefor:

Importer may abandon.

"(2) The collector may permit an importer, within thirty days after entry or landing, to abandon to the Crown any whole package or packages of damaged goods and be relieved from the payment of the duties on the portion so abandoned; and the goods so abandoned shall be destroyed if, in the opinion of the collector, they cannot be sold for a sum sufficient to pay duties and charges." 30 35

4. Section 62 of the said Act is repealed and the following substituted therefor:

Refund of duty on goods damaged while in Customs.

"**62.** Upon production of satisfactory proof to the Minister of the actual injury or destruction, in whole or in part, of any goods by accidental fire, or other casualty, while they remained in the custody of the officers in any Customs warehouse, or while in transportation in bond from one port of entry to another port of entry in Canada, or while within the limits of any port of entry and before they were landed under the supervision of the officers, the duties on 40 45

the whole or the part thereof so proved to have been injured or destroyed may be abated or refunded, if the claim is made within thirty days after the date of the casualty, and due appraisal is made of the goods so alleged to be injured as soon as they can be examined.” 5

5. Subsection (1) of section 113 of the said Act is repealed and the following substituted therefor:

No refund
after 30 days.

“113. (1) No refund of duty shall be allowed after the lapse of thirty days from the time of entry for any alleged mis-description of goods in the invoice or entry thereof.” 10

C-80.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-80.

An Act to amend the Veterans' Land Act.

First reading, March 26, 1962.

THE MINISTER OF VETERANS AFFAIRS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-80.

An Act to amend the Veterans' Land Act.

R.S., c. 280;
1953-54, c. 66;
1959, c. 37.

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

1. Section 2 of the *Veterans' Land Act* is amended by adding thereto the following subsection: 5

"(2) For the purposes of this Act,

(a) a person who would be a person described in paragraph (d) of subsection (1) if he had been honourably discharged from the force or forces referred to therein shall be deemed to have been honourably 10 discharged from such force or forces on the 30th day of September, 1947, if not discharged therefrom before that day; and

(b) a person who would be a person described in paragraph (a), (b) or (c) of subsection (2) of section 4 of 15 the *Veterans Benefit Act, 1954* if he had been honourably discharged from the force or forces referred to therein or his service with such force or forces had been honourably terminated shall be deemed to have been honourably discharged from such force or 20 forces on the 31st day of October, 1953, if not discharged therefrom before that day."

2. (1) Paragraphs (f) and (g) of subsection (1) of section 10 of the said Act are repealed and the following substituted therefor: 25

"(f) that the balance of the purchase price payable by a veteran may be extended over a term not in excess of thirty years with interest at the rate aforesaid on the amortization plan; and

Persons
deemed
honourably
discharged.

EXPLANATORY NOTES.

Clause 1: New. At the present time a person who served in the Second World War or in the Korean War must be honourably discharged to qualify as a veteran for the purposes of the Act. However, many persons who continued to serve in the forces of Canada were not discharged at the conclusion of their war service. The purpose of this amendment is to deem such persons to have been honourably discharged on the 30th day of September, 1947 and the 31st day of October, 1953 respectively.

These dates correspond with those in effect under other veterans' legislation.

Clause 2: (1) and (2) The purpose of these amendments is to extend from twenty-five to thirty years the maximum repayment period for contracts entered into under Section 10. This, together with other proposed amendments, will set a uniform repayment period for similar loans made under the Act.

(g) that at the discretion of the Director terms of payment by a veteran may be varied to provide for payment of interest charges only for a period of five years first following the date of sale or for annual, semi-annual or monthly payments of principal and interest provided that a maximum repayment period of thirty years is not exceeded." 5

(2) Paragraph (f) of subsection (3) of section 10 of the said Act is repealed and the following substituted therefor:

"(f) that the balance of the purchase price payable by 10
a veteran may be extended over a term not in excess
of ten years for the payment of livestock and farm
equipment and not in excess of thirty years for the
payment of land and improvements thereon and
building material; and" 15

1959, c. 37,
s. 3(1).

3. (1) Subsection (2) of section 11 of the said Act is amended by adding thereto, immediately following paragraph (c) thereof, the following:

"except that where the land sold or otherwise disposed of consists of mines and minerals or where the land, im- 20
provements or building materials sold or otherwise disposed
of do not constitute part of the cost to the Director as deter-
mined under section 9, the Director may use the proceeds
for one or more of the following purposes, in addition to or
in lieu of any of the purposes specified in paragraphs (a), 25
(b) and (c):

- (d) to purchase for the veteran cattle, sheep or swine to be used as basic herd livestock;
- (e) to purchase for the veteran farm equipment necessary for the economic operation of the veteran's 30
farm; or
- (f) to pay any debts that, in the opinion of the Director, were reasonably incurred by the veteran for any of the purposes specified in paragraphs (b), (d) and (e)." 35

1959, c. 37,
s. 3(2).

(2) All that portion of subsection (3) of section 11 of the said Act, preceding paragraph (a) thereof, is repealed and the following substituted therefor:

Application
of surplus.

"(3) Where a surplus remains after the amounts to be expended, if any, under paragraphs (a), (b), (d), (e) and (f) 40
of subsection (2) have been determined by the Director, (hereinafter called the "surplus"),"

4. Paragraphs (d) and (e) of subsection (1) of section 15 of the said Act are repealed and the following substituted therefor: 45

(b) the term of repayment may be extended over a period of thirty years with interest at the rate of three and one-half per cent per annum on the amortized plan;

(6) at the direction of the Director, terms of repayment may be varied to provide for payment of interest charges only for a period not in excess of five years following the date the advances are made, or for annual, semi-annual or monthly installments of principal and interest provided the maximum repayment period of thirty years is not exceeded;

Clause 3: (1) New. The purpose of this amendment is to increase the number of uses that may be made of any proceeds from the sale or lease of sub-surface rights in land, or from the sale or other disposition of improvements to land effected by a veteran without cost to the Director.

Subsection (2) of section 11 at present reads as follows:

"(2) Where the property sold or otherwise disposed of pursuant to subsection (1) consists of land, improvements or building materials, the Director shall use the proceeds for one or more of the following purposes:

- (a) to purchase for the veteran other or additional lands, which shall for the purposes of the contract be substituted for any lands so sold;
- (b) to effect improvements to the land retained by the veteran or to such other or additional lands; or
- (c) to reduce the amount owing under the contract or to reduce the cost to the Director as provided in this section."

(2) This amendment is consequential upon the increase in the number of uses that may be made of the proceeds from any sale or other disposal referred to in subclause (1).

The portion of subsection (3) being amended at present reads as follows:

"(3) Where a surplus remains after the amounts to be expended, if any, under paragraphs (a) and (b) of subsection (2) have been determined by the Director, (hereinafter called the "surplus"),"

Clause 4: The purpose of this amendment is similar to that described for Clause 2.

“(d) the terms of repayment may be extended over a period of thirty years with interest at the rate of three and one-half per cent per annum on the amortization plan;

(e) at the discretion of the Director, terms of repayment 5
may be varied to provide for payment of interest charges only for a period not in excess of five years first following the date the advances are made, or for annual, semi-annual or monthly instalments of principal and interest provided the maximum 10
repayment period of thirty years is not exceeded; and”

5. The said Act is further amended by adding thereto, immediately after section 16 thereof, the following section:

Veterans’
group
insurance.

“16A. (1) While a veteran is indebted to the Director 15
in connection with the sale of land or other property to him, in connection with any mortgage or hypothec taken under Section 15, or in connection with any loan made under Part III, the Director may, with the approval in writing of the veteran, enter into a group insurance 20
contract on behalf of the veteran on such terms as the Director deems appropriate, insuring the life of the veteran in an amount sufficient to provide for the repayment to the Director of the amount of such indebtedness.

Director may
pay insurance
premiums,
etc.

(2) The premiums payable under any group insurance 25
contract entered into under subsection (1) shall be assessed by the Director against those veterans on whose behalf the contract was entered into and if any such veteran fails or neglects to pay any premium so assessed in respect of him, the Director may pay the premium on behalf of the 30
veteran, and any amount so expended by the Director shall be repaid by the veteran on demand with interest at the rate of five per cent per annum from the date the amount was so expended, and, until so repaid, shall be added to the sale price of or amount outstanding on the 35
land or other property referred to in subsection (1), or to the amount of the mortgage or hypothec referred to in that subsection, as the case may be, and shall become part of the principal.

(3) There shall be a special account in the Consolidated 40
Revenue Fund, to be known as the Veterans’ Land Act Group Insurance Account, to which shall be credited

(a) the amount of fifty thousand dollars; and

(b) all amounts repaid to the Director under sub- 45
section (2).

(4) All amounts paid by the Director under subsection (2) shall be charged to the Veterans’ Land Act Group Insurance Account, but no such payment shall exceed the balance then standing to the credit of the said Account.”

1953-54, c. 66,
s. 6.

Provincial
advisory
boards.

6. Subsection (1) of section 18 of the said Act is repealed and the following substituted therefor:

“**18.** (1) There shall be one or more provincial advisory boards in each province appointed by the Governor in Council, each Board being comprised of three members; the chairman shall be a judge of a county or district court of the province in which such board operates, or in the Province of Quebec a judge of sessions of the peace, and one member shall be nominated by the Royal Canadian Legion.”

7. Subsection (2) of section 21 of the said Act is amended by striking out the word “and” at the end of paragraph (d) thereof, by repealing paragraph (e) thereof and by substituting therefor the following:

“(e) interest from the date of rescission or other termination of the contract

(i) at the rate of three and one-half per cent per annum on so much of the amounts set out in paragraphs (a) and (b) as consists of principal except any amounts expended by the Director pursuant to sections 16, 16A and 17 and any advance made under Part III, and

(ii) at the rate of five per cent per annum on so much of the amount set out in paragraph (a) as consists of principal but is excepted under subparagraph (i); and

(f) interest at the rate of five per cent per annum on the amounts set out in paragraphs (c) and (d) from the date the amounts were paid or incurred by the Director;”

1959, c. 37,
s. 8.

Time limit
on obtaining
benefits.

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

“**25A.** No veteran is eligible to participate in the benefits of this Part who is not certified by the Director to be qualified to participate in the benefits of this Act on or before the 31st day of October, 1968.”

9. Section 26 of the said Act is repealed and the following substituted therefor:

“**26.** Notwithstanding anything in this Act, the Director may transfer or convey to a veteran any part of the property sold to the veteran by a contract made under this Act if, in the opinion of the Director, the value at the date of the contract of the remaining property was equal to or greater than the aggregate of

(a) the cost to the Director determined pursuant to section 9,

Transfer to
a veteran of
part of the
property
sold.

Clause 6: This amendment is consequential on the change made at a previous Session of Parliament in the name of the Canadian Legion.

Clause 7: The purpose of this amendment is to increase, from three and one-half to five per cent, the rate of interest chargeable by the Director subsequent to the date of rescission of a contract until the date of resale, upon any amount owing under the contract for which the veteran was paying five per cent prior to rescission, and upon any expenditure by the Director subsequent to rescission relating to taxes, insurance or repairs in respect of the property that is the subject matter of the contract. Section 68 of the Act provides that loans made under Part III shall bear interest of five per cent. Similarly, sections 16 and 17, and proposed 16A, provide that payments made by the Director for insurance and taxes shall bear interest at five per cent. This amendment would bring the provisions of section 21 into conformity with these other sections of the Act.

Paragraph (e) of subsection (2) of section 21 at present reads as follows:

"(e) interest at the rate of three and one-half per cent per annum on so much of the amounts set out in paragraphs (a) to (d) as consist of principal;"

Clause 8: The purpose of this amendment is to extend from the 30th day of September, 1962, to the 31st day of October, 1968, the time in which veterans of World War II may apply to be certified as qualified to participate in the benefits of Part I of the Act. A second purpose is to set a time limit within which all persons who desire such benefits must be certified.

Section 25A at present reads as follows:

"25A. No veteran is eligible to participate in the benefits of this Part who is not certified by the Director to be qualified to participate in the benefits of this Act within a period of fifteen years after the 30th day of September, 1947, or the date of his discharge, whichever is the later."

Clause 9: The purpose of this amendment is to permit the Director to release to a part-time farming or commercial fishing veteran who received a loan under Part III of the Act property which, as of the date of the contract with the Director, was surplus to the security required by the Director. Section 74 provides that property in excess of security requirements may be released to a full-time farming veteran who received a loan under Part III.

Section 26 at present reads as follows:

"26. Notwithstanding anything in this Act, the Director may transfer or convey to a veteran any part of the property sold to a veteran by a contract made under this Act if, at the date of the contract, the remainder of the property could have been sold to the veteran under section 10 for the sale price stated in the contract, and the value of the property so transferred or conveyed, as of the date of the contract, does not exceed the greater of the following amounts, namely,

- (b) the amount of any loan made to the veteran under section 65, and
- (c) the amount paid or deemed to have been paid by the veteran pursuant to section 65."

1953-54, c. 66, s. 10.

Where land owned by Director.

10. (1) Subsection (2) of section 47 of the said Act is 5 repealed and the following substituted therefor:

"(2) Where the land in respect of which any loan referred to in subsection (1) has been approved is owned by the Director, the veteran shall, before any contract is entered into by him with the Director under section 48, pay to the Director in cash an amount equal to the cost to the Director of that land, as determined by the Director, or one thousand dollars, whichever is the greater." 10

1959, c. 37, s. 15.

(2) All that portion of subsection (3) of section 47 of the said Act, immediately following paragraph (b) thereof, is 15 repealed and the following substituted therefor:

"and if the land so conveyed or the leasehold interest so assigned is appraised by the Director at a value of less than one thousand dollars, the veteran shall in addition pay to the Director in cash the amount by which one thousand dollars exceeds such appraised value." 20

1959, c. 37, s. 16(1).

11. Paragraph (b) of subsection (1) of section 48 of the said Act is repealed and the following substituted therefor:

"(b) twelve thousand dollars," 25

1959, c. 37, s. 21.

12. Subsection (2) of section 64 of the said Act is amended by striking out the word "or" at the end of paragraph (e) thereof, by adding the word "or" at the end of paragraph (f) thereof and by adding thereto the following paragraph: 30

"(g) the payment of debts that, in the opinion of the Director, relate to or were reasonably incurred in the operation by the veteran of the land to which a contract under this Act relates, except that a loan for such purpose may be made only on the occasion 35 of the first loan made to the veteran under this section after the coming into force of this paragraph."

13. The said Act is further amended by adding thereto, immediately after section 64 thereof, the following section:

"**64A.** Subject to this Part, where a veteran certified 40 by the Director to be a full-time farmer

Assistance loans to other full-time farmers.

(a) has requested that contemporaneously with the making of a Part I contract there be advanced by way of a loan to him supplementary financial assistance under or in respect of that contract, or 45

- (a) the entire cost price of the land, improvements and building materials in excess of six thousand dollars paid by the veteran pursuant to paragraph (b) of subsection (1) of section 10, or
- (b) the value of the entire property sold by the contract, as of the date it was acquired by the Director, minus the cost to the Director of such property."

Clause 10: (1) and (2) The purpose of these amendments is to increase by two hundred dollars the minimum security in land, or money, or any combination thereof, required of a veteran who wishes to build his own house under Part II of the Act. The amendments relate to the change proposed in Clause 11, to increase the maximum financial assistance by two thousand dollars.

Clause 11: The purpose of this amendment is to increase from ten thousand dollars to twelve thousand dollars the maximum financial assistance to a veteran for the construction of his own house under Part II of the Act.

Paragraph (b) of subsection (1) of section 48 at present reads as follows:

"(b) ten thousand dollars,"

Clause 12: New. The purpose of this amendment is to extend the purposes for which a Part III loan may be advanced to a full-time farming veteran. The amendment will permit use of the first loan a veteran receives under Part III, after the coming into force of this paragraph, for the payment of farm-related debts incurred for purposes other than those now specified.

Clause 13: New. The purpose of this amendment is to provide additional financial assistance to full-time farming veterans who are settled on farms that do not fully meet the requirements for a loan under the provisions of section 64. Loans under this new section will be made on the basis of security in the land alone and will be fully repayable over a maximum period of thirty years with interest at the rate of five per cent.

(b) has a subsisting Part I contract with the Director and has requested additional financial assistance, the Director may advance by way of a loan to that veteran for one or more of the purposes set out in paragraphs (a) to (d) and (g) of subsection (2) of section 64 amounts not exceeding in the aggregate the lesser of 5

- (c) six thousand dollars, or
- (d) twelve thousand dollars less

(i) the amount of any loan made under this Part to that veteran that was outstanding immediately before the first date after the coming into force of this section that an agreement respecting a loan under this section is entered into,

(ii) the amount of any cost to the Director that was outstanding immediately before the date mentioned in subparagraph (i), and

(iii) the aggregate of all amounts advanced by the Director by way of any previous loan to that veteran under this section, 20

but in no case shall the aggregate of the amounts that may be so advanced by way of such loan, together with the amounts described in subparagraphs (i), (ii) and (iii) of paragraph (d), exceed three-quarters of the market value, as determined by the Director, of the land held by the Director as security for the repayment of the amounts owing by that veteran under this Act or to be acquired, or taken by the Director as additional security for the repayment of amounts advanced to that veteran under this section." 25

14. Section 65 of the said Act is repealed and the following substituted therefor: 30

"**65.** (1) Subject to this Part, where a veteran certified by the Director to be a part-time farmer or a commercial fisherman

(a) has requested that contemporaneously with the making of a Part I contract there be advanced by way of a loan to him supplementary financial assistance under or in respect of that contract, or 35

(b) has a subsisting Part I contract with the Director and has requested additional financial assistance, the Director may, upon payment to him by that veteran of an amount equal to one-quarter of the assistance so requested for use by the Director for the purpose for which the loan is to be made, advance, by way of a loan to that veteran for one or more of the purposes specified in paragraphs (a) to (c) of subsection (2) of section 64, amounts 40 45

1959, c. 37,
s. 21.

Assistance
loans to
part-time
farmers and
commercial
fishermen.

Clause 14: This amendment has three purposes: First it provides that additional loans under Part III may be made to part-time farming and commercial fishing veterans at a time when they are already settled, and not only at the time of their settlement. Secondly, it reduces the percentage amount of the contributory payment that a veteran must make for a loan under this section. Thirdly, it increases from three thousand dollars to four thousand eight hundred dollars the maximum loan that may be advanced under Part III to a small holder or commercial fisherman.

Section 65 at present reads as follows:

"65. (1) Subject to this Part, where a veteran certified by the Director to be a part-time farmer or a commercial fisherman has requested that, contemporaneously with the making of a Part I contract, there be advanced by way of a loan to him supplementary financial assistance, the Director may, upon payment to him by that veteran of an amount equal to *one-third* of the assistance so requested for use by the Director for the purpose for which the loan is to be made, advance, by way of a loan to that veteran for one or more of the purposes specified in paragraphs (a) to (c) of subsection (2) of section 64, an amount not exceeding *three thousand dollars*.

(2) For the purposes of subsection (1), there shall be deemed to have been paid to the Director by a veteran who, at the time of *entering into a Part I contract* had any equitable or other interest in the land to which *that contract* relates, the amount or value of that interest, as determined by the Director."

not exceeding in the aggregate four thousand eight hundred dollars less the aggregate of all amounts advanced by way of any previous loan to that veteran under this Part.

(2) For the purposes of subsection (1), there shall be deemed to have been paid to the Director by a veteran who, at the time of any advance made by the Director under this section to the veteran, had any equitable or other interest in the land to which a Part I contract relates, the amount or value of that interest, as determined by the Director."

5
10

15. Subsection (1) of section 68 of the said Act is repealed and the following substituted therefor:

68. (1) Every advance by way of a loan made by the Director under this Part shall bear interest at the rate of five per cent per annum and shall be repayable in equal instalments as set forth in the agreement of loan amortized over a period not in excess of thirty years."

15

Amounts deemed paid to Director.

1959, c. 37, s. 21.

Terms of repayment and interest rate.

Clause 15: The purpose of this amendment is to increase from twenty five to thirty years the maximum repayment period for loans made under Part III to veterans settled as part-time farmers or commercial fishermen. This conforms with the purpose of Clause 2.

Subsection (1) of section 68 at present reads as follows:

"68. (1) Every advance by way of a loan made by the Director under this Part shall bear interest at the rate of five per cent per annum and shall be repayable in equal instalments as set forth in the agreement of loan amortized

- (a) *in the case of an advance made to a full-time farmer, over a period not in excess of thirty years; and*
- (b) *in the case of an advance made to a part-time farmer or commercial fisherman, over a period not in excess of twenty-five years."*

C-81.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-81.

An Act respecting the Canada Court of Indian Claims.

First reading, April 2, 1962.

Mr. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-81.

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 5

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 10 15

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 pupillage by virtue of the said section 91 of the *British North America Act, 1867*; yet 20 25 30

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*. 25

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.** 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. 30

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 are appointed by the Governor in Council when needed temporarily on the Exchequer Court (section 8 of *Exchequer Court Act*). This permits additional judges if the work load is heavy.

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.

5

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, stenog- 10
raphers 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. 15

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
require-
ments.

(2) The Court shall remain permanently in session, 20
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 25
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. 30

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 35
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.

Place of
chambers
sittings.

10. The chambers provided for in sections 8 and 11 may 40
sit and exercise their functions elsewhere in Canada than at the City of Ottawa.

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.

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. 5

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. 10

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. 15

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. 20

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, 25
 - (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. 30

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. 35

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. 40

Crown bound.

(3) This Act shall bind the Crown.

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.

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. 5

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. 10

(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. 15

(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. 20

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. 25

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. 30

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.

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. 35

Appearance.

(5) A party or a provincial government or person, whose interest is affected may appear by counsel or an agent. 40

20. The Court or any member thereof shall have access to any material relating to a claim in the official records of Canada or of a province of Canada.

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, may award costs.

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. 5

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. 10

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. 15

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. 20

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. 25

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 in accordance with the law to be applied therein. 30

Law applied.

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. 35

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.

BILL C-82

not printed.

C-83.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-83.

An Act to amend the Trans-Canada Highway Act
(Canada Highways).

First reading, April 2, 1962.

Mr. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-83.

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: 5

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." 15 20

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 Minister of Finance to pay to the province out of unappropriated moneys in the Consolidated Revenue Fund a contribution in respect 25

EXPLANATORY NOTE.

This Bill enlarges the *Trans-Canada Highway Act* to the scope of *The Canada Highways Act, 1919 Acts, c. 54*; that is, to allow for 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 provinces were not able to avail themselves of that 1919 Act to any extent because of the financial limitations. The federal contribution was 40% of cost with an overall ceiling that was further limited by a special ceiling for each province. 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. This provision applies the adaptability to the different highway needs of the provinces that was the object of the 1919 Act with the financial formula of the present Act as an incentive.

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."

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."

Repeal.
Acts, 1919,
c. 54;
1923, c. 4;
1925, c. 4.

5. *The Canada Highways Act*, chapter 54 of the statutes of Canada, 1919, *An Act to extend the period of The Canada Highways Act*, chapter 4 of the statutes of Canada, 1923, and *The Canada Highways Extension Act, 1925*, are repealed.

The above subsection (2) is not re-enacted by this Bill as being unnecessary.

Clause 5: Repeals *The Canada Highways Act* and its two extending Acts as being no longer necessary.

THE HOUSE OF COMMONS OF CANADA

BILL C-84

An Act to amend the Income Tax Act

First reading, April 2, 1982

Tax Minister of Justice

C-84.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-84.

An Act to amend the Judges Act.

First reading, April 2, 1962.

THE MINISTER OF JUSTICE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-84.

An Act to amend the Judges Act.

R.S., c. 159;
1952-53, c. 4;
1953-54, c. 58;
1955, c. 48;
1956, c. 8;
1957, c. 30;
1958, c. 33;
1959, c. 28;
1960, cc.
46, 47;
1960-61, c. 38.
1958, c. 33,
s. 1.

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

1. Paragraph (d) of section 7 of the Judges Act is repealed and the following substituted therefor:

“(d) Twenty-two other judges of the High Court, each
..... 16,900.00”

5

2. Paragraph (a) of section 19 of the said Act is repealed and the following substituted therefor:

“(a) One chief judge and seventy-eight judges and junior 10
judges of the County and District Courts, each
..... \$10,500.”

1960-61, c. 38,
s. 4(1).

First Session, Twenty-Fourth Parliament, 1911-12, February 15, 1912.

THE HOUSE OF COMMONS OF CANADA.

EXPLANATORY NOTE.

The purpose of this Bill is to authorize the provision of salaries for two additional judges of the Trial Division of the Supreme Court of Ontario, and seven additional judges of the County and District Courts of Ontario including one chief judge.

AS PASSED BY THE HOUSE OF COMMONS,
15th FEBRUARY, 1912.

C-85.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-85.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1963.

AS PASSED BY THE HOUSE OF COMMONS,
5th APRIL, 1962.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-85.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1963.

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, 1963, 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. 3, 1962*.

\$674,658,525.84
granted for
1962-63.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole six hundred and seventy-four million, six hundred and fifty-eight thousand, five hundred and twenty-five dollars and eighty-four cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1962, to the 31st day of March, 1963, not otherwise provided for, and being the aggregate of

(a) one-sixth of the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1963, as laid before the House of Commons at the present session of Parliament, \$666,562,659.16;

- (b) one-third of the total of the amounts of the several items in the Main Estimates set forth in Schedule A, \$21,474,000;
- (c) one-sixth of the total of the amounts of the several items in the Main Estimates set forth in Schedule B, \$1,802,482.54; and
- (d) one-twelfth of the total of the amounts of the several items in the Main Estimates set forth in Schedule C, \$6,178,882.54.

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 this item has such operation and effect as may be stated or described therein.

4. (1) The Governor in Council may, in addition to the sums now remaining unexpended and available of the loans authorized by Parliament by any Act heretofore passed, raise by way of loan, under the following conditions, any sum not exceeding the sum of one million dollars, for such purposes, 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 million dollars, as may be required for public works and general purposes.

(2) All borrowing powers that are authorized by section 4 of chapter 11 and by section 4 of chapter 40 of the statutes of 1923-24 and are outstanding and unrevoked shall expire on the date of the coming into force of this Act.

5. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 62 of the Financial Administration Act.

Printed and Published by the Queen's Printer, Ottawa, 1924.

Printed and Published by the Queen's Printer, Ottawa, 1924.

Printed and Published by the Queen's Printer, Ottawa, 1924.

Printed and Published by the Queen's Printer, Ottawa, 1924.

- (b) one-third of the total of the amounts of the several items in the Main Estimates set forth in Schedule A, \$614,700.00;
- (c) one-sixth of the total of the amounts of the several items in the Main Estimates set forth in Schedule B, \$1,302,483.34; and
- (d) one-twelfth of the total of the amounts of the several items in the Main Estimates set forth in Schedule C, \$6,178,683.34.

Purpose and effect of each item.

3. The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

Power to raise loan of \$1,000,000,000 for public works and general purposes. R.S., c. 116.

4. (1) The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament, by any Act heretofore passed, raise by way of loan, under the *Financial Administration Act*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rates of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, not exceeding in the whole, the sum of one billion dollars, as may be required for public works and general purposes.

Lapse of prior borrowing powers.

(2) All borrowing powers that are authorized by section 4 of chapter 11 and by section 4 of chapter 40 of the statutes of 1960-61 and are outstanding and unused shall expire on the date of the coming into force of this Act.

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

5. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE A

Based on the Main Estimate 1963-64. The amount hereby granted is \$814,700.00 being one-third of the total of the amounts of the several items in the said Estimate as contained in this Schedule.

Sum granted to Her Majesty by this Act for the financial year ending 31st March 1963, and the purposes for which they are granted.

No. of Lines	Particulars	Amount	Total
	ATOMIC ENERGY		
	Atomic Energy (General)		
1	Grants for Research and Development with respect to Atomic Energy	72,000	
	MINES AND MINERAL DEVELOPMENT		
	General		
124	Expenses of the Department and the expenses of the Inter-Departmental Committee on the Minerals	12,100	
	BRITV COUNCIL		
	General		
25	Expenses of the Royal Commission on Government Expenditure and including the expenses of the Commission in connection with the carrying out of its terms of reference as may be required by the Treasury Board in relation to the review of government expenditure in the Civil Service for services rendered by them to the Commission	20,000	
			814,700

* Net total \$814,700.00

SCHEDULE A

Based on the Main Estimates, 1962-63. The amount hereby granted is \$614,700.00, being one-third 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, 1963, 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.....	770,000	
	MINES AND TECHNICAL SURVEYS		
	GENERAL		
125	Purchases of Air Photography and the expenses of the Inter-departmental Committee on Air Surveys.....	785,100	
	PRIVY COUNCIL		
	SPECIAL		
25	Expenses of the Royal Commission on Government Organization including the payment, notwithstanding the Civil Service Act, of honoraria or allowances as may be authorized by the Treasury Board to officers, clerks or employees permanently employed in the Civil Service for services rendered by them to the Commission.....	289,000	
			*1,844,100

* Net total \$614,700.00

SCHEDULE B

based on the Main Estimates 1962-63. The amount hereby granted is \$1,307,882.54 being one-sixth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

was granted to Her Majesty by this Act for the financial year ending 31st March, 1963, and for the purposes for which they are granted.

No. of Votes	Service	Amount	Total
	LEGISLATION		
	House of Commons		
90	General Administration—Business of the House	2,287,700	
91	Estimates of the Department of Finance	1,000,000	
	WOMEN'S AFFAIRS AND NATIONAL HEALTH WORKS		
	Canadian Government Travel Bureau		
120	To assist in promoting the Tourist Industry in Canada including a grant of \$1,000 to the Canadian Tourist Association	2,000,000	
	PUBLIC WORKS		
	Government		
120	Expenses required to complete any projects referred to in the previous item and for which no specific provision is made in the Budget year 1962-63	1,000,000	
			7,314,000

* Total voted \$1,307,882.54

SCHEDULE B

Based on the Main Estimates, 1962-63. The amount hereby granted is \$1,302,483.34, being one-sixth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1963, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	LEGISLATION		
	HOUSE OF COMMONS		
40	General Administration—Estimates of the Clerk.....	2,390,700	
45	Estimates of the Sergeant-at-Arms.....	1,056,800	
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	CANADIAN GOVERNMENT TRAVEL BUREAU		
125	To assist in promoting the Tourist Business in Canada including a grant of \$5,000 to the Canadian Tourist Association.....	3,367,400	
	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 1962-63.....	1,000,000	
			*7,814,900

* Net total \$1,302,483.34

SCHEDULE C

Based on the Main Estimates, 1962-63. The amount hereby granted is \$6,178,683.34, 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, 1963, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	NATIONAL RESEARCH COUNCIL		
1	Salaries and Other Expenses.....	37,624,700	
	NATIONAL REVENUE TAXATION DIVISION		
25	District Offices.....	33,631,500	
	TRADE AND COMMERCE GENERAL ADMINISTRATION		
20	Standards Branch.....	2,888,000	
			*74,144,200

* Net total \$6,178,683.34

C-86.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-86.

An Act to amend the British North America Act, 1867,
with respect to the Senate.

First reading, April 9, 1962.

The PRIME MINISTER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

26945-6

5th Session, 24th Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-86.

An Act to amend the British North America Act, 1867,
with respect to the Senate.

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

1. Section 29 of the *British North America Act, 1867*
is repealed and the following substituted therefor:

Tenure of
place in
Senate.

“**29.** A Senator shall, subject to this Act, hold his place
in the Senate until he attains the age of seventy-five years,
or until the coming into force of this section if at that time
he has already attained that age.”

5

Short title
and
citation.

2. This Act may be cited as the *British North America* 10
Act, 1962, and the *British North America Acts, 1867 to 1960*,
and this Act may be cited together as the *British North*
America Acts, 1867 to 1962.

Commence-
ment.

3. This Act shall come into force on the day fixed for
the return of the writs of election at the first general election 15
of members to serve in the House of Commons of Canada
held after the day this Act is assented to.

C-87.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-87.

An Act respecting the establishment of an Electoral Boundaries Commission for the Readjustment of Representation in the House of Commons.

First reading, April 17, 1962.

THE PRIME MINISTER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

THE HOUSE OF COMMONS OF CANADA.

BILL C-87.

An Act respecting the establishment of an Electoral Boundaries Commission for 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:—

SHORT TITLE.

Short title.

1. This Act may be cited as the *Electoral Boundaries Commission Act*.

5

INTERPRETATION.

"Commission" defined.

2. In this Act, "Commission" means the Electoral Boundaries Commission for any decennial census established pursuant to section 4.

ESTABLISHMENT OF COMMISSION.

Commission to be established.

3. For the decennial census taken in the year 1961 and for each decennial census taken thereafter, a Commission shall be established in the manner provided in this Act to consider and report upon the readjustment of the representation of the provinces in the House of Commons required to be made upon the completion of such census.

Proclamation.

4. Within sixty days after the receipt by the Secretary of State from the Dominion Statistician of the return referred to in section 10 for any decennial census, the Governor in Council shall, by proclamation published in the Canada Gazette, establish an Electoral Boundaries Commission for that census.

20

Government and Ministers

- 6. (1) The Commission for any year shall consist of five members, one of whom shall be the person for the time being holding the office of Chief Electoral Officer of Canada and the remainder of whom shall be named in the regulations establishing the Commission.
- (2) The proclamation establishing the Commission shall name as members of the Commission at least two persons who are judges of a superior court.
- 7. (1) One of the members of the Commission shall be designated in the proclamation establishing the Commission to act as chairman thereof.
- (2) The Commission may appoint one of its members to act as deputy chairman thereof in the absence or incapacity of the chairman, or in the event of a vacancy in the office of chairman.
- (3) A vacancy in the membership of the Commission or in the office of chairman does not impair the right of the remaining members to act, and the Governor in Council may at any time appoint any person as a member of the Commission or as chairman thereof to fill any such vacancy.
- 8. No person is eligible to be a member of the Commission while he is a member of the Senate or House of Commons of Canada or is a member of a legislative assembly or legislative council of a province.
- 9. (1) Each of the members of the Commission, other than the Chief Electoral Officer of Canada or a person in receipt of salary under the Judges Act, is entitled to be paid such per diem allowance as may be fixed by the Governor in Council.
- (2) Each of the members of the Commission is entitled to be paid reasonable travelling and living expenses incurred by him while absent from his ordinary place of residence in the course of his duties as a member of the Commission.
- 10. The Commission is not an agent of Her Majesty and the members of the Commission as such are not part of the public service of Canada.

Continuance and Interpretation of Enactment

- 11. As soon as possible after the completion of any electoral census or in the case of the census taken in the year 1981, after the completion of that census or the coming into force of this Act, whichever is later, the Dominion

CONSTITUTION AND MEMBERSHIP.

- Constitution of Commission. **5.** (1) The Commission for any census shall consist of five members, one of whom shall be the person for the time being holding the office of Chief Electoral Officer of Canada and the remainder of whom shall be named in the proclamation establishing the Commission. 5
- Idem. (2) The proclamation establishing the Commission shall name as members of the Commission at least two persons who are judges of a superior court.
- Chairman. **6.** (1) One of the members of the Commission shall be designated in the proclamation establishing the Commission to act as chairman thereof. 10
- Deputy chairman. (2) The Commission may appoint one of its members to act as deputy chairman thereof in the absence or incapacity of the chairman, or in the event of a vacancy in the office of chairman. 15
- Vacancy in membership. (3) A vacancy in the membership of the Commission or in the office of chairman does not impair the right of the remaining members to act, and the Governor in Council may at any time appoint any person as a member of the Commission or as chairman thereof to fill any such vacancy. 20
- Eligibility of members. **7.** No person is eligible to be a member of the Commission while he is a member of the Senate or House of Commons of Canada or is a member of a legislative assembly or legislative council of a province.
- Remuneration. **8.** (1) Each of the members of the Commission, other than the Chief Electoral Officer of Canada or a person in receipt of salary under the *Judges Act*, is entitled to be paid such *per diem* allowance as may be fixed by the Governor in Council. 25
- Expenses. (2) Each of the members of the Commission is entitled to be paid reasonable travelling and living expenses incurred by him while absent from his ordinary place of residence in the course of his duties as a member of the Commission. 30
- Not agent of Her Majesty. **9.** The Commission is not an agent of Her Majesty and the members of the Commission as such are not part of the public service of Canada. 35

COMMENCEMENT AND PREPARATION OF REPORT.

- Return of Dominion Statistician. **10.** As soon as possible after the completion of any decennial census, or in the case of the census taken in the year 1961, after the completion of that census or the coming into force of this Act, whichever is later, the Dominion 40

Statistician shall prepare and send to the Secretary of State a return certified by him showing the population of Canada and of each of the provinces and the population of Canada by electoral districts as ascertained by that census, and the Secretary of State shall, forthwith after the establishment of the Commission for that census, send a copy of such return to the Commission. 5

Calculation of number of members to be assigned to each province; preparation of report.

11. Forthwith upon receipt by the Commission from the Secretary of State of the copy of the return referred to in section 10, the Commission shall calculate the number of 10 members of the House of Commons to be assigned to each of the provinces, subject and according to the provisions of section 51 of the *British North America Act, 1867* and the rules provided therein, and upon the completion of such calculation shall cause a statement to be published in the 15 *Canada Gazette* setting forth the results of such calculation, and thereafter the Commission shall, with all reasonable despatch, prepare a report setting forth its recommendations concerning the division of each of the provinces into electoral districts and its recommendations concerning the 20 description of the boundaries of each such district and the representation and name to be given thereto.

Rules to be applied in preparing report.

12. In preparing its report the Commission shall be governed by the following rules:

- (a) the division of each province into electoral districts 25 and the description of the boundaries thereof shall proceed on the basis that the population of each electoral district in that province as a result thereof shall correspond as nearly as may be to the electoral 30 quota for that province, that is to say, the quotient obtained by dividing the population of that province as ascertained by the census by the number of members of the House of Commons to be assigned to that province as calculated by the Commission under section 11; 35
- (b) where, immediately before the coming into force of this Act, any electoral district in a province was represented by two members of the House of Commons, the Commission may recommend the continuation of such representation, in which case the 40 division of that province into electoral districts and the description of the boundaries thereof in accordance with rule (a) shall proceed subject to such adjustments as are necessary in order to give effect to the continuation of such representation; 45
- (c) the Commission may depart from the strict application of rules (a) and (b) in any case where

- (i) special geographic considerations, including in particular the sparsity or density of population of various regions of a province, the accessibility of such regions or the size or shape thereof, appear to the Commission to render such a departure necessary or desirable, 5
- (ii) any special community or diversity of interests of the inhabitants of various regions of a province appears to the Commission to render such a departure necessary or desirable, or 10
- (iii) such a departure appears to the Commission to be necessary or desirable in order to permit advantage to be taken, so far as may be practicable without causing excessive disparities of size between electoral districts, of existing boundaries of counties, districts or other municipal 15

but in no case, except as may be necessary in order to give effect to rule (b), shall the population of any electoral district in a province as a result thereof depart from the electoral quota for that province to a greater extent than one-third more or one-third less;

- (b) notwithstanding anything in rules (a), (b) and (c), where for any reason the Commission is of the opinion that the strict application of those rules in any particular case is not practicable or would be likely to produce an inequitable result, the Commission may make such departure therefrom as appears to it to be practicable or to be necessary in order to avoid that result, but where any such departure is made by the Commission pursuant to this rule the Commission shall include as an appendix to its report a statement setting forth the reasons for such departure. 25

Continuation of Report

32. (1) The Commission shall complete its report not later than one year after the receipt by it from the Secretary of State of the copy of the returns referred to in section 10, and upon the completion of such report shall cause a certified copy thereof to be transmitted to the Speaker of the House of Commons.

(2) In the case of the first Commission established after the coming into force of this Act, the Governor in Council may, if the Commission requests an extension of the time fixed by subsection (1) for the completion of its report, extend this time so long for such period, not exceeding six months, as appears necessary in the circumstances, and the Governor in Council shall thereupon give notice in writing of such extension to the Speaker of the House of Commons.

This Bill
 shall be
 printed
 and
 sold
 by
 the
 Queen's
 Printer,
 Ottawa,
 1911.

- (i) special geographic considerations, including in particular the sparsity or density of population of various regions of a province, the accessibility of such regions or the size or shape thereof, appear to the Commission to render such a departure necessary or desirable, 5
- (ii) any special community or diversity of interests of the inhabitants of various regions of a province appears to the Commission to render such a departure necessary or desirable, or 10
- (iii) such a departure appears to the Commission to be necessary or desirable in order to permit advantage to be taken, so far as may be practicable without causing excessive disparities of size between electoral districts, of existing boundaries of counties, districts or other municipalities, 15

but in no case, except as may be necessary in order to give effect to rule (b), shall the population of any electoral district in a province as a result thereof depart from the electoral quota for that province to a greater extent than one-third more or one-third less; 20

- (d) notwithstanding anything in rules (a), (b) and (c), where, for any reason, the Commission is of the opinion that the strict application of those rules in any particular case is not practicable or would be likely to produce an inequitable result, the Commission may make such departure therefrom as appears to it to be practicable or to be necessary in order to avoid that result, but where any such departure is made by the Commission pursuant to this rule the Commission shall include as an appendix to its report a statement setting forth the reason for such departure. 35

COMPLETION OF REPORT.

Time within which report to be completed.

13. (1) The Commission shall complete its report not later than one year after the receipt by it from the Secretary of State of the copy of the return referred to in section 10, and upon the completion of such report shall cause a certified copy thereof to be transmitted to the Speaker of the House of Commons. 40

Extension of time.

(2) In the case of the first Commission established after the coming into force of this Act, the Governor in Council may, if the Commission requests an extension of the time fixed by subsection (1) for the completion of its report, extend the time so fixed for such period, not exceeding six months, as appears necessary in the circumstances, and the Governor in Council shall thereupon give notice in writing of such extension to the Speaker of the House of Commons. 45

13. The member of the House of Commons shall cause the copy of the report referred to in subsection (1) of section 12 to be laid before the House of Commons forthwith upon its resumption to him, if Parliament is then sitting, or if Parliament is not then sitting, on any of the first five days next thereafter that Parliament is sitting, and he shall similarly cause to be laid before the House of Commons a copy of any notice given under subsection (2) of section 12.

Section 12
and section 13

14. There shall be included in any Bill introduced in or presented to the House of Commons to read the report of any department, a schedule to such Bill providing for the division of each of the provinces into electoral districts and specifying the description of the boundaries of each such district and the representation and name to be given thereto, in accordance with the recommendations of the Commission for that year set forth in the copy of the report laid before the House of Commons pursuant to section 14.

Section 14
and section 15

GENERAL

15. In the performance of its duties under this Act the Commission has and may exercise all of the powers of a person appointed as a commissioner under Part I of the *Liquor Act*, and the Commission may engage the services of such technical advisers and other staff, including a person to act as secretary to the Commission, as it deems necessary.

Section 15
Commission

16. The Dominion Statistician and the Surveyor-General of Canada shall make available their services and the facilities of their respective offices, and under all such other assistance to the Commission as may be necessary, in order to enable the Commission to discharge its duties under this Act.

Section 16

17. The Commission may make rules for regulating its proceedings and for establishing a program for the transaction of its affairs, and may provide therein for the conduct of any special inquiry or hearing by one or more of its members.

Section 17
proceedings

18. (1) The Commission may, in the performance of its duties under this Act, at any time and place in Canada as it deems necessary, except that before completing its report it shall hold at least one sitting in each of the provinces other than the Northwest Territories and the Yukon Territory, for the hearing of representations by interested persons.

Section 18
Commission
proceedings
hearings

Report to be
laid before
House.

14. The Speaker of the House of Commons shall cause the copy of the report referred to in subsection (1) of section 13 to be laid before the House of Commons forthwith upon its transmission to him, if Parliament is then sitting, or if Parliament is not then sitting, on any of the first five days next thereafter that Parliament is sitting, and he shall similarly cause to be laid before the House of Commons a copy of any notice given under subsection (2) of section 13. 5

Recommendations to be incorporated in Bill.

15. There shall be included in any Bill introduced in or presented to the House of Commons to readjust the representation in the House of Commons following the completion of any decennial census, a schedule to such Bill providing for the division of each of the provinces into electoral districts and specifying the description of the boundaries of each such district and the representation and name to be given thereto, in accordance with the recommendations of the Commission for that census set forth in the copy of the report laid before the House of Commons pursuant to section 14. 10 15

GENERAL.

Powers of
Commission.

16. In the performance of its duties under this Act the Commission has and may exercise all of the powers of a person appointed as a commissioner under Part I of the *Inquiries Act*, and the Commission may engage the services of such technical advisers and other staff, including a person to act as secretary to the Commission, as it deems necessary. 20 25

Duty to
assist.

17. The Dominion Statistician and the Surveyor-General of Canada shall make available their services and the facilities of their respective offices, and render all such other assistance to the Commission as may be necessary, in order to enable the Commission to discharge its duties under this Act. 30

Rules of
procedure.

18. The Commission may make rules for regulating its proceedings and for establishing a quorum for the transaction of its affairs, and may provide therein for the conduct of any special inquiry or hearing by one or more of its members. 35

Sittings of
Commission;
hearing of
representations.

19. (1) The Commission may, in the performance of its duties under this Act, sit at such times and places in Canada as it deems necessary, except that before completing its report it shall hold at least one sitting in each of the provinces other than the Northwest Territories and the Yukon Territory, for the hearing of representations by interested persons. 40

THE UNIVERSITY OF CHICAGO PRESS

THE UNIVERSITY OF CHICAGO PRESS

of the year 1960... 30
The University of Chicago Press

The University of Chicago Press
The University of Chicago Press
The University of Chicago Press

The University of Chicago Press
The University of Chicago Press
The University of Chicago Press

The University of Chicago Press
The University of Chicago Press
The University of Chicago Press

THE UNIVERSITY OF CHICAGO PRESS
1960

THE UNIVERSITY OF CHICAGO PRESS
1960

Notice to be given by public advertisement.

(2) Notice of the time and place fixed by the Commission for any sitting required by subsection (1) to be held in a province shall be given by advertisement published in the Canada Gazette, or in one or more daily newspapers of general circulation in the province, at least ten days before the commencement of such sittings. 5

Advertisement to include map showing proposed electoral districts.

(3) There shall be included in the advertisement referred to in subsection (2) with respect to each province a map or drawing prepared by the Commission showing the proposed division of the province into electoral districts and indicating the representation and name proposed to be given to each such district, together with a schedule setting forth the proposed boundaries of each such district, which map or drawing and schedule shall be in such form and shall contain such detail as, in the opinion of the Commission, will be reasonably sufficient for the purpose for which the sitting is to be held. 10 15

Regulations.

20. The Governor in Council may make regulations, generally, for carrying into effect the purposes and provisions of this Act. 20

C-88.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-88.

An Act to amend the Post Office Act.

First reading, April 18, 1962.

THE POSTMASTER GENERAL.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-88.

An Act to amend the Post Office Act.

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

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

1. (1) All that portion of subsection (2) of section 11 of the *Post Office Act* preceding paragraph (a) thereof is repealed and the following substituted therefor: 5

Newspapers
and
periodicals.

“(2) Subject to subsection (3) and section 12, the postage rates for newspapers and periodicals referred to in subsection (1) are”

(2) All that portion of paragraph (d) of subsection (2) 10 of section 11 of the said Act preceding subparagraph (i) thereof is repealed and the following substituted therefor:

Semi-
monthly,
monthly or
quarterly.

“(d) for those published less frequently than once a week but not less frequently than quarterly,”

(3) Paragraph (e) of subsection (2) of section 11 of the 15 said Act is repealed.

(4) Subsections (3) and (4) of section 11 of the said Act are repealed and the following substituted therefor:

Religion,
science,
agriculture,
fisheries,
literature
or arts.

“(3) Any newspaper or periodical referred to in this section, other than one referred to in paragraph (f) of 20 subsection (2), that is devoted to religion, the sciences, agriculture or the fisheries, or that is devoted to social or literary criticism or reviews of literature or the arts or is an academic or scholarly journal, is subject to postage at the rate of one and one-half cents for each pound weight 25 or fraction thereof, subject to the exception that five thousand copies per issue of any such newspaper or periodical may be transmitted by mail free of postage.”

EXPLANATORY NOTES.

The purpose of this Bill is to implement certain recommendations of the Royal Commission on Publications by repealing local delivery rates on second class mail, and by extending to certain cultural publications the privileges now granted to newspapers and periodicals devoted to religion, the sciences or agriculture. The latter amendment would permit such publications to be transmitted by mail at the rate of one and one-half cents per pound, while extending to all such publications the privilege of free transmission by mail anywhere in Canada for the first five thousand copies per issue. The amendment would also apply to publications devoted to the fisheries.

Clause 1: (1) The portion of subsection (2) being amended at present reads as follows:

"(2) Subject to subsections (3) and (4) and to section 12, the postage rates for newspapers and periodicals referred to in subsection (1) are"

(2) and (3) Paragraphs (d) and (e) of subsection (2) at present read as follows:

"(d) for those published less frequently than once a week but not less frequently than *once a month*,

(i) with a circulation of ten thousand or more copies per issue, one and three-quarter cents for each pound weight or fraction thereof, and

(ii) with a circulation of less than ten thousand copies per issue, one and one-half cents for each pound weight or fraction thereof,

subject to the exception that two thousand five hundred copies per issue may be transmitted by mail free of postage within a distance of forty miles from its known place of publication in the case of a newspaper or periodical published in a city, town or village with a population of not more than ten thousand persons;

(e) for those published less frequently than once a month but not less frequently than quarterly, two cents for each pound weight or fraction thereof; and"

(4) Subsection (3) at present reads as follows:

"(3) Subject to subsection (4), any newspaper or periodical referred to in this section, other than one referred to in paragraph (e) or (f) of subsection (2) or the copies per issue of those that may be transmitted free of postage under paragraph (c) or (d) of subsection (2), that is devoted to religion, the sciences or agriculture is subject to postage at the rate of one and one-half cents for each pound weight or fraction thereof."

Subsection (4), which would be repealed, reads as follows:

"(4) All copies of newspapers and periodicals referred to in this section, other than those referred to in paragraph (f) of subsection (2), that are addressed for delivery within the postal area of publication where there is letter carrier delivery service, are subject to postage at the rate of one cent for the first two ounces or fraction thereof and one cent for the next two ounces or fraction thereof and one cent for each additional four ounces or fraction thereof to each separate address."

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

Specimens.

"12. (1) Specimen copies of newspapers or periodicals referred to in paragraphs (a) to (e) of subsection (2) of section 11 are liable to postage at the rate of four cents for each pound weight or fraction thereof within the limits prescribed by the Postmaster General."

5

Clause 2: Subsection (1) of section 12 at present reads as follows:

"12. (1) Specimen copies of newspapers or periodicals referred to in paragraphs (a) to (e) of subsection (2) of section 11, *with the exception of those mentioned in subsection (4) of that section*, are liable to postage at the rate of four cents for each pound weight or fraction thereof within the limits prescribed by the Postmaster General."

THE HOUSE OF COMMONS OF CANADA

BILL C-89

An Act to amend the Postage Act
for the purpose of amending section 12
of that Act.

AS PASSED BY THE HOUSE OF COMMONS
ON 1971-05-11

PRINTED BY THE QUEEN'S PRINTER
OTTAWA

C-89.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-89.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1962.

AS PASSED BY THE HOUSE OF COMMONS,
18th APRIL, 1962.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-89.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1962.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by message from His Excellency, Major-General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada, and the estimates accompanying the said message, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1962, and for other purposes connected with the Public Service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Short title.

1. This Act may be cited as the *Appropriation Act, No. 4, 1962.*

\$138,416,981
granted for
1961-62.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole one hundred and thirty-eight million, four hundred and sixteen thousand, nine hundred and eighty-one dollars towards defraying the several charges and expenses of the public service, from the 1st day of April, 1961, to the 31st day of March, 1962, not otherwise provided for, and being the total of the amounts of the items, set forth in the Schedule to this Act.

3. (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

(2) The provisions of each item in the Schedule shall be deemed to have been enacted by Parliament on the 1st day of April, 1961.

4. Notwithstanding the provisions of the Financial Administration Act, the amounts appropriated by this Act may be paid at any time on or before the thirtieth day of April, one thousand nine hundred and sixty-two, and such payment shall be deemed to have been made in and to chargeable to the fiscal year ending the thirtieth day of March, one thousand nine hundred and sixty-two.

5. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the Financial Administration Act.

Approved and
Signed in
presence of

Witness
the
Secretary

Witness
the
Secretary

Purpose and effect of each item.

3. (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein. 5

(2) The provisions of each item in the Schedule shall be deemed to have been enacted by Parliament on the 1st day of April, 1961.

Amounts chargeable to year ending 31st March, 1962.

4. Notwithstanding the provisions of the *Financial Administration Act*, the amounts appropriated by this Act may be paid at any time on or before the thirtieth day of April, one thousand nine hundred and sixty-two, and such payment shall be deemed to have been made in and be chargeable to the fiscal year ending the thirty-first day of March, one thousand nine hundred and sixty-two. 10 15

Account to be rendered.

5. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*. 20

SCHEDULE

Based on the Further Supplementary Estimates (4), 1961-62. The amount hereby granted is \$138,416,981, being the total of the amounts of the items in the Estimates as contained in this Schedule.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
AGRICULTURE			
ADMINISTRATION BRANCH			
675	Departmental Administration—Further amount required.....	77,500	
676	Contributions to Commonwealth Agricultural Bureaux—To increase by £3,553 the amount provided for in Vote 3, Main Estimates, 1961-62; the equivalent in Canadian dollars, estimated as of February, 1962, is.....	10,446	
PRODUCTION AND MARKETING BRANCH			
677	Subsidies for Cold Storage Warehouses under the Cold Storage Act—Further amount required.....	78,588	
Health of Animals Division—			
678	Payment of compensation to owners of animals affected with diseases coming under the Animal Contagious Diseases Act, which have died or have been slaughtered in circumstances not covered by the above Act and Regulations made thereunder, all as detailed in the Estimates.....	8,417	
Livestock Division—			
679	Supervision of Race Track Betting—Further amount required.....	28,000	
680	Grants to Agricultural Fairs, Exhibitions and Museums in accordance with regulations of the Governor in Council—Further amount required.....	130,000	
Plant Products Division—			
681	Contribution to Prince Edward Island, in accordance with terms and conditions prescribed by the Governor in Council, of one-half of amounts paid by that Province to potato growers in respect of their 1960 crop as compensation for losses due to fusarium rot to a maximum contribution by Canada of \$300 in respect of any one farm—Further amount required.....	70,000	
682	Agricultural Lime Assistance—Further amount required...	1,362,000	
LAND REHABILITATION, IRRIGATION AND WATER STORAGE PROJECTS			
683	Reimbursement of the Prairie Farm Rehabilitation Act Revolving Fund for the value of stores which have become obsolete, unserviceable, lost or destroyed.....	1,403	
SPECIAL			
684	Estimated amount required to recoup the Agricultural Products Board Account to cover the net operating loss recorded in the Account as at March 31, 1962.....	4,861,998	
685	Estimated amount required to recoup the Agricultural Commodities Stabilization Account to cover the net operating loss of the Agricultural Stabilization Board as at March 31, 1962.....	23,139,333	
			29,767,685

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
ATOMIC ENERGY			
ATOMIC ENERGY CONTROL BOARD			
686	Administration Expenses of the Atomic Energy Control Board—Further amount required.....		1,400
CITIZENSHIP AND IMMIGRATION			
INDIAN AFFAIRS BRANCH			
687	Reserves and Trusts— Operation and Maintenance—Further amount required.....	59,500	
688	Welfare of Indians— Operation and Maintenance—To increase to \$65,000 the grant to the Province of Manitoba of one-half of the cost of a program of community development and to provide a further amount of.....	765,000	824,500
CIVIL SERVICE COMMISSION			
689	Salaries and Contingencies of the Commission including compensation in accordance with the Suggestion Award Plan of the Public Service of Canada—Further amount required.....		5,000
DEFENCE PRODUCTION			
A—DEPARTMENT			
690	Care, Maintenance and Custody of Standby Defence Plants, Buildings, Machine Tools and Production Tooling—Further amount required.....	100,000	
B—CROWN COMPANIES			
691	Canadian Arsenals Limited— Administration and Operation—To extend the purposes of Vote 74, Main Estimates, 1961-62, to reimburse Canadian Arsenals Limited in respect of outstanding balances of previous years' operating deficits.....	1	100,001
EXTERNAL AFFAIRS			
A—DEPARTMENT			
692	Departmental Administration—Further amount required.....	225,000	
693	Representation Abroad—Operational—Further amount required.....	85,000	
694	Canada's civilian participation as a member of the International Commissions for Supervision and Control in Indo-China— Further amount required.....	89,000	
695	Official Hospitality—Further amount required.....	6,500	
696	Canadian Representation at International Conferences—Further amount required.....	115,000	
697	Grant to defray a portion of the costs of Canadian participation in the First Session of the Atlantic Convention.....	6,000	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	EXTERNAL AFFAIRS—Concluded		
	A—DEPARTMENT—Concluded		
698	Contribution towards the furnishing of Marlborough House, London, England, in an amount of £310, notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of February, 1962, which is.	915	
	CONTRIBUTIONS TO INTERNATIONAL ECONOMIC AND SPECIAL AID PROGRAMS		
	Special Aid Programs—		
699	Expenses in connection with Canada's participation in the World Refugee Year, for the completion of the Tuberculous Refugee Program—Further amount required....	64,000	
700	To reimburse the Agricultural Stabilization Board for skim milk powder donated to international relief agencies...	114,282	
	OTHER PAYMENTS TO INTERNATIONAL ORGANIZATIONS AND PROGRAMS		
701	Assessments for Membership in the International (including Commonwealth) Organizations that are detailed in the Estimates, including authority to pay such assessments in the amounts and in the currencies in which they are levied—Further amount required in Canadian dollars, estimated as of February, 1962.....	471,976	
702	Payment to the International Civil Aviation Organization in part reimbursement of compensation paid to its Canadian employees for Quebec income tax for the 1960 taxation year—Further amount required.....	1,465	
703	To provide the International Civil Aviation Organization with office accommodation at less than commercial rates—Further amount required.....	27,202	
704	Assessment for the United Nations Congo Ad Hoc Account for 1961—To extend the purposes of Vote 516 of the Supplementary Estimates, 1961-62, to provide for payment of the assessment for the said Account for 1962, and to provide a further amount of \$2,493,376 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars; the amount required in Canadian dollars, estimated as of February, 1962, is.....	2,612,591	
705	Assessment towards financing the United Nations Emergency Force in an amount of \$300,690 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of February, 1962, which is.	315,067	
706	Canada's share of the costs incurred by the United Nations of the Geneva conference on the settlement of the Laotian question.....	11,000	
			4,144,998
	FINANCE		
	ADMINISTRATION OF VARIOUS ACTS AND COSTS OF SPECIAL FUNCTIONS		
	Royal Canadian Mint—		
707	Administration, Operation and Maintenance—Further amount required.....	42,000	
708	Construction or Acquisition of Equipment—Further amount required.....	13,000	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	FINANCE—Concluded		
	SUBSIDIES AND OTHER PAYMENTS TO PROVINCES		
	<i>Special Payments to Provinces</i>		
709	Payments to the Government of each Province, in respect of income tax collected from corporations whose main business is the distribution to or generation for distribution to the public of electrical energy, gas or steam, of amounts computed in accordance with section 6 of The Tax Rental Agreements Act, 1952, as if the last two lines of subsection (1) of that section read as follows: ".....ending on the thirty-first day of December, one thousand nine hundred and fifty-nine"—Further amount required.....	396,559	
	CONTINGENCIES AND MISCELLANEOUS		
710	To authorize the Treasury Board to delete from the accounts certain debts due, and claims by, Her Majesty, each of which is in excess of \$1,000, amounting in the aggregate to \$3,710,688.....		1
	GENERAL ITEMS OF PAYROLL COSTS INCLUDING SUPERANNUATION PAYMENTS		
711	To supplement other votes, subject to the approval of the Treasury Board, for the payment of salaries, wages, and other payroll charges—Further amount required.....	2,500,000	
712	To authorize persons who become employed in the Public Service as a result of the transfer of administration of the Vancouver Airport to the Department of Transport and who, immediately prior to such transfer, were employed by the City of Vancouver, to count as pensionable service under the Public Service Superannuation Act, notwithstanding anything contained therein, their service with the City of Vancouver on the basis that the amount required to be paid by them, in respect of such service, shall be determined, in accordance with regulations to be made by the Treasury Board, as if an agreement had been entered into with the City of Vancouver pursuant to section 28 of the Public Service Superannuation Act in terms similar to those contained in such agreements that have been entered into with other public service employers.....		1
			2,951,561
	FISHERIES		
	SPECIAL		
713	Estimated amount required to recoup the Lobster Trap Indemnity Account established under Vote 540 of the Appropriation Act No. 5, 1955, to cover the net operating loss in the Account as at March 31, 1962.....		99,000
	JUSTICE		
	A—DEPARTMENT		
714	Departmental Administration—Further amount required..... Northwest Territories—	75,500	
715	Administration of Justice in the Northwest Territories, including the Northwest Territories Territorial Court— Further amount required.....	47,000	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	JUSTICE—Concluded		
	A—DEPARTMENT—Concluded		
	Yukon Territory—		
716	Administration of Justice in the Yukon Territory, including the Yukon Territorial Court—Further amount required.....	41,000	
717	Combines Investigation Act—Restrictive Trade Practices Commission—Further amount required.....	5,000	
718	Bankruptcy Act Administration—Further amount required....	25,000	
	PENSIONS AND OTHER BENEFITS		
719	Gratuities to the Widows or Other Dependents of Judges who die while in office—Further amount required.....	9,000	
	B—PENITENTIARIES		
720	Reimbursement of the Industrial Revolving Fund established by Vote 628 of the Appropriation Act No. 2, 1955, for the value of materials which were destroyed by fire.....	14,145	216,645
	LEGISLATION		
	HOUSE OF COMMONS		
721	Canada's share of the expenses of the Commonwealth Parliamentary Association including subscriptions to publications of the Association—Further amount required.....	1,000	
722	General Administration—Estimates of the Clerk—Further amount required.....	148,000	149,000
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	GENERAL		
723	Polar Continental Shelf Project—Further amount required.....		103,565
	NATIONAL DEFENCE		
	ROYAL CANADIAN NAVY		
724	Operation and Maintenance—Further amount required.....		3,500,000
	NATIONAL HEALTH AND WELFARE		
	NATIONAL HEALTH BRANCH		
725	Health Services, including Assistance to the Provinces—To authorize Hospital Construction Grants to the Provinces, the Northwest Territories and the Yukon Territory upon the terms and in the amounts detailed in the Estimates—Further amount required.....	2,000,000	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	NATIONAL HEALTH AND WELFARE— <i>Concluded</i>		
	WELFARE BRANCH		
726	To authorize payment to the Government of the Province of Prince Edward Island in respect of the month of January, 1961, on account of claims submitted under an agreement entered into with that Province pursuant to the Unemployment Assistance Act notwithstanding that claims were not made within the time required as provided in paragraph 13 of the said agreement.....	15,708	2,015,708
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	NATIONAL PARKS BRANCH		
727	National Parks and Historic Sites and Monuments—Administration, Operation and Maintenance—Further amount required.....	163,000	
728	Canadian Wildlife Service—Wildlife Resources Conservation and Development, including Administration of the Migratory Birds Convention Act—Further amount required.....	27,000	
	WATER RESOURCES BRANCH		
729	Water Resources Branch—Administration, Operation and Maintenance—Further amount required.....	50,000	
	NORTHERN ADMINISTRATION BRANCH		
730	Education Division—Administration, Operation and Maintenance—Further amount required.....	200,000	
731	Welfare and Industrial Divisions—Administration, Operation and Maintenance—Further amount required.....	202,000	
732	Yukon Territory—Operation and Maintenance—To extend the purposes of Vote 302 of the Main Estimates for 1961-62 to include the contributions detailed in these Estimates.....	51,020	
733	Northwest Territories and Other Field Services—Operation and Maintenance—Further amount required.....	220,000	
	NATIONAL MUSEUM OF CANADA		
734	Administration, Operation and Maintenance—Further amount required.....	50,000	963,020
	PRIVY COUNCIL		
	SPECIAL		
735	Expenses of the Royal Commission on railway problems—Further amount required.....	34,462	
736	Expenses of the Royal Commission on Canadian Magazines and Other Periodicals—Further amount required.....	22,800	
737	Expenses of the Royal Commission on Health Services—Further amount required.....	123,000	180,262

REVENUE - Continued

No. of Vols.	Series	Amount	Total
	MILK TESTING AND STATISTICS		
20	For testing stations and milk - 1934-35 season reported	80,000	
21	For testing stations and milk - 1935-36 season reported	80,000	
22	For testing stations and milk - 1936-37 season reported	80,000	
23	For testing stations and milk - 1937-38 season reported	80,000	
		320,000	320,000
	TRADE AND COMMERCE		
24	For trade and commerce - 1934-35 season reported	1,000,000	
25	For trade and commerce - 1935-36 season reported	1,000,000	
26	For trade and commerce - 1936-37 season reported	1,000,000	
27	For trade and commerce - 1937-38 season reported	1,000,000	
		4,000,000	4,000,000
	TELEPHONE		
28	For telephone - 1934-35 season reported	100,000	
29	For telephone - 1935-36 season reported	100,000	
30	For telephone - 1936-37 season reported	100,000	
31	For telephone - 1937-38 season reported	100,000	
		400,000	400,000

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
PUBLIC PRINTING AND STATIONERY			
738	Purchasing, Stationery and Stores—Further amount required..	60,000	
739	Distribution of Official Documents—Further amount required..	35,500	
740	Printing and Binding Official Publications for Sale and Distribution to Departments and the Public—Further amount required.....	200,000	
741	Reimbursement of the Queen's Printer's Advance Account for the value of stores which have become obsolete, unserviceable, lost or destroyed.....	34,821	330,321
PUBLIC WORKS			
CENTRAL MORTGAGE AND HOUSING CORPORATION			
742	To reimburse Central Mortgage and Housing Corporation for losses sustained by it during the fiscal year 1960-61 as a result of the operation of Federal-Provincial projects undertaken under section 36 of the National Housing Act, 1954—To extend the purposes of Vote 577, Supplementary Estimates, 1961-62, to include such losses sustained on or before December 31, 1961.....	1,035,918	
743	Reimbursement to Central Mortgage and Housing Corporation for amounts loaned under section 36H of the National Housing Act, 1954, to municipalities and municipal sewerage corporations, and forgiven by the Corporation during the calendar year 1961, pursuant to section 36G of the Act.....	85,536	
NATIONAL CAPITAL COMMISSION			
744	Operation and Maintenance of parks, parkways and grounds adjoining Government Buildings at Ottawa and Hull, and General Administration—Further amount required.....	25,000	1,096,454
TRADE AND COMMERCE			
A—DEPARTMENT			
GENERAL ADMINISTRATION			
745	Departmental Administration—Further amount required.....	150,000	
746	Trade Commissioner Service—		
747	Administration and Operation—Further amount required..	167,500	
	Construction or Acquisition of Buildings, Land, Equipment and Furnishings—Further amount required.....	70,000	387,500
TRANSPORT			
A—DEPARTMENT			
MARINE SERVICES			
748	Marine Regulations including Pilotage and Marine Reporting Services— Administration, Operation and Maintenance—To extend the purposes of Vote 412, Main Estimates, 1961-62, to include the payment of expenses, including excepted expenses, incurred in respect of Canadian distressed seamen.....	1	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT—Concluded		
	A—DEPARTMENT—Concluded		
	RAILWAY AND STEAMSHIP SERVICES		
749	Bell Island-Portugal Cove, Newfoundland Ferry Service—Repairs and Improvements to Terminal Facilities owned by Newfoundland—Further amount required.....	39,600	
	Payments to the Canadian National Railway Company (hereinafter called the Company) upon applications approved by the Minister of Transport, made by the Company to the Minister of Finance, to be applied by the Company in payment of the deficits, certified by the auditors of the Company, arising in the operations in the calendar year 1961—Further amounts required—		
750	Prince Edward Island Car Ferry and Terminals.....	139,552	
751	Newfoundland Ferry and Terminals.....	685,792	
752	Canadian National Railways Deficit, 1961—Amount required to provide for payment to the Canadian National Railway Company (hereinafter called the National Company) upon applications approved by the Minister of Transport, made by the National Company to the Minister of Finance, and to be applied by the National Company in payment of the system deficit (certified by the auditors of the National Company) arising in the calendar year 1961, subject to recovery therefrom of accountable advances made to the National Company from the Consolidated Revenue Fund..	67,307,772	
	PENSIONS AND OTHER BENEFITS		
753	Supplemental Pension Allowances to former employees of Newfoundland Railways, Steamships and Telecommunication Services transferred to Canadian National Railways—Further amount required.....	6,546	
	GENERAL		
754	Trans-Canada Air Lines Deficit, 1961—Amount required to provide for payment to Trans-Canada Air Lines (hereinafter called the Company) upon applications approved by the Minister of Transport, made by the Company to the Minister of Finance, and to be applied by the Company in payment of the deficit (certified by the auditors of the Company) arising in the calendar year 1961, subject to recovery therefrom of accountable advances made to the Company from the Consolidated Revenue Fund.....	6,450,082	
755	Reimbursement of the Department of Transport Stores Account for the value of stores which have become obsolete, un-serviceable, lost or destroyed.....	64,628	
	B—GENERAL		
	CANADIAN MARITIME COMMISSION		
756	Steamship Subventions for Coastal Services, as detailed in the Estimates—Further amount required.....	915,137	
			75,609,110

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
VETERANS AFFAIRS			
757	Prosthetic Services—Supply, Manufacture and Administration—Further amount required.....	48,000	
WAR VETERANS ALLOWANCES AND OTHER BENEFITS			
758	War Veterans Allowances—To extend the purposes of Vote 462, Main Estimates, 1961-62, to provide for the payment of the allowances prescribed in Part XI of the Civilian War Pensions and Allowances Act; to provide for the payment of the said allowances in the 1962-63 fiscal year out of any moneys appropriated in respect of that fiscal year for war veterans allowances, and to provide a further amount of...	250,000	
CANADIAN PENSION COMMISSION			
759	To authorize payment of a pension for life with effect from the 1st day of March, 1961 to Mrs. Mary Cantwell, widow of Private William John Cantwell, 10th Battalion, Northwest Field Forces, in an amount equal to the amount that she would otherwise receive under the Pension Act, as amended from time to time, had the service of Private Cantwell in the Northwest Field Forces been full-time paid service in the Armed Forces of Canada subsequent to World War I; and to ratify all payments made to Mrs. Cantwell as pension prior to the 1st day of March, 1961.....	1	
SOLDIER SETTLEMENT AND VETERANS' LAND ACT			
760	Grants to veterans settled on Provincial Lands in accordance with agreements with Provincial Governments under section 38 of the Veterans' Land Act and grants to veterans settled on Dominion Lands, in accordance with an agreement with the Minister of Northern Affairs and National Resources under section 38 of the Veterans' Land Act—Further amount required.....	35,000	
			333,001
			122,778,731
LOANS, INVESTMENTS AND ADVANCES			
EXTERNAL AFFAIRS			
761	Additional advance to the Working Capital Fund of the United Nations Organization in the amount of \$2,391 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of February, 1962, which is.....	2,506	
762	Additional advance to the Working Capital Fund of the Food and Agricultural Organization in the amount of \$9,694 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of February, 1962, which is.....	10,157	
763	Additional advance to the Working Capital Fund of the Intergovernmental Maritime Consultative Organization in the amount of \$560 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of February, 1962, which is.....	587	

SCHEDULE—*Concluded*

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES—<i>Concluded</i>		
	PUBLIC WORKS		
	<i>Central Mortgage and Housing Corporation</i>		
764	Advances pursuant to sub-section (4) of section 36 of the National Housing Act, 1954, in respect of housing and land development projects undertaken jointly with the Governments of the Provinces during the fiscal year 1960-61—To extend the purposes of Vote 601, Supplementary Estimates, 1961-62, to provide for such advances in respect of housing and land development projects undertaken on or before December 31, 1961.....	8,500,000	
765	Advances charged to the special account in the Consolidated Revenue Fund established by subsection (2) of section 36H of the National Housing Act, 1954, in respect of loans to municipalities and municipal sewerage corporations, for construction or expansion of municipal sewage treatment projects during the calendar year 1961.....	3,000,000	
	TRANSPORT		
	<i>St. Lawrence Seaway Authority</i>		
766	Loans to the St. Lawrence Seaway Authority in such manner and subject to such terms and conditions as the Governor in Council may approve—Further amount required.....	4,125,000	
			15,638,250
			138,416,981

C-90.

Fifth Session, Twenty-Fourth Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-90.

An Act for granting to Her Majesty certain sums of money
for the public service for the financial year ending the
31st March, 1963.

**AS PASSED BY THE HOUSE OF COMMONS,
18th APRIL, 1962.**

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1962

5th Session, 24th Parliament, 10-11 Elizabeth II, 1962.

THE HOUSE OF COMMONS OF CANADA.

BILL C-90.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1963.

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, 1963, 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. 5, 1962*.

\$1,704,710,347.93
granted for
1962-63.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole one billion, seven hundred and four million, seven hundred and ten thousand, three hundred and forty-seven dollars and ninety-three cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1962, to the 31st day of March, 1963, not otherwise provided for, and being the aggregate of

(a) five-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, 1963, as laid before the House of Commons at the present session of Parliament, \$1,666,406,647.92;

- (b) one-third of the total of the amounts of the several items in the Main Estimates set forth in Schedule A, \$5,451,575.00;
- (c) one-quarter of the total of the amounts of the several items in the Main Estimates set forth in Schedule B, \$3,199,700.00; 5
- (d) one-sixth of the total of the amounts of the several items in the Main Estimates set forth in Schedule C, \$4,550,983.34; and
- (e) one-twelfth of the total of the amounts of the several items in the Main Estimates set forth in Schedule D, \$25,101,441.67. 10

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. 15

Power to raise loan of \$500,000,000 for public works and general purposes. R.S., c. 116.

4. 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 five hundred million dollars, as may be required for public works and general purposes. 20 25

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

5. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*. 30

ANNEXURE A

Based on the Main Estimates, 1952-53. The amount hereby granted is Rs. 1,17,50,000, being an-amount of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

Some grants to His Majesty by this Act for the financial year ending 31st March 1953 and the purposes for which they are granted.

No. of Vote	Particulars	Amount	Total
1	2	3	4
GENERAL SERVICES			
10	Grants to the United Nations Association in Canada	12,000	
11	Grants to the Canadian Aircrew Co-ordinating Committee	1,200	
CONSTITUTIONS AND FINANCIAL INSTITUTIONS			
International Institutions and Organisations			
12	Contribution to the United Nations Special Fund in the amount of \$2,000,000 U.S. dollars, including the amount of \$1,000,000 U.S. dollars, which is to be provided in Canadian dollars, estimated as of December, 1951, which is	2,00,00,000	
13	Contribution to the United Nations Technical Assistance Programme in the amount of \$2,125,000 U.S. dollars, including the amount of \$1,000,000 U.S. dollars, which is to be provided in Canadian dollars, estimated as of December, 1951, which is	2,12,50,000	
14	Contribution to the Organisation of the United Nations Technical Assistance Programme in the amount of \$2,000,000 U.S. dollars, including the amount of \$1,000,000 U.S. dollars, which is to be provided in Canadian dollars, estimated as of December, 1951, which is	20,00,000	
15	Special Aid Programme— Contribution to the provision of the United Nations High Commission for Refugees	20,00,000	
16	Contribution to the United Nations Relief for Belgium Administration	20,00,000	
17	Contribution to the United Nations Relief and Rehabilitation Administration in the year 1951	20,00,000	
18	Provision of loans to the United Nations Relief and Rehabilitation Administration for the year 1951	20,00,000	
19	Contribution towards the United Nations Relief and Rehabilitation Administration in the year 1951	20,00,000	
GRANT PAYMENTS TO INTERNATIONAL ORGANISATIONS AND SOCIETIES			
20	Contribution to the program of the North Atlantic Treaty Organisation's Technical Assistance in an amount of \$10,000,000 U.S. dollars, including the amount of \$5,000,000 U.S. dollars, which is to be provided in Canadian dollars, estimated as of December, 1951, which is	10,00,00,000	
21	Grant to the International Commission of the Red Cross in the amount of \$1,000,000 U.S. dollars, including the amount of \$500,000 U.S. dollars, which is to be provided in Canadian dollars, estimated as of December, 1951, which is	1,00,00,000	
22	Grant to the International Commission of the Red Cross in the amount of \$1,000,000 U.S. dollars, including the amount of \$500,000 U.S. dollars, which is to be provided in Canadian dollars, estimated as of December, 1951, which is	1,00,00,000	
			1,17,50,000

SCHEDULE A.

Based on the Main Estimates, 1962-63. The amount hereby granted is \$5,451,575.00, being one-third 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, 1963, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
40	Grant to the United Nations Association in Canada.....	12,000	
45	Grant to the Canadian Atlantic Co-ordinating Committee....	2,500	
	CONTRIBUTIONS TO INTERNATIONAL ECONOMIC AND SPECIAL AID PROGRAMS		
	Multilateral Economic Aid Programs—		
80	Contribution to the United Nations Special Fund in an amount of \$2,350,000 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of December, 1961, which is.....	2,445,500	
85	Contribution to the United Nations Expanded Program for Technical Assistance to Under-Developed Countries in an amount of \$2,150,000 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of December, 1961, which is.....	2,237,300	
90	Contribution to the Operational Budget of the International Atomic Energy Agency in an amount of \$57,000 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of December, 1961, which is....	59,300	
	Special Aid Programs—		
95	Contribution to the Program of the United Nations High Commissioner for Refugees.....	290,000	
100	Contribution to the United Nations Children's Fund.....	800,000	
105	Contribution to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.....	500,000	
107	Purchase of flour to be given to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.....	500,000	
110	Contribution towards the Refugee Program of the Intergovernmental Committee for European Migration....	60,000	
	OTHER PAYMENTS TO INTERNATIONAL ORGANIZATIONS AND PROGRAMS		
120	Contributions to the program of the North Atlantic Treaty Organization's Science Committee in an amount of \$166,956 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of December, 1961, which is.....	173,700	
140	Grant to the International Committee of the Red Cross.....	15,000	
145	Grant to the Commonwealth Institute in an amount of £500, notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of December, 1961, which is.....	1,500	

4
 SCHMIDT'S - Continued

No. of Page	Particulars	Amount	Total
1	NATIONAL FILM BOARD 2 Allocation of Expenses	100.00	100.00
10	NATIONAL DEFENSE 10 Grant to Military Production Industries and Office of the General Services	250.00	250.00
20	MIXED AND TECHNICAL SERVICES 20 Assistance for Membership in the International Institute of Geography and History	1.00	1.00
30	LIBELATION 30 Leslie's share of the expenses of the International Traffic Company Association including telephone and postage of the Association	25.00	25.00
40	LIBELATION 40 Grant to the Canadian Bank Against Foreign Corruption International Association	24.00	24.00
50	LIBELATION 50 Leslie's share of the expenses of the International Traffic Bank of Canada	100.00	100.00
60	LIBELATION 60 Contribution to the Province of New Brunswick for assistance in a program designed to reduce the unemployment situation in southern part of province to be carried out by Canada and the Province	1,000.00	1,000.00
70	LIBELATION 70 Contribution to the Province of Ontario for assistance in a program designed to reduce the unemployment situation in southern part of province to be carried out by Canada and the Province	2,000.00	2,000.00
80	LIBELATION 80 Contribution to the Province of Ontario for assistance in a program designed to reduce the unemployment situation in southern part of province to be carried out by Canada and the Province	2,000.00	2,000.00
90	LIBELATION 90 Contribution to the Province of Ontario for assistance in a program designed to reduce the unemployment situation in southern part of province to be carried out by Canada and the Province	2,000.00	2,000.00
100	LIBELATION 100 Contribution to the Province of Ontario for assistance in a program designed to reduce the unemployment situation in southern part of province to be carried out by Canada and the Province	2,000.00	2,000.00

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	FINANCE		
	CONTINGENCIES AND MISCELLANEOUS		
50	Miscellaneous minor or unforeseen expenses, subject to the approval of the Treasury Board, including authority to re-use any sums repaid to this appropriation from other appropriations, and for awards under the Public Servants Inventions Act.....	3,000,000	
	GENERAL ITEMS OF PAYROLL COSTS INCLUDING SUPERANNUATION PAYMENTS		
70	To supplement other votes, subject to the approval of the Treasury Board, for the payment of salaries, wages and other payroll charges.....	3,000,000	
	FORESTRY		
11	Contribution to the Province of New Brunswick for assistance in a program designed to combat the spruce budworm infestation, in accordance with an agreement to be entered into by Canada and the Province.....	150,000	
	LEGISLATION		
	HOUSE OF COMMONS		
30	Canada's share of the expenses of the Commonwealth Parliamentary Association including subscriptions to publications of the Association.....	22,000	
35	Grant to the Canadian North Atlantic Treaty Organization Parliamentary Association.....	14,000	
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	ADMINISTRATION SERVICES		
20	Assessment for Membership in the Pan-American Institute of Geography and History.....	9,800	
	NATIONAL DEFENCE		
	GENERAL SERVICES		
70	Grants to Military Associations, Institutes and Others as detailed in the Estimates.....	246,625	
	NATIONAL FILM BOARD		
5	Acquisition of Equipment.....	197,600	

SCHEDULE A—Concluded

No. of Vote	Service	Amount	Total
		\$	\$
	PRIVY COUNCIL		
	SPECIAL		
40	Expenses of the Committee of Inquiry into the Unemployment Insurance Act including the payment, notwithstanding the Civil Service Act, of honoraria or allowances as may be authorized by the Treasury Board to officers, clerks or employees permanently employed in the Civil Service for services rendered by them to the Committee.....	25,000	
	PUBLIC WORKS		
	GENERAL		
200	To supplement, on approval of Treasury Board except where less than \$1,000 is required, any of the appropriations of the Department of Public Works.....	700,000	
	TRANSPORT		
	A—DEPARTMENT		
	RAILWAY AND STEAMSHIP SERVICES		
65	Construction or Acquisition of Auto-Ferry Vessels and Equipment as listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended upon individual listed projects.....	1,670,000	
	AIR SERVICES		
	Civil Aviation Branch		
170	Payments to the Other Governments or International Agencies that are detailed in the Estimates for the operation and maintenance of airports, air navigation and airways facilities, including authority to pay assessments in the amounts and in the currencies in which they are levied, notwithstanding that the total of such payments may exceed the equivalent in Canadian dollars, estimated as of December, 1961, which is.....	222,900	
			* 16,354,725

*Net total \$5,451,575.00

SCHEDULE B.

Based on the Main Estimates, 1962-63. The amount hereby granted is \$3,199,700.00, being one-quarter 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, 1963, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	FORESTRY		
5	Contributions to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council, in respect of forest inventories, reforestation, forest fire protection, forest access road construction and stand improvement.....	7,910,000	
	FOREST RESEARCH BRANCH		
20	Construction or Acquisition of Buildings, Works, Land and Equipment.....	246,700	
	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.....	1,000,000	
	LOANS, INVESTMENTS AND ADVANCES		
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	Northern Administration Branch		
L 20	Loans to the Government of the Yukon Territory for capital expenditures, on terms and conditions approved by the Governor in Council; the loans provided for in a financial agreement to be entered into between the Government of Canada and the Commissioner of the Yukon Territory to be reduced by the amount of any loans made hereunder; estimated amount required.....	2,561,400	
L 25	Loans to the Government of the Northwest Territories for capital expenditures, on terms and conditions approved by the Governor in Council; the loans provided for in a financial agreement to be entered into between the Government of Canada and the Commissioner of the Northwest Territories to be reduced by the amount of any loans made hereunder; estimated amount required.....	1,080,700	
		12,798,800	*12,798,800

* Net total \$3,199,700.00

SCHEDULE C.

Based on the Main Estimates, 1962-63. The amount hereby granted is \$4,550,983.34, being one-sixth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1963, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	CITIZENSHIP AND IMMIGRATION		
	INDIAN AFFAIRS BRANCH		
90	Grant to provide additional services to the Indians of British Columbia.....	100,000	
	FISHERIES		
30	Conservation and Development Service— Construction or Acquisition of Buildings, Works, Land and Equipment.....	2,312,500	
	SPECIAL		
45	Canadian share of expenses of the International Commissions detailed in the Estimates.....	1,094,300	
	LEGISLATION		
	HOUSE OF COMMONS		
25	Expenses of the Canada-United States Inter-Parliamentary Group, of delegates attending other inter-parliamentary Conferences, expenses connected with visits of delegates from other legislatures and Canada's fee for membership in the Inter-Parliamentary Union.....	20,000	
	MINES AND TECHNICAL SURVEYS		
	SURVEYS AND MAPPING BRANCH		
30	Geodetic Survey of Canada.....	1,098,000	
35	International Boundary Commission including authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the share of the United States Government of the cost of binding annual reports and main- taining boundary range lights.....	103,300	
	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.....	5,838,900	
	GENERAL		
130	Polar Continental Shelf Project.....	1,648,200	

SCHEDULE C—*Concluded*

No. of Vote	Service	Amount	Total
		\$	\$
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	NATIONAL PARKS BRANCH		
50	Canadian Wildlife Service—Wildlife Resources Conservation and Development, including administration of the Migratory Birds Convention Act.....	913,400	
	NATIONAL MUSEUM OF CANADA		
120	Administration, Operation and Maintenance (including the former National Aviation Museum Vote).....	1,255,600	
	PRIVY COUNCIL		
	SPECIAL		
30	Expenses of the Royal Commission on Health Services including the payment, notwithstanding the Civil Service Act, of honoraria or allowances as may be authorized by the Treasury Board to officers, clerks or employees permanently employed in the Civil Service for services rendered by them to the Commission.....	568,700	
	TRANSPORT		
	A—DEPARTMENT		
	RAILWAY AND STEAMSHIP SERVICES		
60	Newfoundland Coastal Services— Construction or Acquisition of Passenger—Cargo Vessels and Equipment and Harbour Facilities.....	2,319,500	
	Payments to the Canadian National Railway Company (hereinafter called the Company) upon applications approved by the Minister of Transport made by the Company to the Minister of Finance, to be applied by the Company in payment of the deficits, certified by the auditors of the Company, arising in the operations in the calendar year 1962—		
80	Newfoundland Ferry and Terminals.....	6,552,500	
85	Prince Edward Island Car Ferry and Terminals.....	3,359,000	
	PENSIONS AND OTHER BENEFITS		
125	Supplemental Pension Allowances to former employees of Newfoundland Railways, Steamships and Telecommunications Services transferred to Canadian National Railways..	122,000	
			*27,305,900

* Net total \$4,550,983.34

SCHEDULE D.

Based on the Main Estimates, 1962-63. The amount hereby granted is \$25,101,441.67, 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, 1963, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
35	Canadian Representation at International Conferences.....	320,000	
	FISHERIES		
25	Conservation and Development Service— Operation and Maintenance.....	6,845,000	
	FISHERIES RESEARCH BOARD OF CANADA		
85	Operation and Maintenance including an amount of \$55,000 for contributions towards 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.....	5,488,500	
90	Construction or Acquisition of Buildings, Works, Land and Equipment.....	2,317,700	
	FORESTRY		
	FOREST RESEARCH BRANCH		
15	Operation and Maintenance.....	2,047,200	
	FOREST ENTOMOLOGY AND PATHOLOGY BRANCH		
25	Operation and Maintenance including \$9,700 for grants in aid of forestry research.....	3,544,900	
	LABOUR		
	GENERAL ADMINISTRATION		
5	Economics and Research Branch including research grants and related expenses.....	843,400	
	TECHNICAL AND VOCATIONAL TRAINING ASSISTANCE		
40	To carry out the purposes of the Technical and Vocational Training Assistance Act and agreements made thereunder—Payments to the Provinces.....	105,000,000	

SCHEDULE D - Continued

No.	Name	Amount	Total
	MINER AND TECHNICAL SOCIETY		
	Research and Training Bureau		
67	.....	2,171.00	
68	.....	2,000.00	
	NATIONAL YOUTH BOARD		
69	.....	4,000.00	
	NATIONAL YOUTH BOARD		
70	.....	4,000.00	
	NATIONAL YOUTH BOARD		
71	.....	4,000.00	
	NATIONAL YOUTH BOARD		
72	.....	4,000.00	
	NATIONAL YOUTH BOARD		
73	.....	4,000.00	
	NATIONAL YOUTH BOARD		
74	.....	4,000.00	
	NATIONAL YOUTH BOARD		
75	.....	4,000.00	
	NATIONAL YOUTH BOARD		
76	.....	4,000.00	
	NATIONAL YOUTH BOARD		
77	.....	4,000.00	
	NATIONAL YOUTH BOARD		
78	.....	4,000.00	
	NATIONAL YOUTH BOARD		
79	.....	4,000.00	
	NATIONAL YOUTH BOARD		
80	.....	4,000.00	
	NATIONAL YOUTH BOARD		
81	.....	4,000.00	
	NATIONAL YOUTH BOARD		
82	.....	4,000.00	
	NATIONAL YOUTH BOARD		
83	.....	4,000.00	
	NATIONAL YOUTH BOARD		
84	.....	4,000.00	
	NATIONAL YOUTH BOARD		
85	.....	4,000.00	
	NATIONAL YOUTH BOARD		
86	.....	4,000.00	
	NATIONAL YOUTH BOARD		
87	.....	4,000.00	
	NATIONAL YOUTH BOARD		
88	.....	4,000.00	
	NATIONAL YOUTH BOARD		
89	.....	4,000.00	
	NATIONAL YOUTH BOARD		
90	.....	4,000.00	
	NATIONAL YOUTH BOARD		
91	.....	4,000.00	
	NATIONAL YOUTH BOARD		
92	.....	4,000.00	
	NATIONAL YOUTH BOARD		
93	.....	4,000.00	
	NATIONAL YOUTH BOARD		
94	.....	4,000.00	
	NATIONAL YOUTH BOARD		
95	.....	4,000.00	
	NATIONAL YOUTH BOARD		
96	.....	4,000.00	
	NATIONAL YOUTH BOARD		
97	.....	4,000.00	
	NATIONAL YOUTH BOARD		
98	.....	4,000.00	
	NATIONAL YOUTH BOARD		
99	.....	4,000.00	
	NATIONAL YOUTH BOARD		
100	.....	4,000.00	

SCHEDULE D—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	MINES AND TECHNICAL SURVEYS		
	SURVEYS AND MAPPING BRANCH		
	Topographical Surveys—		
40	Administration, Operation and Maintenance.....	2,131,200	
50	Legal Surveys and Aeronautical Charts.....	869,000	
	MARINE SCIENCES BRANCH		
70	Administration, Operation and Maintenance including Canada's fee for membership in the International Hydrographic Bureau.....	6,046,500	
	GEOGRAPHICAL BRANCH		
100	Administration, Operation and Maintenance including the expenses of the Canadian Permanent Committee on Geographical Names and a grant of \$500 to the Canadian Association of Geographers.....	553,400	
	NATIONAL DEFENCE		
	DEFENCE RESEARCH AND DEVELOPMENT		
45	Defence Research Board— Operation and Maintenance.....	25,992,000	
	NATIONAL FILM BOARD		
1	Administration, Production and Distribution of Films and Other Visual Materials.....	5,378,000	
	NATIONAL HEALTH AND WELFARE		
	NATIONAL HEALTH BRANCH		
25	Health Services, including Assistance to the Provinces— To authorize Hospital Construction Grants to the Provinces, the Northwest Territories and the Yukon Territory upon the terms and in the amounts detailed in the Estimates and under terms and conditions approved by the Governor in Council including authority, notwithstanding section 30 of the Financial Administration Act, to make commitments for the current year not to exceed a total amount of \$30,924,323.....	20,000,000	
	NATIONAL RESEARCH COUNCIL INCLUDING THE MEDICAL RESEARCH COUNCIL		
1	Salaries and Other Expenses.....	37,624,700	
	NATIONAL REVENUE		
	CUSTOMS AND EXCISE DIVISIONS		
5	Inspection, Investigation and Audit Services.....	4,984,300	

SCHEDULE D—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
15	Contributions to the Provinces to assist in the development of roads leading to resources in accordance with agreements entered into by Canada and the Provinces.....	10,500,000	
	NATIONAL PARKS BRANCH		
20	Branch Administration.....	313,100	
25	National Parks and Historic Sites and Monuments—		
45	Administration, Operation and Maintenance..... To authorize payment to the National Battlefields Commission for the purposes and subject to the provisions of an Act respecting the National Battlefields at Quebec (Chap. 57, Statutes of 1908, as amended).....	8,931,400	
		248,900	
	WATER RESOURCES BRANCH		
70	Contributions to the Provinces towards the construction of dams and other works to assist in the conservation and control of water resources in accordance with agreements entered into between Canada and the Provinces.....	3,100,000	
	NORTHERN ADMINISTRATION BRANCH		
75	Branch Administration including authority to make recoverable advances for services performed on behalf of the Governments of the Northwest Territories and the Yukon Territories.....	1,247,900	
100	Yukon Territory—		
108	Operation and Maintenance including grants and contributions as detailed in the Estimates..... To authorize interim payments to be made in respect of the current fiscal year to the Government of the Yukon Territory on account of future payments, including payments in respect of the amortization of outstanding loans, to be made under a financial agreement to be entered into between the Government of Canada and the Commissioner of the Yukon Territory; estimated amount required.....	1,797,500	
118	Northwest Territories and other Field Services— To authorize interim payments to be made in respect of the current fiscal year to the Government of the Northwest Territories on account of future payments, including payments in respect of the amortization of outstanding loans, to be made under a financial agreement to be entered into between the Government of Canada and the Commissioner of the Northwest Territories; estimated amount required.....	1,069,300	
		1,845,800	
	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 1962-63.....	1,000,000	

SCHEDULE D—*Concluded*

No. of Vote	Service	Amount	Total
		\$	\$
	TRADE AND COMMERCE		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
26	1961 Decennial Census of Canada.....	1,336,000	
	TRANSPORT		
	A—DEPARTMENT		
	MARINE SERVICES		
30	St. Lawrence and Saguenay Rivers Ship Channels— Administration, Operation and Maintenance.....	1,151,600	
35	Construction or Acquisition of Buildings, Works, Land and Equipment.....	4,850,000	
40	Canadian Marine Service— Administration, Operation and Maintenance including authority, notwithstanding section 30 of the Financial Administration Act, to make commitments for the current fiscal year not to exceed a total amount of \$23,394,000.....	22,222,500	
	PENSIONS AND OTHER BENEFITS		
120	Railway Employees' Provident Fund—To supplement pension allowances under the Intercolonial and Prince Edward Island Railway Employees' Provident Fund Act so as to make the minimum allowance payable in the calendar year 1962 \$30 per month instead of \$20 per month as fixed by the said Act.....	7,500	
	D—CANADIAN MARITIME COMMISSION		
222	Capital subsidies for the construction of commercial and fishing vessels in accordance with regulations of the Governor in Council.....	10,000,000	
	VETERANS AFFAIRS		
	MISCELLANEOUS PAYMENTS		
60	Burials and Memorials.....	1,610,000	
			*301,217,300

* Net total \$25,101,441.67

